

# Agenda Ordinary Meeting

Thursday, 24 August 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**

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## CONFLICT OF INTERESTS

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**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)

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## RECORDING OF VOTING ON PLANNING MATTERS

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

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

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## 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.

# BYRON SHIRE COUNCIL

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### 1. PUBLIC ACCESS

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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](http://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 Murwillumbah Rd Mullumbimby**

**File No:** I2023/1185

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**I move that Council:**

- 10
1. **Accepts the need to and if necessary, determine or applies to the relevant authority for the existing, above mentioned, road to become a gazetted road.**
  2. **Accepts responsibility for any future upgrade and ongoing maintenance required to provide suitable, standard vehicular access to the adjoining properties.**

15

**Signed: Cr Alan Hunter**

**Councillor's supporting information:**

Council where appropriate should always aim to provide safe and open access on public roads and pathways across the shire.

- 20
- In this case, the street is a 150 mt remnant from the old interstate highway on the eastern side of the Main Arm Rd - Coolamon Scenic Dr intersection in Mullumbimby, so it is difficult to see how it has never been gazetted as has been claimed by staff when asked about maintaining the road.

- 25
- The road has been referred to differently by staff at various times including, an ungazetted road, a road reserve, a shared driveway and a public road, all used to avoid acknowledging any obligation to maintain the road carriageway.

Council in the past has required development applicants in the street to provide a bond to repair any damage caused by the developer.

- 30
- It is clearly not a private access road, instead open to the public and providing the only access to lots 17, 19 & 21 for many years.

Despite all this Council has on a few occasions carried out some maintenance at various times over the last 40 years stressing it as a favour for the street residents and claiming it is not a council responsibility. Council has a water main also under

the road which has required repairs in past years causing further damage to the road surface.

Council has also required a bond on development applicants in the street to repair any damage to the road by the building works. A normal standard requirement for any development that abuts council managed land.

## Staff comments

**by James Flockton, Infrastructure Planning Coordinator, Infrastructure Services:**

Council has a considerable road network to maintain, sealed and unsealed. As has been previously reported to Council in Asset Management Plan's, existing budgets are limited to maintain Council's existing network.

Significant improvements have been made in recent times due to grant funding, but existing recurrent funding continues to be insufficient to cover all road and drainage infrastructure needs. Therefore staff and Council need to carefully consider committing to increasing the maintenance burden.

Staff maintain mapping of the road segments we currently maintain. The driveway / access road in question that provides access to 3 properties is likely within Council Road Reserve, but is not a segment we maintain.

The image below shows the property / road reserve boundary with a red line.

Survey would be required to ensure the driveway is wholly within road reserve or not.

Council does not currently have a policy that has a methodology for deciding which segments we do or do not maintain.

Historically staff have used a rule that if an access road within road reserve provides access to five or more properties, it will be included as a road segment to be maintained.

The subject access does not meet this criteria therefore staff do not support the maintaining of this access at this time.

Resolving as recommended will set a precedent that with time will result in a reduction in Council's overall service levels for road maintenance.

Council's current policy on road maintenance can be found at the below link.

[Register of Roads Maintained by Council Policy - Byron Shire Council \(nsw.gov.au\)](https://www.byrongov.au/infrastructure/roads/register-of-roads-maintained-by-council-policy)

The Policy Statement is as below:

### 2. Policy statement

- 2.1. Council shall maintain a detailed register properly identifying all approved roads under the care, control and management of Council.
- 2.2. Council funds shall not be expended on any road not included in the roads register.
- 5 2.3. Council may complete maintenance and construction on private roads or roads not under Council's control at the applicant's expense.
- 2.4. Council may accept the responsibility for other roads providing the road is constructed to the standards provided in Council's Code for Civil Works.



- 10 It is recommended that the following alternate resolution be considered prior to making a final decision on maintaining the above access road:

15 **That Council's Infrastructure Advisory Committee receive a report regarding Councils Register of Roads Maintained By Council Policy and that the report include an updated policy and case studies to support the direction stipulated by the policy**

This will allow Council to consider the subject site as a case study while also considering the precedent that the movers resolution will set on Council's limited resources to maintain roads across the shire.

**Financial/Resource/Legal Implications:**

- 5 Whilst the maintenance of the proposed section may appear to have a minor impact on Councils overall budget, it is the precedent that this decision makes that has the greater financial impact and risk on Council long term ability to maintain current service levels.

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

- 10 No. Delivery Program tasks require staff to maintain roads as per current policies and as noted above, the proposed road is not a segment Council maintains. Council would need to resolve to add this segments to its maintenance segments.

**MAYORAL MINUTE**

**Mayoral Minute No. 10.1 Feros Aged Care Village Byron Bay**

**File No:** I2023/1174


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**I move that Council:**

- 10           a)   **Responds to the letter from the Hon. Steven Kamper MP, Minister for Lands, confirming Council supports Crown Lands running an Expression of Interest process to test interest from potential aged care providers for Feros Village.**
- b)   **Authorises the General Manager to allocate resources to support Crown Lands with their EOI process as needed.**
- 15           c)   **Notes this resolution compliments, and does not replace, Council Resolution 23-306.**

**Attachments:**

- 20       1     Letter from The Hon. Steve Kamper MP Minister for Lands & Property - Feros Care facility in Byron Bay - Crown Reserve R140024, E2023/83078 

**Background Notes:**

25       As a community we owe it to our older members to ensure that they have the facilities and services they need and ensuring Feros Village continues long into the future is a key part. Feros Village exists because of George Feros and other heroes in the community that raised the funds and delivered the facility.

30       The community has incredibly strong ties to the facility and their expectations of being involved in decisions about its future use are reasonable and need to be respected. This can be achieved by the role of Crown Land Manager being separated from the role of a Lessee Service Provider in future and that has been progressing under Res **23-306**.

On 8 August 2023, The Hon. Steve Kamper MP, Minister for Small Business, Lands and Property, Multiculturalism and Sport, wrote to Council providing:

- a) an update on Crown Lands' progress of Res **23-306**

- b) an offer to run an Expression of Interest process to test interest from potential aged care providers, if Council see value in an EOI process.

A copy of the letter is attached.

5 Crown Lands have the option to directly negotiate a lease with Feros Care or run an Expression of Interest process, which Feros Care and any other interested aged care providers could apply for.

10 Residents' representatives have indicated that there are other service providers interested in operating Feros Village though no formal offers have been made as of yet. An EOI process would put beyond doubt the question of whether there are other aged care service providers interested in the site or not.

15 Also, it is clear from feedback to Councillors, that the community has lost confidence in Feros Care after the way they treated the residents and tried to make decisions about future redevelopment of the reserve without consulting residents, community, Council or Crown Lands. That loss of confidence should be a trigger for testing the market. Certainly any proposed demolition of the existing facility, which is owned by the community, is a trigger for an evaluation of options.

20 Feros Care have a proven track record of providing quality aged care services but they failed badly with their recent lack of resident and community consultation. An open EOI process would provide Feros Care the opportunity to demonstrate that they remain the best placed provider to deliver aged care services and show how they will improve their approach to resident and community consultation in future.

I believe Council should:

- welcome Crown Lands running an open Expression of Interest process
  - call on Feros Care to continue to provide services to the existing residents pending the outcome of the EOI process, as per the commitment they've given that "*no resident will be left homeless or forcibly removed from the village at any stage*" (a continuing service, which they could no doubt point to in their EOI submission).
- 25

**Signed: Cr Michael Lyon**

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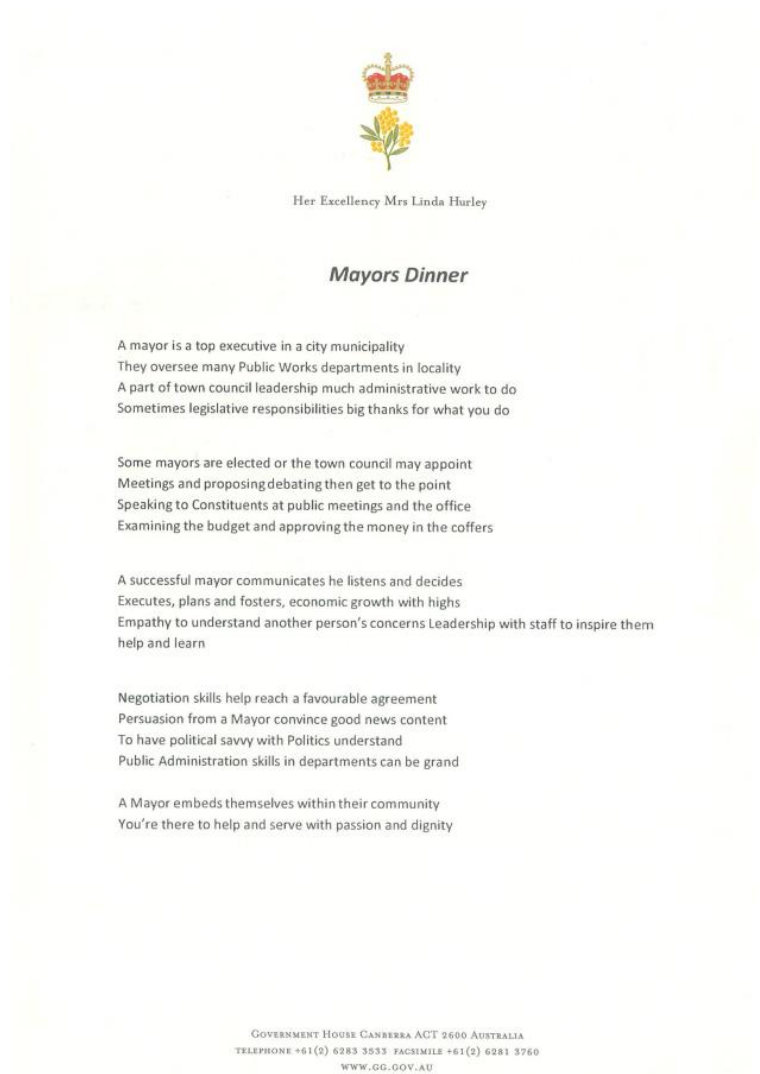


DELEGATES' REPORTS

Delegate's Report No. 12.1 ALGA National General Assembly

5 File No: I2023/1217

10 As always, it was a fantastic opportunity for networking. I was invited to dinner at the Governor-General's residence along with other Mayors of shires that were impacted by natural disasters. We were treated to a song by Her Excellency, copy below.



I attended the Australian Council of Local Government Dinner. Each table had a representative from the Federal Government. I sat a table with Annika Wells, Minister for

## BYRON SHIRE COUNCIL

### DELEGATES' REPORTS

12.1

Aged Care and Minister for Sport. It was relayed by several attendees that it had been a rather toxic week inside Parliament House. Disappointing to hear first hand how bad the political culture is in Canberra, but I suppose it should come as no surprise.

- 5 Peter Dutton addressed the conference. I asked him a question from the floor about his opposition to Labor's Housing Australia Future Fund, and what his plan was to address the housing crisis. They have no plan, a policy will be released in "due course".

- 10 I attended a break-out group of Mayors from all over the country to discuss alternative responses to the Short-term Holiday Let issue, including the Mayors of Noosa, Hobart and Mornington Peninsula. Agreement to keep dialogue going and work together for reform across all jurisdictions.

One of the highlights was the presentation by Saul Griffith, an engineer specialising in clean and renewable technologies who has founded Rewiring America and Rewiring Australia. A key point made was the need to electrify and move away from gas in homes and businesses and convert to electric options for heating.

- 15 Most motions in the business papers were passed without incident. I moved one amendment on behalf of Council which was to add into a motion on housing reform a need to review capital gains tax and negative gearing arrangements.

**Signed: Cr Michael Lyon**

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## Delegate's Report No. 12.2 Northern Rivers Joint Organisation - Quarterly Meeting

File No: I2023/1218

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The meeting received a presentation from the Department of Primary Industries (DPI) Management Team on the current status of the infestation of Imported Fire Ants within Queensland and the potential impact on New South Wales to lifestyle and business. The main points being:-

- 10
- Need for increased budget and response; virgin females mate in the air and can drop up to 2kms away – often on to material being transported such as hay
  - Satellite heat-spot detection and dogs also employed to detect.

The meeting agenda and minutes can be found on NRJO's website:

[Meetings - Northern Rivers Joint Organisation \(nsw.gov.au\)](https://www.nsw.gov.au/meetings-northern-rivers-joint-organisation)

- 15
- I had the following motion before NRJO, which was passed unanimously:

*“The Northern Rivers Joint Organisation Board recognises Byron Shire Council’s efforts to address the housing crisis;*

1. *Notes that alleviating the housing crisis in the region will require a multi-faceted and coordinated approach;*
- 20 2. *Notes that the concentration of holiday letting in the Byron Shire is at the highest level in Australia;*
3. *Notes support for the regulation of holiday letting where appropriate by the NSW Upper House and the Federal Minister for Housing*
4. *Supports Byron Shire Council in its efforts to regulate holiday letting in its shire as per*
- 25 *the recommendations by the Independent Planning Commission of April 2023;*
5. *Requests the Planning Minister, Paul Scully to meet with a delegation of Byron Shire Council prior to handing down his decision on this issue.”*

## BYRON SHIRE COUNCIL

### DELEGATES' REPORTS

12.2

I also put forward the urgency that was passed by Council the day prior, as follows, which also passed unanimously:

*“Resolved that:*

*1. Members provide a report to NRJO on the following:*

- 5                    *a) their LGA’s approaches to, and levels of preparation for, the 2023-24 bushfire season*
- b) any implementation – by either member councils or state/federal agencies in their LGA – of the seventy-six recommendations of the Final Report of the NSW Bushfire Inquiry 2020*
- 10                  *2. NRJO considers the implications for the region of the upcoming bushfire season and plans to collaborate on managing the 2023-24 bushfire season*
- 3. Any collaboration includes, but is not limited to, cross-border collaboration with Queensland in fighting bushfires in cross border areas including national parks”*

15      All other matters passed as per their recommendations in the business papers.

**Signed: Cr Michael Lyon**

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STAFF REPORTS - GENERAL MANAGER

**Report No. 13.1      Agistment licence to Leela Plantations Pty Ltd (A.C.N 064 533 777)**

5    **Directorate:**                      General Manager

**Report Author:**                Paula Telford, Leasing and Licensing Coordinator

**File No:**                          I2023/1088

**Summary:**

10    Leela Plantations Pty (A.C.N 064 533 777) Ltd holds a current agistment licence over Folio 15/1178892, 1 Dingo Lane Myocum that ends on 31 December 2023. Leela Plantations Pty Ltd has requested a new agistment licence for the continued occupation of the land.

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15    **RECOMMENDATION:**

1.    **That Council, delegates the General Manager, to enter into an Agistment Licence with Leela Plantations Pty Ltd (A.C.N 064 533 777) on the following terms and conditions**
  - a)    **over part Folio 15/1178892, 1 Dingo Lane Myocum,**
  - 20    b)    **term of twelve-months with ongoing holding over as a monthly tenant,**
  - c)    **base rent to start at \$6,240 (exclusive GST) per annum with base rent increased annually thereafter on each anniversary by Consumer Price Index All Groups Sydney ('CPI')**
  - 25    d)    **purpose for the grazing no more than 40 head of cattle and five horses, with horses to be grazed in the 'Top Paddock' on the land.**
  - e)    **Licensee to pay:**
    - i)    **all outgoings payable to occupy the land for the purpose,**
    - ii)    **public liability insurance cover,**
    - 30    iii)    **carry out improvements to existing fencing, weed control and other on the land as negotiated with the Licensor prior to commencement of the Agistment Licence.**
  - f)    **that if Council commences work on the 5MW Solar Farm Project on the Land, the licence to terminate.**

## Report

Leela Plantations Pty Ltd (A.C.N. 064 533 777), ('Leela Plantations') has requested a new agistment licence over part Lot 15 DP 1178892 ('the Land') for the grazing of cattle and horses on the Land.

- 5 Council resolved (**21-511**) at its 26 November 2021 meeting:  
*That Council authorises the General Manager, under delegation, to enter into an agistment licence with Leela Plantations (A.C.N. 364 533 777) on the following terms:*
- a) *part Lot 15 DP 1178892,*
  - b) *term 12-months plus an option of 12-months,*
  - 10 c) *base rent set at \$6,240 (excluding GST) with rent increased annually thereafter by Consumer Price Index All Groups Sydney,*
  - d) *purpose of grazing no more than 40 head of cattle and five horses, with horses to be grazed in the 'Top Paddock' on the Land,*
  - 15 e) *the Licensee to pay:*
    - i) *all outgoings payable to occupy the Land for the purpose, and*
    - ii) *required insurances, and*
    - 20 iii) *carry out improvements to existing fencing, weed control and other on the Land as negotiated with the Licensor prior to commencement of the Licence.*
  - f) *the Licence to terminate prior to expiry of the term and option if Council commences work on a 5MW Solar Farm Project on the Land.*

## The Land:

- 25 The Land being 1 Dingo Lane Myocum ('the Land') is Council owned land classified as operational. The Land is a proposed site for a 5MW Solar Farm Project.

*Council resolved (21-169) in relation to the Dingo Lane 5MW Solar Farm Project:*

- 1. *Notes the Business Case included as Attachment 1 (E2021/44986) and endorse Option 3 as the preferred option,*
- 30 2. *Continues with the current Development Application to progress the project to shovel ready status, and*
- 3. *Receives a further report on the project, following the determination of current grant applications for the proposed Bioenergy Facility at the Byron STP to consider the holistic financial implications of both projects on Council's Long Term Financial Strategy.*

Leela Plantations requests the right to continue to licence the Land for agistment until such a time as Council resolves to proceed to build the 5MW Solar Farm on the Land and the agistment licence ends.

**Direct negotiation**

- 5 Council may directly negotiate the proposed twelve-month agistment licence with ongoing holding over as a monthly tenant in accordance with s55(3)(n)(i) of the *Local Government Act 1993* because the value of the contract over the term is less than the prescribed statutory value.

- 10 As the Land is classified as operational land, mandatory community consultation provisions in the Local Government Act do not apply to the agistment licence.

**Term of proposed agistment licence:**

The proposed agistment licence is to be offered on following:

1. part Folio 15/1178892, 1 Dingo Lane Myocum,
2. term of twelve-months with holding over as a monthly tenant,
- 15 3. base rent set at \$6,240 (exclusive GST) per annum with base rent to be increased annually thereafter on each anniversary by Consumer Price Index All Groups Sydney ('CPI'),
4. purpose of grazing no more than 40 head of cattle and five horses, with horses to be grazed in the 'Top Paddock' on the Land,
- 20 5. Licensee to pay:
  - a. all outgoings payable to occupy the Land for the purpose, and
  - b. required insurances, and
  - c. carry out improvements to existing fencing, weed control and other the Land as negotiated with the Licensor prior to commencement of the Licence.
- 25 6. that if Council commences work on the 5MW Solar Farm Project on the Land, the licence to terminate.

## **Strategic Considerations**

### **Community Strategic Plan and Operational Plan**

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
3: Nurtured Environment	3.5: Minimise waste and encourage recycling and resource recovery practices	3.5.5: Facilities and services - Provide resource recovery facilities and services that meet statutory requirements	3.5.5.2	Develop and implement an Asset Management Plan and Programmed Maintenance Schedule for waste assets at the Byron Resource Recovery Centre

### **Recent Resolutions**

- 21-169, 21-511

## **5 Legal/Statutory/Policy Considerations**

### ***Local Government Act 1993 (NSW)***

#### **s55 Requirements for tendering**

(3) This section does not apply to the following contracts

- 10 (n) a contract involving an estimated expenditure or receipt of an amount of—
- (i) less than \$250,000 or another amount as may be prescribed by the regulations, or
- 15 (ii) less than \$150,000 or another amount as may be prescribed by the regulations for a contract involving the provision of services where those services are, at the time of entering the contract, being provided by employees of the council,

### **ICAC Direct Negotiations Guidelines:**

According to the Independent Commission Against Corruption ('ICAC') Direct Negotiation Guidelines, Council may directly negotiate in the following circumstances:

- a) Exemption by State legislation, see s55(3)(n)(i) of the Local Government Act, or
- 20 b) where income derived from the proposed contract is relatively low to the cost of conducting a competitive process.

**Council Leasing and Licensing Policy 2020:**

Clause 4.3 Selection Process authorises the direct negotiation of a licence when permitted by the Independent Commission Against Corruption ('ICAC') Direct Negotiation Guidelines.

**5 Financial Considerations**

An independent market rent valuation for the proposed agistment licence set base rent at \$6,240 (exclusive GST) per annum.

The licence preparation fee \$601.00 (incl GST) as set in Council's 2023-2024 Fees and Charges is payable by Leela Plantations Pty Ltd.

**10 Consultation and Engagement**

Council is not required to publicly advertise the propose twelve-month agistment licence to Leela Plantations Pty Ltd because the Land is classified as operational land.

Internal consultation has occurred with the Manager Resource Recovery being the asset manager for the Land.

15

**Report No. 13.2      Policy Commercial Activities on Coastal and  
Riparian Crown Reserves review**

**Directorate:** General Manager

**Report Author:** Paula Telford, Leasing and Licensing Coordinator

5    **File No:** I2023/1057

**Summary:**


10    A review of Council Policy Commercial Activities on Coastal and Riparian Crown Reserves is due. Consultation with key stakeholders on the Policy review has occurred and has resulted in several proposed Policy amendments. This report recommends that an amended draft Policy is placed on exhibition for 28-day and public comment invited.

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**RECOMMENDATION:**

- 15    **That Council adopts the amendments to Policy Commercial Activities on Coastal and Riparian Crown Reserves as detailed in the attached Draft Policy and places the Draft Policy on public exhibition for 28-days, and**
- 20            a)    **should no submissions be received, that the Draft Policy is adopted, and**
- b)    **should submissions be received that all submissions are reported back to Council.**

**Attachments:**

- 25    1    Attachment: Draft Policy Commercial Activities on Coastal & Riparian Crown Reserves 2023, E2023/2345 



## Report

Council Policy Commercial Activities on Coastal and Riparian Crown Reserves ('the Policy') guides the granting of licences for commercial and non-commercial activities on coastal reserves in the Shire.

- 5 The Policy continues to distinguish between non-commercial activities requiring a Class 1 licence and commercial activities requiring a Class 2 sub-licence. Class 2 sub-licences are to be granted following a competitive tender.

With the next competitive tender due in 2024, a review of the Policy is now due so as to ensure that guidance provided in the Policy remains relevant.

### 10 Consultation on the Policy review:

Consultation on the Policy review has already occurred with external agencies, current Class 2 sub-licence holders, Councillors, together with a general stakeholder workshop.

A summary of consultation to date follows:

#### a) Consultation with external agencies:

- 15 In February 2023 Council hosted a meeting to discuss the Policy review with the Department of Planning and Environment - Crown Lands, Cape Byron Marine Park, Transport for NSW, National Parks and Wildlife Services and Reflections Holiday Parks.

External agencies requested no change to the type and number of Class 2 sub-licences offered following a competitive tender for water-based activities.

- 20 National Parks and Wildlife Services required no increase in commercial activities within National Park areas at Clarkes Beach and The Pass as required by the Cape Byron State Conservation Area Plan of Management.

- 25 The Department of Planning and Environment – Crown Lands consented to Council including one new Class 2 sub-licence for access through reserves for equestrian activities in the Policy review.

#### b) Consultation with current commercial sub-licensee holders:

- 30 Current Class 2 sub-licence holders and other interested persons were invited to make written submissions on the Policy review during May 2023. Council received 15 submissions. A summary of submissions received was presented at a Councillor workshop on 1 June 2023.

#### c) Workshop with Councillors:

Councillors considered outcomes from the February external agencies meeting and a summary of written submissions received from current Class 2 sub-licence holders and others at the 1 June 2023 workshop. Councillors agreed in-principle to:

- include one new Class 2 sub-licence for access through reserves for equestrian activities in the Policy review, and
- leave terms and conditions of a Class 2 sub-licence as listed in the Policy unchanged in the Policy review.

