

Agenda Ordinary Meeting

Thursday, 26 May 2022



BYRON
SHIRE
COUNCIL

Agenda Ordinary Meeting

held at Conference Room, Station Street, Mullumbimby
commencing at 9.00am

Public access relating to items on this agenda can be made between 9:00 and 10:30 am 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.

A handwritten signature in black ink that reads "Mark Arnold". The signature is written in a cursive style with a small dot at the end.

Mark Arnold
General Manager

CONFLICT OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

Disclosure and participation in meetings

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

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

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

Non-pecuniary Interests - Must be disclosed in meetings.

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

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

RECORDING OF VOTING ON PLANNING MATTERS

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

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

BYRON SHIRE COUNCIL
BUSINESS OF ORDINARY MEETING

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- 2. APOLOGIES**
- 3. REQUESTS FOR LEAVE OF ABSENCE**
- 4. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**
- 5. TABLING OF PECUNIARY INTEREST RETURNS (CL 4.9 CODE OF CONDUCT FOR COUNCILLORS)**
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 - 6.2 Extraordinary Meeting held on 19 May 2022
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Councillors are encouraged to ask questions regarding any item on the business paper to the appropriate Director prior to the meeting. Any suggested amendments to the recommendations should be provided to Councillor Support prior to the meeting to allow the changes to be typed and presented on the overhead projector at the meeting.

NOTICES OF MOTION

Notice of Motion No. 9.1 Land and Funds for Emergency Accommodation

5 **File No:** I2022/353

I move:

- 10 1. That:
- 15 a) Council's Finance Department identifies any matured stocks, bonds or other funds that are not already committed to specific purposes and allocate the identified funds to the purchase of Supported Temporary Emergency Accommodation and infrastructure to support this accommodation that may go on council, State, Crown or private land.
- 20 b) Council applies for funding from State and Federal government to provide the community with Temporary Supported Emergency Accommodation.
- 25 c) Council allocates a portion of the Mayoral Fund to specifically finance Temporary Supported Emergency Accommodation for the community in need, to be made available for Council owned, State Owned, Crown land or Private land.
- 30 2. That:
- 35 b) Council identifies all parcels of Council owned land that could hold Temporary Supported Emergency Accommodation for residents affected by floods, fires or any natural or declared national disasters.
- 40 b) Council owned land could host Temporary Supported Emergency Accommodation that includes pet friendly accommodation options that may not be provided through private landholders or elsewhere.
- c) Council's Planning Department submits any necessary Development Applications or Planning amendments to facilitate all manner of Temporary Supported Accommodation types such as motorhomes, tiny homes, modular and pod homes on Council owned land.

Signed: Cr Sama Balson

Councillor's supporting information:

5 It was identified during our last Flood response meeting, that Byron Shire currently has over 500 households and 1,287 people displaced by the February/ March floods 2022. Byron Shire already had a housing emergency; we now have a housing catastrophe.

10 I note that there is now a provision by State Government for landlords to host mobile homes for persons affected by the flood national emergency and that there is intended State funding as well as potential State land in discussion that may provide accommodation pathways, however right now there is private land and potential council owned land that may provide additionally needed accommodation. Funding remains a key issue to get this underway expediently.

15 If we identify and access existing funds available, we can start the delivery of housing outcomes alongside State Initiatives, that can broaden the scope and reach a higher demand for the diverse accommodation needed.

20 Pet friendly accommodation is desperately needed for local residents who are otherwise being offered emergency accommodation as far away as Grafton or South Brisbane. Families and individuals already facing flood trauma should not be faced with the additional trauma of having to leave their family pets to be able to stay near work and schools in the Byron Shire.

25 We have a duty of care to ensure we are doing everything within our power to support the community during such a time of need. Please let us ensure all options are being considered and all funding that could be made available to provide emergency accommodation is made available.

Staff comments

by Shannon Burt, Director, Sustainable Environment and Economy and James Brickley, Manager Finance:

30 The recommendations of this Notice of Motion (NOM) are divided into two sections – finance and planning. Staff responses have been provided accordingly below.

Part 1 Finance:

- 35 • **Council's Finance Department identify any matured stocks, bonds or other funds that are not already committed to specific purposes and allocate the identified funds to the purchase of Supported Temporary Emergency Accommodation and infrastructure to support this accommodation that may go on council, State, Crown or private land.**
- 40 • **Council applies for funding from State and Federal government to provide the community with Temporary Supported Emergency Accommodation.**

BYRON SHIRE COUNCIL

NOTICES OF MOTION

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- **Council allocates a portion of the Mayoral Fund to specifically finance Temporary Supported Emergency Accommodation for the community in need, to be made available for Council owned, State Owned, Crown land or Private land.**

5 Comments from Manager Finance

In summary, it is suggested that Council does not have any funds adequate to assist with part 1(a) of this Notice of Motion.

10 The reference to bonds, stocks or other funds are assumed to be a reference to Council's investment portfolio. Essentially the value of Council's investment portfolio is committed for specific purposes and represents funds that are set aside for specific purposes already determined by Council through allocation in its current 2021/2022 budget and annual adoption of its Financial Statements.

15 Council has an adopted goal of maintaining an unrestricted cash balance of \$1million. Based on the current 2021/2022 budget, this balance is estimated to be at \$481,000 on 30 June 2022 but this outcome is prior to consideration of any financial impact upon Council associated with the February/March 2022 flood event. Council is currently half a million dollars below its preferred target to maintain some form of buffer against unforeseen expenditure or revenue loss.

20 Council is yet to consider the 31 March 2022 Quarterly Budget Review that will be presented to the 26 May 2022 Ordinary Meeting. It is likely that the current budget deficit for 2021/2022 of \$36,600 may very well increase and therefore the unrestricted cash balance may very well further decline due to the following:

- Further decline in interest revenue from current historic low interest rates.
- Cumulative impacts of revenue losses since 1 July 2021 due to the Pandemic
- 25 • The need for Council to identify funding of up to \$200,000 as its contribution to the restoration of infrastructure damaged by the floods.
- Council may need to absorb costs associated with the flood recovery that may not be funded but already incurred via any Commonwealth or State Government natural disaster funding

30 Information was recently provided to Councillors about the other problems that would be created if it reallocated any of its reserves known as 'internal restrictions' from their designated purposes. Council cannot reallocate any of its reserves known as 'external restrictions'.

35 It can only be stressed that Council needs to be careful with its current financial position given the current circumstances that the February/March 2022 flood event has presented to Council itself and that it really does not have the capacity or ability to support in any meaningful way what Part 1(a) of this Notice of Motion is suggesting.

5 Whilst Part 1(c) of this Notice of Motion suggests that Council reallocate part of the Mayoral Fund to finance Temporary Supported Emergency Accommodation, which is a decision for Council, that may require Council to alter the terms of reference for this Fund. That aside, at the time of preparing this response, the Mayoral Fund is yet to receive any donations.

Part 2 Planning:

Comments from Director Sustainable Environment and Economy:

- 10 • **Council identifies all parcels of Council owned land that could hold Temporary Supported Emergency Accommodation for residents affected by floods, fires or any natural or declared national disasters.**
- 15 • **Council owned land could host Temporary Supported Emergency Accommodation that includes pet friendly accommodation options that may not be provided through private landholders or elsewhere.**
- **Council's Planning Department submits any necessary Development Applications or Planning amendments to facilitate all manner of Temporary Supported Accommodation types such as motorhomes, tiny homes, modular and pod homes on Council owned land.**

20 Since the 2022 flood events staff have worked tirelessly and proactively alongside state government including the Premiers Department, Planning Department and Resilience NSW, as well as other northern region councils to identify solutions to house those displaced and living in temporary / emergency accommodation the result of the flood events.

25 To this end:

- 30 • A web link has been provided to advise of [Temporary accommodation options - Byron Shire Council \(nsw.gov.au\)](#) as per the recent State Government announcements. Separately, enquiries from landowners about camping ground and or caravan park development on private land for housing those displaced from the 2022 flood events are being logged and responded to as required by staff.
- 20 motorhomes have been set up at Byron Hospital for use in relation to COVID – servicing the whole region – Northern Rivers Health initiative.
- 35 • Staff identified around 14 council and crown land sites for consideration for temporary housing. These sites were presented to the Department of Planning (DPE) Flood Housing Recovery Team for consideration. Advice back from the Team was that 4 of these sites were deemed appropriate for immediate use and would be prioritised for temporary accommodation by the State Government. The remainder of the sites could be further considered for medium to longer term housing needs as part of the wider flood housing recovery process.

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NOTICES OF MOTION

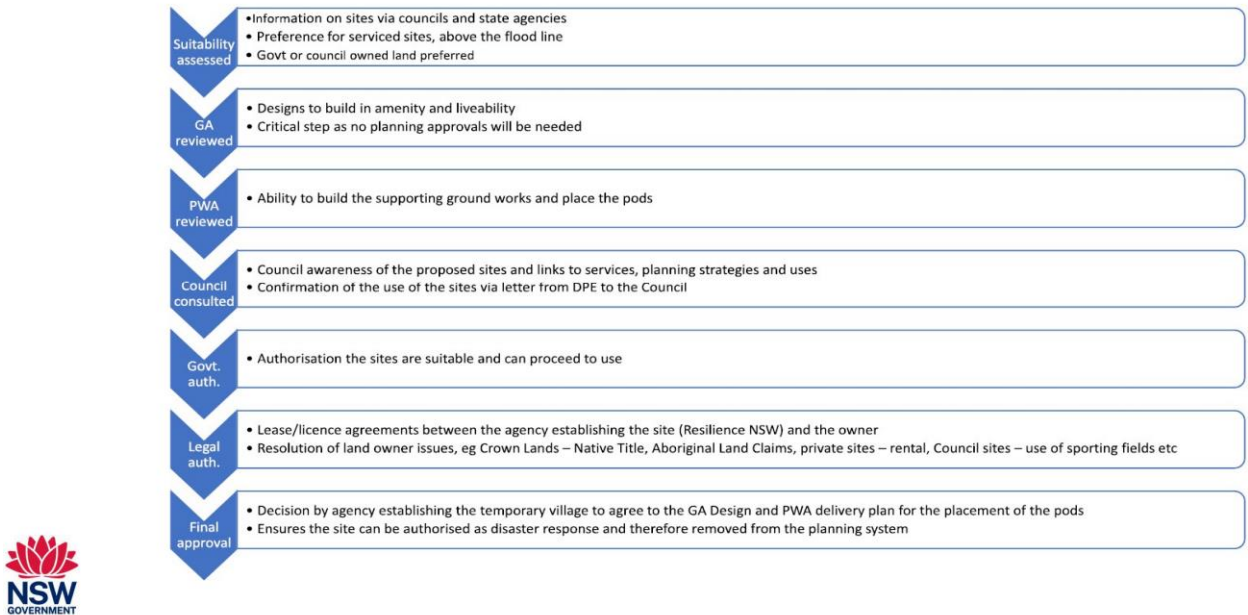
9.1

- Following this, staff met with representatives of the State Government Architect's office to look at the various forms of temporary accommodation available, and that could suit the prioritised sites, as well as confirming site planning and set up requirements to ensure that safe occupation and servicing of the sites could occur.

- 5 • Director Sustainable Environment and Economy now sits on the State Housing Recovery Taskforce. This Taskforce is a cross agency group within the NSW Government Flood Recovery Governance structure that has been set up to address short, medium, and long-term housing issues arising out of the 2022 flood events. This taskforce meets weekly. The key points from the most recent meeting being:
 - 10 ○ 17 plus sites across 5 LGAs identified for temporary housing for 2000 plus households.
 - Pop up temporary housing village designs progressing with each council on their priority sites.
 - 15 ○ The key selection criteria include: • impacts of hazard (flooding and bushfire) • land ownership • current planning controls • access to water, sewerage, electricity, and roads • access to local services and shops
 - Planning/SEPP amendments to enable the temporary housing on these sites expected to be notified shortly
 - 20 ○ Notification process about the temporary housing sites aka pop-up villages in each council area to be coordinated by DPE Flood Recovery Team & Resilience NSW. Council to be consulted and advised of this as it is to occur.
 - 25 ○ Pod Procurement update provided – multiple options looked at – EOI process used with a matrix of type, number, and delivery time frame. These need to be matched with sites. Supply is a challenge.
 - Legislation changes to enable temporary housing on prioritised sites to be valid for up to 5 years. As such site planning must be undertaken properly.
 - 30 ○ A community housing provider will be appointed as site manager of each of the sites to ensure appropriate selection and management of occupants, alongside Resilience NSW as the land manager for the length of the lease.
 - 35 ○ Further funding package announcements are likely for planning and engagement re recovery and rebuilding options for flood impacted communities; to support emergency accommodation needs, support extension of emergency accommodation; to address the undersupply of social and affordable housing pre flood.

Below is a summary of the State Government endorsed process for temporary housing:

Pop-Up Village approval process



5 Below is a link to a recent announcement of the Ballina Shire ‘pod village’ and funding from the NSW Premier for investment in temporary modular housing to give people displaced by floods a home while they rebuild their lives.

[\\$350 million modular housing package for flood-affected communities | NSW Government](#)

Staff are confident that the 4 prioritised sites in Byron Shire will be progressed to announcement in the coming week/s.

10 In addition to the above, prior to easter, staff went about identifying emergency accommodation options for those displaced by holidaymakers following media reports that many people would be left car camping in the streets. Site availability at Mullumbimby Showground, Bangalow Showground investigated for motorhome, caravans, and tents.

Discussions with Service NSW also ensued about meanwhile use buildings in the Byron Town Centre.

15 As a last resort, the Cavanbah Sports Centre carpark was proposed as a pop-up drive-in camp area. A request for igloo style lockable tents was also made to DPE Flood Recovery Housing team after these were put on the table as an option by the State Government Architect’s office. These were not available as it seems. Notwithstanding the above, the camp area was established for the easter period (in consultation with the Mullumbimby Neighbourhood Centre), with no take up use.

20

Financial/Resource/Legal Implications:

Various implications re resourcing and funding depending on resolution of council.

Is the proposal consistent with any Delivery Program tasks?

CSP Objective	CSP Strategy	DP Action
Community Objective 4: We manage growth and change responsibly	4.5: Work to improve community resilience in our changing environment	4.5.1: Develop and implement strategies for our community's needs

- 5 While there is an action that this work can be linked to in the current Delivery Program, it needs to be understood that there is no current Operational Plan link to the 2022 Flood Event. This has meant that many staff have been redeployed and or seconded to this work, which has and is having an impact on current adopted Operational Plan activities.

Notice of Motion No. 9.2 Non-compliant companion animals

File No: I2022/283

5 I move that Council:

1. Notes the recent perceived increase in the number of dogs visible in the Shire.
2. Acknowledges that a 'Dogs in Public Spaces' Strategy is being developed but the Community Engagement stage has been delayed by the recent floods
- 10 3. Shares the concern of many residents and visitors at the numbers of dogs in sensitive ecological areas and on public beaches and barking dogs in residential areas
4. Notes that there is substantial evidence demonstrating that the presence of dogs has a negative impact on biodiversity
- 15 5. Notes the priorities regarding dogs and cats in the adopted (Council Ordinary 24/3/22) Compliance Priorities Program Report 2021; and
 - a) requests staff to put further priority and emphasis on nuisance or off-leash dogs in environmentally sensitive areas such as Lilly Pilli, Belongil and Tallows estuaries and adjacent beaches,
 - 20 b) requests staff to put further enforcement priority and emphasis on off-leash dogs in towns and villages,
 - c) enhances community messaging of 5a) and 5b) through local media and any other channels,
 - d) conveys the same to tourism and accommodation operators
- 25 6. Prepares a six-month review report, including any barriers to compliance in this area; and
7. Continues to work with NPWS to discourage the presence of dogs in National Parks and reserves.

30 Signed: Cr Michael Lyon and Cr Cate Coorey

Councillor’s supporting information:

From the Compliance Priorities Program Report 2021:

Very High Priority 1.3

5 *Dangerous and/or menacing dogs;*

High Priority 2.4

Uncontrolled dogs and/or cats including those kept on land where Policy or Development consent prohibits it.

10

Routine Priority 4.1

Companion animals with a high emphasis on high visibility enforcement and public education

Customer Request Management Received 2021		
Dogs Attacks	101	
Dogs Barking	128	
Dogs Found	123	415
Dogs Nuisance	292	
Dogs Restricted	5	
TOTAL	649	
Companion Animal related penalty infringements issued on daily patrols	57 * increase from 32 in the previous reporting period	\$23,115 value of fines

15 There appears to be an increase of dogs in the Shire in public places. News reports say that there is an overall increase of dogs Australia wide:

<https://www.dailytelegraph.com.au/news/nsw/australian-pet-ownership-reaches-record-high-during-covid-pandemic/news-story/3d6bafa280bd2715056c28a4961aeecd>

20 Dogs with well-behaved owners are not the focus of this NoM - rather, it is people who do not control their dogs in places where they should be controlled. Byron can only be dog-friendly if dogs and their owners are people and wildlife-friendly. Many people are experiencing being uncomfortable or threatened by the presence of dogs and they are often frightening to children. Dogs have been seen running on beaches where they are not allowed, disturbing beachgoers and attacking other dogs. I have seen dogs chasing wallabies. It is terrifying for the wallaby, but I have had an owner say to me that it’s just the dog having a bit of fun. It can literally cause the animal to die of fright.

25 Byron has a strong history of preserving and protecting wildlife but this is being eroded by increasing numbers of visitors into wild areas and local people whose actions threaten our

biodiversity. The world is in a biodiversity crisis, caused by human activity – particularly habitat loss or incursions into habitat.

The presence of dogs as an inhibitor of bird activity is well researched, eg:

https://www.researchgate.net/publication/6055768_Four-legged_friend_or_foe_Dog_walking_displaces_native_birds_from_natural_areas

- 5 Peter B. Banks and Jessica V. Bryant. School of Biological, Earth and Environmental Sciences, University of New South Wales.

STUDY USED SEVERAL NATIONAL PARKS SITES WITH:

- 10 1. PERSON WALKING WITH DOG
 2. PERSON WALKING ALONE
 3. CONTROL – NO WALKING ACTIVITY
- 15 • *Cautious conservation managers and government legislation typically ban domestic dogs from sensitive areas such as national parks and reserves, however, these bans induce strong protest from dog-walking lobbyists who cite a lack of evidence because multispecies responses of wildlife to dog walking are unknown.*
 - *Dog walking caused a 41% reduction in the numbers of bird individuals detected and a 35% reduction in species richness (compared with untreated controls)*
 - 20 • *Humans walking alone also induced some disturbance but typically less than half that induced by dogs. Ground dwelling birds appeared most affected; 50% of the species recorded in control sites were absent from dog-walked sites.*
 - *For birds which did not flee the site, there were 76% fewer individuals within 10 m of when dog walking occurred compared with control sites, suggesting that birds were seeking refuge away from the immediate vicinity of the threat.*
 - 25 • *In the experiment testing bird responses to single and multiple walkers without dogs, bird abundance did not change with the addition of another human. This confirms that birds responded uniquely and additively when do and additively when dogs accompany walkers.*
 - *Even dogs restrained on leads can disturb birds sufficiently to induce displacement and cause a depauperate local bird fauna.*
 - 30 • *These effects were in excess of significant impacts caused by human disturbance, which also caused decline in diversity and abundance. Responses to transient human disturbance are well known.*

Staff comments

by Sarah Nagel, Manager Public and Environmental Services, Sustainable Environment and Economy:

5 Staff have spoken to Cr Lyon and Cr Coorey prior to the agenda being published to clarify this notice of motion.

Section 32A of the Companion Animals Act defines a 'nuisance dog' to be:

- a) is habitually at large, or
- b) makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or
10 convenience of any person in any other premises, or
- c) repeatedly defecates on property (other than a public place) outside the property on which it is ordinarily kept, or
- d) repeatedly runs at or chases any person, animal (other than vermin and, in relation to
15 an animal, otherwise than in the course of droving, tending, working or protecting stock) or vehicle, or
- e) endangers the health of any person or animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting
20 stock), or
- f) repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.

