

Agenda Ordinary Meeting

Thursday, 23 March 2023



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, 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.

OATH AND AFFIRMATION FOR COUNCILLORS

Councillors are reminded of the oath of office or affirmation of office made at or before their first meeting of the council in accordance with Clause 233A of the Local Government Act 1993. This includes undertaking the duties of the office of councillor in the best interests of the people of Byron Shire and the Byron Shire Council and faithfully and impartially carrying out the functions, powers, authorities and discretions vested under the Act or any other Act to the best of one's ability and judgment.

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BUSINESS OF ORDINARY MEETING

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

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

NOTICES OF MOTION

Notice of Motion No. 9.1 Disaster preparedness motion to the 2023 ALGA Conference

5 File No: I2023/343


I move that Council:

- 10 1. Notes that the closing date for submissions to the Australian Local Government Association (ALGA) National Conference is Friday 24 March; and
2. Submits a Notice of Motion to be included in the Agenda of this year's ALGA Conference as follows:

That the ALGA:

- 15 *i. notes the many extreme climate-related disasters that have occurred since the report of the Royal Commission into National Natural Disaster Arrangements was tabled in Parliament in October 2020;*
- 20 *ii. notes the unprecedented nature of these disasters and the lack of preparedness by local government, communities, emergency services and rescue services to respond to them effectively;*
- iii. acknowledges that communities in rural and regional areas have been most affected by climate related disasters;*
- iv. acknowledges the extreme lack of resources – funds, equipment and personnel – required to respond to such disasters;*
- 25 *v. acknowledges that in regional communities it has predominantly fallen to volunteer services to be the frontline responders to disasters and that this is no longer a tenable situation given the increased frequency and intensity of climate-related disaster events;*
- 30 *vi. requests that the Federal Government urgently implements the 80 [recommendations](#) of the report by Royal Commission into National Natural Disaster Arrangements.*

Attachments:

- 35 1 Royal Commission into National Natural Disaster Arrangements, E2023/24466 

Signed: Cr Cate Coorey

Councillor's supporting information:

It has been, for several years, an accepted fact that climate change is already causing unprecedented 'natural' disasters and that these will continue to occur with increased intensity and frequency.

- 5 The apocalyptic 2019-20 bushfires were the prompt for a Royal Commission into National Natural Disaster Arrangements. Had the calls of Fire Chiefs and Scientists around the country been heard and actioned by the Federal Government in advance of the fires then there may have been an opportunity to mitigate the disaster.

- 10 Similarly, the disastrous floods of 2022 in our region, and elsewhere across the State in recent weeks, has demonstrated the lack of preparedness of those regions affected. Resolutions from various, and dispersed LGAs, at the last two ALGA conferences regarding 'natural disasters' have largely been about funding for disaster-affected areas to recover after these severe events.

- 15 Notably, in recent years, Government funding of communities affected by disasters has focused on recovery rather than preparation and prevention and that this has been a lost opportunity.

- 20 Given the high probability that we will soon see more disasters like the floods and fires of recent years, it is imperative that the Federal Government takes immediate action on measures to deliver funding to make regions prepared for, and to enable, proper and effective responses to climate caused disasters.

The blueprint for action exists in the report of Royal Commission into National Natural Disaster Arrangements. It needs to be actioned, urgently.

<https://www.theage.com.au/environment/weather/australia-must-prepare-for-threat-of-horror-bushfires-20230226-p5cnp1.html>

[Australia must prepare for future shaped by extreme climate, bushfire royal commission warns](https://www.theguardian.com/australia-news/2023/feb/26/australia-must-prepare-for-future-shaped-by-extreme-climate-bushfire-royal-commission-warns)

[theguardian.com](https://www.theguardian.com)

[Fed Govt warned, but failed to act yet again: 37 emergency chiefs speak out on flood bungling, climate and escalating disasters](https://www.emergencyleadersforclimateaction.org.au)

[emergencyleadersforclimateaction.org.au](https://www.emergencyleadersforclimateaction.org.au)

25

Staff comments

by Esmeralda Davis, Director, Corporate and Community Services:

5 Motions to the National General Assembly must meet the criteria set out in the 2023 [Discussion Paper](#). Natural disaster being one of the eight key priority areas that motions should address.

Motions must begin with ‘*This National General Assembly calls on the Australian Government to ...*’ and propose a clear action and outcome. To meet this criteria the following rewording of the Motion is suggested:

10 ***This National General Assembly calls on the Australian Government to urgently implement the 80 [recommendations](#) of the report by Royal Commission into National Natural Disaster Arrangements.***

The Motion aligns with the other criteria set out below:

- 15 • Focus on practical and deliverable programs and policies that the Australian Government can support and work directly with the local government sector to build our communities; or new program ideas that would help the local government sector to deliver national objectives
- Be relevant to the work of local government nationally.
- Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
- 20 • Be consistent with the themes of the NGA.
- Complement or build on the policy objectives of ALGA and your state or territory local government association.
- Be submitted by a Council which is a financial member of their State or Territory local government association.
- 25 • Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
- Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
- 30 • Not seek to advance an outcome that would result in a benefit to one group of Councils to the detriment of another.
- Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government
- 35 nationally.

The Report titled ‘National General Assembly of Local Government 2023’ included in the 23 March 2023 Ordinary Council Meeting Agenda provides more information regarding the submitting of motions to the ALGA Conference.

Financial/Resource/Legal Implications:

Costs will be incurred by sending delegates to the National General Assembly to submit this motion.

- 5 Council has an allocation for conferences of \$31,500 within the 2022/23 budget (2145.4). There is sufficient funding remaining to cover the cost of sending two delegates to the NGA.

In accordance with Council’s Policy Councillor Expenses and Facilities 2022 “A resolution of Council is required to authorise attendance of Councillors at ...b) Australian Local Government Association National General Assembly as a voting delegate.”

10 **Is the proposal consistent with any Delivery Program tasks?**

Submitting this motion on behalf of Councillors would fulfill the following Activity:

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership We have effective decision making and community leadership that is open and informed	1.1: Enhance trust and accountability through open and transparent leadership	1.1.2: Governance - Ensure legislative compliance and support Councillors to carry out their civic duties	1.1.2.3	Provide administrative support to Councillors to carry out their civic duties

PETITIONS

Petition No. 10.1 Upper Main Arm Pothole Petition

Directorate: Infrastructure Services

5 **Report Author:** Kirk Weallans, Operations Coordinator - IS

File No: I2023/208

10 At Council’s Planning meeting held on 9 February 2023, Cr Lyon tabled a petition containing 102 signatures which states:

“To the Mayor and Councillors of Byron Shire, we the undersigned, do respectfully demand that Council urgently commences emergency repair work on Main Arm Road, Upper Main Arm, between the Palmwoods intersection and Mt Jerusalem National Park.

15 *We acknowledge that Main Arm Road is one example amongst many of unsafe and ghastly roads across the Byron Shire which all require an urgent emergency response by Council.*

20 *We acknowledge that Council has worked tirelessly to deal with the unprecedented infrastructure, housing and economic challenges that came out of the February/March 2022 floods.*

We acknowledge that significant efforts have been made by Council to source funding from state and commonwealth governments to restore our roads, our townships, our schools, our parks and our sporting facilities.

25 *However, we no longer accept that Council is unable to commence temporary repair work on Main Arm Road until sufficient funds are allocated. Council has the necessary equipment, machinery operators and engineers to commence temporary repair work now. We are not demanding the construction of a rural superhighway. However, we desperately need a road that resembles a road; one that is safe for locals and visitors to alike; and one that enables our*
 30 *community to recover.*

35 *Our community was deeply devastated and traumatised by the 2022 floods and landslides and continues to be psychologically triggered and economically impacted by the appalling and unsafe state of Main Arm Road, beyond Main Arm village. Almost one year on, Upper Main Arm's roadway and causeways resemble "The Lost World". We are residents and ratepayers of the Byron Shire and WE DESERVE BETTER! ”*

Comments from Director Infrastructure Services:

5 Between 7-11 February 2023 Council completed some emergency grading and some sealing works on Main Arm Road. These works approximately extended between Motts Road and Dry Creek Road, almost 700m. These works addressed the worst section of pavement on Main Arm Road.

10 Council has limited funds to undertake repair works on road assets which have been significantly impacted from the February 2022 floods as well as any associated and continued deterioration of assets since this time. Council has a finite budget to undertake repair works. Operational works are generally allocated on a risk basis and these funds must stretch over the financial year to ensure that the highest risks can be addressed.

Council staff will review the road condition and associated risk rating for sections of Main Arm Road between Mt Jerusalem National Park and the Palmwood intersection and appropriately prioritise Council's grading and jet patcher crews based on available funding.

15 The period during which Council can claim reimbursement for emergency works, associated with the 2022 Natural Disaster event, closed on 31 January 2023. Council has been liaising with TfNSW and requested additional funds to undertake further interim works to improve driveability and road safety on our damaged road network on an as needs basis until the permanent repair solution can be delivered.

20 TfNSW are yet to advise Council on the outcome of that request.

RECOMMENDATION:

1. That the petition regarding Upper Main Arm Potholes be noted.
- 25 2. That the petition be referred to the Director Infrastructure Services.

Attachments:

- 1 Confidential - Petition received re Upper Main Arm Potholes - 102 signatures - tabled at 9 February 2023 Planning Meeting, E2023/14596
- 30

SUBMISSIONS AND GRANTS

Report No. 11.1 Grants February 2023

Directorate: Corporate and Community Services

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

File No: I2023/357


Summary:

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

RECOMMENDATION:

15 **Council notes the report and Attachment 1 (#E2023/25127) for Byron Shire Council's grant submissions as at 28 February 2023.**

Attachments:

20 1 Grant submissions as at 28 February 2023, E2023/25127 

Report

Currently Council has 12 grant submissions awaiting determination (refer to Grants Submissions as at 28 February 2023 (Attachment 1 E2023/14683)).

Successful applications

5 Council has been advised that it has been awarded the following projects:

NSW Social Cohesion Grants Round 2 - Unsung Heroes – Innovation in Volunteering

- Connecting Volunteers – grant funding \$78,177. Council contribution \$1,500.

10 A quick turnaround grant submitted 30 January and award in February. The funding will enable Council to run a series of workshops and training to help rebuild volunteering capacity within the event industry and community organisations.

NSW Department of Planning & Environment

- 15
- Koala Vehicle Strike Hotspots – grant funding \$185,028

Community and Recreation Clean-up Program

- Byron Bay Main Beach - March 2021 clean-up – grant funding \$7,989

A request for \$17,329 was submitted. Only \$7,989 considered eligible to claim.

20

NSW Office of Sport - Female Friendly Sports Facilities and Lighting

- Sandhills Skate Park lighting – grant funding \$128,320. Council contribution \$45,503

Regional Roads Transport Recovery Package

- 25
- Mullumbimby Road – grant funding \$2,770,609
 - Wilsons Creek road – grant funding \$3,413,385

Premier's Grant

- **Northern NSW Flood Commemorative Events Grant** – grant funding \$91,667

NSW Government funding allocation

30

Unsuccessful / withdrawn applications

Notification has been received on the following unsuccessful applications:

Regional Roads Transport Recovery Package

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SUBMISSIONS AND GRANTS

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- Main Arm Road - grant funding \$8,077,322

Feedback provided that the application was of high calibre and funds were distributed on equity relative to flood impacts. Wilsons Creek and Mullumbimby also considered vital projects for evacuation routes. There will likely be additional betterment funding rounds.

5

Applications submitted

The following applications were submitted during February 2023.

Funding Body	Funding scheme	Project name	Total project value \$	Amount requested \$	Council Contribution \$
NSW Department of Premier & Cabinet	Unsung Heroes	Connecting Volunteers	\$78,177	\$78,177	\$1,500
					Council \$757,549
Australian Government	Disaster Ready Fund – EOI via NSW Government	Sandhills Wetlands	\$7,121,496	\$3,181,974	State Funding \$3,000,000

10 **Upcoming grant opportunities**

[Flood Recovery and Resilience Grant Program | NSW Environment and Heritage](#) – closed 8 March 2023.

Program will support the implementation of the NSW Flood Prone Land Policy, which aims to reduce the impacts of existing flooding and flood liability on communities and reduce private and public losses resulting from floods, using ecologically positive methods wherever possible.

15

Includes funding for investigation and design, and implementation. Voluntary House Raising is not available under this fund; these applications go direct to the Resilient Homes Program.

20 Assistance under the program is \$3 from the government for every \$1 provided by the applicant (from Council revenue), except where a Council is eligible for enhanced funding.

Applications are being prepared for the design of:

- Upgrade Broken Head Road crossing of South Tallow Creek (\$100,000)
- Coogera Circuit Detention Upgrade (\$100,000)

25 [Community Assets Program | NSW Government](#) – closes 27 March 2023

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The CAP covers communities that were impacted by the severe weather and flood events of February and June 2022 (AGRN 1012 and AGRN 1025). The program provides funding for the repair, restoration and betterment of directly damaged local community infrastructure owned and/or managed by Councils.

5

The repair, restoration or betterment of directly impacted local community infrastructure that does not provide a function to an essential public asset including:

- recreational and services buildings including libraries, youth and senior citizen facilities and tourism
- 10 • parks and playgrounds including equipment, furniture, fencing, shades, facilities and amenities
- holiday and caravan park facilities, boardwalks, footpaths, walking trails, community club structures including surf lifesaving
- 15 • amenities and community/service buildings that complement and support multiple social and recreation facilities
- cultural heritage and identity of place assets
- wharves, jetties and boat ramps
- pedestrian bridges, car parks, electric vehicle charging stations, retaining walls, landscaping, river/creek banks and signage in public spaces.

20 Projects under consideration include:

- Council Chambers betterment - \$440,000
Betterment component of Council Chambers restoration.
- Brunswick Heads Community Centre - \$200,000
- 25 Replace roof and guttering, facias paint gable walls etc. Includes removal / reinstatement of solar systems.
- Mullumbimby Swimming Pool - \$200,000
Sand filters replacement.
- 30 • Cavanbah car park restoration - \$410,000
Pavement rehabilitation of car park southern end
- Heritage Park Accessible Park and park regeneration - \$500,000
- 35 Restoration and upgrade of pathway as per Mullumbimby Draft Heritage Park Masterplan. Regeneration of riverbank.
- Mullumbimby Recreation Ground Car Park - \$950,000
Pavement rehabilitation, reshape and linemarking.

40

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11.1

[Growing Regional Economies Fund | NSW Government](#) – closes 23 May 2023

5 The Growing Regional Economies Fund aims to accelerate economic development and prosperity in regional NSW, increase the appeal of investing in regional NSW, support investment in major transformational projects that increase employment opportunities in regional areas and ensure that regional communities have the infrastructure and services required for sustainable growth.

The Fund also has a focus on enabling infrastructure that will support investment in regional housing projects to meet demand generated by growth in employment and economic activity.

10 Only one application can be submitted.

Staff are currently reviewing the guidelines and project eligibility and readiness for:

- Byron Bioenergy Facility or
- Former Mullumbimby Hospital site access works or
- Lot 12 site access works

15 Council report to be submitted in April.

[Floodplain management grants | NSW Environment and Heritage](#) – closes 17 April

20 The Floodplain Management Program provides financial support to local councils and eligible public land managers to help them manage flood risk in their communities. The program supports the implementation of the NSW Government's Flood Prone Land Policy, which is outlined in the Floodplain Development Manual.

Council is not eligible to apply for Voluntary House Raising or Purchasing. This program is now being rolled out under the [Resilient Homes Program | NSW Government](#) program.

Council staff are considering applications.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership We have effective decision making and community leadership that is open and informed	1.3: Ethical and efficient management of resources	1.3.1: Financial Management - Ensure the financial integrity and sustainability of Council through effective financial management	1.3.1.9	Coordinate grant applications to support the delivery of Council projects and services within management plans, masterplans, strategic plans, Council resolutions and high priority actions from feasibility studies; and support the management of successful grants

Legal/Statutory/Policy Considerations

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

Financial Considerations

10 If Council is successful in obtaining the identified grants, this would bring funding sought to approximately \$27 million which would provide significant funding for Council projects. Some of the grants require a contribution from Council (either cash or in-kind) and others do not. Council’s contribution is funded.

The potential funding is detailed below:

15	Funding applications submitted and awaiting notification (total value)	\$26,970,899
	Requested funds from funding bodies	\$23,955,899
	Council contribution cash	\$15,000
	Council co-contribution in-kind	\$74,986
20	Other contributions	\$3,000,000

Funding determined in February 20200

Successful applications	\$6,651,840 (total project value)
Unsuccessful/withdrawn applications	\$8,077,322 (total project value)

Consultation and Engagement

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

DELEGATES' REPORTS

**Delegate's Report No. 12.1 NSW Rural and Regional Summit
on 20 February 2023**

5 **File No:** I2023/339

10 Thanks Council for sponsoring me to attend this Summit, the aim of which was to identify issues that the Local Government system could take to the State, especially as there is a State Election soon (March 2023). We were addressed by State Ministers and their Shadows in the Opposition. Panel sessions covered various topics. Panel members included Politicians, Shire General Managers, other CEO's and researchers.

Below are some thoughts captured from some of the presentations.

15 1. The Housing Crisis:

- a) compounded by transport disadvantage.
- b) simpler to buy up existing housing, e.g. apartment block in Tweed.
- c) Community Housing Industry Association (CHIA) providers manage 54,000 homes but there are 200,000 households in need.
- 20 d) Tweed's cross-border issues get ignored.
- e) STRA should be controlled through DA's rates, etc as in Queensland.
- f) Western Australia has a 60-day cap on STRA. How about 0-day options.
- g) our tax system has created an "Investment Class".

2. Building Back Better:

- 25 a) Jenny Aitchison Shadow Minister for Regional Roads and Transport wants to reclassify roads to lift that maintenance burden off Local Government. Rural roads receive \$1,800/km compared to urban \$10,000.

