

Agenda Extraordinary Meeting

Thursday, 30 June 2022



BYRON
SHIRE
COUNCIL

Agenda Extraordinary 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, appearing to read "Mark Arnold".

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 EXTRAORDINARY MEETING

- 1. PUBLIC ACCESS**
- 2. APOLOGIES**
- 3. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**
- 4. STAFF REPORTS**

Corporate and Community Services

- | | | |
|-----|--|----|
| 4.1 | Byron Shire Community Strategic Plan 2032..... | 6 |
| 4.2 | Endorsement of Resourcing Strategy | 11 |
| 4.3 | Adoption of Delivery Program 2022-26 and Operational Plan 2022/23,
including Budget, Statement of Revenue Policy, and Fees and Charges..... | 15 |
| 4.4 | Making of the 2022/23 Ordinary Rates, Charges, Fees and Interest Rate | 33 |
| 4.5 | Post Exhibition - Disability Inclusion Action Plan 2022-2026 | 41 |

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

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 4.1 Byron Shire Community Strategic Plan 2032

Directorate: Corporate and Community Services

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

File No: I2022/493

Summary:

10 The Community Strategic Plan guides long term future planning to meet the needs and aspirations of the community. It sets the collective vision for the next 10 years and highlights the community's priorities. It is a collective document with delivery facilitated by Council in collaboration with the community and other partners.

Following an election, each new Council must review the Community Strategic Plan by 30 June the following year.




15 The draft *Byron Shire Community Strategic Plan 2032 (CSP)* was endorsed by Council for public exhibition at the 24 February 2022 Ordinary Meeting.

20 The CSP was placed on public exhibition from 28 March to 26 April 2022, inviting feedback and input from community. This report provides Council with the submissions received during the public exhibition period and presents the final *Byron Shire Community Strategic Plan 2032* for adoption.

RECOMMENDATION:

- 25 1. That Council notes the submissions and responses outlined in the report.
2. That Council adopts the amended *Byron Shire Community Strategic Plan 2032 (#E2022/54404)*

Attachments:

- 30 1 Byron Shire Community Strategic Plan 2032, E2022/54404 
- 2 Summary of Submissions to draft CSP - with responses and recommendations, E2022/46809 
- 3 Combined Submissions - Draft Byron Shire Community Strategic Plan 2032, E2022/47431 

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Report

On the Ordinary Meeting held on 24 February 2022, Council resolved (**22-055**) to place the draft *Byron Shire Community Strategic Plan 2032* (CSP) on public exhibition:

1. *That the draft Community Strategic Plan (Attachment 1) be amended as follows:*
 - 5 a) *Title – Byron Shire Community Strategic Plan 2032*
 - b) *Remove “our” from the five Community Objectives*
 - c) *Replace “protected” with “nurtured” in the “Environment” Community Objective*
2. *Endorses the Byron Shire Community Strategic Plan 2032 (Attachment 1 #E2022/7986), as amended by Part 1 for public exhibition.*
- 10 3. *Endorses the Community Engagement Strategy (Attachment 2 #E2021/63492) and undertakes further consultation with community on the development of the underpinning Delivery Program.*
- 15 4. *That the outcomes of the exhibition and engagement be reported back to Council in April 2022, with the other components of the Integrated Planning and Reporting framework.*

The amendments detailed in part 1 of resolution 22-055 were incorporated into the draft CSP prior to public exhibition.

Submissions

- 20 Council received five submissions on the CSP during the public exhibition period. A summary of the submissions and Council’s response is provided in Attachment 2. Submissions are also provided in full at attachment 3.

Amendments

As a result of the submissions received the following amendments have been incorporated into the CSP for adoption:

- 25
 - A summary of the community engagement undertaken to review the CSP is provided on pages 10-11. This provides an acknowledgement and outline of the community involvement in the review of the CSP. A reference to the detailed Community Engagement Strategy is provided for further information.
 - A new Shire map was prepared and is included on page 13
- 30
 - The ‘Byron Shire’ section was amended to provide more information about the connection to Country and the unique biodiversity of the Shire.
 - A glossary of terms is provided on page 48
 - Amended two strategies:

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1

Original	Amended
1.2 Engage and involve community in decision making	1.2 Engage, inform, and involve community in decision making
5.3 Invest in renewable energy and emerging technologies	5.3 Ensure infrastructure meets future needs and invest in emerging technologies

Work has continued on the development of the outcomes measurement framework, in partnership with the Centre for Social Impact. As a result of this work, several of the indicators have been further refined and amended.

5 During the exhibition period the opportunity was taken to amend the language and tone used throughout the document following feedback from Councillors during the debate at 24 February Ordinary Meeting, namely in respect to the possessive use of the term 'our.' This has been removed from headings and the narrative throughout the document. Further, strategies that included the use of the word 'our' in this way have also been amended as set out below.

10 **Revised strategies:**

Original	Amended
2.3 Enhance safety and contribute to the physical, mental and spiritual health and wellbeing of our community	2.3 Enhance safety and contribute to the physical, mental and spiritual health and wellbeing of the community
3.1 Partner to nurture and enhance our biodiversity, ecosystems, and ecology	3.1 Partner to nurture and enhance biodiversity, ecosystems, and ecology
3.2 Deliver initiatives and education programs to encourage protection of our environment	3.2 Deliver initiatives and education programs to encourage protection of the environment
3.3 Protect the health of our coastlines, estuaries, waterways, and catchments	3.3 Protect the health of coastline, estuaries, waterways, and catchments
3.4 Support and empower our community to adapt to, and mitigate our impact on climate change	3.4 Support and empower the community to adapt to, and mitigate the impact on climate change
4.3 Promote and support our local economy	4.3 Promote and support the local economy

15

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	5.2.1: Provide timely, accessible and accurate information to the community	5.2.1.2	Undertake a community engagement program to review and develop Council's Integrated Planning and Reporting framework documents

Recent Resolutions

- 5 • **20-055** – Endorsement of draft Byron Shire Community Strategic Plan 2032 for public exhibition

Legal/Statutory/Policy Considerations

The requirements for the Community Strategic Plan are governed by [Section 402](#) of the Local Government Act 1993:

- 10 (1) *Each local government area must have a community strategic plan that has been developed and endorsed by the council. A community strategic plan is a plan that identifies the main priorities and aspirations for the future of the local government area covering a period of at least 10 years from when the plan is endorsed.*
- (2) *A community strategic plan is to establish strategic objectives together with strategies for achieving those objectives.*
- 15 (3) *Following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election. The council may endorse the existing plan, or develop or endorse a new community strategic plan, as appropriate, to ensure that the area has a community strategic plan covering at least the next 10 years.*

20 Further requirements are outlined in sections 403-406 and in the Integrated Planning and Reporting [Guidelines](#) and [Handbook](#).

Financial Considerations

25 The review of the Community Strategic Plan and community engagement have been provided for in the 2021/22 budget. Costs incurred during this phase of the project were minimal, such as advertising in the local newspaper.

Consultation and Engagement

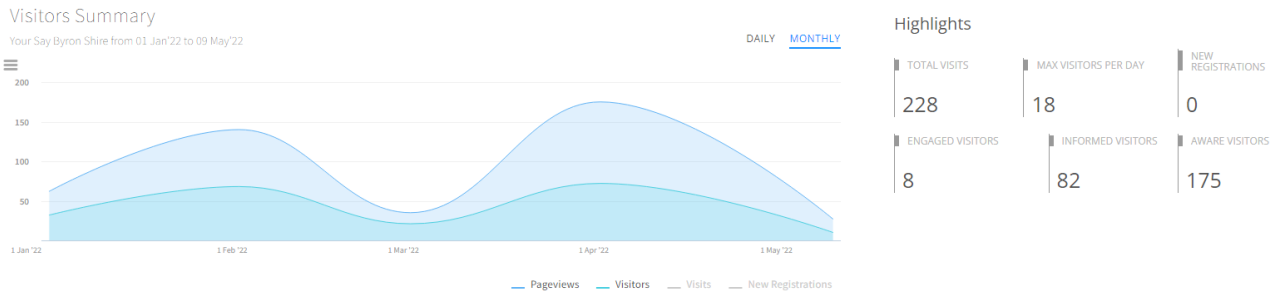
5 It was proposed that the exhibition period would run from 28 February 2022 to 28 March 2022, enabling consideration of submissions to be made at the April Ordinary Meeting. As a result of the February 2022 flood event and the widespread impact on the Byron Shire community the exhibition period was delayed to focus on flood recovery.

