



Byron Shire Council



Agenda Ordinary Meeting

Thursday, 24 June 2021
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.

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Infrastructure Services

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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

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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

16. CONFIDENTIAL REPORTS

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

NOTICES OF MOTION

Notice of Motion No. 9.1 Low intensity burning

File No: I2021/869

5

I move that Council:

- 10
- 1. Investigates the options for low intensity burning to be made as a condition of consent in developments with open forest vegetation and/or bushfire hazard prone land to be considered as part of the assessment of stage 9.**
 - 2. Consults with Fire and Rescue NSW - Mullumbimby, Captain Josh Ruston and other appropriate bodies.**

Signed: Cr Sarah Ndiaye

15 **Councillor's supporting information:**

Background

20 As part of Stage 9 of the Tallowood development, negotiations are in process for the residual forested land to be dedicated to council and come into public ownership, accessible by the community. Currently there is a large amount of undergrowth and potential bush fire and weed risks at the site. Working with the Mooiball Spur group and Tallowood Landcare, I am presenting the proposal below in relation to weed and fire management.

Tallowood Ridge Hazard Reduction and Ecological Burn Proposal April 2021



Background

5 **The southern area of the Tallowood Ridge development has been identified as High Ecological Value and is utilised by threatened species dependent on Eucalypt woodland such as Koalas and Glossy Black Cockatoos.** Local residents have fought hard to protect this area of bushland for more than 10 years and the area is now being investigated by Council to become public land.

10 **Aboriginal significance**

For Stage One of the development (around 2010), Yvonne Stewart from the Arakwal Corporation identified the ridgeline area as a place that would have been managed and used as a walking route by Aboriginal people. This ancient path allowed access to walk to the Koonyum Range along the Mooibal Spur. The remnant vegetation and large spreading open woodland trees of the ridge reflects people managing this area with fire for millenia.

The crucial role of fire in open forests

20 **Fire is crucial for maintaining suitable soil, water and light conditions for open forest plants, which in turn provide suitable habitat for open forest animals.** Accordingly, the exclusion of fire from open forests is a major threatening process and is attributed to a wide range of detrimental ecological consequences in Australia and globally. Across open forests generally, fire-exclusion is attributed to a range of consequences including:

- closure of open forest canopies, particularly by encroaching fire-sensitive rainforest pioneers
- localised decline and extinction of open forest flora species, especially shade-intolerant understorey plants
- 5 • localised decline and extinction of open forest fauna species, including animals dependent on dense ground cover (e.g. Pottoroos, bandicoots, frogs), an open midstorey (many insectivorous bats) or hollows (gliders, owls and parrots)
- enhanced establishment of transformer weeds such as Camphor Laurel or Umbrella Trees which shade-out dense ground layer habitats
- 10 • dieback of open forest canopy trees as rainforest pioneers compete for water and provide perfect conditions for Bell Miner Associated Dieback (BMAD)
- reduced CO₂ sequestration through arrested production of biochar, and reduced standing carbon stocks as large, carbon-dense Eucalypts are replaced by smaller rainforest trees

15 **The exclusion of fire also primes our bushland for uncontrollable wildfires in the most severe weather conditions – maximising losses of biodiversity and property.** The recent fires of 2019 show that even closed forests (rainforest) can burn under severe fire weather. The question is: do we let it burn on fire's terms, or on our terms? With careful planning, the sensitive and controlled use of fire in mild weather conditions can minimise wildfire losses, while also restoring and maintaining open-ecosystems, Aboriginal cultural practices and ancient carbon

20 sequestration pathways.

Cool, slow-moving, patchy burns allow wildlife to seek refuge, minimise canopy damage and reduce smoke nuisance. At the landscape scale, a patchwork of small mosaic burns, implemented over several years, provides a diversity of habitat age classes for plants and animals to complete different life stages, while also reducing wildfire risk by breaking up fuel continuity in bushland.

25 After the first burn, after so many decades without fire, this then resets the ecology while reducing the hazard and allows for the potential of smaller infrequent Indigenous lead burns with the local community for future management.

Byron Biodiversity Conservation Strategy (BBCS)

The BBCS recognises (**Section 2.4; Appendix 4**)

- 30 • fire-exclusion of open forests as an important threatening process affecting the open-forest biodiversity of the Shire
- the biodiversity conservation value of restoring appropriate fire regimes to the fire-dependent ecosystems of Byron Shire.

35 More specifically, the proposed HR and ecological burn is broadly consistent with two actions of the BBCS, including:

- Raise community awareness of how planned fire in open forest ecosystems can help conserve biodiversity, re-invigorate Aboriginal cultural practices, improve community bushfire safety and reduce greenhouse gas emissions (**Action 2.5**).

- Identify priority open forest ecosystems requiring restoration through the reintroduction of fire (**Action 4.4**).

Koala Plan of Management (KPOM)

5 The Byron Coast comprehensive KPOM includes the West Mullumbimby Koala Management Precinct. The open forest area at Tallowood Ridge is the largest continuous area of Koala habitat in the west Mullumbimby Precinct where “the underlying objective for

this KMP is to ensure persistence of this important genetic outlier and enable dispersal from it into more eastern areas of the BCSA”, P28.

10 To ensure the long term survival of koalas in this area the exclusion of high intensity crown fires is crucial. Careful planned burning will reduce the fuel load and the incidence and severity of crown fires. It is also important for allowing movements for koalas by reducing weedy undergrowth and helps maintain the health and ongoing recruitment of koala feed trees.

Draft Byron Shire Climate Change Adaptation Plan

15 This draft plan highlights ‘fire weather’ as one of the detrimental climate scenarios and lists several adaptation actions. The most relevant to this proposal are:

- Raise community awareness of how planned fire in open forest can help conserve biodiversity and improve bushfire safety.
- Support the work of the Northern Rivers Fire and Biodiversity Consortium.
- Identify open forest ecosystems requiring restoration through the reintroduction of fire.
- 20 • Partner with RFS on a community education program to improve community awareness and understanding of bushfire risks and how to protect private property.

BCMP Legal Considerations

25 In 2011, The Land and Environment Court ruled (Condition 59) that a Biodiversity Conservation Management Plan was to be written AND "*The provisions of the approved Biodiversity Conservation Management Plan/s must be adhered to at all times.*"

The bushland area relating to this proposal (Management Zones 7b in the west and 10 in the east) has been identified as Eucalypt Forest / Woodland and states in Weed Control Action 5 p 47 "**to rehabilitate to woodland/forest**"

30 In Stage 8 of the development a condition of consent was made to ensure the developer undertook their required weeding obligations. However, as the development had neglected to undertake the required weed control actions after excluding cattle the area became infested with camphor laurel. As these large camphor laurels are now being controlled the dead timber has become a fire risk. Fire history records indicate that this area has not burnt for at least 50 years, making it now
35 overdue for fire for biodiversity conservation, and fire is now required to effectively restore this area of woodland.

Page 54 BCMP - Fire Management, states “The site does not appear to have any recent history of fire....

NOTICES OF MOTION

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The area "is identified as Bushfire Hazard Prone Land on Council's maps. The ridgeline is particularly susceptible to bushfires due to vegetation type and the steepness of the

slopes. Actions:

3) Ensure that fire regimes and management are consistent with DECCW threatened

5 species action plans.

The proposal

- ***Require staged burning (for biodiversity and hazard reduction) of the open forest at Tallowood Ridge as a condition of consent for Stage 9. It is imperative for safety that this is done before houses are built along the forest edge.***

10 N.B. Paid fire consultants undertake this work regularly in SEQ and it is a condition of consent for the Kings Forest development.



Staff comments

by Shannon Burt, Director, Sustainable Environment and Economy:

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

In the long term 'ecological/cultural burning' could be a useful tool to manage this area, to maintain ecological health.

- 5 However, as a vital first step, staff need to consult with the RFS regarding the feasibility and safety of doing a hazard reduction burn albeit as a 'ecological/cultural burn' at this site.

- 10 Of note, the RFS haven't recommended a hazard reduction burn at this site in their previous consent conditions for this development, and the reasons for this need to be understood more fully. Discussions with the current landowner are also appropriate in the circumstances.

As per the notice of motion, staff can and will investigate the options for low intensity burning (hazard reduction burn / 'ecological/cultural burn') at this site parallel with the assessment of Stage 9 Tallowood, with reports on both to come before Council at a future meeting.

- 15 **Financial/Resource/Legal Implications:**

Staff time is funded through existing budget allocations.

Is the proposal consistent with any Delivery Program tasks?

3.1.1 Protect and enhance our natural environment and biodiversity

4.1.3 Manage development through a transparent and efficient assessment process

Notice of Motion No. 9.2 Multiple Occupancies and Rural Workers Cottages

File No: I2021/870

5

I move that Council:

1. **Prepares a report exploring the possibilities, hurdles and opportunities of reintroducing Multiple Occupancies as a pathway to providing more options for accessible and affordable housing in the Byron Shire.**
- 10 2. **Prepares a report on pathways to encourage the use of rural workers cottages to provide accommodation for farmers wanting to live and work on the land.**

Signed: Cr Sarah Ndiaye

Councillor's supporting information:

15 We are currently in a Housing Emergency and while in the past challenges presented themselves with Multiple Occupancy applications, given the current circumstances, they may be part of the solution when it comes to including more affordable options for housing in the hinterland. A report outlining a potential pathway to reintroducing the option and exploring the potential benefits, hurdles and disadvantages that might occur as a result,
20 could benefit councillors in the next term in making a decision as to whether it is an appropriate option.

25 Similarly, there is the opportunity to utilise Rural Workers Cottages on farmland and currently this is very rarely being utilised. A report outlining the pathways, hurdles and opportunities could, once again, help the future council help encourage better use of existing farmland.

Staff comments

by Shannon Burt, Director, Sustainable Environment and Economy:

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

30

Development and other land use activities on rural land in the Byron Shire are regulated by a myriad of legislation.

In addition to state and regional plans and policies, Council undertakes local planning through strategic plans, local environmental plans, development control plans and policies.

Comments below provide the current legislative context for Multiple Occupancy and Community Title development as well as Rural Workers Dwellings, and will form the basis of any further reports the result of this notice of motion.

Multiple Occupancy or Community Title development

- 5 Multiple Occupancy or Community Title development was already considered in the preparation of Council's Rural Land Use Strategy (adopted 2017), where only a handful of sites met the site suitability assessment criteria. An early draft of the RLUS (2016) identified substantial areas for multiple occupancy and/or community title development, but these were rejected by the State government mainly due to their distance from nearest service centre/s and sub-standard road infrastructure.
- 10

The current State/regional policy framework (namely the North Coast Regional Plan and s117 Ministerial Direction 5.3 - Farmland of State and Regional Significance on the NSW Far North Coast) severely restricts Council's ability to amend the RLUS for the purpose of increasing Multiple Occupancy or Community Title rural settlement in the Shire.

- 15 Further, the current LEP 2014 Multiple Occupancy and Community Title Map already identifies (and enables) over 70 sites for this purpose in the Shire. The inclusion of any additional areas on this map can only occur if such land is identified in an amended RLUS. Council's ability to do this is severely restricted for the reasons mentioned above.

Rural Workers' dwelling

- 20 Rural workers dwellings across the Shire were originally approved to help landowners manage the ongoing viability of their farm holdings. But in many cases the size and viability of these farm holdings have been reduced over the years due to a wide variety of reasons including aging of farmers, loss of economic viability, declining farming skills in younger generations and sales of portions of the original property.
- 25 Clause 4.2C of Byron LEP 2014 however still enables development consent to be obtained for rural workers dwellings provided that certain conditions are met.

4.2C Erection of rural workers' dwellings on land in Zones RU1 and RU2

- (1) *The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.*
- 30 (2) *This clause applies to land in the following zones—*
- (a) *Zone RU1 Primary Production,*
- (b) *Zone RU2 Rural Landscape.*
- (3) *Development consent must not be granted for the erection of a rural worker's dwelling on land to which this clause applies, unless the consent authority is satisfied that—*
- 35

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9.2

- (a) *the development will be on the same lot as an existing lawfully erected dwelling house, and*
- (b) *the development will not impair the use of the land for agricultural or rural industries, and*
- 5 (c) *the agriculture or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and*
- (d) *the development is necessary considering the nature of the agriculture or rural industry land use lawfully occurring on the land or as a result of the remote or*
10 *isolated location of the land.*

A rural workers' dwelling under the Byron LEP 2014 is defined as:

rural worker's dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of
15 *agriculture or a rural industry on that land.*

Under the RU1 and RU2 zones of Byron LEP 2014, detached dual occupancy development and secondary dwellings are also permissible with development consent. Both of which have had substantial development applications made and approved in recent years.

20 It is highly likely that the take up of rural worker's dwellings as an accommodation option on rural land is not occurring because of this. These types of development can occur without having to demonstrate that the dwelling is required for a rural worker on that land and is otherwise not constrained by the planning provisions around a rural worker's dwelling. This would also appear to be the case given that so much of our rural land is no
25 longer being farmed but instead occupied for lifestyle purposes only.

Financial/Resource/Legal Implications:

Not applicable.

Is the proposal consistent with any Delivery Program tasks?

30 A review of the RLUS is to commence FY21/22. This review will enable a fresh dialogue with relevant state government agencies on the current needs of our rural community five years on from the original RLUS adoption.

Notice of Motion No. 9.3 s7.11 and s7.12 Contributions Review

File No: I2021/994

5

I move that Council:

Be provided with a report by October reviewing the s7.11 and s7.12 contribution policies and providing options for amendment, including addressing:

- 10
- a) **whether the separate s7.12 policy is working as envisaged, and in the best interests of our community, since development contributions were split into s7.11 and s7.12.**

 - b) **whether the s7.12 policy and its current levels of contribution are ‘fit for the future’ given the current and predicted influx of larger DAs in the shire’s non-residential areas.**

 - 15 c) **whether the s7.12 policy adequately covers the range of civic infrastructure facing increasing demands from non-residential development.**

 - d) **whether the current s7.12 policy’s failure to collect contributions for the road network be amended as non-residential development generates**
20 **further demands on roads.**

Signed: Cr Michael Lyon

Councillor’s supporting information:

25 Council’s developer contribution policy was split into two types in recent years. Now, residential development is subject to s7.11 contributions and non-residential development is subject to s7.12 contributions.

30 Since the splitting of the contribution policies no review has occurred. A review is warranted to ensure that a fair and reasonable level of contributions is collected to contribute to the increasing need for more civic infrastructure caused by more development.

Council needs to manage the inevitable development occurring in a manner where ratepayers are not unnecessarily burdened. Recent high value sales in the shire’s CBD’s means that higher value DAs for redevelopment are inevitable.

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Currently for a non-residential development over \$200,000 in construction cost, a s7.12 levy of 1% is applied. As an example for the recent motel approved in Marvel Street, this motel of 24 rooms and two shops will pay a contribution of \$45,000 given its listed construction value of \$4.5m.

- 5 The review should assess the appropriateness of this level of contributions and also review the range of infrastructure the policy currently covers.

10 In terms of comparison this motel's current contributions equate to approximately less than \$1,870 per bedroom. In comparison the s7.11 contribution for a ratepayer building a new rural dwelling pays \$18,500, which equates to over \$6,000 per bedroom for a three bedroom dwelling.

Another area of the s7.12 policy relates to rural tourist cabins. A \$150,000 construction cost of a cabin equates to \$1,500 in s7.12 contributions. It is understood that a rural tourist cabin does not pay any contribution towards Council roads.

15 The s7.12 policy applies to non-residential development such as commercial and industrial uses. Clearly such development places additional demands on the shire's road systems but no road contributions are applied.

The review should address whether the current s7.12 policy is adequately reflecting the demands non-residential development is creating on civic infrastructure.

Staff comments

20 **by Shannon Burt, Director, Sustainable Environment and Economy:**

Contributions for local infrastructure, also known as developer contributions, are charged by councils when new development occurs. They are used to provide infrastructure to support development, including open space, parks, community facilities, local roads, footpaths, stormwater drainage and traffic management.

25 There are two forms of local infrastructure contributions:

30 **Section 7.11 contributions:** Charged where there is a demonstrated link between the development and the infrastructure to be funded. Councils prepare contributions plans which specify what infrastructure will be provided and approximately how much it will cost. This is used to calculate a contribution rate, usually charged per dwelling or per square metre. Councils that want to charge a contributions rate above the [threshold set by the Minister](#) must submit their plans to [IPART for independent review](#). Section 7.11 was previously known as section 94.

35 **Section 7.12 levies:** An alternative to s7.11 contributions, charged as a percentage of the estimated cost of the development. The maximum percentage that can be charged in most areas is 1%, although there are a small number of areas that charge a higher percentage. Section 7.12 was previously known as section 94A.

The department sets the policy framework under which councils collect and administer contributions. This includes legislation, directions made by the Minister for Planning and Public Spaces and practice notes.

A link to Council's current adopted plans is below:

5 [Developer contributions - Byron Shire Council](#)

The Environmental Planning and Assessment Regulation 2000 has recently been amended to improve transparency and accountability in how infrastructure contributions are received and spent in NSW.

10 The new reporting requirements will commence on 1 July 2022. Accordingly, a review of Council's contributions plans is needed and has been included in the FY 21/22 Delivery Program/Operational Plan as an item. Due to the complex nature of the review the due date for this item in the DP/OP is February 2022.

It is staff preference that this project due date remain to keep the project scope within current staff and budget resourcing.

15 **Financial/Resource/Legal Implications:**

As discussed in the report.

Is the proposal consistent with any Delivery Program tasks?

FY 21/22 Delivery Program/Operational Plan.

20 1.2.3 Develop infrastructure new works program in line with Community Solutions Panel values

1.2.3.3 New Developer Contributions Plan

Complete and adopt the Plan

25- Feb 2022

Notice of Motion No. 9.4 Youth Engagement

File No: I2021/997

5 I move:

That Council investigates opportunities to further support youth engagement with the aim of establishing a regular forum.

Signed: Cr Alan Hunter

10 Councillor's supporting information:

A group of students from the Mullumbimby High School has been working with Council through the YouthSay program, which culminated in their presentation at the 27 May Ordinary Meeting of Council.

15 Their presentation demonstrated that they were passionate, forward thinking, socially conscious young people. It would be a missed opportunity if Council doesn't continue to support this momentum and drive for youth engagement.

During their presentation they expressed a strong desire for the establishment of a Youth Council, as a way of increasing their opportunities to continue to work with Council and have their voice heard.

20 This Notice of Motion supports the request from the young people and asks staff to explore the opportunities for Council to continue to work with young people in our community.

Staff comments

by Heather Sills, Corporate Planning and Improvement Coordinator, Corporate and Community Services:

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

The concept of establishing a regular means of engagement with young people is supported.

A detailed report on the YouthSay program will be provided to Council at its August meeting. This will provide:

- 30
- an overview of the YouthSay program to date,
 - the proposed recommendations from this year's cadre of young people, and

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9.4

- a model of youth engagement to support Council to continue to work with young people in our community.

Financial/Resource/Legal Implications:

5 The financial implications will be considered and addressed in the report to Council in August.

Is the proposal consistent with any Delivery Program tasks?

Community Objective	Strategy	Delivery Program Action
Community Objective 5: We have community led decision making which is open and inclusive	5.1 Engage and involve community in decision making	5.1.1 Facilitate inclusive community consultation and stakeholder engagement to inform Council decision making (SP)

PETITIONS

Petition No. 10.1 Petition Regarding Safety Concerns in Paterson Street Byron Bay - Received from Paterson Street Residents - 59 Signatures

5 **Directorate:** Infrastructure Services
Report Author: Andrew Pearce, Traffic Engineer
File No: I2021/985

Council is in receipt of a petition containing 59 signatures which states:

10 *“We the Undersigned - residents of Paterson Street Byron Bay and surrounding streets Request that: Byron Council takes the necessary steps to improve the safety of residents and pedestrians on Paterson Street including undertaking a Traffic Study of Paterson Street to analyse the volume of traffic, speed of traffic and parking in order to develop a Traffic Management Plan for the street and to address the safety concerns of residents.*

15 *Undertaking an assessment of options to improve pedestrian safety on Paterson Street including the option of creating a pedestrian pathway to improve safety for walkers, joggers and in particular safety for those pushing prams.*

Comments from Director Infrastructure Services:

20 As noted in the petition an email response was sent from Andrew Pearce to Nerida Clarke on 10th March 2021. This email response is presented below in italics.

PAMP / Bike Plan

25 In planning priority pedestrian and bike network projects staff are guided by our strategic documents (i.e. Master Plans, PAMP and Bike Plan) developed in close consultation with the community and TIAC members. The PAMP and Bike Plan in particular, have looked at each town within the shire and considered how to create a linked network and which works need to be prioritised to achieve this. In addition, these plans also identifying key projects to meet broader community needs. Staff prioritise works in this manner to ensure our network is constructed in a connected, strategic, and funded manner.

30 Requests outside of the PAMP and Bike Plan scope are typically unfunded, have no identified funding source and are disconnected from the wider pedestrian and bike network.

The above approach reflects staff desire to provide a safe and connected active transport network in a strategic, connected, and funded manner.

35 Movement and Place Study

BYRON SHIRE COUNCIL

PETITIONS

10.1

5 It is noted that staff are preparing a Movement and Place Study RFQ with works planned to commence in July. The purpose of this study is to help align transport networks and the needs of all road users in Byron Bay around master plans goals and needs. It is considered this study will help identify and prioritise priority transport corridor and works, including pedestrian corridors and networks.

As noted in the petition an email response was sent from Andrew Pearce to Nerida Clarke on 10th March 2021. This email response is presented below in italics.

10th March 2021 Email Response

10 *Council notes your enquiries since July 2020 in relation to an improved pedestrian pathway for Paterson Street Byron Bay, especially between Eric Park and Massinger Street. I have been asked to review the request.*

15 *As mentioned previously by Mr Elford the Pedestrian Access and Mobility Plan (PAMP) is Council's primary strategic document for prioritising the upgrade of the pedestrian network. This document was developed in broad consultation with the community and will link key pedestrian pathways, starting with the most urgent and strategically critical sections of the network across the whole Shire.*

20 *As noted in the PAMP, to complete these priority pathways will cost approximately \$137.3 million. Given Council cannot expand the PAMP network all at once due to the extremely high budget cost it is committed to prioritising the network in the order recommended by the PAMP. This is because the PAMP factors in the many competing needs across the Shire. In addition, Covid has significantly impacted Council budget reducing our ability to undertake any works without substantial government support. Given this, Council currently has no budget capacity to undertake any works beyond the scope of the PAMP.*

25 *It is noted that while the PAMP does not recommend a pedestrian link along Patterson Street between Eric Park and Massinger St it does recommend a pedestrian link along Browning Street, starting at Paterson Street through to Cowper Street. Pedestrians then have the option of continuing on towards the beach or Jonson Street.*

30 *This alignment avoids the highly constrained section of Patterson Street between Eric Park and Massinger Street making it much safer and appropriate. This alignment is also more suitable due to financial, environmental and community considerations. This link will be prioritised as recommended by the PAMP.*

RECOMMENDATION:

- 35
- 1. That the petition regarding Petition Regarding Safety Concerns in Paterson Street Byron Bay - Received from Paterson Street Residents be noted.**
 - 2. That the petition be referred to the Director Infrastructure Services.**

BYRON SHIRE COUNCIL

PETITIONS

10.1

Attachments:

- 1 Confidential - Petition Regarding Safety Concerns in Paterson Street Byron Bay - Received from Paterson Street Residents - 59 Signatures, S2021/2990

5

SUBMISSIONS AND GRANTS

Report No. 11.1 Grants and Submissions May 2021

Directorate: Corporate and Community Services

Report Author: Donna Johnston, Grants Coordinator

5 **File No:** I2021/849

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.

10

RECOMMENDATION:

That Council notes the report and Attachment 1 (#E2021/76732) for Byron Shire Council's Submissions and Grants as at 31 May 2021.

Attachments:

15

1 Grants submissions - May 2021, E2021/76732 

BYRON SHIRE COUNCIL

SUBMISSIONS AND GRANTS

11.1

Report

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

Successful applications

Council was advised of the following four successful applications in May:

Funding body	Funding scheme	Project name	Total project value \$	Amount requested \$
Crown Lands NSW	Crown Lands COVID 19 Recovery Funds	Clarks Beach Public amenities	\$250,000	\$150,000 (inc gst)
Heritage NSW	2021-23 Community Heritage	Byron Shire Heritage Advisory Service	\$11,000	\$5,500

5 Unsuccessful applications

Council was advised of the following unsuccessful applications in May:

Funding body	Funding scheme	Project name	Total project value \$	Amount requested \$
Crown Lands NSW	Crown Lands COVID 19 Recovery Funds	VMS Signs	\$40,000	\$40,000
Heritage NSW	2021-23 Community Heritage	Aboriginal Cultural Heritage Study	\$120,000	\$60,000
Create NSW	Multi Year Funding	Lone Goat Gallery	\$90,000	\$90,000

Applications submitted

One grant application was submitted in May:

- 10 1) Department of Planning, Industry and Environment
- Byron Creek Bangalow weed control

Upcoming grant opportunities

Stronger Country Communities Fund

Opened on 1 May and will close on 25 June 2021. The funding program totals \$100 million, and objectives of the fund are:

BYRON SHIRE COUNCIL

SUBMISSIONS AND GRANTS

11.1

1. to boost the liveability of communities in regional areas by providing new or upgraded social and sporting infrastructure or community programs that have strong local support; and
2. to deliver enhanced infrastructure and programs that remove barriers to female participation in sport across regional NSW.

The NSW Government has allocated \$50 million towards enabling female sporting infrastructure and the remaining \$50 million for community amenity projects and programs.

For requests over \$1 million, a financial co-contribution of 25 percent is required.

Each Local Government Area (LGA) is strongly encouraged to allocate up to 50 percent of its funding to projects relating to female sport either through enhanced infrastructure or relevant programs. The focus on female sports applies to both adult and youth sporting activities. The Byron Shire LGA has been allocated \$962,000.

[Crown Reserve Improvement Fund \(CRIF\)](#)

Opened on 26 May and closes 25 June. Up to \$17million is expected to be allocated for this year's annual funding round.

The CRIF supports asset improvements on Crown reserves by providing funding for repairs and maintenance projects, pest and weed control, and new recreational infrastructure.

The funding aims to benefit the community, boost our economy, and contribute to the cultural, sporting, and recreational life of NSW.

[Everyone Can Play 2021-22 final grant round](#)

The Everyone Can Play (ECP) grant program enables the NSW Government commitment to renew, renovate and build inclusive play spaces to ensure people of all ages, abilities and cultural backgrounds can play.

25

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.6	Manage Council's resources sustainably	5.6.12	Implement strategic grants management systems to deliver priority projects for Byron's community (SP)	5.6.12.2	Provide governance for grants management

Legal/Statutory/Policy Considerations

- 5 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

- 10 If Council is successful in obtaining the identified grants, this would bring funding sought to almost \$75 million 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 total amount below (\$75 million) includes projects that have been applied for in two earlier funding schemes (for example Bioenergy Byron and Sandhills Wetlands).
- 15

The potential funding and allocation is detailed below:

	Requested funds from funding bodies	\$47,712,930
	Council Contribution Cash	\$27,163,578
	Council Contribution In-Kind	\$0
20	Other contributions	\$82,869
	Funding applications submitted and awaiting notification (total value)	\$74,959,376

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 Lease to Fibora Pty Ltd

Directorate: General Manager

Report Author: Paula Telford, Leasing and Licensing Coordinator

5 **File No:** I2021/445

Summary:

Fibora Pty Ltd holds a lease authorising a 197m² encroachment onto the Marine Parade Byron Bay road reserve for the purpose of landscaping.

10 Council has no adopted Policy that guides private encroachments on Council owned public roads and as a result Council has no consistent approach to deal with this issue.

This report recommends that a short-term two year lease is granted to Fibora Pty Ltd authorising the 197m² encroachment for landscaping on Marine Parade Byron Bay. That during the term of the lease Council staff prepares a new Policy for private encroachments onto Council public roads.

15

RECOMMENDATION:

1. That Council notes that no submissions were received on the proposed two year lease to Fibora Pty Ltd for a 197m² encroachment onto Marine Parade Byron Bay.
2. That Council authorises the General Manager, under delegations, to enter into a lease with Fibora Pty Ltd under s153 of the Roads Act 1993 for a 197m² encroachment onto Marine Parade Byron Bay on the following terms:
 - a) term two years no holding over to commence 1 July 2021;
 - b) initial rent to continue at \$7,229.94 (inclusive GST) per annum and increased annually thereafter by Consumer Price Index All Groups NSW;
 - c) for the purpose of a retaining wall and associated roads works by notice of determination 10.1998.629.3; and
 - d) Lessee, at its cost, to provide public risk insurance to the minimum value of \$20,000,000 identifying the Council land and noting Byron Shire Council as an interested party.

Report

5 Fibora Pty Ltd ('Fibora'), the owner of 29 Marine Parade Byron Bay and was granted development consent 10.1998.629.3 for modifications to a breakfast establishment (boarding) and an encroachment of 197m² onto the Marine Parade Byron Bay road reserve for landscaping. Subsequently Council granted Fibora approval under s138 of the *Roads Act* to carryout the works on the road reserve.

In accordance with consent 10.1998.629.3, Fibora entered into a short-term lease with Council under s153 of the *Roads Act 1993* (NSW) ('the *Roads Act*'). Council has granted further short-term leases to Fibora by resolution **(05-699)** and **(11-322)**.

10 The current lease held by Fibora will expire on 30 June 2021.

Review of private use of Council public roads:

Council as the owner of public roads in the Shire has an obligation to ensure that community interests and Councils future needs are not compromised by unauthorised enclosures or private occupation of its public roads in the Shire.

15 Council currently has no adopted Policy to guide unauthorised private encroachments on public roads it owns and as a result Council has no consistent approach to deal with this issue.

20 A consistence approach requires Policy guidance with the objective that unauthorised private encroachments are either removed or subject to a Council resolution requiring the owner of the encroachment to enter into an agreement with Council that addresses, amongst other things, public risk, public amenity and benefits to the community.

25 In the absence of Policy guidance, Council staff proposes a short-term two year lease is offered to Fibora as authorisation for the encroachment to remain onto Marine Parade Byron Bay. That Council staff commence preparing the new Policy during the term of the lease and contact Fibora for a submission on the proposed Policy.

Proposed lease:

Council staff proposes a lease to Fibora under the following:

- term two years no holding over to commence 1 July 2021;
- 30 • initial rent at \$7,229.94 (inclusive GST) per annum and increased thereafter annually by Consumer Price Index All Groups NSW;
- for the purpose of retaining wall and associated road works by notice of determination 10.1998.629.3; and
- 35 • Lessee, at its cost, provides public risk insurance to the minimum value of \$20,000,000 identifying the Council land and noting Byron Shire Councils interest party in the land.

Public comment:

5 In preparation for a new short-term lease, Council staff publicly advertised a proposed two year lease to Fibora between 22 March and 19 April 2021 as required by the Roads Act. Council also individually notified all landowners adjoining the length of Marine Parade Byron Bay. Council received no submissions.

As a result, this report recommends that Council grant Fibora a two year lease authorising a 197m² encroachment onto Marine Parade Byron Bay, adjoining number 29 for the purpose of landscaping.

Strategic Considerations

10 **Community Strategic Plan and Operational Plan**

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.4	Enhance community safety and amenity while respecting our shared values	2.4.2	Support community driven safety initiatives	2.4.2.1	Support and deliver programs that improve community safety

Recent Resolutions

- Resolution 05-699; and
- Resolution 11-322.

Legal/Statutory/Policy Considerations

15 Roads Act 1993 (NSW)

153 Short-term leases of unused public roads

- (1) *A roads authority may lease land comprising a public road (other than a Crown road) to the owner or lessee of land adjoining the public road if, in its opinion, the road is not being used by the public.*
- 20 (2) *However, a lease may not be granted under this Division with respect to land that has been acquired by RMS under Division 3 of Part 12 (being land that forms part of a classified road) except by RMS.*
- (3) *A lease granted under this Division may be terminated by the roads authority at any time and for any reason.*

25

154 Public notice to be given of proposed lease

- 5 (1) *Before granting a lease under this Division, the roads authority must cause notice of the proposed lease:*
- (a) *to be published in a local newspaper, and*
 - (b) *to be served on the owner of each parcel of land adjoining the length of public road concerned.*
- 10 (2) *The notice:*
- (a) *must identify the public road concerned, and*
 - (b) *must state that any person is entitled to make submissions to the roads authority with respect to the proposed lease, and*
 - (c) *must indicate the manner in which, and the period (being at least 28 days) within which, any such submission should be made.*

156 Decision on proposed lease

- 15 (1) *After considering any submissions that have been duly made with respect to the proposed lease, the roads authority may grant the lease, either with or without alteration, or may refuse to grant the lease.*
- (2) *If the roads authority grants a lease, the roads authority must cause notice of that fact to be published in a local newspaper.*

20 157 Special provisions with respect to short-term leases

- (1) *The term of a lease, together with any option to renew, must not exceed:*
- (a) *except as provided by paragraph (b), 5 years, or*
 - (b) *in the case of a lease of land that has been acquired by the roads authority under Division 3 of Part 12, 10 years.*
- 25 (2) *A person must not erect any structure on land the subject of a lease under this Division otherwise than in accordance with the consent of the roads authority. Maximum penalty: 10 penalty units.*
- 30 (3) *Such a consent may not be given unless the roads authority is satisfied that the proposed structure comprises a fence or a temporary structure of a kind that can easily be demolished or removed.*

Financial Considerations

This report recommends that annual rent commence at \$7,229.94 (inclusive of GST) and is increased thereafter annually by Consumer Price Index All Groups NSW. Council has no financial obligations under the proposed lease.