3. What do our communities really want:

- 30 a) Joanna Quilty, CEO of NSW Council of Social Service (NCOSS) about their cost of living survey for May 2022, stress and distress, prevalence of part-time work.
- b) Rebecca Reardon, Vice President of NSW Farmers, about agriculture, roads, planning, biosecurity.
- c) Danica Leys, CEO CWA NSW, about Rural Health Inquiry.

35 **Signed: Cr Duncan Dey**

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 Licences to manage Council owned tennis courts

5 **Directorate:** General Manager
Report Author: Jim Roberts, Coordinator Open Space
File No: I2023/180

Summary:

10 Council is proposing to grant three separate licences, to be executed as user agreements, with volunteer community groups to manage and operation Council owned tennis courts. Tennis courts subject to new licences are located at Byron Bay Road, Bangalow, Orana Road, Ocean Shores, and 46 Beech Drive, Suffolk Park.

This report set out terms and conditions of the proposed licences.

15

RECOMMENDATION:

1. **That Council delegates to the General Manager the authority to grant the following licences to:**
 - 20 a) **Bangalow Tennis Club Incorporated to manage and operate the Bangalow tennis court's part Folio 9/748099, Byron Bay Road Bangalow known as the Bangalow Sports Ground.**
 - 25 b) **Ocean Shores Tennis Club Incorporated to manage and operate the Ocean Shores tennis court's part Folio 175/238456, Orana Road Ocean Shores.**
 - c) **Byron Bay Community Tennis Incorporated to manage and operate the Suffolk Park tennis court's Folio 122/831214, 46 Beech Drive Suffolk Park known as Linda Vidler**
- 30 2. **That the Licences referred to in point 1 are to be executed as User Agreements with the following conditions:**
 - a) **term of twelve-months commencing 17 April 2023 without holding over,**
 - b) **rent for the term to be specified by Councils Fees and Charges at:**
 - i) **\$1,650 (inc GST) per annum for the Bangalow tennis courts, and**

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STAFF REPORTS - GENERAL MANAGER

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- ii) **\$850 (inc GST) per annum for the Ocean Shores and Suffolk Park tennis courts.**
- c) **The Licensee to pay:**
- 5 i) **all outgoings required to operate a tennis venue,**
- ii) **public liability and contents insurance for the venue, and**
- iii) **all non-structural repairs and maintenance to the tennis courts and club house.**
- 10 d) **The Licensee must deposit no less than 5% of its annual net profit into a sinking fund for future asset renewals at the venue. The Licensee must transfer the contents of the sinking fund to Council at end of the Licence if not renewed.**
- e) **The Licensee must obtain Licensor consent:**
- 15 i) **for a tennis coach to operate a commercial business from the Council venue, and**
- ii) **to obtain a liquor licence for use in a Council venue.**
- f) **The Licensee must allocate reasonable hours of court use to non-members.**

Attachments:

20

- 1 Attachment 1: submissions proposal to licence tennis facilities, E2023/21139 

Report

In 2020 Tennis NSW undertook an audit of thirteen tennis venues built and operating on Council owned land. Key recommendations from the audit included:

- 5 1. Develop a lease and licencing management model to include appropriate service agreements.
2. Develop a strategy to secure future facility maintenance and infrastructure investment.
3. Improve the digital and online booking footprint to provide community access to all programs.
- 10 4. Tennis NSW to provide annual audits (VSR) to assess performance, compliance (Working with Children).
5. Child Risk should address as an immediate priority.

The audit also highlighted:

- 15 1. The cost of asset renewals at venue sites is primarily the responsibility of Council with little or no contribution from tennis venue participation. The audit recommended a sinking fund strategy is adopted.
2. The financial health of the venues was highlighted as critical because most venues were unable to provide reliable financial data. The audit recommended a review of each venue and development of a management strategy with a sinking fund.
- 20 3. Venue participation data was not provided at several venues. The audit recommended Council implement a mechanism to reliability capture participation data and consider a digital solution for management of venue bookings.

Of the thirteen tennis venues audited only three are managed under a lease or licence with the remaining run by volunteer community groups or by Council.

25 It is Council's intention that all volunteer community run tennis venues enter into a licence, to be executed as a user agreement. The agreement to set out Councils expectations for the management and operation of the venues and will include:

- working with children checks for all persons that work with children,
- 30 • a sinking fund to be established requiring 5% of the venues annual net profit to be set aside for asset renewals,
- annual financial statements to be submitted to Council, and
- a mechanism for the accurate recording of participation numbers that may require the implementation of an online booking system for venue use.

Proposed licences

Council is proposing to enter into the following licences, executed as user agreements, for the following tennis venues:

1. Bangalow tennis courts:

- 5 Located on part Folio 9/748099, Byron Bay Road Bangalow known as the Bangalow Sports Ground. The facility consists of 3 synthetic fenced tennis courts, a club house, access to toilets, and lighting suitable for night tennis. All 3 synthetic court surfaces will require renewal in the next five-years.

10 Council is proposing to enter into a user agreement with Bangalow Tennis Club Incorporated (Y2298014) for a term of twelve-months to manage the tennis facility.

2. Ocean Shores tennis courts:

- 15 Located on part Folio 175/238456, Orana Road Ocean Shores. The facility consists of 2 synthetic fenced tennis courts, a club house, access to public toilets, and lighting suitable for night tennis. Both synthetic court surfaces will require renewal in the next five-years.

Council is proposing to enter into a user agreement with Ocean Shores Tennis Club Incorporated (Y2233347) for a term of twelve-months to manage the tennis facility.

3. Suffolk Park tennis courts:

- 20 Located on part Folio 122/831214, 46 Beech Drive Suffolk Park known as Linda Vidler Park. The facility consists of two synthetic fenced tennis courts and accessible public toilets. Courts are not suitable for night tennis. Renewal of one synthetic court is planned in 2023 with the other court surface to be renewed in the next three-years.

25 Council is proposing to enter into a user agreement with Byron Bay Community Tennis Incorporated (INC2200682) for a term of twelve-months to manage the tennis facility.

Public Consultation

In accordance with the Local Government Act, Council advertised the proposal to licence the Bangalow, Ocean Shores, and Suffolk Park tennis venues for twelve months between 1 and 28 February 2023.

- 30 Council received 19 submissions as detailed in Attachment 1 to this report, for the proposed licence at the Suffolk Park tennis venue. While most submissions supported the licensing of the Suffolk Park tennis courts, two submissions raised the following concerns:

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Submission	Council response
While a great idea, I ask that free slots to be available for the local community (or ratepayers) too.	Terms of the proposed licence will require: <ol style="list-style-type: none">1. reasonable court hours to be allocated for general community use by members and non-members.2. that Council must consent to a tennis coaching business being run from the venue. In giving consent, Council will ensure that adequate and reasonable court hours are available for general community use by both members and non-members.3. the Licensee may charge a reasonable fee for use of the tennis venue. Fees collected must be used to pay outgoings and maintenance to the venue.
<p>The Suffolk Park courts are important for the community, one court should always remain available for the community without a fee, the other court may be use for private lessons/clinics and play.</p> <p>When lessons/clinics are not scheduled the courts should be free. Should be a limit as to how many lessons in a row are permitted during high traffic times. Use of other courts should remain free unless needed for coaching. The coach should submit a portion of his lesson fees for court upkeep. Suffolk Park is not Byron and should not operate in a capitalist way.</p>	

Council must consider all submissions provided in Attachment 1 before deciding if to grant the proposed licences.

This report recommends that Council grant the proposed licences following no objection being received.

5 Conditions of User Agreements

The proposed three licences to be executed as user agreements include the following conditions:

- a) term of twelve-months commencing 17 April 2023 without holding over,
- b) rent for the term is specified by Councils Fees and Charges at:
 - 10 i. \$1,650 (inc GST) Bangalow tennis courts, and
 - ii. \$850 (inc GST) Ocean Shores, and
 - iii. \$850 (inc GST) Suffolk Park tennis courts.
- c) The Licensee to pay:
 - 15 i. all outgoings for the operations of a tennis court,
 - ii. public liability and contents insurance for the venue, and
 - iii. non-structural maintenance to courts and club buildings

- d) The Licensee must deposit no less than 5% of net profits into a sinking fund for future asset renewal. Contents of the sinking fund must be transferred to Council at the end of the licence if not renewed.
- e) The Licensee must obtain Council consent:
 - 5 i. for a tennis coach to operate a business from a Council venue,
 - ii. to obtain a liquor licence for use in Council venue.
- f) The Licensee must allocate reasonable hours of court use to non-members.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable	5.4: Provide accessible community facilities and open spaces	5.4.4: Sporting facilities and swimming pools - Ensure ongoing maintenance and upgrade of inclusive sporting facilities and swimming pools	5.4.4.4	Maintain each of the Council owned parks, reserves, and sports fields to agreed level of service

10 Recent Resolutions

- Nil.

Legal/Statutory/Policy Considerations

Local Government Act

- 15 s47A Leases, licences, and other estates in respect of community land—terms of 5 years or less
 - (1) *This section applies to a lease, licence, or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.*
 - 20 (2) *If a council proposes to grant a lease, licence, or other estate to which this section applies—*

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(a) *the proposal must be notified and exhibited in the manner prescribed by section 47, and*

(b) *the provisions of section 47(3) and (4) apply to the proposal, and*

5 (c) *on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of section 47(5)–(9) are to apply to the proposal.*

(3) *If the Minister, under subsection (2)(c), determines that the provisions of section 47(5)–(9) are to apply to the proposal—*

10 (a) *the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47(1)–(8), and*

(b) *section 47(9) has effect with respect to the Minister’s consent.*

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

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

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

Financial Considerations

Nil.

20 **Consultation and Engagement**

Council publicly advertised the proposed three licence online and via letter box drop to all affected residential properties between 1 and 28 February 2023 with 19 submissions received.

Report No. 13.2 Community Engagement

Directorate: General Manager

Report Author: Annie Lewis, Media and Communications Coordinator

File No: I2023/366

5 Summary:

On 15 December 2022 Council's Community Engagement Strategy was reported to Council following public consultation. Council resolved to adopt the Strategy and to:

10 *'Receive a report in the first quarter of 2023 on the roles and responsibilities of Community Engagement/Liaison Officers in councils, and on the potential for Byron Shire Council to incorporate such a role that provides a meaningful focus through which our community can engage.'* (Part 2 of Res 22-728).

The requested information is provided in the following sections:

- Community liaison and community engagement services in local government.
- 15 • Byron Shire and neighbouring councils' approaches to community engagement and community liaison services.
- The potential for Byron Shire Council to incorporate a Community Engagement/Liaison role.

Consistent with the Local Government Act, this report focuses on community engagement and liaison services and resourcing, rather than roles.

20 By way of summary:

- Community engagement is complex and nuanced. Within councils it involves seeking community input where a decision is to be made. It is not a customer service function.
- 25 • Byron Shire Council provides community engagement and community liaison services, within the allocated budget.
- Based on community feedback and data, the engagement and liaison services provided by Council are generally well regarded and a majority of residents are satisfied with them.
- 30 • While councils in the Northern Rivers are structured differently, they all provide similar types of engagement and liaison services. Councils use different names for the services which might give the impression that some are providing different services, but this is not the case.

RECOMMENDATION:

That Council notes this report on community engagement and liaison.

5

Report

Community engagement and community liaison services in local government

5 Community engagement and community liaison services are operationally different and councils in the Northern Rivers structure these services in a variety of ways depending on resources.

10 Community engagement generally involves communications and project teams working together to ensure members of the public are aware of and have the opportunity to have input into a decision on a particular policy, project, or important issue. The purpose of the engagement is often directed by legislation in relation to Council and sometimes by Council resolutions.

The responsibilities can include:

- Helping to plan the engagement, identifying objectives, stakeholders, and engagement methods.
- 15 • Helping to organise and resource public events, such as market stalls, drop-in sessions, and intercept surveys.
- Delivery of digital and print content and day-to-day management of digital engagement platforms. This includes both promotion of engagement opportunities and creation of the actual content.

20 Sometimes the aim of engagement with the community may be simply to inform and educate.

25 In these instances, communications and project teams work together to organise educational materials and design a mix of methods and channels to distribute the information. This might be via the website, media releases, advertising, signage, meetings/stalls/events.

Community liaison involves providing specific links or points of contact between Council and stakeholders. Community liaison functions can be structured in different ways for example by service area or geographically.

30 The primary function of liaison is to have a single point of contact through which to share information, notifications, and answers to questions about things such as roadwork, local disruptions to services, impact of work etc.

How local councils approach community engagement and liaison services

35 Information on Byron and neighbouring councils' approaches to community engagement and liaison services is outlined below. Information on approaches has been kindly shared by other councils.

Byron Shire Council

Engagement - Media and Communications Team

5 Council has a comparatively small Media and Communications team, delivering corporate community engagement functions. This includes engagement planning, advice, and strategy support for project teams who deliver the engagement.

The reasons for this approach are:

- Project officers know the subject matter and are best placed to respond to questions and provide technical advice and information.
- 10 • The Media and Communications team has close links to the community and is best placed to analyse each project to provide specific advice on engagement and media opportunities. The aim being to seek feedback that is meaningful and useful to project staff.
- 15 Staff ensure community engagement plans are individualised to suit projects, providing expertise in promotion, situation analysis and media and marketing skills. The team is skilled across all facets of media, communications, marketing, promotion, digital and community engagement.
- 20 • Services are matched to the budget allocated by Council.
- Project staff are encouraged to take an ‘outside in’ approach to engagement. This means that practical experience along with the Media and Communication team’s comprehensive connections to the Shire, look at projects from the community’s point of view, e.g. What decision needs to be made, who needs to be engaged, what they need to know, how they engage and how Council can best interact and work with the affected community to get meaningful feedback and input.
- 25

30 Communication and engagement plans are targeted and take into consideration a wide range of factors including community sentiment, background issues, timing and negotiable and non-negotiable factors that could have an impact on the success of the campaign.

They include:

- The background to the project
- The aim and desired outcomes of the engagement
- Timing
- 35 • Challenges and sensitivities that may have a bearing or impact on the success of the engagement
- Key messages
- Tailored strategies to reach stakeholders
- Evaluation
- 40 • Accessibility considerations
- IAP2 level of engagement
- Methods of delivery such as website content, meetings, information sessions, surveys, market stalls, direct communication, media releases, social media, newsletters, radio, and newspaper advertising etc.

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The Media and Communications team also:

- Manages media enquiries
- Manages social media enquiries received through direct messages and comments
- Delivers corporate media, communications, and engagement
- 5 • Advises on accessibility and inclusion and corporate compliance with statutory web content accessibility requirements
- Provides strategic advice
- Manages Council's online engagement platform, Your Say Byron Shire
- 10 • Manages Council's website, print, digital and social media
- Supports the Council's Communications Panel
- Provides emergency response services
- Manages graphic design and branding
- Integrates evolving best practices into Council's systems.

15 The team provides as many opportunities as possible for people to participate and provide feedback.

Council has very good rates of direct engagement. The following statistics are taken from November 2022 (which is a more accurate snapshot rather than the summer period).

There were:

- 20 • More than 11,000 Facebook followers with 47,000 people seeing our posts in November 2022.
- Approximately 12,000 people receive Council's E Newsletter, which has a high open rate (45% to 48%). The industry average across councils and government agencies is between 17% to 28%.
- 106,000 page views on our website.
- 25 • 2,820 views on Byron Shire Council's Your Say page.

The Community Roundtable, attended by community groups and Council's Executive Team, meets three to four times a year to discuss issues of broad interest in the Shire. It is also a forum where groups can raise matters with senior members of staff.

30 Senior staff also meet regularly with some community groups to allow for more local issues and problems to be raised, with the aim of finding solutions or providing information and context for work and projects.

It is important to note:

- 35 • There is always room for improvement, and staff are committed to keeping Council's engagement and liaison services up to date and meeting community expectations.
- That judging success of engagement campaigns just on the number of submissions received is a flawed approach because the number of submissions received is often more a reflection of the level of controversy of an item, than it is of the reach or influence of a particular campaign.
- 40 • That people who are satisfied with a particular service/project often will not participate in community engagement or contact Council because they are happy.

For example, a small number of submissions on a project or a small turn up to an information session, can in fact indicate high levels of community agreement.

- 5 • Sometimes, dissatisfaction with an outcome can translate into stated dissatisfaction with the processes that delivered that outcome, including the engagement process. Caution needs to be applied to critically review feedback and determine if and where Council's approach to community engagement is lacking or what exactly is not working and how this can be improved.
- 10 • Based on the last community survey the majority of residents (71%) were somewhat to very satisfied with Council's overall community consultation and engagement.

Each engagement project is different, and its success will depend on a range of factors. When engagement projects are completed, staff are encouraged to reflect to identify what worked well what did not work well, and what can be improved.

When the Media and Communications team is involved early in project planning, engagement outcomes are generally very good.

20 There are some instances, however when there is less-than-optimal engagement. Examples include when engagement processes are pre-determined (for example by statutory requirements), determined by other agencies (e.g., by conditions of grant funding, or for State Government projects such as the temporary flood housing) or there are project budget or time constraints (e.g., during emergencies).

25 Community engagement is most effective if the people designing and leading it have an intimate knowledge of the community. Council's current Media and Communications team is highly skilled, has an intimate knowledge of, and is exceptionally invested in, the Byron Shire community, through living here, growing up and going to school here and working in the area collectively for decades.

Community liaison services

Council does provide liaison services for high priority service areas for example:

- 30 • Public Space Liaison Officers who link rough sleepers to Council and available services.
- 35 • Place Planners and a Place Manager provide liaison services with communities through the Place Planning Collective and the Byron Bay Town Centre Masterplan Group.
- Community Recovery Officers (temporary roles funded through flood recovery grants) who are central points of contact supporting flood recovery actions.
- 40 • Liaison with community services and community groups as well as with the sporting groups etc via service-focused nominated contacts at Council.