The CSP was placed on public exhibition on 28 March 2022, inviting submissions until 26 April 2022. Unfortunately, the Shire experienced another flood event at this time, resulting in the cancellation of much of the planned community engagement program that was to occur during public exhibition.

10 Notwithstanding, the draft CSP was placed on public exhibition and Council continued to work on the development of the Delivery Program and Operational Plan associated with the CSP.

There were 228 visits to the www.yoursaybyronshire.com.au/csp2032 page since 1 January 2022.

15 The draft CSP document was downloaded 42 times during the public exhibition period. The corresponding Community Engagement Report and Community Survey results were downloaded 15 and seven times, respectively.



20 Five submissions were received during the exhibition period, details are provided in this report.

Report No. 4.2 Endorsement of Resourcing Strategy

Directorate: Corporate and Community Services

Report Author: Heather Sills, Corporate Planning and Improvement
Coordinator
5 James Brickley, Manager Finance
Kylie Armstrong, Manager People and Culture
Blyth Matlock, Asset Management Coordinator

File No: I2022/648

Summary:

10 While the Community Strategic Plan (CSP) is responsible for capturing the community's long-term vision and aspirations, it is the responsibility of the Resourcing Strategy (RS) to clearly articulate how Council will implement and resource that vision.

The Resourcing Strategy consists of three components:

- 15
1. Long-Term Financial Planning
 2. Workforce Management Planning
 3. Asset Management Planning.

These documents are be presented to Council for adoption.

20

RECOMMENDATION:

That Council endorses the Resourcing Strategy 2032; namely:






1. **The Long-Term Financial Plan 2022-2032 (Attachment 1 #E2022/57444)**
- 25 2. **The Workforce Management Strategy 2022-2026 (Attachment 2 #E2022/34263)**
3. **The Asset Management Policy (Attachment 3 #E2021/121105), Asset Management Strategy 2022-2032 (Attachment 4 #E2016/100839), State of the Assets Report (Attachment 5 #E2022/49852) and Asset Management Plans:**
 - 30 a) **Transport**
 - b) **Buildings**
 - c) **Open Space**

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2

Attachments:

- 1 Long Term Financial Plan 2022-2032, E2022/57444 
- 2 Workforce Management Strategy 2022-26, E2022/34263 
- 5 3 Asset Management Policy, E2021/121105 
- 4 Strategic Asset Management Plan 2016-26, E2016/100839 
- 5 Strategic Asset Management Plan - State of Assets Report 2022, E2022/49852 

Report

The resourcing strategy addresses the sustainable long term financial, asset management, and workforce planning requirements and outlines how council will resource its strategic priorities.

5 Long-Term Financial Plan

The Long-Term Financial Plan (LTFP) is a 10-year rolling plan that informs decision-making and demonstrates how the objectives of the CSP and commitments of the DP and OP will be resourced and funded. The LTFP captures financial implications of asset management and workforce planning.

10 Workforce Management Planning

The Workforce Management Strategy (WMS) is a proactive, 4-year document that shapes the capacity and capability of the workforce to achieve council's strategic goals and objectives. It clearly identifies how future staffing and skills requirements will be met, such as through recruitment, staff progression and development, internal redeployment, and succession planning.

Asset Management Planning

The key objective of asset management planning is to provide the required level of service for the community in accordance with the CSP and in the most cost-effective manner. Assets may include roads, water and sewerage systems, drains, bridges, footpaths, buildings, recreational facilities, parks and gardens.

Asset Management Planning comprises 3 components:

1. *Asset Management Policy (AM Policy)*

Council's [Asset Management Policy](#) was recently reviewed and updated in 2021.

2. *Asset Management Strategy (AM Strategy)*

Council has a Strategic Asset Management Plan adopted in 2016-2026 (SAMP). Whilst this version remains current, staff have been progressing to a digital version of the SAMP and by also utilising interactive software (MS Power BI) to enable the data to be linked and live to the most updated information.

3. *Asset Management Plans (AM Plans) for each class of asset*

Council has prepared AMPs for Transport, Buildings, and Open Space infrastructure.

All of these documents along with dashboard posters, community levels of service consultation reports, and an introduction video on how council manages their assets are available via council's specific [asset management web page](#).

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	5.4: Manage Council's assets and allocate resources in a fair and holistic manner	5.4.2: Improve further Asset Management Systems capability (SP)	5.4.2.1	Update the Strategic Asset Management Plan in accordance with IP&R requirements
		5.4.5: Progress implementation of inclusive and integrated resourcing strategy	5.4.5.1	Develop a 5 year workforce plan
			5.4.5.2	Monitor, review and update Long Term Financial Plan

Recent Resolutions

- **22-055** - Public Exhibition of Community Strategic Plan
- 5 • **22-177** - Public Exhibition of Delivery Program and Operational Plan

Legal/Statutory/Policy Considerations

The requirements for Integrated Planning and Reporting are governed by [Sections 402-406](#) of the Local Government Act 1993.

10 [Section 403](#) requires that a council must have a long-term resourcing strategy for the provision of the resources required to perform its functions. The resourcing strategy includes the long term financial plan, asset management strategy, and workforce management strategy.

Detailed requirements are outlined in the Integrated Planning and Reporting [Guidelines](#) and [Handbook](#).

15

Report No. 4.3 Adoption of Delivery Program 2022-26 and Operational Plan 2022/23, including Budget, Statement of Revenue Policy, and Fees and Charges

5 **Directorate:** Corporate and Community Services
Report Author: Heather Sills, Corporate Planning and Improvement Coordinator
James Brickley, Manager Finance
File No: I2022/571

10 **Summary:**

At its 12 May 2022 Planning Meeting, Council endorsed the draft Integrated Planning and Reporting documents for public exhibition, namely, the:

- Delivery Program 2022-26
- Operational Plan 2022/23
- 15 • Detailed Budget Estimates 2022/23
- Statement of Revenue Policy 2022/23, including Fees and Charges

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

20 Council received 97 submissions during the public exhibition period. This report provides consideration of those submission as well as proposed administrative changes that arose during the public exhibition period. It recommends that Council adopts the revised documents.

