



Byron Shire Council



Agenda Ordinary Meeting

Thursday, 26 August 2021

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

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

Mark Arnold
General Manager

CONFLICT OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

Disclosure and participation in meetings

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

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

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

Non-pecuniary Interests - Must be disclosed in meetings.

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

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

RECORDING OF VOTING ON PLANNING MATTERS

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

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

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BUSINESS OF ORDINARY MEETING

- 1. PUBLIC ACCESS**
- 2. APOLOGIES**
- 3. REQUESTS FOR LEAVE OF ABSENCE**
- 4. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**
- 5. TABLING OF PECUNIARY INTEREST RETURNS (CL 4.9 CODE OF CONDUCT FOR COUNCILLORS)**
- 6. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**
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15. QUESTIONS WITH NOTICE

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

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

NOTICES OF MOTION

Notice of Motion No. 9.1 Barbed wire ban

File No: I2021/1180

5

I move:

1. That Council develops a Management of Barbed Wire Policy.
2. That the policy looks at Council's own use of barbed wire with a primary role of conservation and protection of animals and commits to:
 - a) not installing any new barbed wire in the future
 - b) removing any barbed wire in reserves and open spaces or areas where it can entangle wildlife
 - c) adapting existing fencing to remove the dangers to wildlife.
3. That Council develops an information and education program for the community and landowners to:
 - a) understand the impacts of barbed wire on native fauna and
 - b) provides ideas for alternatives to barbed wire or measures to mitigate the impacts.

Attachments:

- 1 Barbed wire action plan, E2021/93267
- 2 Management of barbed wire policy June 2021, E2021/93268

Signed: Cr Cate Coorey

Councillor's supporting information:

Tens of thousands of native animals die every year on barbed-wire fences. Sadly, they often take days to die and are left in fear and agony if they are not found and rescued.

Australian Wildlife Hospital (AWH) treated over 80 different species found caught on barbed-wire fences in the last three years. Out of over 800 individual animals, half were euthanased immediately, and over half were flying foxes, around 80% of which died.

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Barbed wire is a major killer of wildlife in Australia: thousands of bats, birds, gliders and macropods become entangled and die each year. Barbed wire is both a conservation and welfare problem. Entanglements are considered a threatening process for a number of threatened species, including Spectacled flying-foxes, Grey-headed flying-foxes,
5 Mahogany gliders and Ghost bats. It causes considerable suffering for entangled animals.

Deaths on barbed wire are largely preventable. In many cases, barbed wire does not perform an essential function, or else it could be replaced by other types of fencing and, where it is essential, relatively simple measures could reduce its impact. However,
10 because there is so much barbed wire in the Australian landscape – in both rural and urban environments – and very little awareness of the issue, it is will be a demanding (but achievable) task to reduce the wildlife toll.

At night, barbed-wire fencing becomes invisible. Flying foxes can hit the fencing at speed and twist and fight the wire, trying to chew their way out, resulting in nightmare injuries. Tawny frogmouths, owls, possums, gliders, and koalas are also among the many
15 nocturnal species that can become entangled in barbed wire.

Because most barbed wire entanglements go unobserved or unreported, and most animals dying either on the fence or later from injuries or infections are scavenged, there is little information about the numbers of animals affected.

Bats, gliders, cranes and nocturnal birds appear to be the most susceptible groups. Some
20 of the affected species are listed as threatened under state and/or federal legislation. In some cases, barbed wire entanglements are regarded as threatening processes for threatened species, in particular for Spectacled flying-foxes, Grey headed flying-foxes, Ghost bats and Mahogany gliders.

Animals rescued from barbed wire, particularly bats, have injuries that are generally
25 extensive and horrific. The extent of damage from constriction of blood flow to wing membranes and other parts of the bat body rarely becomes obvious until four or five days later. If animals are released from fences, without first putting them into rehabilitative care, most would eventually die from starvation.

Barbed wire fencing is a problem in Europe, particularly for deer and raptors. In Europe
30 several councils in Italy, Austria and Germany have banned the use of barbed wire fencing. The Norwegian Animal Welfare Act forbids the use of barbed wire unattached to other fencing material which is easy to see and makes explicit provision for local councils to ban its use for fencing. The European Union Parliamentary Special Interest Group on Animal Welfare agreed in a March 2006 meeting to progress a proposal to ban the use of
35 barbed wire fencing in agriculture and forestry, particularly as there exist cheaper and better alternatives, such as electric fencing.

Barbed wire fencing is also a problem in the United States. One regional NGO, the Jackson Hole Wildlife Foundation, has developed a campaign to remove barbed wire fences. They provide information about safe fencing, organize groups of volunteers to take
40 down old fences, and work with governments and landowners to either remove or alter problem fences. By 2005 they had removed about 132 km of fencing.

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Other jurisdictions have already developed a barbed wire policy – eg Bayside council in Victoria <https://insidelocalgovernment.com.au/bayside-barbed-wire-ban/>

<https://www.wildlifecarers.com/barbed-wire-removal-saves-endangered-wildlife/>

- 5 <https://www.sunshinecoast.qld.gov.au/Environment/Education-Resources-and-Events/Environment-Resources-and-Publications/Natural-Resource-Management-and-Conservation-Techniques/Barbed-wire-fences>



Staff comments

by Shannon Burt, Director, Sustainable Environment and Economy:

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

- 15 Several councils in Victoria have recently adopted a Barbed Wire Policy for council owned or managed land. Generally, the policy application is prospective not retrospective, that meaning councils will not install any barbed wire in the future (except in exceptional circumstances).

- 20 There are otherwise many references to guidelines and policies online about wildlife friendly fencing and the range of fencing alternates to barbed wire for public and private land.

[Barbed Wire \(wiresnr.org\)](https://wiresnr.org/)

[Wildlife-Friendly-Fencing-2020-4-page-updated-2021.pdf \(nsw.gov.au\)](https://www.nsw.gov.au/wildlife-friendly-fencing-2020-4-page-updated-2021.pdf)

- 25 The development of a Barbed Wire Policy and an information and education program for the community about barbed wire, although with merit, is resource intensive and not a planned activity for staff for FY 21/22.

Instead:

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Providing information and education to the community about this issue is something the Biodiversity and Agricultural Team could do informally, via the Brunswick Valley Landcare newsletter and the Farming Cluster Group network and social media.

- 5 Further, biodiversity team staff last year arranged for shade cloth covering of the barbed wire fence under the fig tree at Scarabellottis when the fig was fruiting, which was promoted via social media to help get the message out there at the time. This is something staff could do again at the change of season at identified high risk locations (subject to resourcing).

- 10 A 'stocktake' of fencing used on council land is something that Open Space and Utilities staff could do as part of their routine maintenance inspections of assets during the year. This stocktake would inform any future Policy development.

Financial/Resource/Legal Implications:

- 15 Staff are already committed to a full program of works and projects as adopted by Council in June 2021. There is no capacity in the team or budget allocation to take on a new project currently.

Should this project be adopted as a new priority, a project scope for the development of a Barbed Wire Policy and information and education program would need to be developed and reported back to Council for a staff and budget allocation.

20 Is the proposal consistent with any Delivery Program tasks?

The development of a Barbed Wire Policy and information and education program is currently not in the FY21/22 Operational Plan.

Notice of Motion No. 9.2 Report on implementation of Water Sensitive Design Policy and Strategy

File No: I2021/1179

5

I move:

1. That a report be brought to Council that details the progress in implementing the *Byron Shire Council Water Sensitive Urban Design (WSUD) Policy and Strategy*
- 10 2. That the report details progress on the key strategies of the WSUD Policy and Strategy which are:
 - a) Improve Council's planning, processes and capacity to integrate WSUD into Council works and address catchment based priorities;
 - 15 b) Improve community understanding of the aims of WSUD and actions they can take to support catchment and waterway health;
 - c) Increase Council's ability to leverage funding to implement, operate and maintain WSUD infrastructure now and into the future; and
 - d) Improve WSUD outcomes delivered to Council in planning applications.
- 20 3. That the report notes any progress on the actions listed in the Policy under the key strategies in (2.)
4. That the report be brought to Council by the November 2021 Ordinary meeting.
5. That the *Byron Shire Council WSUD Policy and Strategy* be placed on the Policies page of Council's website where it can be found.

25 Signed: Cr Cate Coorey

Councillor's supporting information:

In March 2018 this Council voted to prepare a *Water Sensitive Urban Design Policy*:

Resolved:

- 30 1. That Council develop a financially sustainable strategy to embed and mainstream Water Sensitive Urban Design (WSUD) into Council's planning instruments and policies.

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2. *That formulation of the Strategy consider fundamental changes in various development area ratios to retain pervious areas instead of increasing catchment runoff.*
3. *That the changes made under this strategy on WSUD aim to:*
- *reduce flood risk in urban areas*
 - *improve water quality in streams, waterbodies and groundwater*
 - *consume less of our water resources*
 - *reduce the cost of providing and maintaining water and sewer infrastructure*
 - *protect and restore aquatic and riparian ecosystems and habitats; and*
 - *protect the scenic, landscape and recreational values of streams and other waterbodies.*
4. *That the WSUD Strategy generates changes that:*
- *promote and encourage WSUD in urban areas*
 - *provide guidance and support for businesses and residents to implement WSUD*
 - *give incentives for the implementation of WSUD in new and existing development*
5. *That progress on the WSUD Strategy be reported to each Water, Waste and Sewerage Advisory Committee and the Coastal Estuary Catchment Panel quarterly meeting, starting with their next meetings in June 2018.*
6. *That Council allocate \$25,000 in its 2018-19 budget for the development of a strategy.*

A year later the Byron Shire Council WSUD Policy and Strategy was delivered.

The aim of this policy is to provide a consistent approach to the inclusion of Water Sensitive Urban Design (WSUD) principles into Council projects and in planning applications provided to Council.

WSUD principles will guide the design, construction and management of projects and development towards:

- *Better management of stormwater runoff peak flows, volumes and quality;*
- *Improving compliance through monitoring of construction activities and built assets;*
- *Reducing demands on the use of the regions finite potable water supplies * (i.e. to maximise*
- *water efficiency through demand management and conservation);*
- *Supporting reuse of recycled water in appropriate locations * (i.e. investigate the suitability of water re-use as an additional new water source), and*
- *Enhancing habitat values for flora and fauna through biodiverse local plant selections.*

Additionally, the water balances of catchments should not be subject to excessive imbalance due to importation, exportation or redirection of water, where the water imbalance has the potential to result in adverse impacts to human or ecological receptors.

- 5 *Climate change and sea level rise will influence the siting and design of WSUD systems in the Byron Shire. Council will review and adopt suitable design approaches for WSUD system as they become available and accepted. This will assist in ensuring that WSUD infrastructure achieves its desired function and service life requirements.*

The Policy is supported by four key strategies and an action plan. The key strategies supporting the policy include:

- 10 A. Improve Council's planning, processes and capacity to integrate WSUD into Council works and address catchment based priorities;
- B. Improve community understanding of the aims of WSUD and actions they can take to support catchment and waterway health;
- 15 C. Increase Council's ability to leverage funding to implement, operate and maintain WSUD infrastructure now and into the future; and
- D. Improving WSUD outcomes delivered to Council in planning applications.

Staff comments

by James Flockton, Infrastructure Planning Coordinator, Infrastructure Planning:

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

- 20 Staff have completed a considerable amount of work in the WSUD area since the strategy adoption.

In particular all Council designed projects now have a greater emphasis on WSUD design and this has changed design outcomes a number of times.

- 25 The current work is close to being ready for Council review. Reporting to Council is already programmed for later in 2021 once the work has received sufficient internal review across directorates and is ready for Council consideration.

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The table below provides a status update on works currently underway:

Strategy Item	Sub-Tasks	Delivery Status
Process and Audit of WSUD Data	<ul style="list-style-type: none"> - Process Council's stormwater asset data. - Prepare GIS file of known assets. - Develop a condition and attribute proforma for Council assets. 	Complete
DCP Update to Include WSUD	<ul style="list-style-type: none"> - Prepare a new WSUD section of the DCP, incorporating industry best practice of stormwater quality management. 	Draft ready for internal review
Site Inspections	<ul style="list-style-type: none"> - Site inspections to trial the condition and attribute proforma. 	Complete
Report	<ul style="list-style-type: none"> - Internal report summarising work complete, pilot study findings, recommendations and forward works plan. 	Complete
Preferred WSUD Solutions	<ul style="list-style-type: none"> - Consultation with other relevant councils on WSUD strategies. - Literature review of WSUD policy. - Climate change implications on WSUD performance / design. - WSUD DCP Section. - WSUD Guidance Document on preferred solutions including descriptions, design considerations, water quality modelling. 	Draft report complete for internal review
WSUD Section in DCP	<ul style="list-style-type: none"> - Review current DCP WSUD provisions. - Review Climate Emergency Plan outcomes. - DCP WSUD section including above plus D2-5, D8-10. 	As above
Deemed to Comply	<ul style="list-style-type: none"> - Consultation with other relevant councils on WSUD deemed to comply solutions. - Literature review of WSUD deemed to comply solutions. - Define suitable Deemed to Comply solutions and compliance requirements. - DCP WSUD section on Deemed to Comply solutions and relevant guidance. 	Draft report complete for internal review
Homeowner Information	<ul style="list-style-type: none"> - Develop homeowners guide / fact sheet for maintaining existing WSUD assets. - DCP WSUD section on homeowner information on responsibilities in WSUD asset maintenance. 	Draft report complete for internal review
Guidance for Preferred Solutions	<ul style="list-style-type: none"> - Identify examples where preferred WSUD solutions apply. - Locally suited planting options, materials and guidance. - Define types of development suited to each preferred WSUD solution. - DCP section on guidance for applying preferred WSUD solutions. 	Draft report complete for internal review
Economic Information	<ul style="list-style-type: none"> - Develop a methodology and format for submission to Council, for developers to follow in providing forecast maintenance cost of WSUD assets. 	Draft report complete for internal review

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Strategy Item	Sub-Tasks	Delivery Status
Establishment Periods	<ul style="list-style-type: none"> - Literature review and recommendation of on-maintenance periods for different WSUD assets. - Develop WSUD asset handover checklists, including QA processes, for developers and Council to follow. - Liaise with / review of other Council handover processes. 	Initial draft report complete for review with literature review complete.
O&M Program	<ul style="list-style-type: none"> - Define level of service of maintenance for bioretention and constructed wetlands, and associated maintenance requirements and frequency. - Estimate maintenance cost rate per m2 treatment area, for each level of service. - Forecast future WSUD asset areas that may be inherited by Council and estimate future maintenance cost estimates for bioretention and constructed wetlands. 	Initial draft report complete for internal review with level of service definition and initial maintenance cost rates estimated.
Training	<ul style="list-style-type: none"> - Council training on WSUD management, including initial review to understand current WSUD management within Byron Council, development and facilitation of a 1-day training course to implement new WSUD guidance. - Develop future training program. 	Initial review of current Council WSUD management completed.
Information resources	<ul style="list-style-type: none"> - Review case studies and outcomes of literature review. - Climate change implications. - Update supporting document based on action A1. 	Draft report complete for internal review
Strategy Guideline	<ul style="list-style-type: none"> - Preparation of new WSUD document consolidated overall WSUD review and develop forward works plan. 	WSUD draft 30%, to be finalised continued with completion of above tasks.

Financial/Resource/Legal Implications:

N/A

Is the proposal consistent with any Delivery Program tasks?

Yes.

Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.1 Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.6 Provide stormwater infrastructure to manage flood mitigation, social and environmental outcomes	1.1.6.9 Complete Water Sensitive Urban Design Strategy Actions
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PETITIONS

Petition No. 10.1 Petition against PopCar Van Parked Permanently in Paterson Street

5 **Directorate:** Sustainable Environment and Economy

Report Author: Hayley Briggs, Sustainability and Emissions Reduction Officer

File No: I2021/1211

Council is in receipt of a petition containing 29 signatures (Attachment 1) which states:

10 *"We are writing this letter regarding a PopCar van which has recently appeared outside residences 45 - 49 Paterson Street, Byron Bay. This van appears to be here permanently. It has not moved since its arrival. The issues that concern us are as follows:*

Limited available on-street parking: There is only parking on one side of the street in this locality. Already there is competition for the available space.

15 • *This is a narrow street where lots of building and renovation is taking place with large trucks often dropping building materials.*

• *No consultation with local residents has occurred to inform them that a business was being conducted in the street outside their door.*

20 • *Mobility issues for residents and elderly visitors. The van was parked across access steps with a handrail to allow elderly residents safe access to the property.*

While we agree that car sharing is a worthy aim, the locality of Paterson Street is not a well thought out solution for van storage parking. Although currently a paid-parking zone, the north end of Massinger Street away from residences would appear to be a better option both from the point of view of residents and the car-sharers."

25 **Comments from Sustainability Officer, Sustainable Environment and Economy:**

Since receipt of this petition, staff held discussions with Popcar about the use of Paterson Street for parking of a floating vehicle for the town centre.

30 The result of the conversation was that Popcar agreed to relocate the vehicle to Habitat (it leases several private bays there). The car was moved on Friday 9 July 2021.

RECOMMENDATION:

1. That the petition regarding Popcar van parked permanently on Paterson Street be noted.
- 5 2. That Council note that staff have already had Popcar remove the vehicle, on 9 July 2021.

Attachments:

- 10 1 Confidential - Petition Signed by 29 Residents - Against Pop Car Van Permanently Parked in Paterson Street BYRON BAY, S2021/4560

Petition No. 10.2 Stuart Street Greenspine

Directorate: Infrastructure Services

Report Author: Kirk Weallans, Project Engineer
James Flockton, Infrastructure Planning Coordinator

5 **File No:** I2021/1290

Council is in receipt of a petition containing 332 signatures which states:

10 *"Please find attached a petition conducted over a small number of days at Mitre 10 and Santos Mullumbimby regarding the Stuart St Green Spine. Our customers are continually frustrated by the lack of parking and ability to access the CBD.*

15 *Whilst we are all for the beautification and "Greening" of the town we believe that this should be targeted in the parkland areas and that the CBD be developed with easy access, parking, and visibility to all business.*

It is our independent and family-owned businesses that help make Mullumbimby a vibrant and diversified town. This petition was conducted over a small period due to COVID.

20 *We know that you may have received a summary from council regarding the outcome of their "community consultation" but we are on the ground and faced with the daily trials and complaints around access to the CBD and our businesses.*

25 *We would like the parking to be resurfaced and the parking lines marked thus having the potential to increase parking rather than the plantings that are currently flagged which will encroach on potential parking spots and affect the visibility of businesses."*

Comments from Director Infrastructure Services:

A memo to Councillors dated 30 July 2021 provided an update on the Green Spine project, this included details of the above petition received on 29 July 2021.

30 Work on stage 1B of the Green Spine project must be complete on site by December 2021, in order to meet grant funding deadlines. Time is still required to prepare and issue construction drawings and procure materials, delays to these processes will have a high risk of not meeting the funding deadline.

The issued construction drawings will not include a loading zone in the CBD area. The drawings will however include the landscaping outlined in the concept plan.

35 The current commercial area will lose 4 carparking spaces, tree planting is not feasible without some carparking loss. Each finger planting removes approximately half a car space. However, the proposed vegetation removal around 110 to 114 Stuart Street will

PETITIONS

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5 result in the addition of 4 new carparking spaces at this location. These spaces are adjacent the commercial zone and within the new 30km/h high pedestrian zone, south of Betta Electrical. These works are proposed as part of the finger planting works, therefore, there will be no net loss of parking in Stuart Street overall when the planned works are complete.

Trees provide a wide range of aesthetic and environmental benefits and are recommended action from the 'Our Mullumbimby' Masterplan. Mainly because trees increase the biodiversity and amenity values of urban environments, as well as reducing urban temperatures.

- 10 In the commercial zone of the concept design there is generally 1 shade tree per 6 carparks. This ratio does vary in some locations due to the existing carpark layout and driveway accesses. The planting density proposed on Stuart Street is in line with landscape design guidelines adopted by other Local Governments. For contrast the shade trees per car park spaces on Station Street adjacent the Council building and carpark is
- 15 one shade tree per three car park spaces.

Significant consultation was undertaken by Council Officers to inform the 'Our Mullumbimby' Masterplan which was generally supported by the community and endorsed by Council in December 2019.

20

RECOMMENDATION:

1. That the petition regarding Stuart Street Greenspine project be noted.
2. That detailed design of the concept design continue to be progressed.

Attachments:

25

- 1 Confidential - Petition Regarding - Cease the proposed loading zone on Stuart street, in favour of maximising car parking in the CBD 332 Signatures, E2021/100425
- 2 24.2020.32.1 _Mullumbimby_LSK001-008_Concept plan-Stuart Street Green Spine - Stage 1 Works_REV D - Current, E2021/76263

30

SUBMISSIONS AND GRANTS

Report No. 11.1 Grants and Submissions June/July 2021

Directorate: Corporate and Community Services

5 **Report Author:** Donna Johnston, Grants Coordinator

File No: I2021/1237

Summary:

10 Council has submitted applications for a number of grant programs which, if successful, would provide funding to enable the delivery of identified projects. This report provides an update on these grant submissions.

RECOMMENDATION:

15 **That Council notes the report and Attachment 1 (#E2021/99272) for Byron Shire Council's Submissions and Grants as at 31 July 2021.**

Attachments:

20 1 Grants submissions - July 2021, E2021/99272

BYRON SHIRE COUNCIL

SUBMISSIONS AND GRANTS

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Report

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

Successful applications

Council was advised of the following successful applications in June/July:

Funding body	Funding scheme	Project name	Total project value \$	Amount requested \$
Transport for NSW	School infrastructure Projects	St Johns Wombat Crossing	\$188,661	\$188,661 (inc gst)

5 Unsuccessful applications

Council was advised of the following unsuccessful applications in May:

Funding body	Funding scheme	Project name	Total project value \$	Amount requested \$
NSW and Australian Government - joint funding	Bushfire Local Economic Recovery Fund	Mullumbimby to Brunswick Heads Cycleway	\$9,334,984	\$9,134,984
NSW and Australian Government - joint funding	Bushfire Local Economic Recovery Fund	Bangalow Cycleway	\$1,490,979	\$1,490,979
NSW and Australian Government - joint funding	Bushfire Local Economic Recovery Fund	The Green Line - Byron Bay to Belongil Coast Walk	\$2,804,166	\$2,804,166
NSW and Australian Government - joint funding	Bushfire Local Economic Recovery Fund	Repurposing Byron Hospital	\$3,498,310	\$2,000,000

Feedback

- 10 Program was oversubscribed with 650 applications requesting \$1.6 billion funding. \$283 million was awarded. Areas of higher bushfire impacts had a higher significance versus less impacted regions. Specific feedback on Council applications included:

Repurposing Byron Hospital – strong application but needed to show increased demonstrated need for these types of services to be housed within the building.

This application will be reworked and submitted under the Australian Government's September Back Summer Bushfire Recovery Program.

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SUBMISSIONS AND GRANTS

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The Green Line Byron Bay to Belongil Coast Walk – concerns about ability to deliver within the timeframe due to approvals with no current Coastal Zone Management Plan in place. Plus, the 2004 Vegetation Management Plan should be reviewed/updated.

- 5 Bangalow Cycleway - concerns about ability to deliver within the timeframe due to approvals required from rail authority.

Mullumbimby to Brunswick Heads Cycleway – concerns about ability to deliver within the timeframe due to approvals and cost of project.