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- Project Officers are identified, with direct contact details, as the liaisons for projects.
 - The Community Roundtable provides the forum and a point of contact for Residents' Associations/Groups.
- 5 In addition to these roles, we also have the following customer service channels managed by the Customer Service team:
- Report it online – which receives approximately 600 reports per month.
 - Email: approximately 2800 emails received per quarter.
 - Phone customer service centres.
- 10 • In-person at the Mullumbimby administration office.

Lismore City Council

Lismore City Council structures its engagement services and liaison services via two teams:

- Media and Community Relations
- Community Engagement Team

20 The Media and Community Relations team handles media-related enquiries, website, graphic design, promotional opportunities, crisis and issues management and the promotion of Council activities and projects.

25 The Community Engagement team manages the Your Say Lismore online engagement website and works with project staff to ensure projects that the community should be aware of are promoted and there are opportunities for people to make submissions, provide comments or feedback.

30 The role of Community Engagement Officers at Lismore City Council is to facilitate engagement opportunities related to projects and issues, not to be a central point of contact for the public to raise concerns about aspects of Council's operations.

Comments, complaints or observations about Council operations are a function of the Customer Service team.

35 The Your Say Lismore website is a stand-alone online engagement website that is separate to the Lismore City Council website however it can be accessed via the Council website.

Project Officers are the primary point of contact for community for Council projects.

Ballina Shire Council

40 Ballina Shire Council does not have specific Community Liaison Officer or Community Engagement Officer roles. Like Byron, Ballina has:

- A Media and Communications team that works with project officers to facilitate engagement with the community.
- A stand-alone online engagement platform, the Your Say Ballina website.
- Project officers advertised as the primary contacts for the community.

Richmond Valley Council

Like Byron and Ballina Councils, the Media and Communications team at Richmond Valley Council plans the engagement process with input from project officers. Project officers are responsible for staffing pop-up stalls, face-to-face engagement etc.

5 Tweed Shire Council

Tweed Shire Council, with a total workforce nearly double the size of Byron, has a large Communications team including a Community Engagement Officer and Community Liaison Officer.

10 The Community Engagement Officer works across all units of Council to coordinate and support engagement, manage the Your Say Tweed platform, fulfilling the requirements for exhibition of projects etc, and supporting project officers and other staff to build capacity and knowledge.

15 The Community Liaison Officer is separate and part of Council's Infrastructure Directorate. They are responsible for supporting just the road, construction, and infrastructure project teams, liaising, and engaging with impacted stakeholders, managing project enquiries and complaints, preparing, and implementing project engagement plans and creating content for regular and social media in relation to road, construction and engineering programs and impacts.

20 Tweed also has a Community Liaison Officer for flood restoration. This position is short-term and is funded as part of disaster recovery.

In addition, Tweed Council has a large team working across media and social media as well on the website.

Clarence Valley Council

25 Clarence Valley Council has two teams:

- Communications
- Community Engagement.

The Community Engagement team administers its digital engagement portal which invites community feedback on various Council projects. This team also assists project officers.

30 The Communications team oversees media coverage of all Council activities, and sometimes also advises and helps with the planning and implementation of engagement activities as well as the new quarterly magazine, E news and internal staff newsletter.

Comparison of available resources

35 Estimates of program budgets for communications and engagement services are provided below and have been extracted from the published council budgets, attempting to compare, as much as possible, similar program line items for the communications and engagement service at each council. Note care is needed interpreting this information

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because councils structure their service differently, which means they also structure the budgets for service areas differently.

5 Drawing direct comparison is difficult and the below estimates of 2022/2023 communications and engagement service budgets is provided as a guide only. Having said that, they do appear to reflect the relative size and general revenue base of the different councils.

Group 4 councils (regional towns) -

- Ballina Shire Council - \$687,000
- Byron Shire Council - \$458,800
- 10 • Clarence Valley Council - \$1,313,000
- Richmond Valley Council - \$343,712

Group 5 councils (regional cities)

- Lismore City Council - \$1,965,000
- Tweed Shire Council - \$2,403,000

15 **The potential for Byron Shire Council to incorporate such a role that provides a meaningful focus through which our community can engage**

There is no capacity to add additional resources to the existing community engagement and liaison services, within the current budgets.

20 Council could consider increasing the budgets in 2023/2024 if additional engagement or liaison services are needed, however, that would have to be at a cost of reduction in some other services.

Staff do not recommend increasing funding for additional resources for community engagement or liaison services, at this time, because:

- 25 • Council's budget is under inflation pressures with less services being delivered for the existing budgets and, while engagement is important, the community might perceive funding for roads and drainage etc as higher priorities.
- Council already takes a very considered and strategic approach to community engagement and liaison and has relatively high rates of participation.

Data and feedback indicate that:

- 30 • Current levels of service are generally high (and often higher than average) and that the majority of the community is generally satisfied with current engagement and liaison services;
- Current funding levels are reflective of the size and revenue capacity of Council.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership We have effective decision making and community leadership that is open and informed	1.2: Engage and involve community in decision making	1.2.2: Communication - Provide timely information to the community about Council projects and activities through traditional and digital media	1.2.2.4	Develop a new Community Engagement Strategy to support the Community Strategic Plan

Recent Resolutions

- **Res 22-728: 13.3 Community Engagement Strategy**

5 That Council:

1. Notes the seven submissions (Attachment 1 E2022/119582) received during the public exhibition of the Draft Community Engagement Strategy and responses as outlined in this report except on the matter of Submission #4 where the approach in Part 2 below will be taken.
- 10 2. Receives a report in the first Quarter of 2023 on the roles and responsibilities of Community Engagement / Liaison Officers in Councils, and on the potential for Byron Shire Council to incorporate such a role that provides a meaningful focus through which our community can engage.
3. Adopts the Community Engagement Strategy (Attachment 2 E2022/119684); and
- 15 4. Repeals the current Community Engagement Policy (Attachment 3 E2018/10445) as it is now superseded by the Community Engagement Strategy.

Legal/Statutory/Policy Considerations

NIL

Financial Considerations

20 NIL

Consultation and Engagement

- Media and Communication and Engagement staff from Northern Rivers Councils

Report No. 13.3 National General Assembly of Local Government 2023

- 5 **Directorate:** Corporate and Community Services
- Report Author:** Amber Evans Crane, Governance Support Officer
- File No:** I2023/105

10 **Summary:**

The National General Assembly of Local Government incorporating the Regional Cooperation and Development Forum will be held from 13 to 16 June 2023 in Canberra. The Call for Motions Discussion Paper requires that motions from Councillors are to be lodged by 24 March 2023.

- 15 This report is provided in accordance with Council's Policy Councillor Expenses and Facilities 2022, Clause 6.37 "A resolution of Council is required to authorise attendance of Councillors at...b) National General Assembly of Local Government as a voting delegate".

All councils and delegates intending to attend this event should familiarise themselves with the guidelines for motions contained the [Call for Motions Discussion Paper](#).

20

RECOMMENDATION:

That Council:

1. Authorises two Councillors being Councillors _____ and _____ to attend the 2023 National General Assembly of Local Government incorporating the Regional Cooperation and Development Forum to be held at the National Convention Centre in Canberra from 13 to 16 June 2023 and nominates Cr _____ as the voting delegate.
2. Considers endorsement of any motions for submission to the National General Assembly by the lodgement deadline with ALGA of Friday, 24 March 2023.

Report

5 Council has received the registration details for the National General Assembly of Local Government (NGA) to be held in Canberra from 13 to 16 June 2023. The theme for the 2023 NGA is 'Our Communities, Our Future' to convey the critical importance of our communities, how they are the focus of our attention, and how they are at the centre of all our work.

Council is entitled to one voting delegate in the debating session in addition to non-voting delegate/s.

10 As per Clause 6.37 of the [Councillor Expenses and Facilities Policy 2022](#), "A resolution of Council is required to authorise attendance of Councillors at...b) National General Assembly of Local Government as a voting delegate".

In assessing a Councillor request to attend a conference, Clause 6.40 of the Policy asserts the following factors must be considered:

- 15 1. *relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties*
2. *cost of the event in relation to the total remaining budget.*

In determining delegate attendance it should also be considered that the date conflicts with Council's Advisory Committees scheduled for 13 and 15 June 2023: Local Traffic, Arts and Creative Industries, Water and Sewer, Moving Byron, and Business and Industry.

20 Conference Motions

NGA Conference motions are subject to Clause 6.41 of the [Councillor Expenses and Facilities 2022 Policy](#) which states that "Submission of motions to the ... National General Assembly for consideration by Council will be done by notice of motion, which can be considered during the year."

25 Motions to the NGA are to be received electronically by the Australia Local Government Association (ALGA) no later than 11:59pm on 24 March 2023 and must first be endorsed by Council prior to submission. A memo was provided to Councillors on 25 January 2023 with this information.

Staff will submit any adopted motions to ALGA on behalf of Council prior to the deadline.

30 Call for Motions

The NGA have indicated they are keen to hear ideas for new federal programs and policies that would support councils to build stronger communities into the future.

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Councils are called to submit motions that either:

- Focus on practical and deliverable programs and policies that the Australian Government can support and work directly with the local government sector to build our communities; or
- 5 • New program ideas that would help the local government sector to deliver national objectives

10 The discussion paper identifies eight key priority areas which motion/s should address one or more of: Productivity; Local Government Infrastructure; Community Wellbeing; Local Government Workforce; Data, Digital Technology and Cyber Security; Climate Change and Renewable Energy; Natural Disasters; and Housing.

The full discussion paper is available from the following link: [2023-Discussion-Paper-WEB-RGB.pdf \(alga.com.au\)](https://www.alga.com.au/2023-Discussion-Paper-WEB-RGB.pdf).

Conference Details

Where: National Convention Centre, Canberra, ACT

15 Dates: Tuesday 13 June to Friday 16 June 2023

Costs: (*per delegate*)

	Registration Fee (early bird received by 19 May 2023)	\$ 895.00
	Registration Fee for Regional Forum	\$ 225.00
	Accommodation (<i>approx.</i>) (4 nights)	\$1,050.00
20	Travel (<i>approx.</i>)	\$ 950.00
	Total:	\$3,120.00

Virtual attendance has also been offered for 2023 at a cost of \$689.00. This option is available to all delegates, voting or non-voting.

25 NGA delegates will be eligible for a discounted fee to the Regional Forum held in conjunction with the NGA should they lodge a successful motion to attend.

Next steps

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, Motions must meet the following criteria:

1. Be relevant to the work of local government nationally.
- 30 2. Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
3. Be consistent with the themes of the NGA.

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4. Complement or build on the policy objectives of ALGA and your state or territory local government association.
5. Be submitted by a council which is a financial member of their state or territory local government association.
- 5 6. Propose a clear action and outcome i.e. call on the Australian Government to act on something.
7. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
- 10 8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
- 15 10. Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

Motions must commence with the following wording: '*This National General Assembly calls on the Australian Government to ...*' All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council.

Motions should be lodged electronically using the online form available on the NGA website at: www.alga.asn.au. All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and the endorsement of your council.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership We have effective decision making and community leadership that is open and informed	1.1: Enhance trust and accountability through open and transparent leadership	1.1.2: Governance - Ensure legislative compliance and support Councillors to carry out their civic duties	1.1.2.3	Provide administrative support to Councillors to carry out their civic duties

Related Resolutions

Not applicable.

Legal/Statutory/Policy Considerations

5 In accordance with Council’s Policy Councillor Expenses and Facilities 2022 “*A resolution of Council is required to authorise attendance of Councillors at ...b) Australian Local Government Association National General Assembly as a voting delegate.*”

Financial Considerations

10 Council has an allocation for conferences of \$31,500 within the 2022/23 budget (2145.4). There is sufficient funding remaining to cover the cost of sending two delegates to the NGA.

Consultation and Engagement

Not applicable.

Report No. 13.4 Council Investments - 1 February 2023 to 28 February 2023

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2023/299

Summary:

This report includes a list of investments and identifies Council's overall cash position for the period 1 February 2023 to 28 February 2023 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 of 28 February 2023.**

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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Report

Council has continued to maintain a diversified portfolio of investments. As of 28 February 2023, the average 90-day bank bill rate (BBSW) for the month was 3.46%. Council's performance for February 2023 was 3.50%.

- 5 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 28 February 2023

Schedule of Investments held as at 28 February 2023

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%	967,800.00
20/11/18	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	22/03/24	Y	B	1.78%	995,090.00
28/03/19	1,000,000.00	National Housing Finance & Investment Corporation	Y	AAA	28/03/29	Y	B	2.38%	931,970.00
21/11/19	1,000,000.00	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	Y	B	1.25%	956,890.00
27/11/19	500,000.00	National Housing Finance & Investment Corporation	Y	AAA	27/05/30	Y	B	1.52%	429,230.00
15/06/21	500,000.00	National Housing Finance & Investment Corporation	Y	AAA	01/07/31	Y	B	1.99%	502,615.00
06/09/21	1,000,000.00	Northern Territory	N	Aa3	15/12/26	Y	B	1.40%	1,000,000.00

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Int. Rate	Current Value (\$)
		TCorp							
16/09/21	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	02/03/32	Y	B	1.83%	805,020.00
29/09/22	2,000,000.00	AMP Bank	P	BBB	01/03/23	N	TD	3.95%	2,000,000.00
16/11/22	1,000,000.00	AMP Bank	N	BBB	16/03/23	N	TD	3.95%	1,000,000.00
12/12/22	2,000,000.00	NAB	N	AA-	13/03/23	N	TD	3.80%	2,000,000.00
22/12/22	1,000,000.00	Macquarie Bank Ltd	P	AA-	27/04/23	N	TD	3.97%	1,000,000.00
22/12/22	1,000,000.00	Macquarie Bank Ltd	N	AA-	23/03/23	N	TD	3.97%	1,000,000.00
04/01/23	2,000,000.00	NAB	P	AA-	04/05/23	N	TD	3.97%	2,000,000.00
05/01/23	2,000,000.00	NAB	N	AA-	05/05/23	N	TD	4.07%	2,000,000.00
05/01/23	1,000,000.00	NAB	N	AA-	05/04/23	N	TD	3.95%	1,000,000.00
09/01/23	2,000,000.00	NAB	N	AA-	11/04/23	N	TD	3.95%	2,000,000.00
24/01/23	1,000,000.00	Macquarie Bank Ltd	N	AA-	26/04/23	N	TD	4.09%	1,000,000.00
01/02/23	2,000,000.00	NAB	N	AA-	02/05/23	N	TD	3.95%	2,000,000.00
14/02/23	2,000,000.00	NAB	N	AA-	14/06/23	N	TD	4.20%	2,000,000.00
14/02/23	1,000,000.00	Macquarie Bank Ltd	N	AA-	16/05/23	N	TD	4.10%	1,000,000.00
21/02/23	1,000,000.00	Macquarie Bank Ltd	N	AA-	23/05/23	N	TD	4.21%	1,000,000.00
21/02/23	2,000,000.00	NAB	N	AA-	21/06/23	N	TD	4.24%	2,000,000.00
23/02/23	1,000,000.00	Macquarie Bank Ltd	N	AA-	25/05/23	N	TD	4.21%	1,000,000.00
23/02/23	2,000,000.00	Bank of QLD	P	BBB+	23/06/23	N	TD	4.30%	2,000,000.00
28/02/23	2,000,000.00	NAB	N	AA-	28/06/23	N	TD	4.31%	2,000,000.00

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Int. Rate	Current Value (\$)
N/A	30,842,031.21	CBA Business Saver	P	AA-	N/A	N	CALL	3.45%	30,842,031.21
N/A	647,957.24	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	N	CALL	3.20%	647,957.24
N/A	10,243,876.49	Macquarie Accelerator Call	N	A	N/A	N	CALL	3.20%	10,243,876.49
Total	76,733,864.94						AVG	3.50%	76,322,479.94

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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)

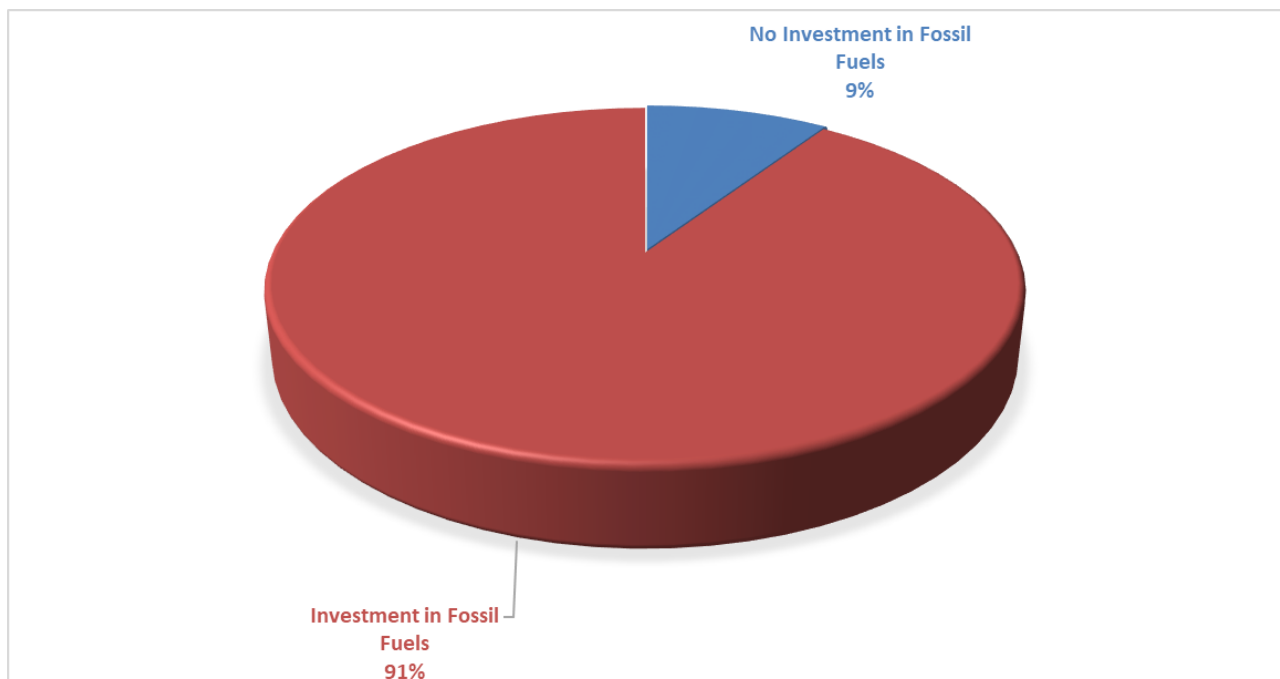
An additional column has been added to the Schedule of Investments to identify if the financial institution holding the Council investment has been assessed as a 'No Fossil Fuel' investing institution. This information has been sourced through

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 may from time to time have an investment with a financial institution that invests in fossil fuels but is nevertheless aligned with the broader definition of Environmental and Socially Responsible investments.