25

RECOMMENDATION:

That Council:

1. **Notes the submissions received during the public exhibition period for the Delivery Program 2022-26, and Operational Plan 2022/23 (including the Budget, Statement of Revenue Policy, and Fees and Charges) as outlined in Attachment 5 (#E2022/47680).**
- 30

BYRON SHIRE COUNCIL







STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.3

2. Adopts the following documents:

- 5
- a) **Delivery Program 2022-26 as exhibited, with the amendments (included in Attachment 1 #E2022/52932) discussed in this report under the heading ‘Draft Delivery Program 2022-26 – Amendments’.**
- b) **Operational Plan 2022/23 as exhibited, with the amendments (included in Attachment 2 #E2022/52933) discussed in this report under the heading ‘Draft Operational Plan 2022/23– Amendments’.**
- 10
- c) **Statement of Revenue Policy 2022/23 including fees and charges as exhibited, with the amendments (included in Attachment 3 #E2022/41253) discussed in the report under the headings ‘Draft General Land Rates and Charges (Statement of Revenue Policy)’ and ‘Draft Fees and Charges (Statement of Revenue Policy)’**
- 15
- d) **Budget Estimates 2022/23 as exhibited, with the amendments discussed in the report under the heading ‘Draft 2022/23 Budget Estimates (Statement of Revenue Policy)’ and included at Attachment 4 (#E2022/57288).**

Attachments:

- 20
- 1 Delivery Program 2022-26, E2022/52932 
- 2 Operational Plan 2022/23, E2022/52933 
- 3 Draft Revenue Policy 2022-2023, E2022/41253 
- 4 Draft 2022/23 Detailed Budget Estimates, E2022/57288 
- 5 Community Engagement Results - Summary of Submissions, E2022/47680 
- 25
- 6 Detailed Submission Attachments - Unredacted, E2022/57578 

Report

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

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

The following documents were placed on public exhibition from 13 May to 10 June 2022:

- Delivery Program 2022-26
 - Operational Plan 2022/23
 - Detailed Budget Estimates 2022/23
- 15 • Statement of Revenue Policy 2022/23, including Fees and Charges

Council received 97 submissions were received during this period (as outlined further in the Consultation and Engagement section of this report).

Delivery Program 2022-26

20 The Delivery Program outlines the priorities and commitment to the community for the next four years. It is grouped under the five Community Strategic Plan themes, which are:

1. Effective Leadership – We have effective decision making and community leadership that is open and informed
2. Inclusive Community – We have an inclusive and active community where diversity is embraced and everyone is valued
- 25 3. Nurtured Environment – We nurture and enhance the natural environment
4. Ethical Growth - We manage growth and change responsibly
5. Connected Infrastructure – We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable

Draft Delivery Program 2022-26 – amendments

Ref	Original DP Priority	Amended DP Priority
2.1.5	Share and celebrate our diverse stories, identities, and histories	Share and celebrate diverse stories including the built, natural, and cultural heritage of the Shire.”
5.1.1	Deliver the actions identified in the Pedestrian Access and Mobility Plan and Bike Plan	Deliver the actions identified in the Pedestrian Access and Mobility Plan and in the Bike Plan

Other Amendments

- Included the [Byron Shire Council Drinking Water Management System 2021 \(DWMS\)](#) in the list of related strategies and plans for strategy 5.5.

Operational Plan 2022/23

5 The Operational Plan actions detail the activities and projects Council will undertake in a financial year, it is resourced by the annual budget. It is also grouped under the five Community Strategic Plan themes.

10 The Operational Plan must be prepared and adopted by 30 June for the year ahead. While we do our best to plan and prioritise the annual program of works and activities, significant events such as the floods experienced in the first half of 2022 can have unforeseen and long-term impacts on Council operations.

15 Each quarter we take the opportunity to review and amend the activities in the Operational Plan to provide a clear and accurate picture of what activities can be achieved with the available resources. The Operational Plan should therefore be seen as a ‘live’ document. All changes must first be adopted by Council and are publicly shared with the community online in each [quarterly report](#).

20 The impacts of the 2022 flood events are still being realised and activities are likely to need to be reprioritised as new information becomes available, for example the outcomes from the Flood Inquiry, Council’s Recovery Action Plan, and work of Northern Rivers Reconstruction Corporation.

The draft Operational Plan is included at Attachment 2.

25 Draft 2022/23 Operational Plan – amendments

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

Key amendments include:

New Activities

Strategic Link	Activity	Measure	Due Date	Other Details
1.1.1.4	Deliver Disability Awareness training for Councillors	Training delivered	Jun-23	DIAP Attitudes and Behaviours
1.3.5.6	Develop a workforce planning tool that supports Managers identify and integrate resourcing requirements into Delivery Program and Operational	Tool developed for use in basic workforce planning	Sep-22	Action from Workforce Management Strategy

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.3

Strategic Link	Activity	Measure	Due Date	Other Details
	Planning processes			
1.3.5.7	Identify and scope services delivered by Council to inform opportunities for achieving efficiencies.	Comprehensive list of Council services identified	Mar-23	Action from Workforce Management Strategy
1.3.5.8	Create a talent pipeline for senior roles and undertake succession planning for critical or hard to fill positions.	Succession plan for senior, critical, and hard to fill positions prepared and reported to ET	Jun-23	Action from Workforce Management Strategy
1.3.5.9	Review relocation expenses protocol in the Recruitment and Selection Guideline and introduce a short-term housing accommodation scheme.	Amended guideline endorsed by ET	Mar-22	Action from Workforce Management Strategy
2.1.2.2	Explore differing modes of accessibility in programming the Lone Goat Gallery space and offering online options.	Number of inclusive engagement methods and improvements.	Jun-23	DIAP Liveable Communities
4.1.3.10	Investigate priority needs for future village/town masterplans	EOI issued to outstanding villages	Jun-23	Res 22-216
5.1.2.	Deliver Broken Head Reserve Road Traffic Control Works - Stage 1	Works Complete on site and road open to traffic	Jun-23	Carry over from 2021/22 OP

Administrative Changes

- To ensure clear alignment with the Disability Inclusion Action Plan (DIAP), those activities which did not have a direct link to achieving the desired outcomes had the DIAP classification removed
- 5
- Remedied the incorrect due date of Jun-22 to Jun-23 for several activities
 - Grammatical errors corrected

Draft 2022/23 Budget Estimates (Statement of Revenue Policy)

10 The Draft 2022/23 Budget Estimates are based on the 2021/22 budget reviewed at 31 March 2022 Quarter Budget Review with various changes to reflect the updated cost of service delivery across all programs developed from the input received from each Council Directorate.

The Draft 2022/23 Budget Result on a Consolidated (All Funds) basis as placed on public exhibition forecasted a deficit budget result as outlined below at Table 1.

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.3

Table 1 – Forecast Budget Result 2022/23 Consolidated (All Funds)

Item	Amount \$
Operating Result	
Operating Revenue	95,290,400
Less: Operating Expenditure	(84,432,200)
Less: Depreciation	(17,675,400)
Operating Result – Surplus/(Deficit)	(6,817,200)
Funding Result	
Operating Result – Surplus/ (Deficit)	(6,817,200)
Add: Non-cash expenses – Depreciation	17,675,400
Add: Capital Grants and Contributions	33,123,500
Add: Loan Funds Used	20,800,000
Add: Asset Sales	0
Less: Capital Works	(76,237,200)
Less: Loan Principal Repayments	(4,039,800)
Funding Result – Surplus/(Deficit) (Cash Movement)	(15,495,300)
Reserves Movement – Increase/(Decrease)	(15,310,000)
Overall Budget Result – Surplus/(Deficit) (Operating + Funding)	(185,300)

5 Table 1 indicated a deficit budget position of \$185,300, and this relates to the General Fund. The forecast General Fund Unrestricted Cash Balance position based on the draft budget included at Table 1 and placed on public exhibition is outlined in Table 2 below:

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.3

Table 2 – Forecast General Fund Unrestricted Cash Balance

Item	\$
Forecast unrestricted cash balance to 30 June 2022 at 31 March 2022 Budget Review (proposed)	126,500
Add: Estimated initial draft 2022/23 budget result	(185,300)
Forecast unrestricted cash balance at 30 June 2023	(58,800)

During the public exhibition period, the Draft 2022/23 Statement of Revenue Policy incorporating the Draft 2022/23 Budget Estimates has been further reviewed. The revised budget position is summarised in Table 3 below:

- 5 Table 3 – Forecast Budget Result 2022/23 Consolidated (All Funds) revised during public exhibition period

Item	Amount \$
Operating Result	
Operating Revenue	95,453,200
Less: Operating Expenditure	(84,711,100)
Less: Depreciation	(18,455,700)
Operating Result – Surplus/(Deficit)	(7,713,600)
Funding Result	
Operating Result – Surplus/ (Deficit)	(7,713,600)
Add: Non-cash expenses – Depreciation	18,455,700
Add: Capital Grants and Contributions	34,598,500
Add: Loan Funds Used	20,800,000
Add: Asset Sales	0
Less: Capital Works	(75,790,900)