Pursuant to Council's 2022 Compliance Priorities Program, dangerous or menacing dogs fall within the category of 'very high priority', uncontrolled dogs fall with the category of 'high priority' and noise disturbance (barking dogs) falls with the category of 'high priority'.

25 Council's Animal Enforcement Officers patrol areas that have been identified as non-compliant and areas that are notified to Council by the community. Officers also investigate reports of nuisance dogs in accordance with Council's Enforcement Policy. Officers undertaking these duties are 'Authorised Officers' pursuant to the Companion Animals Act 1998 and undertake their duties with the ability to exercise discretion.

30 Any approach to enforcement of Companion Animal Act offences must be consistent with the intent and objectives of the relevant legislation (including the Companion Animals Act 1998), procedural fairness, natural justice, due process, the NSW Ombudsman's Enforcement Guidelines for Councils, Council's Enforcement Policy and Council's 2022 Compliance Priorities Program.

35 The concerns relating to nuisance dogs in environmentally sensitive areas is acknowledged. The concerns relating to off-leash dogs and barking dogs in towns and villages is acknowledged.

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Staff can improve community safety in these areas through prompt and effective responses via visible and targeted patrols of areas with high reports of non-compliance with proactive enforcement of Companion Animals Act offences.

5 Staff can enhance community messaging through local media and other means; as well as conveying this message to tourism and accommodation operators.

Staff can prepare a six-month report reviewing progress and noting any barriers to compliance in this area.

Staff will continue to work with NPWS to discourage the presence of dogs in National Parks and Reserves.

10 **Financial/Resource/Legal Implications:**

Nil

Is the proposal consistent with any Delivery Program tasks?

Yes

2.4.3.5 Provide Companion Animal Management Services

15 2.4.3.6 Facilitate Companion Animal Education

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.4: Enhance community safety and amenity while respecting our shared values	2.4.3: Enhance public safety, health and liveability through the use of council's regulatory controls and services	2.4.3.5	Provide companion animal management services
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.4: Enhance community safety and amenity while respecting our shared values	2.4.3: Enhance public safety, health and liveability through the use of council's regulatory controls and services	2.4.3.6	Facilitate companion animals' education

Notice of Motion No. 9.3 Parking meter time and cost amendments

File No: I2022/496

5

I move:

1. That Council increases the parking meter changes for non Byron Shire residents except for local businesses who employ staff outside of the area.
- 10 2. That Council re-evaluates the costs and time durations of current parking meter charges by:
 - 15 a) Increasing parking fees to \$7 per hour
 - b) Increasing one and two hour parking limits to three & four hours, to allow greater time for people to engage with local businesses and activities.
3. That the charges for local residents, ratepayers, and businesses and staff working in Byron Shire be decreased as follows:
20 *Byron Shire Residents and Rate payers: \$25 p/a (reduced from \$55 per annum)*
Temporary business parking: \$60 p/a (reduced from \$110) plus waive the 5 person limit to meet the need for the number of employees per business who travel in from outside the Byron Shire.

25 **Signed: Cr Sama Balson**

Councillor’s supporting information:

It’s been many years since the cost of parking in Byron Shire has been reevaluated, meanwhile the cost of housing for the community, the cost of food and basic living has increased substantially.

- 5 The cost of tourism on the Byron Shire impacts the local community in multiple ways. It reduces the number of housing stock for local residents, by tying up long term accommodation in holiday letting.

Added cars on the roads impact the state of the roads and infrastructure. Added tourism also impacts on systems such as waste, sewer and drainage.

- 10 In light of existing high impacts, now multiplied by flood impacts, we must raise internal revenue to help rebuild and provide ongoing support to our community.

Bed taxes and further parking meters are great ideas, but they are not immediate. These proposed increases in existing parking meter fees would provide fast and effective much needed funds, that will largely come from the tourist dollar whilst reducing cost for locals and workers within our community.

- 15 The revenue from the pay parking scheme since it was expanded is provided in the table below based on full financial years with 2021/2022 year to date and these revenues incorporate both meter revenue and permit revenue:

- 20 In the table below, the years 2019/2020, 2020/2021 and 2021/2022 have been impacted by COVID and more recently floods so may not necessarily be considered what could be called ‘normal years’. The years 2017/2018 and 2018/2019 are considered normal and represent where meter revenue has peaked where the fees set at that time were \$4.00per hour.

- 25 **The current pay parking fees and charges for 2021/2022 at outlined below at \$4.00 per hour.**

Year	Meter Revenue \$	Permit Revenue \$	Total Revenue \$
2016//2017	2,935,435	582,901	3,518,336
2017/2018	3,685,876	611,016	4,296,892
2018/2019	3,665,772	609,101	4,274,873
2019/2020	3,007,405	545,943	3,553,348
2020/2021	3,361,172	555,941	3,917,113
2021/2022 year to date 9/5/2022	1,853,702	436,734	2,290,436

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Pay parking

Native Title Permit	\$0.00	1724.1	N	NA
<i>For members of Bundjalung of Byron Bay Aboriginal Corporation. Eligibility requirements apply through the members list which is updated yearly with the Office of the Registrar of Indigenous Corporations.</i>				
Temporary Business parking permit	\$110.00	1724.1	N	P
3 month period - For business, activity or service within the pay parking area. Applicable within 200m of the business, activity or service. Limit of 5 per business, activity or service. Eligibility requirements apply				
Tourist and Visitor Accommodation Permit	\$660.00	1724.1	N	P
12 month period - For approved tourist and visitor accommodation premises ^{1&2} (excluding Short Term Rental Accommodation ²) within the pay parking area and applicable within 200m of the approved premise. Limit of 10 per business. Eligibility requirements apply and are subject to site inspection and assessment. 1 Approved prior to 30 May 2014. 2 As defined by applicable legislation.				
Per hour	\$4.00	1722	Y	F
4P zones capped at \$12, P zones capped at \$20 per day				
Shire resident or ratepayer exemption, or resident interim parking permit	\$55.00	1724.1	N	F
12 month period. Eligibility requirements apply.				

If Council was to raise the fee to \$7.00per hour, that is a 75% increase on the current fee. Basing revenue at \$3.66million on 2018/2019, the most recent 'normal year', that could potentially increase the revenue by another \$2.75million to total \$6.41million annually excluding permits.

In addition, I propose to increase the length of time tourists and locals can come and enjoy what is on offer, increasing one and two hour zones to three & four hours; this gives people an opportunity to enjoy a meal in local cafes and restaurants, browse local stores allowing adequate shopping time and enjoy outdoor recreation and other tourist attractions, such as kayaking, diving, a walk along coastlines or climbing to the lighthouse for example. Shorter parking times alongside increased fees may be a deterrent for tourist enjoyment, however increased prices with increased time limits would help to balance out the experience of enjoying what this beautiful place has on offer, with the benefit of increasing both revenue to support the community and allow time to enjoy local business and other natural attractions.

As per Table 2 Above and response from council staff:

"if Council were to make the scheme free for locals, the revenue loss most likely would be the value of the parking permits as a guide. Most of the permits issued are for residents so there is the potential to lose up to \$600,000 in revenue... "

As the scheme currently operates, locals do not pay for parking if they have a valid parking permit (\$55 fee) and abide by the time limit.

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Again, the time limit increase will benefit local community members to enjoy greater benefits of what their community has on offer, including longer time to enjoy family & recreational activities.

5 I therefore propose that we reduce & amend the costs to the following:

Native Title permit: Remains \$0

Byron Shire Residents and Rate payers: \$25 p/a (reduced from \$55 per annum)

10 **Temporary business parking:** \$60 p/a (reduced from \$110) plus waive the 5 person limit to meet the need for the number of employees per business who travel in from outside the Byron Shire.

Parking per hour increased to \$7 (from \$4 per hour)

These measures will.

- 15 1. Support local residents who need and deserve financial relief after enduring recent natural disasters.
2. Support local businesses to employ staff, many of whom have been driven out of the local community due to extremely high living costs and now travel in for work.
- 20 3. Increase hours of parking, that will in turn increase opportunities for local businesses to provide services to patrons and balance out the cost price increase with the value of added leisure time to enjoy Byron Shire sites, activities and local businesses.
4. These proposed increases will generate revenue for Byron Shire Council from the tourist dollar, to put towards the needs of locals in the community, including but not limited to, better roads, waste and infrastructure, as well as potential revenue on projects
- 25 supported by Byron Shire Council to provide better supported housing outcomes for this community.

Staff comments

by James Flockton, Infrastructure Planning Coordinator, Infrastructure Services:

30 Staff have proposed a \$1/hr increase to paid parking costs as part of the 2022/23 fees and charges process. The proposed new rate being \$5/hr.

Any further increase at this time is not recommended given the current financial climate and recent flood events.

35 Time limits are separate to parking rates. A review of time limits will be undertaken as part of the Byron Movement Study that will be commencing later in 2022. This study will look at a range of traffic and pedestrian related matters.

40 There are current active Council resolutions that require further reporting to Council in relation to paid parking in 2022. This reporting will consider the implementation of paid parking in Brunswick Heads and paid parking fees in general. This reporting can also address paid parking opportunities in other towns centres and alternate fee structures for resident permits.

Discussion at a Strategic Planning Workshop prior to reporting to Council is recommended.

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Current resolutions are as follows:

20-413 Resolved:

1. *That in relation to consideration of proposed Parking Scheme changes within Brunswick Heads, Council:*
 - 5 a) *Note the recommendations in the TPS Report - Brunswick Heads Parking Scheme Review 2020 (E2020/29468) including the recommendation "that Council should undertake a cost/benefit analysis with the objective to introducing metered parking into Brunswick Heads in order to address the capacity and compliance issues identified in this project"; and*
 - 10 b) *Defer consideration of any changes to the Brunswick Heads Parking Scheme until the March 2022 Ordinary Council meeting due to the current impacts of the COVID-19 crisis.*
 - c) *Continue to monitor parking demand within Brunswick Heads and parking occupancy rates within the existing 1P and 2P time limited areas and the area*
15 *east of South Arm Bridge; and*
 - d) *Not introduce pay parking to the CBD and Beach Precincts as identified in Figure 1.1b and Table 1.2b until parking occupancy rates return to 90% within the CBD Precinct.*
2. *That the report to the March 2022 Ordinary in response to the Recommendation from the TPS Report - Brunswick Heads Parking Scheme Review 2020 (E2020/29468) include a cost/benefit analysis and implementation plan for the introduction of a Pay Parking Scheme for Brunswick Heads incorporating:*
 - 20 a) *Delivery Program;*
 - b) *Meter and sensor layouts;*
 - 25 c) *Relevant time limit modifications;*
 - d) *Signs and line plan;*
 - e) *Permit system;*
 - f) *Business case with recommended pay parking fee rate and months over which the pay parking scheme should operate; and*
 - 30 g) *Media and communications plan*

21-442 Resolved that Council receive a report on:

1. Pay parking revenue in 2018-19 broken down into meter charges (combined), worker permits and resident permits, including an analysis of what the meter charges revenue would have been at \$5 and \$6 per hour.
- 5 2. Potential profit from schemes introduced into Brunswick Heads, Mullumbimby and Bangalow based on expected usage under business-as-usual conditions, at rates of \$4, \$5 and \$6 per hour.
3. The Breakdown of pay parking revenue from meters originating from residents of NRJO, being Byron, Ballina, Lismore, Kyogle, Richmond Valley and Tweed Shires vs
10 those coming from elsewhere.
4. Ways that parking meters in a town like Bangalow could be made to better suit aesthetically the Heritage nature of the town.
5. Details of areas identified for potential peripheral parking in Mullumbimby and progress of discussions with Transport for NSW for access and or lease.
- 15 6. Comparisons with other local government areas that have high tourist numbers and that have pay parking and how they manage their system of residential permits.

Both resolutions have been awaiting the recruitment of a new Traffic and Transport Engineer, following the resignation of our previous engineer in December 2021.

20 Staff are hopeful the third recruitment process has resulted in a successful applicant and that process is now being finalised.

Financial/Resource/Legal Implications:

Increases to paid parking rates will increase the revenue generated. Removal of the resident permit charge will reduce the revenue generated because the permits will still need to be resourced and this is funded from paid parking / permit revenue.

25 Further investigation is required to advise the actual dollar impacts.

30 The revenue figures quoted in the Notice of Motion if fees were increased as suggested in the NOM would only eventuate if the fee increase does not change utilisation of the parking scheme i.e. people currently paying \$4.00 per hour would be happy to pay a 75% increase to \$7.00 per hour. If utilisation of the pay parking scheme did decrease if the fee was increased to \$7.00 per hour, Council may not realise any increase in revenue and could potentially lose revenue.

Is the proposal consistent with any Delivery Program tasks?

No.

Notice of Motion No. 9.4 Capricornia Canal and Marshalls Creek

File No: 12022/498

5

I move that Council:

10 Refers the requests raised by the North Byron Shire community regarding dredging the Capricornia Canal and Marshalls Creek to Council's Water and Sewer Advisory Committee, Coastal and ICOLL Advisory Committee, and Floodplain Management Committee with a view to consider the requests; in particular the option of removing the Marshalls Creek rock walls at Brunswick Heads and its potential to reduce siltation of Marshalls Creek.

15 **Signed: Cr Asren Pugh**

Councillor's supporting information:

20 While many of the requests of the North Byron Shire community with regard to dredging, Marshalls Creek and Capricornia Canal have been looked at in the past, including significant studies, given the massive impact of the recent floods and the unexpected flood heights it is important to look again at the issues raised.

25 The Advisory Committees mentioned in the motion are where we bring experts and community representatives together to consider these matters in depth and provide recommendations to council. By requesting these committees to also consider these matter we can ensure that recommendations are consistent with any other work the committees are doing in response tot he floods.

Staff comments

by James Flockton, Coordinator Infrastructure Planning, Infrastructure Planning & Chloe Dowsett, Coast and Biodiversity Coordinator:

30 Staff consider it essential that Council committees maintain their focus and commitment to their individual subject areas.

35 Council's Floodplain Management Advisory Committee consists of a collective group of agency representatives and community members with the sole focus of flood management. This committee's purpose is to oversee and advise Council on the preparation, implementation and review of Flood Studies and Floodplain Risk Management Studies as required. This committee has previously considered dredging

and/or removal of rock walls for flood purposes and did not support the options as per the adopted Floodplain Management Plan.

The Coastal and ICOLL Advisory Committee's purpose is to assist in the development of Coastal Management Programs (CMPs) for the Shire's coast, estuaries and ICOLLs.

- 5 While there may be some overlap in this space with floodplain management, CMPs do not consider rainfall/catchment dominated flooding events, this is considered through the preparation of Flood Plans.

Flood Risk Management Options (Dredging and Removal of Rock Walls)

- 10 The North Byron Floodplain Management Study notes the following on page 109 and can be found at <https://www.byron.nsw.gov.au/files/assets/public/hptrim/land-use-and-planning-planning-strategies-working-documents-north-byron-coastal-creeks-flood-study/e2021-43013-north-byron-floodplain-risk-management-study-web.pdf>

Option MC – Marshalls Creek Dredging at Ocean Shores

Option MC investigates dredging along Marshalls Creek. The option is modelled assuming the river bed was lowered by 0.5 m from just to the east of the Pacific Motorway Bridge near Billinudgel down to the confluence of Marshalls Creek with Brunswick River (approximately 7.5 km). Diagram 32 shows the location and extent of dredging along Marshalls Creek.



Diagram 32: Option MC - Marshalls Creek Dredging.

Option MC Preliminary Results

Preliminary results for MC show a maximum decrease in flood levels of potentially up to 0.05 m in Ocean Shores and New Brighton and 0.01 m in South Golden Beach.

Due to the limited impact on flood behaviour, and the likely considerable economic and environmental impacts, this option is not recommended for further consideration.

5 It is not unusual for dredging to provide limited if any flood mitigation results when modelled. This is usually because it does not create more storage or a mechanism to greatly alter flood levels because the dredged area fills with water and only allows for an increase in flow velocities. Further it can fill in again quite quickly with sediment moving in the creek system.

A number of rock wall alterations were also modelled in the study, none provided a level of flood mitigation that resulted in them being a recommended action in the Floodplain Management Plan. Further details can be found from page 102 of the above document.

10 The Brunswick Estuary is a system dominated by ocean processes in the lower reaches, like all the Shire's estuaries/ICOLLs. There is a constant push of sand into the lower reaches due to the high littoral drift of sediment up the coast from south to north. This is evident in the formation of bars within the entrance. As such, lower catchment flood levels tend to be dominated by ocean levels.

15 Dredging campaigns in the Brunswick Estuary have historically been undertaken to improve the navigability of the estuary entrance for the commercial fishing fleet. Generally, the benefits have been short-lived with the dredging channels quickly filling in due to sediment deposits from the high littoral transport system along the coastline. Dredging activities have, however, changed the tidal prism of the Brunswick Estuary and have therefore altered the salinity regime, increased turbidity, and reduced areas of
20 important habitat, such as shallow water, seagrass and intertidal mud banks. The ecological value of the estuary is unique falling within the Cape Byron Marine Park, and the impact of dredging to this waterway would be significant.

25 The North Byron Floodplain Management Study was developed by a reputable consultant with expertise in flood modelling and flood risk management. The development of flood plans follows a step by step process in accordance with the State Government Flood Manual and close consultation with experts within the flood department. The inclusion of options within a Flood Management Plan is based on robust science, modelling, sensitivity testing and expert knowledge.

30 Staff are aware that historical / legacy issues arise each time there is a flood event and our community has been significantly impacted, however to pursue management options that have already been assessed through a robust scientific process and deemed unfeasible results in loss of focus and distraction from implementation of actions in an endorsed Plan.

Recommended Investigation

35 A recommended action from the North Byron Floodplain Management Plan is *to Develop a sediment transport model to investigate modification to the rock walls, as part of the Coastal Management Program for the Brunswick Estuary*. This modelling is aimed at managing sedimentation from an estuary health perspective not flood mitigation.

40 Council is in the process of preparing Coastal Management Programs (CMPs) for its parts of the Byron Shire coastline, prioritising the Open Coast and ICOLLs in the four-stage process set out to develop the long-term strategy. Council has not yet commenced the development of a CMP for the Brunswick Estuary.