5

d) Stakeholder workshop 20 July 2023:

A stakeholder workshop with current Class 2 sub-licence holders, other interested persons and external agencies was held on 20 July 2023. Outcomes of that workshop include:

1. Change to terms and conditions of Class 2 sub-licence:

10

- a) Stakeholders suggested the current limit on 2 surf schools per day is no longer suitable and requested that clause 3.6.1 in the Policy be amended to allow for a 3<sup>rd</sup> surf school per day when certain conditions are met.

This proposal has been included in the draft Policy.

15

- b) Stakeholders further suggested that the current limit of 10 students per surf school session is outdated and a likely contributing factor to the growth of unlicensed surf schools in the Shire. The limiting of supply of student places in surf schools causes the schools to fill quickly resulting in interested persons looking to social media to meet the demand.

20

This proposal has not been included in the Policy review due to the Cape Byron State Conservation Area Plan of Management that prevents an increase in surf school participation numbers in the National Park at Clarkes Beach, The Pass and Tallows Beach.

25

- c) Sea kayak stakeholders requested that clause 3.6.1 of the Policy is amended to bring the Policy in line with Paddle Australia Guidelines for the instructor to student ratio based on prevailing weather conditions.

This proposal has been included in the draft Policy.

30

- d) Sea kayak stakeholders additionally requested that clause 3.6.1 of the Policy is further amended to establish an annual limit on sea kayak tours whereby a maximum of 3 tours per day are possible when certain conditions are met.

This proposal has been included in the draft Policy.

2. Parking and storage of equipment on a coastal reserve:

Council discussed its intention with stakeholders that no storage or parking on a coastal reserve is to be offered in the 2024 tender.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - GENERAL MANAGER

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To assist Class 2 sub-licensees with a safe location to handle their equipment, Council proposes the construction of a loading zone on Lawson Street. Stakeholders were encouraged to assist Council in the design of the loading zone to achieve best outcomes.

- 5 Further, parking permits will remain available for trailers up to 6 metres in length to park in Clarkes Beach carpark, however timed parking will still apply.

As the current Policy does not authorise or permit parking or the storage of equipment on a coastal reserve, no Policy amendments are required.

### 3. Enforcement of unlicensed commercial surf schools operating in the Shire:

- 10 Stakeholders raised concerns about the number of unlicensed surf schools trading in the Shire and requested new financial penalty provisions in the Policy dealing with the issue. As fees for proven offences are set by the Local Government Act, no assistance can be provided by a Policy amendment.

Council did give an undertaking to investigate and follow up all complaints regarding unlicensed surf schools trading in the Shire.

## 15 **Policy amendments**

To ensure guidance provided by the Policy is clear and concise, the Policy content has been reformatted to comply with Councils new Policy template.

Further, to ensure that guidance provided in the Policy remains relevant, the following amendments are proposed:

- 20 1. New clause 1.1 new Policy objectives:
- a. To establish a balance between passive and active recreational use of coastal reserves,
  - b. To protect coastal reserve environments during licensed activities,
  - 25 c. To clarify the types of low impact commercial recreational activities that may occur in coastal reserves and the regulation of those activities, and
  - d. To provide a fair and transparent process for the grant of licences on coastal reserves.
- 30 2. New clause 3.1 requires all proposed activities on a coastal reserve to meet a general threshold criterion before either a Class 1 licence or a Class 2 sub-licence can be considered.

The proposed activity must be:

- a. consistent with the coastal Reserve, reserve purpose,

# BYRON SHIRE COUNCIL

## STAFF REPORTS - GENERAL MANAGER

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- 5                   b. consistent with any Plan of Management applying to the coastal Reserve, or if none, the activity must not change the nature or use of the coastal Reserve,
- c. a valid Future Act under the Native Title legislation on a coastal Reserve where Native Title rights and interests do or could continue,
- d. consistent with the terms of any Crown Lands licence or lease that applies to the coastal Reserves, and
- e. lawful, which means additional approvals or permissions may also be required.
- 10               3. Amended clause 3.3 to include two new types of Class 1 licences being:
- a. environmental protection, conservation or restoration or environmental studies, and
- b. site investigation.
- 15               4. Clause 3.4 new Class 2 sub-licence is included for access through a coastal reserve for equestrian activities,
5. New clause 3.5 to deal with ad hoc requests to conduct commercial activities on a coastal reserve. The proposed activity must meet the general threshold criteria in clause 3.1 and if so, Council has the option to resolve to permit the commercial activity on the coastal reserve.
- 20               6. Clause 3.6.1 is amended as follows:
- a. Frequency of surf schools and personalised surf schools is amended to:
- i. 2 surf school sessions per day except:
- 25                               • 3 surf school sessions per day may occur during the overlap of NSW and Queensland school holidays in April and October and for the period 26 December to 26 January inclusive, and
- a 3<sup>rd</sup> session per day must not occur within the National Park at Clarkes Beach, The Pass and Tallows Beach, and
- sub-licensees must notify Council in writing of the location and time of a 3<sup>rd</sup> session before it is held.
- 30               b. Frequency of sea kayak tours amended to:
- i. a maximum annual tour limit of 730 tours, and
- ii. a maximum of 3 tours per day per sub-licence, and

# BYRON SHIRE COUNCIL

## STAFF REPORTS - GENERAL MANAGER

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iii. sub-licensees must notify Council and the Cape Byron Marine Park in writing before conducting a 3<sup>rd</sup> tour per day, and

iv. sub-licensees must report in writing to Council and the Cape Byron Marine Park before the end of December, March, June, and September in each year of the sub-licence the total number of tours conducted during the quarter and total number of tours year to date.

c. The participation ratio of students to instructors for sea kayaks is amended to Paddle Australia guidelines being:

i. baseline starting ratio of 1 instructor to 6 students or 1 instructor to 8 students if using tandem kayaks,

ii. supervision should be increased towards a ratio of 1:2 considering the following conditions or variables:

- participants have special needs, including behavioural, physical, or mental disability,
- participants are primary school children,
- foreseeable conditions are poor, including swell, breaking waves, spring tides and/or wind (especially if against the tide),
- the water temperature is cold and may affect participants' capabilities,
- a trip is being undertaken which:
  - is along a committing shoreline,
  - is remote from observation,
  - involves unavoidable tide races or over falls.
  - Access or egress will involve surf > 1 metre.

iii. Supervision may be relaxed towards a ration of 1:10 considering the following conditions or variables:

- all participants are adults,
- all participants are competent, both individually and as a group, to deal with likely problems, which may be encountered,
- all participants are reliable rollers,
- good weather forecast for a stable sea state with no spring tides or tidal stream,
- water temperatures are warm and present little risk to participants,
- the location /route is in not remote and assistance from other groups or craft is available,
- the location/route is always close to an easily accessible shoreline, and
- the leader holds a higher qualification than required for the activity.

This report recommends that Council adopt the amended and reformatted Policy and resolve to publicly exhibit the new draft Policy for twenty-eight days for additional public comment.

## Strategic Considerations

### 5 Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<b>5: Connected Infrastructure</b> 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	5.4.2.11	Progress Plans of Management for Crown Reserves

## Recent Resolutions

- 21-429

## Legal/Statutory/Policy Considerations

### *Crown Land Management Act 2016*

#### 10 2.20 Short-term licences over dedicated or reserved Crown land

- (1) The regulations may make provision for or with respect to the following concerning short-term licences over dedicated or reserved Crown land—
  - (a) any purposes for which the licences may be granted (**prescribed purpose**),
  - (b) any conditions to which the licences are subject (**prescribed condition**),
  - 15 (c) the maximum term for which licences may be granted (**prescribed maximum term**).
- (2) The Minister may grant a short-term licence over dedicated or reserved Crown land for any prescribed purpose.
- 20 (3) A short-term licence may be granted even if the purpose for which it is granted is inconsistent with the purposes for which the Crown land is dedicated or reserved.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - GENERAL MANAGER

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- 5
- (4) A short-term licence may be granted subject to conditions specified by the Minister and is also subject to any prescribed conditions.
  - (6) A short-term licence ceases to have effect when the prescribed maximum term after it is granted expires unless it is revoked sooner by the Minister or is granted for a shorter term.
  - (7) Sections 2.18 and 2.19 do not limit the circumstances in which short-term licences can be granted under this section.

### ***Crown Land Management Regulations 2018***

#### **cl31 Short-term licences over dedicated or reserved Crown land**

- 10
- (1) Each of the following purposes is prescribed as a purpose for which a short-term licence may be granted under section 2.20 of the Act—
    - (a) access through a reserve,
    - (e) community, training, or education,
    - (f) emergency occupation,

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    - (g) entertainment,
    - (h) environmental protection, conservation or restoration or environmental studies,
    - (j) exhibitions,
    - (k) filming (as defined in the *Local Government Act 1993*),

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    - (l) functions,
    - (q) meetings,
    - (v) site investigations,
    - (w) sporting and organised recreational activities,
    - (y) storage.
  - (2) In addition to any other condition to which a short-term licence granted under section 2.20 of the Act is subject, the condition that the relationship of landlord and tenant is not created between the parties is also prescribed.
  - (3) The period of one year is prescribed as the maximum term for which a short-term licence may be granted under section 2.20 of the Act (including any further

30

  - term available under an option or holding over provision).

### **Financial Considerations**

Nil.

**Consultation and Engagement**

The following consultation has occurred regarding the Policy review:

- 5        1. February 2023 meeting with Department of Planning and Environment - Crown Lands, Cape Byron Marine Park, Transport for NSW, National Parks and Wildlife Services and Reflections Holiday Parks.
2. May 2023 request for written submissions on the Policy review from Class 2 sub-licence holders and other interested persons.
- 10      3. June 2023 workshop with Councillors on the Policy review.
4. July 2023 stakeholder workshop on the Policy review.



STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 13.3      Local Government NSW Annual Conference 2023**

5    **Directorate:**                      Corporate and Community Services

**Report Author:**                Amber Evans Crane, Governance Support Officer

**File No:**                          I2023/1035

**Summary:**

10    The Local Government NSW Annual Conference 2023 will be held from Sunday, 12 November to Tuesday, 14 November 2023 at the Grand Pavilion, Rosehill Gardens Racecourse, Rosehill in the City of Paramatta.

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

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**RECOMMENDATION:**

**That Council:**

- 20    1.    **Authorises the attendance of Crs \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ as voting delegates at the Local Government NSW Annual Conference 2023, to be held from 12 to 14 November 2023.**
2.    **Notes that LGNSW members are encouraged to submit motions by Friday 15 September 2023.**
- 25    3.    **Submits the motion that:**  
     ***“That LGNSW advocates to the Local Government Remuneration Tribunal to formally recognise Deputy Mayors as a distinct category within the local government remuneration framework.”***

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## **Report**

The Local Government NSW Annual Conference 2023 will be held from Sunday, 12 November to Tuesday, 14 November 2023 at the Grand Pavilion, Rosehill Gardens Racecourse, Rosehill in the City of Paramatta.

- 5 The Conference brings together delegates of member councils to submit, debate, and vote on motions relating to strategic local government issues. Resolutions form the LGNSW advocacy priorities for the year ahead.

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

- 10     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.*

### **Conference voting delegates**

- 15 Council is entitled to three voting delegates in the debating session. This number is determined by population, further information is available [here](#).

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... LGNSW Conference(s) as a voting delegate".

### **Conference motions**

- 20 All LGNSW member councils are invited to submit motions in accordance with the [2023 Motions Submission Guide](#).

The LGNSW criteria for motion submission specifies that motions must be:

1.     consistent with the objects of LGNSW (see Rule 4 of the Association's rules),  
           2.     relate to or concern local government as a sector in NSW and/or across Australia,  
   25     3.     seek to establish or change policy positions of LGNSW and/or improve governance of the Association (noting that the LGNSW Board is responsible for decisions around resourcing any campaigns or operational activities, and any necessary resource allocations will be subject to the LGNSW budgetary process),  
           4.     have a lawful purpose (a motion does not have a lawful purpose if its implementation  
   30     would require or encourage non-compliance with prevailing laws),  
           5.     clearly worded and unambiguous in nature, and  
           6.     not expressing preference for one or several members over one or several other members.

- 35 As per clause 6.40 of the [Councillor Expenses and Facilities Policy 2022](#), motions to the Local Government NSW Annual Conference must first be endorsed by Council prior to submission.

***Proposed Motions***

When determining the fees payable to the Mayor and Councillors for the 2023/24 financial year, Council resolved (**22-229**) that Council:

- 5           1.   *Fixes the fee payable to each Councillor under section 248 of the Local Government Act 1993 for the period 1 July 2023 to 30 June 2024 at \$26,070.*
2.   *Fixes the fee payable to the Mayor under section 249 of the Local Government Act 1993, for the period from 1 July 2023 to 30 June 2024 at \$64,390.*
3.   *Not determine a fee payable to the Deputy Mayor, in accordance with current practice, and:*
  - 10          a)   ***Prepare a submission for the LGNSW Conference requesting that Deputy Mayors are recognised as a separate category in remuneration***
  - b)   *Continue to make submissions to the Remuneration Tribunal for a specific allowance for Deputy Mayors*

15   A draft motion and supporting material is provided below for Council endorsement.

***That LGNSW advocates to the Local Government Remuneration Tribunal to formally recognise Deputy Mayors as a distinct category within the local government remuneration framework.***

Supporting information:

20   Deputy Mayors undertake significant responsibilities, including representing the Mayor in their absence, chairing committees, and playing a pivotal role in decision-making and advocacy. These duties often demand extensive time, effort, and expertise beyond their role as a Councillor. The Local Government Act 1993 s249(5) provides that “A council may pay the deputy mayor (if there is one) a fee determined by the council for such time

25   as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor’s annual fee.” This provision does not appropriately or equitably recognise the increased responsibilities of the Deputy Mayor on a day to day basis.

30   The current remuneration structure fails to account for the instances where the Deputy Mayor is required to step in and/or support the Mayor, not just during periods of absence, but also during times of heavy workload or emergencies. These situations often demand the Deputy Mayor's immediate attention, involvement, and leadership.

To adequately address this gap, we request that LGNSW advocates to the Local Government Remuneration Tribunal to establish a remuneration structure that recognises the distinct role and contributions of Deputy Mayors.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.3

#### **Key deadlines:**

Date (2023)	Due
29 August	Due date for notices of motion to the 14 September Council (Planning) Meeting. This is the last opportunity for motions to be considered by Council and meet the timeframes for inclusion in the LGNSW Business Paper (below).
15 September	Due date for motion submission to LGNSW to allow for preparation of the Business Paper before the Conference.
5 October	Latest date motions can be submitted to LGNSW for inclusion in the business paper.
27 October (5pm)	Due date for notification to LGNSW of council voting delegates.

#### **Delegate report**

- 5 Following the Conference, Councillor/s are requested to submit a delegate's report in writing to an Ordinary Meeting of Council on the aspects of the conference, seminar, workshop, or function relevant to Council business and or the local community.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<b>1: Effective Leadership</b> 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

## Legal/Statutory/Policy Considerations

[Councillor Expenses and Facilities Policy 2022](#)

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.3

#### **Financial Considerations**

The draft 2023/24 budget provides an allocation of \$30,000.00 for Councillor attendance at conferences throughout the financial year.

Costs (*per delegate*) expected to be incurred are as follows:

5	Registration Fee (Early bird)	\$1150.00
	Conference Dinner	\$230.00
	Flights*	\$200.00
	Accommodation (3 nights)*	\$800.00
10	<b>Total</b>	<b>\$2,380.00</b>

*\*Approximate*

#### **Consultation and Engagement**

Not applicable.

## Report No. 13.4      **Community Initiatives Program 2023-2024 Recommendations for Funding**

**Directorate:** Corporate and Community Services

**Report Author:** Melitta Firth, Arts & Culture Officer  
Emily Fajerman, Community & Cultural Development  
Coordinator  
Vanessa Miller, Project Officer (Collaboration Lead)

**File No:** I2023/1037

### Summary:

The Community Initiatives Program provides funding to not-for-profit community organisations and community groups to deliver projects that create positive social, cultural, and environmental outcomes.

Council called for applications between 16 May and 12 June 2023 and 20 eligible applications were received. This report recommends that 11 community projects are funded to the value of \$52,427 for the 2023/2024 financial year.

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### RECOMMENDATION:

**That Council approves the recommended projects for the Community Initiatives Program as per Confidential Attachment 1 (E2023/79113), listed below and notes projects not recommended for funding.**  
(to be inserted following Council determination):

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### Attachments:

- Confidential - Community Initiatives Program 2023-2024 - Assessment Panel ~ for Council, E2023/79113

## **Report**

Through the provision of grants, sponsorships and funding, Council works in collaboration with community groups to further the aims identified in the four-year Delivery Program and annual Operational Plan.

- 5 Each year, incorporated not-for-profit organisations and community groups are eligible to apply for grants of up to \$5,000 through Council's Community Initiatives Program. The maximum amount available for the 2023/2024 program is \$52,800 and the total amount requested in applications was \$91,837.

- 10 On 16 May Council opened the Community Initiatives Program round for 2023/2024 and applications closed on 12 June 2023.

Information about the Community Initiatives Program such as application dates, guidelines, eligibility, and criteria were made available on Council's website, Facebook page and via the Echo Newspaper. Email campaigns were also utilised to target interested stakeholders and networks.

- 15 A total of 20 eligible applications were received. Applications were assessed against defined criteria as well as the integrity of the proposed budget, project plan, partnerships, contributions, and connection to the local community.

Council's assessment panel included:

- 20
- Resource Recovery Education and Compliance Officer
  - Acting Community Development Coordinator
  - Councillor Support / NYE Soul Street Coordinator
  - Public Space Liaison Officer

The panel recommends that Council funds 11 of the highest ranked community projects, detailed in Attachment 1 (E2023/79113), for a total value of \$52,427.

- 25 The selected community projects are geographically dispersed throughout the Shire and celebrate cultural diversity, access and inclusion, community connection and resilience. The projects prioritise the environment, mental health, youth leadership and the arts through education programs, immersive experiences, events and programs.

- 30 All funding recipients will be required to sign a contract, share project outcomes, and acquit their funding to Council by June 2024.

## **Next steps**

Contracts will be entered into with all successful applicants, pending Council approval by resolution.

- 35 The contract management process will involve staff in the Community and Cultural Development team setting contract conditions for each approved project, establishing

communications and information management, meeting with community stakeholders and reviewing project acquittals.

## **Strategic Considerations**

### **Community Strategic Plan and Operational Plan**

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
<b>1: Effective Leadership</b> We have effective decision making and community leadership that is open and informed	1.5: Empower community leadership through collaboration, capacity building, and cultivating community driven initiatives	1.5.1: Community grant programs - Provide financial assistance and grants to empower community groups and organisations to deliver priority projects	1.5.1.1	Deliver annual Community Initiatives Program and associated funding and support

#### **5 Legal/Statutory/Policy Considerations**

The Community Initiatives Program (Section 356) Policy details the process and approach for delivering the funding. The Policy was reviewed in March 2022, resulting in changes to improve program delivery, and was adopted by Council on 25 March 2022 (**Res 22-077**).

- 10 Section 356 of the Local Government Act 1993 provides that a council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

The provisions of section 356 (2) have been complied with.

#### **Financial Considerations**

- 15 A total value of \$52,427 is recommended in this report and is provided in the 2023/2024 Community Development budget.



**Report No. 13.5      Council Investments - 1 June 2023 to 30 June 2023**

**Directorate:** Corporate and Community Services

**Report Author:** James Brickley, Manager Finance

5    **File No:** I2023/1050

**Summary:**

This Report includes a list of investments and identifies Council's overall cash position for the period 1 June 2023 to 30 June 2023 for information.

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

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**RECOMMENDATION:**

15    **That Council notes the Report listing Council's investments and overall cash position as of 30 June 2023.**

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.5

### Report

Council has continued to maintain a diversified portfolio of investments. As of 30 June 2023, the average 90-day bank bill rate (BBSW) for the month was 4.05%. Council's performance for June 2023 was 4.16%.

- 5 The increased interest rates from new investments is recognised and as a result Council is performing above the average BBSW. The table below identifies the investments held by Council as at 30 June 2023.

### Schedule of Investments held as at 30 June 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%	940,790.00
20/11/18	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	22/03/24	Y	B	1.78%	997,450.00
28/03/19	1,000,000.00	National Housing Finance & Investment Corporation	Y	AAA	28/03/29	Y	B	2.38%	912,290.00
21/11/19	1,000,000.00	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	Y	B	1.25%	950,570.00
27/11/19	500,000.00	National Housing Finance & Investment Corp	Y	AAA	27/05/30	Y	B	1.52%	419,303.50
15/06/21	500,000.00	National Housing Finance & Investment Corp	Y	AAA	01/07/31	Y	B	1.99%	504,018.81
06/09/21	1,000,000.00	Northern Territory TCorp	N	Aa3	15/12/26	Y	B	1.40%	1,000,000.00
16/09/21	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	02/03/32	Y	B	1.83%	790,060.00

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Int. Rate	Current Value (\$)
04/01/23	2,000,000.00	NAB	P	AA-	01/09/23	N	TD	4.60%	2,000,000.00
05/01/23	2,000,000.00	NAB	N	AA-	04/09/23	N	TD	4.60%	2,000,000.00
01/02/23	2,000,000.00	NAB	N	AA-	31/07/23	N	TD	4.35%	2,000,000.00
14/02/23	2,000,000.00	NAB	N	AA-	13/09/23	N	TD	4.95%	2,000,000.00
21/02/23	2,000,000.00	NAB	N	AA-	21/09/23	N	TD	5.05%	2,000,000.00
23/02/23	2,000,000.00	Bank of QLD	P	BBB+	25/09/23	N	TD	5.05%	2,000,000.00
28/02/23	2,000,000.00	NAB	N	AA-	26/09/23	N	TD	5.09%	2,000,000.00
13/03/23	2,000,000.00	NAB	N	AA-	11/07/23	N	TD	4.35%	2,000,000.00
24/01/23	1,000,000.00	Macquarie Bank	P	A	26/07/23	N	TD	4.42%	1,000,000.00
28/03/23	1,000,000.00	Police Bank	P	BBB	26/07/23	Y	TD	4.35%	1,000,000.00
04/04/23	2,000,000.00	Auswide Bank Ltd	P	BBB	04/07/23	Y	TD	4.55%	2,000,000.00
05/04/23	1,000,000.00	NAB	N	AA-	04/07/23	N	TD	4.35%	1,000,000.00
19/04/23	1,000,000.00	Bank of QLD	N	BBB+	14/07/23	N	TD	4.45%	1,000,000.00
20/04/23	1,000,000.00	AMP Bank	P	BBB	20/07/23	N	TD	4.50%	1,000,000.00
27/04/23	1,000,000.00	AMP Bank	N	BBB	27/07/23	N	TD	4.45%	1,000,000.00
05/06/23	1,000,000.00	AMP Bank	N	BBB	31/08/23	N	TD	4.85%	1,000,000.00
20/06/23	1,000,000.00	Bank of QLD	N	BBB	20/09/23	N	TD	5.05%	1,000,000.00
20/06/23	1,000,000.00	AMP Bank	N	BBB	19/09/23	N	TD	5.20%	1,000,000.00
29/06/23	1,000,000.00	Judo Bank	P	BBB-	28/09/23	Y	TD	5.35%	1,000,000.00
N/A	24,655,650.78	CBA Business Saver	P	AA-	N/A	N	CALL	4.20%	24,655,650.78
N/A	117,294.15	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	N	CALL	4.20%	117,294.15
N/A	10,361,882.42	Macquarie	N	A	N/A	N	CALL	3.95%	10,361,882.42

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Int. Rate	Current Value (\$)
		Accelerator Call							
<b>Total</b>	<b>70,134,827.35</b>						<b>AVG</b>	4.16%	<b>69,649,309.66</b>

**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

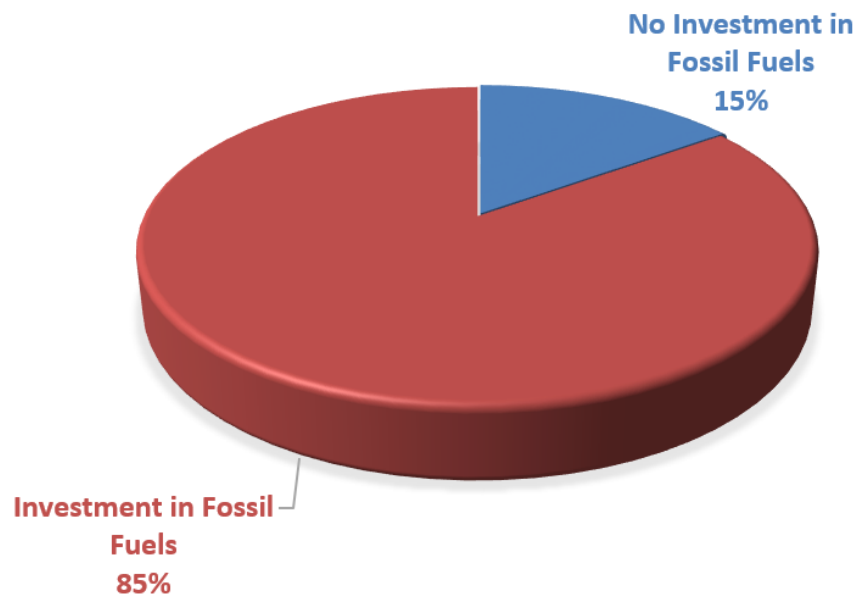
B	Bonds	Principal can vary based on valuation, interest payable via a fixed interest, payable usually each quarter.
FRN	Floating Rate Note	Principal can vary based on valuation, interest payable via a floating interest rate that varies each quarter.
TD	Term Deposit	Principal does not vary during investment 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)

5 An additional column has been added to the schedule of Investments to identify if the financial institution holding the Council investment has been assessed as a 'No Fossil Fuel' investing institution. This information has been sourced through [www.marketforces.org.au](http://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.