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.3

Item	Amount \$
Less: Loan Principal Repayments	(4,039,800)
Funding Result – Surplus/(Deficit) (Cash Movement)	(13,690,100)
Reserves Movement – Increase/(Decrease)	(13,485,400)
Overall Budget Result – Surplus/(Deficit) (Operating + Funding)	(204,700)

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

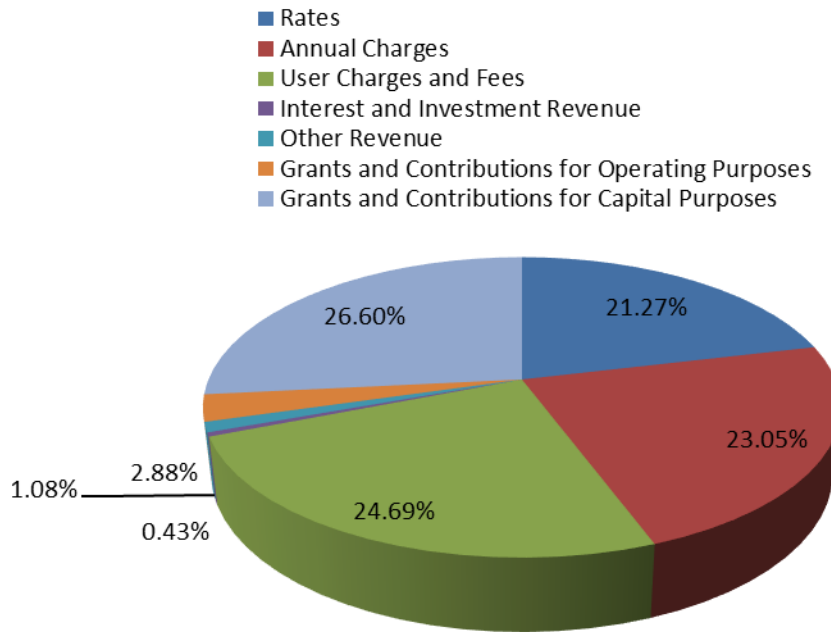
Table 4 – Forecast General Fund Unrestricted Cash Balance

Item	\$
Forecast unrestricted cash balance to 30 June 2022 at 31 March 2022 Budget Review	126,500
Add: Estimated initial draft 2022/23 budget result	(204,700)
Forecast unrestricted cash balance at 30 June 2022	(78,200)

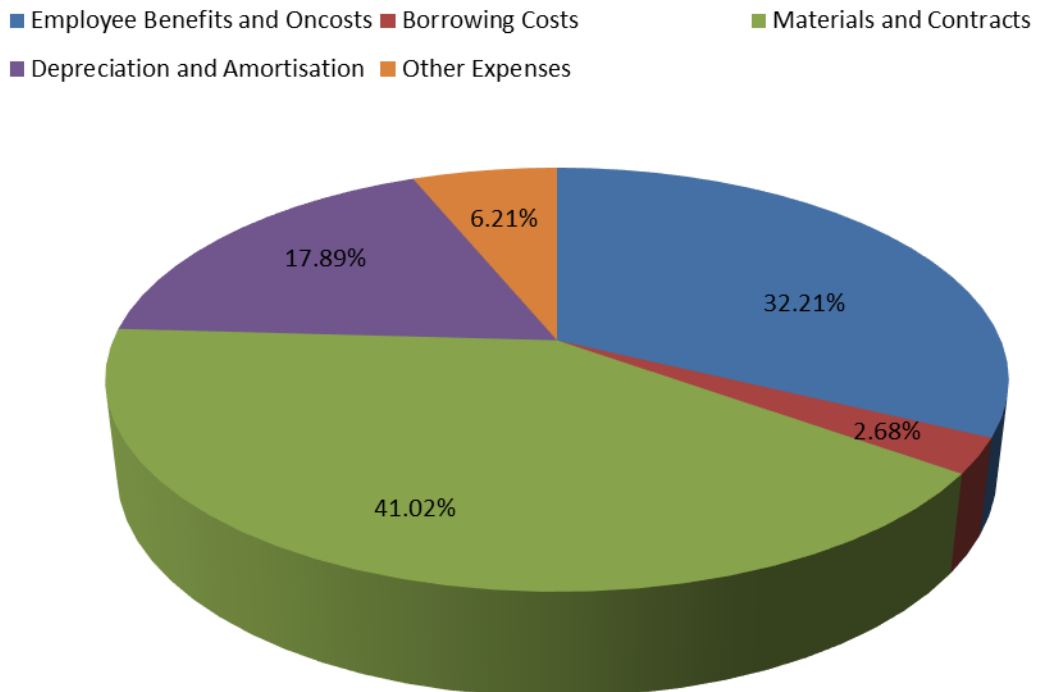
- 5 The revised Draft 2022/23 Budget Estimates indicate that Council's overall revenue and operational expenses are expected to be derived from the following sources and allocated respectively as outlined in the graphs below:

BYRON SHIRE COUNCIL

Revenue Sources \$130,051,700



Operating Expenditure \$103,166,800



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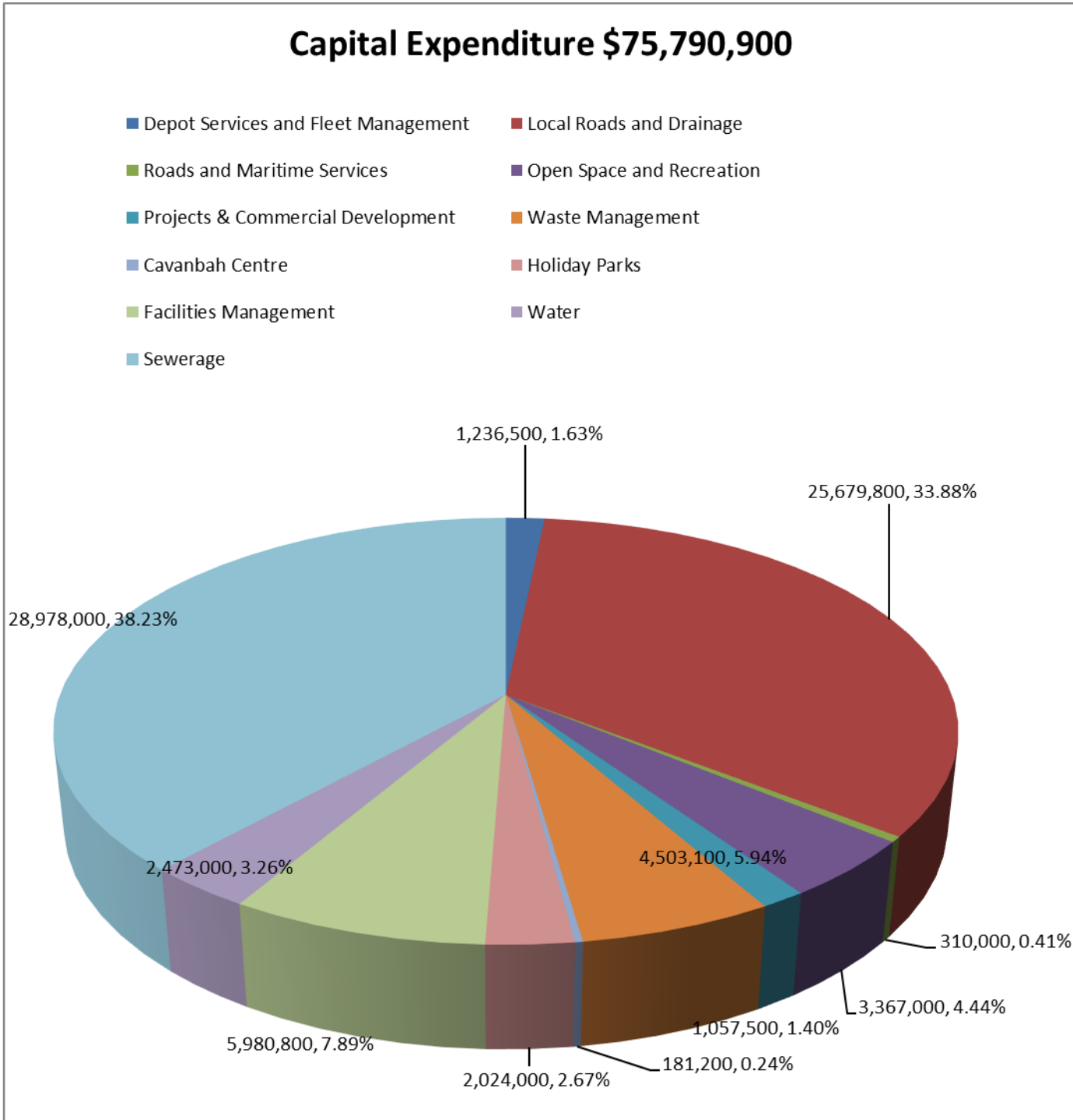
4.3