However, as part of Council's preparation of CMPs for the Open Coast and ICOLLs, the Byron Shire Coastal Hazard Assessment, currently underway, which will cover the entire spatial extent of the Shire's coastline and will inform the CMP. A key task of the Hazard Study is the development of a quantified conceptual sand transport model for the coastal zone. The preparation of sand transport model will include detailed assessment of:

- coastal geomorphology and geophysical setting
- marine and shoreline sediments
- wave climate and coastal processes
- time history of anthropogenic changes along the coastline (including minor and major works such as the Brunswick River training works)
- sediment budgets and the influence of natural and anthropogenic changes on sediment sources and sinks (sediment gains or losses determine whether shorelines will either erode or accrete).

Development of the sediment budget requires consideration of the various possible sources of sand, transport pathways, sinks, and agents of transport. The Brunswick River entrance is a known key source and sink of sediment which will be assessed in detail through this analysis as part of the study. Development of a quantified conceptual sand movement model is important as it focuses on sand transport (or sediment transport) and the key drivers that govern the processes of sand movement. The forcing agents (where does the sand come from and how?) will also be considered in the context of a changing climate. Understanding sediment transport is essential to inform decision making on potential coastal management options to address coastal hazards and/or key issues such as sedimentation.

A stakeholder workshop will be held to discuss the outcomes of the study and members of Council's Coastal and ICOLL Advisory Committee members will be invited to attend. However, as noted above, Council has not yet commenced the development of a CMP for the Brunswick Estuary. Stage 1 of development of the CMP process comprises a Scoping Study to:

- collate existing information on the study area;
- carry out stakeholder and community engagement;
- understand values and management issues (i.e. such as community concerns regarding sedimentation of Marshalls Creek);
- identify any information gaps; and
- outline studies required to be carried out to inform the later stages of the CMP development.

It is not until Stage 3 of the CMP process where management options are identified and evaluated through risk assessment and cost, benefit analysis. Any management options such as dredging or rock wall alterations (to deal with sedimentation issues) would need to be supported as a feasible option in Stage 3 for inclusion in a CMP before it could proceed.

Financial/Resource/Legal Implications:

Development of a conceptual sand/sediment transport model is part of the Byron Shire Coastal Hazard Assessment currently funded and in preparation.

- 5 Commencement of a Coastal Management Program for the Brunswick Estuary is currently unfunded. However the planning of this process may commence in the 2022/23 FY pending funding and staff capacity.

Is the proposal consistent with any Delivery Program tasks?

Yes.

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 3: We protect and enhance our natural environment	3.3: Partner to protect and enhance the health of the Shire's coastlines, estuaries, waterways and catchments	3.3.1: Implement Coastal Management Program	3.3.1.1	Continue preparing a Coastal Management Program (CMP) in accordance with the staged process for Cape Byron to South Golden Beach

10 .

Notice of Motion No. 9.5 Lobbying on key issues for flood impacted communities

File No: I2022/501

5

I move:

10 **That Council lobbies (including writing a formal letter and raising in relevant meetings) the relevant government agencies, governments and ministers on issues important to local flood impacted communities. This may include incorporating these matters into Council's submission/s to the NSW Flood Inquiry:**

- 15 a) **The inadequacy of the \$7,200 in rental support provided to people unable to live in their primary residence due to flood impacts.**
- 15 b) **The lack of resilience in the communications network post flood. This includes the need for more mobile service backup systems, the need for alternative internet access options such as satellite (particularly at evacuation centres).**
- 20 c) **Support for a government reinsurance program for flood impacted communities in Northern NSW.**

20

Signed: Cr Asren Pugh

Councillor's supporting information:

25 These three issues listed above are important matters that have been raised by many in the community that have been impacted by the recent floods. While council has its own response to the communications problems faced during the floods for its own operations, drawing other levels of governments attention to those same needs in the community is a valuable role that we can play.

30 Many local properties are facing massive increase in insurance premiums or becoming uninsurable. While there are many other matters that we need to look at as far as flood proofing and building the resilience and the insurability of local properties, a government underwriting scheme is also an important part of the solution.

35 The way that the NSW Government has treated those that have been displaced by the floods has been deplorable. With people being forced to move out of temporary accommodation to ensure tourists can visit, to moving people to Brisbane or other far-flung places. People are facing tremendously high short term rental costs so they remain in the community while they rebuild. More support is needed.

Staff comments

by Esmeralda Davis, A/Director Corporate and Community Services, Corporate and Community Services:

5 An independent [Flood Inquiry](#), led by Professor Mary O’Kane AC and Michael Fuller APM, has been established to examine and report on the causes of, preparedness for, response to and recovery from the 2022 catastrophic flood events.

Council resolved (**Res 22-156**) to prepare a submission and hold a Community Roundtable Meeting (held 10 May 2022) amongst other matters.

10 In response to Res 22-156, Council staff have prepared a comprehensive submission which will be the subject of a report to the 19 May Extraordinary Council meeting. This submission incorporates the three points raised in this notice of motion, in addition to a range of other issues relevant to flood impacted communities in our Shire.

15 The ‘issues important to local flood impacted communities’ are regularly raised in the various recovery forums including the Regional Recovery Committee and sub-committee meetings; meetings with various government agencies and delegates; and meetings with heads of government who visit our community. These will continue to be raised as the opportunity arises.

A formal letter to the relevant government agencies and ministers can be prepared, attaching a copy of Council’s submission to the Flood Inquiry.

20 **Financial/Resource/Legal Implications:**

The preparation of letters and submissions can be incorporated into existing resource allocations.

Is the proposal consistent with any Delivery Program tasks?

No

25

Notice of Motion No. 9.6 Byron Bay Community Association support

File No: I2022/502

5

I move that Council:

1. **Acknowledges the request from the Byron Bay Community Association for financial assistance in relation to Byron Bay markets and the extenuating circumstances that have resulted in financial losses**
10
2. **Offers a line of credit of up to \$100,000 to the Byron Bay Community Association from the Property Development Reserve to assist them with:**
 - i) **current shortfalls in markets revenue and**
 - ii) **cost of market relocation if development consent is given for the town centre site**
15
3. **Offers the line of credit to be available in five advances of \$20,000 each with an interest rate set at 3.5% per annum**
4. **Connects the term of any amounts borrowed to the markets licence, which is valid until 31 October 2026**
20

Signed: Cr Michael Lyon

Councillor's supporting information:

In March 2022, Council received a request from the Byron Bay Community Association for financial assistance to ensure the long term financial sustainability of the Byron Bay markets.
25

A combination of factors have resulted in the Byron Bay markets running at a loss for this financial year, including cancelled markets due to COVID and extreme weather events, site challenges and a decline in customers and stallholder numbers.

The markets are part of the fabric of Byron Bay and are significant economic and social contributors to our Shire. Council and the Byron Bay Community Association are actively working towards future plans for the market that will allow for it to regenerate and rebuild in the centre of town and I'm confident the financial future of the markets looks strong.
30

Staff comments

by Claire McGarry, Place Manager – Byron Bay, General Manager
James Brickley, Manager Finance, Corporate and Community Services

Existing markets support

- 5 In acknowledgement of the valuable contribution the markets make to the local community and economy, and in recognition of the financial difficulty they are facing, Council has provided financial support to the Byron Bay Community Association for running of the markets over the past 2 years.
- 10 For example, Council has worked with Transport for NSW to restore the former rail ticket office building (\$100,000 of works) and given a lease to the markets for offices and storage at minimum Crown rent (approx. \$500/year).
- Additionally, Council have undertaken the DA for the community market relocation rather than the Community Centre doing it as licensee.
- 15 Finally, Council has applied for grant funding to install permanent infrastructure (bollards, seating, garden beds) in the town centre to facilitate the relocation of the market to the rail precinct site. This infrastructure removes significant cost for the Byron Community Centre that they would otherwise need to be spending on water barriers, additional traffic controllers, signage etc.

Financial/Resource/Legal Implications:

20 **Comment by Manager Finance**

The Notice of Motion at part 2 is proposing to provide a line of credit of \$100,000 via five advances of \$20,000 to the Byron Bay Community Association.

- 25 If Council were to provide the advance, it would need to identify a funding source to do so. Council does not have \$100,000 available overall on an unrestricted basis given its current budget position so it would need to reallocate funding from one of its available internal reserves. If this Notice of Motion proceeds it is suggested that the Property Development Reserve provide the funding on the basis there is an expectation the advances would be repaid over time with interest and repayments transferred back to the Property Development Reserve.

- 30 Part 4 of this Notice of Motion is connecting the term of the advances to the remaining duration of the market licence until 31 October 2026, although the Notice of Motion is silent in Part 3 on the timing of when the individual advances of \$20,000 are to be made and what triggers an advance to be made.

- 35 Part 3 of the Notice of Motion is setting an interest rate at 3.5%. Council should at least charge an interest rate equivalent to what it could borrow so an indicative interest rate now would be around 4.0%. Council's borrowing rates fluctuate and in the current environment over the remaining term of the market licence, loan borrowing rates are likely to increase

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5 further but any advance whenever made over the next four or so years to the Association would be capped at 3.5% interest. Potentially Council will be providing a subsidised line of credit and may have to disclose that subsidy to comply with Section 356 of the Local Government Act 1993. The level of subsidy can only be calculated based on the indicative Council borrowing rate at the time of the advance compared to 3.5%. Alternatively if the interest rate is not capped at 3.5% but equates to a rate Council could borrow at the time an advance is proposed to be made there is no subsidy issue.

10 Given the proposed staggered nature of advances with timing unknown, it is not possible to calculate any indicative repayments and this can only be done as and when advances are made. Clarification is also not known as an example if say \$20,000 is provided as the fifth advance in January 2026, is it clear that the last advance plus interest along with any other outstanding advance amount will need to be repaid in full by 31 October 2026.

15 If Council provides a line of credit, it should also take some form of security to enable it to recover any outstanding amounts should there be a default. Whether such security can be applied to the Market Licence as advances proposed occur would need to be clarified or at least Council should register a mortgage over assets of the Association if that is possible which would be discharged if the line of credit is repaid in full. There also has not been any assessment as to whether the Association has the financial capacity to repay a line of credit with interest to Council. This should be a consideration.

20 Notwithstanding the merit of the request from the Association, Council should also be mindful of precedence in that it could receive other requests from organisations with similar circumstances and that it doesn't have the financial capacity to act as a lender to multiple organisations that may be facing financial difficulties.

Is the proposal consistent with any Delivery Program tasks?

25 Yes

CSP Objective	CSP Strategy	DP Action	Code	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	2.1.7.1	Continue to support event organisers in the delivery of events.

Notice of Motion No. 9.7 North Byron drainage and sewerage status

File No: I2022/503

5 I move:

1. That Council receives a report at the June meeting on the following
 - 10 a. The reported \$260,000 underspend on drainage maintenance in the 2020-21 year and the reasons for this underspend
 - b. The historical (5 year) proportion of infrastructure spending that has been spent in the North Byron Shire area.
 - 15 c. A timeline for the comprehensive assessment of the status of drains and sewerage infrastructure in North Byron Shire
 - d. The proposed works program for sewerage and drainage in North Byron Shire for 2021-22, 2022-23 and 2023-24
 - e. Grants programs that council might apply for to clean and repair the drains and sewerage within North Byron Shire
- 20 2. That Council's internal drain clearing team prioritise work within the North Byron Shire community over the next 6 months
- 25 3. That members of North Byron Shire be invited to submit the worst cases of drainage or sewerage network disrepair to the relevant staff members for consideration into the future program of works, including the budget that is currently out on exhibition.
4. That a staff briefing be organised within 2 weeks, in consultation with relevant representatives from the North Byron Shire community, to discuss the program of works priorities and budget allocations for the next 3 years.

Signed: Cr Asren Pugh

30 **Councillor's supporting information:**

The drains and sewerage network across the North Byron Shire has been left to deteriorate by successive councils over the last few decades. Residents are having to deal with sewerage coming into their backyards, drains that sit idle and filled with water for months at a time, grass and debris making it impossible for drains to work properly. Some sewerage pipes and drains have completely collapsed.

This motion is attempting to ensure that the community in North Byron Shire has a direct voice into the program of works for drains and sewerage repair over the coming years. The long history of neglect means that these issues will not be rectified quickly or cheaply, but it is time that council focussed on doing what we can to begin the process of fixing these problems.

Staff comments

**by James Flockton, Coordinator Infrastructure Planning, Infrastructure Services
James Brickley, Manager Finance, Corporate and Community Services:**

- 5 Item 1 - Staff can prepare the reporting as requested. However, Item 1a can be answered in these comments. Information was provided for a public meeting held on 26 April 2022 regarding drainage maintenance expenditure in the North of the Shire in the table below:

Year	Overall Budget North \$	Ocean Shores Actual \$	Mullumbimby Actual \$	Brunswick Heads Actual \$
2021/2022 to date	375,000	256,706	96,387	53,423
2020/2021	357,600	61,086	71,971	18,085
2019/2020	275,700	83,164	26,715	12,156
Total	1,008,300	400,956	195,073	83,664

- 10 For the 2020/2021 financial year, the table above indicates an underspend of \$206,639 comparing the addition of the actual expenditure for Ocean Shores, Mullumbimby, and Brunswick Heads compared to the overall budget, not \$260,000 outlined in Item 1a. Unfortunately, whilst the annual budget allocations for the last three financial years for the North of the Shire in the table above are correct, the actual expenditures provided did not include all expenditure. Council currently separates drainage maintenance expenditure into planned maintenance and unplanned maintenance expenditures. The table above only provided planned maintenance expenditure which was in error.
- 15 A revised expenditure table for drainage maintenance in the North of the Shire is provided below that incorporates both planned and unplanned maintenance expenditure that more accurately reflects overall actual drainage maintenance expenditure in the North of the Shire against the overall budgets provided:

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		Ocean Shores	Mullumbimby	Brunswick Heads	Total North Shire	Budget - Overspend
Urban Drainage Expenditure - North	Budget	Actual \$	Actual	Actual \$	Actual \$	+ Underspend
2021/2022 financial year to date						
Planned Maintenance	375,000	272,693	100,753	56,471	429,917	
Unplanned Maintenance		8,596	967	11,266	20,830	
Total	375,000	281,290	101,720	67,737	450,747	-75,747
2020/2021						
Planned Maintenance	357,600	61,086	71,971	18,085	151,142	
Unplanned Maintenance		69,749	102,768	31,705	204,222	
Total	357,600	130,834	174,739	49,790	355,364	2,236
2019/2020						
Planned Maintenance	275,700	83,165	26,715	12,158	122,037	
Unplanned Maintenance		47,603	63,809	27,362	138,774	
Total	275,700	130,767	90,524	39,520	260,812	14,888
Overall Total	1,008,300	542,891	366,983	157,048	1,066,922	-58,622

The table above indicates that the budget underspend for Urban Drainage Maintenance in the North of the Shire in the 2020/2021 financial year was \$2,236, not \$206,639 or \$260,000.

- 5 Item 2 – Council’s StormWater Action Team (SWAT) prioritise various drainage maintenance tasks across the shire on an ongoing basis as new requests are received or inspection find new issues. SWAT aim to resolve the most urgent and impacting tasks first to ensure the whole shire is receiving a fair and appropriate service.

- 10 Item 3 – the community can do this at any time of the year by emailing council at its email address council@byron.nsw.gov.au

Item 4 – Staff can facilitate a meeting as required. Staff resourcing is currently focussed on Flood Recovery efforts including the preparation of applications for grant funding and 2 weeks lead time may be insufficient to adequately prepare relevant information for the briefing.

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

None.

Is the proposal consistent with any Delivery Program tasks?

No.

Notice of Motion No. 9.8 North Byron Shire Masterplan

File No: I2022/504

5 I move:

That Council receives a report at the June meeting on a timetable for the development of a Masterplan for the North Byron Shire. This may include different or separate processes for different parts of the community.

10 Signed: Cr Asren Pugh

Councillor's supporting information:

By almost all accounts the process of developing the Masterplans for other parts of our community have been very well received, including in Bangalow and Federal. There are currently limited locations for centralised 'community building' infrastructure in the North of the Shire, in particular in Ocean Shores. A masterplan would ensure that the community would have a strong voice in developing a future plan for their own place. There are ongoing complaints from many in the Oceans Shores and surrounding community that there is little in the way of infrastructure spending or focus on the area. A proper masterplan, with the possibility of an ongoing masterplan committee, would ensure priority for the area when it comes to applying and receiving state and federal government grants.

Staff comments

by Shannon Burt, Director, Sustainable Environment and Economy:

Council received Report No. 13.12 Expression of Interest for next village/town masterplan the ordinary meeting 28 October 2021.

25 https://byron.infocouncil.biz/Open/2021/10/OC_28102021_AGN_1272.PDF

This report provided inter alia summation of plans to date, and details on villages/towns to be considered for the next masterplan and methods for these.

At this meeting Council resolved **21-468**:

- 30
1. *That Council endorses an expression of interest process in early 2022 for the next village/town Masterplan as outlined in this report.*
 2. *That Council receives a further report on the expression of interest process, with the report to include a recommendation for a preferred village/town masterplan and a project plan and resourcing plan showing staff time and other budget required to undertake the work.*

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3. *That Council notes depending on 2, the timeframe for the new village/town masterplan may be delayed in part or all until Financial Year 2023/24.*
4. *That Council notes previous Resolution 20-432, particularly part 3.*
5. *That Council, with consultation, investigates further traffic calming and other treatments to slow traffic within the retail and service precinct as shown on the Pedestrian Amenity and Safety Plan including implementation of a 40kph or lower speed limit and a shared zone.*

10 There have been delays to the EOI due to staff already working with the Federal Community on their masterplan; and the impact of Covid and the 2022 flood recovery projects on staff capacity to take on new/additional work.

The EOI is now expected to be considered later in 2022 as resources permit. A report to the June meeting would be pre-emptive of the EOI process.

Submissions from interested village/towns can be made to the EOI process at that time.

15 The Northern Byron Community Group is encouraged to make a submission to Council then when it can be considered alongside other EOIs from any of the other interested village/towns.

Financial/Resource/Legal Implications:

There is no forward budget identified for new village/town masterplans. A further report on the EOI process is required to determine this.

20 The report will also need to identify a preferred village/town masterplan and include a project plan and resourcing plan showing staff time and other budget required to undertake the work.

Depending on the above, the timeframe for the new village/town masterplan may be delayed in part or all until end FY22/23.

25 Is the proposal consistent with any Delivery Program tasks?

CSP Objective	CSP Strategy	DP Action	Code	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	4.1.1.3	Investigate priority needs for future masterplans

Notice of Motion No. 9.9 Rebuilding after the floods

File No: I2022/543

5

I move that Council:

1. **Implements a 'fast track' DA process for applications directly related and limited to rebuilding on flood affected properties.**
- 10 2. **Provides advice to residents on appropriate standards for rebuilding within flood impacted areas including building materials and structural issues**
3. **Provides advice on likely changes to flood heights in flood impacted residential areas (inc Mullumbimby, Ocean Shores, SGB, Billinudgel, New Brighton) to assist residents with rebuilding**

15

Signed: Cr Asren Pugh

Councillor's supporting information:

20 Residents wishing to rebuild after the floods are facing significant hurdles to rebuilding in a way that builds their resilience to future flooding. They are waiting on guidance for upgraded building standards and flood heights. As a council we should be ensuring the swiftest decisions making possible for those wishing to raise heights to accommodate new flood heights.