## 5 Investment Policy Compliance

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

Investment policy compliance % should not exceed the following			ACTUAL	
AAA to AA	A1+	100%	66%	Meets policy
A+ to A-	A1	60%	17%	Meets policy
BBB to NR	A2,NR	40%	17%	Meets policy

## NSW Treasury Corporation Compliance – Loan Borrowing Conditions

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

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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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%	N/A	0%	Meets policy
AAA	100%	100%	N/A	7%	Meets policy
AA+ to AA-	100%	100%	5Y	61%	Meets policy
A+ to A	100%	100%	3Y	16%	Meets policy
A-	40%	40%	3Y	0%	Meets policy
BBB+	30%	10% 3 Years	3Y	6%	Meets policy
BBB		5% 12 Months	1Y	10%	Does not meet policy
BBB- and below (local ADI'S)	5%	5% 12 Months	1Y	0%	Meets policy
BBB- and below (other)		250,000	1Y	0%	Meets policy

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

- 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 June 2023 to 30 June 2023:

### Dissection of Council Investment Portfolio as at 30 June 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
24,655,650.78	CBA Business Saver	24,655,650.78	0.00
117,294.15	CBA Business Saver – Tourism Infrastructure Grant	117,294.15	0.00
10,361,882.42	Macquarie Accelerator	10,361,882.42	0.00
7,000,000.00	Bonds	6,514,482.31	(485,517.69)
<b>70,134,827.35</b>	<b>Total</b>	<b>69,649,309.66</b>	<b>(485,517.69)</b>

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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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 June 2023 as follows:

#### Dissection of Council's Cash Position as at 30 June 2023

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
<b>Investments Portfolio</b>			
Term Deposits	28,000,000.00	28,000,000.00	0.00
CBA Business Saver	24,655,650.78	24,655,650.78	0.00
CBA Business Saver – Tourism Infrastructure Grant	117,294.15	117,294.15	0.00
Macquarie Accelerator	10,361,882.42	10,361,882.42	0.00
Bonds	7,000,000.00	6,514,482.31	(485,517.69)
<b>Total Investment Portfolio</b>	<b>70,134,827.35</b>	<b>69,649,309.66</b>	<b>(485,517.69)</b>
<b>Cash at Bank</b>			
Consolidated Fund	3,623,564.03	3,623,564.03	0.00
<b>Total Cash at Bank</b>	<b>3,623,564.03</b>	<b>3,623,564.03</b>	<b>0.00</b>
<b>Total Cash Position</b>	<b>73,758,391.38</b>	<b>73,272,873.69</b>	<b>(485,517.69)</b>

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<b>1: Effective Leadership</b> 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



## Report No. 13.6      **Carryovers for Inclusion in the 2023-2024 Budget**

**Directorate:** Corporate and Community Services

**Report Author:** James Brickley, Manager Finance

5      **File No:** I2023/1107

### **Summary:**

10      This report is prepared for Council to consider and to adopt the carryover Budget allocations for works and services, either commenced and not completed, or not commenced but allocated in the 2022/2023 financial year for inclusion in the 2023/2024 Budget Estimates.

This report is also the subject of a report to the Finance Advisory Committee at its Meeting held on 17 August 2023.


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### **RECOMMENDATION:**

20      **That Council approves the works and services (with respective funding) shown in Attachment 1 (#E2023/80387) to be carried over from the 2022/2023 financial year and that the carryover budget allocations be adopted as budget revotes for inclusion in the 2023/2024 Budget Estimates.**

### **Attachments:**

1      2022-23 Carryovers for inclusion in the 2023-24 Budget Estimates, E2023/80387 

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# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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### Report

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

This report identifies all the works and services proposed to be carried over to the 2023/2024 Budget Estimates and the respective funding of each, relating to works and services not completed during the course of the 2022/2023 financial year. The specific details including funding sources of all carryover works and services that are the subject of this report are outlined in Attachment 1.

The works and services are fully funded and have no impact on Council's Unrestricted Cash Result or the 2023/2024 Budget Estimates result.

There is a significant number of carryovers with total for 2022/2023 amounting to \$19,666,100. This is a decrease when compared to the previous year following efforts as part of the 31 March 2023 Quarterly Budget Review to reduce the 2022/2023 Budget for works and services not likely to be completed at that time and include these in the Draft 2023/2024 Budget Estimates before they were adopted by Council.

Table 1 below outlines a comparison of carryovers from previous financial years:

**Table 1 - Value of budget carryovers 2019/20 – 2023/24**

Fund	2019/20 (\$)	2020/21 (\$)	2021/22 (\$)	2022/23 (\$)	2023/24 (\$)
General	6,024,800	7,875,500	10,719,000	17,539,200	15,578,200
Water	301,900	1,118,800	840,300	3,318,000	1,608,600
Sewer	625,400	1,129,200	1,695,500	4,042,400	2,479,300
<b>Total</b>	<b>6,952,100</b>	<b>10,123,500</b>	<b>13,254,800</b>	<b>24,899,600</b>	<b>19,666,100</b>

#### General Fund

The value of works carried over to 2023/2024 for the General Fund has decreased by approximately 11.2% from the 2022/2023 amount (\$1,961,000). Of the \$15,578,200 of General Fund carryovers, just over 42% (\$6,548,300) is attributable to Local Roads and Drainage projects not completed in 2022/2023 to be carried forward to 2023/2024. This percentage is less than the carryovers attributable to Local Roads and Drainage from 2022/2023 (52%). The extent of carryovers in the General Fund is also relevant to the

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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number of, and size of grant funded works, and the ongoing flood recovery works. Of the General Fund carryovers, \$10,750,600 in funding is provided from unexpended or approved grants.

Major carryover items in General Fund greater than \$300,000 are as follows:

Item	Amount \$
Feb 2022 Flood Event DPIE - Resilience	632,100
DPIE Local Council Support Package	1,545,500
Rifle Range Rd Upgrade	1,952,900
Mullumbimby Local Roads Rehabilitation	337,000
Fed & State Stimulus - Rifle Range Rd	537,200
ECG Reseal Program	1,183,900
Sandhills Wetlands Project	1,223,900
SPNP Mullumbimby Rec - Sporting Amenities	366,700
Bangalow Sports Grounds Lighting Renewal	382,900
Mullumbimby Leagues Club Fields	350,000
Council Chambers Refurbishment	354,700

#### 5 Water and Sewer Funds

Carryovers for the Water Fund have decreased by \$1,709,400 and decreased for the Sewer Fund by \$1,563,100 compared to the carryovers for the 2022/2023 financial year. Details of these carryovers are included in Attachment 1.

Major carryover items in Water Fund greater than \$100,000 are as follows:

Item	Amount \$
DWMP Improvements	134,400
Paterson Street Reservoir Design	100,000
Ewingsdale Road Watermain	191,000
Tuckeroo Supply Main	379,700

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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Major carryover items in Sewerage Fund greater than \$100,000 are as follows:

Item	Amount \$
Energy Efficiency Improvements	128,300
Inflow/Infiltration Reduction (except Mullumbimby)	698,400
Telemetry System	179,100
Byron Bay – SPS Renewal	132,500
Inflow/Infiltration Reduction Mullumbimby	556,500
Ocean Shores to BVSTP Transfer Pump	110,700

This report is to be considered by the Finance Advisory Committee at its Meeting held on 17 August 2023.

## Strategic Considerations

### 5 Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership	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	1.3.1.2	Provide Quarterly Budget Reviews to Council for adoption.

## Legal/Statutory/Policy Considerations

Section 211 of the Local Government (General) Regulation 2021 outlines the requirements of Council relating to authorisation of expenditure. Specifically Section 211 states:

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

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## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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- (2) *A council must each year hold a meeting for the purpose of approving expenditure and voting money.*

- 5 In accordance with Section 211 of the Local Government (General) Regulation 2021, Council conducted an Ordinary Meeting to approve expenditure on 22 June 2023 via Resolution **23-280** to create the 2023/2024 Budget. The expenditure items that are the subject of this report were not included in the 2023/2024 Budget Estimates, but now need to be. The intent of this report is to seek Council approval to revoke the carryovers from the 2022/2023 financial year and to adopt the budget carryovers for inclusion in the 2023/2024 Budget Estimates.
- 10 At its meeting held on 28 March 2013 the Strategic Planning Committee considered Report 4.3 on Council's financial position for the 2012/2013 financial year. The recommendations from this meeting were adopted by Council at its Ordinary Meeting held on 18 April 2013 through resolution **13-164**. Committee recommendation SPC 4.3 in part 5
- 15 included the following process to be applied to the consideration of any amount identified as a carryover to the 2013/14 and future Budgets and funded from general revenues:

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

### **Financial Considerations**

- 20 The Financial implications of this report have been outlined above in that, should Council adopt the recommendation of the report, the 2023/2024 Budget result will not change, nor will the Unrestricted Cash Result. Each carryover item presented in Attachment 1 also identifies its respective available funding source(s).

**Report No. 13.7      Delivery Program 6-monthly Report and Operational Plan 2022/23 Quarter 4 Report - to 30 June 2023**

**Directorate:** Corporate and Community Services

5    **Report Author:** Heather Sills, Manager Corporate Services

**File No:** I2023/1164

**Summary:**

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

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


15    Council achieved 80.2% of the Operational Plan activities that were planned to be delivered in 2022/23.

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**RECOMMENDATION:**

20    **That Council notes the Delivery Program 6-monthly Report and 2022/23 Operational Plan Fourth Quarter Report for the period ending 30 June 2023 (Attachment 1 #E2023/78996).**

**Attachments:**

25    1    Delivery Program 6-Monthly Report and Operational Plan Quarterly Report - Q4 - to 30 June 2023, E2023/78996 

## Report

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

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

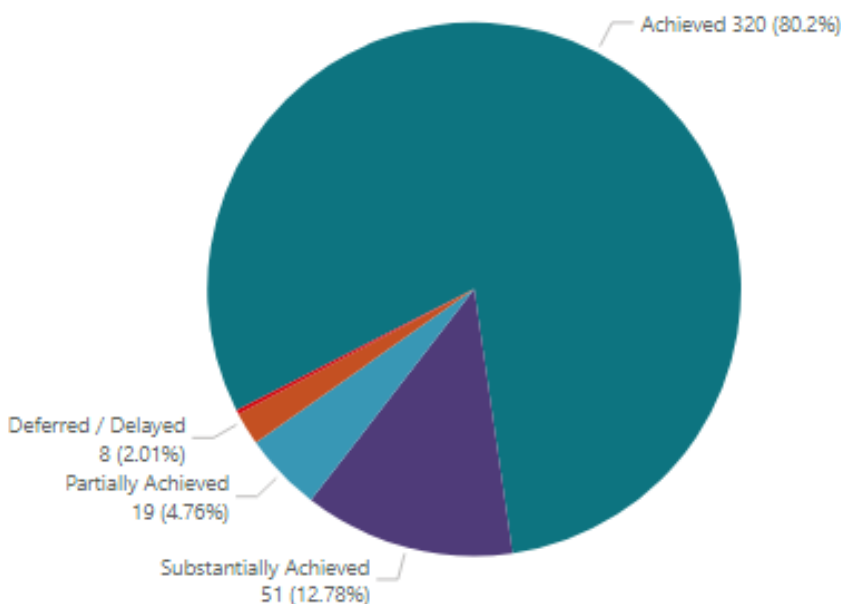
- 10 The Delivery Program is supported by the annual Operational Plan, which identifies the individual projects and activities that will be undertaken for the year to achieve the commitments made in the Delivery Program.

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

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

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

## Achievement of 2022/23 Operational Plan Activities



As this is the last quarter report for the 2022/23 financial year, this report details Council's achievement of the activities in the 2022/23 Operational Plan. Overall, Council achieved 80.2% of planned activities against the measures in the plan. This compares to 73% during 2021/22.

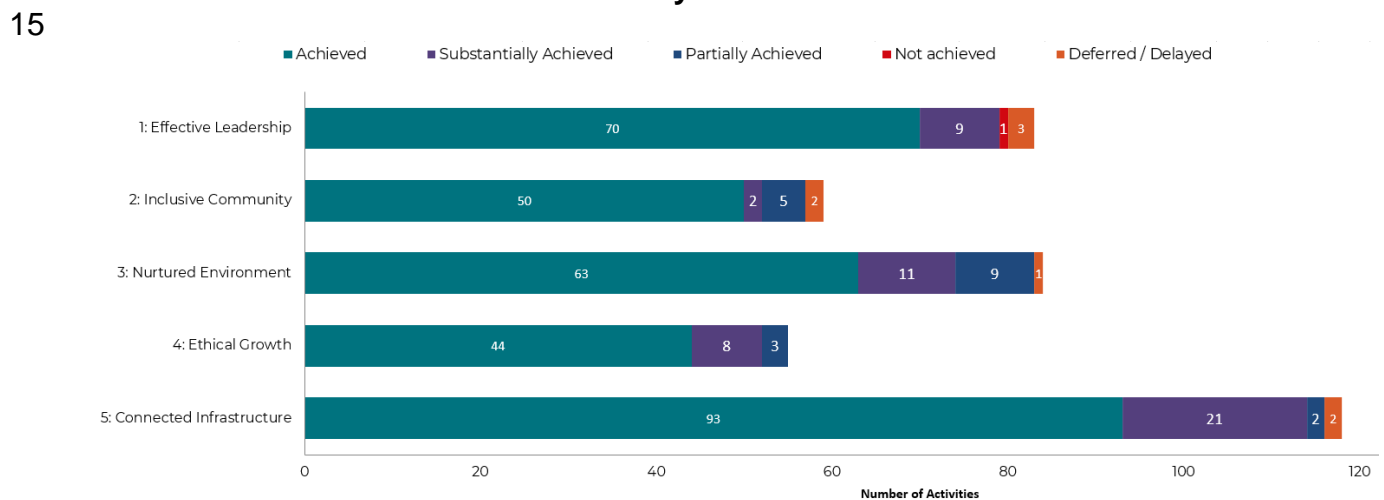
12.8% of activities were substantially achieved, meaning they were significantly progressed but not finalised, while 4.8% were partially achieved, and 2% deferred. Details on the reason for the status of each activity are outlined in the attachment.

## Strategic Objectives

The report (#E2023/78996) is structured by the five Byron Shire Community Strategic Plan 2032 objectives:

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

## Result by CSP Theme



## Report Details

20 The report details Council's achievement of the activities in the 2022/23 Operational Plan. It includes a status update on progress and notes any highlights or exceptions where actions were delayed or reprioritised.

Each section notes the progress against the activities including:

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

30 The report also includes updated results for the newly developed 'indicators,' from the *Outcomes Measurement Framework* which is subject of a separate report to Council on the adoption of the revised Delivery Program 2022-26.



## **Summary of Achievements**

Council achieved 80.2% of its actions during this period. Some activities were not fully achieved and/or deferred. Further detail on individual activities and the impacts is provided in detail in the attachment.

### **5 Key achievements include:**

#### ***Effective Leadership***

- Development of the *Outcomes Measurement Framework* to measure progress toward long term community outcomes
- 10 • Comprehensive review of the Risk Management Strategy and redefined Risk Appetite
- Strong statistics for the Your Say section of the website with more than 28,000 page views over 12 months
- eNews is now delivered to 18,000 inboxes every fortnight
- Review of Customer Experience Strategy
- 15 • Revised Procurement Guidelines prepared in consultation with staff across the organisation
- The Community Initiatives Program provided funding of \$44,200 to 11 not-for-profit community organisations and community groups to deliver projects that create positive social, cultural, and environmental outcomes
- 20 • Council facilitates service collaboration groups including the Ending Rough Sleeping service coordination group, Local Health and Wellbeing Subcommittee, and the Community Resilience Network

#### ***Inclusive Community***

- 25 • Undertook extensive consultation to develop the Arts and Culture Action Plan to consolidate Council's work and direction in support of arts and creative industries
- The Lone Goat Gallery has presented ten exhibitions for 42 artists and established a new biennial project called 'Climate Conversations', an investigation into how the arts can help us to adapt in the face of climate change
- 30 • Funding secured for community events through Reconnecting Regional NSW which has enabled the delivery of a number of events to support community resilience and reconnection
- Events Strategy targeted stakeholder engagement complete and findings paper prepared

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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- The 'Dogs in Public Spaces Strategy' was completed along with the "Guide to Dogs in the Byron Shire"
- 5 • The Bundjalung of Byron Bay Arakwal Corporation and Tweed Byron Local Aboriginal Land Council played a crucial role in enabling the establishment of the Byron Bay Skatepark and inclusion of First Nations cultural expression into the design and functionality of the space
- Council continues to deliver high quality library services through Byron Bay library, Mullumbimby library, Brunswick Heads library and the mobile library service; a new Deed of Agreement has been executed extending arrangements to 2027
- 10 • Early results of the End Rough Sleeping Collaboration Project have included supporting 24 people into permanent housing and 35 people into temporary accommodation. Participated in the Select Senate Committee on Australian Disaster Resilience.

### ***Nurtured Environment***

- 15 • Over \$300,000 received in grant funding to support threatened species conservation and habitat restoration
- Launched the 'No Bat No Me' project aimed at educating the community about the critical role Flying Foxes play in protecting our environment including the launch of Council's new Flying Fox picture book for children
- 20 • Northern Rivers Regional Koala Strategy developed
- Won the Environmental Leadership Award at the 2023 NSW Local Government Excellence Awards for the 'Main and Clarkes Beach Dune Recovery Project
- Planting, restoration and maintenance of over 20ha koala habitat in Byron Shire
- Restoration of 160m riverbank rehabilitation and aquatic habitat enhancement
- 25 • Partnership with NSW DPE Biodiversity Conservation Division to update Council's vegetation mapping to enable more accurate future planning
- Grant funding application successful and Stage 2 Southern Shire Coastline studies funded and commenced
- Completed the utilities energy optimisation system
- 30 • Developed a draft carbon offset policy and procedure to achieve net zero emissions
- Draft Single Use Packaging and materials Policy progressed and presented to the Climate Change and Resource Recovery Advisory Committee
- Bring it Back Bruns - pilot project in Brunswick Heads

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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- Public place bins fitted with new educational signage in Byron Bay and Brunswick Heads
- Upgrades and rebranding of The Re-Market (tip shop)
- Delivery of Source to Sea project - 24 "drain busses" installed to capture litter before it enters the stormwater system and waterways

5

### ***Ethical Growth***

- Finalised the Byron Arts and Industry Estate Precinct Plan
- Mullumbimby Talking Streets Project
- Housing alternative models addendum research completed
- Mullumbimby Infrastructure servicing audit / capacity for large lot residential subdivision commenced
- Burringbar St, Mullumbimby Concept Design brief/scope endorsed
- Pocket Park, Bayshore Dr activation events held
- Federal Community Village Masterplan and Main Street Concept Plan endorsed

10

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- Mullumbimby Hospital Site Strategy and Urban Design Protocol endorsed
- Short Term Rental Accommodation (STRA) Planning Proposal progressing
- Council's Affordable Housing Contribution Scheme gazetted, a first for a regional council

20

- Work with Landcom on an affordable housing project on 57 Station Street, Mullumbimby, continues
- Active and ongoing engagement with business, industry and visitor economy representatives and stakeholders to inform the development of the Business, Industry, and Visitor Economy Strategy

25

- Partnered with Training Services NSW to deliver a School-Based Apprenticeship and Traineeship information Evening for local businesses and high school students
- Launched regenerative agriculture mentoring program - 6 local farmers signed up to 12 month mentoring program delivered by SCU and supported by Council

30

- Regenerative Agriculture in Byron Shire film clip
- Council's work in community disaster recovery is being delivered and is being monitored in accordance with the Recovery Action Plan

***Connected Infrastructure***

- Delivered road reconstruction work on the Pocket Road Stage 2
- Upper Main Arm Bridge, Sherringtons Bridge, and Englishes Bridge renewals completed
- 5 • Delivered Seven Mile Beach Road traffic control works which have provided a significant improvement to the area
- Delivered Stage 1 of the Broken Head Reserve traffic control works
- Mullumbimby to Brunswick Heads cycleway preferred option was adopted by Council and planning and design commenced through a proof of concept investigation
- 10 • Federal Drive landslip stabilisation and road reconstruction project progressing in accordance with program
- Huonbrook Road drainage design work nearing completion and barriers and guardrail procurement underway
- Moving Byron strategy adopted by Council
- 15 • Centennial Circuit permanent one way works were completed following a successful trial
- Flood impacted community buildings underwent restoration works, including RFS building, Mullumbimby Civic Hall, and Kohinar Hall all being completed, with works to restore Mullumbimby Civic Chambers substantially underway, replacement roof to Brunswick Community Centre installed and Brunswick Memorial Hall access ramp works underway
- 20 • New accessible amenities installed at Middleton Street and under construction at Denning park,
- Accessible playground installed at Byron Recreation Grounds
- 25 • Accessible changerooms and canteen being constructed at Linda Vidler Park in Suffolk Park
- Post flood renewal works delivered to Mullumbimby Petria Thomas Swimming Pool
- Customer satisfaction awards from Caravan Association and Trip Advisor for Suffolk Beachfront Holiday Park
- 30 • Upgrade to Tyagarah skydive landing area and initiation of hanger refurbishment works

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action
<b>1: Effective Leadership</b> 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

### Legal/Statutory/Policy Considerations

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

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

### Financial Considerations

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

### Consultation and Engagement

- 15 The progress reports on the Operational Plan and Delivery Program are published on Council's website as a way of ensuring transparency around how Council is progressing activities and actions.

**Report No. 13.8 Council Resolutions Quarterly Review - Q4 -  
1 April to 30 June 2023**

**Directorate:** Corporate and Community Services

**Report Author:** Heather Sills, Manager Corporate Services

5 **File No:** I2023/1127

**Summary:**

This report provides an update on the status of Council Resolutions as at 30 June 2023.

78 Resolutions were completed during the period 1 April to 30 June 2023.

129 Resolutions remain active.



10

**RECOMMENDATION:**

**That Council:**

- 15
1. Notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2023/67986).
  2. Notes the completed Resolutions in Attachment 2 (#E2023/67999).

**Attachments:**

- 20
- 1 Active Resolutions - as at 30 June 2023, E2023/67986 
  - 2 Completed Resolutions - 1 April to 30 June 2023, E2023/67999 

## Report

Each quarter, Council is updated on the status of Council Resolutions; identifying those Resolutions completed within the reporting period, those proposed to be closed, and those Resolutions that remain 'Active'.