In addition to the operational aspects of the proposed Draft 2022/23 Budget Estimates as revised during the public exhibition period, Council is proposing a capital works program of \$75.791 million.

By Fund, the projected capital works are:

- 5
 - General Fund \$44.340 million
 - Water Fund \$2.473 million
 - Sewerage Fund \$28.978 million

BYRON SHIRE COUNCIL



The Draft 2022/23 Budget Estimates also propose new loan borrowings of \$20.800 million to fund the following projects:

- First Sun Holiday Park Land Purchase \$1.500 million
- Shire wide replacement of street lights to LED \$800,000
- Former Byron Bay Hospital Redevelopment \$3.500 million
- Bio-Energy Facility (Sewerage Fund) \$15.000 million

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.3

The amount of actual loan funds Council will need to borrow may be reduced pending how the above projects proceed: Council decision to proceed formally, capital expenditure reviews submitted to the Office of Local Government where required, and grant funding outcome.

- 5 Should Council need to borrow the full \$20.800 million or less, this will be subject to lending approval and it will be necessary for all projects to be financially viable to generate sufficient return to fund their future loan repayments.

10 The Street Lighting LED Conversion project is not listed specifically as capital works as Council does not own the street lighting assets. The loan funding of \$800,000 represents Council's contribution to Essential Energy to replace all street lights in the Shire with LED lights. The intention of borrowing for this contribution provides an option for Council to fund its loan repayments in future years through reduced street lighting charges payable by Council.

Proposed Draft 2022/23 Budget adjustments following public exhibition

15 The major changes proposed to the Draft 2022/23 Budget Estimates following public exhibition are:

- Addition of Kolora Way Cycleway with a budget of \$179,000 including funds carried over from the 31 March 2022 Quarterly Budget Review \$79,000 and a proposed grant from Transport for NSW. This item is subject to a report to Council on 23 June 2022.
- Stormwater Drainage projects carried over from 31 March 2022 Quarterly Budget Review funded from the Stormwater Reserve totalling \$294,700 being 44 Kingsley Lane Kerb & Gutter \$108,100, 18 Bangalow Road – pipe open drain \$92,800, drainage upgrade South Golden Beach Pacific Esplanade \$71,400 and Studal Lane upgrade \$22,400.
- Parking upgrade for Wordsworth Street \$30,000 funded from the Infrastructure Renewal Reserve - Byron Town Centre Masterplan.
- Additional revenue for leasing of Council land for temporary housing with \$19,500 for the General Fund and \$136,200 for the Sewerage Fund transferred to Property Development Reserves in both Funds.
- Removal of \$950,000 in Waste Capital works that were in the draft budget but not occurring.
- Correction of funding for the Byron Bay Skatepark of \$1,800,000 from an unexpended grant to a capital grant as the grant has not been received.
- Amendment of expenditure relating to depreciation of assets to better reflect current depreciation levels. This adds \$601,000 to the General Fund, \$46,400 to the Water Fund and \$132,900 to the Sewerage Fund but does not change the budget overall result as depreciation is a non-cash expense.
- Provide a \$10,000 contribution to the Brunswick Heads Visitor Centre in response to submissions received during the public exhibition period as outlined in attachment 5.
- Provide \$9,400 additional budget to the Councillors budget program to ensure the budget equates to the revised Policy on provision of expenses and facilities to Councillors as reported to the 23 June 2022 Ordinary Council Meeting.

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.3

The result of the proposed changes have an overall budget impact of \$19,400 increasing the proposed budget result from a deficit of \$185,300 to a deficit of \$204,700. It will be important during the course of the 2022/2023 financial year for Council to attempt to recover the projected budget deficit.

- 5 In addition to Table 3 above, budgeted financial statements incorporating an Operating Statement and Cash Flow Statement have been produced. These financial statements, replicating the format of Council's Annual Financial Statements, are included in Attachment 2 as part of the Operational Plan, along with a one-page summary of all Council budget programs.
- 10 The immediate financial forecast of the General Fund for 2022/23 has been outlined in this report, however it is suggested Council should consider its longer-term financial position. The budget projections demonstrate the difficulty Council has absorbing additional costs without corresponding revenue increases. Council must consider carefully the long-term implications on its finances when it is considering the addition of a new asset or service or
- 15 current service expansion.

The Draft Detailed 2022/23 Budget Estimates are provided at Attachment 4 reflective of the summarised budget outcomes identified in Table 3 and the graphs above.

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

- 20 The Draft 2022/23 Revenue Policy includes the proposed rating structure, consistent with the structure revised by Council for the 2017/18 financial year. This is outlined in Attachment 3.

The rating structure incorporates the approved rate peg of 2.30% determined by the Independent Pricing and Regulatory Tribunal (IPART) representing the standard rate peg of 0.70% plus a population increase factor of 1.60%.

- 25 In respect of other charges, the Draft 2022/23 Revenue Policy includes:

- Waste Charges – increase of up to 17.30%. Council is facing increased costs for waste transportation and disposal.
- Water access charges and usage charges - increasing by 3.50%
- Sewerage charge - increased by 3.50%.

30

- The stormwater charge has not increased. It is a regulated charge that has not changed over the last sixteen years.

- 35 For the average residential ratepayer, the increases proposed for 2022/23 to rates and charges will see an overall increase of \$180.00 or 4.40% for 2022/23 compared to 2021/22.

Draft Fees and Charges (Statement of Revenue Policy)

The Draft 2022/23 Fees and Charges have been reviewed by the respective program managers and included at Attachment 3 as part of the Statement of Revenue Policy. Where possible, fees have been altered/increased to reflect the following:

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.3

- Increases in the Consumer Price Index (CPI)/Indexation - assumed at 3.50%.
 - Review of fees and charges including benchmarking/cost of service provision and where possible, introduction of new fees to assist Council to generate additional/enhanced revenue.
- 5
- Regulated fees updated to reflect latest changes in legislative regulations.