25 I understand that there are significant legislative and other impediments to implementing this motion easily and will revise this motion in the lead up to the meeting following receipt of staff comments and consultation with the community.

Staff comments

by Shannon Burt, Director, Sustainable Environment and Economy:

1. **Implements a 'fast track' DA process for applications directly related and limited to rebuilding on flood affected properties.**
- 30 The Department of Planning has made changes to state planning legislation to permit a range of low impact works to help people recover and rebuild after the floods without the need for development consent. <https://www.planning.nsw.gov.au/Policy-and-Legislation/Disaster-and-Pandemic-Recovery/Repair-and-response-works> It is now easier for homeowners to do necessary repair, demolition work as well as the use of shipping

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containers on sites impacted by the floods, subject to certain criteria. These changes are in addition to the Exempt and Complying Development Codes SEPP 2008 which permits a range of development subject to certain criteria or with a complying development certificate.

5 [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 - NSW Legislation](#)

10 Development applications however for rebuilds or works the result of the flood events or other not categorised as exempt or complying development will otherwise need to be reviewed on a case-by-case basis as not all may need a new development application depending on their individual circumstances.

15 Further, Council as a planning authority has certain legislative obligations that it needs to meet in relation to development applications. These obligations do not provide for selective and or preferential processing. There are also statutory timeframes set under the legislation for councils to meet which also act as the trigger for Land and Environment Court appeals in certain circumstances.

Below is a link to information about the development application process:

[The DA process - Byron Shire Council \(nsw.gov.au\)](#)

Below is a link to a recent report to council on legislation and development applications:

20 5.13 Environmental Planning and Assessment (Statement of Expectations) Order 2021 [Agenda of Extraordinary Meeting - Thursday, 3 February 2022 \(infocouncil.biz\)](#)

25 That being said, well made, and compliant proposals, that do not need to be publicly notified are generally able to be assessed and determined relatively quickly by staff. This includes all manner of proposals from a pool to multi-unit housing development. Proposals that have site constraints to address, require external referrals, objections, and or involve variations to the adopted planning controls of Council, often take more time and can trigger a report to Council for determination. It is these proposals that we strongly suggest the landowner/proponent make the time to come into council and meet with staff prior to lodgement to discuss.

Below is a link to our development advisory service options:

30 [Development advice services - Byron Shire Council \(nsw.gov.au\)](#)

2. Provides advice to residents on appropriate standards for rebuilding within flood impacted areas including building materials and structural issues

35 Chapter C2 DCP 2014 Areas Affected by Flood provides assessment criteria and controls for development on flood liable land. This Chapter advises that flood compatible material is to be used. The adopted North Byron Floodplain Risk Management Plan recommends updating of the DCP to include more detailed guidance on building materials

Extracts from documents below:

C2.3.4 Flood Proofing

1. Flood Compatible Material

Materials located below the relevant level defined by the **flood planning matrix** must be capable of resisting damage, deterioration, corrosion or decay taking into account the likely time the material would be in contact with flood water and the likely time it would take for the material to subsequently dry out.

2. Services

Services and related equipment, other than electricity meters, must not be located below the relevant flood planning level defined by the **flood planning matrix** unless they have been



2. RECOMMENDED FLOODPLAIN RISK MANAGEMENT MEASURES

Each option recommended by the FRMS was assessed using the multi-criteria assessment and the resulting scores and overall rank provided in Table 1.

Table 1: Assessment of Floodplain Risk Management Options

ID	Section	Option	Total Score	Overall Rank
PM04	11.6.4	Flood Planning Levels revised based on the recommendations of the FRMS.	20	1
PM09	11.6.9	Section 10.7 (5) certificates to provide further detail of flood behaviour. Consideration to providing property-level flood information via an online GIS platform.	18	2
RM02	11.5.2	Byron Shire Council and SES to consider the findings and recommendations of the FRMS in the development of the Flood Warning Network for North Byron.	18	2
RM05	11.5.5	Identify key roads and implement automatic warning signs and depth indicators.	16	4
PM06, PM07, PM08 (part), PM10	11.6.6, 11.6.7, 11.6.8, 11.6.10	Council consider updating the DCP to incorporate the recommendations detailed in the FRMS; Provide more detailed guidance on the principles of wet proofing, appropriate design and materials, with direct reference to available guidelines; include a requirement for an assessment of property level protection as part of the DCP2014 planning matrix criteria FL4; Implement the recommendations regarding appropriate fill areas in the DCP2014.	16	4

2.1. High Priority Actions

- Flood Planning Levels revised based on the recommendations of the FRMS. (PM04);
- Section 10.7 (5) certificates to provide further detail of flood behaviour. Consideration to providing property-level flood information via an online GIS platform. (PM09);
- Byron Shire Council and SES to consider the findings and recommendations of FRMS in the development of the Flood Warning Network for North Byron. (RM02);
- Identify key roads and implement automatic warning signs and depth indicators. (RM05);
- Council consider updating DCP to incorporate the recommendations detailed in the FRMS (PM06);
- Provide more detailed guidance on the principles of wet proofing, appropriate design and materials, with direct reference to available guidelines. (PM07);
- Include a requirement for an assessment of property level protection as part of the DCP2014 planning matrix criteria FL4. (PM08 - part);
- Implement the recommendations regarding appropriate fill areas in the DCP2014 (PM10);
- Develop a whole of catchment drainage model and overland flow path investigation (CDM);
- Undertaken more detailed assessment of properties which may benefit from property level protection (PM08 - part);
- Implement debris control measures for Federation Bridge and Billinudgel Railway Bridge (FDC);
- Undertake an Evacuation Assessment for Mullumbimby. (RM07);

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4

The above mentioned planning controls will be reviewed as necessary post Council's flood event assessment and state government flood Inquiry processes being completed and recommendations made being endorsed.

- 5 Below is a link to flood planning information on Council's website: [Flood planning - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/byron-shire-council/flood-planning)

Further the following information was shared to community via the Flood Recovery Updates: [Flood recovery - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/byron-shire-council/flood-recovery)

Do I need approval to start repairing flood damage?

- 10 The NSW [State Environmental Planning Policy - Exempt & Complying Development Codes 2008](https://www.nsw.gov.au/state-environmental-planning-policy) has criteria which allows for the maintenance and minor alterations (internally and externally) of certain buildings, including the repair or replacement of flood affected building material under Division 2 Clauses 2.50A to 2.54
- 15
- [Maintenance of buildings in draft heritage conservation areas](#)
 - [Minor building alterations \(internal\)](#)
 - [Minor building alterations \(external\)](#)

Use of flood compatible materials

For people undertaking the repair and replacement of flood affected building materials, Council recommends any exempt works be undertaken using flood compatible materials, for example compressed fibrous cement (CFC) sheets rather than standard plaster board.

5 Replacement of power outlets

Additionally, any power outlets be located 500mm above the 2022 flood level or the current Flood Planning level (FPL), whichever is higher.

Staff will continue to update our website with relevant links, FAQs, and fact sheets with new information as it becomes available.

10 3. Provides advice on likely changes to flood heights in flood impacted residential areas (inc Mullumbimby, Ocean Shores, SGB, Billinudgel, New Brighton) to assist residents with rebuilding

A review of Council's Flood Planning Levels has commenced with data collection and collation occurring to update flood modelling.

15 Notwithstanding the above, any changes to flood planning levels will need to be reviewed post Council's flood event assessment and state government flood Inquiry processes being completed and recommendations made being endorsed. Any changes to the flood planning levels will require reporting to the Floodplain Management Committee and eventual adoption of new Flood Planning Levels as required.

20 In the meantime, community can assist with local data collation see link below:

[Tell us about flood heights at your property - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/tell-us-about-flood-heights-at-your-property)

Financial/Resource/Legal Implications:

Flood Recovery Projects have funding options via the draft budget FY 22/23 now on exhibition and or grants.

25 Is the proposal consistent with any Delivery Program tasks?

Flood Recovery Projects have been identified as a DP strategy and under separate OP actions in the draft DP/OP 22/23 now on exhibition.

4.5 Support a resilient community that can adapt and respond to change

4.5.2 - Recovery

Delivery Program Priority: Support disaster recovery following the 2022 flood events

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Report No. 11.1 AGRN1012 Natural Disaster Funding - Local Government Recovery Grants

5 **Directorate:** Corporate and Community Services
Report Author: Donna Johnston, Grants Coordinator
File No: I2022/494

Summary:

10 The NSW Government, in partnership with the Commonwealth, has announced significant recovery funding targeted at disaster declared areas under the Disaster Recovery Funding Arrangements (DRFA) – Category D assistance local government areas.

The Local Government Recovery Grants program is providing an upfront payment of \$1 million to Council; this is addition to other Natural Disaster Funding.



15 The following report details the proposed Program of Works to submit to the funding body.

RECOMMENDATION:

That Council endorses the following Program of Works and funding allocation under the AGRN1012 Local Government Recovery Grant Program:

- 20 1. Individual Case Coordination (Mullumbimby & District Neighbourhood Centre) - \$30,000
- 2. Community Engagement - resilience and recovery (Mullumbimby & District Neighbourhood Centre) - \$70,000
- 25 3. Breakfast Co-ordinator at the Fletcher Street Homeless Hub (Byron Community Centre Fletcher Street Homeless Hub) - \$50,000
- 4. Local Recovery Coordinator (1 year) - \$145,000
- 5. Disaster Recovery Officer (3 months) - \$40,000
- 6. Improved resilience of Council's Public Communications Channels - \$415,000
- 7. Quick Response Mobile Disaster Communications - \$50,000
- 30 8. South Golden Beach resilience betterment program - \$140,000
- 9. Review of Disaster Preparedness Dashboard - \$40,000
- 10. Recovery Centre Mullumbimby - \$20,000

Attachments:

- 35 1 Local Government Recovery Grants_Program Guidelines for Councils - V2 April 2022, E2022/37472 
- 2 Project Nominations - AGRN 1012 - \$1 million Recovery Funding, E2022/42001 

Report

The NSW Government, in partnership with the Commonwealth, has announced significant recovery funding targeted at disaster declared areas under the Disaster Recovery Funding Arrangements (DRFA) – Category D assistance local government areas.

- 5 The Local Government Recovery Grants program is providing an upfront payment of \$1 million to Council; this is addition to other Natural Disaster Funding.

In consultation with staff and key external organisations, the following projects are submitted for Council’s endorsement. Further detail is provided within attachment E2022/42001 Project Nominations - AGRN 1012 - \$1 million Recovery Funding.

Project Nomination	Estimate Project Cost
1. Individual Case Coordination (Mullumbimby & District Neighbourhood Centre)	\$30,000
2. Community Engagement - resilience and recovery (Mullumbimby & District Neighbourhood Centre)	\$70,000
3. Breakfast Co-ordinator at the Fletcher Street Homeless Hub (Byron Community Centre Fletcher Street Homeless Hub)	\$50,000
4. Local Recovery Coordinator (1 year)	\$145,000
5. Disaster Recovery Officer (3 months)	\$40,000
6. Improved resilience of Council's Public Communications Channels	\$415,000
7. Quick Response Mobile Disaster Communications	\$50,000
8. South Golden Beach resilience betterment program	\$140,000
9. Review of Disaster Preparedness Dashboard	\$40,000
10. Recovery Centre Mullumbimby	\$20,000
Total	\$1,000,000

- 10 Projects must meet eligibility and project criteria as outlined in the program guidelines (attached E2022/37472). Council is required to submit a Program of Works to the Office of Local Government within three (3) months of receiving funding, being 10 June 2022, and regularly report on how the funds are being spent.

15 The objective of the program is to deliver immediate flexible grants to local councils for projects which support economic and social recovery projects at a local level. Funding aims to support restoration and recovery activities that:

- Are eligible activities under Category A and/or Category B of the DRFA; and/or
 - Are not otherwise eligible through existing support measures but can demonstrably strengthen community resilience and reduce the impact future natural disasters will have on communities.
- 20

To be eligible projects must:

- Meet all eligibility criteria outlined in Part 4 of the attached program guidelines
- Support the recovery of the local community's economy, social well-being, built or natural environment, or improve resilience to future natural disasters
- 5 • Contribute to recovery initiatives that are not otherwise eligible under the Disaster Recovery Funding Arrangements 2018 (DRFA)
- For infrastructure projects, not meet the definition of essential public asset in the DRFA
- 10 • For community infrastructure projects, infrastructure must play a demonstrated, important role in providing one or more of the following:
 - o basic social and recreational amenity to local residents and visitors
 - o help support and/or safeguard community cohesion
 - o support the delivery of social support networks
 - o support local and Indigenous-owned businesses through procurement
- 15 • For council or community infrastructure projects, be for the repair or rebuild of infrastructure that was directly impacted as a result of an eligible disaster or be for the enhancement (disaster resilience) works required to prepare for an eligible disaster
- 20 • Align with relevant NSW Government policies and strategies
- All eligible projects be completed by 30 June 2024.

Capital items can only account for 5% of the total funding (i.e. \$50,000). Examples of eligible projects can be found within the attached guidelines and include:

- 25 • Community information initiatives
- Activities aimed at restoring community safety and wellbeing
- Commemorative events and/ or memorials
- Heritage and cultural events and initiatives
- Advocacy and monitoring services
- 30 • Community wide mental health and support programs
- Recovery outreach activities which support access to safety and security, shelter or health services
- Access to support on insurance, financial counselling and mentoring programs
- Tourism and small business initiatives
- 35 • Local economic development initiatives
- Programs that value and build on the local capacities of services that support economic activities (e.g. non-profit groups)
- Additional local staff hired by Council to work directly in the delivery of an eligible project or to help coordinate and plan recovery efforts
- 40 • Evacuation and Relief Centres - reconstruction or enhancement
- Council or community owned infrastructure - reconstruction or enhancement (disaster resilience) to directly impacted council or community owned infrastructure that is not otherwise eligible under the DRFA, including council damaged built, environmental, cultural, historic, or recreational assets.
- 45 • Waste clean-up of assets and infrastructure not otherwise eligible under the DRFA
- New projects or initiatives related to assets and infrastructure that support disaster resilience in response to flood and storm events - protection of existing structures,

sensitive ecosystems, critical infrastructure, education and awareness about hazard and risk

- Community capacity recovery building and resilience.

5 Ineligible projects include those that:

- fund the day-to-day operations and/or business as usual activities of the organisation
- include building of new infrastructure which did not exist prior to the eligible disaster
- for infrastructure assets that meet the definition of an essential public asset under the DRFA
- 10 • are fully funded through other government grant(s), assistance and/or insurance claims
- duplicate other recovery initiatives already funded or underway
- are located outside of the eligible LGAs
- require ongoing funding from NSW or Australian Government
- 15 • are not aligned to the objective and outcomes of the program
- have exclusive private benefits or provide direct commercial and/or exclusive private benefit to an individual or business
- include improvements or repair to residences.

20 Council has also received notification of an additional \$2,375,000 allocation under the Local Government Recovery Grant Program. Of this funding \$375,000 needs to fund support of companion animals' management. Guidelines have not yet been received for this funding round but will be reported to Council when full details are known.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	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)	5.6.12.1	Coordinate competitive grant applications with Council's business units to meet Federal and State government outcomes

25 Financial Considerations

Project 6: Improved resilience of Council's Public Communications Channels will require a Council contribution of \$285,000 to fund the capital items that cannot be funded under the existing AGRN 1012 Natural Disaster Funding Arrangements. The Council contribution is available within the 2022-2023 Operating Budget.

Should any of the projects listed become eligible for alternative recovery reimbursements, which are currently being investigated, the respective allotment from this grant may need to be reallocated.

Consultation and Engagement

- 5 Consultation has occurred with internal staff to identify potential funding options; staff also have provided input from external organisations such as the Mullumbimby and District Neighbourhood Centre and Byron Community Centre. Potential projects were presented to the Council Strategic Planning Workshop on Thursday, 5 May 2022.

Report No. 11.2 Grants April 2022

Directorate: Corporate and Community Services

Report Author: Donna Johnston, Grants Coordinator

File No: I2022/497

5 **Summary:**


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

10

RECOMMENDATION:

That Council notes the report and Attachment 1 (#E2022/42422) for Byron Shire Council's grant submissions as of 31 April 2022.

15 **Attachments:**

1 Grant submissions as at 31 April 2022, E2022/42422 

20

Report

Currently Council has 19 grant submissions awaiting determination; refer Grants Report April 2022 (Attachment 1).

Successful applications

5 Preparing Australian Communities – Local Stream

Australian Government funding was awarded for the Byron Drainage Strategy. Grant funding awarded - \$1,081,720. Council contribution - \$200,000.

When completed, the Byron Drainage Strategy will confirm a preferred town centre flood mitigation plan and prioritisation of stormwater drainage infrastructure.

- 10 It will achieve this by undertaking detailed flood modelling, understanding and resolving social or environmental conflicts, key stakeholder inputs, and enable Council to develop detailed design, construction documentation and confidently go to tender.

- 15 The Strategy will detail a drainage system adaptable to future projected sea-level rise, ocean storm surges and increased rainfall intensities associated with climate change. It will also provide updated information to the NSW State Emergency Service to effectively prepare and implement local flood plans to deal with flood emergency response.

NSW Department of Planning and Environment

Staff were awarded funding for a number of key actions from the Biodiversity Conservation Strategy:

- 20
- Vegetation Mapping of HEV (\$24,000)
 - Threatened roadside vegetation audit (\$8,800)
 - Forest Mapping (\$11,400)
 - Koala Habitation Restoration (\$101,211)

- 25 The above was in addition to \$30,000 awarded towards the Byron Shire Coastal Management Program Recreational Uses Project.

Unsuccessful applications

No unsuccessful applications advice was received in April 2022.

Applications submitted

- 30
- [Culture, Heritage and Arts Regional Tourism](#) (CHART) program - \$3,000 to support the Lone Goat Gallery
 - [NSW Infrastructure Clubgrants](#) - \$90,000 towards the upgrade of Byron Recreation Grounds playground.

Upcoming grant opportunities

[Reconnecting Regional NSW – Community Events Program | NSW Government](#)

5 The Reconnecting Regional NSW – Community Events Program will promote the social and economic recovery of regional communities, by renewing social connections and providing a revenue-boost to local businesses, following the extended COVID-19 restrictions across regional NSW and impacts of border closures.

Council is currently running an Expression of Interest for events, and the outcome will be reported to Council on June 9.

[Crown Reserves Improvement Fund \(nsw.gov.au\)](#)

10 To support Crown Land Managers (CLMs) by providing funding for repairs, maintenance and improvements on Crown reserves. The funding aims to benefit the community, boost our economy and contribute to the cultural, sporting and recreational life of NSW.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	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 sound governance for grants management

15 **Legal/Statutory/Policy Considerations**

20 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

25 If Council is successful in obtaining the identified grants, this would bring funding sought to approximately \$29 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. Please note that the Bioenergy Byron Facility has

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been submitted under two different funding programs; both are included in the total value below.