35 Consultation and Engagement

Council publicly advertised the proposed two year lease to Fibora between 22 March and 19 April 2021 calling for submissions. Council also individually notified all land owners adjoining the length of Marine Parade Byron Bay seeking submissions between 22 March and 19 April 2021. Council received no submissions.

Report No. 13.2 Lease to Australia Skydive Pty Ltd

Directorate: General Manager

Report Author: Paula Telford, Leasing and Licensing Coordinator

File No: I2021/429

5 **Summary:**

Australia Skydive Pty Ltd requests a new twenty (20) year lease with Council over part Lot 1 in DP 713023, Staceys Way Tyagarah to continue its skydive operations from the Tyagarah Airstrip.

10 Australia Skydive Pty Ltd is required by an agreed Remediation Action Plan to clean-up a jet A1 fuel spill that occurred on Lot 1 in DP 713023 and neighbouring Tyagarah Airfield land before 28 March 2018.

Lot 1 in DP 713023 is also included in Councils adopted Byron Shire Business and Industrial Lands Strategy.

15 As a result, to ensure that both Australia Skydive Pty Ltd remediates Lot 1 DP 713023 in accordance with the Remediation Action Plan, and that Council is not constrained from enacting its planning actions as detailed in its Byron Shire Business and Industrial Lands Strategy, it is proposed that a lease to Australia Skydive Pty Ltd is limited to fifteen (15) years.

20

RECOMMENDATION:

That Council authorises the General Manager, under delegation, to enter into a lease with Australia Skydive Pty Ltd over part Lot 1 DP713023 Staceys Way Tyagarah on the following:

- 25
- a) term five years with option of two by five years to a total of 15 years;
 - b) initial rent to be set by an independent market valuation to be provided by Valuers Australia Pty Ltd with annual rent increased thereafter by Consumer Price Index All Groups Sydney;
 - c) for the purpose of skydiving and associated activities carried out by the Lessee;
 - d) acknowledgement that the Lessee owns all building improvements on the leased land;
 - e) Lessee must, at its cost, be responsible for the following:
- 30

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13.2

- 5
- i) all outgoings payable in respect of the leased land;
- ii) all maintenance of the leased land including but not limited to any road, or carpark constructed on the leased land;
- iii) all insurances including a minimum \$20 million public risk insurance noting Byron Shire Council as an interested party; and
- iv) all consents, approvals and other authorisation to operate its business and improve its buildings on the leased land;
- 10
- f) Lessee must at its cost, removal its building improvements from the land and return the land to vacant possession at the end of the lease unless a new lease is negotiated to commence on the day after the end date of the lease; and
- 15
- g) special conditions that the Lessee must at its cost:
- i) comply with the Remediation Action Plan annexed to the lease with any failure by the Lessee to comply with the Remediation Action Plan being grounds to terminate the lease;
- 20
- ii) not sub-let any part of the leased land without the Lessor's written consent that will not be unreasonably withheld;
- iii) remove all unapproved buildings, shipping containers and other structures on the leased land within sixty (60) days of commencement of the lease with a failure to comply with this clause grounds to terminate the lease;
- 25
- iv) indemnify Byron Shire Council for all liabilities arising from the use of the leased land during and after the remediation of the land in accordance with the Remediation Action Plan with the Lessee obligations in this clause extending beyond the end of the lease;
- 30
- v) not build any structures, temporary or otherwise in the dedicated easement in Lot 1 DP713023 for a water pipeline as detailed in the plan annexed to this lease;
- vi) ensure that all aviation fuel stored on the leased land is to be used by Australia Skydive Pty Ltd only; and
- vii) obtain all necessary approvals from Byron Shire Council to operate a coffee cart or other retail food business in the leased land.

Attachments:

35

- 1 Confidential - Confidential Attachment 1: Remediation Action Plan Precise Environment Consulting Environmental Scientists., E2021/64204
- 2 Confidential - Confidential Attachment 2: Submission from Australia Skydive Pty Ltd t/as Experience Co for a new 20year lease., E2021/64208

BYRON SHIRE COUNCIL

STAFF REPORTS - GENERAL MANAGER

13.2

3 Confidential - Proposed lease Council to Australia Skydive Pty Ltd, E2021/75115

Report

Council resolved **(15-470)** at its 18 September 2015 meeting:

2. *That Council authorise the General Manager to negotiate and grant a short-term lease with Australia Skydive Pty Ltd subject to the following:*
 - 5 a) *A lease term that aligns with time frame required to complete compliance, safety and subdivision works at the Aerodrome, but not more than 24 months;*
 - b) *Rent to be determined via market rental valuation in accordance with Council's adopted fees and charges;*
 - c) *Inclusion of lease clauses that:*
 - 10 i. *provide for requirements for removal or otherwise of any onsite infrastructure fixtures and fittings (including buildings) to achieve vacant possession of the site at the end of the lease term.*
 - 15 ii. *provide for use of the airfield, taxiways, runway, and other Aerodrome infrastructure in accordance Commercial Access Licence conditions that provide Council with the legal ability to collect fees and charges levied in accordance with Council's adopted Fees and Charges.*
 - 20 iii. *provide the proposed lessee, Australia Skydive Pty Ltd, with a lease termination clause for sufficient notice to vacate the premises, but not more than 6 months.*
- 25 3. *That Council, on expiry of the new short-term lease agreement with Australia Skydive Pty Ltd and completion of the necessary compliance and safety works, and finalisation of the subdivision required to support long-term lease arrangements at the Aerodrome, call for competitive long-term lease proposals for Part Lot 1 in DP 713023 known as Skydive Byron Bay being "plan for lease purposes" Lot 4 in DP 805678.*

In accordance with the above resolution Council entered into a one year lease with Australia Skydive Pty Ltd ('Australia Skydive') to expire on 31 December 2017. Australia Skydive continues to hold tenure under holding over provisions in the lease as a six monthly tenant.

- 30 Australia Skydive now trading as Experience Co requests a new twenty (20) year lease over Part Lot 1 in DP 713023 to continue it's skydive operations from the Tyagarah Airstrip.

- 35 Australia Skydive is additionally required to enter into a new Commercial Access Licence for use of the airfield, taxiways, runway and other aerodrome infrastructure with fees payable set out in Councils adopted Fees and Charges on commencement of the proposed lease.

Background:

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13.2

Part Lot 1 DP 713023 ('the Land') is Council owned land classified as operational. The Land is zoned RU2 Rural Landscape with an airstrip permitted with consent.

5 Council first leased the Land to RD Llewellyn in 1982 to operate an aircraft business from the Tyagarah Airfield. In 1983 RD Llewellyn obtained consent 83/257 and constructed an aircraft hanger incorporating a club room on the Land.

10 RD Llewellyn sold the business to partners WG Jamieson and RJ Palmer in 1996 with Council agreeing to transfer the lease. That partnership operated Byron Bay Skydiving Centre on the land between 1996 and 2003 after which the business name was changed to Skydive Byron Bay. In 2004 RJ Palmer became the sole lessee of the land to December 2010 by resolution **(09-1059)** and thereafter being the sole lessee of a series of short-term leases and holding over to 2014.

15 In 2014 Council resolved **(14-654)** to permit RJ Palmer to transfer the lease to Skydive Australia Group Pty Ltd with a new short-term lease entered into. In 2015 Council resolved **(15-470)** to enter into a one year lease with holding over to Australia Skydive commencing 1 January 2016.

Land contamination:

20 Prior to 26 March 2018 a release of jet A1 fuel occurred from an underground fuel pipe linking an above ground fuel storage tank to refuelling bowsers on the Land. The spill incident affecting both the Land and neighbouring Tyagarah Airfield land. The spill has the potential of contaminating ground water and waters of the Cape Byron Marine Park, surrounding bushland and drainage lines via rainfall occurring prior to and after the unconstrained jet fuel release.

25 A subsequent clean-up notice was issued to Australia Skydive by Council. A Remedial Action Plan (refer to Confidential Attachment 1) has been agreed requiring Australia Skydive, its agent, employees or contractors to comply with a scheduled four step clean-up and monitoring process.

30 In 2019 Australia Skydive was granted development consent 10.20.19.352 for the installation of a new removable 38,800L above ground fuel tank on Lot 1 DP 713023. Consent conditions required the decommissioning and removal of the above ground tank subject to the original jet fuel spill. At the time of writing this report the original above ground fuel tank had not been removed.

Future use of the land:

35 Council by resolution **(20-368)** adopted its Byron Shire Business and Industrial Lands Strategy October 2020 ('the Strategy') to facilitate and accommodate further business and industrial zoned land in the Shire. The Strategy includes part Lot 1 DP 713023.

As a result, planning advice suggests that the term of the proposed lease to Australia Skydive is limited to ten (10) years to ensure that Council is unrestrained from carrying out planned actions on the Land as set out in the Strategy.

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STAFF REPORTS - GENERAL MANAGER

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Further planning advice also suggests that Australia Skydive obligations under the Remedial Action Plan may be concluded within ten years.

5 However to ensure that Australia Skydive completes all its obligations under the Remediation Action Plan and fully remediates the part of the Land subject to the jet A1 fuel spill, Council staff recommend that the proposed leased term is a maximum fifteen (15) years.

Direct negotiation:

Council is not required to run a competitive offer for a new long-term lease in accordance with s55(3)(e) of the *Local Government Act 1993* (NSW).

10 This report recommends that Council directly negotiate a fifteen (15) year lease with Australia Skydive.

Terms of new lease:

Australia Skydive provided a written submission requesting a new twenty (20) year lease (refer to Confidential Attachment 2).

- 15 Council staff propose a new lease under the following conditions:
- a) over part Folio 1/713023 with acknowledgement that the Lessee owns all building improvements on the Land;
 - b) term five years with two options of five years to a total of 15 years;
 - c) rent to be set by an independent market valuation to be provided by
20 Valuers Australia Pty Ltd with annually rent increased annually thereafter by Consumer Price Index All Groups Sydney;
 - d) for the purpose of skydiving and associated activities carried out by the Lessee;
 - e) Lessee must, at its cost, be responsible for the following:
 - 25 i) all outgoings payable in respect of the Land;
 - ii) all maintenance of the Land including but not limited to any road or carpark constructed on the Land;
 - iii) all insurances including a minimum \$20 million public risk insurance noting Byron Shire Council as an interested party; and
 - 30 iv) all consents, approvals and others authorisation to operate its business and improve its buildings on the Land;
 - f) Lessee must at its cost, removal its building improvements from the Land and return the Land to vacant possession at the end of the lease unless a new lease is negotiated to commence on the day after the end date of the lease; and
 - 35 g) special conditions the Lessee must at its cost:
 - i) comply with the Remediation Action Plan annexed to the lease with any failure by the Lessee to comply with the Remediation Action Plan being grounds to terminate the lease;
 - 40 ii) not sub-let any part of the leased land without the Lessor's written consent that will not be unreasonably withheld;
 - iii) obtain all planning approval from Byron Shire Council or remove all unapproved buildings, shipping containers and other structures on the

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STAFF REPORTS - GENERAL MANAGER

13.2

- 5
- 10
- 15
- leased land within sixty (60) days of commencement of the lease with a failure to comply with this clause grounds to terminate the lease;
- iv) indemnify Byron Shire Council for all liabilities arising from the use of the leased land during and after the remediation of the land in accordance with the Remediation Action Plan with the Lessee obligations in this clause extending beyond the end of the lease;
- v) not build any structures, temporary or otherwise in the dedicated easement in Lot 1 DP713023 for a water pipeline as detailed in the plan annexed to this lease;
- vi) ensure that all aviation fuel stored on the leased land for is use by Australia Skydive Pty Ltd only; and
- vii) obtain all necessary approvals from Byron Shire Council to operate a coffee cart or other retail food business in the leased land.

A copy of the proposed lease is Confidential Attachment 3.

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	1.2.6	Optimise Council's property portfolio (SP)	1.2.6.9	Manage leases and contracts at Tyagarah Airfield
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

Recent Resolutions

- Resolution 14-654
- Resolution 20-368

Legal/Statutory/Policy Considerations

Nil.

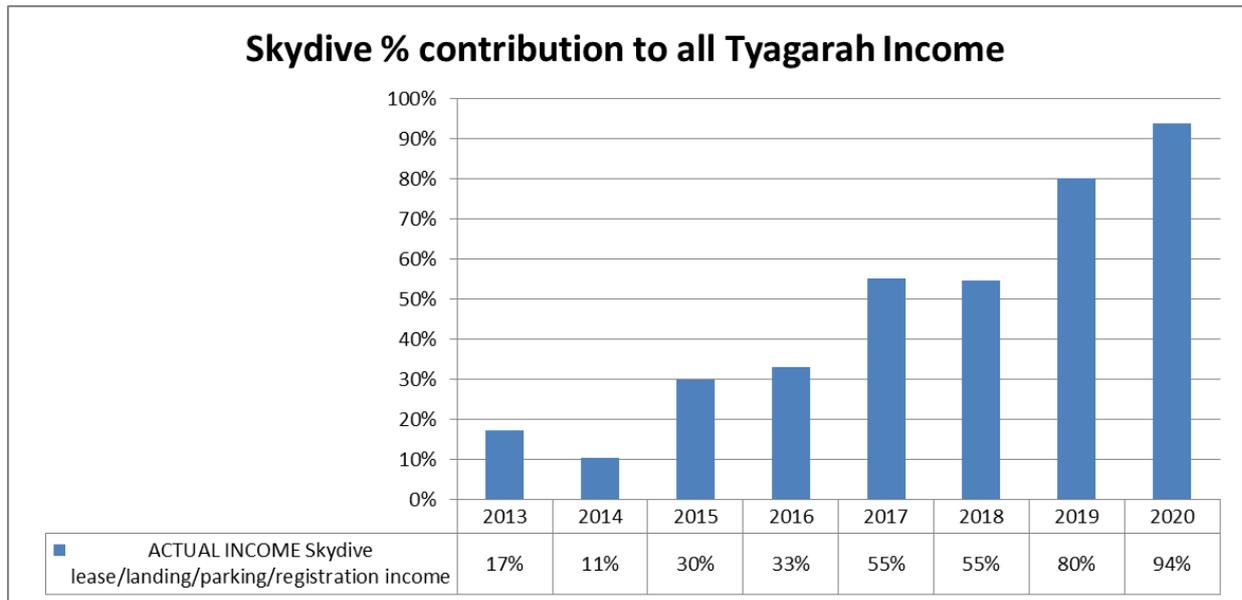
Financial Considerations

5 Initial rent to be established by an independent market rent valuation report to be provided by Valuers Australia Pty Ltd with rent increased annually thereafter by Consumer Price Index All Groups Sydney.

10 Ancillary uses of the airfield, Australia Skydive currently is paying landing, parking and registration fees of \$43,500 p.a exc GST being a contribution of 92% of all ancillary fees collected at Tyagarah Airfield. A further access licence fee linked to the proposed new lease will provide an additional \$20,000 annually.

Australia Skydive fees and current rent for use of the Tyagarah Airfield currently totals \$71,500 p.a exc GST and equal 80% of all Tyagarah Airfield Income. (Based on pre COVID figures – 2019)

15 Skydive operations at Tyagarah Airfield have significantly helped towards the current breakeven status of Tyagarah and will continue the trajectory towards positive cash flow for this Council and Community Asset.



Consultation and Engagement

20 Council provided Australia Skydive Pty Ltd with an email setting out the staff recommendations and reasons therefore. At the time of writing this report no response has been received.

Report No. 13.3 Tender 2021-0013 - Contract for Management of Repurposed Former Byron Hospital

Directorate: General Manager

5 **Report Author:** Joshua Winter, Civil Engineer

File No: I2021/530

Summary:

10 On 26 March 2021, Council delegated authority to the General Manager to proceed to tender for Contract 2021-0013 for the Management of the Repurposed Former Byron Hospital.

The Request for Tender was advertised from 1 April to 10 May 2021. Tenders were received from the following organisations:

- Byron Bay Community Association Inc.
- Social Futures

15 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 2021-0013.

RECOMMENDATION:

- 20 1. That Council awards Tender 2021-0013 to the tenderer recommended in the Tender Evaluation Report (Confidential Attachment 1).
2. That Council's seal be affixed to the relevant documents.
- 25 3. That the proposed Lease and Management Agreement include a clause that stipulates that any net profits generated are to be reinvested into community and social services delivered within the Byron Shire Local Government area following reimbursement to Council of establishment costs, loan and building sinking fund repayments.
- 30 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.

Attachments:

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- 1 Confidential - 2021-0013 - RFT Request for Tender - Contract for Management of Repurposed Former Byron Hospital - Evaluation Report, E2021/76678

Report

On 26 March 2021, Council delegated authority to the General Manager to proceed to tender for Contract 2021-0013 for the Management of the Repurposed Former Byron Hospital.

- 5 A Tender was required to assist Council in managing this high profile and time intensive facility so that the best outcome could be provided for the community. Being such a unique request, it was possible that Council would manage the facility itself, however there was keen interest from multiple community groups and multiple tenders were received.

- 10 The Request for Tender sought responses from proponents to engage a not-for-profit organisation to manage the Repurposed Former Byron Hospital on behalf of Council. The proposed Lease and Management Agreement would authorise sub-letting of parts of the premises for a variety of uses including education, food and drink premises, information services, health services, community facilities, arts, cultural and creative services. The proposal is to attract a mix of commercial, not-for-profit and possibly government uses.

- 15 The Contract sought the provision of the required services for a period of ten years commencing on the date of signing the Lease and Management Agreement, with an option to extend the contract for one additional period of ten years at Council's sole discretion.

The Council officer responsible for managing Contract will be determined at the time of signing the lease, which is likely to be in early 2023.

- 20 Tenders were advertised as follows:

Vendorpanel: 1 April to 10 May 2021

Council website: 1 April to 10 May 2021

An optional on-site briefing and site inspection was held at 8:30AM on Thursday 15 April. Three organisations attended the briefing.

- 25 An Evaluation Panel comprising of three Council staff members and one external member representing OCM (Council's internal auditor) was formed.

Tenders closed on 10 May 2021 and tenders were received from the following proponents:

- Byron Bay Community Association Inc.
- Social Futures

- 30 Tenders were evaluated by the Evaluation Panel in accordance with the following evaluation criteria:

Mandatory criteria:-

- a) Tender lodged on time, in accordance with the Conditions of Tender.

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- b) Tenderer must have a valid Australian Business Number (ABN)
- c) Substantial conformance to Conditions of Contract and Statement of Requirements
- d) Meets requirements for insurances as specified in the Statement of Requirements
- e) Satisfactory Work Health and Safety practices or plan
- 5 f) Suitable financial capacity and structure – must be a Not for Profit organisation
- g) Proposed management plan and tenancy mix is in accordance with Statement of Requirements
- 10 h) Commitment to ethical business practice principles. Council will not contract with any organisation that gains a financial benefit from Australia's offshore detention centres or that has any involvement in the development and operation of the Carmichael mine or otherwise has ties to Bravus Mining previously Adani Mining.

Qualitative criteria:

Criteria	Weighting
Profile and relevant experience including alignment of the Tenderer's constitutional objects with the uses and outcomes detailed in the original Proposal – Former Byron Hospital Site	25%
Quality and availability of resources including the capacity and commitment to delivering the agreed upon uses and activities as detailed in the original Proposal – Former Byron Hospital Site	25%
Demonstrated skills and experience of officeholders and known key personnel in the management of a multi-use building within the Byron Shire or in a substantially similar context delivering a broad range of social and economic outcomes	15%
Demonstrated understanding of Byron Shire's community service needs and a strategy for meeting those needs	20%
Delivery & implementation plan for the management of the Premises	15%

- 15 The results of both the mandatory and qualitative criteria assessments are detailed in the attached confidential Evaluation Report, along with the panel's recommendation to award the Tender.

Net Profits

- 20 There are a number of clauses yet to be negotiated with the successful tenderer, and it is recommended that Council endorse that a mandatory clause be added to the proposed Lease and Management Agreement requiring net profits to be reinvested into community and social services delivered within the Byron Shire Local Government area after provisions for loan repayments and a building sinking fund are met.

Next steps

5 Once Council awards the Tender, relevant project officers will work with the successful tenderer to plan towards their management and occupation of the Repurposed Former Byron Hospital, noting that this is not due to occur until early 2023. The proposed Lease and Management Agreement will not be signed until the successful tenderer takes tenure of the site.

Financial Considerations

10 The proposed redevelopment of the former Byron Hospital site is recommended to be financed via an internal loan (subject to Ministerial approval) from Council's Water Fund with interest payable at a prevailing interest applicable at the time the funds are required. Council's draft 2021-2022 budget, being the subject of another report to this Ordinary Meeting of Council is formed on this basis.

15 Based on indicative rental revenues to be generated from the site, there should be sufficient revenue to reimburse Council establishment costs and loan repayments (inclusive of interest and principal), along with funds being provided to a sinking fund or reserve for over the term of the lease, and available to fund future works on the building.

Statutory and Policy Compliance Considerations

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.

Local Government (General) Regulation 2005 - Reg 178

[Acceptance of tenders](#)

25 178 *Acceptance of tenders*

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

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

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

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

35

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- (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,*
 - 5 (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,*
 - 10 (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.*
- 15 (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),*
 - 20 (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. 13.4 Community feedback - Byron Community Market relocation

Directorate: General Manager

Report Author: Claire McGarry, Place Manager - Byron Bay

5 **File No:** I2021/845

Summary:

In May 2021, Council put forward a proposal to the community to permanently relocate the Byron Community Market from the Main Beach foreshore to Railway Park and surrounds in the centre of town.

10 This report details the community and business feedback on the proposal. There is fairly even support for and opposition to the proposal, with very strong sentiment on both sides.

The report details concerns raised and how they will be addressed, but reiterates that market needs to relocate from the Main Beach foreshore to reduce impacts on the reserve. Additionally, the proposal is in line with the long-term community vision for the centre of town, as outlined in the Byron Bay Town Centre Masterplan.

15 The recommendation is to proceed with the proposal and address concerns raised through the consultation process to try and reach a compromise that can be broadly supported by the community.

20

RECOMMENDATION:

1. **That Council notes feedback gathered during the community consultation process.**
- 25 2. **That Council proceeds with the proposal to permanently relocate the Byron Community Market to the centre of town on the footprint proposed, noting its alignment with the community vision outlined in the Byron Bay Town Centre Masterplan .**
3. **That staff continue to work with key stakeholders and address concerns raised through the detailed planning and Development Application process.**
- 30 4. **That staff continue to pass community feedback on to Byron Community Market managers for consideration in their planning of market layout and operations.**

Attachments:

- 35 1 Byron Community Market survey responses 2021 - raw data, E2021/77325 

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Report

The Byron Community Market has been operating from Main Beach foreshore since 2019, when it was temporarily moved from Butler Street Reserve due to works on the Byron Bay bypass project.

- 5 It is proposed that the monthly Byron Community Market be permanently relocated to the centre of town, with Railway Park at its heart. The footprint would include closure of Jonson St next to Railway Park to vehicles on monthly market days – see map below.



- 10 This proposal is in line with the work the community has been doing for years through the Byron Bay Town Centre Masterplan - to re-imagine the town centre as a place that's filled with people and activity rather than vehicles, with Railway Park at its core.

With the bypass now operational and the recent upgrades across the entire rail precinct, there is now an opportunity for the 'cars out, people in' principle to be realised – albeit on one small block in the town centre.

15 Community Engagement Summary

Opportunities for community engagement and feedback on this proposal are detailed in the table below. The reach on this project is comparatively very high for Council's consultation, so staff are confident that there is strong awareness of the proposal and community sentiment has been captured.

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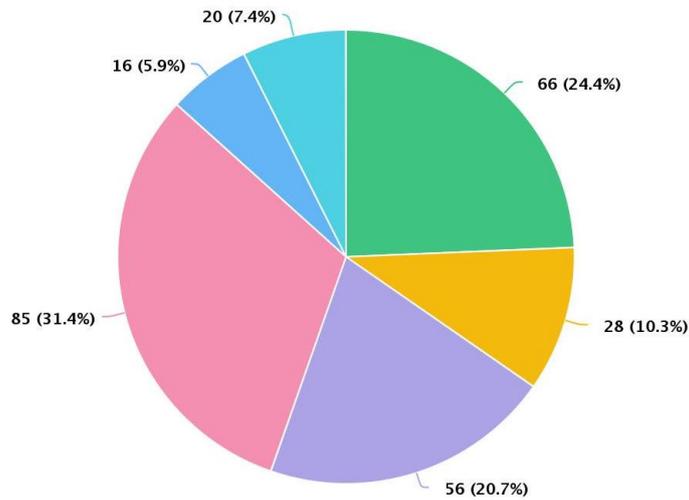
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There was some concern amongst business owners that the results would be manipulated to promote a particular outcome, so the raw survey responses have been de-identified and added as a publicly available attachment to this report.

Method	Target audience	Promotional channels	Reach and uptake
Online community survey – 3 weeks	Byron community / residents Byron businesses Market stallholders	Social media Media releases Local media coverage Direct mail-outs from Byron Bay Chamber of Commerce and Byron Community Centre Byron Masterplan Guidance Group	Survey responses – 275 Survey visits – 688 Social media reach – 8,949
One-on-one session with PlanIT consulting to talk through the proposal and any concerns related to it	Businesses directly adjoining market footprint	Hand-delivered letter Follow up email Follow up in-person drop in	Letter – 40 Email - 22 Uptake - 4

Summary of survey outcomes

Respondent breakdown



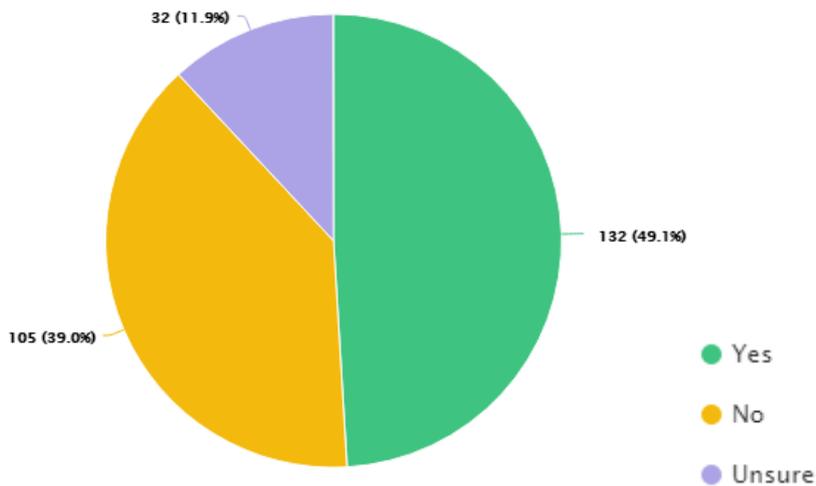
Question options

(Click items to hide)

- Stall holder
- Local business in Byron Bay
- Resident in the Byron town centre
- Resident in Byron Shire
- Regular visitor to the Byron Community Market
- Other (please specify)

5

Question: Do you support the permanent relocation of the Byron Community Market to the centre of town?



10

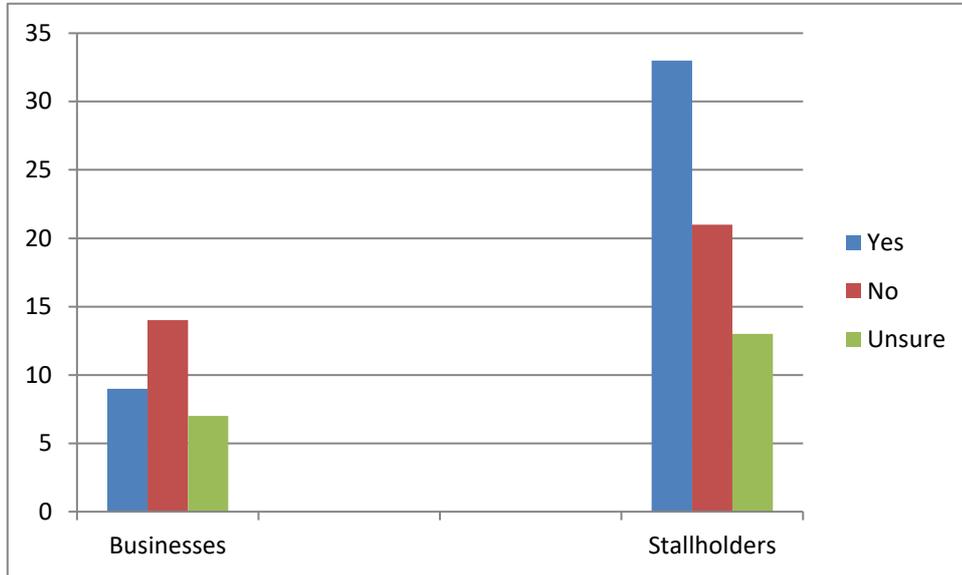
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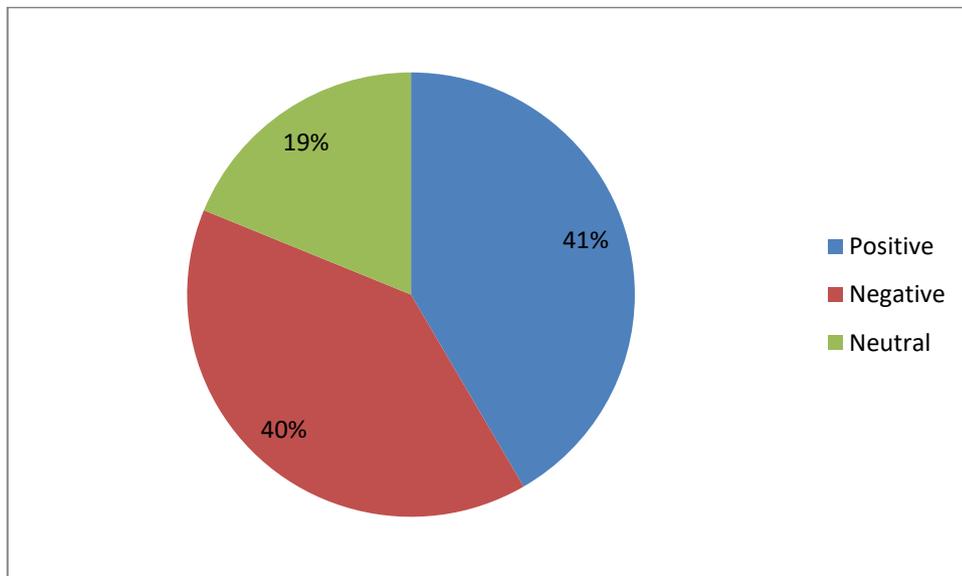
Question: Do you support the permanent relocation of the Byron Community Market to the centre of town?

(Results broken down to businesses and stallholders)



5

Sentiment analysis based on the question: Do you have any comments on the proposed footprint for the market?