### 5 Quarterly Report – 1 April to 30 June 2023

#### Active Resolutions

10 The *Active Resolutions Report* (#E2023/67986) provides an update to Council on all active Resolutions up to 30 June 2023, with relevant commentary regarding the status of each Resolution as at this date. There were 129 active Resolutions at the time of preparing this report.

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

#### Completed Resolutions

15 The *Completed Resolutions Report* (#E2023/67999) provides details of those Resolutions that were completed during the period 1 April to 30 June 2023. 78 Resolutions were completed during this period.

#### Resolutions Closed with No Action:

There were no actions identified as needing to be 'closed with no action'.

### 20 Strategic Considerations

#### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<b>1: Effective Leadership</b> 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	1.1.2.4	Deliver Council meeting secretariat – including agenda preparation, minutes and council resolutions monitoring

## **Recent Resolutions**

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

## **Legal/Statutory/Policy Considerations**

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

## **Financial Considerations**

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

## **Consultation and Engagement**

- 10 Not applicable.



**Report No. 13.9      Council Investments - 1 July 2023 to 31 July 2023**

**Directorate:** Corporate and Community Services

**Report Author:** James Brickley, Manager Finance

5    **File No:** I2023/1134

**Summary:**

This Report includes a list of investments and identifies Council's overall cash position for the period 1 July 2023 to 31 July 2023 for information.

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

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**RECOMMENDATION:**

15    **That Council notes the Report listing Council's investments and overall cash position as of 31 July 2023.**

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.9

### Report

Council has continued to maintain a diversified portfolio of investments. As of 31 July 2023, the average 90-day bank bill rate (BBSW) for the month was 4.31%. Council's performance for July 2023 was 4.34%.

- 5 The increased interest rates from new investments is being realised and as a result Council is performing above the average BBSW. The table below identifies the investments held by Council as at 31 July 2023.

### Schedule of Investments held as at 31 July 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%	940,790.00
20/11/18	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	22/03/24	Y	B	1.78%	997,450.00
28/03/19	1,000,000.00	National Housing Finance & Investment Corporation	Y	AAA	28/03/29	Y	B	2.38%	912,290.00
21/11/19	1,000,000.00	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	Y	B	1.25%	950,570.00
27/11/19	500,000.00	National Housing Finance & Investment Corp	Y	AAA	27/05/30	Y	B	1.52%	419,303.50
15/06/21	500,000.00	National Housing Finance & Investment Corp	Y	AAA	01/07/31	Y	B	1.99%	504,018.81
06/09/21	1,000,000.00	Northern Territory TCorp	N	Aa3	15/12/26	Y	B	1.40%	1,000,000.00
16/09/21	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	02/03/32	Y	B	1.83%	790,060.00

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Int. Rate	Current Value (\$)
04/01/23	2,000,000.00	NAB	P	AA-	01/09/23	N	TD	4.60%	2,000,000.00
05/01/23	2,000,000.00	NAB	N	AA-	04/09/23	N	TD	4.60%	2,000,000.00
01/02/23	2,000,000.00	NAB	N	AA-	30/10/23	N	TD	5.00%	2,000,000.00
14/02/23	2,000,000.00	NAB	N	AA-	13/09/23	N	TD	4.95%	2,000,000.00
21/02/23	2,000,000.00	NAB	N	AA-	21/09/23	N	TD	5.05%	2,000,000.00
23/02/23	2,000,000.00	Bank of QLD	P	BBB+	25/09/23	N	TD	5.05%	2,000,000.00
28/02/23	2,000,000.00	NAB	N	AA-	26/09/23	N	TD	5.09%	2,000,000.00
13/03/23	2,000,000.00	NAB	N	AA-	09/10/23	N	TD	5.05%	2,000,000.00
28/03/23	1,000,000.00	Police Bank	P	BBB	25/10/23	Y	TD	5.05%	1,000,000.00
04/04/23	2,000,000.00	Auswide Bank Ltd	P	BBB	03/10/23	Y	TD	5.40%	2,000,000.00
05/04/23	1,000,000.00	NAB	N	AA-	01/11/23	N	TD	5.20%	1,000,000.00
20/04/23	1,000,000.00	AMP Bank	P	BBB	19/10/23	N	TD	5.35%	1,000,000.00
27/04/23	1,000,000.00	AMP Bank	N	BBB	27/11/23	N	TD	5.25%	1,000,000.00
05/06/23	1,000,000.00	AMP Bank	N	BBB	31/08/23	N	TD	4.85%	1,000,000.00
20/06/23	1,000,000.00	Bank of QLD	N	BBB	20/09/23	N	TD	5.05%	1,000,000.00
20/06/23	1,000,000.00	AMP Bank	N	BBB	19/09/23	N	TD	5.20%	1,000,000.00
29/06/23	1,000,000.00	Judo Bank	P	BBB-	28/09/23	Y	TD	5.35%	1,000,000.00
26/07/23	1,000,000.00	Judo Bank	N	BBB-	25/10/23	Y	TD	5.10%	1,000,000.00
N/A	19,732,553.95	CBA Business Saver	P	AA-	N/A	N	CALL	4.20%	19,732,553.95
N/A	117,712.55	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	N	CALL	4.20%	117,712.55
N/A	10,396,482.76	Macquarie Accelerator Call	N	A	N/A	N	CALL	3.95%	10,396,482.76

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.9

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Int. Rate	Current Value (\$)
Total	64,246,749.26						AVG	4.16%	63,761,231.57

**Note 1.** CP = Capital protection on maturity

N = No Capital Protection

Y = Fully covered by Government Guarantee

P = Partial Government Guarantee of \$250,000 (Financial Claims Scheme)

**Note 2.** No Fossil Fuel ADI

Y = No investment in Fossil Fuels

N = Investment in Fossil Fuels

U = Unknown Status

**Note 3.** 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)

5 An additional column has been added to the schedule of Investments to identify if the financial institution holding the Council investment has been assessed as a 'No Fossil Fuel' investing institution. This information has been sourced through [www.marketforces.org.au](http://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](#).

15 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.

**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).

Investment policy compliance % should not exceed the following			ACTUAL	
AAA to AA	A1+	100%	65%	Meets policy
A+ to A-	A1	60%	17%	Meets policy
BBB to NR	A2,NR	40%	18%	Meets policy

**NSW Treasury Corporation Compliance – Loan Borrowing Conditions**

- 10 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.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.9

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						
% should not exceed the following			Counterparty Limit	Tenor	ACTUAL	Variance
Tcorp	100%	100%	100%	N/A	0%	Meets policy
AAA	100%	100%	100%	N/A	7%	Meets policy
AA+ to AA-	100%	100%	100%	5Y	58%	Meets policy
A+ to A	100%	100%	100%	3Y	16%	Meets policy
A-	40%	40%	40%	3Y	0%	Meets policy
BBB+		10% 3 Years	3Y	5%	Meets policy	
BBB	30%	5% 12 Months	1Y	11%	Does not meet policy	
BBB- and below (local ADI'S)		5% 12 Months	1Y	3%		
BBB- and below (other)	5%	250,000	1Y	0%	Meets policy	

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

- 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 July 2023 to 31 July 2023:

### Dissection of Council Investment Portfolio as at 31 July 2023

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
27,000,000.00	Term Deposits	27,000,000.00	0.00
19,732,553.95	CBA Business Saver	19,732,553.95	0.00
117,712.55	CBA Business Saver – Tourism Infrastructure Grant	117,712.55	0.00
10,396,482.76	Macquarie Accelerator	10,396,482.76	0.00
7,000,000.00	Bonds	6,514,482.31	(485,517.69)
<b>64,246,749.26</b>	<b>Total</b>	<b>63,761,231.57</b>	<b>(485,517.69)</b>

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.9

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 July 2023 as follows:

#### Dissection of Council's Cash Position as at 31 July 2023

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
<b>Investments Portfolio</b>			
Term Deposits	27,000,000.00	27,000,000.00	0.00
CBA Business Saver	19,732,553.95	19,732,553.95	0.00
CBA Business Saver – Tourism Infrastructure Grant	117,712.55	117,712.55	0.00
Macquarie Accelerator	10,396,482.76	10,396,482.76	0.00
Bonds	7,000,000.00	6,514,482.31	(485,517.69)
<b>Total Investment Portfolio</b>	<b>64,246,749.26</b>	<b>63,761,231.57</b>	<b>(485,517.69)</b>
<b>Cash at Bank</b>			
Consolidated Fund	4,023,230.98	4,023,230.98	0.00
<b>Total Cash at Bank</b>	<b>4,023,230.98</b>	<b>4,023,230.98</b>	<b>0.00</b>
<b>Total Cash Position</b>	<b>68,269,980.24</b>	<b>67,784,462.55</b>	<b>(485,517.69)</b>

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<b>1: Effective Leadership</b> 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



## Report No. 13.10 Budget Review - 1 April to 30 June 2023

**Directorate:** Corporate and Community Services

**Report Author:** James Brickley, Manager Finance

**File No:** I2023/1138

### 5 Summary:

This report has been prepared to comply with Section 203 of the *Local Government (General) Regulation 2021* and to inform Council and the community of Council's estimated financial position for the 2022/2023 financial year, reviewed as at 30 June 2023.

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

15 The report also provides an indication of the financial position of Council at 30 June 2023. It should be noted that the figures provided are subject to completion and audit of the Council's Financial Statements for 2022/2023. Any major variances will be included as part of the report adopting the financial statements in October 2023.

This report is to be considered by the Finance Advisory Committee at its meeting held on 17 August 2023.

20

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### RECOMMENDATION:

1. That Council authorises the itemised budget variations as shown in Attachment 2 (#E2023/80644) which include the following results in the 30 June 2023 Quarterly Review of the 2022/2023 Budget:

- 25
- a) General Fund – \$0 movement to the Estimated Unrestricted Cash Result
  - b) General Fund - \$14,926,000 increase in reserves
  - c) Water Fund - \$2,135,500 increase in reserves
  - d) Sewerage Fund - \$2,736,700 increase in reserves

30 2. That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$0 for the 2022/2023 financial year as at 30 June 2023

### Attachments:

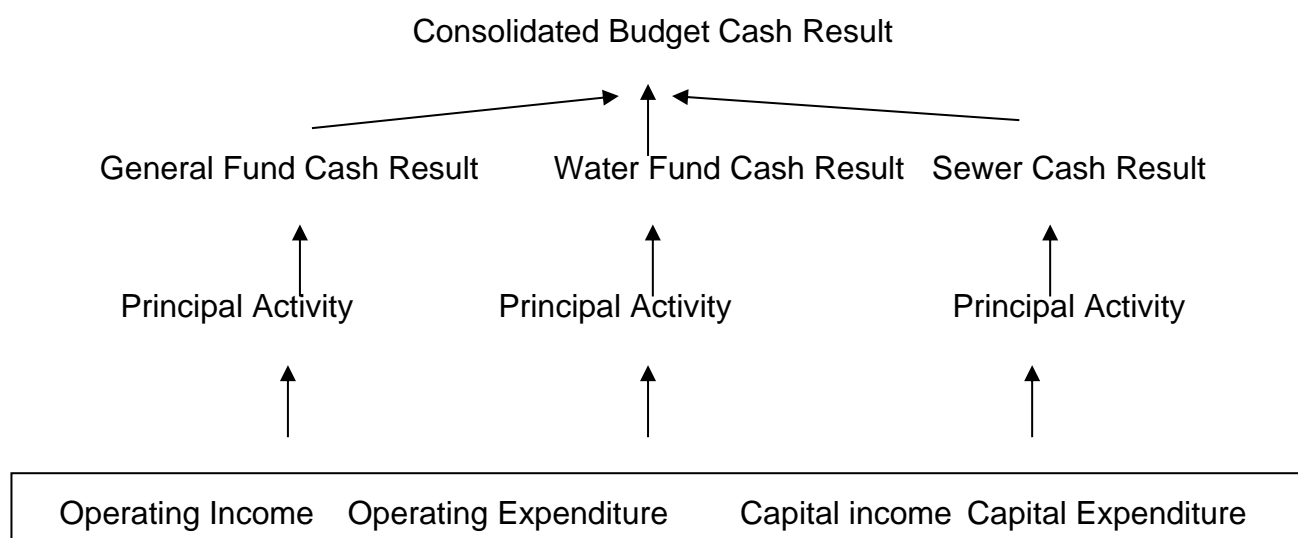
- 35
- 1 Budget Variations for General, Water and Sewerage Funds, E2023/80642 
  - 2 Itemised Listing of Budget Variations for General, Water and Sewerage Funds, E2023/80644 

## Report

Council adopted the 2022/2023 budget on 30 June 2022 via Resolution **22-332**. Council also considered and adopted the budget carryovers from the 2021/2022 financial year, to be incorporated into the 2022/2023 budget at its Ordinary Meeting held on 25 August 2022 via Resolution **22-391**. Since that date, Council has reviewed the budget taking into consideration the audited 2021/2022 Financial Statement results and progress through the first three quarters of the 2022/2023 financial year. This report considers the June 2023 Quarter Budget Review.

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

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



The pages within Attachment 1 are presented (from left to right) by showing the original budget as adopted by Council on 30 June 2022 plus the adopted carryover budgets from 2021/2022 followed by adjustments prior to this QBR, and the revote (or adjustment for this review) and then the revised position projected for 30 June 2023.

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

There is also information detailing restricted assets (reserves) to show Council's estimated balances as at 30 June 2023 for all Council's reserves.

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

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.10

### Office of Local Government Budget Review Guidelines:

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

### CONSOLIDATED RESULT

- 10 The following table provides a summary of the overall Council budget on a consolidated basis inclusive of all Funds' budget movements for the 2022/2023 financial year projected to 30 June 2023.

<b>2022/2023 Budget Review Statement as at 30 June 2023</b>	<b>Original Estimate (Including Carryovers) 1/7/2022</b>	<b>Adjustments to 30 Jun 2023 including Resolutions*</b>	<b>Proposed 30 June 2023 Review Revotes</b>	<b>Revised Estimate 30/6/2023</b>
Operating Revenue	98,653,200	21,138,000	8,554,000	128,345,200
Operating Expenditure	111,603,900	16,561,700	565,200	128,730,800
<b>Operating Result – Surplus/Deficit</b>	<b>(12,950,700)</b>	<b>4,576,300</b>	<b>7,988,800</b>	<b>(385,600)</b>
Add: Capital Revenue	37,235,900	(15,863,700)	(434,000)	20,938,200
<b>Change in Net Assets</b>	<b>24,285,200</b>	<b>(11,287,400)</b>	<b>7,554,800</b>	<b>20,552,600</b>
Add: Non Cash Expenses	18,455,700	2,033,900	0	20,489,600
Add: Non-Operating Funds Employed	20,800,000	(18,800,000)	(1,988,200)	11,800
Subtract: Funds Deployed for Non-Operating Purposes	(99,493,500)	38,364,400	14,231,600	(46,897,500)
<b>Cash Surplus/(Deficit)</b>	<b>(35,952,600)</b>	<b>10,310,900</b>	<b>19,798,200</b>	<b>(5,843,500)</b>
Restricted Funds – Increase / (Decrease)	(35,747,600)	10,105,900	19,798,200	(5,843,500)
<b>Forecast Result for the Year – Surplus/(Deficit) – Unrestricted Cash Result</b>	<b>(205,000)</b>	<b>205,000</b>	<b>0</b>	<b>0</b>

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.10

### GENERAL FUND

In terms of the General Fund projected Unrestricted Cash Result the following table provides a reconciliation of the estimated position as at 30 June 2023:

<b>Opening Balance – 1 July 2022</b>	<b>\$0</b>
Plus original budget movement and carryovers	(205,000)
Council Resolutions July – September Quarter	(2,000)
September QBR – increase/(decrease)	0
Council Resolutions October – December Quarter	2,000
December QBR – increase/(decrease)	0
Council Resolutions January – March Quarter	0
March QBR – increase/(decrease)	205,000
Council Resolutions April – June Quarter	0
Recommendations within this Review – increase/(decrease)	0
<b>Estimated Unrestricted Cash Result Closing Balance – 30 June 2023</b>	<b>\$0</b>

- 5 The General Fund financial position overall has increased as a result of this budget review, leaving the forecast cash result for the year at \$0. The proposed budget changes are detailed in Attachment 1 and summarised further in this report below.

### Council Resolutions

There were no Council resolutions that affected the budget result in the April to June quarter.

### 10 Budget Adjustments

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

<b>Budget Directorate</b>	<b>Revenue Increase/ (Decrease) \$</b>	<b>Expenditure Increase/ (Decrease) \$</b>	<b>Unrestricted Cash Increase/ (Decrease) \$</b>
General Manager	(35,500)	(35,500)	0
Corporate & Community Services	2,054,800	1,951,900	102,900
Infrastructure Services	2,564,600	2,878,600	(314,000)
Sustainable Environment & Economy	(256,700)	(467,800)	211,100
<b>Total Budget Movements</b>	<b>4,327,200</b>	<b>4,327,200</b>	<b>0</b>

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.10

### Budget Adjustment Comments

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

- 5 The major consideration with this budget review is the reduction in expenditure associated with projects not completed and under-expenditure. Council will also be considering a report to this Ordinary Council Meeting regarding carryover items from the 2022/2023 financial year for work not completed to be added to the 2023/2024 Budget Estimates. This report also considers the implications of that report.

### 10 WATER FUND

After completion of the 2022/2023 Financial Statements the Water Fund as at 30 June 2023 has a capital works reserve of \$8,953,800 and held \$1,844,900 in section 64 developer contributions.

- 15 The estimated Water Fund reserve balances as at 30 June 2023, and forecast in this Quarter Budget Review, are derived as follows:

#### Capital Works Reserve

<b>Opening Reserve Balance at 1 July 2022</b>	<b>\$8,953,800</b>
Plus original budget reserve movement	(4,874,800)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(1,036,100)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	(279,100)
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	580,600
Resolutions April - June Quarter – increase / (decrease)	1,358,400
June Quarterly Review Adjustments – increase / (decrease)	1,300,600
<b>Forecast Reserve Movement for 2022/2023 – Increase / (Decrease)</b>	<b>(2,950,400)</b>
<b>Estimated Reserve Balance at 30 June 2023</b>	<b>\$6,003,400</b>

#### Section 64 Developer Contributions

<b>Opening Reserve Balance at 1 July 2022</b>	<b>\$1,844,900</b>
Plus original budget reserve movement	(1,120,100)
Resolutions July - September Quarter – increase / (decrease)	0

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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September Quarterly Review Adjustments – increase / (decrease)	(500,000)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	70,900
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	78,300
Resolutions April - June Quarter – increase / (decrease)	512,000
June Quarterly Review Adjustments – increase / (decrease)	834,900
<b>Forecast Reserve Movement for 2022/2023 – Increase / (Decrease)</b>	<b>(124,000)</b>
<b>Estimated Reserve Balance at 30 June 2023</b>	<b>\$1,720,900</b>

Movements for Water Fund can be seen in Attachment 1 with a proposed estimated increase to reserves (including S64 Contributions) overall of \$2,135,500 from the 30 June 2023 Quarter Budget Review.

### SEWERAGE FUND

- 5 After completion of the 2022/2023 Financial Statements the Sewer Fund as at 30 June 2023 has a capital works reserve of \$2,701,600 and plant reserve of \$896,200. It also held \$7,180,100 in section 64 developer contributions and a \$766,900 unexpended grant.

#### Capital Works Reserve

<b>Opening Reserve Balance at 1 July 2022</b>	<b>\$2,701,600</b>
Plus original budget reserve movement	(926,200)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(653,600)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	(255,900)
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	452,300
Resolutions April - June Quarter – increase / (decrease)	0
June Quarterly Review Adjustments – increase / (decrease)	496,800
<b>Forecast Reserve Movement for 2022/2023 – Increase / (Decrease)</b>	<b>(886,600)</b>
<b>Estimated Reserve Balance at 30 June 2023</b>	<b>\$1,815,000</b>

# BYRON SHIRE COUNCIL

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### Plant Reserve

<b>Opening Reserve Balance at 1 July 2022</b>	<b>\$896,200</b>
Plus original budget reserve movement	0
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	0
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	0
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	0
Resolutions April - June Quarter – increase / (decrease)	0
June Quarterly Review Adjustments – increase / (decrease)	0
<b>Forecast Reserve Movement for 2022/2023 – Increase / (Decrease)</b>	<b>0</b>
<b>Estimated Reserve Balance at 30 June 2023</b>	<b>\$896,200</b>

### Section 64 Developer Contributions

<b>Opening Reserve Balance at 1 July 2021</b>	<b>\$7,180,100</b>
Plus original budget reserve movement	(4,591,700)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	375,000
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	(40,000)
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	542,000
Resolutions April - June Quarter – increase / (decrease)	0
June Quarterly Review Adjustments – increase / (decrease)	1,967,400
<b>Forecast Reserve Movement for 2022/2023 – Increase / (Decrease)</b>	<b>(1,747,300)</b>
<b>Estimated Reserve Balance at 30 June 2023</b>	<b>\$5,432,800</b>

### Unexpended Grants

<b>Opening Reserve Balance at 1 July 2021</b>	<b>\$766,900</b>
Plus original budget reserve movement	0

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	0
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	0
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	(766,900)
Resolutions April - June Quarter – increase / (decrease)	0
June Quarterly Review Adjustments – increase / (decrease)	272,500
<b>Forecast Reserve Movement for 2022/2023 – Increase / (Decrease)</b>	<b>272,500</b>
<b>Estimated Reserve Balance at 30 June 2023</b>	<b>\$272,500</b>

Movements for the Sewerage Fund can be seen in Attachment 1 with a proposed estimated overall increase to reserves (including S64 Contributions and unexpended grants) of \$2,736,700 from the 30 June 2023 Quarter Budget Review.

### Legal Expenses

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

The table that follows indicates the allocated budget and actual legal expenditure within Council on a fund basis as at 30 June 2023.

### 10 Total Legal Income & Expenditure as at 30 June 2023

Program	2022/2023 Budget (\$)	Actual (\$)	Percentage To Revised Budget
<b>Income</b>			
Legal Expenses Recovered	0	30,000	0%
<b>Total Income</b>	<b>0</b>	<b>30,000</b>	<b>0%</b>
<b>Expenditure</b>			
General Legal Expenses	328,100	394,035	120.10%
<b>Total Expenditure General Fund</b>	<b>328,100</b>	<b>394,035</b>	<b>120.10%</b>



## Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<b>1: Effective Leadership</b> 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	1.3.1.2	Provide Quarterly Budget Reviews to Council for adoption.

## Legal/Statutory/Policy Considerations

In accordance with Section 203 of the Local Government (General) Regulation 2021 the Responsible Accounting Officer of a Council must:

5

(1) *Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*

10

(2) *A budget review statement must include or be accompanied by:*

(a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*

15

(b) *if that position is unsatisfactory, recommendations for remedial action.*

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

## Financial Implications

20 The 30 June 2023 Quarter Budget Review of the 2022/2023 Budget Estimates forecasts a stable outcome to the estimated budget attributable to the General Fund assuming all revotes of income and expenditure reported for Council's consideration are approved. Overall, the short term financial position still needs to be carefully monitored on an ongoing basis.

25 Note that the financial outcomes outlined in this Budget Review should be considered in the context that they are indicative. Council is yet to finalise its financial statements for the year ended 30 June 2023 which will also be subject to external independent audit.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.10

It is expected that Council will receive a report regarding the formal adoption of its financial statements for the year ended 30 June 2023 at its Ordinary Meeting in October 2023.

#### Flood Recovery Expenditure

- 5 Within these results and of some concern is the ongoing cash flow impact of the flood recovery works. Once again, Council is significantly awaiting reimbursement from the State Government of funds in excess of \$7million at 30 June 2023. This has been reflected in the reserve schedule to demonstrate a negative balance equivalent to what is due to Council in expenditure incurred. Council will need to carefully monitor this going forward as it is not of sufficient scale to fund expenditure on the significant Essential Public
- 10 Asset Repair (EPAR) works that will be coming up unless more regular funding from the State Government is provided to reimburse claims.