The potential funding is detailed below:

5	Requested funds from funding bodies	\$29,000,933
	Council Contribution Cash	\$32,530,212
	Council Contribution In-Kind	\$36,000
	Other contributions	\$77,140
	Funding applications submitted and awaiting notification (total value)	\$61,644,285

10 **Consultation and Engagement**

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

Report No. 13.1 Nomination of Councillors to Byron Masterplan Guidance Group

5 **Directorate:** General Manager
Report Author: Claire McGarry, Place Manager - Byron Bay
File No: I2022/479

Summary:

10 The Byron Masterplan Guidance Group works with Council to provide advice and community feedback on project delivery in Byron Bay, following the vision of the Byron Bay Town Centre Masterplan.

The group’s charter allows for up to three Councillors to be formally nominated as members of the group, with all other Councillors invited to attend the group’s monthly meetings at any stage.

15 This report recommends the appointment of up to three Councillors to the group for the term of the current Council.

The group meets monthly in Byron Bay on Wednesdays from 4pm – 6pm.

20

RECOMMENDATION:

That Council nominates the following three Councillors to be members of the Byron Masterplan Guidance Group: _____.

25 **Attachments:**

1 Charter - Byron Masterplan Guidance Group, E2018/19664 

Report

The Byron Masterplan Guidance Group has been established to provide advice and community feedback to Council to guide project delivery in Byron Bay.

The key objectives of the group are to:

- 5 • Develop and maintain communication and understanding between the community and Council regarding the implementation of the Byron Bay Town Centre Masterplan.
- Provide comment and feedback to Council on projects relating to the implementation of the masterplan
- Ensure open communication between the group and Council
- 10 • Actively engage with the community and provide feedback to Council on local aspirations, visions, needs and concerns
- Identify and assist in facilitating partnerships between the community and Council for relevant projects.

15 Since its inception in 2018, the Byron Masterplan Guidance Group have been critical in successful project delivery in Byron.

Their design input, community engagement and oversight of project delivery contributed significantly to over \$40 million of infrastructure upgrades in the Byron rail precinct which has since won awards for design and engagement.

The priority projects / precincts for this group during this term of Council will be:

- 20 • Sandhills skatepark and wetlands
- Community Market relocation
- Butler Street Reserve planning
- Byron Hospital precinct
- Byron foreshore designs
- 25 • Byron drainage strategy
- Byron access and movement

In the last term of Council, Councillors involved with this group reported an improved understanding of project delivery and community expectation in Byron Bay, as well as strengthened community networks.

30

Strategic Considerations

Community Strategic Plan and Operational Plan

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

Legal/Statutory/Policy Considerations

5 The above process has been conducted in line with the Byron Masterplan Guidance Group's adopted charter.

Financial Considerations

There are no financial implications of the above recommendation.

Consultation and Engagement

10 The appointment of Councillors to the Byron Masterplan Group has been requested by the group members at their meeting on 4 May 2022.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.2 Mayor and Councillor Remuneration 2022/23

Directorate: Corporate and Community Services

5 **Report Author:** Alexandra Keen, Acting Manager Corporate Services

File No: I2022/47

Summary:

10 The Local Government Remuneration Tribunal has handed down its report and determination on fees for Councillors and Mayors for the 2022/23 Financial Year, which can be found at attachment 1 (E2022/38254). This report outlines the Tribunal's fee range and the proposed Mayor and Councillor fees for 2022/23, including the option to pay Councillors a superannuation payment.


15

RECOMMENDATION:

That Council:

1. **Fixes the fee payable to each Councillor under section 248 of the *Local Government Act 1993* for the period 1 July 2022 to 30 June 2023 at \$21,100.**
- 20 2. **Fixes the fee payable to the Mayor under section 249 of the *Local Government Act 1993*, for the period from 1 July 2022 to 30 June 2023 at \$46,040.**
3. **Makes a superannuation contribution payment to its councillors in accordance with section 254B of the *Local Government Act 1993*.**
- 25 4. **Not determine a fee payable to the Deputy Mayor, in accordance with its current practice.**

Attachments:

- 30 1 Local Government Remuneration Tribunal - 2022 Annual Determination Mayor and Councillor Remuneration, E2022/38254 

Report

5 Each year the Local Government Remuneration Tribunal must determine, in each of the categories determined under section 239 of the *Local Government Act 1993* the maximum and minimum amounts of fees to be paid during the following year to councillors and mayors.

The Remuneration Tribunal has determined the maximum and minimum amounts of fees to be paid during the 2022/23 financial year. Byron Shire Council is categorised as a Regional Rural Council, and the appropriate fee range is as follows:

Category	Councillor/Member Annual Fee (\$ effective 1 July 2022)		Mayor/Chairperson Additional Fee* (\$ effective 1 July 2022)	
	Minimum	Maximum	Minimum	Maximum
Regional Rural	9,560	21,100	20,370	46,040

10 *This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2) of the *Local Government Act 1993*).

Currently the annual fees payable to Councillors and the Mayor for the 2021/22 financial year are the maximum fee fixed at \$20,690 per annum for a Councillor, and an additional fee of \$45,140 for the Mayor.

15 In making its determination, the Remuneration Tribunal reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Independent Pricing and Regulatory Tribunal rate pegging. It determined a 2 per cent increase per annum. The 2 per cent increase will apply to the minimum and maximum of the ranges for all existing categories. The Remuneration Tribunal's determinations were made with the assistance of two Assessors.

20 A full copy of the Annual Report and Determination of the Local Government Remuneration Tribunal is available at [Local Government Remuneration Tribunal \(nsw.gov.au\)](https://www.localgovernmentremunerationtribunal.nsw.gov.au).

Superannuation contribution payments

25 A recent amendment to the *Local Government Act 1993* permits Council to resolve on superannuation contribution payments to Councillors, effective from 1 July 2022. This would be payable at the same frequency as the Councillor fees (monthly) at the current rate of 10.5%, which is equivalent to amount under the Commonwealth superannuation legislation if the councillor were an employee of the Council. The rate will increase by 0.5% percent each year until 1 July 2025 when it reaches 12%. This payment is in
30 addition to Councillor fees.

In order to make a superannuation contribution payment, Council is required to pass a resolution to do so at an open meeting, and it is requested Councillors nominate a superannuation account before 30 June 2022.

5 A councillor who does not wish to receive a superannuation contribution payment, may agree in writing to forgo or reduce the payment.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	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	5.2.4.4	Provide support to Councillors – including councillor requests, briefing sessions, provision of facilities and payment of expenses, and record keeping

Legal/Statutory/Policy Considerations

Section 248 of the *Local Government Act 1993* states:

- 10 (1) *A council must pay each councillor an annual fee.*
 (2) *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
 (3) *The annual fee so fixed must be the same for each councillor.*
 15 (4) *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*

Section 249 of the *Local Government Act 1993* further states:

- (1) *A council must pay the mayor an annual fee.*
 (2) *The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
 20 (3) *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
 (4) *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
 25 (5) *A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.*

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Section 254B of the *Local Government Act 1993* states:

- (1) *A council may make a payment (a superannuation contribution payment) as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.*
- 5 (2) *The amount of a superannuation contribution payment is the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council.*
- (3) *A superannuation contribution payment is payable with, and at the same intervals as, the annual fee is payable to the councillor.*
- 10 (4) *A council is not permitted to make a superannuation contribution payment—*
 - (a) *unless the council has previously passed a resolution at an open meeting to make superannuation contribution payments to its councillors, or*
 - (b) *if the councillor does not nominate a superannuation account for the payment before the end of the month to which the payment relates, or*
 - 15 (c) *to the extent the councillor has agreed in writing to forgo or reduce the payment.*
- (5) *The Remuneration Tribunal may not take superannuation contribution payments into account in determining annual fees or other remuneration payable to a mayor or other councillor.*
- 20 (6) *A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a superannuation contribution payment.*
- (7) *A superannuation contribution payment does not constitute salary for the purposes of any Act.*
- 25 (8) *Sections 248A and 254A apply in relation to a superannuation contribution payment in the same way as they apply in relation to an annual fee.*
- (9) *In this section—*
Commonwealth superannuation legislation means the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth.
superannuation account means an account for superannuation or retirement benefits
30 *from a scheme or fund to which the Commonwealth superannuation legislation applies.*

Section 250 of the *Local Government Act 1993* states:

- 35 *Fees payable under this Division by a council are payable monthly in arrears for each month (or part of a month) for which the councillor holds office.*

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Financial Considerations

Councillors and Mayoral fees currently paid:

	\$20,690 each x 9	=	\$186,210
	Plus Mayor additional fee	=	\$ 45,140
5	Total Paid		\$231,350

Councillors and Mayoral fees 2022/23 increased to maximum set by the Tribunal*:

10	\$21,100 each x 9	=	\$189,900
	Plus Mayor additional fee	=	\$ 46,040
	Total Paid		\$235,940

Superannuation contribution payments*:

15	10.5% x \$235,940	=	\$24,773
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**based on the assumption that all councillors wish to receive the full contribution.*

The draft 2022/23 Budget includes a total allocation of \$235,900 for Councillor Fees and the Mayoral Allowance, and \$24,800 for superannuation payments.

Allowance for Deputy Mayor

20 Section 249 (Clause 5) of the *Local Government Act 1993* states that:

A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.

25 As stated in the above clause, Council is not bound to set a fee, but if it so chooses must deduct that sum from the amount available under the Mayoral allowance.

30 Current practice is that the payment of a fee for an acting period by Deputy Mayor undertaking the role of Mayor, would apply only in instances where the Mayor has leave of absence endorsed by Council, and any pro rata fees would be deducted from the Mayoral allowance, where agreed on a case by case basis in accordance with section 249 of the *Local Government Act 1993*.

Consultation and Engagement

35 The Remuneration Tribunal consults with local governments to arrive at its determination. Byron Shire Council made a submission to the Remuneration Tribunal supporting the maximum allowable increase of 2.5%. Council has an adopted view that the current maximum fees for Councillors and Mayors are inadequate for the roles and responsibilities.

**Report No. 13.3 Council Resolutions Quarterly Review - Q3 -
1 January to 31 March 2022**

Directorate: Corporate and Community Services

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

File No: I2022/457

Summary:

This report provides an update on the status of Council resolutions as at 31 March 2022.



54 resolutions were completed during the period 1 January to 31 March 2022.

10 As at 31 March 2022, there were 87 active resolutions.

RECOMMENDATION:

- 15
1. That Council notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2022/30845).
 2. That Council notes the completed Resolutions in Attachment 2 (#E2022/30867).

Attachments:

- 20
- 1 Active Resolutions - as at 31 March 2022, E2022/30845 
 - 2 Completed Resolutions - 1 January to 31 March 2022, E2022/30867 

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 January to 31 March 2022

Active Resolutions

10 The *Active Resolutions Report* (#E2022/30845) provides an update to Council on all active resolutions up to 31 March 2022, with relevant commentary regarding the status of each resolution as at this date. There were 87 active resolutions at the time of preparing this report.

Thirty-one (31) of the active resolutions were overdue by more than 60 days at the time the report was prepared. Resolutions could be overdue due to budget constraints, staff resourcing, extended negotiations with stakeholders, or other reasons.

Completed Resolutions

15 The *Completed Resolutions Report* (#E2022/30867) provides details of those resolutions that were completed during the period 1 January to 31 March 2022. Fifty-four (54) 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, may be endorsed by Council for closure.

There were no actions identified for closure during the reporting period.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	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	Deliver Council meeting secretariat – including agenda preparation, minutes, and council resolutions monitoring

Recent Resolutions

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

Legal/Statutory/Policy Considerations

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

Financial Considerations

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

Consultation and Engagement

- 10 Not applicable.

Report No. 13.4 Operational Plan 2021/22 Quarter 3 Report - Q3 - 1 January to 31 March 2022

Directorate: Corporate and Community Services

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

File No: I2022/465



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.

RECOMMENDATION:

- 15
1. That Council notes the 2021/22 Operational Plan Quarter 3 Report for the period ending 31 March 2022 (Attachment 1 #E2022/39295).
 2. That Council adopts the proposed amendments to the Operational Plan 2021/22 outlined in Attachment 2 (#E2022/39132).

20 **Attachments:**

- 1 Operational Plan Quarterly Report - Q3 - 1 January to 31 March 2022, E2022/39295 
- 2 Quarter 3 Report - Proposed Amendments to Operational Plan 2021/22, E2022/39132 

25

Report

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

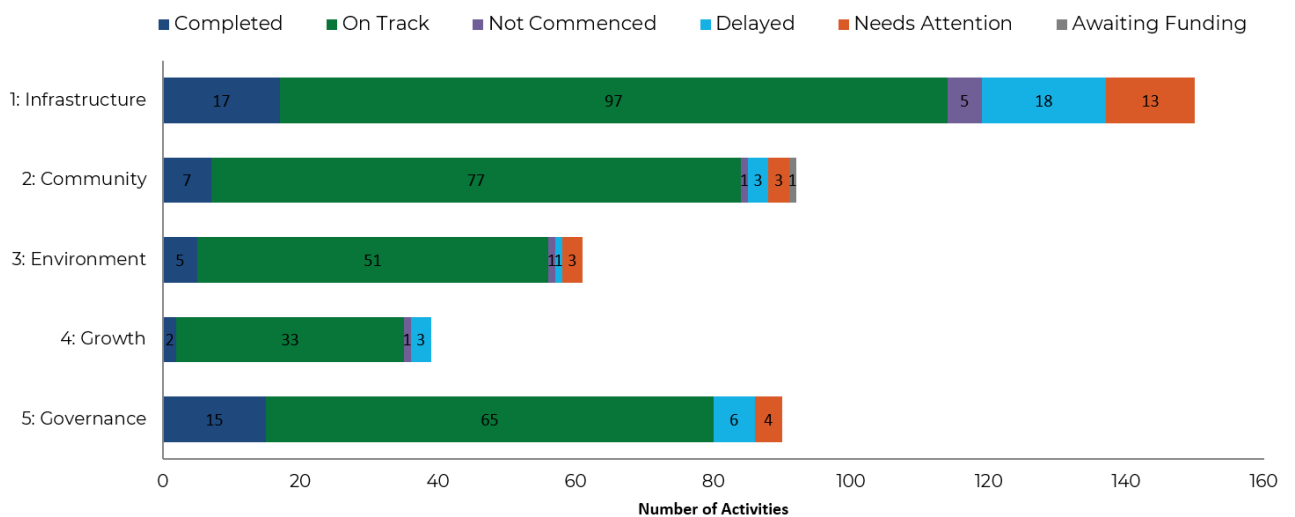
The General Manager is required to provide six monthly progress reports to the Council on the Delivery Program. While the requirement is six monthly reporting, Council is provided with a Quarterly Report on the activities in the Operational Plan, to promote effective and efficient reporting and decision making.

Strategic Objectives

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

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

Result by CSP Theme



25

Report Details

The report details Council's achievement of the activities in the 2021/22 Operational Plan. It includes a status update on progress and notes any highlights or exceptions where actions were delayed or reprioritised.

5 Each section notes the progress against the activities including:

- Activity
- Responsible directorate
- Measure
- Timeframe
- 10 • Comments
- Status
 - On track – indicates that an activity is currently on track, taking into account the timeframe, measures, and budget
 - Delayed – indicates that an activity is progressing, but not currently on track with the timeframe, measures, or budget
 - 15 ○ Needs attention – indicates that the scope of the activity may need to be reviewed in line with constraints such as timeframe/budget
 - Awaiting Funding - awaiting grant or other external funding
 - Not commenced – the activity is not due to have commenced or has not
 - 20 ○ Completed – the activity has been completed in accordance with the prescribed measures

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action
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

25 **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.

30 *“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**”*

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

- 5 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.

- 10 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. 13.5 Council Investments - 1 April 2022 to 30 April 2022

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2022/466

Summary:

This report includes a list of investments and identifies Council's overall cash position for the period 1 April 2022 to 30 April 2022 for information.

10 This report is prepared to comply with Section 212 of the *Local Government (General) Regulation 2021*.

RECOMMENDATION:

15 **That Council notes the report listing Council's investments and overall cash position as at 30 April 2022.**

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Report

5 Council has continued to maintain a diversified portfolio of investments. As of 30 April 2022, the average 90-day bank bill rate (BBSW) for the month was 0.38%.. Council's performance to April 2022 was 0.42%. 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 should begin to see increased rates due to the recent Reserve bank increase in cash rates. The table below identifies the investments held by Council as at 30 April 2022

10 Schedule of Investments held as at 30 April 2022

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Int. Rate	Current Value
15/11/18	1,000,000.00	NSW Treasury Corp (Green Bond)	N	AAA	15/11/28	Y	B	3.00%	978,640.00
20/11/18	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	22/03/24	Y	B	2.38%	1,007,300.00
28/03/19	1,000,000.00	National Housing Finance & Investment Corporation	Y	AAA	28/03/29	Y	B	0.18%	935,940.00
21/11/19	1,000,000.00	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	Y	B	1.25%	952,400.00
27/11/19	500,000.00	National Housing Finance & Investment Social Bond	Y	AAA	27/05/30	Y	B	1.52%	428,985.00
06/09/21	1,000,000.00	Northern Territory TCorp	N	Aa3	15/12/26	Y	B	1.40%	1,000,000.00
16/09/21	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	02/03/32	Y	B	1.50%	928,180.00

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Int. Rate	Current Value
15/06/21	500,000.00	National Housing Finance & Investment Social Bond	Y	AAA	01/07/31	Y	FRN	0.41%	501,315.00
30/07/21	1,000,000.00	AMP Bank	P	BBB	28/06/22	Y	TD	0.75%	1,000,000.00
04/11/21	2,000,000.00	NAB	P	AA-	04/11/22	N	TD	0.45%	2,000,000.00
09/12/21	2,000,000.00	NAB	N	AA-	07/06/22	N	TD	0.50%	2,000,000.00
17/12/21	2,000,000.00	NAB	N	AA-	19/12/22	N	TD	0.50%	2,000,000.00
05/01/22	2,000,000.00	NAB	N	AA-	04/07/22	N	TD	0.52%	2,000,000.00
20/01/22	1,000,000.00	Westpac (Tailored)	P	AA-	20/01/23	N	TD	0.79%	1,000,000.00
31/01/22	1,000,000.00	NAB	N	AA-	31/05/22	N	TD	0.43%	1,000,000.00
22/02/22	1,000,000.00	Macquarie Bank Ltd	P	A	23/08/22	N	TD	0.65%	1,000,000.00
25/02/22	1,000,000.00	Macquarie Bank Ltd	N	A	25/08/22	N	TD	0.65%	1,000,000.00
08/03/22	2,000,000.00	Suncorp	P	A+	05/09/22	Y	TD	0.30%	2,000,000.00
09/03/22	2,000,000.00	NAB	N	AA-	08/06/22	N	TD	0.45%	2,000,000.00
29/04/22	2,000,000.00	NAB	N	AA-	28/07/22	N	TD	1.05%	2,000,000.00
N/A	26,301,984.83	CBA Business Saver	N	AA-	N/A	N	CALL	0.20%	26,301,984.83
N/A	5,940,837.12	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	N	CALL	0.20%	5,940,837.12
N/A	2,112,425.62	NSW Treasury Corp	N	AAA	N/A	Y	CALL	0.02%	2,112,425.62
N/A	18,042,452.22	Macquarie Accelerator Call	N	A	N/A	N	CALL	0.35%	18,042,452.22

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Int. Rate	Current Value
Total	78,397,699.79						AVG	0.49%	78,130,459.79

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

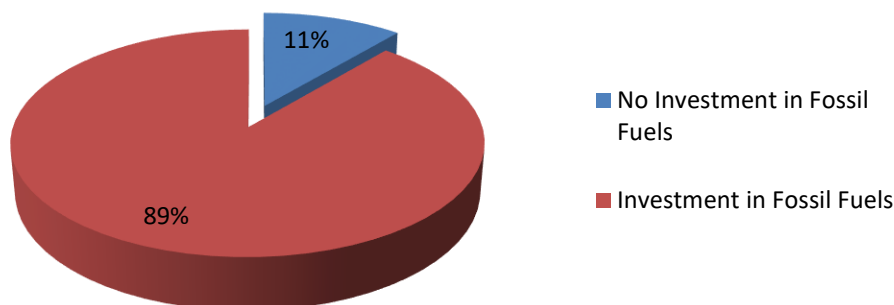
5 www.marketforces.org.au and identifies financial institutions that either invest in fossil fuel related industries or do not. The graph below highlights the percentage of each classification across Council's total investment portfolio in respect of fossil fuels only.