15



Investment Policy Compliance

5 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).

10

Investment policy compliance			ACTUAL		
% should not exceed the following					
AAA to AA	A1+	100%	72%		Meets policy
A+ to A-	A1	60%	21%		Meets policy
BBB to NR	A2,NR	40%	7%		Meets policy

NSW Treasury Corporation Compliance – Loan Borrowing Conditions

15 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.

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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:

Tcorp compliance			Counterparty Limit	Tenor	ACTUAL	Variance
% should not exceed the following						
Tcorp	100%	100%	100%	N/A	0%	Meets policy
AAA	100%	100%	100%	N/A	6%	Meets policy
AA+ to AA-	100%	100%	100%	5Y	66%	Meets policy
A+ to A	100%	100%	100%	3Y	21%	Meets policy
A-	40%	40%	40%	3Y	0%	Meets policy
BBB+	30%	10% 3 Years	10% 3 Years	3Y	3%	Meets policy
BBB		5% 12 Months	5% 12 Months	1Y	4%	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

5

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.

- 10 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.
- 15 The investment portfolio is outlined in the table below by investment type for the period 1 February 2023 to 28 February 2023:

Dissection of Council Investment Portfolio as at 28 February 2023

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
28,000,000.00	Term Deposits	28,000,000.00	0.00
30,842,031.21	CBA Business Saver	30,842,031.21	0.00
647,957.24	CBA Business Saver – Tourism Infrastructure Grant	647,957.24	0.00
10,243,876.49	Macquarie Accelerator	10,243,876.49	0.00
7,000,000.00	Bonds	6,588,615.00	(411,385.00)
76,733,864.94		76,322,479.94	(411,385.00)

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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 February 2023 as follows:

Dissection of Council's Cash Position as at 28 February 2023

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	28,000,000.00	28,000,000.00	0.00
CBA Business Saver	30,842,031.21	30,842,031.21	0.00
CBA Business Saver – Tourism Infrastructure Grant	647,957.24	647,957.24	0.00
Macquarie Accelerator	10,243,876.49	10,243,876.49	0.00
Bonds	7,000,000.00	6,588,615	(411,385.00)
Total Investment Portfolio	76,733,864.94	76,322,479.94	(411,385.00)
Cash at Bank			
Consolidated Fund	3,527,691.53	3,527,691.53	0.00
Total Cash at Bank	3,527,691.53	3,527,691.53	0.00
Total Cash Position	80,261,556.47	79,850,171.47	(411,385.00)

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership We have effective decision making and community leadership that is open and informed	1.3: Ethical and efficient management of resources	1.3.1: Financial Management - Ensure the financial integrity and sustainability of Council through effective financial management	1.3.1.6	Maintain Council's cash flow

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.

25

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.5 Adoption of the Byron Design Guide

Directorate: Infrastructure Services

5 **Report Author:** Malcolm Robertson, Manager Open Space and Facilities
Rachel Derbyshire, Acting Place Manager - Byron Bay

File No: I2022/1798

Summary:

10 The Byron Design Guide is intended to guide future streetscape works and programming for the Byron town centre. The document provides an audit of existing streetscape areas, including existing infrastructure, plantings and opportunities. It also provides guiding plans for streetscape treatments as well as material, furniture, and planting palettes for use in public domain projects.

15 The draft Guide was on exhibition from 1 December 2022 – 19 January 2023 and all community feedback / submissions are included as an attachment to in this report.

If endorsed, the contents of this guide will be incorporated into the day-to-day operations of Council’s Open Spaces and Works teams to provide a cohesive, consistent approach to public space upgrades in the town centre.

20

RECOMMENDATION:

That:



- 25
1. Council notes the community feedback received from the public exhibition of the draft Byron Design Guide.
 2. The Byron Design Guide be included in the next round of ‘house-keeping’ amendments for Byron Shire Development Control Plan 2014 as a reference document only in Chapter E10 Byron Bay Town Centre to assist with the assessment of development applications where public domain considerations and design excellence provisions apply.
 3. The Byron Design Guide is adopted as the operational guiding document for Council’s Open Spaces and Works teams to provide guidance for streetscape upgrades in the Byron town centre.
- 30

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13.5

Attachments:

- 1 Byron Bay Town Centre Public Domain Design Guide UPDATE 2022 small file size, E2022/120618 
- 5 2 Byron Design Guide Feedback Redacted, E2023/16412 

Report

Local Landscape Architects Plummer and Smith were engaged to develop the draft Byron Design Guide. This document is intended to provide a guide for future detailed design of streetscape works and programming in the town centre. The overarching vision is to create comfortable, social streets that delight and enable community connection. This vision is achieved through a range of design strategies that are outlined in the Guide.

It is important to note that key precincts in the town centre, such as the Byron foreshore, will go through separate design processes that identify opportunity for standalone features – bespoke furniture, public art, playgrounds etc. This document is relevant to the streets and spaces ‘in between’ our key project sites.

The guide includes:

- Audit of existing streetscape areas
- Heat mapping analysis for the town centre to identify temperature and urban heat issues
- Plans for future streetscape treatments
- Material palette
- Street furniture palette
- Planting palette

Community Feedback

The draft Byron Design Guide was workshopped twice with the Byron Masterplan Guidance Group in 2021 and 2022, and their feedback was incorporated into the final draft prior to it going on public exhibition.

Staff sought public comment on the Guide from 1 December 2022 – 19 January 2023, and the below table summarises feedback received:

Theme	Feedback	Staff Response
Pedestrians & Cyclists	Prioritise movements in design Integrate pedestrians and cyclists into the landscape	A core strategy within the guideline is to create a permeable and connected town centre. Actions include providing wider footpaths where possible, shared zones and raised crossings to allow the pedestrian and cyclists to move freely through the town and including a pedestrian prioritized beach axis along Jonson Street to provide an active connection between the town centre and

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Theme	Feedback	Staff Response
	<p>Avoid landscaping that will obstruct vision for drivers and pedestrians ability to see each other</p> <p>Incorporate Disability Access and Inclusion Plan to address mobility/scooter access on footpaths</p> <p>Add more bicycle hoops</p>	<p>Main Beach</p> <p>Planting palette allows for groundcovers, grasses and shrubs that can be maintained to required levels for safety.</p> <p>Key project principle is to improve accessibility and wayfinding with strategies such as extending footpath along southern side of Lawson Street to allow for increased streetscape space and improved accessibility</p> <p>Over 50 locations for bicycle racks have been identified within the guideline</p>
Bus Stops	Consider consultation on bus stops locations, specifically western side of rail line	The western side of the Rail corridor falls outside the footprint of this guide.
Trees	<p>Increase overall number of trees and those providing shade</p> <p>Add trees that attract bird life</p> <p>Additional trees and green spaces will negatively impact traffic flow</p> <p>Avoid trees that drop leaves, berries, pods and cope with the sun and climate</p> <p>Beautify current roundabouts with tree selection such as Bangalow Palms</p>	<p>Consideration within the plan was taken around requirement for additional shade through heat mapping and of availability of locations for plantings.</p> <p>Species and locations have been provided as a guide with on-going review of species used across the town centre being taken to hone the planting palette.</p>
Design Guide	Adopt the design guide Shire wide to include Mullumbimby and surrounding towns	Individual design guides are being developed for each town and village, with these being drawn into the DCP as they are adopted.

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Theme	Feedback	Staff Response
	<p>Keep the design natural with less concrete The plan is not maintaining the character of Byron Bay Rate payer funds should not be used to improve Byron experience for tourists</p> <p>Plan has been designed to move markets into the town centre only</p> <p>Integrate Street art into the Design Guide including local artists competitions to complement landscaping.</p> <p>Consider community engagement when Johnson Street upgrades are being implemented</p>	<p>Key design strategy is to maintain the Byron Coastal town experience using increase vegetation to provide shade, improve amenity and increase biodiversity for community <i>and</i> visitors to Byron.</p> <p>Markets planning has been conducted separately and works around major planning strategies.</p> <p>Public art projects need to be considered on their merit within detailed design of precincts or major projects rather than mandated within a streetscape guide.</p> <p>All major upgrade projects will include community engagement.</p>
Furniture	<p>Council should consider own waste and facilities capable of recycling to create durable recycled plastic furniture</p> <p>Choose furniture that is not easily damaged/vandalised and avoid using steel</p> <p>Furniture needs to comply with Disability Access and Inclusion Plan</p> <p>Carefully consider seating and furniture locations</p>	<p>Guideline promotes sustainable initiatives - native planting, locally sourced materials and recycled materials.</p> <p>Considerations include;</p> <ul style="list-style-type: none"> <input type="checkbox"/> Is it accessible <input type="checkbox"/> Is it made from recycled materials <input type="checkbox"/> Is it fabricated from re-used materials <input type="checkbox"/> Does it have a long lifespan with little maintenance <input type="checkbox"/> Is there an end of life market <input type="checkbox"/> Will it be damaged in weather events <input type="checkbox"/> Is it repairable <input type="checkbox"/> What is the life cycle assessment of the material

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Theme	Feedback	Staff Response
		<p>Guideline seeks to;</p> <ul style="list-style-type: none"> <input type="checkbox"/> create 'service areas' with grouped street furniture elements to avoid cluttered streets <input type="checkbox"/> Provide spaces for social interaction - social streets make safe streets <input type="checkbox"/> Place public seating nodes in key locations to create opportunity for activation and encourage social engagement
Permaculture	<p>Create more permaculture gardens Increase number of community gardens in areas such as town halls</p>	<p>CBD streetscapes are problematic for permaculture due to access issues. This guide is not intended for community halls.</p> <p>WSUD is incorporated wherever possible.</p>
Parking	<p>Town requires more parking before trees. Additional trees will impact on car parking spaces</p> <p>Remove parking for tourists and provide bus service only to reduce cars in town and free up car parking spaces. Increase Mobility Parking spaces</p>	<p>Adopted Byron Bay Town Centre Masterplan has a focus on “<i>Parking Out! People In</i>” as well as strengthening the network of trees.</p> <p>Changes to parking network are beyond the scope of this streetscape design guide.</p>
General feedback	<p>Greater access required for Emergency vehicles to beaches.</p> <p>Town centre drainage should be a higher priority</p> <p>Closing off the main street will increase anti-social behaviour and creates more of a Gold Coast look and feel, losing the Byron</p>	<p>This is being considered within upcoming Byron Foreshore Landscape Planning.</p> <p>This is being addressed through the current Byron Drainage Strategy.</p> <p>This guideline does not include closing off Jonson Street. Key design strategy is to maintain the Byron Coastal town experience.</p>

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Theme	Feedback	Staff Response
	<p>experience.</p> <p>Increased beach, dunes and drains maintenance needed</p> <p>Put trains back in on rail lines, connecting towns and villages and reducing traffic congestion</p>	<p>Noted.</p> <p>Noted.</p>
Footpaths	<p>Decrease footpath dining and business signage to improve pedestrian movements</p> <p>Drainage and water run off should be considered when selecting surfaces</p>	<p>Intention is to facilitate pedestrian movements while also enhancing opportunities for social interaction, such as outdoor dining. Social streets make safe streets.</p> <p>Footpath signage is managed separately under DCP 2014 - Part B Chapter 10 - signage.</p> <p>Guideline seeks to integrate WSUD devices wherever possible to improve street amenity and stormwater / environmental performance.</p>
Amenities	<p>Increase sitting areas in courtyard style shaded locations</p> <p>Make footpaths wider in some locations and provide benches to sit</p> <p>Provide more playgrounds, specifically in the Clarkes Beach area</p>	<p>Guideline identifies opportunities to place public seating nodes in key locations to create opportunity for activation and encourage social engagement, to integrate seating around significant mature trees, and to use design pedestrian control mechanisms in combination with amenity planting and seating.</p> <p>Where possible footpaths are to be widened.</p> <p>This will be considered within upcoming Byron Foreshore Landscape Planning.</p>

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable	5.4: Provide accessible community facilities and open spaces	5.4.2: Parks and open spaces - Provide and maintain active and passive recreational community space that is accessible and inclusive for all	5.4.2.6	Provide programmed maintenance and asset renewal programs to towns and villages streetscapes across the shire

Legal/Statutory/Policy Considerations

N/A

5 Financial Considerations

Implementation of the Byron Design Guide can be incorporated into existing operational budgets – it is not new project work; it’s refining existing projects for a better community outcome.

Consultation and Engagement

10 As discussed in the report.

**Report No. 13.6 Federal Drive Landslip - Remediation Works
- Tender Award contract 2022-1432**

Directorate: Infrastructure Services

Report Author: Evan Elford, Manager Infrastructure Recovery

5 **File No:** I2022/1398

Summary:

On 6 December 2022, the General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract 2022-1432, 532-606 Federal Drive Flood Damaged Site Landslides Stabilisation and Reconstruction.

10 The Request for Tender was advertised from 12 December 2022 to 27 January 2023. Tenders were received from the following organisations:

- Civlec Pty Ltd (GRC Civil)
- Ground Stabilisation Systems Pty Limited
- Holcim (Australia) Pty Ltd (Humes)

15 • Quickway Construction Pty Ltd

- See Civil Pty Ltd

Tenders have been assessed in accordance with the provisions of the Local Government (General) Regulation 2021. This report summarises the background and assessment of the tenders and provides a recommendation to award the tender for Contract 2022-1432.

20 Council has received the funding deed approval letter from TfNSW which ensures there are sufficient funds for Council to award a construction contract.

RECOMMENDATION:


- 25 1. **That Council awards Tender 2022-1432, 532-606 Federal Drive Flood Damaged Site Landslides Stabilisation and Reconstruction as recommended in the attached confidential assessment report CRM reference E2023/17878**
- 30 2. **That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2021.**

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13.6

Attachments:

- 5
- 1 Confidential - J22003-L-08-Rev1 RFT 2022-1432 Federal Drive Tender assessment
CONFIDENTIAL, E2023/17878
 - 2 P.0081037.01.001.001.003_AGRN1012_Byron Shire Council_EPAR_LR_Funding Letter -
Federal Drive, E2023/25563 

Report

On 6 December 2022, the General Manager, under delegated authority, approved the use of the open tendering method to call for tenders via Vendorpanel for Contract 2022-1432, 532-606 Federal Drive Flood Damaged Site Landslides Stabilisation and Reconstruction

- 5 The Request for Tender sought responses from proponents to provide construction services to stabilise the landslide and reconstruct the roadway in accordance with current Engineering standards and practices following a landslip on Federal Drive as a result of the 2022 February Floods (ARGN1012) declared natural disaster event.

- 10 Transport for NSW was requested to approve an upper limit funding amount of \$22,986,546 ex GST for this project to ensure there are sufficient funds to cover the construction and management costs based on the preferred tenderer Schedule of Rates tender price using the tender quantities, allowances for site supervision including contract administration and site Geotechnical Engineer etc. and contingency allowance.

- 15 TfNSW acceptance of the upper limit amount and approval is required to enable the contract to be awarded.

Council has now received the funding deed letter for acceptance and return in accordance with the terms of the deed. A copy of the funding deed letter is attached E2023/25563.

- 20 The funding deed letter and other support documentation will be signed and returned within 14 days of receipt which ensures there is sufficient approved budget to enable Council to award a construction contract as recommended.

The Contract is expected to commence in March 2023 for a period of 12 months

The Contract will be managed by WCC Engineers

The tenders were run via Vendorpanel.

- 25 A site briefing was held on 19 December and attended by a mix 16 contractor and supplier companies representatives

An Evaluation Panel comprising of 1 Council staff member and 2 consultants, being WCC Engineers and Latsyrc Pty Ltd was formed.