- 15 The Audit Office of NSW in their year-end management letter for the 2021/2022 financial year raised Council's ability to meet its commitments due to the use of available cash to fund works whilst awaiting reimbursement. It is likely Council may receive a similar outcome for the 2022/2023 financial year as the amount outstanding is higher. It is unfortunate at this point that Council has not been in receipt of more regular payments to meet expenditure even though it is lodging claims.

This report is to be considered by the Finance Advisory Committee at its meeting held on 17 August 2023.

20

## Report No. 13.11 Revised Delivery Program 2022-26

**Directorate:** Corporate and Community Services

**Report Author:** Heather Sills, Manager Corporate Services

**File No:** I2023/1141

### 5 Summary:

This Report is prepared in accordance with Clause 4.13 of the [Integrated Planning and Reporting Guidelines](#) which requires that:

*4.13 Where an amendment to the Delivery Program is proposed, it must be included in a council business paper which outlines the reasons for the amendment. The matter must be tabled and resolved to be noted at that meeting, must be and considered by the council at its next meeting (i.e. time must be set aside for the amendment to be considered).*

The amended Delivery Program (Attachment 1) was provided at the 22 June Ordinary Council Meeting for noting. The revised delivery program includes:

- **Outcomes Measurement Framework**

Council endorsed a set of 'indicators' developed alongside the Community Strategic Plan and Delivery Program in June 2022. Since that time, further work has been undertaken to prepare the associated performance measurement framework to accompany the Delivery Program, entitled the *Outcomes Measurement Framework* (Attachment 2). The *Outcomes Measurement Framework* has been considered by the Audit, Risk, and Improvement Committee on 18 May.

- **List of 'services' as the basis for the future development of a service review framework** A service review is a systematic evaluation of an identified service, for the purposes of assessing the efficiency, effectiveness, and quality of the service, and to identify opportunities for improving service delivery and outcomes for the community. The first step had been taken to define the services for inclusion in the Delivery Program. Work will continue in 2023/24 to prepare a service review program, as required by the IP&R Guidelines.



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**RECOMMENDATION:**

- 5    **That Council endorses the revised Delivery Program 2022-26 (Attachment 1 #E2023/40277), noting the inclusion of indicators from the Outcomes Measurement Framework (Attachment 2 #E2022/126119) and the list of services as part of the service review process.**

**Attachments:**

10

- 1    Revised Delivery Program - 2022-26, E2023/40277 
- 2    Corporate Performance Measures - Outcomes Measurement Framework - Final, E2022/126119 

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## Report

In September 2021, the NSW Office of Local Government (OLG) published revised guidelines for Integrated Planning and Reporting (IP&R). The revised guidelines included requirements for all Councils with regard to performance measurement and service reviews.

The Delivery Program 2022-26 has been amended (Attachment 1) to include additional information taken from the *Outcomes Measurement Framework* and to provide the list of 'services' as the basis for the future development of a service review framework. Each of these elements is explained in detail in this report.

### Outcome Measurement Framework

In partnership with the Centre for Social Impact, UNSW (CSI) Council has developed an outcomes measurement framework to embed meaningful, robust measurement practices, as is now required of local government through IP&R legislation (Local Government Act s406). The framework was developed through a collaborative partnership between Council and the Centre for Social Impact (CSI)/University of NSW.

The 'indicators' were endorsed by Council in 2022 with the Community Strategic Plan and Delivery Program and were designed to evaluate success and priorities for Council between 2022-26. The indicators measure Council's effectiveness in bringing about positive change and its delivery of the desired outcomes identified by the community.

A NSW Audit Office report [Council Reporting on Service Delivery](#) (2018) demonstrated that the methodology of a performance measurement framework needs to be robust, with clearly defined measures, data sources, baselines, targets and above all, consistency. The measures and results should be publicly available to enhance accountability and designed in such a way that both inform decision-making and help communities understand how efficiently and effectively services are being delivered.

Work has been undertaken to refine the indicators and develop the corresponding *Outcomes Measurement Framework* with provides additional information such as the indicator definition, data source, reporting frequency, baseline result, target, and alignment with the UN Sustainable Development Goals. The Delivery Program has been amended to include some of this extra detail, as provided in the below example.

Indicator	Definition	Baseline Result	Target
Community consultation/ engagement	Residents' level of satisfaction with community consultation/ engagement	3.06 (2020)	✓
Participation in Council decision making	Residents' level of satisfaction with opportunities to participate in Council decision making	2.86 (2020)	↑
Digital platform engagement – Byron Shire website	Number of visits to Byron Shire Council website	257,569 (FY22Q1)	✓
Digital platform engagement Your Say Byron Shire	Number of visits to Your Say Byron Shire platform	8,657 (FY22Q1)	✓
Customer service satisfaction rating	Residents' level of satisfaction with the way their contact with Council was handled	3.52 (2020)	↑

### Monitoring and Reporting on the Outcomes Measurement Framework

The General Manager is required to provide six monthly progress reports to the Council on the progress toward the Delivery Program, in accordance with clause 4.9 of the Integrated Planning and Reporting Guidelines: *“The general manager must ensure that progress reports are provided to the council, with respect to the principal activities detailed in the Delivery Program, at least every 6 months.”*

While the requirement is six monthly reporting, the Council is provided with a Quarterly Report on the activities in the Operational Plan, to promote effective and efficient reporting and decision making. The Q2 and Q4 Reports contain an additional level of reporting, providing an update on progress toward the priorities in the Delivery Program. Reporting on the Outcome Measurement Framework will be included in this 6-monthly Delivery Program Report.

The outcome measures, also be included in the Annual Report, provides an overview of the work undertaken by Council in a given year to deliver on the commitments of the Delivery Program via that year’s Operational Plan.

### Service Reviews

The focus on continuous improvement and ways to better meet the community’s expectations around priorities and service levels is a requirement under Essential Element 4.3 of the revised [IP&R Guidelines](#), which states that:

*“To encourage continuous improvement across the council’s operations, the Delivery Program must identify areas of service that the council will review during its term, and how the council will engage with the community and other stakeholders to determine service level expectations and appropriate measures.”*

Council is committed to continually improving how services are delivered within available resources. In accordance with the above requirements, this process was formalised through the Operational Plan 2022/23 activity to *“identify and scope services delivered by Council to inform opportunities for achieving efficiencies”*. This work was completed, and a list of Council services has been developed. The scope of each service will be further defined throughout the service review process.

The service list and outline of the process for development of the framework has been incorporated into the Delivery Program 2022-26.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<b>1: Effective Leadership</b> We have effective decision making and community leadership that is open and informed	1.1: Enhance trust and accountability through open and transparent leadership	1.1.4: Performance Measurement and Reporting - Embed a robust performance management system through the development of an outcomes measurement framework	1.1.4.1	Use the outcomes measurement framework to strengthen the Delivery Program reporting

### Recent Resolutions

- **22-332** – adoption of the Delivery Program 2022-26

- 5 • **22-335** - adoption of the [Byron Shire Community Strategic Plan 2032](#)

### Legal/Statutory/Policy Considerations

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

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

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

The relevant clauses are:

- 15 **4.12** *The council must review its Delivery Program each year when preparing the Operational Plan.*
- 4.13** *Where an amendment to the Delivery Program is proposed, it must be included in a council business paper which outlines the reasons for the amendment. The matter must be tabled and resolved to be noted at that meeting, must be and considered by the council at its next meeting (i.e. time must be set aside for the amendment to be considered).*
- 20 **4.14** *Where significant amendments are proposed, the Delivery Program must be re-exhibited as per Essential Element 4.10.*

### Financial Considerations

The project was delivered within budget.

**Consultation and Engagement**

The amendments to the Delivery Program were noted by Council at the 22 June Ordinary Meeting, with further consideration and endorsement to occur at the next Ordinary Council Meeting on 24 August.

5



## Report No. 13.12 Reinstatement of footpath usage fees for use of Council land/road reserve to enable construction work events or temporary use

**Directorate:** Corporate and Community Services

5 **Report Author:** Kylie Grainey, Business Improvement Officer  
Heather Sills, Manager Corporate Services

**File No:** I2023/1145

### Summary:

10 Council reviewed carparking fees associated with the use of Council land/road reserves to enable construction work, events or temporary use.

During this review fees for hoardings, footpath closures and partial traffic lane closures were inadvertently omitted from the fees and charges.

This report seeks to reintroduce these fees.

15

### RECOMMENDATION:

- 20 1. That Council endorses the reinstatement of the following fees and they be placed on public exhibition for a period of 28 days in accordance with s610F of the Local Government Act 1993.:
  - **Hoardings** **\$7/m<sup>2</sup>/day**  
*The storage of materials on the road reserve, excluding the footpath*
  - **Footpath closure** **\$11/m<sup>2</sup>/day**  
*Where an elevated gantry is installed over the footpath, the fees will be charged for set up and take down only to enable pedestrian access during construction.*
  - **Partial traffic lane closure** **\$14/m<sup>2</sup>/day**
2. That any submissions received are reported to Council prior to adoption of the proposed fees.
- 30 3. That if no submissions are received during the public notice period Council adopts the fees.

## Report

When the 2023/24 Fees and Charges were adopted, some fees for the use of Council land/road reserve to enable construction work, events, or temporary usage were inadvertently omitted when Council considered a change to the fees relating to car parking spaces.

<b>Use of Council land/road reserve to enable construction work, events or temporary use</b>	
<b>Name</b>	<b>Fee (excl. GST)</b>
<b>Application fee</b>	<b>\$215.00</b>
<i>(Eg. Hoarding, scaffolding, fencing, works zones, other temporary structures or traffic control device/s)</i>	
<b>Inspection fee</b>	<b>\$215.00</b>
<i>per hour (minimum 2 inspections with application – further inspections to be paid as required, eg. change to work zone)</i>	
<b>Urgency fee</b>	<b>\$215.00</b>
<i>Where use is required within 10 working days of the application being lodged.</i>	
<b>Hoardings</b>	Inadvertently omitted
<i>Storage of materials on the road reserve, excluding the footpath</i>	<i>Per m<sup>2</sup>/day</i>
<b>Footpath closure</b>	Inadvertently omitted
<i>Traffic guidance scheme required.</i>	
<i>Where an elevated gantry is installed, fees will be charged for the set up and takedown down then charged at a low impact Occupation rate for the period of occupation.</i>	
<b>Partial traffic lane closure</b>	Inadvertently omitted
	<i>Per m<sup>2</sup>/day</i>

New fees for parking spaces were included following a review in accordance with resolution **22-332** (part 4). The below fees relating to parking spaces were reviewed in [February 2023](#) and subsequently adopted by Council in [April 2023](#):

<b>Name</b>	<b>Fee (excl. GST)</b>
Frontage parking – non pay parking location	\$60/6LM/day
Frontage parking – pay parking location	\$105/6LM/day
Extended frontage parking (additional space extending past development frontage)- non-pay parking location	\$120/6LM/day
Extended frontage parking (additional space extending past development frontage)- non-pay parking location	\$210/6LM/day

The parking space fees should have only replaced the car parking charges and included in addition to the previously adopted hoarding, footpath closure and partial road traffic lane

closure fees, however the changes that were publicly exhibited in the 2023/24 fees and charges omitted these other fee types.

This report seeks to reinstate the fees for hoardings, footpath closures, and partial traffic lane closures, at the amount outlined below:

<b>Use of Council land/road reserve to enable construction work, events or temporary use</b>	
<b>Hoardings</b> <i>The storage of materials on the road reserve, excluding the footpath</i>	\$7/m <sup>2</sup> /day
<b>Footpath closure</b> <i>Where an elevated gantry is installed over the footpath, the fees will be charged for set up and take down only to enable pedestrian access during construction.</i>	\$11/m <sup>2</sup> /day
<b>Partial traffic lane closure</b>	\$14/m <sup>2</sup> /day

## 5 Strategic Considerations

### Community Strategic Plan and Operational Plan

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
<b>4: Ethical Growth</b> We manage growth and change responsibly	4.1: Manage responsible development through effective place and space planning	4.1.1: Development assessment - Manage development through a transparent and efficient assessment process	4.1.1.2	Certify development in accordance with relevant legislation.

### Recent Resolutions

- 22-332 part 4** (*Prepares a report to be delivered in September to provide options regarding fee structure for use of parking spaces and road reserves adjacent to construction sites for construction temporary use and events with the financial implications*).
- 23-115** – *adoption of the amended fees for “Use of Council land/road reserve to enable construction work, events or temporary use” to commence from 1 May 2023.*
- 23-280** – *adoption of 2023/24 Fees and Charges*

## Legal/Statutory/Policy Considerations

This report proposes changes to the current revenue policy as it proposes to reintroduce fees for the use of council land / road reserves. [s610F](#) of the *Local Government Act 1993* requires the public notice of fees, where fees are proposed to be amended outside adoption of the Operational Plan, as outlined below:

### **610F Public notice of fees**

(1) *A council must not determine the amount of a fee until it has given public notice of the fee in accordance with this section and has considered any submissions duly made to it during the period of public notice.*

(2) *Public notice of the amount of a proposed fee must be given (in accordance with the regulations) in the draft operational plan for the year in which the fee is to be made.*

(3) *However, if, after the date on which the operational plan commences—*

*(a) a new service is provided, or the nature or extent of an existing service is changed, or*

*(b) the regulations in accordance with which the fee is determined are amended, the council must give public notice (in accordance with [section 705](#)) for at least 28 days of the fee proposed for the new or changed service or the fee determined in accordance with the amended regulations.*

## Financial Considerations

Council does not currently have adopted fees and charges for use of Council land/road reserves to enable construction work, events or temporary use.

## Consultation and Engagement

The fees will be exhibited for 28 days in accordance with s610F of the *Local Government Act 1993*.

## Report No. 13.13 Grants July 2023

**Directorate:** Corporate and Community Services

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

**File No:** I2023/1150

### 5 Summary:

Council is waiting on determination of eighteen Grant applications which, if successful, would provide funding to enable the delivery of identified projects. This report provides an update on Grant applications.


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### RECOMMENDATION:

**That Council notes the grant submissions report for the month of July 2023 (Attachment 1 #E2023/79045), and year end 2023 report (Attachment 2 #2023/80734).**

### 15 Attachments:

- 1 Grant submissions as at 30 July 2023, E2023/79045 
- 2 Grants Report 2023 - Summary, E2023/80734 

20

## Report

Currently Council has eighteen Grant applications awaiting determination (refer to Grants Submissions as at 30 July 2023 - Attachment 1, E2023/79045).

### Successful application

Funding body	Funding scheme	Project name	Total project value \$	Amount requested \$	Council co-contribution \$
NSW EPA	Litter Prevention Grant Program	Litter Prevention Plan and Roadmap	\$94,500	\$94,500	\$4,500 (in-kind)
Australian Government - Department of Industry, Science and Resources	Reducing Light Pollution in Coastal Communities	Coastal Light Management Plan	\$49,500	\$49,500	\$0
Transport for NSW	Local Government Road Safety Program funding	Road Safety Officer salary and education program	\$167,510	\$88,872	\$78,638

### 5 Northern Rivers Recovery and Resilience Initiative

On 28 July, the Australian Government Minister for Emergency Management announced Tranche 2 projects of the Northern Rivers Resilience Initiative. Whilst Council has not been officially advised of the funding amount, three projects have been announced under Tranche 2.

- 10 [The Northern Rivers Recovery and Resilience Program | National Emergency Management Agency \(nema.gov.au\)](#)

[NSW Northern Rivers to receive additional \\$100 million for 20 flood resilience projects - ABC News](#)

**Byron Shire Tranche 2**

1. Investigate Options for South Golden Beach Flood Gate Upgrades
2. Upgrade Coogera Circuit Detention
3. Preferred Byron Drainage Strategy Construction

**5 Byron Shire Tranche 1**

1. SGB Flood Pump Generator to provide protection from power failures.

**Tranche 1 – All seven Local Government Areas**

1. A regional program to increase community flood risk awareness partnering with all LGAs, including flood risk information campaigns and flood warning signs.
- 10 2. A regional assessment of evacuation routes, their capacity and options for infrastructure upgrades across all LGAs.
3. A regional program to complete floor level surveys for building across all LGAs to input into flood risk assessments.
- 15 4. Community-led resilience initiatives such as the Community-led Resilience Teams (CRTs) program. This is to ensure that community-led resilience efforts are supported across all LGAs.
- 20 5. CRTs provide a formal structure, direction and guidance which complement community resources, people, and capacity. CRTs enable the collective community voice to be channelled externally benefiting emergency management organisations such as SES, RFS, and Councils.

**Tranche 2 - All LGA's**

1. Public Proposal - Riparian revegetation and reforestation for flood resilience in the Clarence, Richmond, Tweed and Brunswick Catchments
- 25 2. Public Proposal - Heal the Rivers Flood Recovery and Landscape Restoration Proposal

**Unsuccessful / withdrawn applications**

No unsuccessful applications notified.

**Applications submitted**

No applications submitted during July 2023.

**30 Upcoming Grant opportunities**

[Growing Regions Program Round 1 | business.gov.au](https://www.business.gov.au/growing-regions-program-round-1) – EOI closed 1 August 2023

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.13

Application submitted on 1 August for Bioenergy Facility. The Sandhills Wetlands Recreation Precinct Stage 2 application was not submitted as funding for the stormwater basins will be funded under the Northern Rivers Recovery and Resilience Program.

[Coastal and estuary grants | NSW Environment and Heritage](#) - closes 31 August

- 5 Grant funding enables local councils and communities to prepare coastal management programs and implement actions identified in certified coastal zone management plans or coastal management programs. Grant offers are subject to statewide priorities and the availability of funds each financial year.

- 10 This is the final round of the program that funds the implementation of actions in certified coastal zone management plans. Co-matching funding is required.

Staff are currently considering a program of restoration works for Byron Bay beach accesses to improve safety, dune stabilisation and reinstating lost vegetation. Value \$50,000.

[Infrastructure Grants: community infrastructure | NSW Government](#) – closes 21 August

- 15 NSW Office of Responsible Gambling - Clubgrants Category 3 Infrastructure Grants program is to fund the costs of construction, alteration, renovation, completion and fit-out of buildings and community infrastructure to deliver outcomes for disadvantaged NSW communities including regional, remote and drought-affected areas, culturally and linguistically diverse, disability and Aboriginal and Torres Strait Islander communities and disaster-affected communities.

Up to \$250,000 available for Council and not-for-profits. Council must have matching contribution. Staff are currently considering potential applications and funding availability. Potential application includes leveraging the Tom Kendall Playground funding from \$120,000 to \$240,000.

### 25 **Year End 2023**

Also attached is an overview of the FY 2023 grants program (E2023/80734). The report does not include the Essential Public Asset Restoration (EPAR) projects under the AGRN1012 natural disaster program (February/March 2022 flood events).

For the financial year 2023, Council applied for 57 grants of which:

- 30
- 31 were awarded funding
  - 7 unsuccessful
  - 1 withdrawn
  - 18 awaiting determination.

- 35 The total value of the funding awarded in 2023 was approximately \$17.6 million and the total value of the projects \$18.1 million.



At the end of 2023, Council had 74 active grants that were in the process of being delivered. This figure includes programs with multiple projects, with a total project value of approximately \$87 million, of which \$75 million was grant funded.

## 5 Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<b>1: Effective Leadership</b> 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

- 10 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

- 15 If Council is successful in obtaining the identified Grants, this would bring funding sought to approximately \$28 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:

20	<b>Funding applications submitted and awaiting notification (total value)</b>	<b>\$28,195,802</b>
	Requested funds from funding bodies	\$24,279,540
	Council contribution cash	\$851,607
	Council co-contribution in-kind	\$9,000
	Other contributions	\$3,000,000

Funding determined in June/July 2023

Successful applications	\$311,510 (total project value)
Unsuccessful/withdrawn applications	\$0 (total project value)

### **Consultation and Engagement**

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

## Report No. 13.14 Establishment of Alcohol Free Zones

**Directorate:** Corporate and Community Services

**Report Author:** Heather Sills, Manager Corporate Services

**File No:** I2023/1158

### 5 Summary:

The established Alcohol Free Zones throughout the Shire lapse on 1 September 2023.

10 This report recommends re-establishing the existing Alcohol Free Zones in parts of Byron Bay, Mullumbimby, Brunswick Heads, Ocean Shores, New Brighton and Suffolk Park for a period of 4 years in accordance with Sections 642-644C of the *Local Government Act 1993*.

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### RECOMMENDATION:

- 15 1. That in accordance with section 644B of the Local Government Act 1993, Council adopts the proposal to establish alcohol free zones in those parts of Byron Bay, Mullumbimby, Brunswick Heads, Ocean Shores, New Brighton and Suffolk Park, as are set out in the proposal, for a period of four years commencing 1 September 2023.
- 20 2. That operation of an established alcohol-free zone be suspended for approved footway restaurants (both present and future), where the operator requests suspension of the Alcohol-Free Zone to allow alcohol to be consumed with the footway restaurant, during the restaurant's hours of operation.

### 25 Attachments:

- 1 Alcohol Free Zones - Map, E2023/79793 

## **Report**

### **Purpose of Alcohol Free Zones**

The establishment of Alcohol Free Zones have been an important measure used to curtail irresponsible behaviour by individuals on the streets, not only during New Year's Eve and Easter, but throughout the year. Due to the transient nature of many of the visitors to our Shire, education alone is not considered to be an acceptable public safety alternative. The main aim of the Alcohol Free Zones is to deter the consumption of alcoholic substances in public places (other than parks and reserves) whilst ensuring that the right of members of the public to carry alcoholic substances. Alcohol-Free Zones affect streets, roads and footpaths identified as problem areas by an applicant, then following the notification and advertising period, a resolution of Council sanctions the zone for a particular time period.

Alcohol-Free Zones do not operate in parks and reserves. Council owned and managed parks and reserves are regulated separately under Section 632A of the *Local Government Act 1993* (Alcohol Prohibition Area) which allows for the installation of notices which can prohibit the taking in or consumption of alcohol and is supported by a severe fixed penalty for offenders.

### **Preparation of an Alcohol Free Zones proposal**

Section 644 of the *Local Government Act 1993* provides that Council may prepare a proposal for the establishment of an alcohol-free zone of its own motion.

The proposal may provide for an alcohol-free zone to be established for a period not exceeding 4 years and for the zone to operate for the whole of that period or just for days on which particular special events occur.