Proposed Amendments

It is proposed to further amend the 2022/23 Fees and Charges with the following changes:

- 10
- Incorporation of statutory fees set by the NSW State Government in relation to Companion Animals. Council was provided with advice by Circular 22-16 from the Office of Local Government on 2 June 2022 that the following fees are to be applied:

Registration Category	New fee amount
Dog – Desexed (by relevant age)	\$69
Dog – Desexed (by relevant age eligible pensioner)	\$29
Dog – Desexed (sold by pound/shelter)	\$0
Dog – Not Desexed or Desexed (after relevant age)	\$234
Dog – Not Desexed (not recommended)	\$69
Dog – Not Desexed (recognised breeder)	\$69
Dog – Working	\$0
Dog – Service of the State	\$0
Assistance Animal	\$0
Cat – Desexed or Not Dese	\$59
Cat – Eligible Pensioner	\$29
Cat – Desexed (sold by pound/shelter)	\$0
Cat – Not Desexed (not recommended)	\$59
Cat – Not Desexed (recognised breeder)	\$59
Registration late fee	\$19
Annual permit category	New fee amount
Cat not desexed by four months of age	\$85
Dangerous dog	\$206
Restricted dog	\$206
Permit late fee	\$19

It is not proposed to re-exhibit the fees above for Companion Animals as they are not set by Council and cannot be reviewed or changed but must be charged by Council.

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.3

- Amend the fees for Use of Council land/road reserve to enable construction work, events, or other temporary use (Hoarding Fees) as indicated in the table below:

Fee name and description	Fee amount
Application fee	\$180.00
<i>(Eg. Hoarding, scaffolding, fencing, works zones, other temporary structures or traffic control device/s)</i>	
Inspection fee	\$200.00
<i>per hour (minimum 2 inspections with application – further inspections to be paid as required, eg. change to work zone)</i>	
Urgency fee	\$200.00
<i>Where use is required within 10 working days of the application being lodged.</i>	
Low Impact Occupation of Council Land	\$1.00 per m ² / day
<i>Where pedestrian, cyclist and vehicular traffic are not disrupted, includes public reserves</i>	
Footpath / verge closure	\$3.00 per m ² / day
<ol style="list-style-type: none"> <i>Where the footpath / verge area is closed to pedestrians and/or cyclists.</i> <i>Where an elevated gantry is installed, fees will be charged for the set up and takedown down then charged at a low impact Occupation rate for the period of occupation.</i> 	
Road Closure (full and partial)	\$13.00 per m ² / day
<i>Where the traffic lanes are closed to traffic.</i>	

- 5 These fees were subject to a number of submissions during the public exhibition period and the table above is in response to those submissions where fees are proposed to be reduced. Should Council adopt the revised hoarding fees above, these are not proposed

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.3

to be re-exhibited as they are less than the fees that were placed on public exhibition. Council can see the full response to the submissions on hoarding fees in Attachment 5.

- Proposal for Bulk waste disposal – increased from one to two free drop offs for the 2022/23 financial year.

- 5 To assist residents with waste disposal, it is proposed to increase the number of free drop offs from one visit per year to two.

Each visit will allow residents to dispose of either up to 500kg of garden waste or 150kg of general bulk waste.

- 10 Residents can choose to use both visits for bulky waste, both visits for green waste, or one of each. It is a maximum of 2 free visits per year and applies only to residential properties. Residents will need to provide a rate notice or complete a bulk waste tenant form for approval prior to visiting the resource recovery centre to access the free disposal.

- 15 The introduction of a second free drop off aims to provide sufficient service for residents to dispose of their waste at the Resource Recovery Centre. The cost impact is estimated to be minimal in providing this additional service and is aimed at reducing the potential increase in illegal dumping incidents that are costly to clean up and impacts the visual amenity of the Shire.

Provision of the additional bulk waste disposal voucher does not require any proposed change to fees and charges to be adopted.

- 20 • Change of pay parking fee to \$5.00 per hour.

- 25 This proposed fee change was placed on public exhibition but will need to be subject to a staggered implementation date. This is due to the need to update the pay parking system and to replace meter signage and necessary communications. It is estimated by the first week of August that the \$5.00 per hour parking fee can commence assuming this fee is adopted by Council.

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	5.2.1: Provide timely, accessible and accurate information to the community	5.2.1.2	Undertake a community engagement program to review and develop Council's Integrated Planning and Reporting framework documents

Recent Resolutions

- 5 • Endorsement of draft plans for public exhibition 21-202

Legal/Statutory/Policy Considerations

The requirements for Integrated Planning and Reporting are governed by [Sections 402-406](#) of the Local Government Act 1993.

- 10 [Section 403](#) requires that a council must have a long-term resourcing strategy for the provision of the resources required to perform its functions. The resourcing strategy includes the long term financial plan, asset management strategy, and workforce management strategy.

[Section 404](#) requires that a council must have a 4-year delivery program detailing the principal activities to be undertaken within available resources.

- 15 [Section 405](#) outlines the Operational Plan requirements including public exhibition and timeframes.

Detailed requirements are outlined in the Integrated Planning and Reporting [Guidelines](#) and [Handbook](#).

Financial Considerations

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

Consultation and Engagement

5 The Draft 2022/23 Operational Plan and Budget have been prepared based on the strategic priorities in the draft Community Strategic Plan (subject of a separate report to this meeting). Details of the outcomes from that engagement program are available in the [Community Engagement Strategy – CSP 2022-2032](#).

The Draft Delivery Program, Operational Plan and Budget was subject to 28 days' public exhibition, from 13 May to 10 June 2022.

An online community conversation was held on 23 May 2022 as part of the exhibition period for the draft plans.

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

15 A detailed report of the outcomes of this consultation and engagement is provided at Attachment 5 and the recommended amendments as per the public exhibition are outlined in section "Draft Operational Plan 2022/23– amendments" of this report.

Submissions received:

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

20 The submissions have been considered and the proposed changes are outlined in this report. A summary and responses are provided in the comprehensive feedback document at Attachment 5.

Report No. 4.4 Making of the 2022/23 Ordinary Rates, Charges, Fees and Interest Rate

Directorate: Corporate and Community Services

Report Author: Stephen Ansoul, Revenue Coordinator

5 **File No:** I2022/687

Summary:

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

This report satisfies these legislative requirements for the 2022/23 financial year.

15

RECOMMENDATION:

That Council makes the ordinary rates, makes the charges, makes the fees and, sets the interest rate to be charged on overdue rates and charges for 2022/23 as listed in the tables within this report, in accordance with Sections 533, 534, 535, 543 and 566
20 of the Local Government Act 1993 (LGA).

Report

5 Council placed the Draft 2022/23 Statement of Revenue Policy comprising the Budget Estimates, Rates and Charges, Borrowings and Fees and Charges on public exhibition for twenty-eight days following consideration of Report No.13.3 Endorsement of Integrated Planning and Reporting documents for public exhibition: Delivery Program, Operational Plan, Budget, and Revenue Policy at the Council (Planning) Meeting held on 12 May 2022 (Council resolution **22-177**).

10 The Statement of Revenue Policy provides a detailed description of the rating structure for ordinary land rates, charges and fees that Council will levy on the 2022/23 Rates and Charges Notice and describes the circumstances of a property to which a specific ordinary rate, charge, interest or fee will apply. It also lists relevant sections of legislation that allow for the levy of each rate, charge or fee to be made.

15 The public exhibition period seeking submissions on the draft documents closed on 10 June 2022, with details of those submissions being the subject of another report to this Extraordinary Meeting.

Council has applied the maximum 2.3% rate pegging increase to its 2022/23 permissible general income as advised by the Independent Pricing and Regulatory Tribunal (IPART) on 13 December 2021. The 2022/23 rate pegging limit includes a population growth component for the first time of 1.6% for 2022/23.

20 The permissible notional income has not been re-calculated since Council publicly exhibited the Draft 2022/23 Statement of Revenue Policy.

25 The Office of Local Government advised via Circular 22-06 on 1 April 2022, that the maximum 2022/23 interest rate on overdue rates and charges is to be 6.0%. Council has traditionally adopted the maximum permissible interest rate for overdue rates and charges with the exception being the past two rating years where Council has periodically waived interest charges to provide ratepayers with financial assistance due to the impact of COVID-19 and the March/April 2022 flood events. The current interest waiving period expires on 30 June 2022.

