

NOTICE OF MEETING



AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

An Audit, Risk and Improvement Committee Meeting of Byron Shire Council will be held as follows:

| | |
|-------|--|
| Venue | Conference Room, Station Street, Mullumbimby |
| Date | Thursday, 19 August 2021 |
| Time | 11.30am |

Vanessa Adams
Director Corporate and Community Services

Distributed 12/08/21

CONFLICT OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

Disclosure and participation in meetings

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

- (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

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

Non-pecuniary Interests - Must be disclosed in meetings.

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

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

RECORDING OF VOTING ON PLANNING MATTERS

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

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

BYRON SHIRE COUNCIL
BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

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BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 Adoption of Minutes from Audit, Risk and Improvement Committee Meeting 20 May 2021

Directorate: Corporate and Community Services

Report Author: Alexandra Keen, Audit, Risk & Improvement Coordinator

File No: I2021/1158

RECOMMENDATION:

That the minutes of the Audit, Risk and Improvement Committee Meeting held on 20 May 2021 be confirmed.

Attachments:

1 Minutes 20/05/2021, Audit, Risk and Improvement Committee, I2021/800 , page 7 [↓](#)

Report

The attachment to this report provides the minutes of the Audit, Risk and Improvement Committee Meeting of 20 May 2021.

5 Report to Council

The minutes were reported to Council on 24 June 2021.

M I N U T E S O F M E E T I N G



**AUDIT, RISK AND IMPROVEMENT
COMMITTEE MEETING**

| | |
|-------|--|
| Venue | Conference Room, Station Street, Mullumbimby |
| Date | Thursday, 20 May 2021 |
| Time | 11.30am |

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 20 MAY 2021

Minutes of the Audit, Risk and Improvement Committee Meeting held on Thursday, 20 May 2021

File No: I2021/800

PRESENT: Cr M Lyon, Cr B Cameron, Cr A Hunter

Staff: Mark Arnold (General Manager)
Vanessa Adams (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Esmeralda Davis (Acting Manager Corporate Services)
James Brickley (Manager Finance)
Heather Sills (Corporate Planning and Improvement Coordinator)

Community: Michael Georghiou (Chairperson), Brian Wilkinson, Rae Wills

Internal Auditor: Pamela Robertson-Gregg (OCM) – item 5.1

Cr Michael Georghiou (Chair) opened the meeting at 11:34am and acknowledged that the meeting was being held on Bundjalung Country.

APOLOGIES:

There were no apologies.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

**Report No. 3.1 Adoption of Minutes from Audit, Risk and Improvement
Committee Meeting 18 February 2021**

File No: I2021/593

Committee Recommendation:

That the minutes of the Audit, Risk and Improvement Committee Meeting held on 18 February 2021 be confirmed. (Georghiou/Wilkinson)

The recommendation was put to the vote and declared carried.

BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from previous minutes.

BYRON SHIRE COUNCIL

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 20 MAY 2021

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 4.1 **2020/21 Operational Plan Report - Q3 - March 2021**
File No: I2021/746

Committee Recommendation:

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. (Georghiou/Wilkinson)

The recommendation was put to the vote and declared carried.

CONFIDENTIAL REPORTS - CORPORATE AND COMMUNITY SERVICES

PROCEDURAL MOTION

Committee Recommendation:

1. That pursuant to Section 10A(2)(d)i of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the following reports.
2. That the reasons for closing the meeting to the public to consider this item be that the reports contain:
 - a) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as the nature and content of the reports are for operational purposes. (Georghiou/Hunter)

The recommendation was put to the vote and declared carried.

Report No. 5.1 **CONFIDENTIAL - Internal Audit Report - May 2021**
File No: I2021/594

Committee Recommendation:

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

BYRON SHIRE COUNCIL

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 20 MAY 2021

Audit of Stores (Inventory Management) – April 2021 (E2021/59676)

(Georghiou/Hunter)

The recommendation was put to the vote and declared carried.

Pamela Robertson-Gregg left the meeting at 11:54am

Report No. 5.2 **CONFIDENTIAL - Risk Management Update**
File No: I2021/595

Committee Recommendation:

That the Audit, Risk and Improvement Committee notes the strategic and operational risk reports for the quarter ending 31 March 2021 (E2021/53312). (Georghiou/Lyon)

The recommendation was put to the vote and declared carried.

Report No. 5.3 **CONFIDENTIAL - Business Continuity Plan Review 2021**
File No: I2021/625

Committee Recommendation:

That the Audit Risk & Improvement Committee endorses the revised Business Continuity Plan (E2021/56241). (Georghiou/Wilkinson)

The recommendation was put to the vote and declared carried.

Report No. 5.4 **CONFIDENTIAL - Cyber Security and System Outages Quarterly Update**
File No: I2021/656

Committee Recommendation:

That the Audit, Risk and Improvement Committee:

1. Notes the attached security and incident reports;
 - a) Security Incident Report. Attachment 1 (E2021/58590); and,
 - 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.
(Cameron/Lyon)

The recommendation was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 20 MAY 2021

Report No. 5.5 **CONFIDENTIAL - External Audit Actions Quarter 3 2020-2021**
Update
File No: I2021/767

Committee Recommendation:

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.
(Georghiou/Hunter)

The recommendation was put to the vote and declared carried.

PROCEDURAL MOTION

Committee Recommendation:

That the meeting move out of confidential session. (Georghiou/Lyon)
The recommendation was put to the vote and declared carried.

There being no further business the meeting concluded at 12:54pm.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 4.1 Annual Legislative Compliance Status
Report 2020-2021**

5 **Directorate:** Corporate and Community Services

Report Author: Mila Jones, Governance Coordinator

File No: I2021/1127

Summary:

10 This report presents an update on Council's compliance with legislative reporting requirements for the 2020-2021 financial year.

RECOMMENDATION:

15 **That the Audit, Risk and Improvement Committee notes Council's compliance with legislative reporting requirements as of 30 June 2021.**

Attachments:

20 1 Legislative Compliance Reporting - Status 2020-2021, E2021/91380 , page 16 [↓](#)

Report

This report outlines Council's compliance with legislative reporting requirements for 2020-2021 and identifies any instances of non-compliance and the corrective action taken.

Council's Legislative Compliance Reporting Register provides:

- 5
 - a system to retrospectively report on compliance.
 - a systematic approach to the compliance calendar produced by the Office of Local Government but also includes various other reporting obligations including those required of environmental planning licences, Government Information (Public Access) Act, Protection of the Environment Operations Act and others.
- 10 The register itself will not ensure compliance however, it provides a tool to ensure Council takes a systematic and comprehensive approach to reviewing and reporting on compliance.

Non-compliant actions

- 15 As of 30 June 2021, the status report at Attachment 1 identifies that there were two non-compliant items from our 108 registered legislative reporting requirements for the full financial year 2020 to 2021. These two items are:

| Report | Legislation | Due | Risk | Action taken/to be taken |
|--|---|----------------|-------------|---|
| Council is required to submit an annual return of land and stock to Local Land Services (for Lot 1 Dingo Lane) | S 58 of the Local Land Services Act 2013 | 31 August 2020 | Low | Report completed and submitted on 18 May 2021 |
| Long Term Financial Plan must be updated as part of the development of the Operational Plan | s 405(1) of the Local Government Act 1993 | 30 June 2021 | Low | Council's Long Term Financial Plan is currently being rolled into a new software tool. Finalisation of this process and the required documentation is underway. |

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 | 5.6.10 | Use business insights and strategic business planning to continuously improve (SP) | 5.6.10.2 | Maintain the register and provide status reports on corporate legislative compliance reporting and monitor for currency and non-compliance issues. |

Legal/Statutory/Policy Considerations

- 5 This report meets the requirements of the Office of Local Government's proposed Risk Management and Internal Audit Framework, and Council's Corporate Compliance Framework.




Financial Considerations

Nil

Consultation and Engagement

This status report was presented to the Executive Team on 11 August 2021 following consultation with relevant managers and staff for the completion of this status update.

BYRON SHIRE COUNCIL

| Legislative Compliance Reporting Register | | | | | | | | | | | |  |
|---|-------------------------------------|--|--|------------|--|-----------|--------------------------|--------------------------------|--|--------------|---------------------------|---|
| Report | | | Legislation | | Regulations | | Requirement | | | | | 2020-2021 status |
| Regulatory/ Compliance Function | Report | Reporting Detail | Act | Reference | Regulations | | Where do we report to? | Responsible Council Department | Risk (complete if requirement not met) | Frequency | Due date | Evidence of compliance / Action plan for non-compliance |
| Access to Information | Access Disclosure Log | Maintain a register that records information about formal access applications (Disclosure Log) | Government Information (Public Access) Act 2009 | s 25 | N/A | N/A | Council | Business Systems & Technology | | Annually | Ongoing | OP 5.6.5.1 2020-2021 council weblink (DM980277) |
| Access to Information | Contributions Plans | Councils must keep certain records available for public inspection (contributions plans) | Government Information (Public Access) Act 2009 | | Environmental Planning and Assessment Regulation 2000 | cl 37, 38 | Public | Business Systems & Technology | | Annually | Ongoing | council webpage |
| Access to Information | DA/CDC Report | Council to keep certain records available for public inspection (DA/CDC) | Government Information (Public Access) Act 2009 | | Environmental Planning and Assessment Regulation 2000 | cl 268 | Public | Business Systems & Technology | | Annually | Ongoing | council webpage |
| Access to Information | GIPA Annual Report | GIPA Annual Report information to be included in Council's Annual Report *OLG Calendar item | Government Information (Public Access) Act 2009 | s 125(1) | N/A | N/A | Council | Business Systems & Technology | | Annually | 30-Nov | Refer Appendix 5 of Council's Annual Report |
| Access to Information | GIPA Annual Report | GIPA Annual Report to be lodged with the OLG (the Minister) and the Information Commissioner within 4 months of EOFY *OLG Calendar item | Government Information (Public Access) Act 2009 | s 125(1) | N/A | N/A | OLG | Business Systems & Technology | | Annually | 31 October | E2020/69955 |
| Access to Information | GIPA Information Guide | Council must review its publication information guide and adopt a new information guide at intervals of not more than 12 months *OLG Calendar item | Government Information (Public Access) Act 2009 | s 21 | N/A | N/A | Public | Business Systems & Technology | | Annually | 30 June | Latest version E2021/89297 |
| Access to Information | Open Access Information | Mandatory proactive release of certain government information: Council must keep a record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure. The record is to indicate only the general nature of the information concerned. | Government Information (Public Access) Act 2009 | s 6(5) | N/A | N/A | Other | Business Systems & Technology | | Annually | Ongoing | OP 5.2.1.4 and 5.6.5.1 |
| Access to Information | Privacy Management Plan | Council must prepare and implement a Privacy Management Plan and provide a copy to the Privacy Commissioner each time it is amended. | Privacy and Personal Information Protection Act 1998 | s 33 | Privacy and Personal Information Protection Regulation 2019, Privacy Code of Practice for Local Government | s 6 | Privacy Commissioner NSW | Business Systems & Technology | | When amended | As required | E2020/5151 |
| Access to Information | Environment Protection Licences | Maintain a public register regarding environment protection licences in accordance with section 308 of the POEO Act | Protection of the Environment Operations Act 1997 | s 308 | N/A | N/A | Public | Open Space & Resource Recovery | | Annually | Ongoing | Link to website |
| Access to Information | Development Application Advertising | Public notice requirements in advertising of DAs | Environmental Planning and Assessment Act 1979 | Sch 1 cl 8 | Environmental Planning and Assessment Regulations | | Public | Sustainable Development | | Weekly | Per media contract weekly | Advertised weekly in Council Notices |
| Budget | Budget Variances | Responsible Accounting Officer (RAO) to report material budget variances from the budget to the following Council meeting *OLG Calendar item | Local Government Act 1993 | | Local Government (General) Regulation 2005 | cl 202(b) | Council | Finance | | Monthly | As required | Refer to QBRs items |
| Budget | Quarterly Budget Review 1 | QBRs reported to Council by 30 November *OLG Calendar item | Local Government Act 1993 | | Local Government (General) Regulation 2005 | cl 203(1) | Council | Finance | | Annually | 30 November | 26/11/2020 Council Agenda |
| Budget | Quarterly Budget Review 2 | QBRs reported to Council by 28 Feb *OLG Calendar item | Local Government Act 1993 | | Local Government (General) Regulation 2005 | cl 203(1) | Council | Finance | | Annually | 28 February | 25/02/21 Council Agenda |
| Budget | Quarterly Budget Review 3 | QBRs reported to Council by 31 May *OLG Calendar item | Local Government Act 1993 | | Local Government (General) Regulation 2005 | cl 203(1) | Council | Finance | | Annually | 31 May | 13/05/21 Council Agenda |
| Budget | Quarterly Budget Review 4 | QBRs reported to Council by 31 Aug *OLG Calendar item | Local Government Act 1993 | | Local Government (General) Regulation 2005 | cl 203(1) | Council | Finance | | Annually | 31 August | 27/08/20 Council Agenda |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1 - ATTACHMENT 1

| Report | | | Legislation | | Regulations | | Requirement | | | | | 2020-2021 status |
|---------------------------------|--------------------------------|---|--|-----------|--|----------|--|--|--|---|--|---|
| Regulatory/ Compliance Function | Report | Reporting Detail | Act | Reference | Regulations | | Where do we report to? | Responsible Council Department | Risk (complete if requirement not met) | Frequency | Due date | Evidence of compliance / Action plan for non-compliance |
| Cemeteries and Crematoria | Cemeteries Activity Statement | Councils are required to provide Annual Operator Survey and NSW Cemeteries and Crematoria Register. Key statistics on cemeteries, including number of burials and ash placements for the financial year (1 July to 30 June). eg E2019/71122 | Cemeteries and Crematoria Act 2013 | Part 5 | | | NSW Cemeteries and Crematoria | Open Space & Resource Recovery | | Annually | 30 September | 2019-2020 E2020/54396 |
| Children's Services | Children's Services Reporting | Legal obligations for approved providers, nominated supervisors and educators. Accreditation by Dept of Education, Office of Early Childhood reviews compliance with many requirements eg Location/premise. Educational Program and Practice. Incidents, injury, trauma and illness (Child Safe Standards incorporated). Minimum requirements for persons in day to day charge and nominated supervisors. Staffing arrangements. Educational Leader. Age and supervision requirements. Minimum number of Educators as per licensed capacity. <u>Staffing qualifications, and more</u> | Education and Care Services National Law | | Education and Care Services National Regulations 2018 | | NSW Department of Education, Office of Early Childhood | Social & Cultural Planning | | TBA - approx only: Sandhills and Byron accreditation due end 2023; Brunswick Heads and Mullumbimby accreditation due end 2022 | As required by NSW Department of Education | N/A |
| Citizenship | Citizenship Ceremonies | Provision relating to Council holding at least 4 Citizenship ceremonies per year. Reporting to Home Affairs on attendance | | | Australian Citizenship Regulation 2016 (Cth), Australian Citizenship Ceremonies Code | | Other | Corporate Services | | Annually | As required | OP 2.1.5.1 - Council was unable to hold ceremonies in the first part of the financial year due to COVID restrictions, instead the Department of Home Affairs conducted online ceremonies during that period. The measure for this activity was adjusted accordingly and Council held 3 ceremonies between January and June 2021 |
| Cleaning | Graffiti Removal Work Register | Maintain a register of graffiti removal work | Graffiti Control Act 2008 | s 13 | N/A | N/A | Other | Works | | Annually | Not applicable | 19 requests made. Works registered in CRM system in Authority |
| Companion animals control | Dog attacks | Council is required to report on any dog attacks they are made aware of to the OLG within 72 hours of being notified via the Companion Animal Register *OLG Calendar item | Companion Animals Act 1998 | | Companion Animals Regulation 2018 | cl 31(3) | OLG | Business Support & Community Enforcement | | Within 72 hours of attack | As required | see Companion Animal Register |
| Companion animals control | Pound Data Report | Survey of seizures of cats and dogs due *OLG Calendar item | Companion Animals Act 1998 | | N/A | N/A | OLG | Business Support & Community Enforcement | | Annually | 31 August | Extension to 13/11/2020 per LG circular 20-35. Survey submitted 10/11/2020 E2020/90208 |
| Concessions | Pensioner Concessions | Closing date for Pensioner Concession subsidies claims *OLG Calendar item | N/A | N/A | N/A | N/A | OLG | Finance | | Annually | 2 October | E2020/78765 |
| Conduct | Delegations | Council must review all its delegations during the first 12 months of each term of office *OLG Calendar item | Local Government Act 1993 | | | | Council | Corporate Services | | Within 12 months of Ordinary Council Elections | Mid September | N/A |
| Conduct | Disclosures of Interest | Councillors political donations to be disclosed on councils' website (via link to Electoral Commission site) | Local Government Act 1993 | s 328A | | | SEO, Public | Corporate Services | | NA | ongoing | Link to website |
| Conduct | Disclosures of Interest | Lodge completed Pecuniary Interest returns for Councillors & designated persons who held office at 30 June | Local Government Act 1993 | s 440 | N/A | N/A | Council | Corporate Services | | Annually | 30 September | 15/10/2020 Council Meeting minutes refer pg 6 |
| Conduct | Disclosures of Interest | Lodgment of Pecuniary Interest returns for newly elected Councillors *OLG Calendar item | Local Government Act 1993 | s 440AAB | N/A | N/A | Council | Corporate Services | | 4 yearly | Within 3 months of election | N/A |

E2020/26496

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BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1 - ATTACHMENT 1

| Report | | | Legislation | | Regulations | | Requirement | | | | | 2020-2021 status |
|---------------------------------|---|--|---|------------------------|---|---------------|------------------------|--|--|----------------------------|------------------------------|---|
| Regulatory/ Compliance Function | Report | Reporting Detail | Act | Reference | Regulations | | Where do we report to? | Responsible Council Department | Risk (complete if requirement not met) | Frequency | Due date | Evidence of compliance / Action plan for non-compliance |
| Conduct | Corrupt conduct suspected | Report suspected corrupt conduct to ICAC. Provisions relating to Council's responsibility to promote integrity and accountability of public administration by investigating, exposing and preventing corruption. | <u>Independent Commission Against Corruption Act 1988</u> | ss 10, 11 | Independent Commission Against Corruption Regulation 2017 | N/A | ICAC | General Manager | | Each incident | As required | Report sent 18/11/2020 |
| Conduct | Code of Conduct Complaints | Reporting Statistics on Code of Conduct Complaints about Councillors and the General Manager. Refer Procedures of the Administration of the Code of Conduct clauses 11.1 for reports to Council and cl11.2 for report to OLG on complaint statistics *OLG Calendar item | <u>Local Government Act 1993</u> | s 440AA | Local Government (General) Regulation 2005 | N/A | Council and OLG | Legal Counsel | | Annually | 31 December | Reporting Register is E2016/34212 |
| Contracts | Contracts Register | Maintain a register of contracts \$150,000 or more. Maintain register for website | <u>Government Information (Public Access) Act 2009</u> | s 27(1) | Local Government (General) Regulation 2005 | cl 217(1)(a2) | Other | Corporate Services | | Annually | Ongoing | Register of contracts online |
| Contracts | Environmental Protection Licence 6057 - Myocum Landfill | Council must provide an offsets report accompanied by a prescribed audit report prepared by a registered greenhouse and energy auditor - 3rd and final subsequent audit. Assurance on claim for carbon credits under the Carbon Farming Initiative / Emissions Reduction Fund Environmental Protection Licence 6057 - Myocum Landfill | Carbon Credits (Carbon Farming Initiative) Act 2011 | s23(d), s76 4c | Carbon Farming (Capture and Combustion of Methane in Landfill Gas from Legacy Waste) Methodology Determination 2012 | | Clean Energy Regulator | Open Space & Resource Recovery | | Audit schedule | 15 February 2022 | Next audit due December 2021 |
| Contracts | Environmental Protection Licence 6057 - Myocum Landfill | Council must provide the Regulator an offsets report for a period that is expressed to be a reporting period for the project. An authorised representative can only apply for an abatement statement. The Myocum Landfill Gas Extraction project captures and combusts the landfill gas collected. Council has a Carbon Abatement Contract (CAC102122) with the Clean Energy Regulator which generates Carbon Credits to ANREU (AU1373) Environmental Protection Licence 6057 - Myocum Landfill | Carbon Credits (Carbon Farming Initiative) Act 2011 | s12, s23, s75 76, s192 | Carbon Farming (Capture and Combustion of Methane in Landfill Gas from Legacy Waste) Methodology Determination 2012 | | Clean Energy Regulator | Open Space & Resource Recovery | | Min. 6 mths and Max. 2 yrs | Final due date 31 March 2022 | E2021/91083 |
| Control of companion animals | Animal Registration | All registration fees receipted during the month must be entered into the Companion Animals Register in that month. Registration fees must be remitted to the OLG as detailed on monthly invoices issued *OLG Calendar item | N/A | N/A | N/A | N/A | OLG | Business Support & Community Enforcement | | Monthly | Monthly | see Companion Animal Register |
| Councillor Support | Councillor Remuneration | Each council must determine the level of fees for the remuneration of Councillors each year. This is based on the Annual Report and Determination of the Local Government Remuneration Tribunal. | <u>Local Government Act 1993</u> | s 241 | N/A | N/A | Council | Corporate Services | | Annually | 30 June | Adopted Resolution 21-260 on 27/05/2021 |
| Development Control | Local Strategic Planning Statement | Each council will prepare a local strategic planning statement (LSPS) which will set out the 20-year vision for land-use in the local area, the special character and values that are to be preserved and how change will be managed into the future. The statements will implement actions in the regional and district plans, and the council's own priorities in the community strategic plan it prepares under local government legislation. The statements will shape how the development controls in the local environmental plan (LEP) evolve over time to meet the community's needs, with the LEP the main tool to deliver the council and community's plan. | Environmental Planning and Assessment Act 1979 | Part 3 | | | Council, Dept PIE | Environmental & Economic Planning | | 7 years | 30 June | N/A |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1 - ATTACHMENT 1

| Report | | | Legislation | | Regulations | | Requirement | | | | | 2020-2021 status |
|---------------------------------|--|---|-------------------------------|---------------------------|--|---------------|---------------------------------------|--------------------------------|--|---------------------|-------------------------------------|---|
| Regulatory/ Compliance Function | Report | Reporting Detail | Act | Reference | Regulations | | Where do we report to? | Responsible Council Department | Risk (complete if requirement not met) | Frequency | Due date | Evidence of compliance / Action plan for non-compliance |
| Development Control | SEPP 1 Variations | Report on SEPP 1 Variations as required by the NSW Department of Planning Circular. For reporting on exceptions to development standards for applications made under Clause 4.6 of the Standard Instrument LEP and Clause 6 of SEPP 1. SEPP 1 applies to development applications submitted under Byron Local Environmental Plan 1988. Clause 4.6 applies to development applications submitted under Byron LEP 2014. Requirements are to: 1. Maintain public register on Council's website (https://www.byron.nsw.gov.au/Services/Building-development/Development-applications/Variations-to-development-standards); 2. Report of all variations approved (including under delegation) submitted through the NSW Planning Portal (https://www.planningportal.nsw.gov.au/reporting/online-submission-planning-data) within four weeks of the end of each quarter; 3. A report of all variations approved under delegation from a council must be provided to a meeting of the council meeting at least once each quarter | | | Planning Circular PS20-002 | | Council, Dept of Planning | Sustainable Development | | Quarterly | March, June, September and December | Jul 2020-Mar 2021 DM1162327 Apr-Jun 2021 E2021/86438 |
| DIAP | Disability Inclusion Action Plan | Council must have a plan (a <i>disability inclusion action plan</i>) setting out the measures it intends to put in place (in connection with the exercise of its functions) so that people with disability can access general supports and services available in the community, and can participate fully in the community. | Disability Inclusion Act 2014 | s12 | Disability Inclusion Regulation 2014 | | Department of Communities and Justice | Social & Cultural Planning | | Updated as required | Updated as required | Within Delivery Program 2017-2021 |
| DIAP | Disability Inclusion Action Plan - Consultation | Council must consult with people with disability in development of their DIAP | Disability Inclusion Act 2014 | s12 | Disability Inclusion Regulation 2014 | | Department of Communities and Justice | Social & Cultural Planning | | 4 yearly | | N/A |
| DIAP | Disability Inclusion Action Plan - Implementation Report | Council must, as soon as practicable after preparing its annual report, give the Minister a copy of the part of the annual report relating to the department's or council's report on the implementation of its disability inclusion action plan. | Disability Inclusion Act 2014 | s13 | Disability Inclusion Regulation 2014 | | Department of Communities and Justice | Social & Cultural Planning | | Annually | 31 December | Link to Annual Report - refer pg 88 |
| DIAP | Disability Inclusion Action Plan - Review | A public authority must review its disability inclusion action plan before the end of each 4-year period after the day the authority is required to have the plan. | Disability Inclusion Act 2014 | s14 | Disability Inclusion Regulation 2014 | | Department of Communities and Justice | Social & Cultural Planning | | 4 yearly | | N/A |
| Drinking Water | Drinking Water Management Plan Annual Report | The Public Health Act 2010 and the Public Health Regulation 2012 require drinking water suppliers to have and comply with a 'quality assurance program' (or drinking water management system). This requirement applies to water suppliers defined in the Act, including water utilities, private water suppliers and water carters. The DWMS must be internally reviewed by the water utility at least annually and a report provided to the local Public Health Unit (PHU) | Public Health Act 2010 | Part 3, Div 1, Section 25 | Public Health Regulation 2012 | Part5, Div 2 | Local Public Health Unit | Utilities | | Annually | Not applicable | E2021/90636 |
| EEO | EEO Management Plan | Councils must prepare and publish an EEO Management Plan. They must also report on implementation of the plan in their annual report. | Local Government Act 1993 | s 345 | Local Government (General) Regulation 2005 | cl 217(1)(a9) | Public | People & Culture | | Annually | 30 June | Link to Annual Report (refer page 31) |

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| Report | | | Legislation | | Regulations | | Requirement | | | | | 2020-2021 status |
|---------------------------------|---|---|--|-------------------------|--|-------------------|------------------------|--------------------------------|--|------------------------------|--|--|
| Regulatory/ Compliance Function | Report | Reporting Detail | Act | Reference | Regulations | | Where do we report to? | Responsible Council Department | Risk (complete if requirement not met) | Frequency | Due date | Evidence of compliance / Action plan for non-compliance |
| Environment Protection | Pollution Incident | Any pollution incident that meets the definition of 'causing or threatening material harm to the environment' must be reported. Incidents that involve the contamination of land or becoming aware of contamination of land, must be reported, if the contamination meets stated criteria. | Protection of Environment Operations Act 1997 Contaminated Land Management Act 1997 | s148 and 151 s60 | | | NSW EPA | All | | For each notifiable incident | Immediately after becoming aware | 5 incidents self reported to NSW EPA: - 17/12/2020 E2020/103236 C18599-2020, - 17/12/2020 E2020/103136 C18679-2020, - 24/12/2020 E2020/103564 C18939-2020 - 28/01/2021 E2021/28310 C01291-2021 - 29/03/2021 E2021/51485 C04606-2021 |
| Environment Protection | Environment Protection Licences - 6057 Myocum Landfill and 13127 Byron Resource Recovery Centre | Monthly prepare waste tonnage data for waste levy contribution reporting in the NSW EPA Waste and Resource Recovery Portal. The POEO Act requires Council's licenced waste facilities to pay a contribution for each tonne of waste received at the facility. Referred to as the 'waste levy', the contribution aims to reduce the amount of waste being landfilled and promote recycling and resource recovery. EPL 6057 and EPL 13127 | Protection of Environment Operations Act 1997 | s88 | Protection of the Environment Operations (Waste) Regulation 2014 | c22 | NSW EPA | Open Space & Resource Recovery | | Monthly | By 16th of following month | (Via NSW EPA 'WaRRP' portal) https://warrp.epa.nsw.gov.au/Default.aspx CM9 FOLDER: F1756\010 |
| Environment Protection | Environmental Protection Licence 6057 - Myocum Landfill | Biannually prepare data for a Volumetric Survey Report at Myocum Landfill facility. Volumetric surveys provide the EPA with information relating to the: rate at which available landfill capacity is being consumed; management of stockpiles of waste awaiting recycling or processing; functioning of the waste levy (levy) system. Environmental Protection Licence 6057 - Myocum Landfill | Protection of Environment Operations Act 1997 | s88 | Protection of the Environment Operations (Waste) Regulation 2014 | c10A, c23-24, c33 | NSW EPA | Open Space & Resource Recovery | | Semiannual | June & December each year | To Dec 2020: E2021/91103 E2021/91104 E2021/91105 E2021/91108 E2021/91111 To Jun 2021 - not available until late July |
| Environment Protection | Pollution Incident Response Management Plan | Prepare and test a Pollution Incident Response Management Plan for each licence activity. Licensees are required to prepare pollution incident response management plans for each licensed activity, in accordance with the requirements set out in Part 5.7A of the POEO Act. | Protection of Environment Operations Act 1997 | s148, s153A-153F | Protection of the Environment Operations (General) Regulation 2009 | Part 3A | NSW EPA | Open Space & Resource Recovery | | Annually | | Adopted June 2021 for each Plant. On Council's website at https://www.byron.nsw.gov.au/Services/Water-sewer/Sewer/Pollution-Incident-Response |
| Environment Protection | Waste Levy Deduction | Monthly prepare Operational Purpose Deductions to claim a deduction from the waste levy for any waste the occupier uses. A scheduled waste facility may apply to the EPA for approval to use at the facility any waste received from off-site for the purpose of roads or other construction works. | Protection of Environment Operations Act 1997 | s88 | Protection of the Environment Operations (Waste) Regulation 2014 | s14-15, s18, s30 | NSW EPA | Open Space & Resource Recovery | | Monthly | Maximum of two years from date of acceptance | Data for operational purpose deductions is entered via NSW EPA 'WaRRP' portal https://warrp.epa.nsw.gov.au/Default.aspx |
| Environment Protection | Environment Protection Licence 13266 - Brunswick Valley Sewerage Treatment Plant | Brunswick Valley Sewerage Treatment Plant EPL 13266 return to EPA. #E2019/44332 Annual Return to determine environmental management category and calculate annual licence administration fee. Anniversary date: 27 April | Protection of the Environment Operations Act 1997 | s63 | N/A | N/A | Other | Utilities | | Annually | 30-Jun | E2021/82603 |

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| Report | | | Legislation | | Regulations | | Requirement | | | | | 2020-2021 status |
|---------------------------------|--|--|---|--|---|--------------|------------------------------|--------------------------------|--|-----------|-------------------|--|
| Regulatory/ Compliance Function | Report | Reporting Detail | Act | Reference | Regulations | | Where do we report to? | Responsible Council Department | Risk (complete if requirement not met) | Frequency | Due date | Evidence of compliance / Action plan for non-compliance |
| Environment Protection | Environment Protection Licence 2522 - Bangalow Sewerage Treatment Plant | Bangalow Sewerage Treatment Plant EPL 2522 return to EPA. #E2019/44076 Annual Return to determine environmental management category and calculate annual licence administration fee. Anniversary date: 27 April | <u>Protection of the Environment Operations Act 1997</u> | s63 | N/A | N/A | Other | Utilities | | Annually | 30-Jun | E2021/82601 |
| Environment Protection | Environment Protection Licence 3404 - Byron Bay Sewerage Treatment Plant | Byron Bay Sewerage Treatment Plant EPL 3404 return to EPA. #E2019/43953 Annual Return to determine environmental management category and calculate annual licence administration fee. Anniversary date: 27 April | <u>Protection of the Environment Operations Act 1997</u> | s63 | N/A | N/A | Other | Utilities | | Annually | Not applicable | E2021/82275 |
| Environment Protection | Environment Protection Licence 784 - Ocean Shores Sewerage Treatment Plant | Ocean Shores Sewerage Treatment Plant EPL 784 return to EPA. #E2019/44857 Annual Return to determine environmental management category and calculate annual licence administration fee. Anniversary date: 27 April | <u>Protection of the Environment Operations Act 1997</u> | s63 | N/A | N/A | Other | Utilities | | Annually | Not applicable | E2021/83079 |
| Financial data | Audited Financial Statements | Audited financial statements & Financial Data Returns are to be lodged with OLG | <u>Local Government Act 1993</u> | s 416(1), s 417(5) | Local Government (General) Regulation 2005 Code of Accounting Practice and Financial Reporting pg A-5 | cl 413G | OLG | Finance | | Annually | 31 October | Proof of receipt from OLG E2020/103390 |
| Financial data | Audited Financial Statements | Last day for Audited financial statements to be presented to the public *OLG Calendar item | <u>Local Government Act 1993</u> | s 418(2) | Local Government (General) Regulation 2005 | cl 418(2) | Public | Finance | | Annually | 4 January | Resolution 20-549 reported to Council 22/10/2020 |
| Financial data | Ledger Balances | Last day for council's ledgers to be balanced and a list balances to be prepared for six-monthly inspections by council's auditor *OLG Calendar item | <u>Local Government Act 1993</u> | N/A | Local Government (General) Regulation 2005 | cl 228(2)(a) | Auditors | Finance | | Annually | 31 January | This task is completed by Auditors |
| Financial data | Proposed Loan Borrowings | Proposed Loan Borrowings Return to be submitted to TCORP *OLG Calendar item | N/A | N/A | Local Government (General) Regulation 2005 | cl 230 | TCORP | Finance | | Annually | 7 August 2020 | E2020/64001 |
| Fire safety | Fire Safety - Inadequate Provisions Report | Fire safety inspection report - if inadequate provisions for fire safety, council must table any report and recommendations it receives to the next meeting of council in order to determine whether it will exercise its powers to give a fire safety order | <u>Environmental Planning and Assessment Act 1979</u> | s 9.32, table to Part 2 of Sch 5, Part 8 cl 17 | Environmental Planning and Assessment Regulations | | Council | Sustainable Development | | | As required | N/A |
| Food Authority | Food Authority Report | Council must report to the Food Authority on it's enforcement actions in accordance with the Food Regulation Partnership requirements. | Food Act 2003 | | | | Food Authority | Sustainable Development | | Annually | Following 30 June | E2021/3154 |
| Foreign Affairs | Australian Foreign Relations Scheme | Councils are required to give a notice to the Minister for Foreign Affairs ('Minister') of any pre-existing or prospective arrangements with foreign entities, as well as any entry into non-core foreign arrangements (AFR Act, ss 34, 38). Councils are parties to foreign arrangements when they enter arrangements with foreign entities (AFR Act, s 6(2)), which are typically Sister City deals and similar cooperative arrangements. | Australia's Foreign Relations (State and Territory Arrangements) Act 2020 (Cth) | ss 6(2), 34, 38 | Australia's Foreign Relations (State and Territory Arrangements) Rules 2020 (Cth) | r 5(1) | Minister for Foreign Affairs | Legal Counsel | | Ongoing | Ongoing | N/A |
| Grant data | Grants Commission General Data Return | Electronic lodgment of Grants Commission General Data Return *OLG Calendar item | <u>Local Government Act 1993</u> | s 613 | N/A | N/A | Grant Commission | Finance | | Annually | 31 October | E2020/82974 |
| GST Reporting | GST Certificate | GST Certificate to be submitted to OLG - 31 July *OLG Calendar item | <u>Commonwealth Constitution</u> | s 114 | N/A | N/A | OLG | Finance | | Annually | 31 July | E2020/56737 |

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| Report | | | Legislation | | Regulations | | Requirement | | | | | 2020-2021 status |
|---------------------------------------|---------------------------------------|--|---|--|--|--|---------------------------|--------------------------------------|---|-----------|----------------------------|--|
| Regulatory/ Compliance Function | Report | Reporting Detail | Act | Reference | Regulations | | Where do we report to? | Responsible Council Department | Risk (complete if requirement not met) | Frequency | Due date | Evidence of compliance / Action plan for non- compliance |
| Investments | Investment Report | Responsible Accounting Officer (RAO) to prepare a written report monthly for Council on money invested under s 625 of the LG Act *OLG Calendar item | Local Government Act 1993 | s 625 | Local Government (General) Regulation 2005 | cl 212 | Council | Finance | | Monthly | Each Ordinary Meeting date | Council agendas online |
| IP&R | Annual Report | Annual Report to be furnished to the Minister (by submitting to the Division of Local Government) and posted on Council's website *OLG Calendar item | Local Government Act 1993 | s 428(5) s 428(1 & 2) s 428(4)(a) s 54P(1) s 67(3) | Local Government (General) Regulation 2005 | 8(2) 13(1) 18(4) 22f(2) 31 93G(1) 125(1) 132 217(1) (a) 217(1) (a1) 217(1) (a2) 217(1) (a3) 217(1) (a4) 217(1) (a5) 217(1) (a6) 217(1) (a7) 217(1) (a8) 217(1) (a9) 217(1) (b) 217(1) (c) 217(1) (e) 217(1) (e1) 217(1) (f) 220ZT(2) iii | OLG | Corporate Services | | Annually | 30 November | Link to document on website |
| IP&R | Community Strategic Plan | Community Strategic Plan reviewed and updated *OLG Calendar item | Local Government Act 1993 | s.402(5) | IP&R Guidelines | | Council | Corporate Services | | 4 yearly | 30 June following election | N/A |
| IP&R | Delivery Program | Delivery Program reviewed and updated *OLG Calendar item | Local Government Act 1993 | s.404(1-4) | IP&R Guidelines | | Council | Corporate Services | | 4 yearly | 30 June following election | N/A |
| IP&R | Operational Plan | Operational Plan reviewed and updated *OLG Calendar item | Local Government Act 1993 | s.405(1) | IP&R Guidelines | | Council | Corporate Services | | Annually | 30 June | Link to document on website |
| IP&R | Resourcing Strategy | Resourcing Strategy reviewed and updated *OLG Calendar item | Local Government Act 1993 | s.403 | IP&R Guidelines | | Council | Corporate Services | | 4 yearly | 30 June following election | N/A |
| IP&R - Resourcing Strategy | Asset Management Strategy | Asset Management Planning (10yrs) as part of IP&R Resourcing Strategy (10 years) (Asset Management Policy, Asset Management Strategy and Asset Management Plan) | Local Government Act 1993 | s.403(2) | IP&R Guidelines | | Council | Assets & Major Projects | | 10 years | 30 June | N/A |
| IP&R - Resourcing Strategy | Long Term Financial Plan | Long Term Financial Plan (10yrs) as part of IP&R Resourcing Strategy (10 years) | Local Government Act 1993 | s 403(2) | IP&R Guidelines | | Council | Finance | | 4 yearly | 30-Jun | N/A |
| IP&R - Resourcing Strategy | Workforce Management Strategy | Workforce Management Strategy (4yrs) as part of IP&R Resourcing Strategy (10 years) | Local Government Act 1993 / IP&R Guidelines | s.403(2) | IP&R Guidelines | | Other | People & Culture | | 4 yearly | 30 June | N/A |
| Land value | Estimates of changes in value of land | Requests to Valuer General for estimates of changes in value of land for supplementary valuations by 31 May *OLG Calendar item | Local Government Act 1993 | s 513(1) | N/A | N/A | Valuer General | Finance | | Annually | 31 May | Not required |
| Learning and development | Training Plan | Training plan required under the Local Govt (State) Award following consultation with the Consultative Committee. Action arising to be included in the Workforce Mgmt Plan & DP & OP, as appropriate *OLG Calendar item | Local Government Act 1993 | s 403(2) | Local Government (State) Award 2017 | cl 31(iii)(a) | Other | People & Culture | | Annually | N/A | E2021/89847 |

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| Report | | | Legislation | | Regulations | | Requirement | | | | | 2020-2021 status |
|---|---|---|--|-------------|---|------------------------|--|--------------------------------|--|--|--------------------------------|--|
| Regulatory/ Compliance Function | Report | Reporting Detail | Act | Reference | Regulations | | Where do we report to? | Responsible Council Department | Risk (complete if requirement not met) | Frequency | Due date | Evidence of compliance / Action plan for non-compliance |
| LG Elections | Elections arrangements | Last date for Councils to resolve who is conducting their next Ordinary Elections (18 months before next election) | Local Government Act 1993 | s 296AA | N/A | N/A | Council | Corporate Services | | 4 yearly | 18 months before next election | Res 19-385 |
| LG Elections | Elections arrangements | Last date to enter into an arrangement with the NSW Electoral Commission for Council's next Ordinary Election (15 months before next election) | Local Government Act 1993 | s 296(3)(b) | N/A | N/A | Other | Corporate Services | | 4 yearly | 15 months before next election | Res 19-385, contract E2019/85334 |
| LG Elections | Non-residential Roll | Councils to provide non-residential roll to electoral office prior to election | Local Government Act 1993 | s 303 | | | Other | Corporate Services | | 4 yearly | Due after 26 Jul 2021 | N/A |
| LG Elections | Survey of Election Candidates | Ordinary Elections: Survey of Candidates and Councillors. Refer OLG Circular 16-40 and E2016/94569 *OLG Calendar item | Local Government Act 1993 | s 429 | Local Government (General) Regulation 2005 | cl 391(6) | Office of Local Government | Corporate Services | | 4 yearly | 30 November following election | N/A |
| Liquid trade waste | Liquid Trade Waste Annual Report | Liquid trade waste annual reporting by LWUs to DPI Water and EPA, detailing discharges approved with assumed concurrence. Bangalow STP, Byron STP, Brunswick Valley STP, Ocean Shores STP. eg E2019/15246 It is a condition of the authorisation for automatic assumed concurrence that Council must provide DPIE with a list of the liquid trade waste dischargers it has approved as Concurrence Classification A. | | | Liquid Trade Waste Regulation Guidelines | E2019/80269 Page 14 | Other | Utilities | | Annually | Not applicable | E2020/23748 |
| Local approvals | Local Approvals Policy | Review of Local Approval Policies (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election. *OLG Calendar item | Local Government Act 1993 | s 165(4) | N/A | N/A | Other | Sustainable Development | | 4 yearly | September 2022 | E2018/114185 |
| Local road data | ALGA National Local Road Data System Return | Lodgment of ALGA's National Local Road Data System Return (Grants Commission) *OLG Calendar item | Local Government Act 1993 | N/A | N/A | N/A | NSW Local Government Grants Commission | Works | | Annually | 30 November | E2020/80059 |
| Maintaining AFSS register and reminders | Annual Fire Safety Statements | For BCA building classes 1b to 9, councils to maintain register of annual fire safety statements and send reminder letters to owners. | Environmental Planning and Assessment Act 1979 | s 157 10.13 | Environmental Planning and Assessment Regulation 2000 | | Other | Sustainable Development | | Ongoing | Ongoing | Authority Register maintained |
| Organisation structure | Senior Staff | Councils should notify the OLG of any senior staff or address changes via e-mail to enable updating of the directory *OLG Calendar item | N/A | N/A | N/A | N/A | OLG | Corporate Services | | Annually | As required | N/A |
| Organisation structure | Organisation Structure | Re-determine organisation structure within 12 months after any Ordinary election of the Council *OLG Calendar item | Local Government Act 1993 | s 333 | N/A | N/A | Council | People & Culture | | Within 12 months of Ordinary Council Elections | 30 September | N/A |
| Performance and Reporting | Delivery Program Progress Report | Delivery Program progress report (2nd half of year) provided to Council at least every 6 months - presented to September Council meeting *OLG Calendar item | Local Government Act 1993 | s 404(5) | N/A | N/A | Council, public | Corporate Services | | Annually | 30 September | 27/08/2020 Agenda |
| Performance and Reporting | Delivery Program Progress Report | Delivery Program progress reports (1st half of year) provided to Council at least every 6 months - presented to March Council Meeting *OLG Calendar item | Local Government Act 1993 | s 404(5) | N/A | N/A | Council | Corporate Services | | Quarterly | 30/03/2020 | 25/02/2021 Agenda |
| Performance and Reporting | End of Term Report | End of Term Report to be tabled at last meeting of outgoing Council - 31 Aug. Part of IP&R requirements *OLG Calendar item | Local Government Act 1993 | s 428(2) | N/A | N/A | OLG | Corporate Services | | Annually | 31 August | N/A |
| Performance and Reporting | Long Term Financial Plan | Long Term Financial Plan must be updated as part of the development of the Operational Plan - 30 June *OLG Calendar item | Local Government Act 1993 | s 405(1) | N/A | N/A | Council | Finance | Low | Annually | 30 June | Incomplete - Action required: Finalisation of LTFP model from LG Solutions and documentation |

E2020/26496

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1 - ATTACHMENT 1

| Report | | | Legislation | | Regulations | | Requirement | | | | | 2020-2021 status |
|---------------------------------|---|---|--|---|--|-----------|------------------------|--------------------------------|--|-----------|---|---|
| Regulatory/ Compliance Function | Report | Reporting Detail | Act | Reference | Regulations | | Where do we report to? | Responsible Council Department | Risk (complete if requirement not met) | Frequency | Due date | Evidence of compliance / Action plan for non-compliance |
| Pesticide use | Pesticide Use Notification Plan | Public authorities (including local councils) are required to prepare and finalise a pesticide use notification plan, notify the EPA of the plan's existence, and give public notice of any planned use of pesticides according to the plan when using pesticides on land owned by that authority. | <u>Pesticides Act 1999</u> | | Pesticides Regulation 2017 | cls 40-44 | EPA and public | Open Space & Resource Recovery | | Ongoing | Ongoing | Pesticide information on website |
| Policies | Expenses and Facilities Policy | Policy on payment of expenses and provisions of facilities for Mayors & Councillors to be adopted *OLG Calendar item | <u>Local Government Act 1993</u> | s 252 | N/A | N/A | Council | Corporate Services | | 4 yearly | Mid September | Latest version (May 2020) |
| Political contributions | Votes on Planning Matters | Provisions relating to Councils requirement in terms of recording political donations and voting on planning matters. The GM is required to keep a register of Councillors' disclosures of political donations. If not complied with, GM to report to OLG. Council must also maintain a register recording the votes on planning matters. | <u>Local Government Act 1993</u> | ss 328A, 328B and 375A | | | OLG | Sustainable Development | | Ongoing | Ongoing | Council Meeting minutes and Council link to Electoral Office for political donations register |
| Public Interest Disclosures | Public Interest Disclosures 1 | PID first half yearly report lodged with the NSW Ombudsman *OLG Calendar item | <u>Public Interest Disclosures Act</u> | s 6CA | N/A | N/A | NSW Ombudsman | Legal Counsel | | Annually | 31 July | Report sent 03/08/2020 |
| Public Interest Disclosures | Public Interest Disclosures 2 | PID second half yearly report lodged with the NSW Ombudsman *OLG Calendar item | <u>Public Interest Disclosures Act</u> | s 6CA | N/A | N/A | NSW Ombudsman | Legal Counsel | | Annually | 31 January | 0 incidents to report |
| Public Interest Disclosures | Public Interest Disclosures Annual Report | PID Annual Report of obligations to be lodged with the OLG (the Minister) and Ombudsman *OLG Calendar item | <u>Public Interest Disclosures Act</u> | s 31 | N/A | N/A | OLG | Legal Counsel | | Annually | 31 October | E2020/58493 |
| Public Land | Public Land Register | Keep a register of all land owned or managed by Council | Local Government Act 1993 | s53 | | | Other | Open Space & Resource Recovery | | Ongoing | Ongoing | Public Land Register in Authority |
| Rates Installments | Making of the Rate | Last day for making rates - 31 July *OLG Calendar item | <u>Local Government Act 1993</u> | s 533 | | | Other | Finance | | Annually | 31 August 2020 (extension for 2020) | Council Meeting 30/07/2020 Resolution 20-355 |
| Rates Installments | Rates Instalments 1 | 2020-2021 Only: Per OLG Circulars 20-12 and 20-20 option to send first rate notice by 1 September (and due by 31 September) (Normally Single or first quarterly rates instalment notice to be sent 31 July (due by 31 August)) *OLG Calendar item | <u>Local Government Act 1993</u> | s 562(5), s 562(3)(b) Extra for 2020-21 s747B (COVID-19) | N/A | N/A | Public | Finance | | Annually | 31 July | Posted 20/08/2020 |
| Rates Installments | Rates Instalments 2 | Second quarterly rates instalment notice to be sent 31 October (due by 30 November) *OLG Calendar item | <u>Local Government Act 1993</u> | s 562(5), s 562(3)(b) | N/A | N/A | Public | Finance | | Annually | 31 October | Posted 22/10/2020 |
| Rates Installments | Rates Instalments 3 | Third quarterly rates instalment notice to be sent 31 January (Due 28 February) *OLG Calendar item | <u>Local Government Act 1993</u> | s 562(5), s 562(3)(b) | N/A | N/A | Public | Finance | | Annually | 31 January | Posted 27/01/2021 |
| Rates Installments | Rates Instalments 4 | Fourth quarterly rates instalment notice to be sent 30 April (due 31 May) *OLG Calendar item | <u>Local Government Act 1993</u> | s 562(5), s 562(3)(b) | N/A | N/A | Public | Finance | | Annually | 30 April | Posted 22/04/2021 |
| Rates Installments | Service of rates and charges | Rates levied by service of rates and charges notice by 1 August *OLG Calendar item | <u>Local Government Act 1993</u> | s 546 | Local Government (General) Regulation 2005 | cl 413(2) | Other | Finance | | Annually | 1 September 2020 (extension for 2020 due to COVID 19) | Complete 20/08/20 |
| Returns of interest | Annual Return of Land and Stock | Lot 1 Dingo Lane - Easement (Holding Ref No 109263194) Council is required to submit an annual return of land and stock to Local Land Services | Local Land Services Act 2013 | s58 | | | NSW LLS | Open Space & Resource Recovery | Low | Annually | 31 August | E2021/68837 (report due 31/08/2020 - reported late 18/05/2021) |

E2020/26496

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1 - ATTACHMENT 1

| Report | | | Legislation | | Regulations | | Requirement | | | | | 2020-2021 status |
|---------------------------------|--|---|---|---------------------------|--|------------------------|--|--------------------------------|--|-----------|--------------|--|
| Regulatory/ Compliance Function | Report | Reporting Detail | Act | Reference | Regulations | | Where do we report to? | Responsible Council Department | Risk (complete if requirement not met) | Frequency | Due date | Evidence of compliance / Action plan for non-compliance |
| Roads | Naming of roads | Naming of roads - submission to Geographical Names Board for approval and registration | Roads Act 1993 | Part 10 Div 4 Sec 162 (3) | Roads Regulation 2018 | Part 2 Div 1 Sec (7) | Geographical Names Board | Works | | | | 3 Gazettals in NSW Government Gazettes (Local Government) or (Roads and Transport) dated: 22/01/2021 19/03/2021 11/06/2021 |
| Roads and bridges data | Roads and Bridges Data Return | Grants Commission Roads and Bridges Data Return due for electronic lodgement (eg E2019/67198 request for data) *OLG Calendar item | N/A | N/A | N/A | N/A | NSW Local Government Grants Commission | Assets & Major Projects | | Annually | 30 September | E2020/100181 |
| Senior staff contracts | Performance Review of Senior Staff | Review of General Manager's and other senior staff performance, undertake contract renewal process subject to the terms of the relevant contract/s *OLG Calendar item | Local Government Act 1993 | s 338 | N/A | N/A | Council | People & Culture | | Annually | As required | Reviews undertaken and saved to staff (confidential) personnel files |
| Statement of Compliance | Environmental Protection Licence 13127 - Resource Recovery | Environmental Protection Licence 13127: Licensees are required to submit an annual return to the EPA annually. The annual return includes a statement of compliance with the licence conditions and a report of the pollution monitoring of the pollutant loads generated by the activity undertaken at the premises. The EPA issues environment protection licences to Council under the POEO Act. Licence conditions relate to pollution prevention and monitoring, and cleaner production through recycling and reuse and the implementation of best practice. Licensees are required to publish pollution monitoring data that has been collected as a result of a licence condition. Environmental Protection Licence 13127 - Resource Recovery Anniversary date: 4 August | Protection of Environment Operations Act 1997 | s42-88, s66 | Protection of the Environment Operations (Waste) Regulation 2014 | s26-28, s31-33, s36-37 | NSW EPA | Open Space & Resource Recovery | | Annually | 2 October | E2020/78468 |
| Statement of Compliance | Environmental Protection Licence 6057 - Myocum Landfill | Environmental Protection Licence 6057: Licensees are required to submit an annual return to the EPA annually. The annual return includes a statement of compliance with the licence conditions and a report of the pollution monitoring of the pollutant loads generated by the activity undertaken at the premises. Supplementary reports include two noise reports, twelve landfill gas reports, four surface water monitoring reports, four groundwater monitoring reports and four leachate monitoring reports. The EPA issues environment protection licences to Council under the POEO Act. Licence conditions relate to pollution prevention and monitoring, and cleaner production through recycling and reuse and the implementation of best practice. Licensees are required to publish pollution monitoring data that has been collected as a result of a licence condition. Environmental Protection Licence 6057 - Myocum Landfill Anniversary date: 3 September | Protection of Environment Operations Act 1997 | s42-88, s66 | Protection of the Environment Operations (Waste) Regulation 2014 | s26-28, s31-33, s36-37 | NSW EPA | Open Space & Resource Recovery | | Annually | 1 November | E2020/96757 |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1 - ATTACHMENT 1

| Report | | | Legislation | | Regulations | | Requirement | | | | | 2020-2021 status |
|---------------------------------|---|---|--|-----------------------------------|--|--|------------------------|--------------------------------|--|------------------------------|----------------------------------|---|
| Regulatory/ Compliance Function | Report | Reporting Detail | Act | Reference | Regulations | | Where do we report to? | Responsible Council Department | Risk (complete if requirement not met) | Frequency | Due date | Evidence of compliance / Action plan for non-compliance |
| Statement of Compliance | Environmental Protection Licence 12600 - Myocum Quarry | Environmental Protection Licence 12600: Licensees are required to submit an annual return to the EPA annually. The annual return includes a statement of compliance with the licence conditions and a report of the pollution monitoring of the pollutant loads generated by the activity undertaken at the premises. Supplementary reports include four surface water monitoring reports. The EPA issues environment protection licences to Council under the POEO Act. Licence conditions relate to pollution prevention and monitoring, and cleaner production through recycling and reuse and the implementation of best practice. Licensees are required to publish pollution monitoring data that has been collected as a result of a licence condition. Environmental Protection Licence 12600 - Myocum Quarry Anniversary date: 2 November | Protection of Environment Operations Act 1997 | s42-88, s66 | | | NSW EPA | Works & Resource Recovery | | Annually | 31 December | E2020/101744 |
| Waste strategy | Domestic Waste Annual Charge | Council may make an annual charge for waste management services. Council levy an annual charge for the provision of domestic waste management services a) domestic rateable land and the waste facility. *OLG Calendar item | Local Government Act 1993 | s68 s396, s501, s504-508 | | | OLG | Open Space & Resource Recovery | | Annually | 1 July | E2020/59727 Council web link |
| Waste strategy | Environment Protection Licences - 6057 Myocum Landfill and 13127 Byron Resource Recovery Centre | Annually prepare data for the National Environment Protection Council (NEPC) to support reporting against the National Environment Protection Measures (NEPM). The Local Government Waste and Resource Recovery (WARR) survey collects data from all NSW local councils on their waste and recycling collection services. The annual survey provides a comprehensive dataset to inform stakeholders, EPA programs and legislative requirements. This report provides data about domestic waste and recycling in the Shire. Helps local councils and industry measure the success of programs and make evidence-based decisions about waste and recycling. It also helps the NSW Environment Protection Authority (EPA) monitor waste and recycling levels across the state. EPL 6057 and EPL 13127 | National Environment Protection Council Act 1994, Waste Avoidance and Resource Recovery Act 2001 | s7, s14 (NEPC Act) s12 (WARR Act) | National Environment Protection Measures | | NSW EPA | Open Space & Resource Recovery | | Annually | 31 August | E2021/3376 |
| Water Utilities | Water Utility National Performance Annual Report | National performance reports benchmark the pricing and service quality of Australian water utilities. Indicators include water resource supply and usage, financial operations, bills and pricing, assets, water quality compliance and customer performance. Published annually and prepared independently by the Bureau, State and Territory governments, and the Water Services Association of Australia, the reports support commitments under the National Water Initiative | | | National Water Initiative | | DPIE | Utilities | | Annually | Not applicable | E2020/79906 |
| Work Health and Safety | Workplace Health and Safety Incident | Any serious injury or illness, death or dangerous incident arising out of the conduct of the workplace, that meets the definitions of 'notifiable incident', must be reported. | <u>Work Health Safety Act 2011 (Cth)</u> | ss 35-38 | | | SafeWork NSW | All | | For each notifiable incident | Immediately after becoming aware | 3 incidents: 24/09/2020, 15/05/2021, 27/05/2021 |

**Report No. 4.2 Delivery Program 6-monthly Report and
2020/21 Operational Q4 Report - to 20 June
2021**

Directorate: Corporate and Community Services

5 **Report Author:** Heather Sills, Corporate Planning and Improvement
Coordinator

File No: I2021/1234

Summary:

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

15 This report represents the second '6-monthly edition' of the Quarterly Report, providing an
additional reporting layer regarding Council's progress toward the higher-level actions of
the Delivery Program. It is also the final report of the 2020/21 Operational Plan and details
the outcome of the activities that were planned for delivery in the 2020/21 financial year.