### **Location of Alcohol Free Zones**

It is recommended that Council adopts the proposed Alcohol Free Zones, effective from 1 September 2023 in the following locations:

#### **BYRON BAY**

- Jonson Street from Bay Street to Browning Street including Main Beach car park
- Browning Street from Jonson Street to Tennyson Street
- Bangalow Road from the intersection of Browning Street and Tennyson Street to the southern property boundary of Byron Tourist Park on Bangalow Road
- Kingsley Street and Carlyle Street from Jonson Street to Cowper Street
- Marvell Street from Jonson to Massinger Street
- Byron Street and Bay Lane from Jonson Street to Middleton Street
- Middleton Street from Bay Street to Kingsley Street
- Bay Street from First Sun Caravan Park boundary fence to Middleton Street
- Fletcher Street from Bay Street to Kingsley Street
- Lawson Street from Butler Street to Massinger Street
- Lighthouse Road from Massinger Street to Captain Cook Lookout eastern boundary
- Jonson Street north carpark between Bay Street and Lawson Street
- Jonson Street south carpark between Lawson Street and Railway Park

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- Tennyson Street between the Sandhill's Estate and Browning Street
- Cowper Street between Carlyle Street and the Sandhill's Estate
- Butler Street from Shirley Street to cover whole of new Bypass area through to Browning Street
- 5 • Somerset Street from Butler Street to Wordsworth Street
- Burns Street from Butler Street to Wordsworth Street
- Wordsworth Street from Somerset Street to Gordon Street
- Gordon Street from Wordsworth Street to Milton Street
- Milton Street from Gordon Street to Wentworth Street
- 10 • Wentworth Street from Milton Street to Skinners Shoot Road
- Shirley Street from Butler Street to Kendall Street
- Ewingsdale Road from Kendall Street to Banksia Drive at the Byron Bay Industrial Estate
- Kendall Street from Shirley Street to Border Street
- 15 • Border Street from Kendall Street to Childe Street
- Childe Street from Border Street to Manfred Street
- Manfred Street from Childe Street to the frontal dune at Belongil Beach
- Giaour Street from Childe Street to Belongil Creek
- Don Street from Border Street to the frontal dune at Belongil Beach

### **MULLUMBIMBY**

- Station Street from the unnamed lane (Lane 9) opposite the Council Chambers to Tincogan Street
- McGougan's Lane from the unnamed lane (Lane 9) behind the southern property boundary of the commercial premises on Burringbar Street to the intersection of Tincogan Street
- 25 • Stuart Street from Whian Street intersection to Tincogan Street intersection
- Stuart Lane from Whian Street intersection to Tincogan Street intersection
- Dalley Street from Whian Street intersection to Tincogan Street intersection
- 30 • Gordon Street from Burringbar Street intersection to Tincogan Street intersection
- Burringbar Street from Gordon Street intersection to Station Street intersection
- River Terrace from Burringbar Street intersection to Whian Street intersection
- Tincogan Street from Gordon Street intersection to Station Street intersection
- Whian Street from River Terrace intersection to Stuart Street intersection
- 35 • Brunswick Terrace from Burringbar Street to Mill Street, and Mill Street from Gordon Street to Station Street

### **BRUNSWICK HEADS**

- Fawcett Street from Tweed Street to Park Street
- 40 • Park Street from Fawcett Street to Fingal Street
- Mullumbimbi Street from Tweed Street to the Terrace
- The Terrace from Mullumbimbi Street to Fingal Street
- Fingal Street from the Terrace to Tweed Street
- Tweed Street from Fingal Street to Fawcett Street
- 45 • South Beach Road (including the traffic bridge) between The Terrace and the end of South Beach Road including the Surf Club area

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### OCEAN SHORES AND NEW BRIGHTON

- Rajah Road between northern boundary of Lot 1 DP 626518 (approx 50 metres south of Bindaree Way intersection) and southern boundary of Lot 1114 DP241074 No 43 Rajah Road (approx 60 metres north east from Durroon Court)
- Ocean Shores Community Centre carpark (Lots 1154 and 1156 DP 116000)
- The Esplanade south from the intersection with The Strand to the southern boundary of Lot 5 Sec 3 DP 5318 (approx 200 metres south from the intersection)
- 'North Head Road Carpark' located on unnamed road New Brighton

### SUFFOLK PARK

- Clifford Street between Broken Head Road and Alcorn Street
- Armstrong Street between Clifford Street and Wareham Street
- Brandon Street between Clifford Street and Wareham Street
- Alcorn Street between Clifford Street and southern boundary of the community titled property at No. 2 Alcorn Street
- Broken Head Road from Clifford Street to the northern boundary of the Serviceman's Home property
- Beech Drive (south) from Broken Head Road to the northern property boundary of Lot 60 DP 817888 being the Council Reserve on Beech Drive

### Resolution to formally establish Alcohol Free Zones

Section 644B of the *Local Government Act 1993* provides that after complying with the procedures set out in sections 644 and 644A, Council may, by resolution, adopt a proposal to establish an alcohol-free zone.

Council's resolution has the effect of establishing the alcohol-free zone in accordance with the terms of the resolution.

After making the resolution, Council must, by notice published:

- declare that an alcohol-free zone has been established, and
- specify the period (or, in the case of a zone established for one or more special events, the day or days) for which the alcohol-free zone is to operate.

### Strategic Considerations

#### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
2: Inclusive Community	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of the community	2.2.3: Regulatory controls and compliance - Enhance public safety, health and liveability through the use of Council's regulatory controls and services		There is no specific OP activity relating to this report, however the Alcohol Free Zones contribute to the DP priority by enhancing public safety, health, and liveability

## Legal/Statutory/Policy Considerations

Sections [Part 4 Street Drinking](#) of the *Local Government Act 1993*,

## Financial Considerations

- 5 The signage for Alcohol Free Zones will need to be updated to reflect the period to which the Alcohol Free Zone now applies. This can be undertaken within existing budget.

## Consultation and Engagement

In compliance with [s644](#) and [s644A](#) of the *Local Government Act 1993*, Council must prepare a proposal and undertake public consultation.

- 10 A public notice was “*published in a manner that the council is satisfied is likely to bring the notice to the attention of members of the public in the area as a whole or in a part of the area that includes the zone concerned*” and “*invite representations and objections from persons and groups within the area, indicating that any representations or objections by them must be made within 14 days after the date on which the notice is published.*”

- 15 The public notice was published on Council’s website, outlining the proposed Alcohol Free Zones. No submissions were received.

Council provided a copy of the proposal to the officer in charge of the police station within or nearest to the proposed alcohol-free zone and each holder of a licence in force under the Liquor Act 2007 for premises that border on, or adjoin or are adjacent to, the proposed alcohol-free zone.

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## Report No. 13.15 2023/24 Loan Borrowing Program

**Directorate:** Corporate and Community Services

**Report Author:** James Brickley, Manager Finance

**File No:** I2023/1195

### 5 Summary:

This report is provided to Council with the aim to authorise loan borrowings for purposes approved by Council in 2022/23 that were not borrowed and purposes approved in the 2023/24 budget.

10 Given that Council has by resolution already approved the loan borrowings subject of this report, experience with financial institutions is that generally as part of any application/approval process, a specific recent Council resolution is needed to the loan borrowings in isolation.

15 Should Council adopt the proposed recommendations of this report, the loan borrowing program for the 2023/2024 financial year can commence given some of the projects are either underway or complete.

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### RECOMMENDATION:

#### 20 That Council:

1. Authorises the 2023/2024 loan borrowing program of \$11,687,000 for the following purposes outlined in this report.
2. Delegates to the General Manager to undertake loan borrowings for the purposes outlined in recommendation 1 and accept loan borrowing terms on behalf of Council that represents the best financial outcome amongst other loan offer(s) received.
2. Authorises the affixing of the Council seal to all documents that may require it, in regard to the 2023/24 loan borrowing program.

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# BYRON SHIRE COUNCIL

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### Report

Council at its Ordinary Meeting held on 22 June 2023 by resolution **23-280** approved the 2023/2024 Council budget estimates. As part of the 2023/2024 budget, Council endorsed proposing to borrow for the following purposes:

Loan Purpose	Loan Amount (\$)
Plant Replacement	3,672,100
Bulk LED Street Lighting Upgrade	700,000
Land Acquisition for First Sun Holiday Park	2,075,000
Suffolk Beachfront Holiday Park Compliance Works and Caravan Replacements	540,000
Redevelopment of the for Byron Hospital (Byron Community Hub)	3,500,000
<b>Total loan borrowings 2023/2024</b>	<b>\$10,487,100</b>

- 5 During the course of the 2022/2023 financial year, Council considered a report to the Ordinary Meeting of 24 November 2022 regarding Detention Basin works at Lot 12 Bayshore Drive and resolved as part of resolution **22-659** to borrow an additional \$1,200,000 to complete those works. Given the timing of project expenditure for Lot 12 Bayshore Drive, late in the 2022/2023 financial year, the loan borrowings were not
- 10 undertaken. An alternative funding arrangement is proposed to be temporarily put in place to fund the Lot 12 Bayshore Drive works and that is subject to another report to this Ordinary Meeting of Council as part of the 30 June 2023 Quarterly Budget Review utilising internal reserves. Upon borrowing the loan amount of \$1,200,000, the internal reserves will then be reimbursed.
- 15 As consequence of the loan borrowings proposed in the 2023/24 budget (\$10,487,000) and the funding required for Lot 12 Bayshore Drive (\$1,200,000), Council's overall loan borrowing program will need to be \$11,687,000 for 2023/2024. The amount proposed to be borrowed may need to be done in multiple loans in accord with Council's loan
- 20 borrowing policy to match the life of the associated assets and or for shorter term financing requirements. i.e. for Lot 12 pending a possible future sale of part of the land to enable early loan repayment or the payback period in regard to the LED street lighting. This may require loans being borrowed at fixed rate, variable rate, interest only, and terms of up to 20 years or less.

## **Strategic Considerations**

### **Community Strategic Plan and Operational Plan**

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
1: Effective Leadership	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	1.3.1.4	Financial reporting as required provided to Council and management
1: Effective Leadership	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**

Council has adopted Policy 2009/006 regarding loan borrowings.

- 5 Section 55(1)(f) of the Local Government Act 1993 provides that Council does not need to call tenders for a contract relating to loan borrowings.

10 Section 377(1)(f) of the Local Government Act 1993 stipulates that a Council may by resolution delegate to the General Manager or any other person or body (not including another employee of the Council any of the functions of the Council except the borrowing of money.

Section 621 to 624 of the Local Government Act 1993 provides:

- That Council can borrow at any time for purposes allowed under the Local Government Act 1993,

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- That Council may borrow by way of overdraft or loan or by other means approved by the Minister.
- That Council may give security for any borrowings in such manner as may be prescribed by the regulations with such securities ranking on equal footing despite any other Act.
- The Minister may, from time to time, impose limitations or restrictions on borrowings by a particular Council, or Councils generally despite the other provisions of this Part.

Section 229 of the Local Government (General) Regulation 2021 provides the repayment of money borrowed by a Council (whether by way of overdraft or otherwise), and the payment of any interest on that money, is a charge on the income of the Council.

Section 230 of the Local Government (General) Regulation 2021 provides that the General Manager must notify the Secretary within 7 days of the borrowing of loan funds that the borrowing has occurred.

Section 400(4) of the Local Government (General) Regulation 2021 provides the seal of a Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved by resolution specifically referring to the document that the seal be so affixed.

The Minister for Local Government issued a revised Borrowing Order for Councils in New South Wales on 13 May 2009. The stipulation in the Borrowing Order is that Councils are not to borrow from any source outside the Commonwealth of Australia or in any other currency other than Australian currency.

### Financial Considerations

Loan repayments following borrowing of this program would not commence until the 2024/2025 financial year and will need to be incorporated into that budget plus future budgets to the extent of loan term. If the purposes of this loan borrowing program are considered, it is suggested the loan repayments should be self-financing for the following reasons:

- Plant replacement – proposed loan repayments recovered through plant hire charges to Council works and Natural Disaster works.
- Bulk LED Streetlighting – proposed loan repayments recovered through savings in street lighting expenditure due to reduced electricity consumption.
- Proposed loan repayments for First Sun Holiday Park and Suffolk Beachfront Holiday Park to be funded from revenue of both Parks and the Holiday Park Reserve.
- Former Byron Hospital (Byron Community Hub) = proposed loan repayments recovered through revenues from tenancies via Social Futures once the tenancies are in place.
- Lot 12 Bayshore Drive – proposed loan repayments recovered from possible future sale proceeds.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

## Report No. 13.16 Summary of Community Feedback on Byron Bay Triathlon 2023

5 **Directorate:** Sustainable Environment and Economy

**Report Author:** Jess Gilmore, Events & Economy Team Leader

**File No:** I2023/543

### Summary:

10 Last year Council resolved (**22-101**) to note the local and national significance of the Byron Triathlon, to support future events, and to communicate Council's position on this to the local community, requesting them to respect the decision. A further resolution of Council (**23-009**) requested further consultation about the Byron Triathlon. This report provides information on the 2023 event, a summary of feedback received, and recommendations going forward.





15

### RECOMMENDATION:

That Council reconfirms key elements of Resolution 22-101 by:

- 20 1. **Noting the importance of the Byron Triathlon event to the local community and businesses, as well as the Australian sporting community in general.**
2. **Supporting the 2024 Byron Triathlon and future events using a similar route to the 2023 event; and that this route is endorsed by Council, on the basis that the route is supported by the Local Traffic Committee.**
- 25 3. **Communicating its position to the local community via media release.**
4. **Requesting the community and businesses respect this decision and support the organisers in the delivery of future Byron Triathlon events.**

### Attachments:

- 30 1 Byron Triathlon 2023 Submissions - Redacted, E2023/63471 
- 2 Byron Triathlon 2023 - Council social media posts re consultation, E2023/81893 
- 3 Byron Triathlon - Support from Byron Bay Chamber of Commerce 2023, E2023/81878 
- 4 Byron Triathlon 2023 post event report, E2023/81297 

35

## Report

The Byron Triathlon is in its 27th year. It is a local, yet national event that attracts around 1,500 competitors from across Australia and internationally. Traditionally it is held on the Mother's Day weekend every year and signals the last race in the QLD/NSW triathlon calendar.

As Byron Bay has become busier, the event organisers have shortened the cycle leg in the past in response to community concerns, by removing the Olympic distance. The cycle leg is no longer 40km, but 20km to reduce the impact of road closures.

Furthermore and prior to the 2022 event, staff presented cycle leg route [options to Council](#) at the 24 March 2022 Council meeting for consideration due to the potential community and event impacts that could arise from choosing either route. Council resolved (Resolution. **22-101**) to note the importance of the event, and to support future events using a similar route to the 2021 event. The routes have been established in close consultation with Police and Council's Local Traffic Committee.

Despite high attendance and significant support from the local community and many businesses, as well as substantial consultation and problem solving done by the event organisers, there continues to be a small number of vocal opponents to the event.

All noted opposition to the event relates to the impact of a few hours of road closures. It is anticipated that with Council's confirmed support, enabling earlier approvals for road closures, that the event organisers can undertake community engagement and notifications earlier and resolve any potential issues.

### Consultation - Council

Council staff conducted consultation via Have Your Say following the 2023 Byron Triathlon event weekend (Attachment 1). Key points on Council consultation:

- The Have Your Say consultation page was open for four weeks following the event, from Monday 15 May to Sunday 11 June 2023.
- The consultation and link to Have Your Say page was promoted via the Byron Shire Council Community E-news – subscription of over 20,000 emails – on two occasions, 22 May and 1 June 2023.
- Three posts about the consultation were done on Council's social media (Attachment 2) – over 11,000 followers – on 9 May, 15 May, and 5 June 2023.
- The consultation was promoted on Council's website homepage for the duration of the consultation period.
- Event information regarding road closures also provided information about the upcoming consultation; there were 869 page views of the Road-closures-Byron-Bay-Triathlon webpage. This page was promoted on the homepage from 8 to 15 May.
- There were 296 page views of the [Feedback on the 2023 Byron Bay Triathlon](#) webpage.
- 46 submissions were received.

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- Exactly half (23) of total submissions received were positive / supportive of the event, and half (23) were negative / unsupportive of the event.
- The key issue for those unsupportive of the event all related to the inconvenience of road closures. Of the 23 submissions received about this, five (5) mentioned not being able to work due to the business closing / not being able to get to work; eight (8) mentioned challenges in getting to kids sport. Both of these issues may be more readily resolved through earlier notification and engagement by the event organiser to resolve potential issues. For this to occur, earlier approvals from Council are required.
- The key themes raised by those supportive of the event varied. Some responses include, *"love that Byron hosts its own triathlon and not just known for festivals", "locals need to embrace it more and chill out", "great way to encourage health, activity and community in our shire,"* and *"these type of events not only encourage active participation for locals but also visitors who will stay, eat and spend on our town."*
- Four (4) submissions (both negative and positive) mentioned Mother's Day and suggested that a possible change of date may provide some solutions.

#### **Byron Chamber of Commerce**

Council received copy of letter of support (Attachment 3) from Byron Chamber of Commerce re Byron Triathlon (Feb 2023), stating that *"the Byron Bay Chamber of Commerce Board is in full support of the continuation of the Byron Bay Triathlon. The event supports the local economy and businesses through athletes, families and tourists coming into the region for the annual calendar event."*

#### **Consultation – NXSports Community Foundation**

The Byron Triathlon 2023 Post Event Report (Attachment 4) includes information on Community Outreach, showing the results of pre-event outreach to stakeholders (including businesses). To date, this is something that the event organisers have done and documented conscientiously, provided further detailed information to Council when requested.

#### **2023 Event**

The Post Event Report (Attachment 4) provides further data on the most recent event. Some of the key points are included below:

- 1,531 participants
- 5,129 total combined participant and supporter attendance
- Over \$658K in direct visitor expenditure of surveyed participants
- Over \$3.2M in direct visitor expenditure of average all participants, without any tourism multiplier (in 2021 this figure was \$2.35M)
- Almost 75% of participants said they will return for a holiday experience in Byron Bay in the next eighteen months
- \$16,400 in community donations to date

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- Donations made to organisations includes The Buttery, Mullumbimby & District Neighbourhood Centre Inc, Byron Tri Club, Indigenous Carbon Australia, Byron Bay Scouts, Byron Basketball Club, Byron Bay Croquet Club, Kingscliffe Wolves, and Byron Bay Surf Life Saving Club.

- 5 • Local workforce of 11 general labourers were employed in supporting the event.

#### 2024 and onwards

The event has strong support from Destination NSW, Regional NSW and Triathlon NSW.

- 10 The event organisers previously expressed interest in changing the date for the 2024 event off the Mother's Day weekend. This will require further consideration and consultation, including other major multi-sport events to ensure maximum participation and equity across the sport and local businesses and community impacts. It is unlikely that the timing will now allow for the change of date for 2024.

- 15 Additionally, through the development of the Events Strategy the community's appetite for different types of events, their timing and location will be better understood as will event organisers expectations and needs for existing and future events.

- 20 While Council's Events Strategy is still in development, significant consultation with local stakeholders has resulted in a Findings Paper being released. This paper outlines a number of overarching principles for determining the right fit for events in Byron Shire. Byron Triathlon aligns closely with these. The [Findings Paper](#) is currently on exhibition until 10 September.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
2: Inclusive Community	2.1: Foster opportunities to express, celebrate and participate in arts and cultural activity	2.1.3: Events and festivals - Support and enable arts & cultural activity, festivals, projects, and events	2.1.3.3	Provide information and support to the event industry
2: Inclusive Community	2.1: Foster opportunities to express, celebrate and participate in arts and cultural activity	2.1.3: Events and festivals - Support and enable arts & cultural activity, festivals, projects, and events	2.1.3.8	Administer licences for weddings, events, activities and filming on council and crown land

## Recent Resolutions

**23-029 Resolved** (23 Feb 2023) that Council adopts the Local Traffic Committee Recommendations: 1. That Council supports the Byron Bay Triathlon to be held on Saturday 13 May 2023 and the Byron Lighthouse Run to be held on Sunday 13 May 2023.

5 **23-009 Resolved** (9 Feb 2023) that Council:

1. Requests that the proponents of the Triathlon undertake a feedback process with the Byron Bay community and businesses post the 2023 Triathlon to identify improvements that may be made to the event to lessen its impact including variations of routes and/or timing of road closures for future events and provide a report on this feedback to Council.

10 2. Consults with the community on the Triathlon via a Have Your Say process following the event.

**22-101 Resolved** (24 March 2022) that Council:

1. Notes the importance of the Byron Triathlon event to the local community and businesses, as well as the Australian sporting community in general.

15 2. Supports the 2022 Byron Triathlon and future events using a similar route to the 2021 event as per Attachment 2, and that this route is endorsed by Council, on the basis that the route is supported by the Local Traffic Committee at its April meeting.

3. Communicates its position to the local community via media release.

20 4. Requests the community and businesses respect this decision and support the organisers in the delivery of the 2022 Byron Triathlon.

5. Council requests that the Byron Triathlon and NX Sports provide to Council evidence of their status as a not-for-profit including registration with the Australian Charities and not-for-profit commission (ACNC) and any details of disbursement of funds to charities or other financial details that give evidence of their status as a not-for-profit organisation.

## 25 Financial Considerations

N/A to this report.

## Consultation and Engagement

30 Significant consultation has been carried out over previous years within Council and through the Local Traffic Committee to consider various route options. Key theme - any route will have potential challenges to be managed.

Community consultation via Have Your Say, as outlined above and attached.

Byron Chamber of Commerce (Attachment 3).

Engagement done by event organisers as outlined above.



## Report No. 13.17 Car share: (1) Expression of Interest evaluation results, and (2) 2022/23 community usage

**Directorate:** Sustainable Environment and Economy

**Report Author:** Hayley Briggs, Sustainability Officer

5 **File No:** I2023/778

### Summary:

Council's car share program has been operating in the Shire since June 2018. Car share provider Popcar has had an agreement with Council for the right to occupy the car share spaces since the project inception.

- 10 Council resolved (**21-200**) to invite car share operators to respond to a competitive expression of interest in 2022/23 for the 14 existing car share parking bays in the Shire for a three-year contract commencing in 2023/24. The expression of interest ran from Friday 28 April – Monday 22 May 2023. Two submissions were received, one from current car share provider Popcar and one from local solar project manager Juno Energy.
- 15 Staff recommend that Council enter an agreement with Popcar to grant the provider the right to occupy the spaces from 1 October 2023 until 30 September 2026. Another competitive expression of interest should be run in 2025/26, to determine the provider from 2026 to 2029.

20 This report also provides an update on community usage of car share service Popcar for 2022/23.

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### RECOMMENDATION:

- 25 **That Council:**
1. **Grants Popcar the right to occupy Council's 14 existing car share parking bays in the Shire for a period of three years (1 October 2023 – 30 September 2026) as per the expression of interest evaluation panel recommendation.**
  2. **Endorses another competitive expression of interest being run in 2025/26, to**  
30 **determine the provider from 2026 – 2029.**
  3. **Notes the update on community usage of car share service Popcar for 2022/23.**

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#### **Attachments:**

- |    |   |
|----|---|
| 1  | Confidential - Expression of Interest Car Share Service in Byron Shire April 2023 - Popcar Submission, E2023/54980    |
| 5  | 2 Confidential - Expression of Interest Car Share Service in Byron Shire April 2023 - Juno Submission, E2023/54979    |
| 3  | 3 Confidential - Car share expression of interest 2023 - Juno submission (further details), E2023/60338               |
| 10 | 4 Confidential - Expression of Interest Evaluation Panel Report - Car share service Byron Shire 2023 PDF, E2023/70601 |
| 5  | 5 Confidential - Car share 2023 Expression of Interest Evaluation Scoresheet - collated responses, E2023/64565        |

## **Report**

### **Background**

Car share schemes are privately operated, membership-based services which provide access to conveniently located passenger vehicles. Rental costs include vehicle maintenance, fuel costs and roadside assistance. Residents and businesses can become members of a car share scheme and vehicles can be rented for the hour or by the day, on demand.

In 2018, Council resolved (Res. **18-115**) to support a 12-month car share pilot. Expressions of Interest were sought from car share companies and Popcar was selected (Res. **19-009**). Popcar launched their services in Byron Shire on June 5, 2019 with 8 share cars available in Byron and 2 in Mullumbimby.

In 2020, Council resolved (**20-271**) to continue to lease the 10 dedicated bays to Popcar and for staff to liaise with Popcar and the Local Traffic Committee about possible expansion of car parking spaces.

In 2021, Council resolved (**21-200**) to continue to lease the 10 bays to Popcar and noted that car share operators would be invited to respond to a competitive Expression of Interest in 2022/23 for the existing car share parking bays in the Shire for a three-year contract commencing in 2023/24. The Local Traffic Committee and Council approved 4 additional parking bays in Byron Bay (Res. **21-358**).

In 2022, Council resolved (**22-394**) to continue to lease the 14 bays to Popcar until 29 July 2023 and noted that the cost of applications and bay permits as outlined in the Car Share Procedure and Council's Fees and Charges would be reviewed in line with the 2023/24 budget process.

At the 25 January 2023 Executive Team Meeting, ET agreed that a cross directorate working team between the SEE and IS Directorates would undertake a review of the suitability of additional parking spaces requested by Popcar. That review is contingent on the decision made by Council at this meeting. If Popcar is selected as the provider, staff will undertake the review and report it to the Local Traffic Committee for their consideration prior to consulting with neighbouring landowners. Any changes as a result of the consultation be reported to the Local Traffic Committee.