Applications submitted in June/July

Funding scheme	Project name	Total project value \$	Amount requested \$
Fixing Local Roads - Round 3	Koonyum Range Road	\$ 491,061	\$ 382,061
Fixing Local Roads - Round 3	Mullumbimby residential area reseals	\$ 1,297,838	\$ 997,838
Fixing Local Roads - Round 3	Manns Road, Mullumbimby	\$ 339,097	\$ 299,097
Everyone Can Play	Byron Recreation Grounds Amenities block	\$ 200,006	\$ 100,000
Stronger Country Communities Fund R4	Byron Street (Bangalow) Footpath	\$ 471,884	\$ 471,884
Stronger Country Communities Fund R4	Cavanbah Centre	\$ 70,600	\$ 70,600
Stronger Country Communities Fund R4	Suffolk Park Football Club	\$ 444,284	\$ 244,284
Stronger Country Communities Fund R4	Bangalow Pathway	\$ 50,000	\$ 50,000
Stronger Country Communities Fund R4	Mullumbimby Netball Club	\$ 118,475	\$ 118,475
Crown Reserves Improvement Fund (CRIF)	South Beach Rd Amenities Block	\$ 300,000	\$ 300,000

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Funding scheme	Project name	Total project value \$	Amount requested \$
Crown Reserves Improvement Fund (CRIF)	Summer Park	\$ 76,000	\$ 20,000

Upcoming grant opportunities

[Black Summer Bushfire Recovery Grants | National Recovery and Resilience Agency](#)

The \$280 million Black Summer Bushfire Recovery (BSBR) Grants program will help communities address priorities for recovery and resilience after the 2019-20 bushfires.

- 5 This grants program comes from the National Bushfire Recovery Fund and is additional to support already provided through a range of bushfire recovery programs.

[Current grant round | NSW Environment, Energy and Science](#)

Coastal and Estuary Program Implementation Stream - the program supports coastal and estuary planning projects and the implementation of works identified in certified coastal zone management plans or coastal management programs.

10

[Regional Tourism Activation Fund | NSW Government](#)

The NSW Government's Regional Tourism Activation Fund supports the development of unique and high impact tourism and events infrastructure that helps to boost local economies, create jobs and ensure visitors to regional NSW have unforgettable experiences that encourage repeat visitation.

15

[Safe roads - Staying safe - NSW Centre for Road Safety](#)

The Safer Roads Program is a road safety infrastructure treatment program that delivers sustainable and long-term reductions in road trauma through upgrades of the existing road network. The program is a partnership between key Transport for NSW divisions and also works with local councils to install a range of safety treatments on existing roads across NSW. Applications are based and assessed on road safety data.

20

Summary 2020 - 2021

Unsuccessful Grants 2020-21	11
Successful Grants 2020-2021	33
25 Acquitted Grants 2020-2021	21
Awaiting determination	21
Total number of grant application submitted	44
Number of non-competitive grants	7
Active Grants 2020-2021	39 (as at 30 June 2021)

Strategic Considerations

Community Strategic Plan and Operational Plan

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

Legal/Statutory/Policy Considerations

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

Financial Considerations

- 10 If Council is successful in obtaining the identified grants, this would bring funding sought to almost \$75 million which would provide significant funding for Council projects. Some of the grants require a contribution from Council (either cash or in-kind) and others do not. Council's contribution is funded. The total amount below (\$75 million) includes projects that have been applied for in two earlier funding schemes (for example Bioenergy Byron and Sandhills Wetlands).
- 15

The potential funding and allocation is detailed below:

	Requested funds from funding bodies	\$35,195,540
	Council Contribution Cash	\$25,708,774
	Council Contribution In-Kind	\$36,000
20	Other contributions	\$412,869
	Funding applications submitted and awaiting notification (total value)	\$61,353,183

Consultation and Engagement

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

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 Licence to Mullumbimby District Cultural Centre Incorporated

5 **Directorate:** General Manager

Report Author: Paula Telford, Leasing and Licensing Coordinator

File No: I2021/532

Summary:

10 The Mullumbimby District Cultural Centre Incorporated has requested a new licence to occupy Folio 1/91865 known as the Mullumbimby Drill Hall and land immediately surrounding the Hall.

 This report recommends that a new five-year licence is granted.

15

RECOMMENDATION:

1. That Council notes that two submissions were received on the proposed licence to the Mullumbimby District Cultural Centre Incorporated over Lot 1 DP91865 known as the Mullumbimby Drill Hall.
- 20 2. That Council, following consideration of the two public submissions received, authorises the General Manager, under delegation, to enter into a licence with the Mullumbimby District Cultural Centre Incorporated over Lot 1 DP91865 on the following:
 - a) term five years without holding over to commence on 1 September 2021,
 - 25 b) commence at base rent of \$490 (exclusive of GST) and thereafter increase rent annually by Consumer Price Index All Groups Sydney for the previous quarter,
 - c) for the purpose of a public hall,
 - 30 d) the Licensee must hire out the Premises for community purposes only and must expend all hire income received upon the operating expenses, maintenance, and improvements to the premises,
 - e) the Licensee to be responsible, at its cost, for all:
 - i. non-structural maintenance, repairs, and renewals to the Premises,

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ii. usage costs for all services connected to the Premises, and

iii requisite public risk insurance and contents insurance for full replacement value.

5 f) the Licensee not to construct, install or otherwise add any improvements to the Premises without the prior written consent of Council that will not be unreasonably withheld, and

g) the Licensor to provide the following subsidises:

10 i. rent to the value of \$42,830 being 6% of the Unimproved Land Value less the Licensee rent,

15 ii. annual fixed rates and charges in accordance with Council Policy Section 356 Donations Rates, Water and Sewerage Charges,

iii. building insurance, and

20 iv. annual pest inspections and controls, annual fire safety requirements and all structural building repairs where the damage is not the result of the Licensee's use of the Premises.

Attachments:

- 1 Confidential Attachment 1 Submission, E2021/59841
2 Confidential Attachment 2 Submission, E2021/59840

Report

5 The Mullumbimby District Cultural Centre Incorporated ('the Cultural Centre') holds a five-year licence to occupy Folio 1/91865 ('the Premises') known as the Mullumbimby Drill Hall for the purpose of a public hall. The Cultural Centre requests a new licence upon expiry of its current licence on 31 August 2021.

The Premises

Folio 1/91865 is Council owned land classified as community land and categorised for general community use. The Plan of Management ('the Plan') expressly authorises a licence to be granted for a term up to 21 years for general community use purposes.

- 10 Folio 1/91865 is zoned R2 Low Density Residential whereby an entertainment facility and information/education facility are prohibited activities in the zone.

15 The Cultural Centre, however, holds historic building approval dated 1989 for modifications to the Mullumbimby Drill Hall for use as a public hall under the Byron 1988 LEP. As a result, planning advice provides that the Cultural Centre has existing use rights for continued use of the building as a public hall and continuing use rights regarding building approvals.

Proposed new licence

Council staff is proposing a new licence on terms consistent with the Plan over the land on the following:

- 20 a) term five years without holding over to commence 1 September 2021,
- b) commence at base rent of \$490 (inclusive of GST) and thereafter rent to be increased annually by Consumer Price Index All Groups Sydney for the previous quarter,
- c) for the purpose of a public hall,
- 25 d) the Licensee must hire out the premises for community purposes only and must expend all hire income received upon the operating expenses, maintenance, and improvements to the Premises.
- e) the Licensee to be responsible, at its cost, for all:
- a. non-structural maintenance, repairs, and renewals to the Premises,
- 30 b. usage costs for all services connected to the Premises,
- c. requisite public risk insurance and contents insurance for full replacement value.

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- f) the Licensee must not to construct, install or otherwise add any improvements to the Premises without the prior written consent of the Licensor that will not be unreasonably withheld, and
- g) the Licensor to provide the following subsidises:
 - 5 a. rent \$42,830 being 6% of the Unimproved Land Value less the Licensee rent,
 - b. annual fixed rates and charges in accordance with Council Policy Section 356 Donations Rates, Water and Sewerage Charges,
 - c. building insurance, and
 - 10 d. the full cost of annual pest inspections and controls, annual fire safety requirements and all structural building repairs where the damage is not the result of the Licensee's use of the Premises.

Public consultation

- 15 Council staff publicly advertised the proposed licence between 26 March and 26 April 2021. Council also individually notified all surrounding residents and place a notice on the land. Council received two submissions summarised in the below table:

Submission	Comments
(E2021/59841) Supportive of the licence renewal conditional on noise abatement / management as listed on the Mullumbimby Drill Hall website to be scrupulously applied	Terms of the proposed licence requires strict adherence to NSW EPA noise restrictions and the Licensee must have a complaints management process to deal with all complaints.
(E2021/59840) Supportive of the licence renewal conditional on noise abatement / management as listed on the Mullumbimby Drill Hall website to be scrupulously applied	

Council must duly consider both public submissions received on the proposed five-year licence to the Cultural Centre before determining if to grant the proposed licence on terms discussed in this report.

This report recommends that Council grant the proposed licence to the Cultural Centre.

Strategic Considerations

Community Strategic Plan and Operational Plan

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

Recent Resolutions

- Nil

5 Legal/Statutory/Policy Considerations

Local Government Act 1993 (NSW)

s47 Leases, licences and other estates in respect of community land—terms greater than 5 years

- 10 (1) If a council proposes to grant a lease, licence or other estate in respect of community land for a period (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) exceeding 5 years, it must:
- 15 (a) give public notice of the proposal (including on the council's website), and
- (b) exhibit notice of the proposal on the land to which the proposal relates, and
- (c) give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and
- 20 (d) give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.
- (2) A notice of the proposal must include:
- 25 • information sufficient to identify the community land concerned
- the purpose for which the land will be used under the proposed lease, licence or other estate
- the term of the proposed lease, licence or other estate (including particulars of any options for renewal)
- the name of the person to whom it is proposed to grant the lease, licence or other estate (if known)
- a statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice.

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- (3) Any person may make a submission in writing to the council during the period specified for the purpose in the notice.
- (4) Before granting the lease, licence or other estate, the council must consider all submissions duly made to it.

5

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

- (1) This section applies to a lease, licence or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.
- (2) If a council proposes to grant a lease, licence or other estate to which this section applies:
 - (a) the proposal must be notified and exhibited in the manner prescribed by section 47, and
 - (b) the provisions of section 47 (3) and (4) apply to the proposal, and
 - (c) on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of section 47 (5)–(9) are to apply to the proposal.
- (3) If the Minister, under subsection (2) (c), determines that the provisions of section 47 (5)–(9) are to apply to the proposal:
 - (a) the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47 (1)–(8), and
 - (b) section 47 (9) has effect with respect to the Minister's consent.

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Financial Considerations

This report recommends that the proposed five-year licence commence at rent of \$490 (inclusive GST) per annum and thereafter increased annually by Consumer Price Index All Groups Sydney for the previous quarter.

25

This will require Council to subsidise rent to the value of \$42,830 per annum.

That Council also subsidise in accordance with its Council Policy Section 356 Donations Rates, Water and Sewerage Charges the cost of annual rates and fixed charges payable on the land.

30 Consultation and Engagement

Council staff publicly advertised the proposed five-year licence to the Cultural Centre between 26 March and 29 April 2021. Council also individually notified all surrounding residents of the proposed licence and place a notice on the land.

Council received two submissions.

Report No. 13.2 Rent relief to commercial lease and sub-licence holders due to COVID-19

Directorate: General Manager

Report Author: Paula Telford, Leasing and Licensing Coordinator

5 **File No:** I2021/1100

Summary:

Ongoing impacts of COVID-19 restrictions, border closures and uncertainty continue to have significant impact on commercial lease and sub-licence holders. This report proposes further rent relief to these commercial tenants.

10

RECOMMENDATION:

- 15 1. **That Council authorises 28-day public consultation to amend Policy 5.52 Commercial Activities on Coastal and Riparian Crown to increase the term of Class 2 Sub-Licences by twelve-months to enable an extension of the current Class 2 Sub-Licences to 1 November 2024.**
- 20 2. **That Council, delegates to the General Manager, the authority to amend Policy 5.52 Commercial Activities on Coastal and Riparian Crown as stated in (1) above if no submissions are received from public consultation.**
- 25 3. **That a report be brought to Council for consideration to amend Policy 5.52 Commercial Activities on Coastal and Riparian Crown as stated in (1) above if submissions are received from the public consultation.**
- 30 4. **That Council, delegates to the General Manager, the authority to negotiate rent relief, if any, with commercial surf schools, stand up paddleboard schools, sea kayak sub-licensees and Golden Breed Corporation, at a rate to be determined by the General Manager for any period between 29 March and 31 December 2021.**

Attachments:

- 30 1 Attachment 1: Consent from Department Planning, Industry & Environment to extend the term of sub-licences for commercial recreational activities., E2021/82643
- 35 2 Confidential - Attachment 2: Request from Style Surfing School Byron Bay, Rusty Miller and Cape Byron Seahorses Riding Centre, E2021/95015
- 35 3 Confidential - Attachment 3: Byron Bay Surf School Pty Ltd t/as Lets Go Surfing, E2021/95026
- 4 4 Confidential - Attachment 4: Joint submission Go Sea Kayak Byron Bay Pty Ltd and Cape Byron Kayaks, E2021/95038

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- 5 Confidential - Attachment 5: Revised joint submission Go Sea Kayaks Byron Bay Pty Ltd and Cape Byron Kayaks, E2021/95039
- 6 Attachment 6: Letter of support from Destination NSW, E2021/95034
- 7 Attachment 7: Letter of support from Destination North Coast, E2021/95031
- 5 8 Confidential - Attachment 8: Golden Breed Corporation Pty Ltd, E2021/95112
- 9 Confidential - Attachment 9: Accountant letter Golden Breed Corporation Pty Ltd, E2021/95175

Report

Council resolved (20-258):

- 5 a) *That Council waive all rent and licence fees to businesses affected and identified in the report from 15 March to 30 June 2020.*
b) *That the General Manager is delegated to negotiate and enter into arrangements with each affected business on the payments due after 30 June until 31 October 2020; and*

Council resolved (20-608):

10 *That Council delegate to the General Manager the authority to negotiate and enter into arrangements with JobKeeper eligible businesses and not-for-profit organisations identified in this report, and including AFL Queensland Ltd, relating to rental payments due after 31 October 2020 until 28 March 2021 to 25% waived and*
15 *75% deferred.*

In accordance with the above resolutions Council offered a combination of waived and deferred rent relief to commercial surf schools, stand up paddleboard schools, sea kayak sub-licensees and Cape Byron Seahorses Riding Centre sub-licensee ('Commercial Sub-Licensees') and Golden Breed Corporation Pty Ltd between 15 March 2020 and 28 March 2021. From 29 March 2021 Commercial Sub-Licensees were expected to pay full rent plus a contribution to owed deferred rent.

25 Whilst some Commercial Sub-Licensees obtained financial assistance from the NSW Government to compensate for loss of business during the COVID-19 lockdown, that assistance in most instances, did not cover the total value of deferred rent owed.

Rent relief

30 Application of amendments to the *Retail and Other Commercial Leases (COVID-19) Regulations 2021* (NSW) impose an obligation on Council (between 13 July and 20 August 2021), not to terminate the lease with Golden Breed Corporation Pty Ltd because of a failure to pay rent or for not being open for business during hours specified in the lease.

Council is not obligated by statute to renegotiate rent with Commercial Sub-Licensees or Golden Breed Corporation Pty Ltd.

Request for rent relief from Commercial Sub-Licensees

35 Council has granted six-year commercial sub-licences which will expire on 1 November 2023. Sub-licence rent is set by Council's Fees and Charges and is currently:

- Sea Kayak sub-license: \$26,665 p/a
- Commercial Surf School sub-license: \$ 5,333 p/a
- Personalised Surf School sub-license: \$ 2,421 p/a

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- Stand Up Paddleboard sub-licence: \$ 1,024 p/a

Commercial Sub-Licensees have requested further rent assistance due to:

- continuing loss of business due to ongoing international borders closures,
- the impact on domestic travel decisions brought about by domestic border closures or uncertainty when domestic borders will close,
- any increased domestic travel to Byron Shire being concentrated in resort accommodation, café and restaurants and not bookings for surf schools or sea kayak tours, and
- media coverage of Byron Shire beach erosion is turning people away from booking surf schools and sea kayak tours.

A combination of the above issues has resulted in the quietest winter trade in fourteen years. With no advanced bookings and the total loss of core bookings from conferences, weddings and schools due to COVID-19, Commercial Sub-Licensees are requesting a combination of the following rent relief:

1. *An extension to the term of sub-licences up to six-years to recover from the effects of COVID-19 and to extend the period to pay deferred rent.*

Commercial Sub-Licensees were granted in accordance with Head Crown Licence RI564194.

Clause 64(c) of RI564194 requires Ministerial consent for the granting, transfer, or assignment of a sub-licence. Council sought consent from the Department of Planning, Industry and Environment ('the Department') to grant a Deed of Variation to increase the sub-licence term by 3-years.

The Department, after reviewing Licence RI564194, consented to Council increasing the sub-licence term by twelve-months only to end on 31 October 2024. The Department also required that Council undertake due diligence before granting a twelve-month term extension. (Attachment 1).

Due diligence requires Council to consider the following to extend sub-licence terms:

- a) Legislation: section 55(3)(n)(i) of the *Local Government Act 1993* (NSW) does not apply. A new tender is not required to extend the sub-licence term by twelve-months because no new sub-licence will be granted,
- b) Council Policy 5.52 Commercial Activities on Coastal and Riparian Crown Reserves ('Policy 5.52') expressly provides the term of Class 2 sub-licenses is six-years. Extend the term of Class 2 sub-licences beyond 6-years requires a Policy amendment, and
- c) ICAC Direct Negotiation Guideline warns of contract variations that confers unnecessary benefit on a counterparty being a mechanism by which the

counterparty increases revenue. A new contract should be offered to the market when the proposed contract variation constitutes a significant change in project scope by comparing the value of the variation to the original contract value.

- 5 The value of a sub-licence is measured by the contract term. A twelve-month extension on a 6-year contract is not a significant change therefore Council may directly negotiate the term extension.

In summary Council may consider extending the term of the commercial sub-licenses by twelve-months by direct negotiation following an amendment to Policy 5.52.

- 10 This report recommends that Council authorise 28-day public consultation to amend the Policy to increase the term of Class 2 Sub-Licences by twelve-months to 1 November 2024 and that a further report be provided to Council only if submissions are received from the public consultation.

2. Rent assistance:

- 15 Commercial Sub-Licensees have requested various types of rent assistance:
- 100% rent waiver during border closures and lockdowns with rent reinstated when business becomes viable. (Confidential Attachment 2).
 - 100% rent waiver from 1 July 2020 to 28 March 2021 (Confidential Attachment 3).
 - 50% deferred rent until reopening of international borders and offer to pay full rent at 2017 rates. (Confidential Attachment 4). Due to the ambiguous request, a revised submission was lodged requesting 100% rent waiver from the beginning of the pandemic being 15 March 2020 (Confidential Attachment 5.) The submission is supported by letters from Destination NSW (Attachment 6) and Destination North Coast (Attachment 7).
- 20
- 25 This report recommends that Council delegate to the General Manager the authority to negotiate rent relief with Commercial Sub-Licensees, if any, at a rate to be determined by the General Manager for any period between 29 March and 31 December 2021.

Alternately Council could by Resolution determine the amount of any rent relief, if any, for the period between 29 March and 31 December 2021.

30 **Request for rent relief from Golden Breed Corporation Pty Ltd**

Due to domestic border closures Golden Breed Corporation Pty Ltd is requesting rent relief as set out in Confidential Attachment 8. A letter from Golden Breed Corporation Pty Ltd details the extent of business downturn due to current and ongoing domestic border closures. (Confidential Attachment 9).

- 35 This report recommends that Council delegate to the General Manager the authority to negotiate rent relief with Golden Breen Corporation Pty Ltd, if any, at a rate to be determined by the General Manager for anytime between 29 March and 31 December 2021.

Alternately Council could by Resolution determine the amount of any rent relief, if any, for the period between 29 March and 31 December 2021.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.2	Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.4	Provide active and passive recreational Community space that is accessible and inclusive for all (SP)	1.2.4.3	Deliver Stage 1 of a Public Open Space Accessibility Program

5 Recent Resolutions

- Resolution 20-258
- Resolution 20-208

Legal/Statutory/Policy Considerations

Council Policy 5.52 Commercial Activities on Coastal and Riparian Crown Reserves

10 Retail and Other Commercial Leases (COVID-19) Regulation 2021

Current version for 15 July 2021 to date (accessed 3 August 2021 at 10:09)

Definitions:

- 15 **prescribed action** means taking action under the provisions of a commercial lease or seeking orders or issuing proceedings in a court or tribunal for any of the following—
- (a) eviction of the lessee from premises or land the subject of the commercial lease,
 - (b) exercising a right of re-entry to premises or land the subject of the commercial lease,
 - (c) recovery of the premises or land,
 - (d) distraint of goods,
 - 20 (e) forfeiture,
 - (f) damages,
 - (g) requiring a payment of interest on, or a fee or charge related to, unpaid rent otherwise payable by a lessee,
 - (h) recovery of the whole or part of a security bond under the commercial lease,
 - 25 (i) performance of obligations by the lessee or any other person pursuant to a guarantee under the commercial lease,
 - (j) possession,
 - (k) termination of the commercial lease,
 - 30 (l) any other remedy otherwise available to a lessor against a lessee at common law or under the law of this State.

prescribed breach of an impacted lease means—

- (a) a failure to pay rent, or
- (b) a failure to pay outgoings, or
- (c) the business operating under the lease not being open for business during the hours specified in the lease.

5 **prescribed period** means the period commencing at the beginning of **13 July 2021** and ending at the end of **20 August 2021**.

s4 Meaning of “impacted lessee”

- (1) A lessee is an **impacted lessee** if—
 - 10 (a) the lessee qualifies for 1 or more of the following grants—
 - (i) Micro-business COVID-19 Support Grant,
 - (ii) COVID-19 NSW Business Grant,
 - (iii) Job Saver Grant, and
 - 15 (b) the following turnover in the 2020–2021 financial year was less than \$50 million—
 - (i) if the lessee is a franchisee—the turnover of the business conducted at the premises or land concerned,
 - (ii) if the lessee is a corporation that is a member of a group—the turnover of the group,
 - (iii) in any other case—the turnover of the business conducted by the lessee.
- 20 (2) To avoid doubt, in this clause, **turnover** of a business includes any turnover derived from internet sales of goods or services.
- (3) In this clause, corporations constitute a **group** if they are related bodies corporate within the meaning of the *Corporations Act 2001* of the Commonwealth.

s6 Prohibitions and restrictions relating to impacted leases

- 25 (1) This clause applies if, during the prescribed period, a lessee is an impacted lessee.
- (2) The lessor must not take prescribed action against the impacted lessee on the grounds of a prescribed breach of the impacted lease occurring during the prescribed period unless—
 - 30 (a) the matter has been referred for mediation under the Act, Part 8, Division 2, and
 - (b) the Registrar has certified in writing that the mediation has failed to resolve the dispute.
- (3) An impacted lessee must give the lessor the following information in respect of the impacted lease—
 - 35 (a) a statement to the effect that the lessee is an impacted lessee,
 - (b) evidence that the lessee is an impacted lessee.
- (4) The information—
 - (a) may be given before, or as soon as practicable after, the prescribed breach occurs, and
 - (b) must be given within a reasonable time after it is requested by the lessor.
- 40 (5) An act or omission of an impacted lessee required under a law of the Commonwealth or the State in response to the COVID-19 pandemic—
 - (a) is taken not to amount to a breach of the impacted lease to which the impacted lessee is a party, and
 - 45 (b) does not constitute grounds for termination of the impacted lease or the taking of any prescribed action by the lessor against the impacted lessee.

- (6) Nothing in this clause prevents a lessor and impacted lessee agreeing to the parties taking action in relation to the impacted lease, including the lessor taking prescribed action or the parties agreeing to terminate the impacted lease.

Financial Considerations

- 5 To be determined by the General Manager or alternately determined by Council by Resolution.

Consultation and Engagement

The Department of Planning, Industry and Environment requesting consent to extend the term of sub-licenses granted under head licence RI564194.

Report No. 13.3 **Lease to Byron Shire Respite Service Incorporated**

Directorate: General Manager

Report Author: Paula Telford, Leasing and Licensing Coordinator

5 **File No:** I2021/953

Summary:

Byron Shire Respite Service Incorporated (ABN 80 199 561 418) has requested a five-year lease with an option of three by five-year renewals to total a twenty-year lease over the Brunswick Valley Community Centre.