Council achieved 79% of the Operational Plan activities planned for 2020/21.

20 **RECOMMENDATION:**

**That the Audit, Risk, and Improvement Committee notes the Delivery Program 6-
monthly Report and 2020/21 Operational Plan Fourth Quarter Report for the period
ending 30 June 2021 (Attachment 1 #E2021/97874).**

Attachments:

- 25 1 Delivery Program 6-Monthly Report and Operational Plan Quarterly Report - Q4 - to 30 June
2020, E2021/97874 , page 31 [↓](#)

Report

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

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

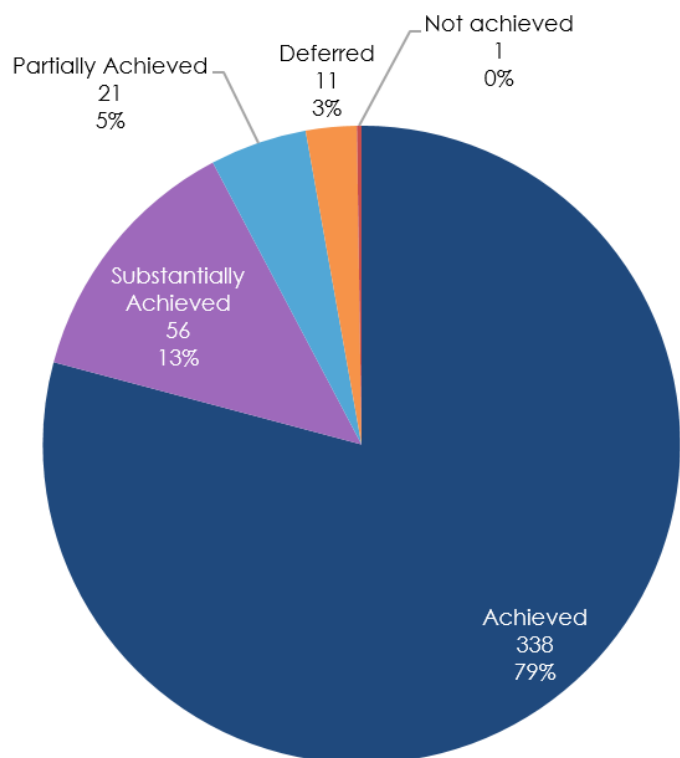
- 10 The Delivery Program is supported by the annual Operational Plan, which identifies the individual projects and activities that will be undertaken for the year to achieve the commitments made in the Delivery Program.

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

15 2020/21 Operational Plan Activities

As this is the last quarter report for the 2020/21 financial year, this report details Council's achievement of the activities in the 2020/21 Operational Plan. Overall, Council achieved 79% of planned activities against the measures in the plan. This compares to 78% during 2019/20. Some activities were not fully achieved and/or deferred as a direct result of COVID-19 restrictions. Further detail on individual activities and their impact is provided in detail in the report.

13% of activities were substantially achieved, meaning they were significantly progressed but not finalised, while 5% were partially achieved, 3% deferred, and one activity was not achieved.

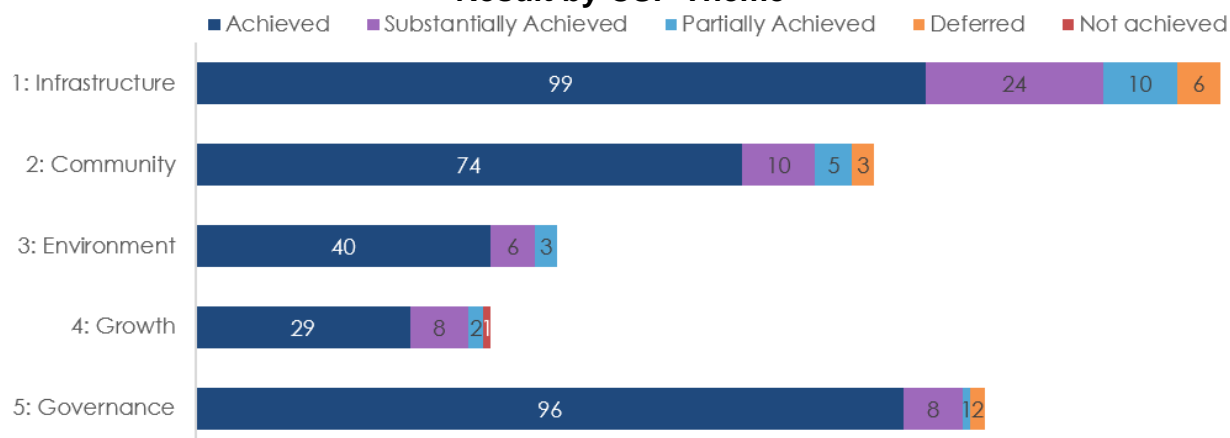


Strategic Objectives

The report (#E2021/97874) is structured by the five 'Our Byron, Our Future' Community Strategic Plan 2028 objectives:

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

Result by CSP Theme



Report Details

The report details Council's achievement of the activities in the 2020/21 Operational Plan. It includes a status update on progress and notes any highlights or exceptions where actions were delayed or reprioritised.

Each section notes the progress against the activities including:

- 20 • Activity
- Responsible directorate
- Measure
- Timeframe
- Comments
- 25 • Status
 - Achieved
 - Substantially achieved
 - Partially achieved
 - Deferred
 - 30 ○ Not achieved

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 | 5.2.1.2 | Continuous improvement of corporate planning and reporting process |

Legal/Statutory/Policy Considerations

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

Financial Considerations

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

Consultation and Engagement

- The development of the Delivery Program was informed by extensive engagement around the Community Strategic Plan and specifically a Community Solutions Panel on infrastructure priorities.
- 15 The progress reports on the Operational Plan and Delivery Program are published on Council's website as a way of ensuring transparency around how Council is progressing activities and actions.

Byron Shire Council



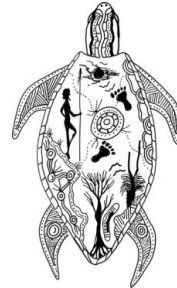
Delivery Program **Six-Monthly Report** & Operational Plan **Quarterly Report** Q4

Acknowledgement of Country

In preparation of this document Council acknowledges the Bundjalung of Byron Bay - Arakwal People are the Traditional Custodians of the land in Byron Shire, and form part of the wider Aboriginal nation known as the Bundjalung.

Byron Shire Council and the Traditional Custodians acknowledge the Tweed Byron Local Aboriginal Land Council and the Jali Local Aboriginal Land Council under the Aboriginal Land Rights Act 1983.

Council also acknowledges all Aboriginal and Torres Strait Islander people who now reside within the Shire and their continuing connection to country and culture.



Contact Council

| | |
|-----------------------|--|
| In person: | 70 Station St, Mullumbimby NSW Byron Visitors Centre, Jonson St, Byron Bay PO Box 219, Mullumbimby NSW 2482 |
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| Web: | www.facebook.com/byronshire.council |
| Social media: | 02 6622 7022 |
| Emergency After Hours | |

This document

Council is committed to providing a regular update on its progress towards its Operational Plan. The Quarterly report details the progress on the activities of Council's 2018/19 Operational Plan, noting the:

- Activity
- Responsible directorate
- Measure
- Timeframe
- Comments
- Status

Further to the providing an update on the Operational Plan Activities, this report is a '6-monthly edition' of Council's Quarterly Report, providing an additional reporting layer regarding the progress toward the higher level actions of the Delivery Program, in accordance with the *Local Government Act 1993* s404 which states:

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

This is an important component of the reporting cycle, focusing on the higher level commitments that the Councillors have made to the community for the duration of their term. It also provides an opportunity to reflect on whether the specific activities being undertaken are still working toward these priorities.

The report is structured by each of the 'Our Byron, Our Future' Community Strategic Plan (2018-2028) objectives:

Community Objective 1:

We have infrastructure, transport and services which meet our expectations

Community Objective 2:

We cultivate and celebrate our diverse cultures, lifestyle, and sense of community

Community Objective 3:

We protect and enhance our natural environment

Community Objective 4:

We manage growth and change responsibly

Community Objective 5:

We have community led decision making which is open and inclusive

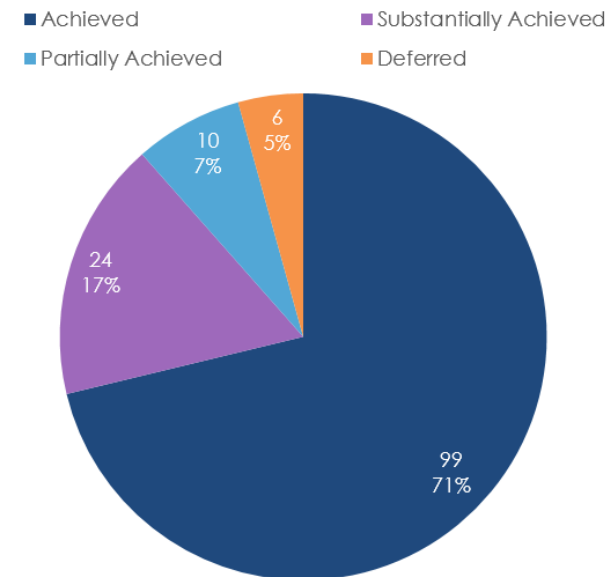
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Community Objective 1: We have infrastructure, transport, and services which meet our expectations

- 1.1 Provide a road network which is safe, accessible, and maintained to an acceptable level of service
- 1.2 Provide essential services and reliable infrastructure which meet an acceptable community standard
- 1.3 Support, through partnership, a network of integrated sustainable transport options
- 1.4 Provide a regular and acceptable waste and recycling service
- 1.5 Provide continuous urban water and sewerage services within the Shire
- 1.6 Manage traffic and parking in an efficient manner



Community Objective 1: Infrastructure

We have infrastructure, transport and services which meet our expectations

1.1: Provide a road network which is safe, accessible, and maintained to an acceptable level of service

1.1.1: Deliver road and drainage maintenance services in line with Community Solutions Panel values (SP)

| | |
|------------|--|
| Outcome | <p>Road and drainage maintenance was delivered in line with approved budgets. The maintenance scope has been broadened significantly with the addition of shire wide programs of heavy patching, reseal and AC overlay from both internal budgets and ECG funding. This has allowed a greater focus on pavement rehabilitation on roads that would not normally see capital works expenditure. The scope of the heavy patching, AC overlay and reseal has been supplemented with the use of in situ stabilisation to provide real pavement improvement in strength, durability, and shape on maintenance budgets.</p> <p>The maintenance team has delivered over 16km of reseal and heavy patching and 8km of asphalt overlay and heavy patching.</p> <p>In addition to this planned and proactive maintenance, council has employed a second jet patcher machine intermittently to assist with pothole repair, particularly when recovering from rain events.</p> <p>The general maintenance of rural road and drainage has been impacted by two declared weather events which has resulted in over \$2.5m of additional funds being spent on roads with a large amount on rural drainage and road grading.</p> |
| Highlights | <p>Binna Burra Road reseal program completed</p> <p>South Arm Bridge and walkway upgrade completed in Brunswick Heads</p> <p>Byron Creek Bridge in Talofa completed</p> |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---------------------------------------|--|----------|---|
| 1.1.1.1 | Implement annual rural drainage planned maintenance works | Completion of works / budget expended | Full program of works achieved - planned, unplanned and flood recovery from two events. Rural drainage works now programmed to coincide with other planned road maintenance works such as grading, mowing, and slashing, reseals and AC overlay works. | Achieved | ✓ |
| 1.1.1.2 | Implement ongoing road planned maintenance works | Completion of works / budget expended | Annual road maintenance budget expended and program significantly broadened by two flood events and disaster recovery funding. An additional \$2.5M over and above the standard budgets was spent on road maintenance due to the two disaster events. The most impacted activities were gravel road grading and rural drainage maintenance. This increase in workload was delivered using internal maintenance and capital works staff as well as contractors. | Achieved | ✓ |
| 1.1.1.3 | Deliver heavy patching program | Completion of program | Work program was expanded significantly with the addition of ECG funding. This financial year the heavy patching program was closely related to the AC overlay program and reseal program. The heavy patching was also broadened to incorporate stabilization on roads which were too badly misshapen for traditional patching. This work including reseal has been achieved for around \$150k/km. Binna Burra Road, Booyong Road, Pearce Road and Coopershoot Road have been complete this financial year with this method, a total over 11km. A list of traditional patches complete can be seen at E2021/88525 on the Heavy Patching Tab. | Achieved | ✓ |
| 1.1.1.4 | Deliver gravel resheeting program | Completion of program | Waltons Rd, Blindmouth and St Helena Road complete on this budget. The remaining Gravel Resheeting works were funded by the two disaster recovery claims. | Achieved | ✓ |

7

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--------------------------------|-----------------------|--|----------|---|
| 1.1.1.5 | Deliver Road Reseal Program | Completion of program | 16.2km of bitumen reseal was complete this financial year. This program was executed in conjunction with heavy patching in both asphalt and through stabilization to ensure that pavements that were resealed were repaired to a condition smooth enough for the new seal to be effective. The full list of completed reseals is at E2021/88525 on the reseal tab. | Achieved | ✓ |
| 1.1.1.6 | Deliver Bridge Works Program | Completion of program | All programmed works complete including South Arm Bridge and walkway upgrade, Brunswick Heads and Byron Creek Bridge, Talofa. | Achieved | ✓ |
| 1.1.1.7 | Deliver Causeway Works Program | Completion of program | Programed Works Complete: Main Arm #7 Causeway Main Arm #12 Causeway Main Arm #14 Causeway. | Achieved | ✓ |
| 1.1.1.9 | Deliver Major Patching Program | Completion of program | Work program was expanded significantly with the addition of ECG funding. This financial year the heavy patching program was closely related to the AC overlay program and reseal program. The heavy patching was also broadened to incorporate stabilization on roads which were too badly misshapen for traditional patching. This work including reseal has been achieved for around \$150k/km. Binna Burra Road, Booyong Road, Pearce Road and Coopershoot Road have been complete this financial year with this method, a total over 11km. A list of traditional patches complete can be seen at E2021/88525 on the Heavy Patching Tab. | Achieved | ✓ |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|---|--------------------------------------|--|----------|---|
| 1.1.1.10 | Deliver Pavement Asphalt Overlay Program | Completion of program | Over 8.7km of AC overlay complete this financial year incorporating heavy patching of failed areas and new wearing course. All works complete can be seen in the following document E2021/88525 under the AC tab. | Achieved | ✓ |
| 1.1.1.12 | Commence development of internal maintenance plans for Council's drainage network within Council's maintenance management software Reflect (Council resolution 20-500). | Commencement of maintenance planning | Plans and system well developed, output measure complete. Maintenance and inspection software systems will soon be operational for rollout first quarter 21/22 to Stormwater Maintenance Team. | Achieved | ✓ |

1.1.2: Develop maintenance levels for road network infrastructure in line with Community Solutions Panel values (SP)

| | |
|----------------|--|
| Outcome | <p>The maintenance team continues to develop work programs with the assistance of Predictor Modelling from the Assets Team. This modelling incorporates road condition and road hierarchy position to determine the level of service achievable for the maintenance staff. This approach forms the foundation of the maintenance programs but are constantly and consistently updated, altered, and managed with respect to other influencing factors such as local weather conditions, community feedback, inspections and impacts from the wider programs.</p> <p>Council is using Reflect software to manage both planned and unplanned maintenance and also Recover software to manage disaster recovery.</p> <p>During this financial year most roads level of service was increased due to the injection of state funding due to the two declared disasters. This increased spend on road maintenance and drainage totaled approximately \$2.5mil.</p> |
|----------------|--|

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|---|----------|---|
| 1.1.2.1 | Undertake bridge inspection program to identify and prioritise scheduled maintenance and renewal of bridge components or bridges | Completion of program | The bridge inspection program has been completed and is an important requirement in the management of these key transport assets | Achieved | ✓ |
| 1.1.2.2 | Refine risk based methodologies and predictive modelling to strategically prioritise maintenance and renewal of infrastructure. | Maintain up to date asset models | The predictive modelling has been updated and will provide key information in the ongoing optimisation of road renewal investment. This will further inform the Long Term Financial Plan. | Achieved | ✓ |
| 1.1.2.3 | Undertake urban roadside tree maintenance for dead, dying, and dangerous trees | Program within budget and identified dangerous trees treated | Customer requests for tree maintenance assessments are being received with staff addressing all issues of legitimate safety concerns. | Achieved | ✓ |

1.1.3: Prioritise road network asset renewal and upgrade programs in line with Community Solutions

Panel values (SP)

| | |
|------------|--|
| Outcome | Road asset renewals and upgrades have been prioritised in line with CSP values based on our Transport Asset Management plan, condition assessments, value for money engineering, safety, road hierarchy, and traffic volumes. Grants have been targeted based on these parameters and significant funding has been received. This has enabled projects in the 10 year program to be brought forward. Projects brought forward are some of our worst condition / high use roads such as: Ewingsdale Road asphalt overlay. Bangalow Road renewal. Byron Creek bridge renewal. The Pocket Road stage 1. Binna Burra Road renewal and Coopers Shoot Road renewal |
| Highlights | Middleton Street Road Reconstruction works completed Byron Creek Bridge replacement construction works completed Repentance Creek Road Causeway replacement with a new bridge was completed in November 2020 |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|-----------------------|---|----------|---|
| 1.1.3.1 | Deliver Road Side Barrier Renewal Program Shire Wide | Completion of program | Guardrail and Wire Rope repairs were made on the following roads: Billinudgel Bridge - The Pocket Rd Middle Pocket Rd, Myocum Montecollum Rd Moffats Rd Tyagarah Rd Mullumbimby Rd Coorabell Rd Ewingsdale Rd | Achieved | ✓ |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|---|----------|---|
| 1.1.3.2 | Deliver access ramp and footpath upgrades and renewals shire wide | Access ramps and footpaths upgraded, in conjunction with planned capital projects or footpath renewal program, to leverage these works and improve DIAP access for community. | Various access ramps and footpath upgrades complete to improve DIAP access for the community including Brooke Drive Lighthouse Road crossing and works associated with shared path upgrades | Achieved | ✓ |
| 1.1.3.3 | Deliver Kerb and Gutter renewal program Shire Wide | Completion of program | Replacement of kerb and gutter: 2 Sallywattle Drive Suffolk Park - 15m kerb & gutter 10 Short St Brunswick Heads - 2m kerb 14 Short St Brunswick Heads - 10m kerb 34 Booyun St Brunswick Heads - 10m kerb 36A Booyun St Brunswick Heads - 15m kerb 42 Booyun St Brunswick Heads - 15m kerb 22 Booyun St Brunswick Heads - 10m kerb | Achieved | ✓ |
| 1.1.3.4 | Replacement of damaged footpaths | Replacement of footpaths in accordance with inspection reports | Full list of completed footpath repairs located at E2021/88525. | Achieved | ✓ |
| 1.1.3.5 | Deliver Retaining Wall renewal Program Shire Wide | Completion of program | Works complete in the following locations: 11 Bangalow Rd 67 Bangalow Rd 99 Bangalow Rd | Achieved | ✓ |
| 1.1.3.7 | Deliver Middleton Street Road Reconstruction | Works Complete on site and road open to traffic | Middleton Street: Works were completed early in the financial year by way of an asphalt pavement overlay and minor line marking and parking improvements. | Achieved | ✓ |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES







4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|---|---|--|--------------------|---|
| 1.1.3.8 | Deliver Renewal of Byron Creek Bridge | Bridge replacement complete and open to traffic | Deliver Renewal of Byron Creek Bridge: Works complete. Project was completed on time and on budget. The final design resulted in a 45m span bridge with 3.5m lanes and 1.5m shoulders which allow for future provision of a shared path on the bridge. | Achieved | ✓ |
| 1.1.3.9 | Deliver road reconstruction work on the Pocket Road Stage 2 | Project construction approval package complete | Project Approval Package complete and ready for sign off. Package to be supplemented with additional geo / construction technical advice requested by the Works construction team prior to commencing construction. | Achieved | ✓ |
| 1.1.3.10 | Deliver Causeway Renewal Program - subject to causeway inspections | Works complete on site and open to traffic | Deliver Causeway Works Program: Programmed works completed on time and under budget. Completed projects included Main Arm #7 Causeway, Main Arm #12 Causeway, and Main Arm #14 Causeway | Achieved | ✓ |
| 1.1.3.11 | Deliver Myocum Road Renewal - Stage 1 | Works complete on site and open to traffic | Stage 1 & 2 works have been rolled into one project to achieve construction efficiencies. Project Approval Package is complete and planned for sign off in July prior to construction to commencing, weather dependent. | Partially Achieved | □ |
| 1.1.3.12 | Design Myocum Road Renewal - Stage 2 | Construction Works Package complete | Stage 1 & 2 works have been rolled into one project to achieve construction efficiencies. Project Approval Package is complete and planned for sign off first week of July. Construction to commence in July, weather dependent. | Achieved | ✓ |
| 1.1.3.13 | Deliver Coolamon Scenic Drive 16.5km section - Reconstruction - Coorabell | Works complete on site and open to traffic | Staged delivery of Coolamon Scenic Drive safety improvement works are on target for delivery in accordance with grant program and timeline variations. | Achieved | ✓ |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES



4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|--|---|--|------------------------|--|
| 1.1.3.14 | Deliver Bangalow Road 8.02km section - Road Safety Project - Byron Bay | Works Complete on site and road open to traffic | Final seal, line marking, and guard rail end terminals programmed for first quarter of new financial year. Product and sub-contractor availability has delayed these portions of the works. | Substantially Achieved |  |
| 1.1.3.15 | Design Fern Street Reconstruction | Construction Works Package complete | Preliminary designs and works package complete and ready for consultation. | Substantially Achieved |  |
| 1.1.3.16 | Deliver Bangalow Road Renewal - Talofa | Works complete on site and open to traffic | Deliver Bangalow Road Renewal - Talofa: Works complete. The project was a significant achievement for the internal Works team and a showcase of their skills with a very high-quality finish. The road is now much wider, smoother, and safer for all road users | Achieved |  |
| 1.1.3.17 | Design Stuart Street Renewal | Construction Works Package complete | Construction Works Package and on ground works for stage 1 complete. | Achieved |  |
| 1.1.3.18 | Design Tincogan Street - Intersection Priority Change | Construction Works Package complete | Construction Works Package is complete. Awaiting final approval for street lighting installation prior to sign off and construction commencement. Construction to be complete in first quarter of financial year. | Achieved |  |
| 1.1.3.20 | Design Carlyle Street Renewal | Construction Works Package complete | Preliminary design is complete and planned for consultation. Project priority was revised to meet unexpected funding deadlines for funding recently received for shared paths on Tennyson St. Carlyle Street works funding deadlines will still be met. | Substantially Achieved |  |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|--|---|---|------------------------|---|
| 1.1.3.21 | Design Main Arm Road Renewal | Construction Works Package complete | The flood immunity investigation is highly important to this project and have delayed the output measure being fully met. Preliminary designs are substantially complete, however, road levels for the flooded section are not yet confirmed. A level of consultation also needs to occur. Funding deadlines will still be met. | Substantially Achieved |  |
| 1.1.3.23 | Deliver South Arm Car Park Upgrade - Stage 1 | Stage 1 works complete in accordance with ECG program | Construction of stage 1 is now programmed for mid-2023 to allow works to follow Surf Club replacement. Grant deadlines have been varied to suit this revised delivery timeline. Concept designs are complete and will be developed into consultation drawings in 2021/22. | Deferred |  |

1.1.4: Develop road network new works program in line with Community Solutions Panel values/principles (SP)

| | |
|------------|---|
| Outcome | <p>The focus of new works program has been on new safety works, such as road widening, new safety barrier installation, new line marking and signage. Significant grant funding has been won under various grant programs to plan for new safety and other new infrastructure works in the coming financial years such as:</p> <p>Myocum Road program</p> <p>Mullumbimby streets program (Stuart, Fern, Station and Burringbar Streets)</p> <p>The Ocean Shores Asphalt overlay program</p> <p>Other important new works programs developed include:</p> <p>the mobility parking spaces upgrade program</p> <p>access improvement program for kerb ramps</p> <p>Renewal of damaged safety barriers shire wide</p> |
| Highlights | New Bus stop accessibility and safety upgrade program |



2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|---|----------|---|
| 1.1.4.1 | Seek and apply for grants that deliver new or upgraded road network works | Ongoing - suitable grants applied for throughout year | This year Council has continued to apply for a number of grants for the road network from programs including Fixing Local Roads, Fixing Country Roads, Safer Roads Program, Bridges Renewal Program, Fixing Country Bridges and Active Transport. Council continues to have a high success rate with these applications, adding approximately \$7M in funding to future works programs in the 20/21 financial year. | Achieved | ✓ |

1.1.5: Deliver road network new works program

| | |
|---------|--|
| Outcome | <p>This year there has been a very significant achievement in delivering new works programs including:</p> <ul style="list-style-type: none"> Byron Bay Bypass Bangalow Road new Safety works Coolamon Scenic Drive new safety works Replacing 3 causeways in Main Arm with new bridges Replacing a Causeway on Repentance Creek Road with a new bridge |
|---------|--|

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|-----------------------|--|------------------------|---|
| 1.1.5.1 | Complete construction of the Byron Bay Bypass | Open the Bypass | Completed and opened on 27 February. Community feedback and traffic counts indicate the Bypass has improved traffic movement and reduced travel times. | Achieved |  |
| 1.1.5.2 | Complete Suffolk Park Cycle Way - Bangalow Road | Onsite works complete | Project scope 98% complete. Final cycle lane painting continues to delay 100% completion. | Substantially Achieved |  |

1.1.6: Provide stormwater infrastructure to manage flood mitigation, social and environmental outcomes

| | |
|----------------|--|
| Outcome | Council continues to deliver flooding and stormwater capital works projects and maintenance programs across the shire to manage flood risk including but not limited to drain clearing, stormwater drainage system upgrades, flood gauge and flood pump maintenance annually. Council has recently finalised and adopted the North Byron Flood Risk Management Study and Plan which sets out priority works across infrastructure land use planning and flood warning projects across the northern area of the shire for which Council are now well advanced in. Council is well advanced now in flood warning across the shire in addition to having submitted numerous state grant funding applications to further enhance and implement flood and drainage infrastructure to manage flood risk across the shire |
|----------------|--|







2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|---|----------|---|
| 1.1.6.1 | Review 10 year stormwater levy program | Program reviewed and updated | Stormwater capital works plan including levy and renewal programs reviewed and updated to inform works programs and budgets annually. | Achieved | ✓ |
| 1.1.6.2 | Deliver 44 Kingsley Lane - Kerb and Gutter to prevent property flooding at a number of properties | Construction package ready. | Project construction ready, however, construction has been removed from 2020/21 program and into 2021/22 program at quarterly review. Operational Plan amendment required to show output measure as 'construction package ready'. Construction programmed in 2021/22. | Achieved | ✓ |
| 1.1.6.3 | Deliver Annual Urban Drainage Maintenance works | Complete 70% of programmed maintenance for urban drainage | Urban drainage maintenance programs continue to be delivered however unplanned management of Belongil Opening. Planning, monitoring, and execution works place considerable pressure on resources and are time intensive. | Achieved | ✓ |
| 1.1.6.4 | Design Alcorn Street Drainage Augmentation | Survey work completed. | Survey works completed for design 21/22 | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|---|---|---|------------------------|---|
| 1.1.6.5 | Deliver South Golden Beach Street Drainage Upgrade - Pacific Esplanade | Works Complete on site and road open to traffic | Stage 1 drainage works complete May 2021. Stage 2 works programmed for first quarter of 2021/22. The road is open to traffic. | Substantially Achieved |  |
| 1.1.6.6 | Design South Golden Beach Street Drainage Upgrade - Clifford Street | Construction Works Package complete | Design nearing completion and Project Approval Package being finalised. Construction works package will be complete first quarter 21/22. | Substantially Achieved |  |
| 1.1.6.7 | Design works for drainage upgrades to 18 Old Bangalow Road - pipe open drain to reserve | Construction Works Package complete | Works are construction ready. Illegal works in Council's drainage easement have delayed the commencement of construction. Compliance teams are currently resolving the illegal works prior to works being able to commence. | Achieved |  |
| 1.1.6.9 | Complete Water Sensitive Urban Design Strategy Actions | Agreed actions complete | Key agreed strategic actions completed, including a Draft DCP chapter, a Draft WSUD design guidance book, draft deemed to comply design examples, a draft pilot WSUD asset audit and maintenance program. Further strategic actions including finalisation and adoption of documents and staff training is planned for 2021/22. | Achieved |  |
| 1.1.6.10 | Deliver I&I Stormwater Renewal - Mullumbimby | Works Complete on site and road open to traffic | The results of the preconstruction drainage study for Stuart / Fern / Station Streets indicate that significant drainage renewal is required. Further reporting and Council direction is required prior to proceeding with proposed works. Report has been developed and ready for next available meeting of new Council. | Partially Achieved |  |
| 1.1.6.11 | Complete Annual Stormwater Network Camera Inspection Program as per program | All inspection complete and asset conditions uploaded to predictor software | Work under this action is being prioritised and incorporated into the ongoing rolling I & I inspection works | Partially Achieved |  |

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)

| | |
|---------|---|
| Outcome | Road and drainage maintenance works programs have been delivered as scheduled and to approved budgets and coordinated with resealing, asphalt overlay and other capital works programs throughout the year. These works include Footpath and cycleways, Kerb and Gutter, Mobility space and Kerb Ramps, Roadside Barrier and Retaining Wall. This full program of planned maintenance has been delivered alongside reactive works based on immediate community feedback and inspections. |
|---------|---|

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|--|----------|---|
| 1.2.1.1 | Building assets managed to support the provision of services to the community. | Building asset management actions are identified, documented, monitored and reported to community in line with Strategic Asset Management Plan. | Program complete for 2021. Large expenditure on unplanned maintenance. Public toilets and plumbing for community buildings were high cost areas. COVID 19 health & safety measures increased costs to all facilities including public toilets, halls, and operations buildings. Cleaning schedules were increased and hand sanitisers, dispensers and signage installed. | Achieved | ✓ |
| 1.2.1.2 | Complete 80% of programmed maintenance for water and sewer assets | Complete 80% of programmed maintenance for water and sewer assets | Compliance with planned maintenance activities for water and sewer assets increased steadily over the reporting year. July 2020 saw only 54% of planned activities completed with improvement through planning and resourcing delivering a compliance level of planned maintenance activities at 94% for June 2021. | Achieved | ✓ |

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4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|-----------------------|--|----------|---|
| 1.2.1.3 | Implement planned maintenance program for resource and recovery operational assets | Program within budget | <p>Cleaning and maintenance of 156 general waste, 122 recycling and 3 organics bin enclosures. Cleaning of additional 138 public place bins on stands. Public place bins serviced as per high season (2024 lifts per week) and low season (1629 lifts per week) schedules plus additional afternoon servicing during peak holiday period.</p> <p>130 x Enviropole cigarette butt recycling bins - serviced monthly and butts retrieved for recycling. New Contract established for ongoing servicing and maintenance.</p> <p>35 x Dog Poo Bag dispensers throughout the Shire on servicing Contract. Approximately 800,000 dog poo bags distributed over the past year. New contract established for refill and maintenance of bag dispensers.</p> | Achieved | ✓ |

1.2.2: Develop infrastructure asset renewal and upgrade program in line with Community Solutions**Panel values (SP)**

| | |
|------------|---|
| Outcome | Investment of special rate variation funds and government grants has been optimized in the asset renewal and upgrade program which has progressively improved the condition of the road network. |
| Highlights | Council completed detailed laser assessment of the condition of all sealed roads which provided crucial data for a predictive computer model used to inform the capital renewal and upgrade program |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status |
|---------|---|--|--|--|
| 1.2.2.1 | Develop and amend Open Space Programs in accordance with the adopted Open Space Asset Management Plan | Programs amended in line with AMP and adopted budget | Essential refurbishment and renewals works to built assets were completed including to Federal Park furniture and playground, Waterlily Park playground and tennis courts, Clarkes Beach parkland furniture, South Golden Beach Skate Park and playground, Byron Recreation Grounds Cenotaph, Parrot Tree Park shade structure, Tuckeroo Park playground and tennis courts, Bangalow Sports fields skate park, playgrounds and grandstands, Apex Park Byron playground and BBQ, Bangalow Pool Park playground and shelter, Suffolk Park sport fields equipment, shelters, and playground, Mia Court Park basketball, tennis and playground, Mullumbimby Rec Grounds skate park, Tom Kendall Park Shelter, BBQ and playground. Streetscape furniture refurbishment works were completed in Byron, Bangalow and Mullumbimby. | Achieved  |

1.2.3: Develop infrastructure new works program in line with Community Solutions Panel values (SP)

| | |
|---------|---|
| Outcome | Works programs are continuously monitored and modified when required to incorporate new opportunities when they arise from Grants or other initiatives such as the \$3.2mil Ocean Shores Roads network rehabilitation program to improve the condition of our road network in line with the community Solutions Panel expectations. |
|---------|---|

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|---|----------|---|
| 1.2.3.1 | Amend the Recreational Needs Assessment 10 year program to 2031 | Completed in line with the 21/22 budget development program | Recreational Needs Assessment recommended actions10 year program to 2031 have been considered in the development of the draft capital works budget. | Achieved | ✓ |

1.2.4: Provide active and passive recreational Community space that is accessible and inclusive for all (SP)

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|---|--------------------|---|
| 1.2.4.1 | Pursue funding opportunities in partnership with Reflections Holiday Parks for the delivery of accessible infrastructure at Torakina Beach (as adopted from the beach accessibility program) | Funded Projects delivered | Successful agreement between Open Space and Reflections saw installation of a new accessible pathway servicing Torakina Beach, Brunswick Heads. | Achieved | ✓ |
| 1.2.4.2 | Deliver accessibility outcomes within Capital works and infrastructure renewal programs | Adopted Program | New accessible toilet installed at Gaggin Park, with associated accessible pathway and disabled parking planned for the 2021/22 Operational Plan. New accessible BBQ installed at Tom Kendal Park New Brighton. Fully accessible toilet installed at Federal Parklands. | Achieved | ✓ |
| 1.2.4.3 | Deliver Stage 2 of a Public Open Space Accessibility Program | Funded elements delivered | Available budget was utilised to renew and upgrade facilities in Tom Kendall Park, New Brighton. A new shelter with accessible BBQ and Picnic table was installed, along with a linking path through to Park Street. | Achieved | ✓ |
| 1.2.4.4 | Finalise detailed design for the Byron Skate Park and Recreation Hub | Detailed design complete | | Achieved | ✓ |
| 1.2.4.5 | Finalise planning approvals for Byron Skate Park and Recreation Hub | Project fully approved and ready for construction | Planning approvals are identified and mapped but dependent on land tenure. Discussions with Crown Land regarding tenure are unresolved and ongoing. | Partially Achieved | □ |

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4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|----------|---|
| 1.2.4.6 | Maintain beach entry points to agreed levels of service | Maintained in accordance with AMP within adopted budget | Beach Access inspections and reactive maintenance works carried out across the Shire on a regular basis. Erosion impacting access tracks on Clarkes and Main Beach required monitoring daily, with actions being taken to ensure safe public access. | Achieved | ✓ |

1.2.5: Ensure ongoing maintenance and upgrade of inclusive community buildings and swimming pools (SP)

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|-------------------|---|
| Outcome | The 2021 community building maintenance program was completed, with significant expenditure on unplanned maintenance. COVID 19 health and safety measures, including cleaning, increased costs to all facilities, including public toilets and halls. The Brunswick Heads Memorial Hall upgrade was also completed. |
| Highlights | The upgrade to the Brunswick Memorial Hall was completed in June 2021 with good results. New layouts for the existing toilet areas and a new compliant accessible toilet space were achieved as well as the installation of a stage lift which enables wheelchair access to the stage area. This facility is the first council building to have wheelchair access to a stage area and was well received by the local all abilities drama group. |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|---|----------|---|
| 1.2.5.1 | Review the delivery of the Buildings AMP improvement plan | Report on the outcomes of the Buildings AMP improvement plan | Council has implemented requirements of the Buildings Asset Management Plan | Achieved | ✓ |
| 1.2.5.2 | Implement successful building grants eg stronger country communities program | Complete grant approved projects | The Ocean Shores community centre upgrade has been completed. The Mullumbimby War Widows Cottage has been delayed due to unexpected conditions on the site and completion is now expected in August 2021, which is still in accordance with grant timeframes. | Achieved | ✓ |
| 1.2.5.3 | Complete the upgrade of the Ocean Shores community Centre | Significant progress toward completion in the 2021/22 FY for the Ocean Shore Community Centre project | The upgrade of the Ocean Shores Community Centre has provided a welcomed improvement to this valued asset | Achieved | ✓ |

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4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|---|--------------------|-------------------------------------|
| 1.2.5.4 | Progress planning of renewal / upgrades of Byron Bay Pool | Plan for renewal / upgrades developed and reported to Council | Project planning is advancing well with draft RFQ having been prepared seeking concept designs for redevelopment of the Byron Pool site. | Partially Achieved | <input type="checkbox"/> |
| 1.2.5.5 | Manage Surf Life Saving Contract for patrolled areas | Service program delivered | Current Lifeguard Services contract managed throughout the year, with new Tender for Lifeguard Services advertised in June. | Achieved | <input checked="" type="checkbox"/> |
| 1.2.5.6 | Upgrades at the Brunswick Heads Memorial Hall including; toilets, widening the stage, and accessibility improvements | Upgrade works completed | The upgrade to the Brunswick Memorial Hall was completed in June 2021 with good results. New layouts for both Female and Male toilets and a new compliant accessible toilet space were achieved as well as the installation of a stage lift which will enable wheelchair access to the stage area. This facility is the first council building to have wheelchair access to a stage area and was well received by the Bright Lights Drama Disability Group. | Achieved | <input checked="" type="checkbox"/> |
| 1.2.5.7 | Conduct a feasibility study into converting the Petria Thomas Swimming Pool in Mullumbimby into a year round, solar heated facility, including a disability access ramp to the existing 50 metre pool, a splash children's pool, and a rehabilitation / hydrotherapy pool, and consider various water treatment options. | Feasibility study completed | Mullumbimby Petria Thomas Swimming Pool Feasibility Study RFQ has been advertised and is being finalised to allow engagement of consultant for the next stage of this project. | Partially Achieved | <input type="checkbox"/> |

1.2.6: Optimise Councils property portfolio (SP)

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|-------------------|--|
| Outcome | In addition to the progression of initiatives at Lot 12 Bayshore Drive Byron Bay through a EOI process, Council now owns the old Mullumbimby and Byron Bay Hospital sites. |
| Highlights | Council has resolved (21-188) to implement a master plan for Lot 12 Bayshore Drive Byron Bay and moved to provide a long term lease site on the property to TAFE NSW. |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|------------------------|---|
| 1.2.6.1 | Progress Lot 12 Bayshore Drive Byron Bay future use | Implement council resolutions on the preferred future use | TAFE DA lodged and the strategic direction for the site, including a three lot subdivision, has been endorsed by Council via resolution. | Achieved | ✓ |
| 1.2.6.2 | Undertake detailed road assessment and revaluation for the purposes of closure and potential land sale as required. | Ongoing actions complete throughout year as required | Council has undertaken 13 part road closures, consolidations, dedications of land as road and land swap agreements. 6 are still ongoing and 7 have been completed. These have included the land acquisition and land matters for the bypass, road widening for Council road infrastructure and private land matters. Ongoing actions throughout year in response to inquiries to close and purchase. All current actions are progressing well within expected time frames. | Achieved | ✓ |
| 1.2.6.3 | Purchase of land access for Lot 4 Mullumbimby | Complete the purchase | TfNSW have agreed to consider a boundary adjustment to resolve this matter and it is anticipated the land purchase could occur next financial year | Substantially Achieved | |

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4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|---|----------|---|
| 1.2.6.4 | Progress infrastructure planning for the Ewingsdale Road corridor | Complete assessments | Assessments were completed and submitted to Infrastructure Australia as required. Meeting with TfNSW and their consultants on transport modelling occurred in May. Work is continuing with TfNSW and Infrastructure Australia. | Achieved | ✓ |
| 1.2.6.5 | Ongoing management of contracts for operation of First Sun and Suffolk Park Caravan Parks | Net operating budgeted profit met or exceeded. | Park income experienced nil downturn due COVID-19 effects and turnover of the parks for the whole financial year exceeded original budget estimates. | Achieved | ✓ |
| 1.2.6.6 | Manage approval to operate licence conditions for First Sun and Suffolk Holiday Parks | Approval to Operate Conditions achieved | Compliance and planning reviews were completed for both First Sun and Suffolk Beachfront Holiday Parks and all ATO conditions of operation are on track for completion as required. | Achieved | ✓ |
| 1.2.6.7 | Deliver adopted capital works program for First Sun Holiday Park | Delivery of adopted program | Adopted capital works program completed. Works included one cabin being replaced, painting completed as required across cabins 1-18 and renewal works to BBQs, landscaping, signs, and minor renewal works to cabins and sites completed as required. Safari Tents works have been placed on hold for future years, subject to the outcome of ATO site compliance auditing. | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|---|------------------------|---|
| 1.2.6.8 | Deliver adopted capital works program for Suffolk Park Holiday Park | Delivery of adopted program | Adopted capital works program has been substantially completed as required. Canvas Renewals were completed to Safari Tents 4 and 5. Painting was completed as required to Cabins 1-3 and Safari Tents 1-4. Renewal works to BBQs, Landscaping, Signs, and other minor renewal works to Cabins, Roads and Sites were completed as required. Decision on planned replacement of Cabin 8 has been taken allowing for works to proceed in the 21/22 financial year. | Substantially Achieved |  |
| 1.2.6.9 | Manage leases and contracts at Tyagarah Airfield | Progress the resolved direction for future use | A new licence for Tyagarah Hall was finalised, with staff continuing to work on management of other existing leases. | Achieved |  |

1.2.7: Implement identified projects of the Byron Bay Town Centre Master Plan

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|------------|---|
| Highlights | Completed construction of the Byron Rail Precinct projects and complete design for Byron Bay Skate Park |
|------------|---|

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|--|------------------------|----|
| 1.2.7.1 | Develop concept plans for the upgrade of Byron Bay foreshore (action from Byron Bay Town Centre Masterplan) | Concept plans for the Byron Bay foreshore adopted by Council | This project has been deferred as it is awaiting the outcome of the Main Beach Shoreline Project to determine alignment. | Deferred | ▶▶ |
| 1.2.7.2 | Construct Byron Rail Corridor Restoration Works (action from Bryon Bay Town Centre Masterplan) | Rail corridor restoration constructed | Project substantially achieved, with construction works to be completed July 2021. | Substantially Achieved | ■ |
| 1.2.7.3 | Implement Byron Town Centre Landscaping Plan | Adoption of Byron Bay Town Centre Landscaping Plan. Implementation of Stage 1 elements | Full implementation deferred until traffic modelling for the town centre is completed. | Deferred | ▶▶ |

1.2.8: Develop capital upgrades, renewal and enhancements works program for buildings- including community buildings, public toilets, emergency services, sports club facilities and Council operations buildings (SP)

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|--|------------------------|---|
| 1.2.8.1 | Consult with user groups to establish user agreements, leases, licenses and Plans of Management | At least 6 User agreements reviews/implemented per annum | Open Space team have been consulting with user groups on a regular basis to establish user agreements, leases, licenses, and Plans of Management. Currently there are 25 sports field user group agreements in place, with six due for renewal in 21/22. | Achieved | ✓ |
| 1.2.8.2 | Deliver adopted Sporting Infrastructure Renewal Program (Shire wide) | program delivery within budget as adopted | Programmed sports turf refurbishment works were completed in line with sports seasons, along with seasonal field changeovers between sports, goal mouth and wicket turfing and field line-marking operations. | Achieved | ✓ |
| 1.2.8.3 | Complete renewal of Bangalow Weir Footbridge | Renewal works complete within budget | Refurbishment works are substantially completed. These will be finalised in July, with the footbridge estimated to be reinstated August. | Substantially Achieved | |
| 1.2.8.4 | Deliver renewal of Gaggin Park amenities, including the improvement to accessibility of the amenities | Adopted Program delivered within budget | New accessible public amenities in Gaggin Park, Suffolk Park completed, with associated accessible pathway to be completed in the 2021/22 Operational Plan under a separate funding program. | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|---|----------|---|
| 1.2.8.5 | Continue to deliver on Stronger Country Community grant | Stronger Country Communities funding resources Ocean Shires Community Centre upgrades | The Ocean Shores Community Centre upgrade was completed in April 2021. The new extension has provided an extra meeting room, new kitchenette for general hall hires without the need to access the main kitchen and a covered veranda and access ramp that now provides all weather access to the facility for people using wheelchairs, mobility aids and prams. | Achieved | ✓ |
| 1.2.8.6 | Submit Clubgrants Application for Brunswick Heads Memorial Hall amenities and stage upgrade | Capital improvement completed | Grant application was submitted, approved and the project delivered within the required time frame and budget. | Achieved | ✓ |
| 1.2.8.7 | Revaluation of the land, buildings, open space, and recreation assets | Complete revaluation in accordance with the accounting code | Revaluation of land, buildings and open spaces completed for external audit | Achieved | ✓ |

1.2.9: Provide safe, clean modern public toilets compliant to accessible standards for increasing visitor population and general public (SP)

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|---|----------|---|
| 1.2.9.1 | Maintain public amenities in accordance with adopted levels of service | Ongoing maintenance of Council owned public toilets across the Shire | Public amenities cleaning programs developed, rolled out and quality assured throughout the year. | Achieved | ✓ |

1.3: Support, through partnership, a network of integrated sustainable transport options

1.3.1: Ensure an integrated and accessible transport network (SP)

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|------------|--|
| Outcome | Council delivered several projects that expanded our integrated accessible transport network and continued to progress several signature projects. Development of Council's Integrated Transport Management Strategy, Moving Byron, now in draft waiting final review before exhibition and adoption. |
| Highlights | a continuous shared path and cycleway from Suffolk Park to Browning St Byron Bay Design of Tennyson St shared path completed for construction 21/22 design and construction of the Deacon St shared path in Bangalow significant progress made on transport strategies - Moving Byron Bus stop accessibility upgrade program |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|----------|---|
| 1.3.1.1 | Finalise the Integrated Transport Management Strategy (ITMS) | Draft strategy prepared | Draft document complete (Moving Byron) and under TIAC review. Anticipated that it will be reported to Council in the next quarter. | Achieved | ✓ |
| 1.3.1.2 | Delivery prioritised Pedestrian and Access Mobility Plan (PAMP) facilities | Program developed and ready to implement as funding permits | Program developed and delivered by Works Operations within available budget. | Achieved | ✓ |
| 1.3.1.3 | Support the Byron Bay Bus Interchange in partnership with Transport for NSW | Complete the Interchange | The Byron Bay Bus interchange has been opened and the project is complete. | Achieved | ✓ |
| 1.3.1.4 | Construction of the Bangalow Deacon Street share path (priority project from the Bike Plan) | Construction works completed | Works have been successfully completed on time and within budget. | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|---|------------------------|----|
| 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 | 4 quarterly update reports provided | Four quarterly update reports to Council were provided detailing meetings with the State Government | Achieved | ✓ |
| 1.3.1.6 | Develop a governance model to support rail corridor activation | Governance model developed | Council has not been able to independently fund this work. As such, the governance model is dependent on further negotiations with TfNSW as part of the options study for the Infrastructure Australia options study. | Deferred | ▶▶ |
| 1.3.1.7 | Review Council's Asset Management Policy to embed Council's Road Access and Safety Principles (RASPs) for implementation from July 2021 | Policies reviewed and adopted. | RASP update presented to Council and further development on going. Draft policy is programmed for completion, however, adoption by 30 June was not possible due to reporting timelines with TIAC meetings and report deadlines. | Substantially Achieved | ■ |
| 1.3.1.8 | Review and update road related infrastructure, movement, access and safety policies to include RASPs | Relevant chapters identified and review commenced | Council has held meetings with key staff and undertaken a literature review to identify relevant chapters and policies relevant to road related infrastructure, movement, access and safety policies. Updating these policies has commenced to include RASPs. | Achieved | ✓ |
| 1.3.1.9 | Commence review of road related DCP chapters to embed Road Access and Safety Principles (RASPs) for adoption in 2021/22 | Relevant chapters identified and review commenced | The DCP review has commenced. The DCP is a combined document used by all Northern Rivers Council and Council will be required to consult with the Northern Rivers working group responsible for updating the DCP, who meet annually. | Achieved | ✓ |

1.4: Provide a regular and acceptable waste and recycling service

1.4.1: Implement Integrated Waste Management and Resource Recovery Strategy

| | |
|------------|--|
| Outcome | Community Engagement activities undertaken including face to face, social media etc. Business Waste reduction program revised and expanded to include tourism accommodation and small events. Sustainability E-News re-launched. IDLEEP initiatives implemented. Progress on Landfill capping, Stormwater Management and Leachate System Projects. |
| Highlights | Business Waste reduction program revised and expanded |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|--|----------|---|
| 1.4.1.1 | Implement 2020/21 action plan activities identified in the Waste Management Strategy | Adopted Program delivered within budget | A number of action items within the Waste Management Strategy have been implemented in 2020/21 with a focus on community engagement activities including; launch of the @byronbinfluencer Instagram account Byron loves BYO reusables campaign for cafes Continuation and expansion of the Make the Switch Program - helping businesses switch away from the top 6 single use plastics Focus on internal litter and waste behaviors through the Own it and Act program including a staff litter clean and development of "Litter Journey" artwork The Re-think tank networking forum introduced for community groups Worked with community organisations to establish waste management infrastructure such as wash stations, improved signage for markets and events Provided submissions on discussion papers in the development of the NSW 20 Year Waste and Sustainable Materials Strategy, NSW Plastics Plan, NSW Plastics ban legislation. | Achieved | ✓ |

1.4.2: Provide waste and resource recovery services

| | |
|---------|--|
| Outcome | Collections Contract closely managed with monthly KPI and Contractor meetings. Service levels maintained. Public Place assets under contract for servicing, cleaning, and maintenance. |
|---------|--|

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|----------|---|
| 1.4.2.1 | Implement Waste and Resource Recovery Collection Contract Management Plan | Managed in accordance with adopted budget | Management of Contract ongoing. Contractor has remained flexible in dealing with increased population, impacts of tourism, restricted access and delays due to border restrictions and increased Covid protocols. One major and several minor incidents which have been adequately investigated and dealt with, resulting in no loss of service level. | Achieved | ✓ |

1.4.3: Participate in regional waste management programs and initiatives

| | |
|----------------|--|
| Outcome | Ongoing participation in North East Waste with quarterly meetings attended. Active participation in the North Coast Waste Investment Review Report Project - with media launch in November. Workshop attended on business case to investigate feasibility of a regional Micro Industries project with the NSW Smart Lab. |
|----------------|--|

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|---|----------|---|
| 1.4.3.1 | Maintain membership and participation in the North East Waste regional waste management group | attendance to 80% or more of scheduled working group meetings | Ongoing membership maintained with North East Waste. | Achieved | ✓ |
| 1.4.3.2 | Support the progression of a regional; alternative waste treatment facility in alignment of the adopted strategy and relevant resolutions | Ongoing support and participation in the Regional Waste sector | Council has actively participated as one of the original 13 Councils involved in the North Coast Waste Investment Review Project which sought to understand the state of waste and infrastructure within the Far North Coast and Mid Coast regions. From this original report, 9 Councils have continued to be involved in the project which in June 2021 has gone to market to engage a consultant to run a Market sounding, Expressions of Interest and Tender Process for the implementation of suitable processing for both residual waste as well as co-mingled recycling streams to service the region. Councils involved include all 7 North East Waste member Councils. | Achieved | ✓ |

1.4.4: Ensure facilities and services meet statutory requirements

| | |
|------------|--|
| Outcome | Annual Returns for EPL 6057 and 13127 both lodged on time. Actions underway to rectify non-conformances noted in annual Returns. Three environmental incidents reported to EPA in December relating to severe rainfall events. |
| Highlights | Compliance with all NSW Environmental Protection Licences |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|---|----------|---|
| 1.4.4.1 | Maintain compliance with NSW Environmental Protection Licences for the Byron Resource Recovery Centre and Myocum Landfill | compliance with EPL and on time completion of annual returns | EPA Annual returns completed and submitted on time. 3 reportable incidents - leachate tanker leak, leachate bund outlet leak, Leachate Storage 2 overflow - Major rain event (Feb) 2 licensed discharges during major rainfall events (greater than 300mm over 5 day period) Works progressing to upgrade leachate management and storage system with construction expected early 2021/22. | Achieved | ✓ |
| 1.4.4.2 | Maintain compliance with the NSW Protection of the Environment Operations (Waste) Regulation 2014 | compliance with EPL and on time completion of annual returns | Staff continue to liaise with NSW EPA to ensure best environmental outcomes for the licensed premises, in accordance with license conditions. | Achieved | ✓ |
| 1.4.4.3 | Maintain compliance with the Federal Government's Emissions Reduction Fund contract conditions for the Myocum Landfill Gas Carbon Farming Initiative Project | On-time reporting | Contractor continues to be engaged and is responsible for monitoring gas and flare infrastructure. No reporting was required in the 2020/21 financial year. | Achieved | ✓ |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1


| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|---|--------------------|-------------------------------------|
| 1.4.4.4 | Delivery of stage 1 of the Capping Plan | Stage 1 works completed | Complexity of the designed required further assessment to be undertaken prior to commencement of design works. This resulted in a delay in the project, which has been carried over to the 21/22 Operational Plan. As at end of financial year the stormwater Management Plan final has been completed and provided. Capping design drafted and awaiting results of clay testing and stability assessment before finalising and gaining approval from NSW EPA for final design. | Partially Achieved | <input type="checkbox"/> |
| 1.4.4.5 | Dingo Lane, Myocum Solar Farm Project | Project feasibility and design completed (shovel ready) | Project feasibility and design completed and reported to Council in March 2021. The final decision is dependent on the outcome of the Bioenergy Facility decision. This project has advanced to Development Approval. | Achieved | <input checked="" type="checkbox"/> |