At the 22 June 2023 Ordinary Meeting, Council resolved (**23-255**) to extend the current car share provider's (Popcar's) annual permits by two months, with an expiry date of 29 September 2023, to align with the updated project timeline. Council also resolved to adopt the updated fees and charges as part of the Adoption of Operational Plan 2023/24, including Budget, Statement of Revenue Policy, and Fees and Charges (Res. **23-280**).

#### **1) Expression of Interest**

As per Res. **21-200**, a request for expressions of interest for the right to occupy Council's car share spaces in the Shire was run from Friday 28 April – Monday 22 May 2023. A

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public notice was placed on Council's website to advertise that it was open, and staff identified and directly emailed 5 potential car share providers to invite them to apply.

- 5 Two submissions were received, one from current car share provider Popcar (confidential attachment 1 – E2023/54980) and one from local solar project manager Juno Energy (confidential attachment 2 – E2023/54979). Staff requested further information from Juno Energy (confidential attachment 3 - E2023/60338).

#### Evaluation of submissions

- 10 Three staff members (one from each Directorate) were on the evaluation panel. The panel recommends that the right to occupy to the 14 current car share bays in Byron Shire be awarded to Popcar. The evaluation panel report (confidential attachment 4 – E2023/70601) and evaluation scoresheet (confidential attachment 5 – E2023/64565) provide details on how the decision was reached.

Another competitive expression of interest should be run in 2025/26 to determine the provider from 2026 to 2029.

#### 15 **2) 2022/23 Community usage**

This section of the report outlines the community usage of the share cars provided by Popcar that are located on Council land. The reporting period is April 2022 to March 2023 and comparisons are made to the previous reporting period April 2021 to March 2022.

- 20 Table 1 and graph 1 below show that total bookings were down by 8%, however hours booked increased by 44%.

Previous reporting period				Current reporting period				Changes	
Year	Month	Number of bookings	Hours booked	Year	Month	Number of bookings	Hours booked	Number of bookings – percentage change	Hours booked – percentage change
2021	April	114	1,088	2022	April	185	2,149	62%	98%
2021	May	115	1,461	2022	May	86	1,406	-25%	-4%
2021	June	59	510	2022	June	102	1,769	73%	246%
2021	July	59	481	2022	July	100	1,361	69%	183%
2021	August	49	371	2022	August	63	626	29%	69%

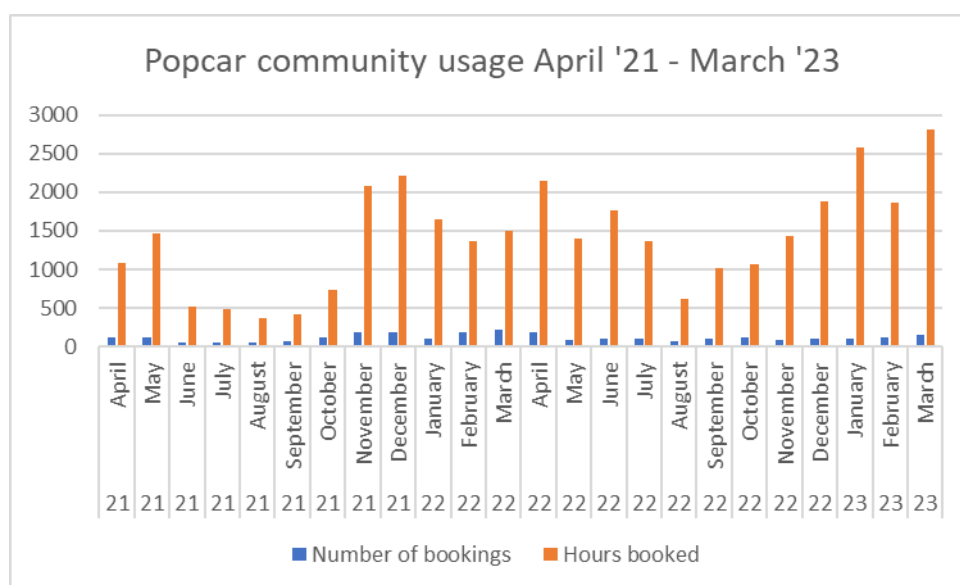
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Previous reporting period				Current reporting period				Changes	
Year	Month	Number of bookings	Hours booked	Year	Month	Number of bookings	Hours booked	Number of bookings – percentage change	Hours booked – percentage change
2021	September	76	414	2022	September	107	1,014	41%	145%
2021	October	123	735	2022	October	127	1,066	3%	45%
2021	November	185	2,083	2022	November	93	1,432	-50%	-31%
2021	December	193	2,205	2022	December	108	1,880	-44%	-15%
2022	January	102	1,646	2023	January	109	2,577	7%	57%
2022	February	179	1,361	2023	February	125	1,860	-30%	37%
2022	March	219	1,492	2023	March	152	2,810	-31%	88%
<b>Totals</b>		<b>1,473</b>	<b>13,848</b>			<b>1,357</b>	<b>19,949</b>	<b>-8%</b>	<b>44%</b>

Table 1: Popcar community usage, current reporting period (April 2022 – March 2023) compared to previous reporting period (April 2021 – March 2022).



Graph 1: Popcar community usage April 2021 – March 2023

**Key points:**

- April 2022 to March 2023 comprises the first full 12 months of data with the four additional bays (which were added in December 2021). Popcar considers that the performance of the four additional bays has been successful and sees the opportunity for further vehicles to be added and well utilised (staff investigation into additional bays was endorsed by ET on 25 January 2023, I2023/778 – this project will be undertaken once the outcome of the EOI is decided by Council at the 24 August 2023 Ordinary Meeting).
- Two cars were damaged in the flooding event in Byron Bay in March 2022 and were replaced in October 2022.
- The period from June 2021 to November 2021 was affected negatively by Covid-19 lockdowns. The post-Covid uplift has been significant, and accounts for much of the increase in hours booked between reporting periods.
- Local membership numbers (members based in Byron Bay, Mullumbimby, Suffolk Park, Bangalow or Skinners Shoot) increased by 1,156, or 287%, over the 2022 calendar year, and have continued to increase over the first quarter of 2023 (by 291 new members, or 18%). Popcar attributes the increase to the company's 'always on' marketing presence in Byron Shire.

## **Strategic Considerations**

### **Community Strategic Plan and Operational Plan**

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
5: Connected Infrastructure	5.2: Connect the Shire through integrated transport services	5.2.3: Traffic management and reduced car dependence - Develop transport infrastructure and services that are accessible to all and meet a diverse range of needs and community expectations	5.2.3.4	Manage public car share program

## **Recent Resolutions**

- 18-115
- 19-009
- 20-271
- 21-200
- 21-358

5

## **Legal/Statutory/Policy Considerations**

*Car Share Policy 2022* – enables and facilitates car sharing in Byron Shire.

## **Financial Considerations**

- 10 As per council policy and fees and charges.

## **Consultation and Engagement**

- 1) The Expression of Interest evaluation panel consisted of three staff members (one from each Directorate).
- 2) The Executive Team endorsed this report on 19 July 2023.

15

## **Report No. 13.18 Dingo and Wild Dog Control in Byron Shire**

**Directorate:** Sustainable Environment and Economy

**Report Author:** Lizabeth Caddick, Biodiversity Officer  
Peter Boyd, Project Officer - Environmental Projects

5 **File No:** I2023/920

### **Summary:**

Councillors have requested a report on the ways to avoid trapping, baiting, shooting and otherwise killing dingoes whilst still controlling other animals that are pests and/or are creating environmental damage.

- 10 Under the *Biosecurity Act 2015* pest animals (including wild dogs) are considered a biosecurity risk, and therefore Council has a responsibility to manage them on Council land. During community engagement for development of the *Byron Shire Council Pest Animal Management Plan (2018-2023)*, wild dogs were identified as the number one concern to the community.
- 15 Council currently controls pest animals (wild dogs, feral cats, foxes and rabbits) to protect native wildlife, people and livestock and to meet its legal obligations under the Biosecurity Act. Control is done through targeted monitoring and trapping, using an experienced contract trapper. While it is not possible to entirely exclude dingoes from trapping, use of a highly targeted trapping program, including monitoring of sightings and animal behaviour,
- 20 ensures that only problem animals are targeted. Council does not do any baiting.

This report presents a summary of available options for managing pest animals, including baiting, community education, guardian animals, fencing and community-led monitoring, including the pros and cons of different methods, and their specific relevance to the Northern Rivers environment.

- 25 A literature review provided to Councillors in a workshop on 1 June 2023 indicates that there is still much debate regarding the genetic, ecological and morphological distinctions between dingoes and domestic dogs and the best ways to manage them. It is important that Council's pest management plans meet our legislative requirements, support community needs and align with current research and best practice.
- 30 To this end, the report recommends review of Councils Pest Animal Management Plan in 2024, allowing sufficient time for consultation with all relevant stakeholders (primary producers, traditional owners, Landcare and other local environmental groups, public agencies (Local Land Services, National Parks and Wildlife), scientists, other local councils and the wider community), and further investigation of genetic data and
- 35 management strategies that are specifically relevant to the Northern Rivers region. North Coast Local Land Services will also be developing a Pest-predator Management Plan for Byron Shire at this time, and Byron Council will be working closely with LLS in the development of this.






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**RECOMMENDATION:**

**5 That Council:**

- 1. Reviews the 2018-2023 Byron Shire Pest Animal Management Plan in 2024 and that this review includes:**
  - a) Community engagement to identify community priorities and impacts on land managed by primary producers, traditional owners, rural lifestyle landholders and Land for Wildlife**
  - b) Engagement with researchers to collate data relevant to the Byron Shire local environment to inform best practice pest animal management**
- 2. Works with Local Land Services to develop the Pest-Predator Management Plan for Byron Shire which will include non-lethal pest management options.**

**15 Attachments:**

- 1 Literature Review for Councillor Workshop - Dingo Genetics, Ecology, Management and Legislation, E2023/51553 **
- 2 Pest Animal Management Plan - Adopted version 19-118, E2018/108387 **
- 20 3 Centre for Invasive Species Solutions Guide Peri-Urban Wild Dogs, E2023/63825 **

## Report

Councillors have requested a report on the ways to avoid trapping, baiting, shooting and otherwise killing dingoes whilst still controlling other animals that are pests and/or are creating environmental damage.

- 5 Councillors were provided with detailed information on this subject at a councillor workshop on 1 June 2023. Attachment 1 provides a detailed overview of the information provided.

## Legal/Statutory/Policy Considerations

- 10 Under the *Biosecurity Act 2015* all land managers, regardless of whether on private or public lands have a shared responsibility to manage pests and their impacts.

Council, as a landholder, has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised. Pest animals (including wild dogs) are considered a biosecurity risk, and therefore Council has a responsibility to manage them on Council land, and is guilty of an offence if failing to do so.

- 15 *Biosecurity Act 2015 No 24*

### Part 3 General biosecurity duty

#### 22 Biosecurity duty—dealings with biosecurity matter and carriers

- 20 Any person who deals with biosecurity matter or a carrier and who knows, or ought reasonably to know, the biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised.

#### 23 Offence of failing to discharge biosecurity duty

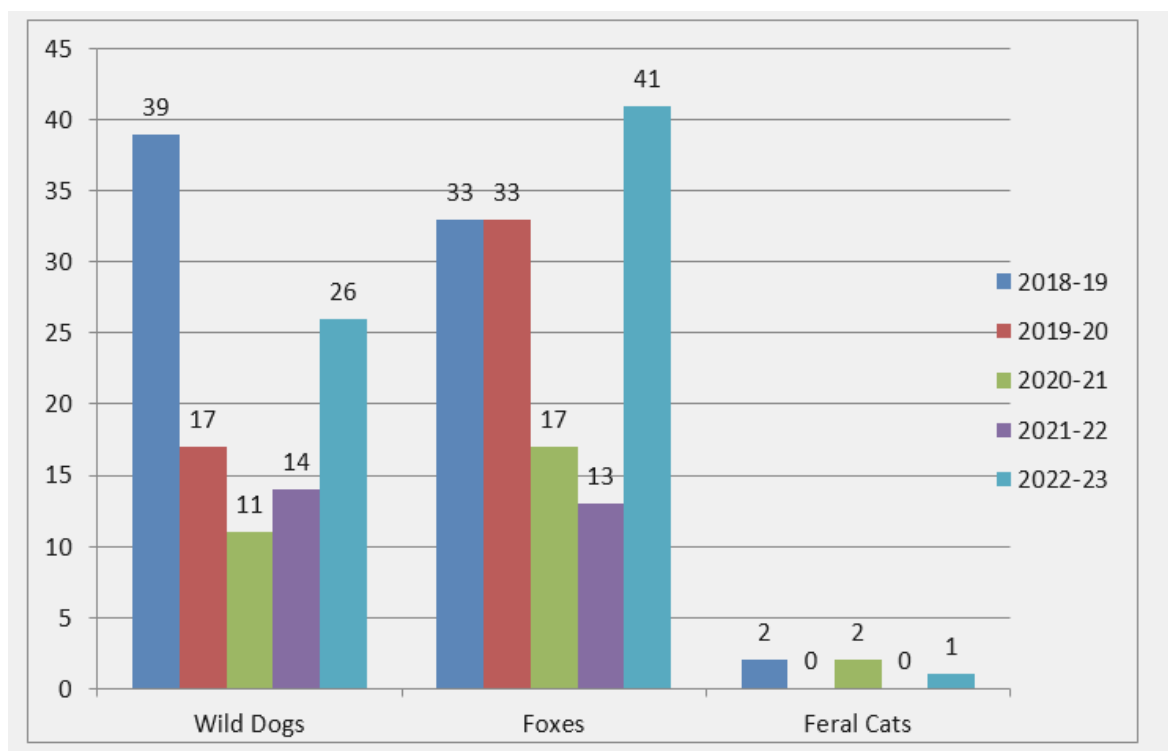
- (1) A person who fails to discharge the person's biosecurity duty under this Part is guilty of an offence.
- 25 (2) An offence against this section is a category 1 offence if—
  - (a) the failure is intentional or reckless, and
  - (b) the failure caused, or was likely to cause, a significant biosecurity impact.
- (3) In any other case, the offence is a category 2 offence.
- (4) An offence against this section is an executive liability offence.
- 30 (5) A person who is guilty of a category 1 offence or category 2 offence against this section because the person fails to discharge the person's biosecurity duty under this Part—
  - (a) continues, until the duty is discharged, to be required to discharge that duty, and
  - 35 (b) is guilty of a continuing offence (of the same category) for each day the failure continues.

Council adopted the *Byron Shire Council Pest Animal Management Plan (2018-2023)* in March 2019 (Res 19-118) – Attachment 2. Implementation of the plan directs pest animal management on Council lands and Council managed lands and allows for pest animal control on land owned or occupied by private land managers if resources are available.

- 5 During the development of the plan, community consultation determined that *‘wild dogs are the number one concern to the community at present. Feral cat, European red fox, European rabbit, Indian myna and feral pig were the next top five animals of concern’*. The most preferred management option was trapping and shooting, equally followed by exclusion fencing and ‘do nothing’.
- 10 The overall feedback from the community received via the online survey and workshops (during the development of the plan) favoured pest animal management measures that:
  - meet statutory requirements
  - are cost-effective
  - provided a coordinated and sustainable long-term solution
- 15
  - reduced the impact of pest animals on biodiversity, agricultural productivity, cultural values and social wellbeing.

## Options for Wild dog (including dingo) Management

- 20 Council carries out control of pest animals, including foxes, cats and wild dogs (including dingoes) to protect native wildlife, people and livestock and to meet its legal obligations under the Biosecurity Act. Pest animal control on Council land covers 408 ha, or 0.76% of Byron Shire. Figure 1 shows Councils trapping program results for the last 5 years from trapping on both Council and private lands over 9 trapping weeks per year.



**Figure 1. Council trapping program results for wild dogs, foxes and feral cats 2018-2023**

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Council currently controls pest animals (wild dogs, feral cats, foxes and rabbits) through targeted monitoring and trapping, using an experienced contract trapper. Animals are trapped and humanely dispatched on-site. Sites are monitored with trained dogs to identify evidence of presence of pest animals, and consultation is undertaken with land managers and neighbouring landholders to identify key areas where pest management is required. Council's contractor has extensive knowledge and experience in recognising tracks and other animal signs that helps to identify numbers, size and occurrence. Traps are monitored daily and animals are physically identified at close range before being euthanized, with DNA samples taken if required. However, all animals trapped are usually euthanized for safety reasons.

Foxes are trapped using the same monitoring and targeted trapping techniques.

Cats are more difficult to trap due to their more random habits and cautious nature. Rarely, a cat may be caught in a trap set for a dog or a fox but generally a cage trap is set to trap a cat. Wild dogs and foxes will not enter a cage trap.

While it is not possible to entirely exclude dingoes from trapping, use of a highly targeted trapping program, including monitoring of sightings and animal behaviour, ensures that only problem animals are targeted.

Other options for fox, cat and wild dog control are summarised in Table 1 below. The Centre for Invasive Species Solutions has recently developed Best-practice Management of Wild Dogs in Urban and Peri-urban Environments, which provides further detail on these options, as well as information on the impacts of wild dogs on native wildlife that are relevant to the Northern Rivers environment (Attachment 3; [Glovebox Guide Peri-Urban Wild dogs](#)).

**Table 1. Options for fox, cat and wild dog control**

Responsible Pet Ownership	<p>Roaming domestic and feral dogs are a threat to wildlife and livestock, and also pose a risk to dingo genetics through hybridisation with dingoes. People deliberately breeding or interbreeding dingoes with domestic dogs for pets or work animals is also a threat to dingoes, wildlife and livestock.</p> <p>Responsible pet ownership, including spaying and neutering of pet animals, keeping pet and working dogs under control and confined during the night, and discouraging people from breeding pet dogs with dingoes can reduce impacts domestic dogs on wildlife/livestock as well as decreasing the risk of hybridisation with dingoes (Cairns <i>et al.</i> 2021).</p> <p>Council currently encourages and supports responsible pet ownership through information on the website (<a href="#">Dog owner responsibilities - Byron Shire Council</a>), community engagement programs (e.g. the Leash-up video and social media campaign and events such as Bow Wow Leash Me Now and presence at last years' Federal dog show), and extension services through the agriculture liaison officer and koala project officer. Encouraging responsible dog ownership is an ongoing part of Council's work, and also involves partnership with other organisations, including</p>
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	the Northern Rivers Koala Network, to maximise the level of outreach.
Guardian animals	<p>Guardian animals include donkeys and some dog breeds that are known to be protective of livestock and can deter predators. The Humane Society International have developed some resources on guardian animals (<a href="#">Guide to Predator Smart Farming</a>), although these are focussed on drier, rangeland landscapes and there are currently no guidelines specific to the Northern Rivers environment.</p> <p>Landholders in Byron Shire report mixed experiences and some concerns regarding the use/effectiveness of guardian animals in this environment, including:</p> <ul style="list-style-type: none"> <li>• Guardian dogs can be difficult to train and, due to their protective nature, can pose a risk to neighbours on small land holdings.</li> <li>• Guardian dogs may attack livestock, or themselves get attacked and killed by larger packs of wild dogs.</li> <li>• Guardian donkeys can compete with stock for feed, can kill young livestock or can get attacked by packs of wild dogs.</li> <li>• Guardian donkeys are generally more effective in open areas where they have good lines of sight, rather than the undulating landscapes in this area.</li> <li>• Guardian alpacas have not been successful in Byron Shire due to predation by wild dogs.</li> </ul> <p>More local data are needed on management and effectiveness of guardian animals in the Northern Rivers environment, to provide landholders with guidance for this option.</p>
Fencing	<p>Dog-proof fencing, if well maintained, can be effective in protecting small areas, for livestock such as chickens. Behavioural research of wild dogs has shown they are more likely to attempt to push through or burrow under a fence than jump or climb over it. Hence, both the initial fence design and ongoing maintenance is important to ensure fence integrity and to minimise exploitation by wild dogs or other animals.</p> <p>Council's Agriculture Liaison Officer currently provides advice to landholders about fencing for stock protection during one-on-one farm visits. It is likely that gold-standard fencing methods will continue to evolve over time as new technologies are developed.</p>
Avoid attracting wild dogs	Wild dogs, including feral domestic dogs and dingoes, are more likely to increase in numbers and become problematic where they have access to good supplies of food and water. Human settlement has exacerbated this issue, and it is important that community education includes encouraging people to pick up litter and dog faeces in public places, to avoid leaving out food scraps or pet food, and to ensure animal carcasses or other potential food sources are buried.
Location-specific	The villages of Hawks Nest/Tea Gardens and Seal Rocks in the Midcoast LGA, are home to a wild dingo population with a very high level of genetic

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management programs	<p>purity. Midcoast Council acknowledge the need to protect their genetically pure dingo population for ecological and cultural purposes. They note that while observing dingoes is generally a positive experience, in some instances dingoes pose a risk to people and livestock. This risk is increased if dingoes are encouraged to interact with people, e.g. if they have access to food/water close to human habitation and become dependent on or comfortable or confident with people.</p> <p>As a result of this, Midcoast Council has implemented a site-specific Dingo/Wild Dog Management Proceedure for parts of the LGA inhabited by the pure dingo population: <a href="#">MidCoast Dingo/Wild Dog Management - MidCoast Council (nsw.gov.au)</a></p> <p>The management procedure is based on the K’Gari model, with emphasis on discouraging people from feeding/approaching dingoes through ‘Be Dingo Smart’ and ‘Do Not Feed’ signage and brochures, education of tourist park operators, fines for people who feed dingoes, and use of dingo-proof locks for public and private bins. The program also encourages community reporting of dingo sightings and behaviour (<a href="#">Dingo Sighting Report Form (openforms.com)</a>). This register of sightings and incidents is monitored so that dingos that pose unacceptable risks are identified and managed. Dingoes are managed as ‘wild dogs’ in the applying legislation, and the Council notes that Local Land Services is ultimately responsible for leading wild dog control and management across NSW.</p> <p>Additionally, Midcoast Council partners with NSW National Parks and Wildlife Service, University of NSW and Taronga Conservation Society to support relevant local research to inform management.</p> <p>The program works well at present because there is a high level of community interest in reporting sightings and behaviour within the focus area – the community are critical as the eyes on the ground. The Council has also invested in trained and qualified rangers to manage the program. Midcoast Council are currently reviewing the program and are happy to discuss their findings with Byron Shire Council following this review.</p>
1080 Baiting	<p>Baiting is not carried out by Council, and many landholders in Byron Shire do not support baiting.</p> <p>Baiting with 1080 poison, including aerial baiting, can be used to control wild dogs/dingoes, cats and foxes. There are several concerns around baiting, the main one being that it is non-selective, so can impact on non-target species, including native wildlife - although there are a number of studies that suggest the benefit to native wildlife outweighs the cost (e.g. Claridge and Mills 2007, Claridge et al. 2021 – refer Attachment 1).</p> <p>Another concern is that large scale aerial baiting may impact the social</p>

	<p>structure and territoriality of dingoes. NSW Environment and Heritage note that the impact of baiting on dingo social structure is not well known (<a href="#">Predation and Hybridisation by Feral Dogs (Canis lupus familiaris) - key threatening process listing   NSW Environment and Heritage</a>). However, in other wild canids (coyotes, red wolves), lethal control has been identified as a factor increasing the likelihood of interspecific hybridisation by breaking up social structures and altering demographic patterns (Bohling and Waits 2015).</p> <p>Canid pest ejectors (CPEs) are a baiting option designed to reduce impacts on non-target species. Like baiting, there are strict regulations around use. Local Land Services can provide additional support and advice.</p>
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## Current Research

Attachment 1 provides a detailed summary of the current research relating to genetics, ecology and management of dingoes and feral dogs, relevant to the North Coast region. This review indicates that there is still much debate regarding the genetic, ecological and morphological distinctions between dingoes and domestic dogs and the best ways to manage them.