Key issues raised in priority order

Issue	Number of times raised	How it will be addressed

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Traffic / parking	46	<p>A traffic assessment to be completed as part of the DA proposing measures to mitigate traffic / parking issues.</p> <p>Under the current proposal, traffic wanting to travel directly up / down Jonson St would need to detour one block and use Marvel/Fletcher/Byron Streets one Sunday a month.</p>
Layout	39	<p>This feedback generally relates to location of specific stalls, vehicle access and egress, stallholder mix and market layout.</p> <p>Comments will be referred to market managers and Council will work with them to address concerns raised.</p>
Impacts on local business	30	<p>This proposal is based on national and global evidence that the positioning of markets in the commercial centre of towns positively impacts local bricks-and-mortar businesses.</p> <p>Having said that, a number of respondents raised concerns regarding potential negative impact on local business so this feedback will be passed on to market managers and Council will work together with them to look at:</p> <ul style="list-style-type: none">- Market layout that directs foot traffic to Sunday traders- Opportunities for local businesses to be included in the market- Opportunities for local businesses to capitalise on extra foot-traffic passing shopfronts on market days
Impact on future rail	4	<p>Rail infrastructure will not be impacted. This is a condition of Council's licence over the rail corridor.</p>

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Throughout the consultation process, community members have suggested a number of alternate sites for the market. Sentiment and response is summarised below:

Location	Community response	Staff response
Remain at foreshore	62 respondents requested market to remain at foreshore. 96 respondents requested relocation away from foreshore	The foreshore location was never intended to be a permanent location for the markets because the environmental and community impacts are too large.
Return to Butler Street Reserve	46 respondents requested a return to Butler Street Reserve	There is an active contamination investigation continuing on Butler Street Reserve which has not yet reached its conclusion, so the future use of the site is unknown. It is unknown whether a relocation back there will ever be possible and is not supported by the Byron Community Market managers.
Cavanbah Centre	19 respondents specifically requesting permanent relocation to the Cavanbah Centre	This site has been considered by the Byron Community Market management and Cavanbah Centre staff and is unsuitable due to: <ul style="list-style-type: none"> - DA approval for a market up to 140 stalls - Insufficient parking for a market that size - Traffic management issues (significantly larger market than farmers market) - No CBD pedestrian access - Unsupported by stallholders - Conflicting user groups on Sundays (sport, events) - Cavanbah Centre is the Shire's "Emergency Evacuation Centre" – likely disruption during floods, bushfire, COVID-testing etc

Summary of one-on-one consultation outcomes

5 There were a number of key concerns that were common amongst the one-on-one consultation sessions which included:

- Closure of Jonson Street causing major traffic congestion, loss of access to their businesses for deliveries, garbage removal, customer parking removed and staff unable to park in close proximity

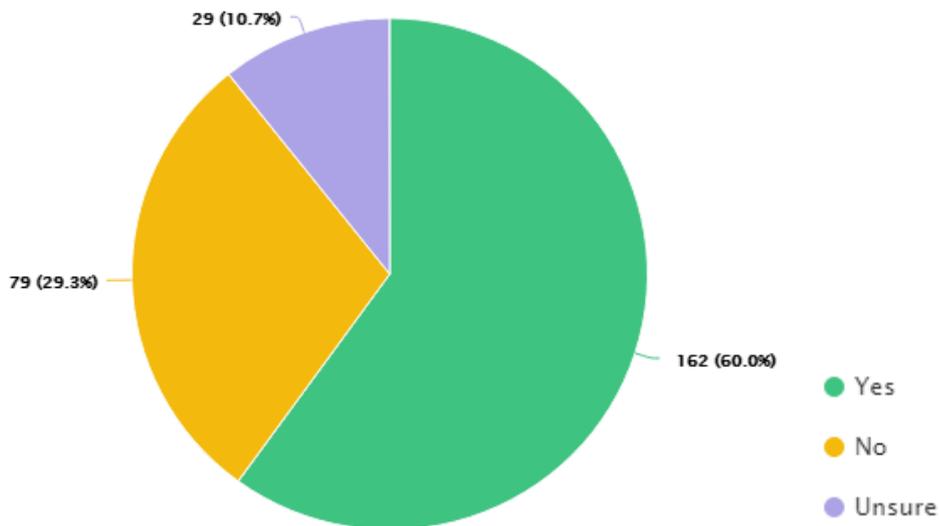
- Reduction in trade due to traffic congestion with local customers choosing not to come into town and market food stalls taking business away from the permanent business that have food services
- Permanent businesses pay high rates fees compared to a market holder for the day
- 5 - Concerns on rubbish and waste and the location and proximity of portable toilets to businesses
- Safety of staff having to walk a long distance to their vehicles late at night
- Railway Park being overused and deteriorating
- 10 - Concerns that once approval is in place, more events and markets will follow (in addition to just once a month)

This information is provided to assist Councillors with decision-making on how best to proceed.

Car Free Sundays

- 15 The community survey included a question regarding the ‘cars out, people in’ principle to assist in gauging community support for monthly Car Free Sundays.

A core principle of the Byron Bay Town Centre Master Plan is to prioritise pedestrians and people over vehicles in the town centre. Do you support the idea of ‘cars out, people in’ in key areas?



- 20 The market relocation is intended to be the initial mechanism to achieve the monthly Car Free Sundays trial. The rationale behind this is to activate the closed streets with people and activity to reduce the risk of creating an empty ‘ghost town’ that harms local business and community.

If Council were to decide not to proceed with the market relocation proposal, staff would implement the Car Free Sundays resolution without markets utilising the space – which presents separate opportunities and risks.

Next steps

- 5 It is recommended that Council proceed with the proposal to permanently relocate the Byron Community Market to the centre of town, on the footprint proposed. Staff and consultants will address concerns raised through the detailed planning and Development Application process. Staff will continue to work with the Byron Community Market managers to maximise opportunities for local stallholders and businesses.

10 **Strategic Considerations**

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action
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

Recent Resolutions

- 21-147 – Granting of 5 year market licences
- 15 • 20-695 – Variation of temporary market licences granted for Byron Farmers Market and Byron Community Market
- 19-555 – Temporary relocation of Byron Farmers Market and Byron Community Market

Legal/Statutory/Policy Considerations

20 This proposal will follow Council’s Development Application process, with an external assessor engaged at lodgement.

The proposal addresses the objectives of Council’s Sustainable Markets Policy.

Financial Considerations

The Development Application and associated consultation are funded through the ‘Market Relocation Development Application’ line item in the 2020-21 budget.

Consultation and Engagement

In addition to the community consultation detailed in this report, staff have engaged directly with the Byron Masterplan Guidance Group and the Byron Chamber of Commerce regarding the proposal.

5 Byron Chamber of Commerce

The Byron Chamber of Commerce has distributed information regarding the proposal to its network of members and will continue to work closely with the project team to share information, and to channel business feedback directly to Council for consideration as detailed planning progresses.

10 Byron Masterplan Guidance Group

The Byron Masterplan Guidance Group discussed the proposal extensively during its May and June meetings and are supportive of the proposal, however raised a number of issues which are addressed in the table below.

Issue	Staff comment
<p>The majority of stallholders at the market are not from this area and should not be preferenced over local stallholders or local 'bricks and mortar' businesses.</p>	<p><u>Stallholder mix</u></p> <p>Statistics provided by the Byron Community Market managers show that as at December 2020, 59.75% of stallholders are from the Byron Shire, and 29.75% are from the Northern Rivers region.</p> <p>The market licence from Council requires managers to allocate stall spaces giving priority to persons selling produce and products from the Local Area for 75% of the total available stall spaces, with the remainder being allocated using a priority system based on:</p> <ul style="list-style-type: none"> a) Local person b) Not a local person but resident of Northern Rivers c) Others <p><u>Local business impacts</u></p> <p>The Byron Community Market managers will work on a layout that directs foot traffic to local businesses that trade on a Sunday, and present opportunities for local businesses to be involved in the market.</p>
<p>The scale of the market is too large and the number of stalls should be reduced to fit a smaller footprint.</p>	<p>The Byron Community Market tender is for 360 stalls. At Main Beach, the licence limits stall numbers to 290. The proposed footprint is for a market of 325 stalls.</p> <p>The stall numbers could be reduced further to lessen the</p>

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	<p>footprint of the market, however it is important to note that the revenue made from stallholder fees funds the ongoing operations of the Byron Community Centre and a reduction in this would impact their ability to deliver local community services.</p> <p>Alternatively, stallholder numbers could be reduced with fees increased to maintain existing revenue, however this presents the risk of pricing out local stallholders and increasing the percentage of those from outside the region.</p>
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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.5 Section 355 Management Committees - resignations and appointments update

Directorate: Corporate and Community Services

5 **Report Author:** Lisa Brennan, EA Corporate and Community Services

File No: I2021/732

This report updates Council on recent resignations and proposed new appointments for Section 355 committees where nominations have been received.

RECOMMENDATION:

1. **That the resignations of Mike Dowd and John Hudson from the Bangalow A&I Hall Management Committee be accepted and that letters of thanks be provided.**
2. **That the nominee in Confidential Attachment 1 (E2021/75157) be appointed to the Bangalow A&I Hall Management Committee.**
3. **That the nominee in Confidential Attachment 2 (E2021/63018) be appointed to the South Golden Beach Hall Management Committee.**
4. **That the nominee in Confidential Attachment 3 (E2021/75839) be appointed to the Suffolk Park Hall Management Committee.**

10

.Attachments:

- 1 Confidential - Nomination for membership on Bangalow A&I Hall Section 355 Committee, E2021/75157
- 15 2 Confidential - Nomination for membership on South Golden Beach Hall Section 355 Committee, E2021/63018
- 3 Confidential - Nomination for membership on Suffolk Park Hall Section 355 Committee, E2021/75839

20

Bangalow A&I Hall

During May Council received two resignations from this Committee, Mike Dowd and John Hudson. Since then, Council has received one nomination for membership on this Committee.

5 *Management Recommendation:*

1. That the resignations of Mike Dowd and John Hudson from the Bangalow A&I Hall Management Committee be accepted and that letters of thanks be provided.
2. That the nominee in Confidential Attachment 1 be appointed to the Bangalow A&I Hall Management Committee.

10 **South Golden Beach Hall**

Following a recent call for membership Council has received one nomination for membership on this Committee.

Management Recommendation:

- 15 That the nominee in Confidential Attachment 2 be appointed to the South Golden Beach Hall Management Committee.

Suffolk Park Hall

Following a recent call for membership Council has received one nomination for membership on this Committee.

Management Recommendation:

- 20 That the nominee in Confidential Attachment 3 be appointed to the Suffolk Park Hall Management Committee.

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	1.2.1	Deliver infrastructure maintenance services in line with Community Solutions Panel values (SP)	1.2.1.1	Building assets managed to support the provision of services to the community.
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.3	Provide accessible, local community spaces and facilities	2.3.2	Support effective management of community buildings (SP)	2.3.2.2	Review community building management models to maximise effective operation

Legal/Statutory/Policy Considerations

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

3.2 Committee Membership

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

15 *Whilst no particular qualifications are necessary (not withstanding 3.1.a), a commitment to the activities of the Committee and a willingness to be actively involved in Committee issues is essential. Committees work best when the*

workload is shared amongst committee members and there is evident goodwill and cooperation amongst members.

Further information on the operations and meeting minutes for these Committees and Boards can be found on Council's web site at

- 5 <https://www.byron.nsw.gov.au/Council/Committees-and-groups/Section-355-Committees-and-Boards-of-Management>.

Financial Considerations

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

10 **Consultation and Engagement**

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

Report No. 13.6 Council Investments - 1 May 2021 to 31 May 2021

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2021/874

Summary:

This report includes a list of investments and identifies Council's overall cash position for the period 1 May 2021 to 31 May 2021 for information.

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

RECOMMENDATION:

That Council notes the report listing Council's investments and overall cash position as at 31 May 2021.

15

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Report

Council has continued to maintain a diversified portfolio of investments. As of 31 May 2021, the average 90-day bank bill rate (BBSW) for the month of May 2021 was 0.04%. Council's performance to 31 May 2021 was 0.76%. 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 investment return may continue to decrease due to the lower rates available in the current market.

The table below identifies the investments held by Council as at 31 May 2021

Schedule of Investments held as at 31 May 2021

Purch Date	Principal (\$)	Description	CP *	Rating	Maturity Date	No Fos sil Fuel	Type	Int. Rate	Current Value
24/03/17	1,000,000.00	NAB Social Bond (Gender Equality)	Y	AA-	24/03/22	N	B	3.25%	1,077,200.00
15/11/18	980,060.00	NSW Treasury Corp (Green Bond)	N	AAA	15/11/28	Y	B	3.00%	1,024,750.00
20/11/18	1,018,290.00	QLD Treasury Corp (Green Bond)	N	AA+	22/03/24	Y	B	3.00%	1,117,370.00
28/03/19	1,000,000.00	National Housing Finance & Investment Corporation	Y	AAA	28/03/31	Y	B	2.38%	1,064,550.00
21/11/19	1,000,250.00	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	Y	B	1.25%	1,029,960.00
27/11/19	500,000.00	National Housing Finance & Investment Social Bond	Y	AAA	27/05/30	Y	B	1.57%	492,700.00

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Purch Date	Principal (\$)	Description	CP *	Rating	Maturity Date	No Fos sil Fuel	Type	Int. Rate	Current Value
31/03/17	1,000,000.00	CBA Climate Bond	Y	AA-	31/03/22	N	FRN	1.02%	1,007,050.00
16/11/17	750,000.00	Bank of Queensland	Y	BBB+	16/11/21	N	FRN	1.12%	753,075.00
30/08/18	500,000.00	Bank Australia Ltd (Sustainability Bond)	Y	BBB+	30/08/21	Y	FRN	1.39%	501,200.00
24/07/20	2,000,000.00	Bank of Queensland	Y	BBB+	19/07/21	N	TD	0.90%	2,000,000.00
30/07/20	1,000,000.00	Judo Bank	Y	NR	30/07/21	N	TD	1.25%	1,000,000.00
03/08/20	1,000,000.00	NAB	N	AA-	03/08/21	N	TD	0.85%	1,000,000.00
19/08/20	2,000,000.00	NAB	N	AA-	19/08/21	N	TD	0.80%	2,000,000.00
26/08/20	1,000,000.00	AMP Bank	Y	BBB	26/08/21	N	TD	0.80%	1,000,000.00
02/09/20	1,000,000.00	Bank of Queensland	N	BBB+	01/09/21	N	TD	0.78%	1,000,000.00
02/09/20	1,000,000.00	NAB	N	AA-	02/09/21	N	TD	0.75%	1,000,000.00
24/09/20	2,000,000.00	NAB	N	AA-	24/09/21	N	TD	0.65%	2,000,000.00
30/09/20	1,000,000.00	Bank of Queensland	N	BBB+	30/09/21	N	TD	0.65%	1,000,000.00
30/09/20	2,000,000.00	CBA Green Deposit	N	AA-	30/09/21	N	TD	0.70%	2,000,000.00
07/10/20	2,000,000.00	MyState Bank Limited	Y	NR	07/10/21	Y	TD	0.70%	2,000,000.00
04/11/20	1,000,001.00	AMP Bank	N	BBB	05/05/21	N	TD	0.55%	1,000,001.00

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Purch Date	Principal (\$)	Description	CP *	Rating	Maturity Date	No Fos sil Fuel	Type	Int. Rate	Current Value
04/11/20	2,000,000.00	NAB	N	AA-	04/11/21	N	TD	0.55%	2,000,000.00
09/11/20	1,000,000.00	Community First Credit Union	Y	NR	09/11/21	Y	TD	0.65%	1,000,000.00
09/11/20	1,000,000.00	The Mutual Bank	Y	NR	09/08/21	Y	TD	0.65%	1,000,000.00
23/11/20	1,000,000.00	AMP Bank	N	BBB	23/11/21	N	TD	0.75%	1,000,000.00
24/11/20	1,000,000.00	Judo Bank	N	NR	24/11/21	Y	TD	0.84%	1,000,000.00
26/11/20	1,000,000.00	Community First Credit Union	Y	NR	26/11/21	Y	TD	0.65%	1,000,000.00
26/11/20	1,000,000.00	Macquarie Bank	Y	A	22/10/21	N	TD	0.50%	1,000,000.00
01/12/20	1,000,000.00	AMP Bank	N	BBB	01/06/21	N	TD	0.70%	1,000,000.00
07/12/20	2,000,000.00	Credit Union Australia	Y	BBB	07/06/21	Y	TD	0.45%	2,000,000.00
17/12/20	2,000,000.00	NAB	N	AA-	17/12/21	N	TD	0.50%	2,000,000.00
05/01/21	2,000,000.00	NAB	N	AA-	05/01/22	N	TD	0.45%	2,000,000.00
05/01/21	1,000,000.00	Judo Bank	N	NR	06/07/21	Y	TD	0.55%	1,000,000.00
20/01/21	1,000,000.00	Westpac (Tailored)	Y	AA-	20/01/22	N	TD	0.38%	1,000,000.00
27/01/21	1,000,000.00	The Mutual Bank	N	NR	27/01/22	Y	TD	0.50%	1,000,000.00
29/01/21	1,000,000.00	ME Bank	Y	BBB	31/01/22	Y	TD	0.45%	1,000,000.00
01/02/21	2,000,000.00	Suncorp	Y	A+	03/08/21	Y	TD	0.35%	2,000,000.00
01/02/21	1,000,000.00	B & E Ltd (Bank	Y	NR	03/08/21	Y	TD	0.40%	1,000,000.00

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Purch Date	Principal (\$)	Description	CP *	Rating	Maturity Date	No Fos sil Fuel	Type	Int. Rate	Current Value
		of Us)							
03/02/21	1,000,000.00	NAB	N	AA-	02/08/21	N	TD	0.40%	1,000,000.00
10/03/21	1,000,000.00	86400	Y	NR	09/06/21	Y	TD	0.65%	1,000,000.00
13/04/21	1,000,000.00	The Mutual Bank	N	NR	10/09/21	Y	TD	0.50%	1,000,000.00
N/A	10,075,882.55	CBA Business Saver	N	AA-	N/A	N	CALL	0.20%	10,075,882.55
N/A	2,112,864.58	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	N	CALL	0.20%	2,112,864.58
N/A	2,113,255.31	NSW Treasury Corp	N	AAA	N/A	Y	CALL	0.01%	2,113,255.31
N/A	2,000,000.00	Macquarie Accelerator Call	N	A	N/A	N	CALL	0.40%	2,000,000.00
Total	66,050,603.44						AVG	0.72%	66,369,858.44

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)

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Note 2. No Fossil Fuel ADI

Y = No investment in Fossil Fuels

N = Investment in Fossil Fuels

U = Unknown Status

Note 3. Type Description

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

Environmental and Socially Responsible Investing (ESRI)

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

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

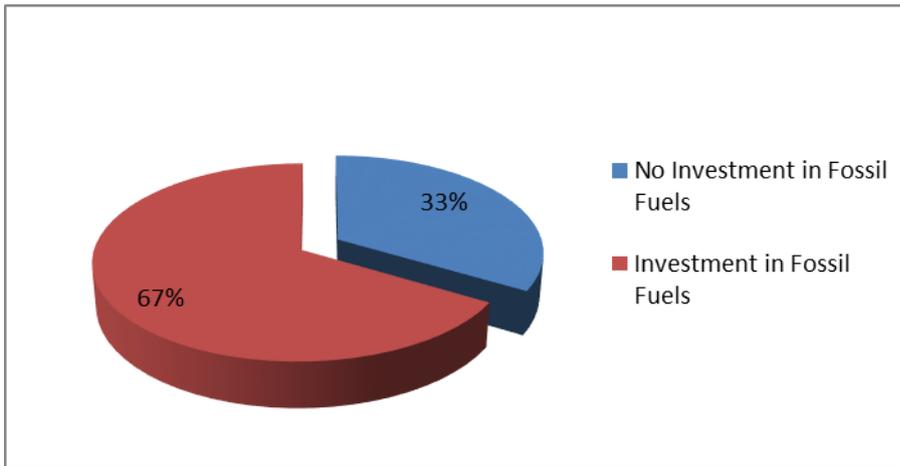
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Council has three investments with financial institutions that invest in fossil fuels but are nevertheless aligned with the broader definition of Environmental and Socially Responsible investments i.e.:

- 5 1. \$1,000,000 investment with the National Australia Bank maturing on 24 March 2022 known as a Social Bond that promotes Gender Equity.
2. \$1,000,000 investment with Commonwealth Bank maturing on 31 March 2022 known as a Climate Bond.
3. \$2,000,000 investment with Commonwealth Bank maturing on 30 September 2021 known as a Green Deposit.



10

Investment Policy Compliance

Investment policy compliance				ACTUAL	Variance
% per institution should not exceed the following					
AAA to AA	A1+	100%		58.74%	Meets policy
A+ to A-	A1	60%		4.54%	Meets policy
BBB to NR	A2,NR	40%		36.71%	Meets policy

15 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

20 (being either BBB or not rated at all i.e. credit unions).

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Associated Risk

5 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 May 2021 to 31 May 2021:

Dissection of Council Investment Portfolio as at 31 May 2021

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
42,000,001.00	Term Deposits	42,000,001.00	0.00
3,250,000.00	Floating Rate Note	3,338,525.00	88,525.00
10,075,882.55	CBA Business Saver	10,075,882.55	0.00
2,112,864.58	CBA Business Saver – Tourism Infrastructure Grant	2,112,864.58	0.00
2,113,255.31	NSW Treasury Corp	2,113,255.31	0.00
4,498,600.00	Bonds	4,729,330.00	230,730.00
2,000,000.00	Macquarie Accelerator	2,000,000.00	0.00
66,050,603.44		66,369,858.44	319,255.00

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

The table below provides a reconciliation of investment purchases and maturities for the period of 1 May 2021 to 31 May 2021 on a current market value basis.

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Movement in Investment Portfolio – 31 May 2021

Item	Current Market Value (at end of month) \$
Opening Balance at 1 May 2021	67,365,580.73
Add: New Investments Purchased	0.00
Add: Call Account Additions	2,000,000.00
Add: Tourism Call Account Additions	0.00
Add: Call Account Interest	1,957.76
Add: Macquarie Accelerator Additions	2,000,000.00
Add: Tourism Call Account Interest	358.84
Add: T Corp Additions	0.00
Add: T Corp Interest	226.11
Less: Call Account Redemption	3,000,000.00
Less: Investments Matured	2,000,000.00
Add: Fair Value Movement for period	1,735.00
Closing Balance at 31 May 2021	66,369,858.44

Council's overall 'cash position' is not only measured by funds invested but also by the funds retained in its consolidated fund or bank account for operational purposes. In this regard, for the month of May 2021 the table below identifies Council's overall cash position as follows:

5

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Dissection of Council's Cash Position as at 31 May 2021

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	42,000,001.00	42,000,001.00	0.00
Floating Rate Note	3,250,000.00	3,338,525.00	88,525.00
CBA Business Saver	10,075,882.55	10,075,882.55	0.00
CBA Business Saver – Tourism Infrastructure Grant	2,112,864.58	2,112,864.58	0.00
NSW Treasury Corp	2,113,255.31	2,113,255.31	0.00
Bonds	4,498,600.00	4,729,330.00	230,730.00
Macquarie Accelerator	2,000,000.00	2,000,000.00	0.00
Total Investment Portfolio	66,050,603.44	66,369,858.44	319,255.00
Cash at Bank			
Consolidated Fund	3,352,806.59	3,352,806.59	0.00
Total Cash at Bank	3,352,806.59	3,352,806.59	0.00
Total Cash Position	69,583,410.03	69,902,665.03	0.00

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

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

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

Financial Considerations

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

Report No. 13.7 Adoption of the 2021/22 Operational Plan, including Budget, Statement of Revenue Policy, and Fees and Charges

Directorate: Corporate and Community Services

5 **Report Author:** Heather Sills, Corporate Planning and Improvement Coordinator
James Brickley, Manager Finance

File No: I2021/965

Summary:

10 At its 13 May 2021 Planning Meeting, Council endorsed the Draft 2021/22 Operational Plan (including the Budget, Statement of Revenue Policy, and Fees and Charges) for public exhibition (Resolution 21-202).

The preparation of these documents is regulated under the Integrated Planning and Reporting Framework requirements legislated by [s406](#) of the *Local Government Act 1993*.

15 Council received 11 submissions during the public exhibition period. This report provides consideration of those submission as well as proposed administrative changes that arose during the public exhibition period. It recommends that Council adopts the revised documents.

20

RECOMMENDATION:

That Council:

1. **Notes the submissions received during the public exhibition period for the 2021/22 Operational Plan (including the Budget, Statement of Revenue Policy, and Fees and Charges).**
2. **Adopts the following documents:**
 - a) **Delivery Program 2017-2021 and 2021/22 Operational Plan as exhibited, with the amendments (included in Attachment 1 #E2021/78478) discussed in this report under the heading ‘Draft 2021/22 Operational Plan – Amendments’.**
 - b) **2021/22 Statement of Revenue Policy including fees and charges as exhibited, with the amendments (included in Attachment 3 #E2020/62638) discussed in the report under the headings ‘Draft General Land Rates and Charges (Statement of Revenue Policy)’ and Draft Fees and Charges (Statement of Revenue Policy)’**

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c) **2021/22 Budget Estimates as exhibited, with the amendments discussed in the report under the heading ‘Draft 2021/22 Budget Estimates (Statement of Revenue Policy)’ and included at Attachment 2 (#E2021/79835).**

- 5 **3. Adopts the proposed fees as outlined in the report under the heading Draft Fees and Charges (Statement of Revenue Policy) / Proposed Amendments, for the purposes of public exhibition where applicable and then adopts these fees should no submissions be received.**

Attachments:

10

- 1 2017-2021 Delivery Program and 2021/22 Operational Plan, E2021/78478 
- 2 Draft 2021/22 Detailed Budget Estimates for Adoption, E2021/79835 
- 3 2021/22 Statement of Revenue Policy including fees and charges, E2021/62638 
- 4 Community Engagement Results - Operational Plan and Budget 2021/22 Submissions, E2021/78407 
- 15 5 The Federal Masterplan Steering Group Submission to Byron Council Draft Plan Budget, E2021/79848 
- 6 Detailed Submission from Bangalow Group, E2021/80081 

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Report

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

- 5 The Delivery Program turns the strategic goals found in the 10-year Community Strategic Plan into actions. The annual Operational Plan spells out the detail of the Delivery Program, identifying the individual projects and activities that will be undertaken in a specific year to achieve the commitments made in the Delivery Program. The Operational Plan must include the Council's annual budget, along with Council's Statement of Revenue Policy, which includes the proposed rates, fees, and charges for that financial year.

15 Council undertook a significant review of its Delivery Program in 2018 following the development of a new Community Strategic Plan and recommendations from the Infrastructure Community Solutions Panel. The postponement of the local government election resulted in the Delivery Program being extended for an additional year. It has not been reviewed this year.

Draft 2021/22 Operational Plan

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

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

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

The draft Operational Plan is included at Attachment 1.

- 30 The draft Operational Plan was placed on public exhibition from 14 May to 11 June 2021. 11 submissions were received during this period (as outlined further in the Consultation and Engagement section of this report).

Draft 2021/22 Operational Plan – amendments

The Operational Plan presented to Council today includes amendments based on the feedback from public exhibition as well as administration changes.

- 35 Key amendments include:

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Administration changes

Activity	Measure	Amendment
<p>1.1.3.22</p> <p>Deliver Upper Main Arm No.2 Causeway Renewal</p>	<p>Works complete on site and road open to traffic</p>	<p>Amended measure to “Works Construction Package Complete”</p>
<p>1.6.3.2</p> <p>Maintain Council-owned electric vehicle charging stations</p>	<p>Maintain service level agreement for Council's electric vehicle charging stations. Implement user-pays system for Council-owned charging stations. Deliver relevant communications to electric vehicle owners.</p>	<p>Change responsibility from Works to Environmental & Economic Planning</p>
<p>(removed) 2.1.4.2</p> <p>Aboriginal Cultural Heritage management, strategy, and mapping</p>	<p>Project completed to meet OEH grant requirements.</p>	<p>Moved to 2.5.1.1 (see below)</p>
<p>(replaced) 2.5.1.1</p> <p>Initiate Aboriginal Cultural Heritage Management Project</p>	<p>Aboriginal cultural heritage management plan initiated</p>	<p>Replaced with the former 2.1.4.2 activity: Aboriginal Cultural Heritage management, strategy, and mapping Measure: Project completed to meet OEH grant requirements.</p>
<p>(removed) 3.2.2.1</p> <p>Expression of interest for a community garden at 33 Charlotte Street, Bangalow</p>	<p>Expression of Interest process complete</p>	<p>Activity removed as the residents have indicated that they do not wish to progress with a community garden at this time.</p> <p>Numbering changes affected for the remainder of the 3.2.2 activities.</p>

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Activity	Measure	Amendment
<p>3.4.1.2 Continue to deliver Smart Farms – Small Grants project (Biodiversity Conservation Strategy Actions 3.4 & 3.10)</p>	<p>Deliver field days/workshops (3).</p> <p>Deliver farming mentoring program.</p> <p>Finalise rural landowners handbook.</p>	<p>Remove “Finalise rural landowners handbook” from the measure as this will be delivered in the 2020/21 financial year.</p>
<p>5.5.3.3 Implement Contract Management Framework</p>	<p>Implementation of Contract Management Framework commenced in accordance with the approved roadmap.</p>	<p>Amend activity to “<u>Develop and</u> implement Contract Management Framework”</p>
<p>5.6.7.2 Implement training and development program to improve the risk management culture in the organization</p>	<p>Delivery of one training or development initiative</p>	<p>Amend measure to “Delivery of one training or development initiative <u>and implementation of induction training for all staff</u>”</p>

New Activities

Strategic Link	Activity	Measure	Due Date	Other fields
<p>Strategic 1 - Infrastructure 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</p>	<p>1.1.3.23 Deliver Fixing Local Roads - Ocean Shores Resurfacing project</p>	<p>All program works complete and roads open to public</p>	<p>30/06/2022</p>	

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Strategic Link	Activity	Measure	Due Date	Other fields
values (SP)				
Strategic 1 - Infrastructure 1.2 - Provide essential services and reliable infrastructure which meet an acceptable community standard 1.2.4 - Provide active and passive recreational Community space that is accessible and inclusive for all (SP)	1.2.4.5 Deliver the grant funded car park works and provision of off-leash dog area project at the Mullumbimby Recreation Grounds	Commencement of works which will be delivered in 2023	30/06/2022	
	1.2.4.6 Support the Bangalow Showgrounds Section 355 Committee to deliver the grant funded road works and rotunda renewal project	Committee is supported to deliver the project in accordance with funding agreement	30/06/2022	
Strategic 1 - Infrastructure 1.2 - Provide essential services and reliable infrastructure which meet an acceptable community standard 1.2.9 - Provide safe, clean modern public toilets compliant to accessible standards for	Construct new accessible amenities block at Sandhills Estate (Middleton Street)	Accessible amenities block open for use	30/11/2021	DIAP: Liveable Communities

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Strategic Link	Activity	Measure	Due Date	Other fields
increasing visitor population and general public (SP)				
Strategic 1 - Infrastructure 1.3 - Support, through partnership, a network of integrated sustainable transport options 1.3.1 - Ensure an integrated and accessible transport network (SP)	1.3.1.7 Prepare Byron Bay Movement & Place Study	Draft Study document presented to Transport and Infrastructure Advisory Committee for public exhibition.	30/06/2022	
Strategic 3 - Environment 3.3 - Partner to protect and enhance the health of the Shire's coastlines, estuaries, waterways and catchments 3.3.1 - Implement Coastal Management Program	3.3.1.10 Belongil Creek Entrance Opening Strategy Review	Review and update the Belongil Creek Entrance Opening Strategy to ensure fish kill risk is appropriately considered. Report updated EOS to Council for endorsement.	31/12/2021	
	3.3.1.11 Belongil Creek Entrance Opening Approvals	Submit Marine Parks Authority permit and Crown Land license applications for the opening of Belongil Creek.	28/2/2022	

Public submissions and proposed changes

Operational Plan Activity	Measure	Recommendation to Council
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Operational Plan Activity	Measure	Recommendation to Council
<p>1.1.3.2 Deliver access ramp and footpath upgrade and renewal program shire wide</p>	<p>Access ramps and footpaths upgraded, as per program and in conjunction with planned capital projects to improve accessibility for community</p>	<p>Amend measure. “Access ramps and footpaths upgraded, as per program, in conjunction with planned capital projects to improve accessibility for community and consultation with Access Consultative Working Group.”</p>
<p>1.2.8.3 Complete renewal of Heritage Park northern boat ramp</p>	<p>Renewal works complete within budget</p>	<p>Activity to remain in the 20/21 Operational Plan but reference to DIAP removed.</p>
<p>1.5.5.1 Sewer Asset Management Plan</p>	<p>Complete and adopt the Sewer AMP</p>	<p>Activity to remain in the 20/21 Operational Plan but reference to DIAP removed.</p>
<p>2.2.1.3 Partner with Access Consultative Working Group to implement disability inclusion action planning priorities</p>	<p>Increased collective efficacy</p>	<p>Amend measure to “Demonstrated involvement through attendance at scheduled ACWG meetings”</p>
<p>New Activity 2.2.1.9 Advocate to National Parks about the accessibility and inclusion issues within their remit</p>	<p>Increased awareness and implementation of accessible and inclusive outcomes in National Parks</p>	<p>ACWG requested the inclusion of a new activity “Advocate to National Parks about the accessibility and inclusion issues within their remit”</p>
<p>New Activity 2.3.6.4 Upgrade of accessible playground equipment and accessible pathways at Gaggin Park in accordance with grant funding deed.</p>	<p>Accessible playground and pathways completed and open for use.</p>	<p>Adopt proposed activity as extension to works from the 2020/21 Operational Plan, enabled through grant funding.</p>
<p>2.3.8.4 Inclusively work with community groups to development Plans of Management for Crown</p>	<p>Ministerial approval of Plans of Management</p>	<p>Activity to remain in the 20/21 Operational Plan but reference to DIAP removed.</p>

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Operational Plan Activity	Measure	Recommendation to Council
Reserves		
3.1.2.2 Undertake bush regeneration activities to maintain and expand restoration of HEV sites on Council owned or managed lands forming part of the Council bush regeneration program	Delivered in accordance with budget and program	Activity to remain in the 20/21 Operational Plan but reference to DIAP removed.
4.1.3.17 Review LEP 2014 to identify provisions that are redundant and/or require updating to reflect strategic land use priorities.	LEP 2014 review commenced	Activity to remain in the 20/21 Operational Plan but reference to DIAP removed.
New Activity 4.4.1.3 Consider how to increase awareness of accessibility and inclusion for our business community in the development of the new business industry plan	Accessibility and inclusion considerations incorporated into the new business industry plan.	ACWG requested the inclusion of an activity about a community education and awareness for businesses about accessibility and inclusion requirements. The proposed new activity will provide a mechanism for that work.
5.6.3.1 Partner with managers in developing and implementing action plans following results from the Human Synergistics Organisational Culture Inventory (OCI) and Organisational Effectiveness Inventory (OEI) culture surveys.	Initiatives focused on culture improvement identified in Branch action plans and Managers feel capable and supported in implementing. P&C to develop initiative for whole of organisation culture improvement and ensure it is linked to values.	Activity to remain in the 20/21 Operational Plan but reference to DIAP removed.