Tenders closed on 27 January 2023 and tenders were received from the following proponents:

- 30
- Civlec Pty Ltd (GRC Civil)
 - Ground Stabilisation Systems Pty Limited
 - Holcim (Australia) Pty Ltd (Humes)
 - Quickway Construction Pty Ltd
 - See Civil Pty Ltd

Tenders were evaluated by the Evaluation Panel and a recommendation for the successful tenderer has made based on the assessment in accordance with the following evaluation criteria:

- Compliance with the mandatory criteria - Tender submission completeness;
- 5
- Ability to fulfil the qualitative requirements;
 - Price schedule requirements.
 - The 40:60 Price:Non Price weighting will be used to generate a % score ranking the tender. The tender assessment team are to consider technical competency, capacity and program before finalising recommended tenderer.
- 10
- The mandatory assessment criteria are:
- Tenderer must have a valid Australian Business Number (ABN)
 - Offer substantially conforms to Conditions of Contract and Statement of Requirements
 - Tenderer holds Workers Compensation Insurance for all employees
- 15
- Tenderer holds, or is able to obtain, \$20 million public liability insurance and comprehensive insurance for all vehicles, machinery and plant.
 - Tenderer meets Council's minimum work health and safety requirements.
 - Tenderer has the financial capacity to undertake the contract.
 - Satisfactorily demonstrates ability to meet requirements of all tender schedules.
- 20
- A 40:60 Price:Non Price qualitative assessment has been adopted in accordance with the GC21 tender documents. The qualitative criteria are:
- Schedule of Rates;
 - Schedule of Qualifications and Departures Information;
 - Schedule of Weighted Non-Price Criteria Information:
- 25
- Schedule of Program Information;
 - Schedule of Proposed Subcontractors and Consultants;
 - Schedule of Financial Assessment Information (if requested);
 - Schedule of Quality Management Information;
 - Schedule of Work Health and Safety Management Information;
- 30
- Schedule of Environmental Management Information;
 - Schedule of Workplace Relations Information (if requested);

- Schedule of Compliance with NSW Supplier Code and Industrial Relations Guidelines;
- Schedule of Compliance for Dealing with Modern Slavery

5 Following the evaluation, the Evaluation Panel conducted referee and financial checks on the preferred tenderer. The results of these checks were deemed by the Evaluation Panel to be satisfactory as detailed in the attached Evaluation Report.

Financial Considerations

10 Transport for NSW has approved an upper limit funding amount of \$22,426,546 ex GST for this project to ensure there are sufficient funds to cover the construction cost based on the preferred tenderer Schedule of Rates tender price using the tender quantities, allowances for site supervision including contract administration and site Geotechnical Engineer etc. and contingency allowance.

Once received and enacted, the revised upper limit funding deed will provide sufficient funds for works under the proposed contract.

15 Statutory and Policy Compliance Considerations

The tendering process has been undertaken in accordance with Council's Purchasing and Procurement Policy, and the provisions of the Local Government (General) Regulation 2021.

20 The Local Government (General) Regulation 2021 define the options available to Council. An extract is provided below.

Local Government (General) Regulation 2021 - Reg 178

As applicable at time of release of tender:

[Acceptance of tenders](#)

178 Acceptance of tenders

- 25 (1) *After considering the tenders submitted for a proposed contract, the council must either—*
- (a) *accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
 - (b) *decline to accept any of the tenders.*
- 30 (1A) *Without limiting subsection (1), in considering the tenders submitted for a proposed contract for the performance of domestic or other waste management services, the council must take into account whether or not existing workers (within the meaning of section 170) will be offered employment or engagement on terms and conditions*

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comparable to those applicable to the workers immediately before the tender was submitted.

- 5 (2) *A council must ensure that every contract it enters into as a result of a tender accepted by the council is with the successful tenderer and in accordance with the tender (modified by any variation under section 176). However, if the successful tender was made by the council (as provided for in section 55(2A) of the Act), the council is not required to enter into any contract in order to carry out the requirements of the proposed contract.*
- 10 (3) *A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following—*
- (a) *postpone or cancel the proposal for the contract,*
- (b) *invite, in accordance with section 167, 168 or 169, fresh tenders based on the same or different details,*
- 15 (c) *invite, in accordance with section 168, fresh applications from persons interested in tendering for the proposed contract,*
- (d) *invite, in accordance with section 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
- 20 (e) *enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
- (f) *carry out the requirements of the proposed contract itself.*
- (4) *If a council resolves to enter into negotiations as referred to in subsection (3)(e), the resolution must state the following—*
- 25 (a) *the council's reasons for declining to invite fresh tenders or applications as referred to in subsection (3)(b)–(d),*
- (b) *the council's reasons for determining to enter into negotiations with the person or persons referred to in subsection (3)(e).*

30 Council's endorsement of the recommendation to award the tender as recommended in the attached Evaluation Report is sought.

Report No. 13.7 Mullumbimby Traffic Movement Corridor - Safety and Capacity Improvements

Directorate: Infrastructure Services

Report Author: Judd Cornwall, Traffic & Transport Engineer

5 **File No:** I2023/185

Summary:

10 The purpose of this report is to clarify the Infrastructure Planning's teams short-term planning for a preferred freight route around the centre of Mullumbimby Town Centre (Station St Movement Corridor). This report is also seeking endorsement from Council to further the design options to support the proposed freight/through-route at the intersections of Stations/Burringbar Street, Station/Tincogan Street and Station/Fern Street.

15 The community has expressed safety concerns regarding increased heavy vehicle (HV) volumes on streets around the town centre following the implementation of the place and planning pedestrianisation scheme throughout Burringbar St. Whilst Council staff agree there may be some additional heavy traffic numbers from the scheme, it is considered that they (heavy vehicles) have always used these streets and the HV upgrades should be provided to improve safety for all users, including pedestrians.

20

RECOMMENDATION:

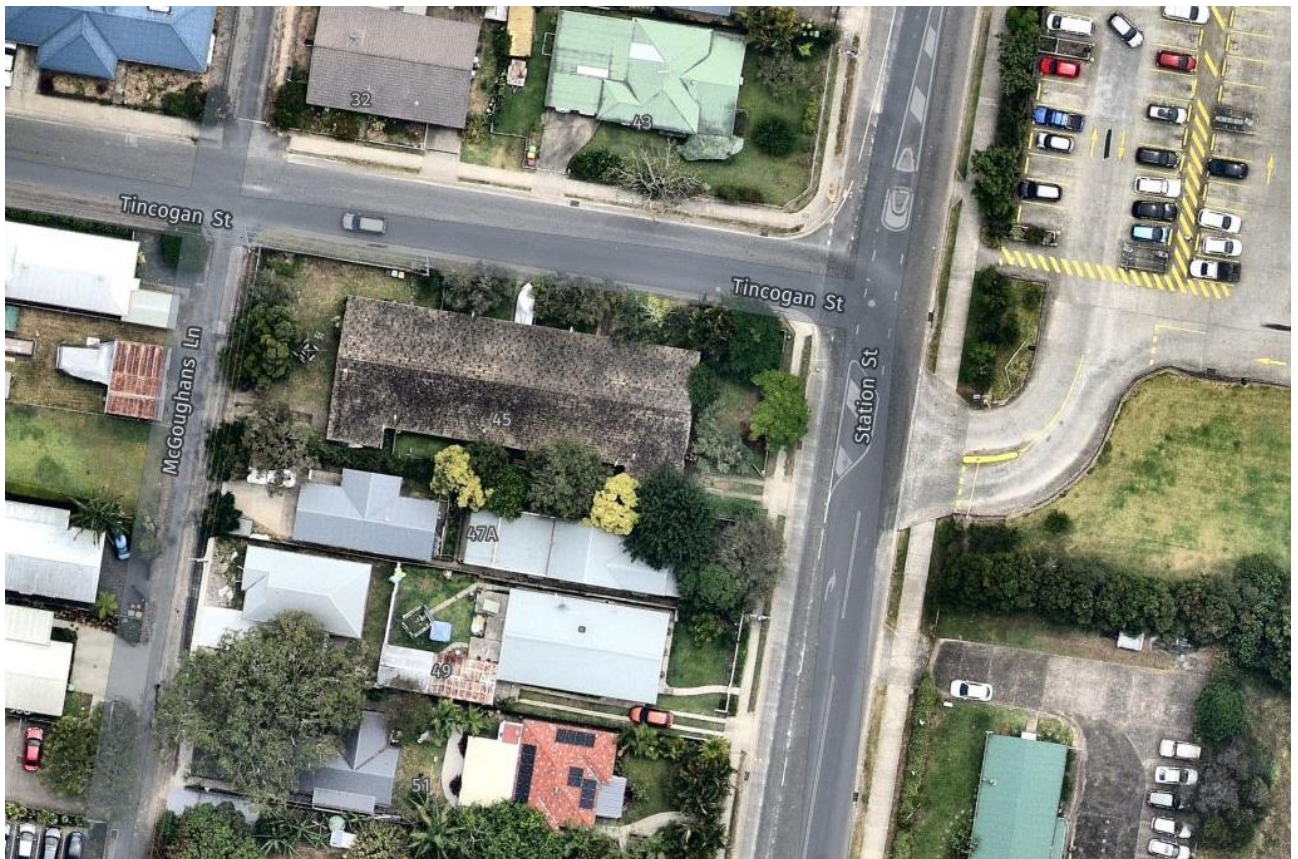
1. **That Council supports the development of designs for the Station Street corridor, between Tincogan Street and Burringbar Street which provides for all users including heavy vehicles.**
- 25 2. **That funding for the investigation and development of concept solutions for the Station / Tincogan Street intersection be considered in the preparation of the 2023/24 Budget with a supporting draft Operational Plan Action.**

30

Report

Current Situation

Station / Tincogan Street Intersection



5 Figure 1: Tincogan St/Station St intersection current formation

The intersection of Tincogan St/Station St is a three way “T” intersection which carries roughly 5,000 vehicles per day, the speed on all legs of the intersection is 50km/h. The intersection is very tight considering the left turn for northbound driver particularly heavy vehicles.

- 10 Recent traffic survey data has indicated that on the day of the survey in a 8 hour period (6am –10am & 3pm – 7pm), 17 June 2022 there were 35 heavy vehicles were making the left turn from the southern approach. Pedestrian movements through the intersection (same period) total 176 crossings (peak time crossing movements below). There were also 47 on-road cyclists through the intersection within the same period.

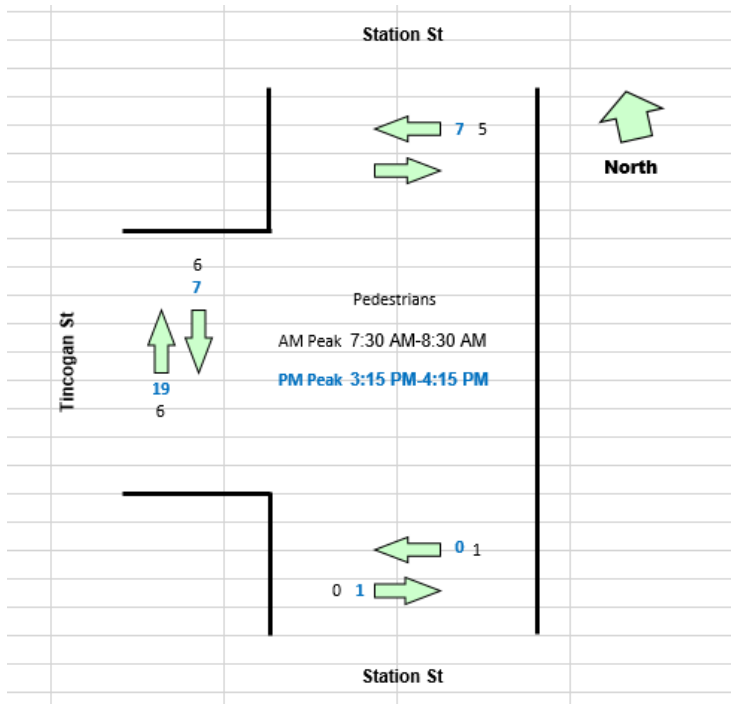


Figure 2: Pedestrian Crossing movements

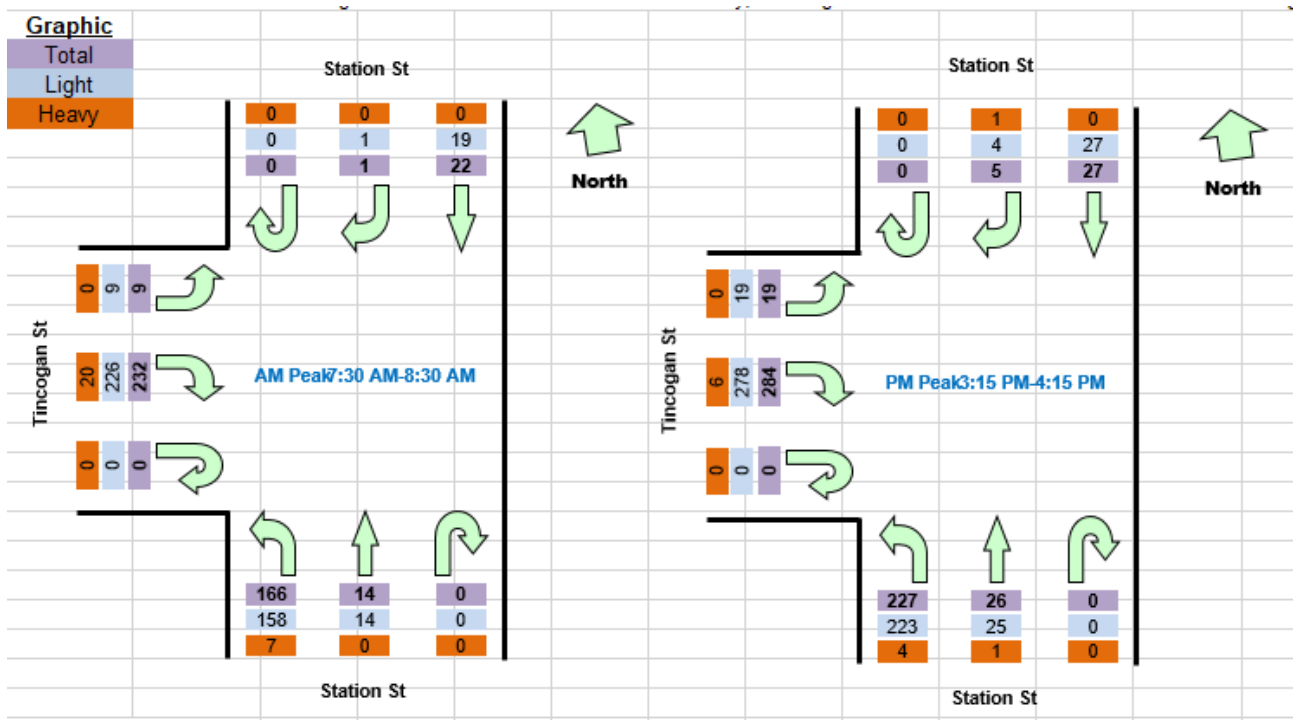


Figure 3: Peak time traffic volumes

5 Station / Burringbar Street Intersection

The intersection of Station St and Burringbar St is a three-way priority 'T' intersection with a posted speed limit of 30km/h throughout, recent traffic survey data has indicated volumes passing through the intersection are greater than 6,556 vehicles per day. The

intersection is also the eastern entry to the 30km place and planning pedestrianisation scheme. This intersection was identified for upgrade through various complaints and observations regarding the operation of the intersection and pedestrian crossing safety concerns.



5

Figure 4: Station St/Burringbar St intersection formation

Recent traffic survey data has indicated that on the day of the survey in a 8 hour split period (6am –10am & 3pm – 7pm), 17 June 2022, 279 heavy vehicles passed through the intersection. The traffic survey data at the intersection also indicates that even with the restricted zone through Burringbar St 75% of heavy vehicle movements coming from the Argyle St / M1 are opting to use Burringbar Street to pass through the Mullumbimby Town Centre.

10

It is worth noting that the State’s current regional road designation does identify this route (Burringbar Street) as the main road through town.



Figure 5: TfNSW Regional Road mapping

Pedestrian movements through the intersection (same period) total 670 crossings (peak time crossing movements below). There were also 47 on-road cyclists through the intersection within the same period.