1.5: Provide continuous urban water and sewerage services within the Shire

1.5.1: Increase the energy efficiency of sewerage treatment Plants

| | |
|------------|--|
| Outcome | Improvements in STP energy performance have been observed and are due to continuing energy efficient upgrades/replacements to Utilities assets such as pumps and motors. These upgrades are currently being assessed to verify individual project benefits. Installation of Solar panels have also seen a reduction in power cost at STPs. The solar arrays at the STPs are performing as per design and providing a considerable amount of each sites electricity requirements 18% at Byron STP, 22% at Brunswick Valley STP and 24% at Bangalow STP. The benefits from the systems can be clearly seen in the improvement of the energy consumption baseline at these sites. |
| Highlights | Installation of Solar panels has resulted in a reduction in power cost at Sewerage Treatment Plants |


2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|-----------------|---|------------------------|---|
| 1.5.1.1 | Generate baseline energy consumption report for all treatments plants with recommendations for further improvement. | Complete report | Finalisation of the report is subject to data collation for 2020/21 Financial Years End to complete the STP energy baseline consumption and performance measure. Improvements in STP energy performance have been observed and are due to continuing energy efficient upgrades/replacements to Utilities assets such as pumps and motors. | Substantially Achieved |  |

1.5.2: Ensure Wastewater Treatment Plants are maintained in accordance with operating licences

| | |
|------------|--|
| Outcome | EPA Annual returns were lodged prior to 26 June deadline. SPs renewals are progressing across the Shire. The blower replacement at Byron STP will be delivered in 2022. The recycled water strategy is currently under review which will include a capital works plan. Inflow/infiltration projects are rolling out. The STP Options Assessment for Dewatering Plant (Belt press/screw press) is complete. |
| Highlights | Upgrade to Butler Street Sewer Pump Station SPS3003 rising main |
| Exceptions | Weather event mid-December caused higher flows through all STPs and a number of sewer overflows in systems |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|------------------------|--|----------|---|
| 1.5.2.1 | Monitor and compile annual licence returns | Complete annual report | <p>Bangalow Sewerage System No non-compliances 1 reportable incident - Process bypass due to December 2020 extreme weather event. Incident reported to EPA as required.</p> <p>Byron Bay Sewerage System No non-compliances 1 reportable incident - Main blockage causing overflow to Belongil creek (28 Jan 2021). Incident management protocol instigated and incident reported to EPA as required.</p> <p>Ocean Shores Sewerage System 7 non compliances 1 reportable incident - Process bypass due to December 2020 extreme weather event</p> <p>Brunswick Valley Sewer System 7 non compliances - Note 4 of these were unavoidable 1 reportable incident - This report was associated with the Faecal Coliform exceedance detailed below)</p> | Achieved |  |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES





4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|--|------------------------|---|
| 1.5.2.2 | Renew pumps in sewerage pump stations identified in 30yr Capex Plan with more energy efficient units. | Complete pump station renewals in accordance with capital works plan | A total of 13 Sewerage Pump Stations were renewed. | Achieved | ✓ |
| 1.5.2.3 | Conduct three years of condition assessments of sewer pump stations identified in the 30yr Capex Plan. | In accordance with project schedule | Condition reports submitted and accepted. A three year program of SPS improvement/renewal has been scoped. | Achieved | ✓ |
| 1.5.2.4 | Complete Stage 2 South Byron Sewerage Treatment Plant Remediation | Complete the remediation | The remediation of the South Byron STP site (excluding the two tertiary ponds) is complete and now awaiting final site validation and auditor sign off | Achieved | ✓ |
| 1.5.2.5 | Upgrade to Butler Street Sewer Pump Station SPS3003 rising main | Practical completion for project | Rising main commissioned in November 2020 and operational. This work was done in conjunction with the Byron Bypass Project. | Achieved | ✓ |
| 1.5.2.6 | Byron sewer treatment plant blower replacement | Identify and procure Blowers for Byron STP | Commissioning and performance testing of trial blower took longer than expected due to the new technology and integration required at the STP. New blower to be purchased next financial year. | Substantially Achieved | ■ |
| 1.5.2.7 | Develop capital works plan in line with recycled water strategy | Capital works plan completed | Recycled water strategy is in final stages of draft. Capital works program forms part of this draft. | Substantially Achieved | ■ |
| 1.5.2.8 | Conduct three years of condition assessments of sewer pipelines identified in the 30yr Capex Plan. | In accordance with project schedule | Inspection and condition reporting finalised. | Achieved | ✓ |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|--|--------------------------------------|---|------------------------|---|
| 1.5.2.9 | Investigate future use options for the remediated old Brunswick heads STP site | Complete a future use options report | Remediation works at the old Brunswick Heads STP site have been completed and sign off by the EPA accredited site auditor is expected which will influence future use options. | Substantially Achieved |  |
| 1.5.2.10 | Mullumbimby STP Site Remediation | Complete the remediation | Due to difficult site conditions and the impact of rain, the remediation works for the old Mullumbimby STP site are now expected to be completed in August | Substantially Achieved |  |
| 1.5.2.11 | Mullumbimby Inflow/Infiltration carry out planned capital works to improve system performance. | In accordance with project schedule | CCTV inspection and condition reporting was completed for Mullumbimby catchments 4002; 4003 and 4004. Tender documents for the highest risk gravity sewer assets in the 4001 catchment have been finalised and reviewed. These documents will be released for tender in July 2021 for completion in FY21/22. | Substantially Achieved |  |
| 1.5.2.12 | Inflow/Infiltration for the rest of the Shire excl. Mullumbimby carry out condition assessments of prioritised catchments and develop capital works budget | In accordance with project schedule | CCTV inspection and condition reporting was completed for catchments 3005 Byron Bay and 5009 Ocean Shores. Tender documents for the highest risk gravity sewer assets in the 3002 and 5012 catchments have been finalised and reviewed. These documents will be released for tender in July 2021 for completion in FY21/22. | Substantially Achieved |  |

1.5.3: Ensure Water Supply is maintained in accordance with NSW Health guidelines

| | |
|------------|--|
| Outcome | Smart water metering pilot trial is rolling out in Mullumbimby. An annual Drinking Water Management Plan review has been completed. A report relating to Mullumbimby water supply security investigations and upgrade is being considered by the WW&S Committee. A review of the current draft Asset Management Plans is underway including an Asset Maintenance Software market assessment. A number of Reservoir roofs are in tender documentation phase, to be delivered in 2021. Water pipelines are also due to be delivered in 2021. |
| Highlights | Works on the Byron Bypass cross connection completed |





2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|--|----------|---|
| 1.5.3.1 | Undertake annual review Drinking Water Management Plan and associated performance | Drinking Water Management Plan reviewed and available on website | An independent review was conducted by consultants engaged by NSW Health. A number of improvements were identified and actioned. | Achieved | ✓ |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES



4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|---|--------------------|---|
| 1.5.3.2 | Implement recommendations from Mullumbimby water supply security investigations and upgrade | Mullumbimby water supply security investigations and upgrade | A draft strategy has been considered by the Water, Waste and Sewer Committee, who recommended that Council: <i>1. Recognises that for the Mullumbimby township there are 2 water supply issues being considered at the moment, one being a potential drought next summer and the other being the long-term future water supply strategy.</i> <i>2. Undertakes works to complete the connection of the emergency supply to the rest of Mullumbimby.</i> <i>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).</i> <i>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.</i> | Partially Achieved |  |
| 1.5.3.3 | Review Drought Management Plan | Drought Management Plan reviewed | The review and updated document will be delivered after finalisation of the Mullumbimby Future Water Supply Strategy, they are directly linked (see activity 1.5.3.2) | Deferred |  |
| 1.5.3.4 | Conduct three years of condition assessments of water pipelines identified in the 30yr Capex Plan. | In accordance with project schedule | Inspection and condition reporting finalised. | Achieved |  |
| 1.5.3.6 | Prepare for construction of roofs at Yamble Drive reservoir and Coopers Shoot reservoir | Get project to construction ready status for 2021/22 | Specification for Tender being drafted for construction next financial year. This activity has been carried over to the 2021/22 Operational Plan. | Deferred |  |

BYRON SHIRE COUNCIL

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4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|--|------------------------|---|
| 1.5.3.7 | Undertake works on the Byron Bypass cross connection | Project practical completion | Works completed in conjunction with the Byron Bypass Project which was opened to traffic in February 2021. | Achieved |  |
| 1.5.3.8 | Development of plan and program for Smart Metering for water services | Deliver Pilot program for smart metering | All recycled water meters installed and collecting data. Total installed in Mullumbimby, 102; Remaining in Mullumbimby, 280. Progress of residential meters, 27%. Delays in project due to international shipping and COVID quarantines had a knock on affect for installation roll out. | Substantially Achieved |  |

1.5.4: Implement the Water and Sewerage Strategic Business Plan


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|---------|---|
| Outcome | The Draft Water and Sewerage Strategic Business Plan is being considered by Water, Waste, and Sewer Committee. SPS renewals are progressing. The new tuckeroo supply main from Left Bank Rd Reservoir is in detailed design mode. |
|---------|---|

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---------------------------------------|--|----------|---|
| 1.5.4.1 | South Byron Sewage Treatment Plant (STP) Stage 3 remediation of the Tertiary Ponds | Complete the assessment and approvals | Council has considered the outcomes of the South Byron STP remediation and resolved to continue with further study of the Tertiary Ponds in 2021/22. | Achieved | ✓ |

1.5.6: Protect and enhance our natural environment and biodiversity

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|-----------------|--|------------------------|---|
| 1.5.6.1 | Review Effluent Reuse management plan strategy | Review complete | Preliminary results have been presented to the Utilities team on 29 June 2021. Feedback has been provided to the consultants. A workshop with broader Council participation is planned for early August. | Substantially Achieved |  |

1.6: Manage traffic and parking in an efficient manner

1.6.1: Implement review of parking management

| | |
|------------|---|
| Outcome | Council has completed and significantly progressed a number of key parking management reviews to help manage parking and traffic in an efficient manner across the Shire. |
| Highlights | New pay parking contract is operational. Accessible parking spaces upgrade in Byron Bay. Parking study commenced for Belongil precinct and New Brighton. Brunswick Heads parking time limits reviewed. Planning for road and parking upgrades for Seven Mile Beach and Broken Head Reserve Road well advanced including investigations into alternative parking technologies |





2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|------------------------|---|
| 1.6.1.1 | Implement Parking Management Strategy for Brunswick Heads | Parking management schemes in place and operational | Parking scheme in place and operational March 2021 completed as per resolution 20-413. Further reporting planned for 2022/23 and interim review completed with adjusted time limits across Brunswick Heads CBD and Beach area now adopted by Council. Roll out of associated signage to commence Q1 21/22. | Achieved | ✓ |
| 1.6.1.2 | Develop Parking Management Strategy for Belongil | Strategy adopted by Council | Draft parking management strategy complete and under staff review prior to reporting to next available TIAC meeting to seek Council adoption. | Substantially Achieved | ■ |
| 1.6.1.3 | Complete Seven Mile Beach Road and Broken Head Road Traffic Management Improvements Investigation | Construction Works Package complete | Final consultation of Issue for Construction drawings underway. Construction Works Package programmed for completion in first quarter of 2021/22. | Substantially Achieved | ■ |

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4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|---|------------------------|---|
| 1.6.1.4 | Investigate parking management within New Brighton and The Esplanade area | Review complete and reported to Council for consideration | Parking review is complete and recommendations provided to staff. Consultation and reporting to Council to occur in first quarter of 2021/22. | Substantially Achieved |  |
| 1.6.1.5 | Review Byron Bay Parking Scheme | Review complete and reported to Council | Request for Quote developed and supported by Council. Quotes are being sought for a Byron Bay (incl Wategos) Parking Review as part of a Movement and Place study. Study is funded in 2021/22 and will commence once contract is awarded. | Partially Achieved |  |
| 1.6.1.6 | Implement new pay parking contract | New contract sign and in operation | New Pay Parking contract signed and implemented December 2020. All components of the new Pay Parking contract have been implemented and are now operational. | Achieved |  |
| 1.6.1.7 | Finalise audit of disability parking arrangements in Byron Town Centre and prepare list of proposed improvements | Report to Council | Audit and report to Council complete as per resolution 20-677. The review of disability parking within Byron Bay identified priority spaces to be upgraded. Works were then completed June 2021. | Achieved |  |

1.6.2: Ensure future traffic demand and alternative solutions are addressed in major infrastructure plans

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|------------|---|
| Outcome | Traffic and parking demands are considered as part of the planning process for roads and drainage infrastructure projects on an ongoing basis |
| Highlights | Broken Head Beach Road and Seven Mile Beach Road traffic and parking management |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|---|----------|---|
| 1.6.2.1 | Provision of traffic management facilities and traffic controllers within Byron Bay, when deemed necessary, to provide increased safety for road users and pedestrians and to manage the efficient movement of vehicles on the road network during the school holiday periods and at other times | Traffic management controllers provided within Byron Bay, when deemed necessary | Traffic controllers and facilities were deployed throughout the year on an ongoing basis, as required, when events or school holidays warranted deployment such as Schoolies and Christmas holidays | Achieved | ✓ |

1.6.3: Ensure new infrastructure is planned and funded to meet the needs of the current and future population (SP)

| | |
|------------|--|
| Outcome | Council has a long term financial plan that is linked to the strategic asset management plan to both plan and fund infrastructure |
| Highlights | Completion of the Byron Bay Bypass, strategically planned and funded, has improved outcomes for the current and future population. |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|---|----------|---|
| 1.6.3.1 | Advocate for improved public transport across the Shire | Ongoing - suitable grants applied for throughout year | This year Council has continued to apply for a number of grants for the road network from programs including Fixing Local Roads, Fixing Country Roads, Safer Roads Program, Bridges Renewal Program, Fixing Country Bridges and Active Transport. Council continues to have a high success rate with these applications, adding approximately \$7M in funding to future works programs in the 20/21 financial year. | Achieved | ✓ |

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4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|---|--------------------|---|
| 1.6.3.2 | Develop Electric Vehicle and Charging Station Maintenance and Improvement Guidelines | Investigate Council EV charging infrastructure being monitored under one software platform and one asset manager. Investigate user-pays options for charging stations. Deliver community awareness information regarding EVs. Develop procedure | EV charging infrastructure being monitored under one software platform and one asset manager completed, March 2021. User-pays fees and charges adopted by Council in the 2021/22 Fees and Charges report at 24 June 2021 meeting. Community Awareness on EVs ongoing. Electric Vehicle Charging Station Instalment and Maintenance Procedure adopted by Executive Team on 30 June 2021. | Achieved | ✓ |
| 1.6.3.3 | Advocate and apply for grants to improve transport networks | Ongoing - suitable grants applied for throughout year | This year Council has continued to apply for a number of grants for the road network from programs including Fixing Local Roads, Fixing Country Roads, Safer Roads Program, Bridges Renewal Program, Fixing Country Bridges and Active Transport. Council continues to have a high success rate with these applications, adding approximately \$7M in funding to future works programs in the 20/21 financial year. | Achieved | ✓ |
| 1.6.3.4 | Design Mullumbimby to Pacific Hwy Cycleway Draft Design and seek grant funding, in accordance with resolution 19-611 | Draft design complete and grant funding sought | Council has awarded a consultant to undertake a route options analysis and this study is substantially underway for cycleway routes between Mullumbimby and Brunswick Heads. Investigation works are anticipated to be completed in Q2 21/22. Grant funding has been sought and community consultation is expected to commence once the draft study is reviewed by staff. | Partially Achieved | □ |

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4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|--|----------|---|
| 1.6.3.5 | Undertake an accessibility audit of existing bus shelters across the shire, prioritise upgrades to improve accessibility, prepare and cost a program to complete all upgrades. | Upgrade Program approved by Council and funding options considered | Accessibility audit reported to Council June 2021. Council resolved to progress prioritisation and implementation as funds permitted. Council approved \$500k for this ongoing program in the 21/22 budget. The program is expected to run over several years. | Achieved | ✓ |

1.6.4: Improve effectiveness of Local Traffic Committee

| | |
|------------|--|
| Outcome | Additional extraordinary electronic meetings held on demand. Council approved GM delegation to approve LTC unanimous recommendations whilst Council was in recess over the Christmas period. Format for extraordinary meetings to be reviewed to further improve process. Format change for extraordinary meetings being considered by the committee to improve functionality. |
| Highlights | Speed zone requests, reviews and reporting now included in in meeting agendas |

2020/21 Operational Plan Activities

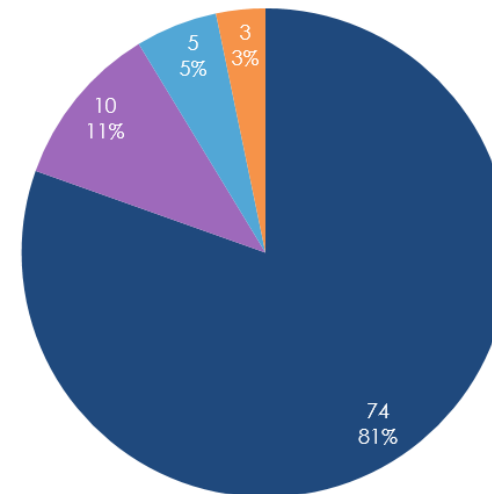
| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|---|----------|---|
| 1.6.4.1 | Report regulatory traffic matters for recommendation to Council and items requiring comment through the Local Traffic Committee | Ongoing coordination of Committee throughout year | All Local Traffic Committee meetings have been completed in accordance with Council's meeting schedule and reported to Council at the next available Council meeting. | Achieved | ✓ |



Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle, and sense of community

- 2.1 Support and encourage our vibrant culture and creativity
- 2.2 Support access to a wide range of services and activities that contribute to the wellbeing of all members of the Byron Shire community
- 2.3 Provide accessible, local community spaces and facilities
- 2.4 Enhance community safety and amenity while respecting our shared values
- 2.5 Encourage community appreciation of cultural vitality and diversity

■ Achieved
 ■ Substantially Achieved
 ■ Partially Achieved
 ■ Deferred



Community Objective 2: Community


We cultivate and celebrate our diverse cultures, lifestyle, and sense of community

2.1: Support and encourage our vibrant culture and creativity

2.1.1: Support a range of inclusive events that encourage broad community participation and promote social inclusion

| | |
|---------|---|
| Outcome | While COVID-19 restrictions prevented normal event programming and delivery, Council provided financial support to deliver events during Youth Week, Seniors Week and Refugee Week. |
|---------|---|



2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--------------------------------------|--|------------------------|---|
| 2.1.1.1 | Support innovative and flexible delivery of community events and initiatives | Number of inclusive events supported | The COVID-19 pandemic prevented Council from delivering our normal community events program due to public health order requirements. Several community events were able to progress on a smaller scale including, NAIDOC Week 2020. Financial contributions were provided to three community organisations to deliver events during Youth Week, Seniors Week and Refugee Week. | Substantially Achieved |  |

2.1.2: Provide meaningful and inclusive opportunities for volunteering

| | |
|----------------|---|
| Outcome | Council provided opportunities for volunteering across the Byron Shire. Two key areas of volunteering included community building management through s.355 Committees and ongoing Community Resilience initiatives to support better recovery processes after a disaster event. |
|----------------|---|

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|---|------------------------|---|
| 2.1.2.1 | Partner with community organisations to deliver spontaneous volunteer training | Increased knowledge for identified team leaders in community-based organisations | Annual emergency exercise completed with the Byron Community Resilience Network and SES. Co-ordination of spontaneous volunteers and roles during recovery established by network members during exercise. Training to continue into 2021-22 financial year due to changes in Volunteer activity funding for community based organisations with lead organisations NORTEC and Byron Community Centre. | Substantially Achieved |  |
| 2.1.2.2 | Support Council volunteers with the delivery and management of community facilities | Volunteers report increased skills and knowledge | Volunteers provided with information, advice, and support to manage community facilities. Ongoing support and guidance provided in regard to Covid-19 public health restrictions and Safety Plans. Face-to-face volunteer training sessions cancelled due to Covid-19 public health restrictions. | Achieved |  |

2.1.3: Enhance opportunities for interaction with art in public spaces

| | |
|------------|---|
| Outcome | The Arts and Culture Policy, Public Art Strategy and Public Art Panel continued to inform Council's approach to enhancing opportunities for interaction with art in public spaces. The production of the public artwork, Memento Aestates, was completed, with location finalised and installation scheduled. Also, the Lone Goat Gallery was reopened. |
| Highlights | After an extensive COVID-related closure, the Lone Goat Gallery reopened in early May 2020 with the highly successful and well-attended Northern Rivers Creative Group Show, 'Breaking Boundaries'. Gallery programming has been confirmed for the remainder of the calendar year. |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|--|----------|---|
| 2.1.3.1 | Implement Public Art Strategy | One public art project completed | Public Art Strategy implementation continued throughout the year in conjunction with the Public Art Panel. Production of public artwork Memento Aestates complete. Installation scheduled for July 2022. | Achieved | ✓ |
| 2.1.3.2 | Adopt and implement Arts and Culture Policy | Arts and Culture Policy adopted and implemented. | The Arts and Cultural Policy was adopted in 2020 and implementation informs work across the Arts and Cultural area of Council. | Achieved | ✓ |
| 2.1.3.3 | Support the ongoing operations of the Lone Goat Gallery | Lone Goat Gallery operational strategy developed | After an extensive COVID-related closure, the Lone Goat Gallery reopened in early May 2020 with the highly successful and well-attended Northern Rivers Creative Group Show, 'Breaking Boundaries'. Gallery programming has been confirmed for the remainder of the calendar year. | Achieved | ✓ |

2.1.4: Support Aboriginal cultural vibrancy within the Shire

| | |
|------------|--|
| Outcome | Cultural vibrancy was supported through cultural expression and cultural restoration activities. Council continued to deliver the Arakwal MoU implementation plan, with progress including improved consultation and engagement processes. |
| Highlights | Council worked with Arakwal, Jali Local Aboriginal Land Council and National Parks and Wildlife Service to develop shared educational and statutory signage for the Ti Tree Lake area in the South of the Shire, helping community to protect this important Aboriginal Place into the future. |


2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|--|----------|---|
| 2.1.4.1 | Support cultural expression and cultural restoration opportunities | Number of cultural expression and cultural restoration opportunities supported | Significant events in the Calendar were promoted and educational opportunities presented to staff and the wider community for NAIDOC and Reconciliation weeks. Ti Tree Lake educational and statutory signage project will be beneficial to assist Arakwal, Council, National Parks and Wildlife and Jali Local Aboriginal Land Council protect the Aboriginal Place for the future. | Achieved | ✓ |
| 2.1.4.2 | Implement Arakwal MOU in partnership with Arakwal | Number of Arakwal MOU strategies delivered | The implementation of the MoU faced a significant challenge due to the Aboriginal Project Officer delay in appointment and Covid 19 during the reporting period. Highlights of the actions include, Arakwal Parking permit, Ti Tree/Taylors Lake signage, Arakwal engagement for Council design projects such as the the Skate Park. | Achieved | ✓ |

2.1.5: Develop and maintain collaborative relationships with multicultural communities

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| Outcome | Building on previous work with the multicultural community, Council supported community representatives to design and develop a survey to better understand local priorities. Further work with multicultural communities will be embedded within broader community planning and engagement activities. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|---|----------|---|
| 2.1.5.2 | Coordinate citizenship ceremonies to confer new Australian citizens on behalf of the Department of Home Affairs | 3 ceremonies held between January and June 2021 | Council was unable to hold ceremonies in the first part of the financial year due to COVID restrictions, instead the Department of Home Affairs conducted online ceremonies during that period. The measure for this activity was adjusted accordingly and Council successfully held 3 ceremonies between January and June 2021, with 85 new Australians being conferred Citizenship. The location of the ceremonies was changed to the Mullumbimby Civic Hall to ensure the events were COVIDSafe. | Achieved |  |

2.1.6: Develop strong and productive relationships between the Aboriginal community and Council

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| Outcome | The period has been productive in building better relationships with Aboriginal community organisations and stakeholders including: Arakwal, Tweed Byron LALC, Jali LALC, Ngulingah LALC, Bugalwena Aboriginal Health, Bullinah Aboriginal Health. Council staff were supported to undertake meaningful consultation in key project areas. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|--|----------|---|
| 2.1.6.1 | Build and maintain relationships with identified stakeholder groups in the Shire and undertake appropriate, meaningful consultation | Culturally appropriate best practice consultation methods developed in partnership with identified Aboriginal stakeholder groups | The period has been productive in building better relationships with Aboriginal community organisations and stakeholders including: Arakwal, Tweed Byron LALC, Jali LALC, Ngulingah LALC, Bugalwena Aboriginal Health, Bullinah Aboriginal Health. Council staff were supported to undertake meaningful consultation in key project areas. Process improvements for specific consultation requests were co-developed with Arakwal. | Achieved | ✓ |

2.1.7: Support range of existing, emerging, and major events

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| Outcome | <p>It has been a challenging year for events due to the significant and ongoing impacts of COVID. Council staff have provided varied supports to event operators and industry as required. Internal operations have been reviewed, in cross-directorate working groups, to consider opportunities to better support event operators with sustainability and waste management initiatives. Relationship building has also been a focus with operators, businesses, industry bodies, and community organisations, throughout this difficult time.</p> <p>Events & Festival Sponsorship Fund closed on 11 June. 16 applications were received, totaling over \$85,000. Additional funds were available due to rolling over previous funds due to COVID event cancellations in the past 15 months. The increased funding enabled events to develop and respond to new challenges brought on by COVID providing greater support to the industry.</p> <p>While there has been a noticeable decline in event applications over the past 15 months due to COVID, filming applications increased significantly on previous years (with an 880% increase in filming fees paid).</p> |
| Highlights | Film applications have been coming in at unprecedented volumes |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|------------------------|---|
| 2.1.7.1 | Continue to support event organisers in the delivery of a range of events | Support workshops on subjects such as event planning, sustainable event and grant writing as opportunities arise. | Council has continued to provide support to event operators and industry as required. To assist with the impacts of COVID, relationships with operators, businesses, industry bodies, and community organisations were prioritised. Internal operations were also reviewed, in cross-directorate working groups, to consider opportunities to better support event operators with sustainability and waste management initiatives. | Achieved | ✓ |
| 2.1.7.2 | Deliver event and festivals annual sponsorship program | <p>Review sponsorship program</p> <p>Advise Council on outcome of annual sponsorship program</p> | Events & Festival Sponsorship Fund closed on 11 June. 16 applications were received, totaling over \$85,000, which will be considered by Council in the new financial year for allocation. Additional funds will be available as a result of COVID event cancellations in the past 15 months. The increased funding will enable events to develop and respond to new challenges brought on by COVID providing greater support to the industry. | Substantially Achieved | ■ |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---------------------------|--|----------|---|
| 2.1.7.3 | Administer licences for weddings, events, activities and filming on council and crown land | Report monthly statistics | Events team are reviewing data capture of all events, film, and wedding enquiries so this information can be tracked year on year. While there has been a noticeable decline in event applications over the past 15 months due to COVID, filming applications increased significantly on previous years (with an 880% increase in filming fees paid). | Achieved | ✓ |
| 2.1.7.4 | Investigate electronic event and festival application referral and management system | Report on investigation | Event data capture has been improved on previous years utilising existing Authority system. Further improvements to be explored in the coming year. | Achieved | ✓ |

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

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| Outcome | Council's ongoing progress included community planning, advocacy and collaborative initiatives across priority issues including homelessness and access and inclusion. The Access Consultative Working Group (ACWG) members continued to provide strategic advice to Council based on lived experience to improve policies, strategies, and plans, including the Operational Plan 2021-2022. |
| Highlights | The End Rough Sleeping Byron Shire (ERSBS) Collaboration is an innovative community response to rough sleeping developed in partnership with local stakeholders and the state-wide End Street Sleeping Collaboration. Council convenes the collective effort of over 40 local stakeholders, including government, services, community groups and people with lived experience, working to end rough sleeping. Council also convenes a monthly Service Coordination Group to better support people sleeping rough and identify systemic gaps and barriers. |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|----------|---|
| 2.2.1.1 | Support local interagencies and regional network development to improve collaboration and inclusion | Increased sector network strength | Convened 12 community sector interagency meetings. Community participants reported increased collaboration, knowledge, and skill sharing. 197 subscribers in network. | Achieved | ✓ |
| 2.2.1.2 | Participate in community planning to inform decision making, build capacity and develop a shared responsibility for actions with the community. | Number of community planning activities undertaken | Participated in 12 community planning initiatives across local, state, and federal levels. Provided advocacy on local areas of concern including homelessness and housing, access and inclusion, domestic family and sexual violence, mental health, and the impact of Covid-19 on the community sector. | Achieved | ✓ |
| 2.2.1.3 | Partner with Access Consultative Working Group to implement disability inclusion action planning priorities | Ongoing monitoring and reporting on disability inclusion outcomes | Access Consultative Working Group (ACWG) members provided strategic advice to Council based on lived experience to improve policies, strategies and plans and advance the inclusion of people with disability. | Achieved | ✓ |
| 2.2.1.4 | Implement, monitor, and report on the Disability Inclusion Action Plan 2017-2021 | Annual reporting obligations met within statutory requirements | Regular reporting on Disability Inclusion Action Plan (DIAP) activities captured through the quarterly Operational Plan report. Outcomes of the DIAP activities will be reported on in the Annual Report and provided to Department of Communities and Justice in line with legislative requirements. | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|---|----------|----|
| 2.2.1.5 | Work in partnership with people with disability and carers in the development of a new Disability Inclusion Action Plan 2021-2024 | People with disability are actively engaged in the preparation of the new DIAP 2021-2024 | Development of new Disability and Inclusion Action Plan (DIAP) extended to correspond with Delivery Program community consultation timelines. | Deferred | ▶▶ |
| 2.2.1.6 | Advocate for innovative responses and build the capacity of staff, non-government services, and the community to contribute to preventing and reducing rough sleeping | Ending Rough Sleeping Byron Shire project delivered | The End Rough Sleeping Byron Shire (ERSBS) Collaboration is an innovative community response to rough sleeping developed in partnership with local stakeholders and the state-wide End Street Sleeping Collaboration. Council convenes the collective effort of over 40 local stakeholders, including government, services, community groups and people with lived experience, working to end rough sleeping. Council also convenes a monthly Service Coordination Group to better support people sleeping rough and identify systemic gaps and barriers. Council's submission to the Inquiry into the Protocol for Homeless People in Public Places advocated for trauma-informed and compassionate responses, culturally sensitive care and practice, increased collaboration, the benefits of companion animals for people sleeping rough and the role of Assertive Outreach and Public Space Liaison Officers. This submission was referenced throughout the Inquiry's final report and contributed to good practice across NSW. | Achieved | ✓ |
| 2.2.1.7 | Establish homelessness hub in Byron Bay | Hub established and operational | A license is now in place with the Byron Bay Community Association (BBCA) to operate the Fletcher Street Hub. Further service and site planning is underway, underpinned by evidence-based practice and including co-design with a diverse group of community representatives including people with lived experience. | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|-----------------------|--|----------|---|
| 2.2.1.8 | Plan and coordinate a Connections Week event | Connections Week held | During Connections Week, 50 trained volunteers and community sector workers connected with 73 people sleeping rough to conduct surveys and seek to understand their housing and health needs. From the information and personal stories collected a By-Name List was created. This is a real-time database of people sleeping rough in our community. The survey data has led to increased service coordination and will be used to inform broader systems change. | Achieved | ✓ |

2.2.2: Support and facilitate accessible, high quality early childhood education and activities**2020/21 Operational Plan Activities**

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|---|----------|---|
| 2.2.2.1 | Strengthen and deliver high quality business and pedagogy outcomes | measure and benchmark stakeholder satisfaction; deliver priority outcomes based on children's services review; | 2020 project outcomes met. | Achieved | ✓ |
| 2.2.2.2 | Lead early childhood education sector development | Number of sector development activities undertaken; delivery of 1 relevant professional development opportunity | The Children's Services portfolio and team have reached desired outcomes in professional development platforms relevant to compliance, pedagogy, and cultural inclusions. Newly identified learnings and professional development opportunities relevant to the current climate are now underway. | Achieved | ✓ |

2.3: Provide accessible, local community spaces and facilities

2.3.1: Increase accessibility of facilities

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| Outcome | Projects were completed and program delivered as scheduled, including the Brunswick Memorial Hall project (see 1.2.5) and the Ocean Shores Community Centre project, which included an upgraded, covered ramp and accessible meeting rooms. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|---|----------|---|
| 2.3.1.1 | Improve facility access through capital works and maintenance program | Number of facilities where access is improved | Projects completed with the exception of Fletcher Street ramp which will be constructed by community group tenants. | Achieved | ✓ |

2.3.2: Support effective management of community buildings (SP)

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|-------------------|---|
| Outcome | Council continued working with s.355 Management Committees, licensees, and lessees to support and improve community building management. Scoping was completed for a review of community buildings' management models. The maintenance, capital upgrades, renewal and enhancement program was delivered as scheduled, informed by both access requirements and the strategic asset management plan. |
| Exceptions | The review of community building management models was delayed due to staff resourcing, however, will be delivered in 2021-2022. |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|--|----------|----|
| 2.3.2.1 | Implement maintenance, capital upgrades, renewal and enhancements program for building assets that is informed by access requirements and the strategic asset management plan. | Access requirements identified and program delivered | Program delivered as scheduled. Ocean Shores Community Centre and Brunswick Memorial Hall projects finished to high standard with renewed access improvements including: new accessible unisex toilet and powered chair lift for stage access at the Brunswick Memorial Hall. Upgraded ramp and accessible meeting rooms for the Ocean Shores Community Centre. Projects identified for next year's program include the Marvell Hall and Brunswick Memorial Hall to have upgraded Access Ramps installed to comply with current standards. | Achieved | ✓ |
| 2.3.2.2 | Review management models of community buildings | Review completed and management models refined | Review was delayed due to staff resourcing. Activity will be delivered in Operational Plan 2021-2022 | Deferred | ▶▶ |
| 2.3.2.3 | Administration of former Byron Hospital site | Ongoing site protection maintained. Signed lease agreement and adopted financial model. | Tender for site management awarded to Social Futures June 2021. | Achieved | ✓ |
| 2.3.2.4 | Design and restoration works of former Byron Hospital site | Adopted architectural plans | Development Application submitted June 2021. | Achieved | ✓ |

2.3.3: Provide high quality library services (SP)

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| Outcome | Library services continued to be delivered across the Shire, including the Byron Bay, Brunswick Heads, Mullumbimby, and mobile library services. Rectification works at the Children's area of the Byron Bay library have been resourced and scheduled. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|------------------------------------|--|----------|---|
| 2.3.3.1 | Complete RTRL Staffing Review and Long Term Financial Plan | Staffing review and LTFP completed | Staffing Review complete. LTFP unable to be progressed by RTRL Executive Council this financial year due to resource constraints within the Executive Council. | Achieved | ✓ |

2.3.4: Provide council buildings which are water and energy efficient







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|---------|---|
| Outcome | This continues to be a governing principle for Council buildings. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---------|----------------|--------|--|
| | There are no actions identified in the 2020/21 Operational Plan | | | | |

2.3.5: Maintain Public Open space in a safe and efficient way that provides for both active and passive recreation (SP)

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|--|------------------------|---|
| 2.3.5.1 | Deliver Open Space maintenance programs in accordance with Levels of Service and adopted AMP | Programs delivered on budget | Maintenance programs across Open Space assets were rolled out in accordance with adopted AMP and budget and with reference to Parks Maintenance Levels of Service and Open Space Asset Management Plan. Acceptance of new parks infrastructure has included the Meadows Estate parklands and Parrot Tree Place Park Bangalow, Tuckerroo Parklands, Chincogan Estate and Plover Park Mullumbimby. Increased levels of service have also been required for Linda Vidler Park, Suffolk Park, Waterlily Park, Ocean Shores and Bangalow Parklands. Increased service level requirements have resulted a budget overrun by approximately 3%. To achieve the desired outcome, service levels across all assets will need to be reviewed. | Substantially Achieved |  |
| 2.3.5.2 | Deliver beach safety programs as adopted | Program developed and reviewed annually with Stakeholder input | Contracted beach safety programs were implemented across the Shire beaches. | Achieved |  |
| 2.3.5.3 | Provide ongoing support for the Byron Safe Beaches committee | Ongoing support provided | Manager Open Space and Resource Recovery actively provided support to Safe Beaches Committee through the year. | Achieved |  |
| 2.3.5.4 | Manage contracts for operation of Byron Bay and Mullumbimby Swimming Pools | forecasted revenue met and expenditure not exceeded | Ongoing Management Contracts for both pools are in place until 2025. Pools have been successfully operating under COVID-19 Safety Plans. | Achieved |  |
| 2.3.5.5 | Delivery of operations and maintenance program for Tyagarah Airfield | Ongoing maintenance delivered | Ongoing scheduled maintenance and daily safety inspections were completed throughout the year. Required vegetation management programs and runway maintenance works also completed as required. | Achieved |  |
| 2.3.5.6 | Undertake daily safety inspections at Tyagarah Airfield | completed daily safety inspections | Daily runway safety inspections undertaken in accordance with relevant guidelines. | Achieved |  |

2.3.6: Ensure Shire wide assessment of the current and future needs of the community for active and passive recreation is integrated into Open Space works programs (SP)

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|---|----------|---|
| 2.3.6.1 | Inspections of playgrounds and park infrastructure and maintenance that provides for safe use | Completed as scheduled | Programmed inspections of playgrounds and park infrastructure were completed throughout the year, with associated maintenance completed to provide for safe use. | Achieved | ✓ |
| 2.3.6.2 | Renewal of playground equipment (Shire wide - emergent) | Completed as scheduled and budgeted | Programmed renewal of soft fall completed at all playgrounds across the Shire. Maintenance renewal of playground equipment completed within Federal Park, Waterlily Park, South Golden Beach, Byron Recreation Grounds, Parrot Tree Park, Tuckeroo Park, Bangalow Sports fields, Apex Park Byron, Bangalow Pool Park, Suffolk Park sport fields, Mia Court, Tom Kendall Park. Maintenance works completed as required to all 33 playgrounds across the shire. | Achieved | ✓ |
| 2.3.6.3 | Seek funding to upgrade playground facilities to accessibility standards | Funding application submitted as appropriate | Successfully awarded Grant Funding under the "Everyone Can Play" program for upgrade of Gaggin Park accessibility. Funded upgrades to be completed next financial year. | Achieved | ✓ |

2.3.7: Deliver Open Space and Recreational services in line with Community Solutions Panel values (SP)

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|---|----------|---|
| 2.3.7.1 | Operation of Cavanbah Centre and sports fields and delivery of adopted capital works programs | Completed as adopted | Operation of Cavanbah Centre partially restricted through the year due to Covid-19 requirements. Capital works successfully completed including installation of Netball Courts lighting, grandstands installation and indoor floor resurfacing. | Achieved | ✓ |
| 2.3.7.2 | Maintain each of the Council owned parks, reserves, and sports fields to agreed level of service | Open spaces maintained to agreed levels of service | Maintenance programs reflecting Parks Maintenance Levels of Service completed across the Shire. | Achieved | ✓ |
| 2.3.7.3 | Byron Bay town centre renewals - delivery of adopted elements of the Landscape/Precinct Plan | Deliver adopted program of works | Landscape precinct plans completed to provide design guidance to projects as adopted within the town center. | Achieved | ✓ |
| 2.3.7.4 | Maintain all towns and village streetscapes to agreed levels of service | Maintained to agreed levels of service | Towns and Villages unit and Better Byron units completed programmed maintenance and renewal works to streetscapes in towns and village centres. | Achieved | ✓ |
| 2.3.7.5 | Operate and maintain Shire's cemeteries | Program meets adopted budget | Restructure of cemeteries operations staffing completed to reduce reliance on external contractors for ground maintenance works and allow for improvement in presentation of cemeteries across the Shire. | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|------------------------------|---|--------------------|-------------------------------------|
| 2.3.7.6 | Identify a suitable site for the establishment of a Natural Burial facility | Suitable site selected | Council staff are now working across departments seeking to identify options to realise this project. Council resolved (21-250) June 2021 the following actions: 1. Adopt the 2021 Brunswick Valley - Vallances Rd Vision and Roadmap with an amendment to change the recommendation for the Natural Burial Ground to be a supported use at this location at Area A 2. Declares Area A as Byron Shire's first natural burial ground. 3. Request staff to collaborate and guide members of the community-based Natural Burial Committee with their onsite investigations and other reports that may be required to support their development application for a natural burial ground. | Partially Achieved | <input type="checkbox"/> |
| 2.3.7.7 | Renewal and upgrade of the Byron Bay children's cemetery section | Program meets adopted budget | A Landscape Architect has been engaged to draft concept designs which will then be utilised for community consultation. | Partially Achieved | <input type="checkbox"/> |
| 2.3.7.8 | Deliver adopted infrastructure within the Suffolk Park Recreation Ground in accordance with POM and Community consultation | Projects complete | Draft Master Plan developed for Linda Vidler Park and is currently on public exhibition. Construction of the Suffolk Park Pump Track completed. | Achieved | <input checked="" type="checkbox"/> |

2.3.8: Meet requirements for the transition of management of Crown Land to Council under the Crown Lands Management Act 2018

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| Outcome | Council continues to work with DPIE-Crown Lands, stakeholders, and users to transition management by DPIE-CL which is a pre-requisition to preparation of Plans of Management. Legislative change in June 2021 allows additional time for DPIE-CL to finalise the outstanding classifications and categorisations. Work on the transition of Crown Reserves will continue under the next Delivery Program. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|--|--------------------|---|
| 2.3.8.1 | Progress outstanding responses to applications to Minister for initial classification and categorisation of applicable reserves and one-off applications | All Council applications lodged with Crown Lands | Council has worked with DPIE-CL throughout the year to progress applications. This work will be ongoing and will continue in 2021-2022. | Achieved | ✓ |
| 2.3.8.2 | Develop Plans of Management for Crown Reserves, that incorporate inclusion and accessibility, in accordance with prioritisation plan | Plans of Management progressively developed | The Crown Land Management Amendment (Plan of Management) Regulation 2021 recently came into effect, which provides an extension for a further two years, up until 1 July 2023. | Achieved | ✓ |
| 2.3.8.3 | Meet Crown Lands reporting and funding requirements | Compliant reporting | This was completed before the due date. | Achieved | ✓ |
| 2.3.8.4 | Inclusively work with community groups to development Plans of Management for Crown Reserves | Ministerial approval of Plans of Management | Under the Crown Land Management Act 2016, councils are required to prepare PoMs for council-managed Crown reserves. The Crown Land Management Amendment (Plan of Management) Regulation 2021 (Regulation) recently came into effect, which provides an extension for a further two years, up until 1 July 2023. | Partially Achieved | □ |

2.4: Enhance community safety and amenity while respecting our shared values

2.4.1: Provide and facilitate local emergency management

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| Outcome | Council attends TBLEMC meetings as required and implements actions as determined in line with any formal request such as provision of VMS and traffic controllers |
| Highlights | Disaster Dashboard is fully operational and live to the community |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|---|----------|---|
| 2.4.1.1 | Maintain Byron Flood Warning Network and Disaster Dashboard | Flood warning network and dashboard operational throughout year | Byron Flood Warning Network and Disaster Dashboard received its first live test in December 2020. While the system operated very successfully, numerous learnings have resulted from this event and continuous improvement will be ongoing. The system remains operational and has been working well since inception. | Achieved | ✓ |
| 2.4.1.2 | Attend TBLEMC and Regional Emergency Management Committee (REMC) meetings | Attend meetings as required throughout year | LEMC and REMC meetings attended as required and when scheduled throughout the year. LEMC meetings ramped up to twice weekly during initial Covid-19 related and border restrictions period to ensure effective emergency management processes were in place | Achieved | ✓ |
| 2.4.1.3 | Undertake exercises of EMP and CMG's as decided by TBLEMC | Attend exercises as required throughout year | EMP Schoolies/Covid exercise completed. EMP Covid/Bluesfest exercise completed. | Achieved | ✓ |
| 2.4.1.4 | Ensure sufficient staff are trained to undertake EM roles in and outside business hours | Staff trained and sufficient staff available during disaster events | Emergency management training schedules now released and staff being scheduled to attend over the coming months to supplement existing trained staff resources - no suitable training dates/venues available for this financial year. Additional staff training to be carried over into next financial year. | Achieved | ✓ |

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4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|--|------------------------|---|
| 2.4.1.5 | Deploy technology to improve disaster response and recovery by preparing field devices and staff trained in readiness to respond to a natural disaster | Ongoing as opportunities arise | Disaster dashboard training has been undertaken and Dashboard went live in "Beta" version on 30 November as programmed. Staff trained in "Reflect and Recover" software and device use. | Achieved | ✓ |
| 2.4.1.6 | Development and delivery of 'Strengthening Community' workshops | Development of workshop training packages and materials. Community workshops to develop preparedness plans and seek expert advice in partnership with emergency combat and support agencies Delivery of 10 workshops for year 1 of the overall project | Community Resilience Teams have been established in Ocean Shores/New Brighton, Wilsons Creek/ Huonbrook & surrounds, and Billinudgel/ The Pocket. 5 community workshops delivered with 5 scheduled for delivery in July 2021 due to COVID-related rescheduling. This activity will carry over into the next financial year as it is a 2 year project. | Substantially Achieved | ■ |
| 2.4.1.7 | Development and delivery of Street Meets Workshops | 8 workshops delivered | Street Meet planning is underway, led by Red Cross, in areas of high risk of severe weather. Multiple events were delayed due to March COVID restrictions and were rescheduled to July 2021. Meets will bring together local emergency and community services to talk about local risks, raise awareness of available resources and meet local emergency services. This activity will carry over into the next financial year as it is a 2 year project. | Partially Achieved | □ |
| 2.4.1.8 | Develop an Extreme Weather Protocol and deliver workshops for people experiencing homelessness | Protocol developed and workshops delivered | Approximately 120 community members and volunteers were provided with Extreme Weather information and resources in the first year via a drop in model across Byron Bay, Mullumbimby, Brunswick Heads, with SES and Public Space Liaison Officers present. Protocol in early stages of development with further development in Year 2 of the project. Protocol and engagement/workshops will carry over to next financial year due to 2 year funding. | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|--|---|---|------------------------|--|
| 2.4.1.9 | Strengthening Business Cohesion workshops | Delivery of workshops | Business Connect to deliver workshops in October. This activity will be finalised in 2021/22. | Substantially Achieved |  |
| 2.4.1.10 | Develop and deliver Aboriginal Custodianship and Caring for Country workshop | Delivery of 7 workshops for year 1 of the overall project | Preliminary planning, project scoping and tendering processes have been completed and will see the full delivery of Aboriginal Custodianship and Caring for Country workshops in the next stage of this two year project. | Partially Achieved |  |
| 2.4.1.11 | Children's Services Resilience Project | Development of best practice emergency management, recovery, and resilience documentation for children's services | The resilience space within Children's Services in being driven in combination with our sector review phase. We are determining and collaborating on the very best operating models and hence the very best risk adverse resilience direction and strategy for the sector as we undergo change in operations. Continuing to be able to offer the important service of early childhood and middle childhood services to our diverse communities with contingency plans given any potential risk imposed on operations. | Achieved |  |
| 2.4.1.12 | Audit of Evacuation and Recovery Centres | Audit undertaken | 15 evacuation sites audited across Byron Shire. All contact details and floor plans updated for each location as well as specific requests around use of spaces, availability, and accessibility. Recommendations identified and implemented. Assembly Points nominated for drive through registrations due to COVID. Audit results distributed to Tweed Byron Local Emergency Management Officers. | Achieved |  |
| 2.4.1.13 | Conduct a feasibility study for the development of an Emergency Services 'Hub' | Feasibility study completed | Consultant engaged; draft study submitted for review. Study indicates further work required to cover off the interdependencies associated with the Emergency Operations Centre operational plans actions being run concurrently. Extension of time request lodged with grant provider to work in with delivery of shared on ground services next financial year. | Substantially Achieved |  |

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4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|---|--|---|------------------------|--|
| 2.4.1.14 | Develop an Asset Protection Zone & Fire Trail Management Program | Program endorsed by the FNC BFMC | Significant progress in Ocean Shores with APZs and fire management plans under review, with this action recognized as a Very High priority in the current Far North Coast Bushfire Management Plan (RFS). The current APZ and fire management plans adopted for Ocean Shores in 2001 have lost relevance as the suburb has grown and the vegetation has developed into a more mature, less volatile rainforest. Existing maintenance regimes are under review to allow methodology to be adjusted where appropriate. Following endorsement of the proposed new fire management plans by RFS, identified budget will be used to implement recommendations and to reduce long established weed colonies in high risk areas of Ocean Shores. | Substantially Achieved |  |
| 2.4.1.15 | Establish a local Emergency Operations Centre | New or existing EOC upgrade to current standards operational | For the past 12 months the EOC has been operating out of the Tweed Byron Local Area Command. A consultant has been engaged to undertake a feasibility study for an emergency hub and at the same time consider the requirements for establishing an EOC. A draft study has been submitted for review. Study indicates further work required to cover off the interdependencies associated with the Emergency Hub operational plans actions being run concurrently. Extension of time request lodged with grant provider to work in with delivery of shared on ground services for delivery next financial year. | Substantially Achieved |  |
| 2.4.1.16 | Undertake remediation and improvement works at the evacuation and recovery centre | Remediation and improvement works completed | All identified remediation and improvement works have been completed at the CAV including emergency plans and automated doors | Achieved |  |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|---|--|--|----------|---|
| 2.4.1.17 | Partner with non-government organisations and other levels of government to respond to issues arising from COVID-19 | Responses identified and delivered | <p>Social platforms, GIVIT and crowdfunding sessions delivered to Byron Interagency. Disaster Resilience Officer continues to share COVID recovery grants, resilience initiatives, emergency preparedness workshops/events and upskilling opportunities via networks.</p> <p>Ongoing membership with Tweed Byron Local Emergency Management Committee continues to ensure that any changes in health declarations and COVID response and recovery initiatives are shared with other non-government organisations, services and community groups.</p> | Achieved | ✓ |
| 2.4.1.18 | Develop a Climate Wise Communities website | Ready Check online platform for community preparedness to extreme weather events available | <p>Byron's Climate Wise website was launched in May 2021 - https://climatewise.byron.nsw.gov.au/</p> <p>A media release was published and there were two 45 minute workshops in Byron Bay and Mullumbimby run by Council and Red Cross, as well as a demonstration of the website at the Climate Change Adaptation Plan's Information Session on 15th June 2021.</p> | Achieved | ✓ |
| 2.4.1.19 | Assist in delivery of community 'Firewise' education | As per FNCBMP | No recent opportunities to contribute to the program however staff remain ready to contribute as events are organized by Rural Fire Service and Fire & Emergency Response | Achieved | ✓ |
| 2.4.1.20 | Maintain official APZ, SFAZ, and fire trail access on council tenured land | 3 times a year dependent on vegetation type | Programs have been escalated relative to dry weather which has allowed machine operators to access boggy areas. Programs are currently up to date. | Achieved | ✓ |
| 2.4.1.21 | Represent Council at Far North Coast Bushfire Management committee meetings quarterly | Quarterly reports to biodiversity advisory committee | Ongoing representation of council at meetings achieved. | Achieved | ✓ |
| 2.4.1.22 | Maintain fire management actions on FRS BRIMS database | As part of management actions | A new reporting portal "Sentinel" has been developed and training is soon to be rolled out. | Achieved | ✓ |

2.4.2: Support community driven safety initiatives

| | |
|---------|---|
| Outcome | Council supported two initiatives to increase safety and perceptions of safety, including the Jonson Street Lighting project and Street Cruise - delivered in partnership with Byron Youth Service. |
|---------|---|

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|--|----------|---|
| 2.4.2.1 | Support and deliver programs that improve community safety | Number of community safety projects supported | Three initiatives supported to increase actual and perceived safety in the Byron Shire including: Jonson Street Lighting project, Schoolies and Street Cruise - delivered in partnership with Byron Youth Service. | Achieved | ✓ |

2.4.3: Enhance public safety, health, and liveability through the use of council's regulatory controls and services

| | |
|---------|--|
| Outcome | Staff continue to respond to CRM's in accordance with Council's 2021 Compliance Priorities Program |
|---------|--|

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|---|----------|---|
| 2.4.3.1 | Monitor, investigate and respond to unauthorised land use, development, and environment complaints | 100% response to Very High Compliance Priorities identified in the Compliance Priority Program & 80% customer service requests completed | Staff continue to respond to all CRMs in accordance with Council's 2021 Compliance Priorities Program. Since 1 July 2020 there have been 988 CRMs received in this category and 898 completed. There are currently 251 outstanding at various stages in the compliance process. Very High Compliance Priorities are responded to immediately. | Achieved | ✓ |
| 2.4.3.2 | Undertake proactive camping patrols of streets and public places throughout the Shire | Patrols of streets and public places undertaken for unauthorised camping activity (> 7 weekly) Patrol roster maintained to meet peak period demands | Since 1 July 2020 there have been 625 CRMs received in this category, 629 finalised. Five remain outstanding. Routine staff rosters are maintained to ensure weekly patrols are undertaken. These patrols are increased to meet demand during busy periods, such as Easter and Christmas, and also in response to specific CRMs received. Staff undertake regular proactive joint patrols with other agencies such as NSWSP, NPWS, Crown Lands and Reflections Holiday Parks. During COVID camping patrols were amended to meet community needs and staff continue to provide appropriate support and referrals to rough sleepers identified during camping patrols. | Achieved | ✓ |

BYRON SHIRE COUNCIL

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4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|--|----------|---|
| 2.4.3.3 | Respond to people experiencing homelessness and rough sleepers through engagement and referrals to appropriate support and housing services | Number of contacts made & Number of referrals made (Year 1 Baseline) | <p>From 1 July 2020 there were 709 contacts. 197 referrals were made to support and housing services.</p> <p>Council's PSLO roles have proved to be invaluable and they continue to support and enhance other Council officers in their roles.</p> | Achieved | ✓ |
| 2.4.3.4 | Undertake proactive patrols of community parks and open spaces to monitor safe use by dogs and their owners | Patrols undertaken of town and village parks & open spaces (> 4 weekly) Patrol roster maintained to meet peak period demands | <p>Staffing is maintained to ensure Animal Enforcement Officers undertake regular patrols throughout the Shire. Proactive patrols of all off leash animal areas have been drastically increased and regular rosters have been amended to include staggered shifts across the Shire. Patrols in relation to specific CRMs continue. Staff have also achieved a number of positive outcomes from commencing court action in relation to dog attacks.</p> <p>Since 1 July 2020 there have been 836 CRMs received in this category. 88 of these related to dog attacks. 31 CRMs remain outstanding at various stages in the process.</p> | Achieved | ✓ |