30 In accordance with Sections 533, 534, 535, 543 and 566 of the Local Government Act 1993 (LGA), it is recommended that Council makes the ordinary rates, makes the charges, makes the fees and sets the interest rate to be charged on overdue rates and charges for 2022/23 as listed in the following tables:

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.4

Ordinary Rates

Name of Ordinary Rate (Rate Notice short name)	*Rate in the Dollar or Ad-Valorem amount (\$)	Minimum Rate (\$)
Ordinary Rate Residential	0.2039	969.00
Ordinary Rate Residential Flood	0.2039	485.00
Ordinary Rate Business	0.3509	969.00
Ordinary Rate Business Byron CBD	0.4865	969.00
Ordinary Rate Mining	0.3509	969.00
Ordinary Rate Farmland	0.1871	969.00
Ordinary Rate Farmland Flood	0.1871	485.00

**Applied to 2019 base date land valuation*

5 Domestic Waste Management Charges

Name of Domestic Waste Collection Charge (Rate Notice short name)	Annual Charge (\$)
Domestic Waste 80L 3 Bin Collection	199.00
Domestic Waste 140L 3 Bin Collection	418.00
Domestic Waste 240L 3 Bin Collection	619.00
Domestic Waste 140L Week Collect 3 Bins	1,094.00
Domestic Waste 240L Week Collect 3 Bins	1,393.00
Domestic Waste 140L 2 Bin Rural Service	298.00
Domestic Waste 240L 2 Bin Rural Service	445.00
Domestic Waste Vacant Land Charge Urban	41.00
Domestic Waste Vacant Land Charge Rural	41.00
Domestic Waste Exempt Collection Charge	81.00
Domestic Recycling Additional Bin	139.00
Domestic Organics Additional Bin	160.00
Domestic Waste 80L 3Bin Multi Unit Serv	199.00
Domestic Waste 140L 3Bin Multi Unit Serv	418.00
Domestic Waste 240L 3Bin Multi Unit Serv	619.00
Domestic Waste 140L 3Bin Multi Unit Week	1,094.00
Domestic Waste 240L 3Bin Multi Unit Week	1,393.00
Domestic Waste 80L 2Bin Multi Unit Serv	199.00
Domestic Waste 140L 2Bin Multi Unit Serv	418.00
Domestic Waste 240L 2Bin Multi Unit Serv	619.00
Domestic Waste 140L 2Bin Multi Unit Week	519.00
Domestic Waste 240L 2Bin Multi Unit Week	662.00
Domestic Waste Strata 2Bin Share Service	331.00
Domestic Waste Strata 3Bin Share Service (fortnightly)	331.00
Domestic Waste Strata 3Bin Share Service (weekly)	662.00

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.4

Waste Management Charges (Non-Domestic)

Name of Waste Management Charge (Rate Notice short name)	Annual Charges (\$)
Commercial 140L Waste & Recycle Service	747.00
Commercial 240L Waste & Recycle Service	958.00
Commercial Waste 140L Bin Collection	747.00
Commercial Waste 240L Bin Collection	958.00
Commercial Rural Waste & Recycle Service	779.00
Commercial Recycling 240L Bin Collection	174.00
Commercial Organics 240L Bin Collection	161.00
Waste Operations Charge Residential	115.00
Waste Operations Charge Non-Residential	115.00

Bin Changeover Fee

5

Fee	Charges (\$)
Bins – Size and General Changeover Fee	66.00

Stormwater Management Service Charges

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

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.4

Water Charges

Name of Water Charge (Rate Notice short name)	Annual Charges (\$)
Water Access Charge 20mm Residential	203.00
Water Access Charge 20mm Non-Residential	203.00
Water Access Charge 25mm Residential	318.00
Water Access Charge 25mm Non-Residential	318.00
Water Access Charge 32mm Residential	522.00
Water Access Charge 32mm Non-Residential	522.00
Water Access Charge 40mm Residential	812.00
Water Access Charge 40mm Non-Residential	812.00
Water Access Charge 50mm Residential	1,270.00
Water Access Charge 50mm Non-Residential	1,270.00
Water Access Charge 65mm Residential	2,146.00
Water Access Charge 65mm Non-Residential	2,146.00
Water Access Charge 80mm Residential	3,250.00
Water Access Charge 80mm Non-Residential	3,250.00
Water Access Charge 100mm Residential	5,078.00
Water Access Charge 100mm Non-Residential	5,078.00
Water Access Charge Vacant Residential	102.00
Water Access Charge Vacant Non-Residential	102.00
	Usage Charges (\$)
Water Usage Charge Residential	2.98 per KL
Water Usage Charge Residential – Non-Compliant	5.97 per KL
Recycled Water Usage Charge Residential	0.01 per KL
Water Usage Charge Non-Residential	2.98 per KL
Water Usage Charge Non-Residential - Non-Compliant	5.97 per KL
Recycled Water Usage Charge Non-Residential	0.01 per KL

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.4

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

Name of Wastewater (sewer) Charge or Fee (Rate Notice short name)	Annual Charges or Fee (\$)
Wastewater (sewer) Access 20mm Res	1,340.00
Wastewater (sewer) Access 20mm Non-Res	905.00
Wastewater (sewer) Access 25mm Res	2,094.00
Wastewater (sewer) Access 25mm Non-Res	1,415.00
Wastewater (sewer) Access 32mm Res	3,431.00
Wastewater (sewer) Access 32mm Non-Res	2,316.00
Wastewater (sewer) Access 40mm Res	5,360.00
Wastewater (sewer) Access 40mm Non-Res	3,620.00
Wastewater (sewer) Access 50mm Res	8,375.00
Wastewater (sewer) Access 50mm Non-Res	5,656.00
Wastewater (sewer) Access 65mm Res	14,154.00
Wastewater (sewer) Access 65mm Non-Res	9,560.00
Wastewater (sewer) Access 80mm Res	21,440.00
Wastewater (sewer) Access 80mm Non-Res	14,482.00
Wastewater (sewer) Access 100mm Res	33,501.00
Wastewater (sewer) Access 100mm Non-Res	22,627.00
Wastewater (sewer) Access Vacant Res	671.00
Wastewater (sewer) Access Vacant Non-Res	671.00
Wastewater (sewer) Access – Pump Res	1,313.00
Wastewater (sewer) Access – Pump Non-Res	879.00
On-Site Sewage Management System Fee (OSMS)	54.00
	Usage Charges (\$)
Wastewater (sewer) Usage Charge Non-Residential	*SDF x 2.98 per KL

*SDF = Individual Property Sewer Discharge Factor (%)

5 Liquid Trade Waste Charges

Name of Liquid Trade Waste Charge (Rate Notice short name)	Annual Charges (\$)
Liquid Trade Waste – Category 1	160.00
Liquid Trade Waste – Category 2	267.00
Liquid Trade Waste – Category 2S	267.00
Liquid Trade Waste – Category 3	757.00
	Usage Charges (\$)
Liquid Trade Waste Usage Charge	**TWDF x 2.34 per KL
Liquid Trade Waste Usage Charge – Non-Compliant Cat 1	**TWDF x 3.87 per KL
Liquid Trade Waste Usage Charge – Non-Compliant Cat 2/2S	**TWDF x 17.80 per KL
Liquid Trade Waste Usage Charge – Non-Compliant Pump Stn	**TWDF x 3.87 per KL

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

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.4

Interest Rate on Overdue Rates and Charges

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

Next steps

- 5 Should Council adopt the recommendations in this report, 2022/23 levying of rates, charges and fees via issuing of the 2022/23 Rates and Charges Notice is scheduled for mid-July 2022.