Draft 2021/22 Budget Estimates (Statement of Revenue Policy)

The Draft 2021/22 Budget Estimates are based on the 2020/21 budget reviewed at 31 March 2021 Quarter Budget Review with various changes to reflect the updated cost of service delivery across all programs developed from the input received from each Council Directorate.

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The Draft 2021/22 Budget Result on a Consolidated (All Funds) basis as placed on public exhibition forecasted a deficit budget result as outlined below at Table 1.

Table 1 – Forecast Budget Result 2021/22 Consolidated (All Funds)

Item	Amount \$
Operating Result	
Operating Revenue	93,579,800
Less: Operating Expenditure	(77,453,200)
Less: Depreciation	(15,779,900)
Operating Result – Surplus/(Deficit)	346,700
Funding Result	
Operating Result – Surplus/ (Deficit)	346,700
Add: Non-cash expenses – Depreciation	15,779,000
Add: Capital Grants and Contributions	21,904,900
Add: Loan Funds Used	13,500,000
Add: Asset Sales	0
Less: Capital Works	(61,863,900)
Less: Loan Principal Repayments	(3,868,200)
Funding Result – Surplus/(Deficit) (Cash Movement)	(14,200,600)
Reserves Movement – Increase/(Decrease)	(14,200,600)
Overall Budget Result – Surplus/(Deficit) (Operating + Funding)	0

5 Table 1 indicated a balanced budget position, and this relates to the General Fund. The forecast General Fund Unrestricted Cash Balance position based on the draft budget included at Table 1 and placed on public exhibition is outlined in Table 2 below:

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Table 2 – Forecast General Fund Unrestricted Cash Balance

Item	\$
Forecast unrestricted cash balance to 30 June 2021 at 31 March 2021 Budget Review (proposed)	517,600
Add: Estimated initial draft 2021/22 budget result	0
Forecast unrestricted cash balance at 30 June 2022	517,600

During the public exhibition period, the Draft 2021/22 Statement of Revenue Policy incorporating the Draft 2021/22 Budget Estimates has been further reviewed. The revised budget position is summarised in Table 3 below:

- 5 Table 3 – Forecast Budget Result 2021/22 Consolidated (All Funds) revised during public exhibition period

Item	Amount \$
Operating Result	
Operating Revenue	93,495,300
Less: Operating Expenditure	(78,270,300)
Less: Depreciation	(15,779,900)
Operating Result – Surplus/(Deficit)	(554,900)
Funding Result	
Operating Result – Surplus/ (Deficit)	(554,900)
Add: Non-cash expenses – Depreciation	15,779,900
Add: Capital Grants and Contributions	26,237,800
Add: Loan Funds Used	13,500,000
Add: Asset Sales	0
Less: Capital Works	(65,559,600)

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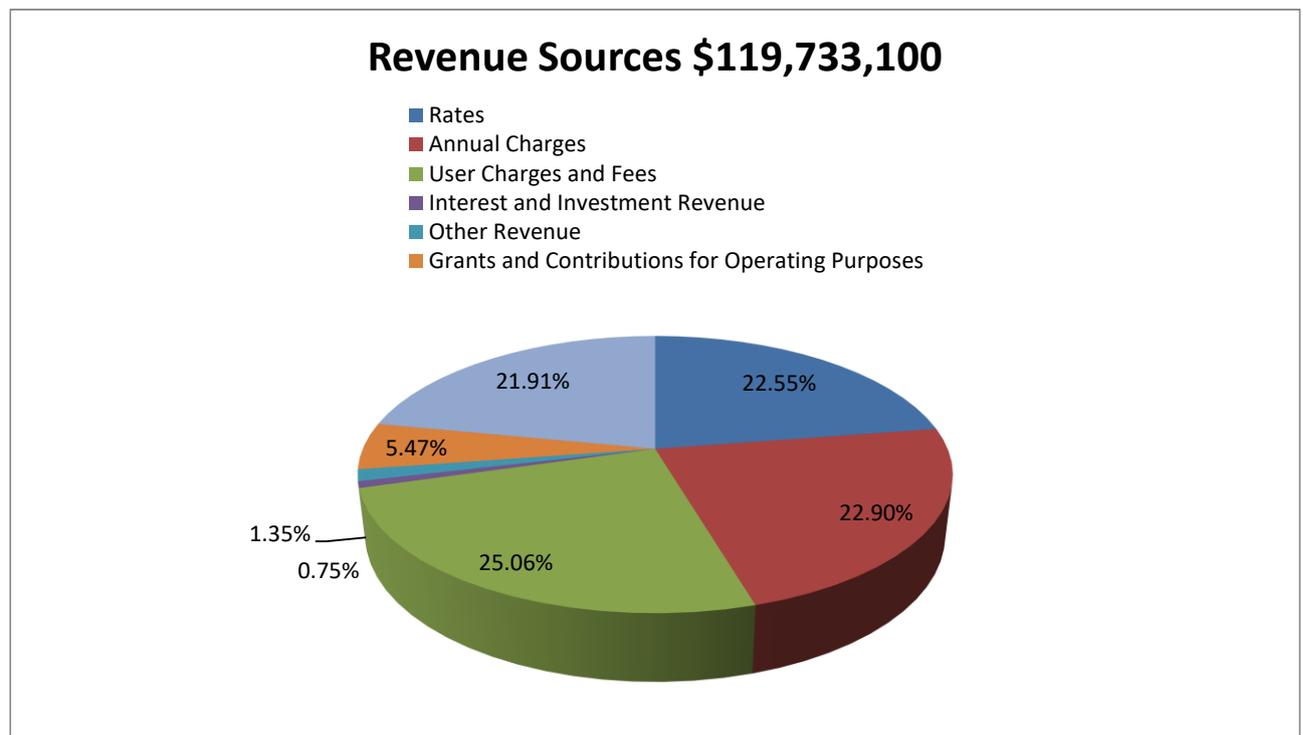
Less: Loan Principal Repayments	(3,868,200)
Funding Result – Surplus/(Deficit) (Cash Movement)	(14,465,000)
Reserves Movement – Increase/(Decrease)	(14,465,000)
Overall Budget Result – Surplus/(Deficit) (Operating + Funding)	0

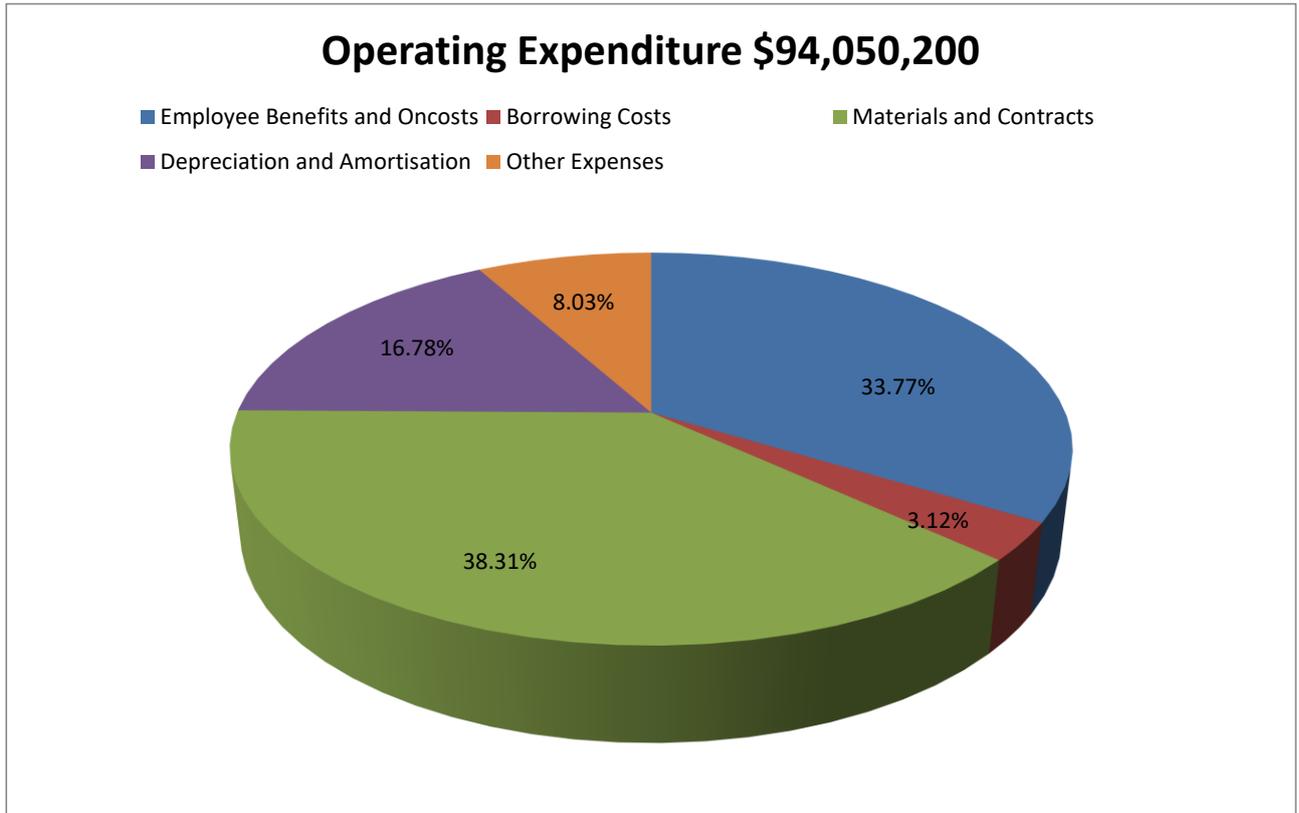
Table 3 indicates a forecasted balanced budget result, and this relates to the General Fund. The forecast General Fund Unrestricted Cash Balance position based on the draft budget included at Table 3 is outlined in Table 4 below:

Table 4 – Forecast General Fund Unrestricted Cash Balance

Item	\$
Forecast unrestricted cash balance to 30 June 2021 at 31 March 2021 Budget Review (proposed)	517,600
Add: Estimated initial draft 2021/22 budget result	0
Forecast unrestricted cash balance at 30 June 2022	517,600

- 5 The revised Draft 2021/22 Budget Estimates indicate that Council’s overall revenue and operational expenses are expected to be derived from the following sources and allocated respectively as outlined in the graphs below:

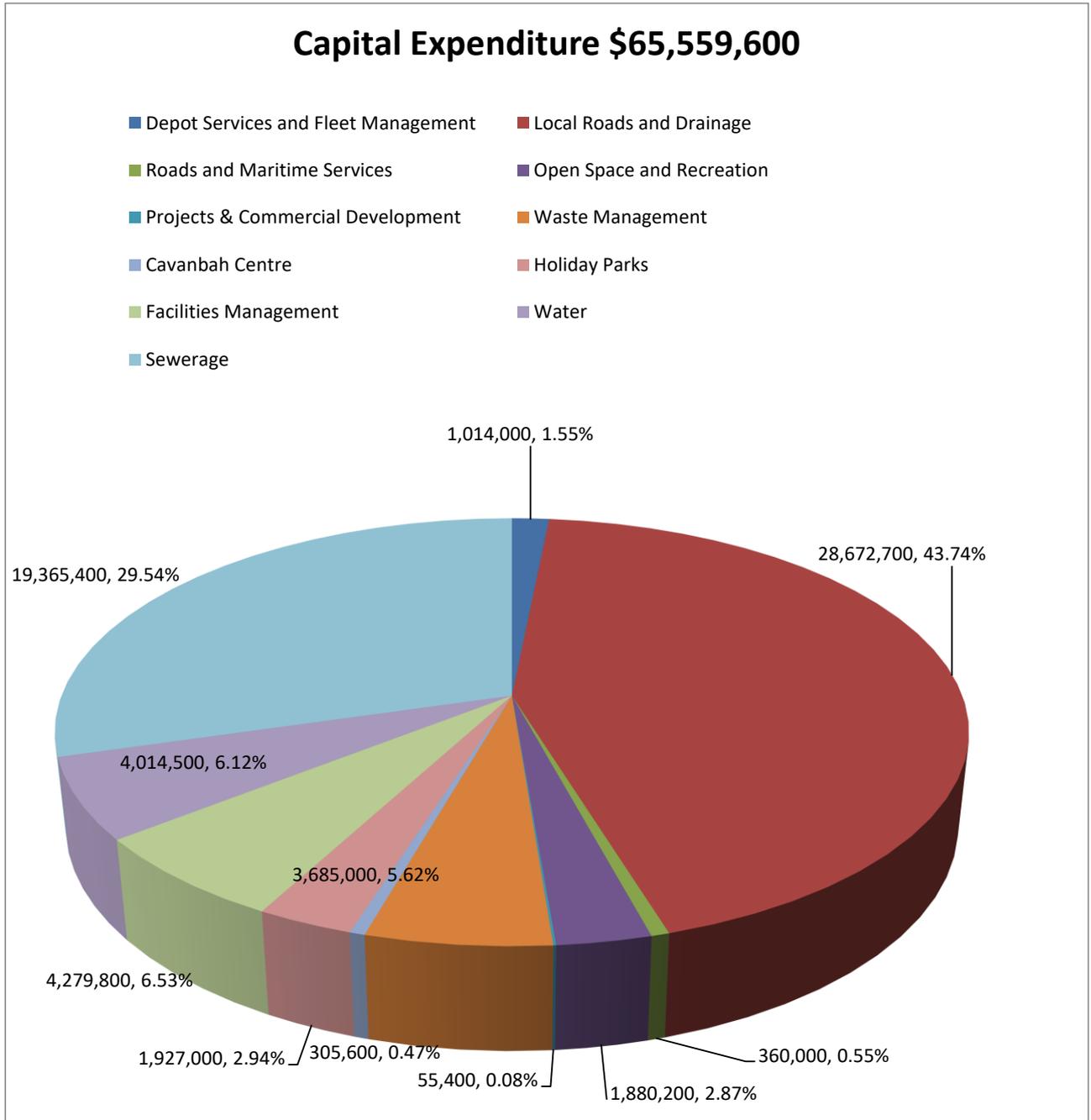




In addition to the operational aspects of the proposed Draft 2021/22 Budget Estimates as revised during the public exhibition period, Council is proposing a capital works program of \$65.560million.

5 By Fund, the projected capital works are:

- General Fund \$42.180million
- Water Fund \$4.015million
- Sewerage Fund \$19.365million



The Draft 2021/22 Budget Estimates also propose new loan borrowings of \$13.500million to fund the following projects:

- First Sun Holiday Park Land Purchase \$1.500million
- Bio-Energy Facility (Sewerage Fund) \$12.000million

Should Council need to borrow the full \$13.500million or less, this will be subject to lending approval. It may be likely that Council will not be able to access the low-interest initiative loan borrowing facility offered by the NSW Government through NSW Treasury Corporation as these projects will possibly fall outside its lending criteria. Nevertheless,

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given the current interest rate environment, Council should, depending upon approval processes, be able to obtain a relatively low interest rate.

Proposed Draft 2021/22 Budget adjustments following public exhibition

5 The major changes proposed to the Draft 2021/22 Budget Estimates following public exhibition are:

- Addition of grant funding and capital works of \$3,174,900 under the Fixing Local Roads programs to resurface roads in Ocean Shores.
- Addition of \$950,000 for Myocum Road removed at the 31 March 2021 Quarterly Budget Review from the 2020/21 budget but not added to the 2021/22 budget.
- 10 • Addition of a further \$208,000 for Lighthouse Roads/Reflections Stormwater Diversion Upgrade funded via grant.
- Removal of \$750,000 from the Byron Resource Recovery Centre Masterplan Stage 3 Leachate Treatment System as this budget item was duplicated.
- Addition of funding of \$28,000 for the Electricity Contract renewal as per Council resolution 21-136.
- 15 • Addition of \$61,800 to fund the extension of the Public Space Liaison Officers' term of appointment to 30 June 2022.
- Removal of \$20,100 in expenditure relating to the Richmond Tweed Regional Library Contribution following confirmation of the 2021/22 Byron Shire Council contribution.
- 20 • Provision of \$450,000 in expenditure (\$225,000 respectively for both Water and Sewerage Funds for system support services in regard to IT/Hardware, SCADA, Software and Asset Management).
- Provision of \$174,600 in expenditure for a Movement and Place Study funded from Byron Bay Urban Roads Developer Contributions.
- 25 • Revision of revenue and expenses budgets for Children's Services resulting in additional net cost of \$39,200 funded from the Children's Services Reserve.

30 In addition to Table 3 above, budgeted financial statements incorporating an Operating Statement and Cash Flow Statement have been produced. These financial statements, replicating the format of Council's Annual Financial Statements, are included in Attachment 1 as part of the Operational Plan, along with a one-page summary of all Council budget programs.

35 The immediate financial forecast of the General Fund for 2021/22 has been discussed in detail in this report, however it is suggested Council should consider its longer-term financial position. The budget projections demonstrate the difficulty Council has absorbing additional costs without corresponding revenue increases. Council must consider carefully the long-term implications on its finances when it is considering the addition of a new asset or service.

The Draft Detailed 2021/22 Budget Estimates are provided at Attachment 2 reflective of the summarised budget outcomes identified in Table 3 and the graphs above.

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

The Draft 2021/22 Revenue Policy includes the proposed rating structure, consistent with the structure revised by Council for the 2017/18 financial year. This is outlined in Attachment 3. The rating structure incorporates the approved rate peg of 2.00% determined by the Independent Pricing and Regulatory Tribunal (IPART). Council is now back to normal rate pegging increases, given the approved 2017/18 Special Rate Variation (SRV) concluded in the 2020/21 financial year. The cumulative increase in rates revenue generated by the SRV over the last four financial years is now a permanent addition to Council's rating revenue base.

The 2021/22 financial year will also see the continuation of new land valuations introduced for the 2020/21 financial year for the purposes of levying general land rates.

In respect of other charges, the Draft 2021/22 Revenue Policy includes the following:

- Waste Charges – increase of up to 14%. Charges for 2020/21 were increased by 1.80% but should have been increased further to reflect waste disposal costs so there is a catch-up proposed for 2021/22.
- Water access charges increasing around 3.2% and water usage charges increasing by 2.9% including continuation of water being the same price for usage irrespective of whether a consumer is residential or non-residential, providing equity for all consumers and continuation of the single tariff introduced in the 2019/20 financial year.
- Sewerage charge increased by 3.0%, including continuation of a fixed access charge for residential consumers and not charging sewerage usage charges based on water consumption as introduced in the 2020/21 financial year.
- The stormwater charge has not increased. It is a regulated charge that has not changed over the last fifteen years.

For the average residential ratepayer, the increases proposed for 2021/22 to rates and charges will see an overall increase of \$135.00 or 3.40% for 2021/22 compared to 2020/21.

Draft Fees and Charges (Statement of Revenue Policy)

The Draft 2021/22 Fees and Charges have been reviewed by the respective program managers and included at Attachment 3. Where possible, fees have been altered/increased to reflect the following specific changes:

- Increases in the Consumer Price Index (CPI)/Indexation - assumed at 1.00%.
- Review of fees and charges including benchmarking/cost of service provision and where possible, introduction of new fees to assist Council to generate additional/enhanced revenue.

Proposed Amendments

It is proposed to further amend the 2021/22 Fees and Charges with the following changes:

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Section 355 Committees Fees and Charges

Council has received a request from the Brunswick Valley Community Centre to include a new fee for hirers to access wifi at their premises (\$5/hour).

- 5 It is recommended to advertise this proposed change for 28 days should Council approve this amendment.

Inspection fees

- 10 It was noted by staff during the exhibition period of the draft 2021/22 fees and charges that there are inconsistencies in the fees that Council charges for inspections. Consultation with relevant staff reached a consensus that they should all be the same rate which is recommended at \$180 per hour (currently 50 of 62 fees are set at that rate).

It is recommended to advertise this proposed change for 28 days should Council approve this amendment.

Endorsement of legal documents

- 15 It was noted by staff during the exhibition period of the draft 2021/22 fees and charges that a fee had not been included to cover the PEXA costs associated with the electronic lodgements of land title dealings to be listed "as set by PEXA (the electronic lodgement network operator (ELNO)) and NSW Land Registry Services".

It is recommended to advertise this proposed change for 28 days.

Native Title Permit (Pay Parking)

- 20 It was noted by staff during the exhibition period of the draft 2021/22 fees and charges that a fee line did not exist for pay parking permits for members of Bundjalung of Byron Bay Aboriginal Corporation. Eligibility requirements apply through the Corporations members list which is updated yearly with the Office of the Registrar of Indigenous Corporations. There is no fee associated with this item.

- 25 This does not require exhibition as the fee is set at \$0 and it is recommended that this fee be adopted.

Out of School Hours (OOSH) Late fee

- 30 It was noted by Council staff during the exhibition period of the draft 2021/22 fees and charges that the OOSH fee titled "Late booking fee" should be titled "Late collection fee" and this has been updated accordingly.

This does not require exhibition and it is recommended that this fee be adopted given the dollar amount of the fee has not changed.

The fees under the heading 'Proposed Amendments' are yet to be advertised in accordance with Section 610F of the Local Government Act 1993 where applicable and it

is recommended that Council resolves to publicly exhibit the proposed fees and adopt them at the conclusion of the public exhibition period if there are no submissions.

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	5.2.1.1	Review Operational Plan annually

5 Recent Resolutions

- Endorsement of draft plans for public exhibition – 21-202

Legal/Statutory/Policy Considerations

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

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

Financial Considerations

- 15 The Operational Plan includes the annual budget required to fund the projects and services delivered as part of the Plan. The financial implications are outlined in the body of this report.

Consultation and Engagement

The Draft 2021/22 Operational Plan and Budget have been prepared based on the strategic priorities in the Community Strategic Plan and insights from the 2018 Community Solutions Panel (infrastructure) and the 2018 Community Satisfaction Survey.

- 20 The Draft 2021/22 Operational Plan and Budget was subject to 28 days' public exhibition, from 14 May to 11 June 2021.

A community conversation was held on 17 May as part of the exhibition period for the draft plans. One member of the public attended this session.

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Community feedback was sought online via www.yoursaybyronshire.com.au and an information booth in the Mullumbimby Office front foyer. Emails, public notices, and media releases were distributed to reach the widest population possible and provide the community with information and links to engage with Council.

- 5 A detailed report of the outcomes of this consultation and engagement is provided at Attachment 4 and the recommended amendments as per the public exhibition are outlined in section “Draft 20/21 Operational Plan – amendments” of this report.

Submissions received:

- 10 Council is required to consider any submissions received during the exhibition period prior to the Council’s endorsement and/or adoption of these documents.

The submissions have been considered and the proposed changes to the Operational Plan are outlined in this report. A summary and responses are provided in the comprehensive feedback document at Attachment 4.

Submissions were received from:

- 15
- Federal Masterplan Group (detailed submission at Attachment 5)
 - Bangalow Group (detailed submission at Attachment 6)
 - Access Consultative Working Group
 - 8 individuals relating to Sandhills and OOSH childcare services

Report No. 13.8 Report of the Public Art Panel meeting held on 29 April 2021

Directorate: Corporate and Community Services

5 **Report Author:** Pamela Durkin, Social and Cultural Support Officer, CACS - Social & Cultural Planning

File No: I2021/969

10 The Public Art Panel met on 29 April 2021 and attached are the minutes for noting by Council.

RECOMMENDATION:

- 15 1. That Council notes the minutes of the Public Art Panel meeting held on 29 April 2021
2. That Council adopts the following Panel recommendation:

Report No. 4.2 Byron Bypass Sound Wall - Graffiti and Rotating Mural Proposal
File No: I2021/467

Committee Recommendation:

That Council invests in an Anti-Graffiti Coating on all existing road facing panels of the bypass.

Attachments:

- 20 1 Minutes Public Art Panel meeting 29 April 2021, I2021/666 

Report No. 13.9 Section 356 Donations - Rates and Charges - Policy Review

Directorate: Corporate and Community Services

Report Author: Stephen Ansoul, Revenue Coordinator

5 **File No:** I2021/978

Summary:

The policy for Section 356 Donations – Rates and Charges was last adopted in 2014 and requires a review to ensure that its content remains contemporary.

10 The purpose of this report is to present an updated draft policy to Council for consideration prior to exhibiting for public comment.

The draft updated policy includes minor changes to eligibility criteria and includes an updated list of eligible organisations/properties proposed to receive a yearly donation made by Council towards their rates and charges.

15

RECOMMENDATION:

- 20
1. That Council places the updated draft ‘Section 356 Donations – Rates and Charges – 2021’ policy (Attachment 2 E2021/77889) on public exhibition for a period of 28 days and if no submissions are received, adopts the policy.
 2. That any submissions received on the updated draft ‘Section 356 Donations – Rates and Charges – 2021’ policy (Attachment 2 E2021/77889) be reported to Council for consideration, prior to the adoption of the draft policy.

Attachments:

- 25
- 1 Policy: Section 356 Donations - Rates, Water and Sewerage (Changed as per Resolution 13-695) (Current_Policies), E2014/19569 
 - 2 DRAFT Policy - Section 356 Donations - Rates and Charges - 2021, E2021/77889 

30

Report

For many years Council has provided financial support to eligible not-for-profit organisations in the form of a yearly donation towards their rates and charges in accordance with Section 356 of the Local Government Act 1993 (LGA).

- 5 These donations recognise the valuable services and/or activities provided to the local community by not-for-profit organisations and their limited resources to deliver these important services.

10 Some examples of organisations/properties that have traditionally received a donation towards their rates and charges include public halls, community centres, community preschools, scouts/girl guides and historical societies.

Council's current policy (Attachment 1 E2014/19569) was last updated in 2014 and is due for review.

Following that review, a draft updated 2021 policy has been attached to this report (Attachment 2 E2021/77889) for Council's consideration.

- 15 Key changes to the current 2014 policy, as a result of the review process, are summarised below.

Eligibility Criteria

The current 2014 policy eligibility criteria states that in order to be eligible for inclusion the facility must:

- 20
- a) Be operated by a not-for-profit organisation; and
 - b) Must relate to a community centre, public hall or facility that is available for use and / or provides a charitable service to the general community.

The suggested 2021 policy retains the general eligibility requirements of the current policy but now expands financial and property use qualification criteria to:

- 25
- The organisation must be not-for-profit and/or provide a charitable service.
 - The property occupied by the organisation must be integral to the organisation's provision of services.
 - The organisation must not be significantly funded from other revenue sources.
 - The services and/or activities provided by the organisation must benefit the local community.
- 30
- The organisation must not qualify for a rating exemption under sections 555 or 556 of the LGA.
 - The organisation can be defined as one of the following:

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- Community preschool
- Community based Hall or Community Centre
- Surf Life Saving Club
- Scouts or Girl Guides
- 5 • Historical Society
- Community Garden
- Showgrounds
- Other charitable organisation approved for inclusion by Council

Level of Donation

- 10 The updated 2021 policy suggests retention of the current process of providing a donation of 100% of an eligible property's rates, charges and fees (excludes user-based charges such as water usage, wastewater [sewer] usage, waste bin collection services).

Changes to the list of organisations/properties that qualify for a donation

- 15 During the review process, a number of organisations/properties currently receiving a donation were identified as being ineligible. Several eligible organisations/properties that have not been receiving a donation were also identified.

The list of (52) eligible organisations/properties within the suggested 2021 policy has been updated accordingly with the changes from the 2014 policy listed below:

Exclusions

- 20
- NSW Rural Fire Service – Cook Pioneer Hall – 32 Gordon Street MULLUMBIMBY
Funded via alternative method.
 - Island Quarry – 214 Ewingsdale Road BYRON BAY
Doesn't satisfy eligibility criteria.
 - Byron Gem and Lapidary Club – 25 Staceys Way TYAGARAH (airfield)
- 25
- Billinudgel School of Arts – 4 Wilfred Street BILLINUDGEL
Dilapidated building – unused for any activities or services.

Inclusions

- 30
- Federal Community Children's Centre - 898 Binna Burra Road FEDERAL
 - Durrumbul Hall - 9 Durrumbul Road MAIN ARM

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- Mullumbimby Showground - 62 Main Arm Road MULLUMBIMBY
- Byron Bay Preschool Inc - Cavanbah Centre - 35 Marvell Street BYRON BAY
- Bangalow Community Children's Centre - 1 Raftons Road BANGALOW
- Shara Community Gardens - 125 Shara Boulevard OCEAN SHORES
- 5 • Ocean Shores Preschool Inc - 121 Shara Boulevard OCEAN SHORES
- Byron Shire Respite Service Inc - Brunswick Valley Community Centre –
42 South Beach Road BRUNSWICK HEADS
- Brunswick Valley Meals on Wheels Inc - Brunswick Valley Community Centre –
42 South Beach Road BRUNSWICK HEADS
- 10 • Byron Bay Preschool - 49 Bottlebrush Crescent SUFFOLK PARK
- Tweed Valley Early Childhood - 89 Bottlebrush Crescent SUFFOLK PARK
- Byron Visitor Centre Inc - 80 Jonson Street BYRON BAY
- Tyagarah Community Association Inc - Tyagarah Hall
25 Staceys Way TYAGARAH
- 15 • Lilly Pilly Community Preschool Inc - 96 Kingsford Drive BRUNSWICK HEADS
- Mullumbimby Community Gardens - 156 Stuart Street MULLUMBIMBY
- Byron Youth Service - Youth Activities Centre - 1 Gilmore Crescent BYRON BAY
- Byron Bay Community Association Inc
Fletcher Street Cottage - 18 Fletcher Street BYRON BAY
- 20 • Byron Bay Community Association Inc
Byron Community Cabin (former Girl Guides Hall) - 35 Carlyle Street BYRON BAY
- Suffolk Park Community Gardens - 46 Beech Drive SUFFOLK PARK
- Mullumbimby Community Preschool -90 Station Street MULLUMBIMBY
- Byron Bay Scout Hall - 29 Tennyson Street BYRON BAY
- 25 The draft 2021 policy is intended to become effective from the 2021/22 rating year.

Options

Financial assistance provided by Council under section 356 of the LGA is optional. For rates and charges, Council can choose who to assist and the level of assistance provided

(for example Council could choose to limit the donation to specific rates or charges and also a certain percentage of that rate or charge).

Strategic Considerations

Community Strategic Plan and Operational Plan

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

5 Legal/Statutory/Policy Considerations

Donations provided by Council under section 356 of the LGA are optional.

Financial Considerations

10 Funding for rates and charges donations is included in the annual budget process with expenditure allocated to general, water or wastewater (sewer) funds to match the type of rate or charge donation provided.

15 The total amount of rates and charges donated in 2020/21 under the current 2014 policy was around \$125,000. If donations were provided in 2020/21 under the draft 2021 policy, a total amount of \$149,000 would have been donated. The draft 2021/22 budget has adequate funding available should Council wish to offer the revised level of donation proposed.

Consultation and Engagement

This report recommends that the draft 2021 policy be advertised for public comment for 28 days.

Report No. 13.10 Making of the 2021/22 Ordinary Rates, Charges, Fees and Interest Rate

Directorate: Corporate and Community Services

Report Author: Stephen Ansoul, Revenue Coordinator

5 **File No:** I2021/980

Summary:

Each year Council is required to make the ordinary rates and charges pursuant to sections 533, 534 and 535 of the Local Government Act 1993 (LGA), with section 543 of the LGA requiring Council to make a short separate name for each rate and charge it makes.
10 Council is also required to set the rate of interest charged on overdue rates and charges in accordance with section 566 (3) of the LGA.

This report satisfies these legislative requirements for the 2021/22 financial year.

15 **RECOMMENDATION:**

That in accordance with Sections 533, 534, 535, 543 and 566 of the Local Government Act 1993 (LGA), Council makes the ordinary rates, makes the charges, makes the fees and sets the interest rate to be charged on overdue rates and charges for 2021/22 listed in the tables within this report.
20

Report

5 Council placed the Draft 2021/22 Statement of Revenue Policy comprising the Budget Estimates, Rates and Charges, Borrowings and Fees and Charges on public exhibition for twenty-eight days following consideration of Report No.13.2 Draft 2021/22 Operational Plan and Budget for public exhibition at the Planning Meeting held on 13 May 2021 (Council resolution **21-202**).

10 The Statement of Revenue Policy provides a detailed description of the rating structure for ordinary land rates, charges and fees that Council will levy on the 2021/22 Rates and Charges Notice and describes the circumstances of a property to which a specific ordinary rate, charge, interest or fee will apply. It also lists relevant sections of legislation that allows for the levy of each rate, charge or fee to be made.

The public exhibition period seeking submissions on the draft documents closed on 11 June 2021, with the details of those submissions being the subject of another report to this Ordinary Meeting.

15 Council's four-year Special Rate Variation (SRV) under section 508A of the Local Government Act 1993 expires at the end of the 2020/21 financial year. As a result, Council has applied the maximum 2.0% rate pegging increase to its 2021/22 permissible general income as advised by the Independent Pricing and Regulatory Tribunal (IPART) on 8 September 2020, and announced by the Office of Local Government in circular 20-38 on 20 25 November 2020.

The permissible notional income has not been re-calculated since Council publicly exhibited the Draft 2021/22 Statement of Revenue Policy.

25 The Office of Local Government advised via Circular 21-04 on 16 April 2021, that the maximum 2021/22 interest rate on overdue rates and charges is to be 6.0%. Council has traditionally adopted the maximum permissible interest rate for overdue rates and charges.