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4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|---|----------|---|
| 2.4.3.5 | Provide companion animal management services | Annual reports and registration financial statements submitted to Office of Local Government by due date (100%) Dog attacks investigated within 24 hours of notification (100%) Animals impounded are returned to owner or rehomed (90%) | <p>Annual reports and registration financial statements were submitted to Office of Local Government by due date.</p> <p>There were 88 dog attacks reporting during the year. All reported dog attacks are investigated immediately. More serious incidents resulted in compliance action including court action of which all had positive outcomes and related media releases.</p> <p>All impounded animals were re-homed or returned to their owner.</p> | Achieved | ✓ |
| 2.4.3.6 | Facilitate companion animals education | 2 programs delivered & communications updated to promote responsible pet ownership | <p>Annual education program to schools delayed due to COVID19 restrictions.</p> <p>Animal Enforcement Officers worked closely with Sustainable and Economy Directorate staff to assist in the development of a Dogs in Public Spaces Strategy, a Leash-Up Pilot Communication Project and development of a dedicate off leash dog park at Mullumbimby. Staff were also selected by RSPCA NSW to participate in their 4 year behaviour change project 'Keeping Cats Safe at Home'.</p> | Achieved | ✓ |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|----------|---|
| 2.4.3.7 | Undertake regular and frequent parking patrols to increase availability and turnover in the Town and Village centres | Patrols undertaken of towns and villages (7 day/weekly) Patrol roster maintained to meet peak period demands & 80% customer service requests completed | <p>Staffing is maintained to ensure Parking Enforcement Officers undertake regular patrols throughout the Shire. During COVID the approach was altered and officers worked in an advisory capacity. Regular rostering has also been amended to ensure a greater presence during early and later hours.</p> <p>Since 1 July 2020 there have been 1,146 CRMs received in this category.</p> <ul style="list-style-type: none"> - 408 related to abandoned vehicles - 737 related to parking - 1 related to vehicles for sale. <p>58 remain outstanding.</p> | Achieved | ✓ |
| 2.4.3.8 | Monitor, investigate and respond to public and environmental health matters through proactive inspections and surveillance programs | Inspections completed compliance (>90%) Customer service requests attended to within response times (>85%) Comments to Liquor & Gaming Authority on license applications attended to within response times (>80%) | <p>All public and environmental health inspections identified as 'Very High' in the CPP are investigated immediately.</p> <p>Since 1 July 2020 there were 413 CRMs received in these categories.</p> <ul style="list-style-type: none"> - 115 were health related; - 298 were pollution related. <p>There are currently 102 outstanding CRMs. This is an outstanding achievement considering the extra obligations and duties that COVID has required of environmental health staff.</p> | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|---|--|---|----------|----|
| 2.4.3.9 | Deliver the Food Premises inspection program | Inspections conducted in accordance with NSW Food Regulation Partnership includes inspections and markets/major events (80% completed) Compliance with legislation and food safety standards (> 90%) | 100% (445) of food businesses were inspected in accordance with NSW Food Regulation. 142 COVID-19 site visits were carried out during the second half of 2020. The COVID site visits were to provide education and advice to assist business owners to comply with their COVID Safety Plan, public order, and health requirements. The environmental health officers continue to provide significant and vital assistance to local businesses and our community. | Achieved | ✓ |
| 2.4.3.10 | Deliver the Onsite Sewage Management System inspection program | Inspections completed (>10%) and system compliance (>80%) | The Onsite Sewage Management System program was delivered during 2020/21, although due to COVID, Public and Environmental Health staff were required to focus on assisting and educating food businesses with COVID Safety Plan and food safety requirements. The team recently engaged a graduate environmental health officer to focus on progressing this program in the next year. | Achieved | ✓ |
| 2.4.3.11 | Review the Onsite Sewage Management Policy and Procedure Manual | Policy review complete | A consultant has been engaged to undertake the policy review during 2021/22. | Deferred | ▶▶ |
| 2.4.3.12 | Deliver environmental and public health education programs to the community | Provide 'I'm Alert' online food education training (1) & Number of Food Safety Newsletters developed (2) distributed | In lieu of two newsletters, a number of fact sheets and tailored information about COVID-19 were developed and provided to food businesses. Staff delivered a COVID safety presentation to the Byron Events Industry Association. | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|---|---------------------------|---|------------------------|---|
| 2.4.3.13 | CCTV camera replacement in Jonson Street and Apex Park, Byron Bay | Replacement of 15 cameras | Replacement of CCTV equipment for Byron CBD is being implemented. Delays have been experienced with supply of equipment due to COVID supply constraints. The new equipment is partially online with the remainder due for completion by 31 July 2021. | Substantially Achieved |  |

2.5: Encourage community appreciation of cultural vitality and diversity

2.5.1: Ensure Aboriginal and other cultural heritage management reflects legislative requirements as well as community expectations and values

| | |
|------------|--|
| Outcome | An Aboriginal Cultural Heritage Management project scope was completed; however, the associated external funding application was not successful. |
| Exceptions | Funding remains an impediment to the Aboriginal Cultural Heritage Management project. |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|--|----------|---|
| 2.5.1.1 | Scope Aboriginal Cultural Heritage Management Project | Scope completed with internal and external stakeholders and funding identified | Internal project scoping was completed; however, the associated external funding application was not successful. Funding remains an impediment to the project. The opportunity to train more staff in Aboriginal cultural heritage legislation has also been identified as a key piece of work while funding is pending. | Achieved | ✓ |

2.5.2: Recognise and support the heritage of Byron Shire

| | |
|----------------|--|
| Outcome | Council continues support heritage. The Local Heritage Places Grant program was finalised with funds going to building maintenance works at the Byron Bay Community Centre and Bangalow Masonic Lodge. Heritage information on the website being expanded and made easier through new online forms and processes. |
|----------------|--|

2020/21 Operational Plan Activities

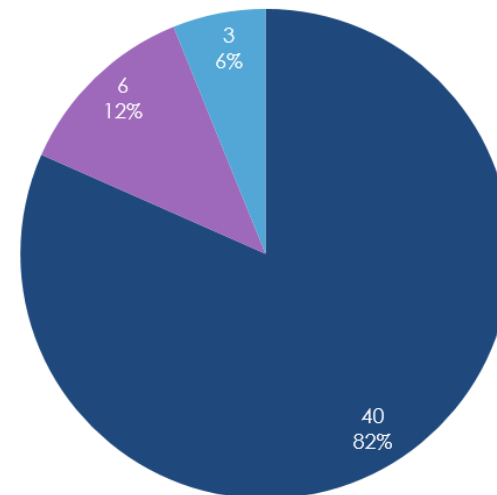
| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|----------|---|
| 2.5.2.1 | Coordinate the Heritage Advisory Panel | 4 meeting held | Meetings are held as per the dates set at the beginning of the year. Heritage Panel members receive notifications when development applications are received for heritage items or conservation areas. The final meeting for the year will be held on 9 September 2021. | Achieved | ✓ |
| 2.5.2.2 | Conduct the Local Heritage Places Grant Program | Program complete to meet OEH grant requirements | As part of the annual Local Places Grants program two projects were completed: - Byron Community Centre: Involved window hood replacement and façade maintenance; - Old Masonic Hall at Bangalow: Involved tree removal, façade maintenance and window repairs. | Achieved | ✓ |
| 2.5.2.3 | Coordinate the Heritage Advisory Service | Program complete to meet OEH grant requirements Level of service use (referrals and advice >10) | Staff are currently reviewing website information, forms, and processes to increase heritage information and services. | Achieved | ✓ |



Community Objective 3: We protect and enhance our natural environment

- 3.1 Partner to protect and enhance our biodiversity, ecosystems, and ecology
- 3.2 Strive to become a sustainable community
- 3.3 Partner to protect and enhance the health of the Shire's coastlines, estuaries, waterways, and catchments
- 3.4 Support and secure our farming future

■ Achieved ■ Substantially Achieved ■ Partially Achieved



Community Objective 3: Environment

We protect and enhance our natural environment

3.1: Partner to protect and enhance our biodiversity, ecosystems, and ecology

3.1.1: Protect and enhance our natural environment and biodiversity

| | |
|---------|--|
| Outcome | <p>A number of significant environmental projects have been progressed and completed:</p> <ul style="list-style-type: none"> - Wildlife corridor mapping has been progressed with the second draft under review by Council staff. - DCP Chapter B1 Biodiversity and DCP 2014 Chapter B2 Tree and Vegetation Management were finalised. - \$12,000 received from DPIE to install koala zone and signage on Mafeking Rd, Goonengerry. - \$25,000 received from DPIE for deployment of Leash-up 'If koalas could talk' video on regional television network. - DPIE funding \$20,000 received for koala SAT mapping in Coastal Koala Plan of Management Area. - Bangalow Koalas received grant funding to plant and maintain 3945 koala food trees at Bangalow Sewerage Treatment Plant. - Additional \$20,000 from DPIE for Leash Up pilot dog owner awareness project. - NSW Fish Habitat Grant for restoration of 190m of Brunswick River in project planning stage - collaboration with LLS. <p>Mullumbimby High School Trees for Koalas project in progress.</p> <ul style="list-style-type: none"> - The E zone Review program is substantially progressed and to date Council is the only council in the Northern Rivers region to have applied environmental zones on private land, with most of this a result of agreed outcome with landowners. - Quarterly flying fox census completed, restoration progressing at Beech and Suffolk Park flying fox camps - weed control has been completed and 360 wetland plants have been planted to extend the Flying-fox habitat away from the closest houses, bank stabilisation project at Yoga Bera Creek, Mullumbimby, complete - Dog and Indian mynah trapping ongoing - engagement and support to local farmers, over 200 people signed up to Byron Farmers Network database, over 35 farm visits completed, plus emails providing advice, two mentoring farmer field days held, two local grazing group farm site visit hosted at Myocum, Tropical soda eradication in progress (Rous County Council), call for expressions of interest to participate in environmental (primarily riparian) weed control, resulted in 10 applications, currently being reviewed. |
|---------|--|

BYRON SHIRE COUNCIL

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4.2 - ATTACHMENT 1

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|--|----------|---|
| 3.1.1.1 | Implement the Biodiversity Conservation Strategy | Investigate and apply for funding grants to deliver the Strategy | <p>June 2021: \$12,000 received from DPIE to install koala zone and signage on Mafeking Rd, Goonengerry.</p> <p>May 2021: Additional \$25,000 received from DPIE for deployment of Leash-up 'If koalas could talk' video on regional television network.</p> <p>Feb 2021 DPIE funding \$20,000 received for koala SAT mapping in Coastal Koala Plan of Management Area.</p> <p>April 2021: IFAW provided Bangalow Koalas with \$45,999 to plant and maintain 3945 koala food trees at Bangalow Sewerage Treatment Plant. Additional \$20,000 from DPIE for Leash Up pilot dog owner awareness project.</p> <p>NSW Fish Habitat Grant for restoration of 190m of Brunswick River in project planning stage - collaboration with LLS.</p> <p>Mullumbimby High School Trees for Koalas project in progress. School students assisted with planting on 4 May.</p> <p>Other Environment Trust Funded projects in progress:</p> <ul style="list-style-type: none"> - Flying Improvement - Flying fox habitat restoration. | Achieved | ✓ |
| 3.1.1.2 | Revise Wildlife Corridor Mapping (Biodiversity Conservation Strategy action) | Wildlife Corridor Mapping progressed | Measure achieved - the wildlife corridor mapping has been progressed with the second draft under review by Council staff. Community and stakeholder engagement will be delivered in 2021-22 financial year. | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|--|------------------------|---|
| 3.1.1.3 | Continue to develop a Biodiversity DCP (Biodiversity Conservation Strategy action) | Biodiversity DCP prepared | DCP Chapter B1 Biodiversity was adopted by Council December 10, 2020, Resolution 20-692 and is available on Council's website. DCP 2014 Chapter B2 Tree and Vegetation Management was adopted at Mar 11 Council Planning meeting 2021. Resolution 21-065. | Achieved | ✓ |
| 3.1.1.4 | Seek to partner with key stakeholders to plan, implement and monitor an ecological and cultural burning hub at Broken Head Reserve Rd. (Biodiversity Conservation Strategy action) | Meet with stakeholders involved in Broken Head Reserve Rd project | Met with landholder in October 2020. Landholders continuing to plan and implement an ecological and cultural burn program. | Achieved | ✓ |
| 3.1.1.5 | Plan for hazard reduction/ecological burn at Honeysuckle Hill (Clay Heath) (Biodiversity Conservation Strategy action) | Investigate planning documentation for burn and community awareness activities. | Application for Hazard Reduction Burn Certificate postponed, awaiting migration from BRIMS to Guardian platform by the RFS. Once Guardian platform goes live (planned for July 2021), staff will require training in use of this prior to making HR Burn application. Cultural heritage site assessment complete. Ecological assessment complete. Annual monitoring complete. | Substantially Achieved | |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|------------------------|---|
| 3.1.1.6 | Investigate opportunities for Council to provide incentives for landholders to conduct restoration works on their properties that will assist with long term biodiversity conservation. (Biodiversity Conservation Strategy action) | Report to Biodiversity Advisory Committee | Private landholder restoration works progressing through NE Hinterland Koala Conservation Project, Byron Habitat Corridors, Koala Food for the Future and Mullumbimby High School Trees for Koalas project. Met with Local Land Services 21 April to provide input into LLS-Greening Australia project scoping for biodiverse carbon plantings project. Pests and Weeds Grant funded project also supporting restoration through funding 4.5 ha environmental weed control. Expressions of interest currently under review. Refer Action 3.1.1.14. This is an ongoing activity that will continue next financial year. | Achieved |  |
| 3.1.1.7 | Continue the E zone review (Action No.9 from Rural Land Use Strategy) | Review progressed in stages | The E zone Review program is substantially progressed and to date Byron Shire Council is the only council in the Northern Rivers region to have applied environmental zones on private land, with most of this a result of agreed outcome with landowners. This is an ongoing action that will continue in 2021-22 financial year. | Substantially Achieved |  |

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4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|----------------------------|---|----------|---|
| 3.1.1.8 | Implement the Shire wide Integrated Pest Management Strategy | Implement budgeted program | Funded elements of the plan are progressing with the steam weeding program as adopted ongoing and on track. Under the Small Steps to Healthier Rural Roadsides program staff operating under current protocols developed and adopted in regard to the use of pesticides and are working to minimise its use wherever possible. Staff responsible for rural vegetation management (slashing) have also received refresher training on the significance of roadside vegetation and how to identify those areas where specialist treatment such as bush regeneration is the more appropriate tool. Landowners are being encouraged to take on stewardship for adjacent road reserve if it can be performed in a way that maintains the high environmental values that it may possess, as these areas are adopted their locations will be shared with maintenance staff to avoid conflicts. | Achieved |  |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|--|---|---|----------|---|
| 3.1.1.9 | Implement the Flying Fox Camp Management Plan | Meetings with Community Project Reference Group Grant funding sought | Restoration progressing at Beech Camp, Suffolk Park as part of Environment Trust Flying Improvement Project. Primary weed control has been completed and 360 wetland plants have been planted to extend the Flying-fox habitat away from the closest houses. Bank stabilisation project at Yoga Bera Creek, Mullumbimby, complete. 250 plants planted at Paddy's Creek camp. Redecking of footbridge at Paddy's Creek complete. Request for Quote sent out for 2 ha restoration at Mullumbimby camp. This is an ongoing action that will be continued in 2021-22 financial year. | Achieved | ✓ |
| 3.1.1.10 | Continue to undertake the Flying Fox National Census | Survey flying fox camps every 3 months | Quarterly census completed May 2021, Feb 2021, Nov 2020, Aug 2020. | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|--|--|---|----------|---|
| 3.1.1.11 | Implement the Koala Plan of Management | <p>Continue delivery of key Byron Shire koala projects</p> <p>Investigate and apply for funding grants to deliver the Plan</p> | <p>Koala habitat restoration projects in progress:</p> <ul style="list-style-type: none"> - NE Hinterland Koala Conservation Project - all sites identified, planting/restoration in progress; Year 2 report submitted; - Byron Habitat Corridors - Project complete, report submitted to Environment Trust. - Koala Food for the Future - planting in progress/planned at 11 sites. - Mullumbimby High School Trees for Koalas project - 2 x School community plantings - Oct 2020 and May 2021. 2 x sites identified for further planting. <p>Leash Up pilot dog owner awareness project in progress. Additional funding from DPIE: Nov 2020 - \$20,000 project delivery, May 2021 - \$25,000 TV advertising campaign. Signs, on-line and TV education campaign launched May 2021.</p> <p>Koala Activity Surveys Coastal Koala Plan of Management area (\$20,000 funding from DPIE) - completed for 42 of 60 sites.</p> <p>This is an ongoing action that will continue in 2021-22 financial year.</p> | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|---|-----------------------------------|---|----------|---|
| 3.1.1.12 | Partner with key stakeholders on koala research and management projects, including - NE Hinterland Koala Conservation Project - North Coast Koala Linkage and - development of a Regional Koala Strategy for the North Coast through the Regional Koala Communications Group. (Koala Plan of Management action) | Attend project meetings/workshops | NE Hinterland Koala Conservation Project - all sites identified, planting and maintenance works in progress. North Coast Koala Linkage project complete. Staff partnering with other local councils to develop a Regional Koala Strategy for the North Coast region. Funding secured for 2021 koala activity study across the region. 6 x meetings with Regional Koala Group attended. Partnered with Bangalow Koalas and IFAW to plant 3945 koala habitat trees on Council land at Bangalow Sewerage Treatment Plant. Second set of signs ordered for WWF koala sign trial. Partnered with Goonengerry Landcare to successfully gain funding to install Koala Zone pavement painting and signs at Mafeking Rd, Goonengerry. This is an ongoing action that will continue in 2021-22 financial year. | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|---|---|---|----------|---|
| 3.1.1.13 | Deliver and report on feral animal projects (Action in Pest Animal Management Plan) | Report to Council on trapping program Participate in Feral Deer Working Group Commencement of an Indian Myna Trapping Program | Wild dog, cat, and fox trapping program in progress. July 2020-Jan 2021 trapping report received and data entered into FeralScan. Further trapping to progress Jan-July 2021. Local Land Services wild dog trapping commenced in SW Shire, complementing Council's existing program. Indian Myna pilot trapping program: 9 cages available and being provided to people in Mullumbimby-Brunswick Heads (pilot project area). Currently 10 people are participating in the program and 95 Indian Mynas have been trapped. Training in trapping being offered shire wide. The trapping program is working well from enquiries from interested community members. Promotion of program will commence when more traps are available. LLS feral cat trapping program about to commence. Council staff consulting with community and providing information on high priority sites. Program will also include community training to improve community capacity to trap feral cats. Action ongoing. | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|---|--|---|----------|---|
| 3.1.1.14 | Deliver the pests and weeds grant funded project | <p>Deliver agricultural and environmental weed control program</p> <p>Provide extension services to rural landowners</p> | <p>Agricultural extension officer is progressing engagement with local farmers in the shire. Over 200 people signed up to Byron Farmers Network database, over 35 farm visits completed, plus emails providing advice.</p> <p>Two mentoring farmer field days held. Two local grazing group farm site visit hosted at Myocum.</p> <p>Tropical soda eradication in progress (Rous County Council).</p> <p>Contractor engaged for pest animal trapping.</p> <p>Call for expressions of interest to participate in environmental (primarily riparian) weed control, resulted in 10 applications. These currently being reviewed.</p> <p>This is an ongoing project that will continue until end December 2021.</p> | Achieved | ✓ |
| 3.1.1.15 | Continue program of steam (non-chemical) weeding | Delivered in accordance with budget and program | Programmed steam weeding and cleaning completed across towns & village CBD areas, playgrounds, drinking fountains and other high use public infrastructure. | Achieved | ✓ |
| 3.1.1.16 | Commence development of waterway management policies for waterways with relevant state agencies and the Byron Shire Floodplain Risk Management Committee. | Commencement of waterway management policy development. | Policy development commenced and reported to Floodplain Risk Management Committee on 17 June 2021. | Achieved | ✓ |

3.1.2: Restore degraded areas and habitats that have or provide significant or high environmental and or community value

2020/21 Operational Plan Activities



| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|--|----------|---|
| 3.1.2.1 | 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 | High profile bush regeneration sites are being maintained to a high standard. | Achieved | ✓ |
| 3.1.2.2 | Respond to biosecurity threats in accordance with regulatory direction and agreement. | No breaches issued, timely response to directions | All biosecurity actions are up to date with no new notices served on council. | Achieved | ✓ |
| 3.1.2.3 | Continuation of mentoring of volunteer community Landcare and Dune care groups and progression of the Small Steps to Healthier Roadside Program | 3 entities supported per annum | Support is being provided to Dunecare groups across the Shire as required. | Achieved | ✓ |
| 3.1.2.4 | Progression of high profile sites to maintenance levels for restoration works | 5 sites achieved | The 3 high profile high sites commenced in 2020 are now at maintenance level, with the majority of primary work completed at Casuarina St Mullumbimby, Ironbark Ave Byron, Jubilee Ave Mullumbimby and with significant progress made at Salt Water Creek Mullumbimby. | Achieved | ✓ |

3.2: Strive to become a sustainable community

3.2.1: Work towards Council's zero-emissions target

| | |
|------------|--|
| Outcome | Delivery of Net Zero Emissions Action Plan continues with defining Council's emissions boundary in accordance with Climate Active. Annual Emissions Inventory was reported to Council and we are on track to achieve 2025 Net Zero Emissions Target. The 'draft Climate Change Adaptation Plan' was presented to 3 June Strategic Planning Workshop and a community information session was held on 15 June 2021. The draft plan is being reported to Council in August. |
| Highlights | Net Zero Emissions Action Plan for Council Operations 2025 adopted Plan of Management for 33 Charlotte Street Bangalow to enable a community garden adopted Sustainable Catering Policy adopted The 'draft Climate Change Adaptation Plan' developed |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|---|------------------------|---|
| 3.2.1.1 | Deliver the Net Zero Emissions Action Plan for Council Operations 2025 | Internal Working Group meetings (2) Report to Council to define Council's emissions boundary Annual report to Council on delivery of Action Plan | Two internal working group meetings have occurred over the past year in relation to delivering the Action Plan and defining Council's emissions boundary in accordance with Climate Active. Measures 1 and 3 were completed, and measure 2 has been delayed due to SERAC not meeting quorum at the 17 June 2021 meeting. The report on defining Council's emissions boundary will now be reported to the August Council meeting. The report recommends adopting the emissions boundary and reviewing it after one year of complete data collection. | Substantially Achieved |  |
| 3.2.1.2 | Prepare Annual Emissions Inventory to determine progress towards 2025 Net Zero Emission Target | Annual Emissions Inventory reported to Council | Annual Emissions Inventory was reported to Council at 17 December 2020 meeting. Council on track to achieve 2025 Net Zero Emissions Target. | Achieved |  |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--------------------------|---|--------------------|-------------------------------------|
| 3.2.1.3 | Investigate a digital fuel card system for the bulk fuel supply | Report to Executive Team | Investigations commenced, to be reviewed by management. Further work needs to be done to determine the current condition of existing depot fuel tanks, bowser, and storage arrangements to determine cost estimates to facilitate bulk delivery and an integrated digital card system. | Partially Achieved | <input type="checkbox"/> |
| 3.2.1.4 | Investigate Council's methane gas flare and Australian carbon credit unit generation in line with net zero emissions target | Report to Council | Work on this project is continuing to ensure an adequate assessment of the actual vs potential methane flare capture, as well as the best management of the ACCU's moving forward. This will need to be undertaken with reference to the NSW DPIE Waste and Sustainable materials Strategy. | Partially Achieved | <input type="checkbox"/> |
| 3.2.1.5 | Investigate streetlight bulk rollout of LED lighting | Report to Council | Bulk LED streetlight rollout Included in the action plan for Net Zero emissions reported to August 2020 Council meeting. Bulk rollout by Essential Energy programmed for completion 2025. | Achieved | <input checked="" type="checkbox"/> |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|-------------------------------------|--|------------------------|---|
| 3.2.1.6 | Council decision for 'Go/No Go' on construction for Bioenergy Facility, subject to State/Federal authorities | In accordance with project schedule | Council completed major milestones this year. The Project Team built a third-party financial model with Deloitte, achieving an accepted Expression of Interest for the ARENA Advancing Renewables Program, completed the EIS and lodged the DA for the development. Council has also engaged GHD and Deloitte in an Early Contractor Involvement process with Skala/Bekon, the Design & Construction contractor. Neighbouring Councils have been engaged in discussions with Byron Shire Council for long-term supply agreements to provide green bins' FOGO as feedstock to the Bioenergy Facility. Once the Early Contractor Involvement process and draft feedstock agreements are in place, Council will proceed with its Full Application to ARENA for grant funding. A Grant Funding application was also submitted to the Building Better Regions Fund on 11 March. | Substantially Achieved |  |
| 3.2.1.7 | Monitor Solar Performance at STP and provide annual report | Complete annual report | The solar arrays at the STPs are performing as per design and providing a considerable amount of each sites electricity requirements 18% at Byron STP, 22% at Brunswick Valley STP and 24% at Bangalow STP. The benefits from the systems can be clearly seen in the improvement of the energy consumption baseline at these sites. A report is to be finalised using the data for the entire financial year. | Substantially Achieved |  |
| 3.2.1.8 | Finalise Sustainable Catering Policy for Council | Policy finalised | Sustainable Catering Policy was adopted in October 2020 following no public submissions, in accordance with Res 20-300. The new Policy was distributed to relevant internal staff. (E2020/82441) | Achieved |  |

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| 3.2.1.9 | Develop and implement a Climate Adaptation Plan | Plan developed and actions commenced | The 'draft Climate Change Adaptation Plan' was presented to 3 June Strategic Planning Workshop and a community information session was held on 15 June 2021. The draft plan is currently open for public comment before being reported to Council in August. | Substantially Achieved |  |
| 3.2.1.10 | Regular reporting requirements for international partnerships (Global Covenant of Mayors, ICLEI (Cities With Nature), Cities Power Partnership, Carbon Disclosure Project) | Complete annual online reporting Participate as a Pioneer City in ICLEI's Cities With Nature initiative. | All partnerships are ongoing. Council to complete Annual ICLEI and Carbon Disclosure Project reporting in July 2021, in accordance with ICLEI's timeline. Council participated in a survey as part of ICLEI's Cities with Nature initiative. | Achieved |  |
| 3.2.1.11 | Public Food gardens - continue to maintain public food garden outside Council Chambers | Garden maintenance days (6) | Garden maintenance is being managed in house by the Open Spaces team. There will be approximately 6 garden maintenance days per year. | Achieved |  |
| 3.2.1.12 | Monitor solar assets | Monitoring hardware and Solar Analytics subscription installed on all existing solar assets. Conduct training for confirmed solar asset managers | All hardware and software work was completed. Maintenance contracts for all Council solar are now overseen by Property Maintenance team, with the Sustainability team continuing to monitor solar performance and provide assistance when needed. | Achieved |  |
| 3.2.1.13 | Prepare a Plan of Management for 33 Charlotte, Street Bangalow to enable the express authorisation of a community garden. | Plan finalised | Plan of Management for 33 Charlotte Street, Bangalow, adopted at the 17 December 2020 Council Ordinary meeting. | Achieved |  |

3.2.2: Support community environmental and sustainability projects

| | |
|---------|---|
| Outcome | Continued supporting community groups by attending meetings, workshops and providing information on a variety of themes within the coastal, biodiversity and sustainability remit. This included: 1st Smart farms workshop you and your land; Soil keep pasture improvement work shop cohosted/supported with Tweed land care and Tweed Council; Prime X attendance establishing and building on various collaborative relationships with LLS, Southern cross Uni, Lismore council; EOI for funding assistance weed control program out to 70 + Farmers; Myocum Graziers walk and talk; engagement with the Byron farmers network (info on grants, workshops, field days and farm safety training courses); Responded to 16 biodiversity enquiries; 5 letters of support for community group grant applications; Identified sites for wild grown macadamias donated by the Wild Macadamia Association; Provided funding of \$1000 to support Brunswick Valley Landcare's Schools Wildlife Safe Havens initiative. Ongoing support to community gardens in accordance with Council's Policy. |
|---------|---|

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|---|----------|---|
| 3.2.2.1 | Provide coastal, environmental and sustainability information and encourage and support community activities and groups | Participate in and deliver environmental and sustainable events and information that is relevant to our community. Support coastal, environmental and sustainability community groups Support Zero Emissions Byron (ZEB) | Community groups were supported by attending meetings, workshops and providing information on coastal, biodiversity and sustainability. This included: 1st Smart farms workshop you and your land; Soil keep pasture improvement work shop cohosted/supported with Tweed land care and Tweed Council; Prime X attendance establishing and building on various collaborative relationships with LLS, Southern cross Uni, Lismore council; EOI for funding assistance weed control program out to 70 + Farmers; Myocum Graziers walk and talk; engagement with the Byron farmers network (info on grants, workshops, field days and farm safety training courses). Council also supported community groups by responding to 16 biodiversity enquiries; providing 5 letters of support for community group grant applications; identified sites for wild grown macadamias donated by the Wild Macadamia Association; and provided funding of \$1000 to support Brunswick Valley Landcare's Schools Wildlife Safe Havens initiative. | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|--|----------|---|
| 3.2.2.2 | Participate in regional sustainability and environmental working groups and initiatives. | Attend Sustain Northern Rivers/Energy Working group; Northern Rivers Fire and Biodiversity Consortium | Continued participating in regional sustainability and environmental working groups and initiatives. This included: Meetings with Casino food co-op, NSW Fisheries, Rous County Council, Lismore Council and NSW DPI on creating catchment health initiatives and projects; Presentation and Q&A with local group Turning point talks; Consultation and engagement with agencies and key stakeholders on the development of Coastal Management Programs. | Achieved | ✓ |
| 3.2.2.3 | Support community gardens in accordance with the Policy and Guidelines | Provide guidance and liaise with new and existing community gardens | Council is in contact with all community garden committees regularly. Council has commenced an Expression of Interest process for the Suffolk Park Community Garden in Linda Vidler park - applications close 21 July 2021. | Achieved | ✓ |
| 3.2.2.4 | Support Friends of the Koala, Bangalow Koalas and Wires through the Regional Koala Communications Group. | Participate in Regional Koala Communications Group meetings | Staff attended 6 x Regional Koala Communications Group meetings in 2020-21. Partnered with Bangalow Koalas and IFAW for koala habitat planting at Bangalow STP - 23 April 2021. This is an ongoing action that will be continued next financial year. | Achieved | ✓ |
| 3.2.2.5 | Support Brunswick Valley Landcare to deliver the Land for Wildlife Program and biodiversity enquiries | Quarterly reports to biodiversity advisory committee | Landcare Support Officer continuing to respond to enquiries and follow up EOIs for Land for Wildlife. 139 Properties currently registered for Land for Wildlife in Byron Shire. Grant funded projects in progress: Mooiball Spur corridor restoration, Broken Head coastal corridor, SOS Phyllanthus project, Adapting to Climate Variability Project, WIRES & Landcare Wildlife Safe Havens project, OzFish Fish Habitat Planting and the Maslen Arboretum Take a Walk in the Park project, Working Together funding for aboriginal traditional owners to attend BVL Smart Farms and Seeds of Hope events. Responded to over 150 enquiries in 2020-21 Financial year. This is an ongoing action that will continue next financial year. | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|-------------------------------------|--|----------|---|
| 3.2.2.6 | Complete and maintain the Sustainable Living hub | Complete online platform | Web updates completed in the Sustainable Living section of Council's website, and Sustainability E-Newsletter has been re-launched, with emails going out quarterly. | Achieved | ✓ |
| 3.2.2.7 | Finalise delivery of the Recognition program that acknowledges our sustainable community groups; individuals and businesses | Delivered | The Sustainability Awards was completed in August 2020, with all 14 winners promoted in a Showcase via Council's website, social media, and e-newsletter. | Achieved | ✓ |
| 3.2.2.8 | Develop capital works plan in line with the 'Enquiry by Design' for the Brunswick Valley Sustainability Centre Management Plan | In accordance with project schedule | The Brunswick Valley - Vallances Road Vision and Roadmap was completed in May 2021. The Roadmap recommendations were presented at the 24 June 2021 Ordinary Council meeting. | Achieved | ✓ |

3.3: Partner to protect and enhance the health of the Shires coastlines, estuaries, waterways, and catchments

3.3.1: Implement Coastal Management Program

| | |
|------------|---|
| Outcome | <p>A number of significant coastal projects are being progressed:</p> <ul style="list-style-type: none"> - draft Scoping Study for the Southern Shire Coastline (including Tallow and Belongil Creek catchment) prepared and reviewed by public agencies and public - Federal Fish Habitat riverbank project environmental surveys and development of approvals commenced. Bank and aquatic rehabilitation structural design in preparation with works to be completed in FY2021/22. - Main Beach Shoreline Project (Jonson Street protection works) - Community and stakeholder feedback and submissions are being evaluated with outcomes aiming to be reported to Council once complete. Additional historical assessment completed for the works to be added to the Baseline Assessment. |
| Highlights | <p>Successful application under the Federal Fish Habitat Grant for a 2 year project to protect, enhance and improve the aquatic habitat of 190m of riverbank in the upper estuary of the Brunswick River, Mullumbimby</p> |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--------------------------------------|---|----------|---|
| 3.3.1.1 | Continue preparing a Coastal Management Program (CMP) in accordance with the staged process for Cape Byron to South Golden Beach | Coastal Hazard Assessment progressed | Proposals reviewed and preferred consultant selected. Project due to kick-off due end of July with key deliverables expected by December 2021. | Achieved | ✓ |
| 3.3.1.2 | Continue pre-construction phase of Main Beach Shoreline Project (Jonson Street protection works) | Design progressed | Community and stakeholder feedback and submissions are being evaluated with outcomes aiming to be reported to Council once complete. Additional historical assessment completed for the works to be added to the Baseline Assessment. | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|--------------------|---|
| 3.3.1.3 | Continue Bringing Back the Brunswick River Project | Deliver Habitat Action Grant Investigate grant opportunities | Federal Fish Habitat riverbank project environmental surveys and development of approvals commenced. Bank and aquatic rehabilitation structural design in preparation with works to be completed in FY2021/22. | Achieved | ✓ |
| 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) | Stage 1 scoping study progressed | Public comment and submissions period has closed on the (draft) Scoping Study for the Southern Shire Coastline (including Tallow and Belongil Creek catchment). Submissions and feedback being reviewed. Submissions report and final Scoping Study (for adoption) being prepared for 5 August Council Planning meeting. | Achieved | ✓ |
| 3.3.1.5 | Construct additional flowpath from Byron STP subject to funding. | Project practical completion | Contract awarded and works have commenced. Delays in the delivery of the screening system have resulted in this project needing to be carried over to 2021/22 Operational Plan. | Partially Achieved | □ |

3.4: Support and secure our farming future

3.4.1: Develop and implement strategies to support agriculture, agri-business, and farmers

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| Outcome | Agriculture Action Plan adopted and implementation commenced. Rural Landholders Handbook produced and distributed to workshop participants and available online and at selected rural stores. Farmers Farm and Cows Do Moo booklet reprinted. Two Smart Farms workshops held with more planned. |
|----------------|---|

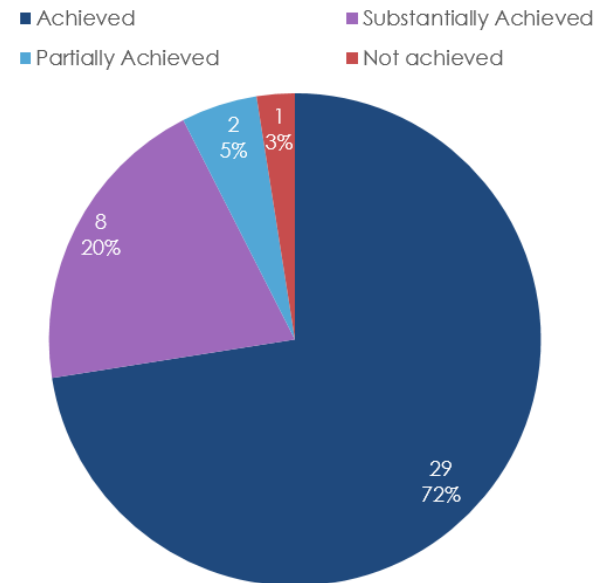
2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|---|----------|---|
| 3.4.1.1 | Finalise and commence implementation of the Agriculture Action Plan | Finalise Plan | Agriculture Action Plan adopted by Council 22 April 2021, Resolution 21-149. Implementation commenced. | Achieved | ✓ |
| 3.4.1.2 | Continue to deliver Smart Farms -Small Grants project | Deliver field days/workshops (3) Deliver farming mentoring program Develop rural landowners handbook | 500 copies of Rural Landholders Handbook printed. To be distributed to workshop participants and available online and at selected rural stores if numbers allow. 250 copies of Farmers Farm and Cows Do Moo booklet reprinted. Two Smart Farms workshops held. Four more planned in 2021-22 financial year. | Achieved | ✓ |
| 3.4.1.3 | Continue to convene Agricultural Cluster Group Meetings | Meetings (3) Expand sectoral representation | 3 Agriculture Cluster Group meetings held in 2020-21. This is an ongoing activity that will continue in 2021-22. | Achieved | ✓ |



Community Objective 4: We manage growth and change responsibly

- 4.1 Support the visions and aspirations of local communities through place-based planning and management
- 4.2 Support housing diversity in appropriate locations across the Shire
- 4.3 Promote and support local business development, education, and employment opportunities
- 4.4 Support tourism and events that reflect our culture and lifestyle
- 4.5 Work to improve community resilience in our changing environment



Community Objective 4: Growth

We manage growth and change responsibly

4.1: Support the visions and aspirations of local communities through place-based planning and management

4.1.1: Develop, implement, and update Place Plans that promote place-based forward planning strategies and actions

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|------------|---|
| Outcome | <p>Projects well underway and delivered include:</p> <ul style="list-style-type: none"> -Planning Proposal and DCP chapter to amend Planning controls for Byron Bay town centre progressed -establishment of a Design Panel for Byron Bay Town Centre progressed to EOI - Implementation of Our Mullumbimby Masterplan, Bangalow Village Plan and Byron Arts and Industry Estate Plan continues with Place Planning Collective and Mullum Talking Streets Project - a community led master planning process for Federal Village is now underway. - One way traffic trial for Centennial Circuit in place until November 2021. - planning for park activation in Bayshore Dr well progressed |
| Highlights | Finalise the Byron Arts and Industry Estate Precinct Plan |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|--|----------|---|
| 4.1.1.1 | Progress draft Planning Proposal and DCP chapter to amend planning controls for Byron Bay town centre (Byron Bay Town Centre Masterplan action) | Updated DCP & LEP provisions reported to Council | LEP/ DCP amendments substantially achieved. Waiting for final PCO opinion, which will allow the amendments to be made. | Achieved | ✓ |

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| 4.1.1.2 | Investigate establishment of a Design Panel for Byron Bay Town Centre | Prepare Terms of Reference and Report to Council | Terms of reference reported to Council in May 2021. Council resolved to adopt ToR and move to an Expression of Interest to form the panel (Res 21-187) | Achieved | ✓ |
| 4.1.1.3 | Scope the development and implementation a strategic repositioning and behaviour change campaign for visitation to Byron Shire (Sustainable Visitation Strategy action) | Campaign developed and reported to council | Council resolved not to continue the finalisation of the Sustainable Visitation Strategy. Instead, Council resolved to prepare a whole of business industry strategy, which will include tourism. | Substantially Achieved | |
| 4.1.1.4 | Develop a Landscape Plan for Stuart St Greenspine (Our Mullumbimby Masterplan action) | Design developed Construction commenced | Landscape plan has been developed and initial consultation complete. Construction works have commenced in Stuart Street. Further consultation and construction is programmed for 2021/22. | Achieved | ✓ |
| 4.1.1.5 | Implement Our Mullumbimby Masterplan, Bangalow Village Plan and Byron Arts and Industry Estate Plan | Place Planning Collective meetings Internal working group meetings Funding implementation Plan prepared in consultation with Directorates for next year's budget Investigate and apply for grant funding | Place Planning Collective meetings and Internal Staff working group meetings have been delivered throughout the year. Funding implementation plan was prepared and grant applications have been applied for as they became available. | Achieved | ✓ |

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| 4.1.1.6 | Investigate priority needs for future masterplans | Report to Council | Council has endorsed a community led masterplanning process for Federal Village. This process is now underway. Information about the project can be found on Council's website. | Achieved | ✓ |
| 4.1.1.7 | Prepare Structure Plan and Development Control Plan for Bangalow town centre/Station Street (high priority action from the Bangalow Village Plan) | Structure plan and DCP prepared | Project substantially underway but will require further consultation and refinement in 2021/2022 OP. Project will continue into 2021/2022 financial year. | Substantially Achieved | ■ |
| 4.1.1.8 | One way traffic trial for Centennial Circuit (Byron Arts and Industry Estate Precinct Plan action) | Report to Council on trial | One-way traffic trial in place and underway until November 2021. Staff have received positive feedback at the beginning of the trial. Project will carry over into 2021/22 with option for 'formalisation' of trial dependent on the outcomes of further community feedback on the project. | Substantially Achieved | ■ |
| 4.1.1.9 | Finalise the Byron Arts and Industry Estate Precinct Plan | Plan finalised | Precinct Plan adopted at Council meeting 20 June 2020 | Achieved | ✓ |
| 4.1.1.10 | Park activation Bayshore Dr (Byron Arts and Industry Estate Precinct Plan) | Park established | Unforeseen circumstances (COVID, delays to Additional Flow Path Project) meant that the Pocket Park has been delayed. It is still on track for completion, with staff hoping to align construction with the additional flowpath work later in 2021. Carry over project to 2021/2022 financial year. | Substantially Achieved | ■ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
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| 4.1.1.11 | Amend Local Environmental Plan and Development Control Plan in accordance with Mullumbimby Hospital Precinct Plan | Amendments progressed | Additional site contamination was identified following demolition which are close to being resolved. This resulted in the design work being put on hold pending resolution of contamination/ remediation. This consequently delayed any work being able to progress on the LEP and DCP amendments. Activity will be undertaken in new financial year. | Not achieved | ✗ |
| 4.1.1.12 | Finalise Local Strategic Planning Statement | LSPS adopted and priority actions commenced | LSPS adopted and implementation of actions underway. | Achieved | ✓ |
| 4.1.1.13 | Progress Sandhills Reserve management transition in accordance with Crown Lands Management Act. | All actions required of Council complete | Council continues to work with stakeholders and DPIE-Crown Lands in relation to options for future management of the Sandhills Reserve (currently directly managed by DPIE-CL). All actions required of Council to end of financial year have been completed. | Achieved | ✓ |
| 4.1.1.14 | Develop a community led masterplanning process for Federal village | Project scope and methodology reported to Council | The project scope and methodology for Federal Masterplan was reported to Council at the 10 December 2020 Council meeting. The project scope and methodology was endorsed (refer resolution 20-689) | Achieved | ✓ |
| 4.1.1.15 | Develop 'Streets as Shared Spaces' in accordance with funding | Milestones completed in accordance with grant funding agreement. | Final trial measures to be implemented in July 2021. Trial to be completed at end of calendar year. | Substantially Achieved | ■ |

4.1.3: Manage development through a transparent and efficient assessment process

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| Outcome | Council's development assessment processes continue to evolve with the NSW Planning Portal being mandated for development, complying and other post consent certificates. Council was in a good position, being an early adopter of the portal have been able to make the necessary changes to support the implementation without affecting our assessment timeframes. The first six months of 2021 has seen a sharp increase in DAs being lodged, staff are assessing up to 60 applications which is well above the best practice guidelines issued by the Department of Planning. |
|---------|---|

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|---------|---|--|---|----------|---|
| 4.1.3.1 | Assess and determine development applications | 1. Time taken to determine development applications under delegated authority - Average = 70 days, Median = 60 days 2. Time taken to determine modification applications under delegated authority - Average = 50 days, Median = 40 days 3. % of applications determined within 50 days under delegated authority >50% 4. % of modified applications determined within 40 days under delegated authority >60% | There was a sharp increase in DAs (and Mods) submitted over 2020/21 that can be attributed to Government incentives (HomeBuilder), a buoyant property market and people with more money to spend on renovations due to travel restrictions. 1. Time taken to determine development applications under delegated authority - Average = 60 days, Median = 43 days 2. Time taken to determine modification applications under delegated authority - Average = 39 days, Median = 26 days 3. % of applications determined within 50 days under delegated authority 55% 4. % of modified applications determined within 40 days under delegated authority 75% | Achieved | ✓ |

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|---------|--|--|---|----------|---|
| 4.1.3.2 | Assess and determine construction certificates | 80% Construction Certificates processed in less than 28 working days; 80% subdivision certificates processed in less than 28 working days | As of 1 July, Council's and Certifiers are now mandated to use the NSW Planning Portal to submit construction, complying development and occupation certificates. 83% Construction Certificates processed in less than 28 working days; 100% Subdivision Certificates processed in less than 28 working days. | Achieved | ✓ |
| 4.1.3.3 | Assess and determine complying development applications | 80% Complying Development Applications processed in less than 20 working days | 100% Complying Development Applications processed in less than 20 working days | Achieved | ✓ |
| 4.1.3.4 | Provide certification inspection services | Undertake 95% of inspections within 2 working days | All inspections are now requested online using Council's online booking form. Applicants have the ability to upload mandatory documentation at the time of booking. | Achieved | ✓ |
| 4.1.3.5 | Respond to and investigate complaints against building standards | Undertake 100% of inspections within 2 working days | Complaints that relate to lower risk to human life are risk assessed and inspected for further action by either Council Certifiers or Enforcement Officer. Complaints requiring referral to the Building Professional Board are referred as necessary. | Achieved | ✓ |
| 4.1.3.6 | Conduct the Swimming Pool and Fire Safety inspection program | Statutory requirements met | Swimming Pool Inspections undertaken on application in accordance with legislation. There have 116 inspections undertaken since the beginning of the year. | Achieved | ✓ |
| 4.1.3.7 | Share information through builder and developer forums | Newsletters circulated to the building and development industry (6) Newsletters available online | A total of 7 x Planning eNews have been sent out during the 2020-2021 financial year, which is >100% of the minimum requirement of 6 per financial year. | Achieved | ✓ |

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| 4.1.3.8 | Adaptable housing for multi-dwelling housing or medium density housing in accordance with DCP | | Greater than 17% of dwellings in approved multi-unit or medium density housing to be adaptable for July 2020 to June 2021 exceeds the minimum 10% requirement. | Achieved | <input checked="" type="checkbox"/> |
| 4.1.3.9 | Provide pre-lodgement advice and assistance to applicants | 80% development related advice provided within 21 days 80% DAP minutes provided within 10 days | 88% Development related advice provided within 21 days. 100% DAP minutes were provided within 10 days. | Achieved | <input checked="" type="checkbox"/> |
| 4.1.3.10 | Prepare a Planning Proposal to enable precinct based Short Term Rental Accommodation. | Planning proposal progressed in accordance with Gateway | State Government Planning Development Unit have engaged a consultant to undertake an Economic Impact Assessment (EIA) to inform Council's Short Term Rental Accommodation Planning Proposal. EIA expected late this year. This project will carryover into 2021/22. | Partially Achieved | <input type="checkbox"/> |

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| 4.1.3.11 | Prepare and assess Planning Proposals and Development Control Plans, and amend Local Environmental Plan maps | <p>80% of applicant initiated planning proposals reported to council within 90 days once the applicant is formally advised that sufficient information has been supplied to consider their request.</p> <p>Planning Proposal procedure revised</p> | <p>One planning proposal was reported to Council > 90 days since being accepted on the Planning Portal, mainly due to additional time required to ensure road infrastructure funding matters were adequately addressed. Status of other applicant-funded planning proposals is presented below:</p> <ul style="list-style-type: none"> - 31 Alidenes Road, Wilsons Creek: Gateway authorisation received; on public exhibition until 9 July - 158 Jonson Street, Byron Bay: public exhibition finished 7 June; - Elements land at Bayshore Drive Byron Bay: exhibition finished on 16 May; submissions review underway - 83 Yagers Lane, Skinners Shoot: adopted by Council on 13 May 2021; with the Department of Planning, Industry & Environment for finalisation - The Farm, Ewingsdale Road, Byron Bay: exhibition finished on 31 May 2021; submissions report being prepared. - 951 Broken Head Road, Broken Head: progressing an amended Planning Proposal following Council's decision at 21 May 2020 meeting and pending completion of coastline hazard study | Achieved | ✓ |
| 4.1.3.12 | Progress Phase 1 DCP Character Design Guideline for Low Rise Medium Density Housing Code | Phase 2 DCP Character Design provisions adopted | Complete - Adopted by Council on 17 September meeting and effective as of 28 September 2020. | Achieved | ✓ |

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| 4.1.3.13 | Administer 10.7 certificates, allocation of property addresses and update property subdivisions in GIS and Authority | <p>95% of 10.7 requests processed in 5 working days</p> <p>Report monthly on requests for property addresses</p> <p>Update property information in Authority and GIS</p> | Approximately 95% of Section 10.7 Planning Certificate applications processed within 5 working days. | Achieved | <input checked="" type="checkbox"/> |
| 4.1.3.14 | Phase 2 Style Guide: part of progress DCP Character Design Guideline for Low Rise Housing Diversity Code | Draft Style Guide prepared and reported to Council for public consultation | Work on this project has been delayed pending further information on the Department of Planning, Industry and Environment and Government Architect Design and Place SEPP. The NSW DPIE website advises a final Design and Place SEPP will go on public exhibition later in 2021. The final Design and Place SEPP will inform what, if any, further work is required on this action. | Partially Achieved | <input type="checkbox"/> |

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

| | |
|------------|--|
| Outcome | Planning proposal and draft affordable housing contribution scheme submitted to NSW Department of Planning, Industry and Environment (DPIE). Housing options report and project feasibility assessment for Lot 22 Structure Plan completed. Residential Strategy adopted by Council and Planning Proposal for Lot 22 submitted to DPIE for Gateway - both are being peer reviewed by consultants engaged by DPIE |
| Highlights | Final Residential Strategy adopted by Council (Res 20-686) |



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|---------|--|--|---|------------------------|---|
| 4.2.1.1 | Prepare an Affordable Housing contribution scheme under SEPP 70 to be incorporated in the local planning framework controls (Action in Residential Strategy) | Finalise Policy LEP amended to apply SEPP 70 to one or more of the sites identified in the Residential Strategy | Planning proposal and draft affordable housing contribution scheme being compiled ready for uploading to NSW Department of Planning, Industry and Environment planning proposal portal as a request for formal review of the draft scheme and issuing of a gateway. This project will continue into 2021/22 and further work required will be informed by the state governments Planning Proposals Gateway Determination. | Substantially Achieved |  |
| 4.2.1.2 | Prepare a report on deliberative development models to facilitate the delivery of accessible housing | Feasibility assessment for proposed Mullumbimby Hospital and Lot 12 complete | Completed - Housing options report and project feasibility assessment for Lot 22 Structure Plan. | Achieved |  |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|------------------------|---|
| 4.2.1.3 | Progress future use of Lot 22, Mullumbimby Planning Proposal and Plan of Management | Planning proposal progressed in accordance with Gateway Plan of Management commenced | State Government's Planning Development Unit have engaged a consultant to provide advice as to whether the Planning Proposal can proceed independent of the Residential Strategy and Affordable Housing Contribution Scheme. Staff participated in startup meeting in May and further meetings in June 2021. Findings of peer review expected in July. This project will continue into 2021/22. | Substantially Achieved |  |
| 4.2.1.4 | Finalise the Residential Strategy | Residential Strategy adopted | Complete - Residential Strategy adopted by Council. Now with Department of Planning Industry and Environment pending endorsement. | Achieved |  |

4.3: Promote and support local business development, education, and employment opportunities

4.3.1: Facilitate and support sustainable development of our business community

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| Outcome | Council endorsed a framework and process to develop the whole of business industry strategy. Business Impacts, Resilience and Continuity Survey completed. Two Mental Health training workshop provided to business community. Planning to provide Business Resilience workshops well underway |
| Highlights | 200 responses to the Business Impacts, Resilience and Continuity Survey |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|------------------------|---|
| 4.3.1.1 | Update the Economic Development Strategy and Action Plan | Updated based on business survey | At 24 June Council meeting, Council endorsed the framework and process to develop the whole of business industry strategy. This will be an action in 2021/22. | Substantially Achieved |  |
| 4.3.1.2 | Continue to strengthen partnerships between Council and the business community through the Strategic Business Panel and Business Roundtable | Review format of Business Roundtable Strategic Business Panel Meetings (3) | Council has been meeting directly with Chambers of Commerce and other business representatives throughout the year. Some achievements include the establishment of an MoU with Sourdough Business Pathways, and the appointment of the Business Enterprise Officer to StartUp Northern Rivers Advisory Panel. The need for a Business Roundtable or the like will be further considered in the development of the whole of business industry strategy. | Achieved |  |
| 4.3.1.3 | Undertake Business Survey | Develop project plan and Business Survey questions | Survey complete and will be run every 2-3 years. | Achieved |  |

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

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|---------|---|
| Outcome | Council has supported including the relevant parts of the draft 2020 - 2030 Byron Shire Sustainable Visitation Strategy into a whole of business industry strategy given that much has changed due to COVID and the SVS was drafted prior to the global pandemic. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|--|----------|---|
| 4.4.1.1 | Finalise development of Sustainable Visitation Strategy | Strategy finalised | Development of whole of business industry strategy will incorporate relevant Sustainable Visitation Strategy information and actions. | Achieved | ✓ |
| 4.4.1.2 | Continue to lead, build, and strengthen strategic tourism partnerships | Participate in Destination Byron Board, Byron Visitor Board, Cross Border Tourism Group, LGA Tourism Managers Group | Staff continue to attend various board meetings during the month, as required. This is an ongoing action and will continue in 2021/22. | Achieved | ✓ |

4.5: Work to improve community resilience in our changing environment

4.5.1: Develop and implement strategies for our community's needs

| | |
|---------|--|
| Outcome | Business and Industrial Lands Strategy finalised |
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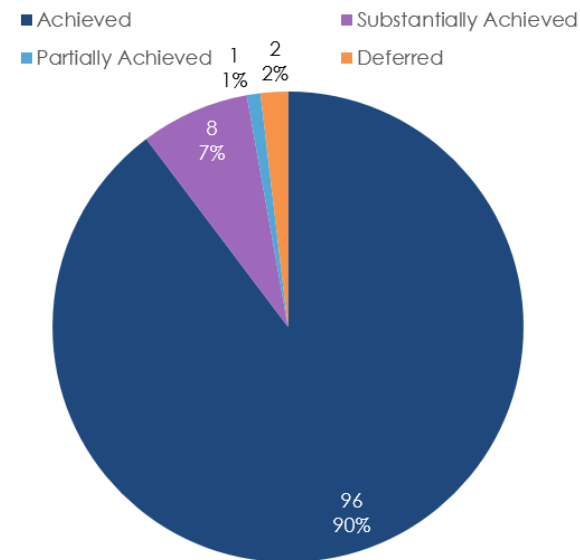
2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|----------------------------------|---|----------|---|
| 4.5.1.1 | Finalise the Business and Industrial Lands Strategy | Respond to state agency comments | Complete - Department of Planning, Industry and Environment letter of approval issued 22 October 2020 | Achieved | ✓ |