10 Byron Shire Respite Service was instrumental in obtaining original funding to construct the Community Centre and considers that it is best placed to operate and manage the Centre for community needs going forward. A long-term lease will provide Byron Shire Respite Service with eligibility to apply for grant funding to maintain and upgrade the Centre.

15 The Brunswick Valley Community Centre is currently managed by the Brunswick Valley Community Centre Section 355 Management Committee. This report recommends the Section 355 Management Committee is wound-up on the commencement date of the proposed lease.

20

RECOMMENDATION:

1. **That Council authorises 28-day community consultation for a proposed lease to Byron Shire Respite Service Incorporated (ABN 80 199 561 418) on the following terms:**

- 25 a) **term five years with three by five-years options to renew,**
- b) **to commence at base rent of \$490 (exclusive of GST) and thereafter increase rent annually by Consumer Price Index All Groups Sydney for the previous quarter, with a full rent review every five-years,**
- c) **for the provision of community services,**
- 30 d) **Lessee to pay the following outgoings, at its cost:**
- i. **non-structural maintenance, repairs, and renewals to the leased area,**
- ii. **usage costs for Lessee connected services,**
- iii. **public risk insurance and contents insurance for full replacement value.**

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- 5
- e) the Lessee must not to construct, install or otherwise add any improvements to the leased area without the prior written consent of Council that will not be unreasonably withheld,
 - f) the Lessor consents to the Lessee sub-leasing 130.9sqm of the Premises to the Brunswick Valley Meals on Wheels Incorporated at a flat rent of \$490 (excluding GST) per annum for the purpose of community services,
 - g) the Lessor must, at its cost, manage, maintain, and renew 1,700sqm of the vacant land in the lease area for the term, and
 - h) the Lessor to provide the following subsidises:
 - 10 i. annual fixed rates and charges in accordance with Council Policy Section 356 Donations Rates, Water and Sewerage Charges,
 - ii. building insurance, and
 - 15 iv. annual fire safety requirements and all structural building repairs where the damage is not the result of the Lessee's use of the leased area.
- 20
- 2. That Council authorises, the General Manager, under delegations, to enter into the proposed lease with Byron Shire Respite Service Incorporated (ABN 80 199 561 418) following no submissions being received from the public consultation.
 - 3. That a new report be brought to Council for consideration of the proposed lease if submissions are received from the public consultation.
 - 25 4. That Council terminates the Delegated Authority under Section 377 of the Local Government Act 1993 for a Brunswick Valley Community Centre Section 355 Management Committee and authorises the winding-up of the section 355 Committee on the commencement date of the proposed lease.
- 30

Report

Byron Shire Respite Service Incorporated ('Respite Service') is a registered charity and service provider operating from the Brunswick Valley Community Centre, 42 South Beach Road Brunswick Heads ('the Premises').

- 5 The Respite Service has requested a five-year lease with the option of three by five-year renewals to total a twenty-year lease over the Premise. The Respite Service, which was instrumental in obtaining funding to build the Community Centre, considers that it is best place to manage the Premise for future community use. The Respite Service requests a long-term lease both for security to occupy the Premises and for grant funding eligibility.

10 The Premises

Folio 436/839424, 42 South Beach Road Brunswick Heads is Council owned land classified as community land and categorised for general community use.

- 15 Folio 436/839424 is zoned RE1 Public Recreation with a community facility permissible with consent. Development consent (5.1992.337.1) was granted to Council for the construction of the community facility in 1992.

The Plan of Management ('Plan of Management') for the land expressly limits a lease to less than twenty-one years. The Plan of Management requires the following minimum lease conditions:

- a) multi community use of the Premises; and
20 b) the lessee to maintain the Premises.

The Respite Service has expressly agreed to:

- a) hire out 308.6sqm of common area in the Premises for community purposes and to expand those purposes and uses over the lease term,
b) sub-lease 130.9sqm of the Premise to Brunswick Meals on Wheels Incorporated to
25 continue its service from the Premises at flat rent set at minimum Crown rent currently \$490 (exclusive GST) per annum, and
c) maintain, repair and renew all non-structural components of the building and surrounding grounds, other than 1,700sqm of the vacant land in the lease area (see below) over the lease term.
30 To ensure the Premises is adequately maintained over the lease term, a building audit will be annexed to the lease, and each subsequent lease renewal, detailing works the Lessee must complete, at its cost, over the lease term.

- 35 Within the Premise is an area of approximately 1,700sqm of vacant land that is utilised by the community. To avoid the need to subdivide the land for leasing purposes to remove the vacant land from the land leased, it is Council's intention to continue to manage, maintain and renew this land, at its cost, during the lease term.

Management of the Premises

The Premises is currently managed by the Brunswick Valley Community Centre section 355 Management Committee ('s355 Committee') by resolution **(16-485)**. The s355 Committee is delegated responsibility for the day-to-day care, management, and maintenance of the whole Premises.

The s355 Committee at its 25 June 2021 meeting unanimously supported the proposal by the Respite Services to request a long-term lease over the Premises.

This report recommends that Council resolve to windup the s355 Committee on the commencement date of the lease and to finalise all s355 Committee financial arrangements on and after that date to the effect that on commencement of the lease, the Lessee becomes solely responsible for the day-to-day care, management, and maintenance of the Premises.

Proposed lease

In accordance with the Management Plan a lease is proposed on the terms set out in the Recommendation.

Strategic Considerations

Community Strategic Plan and Operational Plan

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

Legal/Statutory/Policy Considerations

Local Government Act 1993 (NSW)

s47 Leases, licences and other estates in respect of community land—terms greater than 5 years

(1) *If a council proposes to grant a lease, licence or other estate in respect of community land for a period (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) exceeding 5 years, it must:*

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- 5 (a) give public notice of the proposal (including on the council's website), and
(b) exhibit notice of the proposal on the land to which the proposal relates, and
(c) give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and
(d) give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.
- 10 (2) A notice of the proposal must include:
• information sufficient to identify the community land concerned
• the purpose for which the land will be used under the proposed lease, licence or other estate
• the term of the proposed lease, licence or other estate (including particulars of any options for renewal)
• the name of the person to whom it is proposed to grant the lease, licence or other estate (if known)
• a statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice.
- 15 (3) Any person may make a submission in writing to the council during the period specified for the purpose in the notice.
- 20 (4) Before granting the lease, licence or other estate, the council must consider all submissions duly made to it.
- s47A Leases, licences and other estates in respect of community land—terms of 5 years or less**
- 25 (1) This section applies to a lease, licence or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.
- (2) If a council proposes to grant a lease, licence or other estate to which this section applies:
(a) the proposal must be notified and exhibited in the manner prescribed by section 47, and
(b) the provisions of section 47 (3) and (4) apply to the proposal, and
30 (c) on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of section 47 (5)–(9) are to apply to the proposal.
- (3) If the Minister, under subsection (2) (c), determines that the provisions of section 47 (5)–(9) are to apply to the proposal:
35 (a) the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47 (1)–(8), and
(b) section 47 (9) has effect with respect to the Minister's consent.

Financial Considerations

40 This report recommends that Council change the current management model of the Brunswick Valley Community Centre and enter into total twenty-year lease with the Respite Service.

Terms of the proposed lease will require the Respite Service to pay annual rent commencing at \$490 (excluding GST) and thereafter increased by CPI All Groups Sydney with a full rent review every five-years.

45 In accordance with its Council Policy Section 356 Donations Rates, Water and Sewerage Charges the cost of annual rates and fixed charges payable on the land is fully subsidised.

Council will continue to maintain, at its cost, approximately 1,700sqm of vacant land within the leased premises for the term of the lease and all options.

Consultation and Engagement

- 5 Council is required to publicly advertise the proposed lease for a period of 28-days for public comment. Council must consider all submissions received before determining if to grant the lease. Given the proposed lease term and renew options, should an objecting submission be received on the proposed lease then Council must obtain the consent of the Minister to grant the lease.

- 10 This report recommends that Council resolved to carry out the required community consultation and if no submissions are received then delegate authority to the General Manager to grant the lease. If submissions are received then a further report will be tabled at the next available meeting.

Report No. 13.4 Request to change Railway Park Artisan Market day for one market only

Directorate: General Manager

Report Author: Paula Telford, Leasing and Licensing Coordinator

5 **File No:** I2021/1188

Summary:

10 The Byron Bay Community Association Incorporated requests a variation to its Railway Park Artisan Market Licence to move the market scheduled on Saturday 25 September 2021 to Friday 24 September 2021 to avoid a clash with the scheduled quarterly Artisan Market on Denning Park.

RECOMMENDATION:

15 That Council, having considered any submissions received following public notice of the proposal, authorises a variation to the Railway Park Artisan Market Licence held by the Byron Bay Community Association Incorporation to move the scheduled Railway Park Artisan Market Day from 25 September 2021 to 24 September 2021.

20

Report

5 Council resolved (**16-001**) to grant a Market Licence to the Byron Bay Community Association Incorporated ('the BBBCA') to operate a weekly artisan market on each Saturday in Railway Park. Approval was subsequently amended by resolution (**18-350**) to permit the BBBCA to suspend its weekly artisan market during winter months due to falling participation rates.

10 Council has previously approved by resolution (**20-377**) and (**21-073**) a one-off change in the date Railway Park Artisan Market date to avoid a clash with a scheduled market on Denning Park. The BBBCA requests another change to an artisan market day.

Request to move market day for one market only:

The BBBCA requests that Council consider varying its market licence to move the scheduled Railway Park Artisan Market from Saturday 25 September 2021 to Friday 24 September 2021 to avoid a clash with the scheduled Denning Park Artisan Market.

15 Public notice:

In accordance with the Local Government Act, Council publicly advertised the proposed the change to the artisan market date between 25 July and 21 August 2021.

At the time of writing this report the public advertisement had not closed.

20 As a result, this Report makes alternate recommendations to allow the one-off change to the Railway Park Artisan Market Day from 25 September 2021 to 24 September 2021, by a licence variation. Councillors will be notified by memorandum, after the closure of the advertisement period if submissions have been received and, if any, will be provided with those submissions.

Strategic Considerations

25 **Community Strategic Plan and Operational Plan**

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

Recent Resolutions

- Resolution (16-001)
- Resolution (18-350)
- Resolution (21-073)

5 Legal/Statutory/Policy Considerations

Local Government Act

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

- 10 (1) *This section applies to a lease, licence or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.*
- (2) *If a council proposes to grant a lease, licence or other estate to which this section applies—*
- (a) *the proposal must be notified and exhibited in the manner prescribed by section 47, and*
- 15 (b) *the provisions of section 47(3) and (4) apply to the proposal, and*
- (c) *on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of section 47(5)–(9) are to apply to the proposal.*
- 20 (3) *If the Minister, under subsection (2)(c), determines that the provisions of section 47(5)–(9) are to apply to the proposal—*
- (a) *the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47(1)–(8), and*
- (b) *section 47(9) has effect with respect to the Minister's consent.*

25 47 Leases, licences and other estates in respect of community land--terms greater than 5 years

(3) *Any person may make a submission in writing to the council during the period specified for the purpose in the notice.*

(4) *Before granting the lease, licence or other estate, the council must consider all submissions duly made to it.*

30 Financial Considerations

Nil.

Consultation and Engagement

35 Public notification of proposed change in one Artisan Market Day was carried out between 25 September 2021 and 24 September 2021 occurred between 25 July 2021 and 21 August 2021. At the time of writing this report submissions had not closed.

Report No. 13.5 Lease to Australia Skydive Pty Ltd

Directorate: General Manager

Report Author: Paula Telford, Leasing and Licensing Coordinator

File No: I2021/1098

5 Summary:

Report (I2021/429) titled Lease to Australia Skydive Pty Ltd was tabled at Council's Ordinary Meeting of 24 June 2021. The report was deferred to this meeting for the clarification of several matters to fully inform Council in determining whether to grant a long-term lease to Australia Skydive Pty Ltd.

10

RECOMMENDATION:

15 That Council authorises the General Manager, under delegation, to enter into a lease with Australia Skydive Pty Ltd over Lot 4 DP805678 in the Plan of Lease over Lot 1 DP713023 Staceys Way Tyagarah on the following terms:

- a) term five years with option of two by five years to a total of 15 years;
- b) initial rent to be set by an independent market valuation to be provided by Valuers Australia Pty Ltd with annual rent increased thereafter by Consumer Price Index All Groups Sydney;
- c) for the purpose of skydiving and associated activities carried out by the Lessee;
- d) acknowledgement that the Lessee owns all building improvements on the leased land;
- 25 e) Lessee must, at its cost, be responsible for the following:
 - i) all outgoings payable in respect of the leased land;
 - ii) all maintenance of the leased land including but not limited to any road, or carpark constructed on the leased land;
 - 30 iii) all insurances including a minimum \$20 million public risk insurance noting Byron Shire Council as an interested party; and
 - iv) all consents, approvals and other authorisation to operate its business and improve its buildings on the leased land;

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

Attachments:

- 1 Attachment 1: Report 24/06/2021 Council Lease to Australia Skydive Pty Ltd, I2021/429
- 2 Attachment 2: Deposited Plan for leasing purpose and map, E2021/94141
- 30

Report

A report was tabled to Council's 24 June 2021 Ordinary Meeting recommending a 15-year lease to Australia Skydive Pty Ltd (Skydive) (refer Attachment 1).

Council resolved **(21-223)**:

- 5 *That Council defers this item until the 4 August Planning Meeting and receives a report clarifying the following:*
- a) *the status of leasing of the site under the NSW Land Act,*
- b) *the issues surrounding remediation of the contamination of the site and an overview of the site and*
- 10 c) *the proposed lease in the context of Council's adopted Business and Industrial Lands Strategy.*

Status of leasing the site

- 15 A lease over part of an existing lot for a term greater than five-years must be identified by a plan of subdivision in accordance with section 6.2 *Environmental Planning and Assessment Act 1979* (NSW).

Council undertook a subdivision of the existing Lot 1 DP713023 for leasing purposes in 1990. Lots 4 and 5 DP805678 in the plan of lease over Lot 1 DP713023 were created with the subdivision registered on 26 June 1990.

- 20 The proposed 15-year lease to Australia Skydive Pty Ltd is over the whole of Lot 4 DP805678 in the plan of lease over Lot 1 DP713023.

- 25 For the leased interest in the land to be granted to Australia Skydive Pty Ltd, the proposed lease will be executed in the approved form in accordance with section 53(1) of the *Real Property Act 1900* (NSW) and registered on the Torrens Title over Lot 4 DP805678 in the plan of lease over Lot 1 DP713023. A copy of the subdivision for leasing purposes and map of the lot is Attachment 2.

Remediation of the contaminated site

- 30 The following is a summary of the significant events and actions pertaining to the Protection of the Environment Operations (POEO) Act Clean Up notice 75.2018.19.1 for the purpose of informing councillors regarding Council report 13.2 for the council meeting 24 June 2021 pertaining to the Australia Skydive lease over council owned land (pr267520) matter deferred by resolution 21-233.

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Summary

1. 26/03/2018 council environmental; health officers investigate allegations of an aviation fuel leak or spill at the above-mentioned property.
- 5 2. The investigation included an interview of the Australia Skydive (AS) personnel identified as being the person responsible for managing the site and the collection of surface liquid samples for evidence.
- 10 3. The AS site manager advised that they had informed the NSW Environmental Protection Agency of the incident and were in the process of obtaining further advice as to containing and cleaning up the leak/spill.
4. Council EHO provided verbal directions under the POEO Act.
- 15 5. 27/03/2018 AS implement interim mitigation measures and engaged with a contaminated land specialist company for further advice.
- 20 6. 28/03/2018 Formal Clean up Notice Issued that includes: *“engage a suitably qualified consultant with experience in the management of contaminated sites to prepare and to submit to council for approval a detailed contaminated land assessment plan for assessing the contamination of the land soils, water and groundwater at the site (the premises and neighbouring land, bushland and drains). The plan and site assessment must be consistent with the requirements of State Environmental Planning Policy No 55—Remediation of Land and the National Environmental Protection (Assessment of Site Contamination) Measure (NEPM).”*
- 25 7. 07/12/2018 Advice received from AS regarding delays in obtaining funds for the clean-up costs. On advice from their insurer an independent review of the estimated costs is required.
- 30 8. 13/12/18 AS advise council that their insurer has agreed to stage one of the remediation and remediation action plan. Part of stage one is to determine the extent of the ground water contamination to help inform stage 2 of remediation.
- 35 9. February 2019 approved works to extract the pollutant (referred to as LNAPL light non aqueous phase liquid) commence onsite (refer figure 2 below)
- 40 10. August 2019 a progress report is provided by the clean-up contractor that concludes: *“The results of routine gauging of LNAPL in the network of groundwater monitoring and extraction wells, combined with the recent analytical data obtained for the sentinel monitoring wells, infers that there has been no migration of petroleum hydrocarbon compounds (factoring in silica gel clean-up results) beyond the bounds of the sentinel groundwater monitoring wells. This finding signifies that the contamination plume is stable and subsequently the current risk to the surrounding environment is considered to be low. Whilst the LNAPL has been substantially reduced due to direct physical extraction from the well network, there is remaining product present that likely remains smeared in the saturated zone due to the recent rise in the groundwater table caused by rain. It is expected that this product will*
- 45

remobilise in time with the reformation of LNAPL at the soil/groundwater interface.”

The report goes on to recommend:

“On the basis of the most recent findings the following is recommended:

1. Continue to gauge the groundwater monitoring and extraction wells on a regular basis for groundwater level and LNAPL thickness

2. Continue to extract LNAPL on a regular basis provided the recovery rate is sufficient to justify the costs (noting since the reduction in LNAPL thickness on 3 July 2019 there has been a significant reduction in the rate of recovery of LNAPL) - refer point 3 below which can be undertaken as an alternative and/or in conjunction with the above.

3. Given the potential for the remaining LNAPL to rebound in time regardless of further groundwater level fluctuation (Le. through reconsolidation of entrapped petroleum product in the soil pores), conduct an Insitu Chemical Oxidation event (ISCO) to reduce the mass volume of petroleum hydrocarbons in the saturated zone. This strategy is expected to provide more benefits at this point in time (in terms of both remediation costs and timeframe) than LNAPL recovery via direct pumping as the recovery rate is expected to remain low until the product rebounds.

Precise Environmental (PE the clean-up contractor) is in the process of finalising a Site History Review (SHR) and Conceptual Site Model (CSM) that will be used in conjunction with this report and the previous noted within this report to prepare a Remedial Action Plan (RAP) for the ongoing remediation of remaining LNAPL, dissolved phase petroleum hydrocarbon contamination in groundwater and soil.”

11. 10 March 2020; update report from PE (clean up contractor): Remediation Action Plan underway after all prior first response initiatives. This updated report is recommending a transition to phase 2 of remediation that advises:

“Based on these trends and the current weather situation that has caused a rapid increase in the groundwater level, and keeping the objectives of the RAP in focus, PE recommends transitioning to In Situ Chemical Oxidation (ISCO). ISCO chemical is designed to strip petroleum contaminants from the vadose zone (smear zone above the current water table where LNAPL is trapped) and the saturated zone before destroying those contaminants in the liquid phase. ISCO a is very effective for application in sandy soils which dominate the site and can be easily distributed to the plume due to the dense network of wells which have been purposely installed for dual LNAPL extraction and ISCO chemical application. It would be prudent for this to commence when the water table lowers to around 0.5-0.7 m below ground level to avoid daylighting of chemicals during the injection process.

LNAPL extraction should continue where the product can be readily removed, particularly immediately prior to ISCO occurring which will intern reduce the volume of ISCO product required. ISCO should initially target wells with dissolved petroleum hydrocarbons and trailed in wells where <10 mm LNAPL exists.”

12. September 2020 Final Remediation Action Plan (RAP) complete and submitted to council Environmental Health Services for approval that was subsequently approved with conditions.

Discussion:

13. The RAP approval essentially approves Phase 2 of the clean-up, as the physical extraction process of phase 1 (referred to as LNAPL extraction in the reports) becomes less viable due to lower contaminate concentrations, groundwater, and soil conditions. Phase 2 involves the use a chemical oxidation process to treat the contaminate and physical extraction where conditions permit, and ongoing monitoring.
14. The RAP also includes (s4.5) 'Remediation performance indicators' & s4.6 *'Remediation end points*.
Table 13 of s4.6 of the RAP includes 'compliance with remediation end points' that reference (s4.2.1 and 4.2.2) various National Environmental Protection Measures (NEPM) criteria.
Because of the mixed use at the locality (Public Open Space and Commercial / Industrial) the RAP resolves (four dot points s4.2) that the NEPM criteria for Commercial /Industrial land use is the appropriate target for 'end of remediation'. Due to the type of contaminate, the soils and the groundwater an end date is not possible to project.
End of remediation will require validation via a NSW EPA accredited contaminated land site auditor.

Latest Update from AS

15. 11/05/2021: most recent advice received from AS / Experience Co advising that work is continuing the RAP and that subsurface LNAPL volumes have been reduced by 50%. They have appointed a site auditor and that their clean up contractor are currently in the process of arranging to re attend the site and will shortly provide a report. We will of course ensure Council also receives the updates as soon as possible.

What does this mean:

16. Achieving the recommended target concentrations (refer point 14 above) of any residual contamination concentrations in the groundwater and soils is somewhat dependent on weather, that influences the groundwater levels and other environmental; factors especially the characteristics of the soil (refer points 10 & 11 above).
17. If, after achieving the current remediation targets for commercial /industrial land use, a future land use at the locality were to change beyond industrial / commercial e.g., public open space or residential, another preliminary contaminated land assessment would be required.

i.e., a change in the type of land use to a more sensitive land use i.e. a land use where humans or the environment are more likely to come into contact or be indirectly impacted by any residual contamination can require further remediation or special design measures to reduce the likelihood of negative impacts occurring.

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- 5 18. If any future preliminarily contaminated; and assessment concludes that further remediation was required for a new more sensitive land use, a new Remediation Action Plan (RAP) and actions would be necessary that may also include design considerations to eliminate or reduce the likelihood of health or environmental impacts from residual contamination on the new users.
- 10 19. Because the remediation process is dependent on environmental factors and guided by costs (affordability) and the end land use, establishing a time for achieving the target concentrations cannot be accurately predicted.
- 20 20. Contaminated land and groundwater clean-up can take up to 100 years (USA EPA) but can be accelerated via the utilisation of various and usually more expensive methodologies.
- 15 21. In Situ Chemical Oxidation, as recommended in the RAP, (refer point 11 above) is a LNAPL groundwater contamination remediation method wisely used to save time and money. However, it still does not allow for an accurate prediction of the time required to achieve the target concentrations.
- 20 22. A non-exhaustive search of example scenarios indicates that the pump and treat processes can continue for more than ten years. However, the use of ISCO improved the time frame and cost effectiveness' of the clean-up. (USA EPA).
- 25 23. Figure 1 below aims to inform readers of the remediation process. It is important to note that at the bottom pf that flow chart are important considerations for the long term, i.e., what are the long-term visions and goals for the site, whether the remediation goals have been met or become impractical and when remediation goals are met or abandoned, there is an ongoing obligation to monitor and manage the site.
- 30 **In conclusion:**
24. Whilst it is inconclusive about how long and how expensive a remediation process may take and cost, the current processes have achieved a 50% reduction in groundwater contamination levels over almost 3.5 years.
- 35 25. The Remediation Action Plan and literature acknowledges that the continuation of the pump and treat method is will take longer and be more expensive than using the ISCO methods.
- 40 26. It is also important to acknowledge that regardless of the timeframe required to achieve the target concentrations (end point of remediation) or abandonment of remediation that ongoing monitoring of the groundwater in the vicinity will be required for potentially decades into the future.