Strategic Considerations

Community Strategic Plan and Operational Plan

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

Legal/Statutory/Policy Considerations

- 10 Council is required to make the rates and charges and set the interest rate for 2022/23 pursuant to sections 533, 534, 535, 543 and 566 of the Local Government Act 1993 (LGA). The relevant sections or sub-sections of the LGA are summarised below:

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

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

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

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

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

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

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.4

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

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

Section 566 Accrual of interest on overdue rates and charges

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

Financial Considerations

- 10 The 2022/23 budget including proposed works and services to be adopted by Council at this meeting is the subject of another report. The Draft 2022/23 Budget Estimates are based on the maximum 2.3% general permissible income increase as approved by IPART.

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

Consultation and Engagement

- 15 The rates, charges, fees and interest rate included within this report are contained within the Draft 2022/23 Statement of Revenue Policy comprising the Budget Estimates, Rates and Charges, Borrowings and Fees and Charges that was placed on public exhibition for twenty-eight days following consideration of Report No.13.3 Endorsement of Integrated Planning and Reporting documents for public exhibition: Delivery Program, Operational Plan, Budget, and Revenue Policy at the Council (Planning) Meeting held on 12 May 2022 (Council resolution **22-177**).
- 20

Report No. 4.5 Post Exhibition - Disability Inclusion Action Plan 2022-2026

Directorate: Corporate and Community Services

5 **Report Author:** Emily Fajerman, Community & Cultural Development
Coordinator

File No: I2022/691

Summary:

10 On 12 May 2022, Council approved the draft Disability Inclusion Action Plan (DIAP) 2022-2026 for public exhibition. The draft DIAP was developed in collaboration with the Access Consultative Working Group (ACWG) and in consultation with people with disability, people with mental health conditions, carers, friends and families, disability services providers and community organisations.

15 During the community engagement process, Council received 148 responses to the community survey, three email submissions, five one-on-one telephone conversations, and held three online workshops which informed the development of the DIAP. The draft DIAP 2022-2026 was placed on public exhibition from May 13 to June 10 2022, to provide an opportunity for feedback.

20 Under the NSW Disability Inclusion Act 2014, Council is required to develop a disability inclusion action plan and review this plan every four years in line with the four-year integrated planning and reporting cycle.



It is recommended that Council adopts the draft DIAP 2022-2026 at Attachment 1.

Once adopted and finalised, the DIAP 2022-2026 and alternative translations will be lodged with the Disability Council NSW.

25 **RECOMMENDATION:**

That Council adopts the Disability Inclusion Action Plan 2022-2026, as shown at Attachment 1 (E2022/36931)

Attachments:

- 30 1 Draft Disability Inclusion Action Plan (DIAP) 2022 - 2026.docx, E2022/36931 
2 Disability Inclusion Action Plan (DIAP) Consultation Report 2022, E2022/57579 

Report

Background

The draft Disability Inclusion Action Plan (DIAP) 2022-2026 is Council's commitment to creating a more equitable, accessible, and inclusive community.

- 5 Council recognises the significant ethical, social, and economic case for ensuring full access and inclusion in the community, for residents and for people visiting the Shire. This new plan aims to build on the work of the previous DIAP, ensuring people with disability have equal access to information, services and facilities and can fully participate in community life. Supporting the development of an accessible and inclusive community
- 10 benefits everyone.

The DIAP is required to have four focus areas:

- Create liveable communities
 - Improve access to systems and processes
 - Promote positive attitudes and behaviours
- 15 • Support access to meaningful employment

The DIAP will ensure that Council meets its obligations under the NSW Disability Inclusion Act to create a more inclusive community and the Disability Discrimination Act 1992 to provide accessible facilities and services.

- 20 Extensive engagement was undertaken with the community to inform the development of the draft DIAP 2022-2026. This process was co-designed with Council's Access Consultative Working Group (ACWG), made up of members of the Byron Shire community with a lived experience of disability and involved consultation with people with disability, people with mental health conditions, carers, friends and families, disability services providers and community organisations. The feedback has been used to inform the
- 25 strategies and actions Council will deliver over the next four years. A summary of key feedback and suggestions raised during the engagement process is included in the DIAP Consultation Report at Attachment 2.

Overall, the response to the draft DIAP was positive and is consistent with community priorities.

- 30 The ACWG will continue to play a critical role in monitoring the implementation of the DIAP 2022-2026 once adopted.

Organisational Impact

The DIAP actions are embedded into Council's integrated planning and reporting framework through the Operational Plan. The actions are deliverable within existing

staffing and operational budgets or will be delivered through future planned capital works projects, procurement contracts and agreements.

5 The DIAP is a living document and the actions can be revised through the quarterly review process based on recommendations and feedback from the ACWG and changing community priorities.

Public Exhibition and Submissions

On 12 May 2022, Council approved the draft DIAP 2022-2026 for public exhibition. The draft plan was placed on public exhibition from May 13 to June 10, 2022, to provide an opportunity for feedback.

10 The submissions were collated through an online form in conjunction with the Delivery Program and Operational Plan. Submissions have been included in the Community Engagement Report (E2022/47680).

15 The ACWG made a submission which addressed each DIAP activity in the Operational Plan to provide their comments and feedback. These are found from page 81-89 of the Report. Other submissions included suggestions for specific activities to be undertaken in Bangalow to improve accessibility.

The following proposed new activities to the DIAP 2022/2023 are recommended based on feedback received through the submission process and include:

New Activities

Strategic Link	Activity	Measure	Due Date
1.1.1.4	Deliver Disability Awareness training for Councillors	Training delivered	30/6/2023
2.1.2.1	Explore differing modes of accessibility in programming the Lone Goat Gallery space and offering online options.	Number of inclusive engagement methods and improvements.	30/6/2023

20 **Amendments**

The following administrative amendments have also been incorporated into the DIAP 2022-2026 for adoption:

- A corresponding outcome and output have been included for each activity
- Responsibility has been assigned to individual business units

25 **Next steps**

Once Council endorses the final DIAP 2022-2026, the document will be graphically designed and alternative translations will be produced, including an Easy Read version. These will be submitted to the Disability Council NSW.

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	2.2.1.5	Work in partnership with people with disability and carers in the development of a new Disability Inclusion Action Plan 2022-2026

Recent Resolutions

22-178 Endorsement of Disability Inclusion Action Plan (DIAP) for public exhibition

5 Legal/Statutory/Policy Considerations

Council is required to have the DIAP in place by 1 July 2022, in line with the requirements of the NSW Disability Inclusion Act 2014.

Local Government Act 1993

Disability Discrimination Act 1992 (Cth)

10 Disability Inclusion Act 2014

Carers Recognition Act 2010

Anti-Discrimination Act 1977

Equal Employment Opportunity (Commonwealth Authorities) Act 1987 (Cth)

Financial Considerations

15 The proposed actions in the draft DIAP 2022/2023 will be delivered within the resourcing levels included in the draft 2022/23 operational and capital works budgets, subject to Council approval.

Consultation and Engagement

In line with requirements under the NSW Disability Inclusion Act 2014, Council consulted extensively with people with disability to inform the development of the draft DIAP 2022-2026 from 12 October to 6 December 2021.

- 5 This process was co-designed with the ACWG and included a community survey which was also available in an Easy Read format, community conversations, and a staff survey.

10 Over eight weeks, Council received a total of 148 responses to the community survey, three email submissions, facilitated five one-on-one telephone conversations, and held three online workshops. Responses came from across the age spectrum, and included people living with disability, or answering on behalf of someone with disability, family members, carers or support workers, and service providers. Many types of disability were represented, including disability affecting mobility, mental health conditions, cognition, learning, hearing and vision related disabilities. Twenty-two percent of staff also completed the staff survey. A Consultation Report detailing the engagement process and feedback received is shown at Attachment 2.

15 Following this, the draft DIAP was open for comment on Council's Your Say webpage. This opportunity was circulated to key disability organisations and people who participated in the consultation process.

20 Overall, feedback has been positive, and Council looks forward to working with the community to create change for people with disability, their families, carers and friends through the operationalisation of the DIAP 2022-2026.