Community Objective 5: We have community led decision making which is open and inclusive

- 5.1 Engage and involve community in decision making
- 5.2 Create a culture of trust with the community by being open, genuine, and transparent
- 5.3 Deliver a high level of customer service
- 5.4 Manage Council's assets and allocate resources in a fair and holistic manner
- 5.5 Manage Council's finances sustainably
- 5.6 Manage Council's resources sustainably



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Community Objective 5: Governance


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)

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| Outcome | Meaningful community consultation and engagement is a core consideration for the work undertaken by Council's Media and Communications team. A wide range of engagement tools and activities are considered for many council projects to ensure useful feedback is gathered for the information of Councillors. Examples in 2020/21 included the Floodplain Risk Management Strategy consultation and the community engagement for the Byron bypass project. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|------------------------|---|
| 5.1.1.1 | Refresh Byron Shire Council's corporate style guide | Corporate style guide to developed and implemented. | We expect this project will be completed in the latter half of 2021. | Substantially Achieved |  |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|---|----------|---|
| 5.1.1.2 | Implement the Byron Model for deliberative democracy under a 2 year trial | Model implemented; inclusive stakeholder engagement strategies incorporated. | The two-year trial will conclude in October 2021 and the outcomes of the trial will be reported to Council. Key achievements from the trial include: establishment of the Citizen's Lottery, implementation of new petition guidelines, implementation of Corporate Planning & Reporting software, implementation and staff training of Accessible Documents Plan, implementation of VendorPanel procurement platform and a review of website accessibility. The "Byron Model Proforma" has been incorporated into Council's project management software, including requirements for consideration of the engagement triggers in planning for projects and mechanisms for capturing and evaluating the engagement through the close out of the project. | Achieved | ✓ |
| 5.1.1.3 | Hold quarterly Community Roundtable meetings | Community Roundtable meetings held four times a year. | The Community Roundtables are a valuable way for Council staff to connect with key representatives from community organisations. Meetings continued during 2020 but via Zoom due to COVID. | Achieved | ✓ |
| 5.1.1.4 | Report on outcomes of Community Survey | Data published | Reporting on the 2020 community survey results was completed in September 2020 and current and historical results are available on Council's website. | Achieved | ✓ |
| 5.1.1.5 | Design and implement annual youth leadership program | 1 leadership program delivered. | The Byron Shire YouthSay program was developed and delivered over 4 weeks in May with students from the Mullumbimby High School. The program concluded with the youth representatives giving a presentation to Council at the 27 May Ordinary Meeting, where they put forward their ideas for the future of Byron Shire. A Notice of Motion was considered by Council where they resolved to investigate ongoing opportunities for youth engagement. This action will be embedded into the 2021/22 Operational Plan. | Achieved | ✓ |

5.1.2: Enhance staff capacity in community engagement

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| Outcome | In 2020/21 there were two training sessions for staff designed to help build capacity with the digital engagement platform Your Say Byron Shire. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|--|----------|---|
| 5.1.2.1 | Minimum of six staff to complete IAP2 Essentials/Design courses | Minimum of six staff completed IAP2 Engagement Essentials | This year saw training focus on digital engagement techniques in relation to Your Say Byron Shire. | Achieved | ✓ |
| 5.1.2.2 | Implement inclusive Community Engagement Policy | Evidence of staff to be implementing communication and engagement plans for major projects and for other issues of interest and importance to the community. | We continued to strive to ensure people in the community were not only aware of projects being carried out by Council, but to provide opportunities for them to make submissions, provide feedback, or engage with us. | Achieved | ✓ |
| 5.1.2.3 | Upgrade Engagement Toolkit as required | Staff to be referring to engagement toolkit when planning for and implementing projects that have a communication and engagement component. | We added to the engagement toolkit throughout the year and this will continue in 2021/22 with the aim being to build confidence across the staff when it comes to working with and informing the community. | Achieved | ✓ |

5.1.3: Enhance community access through digital technologies which broaden participation and support inclusion

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|--|----------|---|
| 5.1.3.1 | Make available Council's Ordinary Meeting business papers; enable business papers to be accessed by persons using assistive technology | >95% of business papers published on website at least 7 days prior to meeting; % business papers accessible to screen readers and text readers; work towards and progress through the requirements of WCAG 2.1 | Business Papers are prepared and published on Council's website in accordance with Code of Meeting Practice. All business papers are able to be read online, with assistive technology support provided through ReadSpeaker on Council's website. Hardcopy documents are provided in Council's foyer for public access. All InfoCouncil templates have been updated to improve the accessibility and were rolled out to staff in January. Continuous improvements are being implemented to further enhance the accessibility of Council reports and attachments. | Achieved | ✓ |
| 5.1.3.2 | Update online governance manual and develop content guide for staff | Guides published to intranet | Action completed in September 2020 | Achieved | ✓ |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|--|----------|---|
| 5.1.3.3 | Authority upgrade, reintroduction of Avoka Report IT | Internal and external stakeholder surveys | Council's enterprise resource application underwent a successful upgrade; delivered on time and on budget. A new electronic forms platform has been implemented. Council's paper based forms are now in the process of being converted to electronic format. This will provide an easier online option for the public and also result in operational efficiencies. | Achieved | ✓ |
| 5.1.3.4 | Facilitate and promote online opportunities for community access and make community access opportunities accessible to people using assistive technology | Four projects to be promoted and linked via website and yoursaybyronshire.com.au | Your Say Byron Shire has been used and promoted as Council's digital engagement platform with approximately 1500 visits to the site each month. | Achieved | ✓ |
| 5.1.3.5 | Continued improvement of the Byron Shire Council website to enhance accessibility, particularly in regard to document accessibility. | Implementation of Accessible Documents Plan including capacity building programs for staff. | Implementation of Accessible Documents Plan including capacity building programs for staff is an ongoing activity. | Achieved | ✓ |
| 5.1.3.6 | Continual use of online and social media engagement tools. | Increase in social media followers | There is a continual increase in the number of followers with numbers increasing during emergencies. | Achieved | ✓ |

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

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| Outcome | Staff in the Media and Communications team worked through the COVID pandemic as well as other weather events including flooding, adapting the reporting timeframes and information provided to the community as necessary. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|--|----------|---|
| 5.2.1.1 | Review Operational Plan annually | New Operational Plan prepared; DIAP strategies incorporated into new Operational Plan | The 2021/22 Operational Plan was adopted on 24 June 2021 and implementation will commence in the new financial year. | Achieved | ✓ |
| 5.2.1.2 | Continuous improvement of corporate planning and reporting process | Software implemented and in use for 2020/21 reporting; 6 monthly DP report available to Councillors and public; Annual Report on DIAP available to Councillors and public | Corporate planning and reporting software (Pulse CPR Module) was implemented at the start of the 2020/21 financial year. This enables more effective and efficient reporting practices. Each quarter a report on the progress of the Operational Plan is presented to Council and made available on Council's website. The six monthly edition includes reporting on the outcomes of the Delivery Program actions and Council's achievements for that period. The 2019/20 Annual Report was completed and presented to the 22 October Ordinary Meeting of Council and is available on Council's website. | Achieved | ✓ |
| 5.2.1.3 | Prepare and submit Annual Report | Annual Report and associated documentation submitted to OLG; Annual Report on DIAP provided to ACWG | The completed Annual Report was presented to the 22 October Ordinary Meeting of Council and has been made available on Council's website. Notification sent to Office of Local Government on 27 November. An accessible version of the Annual Report has also been published. | Achieved | ✓ |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|---|----------|---|
| 5.2.1.4 | Publish GIPA open access information online | Open access published as per the Act. | Open Access information is published online, www.byron.nsw.gov.au | Achieved | ✓ |
| 5.2.1.5 | Implement 'knowledge bank' as one source of truth for information (i.e. internal cheat sheet/script on key Council topics) | Knowledge bank established as a working document | The Customer Service Knowledge Bank was established on the Intranet in June 2020 with information and updated content added regularly throughout 2020/21 providing a depository of common Council enquiry and service information. | Achieved | ✓ |
| 5.2.1.6 | Review and update Council business templates for consistency and accessibility | Review of core business templates completed and identified schedule for revising all templates determined; Accessible templates completed for highest priority templates. | Began using Monsido to monitor the quality assurance and accessibility compliance of the website. Added new templates to accessible communications toolkit on the intranet. | Achieved | ✓ |
| 5.2.1.7 | Ensure all content, including documents, published to the website complies with DDA and WCAG Level AA standards. Roll out of Accessible Documents Plan and capacity building activities. | 80% of content published complies with relevant legislation and standards, with a plan identified for remaining. Accessible Documents Plan rolled out, guidance developed and training delivered. | Achieving compliance with DDA and WCAG Level AA standards is a process of continual improvement. 8 staff completed Vision Australia Creating Accessible Documents Training. Added new templates to accessible communications toolkit on the intranet. 298 Updates made to website. 730 uses of ReadSpeaker web reader. Majority number of users accessed the ReadSpeaker on the COVID 19 pages and the Committees and Boards of Management pages. | Achieved | ✓ |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|--|----------|---|
| 5.2.1.8 | Maintain and update accessibility maps online that identify public space and facilities that provide information about accessibility | 6 monthly reviews | Online spatial maps made available which include accessibility information for public space and facilities. Link to website. | Achieved | ✓ |
| 5.2.1.9 | Support provision of geospatial information to the public via council's website, subject to investigation of funding sources | GIS information available to public online | Mapping information managed by Council is now available to the public via any web browser; maps.byron.nsw.gov.au | Achieved | ✓ |

5.2.2: Incorporate wellbeing framework within organisation to inform decision making

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| Outcome | Staff reviewed the wellbeing framework and identified an opportunity to build on previous work through a partnership approach to further outcomes framework development. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|---|----------|----|
| 5.2.2.1 | Implement the wellbeing framework | Wellbeing survey delivered and recommendations identified. | Aspects of the wellbeing framework are mapped across Council's Integrated Planning and Reporting documentation. Work on the wellbeing framework has been reviewed and an opportunity to build on previous work through a partnership approach to further framework development has been identified for action in the coming year. | Deferred | ▶▶ |
| 5.2.2.2 | Deliver annual Community Donations Program | Equitable and transparent delivery of community donations | This year, \$44,750 was approved by Council through the Community Initiatives grant program to nine community organisations. These projects focused on delivering positive social, environment and cultural change. | Achieved | ✓ |

5.2.3: Provide access to publicly available corporate registers

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| Outcome | Corporate registers are reviewed and updated regularly, including Councillors and designated staff Disclosures of Interest, and are accessible to the public online or in person by request. A significant review of Council's policies is underway, with all adopted policies published on Council's website. |
| Highlights | 85% of Council's policies are current or under active review |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|---|----------|---|
| 5.2.3.1 | Maintain, publish, and report on relevant registers including delegations, Councillors and designated staff Disclosures of Interest, Councillor and staff Gifts and Benefits, and staff secondary employment | 100% of disclosures by Councillors and staff captured and reported as required | All disclosures by Councillors and staff are captured and reported on Council's website as required by legislation. | Achieved | ✓ |
| 5.2.3.2 | Review, update and publish Council policies online and report on the status of Council's policy register | 100% of policies adopted by Council are available online within 7 days of adoption; online information to meet WCAG 2.1 AA requirements | Council has an annual plan for ongoing policy review and all adopted policies are currently available on Council's website. Those which have been recently reviewed are presented in an accessible format to meet the WCAG 2.1 AA requirements. | Achieved | ✓ |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---------------------------------|--|----------|---|
| 5.2.3.3 | Develop and implement pre-election community information program | Program developed and delivered | The Councillor onboarding program has been developed and included a pre-election information program. Candidate information sessions were held on 7-8 June in Ballina and Mullumbimby, respectively. An online candidate information session will be held on 28 July 2021. This activity will continue to be delivered in the 2021/22 Operational Plan with the Local Government election scheduled on 4 September 2021. | Achieved | ✓ |

5.2.4: Support Councillors to carry out their civic duties

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| Outcome | Councillors are supported in carrying out their civic duties through professional development programs, the provision of facilities, payment of expenses, Council meeting secretariat support, briefing sessions and strategic planning workshops, and processing Councillor requests in a timely manner. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|--|----------|---|
| 5.2.4.1 | Implement Councillor learning and development and capability framework | Training program delivered based on Councillors' identified needs | Councillors identified and participated in a number of professional development and opportunities. Due to COVID-19 restrictions, professional development programs are primarily delivered in virtual mode. | Achieved | ✓ |
| 5.2.4.2 | Deliver Council meeting secretariat - including agenda preparation, minutes, and council resolutions monitoring | Agendas posted on website 7 days prior to meeting Minutes posted within 48 hours of meeting | Council Meeting Agendas are published on Council's website 7 days before the meeting, and Meeting Minutes are posted to Council's website within 2 working days. Improvements to the Quarterly Resolutions Report were implemented in November to ensure the updates are current and meaningful to Councillors and the community, following resolution 20-513. Staff training sessions were held on 10 November and a 'Resolution Reporting Guideline' prepared and available on the intranet. | Achieved | ✓ |
| 5.2.4.3 | Provide support to Councillors - including councillor requests, briefing sessions, provision of facilities and payment of expenses, and record keeping | Monthly strategic planning workshops 100% of complete claims are reimbursed within the month in which they are received | Support and assistance has been provided to Councillors throughout the year as needed including organisation of SPWs, Council meetings, diary requests & reimbursement of costs. | Achieved | ✓ |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|---|----------|---|
| 5.2.4.4 | Implement and manage Code of Conduct training programs for Councillors, staff, and committee members | Training program delivered | Code of Conduct training unit has been developed and shortly be deployed to all new staff | Achieved | ✓ |
| 5.2.4.5 | Implement and manage training in respect of Council's Code of Meeting Practice | Training program delivered | Further training will be conducted with Councillors following September 2021 Election. | Achieved | ✓ |
| 5.2.4.6 | Improve Council's livestreaming of Council meetings to provide increased accessibility to the community | All Council meetings are livestreamed with continuous improvements to the accessibility; investigate options for inclusion of closed captioning | Council was required to implement livestreaming as a result of the COVID-19 pandemic. This allowed the facilitation of attendance by Councillors, staff, and members of the public (during public access) to participate in the meeting remotely. The Code of Meeting Practice has been amended in accordance with OLG Circular 20-31 'New requirement for councils to retain recordings of meetings on their websites for a minimum of 12 months. Improvements continue to be made to increase accessibility, including the provision of an 'order of business' displayed on screen during the meeting. There have also been recent enhancements to the technology and services used by Council for livestreaming meetings which now enables automatic closed captioning. This has improved the accessibility of Council meetings for those who require this type of assistive technology. | Achieved | ✓ |

5.2.5: Enhance access and availability of information to the community

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|------------------------------------|---|----------|---|
| 5.2.5.1 | Publish the 4 year works programs and activities online to the community | Program published | Action complete and 4 year works program available on Council's website. | Achieved | ✓ |
| 5.2.5.2 | Exhibit Development Applications as required by the Community Participation Plan | DA exhibition meets CPP timeframes | <p>Development Application exhibition undertaken in accordance with time-frames and requirements set out within the Community Participation Plan 2019.</p> <p>YTD:</p> <ul style="list-style-type: none"> - 597 Applications were placed on exhibition during the year - 3,532 Submissions were received in relation to DAs during the year | Achieved | ✓ |

5.2.6: Keep community informed and provide updated relevant and timely information on Council activities and projects

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| Outcome | Through the pandemic and weather events Council's following on social media continued to grow. As part of engagement activities, we provided a range of ways for people to provided information or feedback including face to face meetings and online meetings along with the advertising on radio, in the newspaper, E News and media releases. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|----------|---|
| 5.2.6.1 | Support and guide staff in the preparation and implementation of communication and engagement plans for projects and initiatives. | Evidence of communication and engagement plans for relevant projects. | Communication and engagement plans have been prepared by staff for major projects and initiatives across the last 12 months, resulting in coordinated and strategic communication with the community. | Achieved | ✓ |
| 5.2.6.2 | Manage media and social media enquiries about Council activities. | 95% of enquiries responded to within deadline. | The staff in the media and communications team always aims to provide timely responses to media and social media enquiries. | Achieved | ✓ |
| 5.2.6.3 | Keep community and Crown Reserve user groups updated with Crown Lands Transition progress information | All actions required of Council complete | Throughout the year Council has continued to work with Native Title owners, traditional custodians, DPIE-CL, stakeholders, and users to manage and plan for the use of Crown Reserves in the Shire. This work is ongoing and will continue in 2021-2022. | Achieved | ✓ |
| 5.2.6.4 | Produce a regular community newsletter 'Something to Talk about' | Something to Talk About published by end of each calendar year. | Recognising that December is a busy time for our community we are preparing to change the date for distribution to coincide with the financial year. | Achieved | ✓ |

5.3: Deliver a high level of customer service

5.3.1: Enhance external and internal customer service effectiveness

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| Outcome | Council has improved its internal and external customer service effectiveness through a number of initiatives identified in the Customer Service Strategy and Charter, the implementation of a Managing Unreasonable Customer Conduct Policy and providing support to front line staff in its application. Online reporting of customer requests is actively managed and a project is underway to deliver improvements in this area. |
| Highlights | Community Satisfaction Survey and internal staff Culture Survey showed improvement in the results from previous years. |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|--|----------|---|
| 5.3.1.1 | Maintain online reporting to community on service guarantees | Performance reports updated quarterly | Website reporting on customer service performance has been maintained throughout the year and will continue in 2021-2022. | Achieved | ✓ |
| 5.3.1.2 | Deliver great service to our customers and provide consistent, accurate and timely information | Improvement in Community Satisfaction Survey results | The operational tasks and daily duties of the Customer Service team are underpinned by our Service Standards with staff skills enhanced through Service Excellence training. The 2020 Community Satisfaction Survey returned an improvement in service satisfaction scores from our customers and the 2021 Employee Culture Survey indicated an improvement in staff service confidence and attitudes. | Achieved | ✓ |

5.3.2: Further develop a proactive customer service culture

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| Outcome | Improvements to our customer service culture are being achieved through capacity building, improved data and reporting capability and staff training. |
| Highlights | Results from the 2021 staff Culture Survey showed improved Customer Service focus and capability from 2019. |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---------------------|--|----------|---|
| 5.3.2.1 | Embed Customer Service Strategy and implement action plan | Program implemented | The Customer Experience Strategy 2019-2022 provides a comprehensive Action Plan with activities aimed to embed successful, appropriate, and sustainable customer service delivery and service improvements across Council. The Strategy Action Plan continues through to 2022 with approx. 60% actions achieved to end 2021. | Achieved | ✓ |

5.4: Manage Councils assets and allocate resources in a fair and holistic manner

5.4.1: Further develop Fleet Management Systems to ensure that fleet is managed to sustainably and efficiently support delivery of services and infrastructure programs

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| Outcome | Council has undertaken a review of fleet management operations and is currently working through recommendations for process improvements and has identified a number of improvement actions to be undertaken which are progressively being addressed and managed on an ongoing basis annually. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|----------|---|
| 5.4.1.1 | Annual review of suitability and utilisation of light and heavy fleet | Review complete and reported to Manager Works | This has been achieved by ongoing consultation with Fleet Staff and will continue to evolve and improve with advancements in Fleet Management technology and strategies. | Achieved | ✓ |
| 5.4.1.2 | Manage Council's fleet in accordance with approved program | Fleet items managed and replacement as per approved program | Replacement program achieved. Some items are still to be delivered due to external delivery delays, e.g. COVID. | Achieved | ✓ |

5.4.2: Improve further Asset Management Systems capability (SP)

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| Outcome | New technology and software has been progressively deployed to improve Asset Management Systems Capability. |
| Highlights | Council completed a number of infrastructure and asset management videos that have been posted to the web site and positively received by the community. |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|--|----------|---|
| 5.4.2.1 | Investigate improved alternatives for the asset register | Report on alternatives for the asset register | Following investigation, the existing asset register has been determined as appropriate at this stage | Achieved | ✓ |
| 5.4.2.2 | Review the Strategic Asset Management Plan | Complete the review of the SAMP | A review of the Strategic Asset Management Plan has been completed and a revision is being completed using new software. | Achieved | ✓ |

5.4.3: Provide reporting on key Infrastructure expenditure and the associated State Government measures

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| Outcome | Reporting on infrastructure expenditure and State Govt measures has been provided through the completion of Council's annual financial statements (audited) and provision of various reports to Council and Finance Advisory Committee concerning budgets and actual performance over the term of the Delivery Program. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|------------------------------------|--|----------|---|
| 5.4.3.1 | Improve the data quality of Work Orders (maintenance and capital expenditure) | Report to TIAC the outcomes of SS7 | The outcomes of the Infrastructure Report have been reviewed by the Transport & Infrastructure Advisory Committee. | Achieved | ✓ |
| 5.4.3.2 | Complete the annual infrastructure report (Special Schedule 7 of the financial statements) | On time completion of SS7 | 2019/20 financial year Infrastructure Report (SS7) included in Annual Financial Statement. | Achieved | ✓ |

5.4.4: Work with community to prioritise actions from the Place Plans (SP)

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| Outcome | Staff work closely with Place Planning Collective in the implementation of the Mullum, Bangalow and Byron Arts and Industry estate place plans and the Byron Bay Town Centre Masterplan group. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status |
|---------|---|---------|----------------|--------|
| | As recommended by the Community Solutions Panel, Council will continue to work with the community to priorities actions from Place Plans. | | | |

5.4.5: Progress implementation of inclusive and integrated resourcing strategy

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| Outcome | Whilst ultimately a decision for Council, the allocation of resources has been managed over the term of the Delivery Program through adoption of original budgets, quarterly budget reviews including an end of year quarterly review not statutorily required and consideration of specific Council reports on financial matters where required. These measures have enabled the process for Council to allocate available resources to its determined activities and actions. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|--|----------|---|
| 5.4.5.1 | Train and educate staff in the Disability Inclusion Act 2014 and how to respectfully, confidently, and effectively communicate with people with disability and consider their inclusion and access needs. | Disability awareness training module completed by all staff | Training in Disability Inclusion Act sourced, offered, and provided to all staff. Approx 40% of staff have completed the training offered. | Achieved | ✓ |
| 5.4.5.2 | Review recruitment practices to ensure they are inclusive and identify partners to promote job opportunities for people with disability across the Byron Shire | Job application processes simplified and identified barriers to diversity removed. Vacancies advertised with identified partners to ensure we are inclusive in our search. Inclusion related strategies incorporated into recruitment. | Some recruitment practices have been implemented to make applying for jobs more accessible for more of our community. Our focus going forward will be on initiatives to improve diversity and inclusivity in our existing workforce. | Achieved | ✓ |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|--|--------------------|-------------------------------------|
| 5.4.5.3 | Monitor, review and update Long Term Financial Plan | Long Term Financial Plan 2020-2030 adopted and subsequently updated quarterly | Implementation of Authority 7.1 and resourcing unfortunately contributed to Long Term Financial Plan not being completed. It is anticipated the Long Term Financial Plan will now be updated for the new Council after the September 2-21 Council elections. | Partially Achieved | <input type="checkbox"/> |
| 5.4.5.4 | Review 10 year capital plan in conjunction with the Long Term Financial Plan | Plans and programs reviewed and ready for development of 2021/22 budget process | Staff development of 2021/22 budget process complete. Further review of the 10 year plan is ongoing on an annual basis to inform budget preparation. | Achieved | <input checked="" type="checkbox"/> |

5.5: Manage Councils finances sustainably

5.5.1: Enhance the financial capability and acumen of Council

| | |
|---------|--|
| Outcome | Over the term of the Delivery Program and Council there has been numerous reports to Council regarding financial matters, a number of briefings at Strategic Planning Workshops and Meetings of the Finance Advisory Committee quarterly that have assisted in the financial capability and acumen of the Council. |
|---------|--|

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|--|----------|---|
| 5.5.1.1 | Financial reporting as required provided to Council and Management | Within ten days of month end for management reporting and within agenda deadlines for Council. | Monthly finance reports being prepared for Executive Team as required. Financial comments provided in Council reports as required. | Achieved | ✓ |
| 5.5.1.2 | Support the organisation in identifying financial implications of projects, proposals, and plans | Financial comments provided in Council reports as required within agenda deadlines. | Providing input into Council reports as required. | Achieved | ✓ |

5.5.2: Ensure the financial integrity and sustainability of Council through effective planning and reporting systems (SP)

| | |
|----------------|---|
| Outcome | Council has managed its financial situation over the term of the Delivery Program especially considering the impacts of COVID-19 over the last two financial years that have negatively impacted Council revenues and caused additional expenditure. Whilst Council's primary goal of \$1million in unrestricted cash has not been able to be maintained pending finalisation of 2020/2021 financial statements, considering the impacts the current projected balance of \$0.5million is satisfactory. |
|----------------|---|

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|--|----------|---|
| 5.5.2.1 | Maintain and improve internal financial controls | Reconciliations undertaken monthly within 10 days of month end. | Monthly reconciliations required completed. | Achieved | ✓ |
| 5.5.2.2 | Complete annual statutory financial reports | Unmodified audit report provided and adopted by Council. | Council adopted 2019-2020 Financial Statements again at the Ordinary Meeting held on 26 November 2020. Audit completed on 30 November 2020 with receipt of unmodified audit reports from Audit Office of NSW. Financial Statements lodged with Office of Local Government on 30 November 2020. Extension of time application submitted and approved if not completed by 30 November 2020 but was not required. | Achieved | ✓ |
| 5.5.2.3 | Ensure Council revenue billing and payments are available in an accessible format | Increase uptake of electronic billing option by ratepayers from 2019/20 to 2020/21; online billing and payment information is compatible with WCAG 2.1 AA requirements | Promotion of utilising E-Notices undertaken throughout the financial year. Participation in scheme has increased with now 30% of notices issued electronically. | Achieved | ✓ |

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4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|---|----------|---|
| 5.5.2.4 | Debt recovery is maintained within Office of Local Government benchmark | Benchmark is maintained below 10% for Office of Local Government benchmark by 5% for Council benchmark | It is expected there will be a further decline in the outstanding rates and charges ratio for 30 June 2021 but still within the industry benchmark. | Achieved | ✓ |
| 5.5.2.5 | Manage treasury functions of Council to maintain cash flow and maximise return on invested funds | Compliance with investment policy, T Corp directives and interest on investment revenue budget achieved | Investment returns suffered in the 2021 financial year due to historical low interest rates. Whilst cashflow was maintained, Council during the year did need to write down investment revenues. | Achieved | ✓ |
| 5.5.2.6 | Identification of ethical investment opportunities with environmental and social inclusion outcomes | Higher proportion of investment portfolio invested accordingly then previous year. | Identification of ethical investment opportunities being considered as they arise and fit within Council's investment policy and NSW Treasury Corporation requirements. Council is struggling to invest funds in current market given extreme low interest rates and so much cash available in the marketplace. | Achieved | ✓ |
| 5.5.2.7 | Implementation of new Accounting Standards AASB15/AASB1058 - Revenue Recognition and AASB 16 – Leases | Updated position papers presented to Audit, Risk and Improvement Committee, systems and records developed to comply with new reporting requirements. | Position papers have been reviewed by Audit in conjunction with 2019-2020 financial statements finalised on 30 November 2020. Position papers were not eventually reported to Audit, Risk, and Improvement Committee during November 2020. | Achieved | ✓ |
| 5.5.2.8 | Complete Authority V7 upgrade as it pertains to Finance | Undertake tasks associated with upgrade as required by project plan for Finance related modules. | Authority 7.1 went live in November 2020. Significant work has been undertaken to resolve issues, resolve processes not working, ledger imbalances and implementation problems. Progress has been made to stabilise system at 30 June 2021 with remaining outstanding matters to be followed up in the next financial year. | Achieved | ✓ |

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4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|--|---|---|----------|---|
| 5.5.2.9 | Finalise the revaluation of the roads and stormwater drainage assets in conjunction with Assets and Major Projects staff | Revaluation outcome analysed and incorporated into Council's assets registers and general ledger. | Completed with finalisation of 2019-2020 Financial Statements on 30 November 2020 following audit. Significant amount of found assets identified which resulted in prior period error disclosure in financial statements. | Achieved | ✓ |
| 5.5.2.10 | Investigate and improve Council's water meter reading capability | Replacement of outdated and unsupported radio reading technology | Finance are participating in conjunction with Utilities regarding implementation of Smart Metering. Currently utilising provided smart metering system, however rollout of pilot scheme delayed due to smart meter supply issues. From a Finance perspective, this item is complete with new smart meters added to the billing system as they arrive and are installed. | Achieved | ✓ |
| 5.5.2.11 | Implement new land valuations to apply for the 2020/2021 financial year. | Completed prior to 2020/2021 rate levy. | Council adopted the Statement of Revenue Policy including rates and charges incorporating the new land values on 30 July 2020. 2020-2021 Rate Notices issued before the end of August 2020 incorporating new land values. Action is complete. | Achieved | ✓ |

5.5.3: Ensure Council's procurement framework is robust, efficient, and effective (SP)

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| Outcome | Council's Procurement Framework is supported by a robust Annual Procurement Plan which identifies priority areas for improved efficiency and effectiveness. Regular expenditure reporting is provided to Directors and Managers on a quarterly basis, joint initiatives are sought where feasible to reduce costs to Council and, local supplier capacity building has been supported through a number of initiatives including: the use of VendorPanel, updated information on Council's website and, the addition of local supplier criteria to tender Evaluation Assessment template. |
| Highlights | Implementation of VendorPanel platform and an improvement to the Sustainable Choice Score from last year. |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|--|----------|---|
| 5.5.3.1 | Develop and implement forward procurement plan to ensure compliance with Local Government Act | Contracts compliant with Local Government Act tendering requirements 90% Actions listed in annual plan implemented. | Procurement expenditure has been actively monitored and reported to Managers, and 94% of expenditure above \$250K was found to be compliant with the legislation. Issues of non-compliance are being actively managed to ensure potential risks are addressed. | Achieved | ✓ |
| 5.5.3.2 | Develop and implement internal awareness and training program to upskill staff in procurement | Online induction modules for all new staff developed and implemented | A number of procurement training and awareness programs have been delivered to staff this financial year aimed at improving knowledge and skill development to ensure procurement activities are managed effectively. | Achieved | ✓ |
| 5.5.3.3 | Implement local supplier development initiatives | One initiative implemented to educate local suppliers on Council procurement processes | A number of initiatives to educate local suppliers on Council's procurement processes have been implemented this financial year including how to use Council's tendering platform, updating, and providing additional information on Council's website and producing a short video including tips for suppliers on how to create successful tenders. | Achieved | ✓ |

BYRON SHIRE COUNCIL

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|----------|----|
| 5.5.3.4 | Assist in building the NRJO Council's regional procurement capacity and implement NRJO actions where applicable | Participate in two regional joint procurement initiatives | Council participated in one joint regional procurement initiative this financial year and will continue to actively seek joint opportunities to ensure best value for money and improved procurement outcomes. | Achieved | ✓ |
| 5.5.3.5 | Improve Council's sustainable procurement performance | Improvement on 2019/20 sustainable choice score | The 2020/21 Sustainable Choice Score for Council shows an improvement from the previous year and work is continuing to implement feasible recommendations from the Sustainable Choice Annual scorecard survey. | Achieved | ✓ |
| 5.5.3.6 | Develop Contract Management Framework | Contract Management Framework developed ready for implementation in 2021/22 | Further research and investigation is being undertaken for this project prior to developing a framework and this activity has been deferred to the 2021-2022 Operational Plan. | Deferred | ▶▶ |

5.6: Manage Councils resources sustainably

5.6.1: Enhance leadership effectiveness and capacity

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| Outcome | Council continues to maintain a strong focus on developing its current leaders as well as identifying and developing potential future leaders. All 4 new managers to Council in 2020/21 have undertaken the Leadership Styles Inventory (LSI) which is a 360 degree feedback survey administered to their Directors, colleagues and peers for the purpose of identifying leadership strengths and opportunities for development. LSI retests were also conducted for the Executive team members and Executive Officer. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|--|------------------------|---|
| 5.6.1.1 | Continue regular coaching and 360 degree feedback based on LSI for Executive Team, Managers and identified top talent | LSI implemented for Manager Works. LSI retests conducted for Executive team and Executive Officer. | LSI done for 4 newly appointed Managers. LSI retests conducted for Executive team and Executive Officer. | Achieved | ✓ |
| 5.6.1.2 | Create opportunities for leaders across Council to embed learnings from Great Managers Program | Continue lunch and learn leadership sessions for all interested staff. Hold 3 x Great Managers masterclass sessions for graduates. | Completed in part only. Lunch and learn leadership sessions and Great Managers masterclass sessions for graduates heavily impacted by COVID restrictions. Only 1 lunch and learn held face to face and 1 online. Great Managers masterclasses were scheduled and cancelled due to COVID. | Substantially Achieved | ■ |
| 5.6.1.3 | Create collaborative leadership groups to develop organisational responses to key community issues | Continue to support Access & Inclusion and Homelessness internal working groups; # of initiatives delivered | Internal staff working groups have increased collaboration and learning across the organisation while contributing to changing community attitudes towards people experiencing homelessness and people with disability. The groups were not convened in the second half of the year due to staff resourcing. | Substantially Achieved | ■ |

5.6.2: Ensure support for employees physical and mental health

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| Outcome | 30 participants completed mental health first aid training in early March. Continued budget and promotion of Employee Assistance Provider and the ability for staff to access 4 free psychological counselling sessions each calendar year. Uptake of service is approx 240 sessions per financial year. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|--|----------|---|
| 5.6.2.1 | Deliver mental health first aid training to managers, team leaders and supervisors | 20 additional managers, team leaders and supervisors trained in mental health first aid | Completed in full. 30 participants trained in mental health first aid training in early March. | Achieved | ✓ |

5.6.3: Develop targeted initiatives to increase employee engagement and implement tools to measure improvements in staff satisfaction, culture, and morale

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| Outcome | Culture Survey retest conducted in April 2021. Results debriefed with leadership team in May 2021 and comparisons between April 2019 Culture Survey and 2021 results identified. Following results in 2019 indicating upward and downward communication was a source of frustration for staff, there has been a sustained focus at the leadership and departmental level to improve this in the last two years. The 2021 culture survey results show a significant increase (15-25 percentile points) in downward and upward communication. Council has improved its constructive culture in both the affiliative and achievement styles since 2019. Council has also significantly reduced its Passive/Defensive and Aggressive/Defensive cultures over the last two years. In 2021, employee satisfaction increased by almost 10 percentile points when compared with 2019 results. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|--|----------|---|
| 5.6.3.1 | Partner with managers in 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. | OCI/OEI retest conducted in April 2021. Results debriefed with leadership team on 21 May 2021. Department debriefs being held in June/July and action plans for each department to follow. | Achieved | ✓ |

5.6.4: Ensure Councils information systems are effective, resilient, and accessible

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| Outcome | Cyber security improvements planned for this reporting period have been substantially completed. This work is ongoing in complying with the federal government's "Essential 8" security strategy. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|--|---|----------|---|
| 5.6.4.1 | Prioritised security tasks based on Federal Govt Essential 8 compliance; - Operating Systems patching - Application patching - Retirement of legacy operating systems - Admin access control improvements - User access control improvements in Authority | Compliance to Federal Govt Essential 8 recommendations | Cyber security improvements are progressing to schedule. Council's security posture has significantly improved in the past 12 months. Council is following the federal governments cyber security guidelines, known as the Essential 8. All activities are scheduled for completion by June 2022. | Achieved | ✓ |

5.6.5: Maintain and review council information and records management functions to improve efficiencies and meet legislative compliance

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| Outcome | All public requests for information were delivered within legislative guidelines for the current reporting period. This is an ongoing activity. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|----------|---|
| 5.6.5.1 | Coordinate and publish the Disclosure Log of Formal GIPA Access to Information requests to Council's website | GIPA disclosure logs published online | Disclosure logs for formal GIPA requests have been updated and published to Council's website. | Achieved | ✓ |
| 5.6.5.2 | Process Formal GIPA Access to Information Requests in accordance with legislative timeframes; review all Formal GIPA Access to information procedure to ensure legislative compliance | Processed within statutory timeframes. | Formal GIPA access requests were processed within legislative timeframes for the reporting period. | Achieved | ✓ |
| 5.6.5.3 | Monitor all inwards electronic email received in Council's generic mailbox, store these in Council's Electronic Document Records Management System (EDRMS); scan and process to EDRMS all Council's hardcopy inwards mail | Inwards mail and council inbox stored/scanned within 3 days | Electronic and hardcopy mail received by Council's main inbox has been processed as per agreed timeframes. | Achieved | ✓ |

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|---|------------------------|---|
| 5.6.5.4 | Recommend improvements to IT Steering Committee. Implement recommended improvements. May include: Vendor Panel subscription NAR Cleanse tool Website search tool enhancement Skype Analytical Reporting Fleet Mgt system replacement | Improvements implemented as per agreed project plans | IT project work generally progressed to plan. Activities delivered in the reporting period included; - Information security improvements - Cyber security staff training - end user environment upgrade - Major upgrade of Council's resource planning application (Authority) - implementation of an online electronic forms solution - Public release for an online mapping service - Transition of data and voice services to NBN - New CCTV coverage for Main Beach car park - Refresh of CBD CCTV equipment - Online delivery of GIPA customer requests - Integration of NSW e-planning platform to Council's IT system | Substantially Achieved |  |
| 5.6.5.5 | Online lodgements - Compliance with State Government requirement to utilise NSW e-Planning portal | Integration between Council Authority application and NSW e-planning platform | Integration between Council's development application system and the NSW DPIE system is now in the testing phase. A final cut over to the new solution is expected by 15 July 2021. | Substantially Achieved |  |
| 5.6.5.6 | Implement Contract Management system through the Vendor Panel subscription | Vendor Panel premium portal in use by all Council directorates | All Council staff now have access to Vendor Panel to better coordinate procurement activity. | Achieved |  |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|--|------------------------|---|
| 5.6.5.7 | Deliver Authority upgrade to v7.1 to maintain vendor support | Authority upgrade to latest version | Council's enterprise resource planning application, Authority, was successfully upgraded. Delivery was on time and on budget. | Achieved | ✓ |
| 5.6.5.8 | Undertake Standard Operating Environment refresh to support security improvement initiatives | End user computing environment refreshed | A new end user computing environment is being rolled out to all staff. Over 50% of staff are now using the environment and all staff are planned to be cut over by end of July 2021. | Substantially Achieved | ■ |
| 5.6.5.9 | Implement eForms platform for all directorates | Council wide e-forms platform implemented | A new electronic forms platform has been successfully implemented for council. Conversion of internal and external forms is now in progress. This will delivery operational efficiencies and improved customer interaction with Council. | Achieved | ✓ |

5.6.6: Strategically align the leasing and licensing of Council assets to meet community needs**2020/21 Operational Plan Activities**

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|----------------------------------|---|----------|---|
| 5.6.6.1 | Develop a policy for the implementation of the recommendations of buildings and property audit in relation to leasing and licensing | Policy developed and implemented | Draft Leasing and Licensing Policy has been prepared. | Achieved | ✓ |

5.6.7: Develop and embed a proactive risk management culture

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| Outcome | Proactive risk management continues to be a priority for Council with a number of key initiatives delivered including a review of the Business Continuity Plan, the implementation of the Annual Internal Audit Plan, improved Internal Audit reporting, staff training, and the ongoing review and embedding of the Risk Management Framework. The new term of Council commencing September 2021, will provide an opportunity to review Council's Risk Appetite Statement, and refine Council's Operational and Strategic Risk Registers. |
| Highlights | Improved internal audit reporting system. |




2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|--|---|--|----------|---|
| 5.6.7.1 | Evaluate and improve risk management framework | Completion of coordinated activities and risk management reporting. | The strategic and operational risk registers were actively reviewed each quarter with reports provided to the Executive Team and the Audit, Risk & Improvement Committee following the end of each quarter. Council participated in the Statewide Mutual Continuous Improvement Pathway (CIP) self-assessment workbooks for footpaths, building assets, event management and motor vehicles which were submitted in March, and the board-funded initiative to establish an Emergency Planning Committee with training delivered in April 2021. | Achieved | ✓ |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|------------------------|---|
| 5.6.7.2 | Implement training program to improve risk management | Risk Management Policy and Risk Management Strategy updated as required | Risk management training material has been developed and will be transferred into Council's online Learning Management System and rolled out to all staff in 2021/22 as part of next year's Operational Plan. The Risk Management Policy and Risk Management Strategy will also be reviewed in 2021/22 after the appointment of the new term of Council. | Substantially Achieved |  |
| 5.6.7.3 | Review and test Business Continuity Plan in accordance with the Business Continuity Management Manual | Business Continuity Plan reviewed and one desktop exercise conducted | The annual review of the Business Continuity Management documents has been completed and endorsed by the Executive Team and the Audit, Risk & Improvement Committee. Business Continuity Management online training will be finalised and delivered to all staff in 2021/22, and the Business Continuity Plan scenario exercise will also be conducted next year. Both activities have been included in the 2021/22 Operational Plan. | Substantially Achieved |  |
| 5.6.7.4 | Implement Internal Audit and External Audit recommendations as appropriate | Audit recommendations implemented within set timeframes | In the 2020/21 financial year a total of 42 internal audit recommendations were closed with endorsement from the Executive Team and the Audit Risk and Improvement Committee. Recommendations from the reviews done this financial year have been added to the register and are actively reviewed and monitored by responsible staff and reported to the Executive Team and the Audit Risk and Improvement Committee on a quarterly basis. | Achieved |  |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|---|----------|---|
| 5.6.7.5 | Coordinate the Audit Risk and Improvement program | Ongoing coordination of the Audit, Risk, and Improvement Committee throughout the year; internal audit review's undertaken in accordance with the Internal Audit Plan. | The 2020/21 Internal Audit program has included reviews of Asset Management, Inventory Management and Procurement (Tendering). Council will commence the development of the next 3 year Strategic Internal Audit Plan with the new Internal Auditors (Grant Thornton) from 1 July 2021. | Achieved | ✓ |

5.6.8: Manage insurance claim portfolio in a timely, effective, and efficient manner while identifying areas for improvement

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|------------|---|
| Outcome | Council's insurance portfolio continues to be managed effectively and efficiently, and regular reviews of claims data inform decisions and assist with identifying opportunities for improvement, which are implemented as they arise. Cost savings have been achieved through ongoing internal claims management where possible. |
| Highlights | Documentation of key processes and procedures. |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|--|---|----------|---|
| 5.6.8.1 | Assess and provide advice on internal and external insurance claims or concerns | Increase in claims managed in house by Council; insurance matters are managed in a timely, efficient, and effective manner | Under excess claims have continued to be generally managed in-house, unless of a sensitive nature, resulting in significant savings to Council. | Achieved | ✓ |
| 5.6.8.2 | Develop and implement internal claims procedure policy and supporting documents | Internal claims policy and supporting documents developed and published internally | A draft internal claims procedure has been developed and will be finalised by September to include recent software update changes. | Achieved | ✓ |
| 5.6.8.3 | Manage insurance claims and provide data to inform strategic decision-making | Data and information from insurance performance report is used by management to inform decision making | Monthly insurance reports were provided to the Executive Team identifying trends in claims data, to inform decision making. | Achieved | ✓ |

5.6.9: Develop and implement organisational innovation and creativity

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|---------|---|---|--|----------|---|
| 5.6.9.1 | Identify evidence based opportunities to enable creativity and innovation in local government | One evidence based initiative undertaken, evaluated, and showcased. | A collective impact approach underpins Council's response to the many challenges of rough sleeping in the Byron Shire. Council is working in a 'backbone' role, creating a container for inclusive local engagement and collaboration, across organisations, agencies, community members and people with lived experience of homelessness, in order to take strategic action to reduce local rough sleeping. | Achieved | ✓ |

5.6.10: Use business insights and strategic business planning to continuously improve (SP)

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|------------|---|
| Outcome | Organisational performance data from various sources is regularly analysed to provide business insights for improved planning, operations, and customer experience. Industry specific (Local Government) bench-marking reports are also used to inform Council's business planning and improvement initiatives. |
| Highlights | Introduced quarterly report to the Executive Team for Customer Activity data. |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|--|---|---|----------|---|
| 5.6.10.1 | Complete 2020 LG Performance Excellence Program | Data submitted and report obtained | The annual LG Performance Excellence Report was received in December 2020 and it is used by Council to manage and improve operations. | Achieved | ✓ |
| 5.6.10.2 | Maintain and provide status reports on the corporate compliance reporting register and monitor for currency and non-compliance issues. | Compliance register reviewed and updated to reflect legislation changes, noncompliance issues reported to the Executive Team and Managers as required | The Legislative Compliance register was reviewed and updated to reflect legislation changes, and noncompliance issues reported to the Executive Team, Managers and the Audit Risk and Improvement Committee as required. | Achieved | ✓ |
| 5.6.10.3 | Provide relevant statistics/business intelligence data to the Executive Team to inform strategic decision-making | Regular reports provided to Managers and Executive Team: grants, risk & insurance, customer service data | Regular data and statistics are provided monthly to the Executive Team to inform decision making and provide details on emerging trends and opportunities. This includes reports on Grants, Insurance, Customer Activity, Internal Audit, Risk, Secondary Employment, Staff Declarations of Interest and Special Disclosures. | Achieved | ✓ |

5.6.11: Maintain effective relationships with key stakeholders, neighbouring local governments, government representatives and government agencies

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| Outcome | Relationships with key stakeholders and government agencies are key to delivery of services and projects and work on maintaining and building effective relationships is ongoing. |
| Highlights | Some Highlights in 2020/2021 include: Partnering with Transport for NSW to deliver Byron Bus Interchange and collaborate on major transport routes including Ewingsdale Road; Participating in DPIE-Crown Lands Executive and Operational Working Groups to represent local councils' interests; Regional collaboration via Northern Rivers Joint Organisation of Councils on housing affordability challenges; Delivery of \$5M in road and tourism infrastructure projects working with Department of Regional NSW. |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|----------------------------|--------------------------------------|---|----------|---|
| 5.6.11.1 | Participate in NRJO forums | Participate in regular NRJO meetings | NRJO GMAC and Board meetings held throughout the year. GMAC attended by General Manager. Board meeting attended by General Manager and Mayor. | Achieved | ✓ |

5.6.12: Implement strategic grants management systems to deliver priority projects for Byron Shire community (SP)

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| Outcome | Council's strategic grants management systems and robust governance processes have resulted in many significant applications being successful, enabling the delivery of several projects for the Byron Shire, which may otherwise not have been achievable this financial year. Highlights this year have included successful applications across a number of funding schemes including: Fixing Local Roads, Streets as Shared Spaces, Bridges Renewal Program, Habitat Action Grant, Walking and Cycling Program, Fixing Country Bridges, Road Safety Program, Coastal and Estuary Grants Program and Everyone Can Plan, among others. |
| Highlights | Council has submitted a number of grant applications this financial year which, if successful, will result in excess of \$50M of funding being received. |

2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|---|---|---|----------|---|
| 5.6.12.1 | Coordinate competitive grant applications with Council's business units to meet Federal and State government outcomes | 60% of proposed grant applications submitted | 73 grant applications submitted in 2021-21 33 grants awarded in 2020-2021 21 grant applications waiting determination 19 unsuccessful grants applications in 2020-2021 | Achieved | ✓ |
| 5.6.12.2 | Provide governance for grants management | Successful delivery of funding body requirements on grant funded projects | The Grants Coordinator has continued to support staff with tracking and completing milestone reports in advance of deadlines. Other key activities include funding deeds approvals, work plans, signage, variations, project openings and media release requests. As at the end of the Financial Year there are: 48 active grants as at 30 June 2021 24 grants acquitted in 2020-2021 | Achieved | ✓ |

5.6.13: Manage the delivery of high quality cost effective legal services

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| Outcome | Council's legal team continues to provide high quality cost effective legal services. |
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2020/21 Operational Plan Activities

| OP Code | Operational Plan Activity | Measure | Annual Comment | Status | |
|----------|--|--|--|----------|---|
| 5.6.13.1 | Provide in-house legal advice to the organisation to inform decision making and minimise organisational risk | Deliver monthly legal services status reports | Legal advice provided by legal officer. | Achieved | ✓ |
| 5.6.13.2 | Represent Council's legal interests | Manage litigation to best advance Council's interest | Local Court matters up to date, although the pandemic disrupted the Local Court's schedule in 2020-21. | Achieved | ✓ |
| 5.6.13.3 | Manage code of conduct matters | 100% of matters dealt with and statutory reporting deadlines met | All Code of Conduct matters have been completed in accordance with procedures. | Achieved | ✓ |

Report No. 4.3 AASB1059 - Service Concession Arrangements: Grantors

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2021/1241

Summary:

This report is provided to the Audit, Risk and Improvement Committee (ARIC) to consider the position on the application of AASB1059 – Service Concession Arrangements: Grantors to the financial statements of Byron Shire Council.

10 AASB1059 is a new Accounting Standard that may have application to Council for the 2020/2021 financial year. This report outlines the intent, applicability and any disclosure requirements for the financial statements of Council for ARIC to consider with a recommendation in regard to AASB1059 in terms of Council's proposed position on disclosure in the financial statements.

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RECOMMENDATION:

20 **That the Audit, Risk and Improvement Committee consider the requirements of AASB1059 Service Concession Arrangements: Grantors and confirm that the requirements of AASB 1059 have no application to Byron Shire Council and therefore no disclosure obligations in the financial statements.**

Attachments:

25 1 AASB1059 Service Concession Arrangements: Grantors guidance document, E2021/99982 , page 215 [↓](#)

Report

AASB1059 Service Concession Arrangements: Grantors is a new Accounting Standard applicable for the 2020/2021 financial year that Council must consider in regards to any disclosure requirements in the financial statements. This report outlines the intent, applicability and any disclosure requirements in the financial statements of Council for ARIC to consider with a recommendation in regard to AASB1059 in terms of Council's proposed position on disclosure in the financial statements.

AASB1059 addresses the accounting for a service concession arrangement by a grantor that is a public sector entity by prescribing the accounting for the arrangement from the grantor's perspective ie Council.

AASB1059 applies to arrangements that involve an operator providing public services related to a service concession asset on behalf of a public sector grantor for a specified period of time and managing at least some of those services. An arrangement within the scope of AASB1059 typically involves an operator constructing the assets used to provide the public service or upgrading the assets (for example, by increasing their capacity) and operating and maintaining the assets for a specified period of time. Such arrangements are often described as build-operate-transfer or rehabilitate-operate-transfer service concession arrangements or public-private partnerships (PPPs).

AASB 1059 requires Council to:

(a) recognise a service concession asset constructed, developed or acquired from a third party by the operator, including an upgrade to an existing asset of the grantor, when the grantor controls the asset. The grantor controls the asset if the grantor controls or regulates the services the operator must provide with the asset, to whom it must provide them and at what price, and if the grantor controls any significant residual interest in the asset at the end of the term of the arrangement;

(b) reclassify an existing asset (including recognising previously unrecognised identifiable intangible assets and land under roads) as a service concession asset when it meets the criteria for recognition as a service concession asset;

(c) initially measure a service concession asset constructed, developed or acquired by the operator or reclassified by the grantor at current replacement cost in accordance with the cost approach to fair value in AASB 13 Fair Value Measurement. Subsequent to the initial recognition or reclassification of the asset, the service concession asset is accounted for in accordance with AASB 116 Property, Plant and Equipment or AASB 138 Intangible Assets, as appropriate, except as specified in this Standard;

(d) recognise a corresponding liability measured initially at the fair value (current replacement cost) of the service concession asset, adjusted for any other consideration between the grantor and the operator. The liability is recognised using either or both of the following models:

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- 5 (i) the financial liability model – this model applies where the grantor has an obligation to deliver cash or another financial asset to the operator for the delivery of the service concession asset. This model requires the grantor to allocate the payments to the operator under the contract and account for them according to their substance as payments relating to the liability recognised or charges for services provided by the operator; and
- 10 (ii) the grant of a right to the operator model – this model applies where the grantor grants the operator the right to earn revenue from third-party users of the service concession asset. This model requires the grantor to recognise a liability reflecting the unearned portion of the revenue arising from the exchange of the assets between the grantor and the operator. The grantor recognises revenue over the period of the service concession arrangement according to the substance of the arrangement and reduces the liability as the revenue is recognised; and
- 15 (e) disclose sufficient information to enable users of financial statements to understand the nature, amount, timing and uncertainty of assets, liabilities, revenue and cash flows arising from service concession arrangements, by considering the disclosure of information such as the following:
- (i) a description of the arrangements;
- 20 (ii) significant terms of the arrangements that may affect the amount, timing and uncertainty of future cash flows;
- (iii) the nature and extent of the grantor's rights and obligations (such as rights to receive specified services and assets from the operator, and obligations to provide the operator with access to service concession assets or other revenue-generating assets) and renewal and termination options; and
- 25 (iv) changes in arrangements during the reporting period.

Application of AASB 1059

- 30 NSW Treasury have issued a guidance document for State Agencies and Departments in regards to AASB1059. Whilst Councils were not specifically the target for the guidance document, the NSW Office of Local Government is of the view the guidance document is of use for Councils in assessing the implications of AASB 1059. This document is produced at Attachment 1.