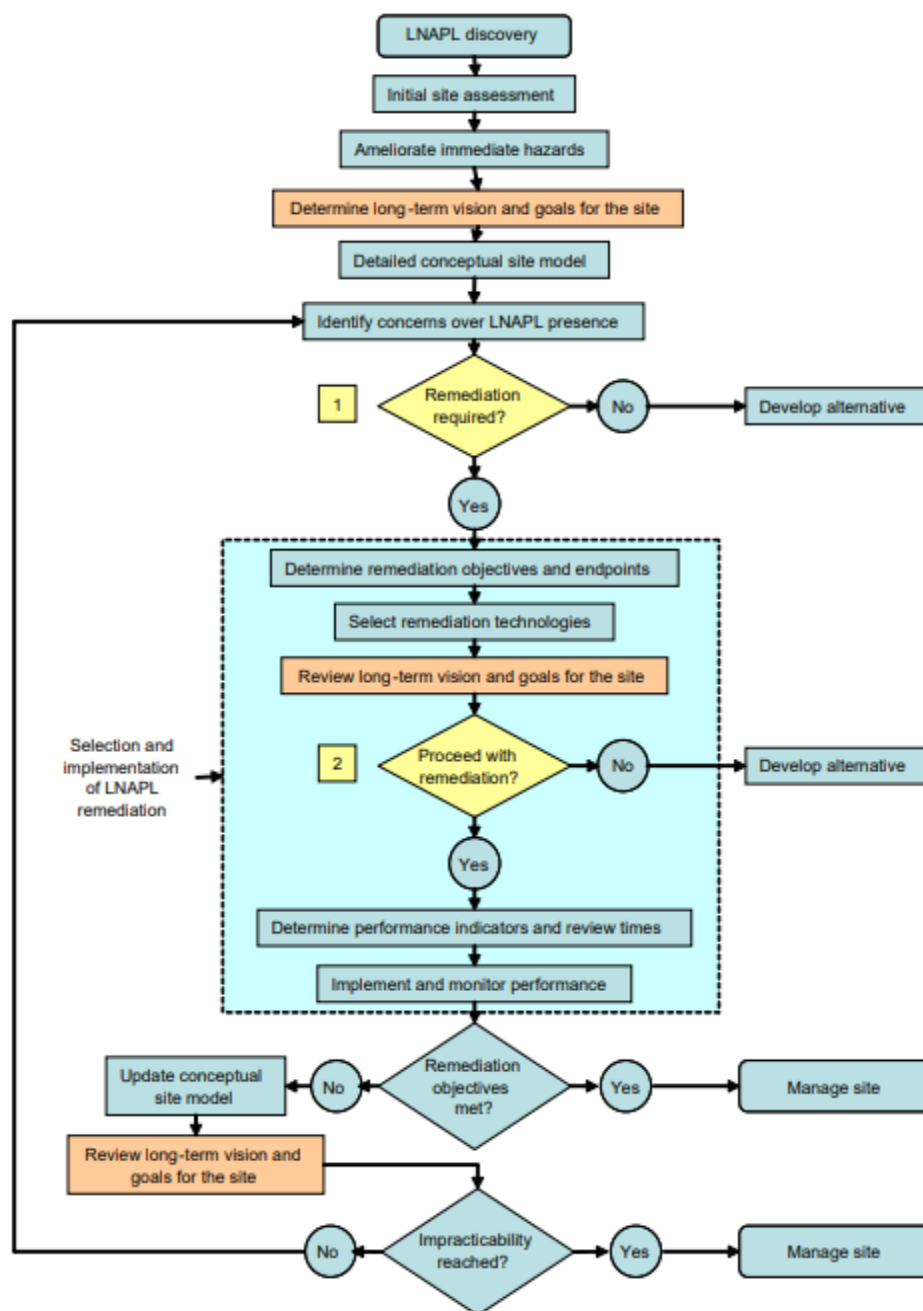


Figure 16. Flow chart showing the selection and implementation of LNAPL remediation as part of the overall framework for LNAPL-contaminated site remediation and management.

Figure 1: Extract from: 'CRC for Contamination Assessment and Remediation of the Environment [technical report 18 Selecting and Assessing Strategies for Remediating LNAPL in Soils and Aquifers](#)'

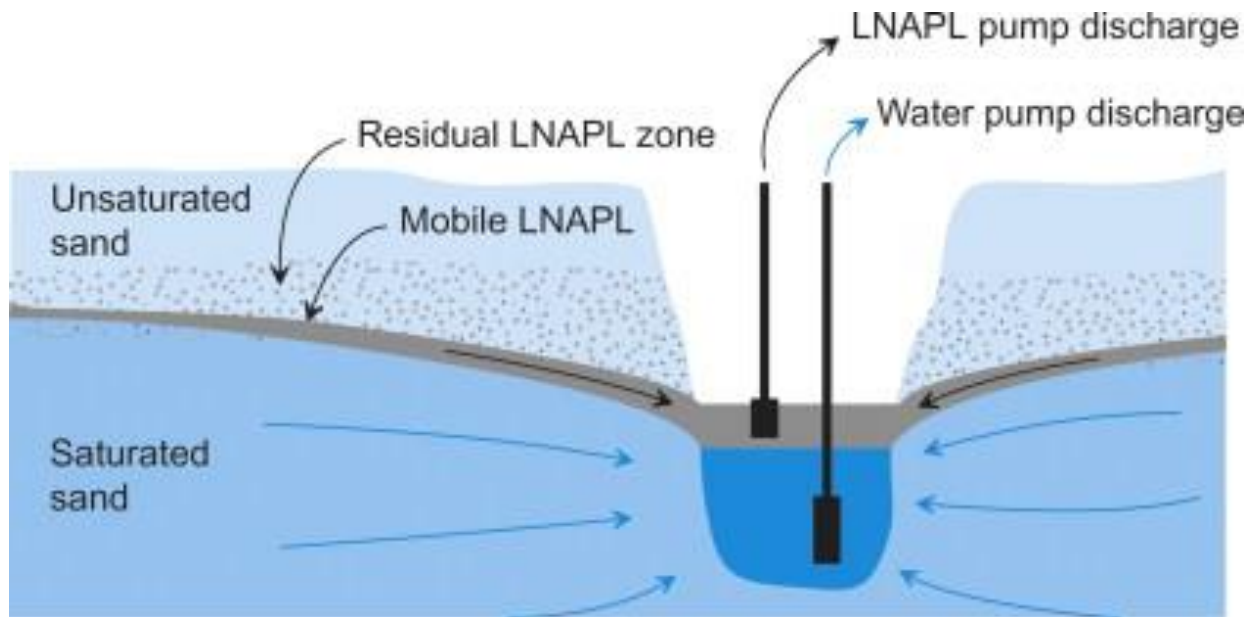


Figure 2: Stylised image of the LNAPL extraction process.

Proposed lease in the context of the Business and Industrial Lands Strategy

5 Councils adopted Business and Industrial Lands Strategy ('the Strategy') identifies seven locations suitable for sustainable long-term industrial lands. Lot 1 DP713023 is identified in the Strategy as Area Number 3 Gulgan East Industrial - potential 9-hectare industrial land site. It has the status of a 'preliminary site' rather than an investigation site.

10 The Strategy details a short to medium term being 3-to-5-year timeframe to undertake a planning proposal for an industrial rezoning. However, the timeframe is conditional on the provision of essential infrastructure to the industrial land site, being connections to water and sewerage infrastructure and road infrastructure including connections to the M1 Motorway.

15 There are no actions in the current Operational Plan to advance investigations into the Tyagarah site. There are other investigation lands in the Strategy that are being investigated.

As such, the lease terms as proposed do not impact on the progress of the Business and Industrial Lands Strategy.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.2	Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.6	Optimise Council's property portfolio (SP)	1.2.6.9	Manage leases and contracts at Tyagarah Airfield
Community Objective 5: We have community led decision making which is open and inclusive	5.5	Manage Council's finances sustainably	5.5.1	Enhance the financial capability and acumen of Council	5.5.1.2	Support the organisation in identifying financial implications of projects, proposals and plans

Recent Resolutions

- Resolution 14-654
- 5 • Resolution 20-368
- Resolution 21-259

Legal/Statutory/Policy Considerations

Nil.

Financial Considerations

- 10 As per previous report refer to Attachment 1.

Consultation and Engagement

Nil.

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Report No. 13.6 Section 355 Management Committees - Resignations & Appointments Update

5 **Directorate:** Corporate and Community Services

Report Author: Isabelle Wood, Project Officer (Generalist)

File No: I2021/1141

Summary:

10 This report updates Council on recent resignations and nominations for Section 355 committees.

RECOMMENDATION:

- 15 1. That the resignation of Gail Fuller from the Ocean Shores Community Centre Management Committee be accepted and that a letter of thanks be provided.
2. That the resignation of Janelle Horrigan from the South Golden Beach Community Hall Management Committee be accepted and that a letter of thanks be provided.
- 20 3. That the resignation of Julie McFadden from the Suffolk Park Community Hall Management Committee be accepted and that a letter of thanks be provided.
4. That the applicant as listed in Attachment 1 be officially appointed to the Suffolk Park Community Hall committee as treasurer.
- 25 5. That the resignation of Trudy Ashworth from the Brunswick Heads Memorial Hall Management Committee be accepted and that a letter of thanks be provided.
6. That the applicant as listed in Attachment 2 be officially appointed to the Durrumbul Hall committee.

30 **Attachments:**

- 1 Confidential - Nomination Form for Suffolk Park Community Hall, E2021/97577
- 2 Confidential - Nomination Form for Durrumbul Hall, S2021/4424

Ocean Shores Community Centre

During the month of June, Council received one resignation from Ocean Shores Community Centre Committee member, Gail Fuller.

Management Recommendation:

- 5 That the resignation of Gail Fuller from the Ocean Shores Community Centre Management Committee be accepted and that a letter of thanks be provided.

South Golden Beach Hall

During the month of June, Council received one resignation from South Golden Beach Hall Committee member, Janelle Horrigan.

- 10 *Management Recommendation:*

That the resignation of Janelle Horrigan from the South Golden Beach Hall Management Committee be accepted and that a letter of thanks be provided.

Suffolk Park Community Hall

- 15 During the month of July, Council received one resignation from Suffolk Park Community Hall Committee member, Julie McFadden.

Suffolk Park Community Hall currently do have a treasurer on the committee and have had difficulties retaining treasurers in the last several months. To fill this gap and assist with the role of treasurer, a member on other Section 355 community hall committees has completed a nomination form to join the Suffolk Park Community Hall.

- 20 *Management Recommendation:*

That the resignation of Julie McFadden from the Suffolk Park Community Hall Management Committee be accepted and that a letter of thanks be provided.

That the applicant as listed in Attachment 1 be officially appointed to the Suffolk Park Community Hall committee as treasurer.

- 25 **Brunswick Heads Memorial Hall**

During the month of July, Council received one resignation from Brunswick Heads Memorial Hall Committee member, Trudy Ashworth.

Management Recommendation:

- 30 That the resignation of Trudy Ashworth from the Brunswick Heads Memorial Hall Management Committee be accepted and that a letter of thanks be provided.

Durrumbul Hall

A longstanding member of the Durrumbul Hall committee did not complete a nomination form at the time they originally joined the committee. The Committee is requesting that this person remain as bookings officer and be officially appointed to the Committee.

5 *Management Recommendation:*

That the applicant as listed in Attachment 2 be officially appointed to the Durrumbul Hall committee.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.2	Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.1	Deliver infrastructure maintenance services in line with Community Solutions Panel values (SP)	1.2.1.1	Building assets managed to support the provision of services to the community.
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.3	Provide accessible, local community spaces and facilities	2.3.2	Support effective management of community buildings (SP)	2.3.2.2	Review community building management models to maximise effective operation

Legal/Statutory/Policy Considerations

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

3.1 Appointment

- 5 a) *To hold office and be responsible for the management of a Council facility, all community Management Committee members will be assessed against a set of criteria and appointed by Council. The selection criteria are:*
- i) *Have established ties to the Byron Shire community, and*
- 10 ii) *Experience (professional, amateur, volunteer) working in either; venue management, event management, conference organising, music promotion, theatre production, design, marketing, or related technical areas such as accounting, managing people or business, community services or groups or fundraising.*
- 15 b) *Council must also appoint new members before they are able to vote and take part in meetings of the Management Committee.*
- c) *The Council may dissolve a Management Committee at any time.*
- d) *The term of office for Committees will be the same term as the current Council, with the addition of an extra three months after the General Election of Councillors, unless as a sunset Committee, ie, with a finite time specified.*
- 20

3.2 Committee Membership

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

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

3.5 Procedure for obtaining new membership

35 *When a position on a Committee becomes vacant or the Committee determines it requires further members, the Committee may request Council*

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to advertise for a further member(s), to assist the Committee in a particular position. Note:

a) Unless a Committee member is urgently required it would be usual practice to advertise the vacancy.

5 *b) Advertisements for Committee members can be placed at the direction of the Committee or Council.*

c) Determination of the appointment of new members will be in accordance with Clause 3.1(b).

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

Financial Considerations

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

Report No. 13.7 YouthSay Program - Report and Recommendations

Directorate: Corporate and Community Services

Report Author: Heather Sills, Corporate Planning and Improvement Coordinator
Isabelle Wood, Project Officer (Generalist)
Jazz Hardy, Councillor Support Officer

File No: I2021/950

Summary:

10 The Byron Shire YouthSay program was developed to provide an innovative and effective engagement program specifically targeting young people.

This year seven students from Mullumbimby High School participated in the program over five sessions, commencing in May 2021 and concluding with a presentation during Public Access at the 27 May Ordinary Meeting of Council.

15 They presented their findings from the engagement process to Council through Public Access at the 27 May Ordinary Meeting and sought Council's support for the establishment of a 'Youth Council' or other mechanism to allow them and other young people to continue to engage with Council and have their voices heard.

20 This report provides further information about the program and proposes opportunities for Council to support the recommendations from the youth representatives.

RECOMMENDATION:

- 25 1. That Council thanks the young people from Mullumbimby High School involved in the Byron Shire YouthSay Program and notes their report and presentation during public access at the 27 May Ordinary Meeting of Council.
2. That Council notes the feedback and report from the YouthSay program and implements the following suggestions from the young people:
- 30 a) undertakes a survey of young people about their transport needs
- b) investigates the option of on-demand public transport
- c) coordinates a youth volunteer clean-up day in October 2021
3. That, further to Council's resolution (21-242), Council undertakes a targeted engagement program between September to November 2021 to seek feedback

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from young people about their preferred model of youth engagement for commencement in 2022.

- 5 4. **That Council receives a report regarding the outcomes of this youth engagement and the proposed forum for future youth engagement to commence in 2022.**

Attachments:

- 1 YouthSay 2021 Report, E2021/96529

10

Report

The Byron Shire YouthSay program was developed to provide an innovative and effective engagement program specifically targeting young people. The program targeted young people aged 15-16 (Years 9-10) and aimed to provide an effective mechanism for youth leadership development and future social engagement of young people in our Shire.

Seven students from Mullumbimby High School participated in the program over five sessions, commencing in May 2021 and concluding with their presentation during Public Access at the 27 May Ordinary Meeting of Council.

The program was designed to develop civic leadership skills through a series of participatory activities related to the functions of Local Government as outlined below:

Co-Design Workshop	A number of activities designed to engage and discover: What are the most pressing issues for young people in the Shire? What can Council do in this space? How can young people get involved in democracy?
Introduction to Local Government	This session focused on LG101 for young citizens. A Q&A Panel session with expert staff from across Council allowed the young people to get a deeper understanding of their topics of interest identified in the co-design workshop and allowed them to learn more about the role and function of Council:
Challenges and Solutions	Participants were taken through a series of activities to identify challenges faced by young people in the Shire and the opportunities that exist to work towards the future that they want for Byron Shire.
Planning for the Future	They participated in a mock Council Meeting, facilitated and supported by staff, Cr Alan Hunter, and the North Coast representative on Minister Taylor's Regional Youth Taskforce, Paris Brailsford.
Formal Meeting of Council	Young people witnessed democracy in action including public access, debate and decision making. The young people presented at public access and joined Councillors for morning tea.

Outcome

The workshop sessions culminated in a report prepared by the young people which they used for their presentation to Council. A copy of their report is available at attachment 1 (E2021/96529)

- 5 Their report is structured in accordance with the five community objectives identified in the *Community Strategic Plan – Our Byron Our Future 2028*. Each of their recommendations are provided in more detail below:

Community Objective 1:

We have **infrastructure**, transport and services which meet our expectations

- 10 Young people say they want reliable and safe public transport in and around Byron Shire.

Youth recommendation:

- Council to make representation on behalf of youth to bus companies and the State Government to improve the bus schedules
- Survey young people aged 12-25 to explore the public transport issues and find out what solutions might be available. Provide evidence of demand to bus companies.
- Investigate the [on-demand public transport](#) trial that is happening in Alstonville to see if this is something that could work in Byron Shire

Council response:

- 20 The feedback from the youth in relation to the requirement for reliable and safe public transport options will be included in the community engagement on the Community Strategic Plan. This will underpin the development of appropriate strategies to meet the transport needs of the community into the future.

- 25 In the meantime, the recommendation to Council supports the request to undertake a survey to get further insight into the specific transport needs of young people and to investigate options such as on-demand public transport options. The results of the survey and investigation will enable Council to incorporate learnings into future planning and to advocate for the needs of our community.

Community Objective 2:

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

- 30 Youth say they want an accessible Byron Shire with improved footpaths, in particular linkages with key services for people with disability (such as respite centres) and accessible beaches.

Youth recommendation:

- Educate business and people in the community about accessibility and discrimination

- Acknowledge the [Pedestrian Access Mobility Plan](#) and that work has been undertaken and will continue to be delivered to improve accessibility of footpaths in the Shire
- Investigate opportunities to make beaches more accessible in the Byron Shire

5 Council response:

Council will soon commence the review of its *Disability Inclusion Action Plan*, in accordance with legislative requirements. This review will seek feedback from community and through the Access Consultative Working Group to identify and plan for priorities relating to inclusion and accessibility in the Byron Shire. The feedback from the YouthSay program will be passed on and young people are encouraged to get involved in the review when opportunities arise, including completing the upcoming online survey and volunteering for consultation sessions. Both of these opportunities will be publicised through the Council's media channels and through local networks.

Community Objective 3:

15 We protect and enhance our natural environment

Youth say they want a litter free Byron Shire.

Youth recommendation:

- Investigate the options such as increasing public bin collections throughout the week, or putting more bins in certain locations
- Work with youth to organise regular volunteer clean up days
- [Education programs](#)

Council response:

Council welcomes the enthusiasm from the youth to reduce litter in the Byron Shire and is supportive of the request for Council to work with youth to organise regular clean up days. This would coincide with other litter and waste education programs that Council already delivers to schools and the wider community. In terms of more bins and bin collections, the focus is on exploring ideas and initiatives that reduce waste at the source to reduce waste overall. This is the basis of Council's education programs.

The recommendation proposes holding a youth clean-up day in October 2021, where the ongoing and regular format can be further explored in partnership with the youth. If a regular format is to be successful it would be beneficial to involve other local community groups to work alongside the young people.

Community Objective 4:

35 We manage growth and change responsibly

Youth say they want to be able to live and work in Byron Shire.

Youth recommendation:

- Reduce AirBnBs so that those houses are returned to the available housing stock

- Include affordable housing requirements in development

Council response:

5 Affordable housing is a complex matter, currently before Council. Council will continue to work towards a future where young people can live and work in the Byron Shire and this feedback from YouthSay will contribute toward the broader community engagement on the Community Strategic Plan over the coming months.

Community Objective 5:

We have community led **decision making** which is open and inclusive

10 Youth say they would like an inclusive Youth Council, or similar platform, established to help them have a voice about decisions that affect them in Byron Shire.

Youth recommendation:

- Investigate opportunities to work with a partner such as the Byron Youth Activities Centre
 - Establish a Youth Council that meets regularly to allow young people to have input
- 15 into decisions that are being made by Council

Council response:

Council supported this recommendation in a Notice of Motion at the 24 June Ordinary Meeting, resolving (21-242):

- 20
1. *That Council investigates opportunities to further support youth engagement with the aim of establishing a regular forum.*
 2. *That Council receives a six-monthly report on the outcomes of the youth engagement program.*

This investigation has taken place and the recommended next steps are outlined in the *Consultation and Engagement* section of this report.

25 Feedback

In addition to the recommendation report from the young people, participants were asked to complete a short survey before and after the YouthSay program. They survey captured their feedback about challenges, issues, and ideas; as well as some evaluative feedback about the YouthSay program itself.

30 This feedback will guide the development of future programs. A key finding was that prior to the YouthSay program 100% of respondents answered 'No' to the question "Do you feel you are given opportunities to voice your opinion about decisions that impact the future of Byron Shire?" Following the program, 75% of respondents answered 'Yes' to the same question.

All respondents indicated they were either 'Somewhat likely' or 'Very likely' to recommend this program to other young people.

The participants indicated that they felt the YouthSay activities were well organised and that they could contribute to the discussions. Some of the testimonies from the youth participants are provided below:

"Not everyone has a voice for their opinions, I'm very fortunate to have a voice through doing this program"

"This was a great opportunity to learn more about our community and council. It was really fun, and I would like to thank you for all the effort that was made for our voice to be heard."

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	5.1	Engage and involve community in decision making	5.1.1	Facilitate inclusive community consultation and stakeholder engagement to inform Council decision making (SP)	5.1.1.5	Design and implement annual youth leadership program

Legal/Statutory/Policy Considerations

There are no legal or policy considerations at this stage.

Financial Considerations

Following the success of the 2019 Youth Challenge program, Council sought support through the NSW Government's Youth Opportunities Grant to expand the program to include more schools, however the application was unsuccessful. Therefore, the 2021 YouthSay program was developed utilising existing resources and the annual budget allocation for youth programs.

An allocation of \$10,000 in the 2021/22 Budget for youth programs, will cover resourcing and costs associated with youth engagement activities in the development of a program (as outlined in more detail under 'consultation and engagement'). Council will continue to pursue funding opportunities where appropriate to further develop and enhance youth engagement programs.

Consultation and Engagement

5 Council will consult with young people in the development of the future youth engagement model from September to November. This will ensure they have the opportunity to influence the way Council engages with them in the future. The outcome from this consultation will be the development of a youth engagement model which will commence at the start of 2022.

10 Through this consultation Council will identify new and existing opportunities to meaningfully engage with young people from diverse backgrounds and lived experiences in the Byron Shire. We will identify and engage with key stakeholders, including local schools, community groups and relevant organisations, to effectively reach young people using a variety of engagement methods and activities. This will include drawing upon the existing relationship between the Mullumbimby High School and Byron Shire Council.

15 This youth-led consultation process will identify the unique needs of young people by listening to their opinions and ideas and will inform the development of the youth engagement program in 2022 that meets their needs and expectations. This approach provides young people with a practical way to influence decision-making that directly affects them and follows best practice of youth-led initiatives.

Report No. 13.8 Council Investments - 1 June 2021 to 30 June 2021

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2021/1153

Summary:

This report includes a list of investments and identifies Council's overall cash position for the period 1 June to 30 June 2021 for information.

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

RECOMMENDATION:

That Council notes the report listing Council's investments and overall cash position as at 30 June 2021.

15

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Report

Council has continued to maintain a diversified portfolio of investments. As of 30 June 2021, the average 90-day bank bill rate (BBSW) for the month of June 2021 was 0.04%. Council's performance to June 2021 was 0.74%. This is largely due to the active ongoing management of the investment portfolio, maximising investment returns through secure term deposits, bonds and purchasing floating rate notes with attractive interest rates. It should be noted that as investments mature, Council's investment return may continue to decrease due to the lower rates available in the current market.