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

Council has one investment with a financial institution that invests in fossil fuels but is nevertheless aligned with the broader definition of Environmental and Socially Responsible investments i.e.:

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- \$1,000,000 investment with Westpac Bank maturing on 20 January 2023 is a tailored term deposit and certified green investment.



Investment Policy Compliance

- The below 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).

Investment policy compliance % should not exceed the following			ACTUAL	
AAA to AA	A1+	100%	74%	Meets policy
A+ to A-	A1	60%	25%	Meets policy
BBB to NR	A2,NR	40%	1%	Meets policy

NSW Treasury Corporation Compliance – Loan Borrowing Conditions

- Council has borrowed loans through NSW Treasury Corporation under the Local Government Low Cost Loans Initiative. As part of these loan borrowings, NSW Treasury Corporation has placed restrictions on where Council can invest based on the credit rating of the financial institution, the term of the investment and counterparty limit.

- NSW Treasury Corporation has reviewed Council’s Investment Portfolio and reminded Council it needs to remain within the investment parameters outlined in the accepted loan agreements. Council currently complies with T Corp Borrowing conditions as indicated in the table below:

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Tcorp compliance			Counterparty Limit	Tenor	ACTUAL	Variance
% should not exceed the following						
Tcorp	100%	100%	100%	N/A	3%	Meets policy
AAA	100%	100%	100%	N/A	6%	Meets policy
AA+ to AA-	100%	100%	100%	5Y	62%	Meets policy
A+ to A	100%	100%	100%	3Y	28%	Meets policy
A-	40%	40%	40%	3Y	0%	Meets policy
BBB+	30%	10% 3 Years	10% 3 Years	3Y	0%	Meets policy
BBB		5% 12 Months	5% 12 Months	1Y	1%	Meets policy
BBB- and below (local ADI'S)	5%	5% 12 Months	5% 12 Months	1Y	0%	Meets policy
BBB- and below (other)		250,000	250,000	1Y	0%	Meets policy

Council had discussions with NSW Treasury Corporation and indicated it would start reporting the compliance in the monthly investment report to Council. Council is able to hold existing investments not in compliance until maturity but must ensure new investments meet the compliance requirements.

5

Meeting the NSW Treasury Corporation compliance means Council will be limited in taking up investments that may be for purposes associated with Environmental and Socially Responsible outcomes. Investments which do not comply with NSW Treasury Corporation requirements and investments with financial institutions that do not support fossil fuels will have to be decreased due to their credit rating status or lack of credit rating.

10

The investment portfolio is outlined in the table below by investment type for the period 1 April 2022 to 30 April 2022:

Dissection of Council Investment Portfolio as at 30 April 2022

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
19,000,000.00	Term Deposits	19,000,000.00	0.00
1,500,000.00	Floating Rate Note	1,508,615.00	8,615.00
26,301,984.83	CBA Business Saver	26,301,984.83	0.00
5,940,837.12	CBA Business Saver – Tourism Infrastructure Grant	5,940,837.12	0.00
2,112,425.62	NSW Treasury Corp	2,112,425.62	0.00
18,042,452.22	Macquarie Accelerator	18,042,452.22	0.00
5,500,000.00	Bonds	5,224,145.00	(275,855.00)
78,397,699.79		78,130,459.79	(267,240.00)

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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. The table below identifies Council's overall cash position for the month of April 2022 as follows:

Dissection of Council's Cash Position as at 30 April 2022

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	19,000,000.00	19,000,000.00	0.00
Floating Rate Note	1,500,000.00	1,508,615.00	8,615.00
CBA Business Saver	26,301,984.83	26,301,984.83	0.00
CBA Business Saver – Tourism Infrastructure Grant	5,940,837.12	5,940,837.12	0.00
NSW Treasury Corp	2,112,425.62	2,112,425.62	0.00
Macquarie Accelerator	18,042,452.22	18,042,452.22	0.00
Bonds	5,500,000.00	5,224,145.00	(275,855.00)
Total Investment Portfolio	78,397,699.79	78,130,459.79	(267,240.00)
Cash at Bank			
Consolidated Fund	3,021,270.00	3,021,270.00	0.00
Total Cash at Bank	3,021,270.00	3,021,270.00	0.00
Total Cash Position	81,418,969.79	81,151,729.79	(267,240.00)

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	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)	5.5.2.5	Manage treasury functions of Council to maintain cash flow and maximise return on invested funds
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 Section 212 of the *Local Government (General) Regulation 2021*, the Responsible Accounting Officer of Council must provide Council with a monthly report detailing all monies it has invested under section 625 of the *Local Government Act 1993*.

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

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

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

Financial Considerations

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

Report No. 13.6 Budget Review - 1 January 2022 to 31 March 2022

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2022/470

Summary:

10 This report has been prepared to comply with Section 203 of the *Local Government (General) Regulation 2021* and to inform Council and the Community of Council's estimated financial position for the 2020/2021 financial year, reviewed as at 31 March 2022.

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 Attachment 1 and 2 for Council's consideration and authorisation.

15 Attachment 3 contains the Integrated Planning and Reporting Framework (IP&R) Quarterly Budget Review Statement (QBRS) as outlined by the Office of Local Government in circular 10-32.




20 **RECOMMENDATION:**

1. **That Council authorises the itemised budget variations as shown in Attachment 2 (#E2022/43292) which include the following results in the 31 March 2022 Quarterly Review of the 2021/2022 Budget:**

- 25 a) **General Fund – \$354,500 decrease to the Estimated Unrestricted Cash Result**
b) **General Fund - \$9,405,900 increase in reserves**
c) **Water Fund - \$1,021,300 increase in reserves**
d) **Sewerage Fund - \$100,400 increase in reserves**

30 2. **That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$126,500 for the 2021/2022 financial year as at 31 March 2022.**

Attachments:

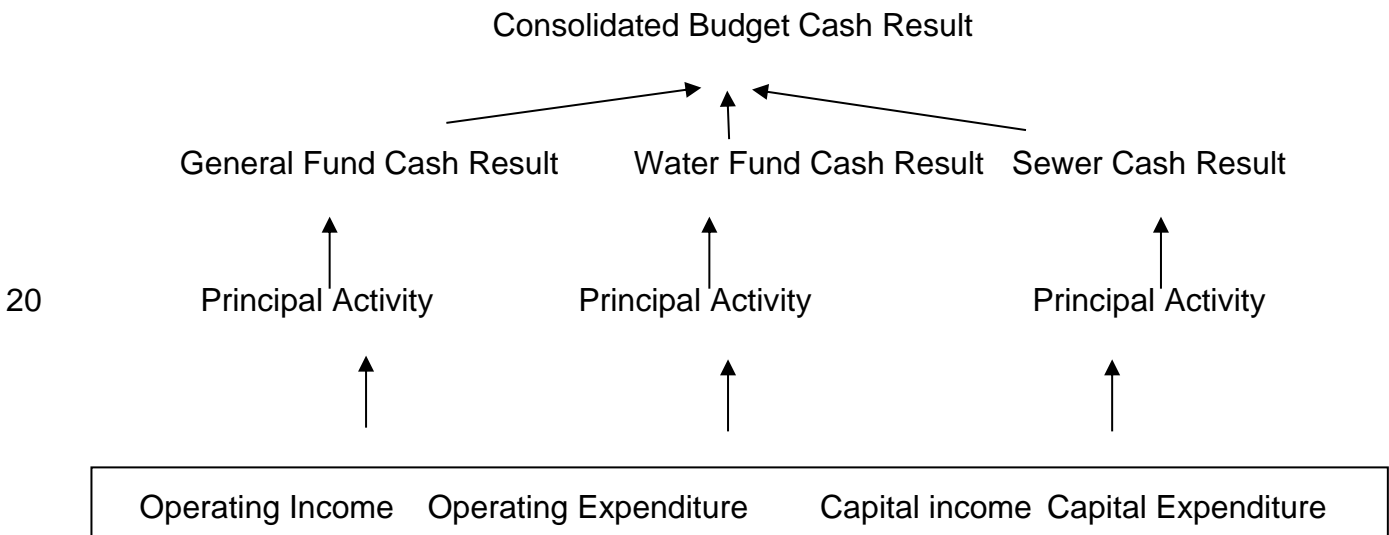
- 35 1 Budget Variations for General, Water and Sewerage Funds, E2022/43282 
2 Itemised Listing of Budget Variations for General, Water and Sewerage Funds, E2022/43292 
3 Integrated Planning and Reporting Framework (IP&R) required Quarterly Review Statements, E2022/43333 

Report

Council adopted the 2021/2022 budget on 24 June 2021 via Resolution 21-243. Council also considered and adopted the budget carryovers from the 2020/2021 financial year, to be incorporated into the 2021/2022 budget at its Ordinary Meeting held on 26 August 2021 via Resolution 21-315. Since that date, Council has reviewed the budget taking into consideration the 2020/2021 Financial Statement results and progress through the first three quarters of the 2021/2022 financial year. This report considers the March 2022 Quarter Budget Review.

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 24 June 2021 plus the adopted carryover budgets from 2020/2021 followed by any budget adjustments prior to this report and the revote (or adjustment for this review) and then the revised position projected for 30 June 2022 as at 31 March 2022.

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 provides an explanation of the variation.

There is also information detailing restricted assets (reserves) to show Council's estimated balances as at 30 June 2022 for all Council's reserves.

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

Office of Local Government Budget Review Guidelines:

5 The Office of Local Government on 10 December 2010 issued the new Quarterly Budget Review Guidelines via Circular 10-32, with the reporting requirements to apply from 1 July 2011. This report includes a Quarterly Budget Review Statement (refer Attachment 3) prepared by Council in accordance with the guidelines.

The Quarterly Budget Review Guidelines set a minimum standard of disclosure, with these standards being included in the Local Government Code of Accounting Practice and Financial Reporting as mandatory requirements for Councils to address.

10 Since the introduction of the new planning and reporting framework for NSW Local Government, it is now a requirement for Councils to provide the following components when submitting a Quarterly Budget Review Statement (QBRs):-

- A signed statement by the Responsible Accounting Officer on Council's financial position at the end of the year based on the information in the QBRs
- Budget review income and expenses statement in one of the following formats:
 - 15 o Consolidated
 - o By fund (e.g. General, Water, Sewer)
 - o By function, activity, program etc. to align with the management plan/operational plan
- Budget Review Capital Budget
- 20 • Budget Review Cash and Investments Position
- Budget Review Key performance indicators
- Budget Review Contracts and Other Expenses

The above components are included in Attachment 3:

Income and Expenditure Budget Review Statement by Type

25 This shows Council's income and Expenditure by type. This has been split by Fund. Adjustments are shown, looking from left to right. These adjustments are commented on through the last 13 pages of Attachment 1.

Capital Budget Review Statement

30 This statement identifies in summary Council's capital works program on a consolidated basis and then split by Fund. It also identifies how the capital works program is funded. As this is the third quarterly review for the reporting period, the statement may not necessarily indicate the total progress achieved on the delivery of the capital works program.

Cash and Investments Budget Review Statement

35 This statement reconciles Council's restricted funds (reserves) against available cash and investments. Council has attempted to indicate an actual position as at 31 March 2022 of each reserve to show a total cash position of reserves with any difference between that position and total cash and investments held as available cash and investments. It should

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be recognised that the figure is at a point in time and may vary greatly in future quarterly reviews pending on cash flow movements.

Key Performance Indicators (KPI's)

The KPI's within this report are:

- 5 ○ **Debt Service Ratio** - This assesses the impact of loan principal and interest repayments on the discretionary revenue of Council.
- **Rates and Annual Charges Outstanding Ratio** – This assesses the impact of uncollected rates and annual charges on Councils liquidity and the adequacy of recovery efforts
- 10 ○ **Asset Renewals Ratio** – This assesses the rate at which assets are being renewed relative to the rate at which they are depreciating.

These may be expanded in future to accommodate any additional KPIs that Council may adopt to use in the future.

Contracts and Other Expenses

- 15 This report highlights any contracts Council entered into during the January to March quarter that are greater than \$50,000.

CONSOLIDATED RESULT

- 20 The following table provides a summary of the overall Council budget on a consolidated basis inclusive of all funds' budget movements for the 2021/2022 financial year projected to 30 June 2022 but revised as at 31 March 2022.

2021/2022 Budget Review Statement as at 31 March 2022	Original Estimate (Including Carryovers) 1/7/2021	Adjustments to 31 Mar 2022 including Resolutions*	Proposed 31 Mar 2022 Review Revotes	Revised Estimate 30/6/2022 at 31/3/2022
Operating Revenue	93,504,500	(2,712,400)	5,140,200	95,932,300
Operating Expenditure	97,728,100	4,277,700	3,422,100	105,427,900
Operating Result – Surplus/Deficit	(4,223,600)	(6,990,100)	1,718,100	(9,495,600)
Add: Capital Revenue	28,841,500	(2,768,700)	(5,228,900)	20,843,900
Change in Net Assets	24,617,900	(9,758,800)	(3,510,800)	(11,348,300)
Add: Non Cash Expenses	15,779,900	1,750,500	0	17,530,400
Add: Non-Operating	13,500,000	6,557,500	(17,500,000)	2,557,500

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2021/2022 Budget Review Statement as at 31 March 2022	Original Estimate (Including Carryovers) 1/7/2021	Adjustments to 31 Mar 2022 including Resolutions*	Proposed 31 Mar 2022 Review Revotes	Revised Estimate 30/6/2022 at 31/3/2022
Funds Employed				
Subtract: Funds Deployed for Non-Operating Purposes	(80,385,700)	(8,058,300)	31,183,900	(57,260,100)
Cash Surplus/(Deficit)	(26,487,900)	(9,509,100)	10,173,100	(25,823,900)
Restricted Funds – Increase / (Decrease)	(26,487,900)	(9,472,500)	10,527,600	(25,432,800)
Forecast Result for the Year – Surplus/(Deficit) – Unrestricted Cash Result	0	(36,600)	(354,500)	(391,100)

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 March 2022:

Opening Balance – 1 July 2021	\$517,600
Plus original budget movement and carryovers	0
Council Resolutions July – September Quarter	0
September 2021 QBR	271,800
Council Resolutions October – December Quarter	0
December 2021 QBR	(308,400)
Council Resolutions October – December Quarter	0
Recommendations within this Review – increase/(decrease)	(354,500)
Estimated Unrestricted Cash Result Closing Balance – 30 June 2022	\$126,500

- 5 The General Fund financial position overall has decreased by \$354,500 as a result of this proposed budget review, leaving the forecast cash result for the year to an estimated overall deficit of \$391,100. The proposed budget changes are detailed in Attachment 1 and summarised further in this report below.

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Council Resolutions

Council has not passed any resolutions that impact the unrestricted cash result for the January 2022 to March 2022 quarter.

Budget Adjustments

- 5 The budget adjustments identified in Attachments 1 & 2 for the General Fund have been summarised by Budget Directorate in the following table:

Budget Directorate	Revenue Increase/ (Decrease) \$	Expenditure Increase/ (Decrease) \$	Accumulated Surplus (Working Funds) Increase/ (Decrease) \$
General Manager	(84,600)	(84,600)	0
Corporate & Community Services	3,364,400	3,507,200	(142,800)
Infrastructure Services	(11,292,600)	(11,075,900)	(216,700)
Sustainable Environment & Economy	509,000	504,000	5,000
Total Budget Movements	(7,503,800)	(7,149,300)	(354,500)

Budget Adjustment Comments

- 10 Within each of the Budget Directorates of the General Fund, are a series of budget adjustments identified in detail at Attachment 1 and 2. More detailed notes on these are provided in Attachment 1 but in summary the major additional items included are summarised below by Directorate and are included in the overall budget adjustments table above:

General Manager

- 15 • In the General Manager's program, It is proposed to increase the budget for operating income as Council has received \$5,400 for the preparation of leases. It is proposed to decrease operating expenditure as the budgets for the Implementation of the Crown Lands Act (\$30,000), the Development of a Plan of Management for Crown reserves (\$60,000) and the Community Survey (\$35,000) are not required in 2021/22. These have been added to the Draft 2022/23 budget and are funded through the General Managers Office Reserve.
- 20

Corporate and Community Services

- 25 • In the General Purpose Revenue program, it is proposed to increase operating income by \$2,639,000 as Council has received 75% of the Financial Assistance Grant due for the 2022/23 financial year (\$2,789,000) in advance. This is required to be restricted in reserve, with a transfer from reserve accounted for in the Draft 2022/23 Budget. It is

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also proposed to decrease interest received on investments by \$150,000 due to the reduced amount of interest that Council is currently earning on investments due to ongoing low interest rates.