The guidance document indicates from the outset a service concession as an arrangement that involves an operator that:

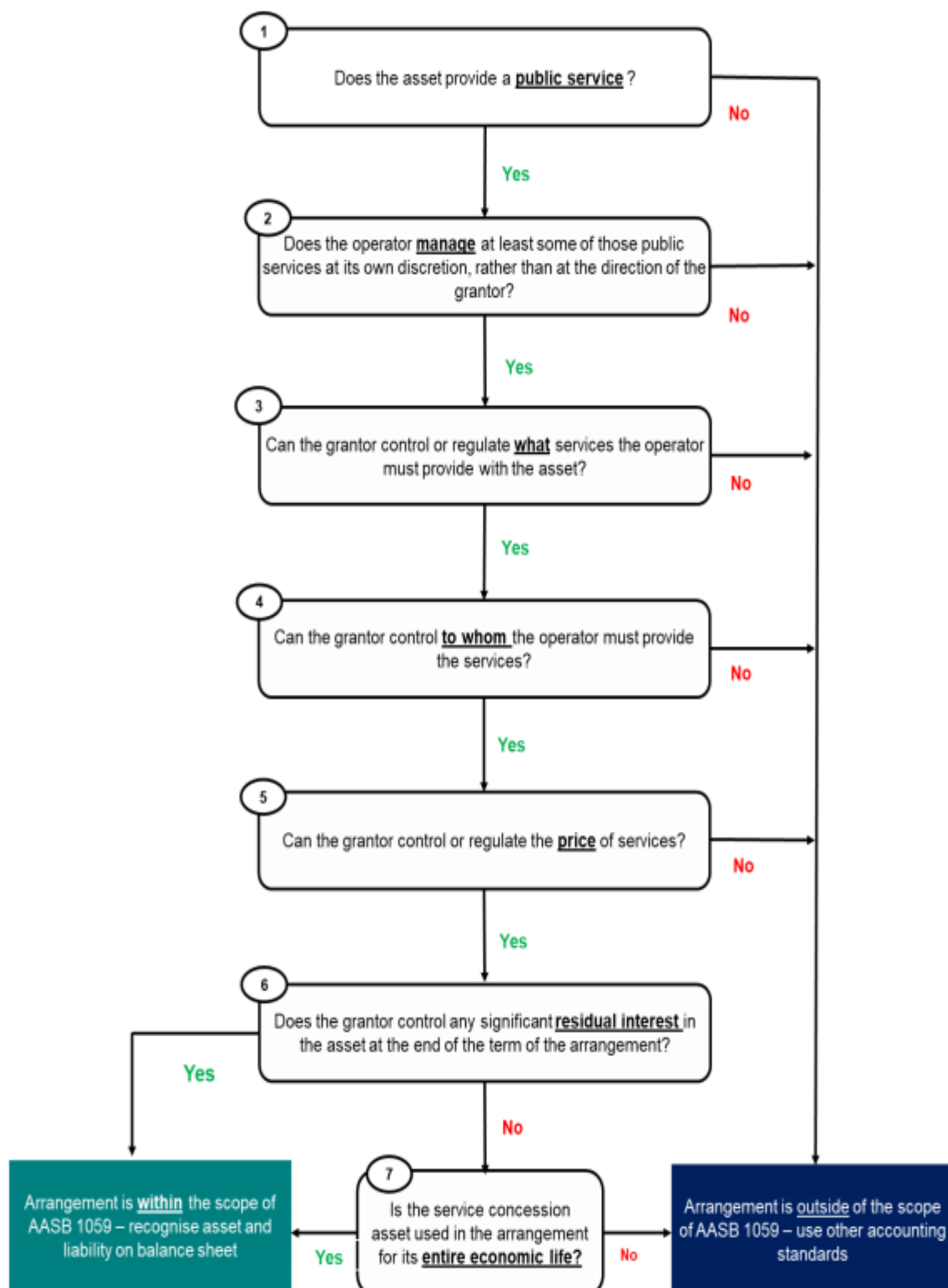
- 35
- Provides public services related to service concession asset on behalf of the grantor (Council) and
 - Managing at least some of those public services at the operator's own discretion rather than at the direction of the grantor (Council).

Examples of arrangements could be:

- Childcare
- Aerodromes
- 5 • Aged Care
- Social Housing
- Sports Centres
- Swimming Pools
- Tips and other waste services.
- 10 If reference is made to the activities of Byron Shire Council, most public service activities are conducted in house by Council. As at 30 June 2021, there are only a few activities where Council utilises a private operator. These activities are:
 - Contract Management of Council's two swimming pools
 - Contract Management of Council's two holiday parks
- 15 • Waste collection

The guidance document has developed a decision tree to assist the application of AASB1059 as follows:

Figure 1 Decision tree to help navigate AASB 1059



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4.3

If consideration is given to the activities identified above for Council, the following outcomes utilising the decision tree are considered relevant:

Holiday Parks

- 5 Council operates two holiday parks located at Byron Bay and Suffolk Park. Council utilises the services of an operator to manage the Parks under a Management Agreement. Council determines the park rules and sets the prices for people using the parks.

- 10 Using the decision tree, at point 1, does the asset provide a public service? It is suggested the answer to that would be no given a public service is considered to be expected to be provided by a public sector entity in accordance with government policy or regulation. In respect of holiday parks that is not the case. Whilst Councils may operate holiday park(s), there are also many private holiday parks so it is suggested Council having a holiday park is not a specific public service. Holiday parks are certainly not within the specific realm of Council as outlined in the Local Government Act 1993 as to the charter of Councils. On this basis AASB1059 would not apply.

15 Swimming Pools

- 20 Council operates two swimming pools located at Byron Bay and Mullumbimby. Council utilises the services of an operator to manage the pools under a Management Agreement. Council sets the prices for use of the pools. Whilst the pools could be considered a public service given Councils traditionally operate swimming pools but there are also private commercial pools.

- 25 Using the decision tree, at point 2, does the operator provide at least some of the public service at its discretion. Given Council has a management agreement in place for both pools, Council is effectively directing the operator how to operate the pool. In that regard the operator is simply an agent on behalf of Council and therefore would require permission to make alternatives decisions impacting the operations of the pool. This then would place the operation of the pools outside the scope of AASB 1059 and therefore it would not apply.

Waste Collection

- 30 Council utilises an operator to collect kerbside waste from ratepayers properties. Waste collection would be considered a public service but the nature of the waste collection contract is that the operator must provide the assets and resources to provide the service. Remembering the scope of AASB1059 is from the perspective of the Council as the grantor not the operator and given Council does not control/own the assets and resources of the operator under the waste collection contract, no public service asset exists. In this regards again AASB 1059 would not apply.

Based on the assessment outlined in this report, Council is of the view that AASB1059 has no application to or disclosure impacts in regards to the 2020/2021 financial statements. The recommendation proposed for the Audit, Risk and Improvement Committee to

consider is to seek agreement with this position or alternatively determine an alternate view.

Strategic Considerations

Community Strategic Plan and Operational Plan

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

5 Legal/Statutory/Policy Considerations

Council is defined as a reporting entity and therefore must comply with the requirements of applicable accounting standards issued by the Australian Accounting Standards Board. Further as stipulated in the Local Government Act 1993, Council must comply with the requirements of the Local Government Code of Accounting Practice and Financial Reporting updated annually by the NSW Office of Local Government.

Financial Considerations

Any disclosure requirements relating to AASB 1059 in the financial statements have been outlined in the report above. There is not expected to be any additional cost to Council to consider the implications and application of this new Accounting Standard over and above any applicable current budget allocations.

Guidance for AASB 1059 Service Concession Arrangements: Grantors Scoping

Disclaimer

This Guidance has been adapted from the NSW Treasury Guidance for State Agencies and Departments. The primary audience was not NSW Councils nor NSW Council related entities however, the NSW Office of Local Government (OLG) believe that the content could be a useful resource for NSW Councils.

Thank you to NSW Treasury for allowing OLG to utilise this guidance.

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Purpose of this document

This document will assist NSW councils in determining whether existing or new arrangements in place where private sector entities provide council services on behalf of council, are within the scope of AASB 1059.

Examples of arrangements which should be considered are:

- Childcare
- Aerodromes
- Aged care
- Social housing
- Sports centres
- Swimming pools
- Tips and other waste services.

Overview of the scope criteria of AASB 1059

Scope – who and what it applies to

AASB 1059 is relevant for those NSW Councils that are grantors in a service concession arrangement. AASB 1059 defines a service concession as an arrangement that involves an operator:

- (a) Providing public services related to a service concession asset on behalf of the grantor; and
- (b) Managing at least some of those public services at its [i.e. the operator's] own discretion, rather than at the direction of the grantor.¹

The control approach adopted by the Standard sets out how to account for service concession arrangements where the service concession asset (or assets) is (or are) controlled by the grantor, and not by the operator. An asset is controlled by the grantor where:

- (i) The grantor controls or regulates *what services* the operator must provide with the asset, *to whom* it must provide them, and *at what price*; and
- (ii) The grantor controls – through ownership, beneficial entitlement or otherwise – any significant residual interest in the asset at the end of the term of the arrangement; or

The asset will be used in the arrangement for the asset's entire economic life, such that any residual interest at the end of the term is insignificant (a whole-of-life asset).²

AASB 1059 is broad, and arrangements can be captured in the scope of this standard in circumstances even where:

- There is no construction element within the arrangement by the operator, e.g. where existing assets of the operator or grantor are used;
- The arrangement is between public sector agencies (otherwise known as public-to-public arrangements) – likely to be rare for Councils.

The purpose of this guidance

AASB 1059 contains many technical accounting concepts, and it can be challenging to understand how to apply these concepts in practice. To assist Councils, this paper:

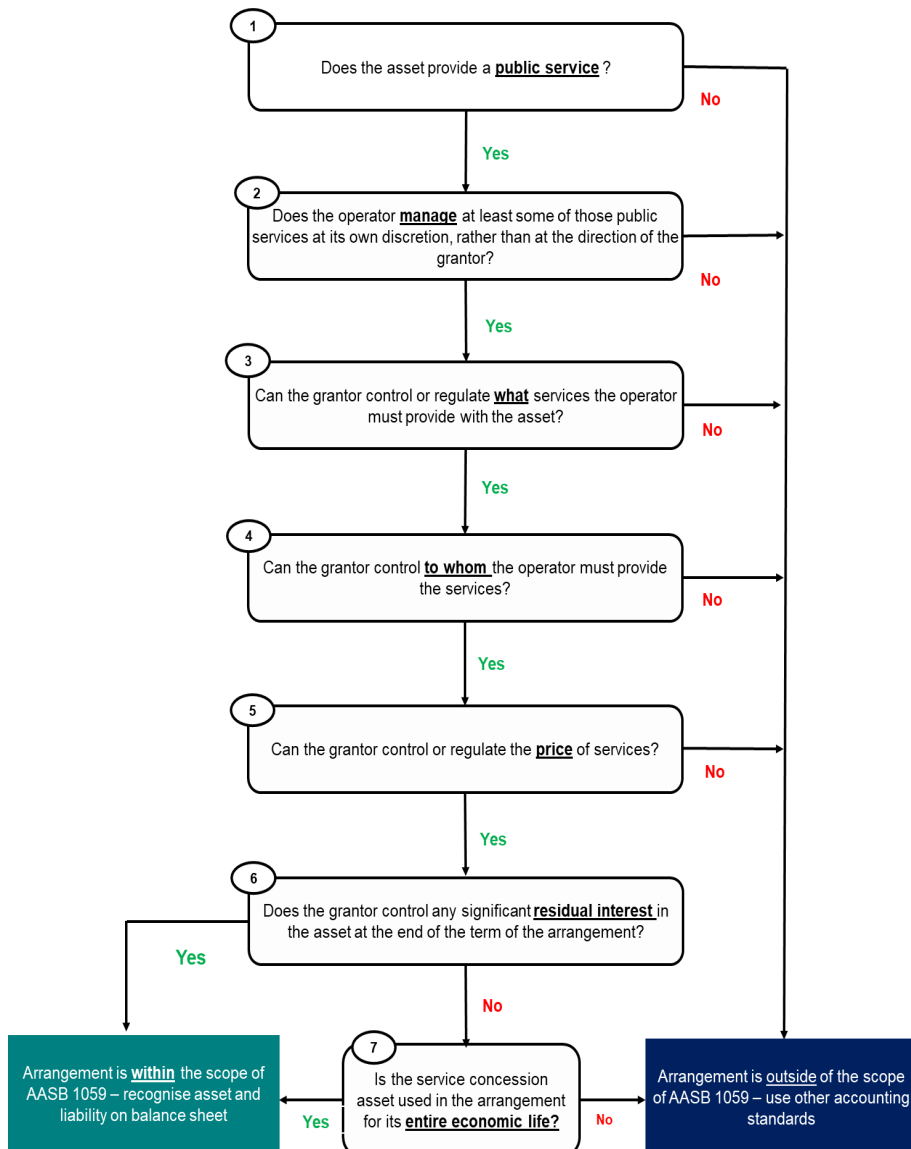
¹ AASB 1059.2

² AASB 1059.5-6, emphasis added

- identifies the concepts raised by the Standard,
- considers the guidance provided by the Standard, and
- builds on that guidance with guidance and relevant examples.

Assessments will often require Councils to apply a significant level of judgement to the unique facts of each arrangement. This paper is therefore, not designed to provide prescriptive advice, but to provide additional considerations in developing accounting positions to document decisions made by Council.

Figure 1 Decision tree to help navigate AASB 1059



How to navigate this document and apply the decision tree

| Key area of judgement | Refer to: |
|--|-------------|
| 1 Does the asset provide a public service? | Section 1 |
| (a) Identify the service concession asset(s) <i>Consideration of whether the arrangement has more than one asset that needs to be assessed under AASB 1059 separately e.g. a car park as part of a business park development.</i> | Section 1.1 |
| (b) Identify the services provided by the asset <i>This may require consideration of the various components of the asset and what services the components provide. e.g. administrative offices and childcare within the one community services building</i> | Section 1.2 |
| (c) Identify whether the services provided are primary or ancillary services <i>e.g. the primary purpose of the building is to provide community services</i> | Section 1.3 |
| (d) Identify whether the primary service is a public service(s) <i>Indicators of a public service include:</i> - <i>Where the service is necessary or essential to members of the public;</i> - <i>The service is expected to be provided by a public sector entity in accordance with government policy or regulation;</i> <i>It is important to note that the service can be provided directly or indirectly to the public and it can also be provided to a sub-group of the public, e.g. school children or pensioners</i> | Section 1.4 |
| 2 Does the operator provide at least some of the public service at its discretion? | Section 2 |
| (a) Determine whether the operator is “managing at least some” of the public service. <i>Consider whether the services provided by the operator are a “significant” component of the public services provided by the asset?</i> <i>This takes into consideration the key activities that enable the asset to perform its public service.</i> <i>If the operator is providing only services that are insignificant to the overall public services provided by the asset, then the arrangement is likely not in the scope of AASB 1059.</i> | Section 2.1 |

| Key area of judgement | Refer to: |
|--|---------------|
| <p>(b) Is the operator performing its services at its own discretion? <i>Where the grantor directs how the operator performs the service, e.g. through the approval of reasonably detailed management and operating plans, the operator is likely acting as an agent on behalf of the grantor rather than at its own discretion. In this scenario, the operator is not making any managerial decisions at its own discretion and the arrangement is likely not in the scope of AASB 1059.</i></p> | Section 2.2 |
| 3 Does the grantor control or regulate <u>what services</u> the asset provides? | Section 3.1 |
| (a) Does the grantor have explicit control over what services the asset can provide? | Section 3.1.1 |
| <p>(b) Are there any legislative or statutory restrictions over the use of the asset? <i>If the use of the asset is restricted by statute, the operator's ability to use the asset for other services (outside of the services agreed in the arrangement) is likely to be limited.</i></p> | Section 3.1.2 |
| <p>(c) What unregulated services are or can be provided by the asset? <i>Where the operator has the legal ability to provide other services, the key consideration is then:</i></p> <ul style="list-style-type: none"> - <i>whether the operator can decide whether and how other services are provided (unregulated services); and</i> - <i>are those services 'significant'</i> | Section 3.1.3 |
| <p>4 Does the grantor control or regulate <u>to whom</u> the service is provided? <i>This is usually stated in the arrangement. For example: transportation services must be provided to all members of the public holding a valid ticket.</i></p> | Section 3.2 |
| 5 Does the grantor control or regulate <u>the price</u> of the public service? | Section 3.3 |
| <p>(a) Does the grantor have explicit control over the price of the public service? <i>For example, is the price for the public service explicitly set out in the arrangement?</i></p> | Section 3.3.1 |
| <p>(b) Does the grantor have implicit control (through regulation) over the price of the public service? <i>For example, is the price for the public service capped by the grantor or a regulatory body (regardless of whether the regulator is related to the grantor or not)?</i></p> | Section 3.3.2 |

| Key area of judgement | Refer to: |
|--|---------------|
| (c) Are there any other indicators that would indicate the grantor having control over the price of the public service? <i>Further considerations would include whether the operator has the ability to set the price or determine the revenue it earns during the term of the arrangement?</i> | Section 3.3.3 |
| 6 Does the grantor control a significant residual interest in the asset at the end of the term? | Section 4 |
| (a) Determining the significant residual interest | Section 4.1 |
| (b) Does the contract require the asset to be returned to the grantor? <i>e.g. Is it mandatory that the operator returns / gives the asset back to the grantor?</i> | Section 4.2 |
| (c) Does the contract contain options over the asset? <i>Consideration would need to be given to whether the option is held by the grantor or the operator or both? Is it for its fair value?</i> | Section 4.3 |
| (d) Does the term of the arrangement represent majority of the economic life of the asset? | Section 4.4 |

Where the arrangement is not within the scope of AASB 1059, council will need to consider which other accounting standards may apply to the arrangement (e.g. AASB 116 *Property, Plant and Equipment* or AASB 16 *Leases*).

1 Does the asset provide a public service?

AASB 1059 is applicable to arrangements that involve an operator providing “public services related to a service concession asset”³. Appendix 1 defines these arrangements as where “the operator has the right of access to the service concession asset to provide public services on behalf of the grantor for a specified period of time”.

AASB 1059 does not specifically define public services and assessing whether the asset under the arrangement is providing a public service is a significant area of judgement. Councils should apply the guidance below to assist in their assessment of whether the asset provides a public service:

1. Identify the asset.
2. Identify the services provided by the asset.
3. Identify whether the services provided are primary or ancillary.
4. Assess whether the primary service is a public or non-public service.
5. If the asset, on a stand-alone basis, is providing non-public services, consider whether the asset is a ‘secondary’ asset.

1.1 Identify the service concession asset(s)

The assessment of whether a grantor should recognise a service concession asset is made on an asset by asset basis. As one arrangement may cover a number of assets it is important to first identify the assets to be assessed.

The body of AASB 1059 does not provide guidance to the identification of individual assets in the arrangement; however the application guidance⁴ states that grantors should separately assess assets under AASB 1059 that are:

- Physically separable;
- Capable of being operated independently; and
- Meet the definition of a cash-generating unit under AASB 136 *Impairment of Assets*. That is, capable of generating independent cash inflows.

It is implicit that individual assets can provide an independent service.

Illustrative example – separate assets

An operator constructs and operates a hospital with private and public wings. The two wings are located in separate buildings and have their own facilities. Each wing has its own staff and resources; patients are charged separately.

The public and private wings are likely to be considered two separate assets as they are physically distinct (being in two separate buildings) and are operating independently of each other.

The grantor would need to assess each asset under AASB 1059 separately.

It is important to note that assets not previously recognised on the balance sheet of the grantor can also be service concession assets and recognised as such where the arrangement falls within the scope of

³ AASB 1059.2

⁴ AASB 1059.B25

AASB 1059⁵. This includes internally generated intangibles that the grantor would not have previously been able to recognise under AASB 138 *Intangible Assets*. For example, an existing registry containing a database of information. As the database of information is internally generated, council would not have been able to recognise the database on its balance sheet under AASB 138. However, where the database is part of a service concession arrangement, AASB 1059 would allow the grantor to recognise the value of the database as a service concession asset.

Practical considerations

Councils should consider the following to assist in the identification of separate assets within the arrangement:

- Does each asset have their own allocation of resources, e.g. equipment, staff or funding which would indicate whether the asset can generate independent cash inflows and therefore be considered its own cash-generating unit.
- Are the grantor's rights over the assets different at the end of the term, e.g. the operator may only be required to hand back a public wing to the grantor in an arrangement with public and private wings of a hospital.
- Can they be traded separately, e.g. where the operator runs both a public and private hospital, can the operator sell the private hospital to a third party without needing to also sell the public hospital?

1.2 Identify the services provided by the asset

Once each asset in the arrangement is identified, the next step is to consider the services it provides. For single-purpose assets, this may be straightforward. However, AASB 1059⁶ acknowledges that service concession assets are likely to be more complex assets, and those assets could provide a range of services.

AASB 1059 suggests that considering individual components of the assets might help to identify the services the asset is used to provide and uses the example of a courthouse building (the asset) that includes both law courts and administrative offices (the components). Both components provide different services – the law courts provide “court services” and the administrative offices provide “administrative services”.

A further example could be a hospital (the asset) that contains operating theatres, wards and shops (the components); in this case, the components provide medical services and retail services respectively. But all these services are provided by the asset as a whole.

The introduction of the concept of components of assets within AASB 1059 is intended as guidance only. It is necessary to identify the service or services that an asset is used to provide. It is not necessary to identify the components of an asset, however, doing so can be helpful when identifying the service or services that a complex asset as a whole is used to provide

1.3 Identify whether the services provided are primary or ancillary

In assessing whether each asset is providing a public service, councils should consider which of the identified services in 1.2 are primary services, and which are ancillary, for each identified asset. This is because only the primary services are assessed under AASB 1059 as to whether they are a public service or not. Ancillary services are excluded from the public service assessment.

⁵ AASB 1059.B38

⁶ AASB 1059.B6

Ancillary services are services, in respect of a specific asset, that are insignificant to the arrangement as a whole⁷.

In the example in AASB 1059, the primary purpose of the courthouse building asset is to provide court services⁸ – in other words, court services are definitively a primary service. Whether the administrative services are primary or ancillary in nature, will depend on further analysis.

If the administrative services are insignificant to the entire arrangement, they will be ancillary in nature and will not form part of the public service assessment.

However, if the administrative services provided by the operator through the administration offices *are determined to be significant* in relation to the contractual arrangement between grantor and operator as a whole, it will also be necessary to assess whether these services were providing a public service. It is possible, in this way, for there to be more than one primary service.

When are services significant?

AASB 1059 does not provide a “bright-line” in determining whether a service is significant. Factors to consider, individually or in combination, in determining whether a service is significant include but are not limited to:

- Compensation to the operator for the service compared to other services provided under the arrangement;
- Resource requirements (e.g. direct labour, service costs etc.) for the provision of the service relative to others provided under the arrangement;
- Impact on agreed outcomes, performance and/or KPIs under the arrangement;
- Senior management time and resources committed to the service relative to others provided under the arrangement
- Physical apportionment of the asset between different services

Determining whether a service is significant will require significant judgement. Councils should take into consideration the factors that are most relevant to each specific arrangement.

| Illustrative examples - Primary vs ancillary services | | |
|---|--|---|
| | Example | Commentary |
| A | <p>A courthouse building provides multiple services, such as courts, administrative offices and associated services.</p> <p>The primary purpose of the building is to provide court services, which are considered to be public services.</p> <p>The services provided by the administrative offices are:</p> <ul style="list-style-type: none"> a) unrelated to the court services; and b) insignificant to the arrangement as a whole. | <p>The primary purpose of the building is to provide court services, which are deemed to be public services.</p> <p>The admin services are insignificant to the arrangement as a whole. Therefore, the admin services are ancillary and are not considered in determining whether the asset is providing public services.</p> <p>Conclusion: The asset is considered to provide a public service</p> |

⁷ AASB 1059.BC18

⁸ AASB 1059.B6

| Illustrative examples - Primary vs ancillary services | | |
|---|---|--|
| | Example | Commentary |
| B | <p>As (A) above, except that the services provided by the administrative offices are:</p> <ul style="list-style-type: none"> a) unrelated to the court services; and b) significant to the arrangement as a whole. | <p>The court services continue to be assessed as a primary service and are deemed to be public services.</p> <p>But the building also provides unrelated administrative services which are significant to the arrangement as a whole.</p> <p>Conclusion: the administrative services require further assessment as to whether they are:</p> <ul style="list-style-type: none"> a) also providing public services (in which case the asset as a whole will be assessed as such); or b) not providing public services, in which case we recommend you consult with OLG. |
| C | <p>As (A) above, except that the services provided by the administrative offices are:</p> <ul style="list-style-type: none"> a) wholly related to the court services; and b) significant to the arrangement as a whole. | <p>The admin services are wholly related to the court services. Therefore, the assessment of public service is based on both the direct court services and the indirect related services.</p> <p>Conclusion: The asset is considered to provide a public service</p> |

OLG guidance

Primary services are those services which are:

- identified as being provided by the asset, and
- which are significant to the arrangement as a whole

Ancillary services are those services which are:

- identified as being provided by the asset, and
- which are insignificant to the arrangement as a whole

Primary services will need to be assessed as to whether they are a public service. Ancillary services are ignored for the public service assessment.

If the primary services are considered to be public service in nature, the asset as a whole is considered to be providing public services.

If an asset has more than one primary service, and these present a mix of public service(s) and non-public service(s), further analysis and consultation with OLG is advised.

1.4 Identify whether the primary service(s) is a public service

As discussed above, AASB 1059 does not define 'public service', although provides some indicators of a public service as⁹:

(a) necessary or essential to the general public

The service need only be necessary or essential to a subset of the public, e.g. for a school, the services would only be relevant to school aged children. This would not preclude the service from being a public service.

Principle: "public" includes subsets of the public

Members of the public may not have direct access to the asset or the services. For example, health services and court services are provided directly to the public where people have physical access to the asset and the services. This contrasts with defence services where neither the public (nor a subset of the public) would have physical access to the defence base, but would benefit from increased security provided by defence assets.

Principle: The public is not required to have physical access to the asset. Physical access is not a critical determinant in assessing whether a service is a public service.

(b) expected to be provided by a public sector entity in accordance with government policy or regulation

Principle: Public services should be provided under government policy or regulation as they are in the best interests of the public. If there were no alternative providers, a public sector entity (not necessarily the entity currently assessing the arrangement) would be expected to provide this service.

Further examples of assets that AASB 1059 identifies¹⁰ as potential service concession assets (and therefore can be seen as a guide to assets providing public services) include:

| | | | | |
|--------------------------------|---------------------------------|-------------------|------------------------------------|----------------------------|
| • Roads (and land under roads) | • Bridges | • Tunnels | • Prisons | • Hospitals |
| • Airports | • Water distribution facilities | • Energy supplies | • Permanent military installations | • Registries and databases |

OLG guidance

Public services are:

- necessary or essential to the general public **and**
- generally expected to be provided by a public sector entity in accordance with government policy or regulation

Public services can change over time as public needs evolve and government policy and regulation changes over time.

⁹ AASB 1059.B6, 1059.B9

¹⁰ AASB 1059.B5

| Illustrative examples - Identifying public services | |
|--|--|
| Example | Commentary |
| <p>A grantor enters into an arrangement with an operator to undertake the construction and maintenance of a hospital.</p> <p>The hospital will include physically separable public and private wings i.e. they are separate assets.</p> <p>The public wing will provide health services, is accessible to the general public, and no costs will be incurred by the patients.</p> <p>The private wing of the hospital provides health services to private patients, who will pay the operator directly.</p> | <p>The purpose of this example is to illustrate that each asset must be assessed separately.</p> <p>As the public and private wings are separable and have different purposes, each asset is assessed separately.</p> <p><i>Step 1: Identify the asset(s)</i> Both wings are separable and can be operated separately.</p> <p><i>Step 2: Identify the services (for each asset)</i> Both wings provide health services.</p> <p><i>Step 3: Are the services primary or ancillary</i> Both wings have a single primary service.</p> <p><i>Step 4: Assess whether the primary services are public or non-public</i></p> <p>The provision of public health services is deemed necessary and essential to the general public and, in addition, public health services are provided in accordance with government legislation or policy.</p> <p>While there may be alternative private sector health providers, it would be reasonable to expect that public sector entities would provide such services in the absence of the private sector (and indeed continue to do so for members of the public without private health cover).</p> <p>Conclusion: both wings are providing public services (albeit under different models). As both assets are providing public services, it is not necessary to consider whether one asset is a 'secondary asset' under AASB 1059.</p> <p>Note: this does not assess whether these assets are service concession assets – only whether they are providing public services.</p> |
| <p>The operator constructs and operates a school which provides education services which is considered a public service.</p> <p>The operator also operates a school canteen, which is a necessary function of the operation of the school. The canteen is within the building and not separable.</p> | <p>The purpose of this example is to illustrate ancillary services.</p> <p><i>Step 1: Identify the asset(s)</i> The school is the single asset. The canteen is not separable.</p> <p><i>Step 2: Identify the services (for each asset)</i></p> |

| | |
|--|--|
| | The school building (the asset) is providing multiple services, being education and canteen services. |
| | <i>Step 3: Are the services primary or ancillary</i> |
| | The primary purpose of the asset is to provide education services. |
| | The canteen services are insignificant to the overall arrangement and not directly related to the primary (education) services, and are therefore an ancillary service. |
| | <i>Step 4: Assess whether the primary services are public or non-public</i> |
| | Education services are clearly a public service. |
| | Conclusion: The canteen services are considered ancillary and therefore ignored without affecting the assessment that the asset as a whole is deemed to be providing a public service. |

Services consumed wholly by council – internal services

In certain circumstances, a public sector entity may contract with a third party provider (whether public sector or private sector) to provide services it then wholly consumes in the process of providing services to the public. For example, a public sector entity might contract a third party to provide payroll services in relation to its employees; or for the provision of a wireless communication network for emergency services. Such services are unlikely to be service concession arrangements, but rather accounted for as an outsourcing arrangement or a lease¹¹.

Using these examples, it can be inferred that:

- In an outsourcing or lease arrangement, council is consuming the benefits of the services itself (in the process of providing services to the public).
- In a service concession, the benefit of the service is consumed by the public (directly (e.g. a hospital) or indirectly (e.g. a defence facility)).

Factors that are relevant in determining whether an arrangement is an outsourcing arrangement include:

- the amount council pays is dependent on the level of services consumed by them rather than dependent on the services consumed by the public e.g. staff hours on internal IT projects.
- the significance of the service performed by the operator relative to the service the asset is used to provide (e.g. cleaning of prison cells is relatively insignificant to the overall service provided by the prison).

¹¹ AASB 1059.B8

| Illustrative examples – Service concession vs outsourcing | |
|--|--|
| Example | Commentary |
| <p>1. The operator provides IT support services to a council to provide emergency services to the public.</p> <p>The council can call upon the services as required and the operator charges based on a cost-plus margin. The operator provides services predominately using its staff.</p> | <p>This is likely to be an outsourcing contract rather than a service concession arrangement.</p> <p>The services provided by the operator are consumed by the council in their day-to-day operations rather than consumed by the public.</p> |
| <p>2. The operator provides cleaning services to a public hospital. The hospital provides health services to the public (public service criteria is met).</p> <p>The operator does not provide other services aside from cleaning, e.g. does not schedule staff.</p> <p>The operator's activities are labour, not capital intensive.</p> <p>The operator is compensated for the services by the hospital (public sector entity).</p> | <p>The arrangement does involve an asset that provides a public service (the hospital providing health services).</p> <p>However, the provision of cleaning at the hospital is not seen as a key activity in the provision of this service.</p> <p>This is likely to be accounted for as an outsourcing arrangement.</p> |

Practical considerations

Council can consider the following to assist in the assessment of whether the primary service provided by the asset is a public service:

- Does the contract require the operator to provide any form of service that is publicly articulated to be one of council's service(s) to be delivered to taxpayers?

Reference support may include:

- *References to applicable legislation that determine the functions of the council.*
- *The service is listed as part of council's objectives or functions in its enabling legislation.*

- Does the contract explicitly state that the Operator's service is provided directly to the public (e.g. physically accessible by the public)?

Reference support may include:

- *The contractual documentation explicitly referencing the public or a subset of the public.*

- Does the operator require a licence or accreditation from the government to use the asset?

Reference support may include:

- *As part of the contractual documentation there is a grant of a licence to operate.*
- *The operator is required to be registered with a regulatory or government body, e.g. for rail track assets the operator is required to be registered as the rail infrastructure manager.*

- *The operator has to adhere to legislative operating requirements under the contractual documentation.*

- Was enabling legislation required to allow the operator to provide the services under this contract?

For example:

- *In order to legally allow the operator to provide (transport) services, legislation is passed by the government allowing the operator to enter into a contract to provide the services under the contract.*

- Does the arrangement require the assets to be branded with Council's logo?

If the arrangement requires the assets to be branded, this could indicate that the asset is being used to provide services the public expects to be provided by council, and therefore is indicative of a public service.

1.5 Primary vs secondary assets

Relevance of secondary assets

Section 1.1 explains that identification of public services is applied on an asset-by-asset basis. However, AASB 1059 contains the concept of *secondary assets*. Secondary assets are deemed to be providing a public service where they are mainly used to complement another asset, the primary asset, that provides public services¹².

Therefore, once you have made the assessment in section 1.4, that an asset within an arrangement is not providing a public service on a stand-alone basis, you also need to consider whether that asset is a *secondary asset*. Where the asset is a secondary asset, it is deemed to provide public services under the arrangement and can fall within the scope of AASB 1059.

Identifying a secondary asset

Contractual arrangements often involve more than one asset: potentially a primary asset (which is used to provide a public service) and a secondary asset (which is mainly used to provide services that complement the primary asset).

AASB 1059.B7 provides examples on whether a secondary asset would be considered to be providing a public service where it is used or mainly used to complement the primary asset.

¹² AASB 1059.B7

| Illustrative examples - Secondary assets | |
|---|--|
| Example | Commentary |
| An operator constructs student accommodation for a public university, with limited alternative uses (contractually or otherwise). | <p>AASB 1059 implies that a public university is an asset that provides public services.</p> <p>The student accommodation primarily provides accommodation services for students who attend the public university.</p> <p>As such, the student accommodation asset complements the public university asset and supports the delivery of public services provided by the university.</p> <p>Therefore, the student accommodation asset is also considered as providing public services.</p> |
| A hospital car park is constructed by an operator as part of the arrangement to construct a hospital that largely provides public services. | <p>The hospital provides a public service in the delivery of health services.</p> <p>The car park built by the operator is a secondary asset to the hospital, being the primary asset. The hospital car park is considered part of the hospital service concession arrangement.</p> <p>The car park may provide limited ancillary services without affecting the assessment that the car park is used to provide public services.</p> |
| A hospital car park is constructed separately to a hospital service concession arrangement, e.g. subsequent to the construction of the hospital or with a different party, and is largely of a commercial nature e.g. car parking is available to the general public, including hospital patrons) the car park would be regarded as an asset that does not provide public services. | <p>The hospital car park is not considered part of the hospital service concession arrangement.</p> <p>As the car park is largely of a commercial nature e.g. charging market rates and open to the general public rather than being exclusive to hospital patrons, the car park is not providing public services.</p> |

OLG guidance

A **secondary asset** is an asset that is used or mainly used to complement a primary asset.

Secondary assets which complement a primary asset that provides a public service are also assessed as providing a public service.

Secondary assets are separate assets in their own right and should be distinguished from components of a primary asset.

2 Does the operator manage at least some of the public service at its discretion?

For an arrangement to fall within the scope of AASB 1059, not only does the asset have to provide a public service, but the operator must be “managing at least some of [the public] service under its own discretion”¹³.

This criterion can be broken down into the following limbs:

1. The operator is “**managing at least some**” of the public service; and
2. The service is provided under the **operator’s discretion**.

2.1 Determining whether the operator is “managing at least some” of the public service(s)

The inclusion of the wording “at least some” infers that the operator does not need to perform all the activities that are required for the public service. Rather, the operator could meet this criterion where it performs only a portion of the activities required. AASB 1059 has not defined the term “at least some” and therefore judgement is required in determining whether this criterion is met.

However, the Standard does indicate that the services that the operator is managing should be managerial in nature and “significant” in relation to the public service provided by the asset¹⁴. In other words, the Standard is looking for the operator to be managing “at least some” of the more “significant activities” that contribute to the public service being provided by the asset. However, the term ‘significant’ is frequently used in AASB 1059 with no definition provided and therefore judgement is needed in the circumstances.

Agencies should consider the characteristics of the public service being provided by the asset, and should not apply a one size fits all approach. For example, maintenance for e.g. a hospital may not be significant or managerial, but maintenance on e.g. a toll road will be.

| Illustrative examples – Managing ‘at least some’ | |
|--|--|
| Example ¹⁵ | Commentary |
| <p>1. Under the arrangement, the operator will construct and provide general maintenance and security services for a public hospital.</p> <p>The operator will not perform any other services.</p> | <p>The health services provided using the hospital building are identified as the public service and the service concession asset. The provision of health services is assumed to meet the public service criteria in this example.</p> <p>In applying the above guidance, the characteristics of the service and asset would need to be considered. To enable the hospital to provide health services, the following activities would need to be performed (non-exclusive list):</p> <ol style="list-style-type: none"> 1. Scheduling of staff including, but not limited to doctors, nurses and specialists; 2. Allocation of resources including, but not limited to medical scanners such as MRI machines and beds to patients; 3. Employment of staff; and |

¹³ AASB 1059.2(b)

¹⁴ AASB 1059.B10

¹⁵ Examples are from AASB 1059.B10 and IG examples 1 and 2(a)

| Illustrative examples – Managing ‘at least some’ | |
|--|---|
| Example ¹⁵ | Commentary |
| | <p>4. Scheduling of services</p> <p>Without the above, the hospital would not be able to treat any patients.</p> <p>Note: this list of activities is not restricted to activities covered by the arrangement. Councils should consult with project teams to understand key activities.</p> <p>As the operator is only providing general maintenance and security services, it is unlikely that the operator is “managing at least some” of the public service. While these services are important, they are relatively insignificant to the other services required (e.g. scheduling of staff) which enable the hospital to provide health services. These services are also unlikely to be managerial in nature in the context of providing health services.</p> |
| <p>2. Under the arrangement the operator will construct and provide general maintenance and security services for a public hospital.</p> <p>The operator will also be responsible for the scheduling of staff and resources.</p> | <p>As above, but since the operator is also responsible for the scheduling of staff and resources in addition to general maintenance and security, the operator would be seen to be managing at least some of the activities that are critical and significant to the provision of the public service.</p> |
| <p>3. Under the arrangement, the operator will construct and maintain a toll road.</p> <p>The operator will not perform any other services.</p> | <p>The public service and service concession asset are identified as the provision of transport infrastructure and the toll road respectively. The provision of transport infrastructure is assumed to meet the public service criteria in this example.</p> <p>In applying the above guidance, to enable the toll road to provide the public service, the following key activities would need to be performed (non-exclusive list):</p> <ol style="list-style-type: none"> 1. Maintenance of the infrastructure (critical to the provision of the public service) 2. Collection of tolls (on behalf of the grantor) <p>As the operator is providing a service that is a significant component of the public service, the operator is “managing at least some” of the public service.</p> |
| <p>4. A grantor enters into an arrangement that involves an operator constructing a school that will provide education services to the general public.</p> | <p>The education services and the school are identified as the public service and service concession asset respectively. The provision of education services is assumed to meet the public service criteria in this example.</p> |

| Illustrative examples – Managing ‘at least some’ | |
|--|--|
| Example ¹⁵ | Commentary |
| <p>The operator is responsible for the cleaning and security services for the school post construction.</p> <p>The grantor is responsible for the services relating to the delivery of education and other operational activities such as recruitment and maintenance.</p> | <p>To enable the school to provide education services the key activities would likely include, but are not limited to:</p> <ul style="list-style-type: none"> • Recruitment of teachers and administration of staff; • Development of the curriculum; and • Development of school materials <p>Cleaning and security services would not be considered managerial services in the context of providing education services. Therefore, the operator would not be seen to be providing a service that is a significant component of the public service and this arrangement would not meet the scope criteria under AASB 1059.</p> <p><i>What if the operator also provides maintenance services?</i></p> <p>Even if the operator provides maintenance services, maintenance services in this context would not represent a significant component of the public services of the school. This is because maintenance services are not critical to the provision of education services. This contrasts with the toll road example where maintenance of the asset is critical to enable the public to use the asset. Therefore, this arrangement would still not meet the scope criteria under AASB 1059.</p> |

OLG guidance

OLG guidance for assessing whether the operator is “managing at least some” of the public service:

- This criterion is only met where the service(s) provided by the operator contribute significantly to the public service provided by the asset.
Whether a service is significant, varies and is a matter of judgement. Agencies need to assess the criteria, taking into account the type of service provided (e.g. health, access to transportation infrastructure, court services etc.) to understand the key activities that are required to enable the asset to perform the public service.

Practical considerations

Councils should consider the following to assist in determining whether the operator is “managing at least some” of the public service:

- What are the key managerial activities that enable the asset to provide the public service?

Relevant sources include:

- *Discussions with the project team – the finance / accounting team is unlikely to have experience in operating a similar asset and therefore may not have the information to identify the key activities. Therefore, the finance / accounting team should consult with the project team to leverage their knowledge.*

- *The Service Level Agreement outlining the contracted services, key deliverables and service indicators between Council and the operator.*
- *Operating manuals may also provide insight as to how the asset is operated to provide the public service.*

2.2 Is the Operator performing its services at its own discretion

Under a service concession arrangement, the operator needs to be managing at least some of the services provided at its own discretion¹⁶. This is to distinguish these service concession arrangements from outsourcing (or other) arrangements where the operator is merely acting as an agent for the grantor - that is, where the grantor would direct the operator in all aspects of what and how services are to be rendered.

The operator should be able to make decisions freely in satisfying its key service obligations (i.e. those significant services identified in section 2.1). While the body of AASB 1059 does not provide in-depth guidance as to what would constitute discretion, the examples provide some guidance.

The example in AASB 1059 uses the following scenario¹⁷:

A grantor enters into an arrangement that involves an operator constructing a school that will provide education services to the general public. The operator is responsible for the upgrades and maintenance of the school. The operator is also responsible for certain operational services such as:

- Determining how many staff are required;
- Organising classes, teachers and administrative staff.

The Standard considers the operator has discretion in the above example as it has the ability to decide when and how these significant activities are carried out. AASB 1059 expands on this further by stating that the manner in which the operator manages the asset cannot be predetermined¹⁸. In other words, the operator must have substantive/wide managerial discretion.

As AASB 1059 is based on a controls principle which was initially introduced under AASB 10 *Consolidated Financial Statements (AASB 10)*, it is possible to look to that standard to understand the characteristics of a substantive right. Under AASB 10, a substantive right is one under which the holder must have the practical ability to exercise that right. This can be challenging in a service concession arrangement, as the grantor will commonly retain a number of rights over the asset.

Councils need to consider whether there are any barriers to the operator's decision making over how and when its services are performed. These can include, but are not limited to:

- Terms and conditions that make it unlikely that the rights would be exercised;
- The requirement that the grantor must approve the decision (e.g. whether the grantor has 'right of veto'); or
- Legal or regulatory requirements that would prevent the operator from unilaterally making decisions.

Principle: For the operator to have discretion over its services, it must have the substantive ability to decide when and how the services are performed.

¹⁶ AASB 1059.2(b)

¹⁷ AASB 1059.IG8-9

¹⁸ AASB 1059.IG13

| Illustrative examples – Operator discretion | |
|---|---|
| Example ¹⁹ | Commentary |
| <p>The grantor enters into an arrangement with the operator where the operator will construct and operate a public hospital.</p> <p>The operator will be responsible for the employment of the doctors, nurses and administration staff and scheduling of various services. The operator will also be responsible for facility maintenance and upgrades.</p> <p>The grantor is responsible for the delivery of medical services and operational services including setting KPIs, which are not overly prescriptive.</p> | <p>While the grantor is responsible for setting KPIs, the operator can, without the approval of the grantor, decide when and how maintenance and upgrade services are performed. It is up to the operator as to how the KPIs are met.</p> <p>Therefore, the operator has discretion over how its services are performed.</p> <p>Note: if the KPIs are so prescriptive as to effectively determine how the operator performs its duties, the conclusion would change. Care should therefore be taken in assessing the level of grantor control over KPIs.</p> |
| <p>The same facts as the above, but the maintenance and upgrade facilities are required to be performed in accordance with the maintenance plans subject to the approval of the grantor.</p> | <p>Whether the operator has discretion over its services will depend on the level of detail in the maintenance plans and whether the approval right held by the grantor is a substantive right.</p> <p>Where the maintenance plans are high-level, the approval right is likely to be protective in nature, rather than substantive – and the operator is likely to still have discretion over its services. For example, the hospital must be maintained to meet the health and safety regulations of NSW, and the grantor can only reject the maintenance plan where it is likely to cause the asset to breach health and safety regulations.</p> <p>However, where the maintenance plans are:</p> <ul style="list-style-type: none"> Exceptionally granular, e.g. the plans specify what maintenance activities must be undertaken on a daily, weekly and annual basis as well as the materials and resourcing used; and Subject to the approval of the grantor at their absolute discretion, e.g. the grantor can reject or amend the plan for any reason as and when it sees fit. <p>then the operator is unlikely to have discretion over the services.</p> <p><i>Note: this assessment does not factor in whether or not the grantor will exercise this right. It is sufficient that the grantor can exercise it when they want.</i></p> |

¹⁹ Examples are from AASB 1059.IG16

OLG guidance

OLG guidance for assessing whether the operator has discretion over its services:

- To be deemed “managing under its own discretion”, the operator must have the substantive ability to decide **when and how** it performs its service.
- Care should be taken that the operator’s discretion is not restricted or overridden by the grantor’s approval rights over management plans or operating schedules.

Practical considerations

Councils should consider the following in assessing whether the operator has discretion as to when and how it performs the services:

- Does the operator have the ability to freely make decisions?
 - *Where the contract requires the operator to meet certain service KPIs, consider whether this includes KPIs on how the services are to be carried out that would leave the operator with no decisions over how it achieves them.*
- Is the operator required to draft and submit management plans for the grantor’s approval at its absolute discretion?
 - *This is usually explicitly stated in the arrangement;*
 - *Councils will need to understand how granular the plans are;*
 - *Where the grantor’s approval rights are “at its absolute discretion” this generally indicates a substantive approval right held by the grantor.*
- Are any aspects of the services provided by the operator predetermined by regulations, the arrangement (e.g. contract) or other grantor policies and procedures?
 - *The operator is unlikely to have discretion where the arrangement sets out detailed schedules specifying how the service is to be performed and it has no ability to amend these schedules.*
- Are any aspects of the service dictated by decisions of the grantor?
 - *Where the operator’s services must be performed in accordance with a timetable or manual managed by the grantor, the operator may have a restricted ability to decide how the services are performed.*

3 Control and Recognition of Service Concession Assets

AASB 1059 applies a control-based approach that focuses on the Grantor's control over the service potential of the service concession asset. The control-based approach is consistent with AASB Interpretation 12 and therefore aims to achieve consistency in the accounting for service concession assets between Grantors and Operators.

A Grantor controls and therefore recognises a service concession asset if, and only if, **all** of the following criteria are met:

The Grantor controls or regulates:²⁰

- | | |
|--|-------------|
| • What services the asset is providing | Section 3.1 |
| • To whom the services are provided (i.e. recipients) | Section 3.2 |
| • What price the services are provided at | Section 3.3 |

| | |
|---|-----------|
| The Grantor controls any significant residual interest in the asset at the end of the term of the arrangement ²¹ or the asset will be used in a service concession arrangement for its entire economic life . ²² | Section 4 |
|---|-----------|

The fundamental principles of the control-based approach in AASB 1059 are:

- The ability to exclude or regulate the access to the benefits of an asset is an essential element of control that distinguishes an entity's assets from public goods that all entities can access and benefit from²³.
- If the Grantor has both the degree of control outlined above and significant residual interest in the asset, then the Operator is only managing the asset on the Grantors behalf²⁴.
- Through control of the asset during the term of the service concession arrangement (control of services/recipient/pricing) and control of any significant residual interest in the asset at the end of the arrangement, the Grantor effectively establishes control of the asset over its entire economic life.

The Standard's emphasis on "the asset" requires councils to perform the control assessment on an asset by asset basis. Therefore, prior to performing this assessment it is critical that council identifies the asset or assets within the arrangement (refer to section 1.1 for detailed guidance).

Implicit control through regulation

Under AASB 1059, the grantor may have explicit control through rights held under the contractual arrangement or the grantor may have implicit control through regulation. It is not essential for the contract to specify the Grantor's control. Explicit or implicit control over the asset would result in the arrangement falling within the scope of AASB 1059 (provided all criteria are met).

A Grantor can achieve implicit control through regulation if the regulation removes the ability of the Operator to determine the services or recipient or price of services provided using the asset. This links

²⁰ AASB 1059.5(a)

²¹ AASB 1059.5(b)

²² AASB 1059.6

²³ AASB 1059.B16

²⁴ AASB 1059.B17

back to the fundamental principle under the control approach where the ability to exclude or regulate access of others to the benefits of an asset is an essential element of control.

To achieve control of an asset through regulation under AASB 1059:

- **Contract does not need to specify regulation**

The contract does not need to specifically refer to the regulation²⁵, unless the arrangement does not clearly fall within an existing regulatory framework e.g. where there is more than one possible source of regulation²⁶. In that circumstance, the contract will need to specify the regulatory framework that stipulates the services, the users and/or pricing to be charged for the services²⁷.

- **Regulator can be a third party**

The Grantor does not need to control or direct the activities of or be related to the regulator i.e. the regulator can be a third party, for example an independent Commonwealth regulator²⁸. It is also noted that the regulator does not necessarily need to be in the same tier of government as the grantor.

The regulatory powers over the asset held by independent regulators such as IPART would need to be considered in this assessment.

- **Contract does not need to refer to the regulator**

It is not necessary for the contract to refer to the regulator, the Grantor may rely on the regulator exercising its powers within the parameters applicable to the regulator at the inception of the contract²⁹.

- **Regulation must be substantive**

To establish control through regulation, the regulation must be substantive. For example, if an Operator is free to set prices but is required to return excess profits to the Grantor, the Operator's return is capped, and the price element of the control test is met. However, if the price cap applies only in remote circumstances, the regulation is considered non-substantive and hence ignored³⁰.

- **Broad regulatory powers do not constitute control**

Governments often have the power to regulate the behaviour of entities operating in certain sectors of the economy, either directly or through specifically created agencies. Where these powers are broad, these powers alone do not constitute control³¹.

Broad regulatory powers do not constitute control without a specific arrangement or contract in place³². The term "regulate" in AASB 1059 is intended to be applied only in the context of the terms and conditions of the service concession arrangement³³ i.e. the regulation needs to be applicable to the service concession arrangement to constitute control.

²⁵ AASB 1059.B19

²⁶ AASB 1059.B23

²⁷ AASB 1059.B23

²⁸ AASB 1059.B21

²⁹ AASB 1059.B21

³⁰ AASB 1059.B24

³¹ AASB 1059.B22

³² AASB 1059.BC29(c)

³³ AASB 1059.B22

| Illustrative example - Third-Party Regulation | |
|--|---|
| Example ³⁴ | Commentary |
| <p>A regulator of rail services may determine rates that apply to the rail industry as a whole.</p> <p>Depending on the legal framework in a jurisdiction, such rates may be implicit in the contract governing a service concession arrangement involving the provision of railway transportation, or they may be specifically referred to therein.</p> <p>However, in both cases, the control of the pricing of the service concession asset is derived from either the contract or the specific regulation applicable to rail services, without considering whether the Grantor is related to the regulator of rail services.</p> | <p>The regulator is able to determine rates applicable to the rail industry as a whole.</p> <p>The Grantor is able to establish price control in this service concession arrangement through regulation by a third party because the regulation is applicable to the specific rail services in this arrangement.</p> <p>Whether or not the contract specifies the regulation is irrelevant.</p> |

Reassessment triggers

If there are changes to the regulation or terms in the contractual arrangement that could indicate a change in the Grantor's control of the asset, then contracts will need to be reassessed under AASB 1059³⁵.

For example, if there are changes to the proportion of regulated versus unregulated activities using a partly regulated asset (see section 3.4 Partly Regulated Assets) that could indicate a change in the grantors control of the asset, and the arrangement will need to be reassessed under AASB 1059.

3.1 Does the grantor control or regulate what services the asset provides

To establish control over the service concession asset, the grantor must control what services the asset provides. This can be through explicit control or implicit control through regulation.

Where the grantor does not have explicit control over what services can be provided by the asset, agencies will need to consider whether the grantor has implicit control and whether the asset is capable of providing non-regulated services.

As ancillary services are not considered under this assessment³⁶, it is important to identify whether these unregulated services are primary services and understand there can be more than one primary service provided by the asset. Councils also need to apply judgement to determine whether enough of the service is regulated or controlled by the grantor to establish control over the asset (refer to section 3.4 for detailed guidance on partly regulated assets).

³⁴ Example based on AASB 1059.B22

³⁵ AASB 1059.B30-B31

³⁶ AASB 1059.B25(b)

OLG guidance**Steps to determine Grantor control of the services provided by service concession asset:**

- 1 Identify the primary services provided by the asset (refer to section 1).
- 2 Determine if the contract specifies that the Grantor controls or regulates the primary services provided by the asset i.e. explicit control.
- 3 If no to question 2 above, consider if there is another regulatory body who can determine the services. Can the Grantor establish implicit control through regulation (when considered together with the contractual terms)?
- 4 If no to question 2 and 3 above, consider if the asset is capable of providing unregulated services.

3.1.1 Does the grantor have explicit control over what services are provided using the asset?

A grantor can establish explicit control of the services to be provided by an asset through rights held under the contractual arrangement. The rights must be substantive i.e. the grantor must have the practical ability to exercise those rights, rather than protective (refer to section 2.2 for further guidance on substantive rights).

Examples of explicit control through the contractual arrangement include where the contract terms explicitly state:

- The grantor will be responsible for and have control over the services to be provided.
- The asset cannot be used for any other services other than those stipulated in the contract. In this case the grantor would have control over what services are provided.
- Any new services must be approved by the grantor. However, consideration should be given to whether that approval or veto right is substantive. Only if the right is substantive, would the grantor be considered to have explicit control over what services are provided. If the contract does legally allow the operator to provide other services, council will need to determine what other services the asset can provide (e.g. what is technically feasible).

Further guidance is provided in the examples below.

| Illustrative examples - Grantor control of services | |
|--|---|
| Example | Commentary |
| 1. An operator has been engaged to operate a school to provide education services for children living in parts of the jurisdiction. It is stated in the contract that the school facilities are not to be used for any other use unless approval has been obtained from the Council. | The contract explicitly states that the asset cannot be used for any other services, besides those stipulated in the contract, without the grantors consent. The grantor has explicit control of the services to be provided by the asset through the contract. |
| 2. An operator operates a sports hall that is to be used for specific sporting activities and events. When there are no scheduled | While the contract states approval from the grantor must be obtained to use the asset for services other than those stipulated in the |

| Illustrative examples - Grantor control of services | |
|--|---|
| Example | Commentary |
| <p>sporting events, the operator may seek approval from Council to use the sports hall for other social or community events. The contract states that the State cannot unreasonably withhold the approval to hold other events at the sports hall.</p> | <p>contract, the grantor's rights to withhold approval in this arrangement would only apply in limited circumstances. The grantor therefore does not have a substantive right to restrict the services to those stipulated in the contract. The grantor does not have explicit control of the services to be provided by the asset through the contract.</p> |
| <p>3. The facts are the same as the example above. There is a long waiting list of sports clubs applying to use the sports hall. Management forecasts show that the sports hall is expected to be used for sporting events 7 days a week between 8am and 10pm for the remaining duration of the contract. Historical data supports the forecasted usage.</p> | <p>As above, the grantor does not have a substantive right to restrict the services provided by the asset to those stipulated in the contract. However, it is not practically feasible for the operator to use the asset for any other purpose. In this case, the grantor has explicit control of the services to be provided by the asset through the contract.</p> |
| Illustrative example - Operator control of services | |
| Example | Commentary |
| <p>AASB 1059 Implementation Guidance Examples 5(a) and 5(b), relate to the sale and privatisation of an electricity distribution business:</p> <p>(a) The Operator controls the operating activities of an electricity distribution business, including decisions to expand or modify the distribution network or to continue providing electricity services, subject to protective rights of the Grantor to ensure electricity supply in certain circumstances. If the Operator decides to discontinue providing electricity services, the Grantor has an option to buy back the business from the Operator at fair value.</p> <p>(b) The Operator can expand the distribution network beyond the network existing at the time of entering the contract without requiring the Grantor's approval.</p> | <p>In this example, the Operator rather than the Grantor controls both the services to be provided and to whom they are provided to. This is because the Operator can freely expand or modify the services provided by the distribution network beyond the network existing at the time of entering the contract without the Grantors consent.</p> <p>The Grantor's protective rights and option to buy back the business from the Operator, in the event the Operator decides to discontinue the provision of electricity services, do not prevent the Operator from determining the services to be provided³⁷.</p> |

³⁷ AASB 1059.IG26(b)

3.1.2 Does the grantor have implicit control over what services are provided using the asset, through regulation?

If a service concession contract by itself does not result in the grantor having explicit control over the services, the grantor might still have control as a result of regulation by a State body or a third party regulator.³⁸ Refer to section 3 above for detailed guidance on third party regulation.