The table below identifies the investments held by Council as at 30 June 2021

Schedule of Investments held as at 30 June 2021

Purch Date	Principal (\$)	Description	CP *	Rating	Maturity Date	No Fos sil Fuel	Type	Int. Rate	Current Value
24/03/17	1,000,000.00	NAB Social Bond (Gender Equality)	Y	AA-	24/03/22	N	B	3.25%	1,073,060.00
15/11/18	1,000,000.00	NSW Treasury Corp (Green Bond)	N	AAA	15/11/28	Y	B	3.00%	1,022,130.00
20/11/18	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	22/03/24	Y	B	3.00%	1,117,890.00
28/03/19	1,000,000.00	National Housing Finance & Investment Corporation	Y	AAA	28/03/31	Y	B	2.38%	1,070,490.00
21/11/19	1,000,000.00	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	Y	B	1.25%	1,023,100.00
27/11/19	500,000.00	National Housing Finance & Investment Social Bond	Y	AAA	27/05/30	Y	B	1.52%	497,515.00
31/03/17	1,000,000.00	CBA Climate Bond	Y	AA-	31/03/22	N	FRN	1.02%	1,006,350.00

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Purch Date	Principal (\$)	Description	CP *	Rating	Maturity Date	No Fos sil Fuel	Type	Int. Rate	Current Value
16/11/17	750,000.00	Bank of Queensland	Y	BBB+	16/11/21	N	FRN	1.04%	752,557.50
30/08/18	500,000.00	Bank Australia Ltd (Sustainability Bond)	Y	BBB+	30/08/21	Y	FRN	1.32%	500,815.00
15/06/21	500,000.00	National Housing Finance & Investment Social Bond	Y	AAA	01/07/31	Y	FRN	0.21%	501,840.00
24/07/20	2,000,000.00	Bank of Queensland	Y	BBB+	19/07/21	N	TD	0.90%	2,000,000.00
30/07/20	1,000,000.00	Judo Bank	Y	NR	30/07/21	N	TD	1.25%	1,000,000.00
03/08/20	1,000,000.00	NAB	N	AA-	03/08/21	N	TD	0.85%	1,000,000.00
19/08/20	2,000,000.00	NAB	N	AA-	19/08/21	N	TD	0.80%	2,000,000.00
26/08/20	1,000,000.00	AMP Bank	Y	BBB	26/08/21	N	TD	0.80%	1,000,000.00
02/09/20	1,000,000.00	Bank of Queensland	N	BBB+	01/09/21	N	TD	0.78%	1,000,000.00
02/09/20	1,000,000.00	NAB	N	AA-	02/09/21	N	TD	0.75%	1,000,000.00
24/09/20	2,000,000.00	NAB	N	AA-	24/09/21	N	TD	0.65%	2,000,000.00
30/09/20	2,000,000.00	CBA Green Deposit	N	AA-	30/09/21	N	TD	0.70%	2,000,000.00
07/10/20	2,000,000.00	MyState Bank Limited	Y	NR	07/10/21	Y	TD	0.70%	2,000,000.00
04/11/20	2,000,000.00	NAB	N	AA-	04/11/21	N	TD	0.55%	2,000,000.00
09/11/20	1,000,000.00	Community First Credit Union	Y	NR	09/11/21	Y	TD	0.65%	1,000,000.00
09/11/20	1,000,000.00	The Mutual Bank	Y	NR	09/08/21	Y	TD	0.65%	1,000,000.00
23/11/20	1,000,000.00	AMP Bank	N	BBB	23/11/21	N	TD	0.75%	1,000,000.00

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Purch Date	Principal (\$)	Description	CP *	Rating	Maturity Date	No Fos sil Fuel	Type	Int. Rate	Current Value
24/11/20	1,000,000.00	Judo Bank	N	NR	24/11/21	Y	TD	0.84%	1,000,000.00
26/11/20	1,000,000.00	Community First Credit Union	N	NR	26/11/21	Y	TD	0.65%	1,000,000.00
26/11/20	1,000,000.00	Macquarie Bank	Y	A	22/10/21	N	TD	0.50%	1,000,000.00
17/12/20	2,000,000.00	NAB	N	AA-	17/12/21	N	TD	0.50%	2,000,000.00
05/01/2	2,000,000.00	NAB	N	AA-	05/01/22	N	TD	0.45%	2,000,000.00
05/01/21	1,000,000.00	Judo Bank	N	NR	06/07/21	Y	TD	0.55%	1,000,000.00
20/01/21	1,000,000.00	Westpac (Tailored)	Y	AA-	20/01/22	N	TD	0.38%	1,000,000.00
27/01/21	1,000,000.00	The Mutual Bank	N	NR	27/01/22	Y	TD	0.50%	1,000,000.00
29/01/21	1,000,000.00	ME Bank	Y	BBB	31/01/22	Y	TD	0.45%	1,000,000.00
01/02/21	2,000,000.00	Suncorp	Y	A+	03/08/21	Y	TD	0.35%	2,000,000.00
01/02/21	1,000,000.00	B & E Ltd (Bank of Us)	Y	NR	03/08/21	Y	TD	0.40%	1,000,000.00
03/02/21	1,000,000.00	NAB	N	AA-	02/08/21	N	TD	0.40%	1,000,000.00
13/04/21	1,000,000.00	The Mutual Bank	N	NR	10/09/21	Y	TD	0.50%	1,000,000.00
05/05/21	1,000,001.00	AMP Bank	N	BBB	03/11/21	N	TD	0.55%	1,000,001.00
09/06/21	1,000,000.00	Illawarra Credit Union	Y	NR	09/12/21	Y	TD	0.45%	1,000,000.00
24/06/21	1,000,000.00	ME Bank	N	NR	24/02/22	Y	TD	0.45%	1,000,000.00
29/06/21	1,000,000.00	Gateway Credit Union	Y	NR	28/09/21	Y	TD	0.40%	1,000,000.00
30/06/21	1,000,000.00	ME Bank	N	NR	27/01/22	Y	TD	0.45%	1,000,000.00
N/A	8,575,882.55	CBA Business Saver	N	AA-	N/A	N	CAL L	0.20%	8,575,882.55
N/A	153,083.10	CBA Business Saver – Tourism	N	AA-	N/A	N	CAL L	0.20%	153,083.10

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Purch Date	Principal (\$)	Description	CP *	Rating	Maturity Date	No Fossil Fuel	Type	Int. Rate	Current Value
		Infrastructure Grant							
N/A	2,113,385.14	NSW Treasury Corp	N	AAA	N/A	Y	CALL	0.01%	2,113,385.14
N/A	11,002,871.28	Macquarie Accelerator Call	N	A	N/A	N	CALL	0.40%	11,002,871.28
Total	71,095,223.07						AVG	0.74%	71,410,970.57

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

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

Note 3.

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

Environmental and Socially Responsible Investing (ESRI)

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

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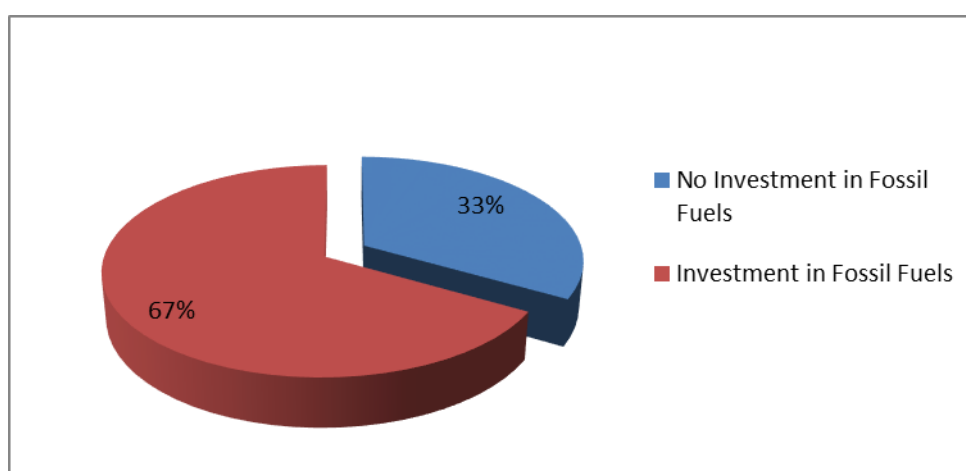
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not. Council's current Investment Policy defines Environmental and Socially Responsible Investing at Section 4.1 of the Policy which can be found on Council's [website](#).

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

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



Investment Policy Compliance

Investment policy compliance				ACTUAL	Variance
% per institution should not exceed the following					
AAA to AA	A1+	100%		50.41%	Meets policy
A+ to A-	A1	60%		16.88%	Meets policy
BBB to NR	A2.NR	40%		32.70%	Meets policy

The above table identifies compliance with Council's Investment Policy by the proportion of the investment portfolio invested with financial institutions, along with their associated credit ratings compared to parameters in the Investment Policy. The parameters are designed to support prudent short and long-term management of credit risk and ensure diversification of the investment portfolio. Note that the financial institutions currently offering investments in the 'ethical' area are still mainly those with lower credit ratings (being either BBB or not rated at all i.e. credit unions).

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Associated Risk

- 5 Moving more of the investment portfolio into the 'ethical' space will lower the credit quality of the investment portfolio overall and increase the organisation's credit risk (i.e. exposure to potential default). To monitor this issue the 'Investment Policy Compliance' table is now produced for each monthly Investment Report to Council.

The investment portfolio is outlined in the table below by investment type for the period 1 June 2021 to 30 June 2021:

Dissection of Council Investment Portfolio as at 30 June 2021

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
41,000,001.00	Term Deposits	41,000,001.00	0.00
3,750,000.00	Floating Rate Note	3,834,622.50	84,622.50
8,575,882.55	CBA Business Saver	8,575,882.55	0.00
153,083.10	CBA Business Saver – Tourism Infrastructure Grant	153,083.10	0.00
2,113,385.14	NSW Treasury Corp	2,113,385.14	0.00
11,002,871.28	Macquarie Accelerator	11,002,871.28	0.00
4,500,000.00	Bonds	4,731,125.00	231,125.00
71,095,223.07		71,410,970.57	315,747.50

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

- 15 The table below provides a reconciliation of investment purchases and maturities for the period of 1 June 2021 to 30 June 2021 on a current market value basis.

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Movement in Investment Portfolio – 30 June 2021

Item	Current Market Value (at end of month) \$
Opening Balance at 1 June 2021	66,369,858.44
Add: New Investments Purchased	4,500,000.00
Add: Call Account Additions	2,000,000.00
Add: Macquarie Accelerator Additions	9,000,000.00
Add: Macquarie Accelerator Interest	2,871.28
Add: Tourism Call Account Interest	129.83
Less: Tourism Call Account Redemption	1,959,781.48
Less: Call Account Redemption	3,500,000.00
Less: Investments Matured	5,000,000.00
Less: Fair Value Movement for period	2,107.50
Closing Balance at 30 June 2021	71,410,970.57

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

5

Dissection of Council's Cash Position as at 30 June 2021

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	41,000,001.00	41,000,001.00	0.00
Floating Rate Note	3,750,000.00	3,834,622.50	84,622.50
CBA Business Saver	8,575,882.55	8,575,882.55	0.00
CBA Business Saver – Tourism Infrastructure Grant	153,083.10	153,083.10	0.00
NSW Treasury Corp	2,113,385.14	2,113,385.14	0.00

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Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Macquarie Accelerator	11,002,871.28	11,002,871.28	0.00
Bonds	4,500,000.00	4,731,125.00	231,125.00
Total Investment Portfolio	71,095,223.07	71,410,970.57	315,747.50
Cash at Bank			
Consolidated Fund	1,435,527.17	1,435,527.17	0.00
Total Cash at Bank	1,435,527.17	1,435,527.17	0.00
Total Cash Position	72,530,750.24	72,846,497.74	0.00

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

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

Legal/Statutory/Policy Considerations

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

- 5 The Report must be presented at the next Ordinary Meeting of Council after the end of the month being reported. The current Council Meeting cycle does not always allow this to occur, especially as investment valuations required for the preparation of the report are often received after the deadline for the submission of reports. Endeavours are being made to achieve a better alignment and for some months this will require reporting for one or more months.
- 10

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

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

Financial Considerations

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

**Report No. 13.9 Council Resolutions Quarterly Review - Q4 -
1 April to 30 June 2021**

Directorate: Corporate and Community Services

Report Author: Heather Sills, Corporate Planning and Improvement
Coordinator

File No: I2021/1205

Summary:

This report provides an update on the status of Council resolutions as at 30 June 2021.

181 resolutions were completed during the period 1 April to 30 June 2021.

As at 30 June 2021, there were 88 active resolutions.

RECOMMENDATION:

1. That Council notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2021/88256).
2. That Council notes the completed Resolutions in Attachment 2 (#E2021/88255).
3. That Council endorses the closure of Resolution 18-039 as identified in Table 1: Council resolutions that are to be closed; and included in the completed Resolutions in Attachment 2 (#E2021/88255).

Attachments:

- 1 Active Resolutions - as at 30 June 2021, E2021/88256
- 2 Completed Resolutions - 1 April to 30 June 2021, E2021/88255

Report

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

5 Quarterly Report – 1 April to 30 June 2021

Active Resolutions

10 The *Active Resolutions Report* (#E2021/88256) provides an update to Council on all active resolutions as at 30 June 2021, with relevant commentary regarding the status of each resolution as at this date. There are 88 active resolutions including those resolutions from the June Council Meetings which may or may not have had any action taken at the time of preparing this report.

30 of the active resolutions were overdue by more than 60 days at the time the report was prepared. Resolutions could be overdue as a result of budget constraints, staff resourcing, extended negotiations with stakeholders, or other reasons.

15 Completed Resolutions

The *Completed Resolutions Report* (#E2021/88255) provides details of those resolutions that were completed during the period 1 April to 30 June 2021. 181 resolutions were completed during this period.

Resolutions for Closure

20 Council resolutions that are no longer relevant or have been superseded either by other resolutions, legislative change or other matters, are provided in Table 1 below. These resolutions are also reflected in the *Completed Resolutions Report*.

Table 1: Council resolutions that are to be closed:

Meeting Date	Res No.	Report Title	Staff Comments and Recommendation
1/2/2018	18-039	Cavanbah Centre - Options for Future Development	Following recent resolution of lengthy land tenure matters and lease arrangements at the Byron Bay War Memorial Swimming Pool, upgrading of the pool site has become favourable over adaptively reusing the site as a community and cultural performance zone as per Byron Bay Town Centre Master Plan Long Term Priorities 2022-2035. This direction, in alignment with the Open Space and Recreation Needs Assessment and Action Plan (Res- 18-843), has resulted in the formation of the Byron Bay Memorial Swimming Pool Project Reference Group in 2020, to focus Byron Shire's Aquatic needs through the refurbishment of the Byron Bay War Memorial Swimming Pool site.

Strategic Considerations

Community Strategic Plan and Operational Plan

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

Recent Resolutions

- 5 This report has been prepared in accordance with requirements prescribed by Council resolution **20-513**.

Legal/Statutory/Policy Considerations

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

Financial Considerations

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

Consultation and Engagement

Not applicable.

Report No. 13.10 Carryovers for Inclusion in the 2021-2022 Budget

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2021/1206

Summary:

10 This report is prepared for Council to consider and to adopt the carryover Budget allocations for works and services, either commenced and not completed, or not commenced but allocated in the 2020/2021 financial year for inclusion in the 2021/2022 Budget Estimates.

This report is to be considered by the Finance Advisory Committee at its Meeting held on 19 August 2021.

15

RECOMMENDATION:

20 That Council approves the works and services (with respective funding) shown in Attachment 1 (#E2021/101511) to be carried over from the 2020/2021 financial year and that the carryover budget allocations be adopted as budget revotes for inclusion in the 2021/2022 Budget Estimates.

Attachments:

25 1 Schedule of Carryovers for inclusion in 2021/2022 Budget - General, Water and Sewerage Funds, E2021/101511

30

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Report

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

This report identifies all the works and services to be carried over to the 2021/2022 Budget Estimates and the respective funding of each, relating to works and services not completed during the course of the 2020/2021 financial year. The specific details of all carryover works and services that are the subject of this report are outlined in Attachment 1.

The works and services are fully funded and have no impact on Council's Unrestricted Cash Result or the 2021/2022 Budget Estimates result.

As in previous years there is a significant amount of carryovers with total carryovers for 2020/2021 amounting to \$13,254,800. Table 1 below outlines this and a comparison of carryovers from previous financial years.

Table 1 - Value of budget carryovers 2017/18 – 2021/22

Fund	2017/18 (\$)	2018/19 (\$)	2019/20 (\$)	2020/21 (\$)	2021/22 (\$)
General	7,102,100	9,004,500	6,024,800	7,875,500	10,719,000
Water	2,770,100	879,500	301,900	1,118,800	840,300
Sewer	2,051,800	2,473,500	625,400	1,129,200	1,695,500
Total	11,924,000	12,357,500	6,952,100	10,123,500	13,254,800

General Fund

The value of works carried over to 2021/2022 for the General Fund has increased by just over 36% from the 2020/2021 amount (\$2,843,500). Of the \$10,719,000 of General Fund carryovers, approximately 40% (\$4,340,200) is attributable to Local Roads and Drainage projects not completed in 2020/2021 to be carried forward to 2021/2022. This percentage is less than the carryovers attributable to Local Roads and Drainage from 2019/2020 (46%). The extent of carryovers in the General Fund is also relevant to the number of, and size of grant funded works.

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Major carryover items in General Fund are as follows:

- Byron Rail Corridor Restoration \$667,500
- Coolamon Scenic Drive \$596,100
- Bangalow Road \$421,300
- 5 • Myocum Road \$483,200

Water and Sewer Funds

Carryovers for the Water Fund have decreased by \$278,500 and increased for the Sewer Fund by \$566,300 compared to the carryover for the 2020/2021 financial year. Details of these carryovers are included in Attachment 1.

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

Table 2 – Schedule of Carryover works current status

Project	Carryover \$	Status
Additional Lighting Project	1,600	Unexpended funds from 2020/21.
Integrated Transport Management Strategy	47,800	Work is ongoing to finalise the draft document for public exhibition. Exhibition planned for September.
Bridge - South Arm	28,100	To allow for contractors defect period.
Access ramps and footpaths works	17,300	Works program with construction teams for construction.
Bangalow Deacon Street Share Path	46,800	Works 90% complete on ground, minor works and close out remains.
Design & Options Study BA001 and BA023	25,300	Byron Street Shared Path preliminary designs complete. IFC drawings being finalised.

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Project	Carryover \$	Status
Mobility Spaces	64,300	Works program with construction teams for construction.
Upper Main Arm Bridge - Main Arm Road	40,600	Project has commenced and on track with grant funding
Sherringtons Bridge - Sherringtons Lane	40,400	Project has commenced and on track with grant funding
Englishes Bridge - Englishes Road	47,300	Tender to be released in August 2021.
Suffolk Park - Bangalow Rd/Tennyson St	72,600	Contract awarded for works.
Mullumbimby to Brunswick Heads Cycleway	52,300	Contract awarded for options study. Document in draft form.
Balemo Drive Shared Path (Stage 2)	188,600	Works complete. Project to be closed out.
Approaches to Tallow Creek footbridge	38,500	Contract awarded. Awaiting water levels to drop in order to complete works.
18 Old Bangalow Road - pipe open drain	97,100	Project is construction ready. Compliance issue is being resolved prior to works commencing.
SGB Street Drainage Upgrade - Pacific Es	51,800	Work on site nearing completion.
Studal Lane Drainage Upgrade - Design	22,800	Design delayed to due competing grant priorities. Programmed for 2021/22.
SGB Street Drainage Upgrade - Clifford St	17,600	Design 60% complete and project to be completed in August.
Causeways, Culvert and Bridge Renewals	150,000	Funds reserved for causeway, culvert and bridge renewals. Program to be revisited upon completion of Johnstons Lane

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Project	Carryover \$	Status
		project.
Bangalow Sportsfield Access Road	15,600	Design works expected to recommence in 2021/22. These were on hold awaiting guidance from developer.
Gravel Resheeting	6,200	Works complete for 2020/21 but unexpended funds added to 2021/22.
The Pocket Road Stage 2 (Ch 2,810 - 3,69	37,900	Design 90% complete. Will be finalised in August 2021.
Coolamon Scenic Drive 16.5km section,	596,100	Contract awarded for stage 3 and underway.
Bangalow Road 8.02km section, Byron Bay	421,300	Works on site near complete. Remaining works awaiting product availability.
Renewal of Roads Side Barriers - Shire Wide	52,200	Works to commence in 2021/22.
Myocum Rd Design	483,200	Design progressing and works to be completed in FY22/23 (ECG Portion of Main Arm Rd. 2 GLs for project).
Stuart Street	274,200	Stage 1a works complete. Stage 1b programmed for late 2021.
Stuart St Tincogan St Intersection	46,100	Works delayed awaiting guidance from Council.
Main Arm Rd	46,200	Project to continue in 2021/22.
A&I Estate - Bayshore Drive Reconstruction	92,700	Project has commenced and on track with grant funding.
Safer Roads Program - Main Arm	71,500	Design well developed and undergoing consultation.
Safer Roads Program - Myocum - Myocum Rd	58,400	Works programmed to commence in August 2021.

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Project	Carryover \$	Status
Fixing Country Roads - Myocum Rd Upgrade	124,600	Works programmed to commence in August 2021.
National Parks Access Rd Sealing	500	Seven Mile Beach works complete. Grays Lane and Minyon to follow.
Rifle Range Rd Upgrade	26,000	Construction drawing nearing completion.
Federal Stimulus Project - Skinners Shoot Rd	120,900	Works complete. Project to be closed out.
The Pocket Rd Bridge Signage Upgrade	4,000	Works complete. Project to be closed out.
Brunswick Heads - South Arm Carpark	24,100	Concept design complete. Detail design underway.
Heavy Patching	11,800	Programmed for first half of 2021/22
Retaining Wall Works Program	11,900	Programmed for first half of 2021/22
Esplanade Beach Access and Parking Improvements	43,700	Options developed and consulted locally. To be reported to Council for direction.
Byron Bay CCTV	153,600	Committed funds in 2021/22
Binna Burra Rd Signs	19,800	Works complete. Project to be closed out.
Tyagarah Road, Myocum – speed zone signage	6,200	Signs yet to be installed, funds received near the end of 2020/21.
2019 ECG Pavement Asphalt Overlay Program	139,100	Programmed for first half of 2021/22
2019 ECG Reseal Program	57,900	Programmed for first half of 2021/22
Byron Bay Bypass	343,700	Budget required for any potential further works or

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Project	Carryover \$	Status
		reworks, particularly associated with mitigation works.
Total	4,340,200	

In accordance with Regulation 211 of the Local Government (General) Regulation 2005, Council conducted an Ordinary Meeting to approve expenditure and voting of money on 24 June 2021 via Resolution **21-243**. The expenditure items that are the subject of this report were not included in the 2021/2022 Budget Estimates, but now need to be. The intent of this report is to seek Council approval to revoke the carryovers from the 2020/2021 financial year and to adopt the budget carryovers for inclusion in the 2021/2022 Budget Estimates.

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

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

This report is to be considered by the Finance Advisory Committee at its Meeting held on 19 August 2021.

Strategic Considerations

Community Strategic Plan and Operational Plan

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

Legal/Statutory/Policy Considerations

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

- 5
- (1) *A council, or a person purporting to act on behalf of a council, must not incur a liability for the expenditure of money unless the council at the annual meeting held in accordance with subclause (2) or at a later ordinary meeting:*
- 10
- (a) *has approved the expenditure, and*
- (b) *has voted the money necessary to meet the expenditure.*
- (2) *A council must each year hold a meeting for the purpose of approving expenditure and voting money.*

Report No. 13.11 Budget Review - 1 April to 30 June 2021

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

File No: I2021/1207

5 Summary:

This report is prepared in accordance with the format required by Clause 203 of the *Local Government (General) Regulation 2005* to inform Council and the Community of Council's estimated financial position for the 2020/2021 financial year, reviewed as at 30 June 2021.

10 The Quarterly Budget Review for the June 2021 Quarter has been prepared to assist Council with its policy and decision making on matters that could have short, medium, and long term implications on financial sustainability.