5

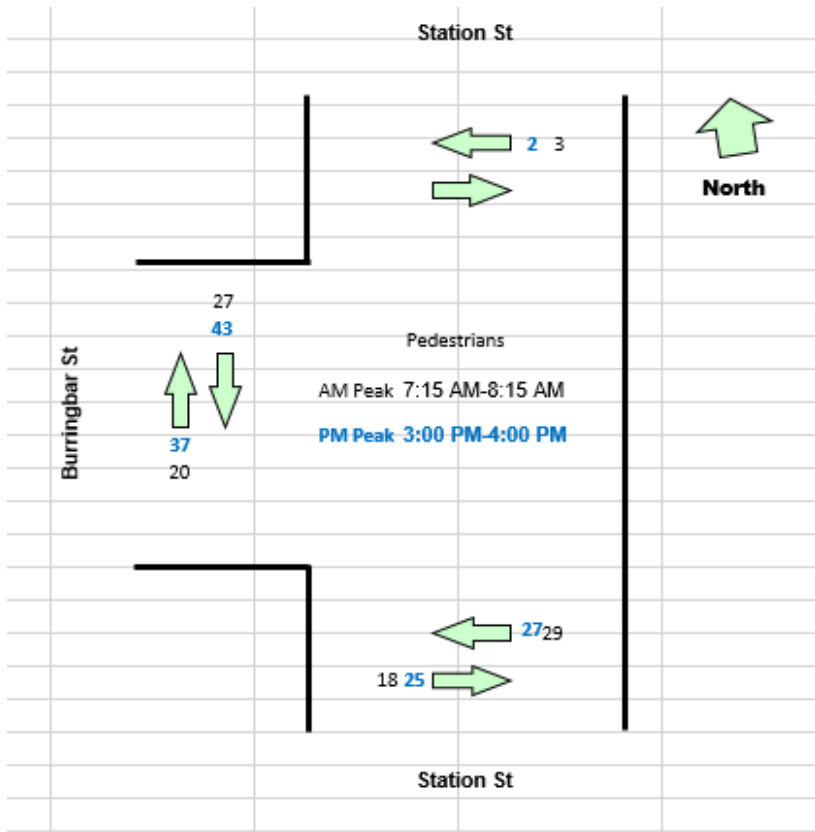


Figure 6: Peak time crossing movements

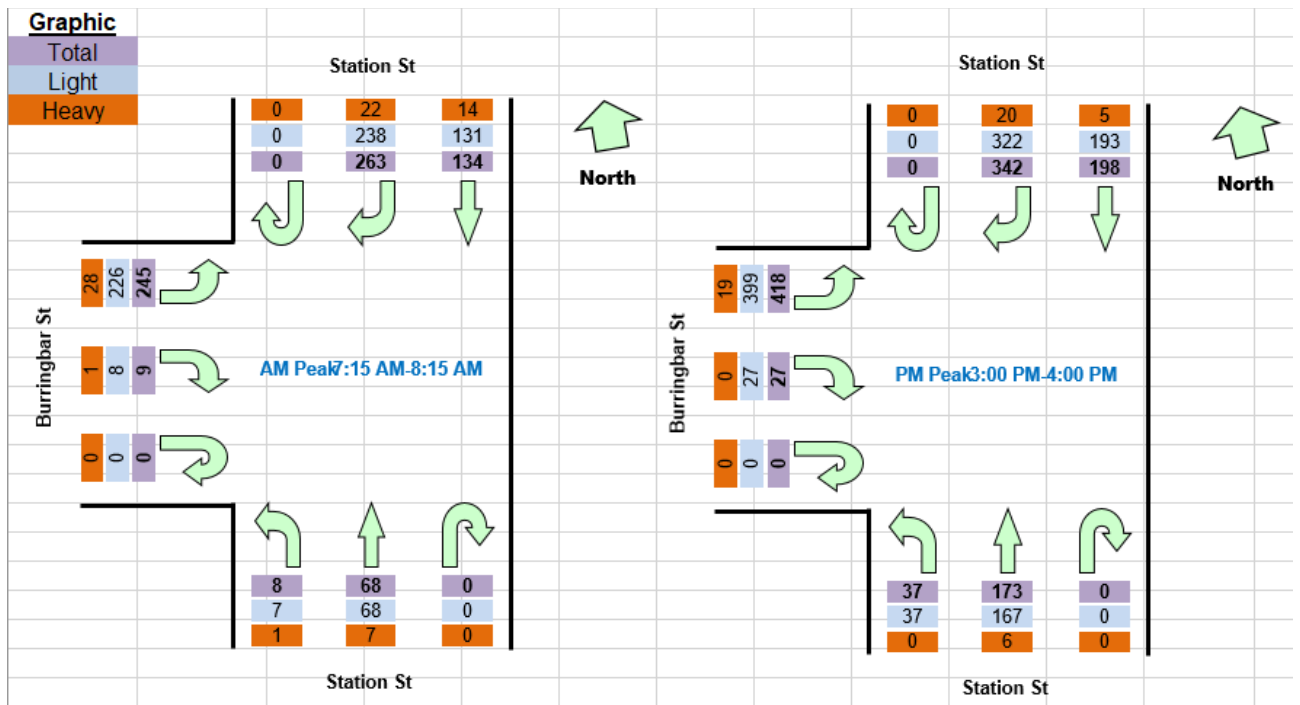


Figure 7: Peak time traffic volumes

Station / Fern Street Intersection

- The intersection of Station St and Fern St is a three-way priority 'Y' intersection with a posted speed limit of 50km/h throughout. The priority through movement at the intersection is a 90 degree turn with reasonably tight geometry causing alot of vehicles to cut the through the corner.



Figure 8: Station Street/Fern St intersection



Figure 9: Geometric constraints at Fern St/Station St

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Recent traffic survey data has indicated traffic volumes passing through the intersection (through route only) on the day that was surveyed (17 June 2022) were 1818 total vehicles between the periods of 6am – 10am and 3pm – 7pm (HV percentage - 4 per cent).

- 5 Unfortunately, there is no recorded pedestrian data for this intersection however, we have observational data that show's there is demand and that the pedestrians crossing at the intersection are highly vulnerable.





Figure 10: Pedestrian users at the intersection of Station St/Fern St

Problem Statement

Historic traffic survey data has demonstrated that volumes on Burringbar St have started to stagnate from 2017 – 2022 (not including COVID conditions); while volumes on Argyle St have increased at roughly 3.3 per cent, per annum (over the last 7 years). This indicates that Burringbar Street may have reached capacity. Consequently, Station Street and the surrounding network will continue to see growth as the town centre (Burringbar St) becomes more congested.

It is also worth noting that the percentage of heavy vehicles using Burringbar Street following the implementation of the 30km/h pedestrianisation scheme has not decreased (based on the available traffic data).

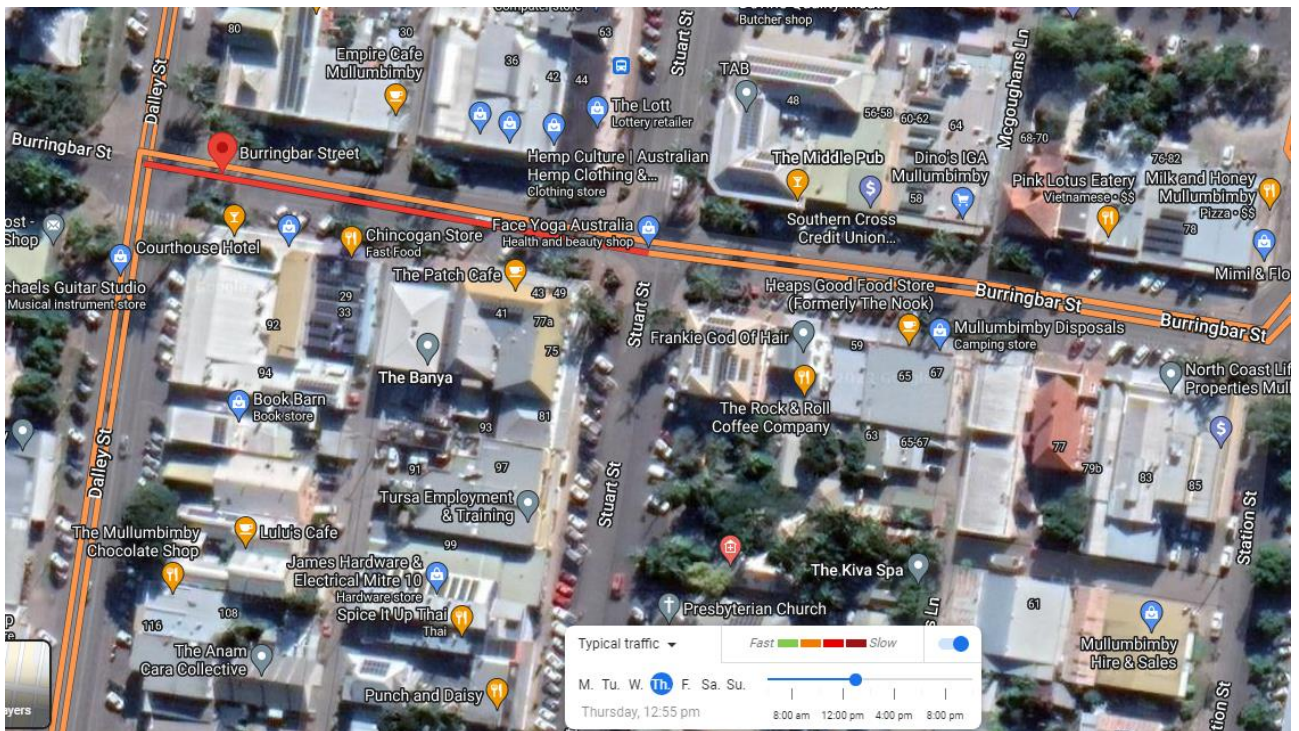


Figure 11: Typical traffic conditions Burringbar St

Outcomes

The leading focus for the improvements on the Station St Movement Corridor (SSMC) is safety for all users. All upgrades within the SSMC will consider pedestrian and cyclist improvements while also seeking to improve traffic flow both through the intersections and along the link.

Potential Benefits

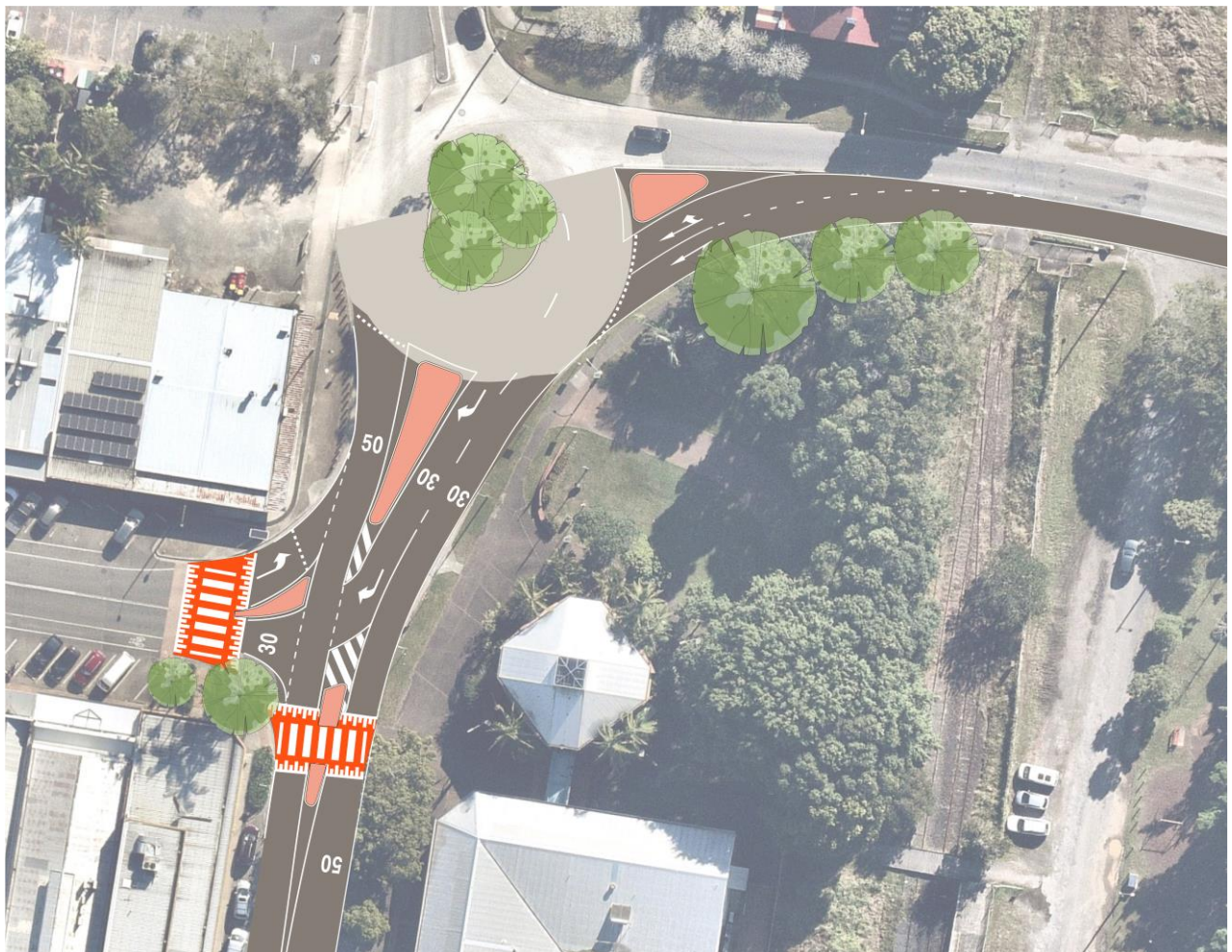
Station / Tincogan Street Intersection Upgrade (requires concept development and discussion with Woolworths)

- Provide safe access for heavy vehicles (prevent lane encroachment)
- Provision for pedestrian and cyclists at the intersection

- Supports Mullumbimby Master Planning by removing a heavy vehicle pinch point in the proposed movement corridor
- Improve intersection function with Woolworths access

Station St/Burringbar St Intersection Upgrade (concept stage only)

- 5 • Rationalise turn movements through the intersection, by prioritising the proposed movement corridor.
- Increase safety at the pedestrian crossings by removing the sight distance issues (pedestrian crossing behind a stopped vehicle).
- 10 • Increase capacity through the intersection. Traffic modelling has indicated that the current intersection layout has little spare capacity and will likely fail within 5 years (considering three per cent growth). The proposed scenario (figure 12) will provide sufficient capacity for the next 10years.
- Provide a clear entry statement for the 30km/h high pedestrian zone.



15 **Figure 12: Burringbar St/Station St/Argyle St concept sketch**

Station / Fern Street Intersection upgrade (concept stage only)

- Provide safe access for all users through the intersection including heavy vehicles
- Provide a sealed off-street facility for pedestrians and cyclists

- Support Mullumbimby Master Planning by removing a heavy vehicle pinch point in the proposed movement corridor



Figure 13: Station St/Fern St concept sketch

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable	5.1: Provide a safe, reliable, and accessible transport network	5.1.2: Road renewal and upgrades - Deliver road renewal and upgrade capital works program	5.1.2.18	Fixing Local Roads Renewals - Mullumbimby

Recent Resolutions

- 5 • **22-591**

Resolved that with respect to Committee Recommendation 4.1.1, Council moves as follows:

1. Notes the Draft Mullumbimby Traffic and Transport Report (E2022/90532) as tabled at the Infrastructure Advisory Committee on 7 October 2022;
- 10 2. Defers consideration of the recommendations of the report and asks for a spot at the next available Councillor Workshop to consider matters raised by the community in relation to the Draft Report; and
3. Receives a further report following the Workshop.

15

Report No. 13.8 Tender Report - Contract 2023-1521 – Linda Vidler Park – Drainage and Sports Field Works - Suffolk Park

Directorate: Infrastructure Services

5 **Report Author:** Jim Roberts, Coordinator Open Space

File No: I2023/256

Summary:

10 On 21 December 2022 the General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract 2023-1521 – Linda Vidler Park – Drainage and Sports Field Works - Suffolk Park.

The Request for Tender was advertised from 16 January 2023 to 15 February 2023. Tenders were received from the following organisations:

- Fergie’s Fine Fields
- RCC Earthworks

15 Tenders have been assessed in accordance with the provisions of the Local Government (General) Regulations 2021. This report summarises the background and assessment of the tenders and provides a recommendation to decline the offers of all of the tenders, with reasoning outlined in attached Tender Assessment.

20 To progress this grant funded initiative staff have determined that it is more viable to separate the sports field and drainage components of the works. This approach will allow staff to seek quotes for the sports field component of the works, which requires specialist sports field expertise.

25 **RECOMMENDATION:**

That Council:

1. **Declines to accept the offers received from all of the tenders; and**
2. **Notes the revised procurement strategy to separate parkland drainage works from sports field works.**

30

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Attachments:

- 1 Confidential - signed evaluation report Linda Vidler Drainage tender, E2023/23395

5

Report

On 21 December 2022, the General Manager, under delegated authority, approved the use of the open tendering method to call for tenders for Contract 2023-1521– Linda Vidler Park – Drainage and Sports Field Works – Suffolk Park

- 5 The Request for Tender sought responses from proponents to provide the following:
- To engage a suitably qualified company to complete the upgrade of the park drainage and sports field sub surface drainage to prevent future flood related events and increase usage of the sports field, in accordance with attached plans and specification.

- 10 Tenders were advertised as follows:

Vendorpanel: 16 January – 10 February 2023

Council website: 16 January – 10 February 2023

The tender was extended to 15 February 2023 on request.

An Evaluation Panel comprising of three Council staff members was formed.

- 15 Tenders closed on 15 February 2023 and tenders were received from the following proponents:
- Fergies Fine Fields
 - RCC Earthworks

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

Mandatory criteria:

- a) Tenderer must have a valid Australian Business Number.
- b) Substantial conformance to Conditions of Contract and Statement of Requirements.
- c) Workers compensation insurance for all employees.
- 25 d) Holds, or is willing to obtain, the insurances as specified in the Statement of Requirements.
- e) Satisfactory Work Health and Safety practices.
- f) Commitment to ethical business practice principles.

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Qualitative criteria:

Criteria	Elements
Profile and relevant experience	Tenderer profile
	Previous relevant experience
	Environmental practices
	Opportunities for disadvantaged people
	Local employment opportunities
Quality and availability of resources	Proposed key personnel
	Proposed staff
	Use of subcontractors
	Vehicles, plant and equipment
Delivery Plan	Goods/services standards and methodology
	Implementation plan
	Product sustainability
	Supporting local business, social enterprise and Indigenous business
Price	Total contract price

Next steps

- 5 Based on the results of the evaluation, the Evaluation Panel has recommended to reject all tenders and have developed an alternative strategy for the works, including a separate quotation process for the sports fields works aiming to attract experts in this field. This proposed action is pursuant to Regulation 178(3)(a) of the Local Government (General) Regulation 2021:

A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following—

- (a) postpone or cancel the proposal for the contract,*

5 Council's endorsement of the recommendation to not accept any of the tenders as recommended in the attached Evaluation Report is sought.

Financial Considerations

No financial implications to the budget.

Statutory and Policy Compliance Considerations

10 The tendering process has been undertaken in accordance with Council's Purchasing and Procurement Policy, and the provisions of the Local Government (General) Regulation 2021.

The Local Government (General) Regulations 2021 define the options available to Council. An extract is provided below.