- 5
- In the Community Development program, it is proposed to increase operating income and expenditure by \$1,000,000 due to a grant received for the recent February/March 2022 flood events. At the time of writing this report, it has not been determined which projects this will fund, which is subject to a separate report to Council. It is proposed to increase the operating expenditure budget for New Years eve (\$30,000). The expenditure for this event is higher than the budget and can be funded from the Community Development reserve. It is proposed to decrease operating expenditure due to actual expenditure being less than the budget for schoolies approvals (\$5,000) and the contribution to the staff Christmas party (\$2,000). It is proposed to add a budget for a community building asbestos removal program (\$20,000) and repairs to the Admin Centre roof (\$50,000). These can be funded through unallocated community building maintenance funds. It is proposed to remove the budgets for the Marvell Hall ramp (\$70,000) and kitchen (\$145,000) and add these to the Draft 2022/23 Budget as they will not be completed this financial year. These are also funded through the Community Building Maintenance Reserve.
- 10
- 15
- 20
- In the Sandhills program, it is proposed to decrease income by \$100,000 due to decreased occupancy from COVID impacts and the recent flood events. This can be offset by a decrease in salaries as the actual expenditure is less than the budget, also due to closures and decreased occupancy rates. An additional budget of \$20,000 is required for general maintenance to prevent a water pond that appears in a high-risk play area in times of heavy rain.
- 25

Infrastructure Services

- In the Projects & Commercial Development program, it is proposed to decrease operating expenditure due to budgets not being required for property consultancy services (\$10,000), survey services (\$8,000) and property maintenance services (\$10,000). It is proposed to decrease capital expenditure due to budgets not being required for Lot 22 Mullumbimby (\$50,500), Lot 102 Depot Relocation (\$10,000) and Deacon St road closure (\$500). A budget of \$40,000 is required to install insulation at the Broken Head Hall which can be funded through existing developer contributions held.
- 30
- 35
- In the Depot Services program, it is proposed to increase operating income due to a contribution from the sewer fund for the purchase of upgraded plant items. This can be transferred to the plant reserve from where the original purchase was made.
- 40
- In the Local Roads and Drainage program, there are a number of adjustments outlined under Note 16 in the Budget Variations explanations section of Attachment 1. Further disclosure is included in the second and third pages of Attachment 2 under the budget program heading Local Roads and Drainage. As a general comment the proposed budget amendments in this budget program are principally related to removing works

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from the 2021/22 Budget that will not be completed given the impact of the flood events. These works have been carried forward and included in the Draft 2022/23 Budget.

- 5 • In the Transport for New South Wales (TfNSW) program, It is proposed to increase operating income and expenditure by \$2,500,000 due to an advanced payment of the natural disaster funding from the February/March 2022 flood events. It is also proposed to add a \$7,000 budget for the speed radar sign project, funded from the TfNSW block grant.
- 10 • In the Open Space and Recreation program, there are a number of adjustments outlined under Note 18 in the Budget Variations explanations section of Attachment 1. Further disclosure is included in the fourth page of Attachment 2 under the budget program heading Open Space & Recreation.
- 15 • In the Waste & Recycling program, it is proposed to increase operating income and expenditure by \$23,800 as Council received a grant for illegal dumping. It is proposed to decrease capital works due to the On-Site Leachate Management Project (\$900,000), Infrastructure improvement & Enhancement (\$6,500), Upgrade and Renewal at the BRRC (\$150,000) and Second Life for Second Hand Shop Projects (\$34,600) not being
20 completed in 2021/2022 and being moved to the Draft 2022/23 Budget. The upgrade to internet & security system budget of \$85,000 is also not required for 2021/2022.
- 25 • In the First Sun Holiday Park program, it is proposed to decrease operating income due to the effect that COVID has had on occupancy rates at First Sun Holiday Park over the course of the 2021/2022 financial year. It is also proposed to decrease capital expenditure by \$1,500,000 (Loan funded) as the purchase of land in the rail corridor has been moved to the Draft 2022/23 Budget.
- 30 • In the Suffolk Park Holiday Park program, it is proposed to decrease operating income due to the effect that COVID has had on occupancy rates at Suffolk Park Holiday Park over the course of the 2021/22 financial year.
- 35 • In the Facilities Management program, it is proposed to decrease operating income due to fee relief being granted for the Byron Bay pool café due to the effects of COVID during the 2021/22 financial year (\$63,700). A decrease in income is also proposed for Byron Bay (\$25,000) and Mullumbimby (\$50,000) swimming pools as the actual income is lower than the budget, also due to COVID effects, and the flood events of
40 February/March 2022. It is proposed to decrease capital expenditure by \$3,435,000 as the Brunswick Valley Community Centre Roof Replacement (\$75,000), Brunswick Memorial Hall Ramp Upgrade (\$70,000), Neighbourhood Centre Repairs to Brickwork and Walls (\$120,000) and the Byron Bay Hospital Development (\$3,170,000) will not be completed in the 2021/22 financial year and have been moved to the Draft 2022/23 Budget.

Sustainable Environment and Economy

- 45 • In the Development Certification program, it is proposed to increase operating income due to an increase in actual income against the budget for Footpath Dining (\$58,000,

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transferred to reserves), Information Technology Service Fees (\$30,000, transferred to reserves), advertising income (\$40,000), Construction Certificates (\$20,000) and Income Activities Over Roads (\$440,000). It is proposed to create a new Development and Certification reserve and restrict \$250,000 of this additional income to use for resourcing an increased workload.

- 5
- 10
- 15
- In the Environment & Compliance program, it is proposed to decrease operating income by \$250,000 due to the estimated actual income for fine revenue being under budget as a result of the COVID and the February/March 2022 flood events.
- In the Planning Policy & Natural Environment program, it is proposed to increase operating income and expenditure by \$161,000 due to grants received for Mapping Open Forests (\$11,400), Vegetation Mapping (\$24,000), Riparian Restoration Project (\$16,400), Roadside Vegetation Mapping (\$8,000) and a Koala Habitat Restoration program (\$101,200). It is also proposed to increase operating expenditure by a further \$10,000 to enable repairs to be undertaken at the electric vehicle charging station at Byron Bay library. This can be funded from the Byron Bay Library reserve.

WATER FUND

After completion of the 2020/2021 Financial Statements the Water Fund as at 30 June 2021 has a capital works reserve of \$6,077,800 and held \$1,859,500 in section 64 developer contributions.

The estimated Water Fund reserve balances as at 30 June 2022, and forecast in this Quarter Budget Review, are derived as follows:

Capital Works Reserve

Opening Reserve Balance at 1 July 2020	\$6,077,800
Plus original budget reserve movement	(3,545,100)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(723,300)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	31,100
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	331,300
Forecast Reserve Movement for 2021/2022 – Increase / (Decrease)	(3,906,000)
Estimated Reserve Balance at 30 June 2022	\$2,171,800

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Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2021	\$1,859,500
Plus original budget reserve movement	(1,022,800)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(50,000)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	(10,000)
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	690,000
Forecast Reserve Movement for 2021/2022 – Increase / (Decrease)	(392,800)
Estimated Reserve Balance at 30 June 2022	\$1,466,700

Movements for Water Fund can be seen in Attachment 1 with a proposed estimated increase to reserves (including S64 Contributions) overall of \$1,021,300 from the 31 March 2022 Quarter Budget Review.

5 SEWERAGE FUND

After completion of the 2020/2021 Financial Statements the Sewer Fund as at 30 June 2021 has a capital works reserve of \$3,453,200 and plant reserve of \$896,200. It also held \$8,871,900 in section 64 developer contributions.

Capital Works Reserve

Opening Reserve Balance at 1 July 2021	\$3,453,200
Plus original budget reserve movement	(3,128,300)
Resolutions July - September Quarter – increase / (decrease)	(210,000)
September Quarterly Review Adjustments – increase / (decrease)	187,900
Resolutions October - December Quarter – increase / (decrease)	(15,000)
December Quarterly Review Adjustments – increase / (decrease)	233,200
Resolutions January - March Quarter – increase / (decrease)	(70,000)
March Quarterly Review Adjustments – increase / (decrease)	(444,600)
Forecast Reserve Movement for 2021/2022 – Increase / (Decrease)	(3,446,800)
Estimated Reserve Balance at 30 June 2022	\$6,400

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Plant Reserve

Opening Reserve Balance at 1 July 2021	\$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
Forecast Reserve Movement for 2021/2022 – Increase / (Decrease)	0
Estimated Reserve Balance at 30 June 2022	\$896,200

Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2020	\$8,871,900
Plus original budget reserve movement	(2,731,200)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(2,904,200)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	(225,000)
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	545,000
Forecast Reserve Movement for 2020/2021 – Increase / (Decrease)	(5,315,400)
Estimated Reserve Balance at 30 June 2021	\$3,556,500

- 5 Movements for the Sewerage Fund can be seen in Attachment 1 with a proposed estimated overall increase to reserves (including S64 Contributions) of \$100,400 from the 31 March 2022 Quarter Budget Review.

Legal Expenses

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

- 10 The table that follows indicates the allocated budget and actual legal expenditure within Council on a fund basis as at 31 March 2022.

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Total Legal Income & Expenditure as at 31 March 2022

Program	2021/2022 Budget (\$)	Actual (\$)	Percentage To Revised Budget
Income			
Legal Expenses Recovered	0	110,700	0%
Total Income	0	0	0%
Expenditure			
General Legal Expenses	200,000	223,073	111.54%
Total Expenditure General Fund	200,000	223,073	111.54%

Note: Legal expenses should continue to be monitored to ensure there is enough funding for future expenses.

Strategic Considerations

5 Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	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

In accordance with Section 203 of the Local Government (General) Regulation 2021 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*

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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:*

5 (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.*

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

Financial Considerations

15 The 31 March 2022 Quarter Budget Review of the 2021/2022 Budget is showing a deficit of \$354,500. This leaves the movement against the unrestricted cash balance attributable to the General Fund to an overall estimated deficit of \$391,100 for the year, leaving the estimated unrestricted cash balance attributable to the General Fund at an estimated \$126,500 at 30 June 2022.

It is the view of the Responsible Accounting Officer that the short term financial position of the Council is still satisfactory for the 2021/22 financial year, having consideration of the original estimate of income and expenditure at the 31 March 2022 Quarter Budget Review.

20 This opinion is based on the estimated General Fund Unrestricted Cash Result position and that the current indicative budget position for 2021/2022 outlined in this Budget Review. Council must remember it has a short term financial goal of maintaining \$1,000,000 in unrestricted cash.

25 Council is now in a challenging financial environment not only impacted by COVID-19 during the course of the current financial year but also in responding to the devastating flood events during February/March 2022. There may be costs Council has incurred that may not be recoverable through Natural Disaster Funding, and this will need to be considered at the 30 June 2022 Quarterly Budget Review.

The major impacts influencing the revised budget outcome in this review are:

- 30
- Reduction in interest on investment revenue \$150,000
 - Provide for Council contribution to Flood Recovery works in accord with Natural Disaster Funding guidelines \$182,300.

35 Aside from the General Fund, Council must also monitor the level of the Capital Works Reserve in the Sewerage Fund. This reserve is estimated to be more or less completely exhausted at the end of 2021/2022 however, it is possible the end of year position will be better than expected given the size of capital works in Sewerage still budgeted which may not be completed.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.7 Byron Shire Rail with Trail (Update)

Directorate: Infrastructure Services

5 **Report Author:** Therese Black, Business Analyst

File No: I2022/116

Summary:

10 The purpose of this report is to provide an update on the progress of the “Byron Shire Rail with Trail” project in accordance with Council Resolutions **20-127, 20-572, 21-234 and 21-389**.

This report follows the briefing to 5 May 2022 Strategic Planning Workshop of Council on this project.

15 Regionally there has been significant progress on the Northern Rivers Rail Trail, with the three LGAs securing government funding to construct the Rail Trail in Tweed, Lismore and Richmond Valley.

RECOMMENDATION:

20 **That Council:**

1. **Continues to work with Transport for NSW on the delivery of outcomes articulated in Resolutions 20-127, 20-572, 21-234 and 21-389.**
2. **Continues to seek funding opportunities to allow reactivation of the rail corridor within the Byron Shire.**

25

Report

The purpose of the briefing and the associated report is three-fold, to:

1. provide a brief history of the Multi Use Rail Corridor (MURC) project
2. provide an update on the progress of the Northern Rivers Rail Trail; and
- 5 3. provide an update on the progress of the Byron Shire "Rail with Trail" in accordance with Council Resolutions **20-127**, **20-572**, **21-234** and **21-389**

Project Background and History

10 Council considered a Mayoral Minute in late 2016 and resolved to support an investigation into the feasibility of reactivating the rail corridor from Bangalow to Yelgun for multi-use transport applications. (Note: the full length of the rail corridor within the Byron Shire extends south of Bangalow and north of Yelgun.)

15 Following an Expression of Interest and Request for Tender process, Council engaged Arcadis Australia Pacific Pty Ltd (Arcadis) to undertake a feasibility study into the reactivation of the rail corridor (Bangalow to Yelgun), focussing on three key components; Engineering Assessment; Economic Impact Assessment; and Social Impact Assessment.

The final report was delivered in June 2019 and Council resolved via Res **19-335**.

Since the completion of the Feasibility Study in 2019, no implementation budget has been allocated to this project.

20 The project to date expenditure over the life of the project 2018-2022, including the feasibility study is approximately \$340,000.

Draft Northern Rivers Rail Trail Marketing Plan 2022-2025

25 Over the past 4 years council staff has been working to reactivate the rail corridor that traverses the Northern Rivers in conjunction with our neighbouring councils. The four LGAs which make up the Northern Rivers Rail Trail are Richmond Valley, Lismore, Tweed and Byron Shire.

In 2020, the Northern Rivers Rail Trail Inc was formed.

The Northern Rivers Rail Trail is envisioned as a staged project to deliver a 130-kilometre shared-user path from Murwillumbah to Casino, which once operated as the branch line of the North Coast Rail Line and ceased operation in April 2004.

30 The Northern Rivers Rail Trail will be constructed in four stages, each delivered separately by the four local Councils, as funding allows.

Stage 1: The Tweed: Murwillumbah to Crabbes Creek (24 kms) \$14.9m; under construction and due for completion December 2022; Opening 2023

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Stage 2: Richmond Valley: Casino to Bentley (13.2 kms) \$7.5m; under construction and due for completion December 2022; Opening 2023

Stage 3: Lismore: Bentley to Lismore/Eltham Hotel \$9.9m; not yet started

Stage 4: Byron Shire (not yet funded)

- 5 The Northern Rivers Rail Trail Marketing Plan and branding were developed and funded by Tweed Shire Council.

There is a Northern Rivers Rail Trail Governing Committee that Council staff attend.

Quarterly Update - Activities undertaken in response to Council Resolutions

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

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

15 *(Workshops were held in November 2020 and March 2021 with representatives from TfNSW along with other key NSW Government departments. Recent discussions indicate a further workshop will be held in the coming months)*

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

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

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

25 *(Work in Progress –Dan Champness TfNSW confirmed during the workshop on 5 March 2021 that the Government will have the major influence over the final Governance model. Awaiting further guidance from TfNSW.)*

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

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

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

5 ***(Ongoing – up until April 2022, no funding opportunities have been identified to support this project. TfNSW have recently made \$100,000 available specifically for vegetation removal – the funds must be spent by 30 June 2022. The funding deadline made this project unachievable due to:***

- ***Environmental assessments and associated impacts on flora and fauna***

10 • ***Restricted access due to continued wet weather and poor ground conditions***

- ***Availability of TfNSW certified contractors at short notice***

- ***The requirements of third party works approval)***

Based on the experience of neighbouring Local Government Areas, there appears to be funding support for a rail trail.)

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

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

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

(Letters have been sent.)

8. Receive six monthly reports on progress.

(Ongoing - This report continues the cycle of every quarter due to the requirements of the Operations Plan.)

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

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

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

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

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

5 ***(Items 4, 5, 7 and 8 are variously completed or in progress. Item 6 – no budget allocation has occurred.)***

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

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

10 ***(Noted prioritization beyond Part 1 of Res 20-127)***

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

15 ***(Formal approval is required via a Third-Party Works application. The rigorous requirements, particularly with respect to WH&S, would make this difficult)***

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

(As per Part 5 Res 20-127)

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

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

Provided below is an update on the key activities undertaken in response to Res 21-234:

- 25 1. That Council continues to work with Transport for NSW on the delivery of outcomes articulated in Resolutions **20-127** and **20-572** and requests that TFNSW expedites a workshop meeting.

(As per Part 1 Res 20-127) Recent discussions indicate a further workshop will be held in the coming months)

- 30 2. Seek TFNSW funding to clear vegetation from the rail corridor.

(As per Part 5 Res 20-127)

3. Proactively engages with state and federal governments regarding funding for multi-use activation of the rail corridor.

(Grant funding opportunities are being investigated. Based on the experience of neighbouring Local Government Areas, there appears to be funding support for a rail trail.)

5 Provided below is an update on the key activities undertaken in response to Res 21-389:

That Council continues to work with Transport for NSW on the delivery of outcomes articulated in Resolutions **20-127**, **20-572**, and **21-234**

(Responses to Resolutions 20-127,20-572 and 21-234 are detailed above)

Key issues

- 10 TfNSW have recently made \$100,000 available specifically for vegetation removal – the funds must be spent by 30 June 2022. The funding deadline made this project unachievable due to:
- Environmental assessments and associated impacts on flora and fauna
 - Restricted access due to continued wet weather and poor ground conditions
 - 15 • Availability of TfNSW certified contractors at short notice
 - The requirements of third party works approval

A detailed Engineering Assessment (not yet funded) is required to fully understand the state of the existing rail infrastructure and particularly the key water crossing structures.

- 20 A “Rail with Trail” approach increases the complexity and cost of delivering an outcome on the Byron Shire rail corridor. In many locations the narrow width of the existing rail embankment and associated bridging structures preclude both corridor uses on the embankment.

Options

- 25 Amongst the many options available to Council to reactivate the rail corridor in Byron Shire, are the following:
1. Continue to support “Rail with Trail” for the whole corridor
 2. Focus the Rail option from Byron Bay to Mullumbimby and pursue the Trail option for the remainder
 3. Focus on the Trail option for the whole corridor in the context of the Northern Rivers
 - 30 Rail Trail and working with the three LGAs within the Northern Rivers region and other levels of government.

All options are currently unfunded.

Next steps

- 35 The important next steps to realise the reactivation of the Byron Shire Rail Corridor and in particular the prioritization of the section between Bayshore Drive and Tyagarah (per Res **20-572**) include:
- Completion of prioritized vegetation removal.

- Continued liaison with TfNSW and the Department of Regional NSW to discuss potential funding sources and infrastructure options.
- Continue to identify grant funding opportunities to provide detailed design and planning budget.

5 Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.3: Support, through partnership, a network of integrated sustainable transport options	1.3.1: Ensure an integrated and accessible transport network (SP)	1.3.1.5	Prepare Road Access and Safety Principles (RASPs) procedure for capital works and maintenance
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.3: Support, through partnership, a network of integrated sustainable transport options	1.3.1: Ensure an integrated and accessible transport network (SP)	1.3.1.6	Update road related DCP chapters to embed Road Access and Safety Principles (RASPs) in line with procedure for adoption in 2021/22

Recent Resolutions

Report	Resolution
Report to Council – 23 September 2021	Resolution 21-389 (Open)
Report to Council – 24 June 2021	Resolution 21-234 (Open)
Report to Council – 25 February 2021	Resolution 21-053 (Closed)
NoM – 22 October 2020	Resolution 20-572 (Open)
Report to Council – 24 September 2020	Resolution 20-518 (Closed)
Report to Council – 26 March 2020	Resolution 20-127 (Open) Key working resolution for this project (the primary subject of this report)
Report to Council - 28 Nov 2019	Resolution 19-616 (Closed as per 21-053)
Report to Council - 27 June 2019	Resolution 19-335 (Closed as per 20-518)

Financial Considerations

Subject to successful vegetation removal, the next key financial consideration will be securing funding for engineering assessment.

Consultation and Engagement

5 Key Stakeholders

Government: TfNSW, NSW State and Federal Government representatives.