In accordance with Sections 533, 534, 535, 543 and 566 of the Local Government Act 1993 (LGA), it is recommended that Council makes the ordinary rates, makes the charges, makes the fees and sets the interest rate to be charged on overdue rates and charges for 2021/22 as listed in the following tables:

30 Ordinary Rates

Name of Ordinary Rate (Rate Notice short name)	*Rate in the Dollar or Ad-Valorem amount (\$)	Minimum Rate (\$)
Ordinary Rate Residential	0.1996	947.00
Ordinary Rate Residential Flood	0.1996	474.00
Ordinary Rate Business	0.3378	947.00
Ordinary Rate Business Byron CBD	0.4752	947.00
Ordinary Rate Mining	0.3378	947.00
Ordinary Rate Farmland	0.1825	947.00
Ordinary Rate Farmland Flood	0.1825	474.00

**Applied to 2019 base date land valuation*

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Domestic Waste Management Charges

Name of Domestic Waste Collection Charge (Rate Notice short name)	Annual Charge (\$)
Domestic Waste 80L 3 Bin Collection	170.00
Domestic Waste 140L 3 Bin Collection	357.00
Domestic Waste 240L 3 Bin Collection	529.00
Domestic Waste 140L Week Collect 3 Bins	935.00
Domestic Waste 240L Week Collect 3 Bins	1,191.00
Domestic Waste 140L 2 Bin Rural Service	255.00
Domestic Waste 240L 2 Bin Rural Service	380.00
Domestic Waste Vacant Land Charge Urban	35.00
Domestic Waste Vacant Land Charge Rural	35.00
Domestic Waste Exempt Collection Charge	69.00
Domestic Recycling Additional Bin	119.00
Domestic Organics Additional Bin	137.00
Domestic Waste 80L 3Bin Multi Unit Serv	170.00
Domestic Waste 140L 3Bin Multi Unit Serv	357.00
Domestic Waste 240L 3Bin Multi Unit Serv	529.00
Domestic Waste 140L 3Bin Multi Unit Week	935.00
Domestic Waste 240L 3Bin Multi Unit Week	1,191.00
Domestic Waste 80L 2Bin Multi Unit Serv	170.00
Domestic Waste 140L 2Bin Multi Unit Serv	357.00
Domestic Waste 240L 2Bin Multi Unit Serv	529.00
Domestic Waste 140L 2Bin Multi Unit Week	444.00
Domestic Waste 240L 2Bin Multi Unit Week	566.00
Domestic Waste Strata 2Bin Share Service	283.00
Domestic Waste Strata 3Bin Share Service (fortnightly)	283.00
Domestic Waste Strata 3Bin Share Service (weekly)	566.00

Waste Management Charges (Non-Domestic)

Name of Waste Management Charge (Rate Notice short name)	Annual Charges (\$)
Commercial 140L Waste & Recycle Service	581.00
Commercial 240L Waste & Recycle Service	666.00
Commercial Waste 140L Bin Collection	581.00
Commercial Waste 240L Bin Collection	666.00
Commercial Rural Waste & Recycle Service	599.00
Commercial Recycling 240L Bin Collection	149.00
Commercial Organics 240L Bin Collection	138.00
Waste Operations Charge Residential	98.00
Waste Operations Charge Non-Residential	98.00

5 Bin Changeover Fee

Fee	Charges (\$)
Bins – Size and General Changeover Fee	64.00

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Stormwater Management Service Charges

Name of Stormwater Management Service Charge (Rate Notice short name)	Annual Charges (\$)
Stormwater Charge Residential	25.00
Stormwater Charge Residential Strata	12.50
Stormwater Charge Business Strata	\$25.00 per 350m ² of the land area occupied by the strata scheme (or part thereof), proportioned by the unit entitlement of each lot in the strata scheme, minimum charge \$5.00
Stormwater Charge Bus/Mixed Strata Min	12.50
Stormwater Charge Business	\$25.00, plus an additional \$25.00 for each 350m ² or part thereof by which the area of the parcel of land exceeds 350m ²

Water Charges

Name of Water Charge (Rate Notice short name)	Annual Charges (\$)
Water Access Charge 20mm Residential	196.00
Water Access Charge 20mm Non-Residential	196.00
Water Access Charge 25mm Residential	307.00
Water Access Charge 25mm Non-Residential	307.00
Water Access Charge 32mm Residential	504.00
Water Access Charge 32mm Non-Residential	504.00
Water Access Charge 40mm Residential	785.00
Water Access Charge 40mm Non-Residential	785.00
Water Access Charge 50mm Residential	1,227.00
Water Access Charge 50mm Non-Residential	1,227.00
Water Access Charge 65mm Residential	2,073.00
Water Access Charge 65mm Non-Residential	2,073.00
Water Access Charge 80mm Residential	3,140.00
Water Access Charge 80mm Non-Residential	3,140.00
Water Access Charge 100mm Residential	4,906.00
Water Access Charge 100mm Non-Residential	4,906.00
Water Access Charge Vacant Residential	99.00
Water Access Charge Vacant Non-Residential	99.00
	Usage Charges (\$)
Water Usage Charge Residential	2.88 per KL
Water Usage Charge Residential – Non-Compliant	5.77 per KL
Recycled Water Usage Charge Residential	0.01 per KL
Water Usage Charge Non-Residential	2.88 per KL
Water Usage Charge Non-Residential - Non-Compliant	5.77 per KL
Recycled Water Usage Charge Non-Residential	0.01 per KL

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Wastewater (sewer) Charges and On Site Sewage Management System Fee

Name of Wastewater (sewer) Charge or Fee (Rate Notice short name)	Annual Charges or Fee (\$)
Wastewater (sewer) Access 20mm Res	1,295.00
Wastewater (sewer) Access 20mm Non-Res	874.00
Wastewater (sewer) Access 25mm Res	2023.00
Wastewater (sewer) Access 25mm Non-Res	1,367.00
Wastewater (sewer) Access 32mm Res	3,315.00
Wastewater (sewer) Access 32mm Non-Res	2,238.00
Wastewater (sewer) Access 40mm Res	5,179.00
Wastewater (sewer) Access 40mm Non-Res	3,498.00
Wastewater (sewer) Access 50mm Res	8,092.00
Wastewater (sewer) Access 50mm Non-Res	5,465.00
Wastewater (sewer) Access 65mm Res	13,675.00
Wastewater (sewer) Access 65mm Non-Res	9,237.00
Wastewater (sewer) Access 80mm Res	20,715.00
Wastewater (sewer) Access 80mm Non-Res	13,992.00
Wastewater (sewer) Access 100mm Res	32,368.00
Wastewater (sewer) Access 100mm Non-Res	21,862.00
Wastewater (sewer) Access Vacant Res	648.00
Wastewater (sewer) Access Vacant Non-Res	648.00
Wastewater (sewer) Access – Pump Res	1,269.00
Wastewater (sewer) Access – Pump Non-Res	849.00
On-Site Sewage Management System Fee (OSMS)	52.00
	Usage Charges (\$)
Wastewater (sewer) Usage Charge Non-Residential	*SDF x 2.88 per KL

*SDF = Individual Property Sewer Discharge Factor (%)

Liquid Trade Waste Charges

Name of Liquid Trade Waste Charge (Rate Notice short name)	Annual Charges (\$)
Liquid Trade Waste – Category 1	160.00
Liquid Trade Waste – Category 2	267.00
Liquid Trade Waste – Category 2S	267.00
Liquid Trade Waste – Category 3	757.00
	Usage Charges (\$)
Liquid Trade Waste Usage Charge	**TWDF x 2.34 per KL
Liquid Trade Waste Usage Charge – Non-Compliant Cat 1	**TWDF x 3.87 per KL
Liquid Trade Waste Usage Charge – Non-Compliant Cat 2/2S	**TWDF x 17.25 per KL
Liquid Trade Waste Usage Charge – Non-Compliant Pump Stn	**TWDF x 3.87 per KL

*TWDF = Individual Property Trade Waste Discharge Factor (%)

5

Interest Rate on Overdue Rates and Charges

Name of Interest Rate (Rate Notice short name)	Rate (%)
Interest	6.0%

Next steps

Should Council adopt the recommendations in this report, 2021/22 levying of rates, charges and fees via issuing of the 2021/22 Rates and Charges Notice is scheduled for mid-July 2021.

5 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

Legal/Statutory/Policy Considerations

Temporary legislation that provided Council with more flexible options regarding budget adoptions for the 2020/21 rating year due to the COVID-19 pandemic have now expired.

- 10 Council is required to make the rates and charges and set the interest rate for 2021/22 pursuant to sections 533, 534, 535,543 and 566 of the Local Government Act 1993 (LGA). The relevant sections or sub-sections of the LGA are summarised below:

Section 533 Date by which a rate or charge must be made

- 15 A rate or charge must be made before 1 August in the year for which the rate or charge is made or before such later date in that year as the Minister may, if the Minister is of the opinion that there are special circumstances, allow.

Section 534 Rate or charge to be made for a specified year

Each rate or charge is to be made for a specified year, being the year in which the rate or charge is made or the next year.

- 20 **Section 535** Rate or charge to be made by resolution

A rate or charge is made by resolution of the council.

Section 543 Each form of a rate and each charge to have its own name

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Council must, when making an ordinary rate or charge, give a short separate name for each amount of the ordinary rate or charge.

Section 566 Accrual of interest on overdue rates and charges

5 The rate of interest is that set by the council but must not exceed the rate specified for the time being by the Minister by notice published in the Gazette.

Financial Considerations

10 The 2021/22 budget including proposed works and services to be adopted by Council at this Ordinary Meeting is the subject of another report. The Draft 2021/22 Budget Estimates have been based on the maximum 2.0% general permissible income increase as approved by IPART.

Charges proposed for water, wastewater (sewer), stormwater and waste services have been based on the works and maintenance requirements of those areas and in conjunction with legislative requirements of the LGA to establish such charges.

Consultation and Engagement

15 The rates, charges, fees and interest rate included within this report are contained within the Draft 2021/22 Statement of Revenue Policy comprising the Budget Estimates, Rates and Charges, Borrowings and Fees and Charges that was placed on public exhibition for twenty-eight days following consideration of Report No.13.2 Draft 2021/22 Operational Plan and Budget for public exhibition following the Planning Meeting held on 13 May 2021
20 (Council resolution **21-202**).

Report No. 13.11 Amendment to the 2021 Meeting Schedule

Directorate: Corporate and Community Services

Report Author: Heather Sills, Corporate Planning and Improvement
Coordinator

5 **File No:** I2021/995

Summary:

Clause 3.2 of Council's *Code of Meeting Practice* states that "*The council shall, by resolution, set the frequency, time, date and place of its Ordinary meetings.*"

10 This report seeks Council's endorsement for the cancellation of the 29 July Ordinary Meeting as set by the 2021 Meeting Schedule adopted by Council (Resolution 20-675).

RECOMMENDATION:

15 **That the Ordinary Meeting scheduled for 29 July 2021 be cancelled and that notice be given on Council's website of the change of meeting schedule.**

Report

5 Council, on resolving the 2021 Meeting Schedule (resolution 20-675), included the provision of an Ordinary Meeting on 29 July 2021. The purpose of this meeting in addition to the usual schedule of meetings was to allow for any business to be transacted that may have been delayed due to a resurgence of Covid, or subject to restriction during the caretaker period, commencing on 7 August 2021.

The General Manager has determined that no such business needs to be considered by Council at this time and therefore this additional meeting is not required.

10 A resolution of Council is required to endorse the proposed cancellation of the 29 July Ordinary Meeting as set by the 2021 Meeting Schedule, in accordance with clause 3.2 of Council’s *Code of Meeting Practice* which states that “*The council shall, by resolution, set the frequency, time, date and place of its Ordinary meetings*”

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

15 **Recent Resolutions**

- 20-675 - Adoption of the 2021 Meeting Schedule

Legal/Statutory/Policy Considerations

Clause 3.2 of Council’s *Code of Meeting Practice* states that “*The council shall, by resolution, set the frequency, time, date and place of its Ordinary meetings.*”

20 This change to the meeting schedule has no effect on Council’s compliance with its obligations under the various sections of the *Local Government Act 1993* that apply to meeting dates, namely:

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- [Section 9](#) notes that a council must give notice to the public of the times and places of its meetings
- [Section 365](#) notes that Council is required to meet at least 10 times each year, each in a different month
- 5 • [Section 367](#) outlines the required notice period of business papers for Councillors.

Financial Considerations

There are no financial implications.

Consultation and Engagement

Notice of the changed meeting schedule will be given to the public on Council's website.

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**Report No. 13.12 Submissions Report for the Public
Exhibition of the Sustainable Visitation
Strategy and Tourism Resilience Discussion
Paper**

5

Directorate: Sustainable Environment and Economy
Report Author: Sharyn French, Manager Environmental and Economic
Planning
Lisa Richards, Business Enterprise Officer

10 **File No:** I2021/443

Summary:

15 This report presents the outcomes of the draft Byron Shire Sustainable Visitation Strategy 2020-2030 (SVS) public exhibition, and the review of the Enterprising Byron 2025 - Economic Development Strategy actions, as well as a framework and process to develop a whole of business industry strategy moving forward.

20 The SVS was prepared pre COVID-19 and as such did not consider the impacts of such an event on the industry and the dramatic resulting shift in business needs and priorities. The pre-COVID statistical data in the SVS is outdated. New data that included the impacts of the global pandemic on the visitor economy was exhibited in conjunction with the SVS in the Tourism Resilience Discussion Paper, and this data now needs further refinement due to the rate of new information and data emerging. Many of the SVS themes and actions are still relevant, though some are now more important and need to be reprioritised (e.g. key worker housing) and new themes are needed such as planning for natural disasters, pandemics and a financial crisis.

25 There is still information in the SVS that is highly relevant and will be retained moving forward, including the community focussed values and principles along with other relevant information, actions and feedback from the public exhibition.

30 The accelerated rate of change brought about by the global pandemic was not considered in the development of the SVS, and as our visitor economy is part of our larger business industry (though a significant sector), it is proposed that the SVS be noted as a point in time document and a new strategy be prepared that encompasses all our business sectors.

35 In addition to the SVS information to be retained, the new strategy will also include relevant outstanding and ongoing actions from Enterprising Byron 2025 and include new actions, information, and research.

This report presents a draft framework and process to develop our whole of business industry strategy for Council's consideration.

RECOMMENDATION:

5 **That Council:**

1. **Endorses the framework and process to develop the whole of business industry strategy as outlined in this report.**
 2. **Reaffirms Resolution 20-353, relevant parts, to allocate the voluntary visitor contribution from Council's First Sun and Suffolk Park Holiday Parks to the delivery of our business industry strategy once adopted by Council.**
- 10

Attachments:

- 1 Draft Sustainable Visitation Strategy - public submissions summary, E2021/65329 
 - 2 FINAL Submissions report on the Sustainable Visitation Strategy and Tourism Resilience Paper for attachment to Council report - redacted, E2021/209 
- 15

Report

Draft Byron Shire Sustainable Visitation Strategy 2020- 2030

5 Prior to the natural disasters of 2019/20 and the COVID-19 pandemic, Council undertook an extensive engagement program where it heard from over 1,500 residents, ratepayers, businesses and visitors to inform the development of the Byron Shire Draft Sustainable Visitation Strategy 2020-2030 (SVS).

10 The draft SVS was considered by Council at its Planning Meeting on 19 March 2020 and was endorsed for public exhibition (Resolution 20-101). Less than one week later, COVID-19 sent the country into various stages of lockdown and the SVS was placed on hold due to the impact this had on the visitor economy.

15 As the SVS was drafted prior to the natural disasters of 2019/20 and COVID-19, it was important to pause, prior to exhibition to enable further engagement with the industry to capture ideas and feedback for resilience planning and to revise the economic and visitor economy forecast data. It has been an important time to connect with the visitor economy to understand the effect COVID-19 has had on their businesses, share ideas and understand their position on the recovery process so far.

20 This information was used to inform the preparation of a Tourism Resilience Discussion Paper, which accompanied the exhibition of the draft SVS. The discussion paper aimed to re-engage and stimulate discussion with businesses, industry and community around the resilience of our visitor economy.

The Draft Byron Shire Sustainable Visitation Strategy 2020-2030 accompanied by the Tourism Resilience Discussion Paper, was on public exhibition for a period of 45 days in October - December 2020.

25 Sixty-two (62) submissions were received of which twelve (12) submissions were specific to the multi use rail trail corridor and forty-one (41) submissions were specific to short term rental accommodation of which twenty-eight (28) were form letters.

Overall there was general support for the strategy's vision, core values and themes with some additional new themes proposed: Planning for Natural Disasters, Pandemics and Financial Crisis and Environmental Sustainability - Natural Environment.

30 There was general support for the actions, though strong concern was expressed over funding uncertainty to effectively implement the actions, together with the expectation that further consultation on their implementation will be provided for all of our community.

35 There was also some concern that the information is too generalised and applied to the whole shire when some issues may be different for our respective towns and villages. Similarly, there was support for the information to be tailored to the particular characteristics and issues for each town/village.

The majority of those who raised the multi use rail corridor requested council abandon this idea in favour of a rail trail network in line with neighbouring councils.

The majority of those who raised Short Term Rental Accommodation requested no cap on number of days or locations due to significant economic and social impacts on businesses and staff employed.

5 As is the nature of our community, for most things someone supported, an alternate view was expressed.

Attachment 1 contains a summary of the key issues raised. A full copy of all submissions can be viewed in Attachment 2.

Review of Enterprising Byron 2025 Economic Development Strategy

10 An audit of the Enterprising Byron 2025 action plan has been conducted. 40 of the 64 activities/ strategies were completed.

Key achievements include:

- Masterplans developed for Byron Bay Town Centre, Byron Arts and Industry Estate, Bangalow and Mullumbimby
- Business Surveys with more than 1,200 responses
- 15 • Introduction of regular business e-newsletter
- Workshop on mental health and wellbeing for small business owners
- Appointment of Agricultural Officer
- Delivery of Regional Food Handbook
- 20 • Delivery of workshops to the community on the .id demographic resources tools and COVID-19 impacts and economic outlook webinars

The audit highlighted disconnect between the activities/ strategies and actions to deliver on these activities/ strategies. Due to this disconnect, and that many of the activities/ strategies having been completed and taking into consideration the impacts for COVID-19 and recent natural events, there is the need for a new updated business industry plan.

25 Next Steps- New, updated whole of business industry strategy

30 As the draft SVS and Enterprising Byron 2025 were written before COVID-19 and the prior natural disasters, they are point in time documents. They did not foresee nor address business resilience in terms of disaster preparedness, mental health and wellbeing and industry recovery. Moving forward, it is proposed that the relevant actions and information from both the SVS and Enterprising Byron 2025 along with new research and engagement are brought together to create a whole of business industry strategy.

Engagement and research to inform new whole of business industry strategy

Engagement and research to inform a new whole of business industry strategy includes;

- Northern Rivers Regional Economic Development Strategy 2018-2022
- Enterprising Byron 2025
- Business Surveys in 2017/ 2018 and 2020- 1,200 responses
- 5 • Draft Byron Shire Sustainable Visitation Strategy 2020-2030 and Tourism Resilience Discussion Paper
- Discussions with local Chambers of Commerce, agencies, industry and networking groups and other key stakeholders
- .id informed decisions demographic resources on Council’s website, ABR and Tourism Research Australia
- 10 • State government Visitor Economy Strategy 2030
- Austrade Reimagining the Visitor Economy Discussion Paper

Business Impacts, Resilience and Continuity Survey 2020

15 During the peak of COVID-19 council engaged with business to better understand the impacts on our business community. 200 responses were received to the reiterative survey, from Monday 4 May to Sunday 26 July 2020. The following are the key findings of this survey, which will inform the new strategy:

- The resilience of each business depended more on each business’ ability to adapt rather than the industry sector as a whole.
- 20 • Negative impacts included temporary business closures and mental health and wellbeing impacts on business owners and their employees
- Some businesses used the time to refocus on future goals and create more efficient practices within their business, as well as move their business online.
- For most business owners, ensuring they and their staff had jobs over the next few months was a key priority.
- 25 • JobKeeper and JobSeeker were identified as the most helpful government initiatives with continuous financial support post COVID19 expressed by many.

Our emerging industry sectors

30 We know the business industry space is moving quickly, particularly due to COVID-19 impacts, Byron Shire being a haven for entrepreneurship and new residents moving to the region to engage in our lifestyle and work flexibly.

35 Taking into consideration the industries with the most GST registered businesses, industries by value and by employment, industry sectors with strong percentage growth compared to Regional NSW and the industry sectors aligned with community’s values and with low environmental impact, the following emerging sectors have been identified to inform the new whole of business industry strategy:

- Food product manufacturing
- Professional, Scientific and Technical Services
- Education and Training
- Health Care and Social Assistance

5 New whole of business industry strategy framework

The 2030 whole of business industry strategy aim is to deliver on the vision:

'A resilient and diverse economy providing for our community in a sustainable manner'.

This was the vision adopted for the Enterprising Byron 2025 strategy however it is still relevant now and into the future.

10 Based on the above engagement and research, 3 strategic objectives have been identified:

1. Support the resilience and longevity of local industry, business and employment
2. Encourage our emerging sectors to flourish
3. Build informed and connected businesses

15 These objectives will cover job security and creation, entrepreneurship and innovation, business resilience, collaboration and leadership, promotion of investment, education and training as well as support for a sustainable visitor economy.

20 It is important that the strategy takes a holistic approach and takes the reader on a journey pre-COVID, during COVID-19 and beyond. It will outline what Council can and cannot do in the business industry space, acknowledge and address actions to support our established sectors such as our visitor economy, as well as our emerging sectors. Key issues that are addressed in other strategies such as housing for key workers and land availability will also be acknowledged.

25 Given that the direction and framework for this strategy has been well informed by our business's and community and that the development of this strategy will include future workshopping with stakeholders and Councillors, it is proposed that this process and framework are adopted by Council in order to continue to support our industries, business and employment.

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	4.4	Support tourism and events that reflect our culture and lifestyle	4.4.1	Build a tourism industry that delivers local and regional benefits in line with the community's values	4.4.1.1	Finalise development of Sustainable Visitation Strategy
Community Objective 4: We manage growth and change responsibly	4.3	Promote and support local business development, education and employment opportunities	4.3.1	Facilitate and support sustainable development of our business community	4.3.1.1	Update the Economic Development Strategy and Action Plan

Legal/Statutory/Policy Considerations

N/A

5 Financial Considerations

Council resolved at the 25 June 2020 meeting (Resolution **20-353**, relevant parts):

2. Continues to collect a voluntary visitor contribution from Council's First Sun and Suffolk Park Holiday Parks; and
3. Allocates the funds collected from 2 to implement the Byron Shire Sustainable Visitation Strategy once adopted by Council.

It is proposed that the voluntary visitor contribution from Council's First Sun and Suffolk Park Holiday Parks be allocated to the implementation of the broader business enterprise strategy.

Consultation and Engagement

15 The engagement to inform the draft SVS included:

- 5 industry tourism issues workshop- over 100 stakeholders attending

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- Talking Future Tourism Kitchen Table Handbook discussions- 11 facilitated community meetings and over 1200 individual responses from community members
 - 3 visitor focus groups
 - Stakeholder interviews
- 5
- Community Solutions Panel of 26 randomly selected Byron Shire residents and/or rate payers

Engagement and research to inform a new whole of business industry strategy includes;

- Northern Rivers Regional Economic Development Strategy 2018-2022
- 10
- Enterprising Byron 2025
 - Business Surveys in 2017/ 2018 and 2020- 1200 responses
 - Draft Byron Shire Sustainable Visitation Strategy 2020-2030 and Tourism Resilience Discussion Paper
- 15
- Discussions with local Chambers of Commerce, agencies, industry and networking groups and other key stakeholders
 - .id informed decisions demographic resources on Council's website, ABR and Tourism Research Australia
 - State government Visitor Economy 2030 strategy
 - Austrade Reimagining the Visitor Economy Discussion Paper
- 20

Report No. 13.13 Brunswick Valley - Vallances Rd Vision and Roadmap

Directorate: Sustainable Environment and Economy

Report Author: Julia Curry, Sustainability and Emissions Reduction Officer

5 **File No:** I2021/750

Summary:

10 Councillors developed a vision at the May 2020 Brunswick Valley Vision and Charter Workshop that the Brunswick Valley site remains a core community asset, which fulfils its operational function, and has evolved to improve access and fulfil an environmental education role in the community.

This vision underpinned the review of the 2017 *Brunswick Valley Sustainability Centre Management Plan* (2017 Plan) to take into account the future use and long term development of the Council-owned operational land at Vallances Road. This has resulted in the *Brunswick Valley – Vallances Road Vision and Roadmap* (Attachment 1).

15 The Roadmap assesses and prioritises 14 potential land uses against a set of agreed land use planning criteria. It draws together information from the 2017 Plan, existing Council strategies and policies, new technical advice on some potential land-uses, the staff and Councillor Vision and Charter workshop, and preliminary assessment undertaken during an internal stakeholder workshop in early 2021.

20 The Roadmap recommends Council proceed with further investigations into an environmental education facility and re-establishing a plant nursery on-site as these two land-uses have a strong environmental benefit, align closely with the criteria and are highly compatible with the existing operational use of the STP.

25 It is proposed that an internal working group, in consultation with key stakeholders, including the Tweed/Byron Local Aboriginal Land Council (LALC) and the Arakwal Corporation, will develop a scope for an on-site plant nursery and environmental education facility, with the view to go out as an expression of interest later in 2021.

30 The Roadmap considered and the use of the site for a natural burial ground (NBG) (as required by resolution **20-669**) against the agreed assessment criteria. An assessment of the sites suitability against this criteria found that due to the significant site constraints and costs to support an inclusive NBG accessible to all our community the Vallances Road site is not the most appropriate location for this land use.

35 As such other sites including existing cemeteries and the Bangalow Sewage Treatment Plant are being considered to provide for a NBG in Byron Shire. A preliminary review of these sites has commenced using NBG land use planning criteria. This initial assessment indicates there is potential for a NBG in a much more suitable location that is less constrained than the Vallances Rd site. Further detailed consideration and discussion with

the Natural Burial Committee is required to progress to a preferred site selection, for reporting to Council.

5

RECOMMENDATION:

That Council:

1. **Adopts the *2021 Brunswick Valley – Vallances Rd Vision and Roadmap* (Attachment 1 – E2021/60116)**
- 10 2. **Proceeds with development of a scope for a plant nursery and environmental education facility at the Vallances Road site.**
3. **Works with the Natural Burial Committee and key stakeholders to refine the criteria and identify suitable alternative sites.**
4. **Receives a further report on outcome of items 2 to 3 above.**

15 **Attachments:**

- 1 2021 Brunswick Valley - Vallances Rd, Vision and Roadmap, E2021/60116 

Report

Byron Shire Council has been undertaking investigations to guide the future use and long term development of the Council-owned operational land at Vallances Road for a number of years. In 2017 Council published the *Brunswick Valley Sustainability Centre Management Plan* (2017 Plan) that identified potential land uses that could exist alongside the operational role of the land as the Brunswick Valley Sewage Treatment Plant (BVSTP).

Consultants, Hip V Hype (HvH), were engaged in February 2021 to review and update the 2017 Plan. This has resulted in the Brunswick Valley – Vallances Road Vision and Roadmap Attachment 1). It follows on from the 2017 Plan, uses project assessment criteria and synthesises outcomes from potential land use feasibility assessments to assess and prioritise these land uses.

The Roadmap brings together information from:

- 2017 Brunswick Valley Sustainability Centre Management Plan
- Council strategies and policies
- New technical advice obtained in relation to some potential land uses
- Staff and Councillor Vision and Charter workshop (May 2020)
- Preliminary assessment undertaken during an internal stakeholder workshop (2021).

It reviews all 14 potential land uses and uses assessment criteria determined at the May 2020 internal Councillor and staff workshop, as well as planning, strategic policy and physical site assessments to determine the preferred land uses for the site.

The potential land-uses considered were:

- Further environmental area rehabilitation (already active on-site)
- Trails network
- Biomass coppicing
- Establishment of shared path connection to Mullumbimby over railway bridge
- Environmental education facility
- Community gardens
- Camping/low scale visitor accommodation
- Food and beverage offering
- Nursery

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- Upgrade to BVSTP
 - Water balance reservoir and constructed wetlands
 - Solar PV expansion project – feasibility study completed in 2021
 - Natural burial ground (NBG)
- 5 • Subdivision of land lease or sale

These land uses were assessed against the following criteria:

- Operational alignment: aligns with or is complementary to existing operation and future needs of core STP operational land function
- 10 • Community need: responds to an identified community need, delivering clear social benefit
- Traditional owner involvement: does or has potential to include traditional landowner involvement and opportunities
- Financial viability: is financially viable based on ‘whole of life-cycle costings’
- 15 • Environmental benefit: ensures a sustainable approach to land management and ecological assets that considers climate change impacts
- Achievable without compromise: is achievable without compromising resourcing (PM) or funding from designated funds
- Consistent with core business: is consistent with the core business of Council
- 20 • Builds community resilience: such as social cohesion or building adaptive capacity in relation to climate change impacts
- Creates clear economic benefit: local job creation or other economic benefit

It is important to note that first and foremost the site is operational Council-owned land, and potential future land-uses must not interfere with this purpose and the above criteria.

25 Based on the criteria and considering Council’s vision statement, the preferred land uses that have the most merit are the plant nursery that would utilise the existing on-site infrastructure, and an environmental education facility.

30 Other land-uses were also supported on the site such as the upgrade to the BVSTP and others had merit if linked to another use but not as a standalone use. For example, camping and a food and beverage offering should only be considered if linked to the environmental and education facility.

Two land-uses were not recommended on this site due to their limited alignment with the assessment criteria and the likely significant costs that would be required to successfully deliver the projects. These are:

- 5 • community solar PV project: due to additional costs associated with racking the solar above the flood zone, distance from grid connection and minimal demand from BVSTP, and
- natural burial ground: due to the conflict with the operational land, flood and access constraints and incompatibility with other potential land use options – NBGs are further discussed below

10 A summary of the Roadmap's recommendations can be viewed on pages 41-43 of the Roadmap in Attachment 1.

Nursery and Environmental Education Facility

15 The re-establishment of a nursery on-site, building on the existing commercial nursery infrastructure, strongly aligns with the Roadmap's vision and assessment criteria, and would be beneficial for both Council and community.

20 The environmental education facility is an initiative that will highlight innovations in sustainable land management and potentially broader environmental education into the future. It is anticipated that the scale of the facility would be able to house 20-30 people – for high school, tertiary and adult education field trips, with the potential for private team-building offerings. Preliminary assessment dictates that this initiative is supported, however it is subject to a viable business model being established that balances capital and operational cost with return on investment and a third party not-for-profit/social enterprise operator or educational institution.

25 To advance this an internal working group will meet to develop a scope of works in consultation with key stakeholders, including the Tweed-Byron LALC and Arakwal Corporation, for both a plant nursery and an environmental education facility, with a view to developing an expression of interest to test the market place.

Natural Burial Ground

30 The Roadmap considered the use of the site for a NBG (as required by resolution **20-669**) against the predetermined criteria. The assessment found that due to the following, and Council's commitment to co-creating an equitable, accessible and inclusive community, as per Council's Community Strategic Plan and Disability Inclusion Action Plan, Vallances Road is not the optimal location for a NBG:

- 35 • access via Vallances Road may require additional works to support traffic associated with ceremonies. Cemeteries are highly car dependent, given the predominant age demographic
- site limitations due to flood planning, steepness of access and spatial constraints with other land use options

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- power, toilets and drinking water would all need to be established along with possible graded pedestrian walkways to provide inclusive access
- a cemetery use would prohibit any future use such as agriculture
- conflict with operational use of the land and the need to provide casual access for visitors which a cemetery would require

As such, the Roadmap recommends undertaking an options analysis of other sites so as to allow for a NBG with minimal hard infrastructure intervention. Other sites could also more easily accommodate the establishment of power, toilets and drinking water, as these are strongly recommended, particularly if there is to be ceremonies on-site.

- 10 Other sites have been identified for a NBG in Byron Shire and a preliminary review has commenced using the preferred criteria and requirements for a NBG. These sites include our existing cemeteries and the Bangalow Sewage Treatment Plant operational land. Initial assessment indicates that there is potential for a NBG on some of these sites, and further assessment and discussion with the Natural Burial Committee is required to finalise this.
- 15 Using the Roadmap as a guide, key criteria for a NBG has been developed. This criteria will be further refined in consultation with the Natural Burial Committee to help inform the most appropriate location:
- Land zoning,
 - Close proximity to services (e.g. electricity and water) and any on-site sewage management considerations,
 - Appropriate for native vegetation rehabilitation and conservation,
 - Flooding considerations,
 - Aboriginal heritage values, or significant cultural and scenic values,
 - Impact on native vegetation or threatened/endangered species,
 - Accessibility, including road access and on-site topography,
 - Sub-surface soil conditions, e.g. soil, groundwater and rocks,
 - Not required for future agricultural purposes,
 - Potential contamination risk, e.g. chemicals used on agricultural land that could pose a risk to cemetery workers dealing with excavated material,
 - Minimum requirements for proximity to permanent and intermittent water courses, and ground or surface water bores,
 - Proximity to residential areas,
 - Natural hazards including bushfire risk

- Consideration of competing, higher-value land uses, e.g. residential land in an area experiencing a housing shortage.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.2	Support community environmental and sustainability projects	3.2.2.8	Develop capital works plan in line with the 'Enquiry by Design' for the Brunswick Valley Sustainability Centre Management Plan
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)	2.3.7.6	Identify a suitable site for the establishment of a Natural Burial facility

5 Recent Resolutions

- Res 19-607
- Res 20-669

Legal/Statutory/Policy Considerations

10 Part of the land at the Vallances Road site is currently under a lease agreement for agistment. Staff will take this into consideration in the development of the scope for a plant nursery and environmental education facility.