Local Government (General) Regulation 2021 - Reg 178

15 [Acceptance of tenders](#)

178 *Acceptance of tenders*

- (1) After considering the tender submissions for a proposed contract, the council must either—*

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

- (b) decline to accept any of the tender submissions.*

25 *(1A) Without limiting subsection (1), in considering the tender submissions for a proposed contract for the performance of domestic or other waste management services, the council must take into account whether or not existing workers (within the meaning of section 170) will be offered employment or engagement on terms and conditions comparable to those applicable to the workers immediately before the tender submission was submitted.*

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

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- (3) *A council that decides not to accept any of the tender submissions for a proposed contract or receives no tender submissions for the proposed contract must do one of the following—*
- (a) *postpone or cancel the proposal for the contract,*
 - 5 (b) *invite, in accordance with section 167, 168 or 169, fresh tender submissions based on the same or different details,*
 - (c) *invite, in accordance with section 168, fresh applications from persons interested in making a tender submission for the proposed contract,*
 - 10 (d) *invite, in accordance with section 169, fresh applications from persons interested in making a tender submission for contracts of the same kind as the proposed contract,*
 - (e) *by resolution of the council, enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
 - 15 (f) *carry out the requirements of the proposed contract itself.*
- (4) *If a council resolves to enter into negotiations as referred to in subsection (3)(e), the resolution must state the following—*
- (a) *the council's reasons for declining to invite fresh tender making a tender submissions or applications as referred to in subsection (3)(b)–(d),*
 - 20 (b) *the council's reasons for determining to enter into negotiations with the person or persons referred to in subsection (3)(e).*

**Report No. 13.9 Naming of a Park in Bangalow.
Recommendations following Public
Exhibition**

Directorate: Infrastructure Services

5 **Report Author:** Andrew Erskine, Open Space Technical Services Officer

File No: I2023/320

Summary:

10 Following Council's consideration on 15 December 2022 of Report 13.24, 'Renaming of a Park in Bangalow', the proposal to name the park, Piccabeen Park, has completed its 28-day public exhibition period. This resulted in 4 votes of support and 1 in opposition.

RECOMMENDATION:

- 15
1. That Council formally adopts the name Piccabeen Park for Lot 2 DP1249921.
 2. That staff complete application to the Geographic Names Board to formally gazette the name Piccabeen Park to Council owned reserve Lot 2 DP1249921
 3. Council web page to be updated to reflect the adopted name, and Bangalow businesses and accommodation providers to be informed via appropriate media.
- 20

Report

Following Public Exhibition for 28 days Council received 5 responses.

5 Four of these responses were supportive, enthusiastic of indigenous recognition and the name Piccabeen Park.

One response received was opposed to the proposal, their four points are detailed and answered by staff below;

1. *Nobody recognises the Bangalow Showground as anything but the showground.*

10 Staff comment: Bangalow Showgrounds are currently Gazetted as Bangalow Park. If this reserve is more readily identified as something else the proponents should seek approval to change it to the alternative name.

2. *The Bangalow Parklands is known as the park next to the old pool and has been since council closed the pool and knocked out the weir.*

15 Staff comment: This does not comprise a name and would not serve well as a destination for someone from out of town or an Emergency Responder.

3. *Nobody wants the change to Piccabeen Park (as there is a town in Queensland known as Piccabeen and it would be confusing).*

20 Staff comment: We only received this one letter opposed to the naming of the park as Piccabeen Park. Few place names are unique, someone following directions to a park in Bangalow are unlikely to grow confused and detour to a town in QLD.

4. *I believe it was someone in council that recommended the change without consultation with the residences (sic).*

Staff comment: The proposal was placed on public exhibition to allow residents to comment, only 5 did.

25 As the name was forwarded by the volunteer caretakers of the park and supported by Arakwal Board it is suggested that staff now forward the proposal for naming Piccabeen Park to the NSW Geographic Names Board.

Key issues

Supported by Arakwal Board

30 Options

Guidelines from the Geographical Naming Board for selection of names;

- Aboriginal names are encouraged.
 - Names acknowledging the multicultural nature of NSW are encouraged.
 - Names associated with the heritage of an area are encouraged.
 - A name that owes its origin to the peculiarity of a topographic feature designated such as shape, vegetation, animal life etc. may be accepted.
- 35

Next steps

Staff make formal application to the NSW Geographic Names Board to gazette the name Piccabeen Park to Lot2 DP1249921



5 Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<p>2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued</p>	<p>2.3: Respect and value Aboriginal cultures, knowledge, and history</p>	<p>2.3.1: Aboriginal community and First Nations People - Develop strong and productive relationships that empower the Aboriginal community</p>	<p>2.3.1.1</p>	<p>Continue working with Traditional owners on land management matters</p>

Previous Resolution:

- 22-709

That:

- 5 1. Council approves the proposed name Piccabeen Park to be placed on public exhibition for 28 days in first quarter of 2023.
2. A further report be provided to Council advising on outcomes of the public exhibition.

Legal/Statutory/Policy Considerations

Nil

Financial Considerations

- 10 Once a name for the park has been formalised the design and construction of a sign will be required.

The cost of a sign (approximately \$500) will be available from adopted parks infrastructure renewal budget.

Consultation and Engagement

- 15 Following the exhibition period in February 2023 the consultation is considered complete.

Report No. 13.10 Water Sensitive Urban Design (WSUD) Guidance Materials and Development Control Plan Update

Directorate: Infrastructure Services

5 **Report Author:** Scott Moffett, Drainage & Flood Engineer, IS - Works - Infrastructure Planning

File No: I2023/325

Summary:

10 Council adopted the Byron Shire Council Water Sensitive Urban Design Policy and Strategy (E2019/59813) in March 2020 (Attachment 1).

Council committed to the development of guidance materials and to then initiate an update of the Development Control Plan (DCP 2014).

Council engaged consultants to undertake the works under the guidance of key staff from Infrastructure Services (IS) and Environmental and Economic Planning (EEP).

15 The guidance materials and words for the DCP 2014 update are now complete and available for review before being added to the next DCP update that is currently underway.



20

RECOMMENDATION:

That Council supports the proposed Development Control Plan provided at Attachment 1 #E2023/25143 being incorporated into the next available update to the Byron Development Control Plan 2014.

25

Attachments:

- 1 E2019 59813 Shire Wide Water Sensitive Urban Design Strategy and Policy - Final Draft for Council Adoption, E2019/59813 
- 30 2 M97000-MEM-003-0 Byron DCP Update, E2023/25143 

Report

Council adopted the Byron Shire Council Water Sensitive Urban Design Policy and Strategy (E2019/59813 Attachment 1) in March 2020.

5 The Water Sensitive Urban Design Policy (WSUD) has been prepared to provide strategic direction for Council and other parties in the design, construction, operation and maintenance of WSUD infrastructure in the Byron Shire. The objectives of the WSUD Policy is to progressively improve catchment and receiving waterway outcomes through improved implementation of WSUD principles and accepted practices.

10 The WSUD Policy applies to all of Council operations and through its implementation (via the associated WSUD Strategy) it will influence the nature of parties external to Council, such as the development industry and the general public towards an increased awareness of WSUD and improved implementation of WSUD principles and practices.

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

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

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

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

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

The WSUD Policy incorporates social, environmental, economic and governance required for sustainability as outlined below:

35

Social

5 The WSUD Policy includes strategies to educate the community as to what water sensitive urban design is and how their actions can assist in maintaining and improving the condition of receiving waterways. Additionally, the benefits of improved and more consistent implementation of WSUD will have far reaching social benefits over time through improved environmental amenity and ecology.

Environmental

10 The WSUD Policy seeks to achieve better environmental outcomes through improved implementation of WSUD principles and practices within Council operations, and within the development sector and the general community. As such the WSUD Policy is fundamentally aligned with environmental management and improvement.

Economic

15 Economic sustainability is a key consideration of WSUD which requires adequate funding to achieve its aims. A variety of mechanisms to improve the funding for WSUD from Council based and external sources are outlined within the WSUD Strategy.

Governance

The implementation (and governance) of the WSUD Policy is outlined further within the WSUD strategy

20 Following the adoption of the WSUD Policy, Council committed to the development of guidance materials and to then initiate an update of the Development Control Plan (DCP 2014).

Council engaged specialist consultants to undertake the works under the guidance of key staff from Infrastructure Services (IS) and Environmental and Economic Planning team (EEP).

25 The guidance materials and words for the DCP 2014 update are now complete.

Attachment 2 provides the proposed words for the WSUD DCP chapter that will be included in the current DCP update.

Supporting guidance materials will be made available on Council website.

Next steps

- 30
- EEP staff to update DCP 2014 and prepare for public consultation
 - Council to publish guidance materials on Council's website
 - Potential, targeted, consultation with the local development industry

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	1.1: Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.6: Provide stormwater infrastructure to manage flood mitigation, social and environmental outcomes	New activity	Complete Water Sensitive Urban Design Strategy Actions

Recent Resolutions

- 20-145
- 5 • 21-548

Legal/Statutory/Policy Considerations

The WSUD Policy is linked directly to a number of the historical Council’s 10-year Community Strategic Plan Strategies including:

- 10 1) Community Objective 1 – We have Infrastructure, Transport and Services which meet our Expectations. Under this objective the supporting strategy “Provide continuous urban water and sewerage services within the Shire” is relevant in the sense that WSUD has not been applied evenly through the Shire to date and there is extensive capacity for improving WSUD outcomes in existing areas of urban settlement and in future urban settlements.
- 15 2) Community Objective 3 – We Protect and Enhance our Natural Environment. Under this objective the supporting strategy “Partner to protect and enhance the health of the Shire’s coastlines, estuaries, waterways and catchments” is most relevant, as to achieve the desired outcome of healthy and protected waterways the actions of the community and development sector need to align with Councils vision.

20 Financial Considerations

None applicable to the report.

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 Report of the Finance Advisory Committee Meeting held on 16 February 2023

5 **Directorate:** Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2023/255

Summary:

10 This report provides the minutes of the Finance Advisory Committee Meeting held on 16 February 2023.

RECOMMENDATION:

15 1. **That Council notes the minutes of the Finance Advisory Committee Meeting held on 16 February 2023.**

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

Report No. 4.1 Budget Review - 1 October 2022 to 31 December 2022
File No: I2023/170

Committee Recommendation 4.1.1

That Council:

1. **Authorises the itemised budget variations as shown in Attachment 2 (#E2023/13829) which include the following results in the 31 December 2022 Quarterly Review of the 2022/2023 Budget:**

- a) **General Fund – \$0 movement to the Estimated Unrestricted Cash Result**
- b) **General Fund - \$7,342,100 increase in reserves**
- c) **Water Fund - \$208,200 decrease in reserves**

BYRON SHIRE COUNCIL

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

14.1

- d) Sewerage Fund - \$297,500 decrease in reserves
- 2. Adopts the revised General Fund Estimated Unrestricted Cash Result of (\$205,000) for the 2022/2023 financial year as at 31 December 2022.
- 3. Receives a report to the Council Ordinary Meeting in April 2023 on infrastructure recovery program identifying major projects, cash flow gaps and funding sources.

Attachments:

- 1 Minutes 16/02/2023 Finance Advisory Committee, I2023/197 

5

Report

The attachment to this report provides the minutes of the Finance Advisory Committee Meeting of 16 February 2023 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [Minutes of Finance Advisory Committee Meeting - Thursday, 16 February 2023 \(infocouncil.biz\)](https://infocouncil.biz)

Summary of Reports

Report 4.1: Budget Review - 1 October 2022 to 31 December 2022

- 10 This report contains an overview of the proposed budget variations for the General Fund, Water Fund and Sewerage Fund.

Committee Recommendation

The Committee considered the 31 December 2022 Quarterly Budget Review (Report 4.1).

The 31 December 2022 Quarterly Budget Review outlined Council's estimated financial position for the 2022/23 financial year, reviewed as at 31 December 2022.

- 15 The 31 December 2022 Quarterly Budget Review is the second quarterly budget review for the 2022/2023 financial year and there are a series of proposed budget adjustments outlined in the report.

Financial Implications

- 20 As per the Reports listed within the Finance Advisory Committee Meeting of 16 February 2023.

Statutory and Policy Compliance Implications

As per the Reports listed within the Finance Advisory Committee Meeting of 16 February 2023.

Report No. 14.2 Report of the Audit, Risk and Improvement Committee Meeting held on 16 February 2023

Directorate: Corporate and Community Services

5 **Report Author:** Mila Jones, Governance and Internal Audit Coordinator

File No: I2023/257

Summary:

10 This report provides the minutes of the Audit, Risk and Improvement Committee Meeting of 16 February 2023 for determination by Council.

RECOMMENDATION:

15 1. That Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 16 February 2023.

2. That Council adopts the following Committee and Management Recommendation:

Report No. 4.4 Internal Audit Plan 2023-2024 - Detailed version
File No: I2023/63

Committee Recommendation 4.4.1

That the Audit, Risk and Improvement Committee endorses the scope of the audits to be undertaken in 2023-2024 as contained in the attached Internal Audit Plan (Attachment 1 E2023/8002) with the below amendments to the timetable:

	FY24
Q1	Developer contributions
Q2	Disaster recovery and planning
Q3	Waste management
Q4	WHS

3. That Council adopts the following Committee and Management Recommendations:

Report No. 5.1 Internal Audit Report Quarter 2 2022-2023 including Plant and Fleet Review and Corporate Cards Review

File No: I2022/1906

Committee Recommendation 5.1.1

That the Audit, Risk and Improvement Committee:

- 1. Notes the Internal Auditors Summary of Internal Audit Recommendations for Quarter 2 2022-2023 at Attachment 1 (E2023/7733).**
- 2. Endorses the recommendations from the Executive Team to close off seven internal audit recommendations from Quarter 2 2022-2023 as listed in Table 1 of this report (a summary from Attachment 2 E2023/3535).**
- 3. Endorses that Management implement the recommendations made in the:**
 - a) Internal Audit of Plant and Fleet (December 2022) (Attachment 3 E2022/127137).**
 - b) Internal Audit of Corporate Cards (December 2022) (Attachment 4 E2022/126217)**

4. That Council adopts the following Committee and Management Recommendation:


Report No. 5.2 2022 Year End Management Letter

File No: I2023/123

Committee Recommendation 5.2.1

That the comments provided by Management in response to issues raised in the 2022 Year End Audit Management Letter (#E2023/10387) be noted by Council and the Audit, Risk and Improvement Committee.

Attachments:

- 5 1 Minutes 16/02/2023 Audit, Risk and Improvement Committee, I2023/198 **
- 2 Confidential - ARIC Self Assessment Questionnaire January to December 2022, E2023/8423**
- 3 Confidential - Internal Audit Plan 2023-2024 Detailed, E2023/8002**

BYRON SHIRE COUNCIL

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

14.2

- 4 Confidential - Summary of IA Recommendations - Quarter 2 2022-2023 (from Grant Thornton), E2023/7733
- 5 Confidential - Internal Audit Recommendations Status for Quarter 2 2022-2023, E2023/3535
- 6 Confidential - Internal Audit Report - Plant and Fleet - FINAL 2022, E2022/127137
- 5 7 Confidential - Internal Audit Report - Corporate Cards - FINAL 2022, E2022/126217

Report

The attachment to this report provides the minutes of the Audit, Risk and Improvement Committee Meeting of 16 February 2023 for determination by Council. The agenda for this meeting can be located on Council's website at:

5 [Audit, Risk and Improvement Committee Meeting Agenda 16 February 2023](#)

The attachment numbers included in the recommendations to this report follows the numbering of the Audit, Risk and Improvement Committee Meeting Agenda. Confidential attachments from that Agenda have been included with this report for Council's information. The non-confidential attachments are available at the links provided above.

10 Confidential attachments included in this report:

- Report 4.1 Attachment 1 - This has been included as Attachment 2 to this report
- Report 4.4 Attachment 1 - This has been included as Attachment 3 to this report
- Report 5.1 Attachments 1, 2, 3, 4 - These have been included as Attachment 4, 5, 6, 7 to this report

15 Note: Report 5.2 Attachment 1 - This has not been included with this report as it is available to the Committee only.

Committee Recommendation

20 The recommendations in this report to Council list only those Committee recommendations that require endorsement by Council e.g. items the Committee simply noted have not been included in this report (reports 4.1, 4.2, 4.3 and 5.3). The remainder of the Committee Recommendations are included in the attached minutes.

Further, two reports were provided to the Committee for information only and required no recommendations to Council. These are listed in the Agenda and in the Minutes at Reports 7.1 and 7.2.

25 Financial Implications

As per the Reports listed within the Audit, Risk and Improvement Committee Meeting of 16 February 2023.

Statutory and Policy Compliance Implications

30 As per the Reports listed within the Audit, Risk and Improvement Committee Meeting of 16 February 2023.

5 **Report No. 14.3 Report of the Biodiversity Advisory Committee Meeting held on 16 February 2023**

Directorate: Sustainable Environment and Economy

Report Author: Michelle Wilde, Project Support Officer

File No: I2023/243

10 **Summary:**

This report provides the minutes of the Biodiversity Advisory Committee Meeting of 16 February 2023 for determination by Council.

15 **RECOMMENDATION:**

That Council notes the Minutes of the Biodiversity Advisory Committee Meeting held on 16 February 2023.

20

Attachments:

1 Minutes 16/02/2023 Biodiversity Advisory Committee, I2023/160 

25

Report

The attachment to this report provides the minutes of the Biodiversity Advisory Committee Meeting of 16 February 2023 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 https://byron.infocouncil.biz/RedirectToDoc.aspx?URL=Open/2023/02/BAC_16022023_A_GN_1639_AT.PDF

The Committee recommendations are supported by management and are provided in the attachment to this report Management Comments

Summary of Reports

10 Report No. 4.1 - Meeting Schedule for 2023 Biodiversity Advisory Committee

1. *The Committee noted the scheduled meeting dates and times for 2023 to include an additional meeting in November / December 2023.*
2. *The Committee will advise of any agenda items for future meetings.*

Report No. 4.2 - Biodiversity and Agriculture Projects and Operations Update

- 15 *The Committee noted the update on current projects and programmes being undertaken by Council staff*

Report No. 4.3 - Brunswick Valley Landcare Support Officer quarterly report, July to September 2022.

The Committee noted the report.

20 Report No. 4.4 - Best Practice Management of Camphor Laurel on Rural Land

The Committee noted the report and requested that Council's website information on Camphor Laurels is updated.

Report No. 4.5 - Carbon sequestration and incentive schemes

- 25 *The Committee noted the report on carbon sequestration and incentive schemes currently available in Byron Shire.*

Report No. 4.6 - DNA of feral dogs and dingoes

The Committee noted the report.