Neighbouring Shire Councils: Tweed, Lismore and Richmond Valley, Northern Rivers Joint Organisation (NRJO) and Northern Rivers Rail Trail Inc. (NRRT).

Community Groups: e.g. Trains on our Tracks (TOOT).

10

Report No. 13.8 Vallances Road PRG Update

Directorate: Infrastructure Services

Report Author: Joshua Winter, Capital Works Engineer

File No: I2022/491

5 **Summary:**


In April 2022, the first of the bi-monthly progress reference group meetings for Vallances Road was held, with the minutes of this meeting attached to the report. The function of this report is to make the minutes and actions of that meeting public as well as acting as a function to make any determinations required to progress the works.

10 These meetings will continue every two months until resolved otherwise. Our community will be kept informed through regular Council reporting.

15 **RECOMMENDATION:**

1. **That Council notes the Draft Vallances Road Project Reference Group Meeting minutes of 26 April 2022; and**
 2. **That the General Manager be authorised to engage appropriate resources to progress the Development Application for a natural burial ground at Vallances Road utilising existing funding.**
- 20

Attachments:

- 1 Vallances Road Project Reference Group Meeting - 26 April 2022 - DRAFT Minutes, E2022/41605 
- 25

Report

In April 2022, the first of the bi-monthly progress reference group meetings for Vallances Road was held, with the minutes of this meeting attached to the report. The function of this report is to make the minutes and actions of that meeting public as well as acting as a function to make any delegations required to progress the works.

The first meeting minutes are attached and the required decisions are outlined in the recommended resolution. The site survey will be distributed shortly to the group and the information outlined in the minutes is being gathered for our next meeting.

The most important task underway is obtaining planning advice on the road standard required for the proposed land uses to determine if any road upgrades are required prior to progressing a DA for a natural burial ground. There is also feasibility information required relating to the number of burials that could be yielded at the site (based on the land slope) and the commercial viability of developing the site based on that yield and what Council would need to adopt by way of fees and charges for a natural burial.

These meetings will continue every two months until resolved otherwise and the minutes distributed within the group. Our community will be kept informed through regular Council reporting and the development of a website relating to the natural burial ground at Vallances Road.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.3: Provide accessible, local community spaces and facilities	2.3.7: Deliver Open Space and Recreational services in line with Community Solutions Panel values (SP)	2.3.7.6	Progress the delivery of the Natural Burial Ground at Vallances Rd via the Project Reference Group
Community Objective 3: We protect and enhance our natural environment	3.2: Strive to become a sustainable community	3.2.2: Support community environmental and sustainability projects	3.2.2.7	Implement Brunswick Valley (Vallances Rd, Mullumbimby) Vision and Roadmap

Recent Resolutions

- Res 19-607
- Res 20-669
- Res 21-250
- 5 • Res 22-044
- Res 22-102

Financial Considerations

10 It is important to note once again that some of the intended functions of the land at Vallances Road are not functions of the sewer fund and therefore if and when these parcels of land are developed, the general fund may need to acquire or lease the parcel of land from the sewer fund, reimbursing the sewer fund for any development costs and continue to fund the ongoing operations of that site.

Consultation and Engagement

- May 2020 – Vision and Charter Workshop – Councillors and staff
- 15 • March 2021 – Internal stakeholder workshop including staff from all directorates.
- April 2021 – Consultation with Arakwal Corporation
- May 2021 – Councillor Strategic Planning Workshop
- June 2021 – Council Meeting and resolution 21-250
- September 2021 – Meeting with Natural Burial Committee
- 20 • October 2021 – Additional meeting with Committee (one member attended)
- November 2021 – Report to ET discussing the project
- November 2021 – Meeting with Councillors to discuss planning pathway
- December 2021 – Planning advice received from consultant, sent to committee
- January 2022 – Staff workshop to discuss the site and projects
- 25 • February 2022 – Council meeting and resolution 22-044
- March 2022 – Council meeting
- April 2022 – first project reference group meeting
- May 2022 – Council meeting
- June 2022 – second project reference group meeting

5 **Report No. 14.1 Report of the Floodplain Management Advisory Committee Meeting held on 21 April 2022**

Directorate: Infrastructure Services
Report Author: Shelley Flower, Executive Assistant IS

File No: I2022/488

10 **Summary:**

The attachment to this report provides the minutes of the Floodplain Management Advisory Committee Meeting of 21 April 2022 for determination by Council.

15 **RECOMMENDATION:**

1. That Council notes the minutes of the Floodplain Management Advisory Committee Meeting held on 21 April 2022.
2. That Council adopts the following Committee Recommendations:
Report No. 3.1 Committee Constitution
File No: I2022/343

Committee Recommendation 3.1.1

That Council:

1. Ratify the draft Committee Constitution with the following amendment to Part five: 6 community representatives including if possible one representing communities near Tallow Creek ICOLL, Belongil Creek ICOLL, Marshalls Creek, Brunswick River.
 2. Seeks additional Committee members through readvertising.
3. That Council adopts the following Committee Recommendations:

Report No. 3.2 Post Flood Event Update
File No: I2022/345

Committee Recommendation 3.2.1

That Council:

1. **Notes the Report.**
2. **Receives a further report from the Floodplain Management Advisory Committee on reviewing the North Byron Floodplain Risk Management Plan.**

4. That Council adopts the following Committee Recommendations:

Report No. 3.3 Flooding and Drainage Grants Update

File No: I2022/346

Committee Recommendation 3.3.1

That Council:

1. **Notes the Report.**
2. **Receives a report, via the Floodplain Management Advisory Committee, which includes a detailed list of the recommended flood mitigation works from each of Council's Floodplain Management Plans.**

5. That Council adopts the following Committee Recommendations:

Report No. 3.4 Belongil Catchment Drainage Board Update and Actions Required

File No: I2022/347

Committee Recommendation 3.4.1

That Council:

1. **Notes the Report.**
2. **Nominates a sitting Councillor and alternate as a representative on or to the Board.**

Attachments:

5

- 1 Minutes 21/04/2022 Floodplain Management Advisory Committee, I2022/388 

Report

The attachment to this report provides the minutes of the Floodplain Management Advisory Committee Meeting of 21 April 2022 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 https://byron.infocouncil.biz/Open/2022/04/FLOOD_21042022_AGN_1506_AT.PDF

Committee Recommendation

That Council notes the minutes of the Floodplain Management Advisory Committee Meeting held on 21 April 2022.

Financial Implications

- 10 As per the Reports listed within the Floodplain Management Advisory Committee Meeting of 21 April 2022.

Statutory and Policy Compliance Implications

As per the Reports listed within the Floodplain Management Advisory Committee Meeting of 21 April 2022.

Report No. 14.2 Report of the Water and Sewer Advisory Committee Meeting held on 21 April 2022

Directorate: Infrastructure Services

Report Author: Shelley Flower, Executive Assistant IS

5 **File No:** I2022/489

Summary:

The attachment to this report provides the minutes of the Water and Sewer Advisory Committee Meeting of 21 April 2022 for determination by Council.

10

RECOMMENDATION:

1. **That Council notes the minutes of the Water and Sewer Advisory Committee Meeting held on 21 April 2022.**

15

2. **That Council adopts the following Committee Recommendations:**

Report No. 3.2 Byron STP Condition 9 Additional Load - Quarterly Report
File No: I2022/238

Committee Recommendation 3.2.1

That Council:

1. **Notes the report.**
2. **Asks Council staff to show both ET units and megalitres per annum.**


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

Report No. 3.3 Utilities Overview
File No: I2022/291

Committee Recommendation 3.3.1

1. That Council notes the presentation: **Infrastructure Services Utilities Overview Presentation to Water & Sewer Advisory Committee 21 April 2022 (E2022/32261)**.
2. This summary to continue at the next **Water and Sewer Advisory Committee**.

Attachments:

- 5 1 Minutes 21/04/2022 Water and Sewer Advisory Committee, I2022/387 

Report

The attachment to this report provides the minutes of the Water and Sewer Advisory Committee Meeting of 21 April 2022 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 https://byron.infocouncil.biz/Open/2022/04/WSAC_21042022_AGN_1538_AT_EMBEDDED.PDF

Committee Recommendation

That Council notes the minutes of the Water and Sewer Advisory Committee Meeting held on 21 April 2022.

10 **Financial Implications**

As per the Reports listed within the Water and Sewer Advisory Committee Meeting of 21 April 2022.

Statutory and Policy Compliance Implications

- 15 As per the Reports listed within the Water and Sewer Advisory Committee Meeting of 21 April 2022.

Report No. 14.3 Report of the Local Traffic Committee Meeting held on 10 May 2022

Directorate: Infrastructure Services

Report Author: Michelle Wilcox, Traffic & Parking Systems Officer

5 **File No:** I2022/495

Summary:

10 The attachment to this report provides the minutes of the Local Traffic Committee Meeting held on 10 May 2022 for determination by Council.

Council's action on the LTC advice will be:

- 15 a) If Council is in agreement with the LTC unanimous support then the proposal may be approved. In these cases there is no conflict between Council and the advice of the LTC, consequently there is no need for Council to inform TfNSW 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.
- 20 c) If Council is in agreement with the LTC unanimous decline then the proposal may be rejected. Again there is no conflict between Council and the advice of the LTC. Consequently there is no need for Council to inform TfNSW or the NSW Police representatives of the decision.
- 25 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 TfNSW and the NSW Police representatives in writing of their intention to approve the proposal. TfNSW or the NSW Police may then lodge an appeal to the Regional Traffic Committee (RTC).
- 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 TfNSW and NSW Police representatives in writing of their intention to approve the proposal. TfNSW or the NSW Police may then lodge an appeal to the RTC.

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

RECOMMENDATION:

1. That Council notes the minutes of the Local Traffic Committee Meeting held on 10 May 2022.

5

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

Report No. 6.1 Harvest Estate regulatory signage

File No: I2022/412

Committee Recommendation 6.1.1

That Council supports the regulatory signs, lines and traffic control devices associated with the Harvest Estate works, as shown in Attachment 1 (E2022/37580) subject to TfNSW concurrence.

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

Report No. 6.2 Festival of the Stone 2022

File No: I2022/473

Committee Recommendation 6.2.1

1. That Council endorse the Traffic Management Arrangement associated with the Festival of the Stone event to be held on Saturday 4 June 2022, in accordance with the Local Traffic Committee recommendations.
2. That the endorsement provided is subject to:
 - a) Separate approvals by NSW Police and TfNSW being obtained, if required
 - b) A Traffic Guidance Scheme (TGS), being designed and implemented by those with relevant and current TfNSW accreditation;
 - c) The event being advertised 14 days prior to the event.
 - d) The event organiser:
 - i. Holding \$20m public liability insurance cover which is valid for

the event.

- ii. Undertaking consultation with emergency services and any identified issues addressed.**
 - iii. Undertaking consultation with the community, affected businesses and transport operators, including adequate response/action to any raised concerns prior to the event taking place.**
 - iv. Paying Council's Road Event Application Fee prior to each event.**
- e) Development Approval conditions of consent being met**
- f) After the Festival a report being submitted to council (within 3 months) from the original TGS designer with comments of the effectiveness of the traffic control arrangements during the event and list recommendations if required for consideration by council and other authorities for future events.**

Attachments:

- 1 Minutes 10/05/2022 Local Traffic Committee, I2022/451 

5

Report

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 10 May 2022 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [Agenda of Local Traffic Committee Meeting - Tuesday, 10 May 2022 \(infocouncil.biz\)](https://www.infocouncil.biz)

This report contains the recommendations of the Local Traffic Committee (LTC) meeting held on 10 May 2022.

Financial Implications

As per the Reports listed within the Local Traffic Committee Meeting of 10 May 2022.

10 Statutory and Policy Compliance Implications

As per the Reports listed within the Local Traffic Committee Meeting of 10 May 2022.

QUESTIONS WITH NOTICE

Question with Notice No. 15.1 Emergency Plans

File No: I2022/414

5

Cr Dey asks the following question:

What are the various Emergency Plans (or similar strategies) that 'kick in' when there is a disaster like the recent floods and landslip, whether those Plans are at council, state, federal or inter-agency level?

10 **Response Director Infrastructure Services:**

Emergency Plans/Strategies that may be activated during a disaster are as follows:

1. Tweed/Byron Local Emergency Management Plan (EMPLAN)

[tweed-byron-local-emergency-management-plan.pdf \(nsw.gov.au\)](#)

Sub plans can be found on page 22-29

15

2. Tweed/Byron Local Recovery Plan

[2019 Tweed Byron Local Recovery Plan External APPROVED SIGNED \(nsw.gov.au\)](#)

3. State Emergency Management Plan (EMPLAN)

(NSW State Plans and sub plans can be found at <https://www.nsw.gov.au/rescue-and-emergency-management>)

4. Byron Shire Council Business Continuity Plan (refer details at end of document)

25 **Tweed/Byron Local Emergency Management Plan (EMPLAN)**

The Tweed/Byron Local Emergency Management Plan (EMPLAN), details arrangements for, prevention of, preparation for, response to and recovery from emergencies within the Tweed/Byron Local Government Areas.

It encompasses arrangements for:

- 30 • emergencies controlled by combat agencies
- emergencies controlled by combat agencies and supported by the Local Emergency Operations Controller (LEOCON)
- emergency operations for which there is no combat agency and are controlled by the LEOCON; and
- 35 • circumstances where a combat agency has passed control to the LEOCON.

The following principles are applied in the plan:

- a) The Emergency Risk Management (ERM) process is to be used as the basis for emergency planning in New South Wales. This methodical approach to the planning process is to be applied by Emergency Management Committees at all levels.
- 5 b) Responsibility for preparation, response and recovery rests initially at Local level. If Local agencies and available resources are not sufficient, they are augmented by those at Regional level.
- c) Control of emergency response and recovery operations is conducted at the lowest effective level.
- 10 d) Agencies may deploy their own resources from their own service from outside the affected Local area or Region if they are needed.
- e) The Local Emergency Operations Controller (LEOCON) is responsible, when requested by a combat agency, to co-ordinate the provision of resources support. EOCOns would not normally assume control from a combat agency unless the situation can no longer be contained. Where necessary, this should only be done after consultation with the Regional Emergency Operations Controller (REOCON) and agreement of the combat agency and the appropriate level of control.
- 15 f) Emergency preparation, response and recovery operations should be conducted with all agencies carrying out their normal functions wherever possible.
- 20 g) Prevention measures remain the responsibility of authorities/agencies charged by statute with the responsibility

Byron Shire Council Business Continuity Plan

25 The Byron Shire Council Business Continuity Plan is an internal document that is implemented upon the declaration of a Business Continuity Event by the Continuity Management Team Leader (General Manager) and is aimed at maintaining or re-establishing key identified Council business operations within designated timeframes. This document only applies to events which disrupt the business operations of Council.

Question with Notice No. 15.2 Fill for urban development on the Shire's floodplains

File No: 12022/472

5 Cr Dey asks the following questions:

1. *When DA 10.2017.749.1 gave consent to two houses on a vacant allotment Lot at 1 Kallaroo Circuit OCEAN SHORES, was there a prohibition in place on fill in this floodplain?*
- 10 2. *When Consent Condition 10 imposed a minimum floor level of 3.9m AHD, was Council as consent authority aware that on Sheet 1A of 19 "Site Plan Layout" of the proposal (as stamped & approved) a box named "Siteworks" indicated 0.1m cut and zero fill to create the original proposed slab level of 3.525m?*
- 15 3. *Did Council realise that, in raising the floor to at least 3.9m, the slab would require 375mm of fill?*
- 15 4. *If the no fill approach was in force when consent was granted, why is Consent Condition 24 entitled "Fill to be retained on the subject land" and why does it require that "Fill material must not encroach onto any adjoining land", which implies that there can be fill on the property?*
- 20 5. *If the no-fill approach is still in force, why did the private PCA for 1 Kallaroo Circuit recently ignore the prohibition and approve about 0.4m of fill on the property within a floodplain?*
6. *And, if the no-fill approach is still in force, are there better ways to protect the floodplain from fill?*



Response Director Sustainable Environment and Economy:

1. *When DA 10.2017.749.1 gave consent to two houses on a vacant allotment Lot at 1 Kallaroo Circuit OCEAN SHORES, was there a prohibition in place on fill in this floodplain?*

5 The Marshalls Creek Floodplain Management Plan was adopted by Council on 25 November 1997. Section 6.2 identifies management practices for South Golden Beach and Ocean Shores North including “place a moratorium on filling individual lots until sufficient investigation has been undertaken to identify and quantify appropriate stormwater ponding points”.

10 It is noted that the “Fern Beach” estate which includes the subject lot was constructed to be above the 1% flood level as acknowledged within the Marshalls Creek Floodplain Management Plan Report – November 1997 prepared by Paterson Consultants Pty Limited.

- 15 2. *When Consent Condition 10 imposed a minimum floor level of 3.9m AHD, was Council as consent authority aware that on Sheet 1A of 19 “Site Plan Layout” of the proposal (as stamped & approved) a box named “Siteworks” indicated 0.1m cut and zero fill to create the original proposed slab level of 3.525m?*

20 Sheet 1A of 19 “Site Plan Layout” is the stamped plan under the development consent and includes the “Siteworks” note which indicated 0.1m of cut and zero fill. That plan was part of the consideration of the development application.

3. *Did Council realise that, in raising the floor to at least 3.9m, the slab would require 375mm of fill?*

25 The proposed construction methodology was slab on ground so it was considered increased concrete material could be used to achieve the level required above the existing ground level. Other construction techniques are available (eg. drop edge beam) such that the slab floor level can be raised without the necessity for filling. However, it is the Certifier who is required to be satisfied that the development has been carried out in accordance with the development consent (including the construction certificate), including in relation to cut and fill levels.

- 30 4. *If the no fill approach was in force when consent was granted, why is Consent Condition 24 entitled “Fill to be retained on the subject land” and why does it require that “Fill material must not encroach onto any adjoining land”, which implies that there can be fill on the property?*

35 Condition 24 is a standard Council condition, the purpose of which is to ensure that any site works involving fill material, no matter how large or small, must not encroach onto any adjoining land. This could have related to material excavated from one location on the site (ie. the 0.1m of cut indicated on the plans) and placed in another location, even if only for a short timeframe. The condition is in the section of the consent titled “The following conditions are to be complied with during any building or construction works”. The condition is applicable during that timeframe, and the Certifier must be satisfied that the development is being carried out in accordance with the consent in this regard.

40

BYRON SHIRE COUNCIL

QUESTIONS WITH NOTICE

15.2

5. *If the no-fill approach is still in force, why did the private PCA for 1 Kallaroo Circuit recently ignore the prohibition and approve about 0.4m of fill on the property within a floodplain?*

5 Staff are not able to provide comment as to the reasons for certain actions of the private certifier.

6. *And, if the no-fill approach is still in force, are there better ways to protect the floodplain from fill?*

10 The requirements of the Marshalls Creek Floodplain Management Plan (1997) are listed as “special provisions” to be addressed under Chapter C2 – C2.3.5 of DCP 2014. This Chapter of the DCP must be addressed by all development on flood liable land.