Examples of implicit control of the services provided by an asset through regulation include where the contract terms:

- Refer to a regulatory body or regulation that controls the services to be provided by the relevant industry.
- Do not refer to a specific regulatory body or regulation, however there is a specific regulation in place that governs the services to be provided by the asset.

| Illustrative example – Implicit control | |
|---|---|
| Example | Commentary |
| An Operator has been engaged by a council to provide transport using the Council's assets. The contract specifically refers to the regulatory body in the rail services industry to identify the types of transportation services (i.e. no commercial rail transportation services allowed) that can be provided by the Operator. All service types are regulated and determined by the regulator in the rail industry. | <p>A third-party regulator controls what services can be provided by the operator using the rail assets. The grantor has implicit control of the services to be provided through the regulation stipulated in the contract.</p> <p>It is noted that even if the regulator or regulation was not stipulated in the contract, the grantor would still have implicit control of the services to be provided through the specific regulation. It is only where there is more than one possible source of regulation that the contract must make a specific reference to regulation.</p> |

3.1.3 Identify what unregulated services are or can be provided by the asset

Once it has been established that the operator has the contractual (legal) ability to provide unregulated services, councils should consider whether the asset can provide unregulated services (i.e. technical capability) and whether those services are primary services.

If the asset is only technically capable of providing regulated services (those subject to the approval or control of the grantor), the grantor would control what services the asset can provide. This is because despite the contract legally giving the right to the operator to propose new services, the operator does not have the substantive ability to provide those unregulated services.

Further guidance is provided in the example below.

| Illustrative example – Unregulated services | |
|---|---|
| Example | Commentary |
| The grantor enters into an arrangement where the operator will construct and operate an accommodation building. The | In this example, the operator has the ability under the contract to provide unregulated services (e.g. housing to non-students). Where it is anticipated that there are a significant number of excess rooms and that these |

³⁸ AASB 1059.B19

| | |
|--|---|
| <p>building will be used to provide accommodation to students of a nearby university.</p> <p>The contract specifies that students must be given priority when allocating out rooms, however it allows the Operator, at their discretion, to rent out excess rooms.</p> | <p>unregulated services are primary services, the grantor would not have control over what services the asset provides. This is because the operator can provide other services without the approval of the grantor and has the technical and legal capability to provide those services.</p> <p><i>What if student demand is forecasted to be significantly higher than supply (no excess rooms during the term of the arrangement)?</i></p> <p>However, where the demand significantly exceeds supply, judgement is required to determine whether the asset is practically able to provide unregulated services. If the unregulated services are expected to be nil or minimal, they are likely be considered ancillary services and not factored into this assessment. As such, it is likely that the grantor would be considered to have control over the services that the asset provides.</p> <p>Given the significant amount of judgement required, councils may need to revisit the assessment at each reporting period.</p> |
|--|---|

3.1.4 Final considerations

Practical considerations

As a final test, councils should also consider the following, in determining whether the grantor has explicit or implicit control over what service(s) are provided by the asset:

- Does the contract allow the Operator to use the asset to perform services other than those specified in the contract, i.e. introduce new services?
- Can the operator freely expand or modify the services that are provided under the arrangement?
- Does the operator need to seek approval from the grantor before providing other services?

Councils will need to consider whether the right to reject any request is substantive. This may be indicated by words such as "at the grantor's absolute discretion". Where the grantor can only reject a request where it negatively impacts on the provision of the public service, this right may not be considered substantive.

- Is the asset practically, physically, technically and legally able to provide services other than those prescribed by the contract?

While the contract may legally allow the operator to use the asset to provide other services, the asset itself may not be capable of doing so or be restricted from doing so by other legislation and regulations. In that case it is likely that the service provided by the asset is regulated/controlled by the grantor.

3.2 Does the grantor control or regulate to whom the service is provided?

To establish control over the service concession asset, the grantor must also control to whom the services are provided by an asset i.e. the recipients. Again, this can be through explicit control or implicit control through regulation.

Again, as part of this assessment, it is important to identify what primary services are provided by the asset and understand that there can be more than one primary service provided by the asset. Councils will need to apply judgement to determine whether enough of the asset is regulated or controlled by the grantor to establish control over the asset (refer to section 3.4 for more detailed guidance on partly regulated assets).

OLG guidance

Steps to establish Grantor control over to whom the service concession asset services are provided:

- 1 Identify the primary services provided by the asset (refer to section 1).
- 2 Determine if the contract specifies that the Grantor controls or regulates to whom the primary services are provided to i.e. explicit control.
- 3 If no to question 2 above, consider if there is another regulatory body who can determine the recipient of the services. Can the Grantor establish implicit control through regulation (when considered together with the contractual terms)?

3.2.1 Does the grantor have explicit control over to whom the services are provided using the asset?

A grantor can establish explicit control over who receives the services provided by an asset through rights in the contractual arrangement. The rights must be substantive i.e. the grantor must have the practical ability to exercise those rights, rather than protective (refer to section 2.2 for further guidance on substantive rights).

Examples of explicit control through the contractual arrangements include where the contract terms state:

- The services must be provided to the general public.
- The services must be provided to a particular subset of the community, e.g. public schools are open to children of school age residing in the relevant catchment area.
- Do not explicitly refer to recipients of the services, however the nature of the asset means the recipients of the services are predetermined e.g. a public road is accessible by the public.

3.2.2 Does the grantor have implicit control over whom the services are provided to?

If a service concession contract by itself does not result in the grantor having explicit control over the recipient of the services, the grantor might still have control as a result of regulation by a third party.³⁹ Refer to section 3 above for detailed guidance on third party regulation.

Examples of implicit control of the recipient of the services provided by an asset through regulation include instances where:

³⁹ AASB 1059.B19

- The contract refers to a regulatory body or regulation that requires the services to be provided to the general public or to certain subsets of the community.
- The contract does not refer to a specific regulatory body or regulation, however there is a specific regulation in place that governs the recipients of services to be provided by the asset.

For example, Government regulation requires that public hospitals provide services to the general public. It is not necessary for the contract to refer to the regulation. Refer to section 3 above for further information on regulation.

3.2.3 Final considerations

Practical considerations

As a final test, councils should also consider the following in determining whether the grantor has explicit or implicit control over whom the services are provided to:

- Is the Operator allowed to exclude certain customers from receiving the services?
- Is the Operator allowed to expand or modify the customer base without the grantor's approval? If so, is it technically and practically feasible for the customer base to be expanded or modified?

3.3 Does the grantor control or regulate the price of the services?

To establish control over the service concession asset, the grantor must also control to the price of the services provided by an asset. This can be through explicit control or implicit control through regulation.

The Standard does not require the grantor to explicitly set the price, but rather the grantor may be deemed to control the price where regulation removes the ability of the operator to determine the price⁴⁰.

Other key considerations in determining price control are explained below.

Specified Price

A regulated price includes a specified price (which may be zero) that the Operator can charge for the services of the asset⁴¹. For example, a Grantor controls the pricing of the services of the public wing of a hospital by requiring the Operator to provide health services at no cost to patients.

However, where a specified price is market price, judgement will be required to determine if there is genuine price control.

| Illustrative example – Market Price | |
|---|---|
| Example | Commentary |
| A grantor enters into an arrangement with an Operator whereby the operator will provide tenancy and property management services on behalf of the Grantor to social housing tenants. Social housing is considered a public service and the tenancy and property management services are a significant component of the public services. | In this example, the Grantor does not control the price of services even though the Grantor has specified in the contract that the Operator must charge market rents. By definition, the market price is the current price at which |

⁴⁰ AASB 1059.B20

⁴¹ AASB 1059.B20

| | |
|---|---|
| <p>The contract specifies that the Operator must charge the social housing tenant market rent. The social housing tenant will then apply for a rent subsidy from the Government, this process is also managed by the Operator. To establish the market rent, the Operator must use rent data relevant to the type and location of the property, published quarterly in a report produced by the Grantor. This is public information. Where the Operator determines that the actual market rent in a location differs markedly and is lower than the market rent established from the Grantor's property data, and where tenants paying market rent would be adversely affected, the Operator can vary the market rent to take local conditions into account. In varying market rents Operators must have appropriate documented evidence to support their decision.</p> | <p>an asset or service can be bought or sold. Furthermore, the Operator is able to vary the market rent provided they document evidence to support that decision.</p> |
|---|---|

Complete price control not necessary

The Grantor does not require complete control of the price. It is enough for the price to be regulated by the Grantor, or by a third-party regulator (e.g. by a capping mechanism)⁴².

For example, if an arrangement appears to give the Operator freedom to set prices, but any excess profit is returned to the grantor, the Operator's return is capped, and the price element of the control test is met⁴³.

Such price regulation constitutes control as it removes the ability of the Operator to determine the price. The pricing is considered to be implicitly set by the Grantor as the contract between the Grantor and Operator effectively incorporates the price regulation. The reasoning is that, in some cases the Grantor could have specified an alternative pricing regime but has chosen not to do so, effectively asserting 'passive' control of the pricing⁴⁴.

OLG guidance

Steps to establish Grantor control of the pricing of services provided by service concession asset

1. Identify the primary services provided by the asset (refer to section 1).
2. Determine if the contract explicitly specifies that the Grantor controls or regulates the pricing of the primary services provided by the asset.
3. If no to question 2 above, consider if there is another regulatory body that can determine the pricing of the services. Can the Grantor establish implicit control through regulation (when considered together with the contractual terms)?

3.3.1 Does the grantor have explicit control over the pricing of services provided using the asset?

A grantor can establish explicit control of the pricing of services through rights in a contractual arrangement. The rights must be substantive i.e. the grantor must have the practical ability to exercise those rights, rather than protective (refer to section 2.2 for further guidance on substantive rights).

Examples of explicit control through the contractual arrangement include where the contract terms:

⁴² AASB 1059.B20

⁴³ AASB 1059.B24

⁴⁴ AASB 1059.B20

- Specify the price or pricing mechanism.
- Specify the pricing is to be determined by the grantor.
- Specify the operator can determine the pricing, however it is subject to the grantor's approval (the grantor's approval rights must be substantive).

3.3.2 Does the grantor have implicit control over the pricing of services provided using the asset?

If a service concession contract by itself does not result in the grantor having explicit control over the pricing of the services, the grantor might still have control as a result of regulation by a third party.⁴⁵ Refer to section 3 above for detailed guidance on third party regulation.

Examples of implicit control of the pricing of the services provided by an asset through regulation include:

- Where the contract refers to a regulatory body or regulation that determines the pricing of the services
- Where the contract does not refer to a specific regulatory body or regulation, however there is a specific regulation in place that governs the pricing of services to be provided by the asset.

| Illustrative example – Implicit price control | |
|---|--|
| Example | Commentary |
| <p>The operator runs an electricity distribution business, where it controls the operating activities.</p> <p>The operator may change the price of the service subject to approval from the regulator (e.g. AER).</p> | <p>As the regulator's approval over pricing changes is exercised at the regulator's absolute discretion, the approval right would be substantive. The grantor would be assessed as having price control.</p> |

3.3.3 Final considerations

Practical considerations

Councils should consider the following in their assessment of whether the grantor has control over the price that the service is provided:

- Is there is a cap on the revenue the Operator will receive even if the Operator may determine which price to charge the public for the public service?
- If the Operator requires Grantor or Regulator approval to modify the prices, can the Grantor or Regulator only deny the request under exceptional circumstances i.e. protective rather than substantive rights?

⁴⁵ AASB 1059.B19

3.4 Partly regulated assets

Where an operator has the ability to determine what services are provided by an asset, or the price of those services or to whom services are provided, councils should consider whether the asset being considered is partly regulated i.e. where the services/recipient/prices are partly controlled by the grantor and partly not controlled by the grantor.

For assets that are partly regulated but not physically separable and therefore not assessed as a separate asset, judgement is required as to the relative significance of the regulated versus unregulated activities in order to determine whether the grantor has control of the asset⁴⁶. When purely ancillary activities are unregulated, the control tests shall be applied as if those services did not exist i.e. ancillary services are ignored⁴⁷.

For example, a hospital where there is no separate private wing, but where there is a mixture of both public and private patients. In this example, if admissions are expected to comprise substantially public patients, then the admission of private patients would be considered as ancillary (unregulated) and the hospital considered to be used wholly for regulated purposes⁴⁸.

It is a matter of judgement to determine whether enough of the services provided by an asset are regulated in order to demonstrate that the grantor has control of the asset.⁴⁹

⁴⁶ AASB 1059.IG23

⁴⁷ AASB 1059.B25(b)

⁴⁸ AASB 1059. IG23

⁴⁹ AASB 1059.B26

4 Significant residual interest and whole-of life assets

Overview

The final criteria under AASB 1059, is that for an arrangement to be considered a service concession arrangement, the grantor is required to control the significant residual interest in the asset.

AASB 1059 considers the grantor to have control over the significant residual interest where:

- (i) the grantor controls – through ownership, beneficial entitlement or otherwise – any *significant residual interest* in the asset at the end of the term of the arrangement; or
- (ii) the asset will be used in the arrangement for its entire economic life, such that any residual interest at the end of the term is insignificant (a *whole-of-life asset*).⁵⁰

This section considers how to assess whether the grantor controls any significant residual interest in the asset at the end of the term of the arrangement, or whether the service concession asset used in the arrangement for its entire economic life.

OLG guidance

- For the grantor to have a significant residual interest in the asset, it will need a substantive (rather than a protective) right to prevent an operator from selling or pledging an asset during or at the end of an arrangement.
- Where a grantor only has a right to prevent an operator from selling or pledging an asset in limited circumstances and for protective reasons only, it is unlikely that the grantor has control over a significant residual interest in the asset.
- It is a matter of judgement for the individual entity whether a public sector entity has substantive or protective rights to prevent an operator from selling or pledging an asset.
- Where the residual interest is determined to not be of a significant value, the asset will need to be assessed as to whether it is a 'whole-of-life' asset under the criteria of AASB 1059.6

4.1 Determining the significant residual interest

The residual interest in the asset is:

*"...the estimated fair value (current replacement cost) of the asset, determined at the inception of the arrangement, as if it were already of the age and in the condition expected at the end of the arrangement"*⁵¹

Where components of the asset are replaced during the term of the arrangement by the operator, e.g. a toll road is resurfaced, the determination of residual interest would consider the asset as a whole. That is, the replaced component and the remainder of the asset would be considered as one.

AASB 1059 does not define what should be considered 'significant'. In developing the Standard, the AASB does note that the term also arises in numerous other standards without being specifically defined, and further notes that what constitutes 'significant' varies from one entity to another and is a matter of judgement based on substance rather than form. It is not the case that any residual interest is necessarily a significant residual interest⁵².

⁵⁰ AASB 1059.5-6

⁵¹ AASB 1059.B34

⁵² AASB 1059.BC34

Generally, the grantor is more likely to have a significant residual interest in the service concession asset where the concession term is short relative to the economic life of the asset. In other words, the residual interest is likely to be significant if the term of the arrangement is not at least most of the economic life of the service concession asset⁵³. For example, where an arrangement with a term of 40 years includes a toll road which has an economic life of 99 years, the grantor is likely to have a significant residual interest at the end of the arrangement because the term of the arrangement is not for a majority of the economic life of the toll road asset.

Practical considerations

Councils should consider the following when determining the residual interest of the asset:

- Condition of the asset at the end of the term

Some contracts will specify that the asset must be handed back to the grantor with [x] useful life remaining. Where the asset is expected to be in a condition that can be used for a reasonable time after the arrangement ceases, it is likely that the residual interest in the asset would be significant at the end of the arrangement.

- Remaining useful life of the asset

As discussed above, useful life of the asset is a good indicator of the residual interest of the asset.

- Using similar assets as a benchmark

Councils are generally required to carry their non-current assets at fair value for financial reporting purposes. These assets are usually valued by a specialist at regular intervals. Therefore, data for similar assets may be available to use as a benchmark for the asset under the arrangement.

While the Standard does not define "significant residual interest", the guidance in AASB 1059 clarifies that a grantor could control significant residual interest where it restricts the operator's ability to pledge or sell the asset at the end of the arrangement⁵⁴.

In practice, one way that this can happen is where the contract specifies that the asset is to be returned to the grantor at the end of the term at nil cost or nominal consideration.

When councils are assessing whether the grantor has control over the significant residual interest of the asset, they should only consider the substantive rights held by the grantor. That is rights that the grantor can exercise when required (refer to section 2.2 for factors relating to substantive rights).

4.2 Does the contract require the asset to be returned to the grantor?

The grantor may have explicit control over the significant residual interest of the asset where the asset is either required to be handed-back to the grantor at the end of the term, or to another party as directed by the grantor.

This method of the grantor obtaining control over the residual interest can be demonstrated in the following examples. Note that these examples have been assumed to meet the other scoping

⁵³ AASB 1059.BC36

⁵⁴ AASB 1059.B33

requirement under AASB 1059 as discussed in the preceding sections of this paper (refer sections 1 to 4).

| Illustrative examples – Handover clauses | |
|---|--|
| Example | Commentary |
| <p>1. The grantor enters into an arrangement with the operator where the operator will construct and operate a public hospital. The operator is responsible for at least some of the management of the hospital services including employment of staff and scheduling of services.</p> <p>At the end of the arrangement legal title of the hospital will automatically transfer to the grantor at nil cost.</p> <p>The economic life of the hospital is 70 years based on other similar assets. The term of the arrangement is 40 years.</p> | <p>As the arrangement represents 40 out of 70 years in the economic life of the asset, it is likely that the asset would have significant residual interest at the end of the term i.e. 30 years remain.</p> <p>As title to the hospital will transfer to the grantor at the end of the arrangement, as predetermined in the arrangement, the grantor would have control over the significant residual interest.</p> <p>Therefore, the arrangement would be in the scope of AASB 1059.</p> |
| <p>2. The grantor enters into an arrangement where the operator will construct and operate apartments for the provision of social housing. The operator is responsible for the management of how the service is provided subject to some industry guidelines.</p> <p>At the end of the arrangement, the legal title of the apartments will remain with the operator. The operator intends on repurposing the apartments to provide non-social housing.</p> <p>It is assumed that there is significant residual interest at the end of the arrangement as the term is 30 years and apartments have an economic life of 99 years.</p> | <p>The asset is likely to have significant residual interest as the operator intends on using the asset for their own purposes for the subsequent 69 years.</p> <p>As the operator will have the legal title and rights to use the asset at their discretion (to provide [general] housing), the grantor would not have control over the significant residual interest.</p> <p>Therefore, the arrangement would not be in the scope of AASB 1059.</p> |
| <p>3. The grantor enters into an arrangement where the operator will provide transportation services using assets provided by the grantor. The operator is responsible for how the services are provided including maintenance, scheduling of staff and allocation of assets to routes.</p> <p>At the end of the arrangement, the operator is required to transfer the assets to the grantor, or another third-party operator as directed by the grantor, at nil cost.</p> <p>It is assumed that there is significant residual interest at the end of the arrangement.</p> | <p>As the grantor has the ability to direct to whom the assets are transferred at the end of the term (either themselves or another third-party operator), the grantor would have control over the significant residual interest.</p> |

| | |
|--|--|
| <p>4. The grantor has an arrangement with the operator where the operator will provide public services using a distribution network.</p> <p>At the end of the arrangement, the operator is required to transfer the arrangement to another third-party operator nominated by the operator. The grantor must approve the new operator, but can only reject the nomination where the new operator does not have the technical or financial capability to undertake the services under the arrangement (i.e. this is only a protective right). It is assumed that there is significant residual interest at the end of the arrangement.</p> | <p>While the grantor has the right to approve or veto the appointment of a new operator at the end of the term, the grantor is unlikely to have control over the significant residual interest.</p> <p>As the grantor can only exercise their approval (or rejection) right where the new operator is not technically or financial capable, this approval right is not seen to be substantive.</p> |
|--|--|

Practical considerations

Councils should consider the following to assist in determining whether the contract requires the asset to be returned to the grantor:

- Does the contract require the operator to do something with the asset at the end of the term?
 - *This may be a requirement to "hand back" the asset – commonly referred to as a handover clause.*
 - *The contract may require the operator to transfer the asset to another operator as directed by the grantor.*
 - *The contract may require the operator to seek approval from the grantor to sell the asset to a third party.*

4.3 Does the contract contain options over the asset at the end of the arrangement?

The contract may not always specify that the asset must be handed back to the grantor at the end of the term, nor that it should be provided to a third party at the grantor's direction. Some arrangements may have options over the residual interest of the asset, exercisable by either party. These can include:

- Put option – an option exercisable by the operator which, when exercised, requires the grantor to buy back the asset at a certain price.
- Call option – an option exercisable by the grantor which, when exercised, forces the operator to sell back the asset to the grantor at a certain price.

Assessing whether the presence of these options in the arrangement would give the grantor control over the significant residual interest is complex and requires consideration of:

1. Is the right a substantive right of the holder (e.g. the grantor in the case of a call option); and
2. What are the terms and conditions associated with the option?

The Standard uses the following example to illustrate how an option may be considered.

| Illustrative example – Call option | |
|---|---|
| Example ⁵⁵ | Commentary |
| <p>The grantor will sell the operator an electricity distribution business. The operator will operate the business subject to AEMO (Australian Electricity Market Operator) regulation and protective rights held by the grantor.</p> <p>If the operator decides to discontinue providing electricity supply, the grantor has an option to buy-back the business.</p> | <p>The Standard would not consider there to be a residual interest in this scenario as the asset can be used by the operator for as long as they choose to (i.e. it is up to the operator as to when it discontinues its services).</p> <p><i>What happens if there was a residual interest?</i></p> <p>Consideration needs to be given to whether or not the grantor's option to buy-back the business gives the grantor control over the residual interest.</p> <p>Applying the guidance above in section 6.3, council will first need to consider whether the grantor's right is substantive. The scenario presented states that in order for the option to be exercisable by the grantor, the operator must first decide to discontinue providing electricity.</p> <p>For the option to be substantive, the grantor must have the practical ability to exercise it. If the operator never decides to discontinue services, the grantor would not be able to exercise its option. The grantor's option is therefore not substantive, and the grantor is unlikely to have control over the residual interest in the asset.</p> |

As demonstrated in the above example, the key consideration in evaluating a buy-back options is whether or not a substantive right is held by the grantor i.e. there are no barriers to the grantor exercising the right at its discretion. Where an option must be 'triggered' and those triggers are not controlled by the grantor e.g. are controlled by the operator or by an unrelated third party, or are as a result of an Act of God/Force Majeure, the grantor would not be considered to have control over the residual interest in the asset.

Practical considerations

Councils should consider the following to assist in determining if an option provides the grantor with significant residual interest:

- Does the council have any mechanism (such as a call option) to prevent the operator from selling or pledging an asset?
- Is the mechanism held by the council substantive?

Councils should consider whether there are any barriers to exercising their right, e.g. can it only be exercised to protect public interest or does the operator need to make a decision / action to trigger the grantor's right.

4.4 Term of the arrangement represents the majority of the economic life of the asset

Where an asset is used in an arrangement for majority of its economic life i.e. a 'whole-of-life' asset, the significant residual interest criteria of AASB 1059.5b is deemed irrelevant⁵⁶. The grantor should recognise

⁵⁵ Examples are from AASB 1059.IG24

⁵⁶ AASB 1059.6

a whole-of-life asset as a service concession asset if the conditions of AASB 1059.5(a) are met, i.e. grantor controls or regulates what services the operator must provide with the asset, to whom it must provide them and at what price.

The economic life of an asset is the period over which future economic benefits are expected from all possible users of the asset and may be the entire physical life of the asset. This contrasts with the term useful life which is defined by AASB 116 as the period over which an asset is expected to be available for use by an entity.

An example of this would be an Operator operating a ferry service for a period of 15 years, which is determined to be its *useful* life to a particular entity. However, the *economic* life of the ferry is determined to be more than 25 years as the asset can be subsequently sold to another operator for another 10 years use. As such, the asset is not used by the Operator for the major part of its economic life.

It is a matter of judgement for the individual entity whether an asset is deemed to be used in an arrangement for either the entirety or a major part of its economic life.

Practical considerations

Councils should consider the following when comparing the term of the arrangement to the asset's economic life:

- What is the economic life of the asset?

Using other similar assets and arrangements as a benchmark

- What is the term of the arrangement?

Councils should also consider whether the likely exercise of any extension options could result in the asset being a "whole-of-life" asset

- Valuations of the assets used may also help determine the economic life of the asset.
- Consider whether the contract sets out that the operator will operate the asset for a period that is the entire or major part of the asset's economic life.

Appendix 1: Key definitions from AASB 1059 (Appendix A)

| Term: | Definition per AASB 1059 | Illustrative example(s) |
|----------------------------------|--|--|
| "contract" | An agreement between two or more parties that creates enforceable rights and obligations. | <ul style="list-style-type: none"> A council has a legal contract with an operator A council has an agreement or MOU with a private or public sector operator |
| "grantor" | The entity that grants the right to access the service concession asset to the operator | <ul style="list-style-type: none"> A council - By definition, a grantor will always be a public sector entity as it grants access to an asset to another party for the purpose of providing public services. |
| "operator" | The entity that has a right of access to the service concession asset to provide public services | <ul style="list-style-type: none"> A private or public sector builder and/or operator of buildings / infrastructure / systems / transport vehicles etc. |
| "service concession arrangement" | <p>A contract between a grantor and an operator in which:</p> <ol style="list-style-type: none"> the operator has <u>the right of access</u> to the service concession asset to provide public services on behalf of the grantor for a specified period of time; the operator is responsible for at least some of the management of the public services provided through the asset and does not act merely as an agent on behalf of the grantor; and the operator is compensated for its services over the period of the service concession arrangement. | <ul style="list-style-type: none"> An arrangement whereby the operator constructs and manages dwellings for social housing. The operator is responsible for the maintenance and allocation of people into the housing. The operator is compensated by the grantor for each day a dwelling is made available for social housing. A contract between council and the operator for the provision of titling and registry services which enable the public to register their interests in land and property. The operator is compensated for these services through the grant of a right to charge third party users for the services. |
| "service concession asset" | <p>An asset (other than goodwill) to which the operator has <u>the right of access</u> to provide public services on behalf of the grantor in a service concession arrangement that:</p> <ol style="list-style-type: none"> the operator constructs, develops, upgrades or replaces major components, or acquires from a third party or is an existing asset of the operator; or is an existing asset of the grantor, including previously unrecognised identifiable intangible asset and land under roads, or an upgrade to or replacement of a major component of an existing asset of the grantor. | <ul style="list-style-type: none"> A prison is constructed, maintained and operated by an operator. The operator will hold legal title to the asset during the term of the arrangement; at the end legal title will revert to the grantor at no cost. Customer lists developed and owned by a grantor and used by an operator providing public services related to a business, on behalf of the grantor A land titling database developed and owned by a grantor and used by an operator for the provision of titling and registry services. |

**Report No. 4.4 NSW Auditor-General Annual Work Program
2021-2024**

Directorate: Corporate and Community Services

Report Author: Alexandra Keen, Audit, Risk & Improvement Coordinator

5 **File No:** I2021/1292

Summary:

To provide the Audit, Risk, and Improvement Committee (ARIC) with the NSW Auditor-General's Annual Work Program for 2021-2024.

10

RECOMMENDATION:

That ARIC note the NSW Auditor-General's Annual Work Program for 2021-2024 at Attachment 1.

15 **Attachments:**

1 Auditor-General Audit Program 2021-2024, E2021/100974 , page 260[↓](#)

Report

Byron Shire Council was provided with the NSW Auditor-General's Annual Work Program 2021-2024 (the Program) on 6 August 2021 (**Attachment 1**). It details the proposed audit Program for NSW Government agencies, local councils, and universities. The Program provides a section for audits for local councils (on pages 36-38 of **Attachment 1**), however, it also notes that local councils may be asked to provide documentation to support other audits related to the activities of NSW Government agencies (for example the outcomes of grant programs where local councils were grant recipients).

The Program states that the Auditor-General may adjust the Program to respond to emerging issues.

The local councils proposed to be subject to audit by the Auditor-General are not identified in the Program.

Key issues

The Program identifies the following audits for selected local councils:

2021-22

1. Effectiveness of financial management and performance in selected local councils
2. Development assessment processes in local councils: assessment stage
3. Coastal management

2022-2024

4. Road asset management
5. Cyber security
6. Precinct planning (also in the department of planning, industry and environment audit) (note: this is focused on growth in Sydney)
7. Managing the Code of Conduct
8. Performance Management and Monitoring
9. Audits of issues within a particular council

The internal audit plan proposed by Council's internal auditors currently provides for an internal audit of Cyber security in quarter 3 of 2021-22, and development assessments in 2023-2024.

Next steps

ARIC to consider if it has any feedback on the Program that it wishes to provide to the Office of the Auditor-General. ARIC may also wish to consider if any changes are warranted to Council's proposed internal audit plan as a result of the Program.

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 | 5.6 | Manage Council's resources sustainably | 5.6.7 | Develop and embed a proactive risk management culture | 5.6.7.4 | Implement Internal Audit and External Audit recommendations as appropriate |
| Community Objective 5: We have community led decision making which is open and inclusive | 5.6 | Manage Council's resources sustainably | 5.6.7 | Develop and embed a proactive risk management culture | 5.6.7.5 | Coordinate the Audit Risk and Improvement program |

10 Consultation and Engagement

General Manager, Executive Director Corporate and Community Services, and Manager Finance.



Annual work program 2021–24



Auditor-General's introduction

The Audit Office holds a privileged position as one of a small number of independent agencies that provide the checks and balances integral to our system of government.

Our core business is the conduct of audits, and our aim is to provide the New South Wales Parliament and the entities we audit with broader insights that inform and challenge government to improve outcomes for the community.

This plan is published at a very challenging time for the state government, for local councils and the university sector. Each are managing and responding to the impact of the COVID-19 pandemic, along with the consequences of other emergency events. And cyber security remains a key risk for all three sectors.

Recognising the pressures that arise from these challenges, the role of audit is to provide assurance that responses are timely, evidence based, well targeted, and effective. While speed of delivery is important, this must be appropriately balanced with a keen focus on:

- value for money and the appropriate use of public money
- risk identification and mitigation
- good governance and controls
- comprehensive record keeping
- transparency, and
- evaluation.

These considerations have framed our Annual Work Program for this year and the three-year outlook. And the program has left room for adjustment to respond to specific requests or emerging issues of significant public interest.

We have consulted broadly in the development of this program. We welcome any additional feedback on its content and on our approach to ensure our work continues to be relevant and to have a positive impact on public sector performance and financial management.



Margaret Crawford

Auditor-General for New South Wales

30 July 2021



ANNUAL WORK PROGRAM 2021-24

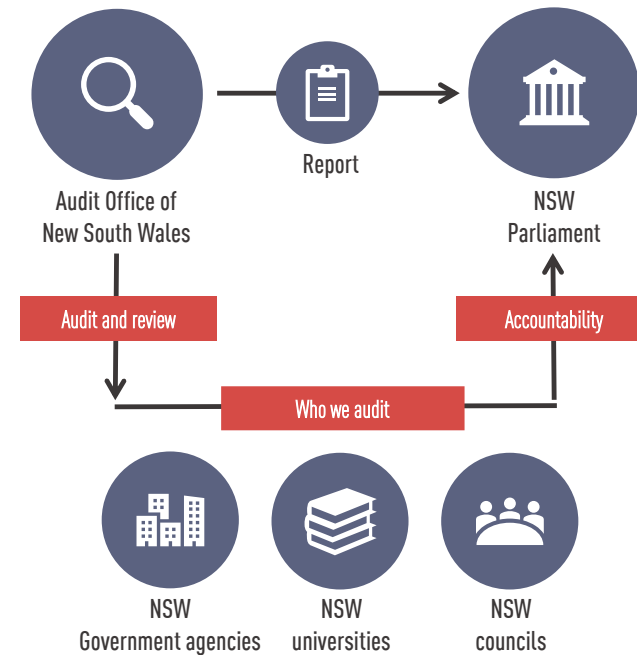
1

Our role

WHAT WE DO

The Auditor-General reports to the New South Wales Parliament and is responsible for audits and related services. These audits aim to help hold government accountable for its use of public resources.

The Audit Office conducts financial and performance audits, principally under the *Government Sector Audit Act 1983* (GSA Act) and the *Local Government Act 1993* (LG Act) and examines allegations of serious and substantial waste of public money under the *Public Interest Disclosures Act 1994*. The Auditor-General can also be requested by the Treasurer, a minister or both Houses of Parliament to perform audit or audit-related services. These include audits of agencies' compliance with specific legislation, directions and regulations.



Our role (cont.)

FINANCIAL AUDITS

Our financial audits provide an objective and independent opinion on the financial statements of NSW Government agencies, NSW universities and their controlled entities, and NSW local councils.

Financial audits are a key part of effective public-sector governance and assess the adequacy of the financial reporting control frameworks of audited entities. The GSA Act also provides us with the mandate to report any waste and/or lack of probity or financial prudence in the management of public resources that we may identify during our audits.

Each year our financial audits also examine a small number of specific focus areas across the entities we audit. We look across the sectors we audit to identify common themes, issues or areas for improvement.

As well as our statutory financial audits, we perform other assurance audits and reviews, including providing assurance over Commonwealth grants and payments to the NSW Government and local councils under Commonwealth legislation.

For NSW Government agencies and universities, the results of each financial audit are reported to the head of the agency concerned, the responsible minister, the Treasurer, and the New South Wales Parliament.

For local councils, the results of each financial audit are reported to the local council concerned, the responsible minister, the Secretary of the Department of Planning, Industry and Environment, and the New South Wales Parliament.

Cluster and sector-wide reports are also provided to New South Wales Parliament.

500
Financial audits

550
Other assurance
audits and reviews

14
Reports to
Parliament

Our role (cont.)

PERFORMANCE AUDITS

Our performance audits assess whether the activities of government entities are being carried out effectively, economically, efficiently and in compliance with relevant laws. Our mandate to conduct these audits is provided under the GSA Act and the LG Act. The Auditor-General can also be requested by the Treasurer, a minister or both Houses of Parliament to perform an audit or audit-related services.

Under the *Government Advertising Act 2011*, we are also required to conduct a performance audit of at least one government advertising campaign each year.

The activities examined by a performance audit may include a government program, project, or service, and can include all or part of an audited entity, or more than one entity. Performance audits can also consider issues which affect the whole state sector or local government sector.

For NSW Government agencies, the results of each performance audit are reported to the head of the agency concerned, the responsible minister, the Treasurer, and New South Wales Parliament.

For local councils, the results of each performance audit are reported to the local council concerned, the responsible minister, the Secretary of the Department of Planning, Industry and Environment, and Parliament.

Agencies and local councils have the opportunity to provide a formal response to each performance audit. This is included in the Auditor-General's Report to Parliament.

20
Audits

OTHER ASSURANCE REVIEWS

Each year we may select a topic for a compliance audit, which examines agency compliance with a specific area of legislation or policy.

We also review whether Members of the New South Wales Parliament complied with certain requirements outlined in the Parliamentary Remuneration Tribunal's Determination.

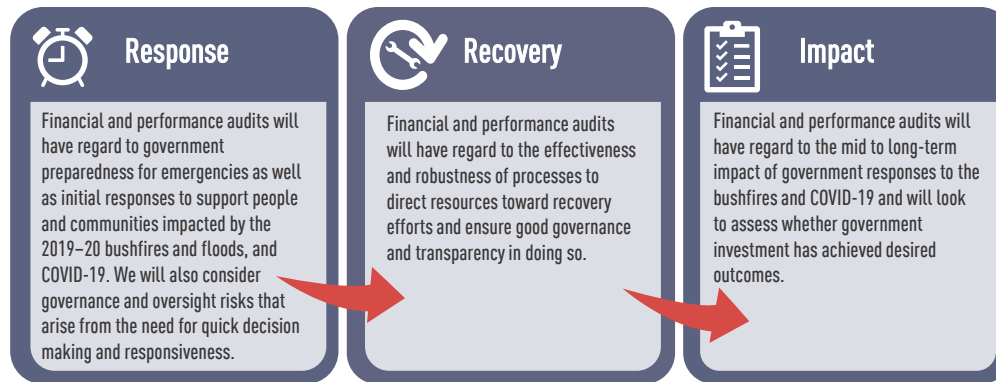
2
Audits

Continued responses to emergencies in New South Wales

The COVID-19 pandemic continues to have a significant impact on the people and the public sector of New South Wales, and governments are continuing to assist communities in their recovery from the 2019–20 bushfires and subsequent flooding. The scale of government responses to these events has been significant and has required a wide-ranging response involving emergency response coordination, service delivery, governance and policy. Significant resources have been directed toward these responses, and in assisting rebuilding and economic recovery. Some systems and processes have changed to reflect the need for quick responses to immediate needs.

The increasing and changing risk environment presented by these events has meant that we have recalibrated and focused our efforts on providing assurance on how effectively aspects of these emergency responses have been delivered. This includes financial and governance risks arising from the scale and complexity of government responses to these events.

While these emergencies are having a significant impact today, they are also likely to continue to have an impact into the future. We will take a phased approach to ensuring that our work addresses the following elements of the emergencies and government responses:



Continued responses to emergencies in New South Wales

Financial audit focus areas in response to emergencies in New South Wales

Financial audits will have regard to the recent emergency events by considering:

- financial implications and trends for the public sector
- the delivery of new or expanded projects, programs, or services.

Financial implications

We will evaluate any financial implications stemming from these events, including:

- the impact on sector operating results
- the impact on the sector's overall financial position, with consideration of both revenue and expenditure impacts, the cost of new policy measures to respond to these events and funding to pay for new programs.

Stimulus funding and new programs

Some entities implemented significant programs aimed at responding to emergency events. We will review whether the entity has put in place processes to manage the changed and/or increased risks associated with these programs, such as:

- maintaining appropriate controls, including segregation of duties, and conflicts of interest declarations, within processes
- articulating clear responsibilities and lines of communication
- reporting progress and obstacles to the leadership/management team
- assigning accountability for the delivery of these programs/contracts.

Continued responses to emergencies in New South Wales

Performance audit focus areas in response to emergencies in New South Wales

We will focus our program of performance audits on government responses to the bushfire and flood emergency and COVID-19 to:

- deliver audits that address emergency planning, preparedness and responses, and
- include insights into how these emergencies have impacted other areas of public sector governance and service delivery through our broader program of work.

We will also be attentive to public sector governance arising from the emergencies, including risks relating to rapid service delivery, changes in governance, conflicts of interest, communication and transparency to the public, and record keeping.

Our planned performance audits addressing government responses to emergencies are set out below.

COVID intensive learning support program (Education)

This \$337 million program will employ up to an additional 5,500 staff to deliver small group teaching sessions across the State during 2021. The program aims to support students who were disadvantaged by school closures due to COVID-19. An audit in this area will focus on the justification for the program as well as planning and implementation. It could also consider whether the Department of Education has put in place arrangements to evaluate the impact of the program, which may take several years to be fully evident.

Bushfire recovery grants (Regional NSW)

In response to the 2019–20 bushfires, The Bushfire Local Economic Recovery (BLER) Package was established as part of the \$4.4 billion bushfire support program co-funded by the Commonwealth and the NSW Government for bushfire recovery, response and preparedness in New South Wales. BLER funding is intended to support job retention and creation in bushfire impacted regions, strengthen community resilience and reduce the impact of future natural disasters. An audit in this area will consider whether applications are being assessed and funds are being distributed in accordance with program objectives and guidelines. The audit could also look at the efficiency of grants administration and whether funds have been distributed and received in a timely manner.

Continued responses to emergencies in New South Wales

Virtual health care (Health)

Virtual health care, also known as telehealth, safely connects patients with health professionals to deliver care when and where it is needed. It complements face-to-face care. The COVID-19 Recovery Plan details a range of NSW Government recovery responses including a planned focus for NSW Health that involves a further rollout of digitisation and virtual services across the state. Virtual health care services received a major boost during the 2020 COVID-19 pandemic. Patients and clinicians embraced the service with a 700 per cent increase in February to May 2020 compared with the same period in 2019. This audit may examine the use of virtual care services, where clinically appropriate, and NSW Health's focus on sustainably embedding the virtual care model.

Rural Fire Service preparedness and capability (Stronger Communities)

The NSW Rural Fire Service (RFS) is responsible for the prevention, mitigation and suppression of fires in rural fire districts. It is the lead combat agency for bush and grass fires in New South Wales. Following the 2019–20 bushfire season, the NSW Government allocated funding of \$700 million for the RFS. The NSW Bushfire Inquiry into the 2019–20 bushfire season recommended improvements to RFS's technology, data collection and analysis, communication infrastructure, equipment, fleet, and aviation assets and support to personnel. This audit may examine the effectiveness of RFS preparedness and capability to respond to bushfires.

Our approach to assessing the effectiveness of cyber security

Cyber security continues to be an area of focus for the work of the Audit Office. The increasing global interconnectivity between computer networks has dramatically increased the risk of cyber security incidents. Such incidents can harm government service delivery and may include the theft of information, denial of access to critical technology, or even the hijacking of systems for profit or malicious intent. These outcomes can also harm trust in government.

More broadly, outdated IT systems and capability present risks to government cyber security. Agencies need to be alert to the need to update and replace legacy systems, and regularly train and up-skill staff in their use. To add to this, cyber security risks have been exacerbated by recent emergencies, which have resulted in greater and more diverse use of digital technology.

The Audit Office's approach to auditing cyber security across state entities, local councils and universities involves:

- considering how agencies are responding to the risks associated with cyber security across our financial audits across the NSW public sector
- examining the effectiveness of cyber security planning and governance arrangements for large NSW state government agencies for our Internal Controls and Governance report
- conducting deep-dive performance audits of the effectiveness of specific agency activities in preparing for, and responding to cyber security risks.



Our approach to assessing the effectiveness of cyber security (cont.)

Financial audit

A significant number of remotely connected employees for an extended period may strain an entity's IT infrastructure and control environment. It is important to ensure network connections and controls are secure to mitigate the data protection risk associated with communicating through mobile applications. Where relevant, we will:

- assess whether security settings for remote connections and secure individual access mechanisms are in place and operating effectively
- determine the adequacy of network capabilities
- consider how agencies monitor the access of unauthorised computers to their network
- review the data back-up policy and the frequency and adequacy of back-up practices.

Our Internal Controls and Governance report will bring together the findings and recommendations from our 2020–21 financial audits that relate to the internal controls and governance of the largest NSW State Government agencies. Specific to cyber security, in 2021–22, this report will cover cyber security planning and governance arrangements in the largest agencies in the NSW Government sector.

Performance audits

Cyber Security NSW first released the NSW Cyber Security Policy in 2019 following the Audit Office's sector-wide performance audit 'Detecting and responding to cyber security incidents'. In this program, we will focus on agency-specific performance audits that reference key policy frameworks and examine how effectively government entities are applying these to ensure effective preparation for, and responses to, cyber security risks. Our planned cyber security performance audits for the next three years include:

Managing information security risks in NSW Health

NSW Health, primarily through Local Health Districts, manages large volumes of information – including information stemming from patient care. Clinicians in busy hospital environments require timely access to data and systems to effectively treat patients. Increased accessibility may in turn increase the risk of poor data and system security practices. Recent experience in other jurisdictions has also demonstrated that operational assets that are controlled using technology may be targeted for cyber-attacks. All NSW Health organisations must comply with the NSW Government's Cyber Security Policy, as well as with NSW Health's own policy directive on electronic information security. This audit could assess how effectively NSW Health, particularly Local Health Districts and eHealth NSW, is ensuring the security of electronic information and systems used for patient care.

Our approach to assessing the effectiveness of cyber security (cont.)

Cyber Security NSW

Established in May 2019, Cyber Security NSW aims to build stronger cyber resilience across the whole of government by providing an integrated approach to preventing and responding to cyber security threats. The audit could examine the effectiveness and efficiency of Cyber Security NSW in safeguarding information, assets and services through its stated mandate.

Security of student information

Schools collect and maintain detailed student data, including sensitive personal information. Schools can also require or encourage students to use third party software applications for learning and other school related activities. This audit will examine how effectively schools ensure student data is secure – both within their own systems and when provided to third parties.

Cyber security in local councils

The increasing global interconnectivity between computer networks has dramatically increased the risk of cyber security incidents. Such incidents can harm local government service delivery and may include the theft of information, denial of access to critical technology, or even the hijacking of systems for profit or malicious intent. This audit will consider how well selected councils ensure they have effective cyber security measures in place.

Our plan for 2021–22

FINANCIAL AUDIT

We will carry out around 500 statutory financial audits of NSW Government agencies, NSW universities and NSW local government councils' financial statements, issuing over 1,050 assurance opinions. We will comment on the results of these audits and our examination of cluster specific and across-the-board focus areas in the Auditor-General's Reports to Parliament, detailed below.

Financial Audit Auditor-General's Reports to Parliament

Report on State Finances

This report will focus on the State's 2020–21 consolidated financial statements. It will comment on the key matters that have been the focus of our audit and highlight significant factors that have contributed to the State's financial results.

Internal Controls and Governance

This report will bring together the findings and recommendations from our 2020–21 financial audits that relate to the internal controls and governance of the largest NSW Government agencies. In 2021–22, this report will cover:

- Internal control trends
- Information technology controls
- Cyber security planning and governance arrangements
- Masterfile management
- Managing conflicts of interests
- Tracking and monitoring of the implementation of recommendations from performance audits and public inquiries.

Local government

This report will bring together findings and recommendations from our 2020–21 financial audits of local councils and will comment on financial reporting and performance, internal controls and governance, and areas of interest that are in focus during the conduct of our audits.

Universities

This report will analyse the results of the financial statement audits of the ten NSW universities and their controlled entities for the year ended 31 December 2021. It will comment on financial reporting and performance, internal controls and governance, and areas of interest that are in focus during the conduct of our audits.

Thematic reports: COVID-19 Response, Recovery and Impact

A series of reports will have regard to COVID-19 by considering the financial implications and trends at the State sector level, and the delivery of new or expanded projects, programs, or services.

Our plan for 2021–22 (cont.)

Financial Audit Auditor-General's Reports to Parliament

Nine State sector cluster reports

Our cluster-based reports will analyse the results of the 2020–21 financial statement audits of NSW Government agencies and comment on the quality and timeliness of financial statements, key accounting issues, and high risk observations from our audits. In 2020–21, our cluster reports will cover:

- Treasury
- Premier and Cabinet
- Customer Service
- Education
- Health
- Planning, Industry and Environment
- Regional NSW
- Stronger Communities
- Transport.

Members Entitlements

This report will analyse whether Members of NSW Parliament complied with certain requirements outlined in the Parliamentary Remuneration Tribunal's Determination.

Our plan for 2021–22 (cont.)

PERFORMANCE AUDIT

We plan to commence the following performance audits in 2021–22. Updates on audits already underway can be found on the [Audit Office Website](#). Our detailed three-year forward plan follows.

Whole-of-government/multi-agency

- Land and property: the effectiveness of strategic property portfolio management, and the integrity of processes and outcomes for property acquisitions and disposals
- Performance audit insights: Key findings from 2018–2021

Premier and Cabinet

- Managing heritage assets

Treasury

- Transport Asset Holding Entity (TAHE) (also in Transport)

Customer Service

- Building regulation—responding to combustible external cladding
- Government advertising

Transport

- Transport Asset Holding Entity (TAHE) (also in Treasury)
- Use of data in transport
- Unsolicited proposal for the Martin Place metro station

Education

- COVID intensive learning support program
- Student attendance

Health

- Managing information security risks in NSW Health
- Ambulance demand management
- Virtual health care

Stronger Communities

- NSW Trustee and Guardian
- Rural Fire Service preparedness and capability

Planning, Industry and Environment

- ePlanning portal
- Effectiveness of local government regulation and support
- Biodiversity offsets

Regional NSW

- Grants administration for disaster relief: bushfire recovery grants (also including Resilience NSW)

Local Government

- Effectiveness of financial management and governance in selected council(s)
- Development assessment process in local councils: assessment stage

Other topics we may commence in 2021–22 with available capacity include:

- Jobs for NSW (Premier and Cabinet)
- Outcome budgeting (NSW Treasury and selected agencies to be determined)
- NSW Telco Authority's Critical Communications Enhancement Program (Customer Service)
- Cyber Security NSW (Customer Service)
- Effectiveness of the land titles registry (Customer Service)
- Road safety (Transport for NSW)
- Coastal management (also in selected local councils)
- Special activation precincts (Regional NSW)
- Access to Legal Aid and community legal services (Stronger Communities)
- Road asset maintenance (Local Government)
- Investment in regional development

Three-year performance audit program by cluster

Whole-of-government/multi-agency - Performance audit

In addition to our planned cluster-specific performance audits, we plan to conduct the following multiagency performance audits. The specific agencies selected for inclusion in these audits will be identified during the preliminary scoping phase.



PLANNED AUDITS TO 2021-22

| Topic focus area | Brief overview |
|--|---|
| Land and property: the effectiveness of strategic property portfolio management, and the integrity of processes and outcomes for property acquisitions and disposals | The NSW Government owns and manages a significant amount of land, and is acquiring more in support of its infrastructure objectives. The NSW Government also regularly disposes of property assets that are no longer required or suitable for their original purpose. Property transactions undertaken by the NSW Government can involve compulsory acquisitions, expressions of interest in the open property market, and direct negotiations. The outcomes of these processes can have significant impacts on the community. They can also involve the exchange of significant sums of public money, and need to be managed within a robust strategic framework to reduce waste, promote transparency and accountability, and ensure the best use of public resources. This performance audit topic has a number of components that may be addressed in a series. Over the course of this work, we will consider significant property transactions, as well as the management and oversight of the Government's property portfolio, and the governance of entities that manage these processes, including Crown Lands, Landcom and Property & Development NSW (within the Department of Industry, Planning and Environment Cluster). |
| Performance audit insights: Key findings from 2018-2021 | This report will analyse the key findings and recommendations from performance audits tabled in the New South Wales Parliament between July 2018 and June 2021, spanning varied areas of government activity. The report will present common findings and lessons from the past three years of performance audits with particular focus on issues relating to the integrity and transparency of decision making and processes, as well as the fundamentals of good governance such as probity controls and record keeping. We will also use this report to help determine areas of unaddressed risk across all parts of government, and to shape our future audit priorities. |

Premier and Cabinet

The Premier and Cabinet cluster supports the Premier and the Cabinet to deliver the NSW Government's objectives. The cluster coordinates policy implementation and reform across government, manages the passage of significant legislation, supports the delivery of major projects and events, and leads intergovernmental relations. The cluster includes Aboriginal Affairs, arts and heritage functions.



PLANNED AUDITS TO 2021-22

| Topic focus area | Brief overview |
|--------------------------|---|
| Managing heritage assets | The NSW Government owns and manages a range of significant heritage assets across a number of government agencies. These assets include historic buildings, gardens, artefacts and Aboriginal places with heritage significance. This audit will consider whether these significant cultural assets and sites are being managed effectively and to the benefit of the community. This audit may examine how well the department oversees heritage asset management and the management and maintenance practices of a selection of agencies' portfolio of properties, relics and precincts. This audit may focus on assets in regional NSW, or Aboriginal cultural assets. |
| Jobs for NSW | Jobs for NSW is a statutory body established pursuant to the <i>Jobs for NSW Act 2015</i> . The intention was to utilise high level private sector business experience to drive the creation of new jobs, attract new businesses and facilitate economic development in NSW, through the provision of strategically targeted incentives from the \$190 million Jobs for NSW Fund. A target of 150,000 new jobs in the four years to 2020 was announced by the NSW Government. This audit will consider the effectiveness and efficiency of Jobs for NSW (and the Jobs for NSW Fund) in fulfilling its objectives. |

Premier and Cabinet (cont.)

PLANNED AUDITS 2022-23 TO 2023-24

| Topic focus area | Brief overview |
|---|---|
| Council amalgamations | <p>For the council amalgamations that took place in 2016, the NSW Government projected benefits would be realised over a 20-year period. The 2015 IPART Fit for the Future report found that reducing waste and red tape through local government mergers in metropolitan Sydney could free up to \$2.0 billion over 20 years for NSW ratepayers, which could stabilise council rates and fund new infrastructure for communities. It also quantified benefits available by merging selected regional councils.</p> <p>This audit will assess whether the NSW Government effectively planned for the amalgamations process, including whether advice supporting the decision to implement amalgamations was based on robust analysis and enabled an assessment of progress in achieving clearly-defined, long-term benefits.</p> |
| International engagement – trade and investment | <p>Investment NSW, a new NSW Government agency, was established in March 2021 with the 'mission' of enhancing the state's global position as a safe place to do business, attracting investment capital, and creating jobs. It brings together a number of groups from across government: Invest NSW, Global NSW, Destination NSW, Study NSW, Research and Development NSW, Office of the Chief Scientist & Engineer, and the Waratah Research Network from the Department of Education, as well as visas and migration, the COVID-19 recovery plan, 24-hour economy, exports from NSW and support for business. It aims to be a one-stop-shop for the private sector — intended to attract and grow Australian and global companies, overseas capital, talent, tourists and international students. This audit could assess the economic development framework being used by Investment NSW to underpin its functions, as well as the effectiveness and efficiency of the incentives structure it uses to create new jobs and support small business and its approach to managing potential conflicts of interest and competitive neutrality issues.</p> |

Treasury

The Treasury cluster is the NSW Government's principal financial and economic adviser. Its role is to drive economic strategy and oversee governance of the State's finances. The cluster comprises several entities, including Treasury Corporation (TCorp), icare (Insurance and Care NSW), SAS Trustee Corporation, Ports of Newcastle, Port Botany and Port Kembla Lessor Companies, and Restart NSW Fund, that reports large expenditures in relation to whole-of-state assets and liabilities.



PLANNED AUDITS TO 2021-22

| Topic focus area | Brief overview |
|--|---|
| Transport Asset Holding Entity (Treasury and Transport agencies) | Established 1 July 2020, Transport Asset Holding Entity (TAHE) is a statutory state-owned corporation that holds rail property assets, rolling stock and rail infrastructure in the Sydney metropolitan area and limited country location. TAHE makes these assets available to Sydney Trains and NSW Trains for their operations. It also provides rail infrastructure to other operators under the terms of track access agreements. This audit will examine whether TAHE's operating model is fit-for-purpose to effectively and efficiently achieve the outcomes intended by government, particularly in relation to rail safety, and the extent to which key milestones have been achieved in the transition from RailCorp to TAHE and post-July 2020. |
| Outcome budgeting (Treasury and selected agencies) | Outcome budgeting was announced in the 2017-18 Budget as a reform that aimed to deliver better outcomes for the people of NSW through increased transparency, accountability, and value for money. The reform has been rolled out over several years, with an initial focus on creating a framework, developing performance measures, and piloting the reforms with selected agencies. NSW Treasury is working with agencies to implement the initiative. This audit will examine how effectively NSW Treasury has overseen the implementation of outcome budgeting to ensure that the reform's policy goals are achieved. |

Customer Service

The Department of Customer Service cluster is a service provider, regulator, and central agency of government. It brings together a range of transactional services; digital, data and design; and regulatory and compliance activities covering both citizens and businesses across NSW. The role includes Cyber Security, as well as the use of data and behavioural insights to drive customer service improvements.