Financial Considerations

5 A budget of \$15,000 is required to progress Council's work with the Natural Burial Committee and key stakeholders. Specifically, it is recommended a specialist consultant be engaged to work with Council to refine the criteria and identify suitable Natural Burial Ground sites. This will be included as a budget adjustment in the Sewerage Fund where this project resides to the draft 2021/2022 budget subject to another report to this Ordinary Council Meeting for adoption.

Consultation and Engagement

- May 2020 – Vision and Charter Workshop – Councillors and staff
- March 2021 – Internal stakeholder workshop including staff from all directorates.
- 10 • April 2021 – Consultation with Arakwal Corporation
- May 2021 – Councillor Strategic Planning Workshop

Report No. 13.14 Dog and Cat Management Initiatives

Directorate: Sustainable Environment and Economy

Report Author: Sarah Nagel, Manager Public and Environmental Services

File No: I2021/770

5 **Summary:**

To provide Council with an update in relation to dog and cat management initiatives being managed by Sustainable and Economy Directorate staff. These include: development of a Dogs in Public Spaces Strategy, Leash-Up Pilot Communication project, development of a dedicated off leash dog park at Mullumbimby and Keeping Cats Safe at Home project.

10

RECOMMENDATION:

15 **That Council notes the staff update provided on Dog and Cat Management initiatives being managed by Sustainable and Economy Directorate staff.**

Report

There is substantial evidence which suggests that companion animals, primarily dogs and cats provide significant benefits to not only their owners, but the community in which they live.

- 5 Owing a pet provides opportunities for meeting other people socially, promotes companionship and has educational benefits for children where managed appropriately.

Responsible pet ownership is rewarding and provides a common interest amongst different members of the community.

- 10 To this aim, Council is required to administer and enforce the provisions of the Companion Animals Act 1998 relating to dogs and cats in the Shire.

Statistics about dog and cat management are reported to Council annually.

Council currently has two dedicated animal enforcement officers to assist the community in relation to the Act.

- 15 In addition to the regulatory requirements under the Act, Council also undertakes annual community education programs, other companion animal initiatives and plan and policy reviews.

An update on the current cat and dog management initiatives being managed by Sustainable Environment and Economy staff is provided below.

Development of a Dogs in Public Spaces Strategy (“DiPS”)

- 20 The development of a DiPS will contribute to Council’s Companion Animal Management Plan and will seek to encourage responsible pet ownership and compliance with relevant legislation.

The DiPS is being developed in three stages:

- 25
1. Initial information gathering and research;
 2. Further information gathered through community consultation; and
 3. Strategy development and implementation.

[Agenda of Ordinary Meeting - 21 June 2018](#)

- 30 It is proposed that the DiPS will replace the Byron Shire Council Policy 5.31 Companion Animal Exercise Areas – which was last reviewed in 2011.

Work and reporting on Stage 1 of the DiPS has been delayed until now, due to resource and work priority reasons but will be reported to Council as we move forward and report on Stage 2.

- 35 Stage one reporting will be of the findings of research and information gathering on the following:

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- A review of Council held dog data, including information and statistics on the number of registered dogs across the Shire;
 - The number of dog related incidents responded to by Council enforcement officers;
 - A review of relevant state legislation pertaining to dogs in public spaces
- 5
- Utilisation of recent open spaces study information to develop understanding of exercise and recreation practices with dogs, specifically related dog exercise;
 - Review of previous community engagement relating to issues around dogs to identify potential issues and potential stakeholders; and

10 In the meantime, staff are scoping out Stage 2 where further information will be gathered through a community engagement program about amongst other things, the current dog off-leash exercise areas in the Shire.

15 Stage 2 will involve using a number of community engagement and consultations methods, including phone and online surveys, face to face meetings in recreational spaces and an online presence through Council's Have Your Say website. Examples of this include:

- Random residents open space recreation survey
- Self selected dog exercise survey
- Face to face park users

20 The consultation is scheduled to commence FY21/22. Funding for a consultant to assist staff with the specialist engagement and consultation for Stage 2 will be met within the existing community enforcement budget.

Leash-Up Pilot Communication Project

25 Last year, Byron Shire Council received total grant funding of \$60,000 through DPIE Saving Our Species and the NSW Koala Strategy for the strategic development of an awareness and education program to help mitigate domestic dog impacts to koalas, and other wildlife.

30 Following the successful *Bow Wow! Look at me now!* dog event, the Leash-Up pilot program has been developed by Council's Biodiversity team to improve dog control, especially in areas of close proximity to koala sightings, koala habitat, and other wildlife such as endangered shorebirds. The pilot harnesses an innovative approach to strategic communications development and deployment with improved dog leashing rates providing a reliable gauge of effectiveness.

35 With an estimated 10,000+ domestic dogs living in the shire, there are approximately 100 dogs to every koala in 25% of the shire which is covered by the Byron Coast Comprehensive Koala Plan of Management with an estimated population of 240 koalas.

[TOPLINE SURVEY RESULTS - Bow Wow Dog Owner Research Survey](#)

5 Based on two stages of dog owner engagement via online research and concept development, a communications campaign was developed with the tagline *'Bow Wow! Leash me now!'*. The campaign was developed as a cross-functional initiative for Council supported by the biodiversity, enforcement, open spaces and communications teams.

10 The campaign harnesses digital media and trial signage to deliver a range of short messages conveying the most relevant and motivating benefits of dog leashing to dog owners. Online media directs dog owners to a new dog leashing page on Council's website. A suite of social media videos featuring vet interviews and stories about the risks of dog-wildlife interactions and broader benefits of improved dog management are also in production.

[Dog leashing - Byron Shire Council](#)

Proposed Mullumbimby Dog Park

Resolution 20/727 resolved that Council:

- 15
1. Supports the concept of activating the sports field adjacent to the Mullumbimby skate bowl with a dog park with the aim of creating increased passive surveillance and stopping people being able to drive on the field and damage it.
 2. Requests the Sustainable and Economy Directorate staff to arrange for the preparation of a detailed design for a dog park for consultation with the community, and a report of the outcomes of the consultation to Council for final design endorsement.
 - 20 3. Requests the Sustainable and Economy Directorate staff to ensure that the dog park design is integrated with the wider planning work, which is looking at the future use and development on adjacent lands including Lot 22 vacant land community gardens, private lands, sports fields and the skate bowl.
 - 25 4. Approves a budget allocation of \$20,000 from an appropriately identified source to undertake the necessary design work on the dog park to enable the community consultation process, and following, refinement of a final design to enable project delivery.

30 The Sustainable and Economy Directorate staff have undertaken design and construction research on best practice dog parks, as well as site inspections. The preparation of a concept design for a dog park is currently underway as per the resolution. Potential grant funding opportunities are also being looked at to fund its future construction. Further updates to Council will be provided as the project progresses.

35 **RSPCA NSW – 'Keeping Cats Safe at Home' Project**

On 5 March 2021, Council submitted an expression of interest to participate in the RSPCA's 'Keeping Cats Safe at Home' Project.

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5 Keeping Cats Safe at Home is a 4-year behaviour change project aiming to reduce the impacts of pet cats on wildlife. The project will encourage cat owners to keep their cats safe at home either exclusively indoors or indoors and outdoors using cat enclosures or modified fencing. This is an exciting project with potential benefits for many stakeholders – including cats.

10 The project will develop tailored behaviour change strategies for each of 10 successful councils and for subgroups of cat owners within participating Local Government Areas based on extensive consultation with all stakeholder groups, especially cat owners. The RSPCA NSW project team will deliver the project with support from councils to engage their local communities, disseminate project messaging and assist with local project activities.

This project has been assisted by the NSW Government through its Environmental Trust.

Project activities will be informed by the community consultation but might include some combination of:

- 15
- A social marketing campaign using traditional and social media.
 - Education visits for local schools.
 - Community engagement events for cat owners such as Safe, Happy Cat Days.
 - Up to \$90,000 per council in incentives for cat owners such as free or subsidised desexing, cat enclosures or modified fencing, and behaviour and enrichment advice
- 20
- Other engagement initiatives such as GPS cat-tracker collars to allow local cat owners to understand the impact of their cat.

25 The overall vision is to normalise containment of pet cats to their owner's property while ensuring optimal cat welfare, to protect wildlife, keep cats safe and help councils improve cat management in their Local Government Area.

On 21 April 2021, Council received notification that its expression of interest was successful and that RSPCA NSW would like to partner with Council of this project.

Council currently awaits a formal contract to commence the community consultation phase which is likely to occur within the next few months.

30 To support this project, Council is developing new website with information to raise awareness regarding the impact of domestic cats on native wildlife and what people can do to protect their cats and wildlife. Staff are currently collating pictures and videos celebrating local responsible cat owners, who have an enclosed cat run or walk cats on leads.

35 [Safe and happy cats | RSPCA Australia](#)

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	2.4.3.5	Provide companion animal management services

Recent Resolutions

- Resolution 18/362
- 5
- Resolution 20/727

Legal/Statutory/Policy Considerations

As discussed in the report.

Financial Considerations

As discussed in the report.

10 **Consultation and Engagement**

As discussed in the report.

Report No. 13.15 Car Share (Popcar) community usage report for 2020/21

Directorate: Sustainable Environment and Economy

5 **Report Author:** Hayley Briggs, Sustainability and Emissions Reduction Officer
Julia Curry, Sustainability and Emissions Reduction Officer

File No: I2021/861

Summary:

At the Planning Meeting of 18 June 2020, Council resolved (**Resolution 20-271**) that:

- 10
1. Council continues to lease the 10 bays to Popcar to provide a car sharing service in Byron Bay and Mullumbimby and invite Popcar to renew their annual lease.
 2. Staff liaise with Popcar and the Local Traffic Committee about possible expansion of car parking spaces.
 3. A report outlining the next 12 month usage statistics be provided to Council in June 2021.

15 This report outlines that community usage of the share cars has increased notably in 2020/21 compared to the 12 month trial in 2019/20. Bookings have increased by 157% and hours booked have increased by 238%.

20 Popcar have recently proposed an additional six bays in Byron Bay. Staff are currently undertaking community consultation on the proposed locations of the bays and will report to Council through the 17 August 2021, Local Traffic Committee Meeting.

25 Popcar's current annual lease expires on 29 July 2021. Based on the increased use of the share cars and the benefits this service brings to the community, it is recommended that Council continues to lease the 10 bays to Popcar to continue to operate the share cars within Byron Shire for a period of 12 months, ending on 29 July 2022. If the proposed additional six bays are approved by the Local Traffic Committee and Council, the lease on those bays will also end on 29 July 2022.

30 A report outlining the next 12 month usage statistics, including the usage of the six additional bays (if they are approved), will be provided to Council in June 2022. A recommendation on whether or not to invite Popcar to renew their annual lease for another year will be made at that time. A review of the cost of applications and bay permits as outlined in the Car Share Procedure and Council's Fees and Charges will be reviewed as part of the 2022/23 budget process.

35 There are a number of car share companies operating within Australia. Council must create an equal opportunity for all operators, and therefore it is recommended that in 2022/23 Council invite car share operators to respond to a competitive Expression of

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5 Interest for the 10 (potentially 16) car share parking bays in Byron Shire for a three-year lease commencing in 2023/24. This will give Popcar more than 12 months to test the viability of the potential six additional bays (if Council were to invite car share operators to respond to a competitive Expression of Interest for a lease commencing in 2022/23, Popcar would have limited data to test their viability).

RECOMMENDATION:

10 That Council:

1. Continues to lease the 10 bays to Popcar to provide a car sharing service in Byron Bay and Mullumbimby and invite Popcar to renew their annual lease, with an end date of 29 July 2022.
- 15 2. Notes this report and that Popcar's proposal for 6 additional parking bays in Byron Bay will be reported to Council through the 17 August 2021 Local Traffic Committee Meeting (if approved the lease end date will be 29 July 2022 in line with the original 10 bays).
- 20 3. Notes that a report outlining the next 12 month usage statistics, including the usage of the 6 additional bays (if they are approved), will be provided to Council in June 2022, and that a recommendation on whether or not to invite Popcar to renew their annual lease for another year will be made at that time.
4. Notes that the cost of applications and bay permits as outlined in the Car Share Procedure and Council's Fees and Charges will be reviewed as part of the 2022/23 budget process.
- 25 5. Resolves to invite car share operators to respond to a competitive Expression of Interest in 2022/23 for the 10 (potentially 16) car share parking bays in Byron Shire for a three-year contract commencing in 2023/24.

Attachments:

- 30 1 Car Share (Popcar) Community Usage June 2019 – March 2021, E2021/74702 
- 2 Car share (Popcar) community usage - Bays 1-8 (Byron Bay) and Bays 9-10 (Mullumbimby) - June 2019 to March 2021, E2021/76254 

35

Report

5 The inclusion of the share cars in Byron Shire provides an alternative transport option for the community, can help to reduce the need for private car ownership and when coupled with other mechanisms, facilitate the people first, cars second vision of the Byron Town Centre Masterplan.

10 This report outlines the increased community usage of the share cars operated by Popcar within Byron Shire from June 2019 until March 2021, and makes recommendations related to how Council should manage the project going forward (possible expansion of parking bays; reporting of community usage; review of fees and charges; and a potential competitive Expression of Interest).

Background

On 22 February 2018, Council resolved **(18-115)** to support the progression of a 12 month car share pilot. Expressions of Interest were sought from car share companies to provide and manage 10 share cars in Byron Shire for the 12 month pilot.

15 On 21 February 2019, Council resolved **(19-009)** to select Popcar as the car sharing operator for the commencement of a 12 month pilot. Popcar launched their services in Byron Shire on June 5, 2019 with 8 share cars available in Byron and 2 in Mullumbimby.

20 On 18 June 2020, Council resolved **(20-271)** to: (a) continue to lease the 10 bays to Popcar and invite Popcar to renew their annual lease (which they did); (b) that staff liaise with Popcar and the Local Traffic Committee about possible expansion of car parking spaces; and (c) that a report outlining the next 12 month usage statistics be provided to Council in June 2021.

Community usage

25 A comprehensive report detailing the usage of each vehicle from June 2019 to March 2021 is contained in Attachment 1.

30 Usage of the share cars has increased notably from the trial year 2019/20 to the current financial year 2020/21. Trial year data covers June 2019 – May 2020 (12 months) and the 2020/21 data covers June 2020 – March 2021 (10 months). Despite two months' less data, the 2020/21 year shows a 158% increase in bookings and a 238% increased in booked hours.

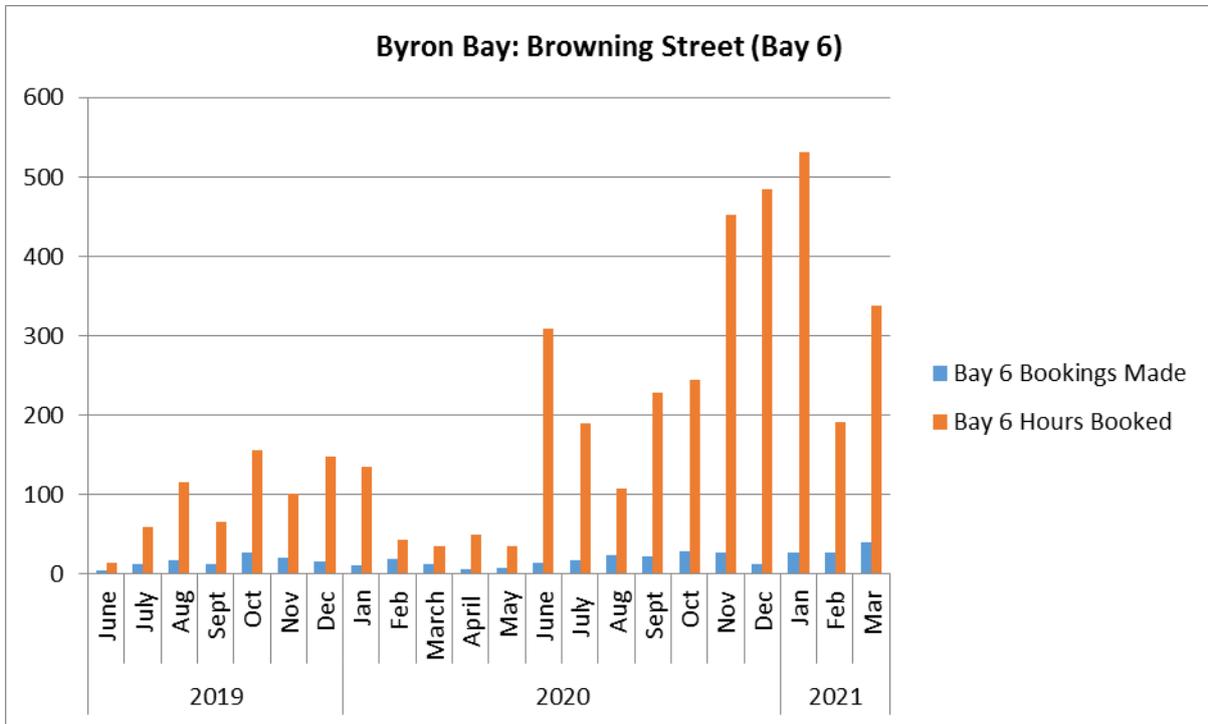
	June 2019 – May 2020	June 2020 – Mar 2021	Percentage increase
Total Bookings	539	1,388	158%
Total Hours Booked	5,862	19,810	238%

Table 1: Total bookings and total hours booked – 2019/20 & 2020/21

The following figures show bookings and hours booked for bays at two of the car share locations (Browning Street in Byron Bay and Station Street in Mullumbimby) over the period June 2019 – March 2021. A full list of bookings and hours booked for each of the

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car share locations (Bays 1-10) over the period from June 2019 – March 2021 can be found at Attachment 2. The graphs show a steady increase in usage at each location. The slight reduction at each location during the start of 2020 is likely due to Covid-19.



5 Figure 1: Byron Bay – Browning Street usage June 2019 – March 2021

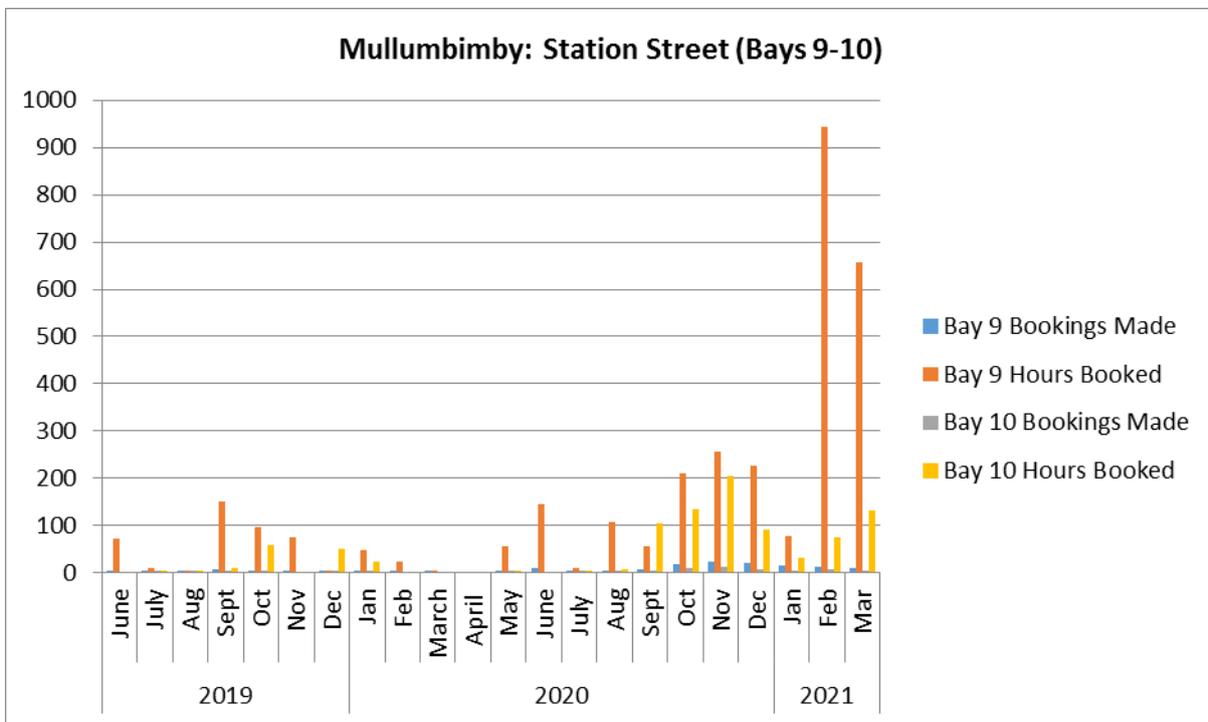


Figure 2: Mullumbimby – Station Street usage June 2019 – March 2021

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The inclusion of the share cars in Byron Shire provides an alternative transport option for the community, can help to reduce the need for private car ownership and when coupled with other mechanisms, facilitate the people first, cars second vision of the Byron Town Centre Masterplan.

- 5 Popcar's current annual lease expires on 29 July 2021. Based on the increased use of the share cars and the benefits this service brings to the community it is recommended that Council continue to lease the 10 bays to Popcar and invite Popcar to renew their annual lease, with an end date of 29 July 2022.

- 10 There have been no issues reported from parking enforcement about unauthorised vehicles parking in the car share bays. No negative feedback has been received from the community regarding the bays or their locations.

Popcar has indicated that they would like to continue to operate this service in the Shire and are interested in working with Council to put additional vehicles in other locations as deemed appropriate (see below).

15 **Possible expansion of car parking spaces**

- 20 Popcar has proposed the use of an additional six parking bays in Byron Bay to expand the service. In line with resolution **20-271**, staff are currently undertaking internal and community consultation on the proposed locations of the bays, and will report to Council through the 17 August 2021 Local Traffic Committee Meeting. If approved, the lease on the additional six bays will end on 29 July 2022 in line with the original 10 bays.

Going forward: usage; fees and charges; and competitive Expression of Interest

- 25 Staff will report to Council in June 2022 outlining the next 12 month usage statistics, including the usage of the 6 additional bays (if they are approved). A recommendation on whether or not to invite Popcar to renew their annual lease for another year will be made at that time.

- 30 Leasing metered parking bays to a car share operator means that Council is potentially losing revenue from paid parking. Currently the Lawson and Marvell Street bays are metered, and some of the proposed additional bays are in metered areas. Given this, the cost of applications and bay permits as outlined in the Car Share Procedure and Council's Fees and Charges will be reviewed as part of the 2022/23 budget process.

- 35 There are a number of car share companies operating within Australia. Council must create an equal opportunity for all operators, and therefore it is recommended that in 2022/23 Council invite car share operators to respond to a competitive Expression of Interest for the 10 (potentially 16) car share parking bays in Byron Shire for a three-year lease commencing in 2023/24. This will give Popcar more than 12 months to test the viability of the potential six additional bays (if Council were to invite car share operators to respond to a competitive Expression of Interest for a lease commencing in 2022/23, Popcar would have limited data to test their viability).

- 40 Three-yearly leases would mean that Council would not need to annually review usage and permits, as is current practice. This would reduce the burden on staff time and

resources, and give commercial car share operators more certainty when compared to an annual lease.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.6	Manage traffic and parking in an efficient manner	1.6.4	Improve effectiveness of Local Traffic Committee	1.6.4.1	Report regulatory traffic matters for recommendation to Council and items requiring comment through the Local Traffic Committee

5 Recent Resolutions

- Resolution 18-115 - 22 February 2018
- Resolution 19-009 – 21 February 2019
- Resolution 20-271 - 18 June 2020

Legal/Statutory/Policy Considerations

10 N/A.

Financial Considerations

Popcar will need to apply to renew the annual permits to continue to lease the car share bays. The permits are \$110 per space as outlined in the Car Share Procedure and Council's Fees and Charges.

15 The cost of annual permits (\$110) and the administration fee for new applications (\$440) will be reviewed as part of the report to the June 2022 Council Meeting.

Consultation and Engagement

Leasing Coordinator was consulted regarding competitive Expressions of Interest.

Report No. 13.16 CoastSnap - collaboration with National Parks and Wildlife Service

Directorate: Sustainable Environment and Economy

Report Author: Chloe Dowsett, Coastal and Biodiversity Coordinator

5 **File No:** I2021/857

Summary:

CoastSnap is a low-cost community beach monitoring technology that turns phones into powerful coastal monitoring devices.

10 Byron Shire has one CoastSnap location already at Cape Byron Lighthouse which looks over Tallow Beach. Staff have recently been liaising with National Parks in relation to other locations in the Shire within National Parks estate for monitoring the Shire beaches. Three prospective locations have been identified:

- Lighthouse Rd;
- Wategos; and
- 15 • Fisherman's Lookout.

NPWS have requested Council contribute to one of the prospective locations only – Lighthouse Rd. This location gives an excellent view looking west to track sand movement from The Pass towards Main Beach.

20 Estimated costs are up to \$2,000 which could be funded from the existing Coastal Monitoring Budget.

RECOMMENDATION:

25 **That Council endorses collaboration on CoastSnap with National Parks and Wildlife Service and the allocation of up to \$2,000 from the 2020/21 Coastal Monitoring budget account number 2605.101 to fund the setup of one of the prospective locations only.**

30

Report

CoastSnap

5 CoastSnap is a low-cost community beach monitoring technology that turns phones into powerful coastal monitoring devices. At any given time of any given day, somebody somewhere is taking a photo with their phone of a beach and uploading it to the internet. The aim of CoastSnap is to use citizen science to involve the community in the data collection process and at the same time obtaining high-quality coastal monitoring information.



10

Figure 1 Image of beach monitoring over time



Figure 2 Image of camera cradle for taking photo

Prospective locations

5 Byron Shire has one CoastSnap location already at Cape Byron Lighthouse which looks over Tallow Beach. Staff have recently been liaising with National Parks in relation to other locations in the Shire within National Parks estate for monitoring the Shire beaches. Three prospective locations have been identified:

- Lighthouse Rd;
- Wategos; and
- 10 • Fisherman's Lookout

15 Ideally the overall aim is to have monitoring of all key shorelines around the Cape from Tallows to Clarkes. Clarkes Beach is in a heavily eroded state and the monitoring of shoreline variability with sand waves (or 'sand slug') that pulse around Cape Byron will be fascinating to locals and visitors, and to inform coastal monitoring information. It would also make a great exercise for locals and visitors to complete on the Cape Byron Walking Track.

20 CoastSnap has a relatively small budget to cover NSW wide coastlines, as such collaboration with local councils is generally sought with the co-branding of sites. Council also has a small budget for coastal monitoring, so collaboration is a great way to maximise the collection of coastal information. The data gathered on these platforms is free for Council to access and analyse, including the data from Tallow Beach location. CoastSnap images can be downloaded from the [website](#), [App](#) and FaceBook. Council can choose to take up one of the data management packages from Water Research Laboratory where the company assesses the data and provides a report.

Council Contribution

NPWS have requested Council contribute to one of the prospective locations only – Lighthouse Rd. This location gives an excellent view looking west to track sand movement from The Pass towards Main Beach. NPWS has requested Council cover the costs for design, fabrication and installation of the mounting bracket which houses the camera cradle, and installation of the sign. The bracket would be located within National Park estate attached to the hand railing along Lighthouse Rd. The infrastructure will go into the NPWS Asset Management System with NPWS responsible for upkeep and any maintenance. NPWS will cover the cost of the cradle, signage, initial registration and on-going use of App and CoastSnap website.

Estimated costs are up to \$2,000. These costs could be allocated from the existing Coastal Monitoring budget.



Figure 1: Proposed location for Lighthouse Rd

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.2	Support community environmental and sustainability projects	3.1.1.3	Participate in regional coastal, sustainability and environmental working groups and initiatives.
Community Objective 3: We protect and enhance our natural environment	3.3	Partner to protect and enhance the health of the Shire's coastlines, estuaries, waterways and catchments	3.3.1	Implement Coastal Management Program	3.1.1.3	Continue preparing a Coastal Management Program (CMP) in accordance with the staged process for Cape Byron to South Golden Beach

Financial Considerations

5 Funds up to \$2,000 are available in the 2020/21 Coastal Monitoring budget account number 2605.101.

Consultation and Engagement

- National Parks and Wildlife Service

Report No. 13.17 Update Resolution 21-122 Housing Crisis

Directorate: Sustainable Environment and Economy

Report Author: Shannon Burt, Director Sustainable Environment and Economy
Vanessa Adams, Director Corporate and Community Services

5 **File No:** I2021/979

Summary:

Council at the Ordinary Meeting on 25 March 2021 considered Report No. 9.4 Housing Crisis and resolved **Res 21-112** as follows:

“Resolved that Council:

- 10 1. *Declares we are currently experiencing an emergency situation with respect to housing availability and affordability in our community.*
2. *Invites other councils experiencing similar challenges to make the same declaration.*
3. *Investigates options for providing ‘temporary vanpacker’ accommodation for those locals currently forced to camp in their cars due to the lack of availability of other forms of accommodation. This may include the use of either Council land assets or*
15 *land that we manage.*
4. *Investigates options for safe and secure emergency accommodation for women in local tourist and caravan parks and backpackers/hostels. This may include Council owned and operated parks and/or private parks. This may also include parks that are*
20 *outside the Byron Shire.*
5. *Makes contact with tourist and caravan park managers to discuss point 4 above.*
6. *Continue discussions with the state government for the lease and use of suitable disused and surplus rail land within the Byron Shire for a period of 5 years. This land to be used to establish the ‘Housing for Locals’ project. This project would aim to*
25 *establish small clusters of self-contained tiny homes on identified unused rail land within the towns and villages of the shire.’*
7. *Receives a report back from staff on points 2- 6 by or before July 2021.”*

30 This report presents the findings of an investigation into options for temporary vanpacker accommodation on Council land or land assets we own for locals, emergency accommodation for women in local tourist and caravan parks and backpacker hostels. It also provides an update on discussions with state government for the lease and use of suitable disused and surplus rail land for a Housing for Locals Project.

It recommends that Council continue to work proactively and collaboratively with others on housing solutions for our area.

RECOMMENDATION:

5 **That Council:**

1. **Notes the update provided by staff on Resolution 21-112.**
2. **Continues to work with the other member councils in the NRJO on potential housing solutions for our region.**
- 10 3. **Continues to work with relevant state government agencies, housing providers and local housing groups to deliver (on ground) safe, secure and location appropriate housing solutions for Byron Shire locals and key workers.**
4. **Continues to advocate and agitate for housing policy change and financial support from the state and commonwealth governments where opportunities arise.**

15

Report

Update Resolution 21-112

Resolution points are addressed below.

- 5 **1. Declares we are currently experiencing an emergency situation with respect to housing availability and affordability in our community.**

This part of the resolution is complete.

- 2. Invites other councils experiencing similar challenges to make the same declaration.**

10 An email was sent by Councillor Support to councils across NSW 13 May 2021. In response two councils have replied that they have made the same declaration (Shoalhaven City and Coffs Harbour City). Tweed Shire and Lismore City councils have also made declarations.

- 15 **3. Investigates options for providing ‘temporary vanpacker’ accommodation for those locals currently forced to camp in their cars due to the lack of availability of other forms of accommodation. This may include the use of either Council land assets or land that we manage.**

20 Investigations have identified that this proposal poses a number of practical issues that were identified by Council in September 2015, when investigating the status of camping in streets and reserves of the Shire, and the associated impact of antisocial behaviour on the community, with a view to implementing a 12 month Freedom Camping trial project.

The Freedom Camping project identified a lack of suitable Council land assets or land that is managed by Council that would meet the requirements for ‘temporary vanpacker’ accommodation.

25 A recent review of Council land assets and land managed by Council has also failed to locate a site within the Shire that has the required location, space and amenities to support this proposal.

30 In addition to appropriate space and amenities, a proposed site would need to be within permissible land use zones under the Byron LEP for Caravan Parks, Manufactured Home Estates or Low Key Camping Grounds.

Council must ensure it is not located adjacent to incompatible land use (e.g. industrial), does not form a barrier to adjacent public lands (e.g. foreshore areas) and provides required buffers when adjoining certain land uses (e.g. piggery).

35 The site must not increase bushfire or flood risk or pose damage to the environment, including waterways and existing vegetation. Sites that are visually exposed such as headlands and ridges would be unsuitable as well as sites with steep slopes. It would be beneficial for any identified location to be well situated to community facilities/services and places of work.

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Interestingly, last year the Snowy Monaro Regional Council put a ban in place on 'informal camping' in hot spot areas. These hot spots had become popular with seasonal workers as well as tourists van packers. Snowy Monaro Regional Council had identified that the influx of campers led to increased use, and sometimes misuse, of nearby amenities.