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

20 The report also provides an indication of the financial position of Council at 30 June 2021. It should be noted that the figures provided are subject to completion and audit of the Council's Financial Statements for 2020/2021. Any major variances will be included as part of the report adopting the financial statements in October 2021.

25 This report is to be considered by the Finance Advisory Committee at its meeting held on 19 August 2021.

RECOMMENDATION:

- 30 1. That Council authorises the itemised budget variations as shown in Attachment 2 (#E2021/102240) which includes the following results in the 30 June 2021 Quarterly Review of the 2020/2021 Budget:
- a) General Fund - \$0 change in Unrestricted Cash Result
 - b) General Fund - \$18,464,300 increase in reserves
 - 35 c) Water Fund - \$1,767,000 increase in reserves
 - d) Sewerage Fund - \$2,757,700 increase in reserves.
2. That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$517,600 for the 2020/2021 financial year.

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Attachments:

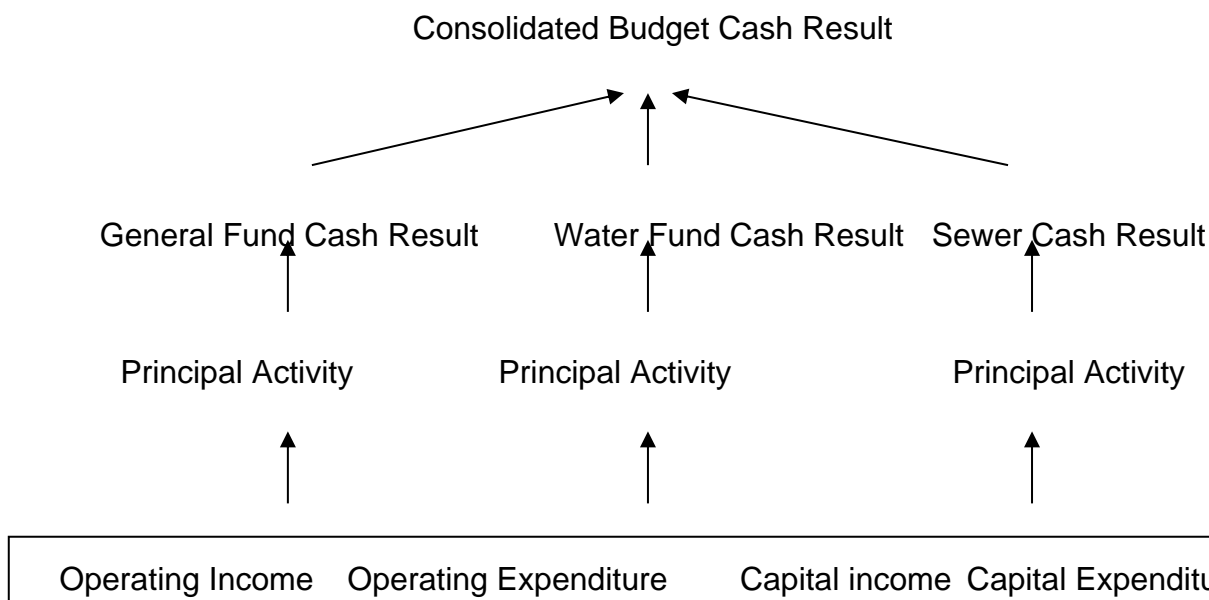
- 1 Budget Variations for General, Water and Sewerage Funds, E2021/102239
- 2 Itemised Listing of Budget Variations for General, Water and Sewerage Funds,
5 E2021/102240

Report

Council adopted the 2020/2021 budget on 30 July 2020 via Resolution **20-357**. It also considered and adopted the budget carryovers from the 2019/2020 financial year, to be incorporated into the 2020/2021 budget, at its Ordinary Meeting held on 27 August 2020 via Resolution **20-384**. Since that date, Council has reviewed the budget taking into consideration the 2019/2020 Financial Statement results and progress through the first three quarters of the 2020/2021 financial year.

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

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



The pages within Attachment 1 are presented (from left to right) by showing the original budget as adopted by Council on 30 July 2020 plus the adopted carryover budgets from 2019/2020 followed by other budget adjustments approved by resolution or Quarterly Budget Reviews prior to the Quarterly Budget Review subject of this report summarised as 'Adjustments Prior to Revote' and then the revised position projected for 30 June 2021 as at 30 June 2021 including the proposed 'Revote' for this Quarterly Budget Review.

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

There is also information detailing restricted assets (reserves) to show estimated balances as at 30 June 2021 for all reserves.

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

Office of Local Government Budget Review Guidelines:

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

CONSOLIDATED RESULT

- 15 The following table provides a summary of the overall Council budget on a consolidated basis inclusive of all Funds' budget movements for the 2020/2021 financial year projected to 30 June 2021.

2020/2021 Budget Review Statement as at 30 June 2021	Original Estimate (Including Carryovers) 1/7/2020	Adjustments to 30 June 2021 including Resolutions*	Proposed 30 June 2021 Review Revotes	Revised Estimate 30/6/2021
Operating Revenue	84,311,000	5,565,300	4,311,600	94,187,900
Operating Expenditure	91,880,000	4,246,500	(3,243,700)	92,882,800
Operating Result – Surplus/Deficit	(7,569,000)	1,318,800	7,555,300	1,305,100
Add: Capital Revenue	27,449,600	(5,724,000)	5,840,800	27,565,600
Change in Net Assets	19,880,600	(4,405,200)	13,396,100	28,871,500
Add: Non Cash Expenses	14,986,200	0	0	14,986,200
Add: Non-Operating Funds Employed	27,000,000	(25,250,000)	48,700	1,798,700
Subtract: Funds Deployed for Non-Operating Purposes	(96,029,000)	38,222,100	10,027,900	(47,779,000)
Cash Surplus/(Deficit)	(34,273,200)	8,566,900	23,472,700	(2,120,600)
Restricted Funds – Increase / (Decrease)	(33,916,400)	8,416,800	23,472,700	(1,915,900)
Forecast Result for the Year – Surplus/(Deficit) – Unrestricted Cash Result	(356,800)	150,100	0	(206,700)

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GENERAL FUND

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

Opening Balance – 1 July 2020	\$724,300
Plus original budget movement and carryovers	(356,800)
Council Resolutions July – September Quarter	0
September Budget Review	60,700
Council Resolutions October – December Quarter	0
December Budget Review	0
Council Resolutions January – March Quarter	0
March Budget Review	89,400
Council Resolutions April – June Quarter	0
Recommendations within this Review – increase/(decrease)	0
Forecast Unrestricted Cash Result – Surplus/(Deficit) – 30 June 2021	(206,700)
Estimated Unrestricted Cash Result Closing Balance – 30 June 2021	\$517,600

- 5 The General Fund financial position overall has remained stable as a result of this budget review, bringing the forecast unrestricted cash result for the year to \$517,600. This is below Council's target of \$1,000,000 but given the current Pandemic circumstances is certainly acceptable. The proposed budget changes are detailed in Attachment 1 and summarised further in this report below.

Council Resolutions

- 10 There were no Council resolutions that impacted the budget result in the April 2021 to June 2021 quarter.

Budget Adjustments

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

Budget Directorate	Revenue Increase/ (Decrease) \$	Expenditure Increase/ (Decrease) \$	Unrestricted Cash Increase/ (Decrease) \$
General Manager	(53,500)	(53,500)	0
Corporate & Community Services	426,000	433,500	(7,500)
Infrastructure Services	(5,919,700)	(5,927,200)	7,500
Sustainable Environment & Economy	700,500	700,500	0
Total Budget Movements	(4,846,600)	(4,846,600)	0

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Budget Adjustment Comments

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

- 5 The major consideration with this budget review is the reduction in expenditure associated with projects not completed and under-expenditure. Council will also be considering a report to this Ordinary Council Meeting regarding carryover items from the 2020/2021 financial year for work not completed to be added to the 2021/2022 Budget Estimates. This report also considers the implications of that report.

10 Specific Cash Position

- On reconciling Council's total cash and investment position at 30 June 2021 compared to the reserve movements outlined in this Budget Review, there is an indication that Council may have total unrestricted cash and investments of \$517,600, a decrease of 28.5% from 2019/2020. This can be attributed to the ongoing effect that the COVID-19 pandemic has had and ongoing support measures Council has had in place for the community. Further, Council has been undertaking a significant works program funded from grants which due to timing of grant receipts and expenditure has required Council to act as a 'Bank' to a degree that has impacted Council's cash flow. Council commenced the 2020/2021 financial year with unrestricted cash of \$724,300. The actual amount of unrestricted cash eventually attained is contingent upon finalisation of the 2020/2021 financial statements. These are subject to external audit and further reporting to Council. Council has a short term liquidity goal of \$1,000,000 in unrestricted cash. Given everything Council has endeavoured to achieve throughout the last financial year, whilst the budget position is a deficit (estimated at \$206,700), the budget position has not deteriorated further since the 31 December 2020 Quarter Budget Review but actually improved given the original 2020/2021 budget deficit was \$356,800

WATER FUND

- After completion of the 2019/2020 Financial Statements, the Water Fund as at 30 June 2020 has a capital works reserve of \$9,260,100 and held \$1,483,600 in Section 64 developer contributions.

The estimated Water Fund reserve balances as at 30 June 2021, and forecast in this Quarter Budget Review, are derived as follows:

Capital Works Reserve

Opening Reserve Balance at 1 July 2020	\$9,260,100
Plus original budget reserve movement	(1,406,900)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(720,900)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	(29,200)
Resolutions January - March Quarter – increase / (decrease)	0

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March Quarterly Review Adjustments – increase / (decrease)	1,411,900
Resolutions April - June Quarter – increase / (decrease)	0
June Quarterly Review Adjustments – increase / (decrease)	939,000
Forecast Reserve Movement for 2020/2021 – Increase / (Decrease)	193,900
Estimated Reserve Balance at 30 June 2021	\$9,454,000

Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2020	\$1,483,600
Plus original budget reserve movement	(620,500)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(80,000)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	0
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	268,400
Resolutions April - June Quarter – increase / (decrease)	0
June Quarterly Review Adjustments – increase / (decrease)	828,000
Forecast Reserve Movement for 2020/2021 – Increase / (Decrease)	395,900
Estimated Reserve Balance at 30 June 2021	\$1,879,500

- 5 Movements for Water Fund can be seen in Attachment 1 with a proposed estimated increase to reserves (including S64 Contributions) overall of \$1,767,000 from the 30 June 2021 Quarter Budget Review based on estimated actual cash and investment amounts.

SEWERAGE FUND

- 10 After completion of the 2019/2020 Financial Statements the Sewer Fund as at 30 June 2020 has a capital works reserve of \$6,884,700 and plant reserve of \$896,200. It also held \$8,117,300 in Section 64 developer contributions.

Capital Works Reserve

Opening Reserve Balance at 1 July 2020	\$6,884,700
Plus original budget reserve movement	(2,958,400)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(349,200)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	94,200
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	(129,600)
Resolutions April - June Quarter – increase / (decrease)	0
June Quarterly Review Adjustments – increase / (decrease)	35,000
Forecast Reserve Movement for 2010/2021 – Increase / (Decrease)	(3,308,000)
Estimated Reserve Balance at 30 June 2021	\$3,576,700

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Plant Reserve

Opening Reserve Balance at 1 July 2020	\$896,200
Plus original budget reserve movement	0
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	0
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	0
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	0
Resolutions April - June Quarter – increase / (decrease)	0
June Quarterly Review Adjustments – increase / (decrease)	0
Forecast Reserve Movement for 2020/2021 – Increase / (Decrease)	0
Estimated Reserve Balance at 30 June 2021	\$896,200

5 Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2020	\$8,117,300
Plus original budget reserve movement	(2,202,600)
Resolutions July - September Quarter – increase / (decrease)	(451,000)
September Quarterly Review Adjustments – increase / (decrease)	(82,000)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	0
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	768,100
Resolutions April - June Quarter – increase / (decrease)	0
June Quarterly Review Adjustments – increase / (decrease)	2,722,000
Forecast Reserve Movement for 2020/2021 – Increase / (Decrease)	754,500
Estimated Reserve Balance at 30 June 2021	\$8,871,800

- 10 Movements for the Sewerage Fund can be seen in Attachment 1 with a proposed estimated overall increase to reserves (including Section 64 Contributions) of \$2,757,000 from the 30 June 2021 Quarter Budget Review based on estimated actual cash and investment amounts.

Legal Expenses

One of the major financial concerns for Council over previous years has been legal expenses. Not only does this item represent a large expenditure item funded by general revenue, but it can also be susceptible to large fluctuations.

- 15 The table that follows indicates the allocated budget and actual legal expenditure within Council on a fund basis as at 30 June 2021.

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Total Legal Income & Expenditure as at 30 June 2021

Program	2020/2021 Budget (\$)	Actual (\$)	Percentage To Revised Budget
Income			
Legal Expenses Recovered	0	0	0%
Total Income	0	0	0%
Expenditure			
General Legal Expenses	600,000	700,952	116.83%
Total Expenditure General Fund	600,000	700,952	116.83%

Note: It is proposed to transfer \$101,000 from the Legal Services Reserve within this Quarterly Budget Review to fund the increase in legal fees incurred.

Legal Reserve

Opening Reserve Balance at 1 July 2020	\$500,000
Less:-	
General Legal Expenses (December 2020 QBR)	(200,000)
General Legal Expenses (March 2021 QBR)	(200,000)
Proposed 30 June 2021 Quarter Budget Review Adjustment	(86,300)
Estimated Reserve Balance at as at 30 June 2021	\$13,700

- 5 With further review of 2020/2021 financial year results still to be undertaken in the completion of the 2020/2021 financial statements, there will be a review of the legal services reserve to assess whether it is possible to improve the reserve balance.

Financial Implications

- 10 The 30 June 2021 Quarter Budget Review of the 2020/2021 Budget Estimates forecasts a stable outcome to the estimated budget attributable to the General Fund assuming all revotes of income and expenditure reported for Council's consideration are approved. Overall, the short term financial position still needs to be carefully monitored on an ongoing basis.

- 15 Note that the financial outcomes outlined in this Budget Review should be considered in the context that they are indicative. Council is yet to finalise its financial statements for the year ended 30 June 2021 which will also be subject to external independent audit.

It is expected that Council will receive a report regarding the formal adoption of its financial statements for the year ended 30 June 2021 at its Ordinary Meeting in October 2021.

- 20 This report is to be considered by the Finance Advisory Committee at its meeting held on 19 August 2021.

Strategic Considerations

Community Strategic Plan and Operational Plan

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

Legal/Statutory/Policy Considerations

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

- 10 (1) *Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*
- (2) *A budget review statement must include or be accompanied by:*
- 15 (a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
- (b) *if that position is unsatisfactory, recommendations for remedial action.*
- (1) *A budget review statement must also include any information required by the Code to be included in such a statement*

Statement by Responsible Accounting Officer

20 This report indicates that the short term financial position of the Council is satisfactory for the 2020/2021 financial year, having consideration of the original estimate of income and expenditure at the 30 June 2021 Quarter Budget Review.

This opinion is based on the estimated Unrestricted Cash Result position at 30 June 2021.

**Report No. 13.12 Delivery Program 6-monthly Report and
2020/21 Operational Q4 Report - to 30
June 2021**

Directorate: Corporate and Community Services

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

File No: I2021/1224

Summary:

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

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

15 Council achieved 79% of the Operational Plan activities planned to be delivered in 2020/21.

20 **RECOMMENDATION:**

That Council 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

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 which states:

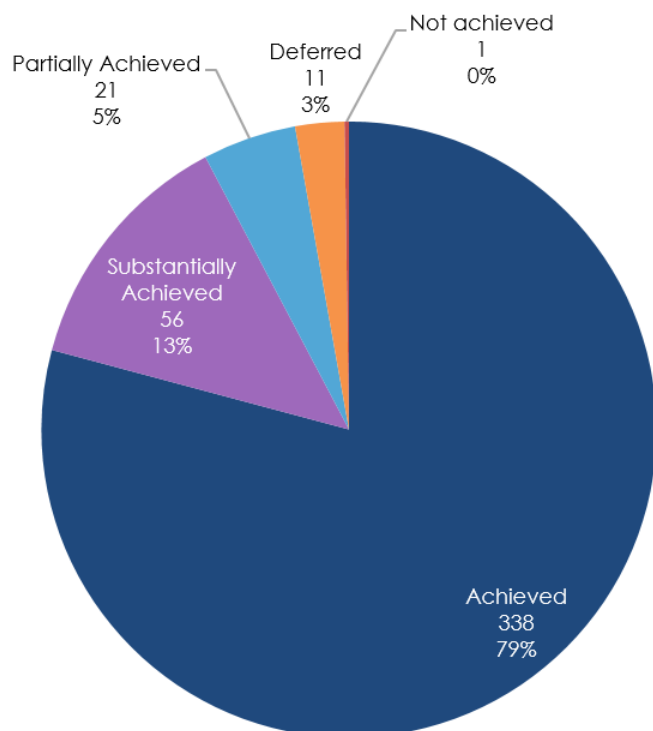
- 15 *"The general manager must ensure that regular progress reports are provided to the council reporting as to its **progress with respect to the principal activities detailed in its delivery program**. Progress reports must be provided at least **every 6 months**"*

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

2020/21 Operational Plan Activities

- 25 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.

- 30 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. Details on the reason for the status of each activity are outlined in the attachment.
- 40

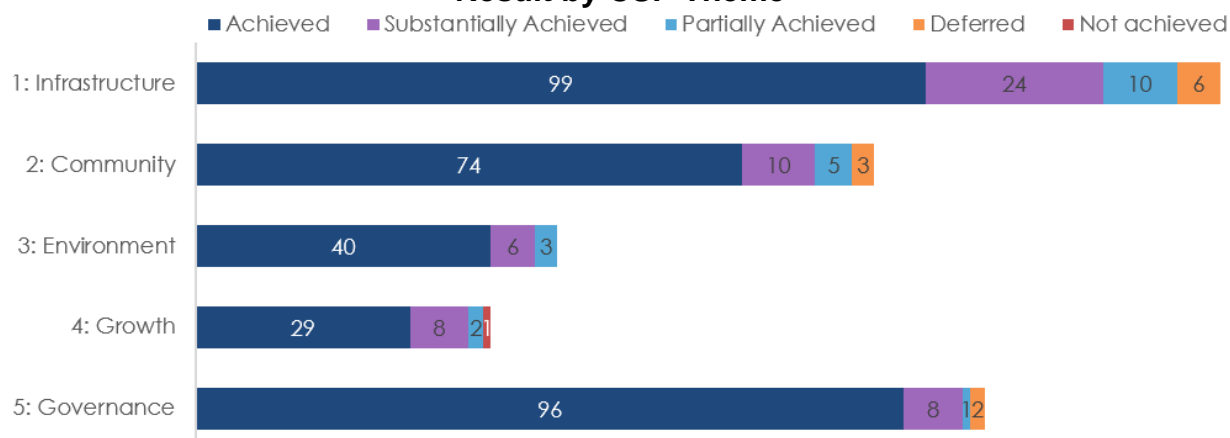


Strategic Objectives

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
- Community Objective 4: We manage growth and change responsibly
- 10 • 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

Summary of Achievements

Council achieved 79% of its actions during this period. Some activities were not fully achieved and/or deferred as a direct result of COVID-19 restrictions. Further detail on individual activities and their impact is provided in detail in the report.

5 Key achievements include:

Infrastructure

- Byron Bay Bypass completed and open to traffic
- Over 16km of reseal and heavy patching
- 8km of asphalt overlay and heavy patching
- 10 • Binna Burra Road reseal program completed
- South Arm Bridge and walkway upgrade completed in Brunswick Heads
- Byron Creek Bridge in Talofa completed
- Middleton Street Road Reconstruction works completed
- Byron Creek Bridge replacement construction works completed
- 15 • Repentance Creek Road Causeway replacement with a new bridge was completed
- Delivery of new bus stop accessibility and safety upgrade program
- Bangalow Road new Safety works
- Coolamon Scenic Drive new safety works
- Replacing 3 causeways in Main Arm with new bridges
- 20 • Replacing a Causeway on Repentance Creek Road with a new bridge
- Adopted the North Byron Flood Risk Management Study and Plan
- 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
- 25 • Upgrade to the Brunswick Memorial Hall was completed in June 2021
- Council resolved (21-188) to implement a master plan for Lot 12 Bayshore Drive Byron Bay and also moved to provide a long term lease site on the property to TAFE NSW
- Completed construction of the Byron Rail Precinct projects
- 30 • Complete design for Byron Bay Skate Park
- Construction of a continuous shared path and cycleway from Suffolk Park to Browning St Byron Bay
- Design and construction of the Deacon St shared path in Bangalow
- Significant progress made on transport strategies - Moving Byron
- 35 • Bus stop accessibility upgrade program
- Business Waste reduction program revised and expanded
- Installation of solar panels has resulted in a reduction in power cost at Sewerage Treatment Plants
- Upgrade to Butler Street Sewer Pump Station SPS3003 rising main
- 40 • New pay parking contract is operational
- Accessible parking spaces upgrade in Byron Bay
- Broken Head Beach Road and Seven Mile Beach Road traffic and parking management

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Community

- The Lone Goat Gallery reopened in early May 2020 with the highly successful and well-attended Northern Rivers Creative Group Show, 'Breaking Boundaries'
- 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
- 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
- Completion of the Ocean Shores Community Centre project, which included an upgraded, covered ramp and accessible meeting rooms
- Disaster Dashboard is fully operational and live to the community
- 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

Environment

- Wildlife corridor mapping has been progressed with the second draft under review
- 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
- Mullumbimby High School Trees for Koalas project in progress
- Quarterly flying fox census completed, restoration progressing at Beech and Suffolk Park flying fox camps
- 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
- 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
- Rural Landholders Handbook produced and distributed
- Two Smart Farms workshops held

Growth

- Finalised the Byron Arts and Industry Estate Precinct Plan
- Final Residential Strategy adopted by Council (Res 20-686)
- 200 responses to the Business Impacts, Resilience and Continuity Survey

Governance

- 85% of Council's policies are current or under active review
- Through the pandemic and weather events Council's following on social media continued to grow
- Provided a range of ways for people to provide 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
- Community Satisfaction Survey and internal staff Culture Survey showed improvement in the results from previous years
- Published a number of infrastructure and asset management videos that have been posted to the web site and positively received by the community
- Implementation of VendorPanel platform and an improvement to the Sustainable Choice Score from last year

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

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

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.

- 5 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.

Report No. 13.13 Council Investments - 1 July 2021 to 31 July 2021

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2021/1230

Summary:

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

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

RECOMMENDATION:

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

15

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Report

Council has continued to maintain a diversified portfolio of investments. As of 31 July 2021, the average 90-day bank bill rate (BBSW) for the month of July 2021 was 0.03%. Council's performance to July 2021 was 0.62%. This is largely due to the active ongoing management of the investment portfolio, maximising investment returns through secure term deposits, bonds and purchasing floating rate notes with attractive interest rates. It should be noted that as investments mature, Council's investment return may continue to decrease due to the lower rates available in the current market.