PLANNED AUDITS TO 2021-22

| Topic focus area | Brief overview |
|---|---|
| Building regulation – responding to combustible external cladding | <p>Following fires at the Lacrosse Building in Melbourne in 2014 and the Grenfell Tower in London in 2017, the NSW Government began implementing a coordinated, whole-of-government policy response to the fire safety risks posed by combustible external cladding. An inter-agency NSW Cladding Taskforce, led by the Department of Customer Service, was established to implement the Government's ten-point fire safety reform plan. This audit may examine how effectively the Department of Customer Service, Department of Planning and Environment, Fire and Rescue NSW, and local councils are implementing the NSW Government's fire safety reforms, including to:</p> <ul style="list-style-type: none"> • identify and remediate existing risks from the use of external cladding • prevent the future use of unsafe external cladding. |
| Government advertising | <p>Under the <i>NSW Government Advertising Act 2011</i>, the Auditor-General is required to undertake a performance audit on government advertising activities undertaken by agencies in each financial year. This audit will examine selected government advertising campaigns approved and/or conducted in 2020–21.</p> |
| NSW Telco Authority's Critical Communications Enhancement Program | <p>This audit will examine how efficiently and effectively the NSW Telco Authority is leading the improvement of emergency and day-to-day operational communications for NSW Government agencies through the CCEP, with particular reference to the five Emergency Service Organisations (NSW Police Force, NSW Ambulance, Fire and Rescue NSW, NSW Rural Fire Service and the NSW State Emergency Service). It will assess the extent to which the program's progress and achievements to date have addressed the most significant risk faced by these organisations.</p> |

Customer Service (cont.)

PLANNED AUDITS TO 2021-22

| Topic focus area | Brief overview |
|---|---|
| Cyber Security NSW | Established in May 2019, Cyber Security NSW aims to build stronger cyber resilience across the whole-of-government by providing an integrated approach to preventing and responding to cyber security threats. The audit could examine the effectiveness and efficiency of Cyber Security NSW in safeguarding information, assets and services through its stated mandate. |
| Effectiveness of the land titles registry | Australian Registry Investments (trading as NSW Land Registry Services) was granted the right to operate the titling and registry operations of New South Wales in April 2017, under a 35-year concession which commenced on 1 July 2017. The NSW Government continues to guarantee title under the Torrens Assurance Fund (TAF). The Office of the Registrar General regulates NSW LRS as the operator of the NSW land titles registry under a regulator operator model. This audit could examine how effectively the Registrar General monitors NSW LRS's operation of the land titles registry in respect of defined service levels, KPIs and the integrity and security of the data in the register. |

Customer Service (cont.)

PLANNED AUDITS 2022-23 TO 2023-24

| Topic focus area | Brief overview |
|--|--|
| Building regulation – regulating to prevent building defects | <p>In response to high-profile examples of building defects, the NSW Government responded to heightened community concerns through a range of building regulation reforms. The reforms include the <i>Design and Building Practitioners Act 2020</i> and the <i>Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020</i>. The reforms have or will come into force progressively from mid-2020 through to July 2021. This regulatory reform will make a range of changes to building regulation, including:</p> <ul style="list-style-type: none"> greater consumer protections for owners' corporations, including a retrospective ten-year statutory duty owed to them by builders and developers to exercise reasonable care to avoid defects requirements for designers, builders, professional engineers, and others carrying out specialist work to be registered as practitioners with the Department of Customer Service (the Department) stronger investigation and enforcement powers for the Department and the newly established Building Commissioner, including to take disciplinary action against registered practitioners, issue 'stop work' orders, and require written undertakings from developers to remediate defective work. <p>This audit may examine how effectively the department, including the Office of the Building Commissioner, has implemented these reforms to meet the intent of the legislation, and in a manner consistent with good regulatory practice.</p> |
| Digital Restart Fund | <p>NSW Government agencies rely on information and communications technology (ICT) to assist in delivering services. In NSW, more than 40 million transactions are performed by the government for customers each year. Consumers and businesses expect continuous service improvements from government in the same way they do from any service provider. The NSW Government aims to use technology and data to better integrate government services and massively improve the quality and level of services available. The Digital Restart Fund (the fund) was established in 2019 to accelerate whole-of-government digital transformation and enable iterative, multi-disciplinary approaches to digital/ICT planning, development and service provision and complements existing ICT investment approaches. In 2020, there was \$1.6 billion available in the fund. This audit would assess the governance and administration arrangements for the fund and whether it will achieve its objectives.</p> |
| Revenue NSW Hardship Policy | <p>The intention of this policy is to assist people that have a debt with Revenue NSW and are experiencing economic hardship, including those affected by natural disasters and COVID-19. The policy also applies to people experiencing homelessness, or who are considered vulnerable due to mental illness, an intellectual disability or cognitive impairment, domestic violence, or substance misuse. This audit will consider effectiveness the policy in meeting its objectives and efficiency in the administration of this policy.</p> |

Transport

The Transport cluster plans and delivers infrastructure and integrated services across all modes of transport, including road, rail, bus, ferry, light rail, cycling. The cluster aims to contribute to economic growth in New South Wales by delivering integrated services, managing assets, and improving the transport system to enable the safe, efficient and reliable movement of people and goods.



PLANNED AUDITS TO 2021-22

| Topic focus area | Brief overview |
|---|--|
| Transport Asset Holding Entity (Transport and Treasury) | Established 1 July 2020, Transport Asset Holding Entity (TAHE) is a statutory state-owned corporation that holds rail property assets, rolling stock and rail infrastructure in the Sydney metropolitan area and limited country location. Transport Asset Entity (TAHE) makes these assets available to Sydney Trains and NSW Trains for their operations. It also provides rail infrastructure to other operators under the terms of track access agreements. This audit will examine whether TAHE's operating model is fit-for-purpose to effectively and efficiently achieve the outcomes intended by government, particularly in relation to rail safety, and the extent to which key milestones have been achieved in the transition from RailCorp to TAHE and post-July 2020. |
| Use of data in transport | Planners and managers in NSW's transport system rely on accurate data to ensure the system runs effectively and to the satisfaction of its customers. Good data is also important to citizens as it helps to drive accountability and transparency. Reliable data are also needed to ensure that future transport needs are identified, to ensure that infrastructure and service planning can take place. This audit may examine how effectively and efficiently Transport for NSW collects, analyses and uses relevant data for its operations and/or future transport modelling (for example: estimate and predict travel demand, identify opportunities for innovation and service improvement, quantify service reliability, inform infrastructure planning, and evaluate the effectiveness and efficiency of all modes of transport across NSW). |
| Unsolicited proposal for the Martin Place metro station | Sydney Metro is Australia's biggest public transport project. From the north-west, metro rail is being extended under Sydney Harbour, through new underground city stations and beyond to the south-west. This audit may consider whether: <ul style="list-style-type: none"> the unsolicited proposal was effectively assessed, planned and managed (including benefits realisation) any land acquisitions relating to the project were managed effectively. |
| Road safety | In 2021, the NSW Government set a state priority target to reduce road fatalities by 30 per cent by 2021 (from 2008 to 2010 levels) and launched a new road safety plan 'Toward Zero'. The plan features targeted initiatives intended to meet road safety goals, by addressing key trends, trauma risks and the types of crashes occurring on NSW roads. This audit may examine progress to date and review the effectiveness of the design and implementation of select initiatives. |

Transport (cont.)

PLANNED AUDITS 2022–23 TO 2023–24

| Topic focus area | Brief overview |
|---|---|
| The DRIVES system | <p>The Driver and Vehicle IT System (DRIVES) is the central system for motor vehicle registration and driver licensing in NSW, including collecting associated revenue and recording driving infringements. The DRIVES has increasing data processing needs and has a widespread impact on various agencies.</p> <p>This audit may examine how DRIVES data is managed and used, including the management and security of sensitive information.</p> |
| Privatisation of services | <p>In New South Wales, Transport for NSW (TfNSW) contracts private companies to operate some public transport services. This performance audit will consider Transport for NSW's approach to the privatisation of bus services. It may assess whether the goals of privatisation were well defined and whether benefits were realised.</p> |
| Natural disaster preparedness and responses | <p>Many agencies, including those in the Transport cluster, have funding allocated to respond to natural disasters. This can include events such as bushfires and severe weather conditions (such as flooding or storms) that can impact directly on transport infrastructure as well as affecting local communities and the economy. This audit will consider how effectively TfNSW applies this funding to prepare for, respond to, and recover from natural disaster events.</p> |
| Transport's environmental focus | <p>The former Roads and Maritime Services released an Environmental Sustainability Strategy 2019–2023 (the strategy), which outlined focus areas to address the most important environmental and sustainability issues associated with its activities. It also identifies how targets and measures for each focus area. This audit may consider how effectively and efficiently Transport for NSW is achieving the objectives of the strategy and identify lessons learned for other government agencies who are developing similar strategies.</p> |

Education

The Education cluster delivers and regulates education and training services for NSW students, workers and industry. This includes the early childhood education and care sector, government and non-government schools, and the vocational education and training sector.



PLANNED AUDITS TO 2021-22

| Topic focus area | Brief overview |
|--|--|
| COVID Intensive learning support program | This \$337 million program will employ up to an additional 5,500 staff to deliver small group teaching sessions across the State during 2021. The program aims to support students who were disadvantaged by school closures due to COVID-19. An audit in this area will focus on the justification for the program as well as planning and implementation. It could also consider whether the Department of Education has put in place arrangements to evaluate the impact of the program, which may take several years to be fully evident. |
| Student attendance | Poor attendance at school is related to poor student outcomes, particularly once patterns of non-attendance have been established. It is important that schools have reliable procedures and systems that record student attendance accurately to enable schools to identify whether any interventions or additional support is required. Poor attendance is a particular issue for Aboriginal students, where there is a gap in attendance of five percentage points in primary school which increases to 15 percentage points by year ten. An audit in this area could consider whether the Department has comprehensive information on student information and uses this information to inform effective strategies that address the needs of high-risk groups. |

Education (cont.)

PLANNED AUDITS 2022–23 TO 2023–24

| Topic focus area | Brief overview |
|--|--|
| Security of student information | Schools collect and maintain detailed student data, including sensitive personal information. Schools can also require or encourage students to use third party software applications for learning and other school related activities. This audit will examine how effectively schools ensure student data is secure – both within their own systems and when provided to third parties. |
| Student behaviour management | Around four per cent of public school students received a short-term-suspension in 2019. Aboriginal students and students with a disability or other complex needs are over-represented in these data. The NSW Ombudsman found gaps in the approach to behaviour management in a 2017 report. Since then, the department released a new Student Behaviour Strategy (the strategy) in March 2021. Our performance audit on this issue will consider the Department's progress since the Ombudsman's report and whether the new strategy is meeting its intended objectives. |
| Teacher and principal wellbeing | According to the 2020 People Matter Employee Survey, only 44 per cent of teachers agreed they were able to keep their work stress at an acceptable level. This performance audit will explore how effectively the department is ensuring the wellbeing of teachers and principals. The audit may look at issues such as bullying, support to respond to challenging student behaviour, workplace compensation claims, absenteeism, and management of complaints. |
| Literacy and numeracy in NSW schools | The Literacy and Numeracy Strategy 2017–2020 (the strategy) was a four-year plan to support the quality teaching of literacy and numeracy across NSW schools. Targeted strategies included early years intervention, guidance on explicit teaching and diagnostic assessments, more support in secondary schools, additional training for teacher education students, and evaluation to focus effort on what works. An audit in this area could consider whether the key elements in the strategy were implemented well, and whether the strategy was successful in improving education outcomes in the targeted areas. |
| Planning for curriculum change | In June 2020, the NSW Government released a comprehensive review of the school curriculum. The review recommended a new curriculum be introduced from Kindergarten to Year 12. Given the extent of recommended changes, the review stated that 'the new curriculum arrangements will need to be phased in over an extended period of time, and teachers will need to be provided with professional development and support'. The NSW Government has set an ambitious reform timeline, with the new curriculum to be implemented by 2024. This audit may examine how the NSW Education Standards Authority and the Department of Education are co-ordinating planning to successfully implement changes to the school curriculum. |
| Vocational education and training in schools | Vocational education and training (VET) courses can help students prepare for further education, training or employment. Students in NSW have the option of studying VET courses at school or through TAFE NSW or other training providers. The number of VET in school students in NSW fell from around 54,100 to 46,900 between 2015 and 2019. The NSW Curriculum Review report (2020) raised concerns about the cost, complexity and variable quality of VET in schools. This audit could examine whether students can access the courses they want, and the support and oversight of quality provided by the department. |

Education (cont.)

PLANNED AUDITS 2022-23 TO 2023-24

| Topic focus area | Brief overview |
|---|---|
| Supporting successful transitions between school and work | After leaving school, young people are particularly vulnerable in the labour market. In January 2021, the New South Wales youth unemployment rate (13 per cent) was twice that of the working age population (six per cent). In some regions of New South Wales, the youth unemployment rate is over 20 per cent. In 2014, the New South Wales Public Accounts Committee recommended the department evaluate the quality and appropriateness of career advice provided in schools to support successful transitions to work. An audit could examine whether the availability and quality of career advice has improved since that time. |
| Supporting students in remote areas | In terms of aggregated results, students in rural and remote areas of New South Wales underperform on major educational indicators when compared to students in metropolitan locations. Students in rural and remote areas also have lower attendance rates and engagement and are less likely to transition to further study. This audit will consider the effectiveness of the Department of Education's (the department) initiatives to reduce the gap in educational outcomes between rural and remote students and metropolitan students. |
| Supporting students with a disability | We last reported on this topic in 2016, which was followed by a NSW Parliamentary Inquiry in 2017. Both reports found significant shortcomings and recommended broad changes to the department. In response, the department launched a new disability strategy in 2019. An audit in this area could examine how well the department has implemented the 2019 Disability Strategy and whether it has addressed the findings made in the 2016 and 2017 reports. |
| Early childhood education | Children who participate in a quality early childhood education program are more likely to arrive at school equipped with the social, cognitive and emotional skills they need to engage in learning. We last reported on this topic in 2016 and recommended the department improve targeting of funding and efficiency of regulation. An audit in this area could examine how well the department supports universal access to quality early childhood education services. This could focus on regulatory oversight and grants administration. |
| Before and after school care | Before and after school care (BASC) services operate in more than 800 public schools in New South Wales as well as another 930 offsite locations. In April 2019, the NSW Government announced \$120 million to expand access to and reduce the cost of BASC. This funding includes \$50.0 million for new equipment and facility expansions and \$40.0 million for rental subsidies to service providers who can demonstrate savings have been passed on to families. This audit will consider how effectively the department has administered the BASC funding program to meet the government's objectives. |

Health

The Health cluster works to protect, maintain and improve the health and wellbeing of residents in New South Wales. It is also currently overseeing a significant investment in new capital works and renewal. The Health cluster takes in the Ministry of Health, as well as Local Health Districts and Speciality Networks, the 'Pillar' agencies, state-wide health services – such as Ambulance – and shared services.



PLANNED AUDITS TO 2021-22

| Topic focus area | Brief overview |
|---|---|
| Managing information security risks in NSW Health | NSW Health, primarily through Local Health Districts, manages large volumes of patient information. Clinicians in busy hospital environments require timely access to data and systems to effectively treat patients. Increased accessibility may in turn increase the risk of poor data and system security practices. Recent experience in other jurisdictions has also demonstrated that operational assets that are controlled using technology may be targeted for cyber attacks. All NSW Health organisations must comply with the NSW Government's Cyber Security Policy, as well as with NSW Health's own policy directive on electronic information security. This audit could assess how effectively NSW Health, particularly Local Health Districts and eHealth NSW, is ensuring the security of electronic information and systems used for patient care. |
| Ambulance demand management | New South Wales has experienced periods of high demand for ambulance services in metropolitan areas and ambulance services have needed to meet surges in demand. New South Wales has implemented strategies to manage its emergency responses, including the Sydney Ambulance Metropolitan Infrastructure Strategy that aims to reshape operations in metropolitan Sydney, transforming the majority of the 43 ambulance stations in the area into a network of NSW Ambulance superstations. This \$184 million program has created ambulance hubs that are supported by smaller, standby stations called Paramedic Response Points. This audit could assess impacts of this and other strategies in meeting demand for ambulance services and improving ambulance response times. |
| Virtual health care | Virtual health care, also known as telehealth, safely connects patients with health professionals to deliver care when and where it is needed. It complements face-to-face care. The COVID-19 Recovery Plan details a range of NSW Government recovery responses including a planned focus for NSW Health that involves a further rollout of digitization and virtual services across the state. Virtual health care services received a major boost during the 2020 COVID-19 pandemic. Patients and clinicians embraced the service with a 700 per cent increase in February to May 2020 compared with the same period in 2019. This audit may examine the use of virtual care services, where clinically appropriate, and NSW Health's focus on sustainably embedding the virtual care model. |

Health (cont.)

PLANNED AUDITS 2022-23 TO 2023-24

| Topic focus area | Brief overview |
|--|---|
| Access to specialist paediatric services | In the early stages of life, the health and wellbeing of children is monitored by clinicians at child and family health care centres or by GPs. If a clinician suspects that a child needs further assessment for a health condition, they will make a referral to a specialist paediatric service. Extended wait times for publicly funded specialist services can delay access to assessments, treatments and to NDIS funded support. This audit may assess the availability of specialist paediatric services and wait times for services across metropolitan, regional and rural areas. |
| Health workforce planning | Workforce planning has the potential to influence the effectiveness of the entire New South Wales hospital system. Governments are responsible to ensure the availability of a capable and qualified nurse and medical workforce to staff NSW Health's public hospitals. There are challenges across the country in sourcing staff with some clinical specialties. This is particularly acute in regional and rural areas. NSW Health needs assurance that nurse and medical staff are sufficient in numbers and appropriately qualified to service the current and future requirements. This audit may assess the effectiveness of workforce planning to supply sufficient health staff, with a particular focus on regional, rural and remote areas. |
| Value-based health care | In New South Wales, value-based healthcare aims to deliver care that improves health outcomes that matter to patients, experiences of receiving care, experiences of providing care and the effectiveness and efficiency of care. NSW Health is progressively implementing value-based healthcare by piloting, scaling and embedding state-wide priority programs and developing a range of system wide enablers including the Leading Better Value Care, Integrated Care and Commissioning for Better Value programs. This audit could assess how effectively NSW Health are implementing value-based healthcare. |
| Community-based mental health care | Increasing numbers of people are presenting at hospital emergency departments requiring treatment during an acute mental health episode. Over the past ten years, a higher volume of mental health presentations has increased stress on hospital emergency department personnel and resources. NSW Health has a range of community mental health services and programs, including the statewide Community Living Supports program to support people to live with mental illness in the community. This audit could consider NSW Health's actions to enhance community-based mental health care through coordination and integration of community care with other services and non-government providers, as well as actions to enhance telehealth and community mental health workforce planning. |

Health (cont.)

PLANNED AUDITS 2022-23 TO 2023-24

| Topic focus area | Brief overview |
|--------------------------------|--|
| NSW Immunisation Program | The NSW Immunisation Program provides the community of New South Wales with protection against a range of preventable diseases. With the roll out of the Commonwealth COVID vaccination program, there is potential to assess the role of NSW Health in contributing to the COVID vaccination program, as well as NSW Health's actions to maintain its ongoing vaccination programs. This audit could consider NSW Health's actions to cooperate with the Commonwealth and primary health agencies in COVID vaccinations, as well as its actions to implement the NSW vaccine programs and maintain health information and vaccine promotion activities. |
| Health e-Net and e-MR projects | Health e-Net aims to connect disjointed information systems across a range of health agencies, providing clinicians with secure and immediate access to patient medical histories. Health e-Net includes the Health e-Net Clinical Portal; My Health Record; and Secure Messaging to GPs. The aim of the program is to improve communication between hospitals, community and private healthcare organisations by sharing patient information electronically. This audit could assess the effectiveness of the implementation of the range of e-record systems across Local Health Districts and Specialty Health Networks. |

Stronger Communities

The Stronger Communities cluster delivers community services to support a safe and just New South Wales. It aims to support safer and stronger communities by protecting children and families, promoting public safety, breaking the cycle of reoffending, and promoting physical activity and participation in organised sport, recreation and events. The police, courts, correctives, child protection and emergency services help keep citizens safe. Rule of law, affordable housing, assistance for people with disability and initiatives to reduce domestic and family violence, all help to build strong and supportive communities across New South Wales.



PLANNED AUDITS TO 2021–2022

| Topic focus area | Brief overview |
|--|---|
| NSW Trustee and Guardian | NSW Trustee and Guardian provides financial management and legal guardianship services for over 33,000 clients who are unable to manage their own affairs. Our previous reports to Parliament have identified a need to set performance indicators and targets for the cost and quality of the services NSW Trustee and Guardian provides to the community. This audit may consider whether NSW Trustee and Guardian effectively provides trustee and guardianship services to the satisfaction of its clients. |
| Rural Fire Service preparedness and capability | The NSW Rural Fire Service (RFS) is responsible for the prevention, mitigation and suppression of fires in rural fire districts. It is the lead combat agency for bush and grass fires in New South Wales. Following the 2019–20 bushfire season, the NSW Government allocated funding of \$700 million for the RFS. The NSW Bushfire Inquiry into the 2019–20 bushfire season recommended improvements to RFS's technology, data collection and analysis, communication infrastructure, equipment, fleet, and aviation assets and support to personnel. This audit may examine the effectiveness of RFS preparedness and capability to respond to bushfires. |
| Access to Legal Aid and community legal services | Legal Aid NSW and non-government community legal centres (CLCs) provide free legal assistance services across the state, particularly to people experiencing economic hardship, social disadvantage or discrimination. Previous national and state reviews have found unmet demand for legal assistance services and specific service gaps, and made recommendations for adequate and stable funding. In 2019–20 the NSW Government provided \$224 million in funding to Legal Aid NSW for legal assistance services, and an additional \$88.0 million to enable Legal Aid NSW to increase hourly rates for private lawyers in line with other states and territories. This audit may consider how accessible Legal Aid NSW and CLCs services are, and how effectively they are prioritising their services to meet demand. |

Stronger Communities (cont.)

PLANNED AUDITS 2022–23 TO 2023–24

| Topic focus area | Brief overview |
|--------------------------------------|---|
| Child protection systems | <p>Children and young people deserve to be protected from abuse and neglect and have the best possible start in life. Once a child has been reported at 'risk of significant harm', child protection practitioners are charged with supporting families to create change and provide safer homes for their children. The number of 'risk of significant' harm reports have been increasing in recent years. Decreasing the proportion of children and young people re-reported at risk of significant harm by 20 per cent by 2023 is a Premier's Priority, led by the Department of Communities and Justice (the department). This audit may focus on the access, timeliness and quality of the department's child protection responses, including resourcing and demand modelling; triaging and allocation; capacity and capability of staff; and completeness and accuracy of relevant data.</p> |
| Future Directions for Social Housing | <p>The 2016 Future Directions for Social Housing strategy sets out the NSW Government's ten-year vision for social housing. The \$1.0 billion Social and Affordable Housing Fund is a key initiative under Future Directions and is expected to provide 3,400 new social and affordable dwellings by the end of 2023. The 2020–21 State Budget allocated a further \$812 million for new and upgraded social housing across New South Wales. This is intended to deliver a further 1,280 new social homes and Aboriginal housing, place-based redevelopment projects at some existing housing estates, and upgrades to over 3,500 social housing dwellings. This audit may consider:</p> <ul style="list-style-type: none"> the effectiveness of the implementation, monitoring and outcomes evaluation for initiatives under the Future Directions strategy and the additional funding whether the planning of major social and affordable housing projects is supported by sound evidence to effectively meet the needs of people in housing stress the effectiveness of the transfer of housing to community providers and the governance surrounding these arrangements (follow up of 2015 audit). |
| Aboriginal Outcomes Strategy | <p>The Aboriginal Outcomes Strategy 2017–2021 sets out the Department of Communities and Justice (the department) plan to deliver outcomes for First Nations people across its different services. Targets include increased access to early intervention for Aboriginal families, reduced overrepresentation of Aboriginal children and young people in out-of-home care, improved economic and social outcomes for Aboriginal social housing clients, increased number of Aboriginal staff and increased engagement with disability services. This audit may consider whether the department is effectively working with First Nations leaders, families and staff to: establish and sustain governance arrangements to drive strategy and program implementation; monitor outcomes; and adjust where necessary.</p> |

Stronger Communities (cont.)

PLANNED AUDITS 2022-23 TO 2023-24

| Topic focus area | Brief overview |
|---|--|
| Managing offenders in the community | An offender may be placed on a diverse range of community-based court orders in New South Wales. Conditions may include home detention, electronic monitoring, curfews, community service work, alcohol/drug bans, place restrictions or non-association requirements. NSW Government reforms in September 2018 aimed to increase the proportion of offenders sentenced to supervised community-based orders and reduce the proportion of offenders serving short prison sentences. These have increased the number of offenders on supervised community orders from around 39,000 at the introduction of the reforms to more than 59,000 as at 31 January 2020. There were also large drops in the NSW prison population in the second quarter of 2020 during COVID-19, due in part to an increase in custodial discharges as people were released from remand to wait for their court case in the community. This audit may look at the effectiveness and efficiency of managing offenders on community-based orders and alleged offenders on remand in the community and may follow on from our 2019 report examining responses to growth in the prisoner population. |
| Community services portfolio management | This performance audit could take a broad view of how programs and services are targeted within the Community Services portfolio of the Department of Communities and Justice (the department). This may include an examination of demand modelling, workforce planning, evaluation and data, and other evidence for the department's decisions on service planning, funding and delivery including piloting, decommissioning and reprioritisation. |
| Victims services | The <i>Victims Rights and Support Act 2013</i> establishes standards for the appropriate treatment of victims of crime. It is administered by a division within the Department of Communities and Justice (the department), and overseen by the Commissioner of Victims Rights, a senior executive in the department. Victims services provides support, information, referrals, counselling and compensation to victims, their families, and witnesses to violent crimes, as well as to families and friends of missing people. The Commissioner is also responsible for ensuring compliance with the Charter of Victims Rights by government and government-funded agencies. Changes were made to the claim process for the Victims Support Scheme in 2020 and a statutory review of the legislation is commencing in 2021. This audit may consider the efficiency and effectiveness of Victims Services including accessibility, service delivery and data quality. |

Planning, Industry and Environment

The Planning, Industry and Environment cluster is responsible for improving the liveability, prosperity and sustainability of the State. The clusters include the security and affordability of water and energy, building sustainable communities with adequate public spaces, job creation and industry development, and environmental conservation.



PLANNED AUDITS TO 2021–22

| Topic focus area | Brief overview |
|--|--|
| ePlanning portal | The NSW planning portal has been rolled out in a staged approach to councils from May 2018 and aims to increase efficiency and provide greater transparency across the planning process through an online portal. All councils were required to commence using the portal from 1 January 2021 and to process 100 per cent of planning applications using the portal from 1 July 2021. This audit will focus on whether the ePlanning program has realised its intended benefits related to efficiency, transparency and collaboration and whether the rollout process to councils has been implemented in a successful and timely way. |
| The effectiveness of local government regulation and support | The Department of Planning, Industry and Environment (the department), is the primary department with policy, legislative, investigative and program functions for local government matters in New South Wales. It provides regulation, monitoring and support for local government. It is the key adviser to the NSW Government and Minister for Local Government for Local Government matters. This audit may consider whether the Department of Planning, Industry and Environment effectively regulates, monitors and supports the local government sector in New South Wales. |
| Biodiversity offsets | The Biodiversity Offsets Scheme intends to create a transparent, consistent and scientifically based approach to biodiversity assessment and offsetting for development that is likely to have a significant impact on biodiversity. This audit may examine the effectiveness of the scheme's design and implementation and examine issues such as whether the scheme is trading 'like for like', the management of 'in-perpetuity' agreements and the management of conflicts of interest. |
| Coastal management reforms (also in selected local councils) | The coast is one of our greatest assets in New South Wales, and home to nearly 85 per cent of the state's population. It is a diverse landscape with considerable natural, cultural, and economic value. The NSW Government has established a new framework to manage the coastal environment in a sustainable way for the wellbeing of the people of New South Wales. This framework includes the <i>Coastal Management Act 2016</i> , the State Environmental Planning Policy (Coastal Management) 2018, and support and funding to local councils for their coastal management programs. A performance audit on this topic could assess how effectively the department has overseen and implemented key elements of this reform package, and how effectively coastal councils have delivered coastal management programs. |

Planning, Industry and Environment (cont.)

PLANNED AUDITS 2022–23 TO 2023–24

| Topic focus area | Brief overview |
|--|--|
| Threatened species protection | <p>There are 1,025 threatened species and 112 threatened ecological communities in NSW. These numbers continue to rise, with pests and weeds, habitat loss and climate change as some of the key threatening processes. The 2019–20 bushfires in NSW were some of the worst in recorded history, and bushfires are also expected to become more frequent and severe.</p> <p>The department administers legislation and programs to protect biodiversity, including threatened species and ecological communities. Immediately following the 2019–20 bushfires, the department took action to maximise the survival of affected species, and since then developed the 2021 Wildlife and Conservation Recovery Bushfire Medium-term Response Plan to support biodiversity. An audit on the topic of threatened species protection may consider the development and early implementation of this bushfire response plan, with a focus on its integration with the department's existing threatened species programs (such as Saving our Species), and its capacity to monitor the effectiveness of its investments.</p> |
| Precinct planning (also in selected local councils) | <p>Precinct planning requires multiple government agencies to work together to deliver positive outcomes for communities. They aim to deliver 'a planned approach to growth in Sydney, with new homes and jobs located close to public transport, shops and services, while retaining and enhancing a community's character'. New priority precincts were announced in July 2017. This audit will consider how effectively the department coordinates other responsible government entities to deliver on this objective.</p> |
| Water management and regulation | <p>Water regulation, including licensing and water sharing plans, aim to achieve sustainable environmental, economic and social outcomes from the management of water resources. Reforms have been made to strengthen regulation, compliance and enforcement. This audit may examine how well the department has undertaken requirements under the <i>Water Management Act 2000</i>, responded to and implemented the recommendations from reviews into water licencing, regulation and theft. We plan to conduct this piece of work as part of a multivolume series on the theme of water.</p> |
| State infrastructure contributions and voluntary planning agreements | <p>A recent audit focused on local infrastructure contributions collected and spent by local councils. We found that increasing balances were present in councils that did not have strong governance over the funds. The state government also collects developer contributions, often through voluntary planning agreements. The balance of these contributions is growing. The audit will examine governance over these contributions and transparency over how contributions are levied and spent.</p> |
| Planning and delivery of major water infrastructure projects | <p>In October 2019, the NSW Government announced a major upgrade of the Wyangala Dam in the state's Central West, build the Mole River Dam in the Border Rivers region and replace the Dungowan Dam near Tamworth. This was a part of the NSW Government's response to prolonged drought in the state. Water NSW is a state-owned corporation that is responsible for managing each of these projects.</p> <p>This audit will examine the planning and management of one or more of these projects and may include a focus on the assessment of costs and benefits and the management of the cost of the projects.</p> |

Regional NSW

The Regional NSW Cluster was established in early 2020, and is charged with coordinating support for the people, businesses and farmers in regional areas. It will deliver recent bushfire and COVID-19 stimulus, and industry recovery packages, along with the NSW Government's drought initiatives, the \$1.7 billion Regional Growth Fund, and the \$4.2 billion Snowy Hydro Legacy Fund.



PLANNED AUDITS TO 2021-22

| Topic focus area | Brief overview |
|---|---|
| Grants administration for disaster relief: bushfire recovery grants (also including Resilience NSW) | In response to the 2019–20 bushfires, The Bushfire Local Economic Recovery (BLER) Package was established as part of the \$4.4 billion bushfire support program co-funded by the Commonwealth and the NSW Government for bushfire recovery, response and preparedness in New South Wales. BLER funding is intended to support job retention and creation in bushfire impacted regions, strengthen community resilience and reduce the impact of future natural disasters. An audit in this area will consider whether applications are being assessed and funds are being distributed in accordance with program objectives and guidelines. The audit could also look at the efficiency of grants administration and whether funds have been distributed and received in a timely manner. |
| Special Activation Precincts | Special Activation Precincts are a new way of planning and delivering industrial and commercial infrastructure projects in dedicated areas in regional NSW, by bringing together planning and investment support services. The creation of Special Activation Precincts is delivered as part of the \$4.2 billion Snowy Hydro Legacy Fund. Seven areas have been identified: Parkes, Wagga Wagga, Snowy Mountains, Moree, Williamtown and Narrabri. This audit may select one or more Special Activation Precincts and examine how the state government and local council are working together to deliver the anticipated outcomes. |
| Investment in regional development | In 2017, the NSW Government announced a Regional Development Framework which provides a scaffold for better coordination, decision making and effort on the ground. The NSW Government recognised the need to be more strategic and better coordinated if it is to make a difference, particularly in addressing some of the serious issues facing regional New South Wales such as pockets of youth unemployment, social disadvantage, changing economic opportunities and increased competition. This audit will consider whether regional development and grant programs are well coordinated and delivering improvements. Grants programs of interest include Regional NSW's growth and infrastructure funds, such as the Snowy Hydro Legacy Fund, and funds for tourism, jobs and community amenity. It may be performed as a standalone topic or as part of a place-based audit and may also consider the role of the Department of Planning, Industry and Environment. |

Local Government

New South Wales has 128 local councils servicing a specific geographic area, and ten county councils formed for specific purposes, such as water supply management or the eradication of noxious weeds. Each council provides a unique range of services to meet its communities' needs. The mix is influenced by a range of factors including population density, demographics, the local economy, and geographic and climatic characteristics.



PLANNED AUDITS TO 2021–22

| Topic focus area | Brief overview |
|---|--|
| Effectiveness of financial management and governance in selected council(s) | Under the <i>Local Government Act 1993</i> (the Act), councils must apply sound financial management principles that require responsible and sustainable spending and investment, and ensure that future decisions consider intergenerational effects and equity. This audit will consider one or more councils, and examine how these principles are effectively applied in the councils' financial and asset management, funding decisions and risk management practices, and may examine how councils' expenditure and investment decisions have complied with the Act. |
| Development assessment processes in local councils: assessment stage | <p>The development assessment process is used to assess formal applications for development that require consent under the <i>NSW Environmental Planning and Assessment Act 1979</i>. Applications are usually lodged with the relevant local council for processing and determination. Guidance from the NSW Department of Planning, Industry and Environment (DPIE) describes the development assessment process in five stages: pre-lodgement, lodgement, assessment, determination and issuing construction certificates. In 2018–19, we completed an audit that focused on the 'pre-lodgement' and 'lodgement' stages of the development assessment process at two local councils.</p> <p>This audit could assess the extent to which the 'assessment' stage at selected local councils aligns with relevant legislation and relevant guidance from DPIE and the Independent Commission Against Corruption.</p> |
| Coastal management (also in planning, industry and environment) | The coast is one of our greatest assets in NSW, and home to nearly 85 per cent of the State's population. It is a diverse landscape with considerable natural, cultural, and economic value. The NSW Government has established a new framework to manage the coastal environment in a sustainable way for the wellbeing of the people of NSW. This framework includes the <i>Coastal Management Act 2016</i> , the State Environmental Planning Policy (Coastal Management) 2018, and support and funding to local councils for their coastal management programs. A performance audit on this topic could assess how effectively DPIE has overseen and implemented key elements of this reform package, and how effectively coastal councils have delivered coastal management programs. |

Local Government (cont.)

PLANNED AUDITS 2022-23 TO 2023-24

| Topic focus area | Brief overview |
|--|---|
| Road asset maintenance | New South Wales has over 144,000 km of roads across its network. This audit will have a focus on regional roads and will build on lessons learned in our 2014 audit on Regional Road Funding and our 2018 audit on Road Maintenance Contracts. The audit may consider how effectively and efficiently local councils plan for, and manage, their road assets including maintenance activities, rehabilitation and rebuilding roads at the end of their useful life. |
| Cyber security | The increasing global interconnectivity between computer networks has dramatically increased the risk of cyber security incidents. Such incidents can harm local government service delivery and may include the theft of information, denial of access to critical technology, or even the hijacking of systems for profit or malicious intent. This audit will consider how well selected councils ensure they have effective cyber security measures in place. |
| Precinct planning (also in Planning, Industry and Environment) | Precinct planning requires multiple government agencies to work together to deliver positive outcomes for communities. They aim to deliver 'a planned approach to growth in Sydney, with new homes and jobs located close to public transport, shops and services, while retaining and enhancing a community's character'. New priority precincts were announced in July 2017. This audit will consider how effectively the Office of Local Government (OLG) coordinates other responsible government entities to deliver on this objective. |
| Managing the code of conduct | In August 2020, the OLG released a model code of conduct for council officials which covers topics including bullying and harassment, pecuniary interests and managing conflicts of interest. Section 440 of the <i>Local Government Act 1993</i> requires every council to adopt a code of conduct that incorporates the provisions of this model code. An audit could look at the compliance of councils' codes of conduct against this model code, the effectiveness of their implementation and the effectiveness of complaint handling. It could focus on one or more of the issues covered by the code including bullying and harassment, managing conflicts of interest and disclosure of pecuniary interests. It could also consider the OLG's role to provide oversight, right of review and support functions under the model code. |

Local Government (cont.)

PLANNED AUDITS 2022-23 TO 2023-24

| Topic focus area | Brief overview |
|--|--|
| Performance management and monitoring | Councils need to be transparent and accountable to the public about their operations and performance, and ensure they deliver in line with community expectations. All councils in New South Wales should have adopted the Integrated Planning & Reporting (IP&R) framework by June 2012. This framework ensures councils' delivery of programs and operational plans are aligned with community priorities. Councils are to report on their performance in their annual reports. This audit could examine councils' compliance with IP&R Guidelines and could also examine how the OLG has supported councils through the development of a performance measurement framework and delivered direct support to rural councils. This audit would follow on from our 2018 performance audit which reviewed the annual reports of all local councils to look at the performance of a select number of councils in depth. |
| Audits of issues within a particular council | From time-to-time the Auditor-General receives requests for special reviews or is alerted to matters of concern from the public in relation to individual councils. We will consider these requests and may carry out a performance audit on a single council including their efficiency, effectiveness, economy or compliance with laws. Issues under consideration in such an audit could include the effectiveness of financial and performance management, governance, legislative compliance and the effectiveness of service delivery. This audit could also assess how well councils that supply water and/or sewer services are managing these. |

Professional people with purpose

OUR VISION

Our insights inform and challenge government to improve outcomes for citizens.

OUR PURPOSE

To help parliament hold government accountable for its use of public resources.

OUR VALUES

Pride in purpose
Curious and open-minded
Valuing people
Contagious integrity
Courage (even when it's uncomfortable)



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**Report No. 4.5 Audit, Risk and Improvement Committee
Performance Assessment**

Directorate: Corporate and Community Services

Report Author: Alexandra Keen, Audit, Risk & Improvement Coordinator

5 **File No:** I2021/1297

Summary:

10 The Chair of the Audit, Risk, and Improvement Committee (ARIC) would like members to reflect on the performance of, pursuant to the obligation under clause 10 of the constitution provided at (**Attachment 1**), in order for ARIC to formally consider a report at its next meeting.

RECOMMENDATION:

15 **That ARIC members consider its performance in accordance with the requirements of the ARIC constitution (Attachment 1) and prepare a report for the next ARIC meeting.**

Attachments:

20 1 Audit, Risk, and Improvement Constitution, E2021/101269 , page 304 [↓](#)

Report

The Chair of the ARIC would like members to reflect on the performance of the ARIC in order to meet its obligation under clause 10 of the ARIC constitution:

- 5 *The Chair of the Committee shall initiate a review of the performance of the Committee annually. The review shall be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair.*

The Chair has requested members reflect on the following questions with respect to performance ahead of the meeting on 19 August 2021:

- 10
1. What is effective
 2. What is not working
 3. Where we would like to see more/less involvement of the ARIC
 4. What should be the standing items (if any)*

* Current standing items include:

- 15
- Legislative compliance monitoring and reporting
 - Policy Register
 - Enterprise Risk Management
 - Business Continuity
 - Cyber Security
- 20
- Fraud and Corruption Control
 - Financial Statements
 - Delegations
 - Integrated Planning and Reporting
 - Service Delivery Review (only as required)
- 25
- Performance Review
 - Internal Audit Plan
 - Internal Audit Review
 - External Audit Plan

- External Audit Engagement Plan
- External Audit Activity Report
- Year End Audit Management Letter
- Committee Performance Review

- 5 • Committee Calendar

A copy of the ARIC constitution is attached (**Attachment 1**).

Next steps

It is recommended that the ARIC prepare a formal self-assessment report for tabling at the next ARIC meeting.

10

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 | 5.6.7 | Develop and embed a proactive risk management culture | 5.6.7.5 | Coordinate the Audit Risk and Improvement program |

Consultation and Engagement

Chair, ARIC.



AUDIT, RISK AND IMPROVEMENT COMMITTEE

CONSTITUTION

E2020/43124

**INFORMATION ABOUT THIS DOCUMENT
(INTERNAL USE ONLY)**

| | | | |
|--------------------------------|-----------------|-----------------------------------|-----------------|
| Date Adopted by Council | 23/10/08 | Resolution No. | 08-656 |
| Responsibility | General Manager | | |
| Review Timeframe | Annual | | |
| Last Review Date: | 22 October 2020 | Next Scheduled Review Date | 22 October 2021 |

Document History

| Doc No. | Date Amended | Details Comments eg Resolution No. |
|----------------|---------------------|---|
| #807046 | | Adopted 23/10/08 Res 08-656 |
| #847308 | 9/4/09 | Amended Res 09-189 Ord Meeting 9/4/09 |
| #982110 | 10/6/10 | Amended Res 10-422 |
| #1162057 | 3/11/11 | Amended Res 11-873 |
| #E2012/25442 | 10/12/2012 | 27/9/2012 Res 12-769 – New Councillor Appointment 8/11/2012 – reference to WHS Policy |
| #E2017/17073 | 15/03/2017 | Legislative amendments as per Local Government Amendment Act (Governance and Planning) 2016 (NSW) |
| #E2017/17073 | 22/6/2017 | Council adopted amended constitution as per the legislative requirements under the Local Government Amendment (Governance and Planning) Act 2016 NSW at its Ordinary Meeting 22 June 2017 (Resolution 17-233) |
| E2018/71315 | 27/08/2018 | Included information regarding the Committee's responsibilities relating to fraud and corruption prevention, as per recommendation from Council's internal auditors. |
| E2020/43124 | 22/10/2020 | Council adopted amended constitution at its Ordinary Meeting 22 October 2020 (Resolution 20-577) |

Further Document Information and Relationships

| | |
|---|---|
| Related Legislation | Local Government Act 1993 Local Government Amendment (Governance and Planning) Act 2016 |
| Related Policies | Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers 2019 (E2019/859) |
| Related Procedures/ Protocols, Statements, documents | |

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Audit, Risk and Improvement Committee

1. Preamble

The Audit, Risk and Improvement Committee (Committee) is a committee of Byron Shire Council (Council) under section 355 of the *Local Government Act 1993* (Act). The Committee is an advisory Committee of Council and does not have financial delegation.

This Constitution establishes the authority and responsibilities conferred on the Committee by Council and the role of the Committee within Council.

2. Objectives

The role of the Committee is to report to Council and provide independent advice and recommendations on matters identified in this Constitution.

The Committee has a legislated duty to keep under review the following aspects of Council's operations:

- a) Compliance
- b) Risk management
- c) Fraud control
- d) Financial management
- e) Governance
- f) Implementation of the strategic plan, delivery program and strategies
- g) Service reviews
- h) Collection of performance measurement data by Council
- i) Any other matters prescribed by the regulations made under the Act.

The Committee is also to provide information to Council for the purpose of improving Council's performance of its functions.

3. Authority

Council authorises the Committee, within the scope of its role and responsibilities, to:

- a) Obtain any information it needs from any employee or external party (subject to their legal obligations to protect information).
- b) Discuss any matters with the external auditor (subject to confidentiality considerations).
- c) Request the attendance of any employee or Councillor at Committee meetings.
- d) With the concurrence of the General Manager or Mayor, obtain external legal or other professional advice considered necessary to meet its responsibilities.

4. Duties and Responsibilities

Audit, Risk and Improvement Committee responsibilities are set out in the Act. The Committee has no executive powers, except those expressly provided by Council.

In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with Council and the General Manager as defined by the Act.

The responsibilities of the Committee may be revised or expanded by Council from time to time. The Committee's duties and responsibilities include, but are not limited to:

4.1. Compliance

- a) Review whether management has in place relevant policies and procedures, and these are periodically reviewed and updated.
- b) Review whether management has considered legal and compliance risks as part of risk assessment and management arrangements.
- c) Review the effectiveness of the system for monitoring compliance with laws and regulations policies and procedures.
- d) Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

4.2. Risk Management

- a) Review whether management has in place a risk management framework that complies with current Australian risk management standards.
- b) Review whether the risk management framework operates effectively and supports the achievement of Council's strategic goals and objectives.
- c) Review whether management has integrated risk management into decision making processes and operations.
- d) Review whether management has taken steps to embed a positive risk management culture.
- e) Consider the adequacy of resources provided for risk management and whether employees are able to carry out their risk management responsibilities.

4.3. Fraud Control

- a) Review whether management's fraud and control plan and prevention strategies are adequate and effective.
- b) Review whether management has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

4.4. Financial Management

- a) Review whether management's financial management processes are adequate.
- b) Satisfy itself that the annual financial reports comply with applicable Australian Accounting Standards and are supported by appropriate management sign-off.
- c) Review the financial statement by Councillors and management made pursuant to section 413(2)(c) of the Act.
- d) Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements.
- e) Review the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments.

4.5. Governance

- a) Review whether appropriate processes and systems are in place for the management and exercise of delegations.
- b) Review whether appropriate processes and systems are in place to govern day to day activities and decision making.
- c) Review whether management has adequate internal controls over external third parties such as contractors and advisors.

4.6. Implementation of the Strategic Plan, Delivery Program and Strategies

- a) Review whether Council is achieving the objectives and goals it set out in its Community Strategic Plan and successfully implementing its Delivery Program, Operational Plan and other strategies.

4.7. Service Reviews

- a) Review the effectiveness of the service review program in improving service delivery performance.

4.8. Collection of Performance Measurement Data by Council

- a) Review whether management has adequate performance indicators and data to measure performance.

4.9. Internal Audit

- a) Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- b) Review the Internal Audit Plan and the risk methodologies used, and approve the plan.
- c) Review the progress of the Internal Audit Plan and the findings/recommendations of internal audit activities.
- d) Monitor the implementation of recommendations by management.
- e) Consider the adequacy of internal audit resources to successfully deliver the audit function.
- f) Periodically review the effectiveness of the internal audit function.

4.10. External Audit

- a) Act as a forum for communication on external audit issues.
- b) Review the findings of external audits and monitor the implementation by management any recommendations for corrective action.

5. Membership

The Committee shall comprise six members, consisting of three councillors and three relevantly qualified external representatives.

5.1 Ex-officio members

Council's General Manager and external auditor shall be available to attend all Committee meetings but are not members of the Committee and do not have voting rights.

5.2 Independent member skills

Independent members must have appropriate skills and time to fulfil their role on the Committee and, taken collectively, must have skills and experience in the following areas:

- a) Financial systems, processes and reporting;
- b) Risk management;
- c) Governance and compliance; and
- d) Corporate management and performance.

5.3 Independent member appointment process

Independent members shall be requested to nominate their services through a public invitation process. The initial evaluation of potential members will be undertaken by the General Manager, taking into account the experience of the nominees and their ability to apply appropriate analytical and strategic management skills. The General Manager will then nominate selected independent members to Council for approval.

The Chair of the Committee shall be an independent member elected by a majority vote of the members of the Committee.

All independent members shall be appointed by Council for a term of up to four years.

5.4 Obligations of members

Members of the Committee must at all times in the discharge of their duties and responsibilities exercise honesty, objectivity and probity and not engage knowingly in acts or activities that have the potential to bring discredit to Council.

Members must also refrain from entering into any activity that may prejudice their ability to carry out their duties and responsibilities objectively and must at all times act in a proper and prudent manner in the use of information acquired in the course of their duties. Members must not use Council information for any personal gain for themselves or their immediate families or any manner that would be contrary to law or detrimental to the welfare of Council.

Further, members must not publicly comment on matters relative to activities of the Committee other than as authorised by Council.

6. Meetings

- a) The Committee will meet at least four times per year, with one of those meetings to include the review of Council's financial statements and external audit opinion.
- b) The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members, Council or the General Manager may make requests to the Chair for additional meetings.
- c) An annual agenda schedule shall be agreed by the Committee each year. The agenda schedule will cover all Committee responsibilities as detailed in this Constitution.
- d) While meetings will generally be conducted in person, telephone or video conference, other methods to conduct meetings including by email communication, may be used.

7. Attendance at Meetings and Quorum

- a) A quorum shall be four Committee members.
- b) If the Chair of the Committee is absent from a meeting, the first business of the meeting will be to elect a Chair for that meeting from the independent members present.
- c) The internal auditor will be invited to attend each meeting unless requested not to do so by the Chair of the Committee. The Committee may invite ex-officio members, members of the Executive Team, the Manager Finance or other Council employees to participate for certain agenda items.
- d) The Committee members can request ex-officio members and invitees to absent themselves from all or part of the meetings where it is not appropriate for them to be present for the discussion of matters on the agenda.

8. Privacy, Conflict of interest & Code of Conduct

- a) Committee members are required to adhere to Council's Code of Conduct and Code of Meeting Practice.
- b) Committee members and invitees must declare any conflict of interest at the start of each meeting or before discussion of a relevant agenda item. Details of any conflicts of interests should be appropriately noted in the minutes.
- c) Where Committee members or invitees have a real or perceived conflict of interest, it may be appropriate for them to be excused from Committee deliberations on the issues from which the conflict arises. The final arbiter of such a decision is the Chair of the Committee.
- d) The Committee must comply with Council policies in relation to confidentiality, privacy and reporting. Members of the Committee must not disclose matters dealt with by the Committee to third parties except with approval of the Committee.

9. Secretariat

Corporate and Community Services Directorate will provide secretariat support to the Committee. The secretariat will ensure the agenda for each meeting and supporting papers are circulated at least one week before the meeting and will take minutes at each meeting. Minutes shall be circulated to each member of the Committee within three weeks of the meeting.

10. Assessing Performance

The Chair of the Committee shall initiate a review of the performance of the Committee annually. The review shall be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair.

11. Review

The Council and Committee shall review the Constitution annually. Only Council can amend the Constitution.

CONFIDENTIAL REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 5.1 CONFIDENTIAL - Risk Management Update

Directorate: Corporate and Community Services

5 **Report Author:** Alexandra Keen, Audit, Risk & Improvement Coordinator

File No: I2021/1097

Summary:

This report presents an update on Council's risk registers for the quarter ending 30 June 2021.

10

RECOMMENDATION:

1. That pursuant to Section 10A(2)(f) of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Risk Management Update.
- 15 2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property
- 20 3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

Risk management

Attachments:

- 1 Risk Register Reports for Q4 -June 2021, E2021/88532
- 25

Report No. 5.2 **CONFIDENTIAL - 2020-2021 Continuous Improvement Pathway Program**

Directorate: Corporate and Community Services

Report Author: Alexandra Keen, Audit, Risk & Improvement Coordinator

5 **File No:** I2021/1106

Summary:

To provide the Audit, Risk, and Improvement Committee with a copy of Council's Continuous Improvement Program (CIP) 2020-21 self-assessment workbook results.

10 **RECOMMENDATION:**

1. That pursuant to Section 10A(2)(f) of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report 2020-2021 Continuous Improvement Pathway Program.
- 15 2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

20 **Risk assessment**

Attachments:

- 1 Byron - 2020-2021 CIP Report, E2021/86609

25

Report No. 5.3 **CONFIDENTIAL - Internal Audit Report - June 2020-21**

Directorate: Corporate and Community Services

Report Author: Alexandra Keen, Audit, Risk & Improvement Coordinator

5 **File No:** I2021/1192

Summary:

This report presents the Internal Audit Status Report for quarter 4 – June 2021 prepared by Council and the previous Internal Auditor, O'Connor Marsden and Associates (OCM). The report is at Confidential Attachment 1 (E2021/95033).

10 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.

15 This report also presents the Internal Audit of Procurement (Tendering) – June 2021 completed by OCM. The report is at Confidential Attachment 2 (E2021/76376). This audit received a review rating of 3 - Weak and it identified one high and four medium rated issues.

RECOMMENDATION:

- 20 1. That pursuant to Section 10A(2)(d)i of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Internal Audit Report - Quarter 4 2020-21.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
- 25 a) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

nature and content of internal audit report is for operational purposes only.

Attachments:

- 30 1 OCM Internal Audit Status Report, E2021/95033
2 OCM Internal Audit of Procurement (Tendering), E2021/76376

Report No. 5.4 **CONFIDENTIAL - Cyber Security and System Outages Quarterly Update**

Directorate: Corporate and Community Services

Report Author: Colin Baker, Manager Business Systems and Technology

5 **File No:** I2021/1196

Summary:

This report provides a summary of cyber security incidents and IT service outages during the period 1 April to 30 June 2021.

No unauthorised intrusions were detected in Council's on-premise systems.

10 A cyber security incident was identified in a cloud hosting service used for the publishing of agenda and minutes information to the public. The vendor identified and remediated the breach without any impact to the service or the public.

A power outage to Council's administration building resulted in all staff having limited access to internal IT systems for one morning.

15

RECOMMENDATION:

- 20 1. That pursuant to Section 10A(2)(f) of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Cyber Security and System Outages Quarterly Update.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
- a) details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property
- 25 3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

Exposes security risk and vulnerabilities that could assist unauthorised threats to Council's information and systems.

Attachments:

30

- 1 ARIC Security Incident Report 2021 Q2, E2021/95614
- 2 ARIC Incident Outage Report 2021 Q2, E2021/95613

Report No. 5.5 CONFIDENTIAL - Internal Audit Plan 2021-2024

Directorate: Corporate and Community Services

Report Author: Alexandra Keen, Audit, Risk & Improvement Coordinator

File No: I2021/1096

5 Summary:

To provide the Audit, Risk, and Improvement Committee with the proposed three-year internal audit plan (2021-2024) for endorsement and recommendation to Council.

RECOMMENDATION:

- 10 1. That pursuant to Section 10A(2)(d)i and (f) of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Internal Audit Report Actions and Plan 2021-2023 - August 2021.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
- 15 a) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it
- b) details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property
- 20 3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

nature and content of the internal audit plan report is intended for operational purposes and to manage risk.

Attachments:

- 25 1 Internal Audit Plan 2021-2024, E2021/97611

Report No. 5.6 **CONFIDENTIAL - External Audit Actions Quarter 4 2020-2021 Update**

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2021/1246

Summary:

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 30 June 2021.

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RECOMMENDATION:

1. That pursuant to Section 10A(2)(f) of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report External Audit Actions Quarter 4 2020-2021 Update.
- 15 2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property
- 20 3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

Nature and content of audit reports is for operational purposes and report details information about Council systems, controls and processes.

Attachments:

- 25 1 External Audit Activity Report Quarter 4 2021 reported to ARIC 19 August 2021, E2021/100193