- 5 Despite the housing crisis occurring in Jindabyne resulting in a key worker and local community housing crisis, Council has reaffirmed its position, and the camping ban will remain in place this winter season. The short-term option for this council is to keep these measures in place in an attempt to disperse large groups of campers to other more appropriate places to camp or park their vans overnight.
- 10 Further, the Snowy Monaro Regional Council has determined that any temporary use of an area of public land as a dedicated informal campground is not a practical solution to the current housing crisis. This Council is now working with the other councils in their Joint Organisation on a region wide housing solution response instead.

- 15 **4. Investigates options for safe and secure emergency accommodation for women in local tourist and caravan parks and backpackers/hostels. This may include Council owned and operated parks and/or private parks. This may also include parks that are outside the Byron Shire.**

20 A realistic emergency shelter for women needing safe and secure accommodation would need to be a collaborative effort, involving input and coordination with appropriate support services, e.g., child/family, housing, etc. Given that safety is the primary priority, any site where physical access cannot be controlled, and basic physical safety cannot be guaranteed, is not appropriate for women or children at risk of family violence. Accordingly, the use of tourist / caravan parks and hostels for this purpose is not advised.

25 Discussion is ongoing about the potential for providing accommodation for people who are at risk of homelessness (but not at risk of family violence) at a Council-owned park.

We continue to triage demand as resources permit, with the aim of putting people in contact with appropriate support services.

- 30 **5. Makes contact with tourist and caravan park managers to discuss point 4 above.**

As noted in item 4, discussion is ongoing.

35 Additionally, Council has reached out to the areas of State Government with formalised responsibilities for emergency and temporary accommodation. The latter have advised that they have had limited success engaging local providers, particularly in the tourist and caravan space, primarily due to existing tourism demand. This is consistent with the experience of Council staff in response to previous approaches seeking to engage local providers. Staff will continue to lobby for action to secure local emergency and temporary
40 accommodation.

- 6. Continue discussions with the state government for the lease and use of suitable disused and surplus rail land within the Byron Shire for a period of 5**

years. This land to be used to establish the 'Housing for Locals' project. This project would aim to establish small clusters of self-contained tiny homes on identified unused rail land within the towns and villages of the shire.'

5 A meeting was held on 19 May 2021 with senior property officers from Transport for NSW. Discussion included previous requests from Council for potential use of rail lands at Mullumbimby. TfNSW agreed to find out what progress had been made in agreeing a response to our previous requests and then to arrange a further follow-up meeting. The urgency of this matter was again highlighted. We are currently waiting for a response from TfNSW.

10

7. Receives a report back from staff on points 2- 6 by or before July 2021.

This part of the resolution is complete.

Key issues and responses

Council has been looking at various housing initiatives for some time.

15 <https://www.byron.nsw.gov.au/Community/Community-Support/Housing-Affordability-Initiatives>

More recently staff presented reports to Council on 2 key matters in the housing space impacting our local community:

13.3 Byron Shire Key Workers Issues Paper

20 13.4 Council's role in Housing Delivery

https://byron.infocouncil.biz/Open/2021/03/PLAN_11032021_AGN_1276.PDF

Council resolution **21-066** in part asked staff to:

25 2c) Seek cross council collaboration from other northern rivers councils to identify innovative solutions to regional housing affordability challenges that go beyond the current LGA boundaries. These solutions to support point d and form the basis of pilot projects for the region.

30 In response to this at recent NRJO Planners Group Meeting plans were put in place to form a housing affordability group. The purpose of such a group would be to attempt to address the housing issues currently faced in the region through sharing of projects/potential solutions that are being investigated or pursued by each Council and identification of any solutions that could be progressed jointly as a region.

The first workshop of this group was held in May in Ballina.

Areas considered: identification of the housing issues faced in our region and Identification of potential housing solutions and ranking of these solutions.

35 A position paper is currently being prepared for presentation to the NRJO Board.

Further and by resolution, the investigation of a Land Trust is now supported by Council. Staff are in the process of finalising a submission to the Minister of Local Government for consideration on same. A Land Trust will provide the opportunity for housing providers to deliver (on ground) diverse and attainable housing for our locals.

- 5 State wide local councils are grappling with unprecedented housing shortages resulting in many differing and ad hoc approaches to solutions depending on local conditions.

What is apparent from this is there is no simple or short-term solution to the current housing crisis. As such Council needs to continue to advocate and agitate for housing policy change and financial support to build and or incentivise others to build housing from the state and commonwealth governments where opportunities arise.

10

Next steps

That Council continues to work with the other member councils in the NRJO on potential housing solutions for our region.

15

That Council continues to work with relevant state government agencies, housing sector providers and local housing groups to deliver on ground safe, secure and locationally appropriate housing solutions for Byron Shire locals and key workers.

That Council continues to advocate and agitate for housing policy change and financial support from the state and commonwealth governments where opportunities arise.

Strategic Considerations

20 **Community Strategic Plan and Operational Plan**

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

Recent Resolutions

- 21-062
- 21-066
- 21-122
- 5 • 21-123

Legal/Statutory/Policy Considerations

As discussed in the report.

Financial Considerations

As discussed in the report.

10 **Consultation and Engagement**

Not applicable to this report.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.18 Shire Wide Bus Stop Accessibility Upgrade Program

Directorate: Infrastructure Services

5 **Report Author:** Katie Hughes, Project Engineer

File No: I2021/548

Summary:

10 Council has undertaken a Your Say community engagement webpage including a survey and online mapping tool. Staff have contacted bus companies, TfNSW and schools and had ads placed on social media, in the Echo, school newsletters and posted at bus shelters in the Shire. Submissions have been received on the webpage, via email, over the phone and in person. Pin drops on the interactive map can be seen at [Upgrading our bus stops and shelters | Your Say Byron Shire](#).

15 This report provides the outcomes of this engagement process and seeks Council endorsement to undertake improvements to Council’s bus stops generally in accordance with the priority plan based on community consultation.

RECOMMENDATION:

20 **That staff proceed to scope and deliver a priority based bus stop upgrade program, as funds permit, based on use, safety and accessibility, using the results of the community consultation process for prioritisation.**

Attachments:

- 25 1 Survey_Responses_Report_Redacted, E2021/74218 
- 2 Pins_Mapping_Responses_Report_Redacted, E2021/74453 
- 3 E2021 47646 24.2021.16.1 - Bus Stop Accessibility Shire Wide - Stakeholder Community Consultation Register, E2021/74710 

30

Report

This report provides an update on the progress made on the bus shelter and stop strategic planning project following the below Council resolution.

Resolution 20-448

5 *Resolved:*

1. *Undertake further investigations including direct community consultation targeted at school bus passengers, bus operators and other public transport users as well as a 'Have Your Say' process to identify bus shelter/bus stop needs and identification of safety issues for passengers and operators at all locations along bus routes.*

10 Key issues

Disability Standards for Accessible Public Transport (DSAPT) guidelines require that all bus stops comply with accessibility standards by the end of 2022. Council has undertaken an assessment of bus stops within the Shire and is scoping a staged program to upgrade each stop to meet these standards as funding permits.

15 There are more than 40 formal bus shelters in the shire and at least 60 other stops without shelters.

Many of these stops do not meet accessibility standards, and their condition ranges from excellent to very poor and some do not provide enough shelter from the weather.

20 Stage 1 of the upgrade program has been completed and included upgrades to 14 bus stops with shelters.

The next three stages are proposed to occur over the next three financial years and will include not only shelter upgrades but a range of improvements to bus stops including the construction of simple DSAPT compliant boarding points at lower needs stops.

25 Council has undertaken a Your Say community engagement webpage including a survey and online mapping tool. Staff have contacted bus companies, TfNSW and schools and had ads placed on social media, in the Echo, school newsletters and posted at bus shelters in the Shire. Submissions have been received on the webpage, via email, over the phone and in person. Survey results are shown in Attachment 1.

30 Pin drops on the interactive map are shown in Attachment 2 and can also be seen at [Upgrading our bus stops and shelters | Your Say Byron Shire](#). Emails received can be found in Attachment 3.

Ongoing consultation will be undertaken during the delivery of the program prior to bus stops being made accessible.

Next steps

5 \$500,000 has been allocated in the draft 2021/22 budget funded from the Infrastructure Renewal Reserve and will be reviewed for consideration in future years to improve safety and accessibility at Council’s bus stops and bring the stops in line with accessibility standards.

10 Pending the funding being allocated in the 2021/22 budget Council will commence targeted consultation, design and construction of improvements to the bus stops generally in accordance with a priority plan based on use, safety, accessibility and the results of community consultation. Council Staff will adjust the priority list as further investigations and consultation are undertaken.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.6	Manage traffic and parking in an efficient manner	1.6.3	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

Recent Resolutions

- **20-001**

15

Report No. 13.19 Beach Signage

Directorate: Infrastructure Services

Report Author: Malcolm Robertson, Team Leader Open Space

File No: I2021/703

5 **Summary:**

Council resolved in 2017 that a report be undertaken on an audit of existing signs and establishing appropriate information signage concerning beach access points and use throughout the Shire. This report updates Council on actions arising from the resolution.

10

RECOMMENDATION:

That Council notes actions in response to beach access signage audit.

15

Background

In March 2017 a Notice of Motion sought clarity on naming of Beaches within Byron Shire through Resolution 17:081;

- 5 1. *That Council clarify the official name of the stretch of beach north of the Belongil estuary and on up to the clothes optional beach at Tyagarah Nature Reserve.*
2. *That Council prepare a map which names all Shire beaches and designates usage and restrictions.*
- 10 3. *That Council prepare a report on an audit of existing signs and establishing appropriate directional information signage concerning beach access points and use throughout the Shire.*
4. *That when complete, the report be shared with the Byron Bay Town Centre Masterplan Working Group.*

Actions to date

In relation to the individual points within the Resolution;

- 15 1. August 2019 it was clarified that the official name of the stretch of beach north of the Belongil estuary and on up to the southernmost boundary of Tyagarah Nature Reserve is Belongil Beach.
- 20 2. In August 2019 details on Shire beaches designating usage, restrictions and map location information was prepared and included within Council's website Parks and Reserves information.
- 25 3. In October 2018 an audit of all existing signage relating to shire beaches was completed by NSW Surf Life Saving as a component of an overall Coastal Public Safety Risk Assessment. The report considered all beach access pathways across the Byron Shire area, including those not under the authority of Byron Shire Council. This audit was shared with the Byron Bay Town Centre Masterplan Working Group on 8 June 2021.

Key recommendations from the audit were;

- 30 • Upgrading all existing signs to current standard
- Removal of any non-standard signage
- Consolidation of multiple signs at each location
- Formalisation of access paths through provision of access control measures such as fencing and signage.
- Closure of informal access pathways where required including regeneration of eroded ground, fencing and the removal of existing signage.

- 35 Costs of full roll out were prohibitive within available budget. The audit report recognised the impact of limited budgets and a core recommendation was that treatment options should be implemented using a staged/prioritisation approach subject to budget

availability. For this reason the roll out was initially delayed while specific budget allocation was sought.

Current Actions

- 5 Recent review of the audit report identified a number of actions that can be completed within identified budget that will allow the intent of the recommendations to be met. These actions focused on installing new signage where no signs were currently installed and consolidation of existing signs where this can be achieved with addition of overlay decals.

The following actions are currently being rolled out;

Location	Action
New Brighton North Head Car Park	New Sign
New Brighton North Head wall	New Sign
Tyagarah - Coast Fire Trail	New Sign
Belongil - Elements Access	New Sign
Broken Head Reserve Rd opposite Seven Mile Beach Rd.	New Sign
Seven Mile pedestrian access	New Sign
Dening Park East	New Sign
Dening Park West	New Sign
Belongil – Jonson Street Car Park	New Sign
Clarkes Beach Car Park	New Sign
Clarkes Beach - Cowper Street access	New Sign
New Brighton - end of Park St North.	New Sign
South Golden Beach Gloria St	Consolidate existing with decal
South Golden Beach Robin Street	Consolidate existing with decal
South Golden Beach Peter Street	Consolidate existing with decal
South Golden Beach Helen Street	Consolidate existing with decal

Beach Closure Signage

- 10 Review of beach closure processes during major weather events also identified an area of improvement. Currently temporary corflute signs are deployed by operational staff when beach access needs to be closed. This is an inefficient process and frequently temporary signs are vandalised or lost. To rectify this new sign design has been made that includes a drop-down hinged section that can be quickly deployed when required, in similar fashion
- 15 as with roadside flood signage.



The new style signs as shown below are being rolled out as a trial over the next month. Should the new signs prove to be effective, the style will be continued across the shire within available budgets as signage renewal is carried out.

5 **Strategic Considerations**

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.3	Provide accessible, local community spaces and facilities	2.3.5	Maintain Public Open space in a safe and efficient way that provides for both active and passive recreation (SP)	2.3.5.1	Deliver Open Space maintenance programs in accordance with Levels of Service and adopted AMP

Report No. 13.20 Part Road Reserve Closure and Dedication adjoining 11 Butler Street Byron Bay Lot 1 DP 781101

Directorate: Infrastructure Services

5 **Report Author:** Deanna Savage, Roads and Property Officer

File No: I2021/779

Summary:

10 This report is being presented to Council to endorse the concept plan shown in **Figure 1 Attachment 1 E2021/53598** which has been agreed upon and signed by the adjoining land owner by way of Deed of Agreement. The concept plan entails closure of part of the road reserve adjoining Lot 1 DP 781101 being part 11 Butler Street Byron Bay and road widening/dedication in order to facilitate works for the Byron Bay Bypass.

15 **RECOMMENDATION:**

1. **That Council endorses the closure of part road reserve adjoining Lot 1 DP 781101, being part 11 Butler Street Byron Bay and road widening/dedication as per Deposited Plan Attachment 1 (E2021/53598) in order to finalise the agreement made to facilitate the works for the Byron Bay Bypass.**
- 20 2. **That Council endorses the consolidation of the closed road into the corresponding adjoining parcel Lot 1 DP 781101 as per Consolidation Plan Attachment 2 (E2021/53596)**
3. **That Council authorises the execution of all documents necessary to affect the road closure, dedication and consolidation.**

25 **Attachments:**

- 1 24.2018.83.1 Plan of first title creation and road widening and administration sheets for land swap agreement Byron Bypass adjoining 11 Butler Street Lot 1 DP 781101, E2021/53598 
- 2 24.2018.83.1 Plan of consolidation and administration sheets for land swap agreement Byron Bypass adjoining 11 Butler Street Lot 1 DP 781101, E2021/53596 
- 30 3 24.2018.83.1 All submissions Proposed part road closure adjoining Lot 1 DP 781101 11 Butler Street Byron Bay, E2021/65963 

Report

Council carried out the Design and Approval of Byron Bay Bypass. It was identified in the design stage of Stage Four (the northern most roundabout) that to facilitate works for the bypass there would need to be some negotiation with the landowner of Lot 1 DP 781101, being 11 Butler Street Byron Bay, for a land exchange agreement, with an area to be acquired for road widening and an equal amount of land (road reserve) being closed and consolidated into the land owner's Lot 1 DP 781101 as per **Figure 1** below.

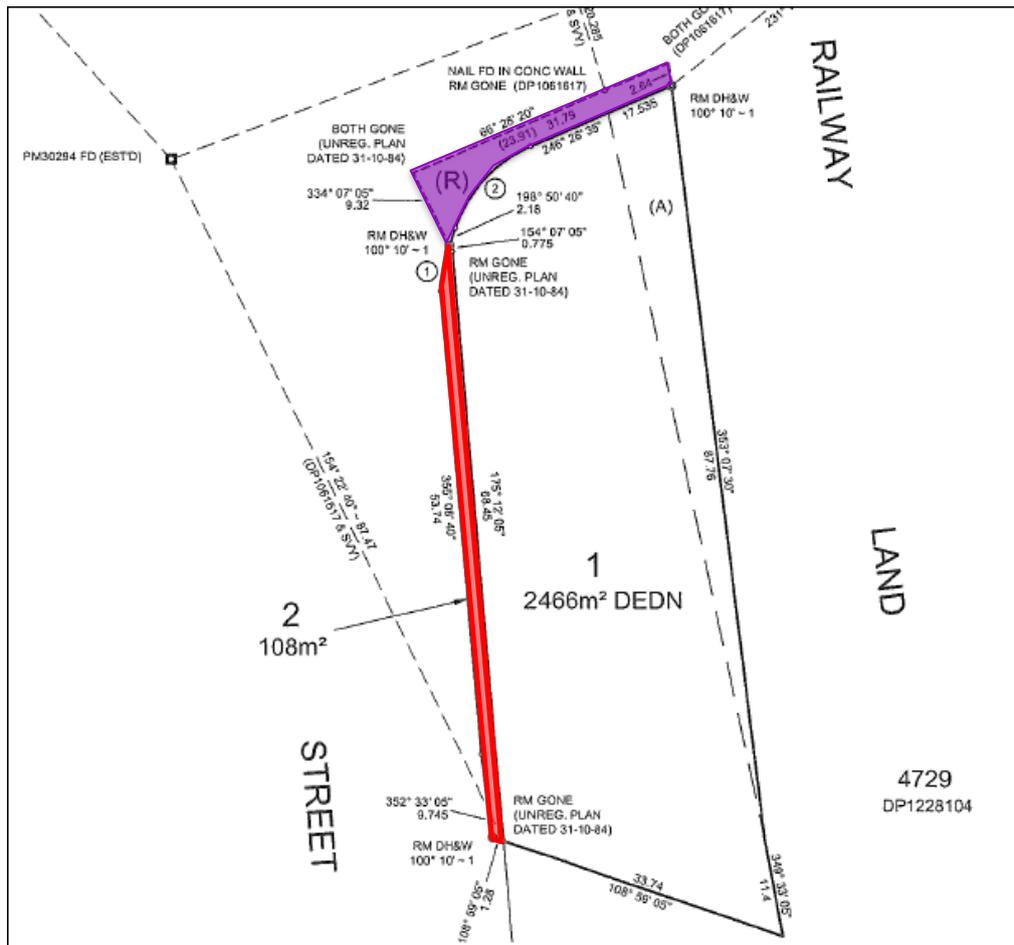


Figure 1

- 10 • (R) Land acquired from Lot 1 DP 781101 for road widening/dedication
- Lot 2 Road closure, land to be consolidated into Lot 1 DP 781101

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

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13.20

A Notice was placed in The Byron Echo on 7 April 2021 and Byron Shire Council website and notifications went out to adjoining landowners and all authorities advising the closure of part Butler Street identified in **Figure 1** as per **Roads Act 1993 Part 4 Division 3 Closing of council public roads by council 38B Notification of proposal to close council public road.**

- 5 There was a 28 day submission period with no submissions of objection given by either adjoining land owners or authorities. All submissions of no-objection can be viewed in *Attachment 3 (E2021/65963)*

- 10 A resolution of Council is required to finalise the road closure process. The plans will be registered with Land Registry Services. *Attachment 1 (E2021/53598)* contains the First Title Creation and Road Dedication Plan to be registered with Land Registry Services. *Attachment 2 (E2021/53596)* contains the consolidation Plan also to be registered with Land Registry Services.

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

Legal/Statutory/Policy Considerations

Roads Act 1993

15 **Part 2 Opening of public roads**

Division 1 Methods of opening public roads

8 Opening of public roads

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

20 (2) This section does not bind the Crown.

9 Public road created by registration of plan

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

Part 4 Closing of public roads

Division 3 Closing of council public roads by councils

38A When council may close council public road

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

- 5 (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.*

10 **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

15 (ii) *all notifiable authorities, and*

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

(2) The notice:

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

20 (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

25 (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.

5 (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.*

10 (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:*

15 (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

20 (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:*

25 (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

5

(b) set aside the closure.

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

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

Financial Considerations

10 All costs associated with the road closure, and dedication of land as road to be covered by Byron Shire Council. Funds are to come out of the Byron Bay Bypass budget, which has identified this requirement and allowed for the costs within the overall project budget and as reported to Council on 13 May 2021.

Consultation and Engagement

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

Report No. 13.21 Byron Shire Rail with Trail (Update)

Directorate: Infrastructure Services

Report Author: Therese Black, Business Analyst

File No: I2021/794

5 **Summary:**

The purpose of this report is to provide a quarterly update on the progress of the Byron Bay to Mullumbimby; "Byron Shire Rail with Trail" project in accordance with Council Resolutions **20-127** and **20-572**.

10 Key points of progress include two workshops with key representatives from TfNSW and the newly formed Department of Regional NSW that were held on 6 November 2020 and 5 March 2021. The focus of these workshops was to identify potential infrastructure planning options for the combined use of the road and rail corridors to support the future growth of the Byron region.

A third workshop is yet to be scheduled and expected to be held in June/July 2021.

15

RECOMMENDATION:

That Council continues to work with Transport for NSW on the delivery of outcomes articulated in Resolutions 20-127 and 20-572.

20

Report

The purpose of this report is to provide a quarterly update on the progress of the Byron Bay to Mullumbimby “Rail with Trail” in accordance with Council Resolutions **20-127** and **20-572**.

5 Provided below is an update on the key activities undertaken in response to Res **20-127**:

1. Commence planning for a rail link connecting Mullumbimby and Byron Bay as part of a multi-use activation of the rail corridor.

(Planning has been undertaken and workshops held in Nov 2020 and Mar 2021 with representatives from TfNSW along with other key NSW Government departments.)

10 2. Incorporate the project as a key element of the draft Integrated Transport Strategy, which is supported by Park and Ride and other measures to promote active and public transport development within the Strategy.

(Completed - Council has incorporated the activation of the Rail Corridor into the draft Integrated Transport Strategy as a key element.)

15 3. Prepare an economic and social business plan including development of a governance framework to support the project.

(Work in Progress – staff had commenced preliminary work on the potential governance framework. However, there are many factors that will influence the final governance model. Dan Champness TfNSW confirmed during the workshop on 5 March 2021 that the Government will have the major influence over the final Governance model.)

25 4. Provide notice of the intention to establish a rail link to Infrastructure Australia, Infrastructure NSW, TfNSW and other relevant agencies to seek advice on funding criteria and project development.

(Completed – Letters to the above were sent on 19 June 2020. A single response has been received from Chris Hanger, noting the government will require the following; evidence of a viable and sustainable business model; have undertaken effective community consultation and engagement with adjacent landholders that demonstrates overwhelming community support; and have addressed issues relating to potential biosecurity concerns.)

35 5. Investigate Federal, NSW and other funding bodies to identify funding sources including, but not limited to tourism, infrastructure, transport and climate change mitigation/adaption grants with a priority focus on funding vegetation removal within the rail corridor.

(Ongoing - currently no funding opportunities have been identified to support this project. However, ongoing consultation with TfNSW will support the final funding model.)

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6. Actively seek expressions of interest from potential operators interested in providing commuter shuttle and visitor oriented services.

(To be commenced concurrently or after the detailed engineering assessment has been completed.)

5 7. Seek support including funding through Federal and NSW Ministers for Transport, Hon. Tamara Smith MP, Hon. Ben Franklin MLC and Hon. Justine Elliot MP.

(Letters have been sent.)

8. Receive six monthly reports on progress.

10 ***(Ongoing - This report is the third quarterly progress report to be issued to Council. The cycle is actually every quarter due to the requirement of the Operations Plan.)***

9. The business plan be included in the 20/21 Operational Plan, forward Delivery Plans and draft budget.

(Completed - included in the 20/21 Operational Plan)

10. Item 2 above be funded from the existing Integrated Transport Strategy budget.

15 ***(Completed - Incorporating the activation of the rail corridor into the Integrated Transport Strategy, together with recommended projects and actions, has been and will continue to be funded from the existing Integrated Transport Strategy.)***

20 11. Implement Actions 4, 5, 7 and 8 immediately and include as part of a rail link project in the 20/21 Operational Plan and forward Delivery Plans that includes item 6 above as an action as well as consideration of a budget for project management.

(Items 4, 5, 7 and 8 are variously completed or in progress. Item 6 - a budget allocation was considered at the March 2021 quarterly review, with no budget currently applied to this project.)

Provided below is an update on the key activities undertaken in response to Res **20-572**:

25 1. That Council prioritises the section of rail corridor between Bayshore Drive and Tyagarah for investigation into the alternatives including multi use.

(Further prioritization beyond Part 1 of Res 20-127)

30 2. That Council seeks community and local Land Care support to carry out environmental works on the rail corridor between Bayshore Drive and Tyagarah for removal of unwanted vegetation

(Advice has been sort from senior regional TfNSW officers, Dan Champness and Vicki Oszko. Whilst no response has been received to date it is expected this matter can be further raised at the next planned workshop.)

3. That Council seeks funding for the clearing of the vegetation on the line

(As per Part 5 Res 20-127)

4. That Council, when funding is available, commissions a structural assessment and cost estimate of a sample of the timber bridges suitable for facilitating movement up to a weight that can support light rail and very light rail options outlined in the MURC.

5 (Richardson/Ndiaye)

(As per Part 11 Res 20-127, no funding has been allocated for engineering assessment)

Strategic Meeting with TfNSW

10 On Friday 6 November 2020 and Friday 5 March 2021, Councillors and staff attended Movement & Place Workshops organised by TfNSW. The workshops were facilitated by Vicky Sisson (A/Director Northern Region). In attendance were key representatives from TfNSW and the newly formed Department of Regional NSW along with Councillors and staff.

A third workshop was discussed and is to be scheduled in June/July 2021.

15 **Key issues**

A detailed Engineering Assessment is required to fully understand the state of the rail infrastructure on the line between Byron Bay and Mullumbimby.

20 Vegetation clearing on the length of the rail corridor, is required before an Engineering Assessment can be carried out. The NSW government has clearly stated that they have no current budget to fund this work.

Next steps

The important next steps to realise the reactivation of the Byron Shire Rail Corridor Stage 1 (Mullumbimby to Byron Bay) include:

- 25 - Continued liaison with TfNSW and the Department of Regional NSW to discuss potential funding sources and infrastructure options.

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	1.3	Support, through partnership, a network of integrated sustainable transport options	1.3.1	Ensure an integrated and accessible transport network (SP)	1.3.1.5	Provide a quarterly update report on the outcome of discussions with State government and agencies about the multi-use of the rail corridor, including any policy developments and funding opportunities identified
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.3	Support, through partnership, a network of integrated sustainable transport options	1.3.1	Ensure an integrated and accessible transport network (SP)	1.3.1.6	Develop a governance model to support rail corridor activation

Recent Resolutions

- 5 Report to Council - 27 June 2019
Resolution 19-335 (Closed as per 20-518)
- Report to Council - 28 Nov 2019
Resolution 19-616 (Closed as per 21-053)
- 10 Report to Council – 26 March 2020
Resolution 20-127 (Open) Key working resolution for this project (the subject of this report)

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Report to Council – 24 September 2020
Resolution 20-518 (Closed)

- 5 NoM – 22 October 2020
Resolution 20-572 (Open)

Report to Council – 25 February 2021
Resolution 21-053 (Closed)

- 10 Resolution 21-269 (in part):

4. That Council notes that Resolutions 19-616, 20-572, 20-518 are closed with remaining actions rolled into 20-127.

5. That resolution 20-572 not be closed.

Financial Considerations

- 15 Council will have the opportunity to consider a budget allocation to progress this project as part of the 2021/22 budget process.

Consultation and Engagement

Key Stakeholders:

Government: TfNSW, NSW State and Federal Government representatives.

- 20 Neighbouring Shire Councils: Tweed, Lismore and Richmond Valley and Northern Rivers Joint Organisation (NRJO).

Community Groups: e.g. TOOT Trains on our Tracks.

**Report No. 13.22 Lighthouse Road / Clarkes Beach
Reflections Stormwater Diversion**

Directorate: Infrastructure Services

Report Author: Katie Hughes, Project Engineer

5 **File No:** I2021/951

Summary:

On 17th February 2021 the General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract Tender 2021-0003 – Lighthouse Road Stormwater.

10 The Request for Tender was advertised from 1st April 2021 to 5:00pm on 29th April 2021. One tender was received from Alder Constructions.

Tenders are assessed in accordance with the provisions of the Local Government (General) Regulations 2005. This report summarises the background and assessment of the tender and provides a recommendation to award the tender for Contract 2021-003.

15

RECOMMENDATIONS:

- 20
1. **That Council awards Tender 2021-0003 – Lighthouse Road Stormwater, for the primary scope of works, excluding the separable portion, to Alder Constructions to the value of \$768,482 (ex GST).**
 2. **That the scope of works identified in the separable portion be undertaken as a variation to the contract once a funding source has been secured.**

Attachments:

- 25 1 Confidential - Request for Tender - Evaluation Report Lighthouse Road Tender, E2021/76309

Report

On 17th February 2021 the General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract Tender 2021-0003 – Lighthouse Road Stormwater.

- 5 The contract is required to upgrade stormwater infrastructure on Lighthouse Road and divert Council's stormwater to an existing formal stormwater network. Construction of this infrastructure has been identified as a high priority project.

10 The Request for Tender sought responses from proponents to provide kerb and gutter, pits, pipes, culverts, a swale and a stormwater basin for detention and water quality improvement.

The Contract is expected to commence in July 2021 for a period of five months.

The Contract will be managed by Council's Project Engineer.

A mandatory site meeting was held on Tuesday 20th April 2021 1-2pm at Lighthouse Road, Byron Bay. The following organisations attended the briefing/site inspection:

- 15
- Alder Constructions
 - CCA Windslow
 - Civil CS
 - Durack Civil
 - Eire Constructions
- 20
- GRC Civil
 - Greenstar Earthmoving
 - J&M Bashforth & Sons

An Evaluation Panel comprising of three Council staff members was formed.

25 Tenders closed on 5:00pm on 29th April 2021. One tender was received from Alder Constructions. Discussions with other tenders found that the two main contributing factors to contractors not submitting tenders were busy workloads during the tender period and upcoming six months and the large attendance at the mandatory pretender meeting resulted in tenderers being concerned about the level of interest and competition on pricing.

30 The Alder tender was evaluated by the Evaluation Panel in accordance with the following evaluation criteria:

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- Tender lodged on time, in accordance with the Conditions of Tender.
 - Respondent has a valid Australian Business Number.
 - Respondent substantially complies with the Statement of Requirements.
 - Respondent substantially complies with the Conditions of Contract.
- 5
- Respondent holds the required insurances or has the ability to obtain the insurances.
 - Workers Compensation insurance for all employees
 - Respondent has satisfactory work health and safety and environmental compliance practices.
- 10
- Financial capacity to undertake the contract
 - Commitment to ethical business practice principles.
 - Tenderer confirms no ties to Bravus Mining previously Adani Mining

Qualitative criteria:

Criteria	Elements
Profile and relevant experience	Tenderer profile
	Previous relevant experience
	Prior termination of projects
	Environmental practices
	Opportunities for disadvantaged people
Quality and availability of resources	Proposed key personnel
	Staff levels
	Proposed staff
	Trades proposed

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	Use of subcontractors
	Major machinery and equipment
	Current service commitments
Delivery Plan	Proposed methodology and management plans
	Program of works
	Proposed suppliers
	Employment opportunities
	Product sustainability
Price	Total contract price

Following the evaluation, the Evaluation Panel conducted referee and financial checks. The results of these checks were deemed by the Evaluation Panel to be satisfactory as detailed in the Evaluation Report Attachment 1(E2021/76309).

Key issues

- 5 The plan below shows the Primary Scope of works and the Separable Portion. The separable portion consists of the Kipling Street outlet upgrade. It is proposed that these works are undertaken once funding is secured from either the LRCI Phase 2 Mullumbimby Recreation Grounds Skate Park Car Parking and off leash dog recreation area allocation or should approval not be granted by the grant body from a suitable budget source.



5 The lump sum tender price is **\$768,482**. The existing budget allocation of \$1,200,000 is sufficient to cover the lump sum tender together with potential provisional, risk, management and contingency items. This work can stand alone as a project however, a further scope of works to upgrade the detention basin outlet drainage system has been identified and treated as a separable portion as a potential variation to the contract upon confirmation that additional funds have been secured.

The project costs are summarised below. All prices are excluding GST.

Lump Sum Tender	\$ 768,482
Potential Provisional Items	\$ 176,400
Project Management	\$ 10,000

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Contingency and Risk (10% approx.)	\$ 95,000
Subtotal	\$ 1,049,882
Possible Variation – Separable Portion	\$ 295,440
Separable portion – provisional items	\$44,230
Council Project Management	\$ 10,000
Contingency and risk (10% approx.)	\$ 35,000
Subtotal	\$ 384,670
Overall budget requirement to incorporate separable portion works	\$1,434,552

Staff are seeking support from Council to reallocate \$208,882 from the Local Roads and Community Infrastructure (LRCI) Phase 2 Mullumbimby Recreation Grounds Skate Park Car Parking and off leash dog recreation area allocation to fund this project as detailed above.

- 5 The funding allocation and timeframes for the car parking and off leash dog recreation area are insufficient to enable a suitable outcome for this project. The carpark would require construction of an approximately 200m long access road and 25 car spaces, the off-leash dog area concept designs require further infrastructure works. The allocated funds are insufficient for all these works. The project is of interest to the community and a
- 10 wide range of stakeholders and would also require further consultation that would result in the project not being completed by the construction complete deadline of 30th December 2021.

- 15 Local Roads and Community Infrastructure (LRCI) project delivery and funding adjustments and recommendations are detailed more specifically in the Local Roads and Community Infrastructure (LRCI) Phase 3 Grant Options report also in this Council meeting agenda.