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

Schedule of Investments held as at 31 July 2021

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fos sil Fuel	Type	Int. Rate	Current Value
24/03/17	1,000,000.00	NAB Social Bond (Gender Equality)	Y	AA-	24/03/22	N	B	3.25%	1,019,820.00
15/11/18	1,000,000.00	NSW Treasury Corp (Green Bond)	N	AAA	15/11/28	Y	B	3.00%	1,135,250.00
20/11/18	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	22/03/24	Y	B	3.00%	1,073,520.00
28/03/19	1,000,000.00	National Housing Finance & Investment Corporation	Y	AAA	28/03/31	Y	B	2.38%	1,094,400.00
21/11/19	1,000,000.00	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	Y	B	1.25%	1,028,860.00
27/11/19	500,000.00	National Housing Finance & Investment Social Bond	Y	AAA	27/05/30	Y	B	1.52%	509,450.00
31/03/17	1,000,000.00	CBA Climate Bond	Y	AA-	31/03/22	N	FRN	1.02%	1,005,770.00

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fos sil Fuel	Type	Int. Rate	Current Value
16/11/17	750,000.00	Bank of Queensland	Y	BBB+	16/11/21	N	FRN	1.04%	751,995.00
30/08/18	500,000.00	Bank Australia Ltd (Sustainability Bond)	Y	BBB+	30/08/21	Y	FRN	1.32%	500,380.00
15/06/21	500,000.00	National Housing Finance & Investment Social Bond	Y	AAA	01/07/31	Y	FRN	0.21%	501,630.00
03/08/20	1,000,000.00	NAB	N	AA-	03/08/21	N	TD	0.85%	1,000,000.00
19/08/20	2,000,000.00	NAB	N	AA-	19/08/21	N	TD	0.80%	2,000,000.00
26/08/20	1,000,000.00	AMP Bank	Y	BBB	26/08/21	N	TD	0.80%	1,000,000.00
02/09/20	1,000,000.00	Bank of Queensland	Y	BBB+	01/09/21	N	TD	0.78%	1,000,000.00
02/09/20	1,000,000.00	NAB	N	AA-	02/09/21	N	TD	0.75%	1,000,000.00
24/09/20	2,000,000.00	NAB	N	AA-	24/09/21	N	TD	0.65%	2,000,000.00
30/09/20	2,000,000.00	CBA Green Deposit	N	AA-	30/09/21	N	TD	0.70%	2,000,000.00
07/10/20	2,000,000.00	MyState Bank Limited	Y	NR	07/10/21	Y	TD	0.70%	2,000,000.00
04/11/20	2,000,000.00	NAB	N	AA-	04/11/21	N	TD	0.55%	2,000,000.00
09/11/20	1,000,000.00	Community First Credit Union	Y	NR	09/11/21	Y	TD	0.65%	1,000,000.00
09/11/20	1,000,000.00	The Mutual Bank	Y	NR	09/08/21	Y	TD	0.65%	1,000,000.00
23/11/20	1,000,000.00	AMP Bank	N	BBB	23/11/21	N	TD	0.75%	1,000,000.00
24/11/20	1,000,000.00	Judo Bank	Y	NR	24/11/21	Y	TD	0.84%	1,000,000.00
26/11/20	1,000,000.00	Community First Credit	N	NR	26/11/21	Y	TD	0.65%	1,000,000.00

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fos sil Fuel	Type	Int. Rate	Current Value
		Union							
26/11/20	1,000,000.00	Macquarie Bank	Y	A	22/10/21	N	TD	0.50%	1,000,000.00
17/12/20	2,000,000.00	NAB	N	AA-	17/12/21	N	TD	0.50%	2,000,000.00
05/01/2	2,000,000.00	NAB	N	AA-	05/01/22	N	TD	0.45%	2,000,000.00
20/01/21	1,000,000.00	Westpac (Tailored)	Y	AA-	20/01/22	N	TD	0.38%	1,000,000.00
27/01/21	1,000,000.00	The Mutual Bank	N	NR	27/01/22	Y	TD	0.50%	1,000,000.00
29/01/21	1,000,000.00	ME Bank	Y	BBB	31/01/22	Y	TD	0.45%	1,000,000.00
01/02/21	2,000,000.00	Suncorp	Y	A+	03/08/21	Y	TD	0.35%	2,000,000.00
01/02/21	1,000,000.00	B & E Ltd (Bank of Us)	Y	NR	03/08/21	Y	TD	0.40%	1,000,000.00
03/02/21	1,000,000.00	NAB	N	AA-	02/08/21	N	TD	0.40%	1,000,000.00
13/04/21	1,000,000.00	The Mutual Bank	N	NR	10/09/21	Y	TD	0.50%	1,000,000.00
05/05/21	1,000,001.00	AMP Bank	N	BBB	03/11/21	N	TD	0.55%	1,000,001.00
09/06/21	1,000,000.00	Illawarra Credit Union	Y	NR	09/12/21	Y	TD	0.45%	1,000,000.00
24/06/21	1,000,000.00	ME Bank	N	NR	24/02/22	Y	TD	0.45%	1,000,000.00
29/06/21	1,000,000.00	Gateway Credit Union	Y	NR	28/09/21	Y	TD	0.40%	1,000,000.00
30/06/21	1,000,000.00	ME Bank	N	NR	27/01/22	Y	TD	0.45%	1,000,000.00
06/07/21	1,000,000.00	Judo Bank	N	NR	04/07/22	Y	TD	0.70%	1,000,000.00
07/07/21	1,000,000.00	Illawarra Credit Union	N	NR	06/10/21	Y	TD	0.45%	1,000,000.00
23/07/21	1,000,000.00	AMP Bank	N	NR	23/12/21	Y	TD	0.50%	1,000,000.00
30/07/21	1,000,000.00	AMP Bank	N	NR	28/06/22	Y	TD	0.75%	1,000,000.00

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Int. Rate	Current Value
30/07/21	1,000,000.00	Judo Bank	N	NR	29/10/21	Y	TD	0.60%	1,000,000.00
N/A	4,578,269.79	CBA Business Saver	N	AA-	N/A	N	CALL	0.20%	4,578,269.79
N/A	153,239.18	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	N	CALL	0.20%	153,239.18
N/A	2,113,604.99	NSW Treasury Corp	N	AAA	N/A	Y	CALL	0.01%	2,113,604.99
N/A	11,006,449.77	Macquarie Accelerator Call	N	A	N/A	N	CALL	0.40%	11,006,449.77
Total	68,101,564.73						AVG	0.62%	68,472,639.73

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

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

Note 3.

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

Environmental and Socially Responsible Investing (ESRI)

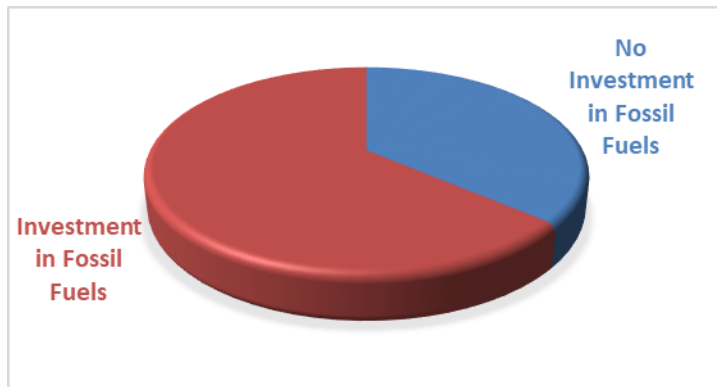
An additional column has been added to the schedule of Investments to identify if the financial institution holding the Council investment has been assessed as a 'No Fossil Fuel' investing institution. This information has been sourced through

- 5 www.marketforces.org.au and identifies financial institutions that either invest in fossil fuel related industries or do not. The graph below highlights the percentage of each classification across Council's total investment portfolio in respect of fossil fuels only.

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

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

- 15 1. \$1,000,000 investment with the National Australia Bank maturing on 24 March 2022 known as a Social Bond that promotes Gender Equity.
2. \$1,000,000 investment with Commonwealth Bank maturing on 31 March 2022 known as a Climate Bond.
- 20 3. \$2,000,000 investment with Commonwealth Bank maturing on 30 September 2021 known as a Green Deposit.



Investment Policy Compliance

Investment policy compliance					
% per institution should not exceed the following				ACTUAL	Variance
AAA to AA	A1+	100%		46.76%	Meets policy
A+ to A-	A1	60%		17.63%	Meets policy
BBB to NR	A2,NR	40%		35.61%	Meets policy

- 25 The above table identifies compliance with Council's Investment Policy by the proportion of the investment portfolio invested with financial institutions, along with their associated credit ratings compared to parameters in the Investment Policy. The parameters are designed to support prudent short and long-term management of credit risk and ensure diversification of the investment portfolio. Note that the financial institutions currently

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offering investments in the 'ethical' area are still mainly those with lower credit ratings (being either BBB or not rated at all i.e., credit unions).

Associated Risk

- 5 Moving more of the investment portfolio into the 'ethical' space will lower the credit quality of the investment portfolio overall and increase the organisation's credit risk (i.e., exposure to potential default). To monitor this issue the 'Investment Policy Compliance' table is now produced for each monthly Investment Report to Council.

The investment portfolio is outlined in the table below by investment type for the period 1 July 2021 to 31 July 2021:

10 **Dissection of Council Investment Portfolio as at 31 July 2021**

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
42,000,001.00	Term Deposits	42,000,001.00	0.00
3,750,000.00	Floating Rate Note	3,833,295.00	83,295.00
4,578,269.79	CBA Business Saver	4,578,269.79	0.00
153,239.18	CBA Business Saver – Tourism Infrastructure Grant	153,239.18	0.00
2,113,604.99	NSW Treasury Corp	2,113,604.99	0.00
11,006,449.77	Macquarie Accelerator	11,006,449.77	0.00
4,500,000.00	Bonds	4,787,780.00	287,780.00
68,101,564.73		68,472,639.73	371,075.00

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

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

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Movement in Investment Portfolio – 31 July 2021

Item	Current Market Value (at end of month) \$
Opening Balance at 1 July 2021	71,410,970.57
Add: New Investments Purchased	5,000,000.00
Add: Call Account Additions	1,000,000.00
Add: Macquarie Accelerator Interest	3,578.49
Add: Tourism Call Account Interest	156.08
Add: TCorp Account Interest	219.85
Add: Call Account Interest	2,387.24
Less: Call Account Redemption	5,000,000.00
Less: Investments Matured	4,000,000.00
Add: Fair Value Movement for period	55,327.50
Closing Balance at 31 July 2021	68,472,639.73

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

5

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

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	42,000,001.00	42,000,001.00	0.00
Floating Rate Note	3,750,000.00	3,833,295.00	83,295.00
CBA Business Saver	4,578,269.79	4,578,269.79	0.00
CBA Business Saver – Tourism Infrastructure Grant	153,239.18	153,239.18	0.00
NSW Treasury Corp	2,113,604.99	2,113,604.99	0.00

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Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Macquarie Accelerator	11,006,449.77	11,006,449.77	0.00
Bonds	4,500,000.00	4,787,780.00	287,780.00
Total Investment Portfolio	68,101,564.73	68,472,639.73	371,075.00
Cash at Bank			
Consolidated Fund	1,344,928.46	1,344,928.46	0.00
Total Cash at Bank	1,344,928.46	1,344,928.46	0.00
Total Cash Position	69,446,493.19	69,817,568.19	0.00

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

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

Legal/Statutory/Policy Considerations

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

The Report must be presented at the next Ordinary Meeting of Council after the end of the month being reported. The current Council Meeting cycle does not always allow this to

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occur, especially as investment valuations required for the preparation of the report are often received after the deadline for the submission of reports. Endeavours are being made to achieve a better alignment and for some months this will require reporting for one or more months.

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

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

Financial Considerations

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

Report No. 13.14 Local Government NSW Annual Conference 2021

Directorate: Corporate and Community Services

Report Author: Heather Sills, Corporate Planning and Improvement Coordinator

File No: I2021/1329

Summary:

The Local Government NSW Annual Conference 2021 will be held online on 29 November. The in-person annual conference (now called 'Special Conference') has been delayed to 28 February to 2 March 2022. Conference Motions will be dealt with at that Conference. However, the Fair Work (Registered Organisations) Act requires LGNSW to still hold an Annual Conference this calendar year to present the Financial Statements and Annual Report.

Council is entitled to three voting delegates in the debating session. In accordance with the Councillor Expenses and Facilities Policy, "A resolution of Council is required to authorise attendance of Councillors at LGNSW Conference(s) as a voting delegate."

Voting delegates will also be responsible for voting in the LGNSW Board Elections, which will be conducted via postal vote in November 2021.

RECOMMENDATION:

That Council authorises

1. the following Councillors to attend the online Local Government NSW Annual Conference 2021, to be held on 29 November 2021, as the voting delegates:

Cr _____, Cr _____ and Cr _____

also be responsible for voting in the LGNSW Board Elections which will be conducted via postal vote in November 2021

Attachments:

- 1 LGNSW Board Election Notification, E2021/102792

Report

The Local Government NSW Annual Conference 2021 will be held online on 29 November 2021.

- 5 The in-person annual conference (now called 'Special Conference') has been delayed to 28 February to 2 March 2022. Conference Motions will be dealt with at that Conference. However, the Fair Work (Registered Organisations) Act requires LGNSW to still hold an Annual Conference this calendar year to present the Financial Statements and Annual Report. The Annual Conference will run for approximately 1 hour.

- 10 Council is entitled to three voting delegates in the debating session. This number is determined by population (see Attachment 1). In accordance with the Councillor Expenses and Facilities Policy, *"A resolution of Council is required to authorise attendance of Councillors at LGNSW Conference(s) as a voting delegate."*

Council is to notify LGNSW of its voting delegates by Tuesday, 5 October 2021. Nominations of voting delegates received after the closing date/time cannot be accepted.

15 **Board Election**

The AEC has given formal notice that nominations for LGNSW Board Elections open on 7 September 2021 and close at 12pm on 5 October 2021.

- 20 This year the voting delegates selected for the conference will also be responsible for voting in the election for Office Bearers and the Board. This election will be conducted via postal vote. Further information is contained in attachment 1.

Motions

All member Councils can put forward motions to the 'Special Meeting' to be held from 28 February to 2 March 2022. Members are invited to submit motions via an online portal.

- 25 LGNSW is encouraging the early submission of motions. Councillors can put forward motions to be considered at the Conference, but they must first be endorsed by Council prior to submission. The Councillor Expenses and Facilities Policy states at clause 6.40 that *"Submission of motions to the Local Government NSW Annual Conference... for consideration by Council will be done by notice of motion, which can be considered during the year."*

Strategic Considerations

Community Strategic Plan and Operational Plan

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

Legal/Statutory/Policy Considerations

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

Financial Considerations

- 10 There are no costs to Council for voting delegates attending the online conference on 29 November 2021.

Consultation and Engagement

Not applicable.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.15 Size limitations on Secondary Dwellings in rural zones

5 **Directorate:** Sustainable Environment and Economy

Report Author: Alex Caras, Land Use Planning Coordinator
Sam Tarrant, Planner

File No: I2021/555

Summary:

10 As part of the development of the new Housing State Environmental Planning Policy the standard instrument has been amended to separate the controls for secondary dwellings in rural and residential areas.

Consequently, on 1 February 2021, the Byron Local Environmental Plan (LEP) 2014 was automatically amended and now only applies size controls for secondary dwellings in residential areas.

15 Council can now include separate controls for secondary dwellings in the rural zones by a new standard instrument clause 5.5.

The inclusion of clause 5.5 may be placed into Byron LEP 2014 through a submission to the Housing SEPP, without the need for a planning proposal. Submissions to the Housing SEPP close on **29 August 2021**.

20 Having a separate clause for rural and urban secondary dwellings will give Council greater flexibility for any policy changes in the future and enable different controls in either zone.

Councils that have chosen not to adopt clause 5.5 at this time or want to change their adopted settings will need to do so later through a planning proposal process.

25 It is recommended that the controls for rural secondary dwellings be reinstated into the Byron LEP 2014 as discussed within this report.

30 **RECOMMENDATION:**

1. **That Council supports the inclusion of clause 5.5 into Byron LEP 2014 as follows:**

Clause 5.5 Controls relating to secondary dwellings on land in a rural zone
[optional]

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If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

- (a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

- 5 (i) [60] square metres,
- (ii) [0%] of the total floor area of the principal dwelling, and
- (b) the distance between the secondary dwelling and the principal dwelling must not exceed [100] metres.

- 10 **2. That Council requests staff to advise the Department of Planning Industry and Environment of point 1 prior to 29 August 2021.**

Attachments:

- 1 Template - Form of Special Disclosure of Pecuniary Interest, E2012/2815

15

Report

On 1 February 2021, the Byron 2014 LEP was automatically amended to reflect an update to clause 5.4 in the standard instrument LEP.

5 Clause 5.4 (9) exists within Byron 2014 LEP to govern the size of secondary dwellings within the shire.

Prior to 1 February clause 5.4 (9) applied to all secondary dwellings within the shire as follows.

10 **Secondary dwellings:** *If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—*

(a) 60 square metres,

(b) 35% of the total floor area of the principal dwelling.

This clause was amended in the standard instrument and therefore in Byron 2014 LEP to only apply to residential zones.

15 A new clause 5.5 is to be introduced into the standard instrument to govern secondary dwellings in the rural zones because of the Housing SEPP.

Clause 5.5 Controls relating to secondary dwellings on land in a rural zone [optional]

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

20 (a) *the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—*

(i) [x] square metres,

(ii) [x%] of the total floor area of the principal dwelling, and

25 (b) *the distance between the secondary dwelling and the principal dwelling must not exceed [x] metres.*

Council has already opted in to adopt clause 5.5. Council has the flexibility to nominate the numbers within the square brackets as they see fit for clause 5.5.

To inform a decision, an analysis of the secondary dwellings approved in the rural zones since 2017 (when first permitted in LEP 2014) was undertaken.

30 Noting that the previous controls restricted the floor area to whichever is greater of 60sqm or 35% of the total floor area of the principal dwelling, the review found that the majority of secondary dwellings approved in the rural areas were 60sqm with only two approved slightly larger at 62sqm.

Given the large floor space areas of more recent rural dwelling house development in Byron Shire, a restriction on the size of a rural secondary dwelling is deemed appropriate.

- 5 The restriction will ensure the size of the secondary dwelling stays proportionate in built form to the primary dwelling, and its use as a 'granny flat' connected to the primary dwelling is maintained. Both of which is intended by the definition.

As such, it is recommended in (a) that only a square meter limit be applied as follows:

Clause 5.5 Controls relating to secondary dwellings on land in a rural zone [optional]

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

- 10 (a) *the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—*
- (i) *[60] square metres,*
- (ii) *[0%] of the total floor area of the principal dwelling, and*
- 15 (b) *the distance between the secondary dwelling and the principal dwelling must not exceed [100] metres.*

The above is consistent with the approach of many rural and regional councils to adopt a low or 0% floor area.

The distance between dwellings in (b) at 100m is that which already exists but is being put into clause 5.5, instead of clause 4.2D where is currently exists by the SEPP.

- 20 Should a landowner seek a larger dwelling size for a second dwelling, a dual occupancy dwelling is permitted in the rural zones without size restriction.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 4: We manage growth and change responsibly	4.1	Support the visions and aspirations of local communities through place-based planning and management	4.1.3	Manage development through a transparent and efficient assessment process	4.1.3.11	Prepare and assess Planning Proposals and Development Control Plans, and amend Local Environmental Plan maps

Recent Resolutions

Nil

Legal/Statutory/Policy Considerations

- 5 The inclusion of clause 5.5 may be placed into Byron LEP 2014 through a submission to the Housing SEPP, without the need for a planning proposal. Submissions to the Housing SEPP close on 29 August 2021.

[Proposed Housing SEPP | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](https://www.nsw.gov.au/planning/development/planning-portal)

- 10 Having a separate clause for rural and urban secondary dwellings will give Council greater flexibility for any policy changes in the future and enable different controls in either zone.

Financial Considerations

Nil

Consultation and Engagement

Nil

Report No. 13.16 Mullumbimby Talking Street Trial Project - Parklets

Directorate: Sustainable Environment and Economy

Report Author: Rob van Iersel, Place Activation Coordinator

5 **File No:** I2021/1219

Summary:

In August 2020, Council was successful in securing funding under the State Government's *Streets as Shared Spaces* program to trial a range of projects to increase the provision of public space and to slow traffic in Burringbar Street, Mullumbimby.

10 As part of this *Talking Street* trial, two parklets were purchased and installed, close to the main intersection of Burringbar and Stuart Streets; one at the taxi rank south of Burringbar Street, and the second at the bus stop outside the newsagency north of Burringbar Street.

15 An Expression of Interest is currently live seeking input from businesses in Burringbar Street that may want to install smaller parklets in unused 'triangle' spaces outside their premises, located between garden beds and parking spaces.

Staff are also finalising discussions with a local builder regarding the potential to install a seating/ stage platform at the main intersection.

20 Part way through the trial, there are a number of lessons becoming apparent around public space in the town centre. The additional space offered by the parklets is being well used, confirming the initial project assumptions around the need for increased public space.

However, it is apparent at this stage that one of the parklets delivered to date is not being used by a diversity of people. In particular, use of the taxi rank parklet is generating conflict and community complaints, associated with ongoing inappropriate behaviour of people occupying the space.

25 It is useful, therefore, in addition to continuing to roll out the remaining trial components, to review the two current parklets and trial some alternative scenarios.

30 It is recommended that the next phase of the parklet trial involve moving the taxi rank parklet into Station Street, in front of the library. Staff will work with the library and other relevant community organisations, to introduce a number of public activation programs, aimed at families and kids, that could generate a different type of use for that parklet.

35 The second parklet, at the bus stop in front of the newsagency, has not been the subject of complaints, primarily because the newsagency proprietor takes an active interest in managing the space. Due to the demonstrated need for more public space in the centre of town, it is recommended to keep this parklet in place for the moment and similarly program it with some activation.

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There is concern that if the taxi rank parklet is moved, the people who have been using that will move to the bus stop space however by programming the parklet and potentially changing the physical make-up of it, it is anticipated that an inclusive outcome can be achieved.

- 5 Options for that parklet are to leave it in place with a coordinated program of community activation activities/ event, or look for opportunities to move it to a position in Burringbar Street adjacent to and used in conjunction with an existing business. The current EOI process will be useful in examining such options.

10

RECOMMENDATION:

That Council:

- 15 1. **Notes the issues raised in the report about the current Parklet locations and authorises the relocation of the parklet currently located at the Stuart Street taxi rank to an appropriate location, preferably close to the library, and coordinate a program of community activation for that parklet.**
2. **Requests staff to create a program of activation for the Burringbar Street Bus Stop parklet.**
- 20 3. **Requests staff to liaise with the business and wider community regarding potential future options for the bus stop parklet.**

Report

The Talking Street project is an action from Our Mullumbimby Masterplan and is funded from the State Government's Streets as Shared Spaces program.

The funding has been provided to allow Council to trial a range of measures to:

- 5 • increase useable public spaces in the main street; and
- slow traffic.

The trial is intended to remain in place for the remainder of 2021, with decisions made early in 2022 about the potential for permanent changes, based on evaluation of the trial components.

- 10 As part of the trial, two parklets were purchased and installed. The parklets are small public parks set into the existing streetscape that provide an extension of the footpath space into the street, allowing the public to gather and relax.

- 15 The parklets were installed in Stuart Street, close to the main Burringbar intersection, one at the bus stop and one at the taxi rank. They were placed in these locations to avoid the loss of car parking spaces and because this is one of the busiest areas of town, which allows for Crime Prevention Through Environmental Design (CPTED) principles to be upheld.

- 20 Both parklets were immediately used. However, the parklet at the taxi rank has more recently been the subject of complaints, associated with ongoing inappropriate behaviour of the regular occupants.

There have been reported issues associated with unleashed dogs, including dog attacks, loud music, alleged drug use and intimidating behaviour.

- 25 Council's compliance and enforcement officers have visited the parklet a number of times, issuing infringement notices regarding the dogs and talking to occupants regarding their behaviour. There does not appear to be a significant change in conflicts associated with the parklet and complaints continue to be received.

- 30 A community working group has been involved in the Talking Street project since its inception. At a meeting of that group on 29 July, the issues of the parklet were discussed. The group were of the view that the parklet should be moved from the taxi rank to another location, suggesting that its use for outdoor dining associated with an existing local café might prevent further inappropriate use. Further staff brainstorm discussions have also taken place to discuss the issues.

- 35 The parklets have been in place since March, and much has been learned from this first part of the trial – positive and negative. Firstly, both parklets have been used pretty much continuously since first installed, confirming the assumption that additional public space for people in town is a good and useful thing.