Financial Implications

- 30 As per the Reports listed within the Biodiversity Advisory Committee Meeting of 16 February 2023.

Statutory and Policy Compliance Implications

As per the Reports listed within the Biodiversity Advisory Committee Meeting of 16 February 2023.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**Report No. 14.4 Report of the Floodplain Management
Advisory Committee Meeting held on 14
February 2023**

5

Directorate: Infrastructure Services
Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services
File No: I2023/230

10 **Summary:**

The attachment to this report provides the minutes of the Floodplain Management Advisory Committee Meeting of 14 February 2023 for determination by Council.

15 **RECOMMENDATION:**

1. **That Council notes the minutes of the Floodplain Management Advisory Committee Meeting held on 14 February 2023.**

20

2. That Council adopts the following Committee Recommendation:

Report No. 4.1 Byron Shire Council-Strategic Fill Policy

File No: I2023/113

Committee Recommendation 4.1.1

That the Floodplain Management Advisory Committee advises Council:

- 1. that committee members will meet between quarterly meetings to consider;**
 - a) changes to strengthen Chapters B14 and C2 of the 2014 Byron Shire Council Development Control Plan in relation to Fill on Floodplains;**
 - b) the value of a broader Policy that goes beyond what the DCP can achieve in limiting Fill on Floodplains;**

and that the support of appropriate planning staff would be greatly appreciated in such considerations.
- 2. to resolve that the 2014 Byron Shire Council Development Control Plan should be updated as a priority each and every time a Floodplain Risk Management Study is created or updated within the Shire or across our Shire boundaries (eg the Tweed – Byron Coastal Creeks Flood Study of 2010).**
- 3. to update the 2020 North Byron Floodplain Risk Management Study as soon as possible to reflect the February 2022 flood event.**
- 4. to update the 2020 North Byron Floodplain Risk Management Plan as soon as possible to reflect changes caused by the February 2022 flood event.**

3. That Council adopts the following Committee Recommendation:

Report No. 4.2 Modelling of Various Flow Scenarios at South Golden Beach
File No: I2023/89

Committee Recommendation 4.2.1

That Council includes in the information it will disseminate under AGRN1012 - Local Government Recovery Grant Program results of a basic review of extracting water from the floodplain north of New Brighton.

4. That Council adopts the following Committee Recommendations:

Report No. 4.3 Hydrology Inputs to the North Byron 2020 Flood Model
File No: I2023/88

Committee Recommendation 4.3.1

That Council:

- 1. Notes that all catchment inflows are included in the Council adopted North Byron Flood Risk Management Study; and**
- 2. Includes in the information it will disseminate under Local Government AGRN1012 - Recovery Grant Program results discussed by WMA in Attachment 1 of this report.**

5. That Council adopts the following Committee Recommendations:

Report No. 4.4 Byron Shire Post 2022 Flood Analysis Update

File No: I2023/67

Committee Recommendation 4.4.1

That Council:

- 1. Notes the report to the Floodplain Management Advisory Committee; and**
- 2. Circulates the 2022 Flood Analysis Reports as soon as they are available and then call an extraordinary Committee meeting to consider the reports.**

Attachments:

- 5 1 Minutes 14/02/2023 Floodplain Management Advisory Committee, I2023/168 

Report

The attachment to this report provides the minutes of the Floodplain Management Advisory Committee Meeting of 14 February 2023 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [Agenda of Floodplain Management Advisory Committee Meeting - Tuesday, 14 February 2023 \(infocouncil.biz\)](https://www.infocouncil.biz)

Committee Recommendation

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

10 Financial Implications

As per the Reports listed within the Floodplain Management Advisory Committee Meeting of 14 February 2023.

Statutory and Policy Compliance Implications

- 15 As per the Reports listed within the Floodplain Management Advisory Committee Meeting of 14 February 2023.

Report No. 14.5 Report of the Local Traffic Committee Meeting held on 28 February 2023

Directorate: Infrastructure Services

Report Author: Shelley Flower, Traffic and Parking Systems Officer

5 **File No:** I2023/300

Summary:

10 The attachment to this report provides the minutes of the Local Traffic Committee (LTC) Meeting held on 28 February 2023 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.
- 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).
- 25 e) If Council decides to proceed with a proposal where the advice of the LTC is a unanimous decline, then the Council must first advise the 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:

- 5 1. That Council notes the Minutes of the Local Traffic Committee Meeting held on 28 February 2023.

2. That Council adopts the following Committee Recommendation:

Report No. 6.1 Short Term Parking - Stuart Street, Mullumbimby
File No: I2023/218

Committee Recommendation 6.1.1

That the Local Traffic Committee endorse the installation of eight short term parking bays (30 minutes) in Stuart Street, Mullumbimby from the boundaries of property numbers 101/103 and 99/101.

3. That Council adopts the following Committee Recommendations:

Report No. 6.2 Blues Festival 2023 TMP
File No: I2023/234


Committee Recommendation 6.2.1

RECOMMENDATION:

1. That Council endorse the regulatory traffic management facilities and devices, including signs and traffic controller provisions proposed for the Council controlled public road network as outlined in attachment 1 (E2023/9632) for the Byron Bay Bluesfest 2023 to be held on Thursday 6 April 2023 to Monday 10 April 2023, subject to:
 - a) Separate approvals by NSW Police and TfNSW being obtained, noting that the event is on a state road or may impact the state road network;
 - b) The event be held through the implementation of the events Traffic Management Plan and Traffic Control Plan(s) as per attachments 1 and 2 (E2023/9632, E2023/9636). The Traffic Management Plan is to include contingency measures in case the level of queuing fails to meet KPI requirements. It is noted that such queuing may be caused by the introduction of paid parking.

- c) **The Traffic Management Plan and the Traffic Control Plan(s) to be implemented by those with relevant and current TfNSW accreditation;**
 - d) **Traffic camera data recorders or similar be used to obtain an accurate record of traffic impacts at KPI queue locations;**
 - e) **That the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;**
- 2. That the event organiser:**
- a) **advertise the impact of the event via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;**
 - b) **provide a copy of the advert for Council's web page;**
 - c) **give consideration of any submissions received;**
 - d) **inform community and businesses that are directly impacted (e.g. adjacent to the event) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;**
 - e) **arrange for private property access and egress affected by the event;**
 - f) **liaise with bus and taxi operators and ensuring arrangements are made for provision of services during conduct of the event;**
 - g) **consult with emergency services and any identified issues be addressed;**
 - h) **holding \$20m public liability insurance cover which is valid for the event;**
 - i) **paying Council's Road Event Application Fee prior to the event.**
- 3. That Council endorses drawing number BFBB-BF-TCP-23-11 with regards to the Grays Lane intersection in relation to buses. The Local Traffic Committee does not support the other two options shown in drawing numbers TCP-BBBF-PACIFIC-23-01 and BFBB-BF-TCP-23-12.**

Attachments:

- 1 Minutes 28/02/2023 Local Traffic Committee Extraordinary, I2023/291 

5

Report

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 28 February 2023 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 10 https://byron.infocouncil.biz/Open/2023/02/LTC_28022023_AGN_1723_AT_EXTRA.PDF

This report contains the recommendations of the Local Traffic Committee (LTC) meeting held on 28 February 2023.

Committee Recommendation

As per the Reports listed within the Local Traffic Committee Meeting of 28 February 2023.

15 Financial Implications

As per the Reports listed within the Local Traffic Committee Meeting of 28 February 2023.

Statutory and Policy Compliance Implications

As per the Reports listed within the Local Traffic Committee Meeting of 28 February 2023.

**Report No. 14.6 Report of the Infrastructure Advisory
Committee Meeting held on 16 February
2023**

Directorate: Infrastructure Services

5 **Report Author:** Dominika Tomanek, Executive Assistant Infrastructure Services

File No: I2023/322

Summary:

10 The attachment to this report provides the minutes of the Infrastructure Advisory
Committee Meeting of 16 February 2023 for determination by Council.

RECOMMENDATION:

- 15 1. **That Council notes the Minutes of the Infrastructure Advisory Committee
Meeting held on 16 February 2023.**

- 2. That Council adopts the following Committee Recommendation:
Report No. 4.1 Pedestrian Access & Movement Plan and Bike Plan Review
File No: I2023/186**

Committee Recommendation 4.1.1

That the Infrastructure Committee supports the Pedestrian Access and Mobility Plan and Bike Plan being reviewed, combined into an Active Transport Action Plan and consulted to the community as part of the 2023/24 Operational Plan actions.

Attachments:

- 1 Minutes 16/02/2023 Infrastructure Advisory Committee, I2023/205 

5

Report

The attachment to this report provides the Minutes of the Infrastructure Advisory Committee Meeting of 16 February 2023 for determination by Council. The Agenda for this meeting can be located on Council's website at:

- 5 [Agenda of Infrastructure Advisory Committee Meeting - Thursday, 16 February 2023 \(infocouncil.biz\)](https://www.infocouncil.biz)

Committee Recommendation

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

10 Financial Implications

As per the Reports listed within the Infrastructure Advisory Committee Meeting of 16 February 2023.

Statutory and Policy Compliance Implications

- 15 As per the Reports listed within the Infrastructure Advisory Committee Meeting of 16 February 2023.

**Report No. 14.7 Report of the Local Traffic Committee
Meeting held on 7 February 2023**

Directorate: Infrastructure Services

Report Author: Shelley Flower, Traffic and Parking Systems Officer

5 **File No:** I2023/327

Summary:

10 The attachment to this report provides the Minutes of the Local Traffic Committee (LTC) Meeting held on 7 February 2023 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.
- 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).
- 25 e) If Council decides to proceed with a proposal where the advice of the LTC is a unanimous decline, then the Council must first advise the 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 adopts the following Committee and Management Recommendations:

Report No. 6.1 10.2022.488.1 - Stone and Wood
File No: I2023/116

Committee Recommendation 6.1.1

1. That Council endorses the “Festival of the Stone” event to be held on a Saturday, twice a year, and over a period of 5-years commencing 2023 on Lot 59 in DP 835349, being 96-100 Centennial Circuit, Byron Bay in accordance with the Local Traffic Committee’s recommendation on 28th January 2020.
2. That Council’s support in Part 1 is subject to:
 - a) separate approvals by NSW Police and TfNSW being obtained;
 - b) the event organiser provide Council with an updated Traffic Management Plan and Traffic Guidance Scheme/s for the 2023 event;
 - c) development and implementation of a Traffic Management Plan and Traffic Guidance Scheme/s by those with appropriate TfNSW accreditation and the holding of current and appropriate levels of insurance and liability cover;
 - d) the impact of the event be advertised, and charged at cost to the organisers, via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;
 - e) the event be notified on Council’s web page with the event organiser supplying Council with the relevant information.
3. The event organiser to:
 - a) inform the community and businesses that are directly impacted (e.g. within road closure zones) via written information which is delivered to the property in a timely manner so as to document, consider and

respond to any concerns raised;

- b) liaising with bus, taxi and waste operators and ensuring arrangements are made for provision of services during conduct of the event;
- c) consulting with emergency services and any identified issues be addressed;
- d) holding \$20m public liability insurance cover which is valid for the event;
- e) paying Council's Road Event Application Fee prior to the event;
- f) not place any signage on the road related area of the Pacific Highway.

Attachments:

5

- 1 Minutes 07/02/2023 Local Traffic Committee, I2023/131 

Report

- 10 The attachment to this report provides the Minutes of the Local Traffic Committee Meeting of 7 February 2023 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2023/02/LTC_07022023_AGN_1626_AT.PDF

- 15 This report contains the recommendations of the Local Traffic Committee (LTC) meeting held on 7 February 2023.

Committee Recommendation

As per the Reports listed within the Local Traffic Committee Meeting of 7 February 2023.

Financial Implications

As per the Reports listed within the Local Traffic Committee Meeting of 7 February 2023.

20 **Statutory and Policy Compliance Implications**

As per the Reports listed within the Local Traffic Committee Meeting of 7 February 2023.

QUESTIONS WITH NOTICE

Question with Notice No. 15.1 Stormwater drainage from Prince Street

5 **File No:** I2023/335

Cr Dey asks the following question:

- 10 *The following photos were taken on 7 March 2023 and show recent works within the rail corridor in and just north of Mullumbimby. They also show a significant body of water ponding where it never has before, plus what appears to be a roadway to the Brunswick River. Residents of Prince Street have informed Council lately of drain not working in their precinct.*
- 15 1. *Has Council been consulted about or given any permissions for these works?*
2. *Has Council considered or would Council please consider the implications of these works as influencing urban stormwater drainage from the precinct around Prince Street, and does Council recognise problems with that system over recent weeks? Problems could be due to these works.*
- 20 3. *Does the state authority undertaking these works ever consult with Council and, if so, why is this consultation not reported to the public or at least to Council?*
4. *Does Council consider that significant works on low-lying flat terrain (in this case, a floodplain) require more scrutiny than similar works that are not located on such tricky terrain?*

25 Photo 1:



Photo 2:



Photo 3:



Photo 4:



5

10

Photo 5:



Photo 6:



5 Response Director Phillip Holloway Infrastructure Services:

1. The carrying out of stormwater drainage work requires Council approval under Section 68 of the Local Government Act 1993. However, such works on behalf of the Crown is exempt from requiring Section 68 approval.

10 Despite this exemption, NSW Public Works applied for Section 68 approval for stormwater drainage works. In December 2022 Council staff requested further

BYRON SHIRE COUNCIL

QUESTIONS WITH NOTICE

15.1

information required to determine the application however this information has not been provided to date.

- 5
2. Council's drainage maintenance teams have been active around the area and have cleaned pits, pipes and channels on Council owned infrastructure. NSW Public Works have committed to maintaining their infrastructure. NSW Public Works have indicated that some of the works shown in the pictures are temporary works and will be improved. Council have not been supplied any drainage details apart from the Flood Impact Assessment.
- 10
3. NSW Public Works have reported to Council on the Flood Impact Assessment of the Mullumbimby site.
4. Yes.

15

Question with Notice No. 15.2 Building Back Better at Williams Bridge

File No: 12023/340

5

Cr Dey asks the following question:

10 *As reported in my Delegate Report earlier in this Agenda, I represented Council at a NSW Local Government Summit in Sydney on 20 February 2023. One of the topics of the Summit was Building Back Better. It occurs to me that we have not yet done that at Williams Bridge, on Main Arm Road where it crosses over the Brunswick River.*

15 *On 28 February 2022 both approach embankments of the concrete bridge were eroded away due to hydraulic afflux through the restricted waterway opening beneath the bridge. Afflux was sufficient that water preferred to “pipe” through the embankments than to wait in the “hydraulic queue” and go under the bridge.*

Once the washouts were complete, a more natural hydraulic gradient was reached and further erosion avoided. That post-collapse hydraulic format reflects what nature would choose for the waterway opening.

20 *In March and April 2022 the embankments were built back rapidly and important access restored. The actual bridge deck had remained in place on its piers. Road users in Main Arm were very grateful.*

25 *Sadly, that emergency build put back exactly what had washed out. From the River’s perspective, about half the waterway that would be available beneath the bridge, if its embankments were vertical, is occupied by sloping embankments instead. The rectangular waterway opening that we see under many government bridges is V-shaped under Williams Bridge.*

The earthen embankments are armoured with rocks even bigger than the originals. The new hydraulic format is the same as the original 1960’s build. A repeat flood would likely have the same result as in 2022.

- 30 1. *Has Council notified State authorities that Williams Bridge needs further attention, and likely needs replacement with a bridge that offers the River a far greater waterway area?*
- 35 2. *Has Council considered that the same phenomenon could cut access during a repeat “2022” flood at Sherrys Bridge a few kilometres downstream on Main Arm Road, if the approach road there is raised as planned to stop floods overtopping it and all water is thus sent to the Bridge instead?*

Response Director Infrastructure Services:

- 5 1. Council have not notified the State because the bridge is not considered to need further works or replacement. A level 2 bridge inspection was completed in February 2023, this resulted in a condition level of 3, which is fair and acceptable. Council has bridges with lower condition ratings.
- The report did not raise concerns with the abutment or scour protection works. At the time of repair the post flood recovery team advised that the scour protection was returned to a similar batter and location to previous. The 2022 level 1 bridge inspection report that was completed days before the 2022 flood event shows a somewhat similar waterway area to what exists on site today.
- 10 The 2022 bridge inspection noted '*Area at base of batter Abutment A previously formed has early scour. Repair required to be completed, as rise in waterway will grow scour under existing.*' Therefore days prior to the flood the bridge was noted to have abutments that were at risk of damage with a rise in water level.
- 15 There was not time to action a repair before the flood. Council's annual bridge repair budget for such works is limited at \$100,000. This year these funds are being used to fund urgent works on the Belongil Creek footbridge because they are an immediate hazard to users. \$100,000 per year is not sufficient to reach desirable repairs such as scour protection repairs each year.
- 20 Further modelling would be required to ascertain if a greater water way area is required in this location however, this is not considered a priority given the bridges location and Council's other flood mitigation priorities. Loss of scour protection is not considered a trigger for this to be investigated given the notes in the 2022 bridge inspection report.
- 25 2. Council has been designing and modelling a proposal to raise Main Arm Road upstream of Sherry's bridge. Sherry's Bridge is within the flood model and part of any flood impact assessment for the proposed works. Should a proposed design increase flood velocity at the bridge an investigation into scour protection improvements would be completed.
- 30 This project is currently on hold due to funding constraints.
- Further, a level 2 bridge inspection was completed on Sherry's Bridge in February 2023. This resulted in a condition level of 3. The inspection notes some scour protection damage that needs attention to abutment B. Staff are already investigating repair and solutions to this as part of the flood recovery program.
- 35 This does raise the risk of greater scour protection damage in the next flood.