Financial Considerations

The price basis for the contract is a lump sum.

Council has budgeted \$1,200,000 for this project.

- 20 There is sufficient funding for the proposed contract in the current budget. The separable portion is proposed to be funded from additional funds available from the Local Roads and Community Infrastructure Phase 2 Mullumbimby Recreation Grounds Skate Park Car Parking and off leash dog recreation area project subject to council endorsement. Should this variation not be approved then the separable portion will be funded from a suitable
- 25 budget source

Statutory and Policy Compliance Considerations

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

Acceptance of tenders

178 Acceptance of tenders

- 10 (1) *After considering the tenders submitted for a proposed contract, the council must either:*
- (a) *accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
 - (b) *decline to accept any of the tenders.*
- 15 (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*
- 20 *council is not required to enter into any contract in order to carry out the requirements of the proposed contract.*
- (3) *A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:*
- (a) *postpone or cancel the proposal for the contract,*
 - 25 (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*
 - 30 *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.*

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(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),*

5 (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. 13.23 Local Roads and Community Infrastructure - Phase 3 grant options

Directorate: Infrastructure Services

Report Author: Donna Johnston, Grants Coordinator

5 **File No:** I2021/957

Summary:

10 The Australian Government has recently announced an additional grant funding round under the Local Roads and Community Infrastructure Program (LRCI). The LRCI Program Phase 3 aims to assist local governments in delivering priority projects and supporting jobs within the community.

Under Phase 3 of the LRCI Program, Byron Shire Council will receive an additional funding allocation of **\$1,460,140**. This funding will be available from 1 January 2022, with construction due to be **completed by 30 June 2023**.

15 Options below provide Council the opportunity to consider project nominations for the LRCI Phase 3.

RECOMMENDATION:

20 **That Council:**

1. **Endorses the nomination of Mullumbimby Recreation Precinct (\$460,140) and Butler Street Reserve (\$1 million) for Local Roads and Community Infrastructure Program Phase 3.**
2. **Receives a report should the projects under Local Roads and Community Infrastructure Program Phase 3 require additional funding support.**
3. **Seeks a variation for Local Roads and Community Infrastructure Phase 2 and removes Mullumbimby Recreation Grounds car park and dog park and reallocates \$208,882 funding towards Lighthouse Road/Clarkes Beach Reflections Stormwater Diversion.**

30

Report

5 The Australian Government has recently announced an additional grant funding round under the Local Roads and Community Infrastructure Program (LRCI). The LRCI Program Phase 3 aims to assist local governments in delivering priority projects and supporting jobs within the community.

10 Under Phase 3 of the LRCI Program, Byron Shire Council will receive an additional funding allocation of **\$1,460,140**. This funding will be available from 1 January 2022, with construction due to be **completed by 30 June 2023**.

No guidelines are currently available, however Phase 3 will provide local governments the time to consider broader scopes and potentially take up larger, more complex builds.

15 Options below provide Council the opportunity to consider project nominations for the Local Roads and Community Infrastructure Phase 3. Options 1 (Mullumbimby Recreation Precinct) and 2 (Butler Street Reserve) are the recommended nominations.

Local Roads and Community Infrastructure – Phase 2

20 In addition, Staff are seeking support from Council to reallocate \$208,882 from the Local Roads and Community Infrastructure Phase 2 Mullumbimby Recreation Grounds Skate Park Car Parking and off leash dog recreation area, to fund the Lighthouse Road/Clarkes Beach Reflections Stormwater Diversion.

25 On 17 December 2021, Council resolved (Res 20-728) to nominate the skate park carpark and dog park (design and stage 1) under LRCI Phase 2. The project included a 25 bay carpark (including disabled parking spaces), and stage 1 of a fenced dog off leash area, featuring landscaping and additional shade shelter.

30 Revised costings to complete the carpark are now estimated at \$375,000, including construction of a new 200 metre road to reach the carpark and skate park. A concept design for the dog park has been completed and requires further community consultation before a final design is endorsed to enable delivery. LRCI Phase 2 projects are required to be delivered by the end of 2021.

35 The funding allocation and timeframes for the car parking and off leash dog recreation area are insufficient to enable a suitable outcome for this project. The carpark requires construction of an approximately 200 metre long access road, 25 car spaces, and the off-leash dog area concept designs require further infrastructure works. The allocated funds are insufficient for all these works. The project is of interest to the community and a wide range of stakeholders and would also require further consultation that would result in the project not being completed by the construction complete deadline of 30 December 2021.

40 Due to the additional funds required to complete the works, it is recommended that the Mullumbimby Recreation Grounds is removed from Phase 2 and resubmitted under Phase 3; this is option 1 below.

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Local Roads and Community Infrastructure – Phase 3 Options

1. Mullumbimby Recreation Precinct \$460,140

The Mullumbimby Recreation Precinct works would consist of:

- 25 bay carpark (including disabled parking spaces)
- 5 • construction of new 200 metre road to the Mullumbimby Skate Park
- Fenced off leash dog area, featuring landscaping and shade shelter.

10 The full cost of the above works is unknown and will not be known until the road is fully designed and the consultation on the dog park design has been completed. An allocation of \$460,140 would be a part funding contribution to deliver the works; extra funding support would be the subject of an additional Council report.

15 The Byron Shire Open Space and Recreation Needs Assessment and Action Plan refers to this precinct as a youth and sporting hub and recommends consideration of a fenced dog off-leash park. Recent renewals and upgrades, including controlled lighting of the Skate Park, have significantly increased this facility's community usage. This increased
20 usage has presented some actual and perceived passive surveillance and territorial re-enforcement and space/activity management challenges, partially as a result of the nearest carpark and public road access being some 200m from the skate park. In discussions with NSW Police regarding Crime Prevention through Environmental Design principles, activation through the provision of infrastructure such as parking is considered highly desirable, as it will allow greater parental supervision and more intergenerational use and activation of the area.

2. Butler Street Reserve \$1,000,000

25 Reinstatement of Butler Street Reserve as a market site and carpark; return the site to community use and address contamination issues. This site is the only peripheral town centre parking opportunity that supports local and visitor car parking, and minimises town centre traffic flow. Broad scope includes:

- Construction of market site to host weekly Byron Farmers Market
- Construction of approximately 200 car parks and associated infrastructure (bollards, metering, signage etc)
- 30 • Landscaping, seating etc to support passive recreation

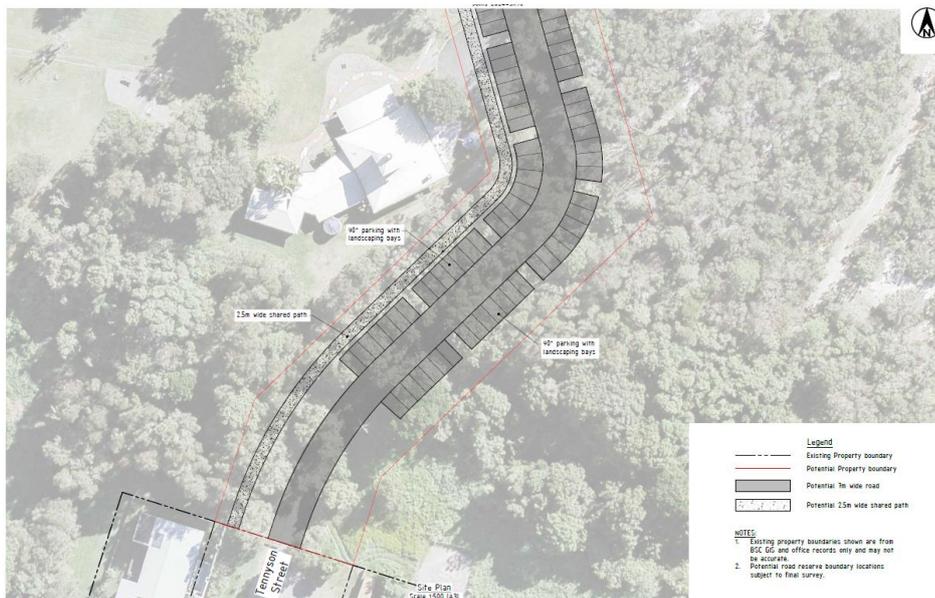
35 The full cost of the site reinstatement are unknown; however, funding contribution from the Local Roads and Community Infrastructure Phase 3 would significantly support the delivery of this project. If additional funding was required, a report will be submitted to Council.

3. Gilmore Crescent, Byron Bay \$1, 173,370

Project provides connectivity with shared path on Tennyson Street and new skate park. Car parks will be provided plus access to Sandhills walk ways and Lawson Street on the northern end. Broad scope includes:

- Road reconstruction
- 5 • Road reconfiguration
- Shared path construction
- Construction of approximately 80 carparks
- Pathways to new skate park

10 The Gilmore Crescent reconfiguration, upgrade and construction of carparks is essential infrastructure for the use and accessibility of the new skate park. The works will support anticipated increased parking demand.

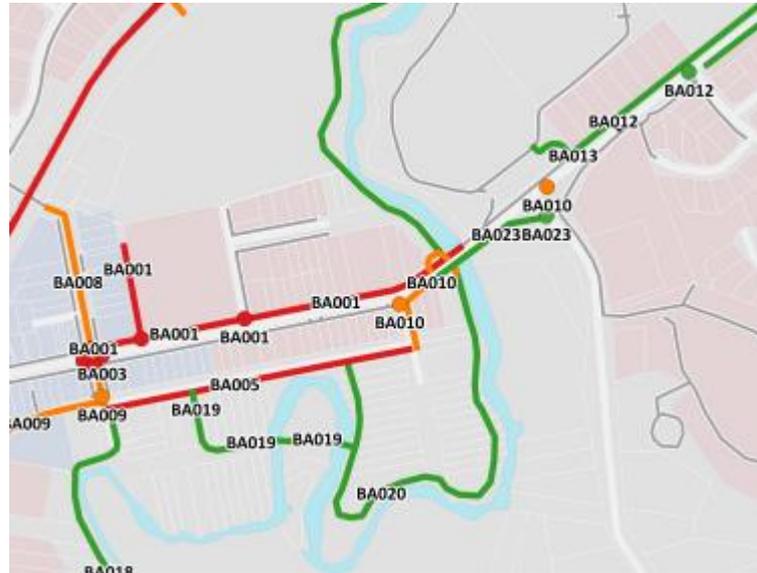


4. Byron Street (Bangalow) pathway

\$830,000 - 450,000

Proposal - construction of pathways Bike Plan BA001 and BA023. Project will improve access from Ferros and the eastern precinct of Bangalow to the CBD. The works will also improve access to the school, bowling club, sporting fields, skate park and residential precinct.

5



Design and options study have been funded (\$100,000) and are underway.

High level estimate for the project is \$828,000; if the bridge cannot be widened, the cost reduces to approximately \$450,000.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.6	Manage Council's resources sustainably	5.6.12	Implement strategic grants management systems to deliver priority projects for Byron's community (SP)	5.6.12.2	Provide governance for grants management

Recent Resolutions

On 17 December 2021, Council resolved **(Res 20-728)**

- 5 *That Council adopts the following projects to expend the Australian Government's Local Roads and Community Infrastructure Program grant:*
1. *Lighthouse Road Drainage at \$1,200,000; and*
 2. *Mullumbimby Recreation Grounds and Skate Park at \$208,882. (Spooner/Ndiaye)*

Legal/Statutory/Policy Considerations

- 10 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.

15 Financial Considerations

The Local Roads and Community Infrastructure Phase 3 Program will add an additional \$1,460,140 towards the 2021-2023 capital works program.

Consultation and Engagement

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

Report No. 13.24 Report of Coast Estuary Catchment Panel 20 May 2021

Directorate: Infrastructure Services

Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services

5 **File No:** I2021/981

Summary:

The attachment to this report provides the minutes of the Coastal Estuary Catchment Panel Meeting of 20 May 2021 for determination by Council.

10

RECOMMENDATION:

1. That Council notes the minutes of the Coastal Estuary Catchment Panel Meeting held on 20 May 2021.

2. That Council adopt the following Panel Recommendation:

Report No. 3.1 Adoption of Minutes from Previous Meeting

File No: I2021/777

Panel Recommendation 3.1.1

That the minutes of the Coastal Estuary Catchment Panel Meeting held on 10 September 2020 be confirmed.

15

3. That Council does not adopt Panel Recommendation(s) 4.1 as shown in the attachment to this report, but instead adopts the Management Recommendation(s) as follows:-

Report No. 4.1 'Bringin Back the Bruns' - project update

File No: I2021/735

Management Recommendation

That the Coastal and Estuary Panel:-

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1. **Note the update and support the 'Bringing Back the Bruns' project.**
2. **Receive further advice on the positive changes to fish movements due to the 'Bringing Back the Bruns' causeway removal thus far.**

4. **That Council adopt the following Panel Recommendation:**

Report No. 4.2 Coastal Management Program for the Richmond River

File No: I2021/736

Panel Recommendation 4.2.1

That Council notes the update on the development of a Coastal Management Program for the Richmond River estuary and catchment.

5. **That Council adopt the following Panel Recommendation:**

Report No. 4.3 Overview of ICOLL Recent Openings - Tallow and Belongil

File No: I2021/745

Panel Recommendation 4.3.1

That Council notes the overview on the recent ICOLL openings at Tallow and Belongil Creek.

Attachments:

5

- 1 Minutes 20/05/2021 Coastal Estuary Catchment Panel, I2021/792 

Report

The attachment to this report provides the minutes of the Coastal Estuary Catchment Panel Meeting of 10 September 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 https://byron.infocouncil.biz/Open/2021/05/CECP_20052021_AGN_1327_AT_EMBEDDED.PDF

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

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 3: We protect and enhance our natural environment	3.3	Partner to protect and enhance the health of the Shire's coastlines, estuaries, waterways and catchments	3.3.1	Implement Coastal Management Program	3.3.1.3	Continue Bringing Back the Brunswick River Project
Community Objective 3: We protect and enhance our natural environment	3.3	Partner to protect and enhance the health of the Shire's coastlines, estuaries, waterways and catchments	3.3.1	Implement Coastal Management Program	3.3.1.4	Commence a Coastal Management Program (CMP) in accordance with the staged process for Cape Byron Southern Coastline (including Tallow and Belongil Creek Catchment)

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Community Objective 3: We protect and enhance our natural environment	3.3	Partner to protect and enhance the health of the Shire's coastlines, estuaries, waterways and catchments	3.3.1	Implement Coastal Management Program	3.3.1.4	Commence a Coastal Management Program (CMP) in accordance with the staged process for Cape Byron Southern Coastline (including Tallow and Belongil Creek Catchment)
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Legal/Statutory/Policy Considerations

Not applicable

Financial Considerations

Not applicable

5 Consultation and Engagement

Not applicable

Report No. 13.25 Tender 2021-0005 Supply of Quarry Products

Directorate: Infrastructure Services

Report Author: Henry Spangler, Works Coordinator

5 **File No:** I2021/986

Summary:

The General Manager, under delegated authority, approved the use of the open tender method to call for an open Panel Source tender for Contract 2021-0005, Supply of Quarry Products.

10 The Request for Tender was advertised on 23 April 2021 and closed 24 May 2021 at 2:00pm.

The Request for Tender was advertised as follows:

- Byron Shire Council Vendorpanel tendering portal – 23 April 2021
- Byron Shire Council website – 23 April 2021
- 15 • Byron Shire Council Notice Board – 23 April 2021

The Request for Tender documents were released via Byron Shire Council's Vendorpanel Portal (<https://www.vendorpanel.com.au>). Tenderers were asked to lodge their responses electronically via this portal.

20 Through the portal, tender alert notices were sent electronically to all organisations registered in the category of quarry products. Number of suppliers who read the tender documents were 41.

Eleven (11) tenders were received from the following organisations:

- ABC Tarps Pty Ltd
- Boral Resources (NSW) Pty Ltd
- 25 • Graham's Quarry
- Hardy's Excavations PTY LTD / Coolamon Quarries Pty Ltd
- Holcim (Australia) Pty Ltd
- Hy-Tec Concrete and Quarries
- J & M Bashforth & Sons
- 30 • KIS Plant Pty Ltd Trading as KIS Quarries
- Richmond, Sand, Gravel & Landscaping (Ballina)
- Smith Plant (Lismore) Pty Ltd
- Terragon Rock Crushing Pty Ltd T/A Terragon Mobile

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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 2021-0005.

5

RECOMMENDATION:

- 10 1. **That Council awards Tender 2021-0005 - Supply of Quarry Products to the suppliers confidentially listed in Attachment 1- Final Recommendation Report (E2021/78624) and be appointed to the tender as Panel Source suppliers to Byron Shire Council for the initial period of 28 June 2021 to 30 June 2023.**
2. **That provision be allowed with two (2) x one (1) year option to extend the contract subject to performance, which may take this contract through to 30 June 2025.**
- 15 3. **That Council makes public its decision, including the names of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.**

Attachments:

- 20 1 Confidential - Final Recommendation Report - RFT 2021-0005 Supply of Quarry Products - Signed, E2021/78624

Report

The General Manager, under delegated authority, approved the use of the open tender method to call for an open Panel Source tender for Contract 2021-0005, Supply of Quarry Products.

- 5 Council will procure more than \$250,000 of quarry products between 28 June 2021 to 30 June 2023, therefore in accordance with the Local Government (General) Regulation 2005 – Part 7 Tendering, where expenditure on a tender exceeds \$250,000 over the term of the contract a council must, by resolution, adopt a report accepting the tender recommendation. Furthermore, tenders which have been accepted by Council will for part of a panel of suppliers referred to as the ‘Approved Suppliers List’.

The Request for Tender sought responses from proponents to provide:

- Tenderer must have a valid Australian Business Number (ABN)
- Substantial conformance to Conditions of Contract and Statement of Requirements (Technical Specifications)
- 15 • Workers compensation insurance for all employees
- Holds insurances as specified in the Statement of Requirements
- Satisfactory Work Health and Safe practices
- Commitment to ethical business practice principles. Please note that Council will not contract with any organisation that gains a financial benefit from Australia’s offshore detention centres or that has any involvement in contracting for the development and operation of the Carmichael mine or otherwise has ties to the Bravus Mining Company previously known as Adani Group.
- 20 • Provision of pricing (schedule of rates)

25 The Contract is expected to commence in June 2021 for a period of 2 years with the provision that the contract be allowed two (2) x one (1) year option to extend the contract subject to performance, which may take this contract through to 30 June 2025.

The Contract will be managed by Hank Spangler – Works Coordinator.

Tenders were advertised as follows:

- Byron Shire Council Vendorpanel tendering portal – 23 April 2021
- 30 • Byron Shire Council website – 23 April 2021
- Byron Shire Council Notice Board – 23 April 2021

There was no requirement for a site meeting in this Tender.

An Evaluation Panel comprising of three (3) Council staff members was formed.

Name	Position	Role of Panel
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Hank Spangler	Works Coordinator (BSC)	Member (subject matter expert)
Anthony Boyle	Operations Coordinator (BSC)	Member
Joshua Provis	Road and Bridge Engineer (BSC)	Member

Tenders closed on 14:00 Monday 24 May 2021 and tenders were received from the following proponents:

- ABC Tarps Pty Ltd
- Boral Resources (NSW) Pty Ltd
- 5 • Graham's Quarry
- Hardy's Excavations PTY LTD / Coolamon Quarries Pty Ltd
- Holcim (Australia) Pty Ltd
- Hy-Tec Concrete and Quarries
- J & M Bashforth & Sons
- 10 • KIS Plant Pty Ltd Trading as KIS Quarries
- Richmond, Sand, Gravel & Landscaping (Ballina)
- Smith Plant (Lismore) Pty Ltd
- Terragon Rock Crushing Pty Ltd T/A Terragon Mobile

15 Tenders were evaluated by the Evaluation Panel in accordance with the following evaluation criteria:

Mandatory criteria:

- a) Tenderer must have a valid Australian Business Number.
- b) Substantial conformance to Conditions of Contract and Statement of Requirements.
- c) Workers compensation insurance for all employees.
- 20 d) Holds, or is willing to obtain, the insurances as specified in the Statement of Requirements.
- e) Satisfactory Work Health and Safety practices.
- f) Commitment to ethical business practice principles.
- g) Provision of pricing (schedule of rates)

25

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Qualitative criteria:

Criteria	Elements
Profile and Relevant Experience	Tenderer Profile Previous Relevant Experience
Quality and Availability of Resources	Proposed Key Personnel Proposed Staff Use of subcontractors
Delivery Plan	Goods/services standards and methodology Implementation Plan
Social Procurement	Opportunities for Disadvantaged People Employment opportunities Supporting social enterprise and Indigenous business.
Sustainable Practices	Environmental practices
Local Industry	Details of the level of company resources that are locally available (businesses whose primary location is based in the NOROC region).

Following the evaluation, the Evaluation Panel conducted referee and financial checks on the preferred tenderers. The results of these checks were deemed by the Evaluation Panel to be satisfactory as detailed in the attached Evaluation Report.

5 Financial Considerations

The price basis for the contract is a schedule of rates.

Council spends over \$1,125,000 per year on quarry products.

There is sufficient funding for the proposed contract in the current budget.

Statutory and Policy Compliance Considerations

5 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.

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.*

25 (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,*

30 (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,*

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- (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.*
- 5 (4) *If a council resolves to enter into negotiations as referred to in subclause (3) (e), the resolution must state the following:*
- (a) *the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d),*
 - (b) *the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).*
- 10

Council's endorsement of the recommendation to award the tender as recommended in the attached Evaluation Report is sought.

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 Report of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 15 April 2021

- 5 **Directorate:** Corporate and Community Services
- Report Author:** Pamela Durkin, Social and Cultural Support Officer, CACS - Social & Cultural Planning
- File No:** I2021/866

Summary:

- 10 The Arakwal Memorandum of Understanding Advisory Committee met on 15 April 2021 and attached are the minutes for noting by Council.
-

RECOMMENDATION:

- 15 1. **That Council notes the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 15 April 2021.**

2. **That Council adopts the following Committee Recommendation:**

Report No. 3.1 Adoption of Minutes from 8 October 2020 Arakwal Memorandum of Understanding Advisory Committee Meeting
File No: I2021/553

Committee Recommendation 3.1.1

That the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 8 October 2020 be confirmed.

3. **That Council adopts the following Committee Recommendations:**

Report No. 4.1 Arakwal MOU review
File No: I2021/470

Committee Recommendation 4.1.1

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REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

14.1

That the Arakwal MoU Committee:

- 1. Noted the Arakwal MoU review attachment (#E2021/52551).**
- 2. Provided feedback and discussed next steps and possible options.**
- 3. Requested that the Arakwal Corporation Board reviews and comments on the Arakwal Memorandum of Understanding 2019-2021 Implementation Plan to be brought back to the next meeting on 17 June 2021.**
- 4. Supported the extension of the Arakwal Memorandum of Understanding 2019-2021 Implementation Plan until 30 June 2022 or prior should an appropriate mechanism be identified.**

Attachments:

- 5
- 1 Minutes of the 15 April 2021 Arakwal Memorandum of Understanding Advisory Committee Meeting, I2021/577 
 - 2 Arakwal MOU Implementation Plan 2019 to 2021 - draft review, E2021/52551 

10

Report

The attachment to this report provides the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting of 15 April 2021 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 https://byron.infocouncil.biz/Open/2021/04/AMUAC_15042021_AGN_1293_AT_EMBEDDED.PDF

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

Financial Implications

- 10 As per the Reports listed within the Arakwal Memorandum of Understanding Advisory Committee Meeting of 15 April 2021.

Statutory and Policy Compliance Implications

As per the Reports listed within the Arakwal Memorandum of Understanding Advisory Committee Meeting of 15 April 2021.

Report No. 14.2 Report of the Audit, Risk and Improvement Committee Meeting held on 20 May 2021

Directorate: Corporate and Community Services

Report Author: Joelinda Bourke, Corporate Support Officer

5 **File No:** I2021/944

Summary:

This report provides the minutes of the Audit, Risk and Improvement Committee Meeting held on 20 May 2021 for determination by Council.

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RECOMMENDATION:

1. That Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 20 May 2021.

2. That Council adopts the following Committee Recommendations:

Report No. 3.1 Adoption of Minutes from Audit, Risk and Improvement Committee Meeting of 18 February 2021

File No: I2021/593

Committee Recommendation 3.1.1

That the minutes of the Audit, Risk and Improvement Committee Meeting held on 18 February 2021 be confirmed.

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3. **Report No. 4.1 2020/21 Operational Plan Report - Q3 - March 2021**

File No: I2021/746

Committee Recommendation 4.1.1

That the Audit, Risk, and Improvement Committee notes the 2020/21 Operational Plan Quarter 3 Report and proposed amendments being reported to Council at the 27 May Ordinary Meeting.

4. **Report No. 5.1 Internal Audit Report - May 2021**

File No: I2021/594

Committee Recommendation 5.1.1

That the Audit, Risk and Improvement Committee:

- 1. Notes the Internal Audit Status Report – May 2021 (E2021/63051)**
- 2. Endorses the recommendations from the Executive Team to close off 4 recommendations in Appendix A of the Internal Audit Status Report (E2021/63051)**
- 3. Requests management to implement the recommendations made in the Internal Audit of Stores (Inventory Management) – April 2021 (E2021/59676)**

5. Report No. 5.2 Risk Management Update

File No: I2021/595

Committee Recommendation 5.2.1

That the Audit, Risk and Improvement Committee notes the strategic and operational risk reports for the quarter ending 31 March 2021 (E2021/53312).

6. Report No. 5.3 Business Continuity Plan Review 2021

File No: I2021/625

Committee Recommendation 5.3.1

That the Audit Risk & Improvement Committee endorses the revised Business Continuity Plan (E2021/56241).

7. Report No. 5.4 Cyber Security and System Outages Quarterly Update

File No: I2021/656

Committee Recommendation 5.4.1

That the Audit, Risk and Improvement Committee:

- 1. Notes the attached security and incident reports:
 - a) Security Incident Report. Attachment 1 (E2021/58590); and,****

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REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

14.2

- b) Incident Outage Report. Attachment 2 (E2021/58589); and,
- c) Security Intrusion Detection Report. Attachment 3 (E2021/58587); and

2. Receives ongoing status reports for cyber incidents and systems outages.

8. **Report No. 5.5 External Audit Actions Quarter 3 2020-2021 Update**
File No: I2021/767

Committee Recommendation 5.5.1

- 1. That the Audit, Risk and Improvement Committee notes the external audit activity update for the quarter ending 31 March 2021 as outlined in Confidential Attachment 1 (#E2021/66065).
- 2. That in relation to issue 7 “GST Errors” the committee agrees to close the issue on the basis of materiality only and not on the basis of ignoring compliance.

5 **Attachments:**

- 1 Minutes 20/05/2021 Audit, Risk and Improvement Committee, I2021/800 

Report

The attachment to this report provides the minutes of the Audit, Risk and Improvement Committee Meeting of 20 May 2021 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 https://byron.infocouncil.biz/RedirectToDoc.aspx?URL=Open/2021/05/ARIC_20052021_MIN_1298.PDF

Summary of Committee Reports

Report No. 3.1 Adoption of Minutes from Audit, Risk and Improvement Committee Meeting of 18 February 2021

- 10 This report provides the minutes of the Audit, Risk and Improvement Committee Meeting of 18 February 2021.

Report No. 4.1 2020/21 Operational Plan Report - Q3 - March 2021

- 15 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.

ARIC requested a regular quarterly report be provided to its meetings for information, summarising Council's progress towards achieving the annual activities contained in the 2020/21 Operational Plan.

This report is the third quarterly progress report for the period 1 January to 31 March 2021.

20 Report No. 5.1 Internal Audit Report - May 2021

This report presents the Internal Audit Status Report – May 2021 prepared by Council and the Internal Auditor, O'Connor Marsden and Associates (OCM).

- 25 This status report contains the remaining recommendations from each audit review conducted by Council's previous internal audit provider as well as recommendations from recently completed audit reviews conducted by OCM.

This report also presents the Internal Audit of Stores (Inventory Management) – April 2021 completed by OCM. This audit received a review rating of 3 - Weak and it identified one high, three medium and one minor rated issue.

Report No. 5.2 Risk Management Update

- 30 This report presents an update on Council's risk registers for the quarter ending 31 March 2021.

Report No. 5.3 Business Continuity Plan Review 2021

This report presents the revised Business Continuity Plan (BCP) documentation comprising:

- 5 • BCP Part 1 – Manual
- BCP Part 2 – Procedure
- BCP – Contacts List and Business Continuity Coordination Centre Locations
- Directorate Business Continuity Plans (containing Critical Function Sub Plans):
 - 10 ○ General Manager’s Office
 - Corporate & Community Services
 - Infrastructure Services
 - Sustainable Environment & Economy

No. 5.4 Cyber Security and System Outages Quarterly Update

15 This report provides a summary of cyber security incidents and IT service outages during the period of 1 January 2021 to 31 March 2021. A cyber security incident occurred with Council’s email system during this time. No data was compromised or lost in this incident.

There were no extended IT service outages during the reporting period.

Report No. 5.5 External Audit Actions Quarter 3 2020-2021 Update

20 This report provides an update on the audit matters raised in the 2020 External Audit Year End Management Letter, the 2020 External Audit Interim Management Letter and the 2019 External Audit Year End Management Letter for the quarter ending 31 March 2021.

Management Comments

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

Financial Implications

25 As per the Reports listed within the Audit, Risk and Improvement Committee Meeting of 20 May 2021.

Statutory and Policy Compliance Implications

As per the Reports listed within the Audit, Risk and Improvement Committee Meeting of 20 May 2021.

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.3 Report of the Biodiversity Advisory Committee Meeting held on 20 May 2021

Directorate: Sustainable Environment and Economy

5 **Report Author:** Michelle Chapman, Project Support Officer

File No: I2021/940

Summary:

10 The attachment to this report provides the minutes of the Biodiversity Advisory Committee Meeting of 20 May 2021 for determination by Council.

RECOMMENDATION:

15 1. **That Council notes the minutes of the Biodiversity Advisory Committee Meeting held on 20 May 2021.**

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

Report No. 4.2 Biodiversity Projects and Operations Update

File No: I2021/711

Committee Recommendation 4.2.1

That the Biodiversity Advisory Committee note the update on current projects and programmes being undertaken by Council staff.

That the Biodiversity Advisory Committee recognises the positive impact of having an Agricultural Extension Officer who is heavily involved in regenerative agriculture and biodiversity outcomes and recommends to Council that the Agricultural Extension Officer position be considered as a fulltime, permanent council position.

Attachments:

20 1 Minutes 20/05/2021 Biodiversity Advisory Committee, I2021/814 

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REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY 14.3

Report

The attachment to this report provides the minutes of the Biodiversity Advisory Committee Meeting of 20 May 2021 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 https://byron.infocouncil.biz/RedirectToDoc.aspx?URL=Open/2021/05/BAC_20052021_A_GN_1303_AT.PDF

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

Financial Implications

- 10 As per the Reports listed within the Biodiversity Advisory Committee Meeting of 20 May 2021.

Statutory and Policy Compliance Implications

As per the Reports listed within the Biodiversity Advisory Committee Meeting of 20 May 2021.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**Report No. 14.4 Report of the Water, Waste and Sewer
Advisory Committee Meeting held on 20 May
2021**

5 **Directorate:** Infrastructure Services
Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services
File No: I2021/947

Summary:

10 The attachment to this report provides the minutes of the Water, Waste and Sewer
Advisory Committee Meeting of 20 May 2021 for determination by Council

RECOMMENDATION:

15 1. That Council notes the minutes of the Water, Waste and Sewer Advisory
Committee Meeting held on 20 May 2021.

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

Report No. 3.1 Adoption of Minutes of Previous Meetings
File No: I2021/793

Committee Recommendation 3.1.1

That the minutes of the Water, Waste and Sewer Advisory Committee Meeting
held on 29 April 2021 be confirmed.

3. That Council adopt the following Committee Recommendation(s):
Report No. 4.1 Mullumbimby Future Water Strategy
File No: I2021/781

Committee Recommendation: 4.1.1

That Council:

1. Recognises that for the Mullumbimby township there are 2 water supply

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REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

14.4

issues being considered at the moment, one being a potential drought next summer and the other being the long-term future water supply strategy.

2. Undertakes works to complete the connection of the emergency supply to the rest of Mullumbimby.
3. In relation to a long term strategy, firms up the management options including recognising the environmental impacts of each option, inclusive of impacts of Rous's own options (for options that use Rous water).
4. Aims to produce a draft long-term strategy to go to a Strategic Planning Workshop with a view to putting the strategy on public exhibition.

Attachments:

- 5 1  Minutes 20/05/2021 Water, Waste and Sewer Advisory Committee Extraordinary, I2021/841

Report

The attachment to this report provides the minutes of the Water, Waste and Sewer Advisory Committee Meeting of 20 May 2021 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 https://byron.infocouncil.biz/Open/2021/05/WWSAC_20052021_AGN_1399_AT_EXTRA_EMBEDDED.PDF

Committee Recommendation

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

Financial Implications

- 10 As per the Reports listed within the Water, Waste and Sewer Advisory Committee Meeting of 20 May 2021.

Statutory and Policy Compliance Implications

As per the Reports listed within the Water, Waste and Sewer Advisory Committee Meeting of 20 May 2021.