Of course, the fact that one of the parklets has been appropriated by a minority, at the expense of more widespread use, is a negative learning. It should be remembered,

however, that these people are a part of our community and experience shows they are looking for meeting spaces.

Given these learnings, it is now useful to move to a next phase of the parklets trial, by moving the 'problematic' parklet and resetting its potential use. The recommendation is to move the taxi rank parklet to a space in Station Street outside the library. Staff will then work with the library and other community groups to program a range of activations of that parklet – to establish a pattern of wider community activities.

For the other parklet, outside the newsagency, if it is to be moved, the suggestion is to consider the potential to move this into Burringbar Street outside a business that might want to use it during business hours for outdoor dining or the like.

An alternative would be to leave it in place, with a coordinated activation program to guide its use.

There is a current EOI seeking businesses who might want to utilize the unused triangles between garden beds and parking spaces. Responses to the EOI can be reviewed to determine whether it may be possible to incorporate the existing parklet into a space in the street outside an existing business. In that way, the business could use the space for outdoor dining or the like during business hours, and it could be available for wider community use outside those hours.

Both moves would mean removal of some existing parking spaces.

Options

There are several possible options to address the current issues:

1. Move the taxi rank parklet to another location in Mullumbimby (as public space) such as outside the library.
2. Move the bus stop parklet to outside a business in Mullumbimby (as semi-private/public space).
3. Move the parklets to another location in the shire, such as the Byron Arts and Industry Estate.
4. Program activation of the parklets associated with a removal/re-homing to invite other users into this space.
5. Remove the Parklet associated with the Taxi rank and put it in storage at the Depot.

Key learnings

There have been several learnings from the trial so far. The parklets have shown, through their use, that there is a genuine need for more public space in the town centre.

Though there have been recent issues with the parklet next to the taxi rank, the other parklet associated with the bus stop has supported a range of users and people can often be seen eating their lunch in the parklet.

The conviviality of the town centre has been improved by having more space for people to relax in.

- 5 On the flip side, there are some learnings about creating environments which allow for equitable use and are not dominated by a single user group (as has become the case for the parklet associated with the taxi rank).

One idea is to seek to change the physical design of the parklets to make them more open. This might reduce the feeling of being 'enclosed' and therefore limit activities that are not appropriate in public spaces.

- 10 By opening up the parklets, people may be less encouraged to 'hang out' for the entire day, and we may see a higher turnover of use, that allows for a diversity of uses throughout the day.

In addition, the introduction of a program of events would also contribute to diversifying users and invite other groups to feel welcome in the parklet spaces.

Next steps

- 15 If the parklet is to be moved, staff will work with library staff and other community groups to prepare an activation program for the parklet in its new location in Station Street.

Staff will review the EOI response and discuss the potential use of the other bus stop parklet with interested businesses and report to Council with a recommendation for that use.

20 Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 4: We manage growth and change responsibly	4.1	Support the visions and aspirations of local communities through place-based planning and management	4.1.1	Develop, implement and update Place Plans that promote place-based forward planning strategies and actions	4.1.1.5	Implement Our Mullumbimby Masterplan, Bangalow Village Plan and Byron Arts and Industry Estate Plan

Legal/Statutory/Policy Considerations

Council's compliance and enforcement officers continue to monitor the activities at the parklets and act where appropriate.

Financial Considerations

- 5 Costs for moving the parklet(s) are estimated to be in the order of \$5,000 - \$10,000. There is money in the Talking Streets budget to cover this.

Consultation and Engagement

Staff have discussed the parklet issues with the Talking Street Working Group, which includes business, community, and resident representatives.

STAFF REPORTS - INFRASTRUCTURE SERVICES

**Report No. 13.17 Parking Management within New Brighton
and The Esplanade Area**

5 **Directorate:** Infrastructure Services

Report Author: Andrew Pearce, Traffic Engineer

File No: I2021/545

Summary:

10 The purpose of this report is to present concept parking management and wayfinding plans for New Brighton in response to community feedback and Council resolution **18-734**.

RECOMMENDATION:

15 **That Council:**

1. **Notes the community representatives request to not proceed with amending car parking supply and car parking arrangements within Ocean Avenue and Park Street, New Brighton.**
- 20 2. **Begins developing detail design plans for the North Head car parking area, subject to sufficient funds being available within the project budget.**

Attachments:

- 1 210721_BSC - Parking Study and Wayfinding NewBrighton _ Final Issue_compressed,
25 E2021/93815

Report

The purpose of this report is to present concept parking management and wayfinding plans for New Brighton in response to community feedback and Council resolution **18-734**, item 2. While budget allocation was not possible for 2019/20, budget was allocated for 2020/21 enabling the investigation to be undertaken:

Resolution 18-734 Resolved:

1. *That, subject to a suitable funding source being identified in the next 2018/19 quarterly budget review or being identified the 2019/20 budget:*
 - a) *Implement parking management Option 1 within the area hatched blue in Figure 1 of this report, being from No.1 to No.13 The Esplanade, New Brighton as detailed on drawing No. 2668-CP1/A and 2668-CP2/A at an estimated cost of between \$75,000 and \$90,000.*
 - b) *Restrict parking to a maximum of 4hr between the hours of 9.00am and 6.00pm daily and include restrictions for "No Camping".*
2. *That Council consider the provision of a budget of \$20,000 as part of the 2019/20 budget process to advance further investigation and concept design preparation of parking options and associated indicative costs in the New Brighton beach area generally.*
3. *That Council receive a further report within 6 months after the implementation of Option 1 on the performance of the parking management measures and additional parking options for the New Brighton beach are*

To fulfill item 2, staff engaged consultant Complete Urban to develop concept parking management plans for New Brighton. The purpose of the parking management plans was to identify alternative parking arrangements to replace those at the southern section of The Esplanade. Due to the convenient location of The Esplanade and its highly constrained nature, cars were causing damage and significant congestion in the section of road.

In response, Council installed regulatory signage to limit the number of cars that can park there. However, due to the popularity of the area, there is a need to provide clear and accessible car parks to support the demand.

Council engaged Complete Urban to identify alternative parking areas to formalise and expand supply and propose wayfinding signage to help direct visitors to these car parks.

Through site investigations and an on-site meeting with community representatives, 3 core areas were identified to expand supply in New Brighton. These three locations are shown in the images below:



The plans provided at attachment 1 have been provided to the community representatives from the New Brighton Village Association for comment. As a result, the community representatives requested no action be taken to expand or amend parking arrangements in the Ocean Avenue and Park Street area. They expressed a preference to wait until a Village Place Plan has been developed for New Brighton before amending any car parking areas along Ocean Ave and Park Street.

A Place Plan for New Brighton is not currently funded. Place Planning priorities will be reported to Council later in the year. This may or may not result in a Place Plan proceeding for New Brighton and is funding reliant.

There were no concerns with formalising the car parking area in North Head Road and attempting to expand supply in this area.

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13.17

Staff propose to develop detail design plans for the North Head Car Park and associated wayfinding signage, subject to availability of sufficient funds within the projects allocated budget.

Key issues

- 5 Community representatives requested no action be taken in the Ocean Ave and Park St area to expand or amend car parking until a Village Place Plan is developed.

No concerns were raised regarding improving parking arrangements in the North Head Road car park.

Options

- 10 Council may resolve as recommended or alternatively place the proposed parking layout out to comment from the greater community. It is noted that whilst local representatives may not support parking improvements in their local area, the greater community will benefit and Council may feel it appropriate to consult with a wider audience prior to making a decision, given that the timing of a Village Place Plan is currently unknown.

15 Next steps

Proceed to detail design for the North Head Rd car park subject to sufficient funding being available in the project budget.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.6	Manage traffic and parking in an efficient manner	1.6.1	Implement review of parking management	1.6.1.4	Investigate parking management within New Brighton and The Esplanade area

20 Recent Resolutions

- 18-734

Legal/Statutory/Policy Considerations

N/A

Financial Considerations

- 5 Progressing to detail design depends on sufficient funding being available within the project budget.

If there is insufficient budget a budget bid will then be submitted for the 2022/23 financial year.

Consultation and Engagement

- 10 Staff and Complete Urban met with representatives of the New Brighton Village Association on site during the project scoping stage.

Concept design plans were then given to these Village representatives for comment where community feedback was then received via email and phone conversations.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**Report No. 14.1 Report of the Transport and Infrastructure
Advisory Committee Meeting held on 17
June 2021**

Directorate: Infrastructure Services

Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services

File No: I2021/1037

Summary:

The attachment to this report provides the minutes of the Transport and Infrastructure Advisory Committee Meeting of 17 June 2021 for determination by Council

RECOMMENDATION:

1. That Council notes the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 17 June 2021.

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

**Report No. 3.1 Adoption of Minutes from Previous Meeting held on 15 April
2021**

File No: I2021/987

Committee Recommendation 3.1.1

That the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 15 April 2021 be confirmed.

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

**Report No. 4.1 Review Asset Management Policy in accordance with
Resolution 20-741**

File No: I2021/864

Committee Recommendation 4.1.1

1. That the draft Asset Management Policy is expanded to include the Road Access and Safety Principles (RASPs), part 1 of res 20-741 is placed on 28 days public exhibition and if there are no submissions the revised Policy be adopted.
 2. That TIAC and Council receive a further report detailing the methodology for the application of RASPs.
4. That Council adopt the following Recommendation(s):

Report No. 4.2 Draft Moving Byron

File No: I2021/961

Committee Recommendation 4.2.1

1. That Council notes the Draft Moving Byron Strategy.
 2. That TIAC continues to refine the draft out of session by email.
 3. That TIAC submits a final copy to the Council Planning Meeting in August.
 4. That Council adopts a final draft for public exhibition.
 5. That Council supports a longer exhibition period of 6 weeks to provide an opportunity to the new Council to consider a draft on Strategic Planning Workshop.
5. That Council adopt the following Committee Recommendation(s):

Report No. 4.3 Road Access and Safety - Workshop

File No: I2021/848

Committee Recommendation 4.3.1

1. That Council progresses an application for Road Safety Officer under Local Government Road Safety Program and that Council allocates the proportion of funding necessary to activate an application.
2. That Council continues to monitor constrained roads on the Hinterland network to identify areas where a speed zone review and/or other

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REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

14.1

intervention such as signages, infrastructure modifications and messaging may be required to improve safety and access.

- 3. That Council notes that staff actively pursue funding opportunities.**
- 4. That rural school bus routes be identified with signage showing the times of operations.**

Attachments:

5

- 1 Minutes 17/06/2021 Transport and Infrastructure Advisory Committee, I2021/1000

Report

The attachment to this report provides the minutes of the Transport and Infrastructure Advisory Committee Meeting of 17 June 2021 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [Agenda of Transport and Infrastructure Advisory Committee Meeting - Thursday, 17 June 2021 \(infocouncil.biz\)](#)

Committee Recommendation

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

10 Financial Implications

As per the Reports listed within the Transport and Infrastructure Advisory Committee Meeting of 17 June 2021.

Statutory and Policy Compliance Implications

- 15 As per the Reports listed within the Transport and Infrastructure Advisory Committee Meeting of 17 June 2021.

**Report No. 14.2 Report of the Local Traffic Committee
Meeting held on 15 June 2021**

Directorate: Infrastructure Services

Report Author: Shelley Flower, Infrastructure Planning Support Officer, IS -
Works

File No: I2021/1122

Summary:

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 15 June 2021 for determination by Council.

The recommendations were not unanimous due to the absence of a representative of Tamara Smith MP at the meeting.

RECOMMENDATION:

1. That Council notes the minutes of the Local Traffic Committee Meeting held on 15 June 2021.

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

Report No. 6.1 No Stopping - Old Bangalow Road, Suffolk Park
File No: I2021/768

Committee Recommendation 6.1.1

That Council:

1. Replace No Parking signs with No Stopping signs on the inside of the Cemetery Road, Byron Bay curve, in the general location shown within LTC report I2021/768 (Figure 1).
2. Install a No Stopping sign on Cemetery Road, approximately 10m south of Lilli Pilli Drive, Byron Bay.

3. That Council adopt the following Committee Recommendation:

Report No. 6.2 Regulatory Signs - Various Locations

File No: I2021/838

Committee Recommendation 6.2.1

That Council install the regulatory signs for 58 Armstrong Street, Suffolk Park (Friday - No Parking 5am-12pm) within Firewheel Place and Constellation Place, Byron Bay (No Stopping) in the locations shown in the report (I2021/838)

4. That Council adopt the following Committee Recommendation:

Report No. 6.3 Jonson Street Bus Stop - Revision to Signs & Linemarking

File No: I2021/865

Committee Recommendation 6.3.1

That Council endorse the modification of the Bus Zone fronting the Visitor's Information Centre on Jonson Street, Byron Bay to a 'No Stopping Zone'.

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

Report No. 6.4 Event - Chincogan Charge 2021

File No: I2021/867

Committee Recommendation 6.4.1

That Council support the Chincogan Charge 2021 to be held on Saturday 18 September 2021, between 8:00am and 5:30pm and for 2022 and 2023 provided there are no changes to the Traffic Management Plan, subject to:-

- 1. Traffic control plan(s) and a Traffic Management Plan (TMP) being designed by those with the appropriate and relevant NSW (TfNSW) accreditation. The TCP(s) and TMP to include the closure of Dalley Street between Burringbar Street and Tincogan Street between 12.30pm-5.30pm;**
- 2. The TCP to be generally in accordance with document E2020/46680 (Attachment 1);**
- 3. Implementation of the approved Traffic Management Plan and Traffic Control Plan/s by those with appropriate TfNSW accreditation and the holding of current and appropriate levels of insurance and liability cover;**

4. **Separate approvals by NSW Police and TfNSW being obtained;**
 5. **The impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;**
 6. **The event be notified on Council's webpage;**
 7. **Informing community and businesses that are directly impacted (e.g. adjacent to the event) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;**
 8. **Undertake consultation with emergency services and any identified issues addressed;**
 9. **Hold \$20m public liability insurance cover which is valid for the event**
 10. **Pay Council's Road Event Application Fee and LTC application Fee prior to the event**
6. **That Council adopt the following Committee Recommendation(s):**

Report No. 6.5 Event Road Closures - Byron Lighthouse Run 2021

File No: I2021/941

Committee Recommendation 6.5.1

That Council support the 24 October 2021 Byron Lighthouse Run, subject to:-

1. **Traffic control plan(s) and a Traffic Management Plan being designed and implemented by those with the appropriate and relevant TfNSW accreditation.**
2. **The road closures and hours of closure in accordance with the submitted Traffic Management Plan in Attachment 1 (E2021/75049).**
3. **Clarkes Beach car park open to the public by 9am. Alternatively, if car park is to be closed to the public after 9am an application is to be made to Council to occupy the car park and relevant application fees and parking fees are to be paid to Council prior to the event commencing.**
4. **Separate approvals by NSW Police, TfNSW and Cape Byron Headland Trust being obtained.**

5. The event organiser:-

- i) advertising the impact of the event via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;**
- ii) providing copy of the advert for Council's web page;**
- iii) informing community and businesses that are directly impacted (e.g. adjacent to the event), including the Beach Byron Bay Café and North Coast Holiday Park Clarkes Beach, via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;**
- iv) arranging for private property access and egress affected by the event;**
- v) liaising with bus and taxi operators and ensuring arrangements are made for provision of services during conduct of the event;**
- vi) consulting with emergency services with any identified issues being addressed;**
- vii) holding \$20m public liability insurance cover which is valid for the event; and payment of Council's Road Event application fee prior to the event.**

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

Report No. 6.6 Mullumbimby Police Station Parking
File No: I2021/942

Committee Recommendation 6.6.1

That Council support the installation of:

- 1. Three car spaces dedicated to police in Mullumbimby with signage to permit police vehicles only.**
- 2. One mobility space on Dalley Street in the vicinity of the Mullumbimby Court House.**

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

Report No. 7.1 Speed Zone Reviews

File No: I2021/701

Committee Recommendation 7.1.1

That Council note the information provided to the Committee on the matters listed in the Report.

That the Local Traffic Committee acknowledges the need for Council, the Byron Shire community, TfNSW and the Police to work together to provide safe road networks for all road users.

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

Report No. 7.2 Events - Bangalow Billycart Derby 2021

File No: I2021/868

Committee Recommendation 7.2.1

1. That Council endorse the Bangalow Billy Cart Derby to be held on Sunday 12 September 2021 and for 2022 and 2023 provided there are no changes to the Traffic Management Plan, subject that includes the temporary road closure below:-

- a. Byron Street, Bangalow between Ashton Street and Granuaille Road, between 6am and 4pm on Sunday 12 September 2021.**

2. That the approval provided in Part 1 is subject to:-

- a. Separate approvals by NSW Police and TfNSW being obtained, noting that the event is on a state road or may impact the state road network;**
- b. Traffic Control Plan(s) to be developed and implemented by people with the appropriate TfNSW accreditation;**
- c. That the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints; and**

d. The event notified on Council's webpage.

3. That the event organiser:-

- a. Undertake consultation with community and affected businesses including adequate response/action to any raised concerns;**
- b. Undertake consultation with emergency services and any identified issues addressed;**
- c. Holding \$20m public liability insurance cover which is valid for the event; and**

10. That Council adopt the following Committee Recommendation:

Report No. 7.3 Pedestrian Access and Safety - Suffolk Park

File No: I2021/938

Committee Recommendation 7.3.1

That Council continues to monitor speeds in this area, along with pedestrian and cyclist movements.

Attachments:

5 1 Minutes 15/06/2021 Local Traffic Committee, I2021/974

Report

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 15 June 2021 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 https://byron.infocouncil.biz/Open/2021/06/LTC_15062021_MIN_1345.PDF

This report contains the recommendations of the Local Traffic Committee (LTC) meeting held on 15 June 2021.

Council's action on the LTC advice will be:

- 10 a) If Council is in agreement with the LTC unanimous support then the proposal may be approved. In these cases there is no conflict between Council and the advice of the LTC, consequently there is no need for Council to inform the Transport for NSW or the NSW Police representatives of the decision.
- b) If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.
- 15 c) If Council is in agreement with the LTC unanimous decline then the proposal may be rejected. Again there is no conflict between Council and the advice of the LTC. Consequently there is no need for Council to inform the Transport for NSW or the NSW Police representatives of the decision.
- 20 d) If Council decides to proceed with a proposal where the advice of the LTC is not unanimous support, then the Council must first advise the Transport for NSW and the NSW Police representatives in writing of their intention to approve the proposal. The Transport for NSW or the NSW Police may then lodge an appeal to the Regional Traffic Committee (RTC).
- 25 e) If Council decides to proceed with a proposal where the advice of the LTC is a unanimous decline, then the Council must first advise the Transport for NSW and NSW Police representatives in writing of their intention to approve the proposal. The Transport for NSW or the NSW Police may then lodge an appeal to the RTC.

- 30 Due to the fact that the Transport for NSW and the NSW Police have the power to appeal certain decisions of the Council, the LTC cannot provide its advice to Council until both the Transport for NSW and the NSW Police have provided their vote on the issue.

Committee Recommendation

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

Financial Implications

- 35 As per the Reports listed within the Local Traffic Committee Meeting of 15 June 2021.

Statutory and Policy Compliance Implications

As per the Reports listed within the Local Traffic Committee Meeting of 15 June 2021.

Report No. 14.3 Report of the Byron Shire Floodplain Risk Management Committee Meeting held on 17 June 2021

Directorate: Infrastructure Services

5 **Report Author:** Shelley Flower, Infrastructure Planning Support Officer, IS - Works

File No: I2021/1125

Summary:

- 10 The attachment to this report provides the minutes of the Byron Shire Floodplain Risk Management Committee Meeting of 17 June 2021 for determination by Council.

RECOMMENDATION:

- 15 1. **That Council notes the minutes of the Byron Shire Floodplain Risk Management Committee Meeting held on 17 June 2021.**

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

Report No. 3.1 Adoption of Minutes from Previous Byron Shire Floodplain Risk Management Committee Meeting

File No: I2021/939

Moved 3.1.1

That the minutes of the Byron Shire Floodplain Risk Management Committee Meeting held on 28 January 2021 be confirmed.

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

Report No. 4.1 Council's interaction and collaboration with the Belongil Drainage Union - update and forward strategy

File No: I2021/176

Committee Recommendation 4.1.1

RECOMMENDATION:

The Byron Shire Floodplain Risk Management Committee recommends:-

That Council:-

- 1. Supports collaboration and communication with the Belongil Catchment Drainage Board (BCDB).**
- 2. Nominate a Councillor for representation on the Belongil Catchment Drainage Board.**
- 3. Request the Belongil Catchment Drainage Board consider a review of their constitution to facilitate a Councillor (ex officio) position on the Board.**
- 4. Pay the outstanding fees of \$30,000 (from Sewer Fund: GL 7205.27).**
- 5. Will make future payments to the Belongil Catchment Drainage Board when the Belongil Catchment Drainage Board undertakes appropriate land audits and produces a financial management plan for the Board's area.**
- 6. Offers assistance to the Belongil Catchment Drainage Board with the development of a rating financial model, including investigating access to Council's systems to rate members on the Board's behalf.**
- 7. Invites a member of the Belongil Catchment Drainage Board to be a key stakeholder in developing Council's Coastal Management Plan.**
- 8. Actively collaborate, support and engage with Southern Cross University for further research and investigations for the Belongil catchment.**
- 9. Continue dialogue with relevant agencies, including DPIE Water, towards ongoing collaborative management in the Belongil area.**

Management Recommendation

Staff support the recommendations from the Byron Shire Floodplain Risk Management Committee, with the exception of recommendation 7 under 4.1.1. Recommend this item be worded as follows:

Ensures that the Belongil Catchment Drainage Board continues to be engaged as a stakeholder throughout future stages of development of Council's Coastal Management Program(s).

Attachments:

- 5 1 Minutes 17/06/2021 Byron Shire Floodplain Risk Management Committee, I2021/991

Report

The attachment to this report provides the minutes of the Byron Shire Floodplain Risk Management Committee Meeting of 17 June 2021 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 https://byron.infocouncil.biz/Open/2021/06/BSFRM_17062021_AGN_1308_AT_EMBEDDED.PDF

Committee Recommendation

- 10 The committee recommendations are supported by management with the exception of Report No 4.1. See further details below. All committee and management recommendations are provided in the attachment to this report.

Management Comments

In accordance with the Committee Recommendation, Management provide the following additional information for Report No 4.1 and for the reasons given below alternatively recommend that Council:

- 15 **7. Ensures that the Belongil Catchment Drainage Board continues to be engaged as a stakeholder throughout future stages of development of Council's Coastal Management Program(s).**

20 The drainage board is already identified by Council as a stakeholder and has been engaged throughout the Coastal Management Program (CMP) process to date (via email to: belongil drainageboard@gmail.com and also via emails to members of the FRM Advisory Committee, some of whom are also on the drainage board).

25 Whilst the drainage board isn't specifically listed as an entity in the CMP Scoping Study Appendix A -Engagement Strategy, it is implied through engagement with "Private organisations...listed on contact list" (the drainage board email being listed on that contact list).

This engagement strategy may be updated in the next stage (Stage 2) of the CMP process, in which case, the Drainage Board can be explicitly referenced.

- 30 **9. Continue dialogue with relevant agencies, including DPIE EES and DPIE Water, towards ongoing collaborative management in the Belongil area.**

35 It is very important that DPIE EES be part of this dialogue as they have advised Council to prepare a Coastal Management Program for the Belongil Creek ICOLL (including its catchment) rather than developing a separate Catchment Management Plan based in the connectivity of the catchment to the coastal zone in this type of environment.

The committee recommendations are supported by management, with the exception of the above items, and are provided in the attachment to this report.

Financial Implications

As per the Reports listed within the Byron Shire Floodplain Risk Management Committee Meeting of 17 June 2021.

Statutory and Policy Compliance Implications

- 5 As per the Reports listed within the Byron Shire Floodplain Risk Management Committee Meeting of 17 June 2021.