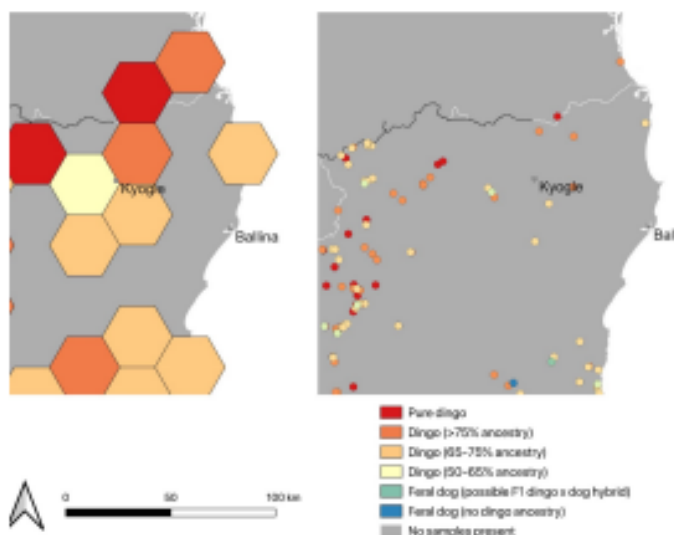
It is important that Councils pest management (and other biodiversity management) plans meet legislative requirements, support community needs and align with current research and best practice. Recent discussions with Dr Kylie Cairns indicate there is limited wild dog and dingo DNA data (using recently developed genetic markers) for the Byron Shire area (Figure 2), and there are opportunities for Council to partner with researchers to get better data for this region to guide management. Review of Council's Pest Animal Management Plan in 2024 presents a good opportunity for council staff to partner with scientists, Local Land Services and National Parks and Wildlife to build-up knowledge on local canid populations and identify if there are dingo populations with high genetic purity in parts of Byron Shire.



## Original estimates of dingo x dog crossbreeding were high

Using 23 genetic markers – data suggested ~25% of dingoes were pure but feral dogs very rare (less than 1% of population)

In Byron shire:



Cairns et al. 2021

## Applying cutting edge genetic technology to dingo ancestry testing

Under embargo until 30<sup>th</sup> May 2023

Based on more than 195,000 DNA markers

The two samples within (or near) Byron Shire region were 87% and 90% dingo ancestry. The last dog ancestor was likely 3+ generations in the past.



SNP Ancestry categories

- Dingo
  - Historical Dingo backcross
  - Recent Dingo backcross
  - Dingo x Dog hybrid
  - Recent Dog backcross
  - Historical Dog backcross
  - Domestic Dog
- Dingo = 99.99% dingo DNA
- Historical Dingo backcross = more than 93% dingo DNA
- Recent Dingo backcross = 55-93% dingo DNA

Cairns et al.2023

Figure 2. Map showing number of Byron Shire DNA samples used in recent genetic analyses of wild dogs and dingoes, Cairns *et al.*, 2023



**Next steps**

As per the information provided to Councillors on 1 June and in Attachment 1, the identification and management of feral dog-dingo hybrids is a highly complex issue, and there remains much debate over the ecological role of dog-dingo hybrids amongst researchers. For Council to continue to ensure best-practice management of pest animals, together with protection of native wildlife and livestock, the following steps are recommended:

1. Review Council's Pest Animal Management Plan in 2024 year, in particular:

- a. Consult with all relevant stakeholders (primary producers, traditional owners, Landcare and other local environmental groups, public agencies (Local Land Services, National Parks and Wildlife), scientists and the wider community) to fully understand community concerns and priorities with regards to pest animal management. A full list of relevant stakeholder groups is currently being prepared.
- b. Consult with other local councils that are managing dingoes and wild dogs in populated areas (e.g. Midcoast Council [MidCoast Dingo/Wild Dog Management - MidCoast Council \(nsw.gov.au\)](https://www.midcoast.nsw.gov.au/midcoast-dingo-wild-dog-management)) to gauge effectiveness of alternative management options.
- c. Further investigate non-lethal strategies that could be sourced through Council to help private landholders meet biosecurity obligations managing wild dogs and dingoes.

2. Identify and follow up opportunities to collaborate with researchers to obtain more rigorous data on wild dog genetics and morphology in Byron Shire to help guide development of the new Pest Animal Management Plan.

3. Partner with Local Land Services (LLS) as a key stakeholder in development of the LLS local Pest-predator Management Plan for Byron Shire and review of the Regional Strategic Pest Animal Management Plan (2018-2023). LLS will be collaborating on these projects with local land managers, including Byron Shire Council, over the next 12 months.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
3: Nurtured Environment	3.1: Partner to nurture and enhance biodiversity, ecosystems, and ecology	3.1.2: Pest and weed management - Use best practice land management to improve ecological resilience and reduce threats to biodiversity	3.1.2.1	Implement dog, fox and cat trapping program
3: Nurtured Environment	3.1: Partner to nurture and enhance biodiversity, ecosystems, and ecology	3.1.2: Pest and weed management - Use best practice land management to improve ecological resilience and reduce threats to biodiversity	3.1.2.5	Respond to biosecurity threats in accordance with regulatory direction and agreement

### Recent Resolutions

On 27 April 2023 it was resolved (**23-124**) that Council:

- 5     1.    *Recognises that dingoes are native animals with an important ecological role, and are worthy of protection and care;*
2.    *Acknowledges the deep connection between dingoes and Aboriginal Australians, and endeavours to respect this connection in relevant actions of the Council;*
- 10    3.    *Recognises that the term 'wild dogs' is frequently and incorrectly used to describe dingoes or dingo-hybrids;*
4.    *a) Notes that Council currently does not bait other than for rodents in community halls.*
- b) discusses this matter at the next available Councillor Workshop including:*
  - 15      *i) Possibilities for actively providing information to re-educate residents of the Byron Shire Council about the value, importance and mistreatment of dingoes and importance of responsible domestic pet ownership;*
  - ii) Including the active engagement with stakeholders about new research into effective, non-lethal tools and practices to manage coexistence with dingoes on private property;*

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iii) *Revising and amending the Byron Shire Council's Wild Dog Pest Management Plan to reflect updated language, strategies and education policies accordingly.*

5 iv) *Considers writing a letter on behalf of the Council to the Hon. Penny Sharpe MLC, Minister for the Environment and Heritage, to call for dingoes to be a protected animal under the Biodiversity Conservation Act 2016 (NSW), with all other relevant policies and management plans updated to reflect this protected status, to ensure this protected status is reflected in the implementation of the Biosecurity Act 2015 (NSW), and to ban the use of 1080 as an inhumane and indiscriminate poison.*

10

15 v) *Considers writing a letter on behalf of the Council to the Hon. Tanya Plibersek MP, Federal Minister for Environment and Water, to call for dingoes to be included in the list of threatened species protected by the Environment Protection and Biodiversity Conservation Act 1999 (Cth), or to be included in a special list of non-threatened species to be protected by the Environment Protection and Biodiversity Conservation Act 1999 (Cth).*

20 c) *Receives a report in late June following the Councillor Workshop in (b) above on the ways to avoid trapping, baiting, shooting and otherwise killing dingoes whilst still controlling other animals that are pests and/or are creating environmental damage.*

### **Financial Considerations**

25 Staff are currently negotiating a grant of \$25,000 with NSW Department of Planning and Environment to review the PAMP in 2024-25, and a request for quote is in preparation. The funding will be used to engage a contractor to review the PAMP, project managed by Council's Biodiversity Team. Should additional funding be required for this project, it will be included in the 2024-25 budget.

### **Consultation and Engagement**

30 In developing this report, Council has consulted with Local Land Services, Dr Kylie Cairns, Midcoast Council, local landholders and landcarers (via the Byron Farmers Network – 380 landholders on mailing list), Council's trapper and Northern Rivers Dingo Advocacy.

## **Report No. 13.19    Review of Council's Onsite Sewage Management Strategy 2001 and Onsite Sewage Management Guidelines 2004**

**Directorate:** Sustainable Environment and Economy

5    **Report Author:** Tim Connors, Team Leader Environmental Health

**File No:** I2023/1112

### **Summary:**

10    Council's Environmental Health Team, together with Tim Fitzroy of Fitzroy & Associates, have reviewed the Onsite Sewage Management Strategy 2001 and Onsite Sewage Management Guidelines 2004.

Council's Water and Sewer Advisory Committee have reviewed the newly drafted Strategy and Guidelines. Their recommended amendments have been incorporated.



15    This report seeks Council endorsement for the public exhibition of the proposed Onsite Sewage Management Strategy and Onsite Sewage Management Guidelines.

### **RECOMMENDATION:**

**That Council:**

- 20    1.    **Supports the public exhibition of the draft Onsite Sewage Management Strategy for a minimum 6 weeks to allow for community feedback and submissions and:**
  - a)    **should there be no submissions received the draft Onsite Sewage Management Strategy be endorsed; or**
  - 25    b)    **should submissions be received the draft Onsite Sewage Management Strategy be reported back to Council noting the submissions and any amendments made as a result of the feedback received.**
- 30    2.    **Supports the public exhibition of the draft Onsite Sewage Management Guidelines for a minimum 6 weeks to allow for community feedback and submissions and:**
  - a)    **should there be no submissions received the draft Onsite Sewage Management Guidelines be endorsed; or**
  - 35    b)    **should submissions be received the draft Onsite Sewage Management Guidelines be reported back to Council noting the submissions and any amendments made as a result of the feedback received.**

**Attachments:**

- 1 Guidelines, E2022/95318 
- 2 Strategy, E2023/74357 

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## Report

Council's Onsite Sewage Management Strategy and Onsite Sewage Management Guidelines have been in place since 2001 and 2004, respectively. Due to ongoing changes since that time, deficiencies in Council's strategy and guidelines were identified by Council staff, designers and installers.

To address the deficiencies, Council's Environmental Health Team engaged Tim Fitzroy of Fitzroy and Associates to review and update Council's documents.

Following benchmarking against best practice Onsite Sewage Management System policies throughout Australia, Council's Environmental Health Team, together with Tim Fitzroy of Fitzroy and Associates, conducted several workshops. These workshops resulted in the revised draft Onsite Sewage Management Strategy and Onsite Sewage Management Guidelines.

On 20 October 2022, the draft strategy and draft guidelines were reported to the Water and Sewer Advisory Committee (see agenda [here](#)). The committee resolved that staff take onboard feedback and also consider further amendments to the documents (see minutes [here](#)).

The draft strategy and draft guidelines were amended as part of that resolution to incorporate recommended changes and were presented back to the Water and Sewer Advisory Committee on 30 March 2023 (see agenda [here](#)). The committee resolved to convene a further meeting between staff and available committee members prior to reporting the documents to Council (see minutes [here](#)).

The meeting was held on 9 May 2023, with one committee member in attendance and two members providing written feedback in lieu of attending. Recommendations made at this meeting were then incorporated into the documents and are attached to this report.

Noting the lengthy process undertaken to date, it is recommended the documents be placed on public exhibition and that any further comments may be appropriately considered during the exhibition period.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<b>1: Effective Leadership</b> We have effective decision making and community leadership that is open and informed	1.1: Enhance trust and accountability through open and transparent leadership	1.1.1: Leadership - Enhance leadership effectiveness, capacity, and ethical behaviour	1.1.1.1	Coordinate Council's annual policy review program, update and publish adopted policies
<b>1: Effective Leadership</b> We have effective decision making and community leadership that is open and informed	1.2: Engage and involve community in decision making	1.2.1: Community-led decision making - Engage with community to inform Council decision making	1.2.1.1	Provide opportunities for the community to have input, comment and feedback to Council on projects and matters of interest.
<b>1: Effective Leadership</b> We have effective decision making and community leadership that is open and informed	1.2: Engage and involve community in decision making	1.2.1: Community-led decision making - Engage with community to inform Council decision making	1.2.1.2	Support staff to consider communication and engagement as part of all project development and implementation.
<b>1: Effective Leadership</b> We have effective decision making and community leadership that is open and informed	1.2: Engage and involve community in decision making	1.2.4: Advisory Committees - Coordinate advisory committees to inform decision making on their areas of expertise	1.2.4.1	Coordinate and support Advisory Committees to assist with effective Council decision making

## Recent Resolutions

- 22-645
- 22-646
- 13-135
- 07-231

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## Legal/Statutory/Policy Considerations

- Protection of the Environment Operations Act 1997
- Local Government Act 1993
- Local Government (General) Regulation, 2005.
- Byron Shire Council (2018). Policy No. 14/009. On-Site Sewage management Systems in Reticulated Areas.
- Byron Shire Council (2001) On-site Sewage Management Strategy. November 2001.
- Byron Shire Council (2004) Design Guidelines for On-site Sewage Management for Single Households. 1 December 2004.
- Byron Shire Council Community Engagement Policy 2018.

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## Financial Considerations

This report has no financial considerations.

## 25 Consultation and Engagement

Consultation and engagement are outlined in the body of this report.



**Report No. 13.20 Appointment of Replacement Community Member to the Climate Change and Resource Recovery Advisory Committee**

**Directorate:** Sustainable Environment and Economy

5 **Report Author:** Michelle Wilde, Project Support Officer

**File No:** I2023/1118

**Summary:**

This report contains the application of the proposed replacement member for the Climate Change and Resource Recovery Advisory Committee, for Council's decision to appoint.

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**RECOMMENDATION:**

15 **That Council appoints the applicant shown in Confidential Attachment 1 (E2023/, being \_\_\_\_\_ to the Climate Change and Resource Recovery Advisory Committee.**

**Attachments:**

20 1 Confidential - Nomination for Climate Change and Resource Recovery Advisory Committee, E2023/80747

## Report

John Taberner resigned from the Climate Change and Resource Recovery Advisory Committee on 22 June 2023.

- 5 The Climate Change and Resource Recovery Advisory Committee made a recommendation to Council at their 29 June 2023 meeting to seek a replacement member for the Committee. (Note: the minutes of this Committee's meeting are subject to a separate report to Council at this same meeting).

Council has a list of two candidates who previously applied for the Climate Change and Resource Recovery Advisory Committee in 2022 and were placed on a wait list.

- 10 One of the applicants confirmed verbally that although they are still interested in hearing about future vacancies, they do not have capacity to commit to the committee at this stage.

- 15 The other applicant confirmed that they are still interested and can attend the next meeting on 21 September 2023, if appointed. Applicant's details are included at Confidential Attachment 1.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<b>1: Effective Leadership</b> We have effective decision making and community leadership that is open and informed	1.2: Engage and involve community in decision making	1.2.4: Advisory Committees - Coordinate advisory committees to inform decision making on their areas of expertise	1.2.4.1	Coordinate and support Advisory Committees to assist with effective Council decision making

## Recent Resolutions

n/a

- 20 **Legal/Statutory/Policy Considerations**

Nil

## Financial Considerations

Nil

## **Consultation and Engagement**

Candidates previously applied for the Climate Change and Resource Recovery Advisory Committee in 2022, following advertisement for all committee member appointments for this term of Council.

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## STAFF REPORTS - INFRASTRUCTURE SERVICES

**Report No. 13.21 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:** I2023/538

**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.

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**RECOMMENDATION:**

**That:**



- 25 1. Council notes the community feedback received from the public exhibition of the draft Byron Design Guide.
- 30 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.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - INFRASTRUCTURE SERVICES

13.21

### **Attachments:**

- 1 Byron Design Guide FINAL DRAFT issue F, E2023/36044 
- 2 Byron Design Guide Feedback Redacted, E2023/16412 

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## **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 intention is to introduce a consistent furniture style that reflects Byron's unique character by using select natural materials and simple detailing, but also allows economies of scale with maintenance / replacement of parts etc. This is only a guide however and does not preclude unique installations. If desired, interactive art elements such as seats or bike stands can be accommodated within detail design of major precincts as these are advanced.

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

This Report was originally tabled to Council on 23 March 2023 but deferred to allow minor edits to be undertaken to the Guide. Amendments to the Byron Design Guide have now been completed including:

- WSUD maps given improved colours for readability
- WSUD cells filled out on pages 72 and 74
- Section number on Page 38 now labelled as 5.7
- Plant suitability for WSUD marked in table
- Page 74 title number corrected.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - INFRASTRUCTURE SERVICES

13.21

This document is a guide to Byron CBD streetscape embellishments and planting, not a control for detail design of transport or utilities.

There are existing Austroads controls that over-ride any specification within this guide. New developments or traffic control devices will have approved plants on the engineering designs chosen to meet required specifications for plant height. Streetscape plantings within the CBD are primarily undertaken by Council staff and the planting palette has been developed over time with trial and error. Plantings around areas requiring open sightlines, such as pedestrian crossings, are chosen accordingly.

The preference for concrete as the dominant standard within high use CBD areas is due to a desire to reduce both cost and ongoing maintenance. It is recognised that there are potential benefits from pavers, including a reduction in use of finite natural resources, however this is offset by ongoing cost of maintenance. Use of permeable paving in streets to allow infiltration is proposed where applicable, but not as a dominant surfacing.

Pavers can be problematic in a high use environment where regular cleaning programs with high pressure water need to be followed up with re-sanding. Pavers also offer increased opportunity for seed capture and weed growth and are more susceptible to movement from root action. Within the CBD area, that the Guide applies to, many footpaths are under awning and offer little opportunity for water capture.

The maintenance requirements of permeable pavement are also much higher. Permeable paving is prone to clogging if the water in the reservoir isn't drained out properly. Sand and fine particles that can block the space between the pavers must be removed using an industrial vacuum to ensure that they work correctly.

The DCP provides detailed planning and design guidelines to support the environmental planning instruments (LEP or SEPP). Byron Shire Council is committed to improving water quality in the design of new developments by adopting integrated urban water management across the Shire. This is achieved through the adoption of several measures including the principles of Water Sensitive Urban Design (WSUD) for new developments.

A stormwater quality management chapter is proposed for a future update to the Byron Shire Development Control Plan (DCP). This DCP chapter is intended to prescribe the required stormwater treatment measures and the development types to which the requirements should be applied. A Councillor Workshop to consider Water Sensitive Urban Design (WSUD) Guidance Materials and Development Control Plan Update will be undertaken at a future Councillor Workshop later in 2023.

The Design Guide looks to build upon each street's existing vegetation character to enhance Byron Bay's subtropical coastal town character, including recommending opportunities to increase amenity and provision of natural shade through the planting of shade trees. Council is undertaking a separate Urban Cooling Strategy that will look for options for developers to be required to include shade requirement within front setback.

## **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.

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

<b>Theme</b>	<b>Feedback</b>	<b>Staff Response</b>
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 Main Beach
	Avoid landscaping that will obstruct vision for drivers and pedestrians ability to see each other	Planting palette allows for groundcovers, grasses and shrubs that can be maintained to required levels for safety.
	Incorporate Disability Access and Inclusion Plan to address mobility/scooter access on footpaths	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
	Add more bicycle hoops	Over 50 locations for bicycle racks have been identified within the guideline
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	Increase overall number of trees and those providing shade	Consideration within the plan was taken around requirement for additional shade through heat mapping and of availability of locations for plantings.
	Add trees that attract bird life	Species and locations have been provided as a guide with on-going review



# BYRON SHIRE COUNCIL

## STAFF REPORTS - INFRASTRUCTURE SERVICES

13.21

Theme	Feedback	Staff Response
	<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>of species used across the town centre being taken to hone the planting palette.</p>
Design Guide	<p>Adopt the design guide Shire wide to include Mullumbimby and surrounding towns</p> <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>Individual design guides are being developed for each town and village, with these being drawn into the DCP as they are adopted.</p> <p>Key design strategy is to maintain the Byron Coastal town experience using increased 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</p>	<p>Guideline promotes sustainable initiatives - native planting, locally sourced materials and recycled materials.</p>

# BYRON SHIRE COUNCIL

## STAFF REPORTS - INFRASTRUCTURE SERVICES

13.21

Theme	Feedback	Staff Response
	<p>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>Considerations include;</p> <ul style="list-style-type: none"> <li>• Is it accessible</li> <li>• Is it made from recycled materials</li> <li>• Is it fabricated from re-used materials</li> <li>• Does it have a long lifespan with little maintenance</li> <li>• Is there an end of life market</li> <li>• Will it be damaged in weather events</li> <li>• Is it repairable</li> <li>• What is the life cycle assessment of the material</li> </ul> <p>Guideline seeks to;</p> <ul style="list-style-type: none"> <li>• create 'service areas' with grouped street furniture elements to avoid cluttered streets</li> <li>• Provide spaces for social interaction - social streets make safe streets</li> <li>• Place public seating nodes in key locations to create opportunity for activation and encourage social engagement</li> </ul>
Permaculture	<p>Create more permaculture gardens</p> <p>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.</p> <p>Additional trees will impact on car parking spaces</p> <p>Remove parking for tourists and provide bus</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</p>

# BYRON SHIRE COUNCIL

## STAFF REPORTS - INFRASTRUCTURE SERVICES

13.21

Theme	Feedback	Staff Response
	service only to reduce cars in town and free up car parking spaces. Increase Mobility Parking spaces	the scope of this streetscape design guide.
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 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>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> <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	Increase sitting areas in courtyard style shaded	Guideline identifies opportunities to place public seating nodes in key locations to

<b>Theme</b>	<b>Feedback</b>	<b>Staff Response</b>
	locations	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.
	Make footpaths wider in some locations and provide benches to sit	Where possible footpaths are to be widened.
	Provide more playgrounds, specifically in the Clarkes Beach area	This will be considered within upcoming Byron Foreshore Landscape Planning.

## **Strategic Considerations**

### **Community Strategic Plan and Operational Plan**

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
<b>5: Connected Infrastructure</b> 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**

As discussed in the report.

## Report No. 13.22 Levels of Service to Heritage Park Arboretum

**Directorate:** Infrastructure Services

**Report Author:** Malcolm Robertson, Manager Open Space and Facilities

5 **File No:** I2023/768

### Summary:

This report is in response to **Res 23-149** (part 5) “*Requests a staff report on providing a higher level of regular maintenance to the Maslen Arboretum*”.




10 Council levels of service to the Arboretum are constrained by available adopted budget. Increasing service to the Arboretum requires either identification of other parks where service levels can be reduced, or allocation of additional budget.

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### 15 RECOMMENDATION:

That Council notes current Levels of Service to the Heritage Park Arboretum.

### Attachments:

- 20
- 1 Brunswick Valley Heritage Park Management Plan - May 18 1980, E2023/49414 
  - 2 Heritage Park Bush Regeneration Map, E2023/49588 
  - 3 Heritage Park Arboretum Map Feb 2022, E2022/15439 

## **Background**

In 1979 the Byron Flora and Fauna Conservation Society (BFFCS), a group of local residents led by Russ and Beryl Maslen, counter-proposed a botanic park, which was agreed to by Council in 1980. The BFFCS were given responsibility to design and establish a park. The aim of establishing the park was *to collect in one area a wide and representative selection of the flora native to the area* (original management plan attachment 1).

On 7 June 1980 the Mayor of Mullumbimby, Alderman Stan Robinson, planted the first tree in the arboretum, a Red Cedar, symbolically launching Brunswick Valley Heritage Park. The Maslen family carried out much of its maintenance till 2003, assisted by volunteers who continue to manage the area today. On 26 November 2018 Council resolved to name this section of Heritage Park the Maslen Arboretum to reflect the contribution of the Maslen family.

Volunteers have subsequently propagated and planted trees native to the local area, and the arboretum now boasts over 600 species with 300 species of local rainforest trees grown from seeds and seedlings collected locally from forests within the Brunswick, Tweed and Richmond valleys.

## **Levels of Service**

Council's Open Space staff are currently limited in ability to provide additional servicing due to the gap between desired levels of service and allocated resources and backlog of maintenance works required. The Operational Plan action is to maintain each of the Council owned parks, reserves, and sports fields to agreed level of service, however there is no policy direction as to what the agreed levels of service should be.

Every year sees new open space assets being handed to Council, existing assets upgraded or request for existing assets to receive higher levels of service. There is currently no additional operational budget allocated for new assets, or new initiatives such as increased levels of service to the Arboretum.

Previously Council's Asset Management team have completed a review of Levels of Service for Open Space resources. In order to assist with calculating actual cost and resource requirements for Open Space assets, a Parks Maintenance Level of Service Manual was developed which included an objective formula to determine Levels of Service (LoS) using Frequency Visitation Rate (FVR), Value = (development x frequency) and population. This formula is one which is used in various asset management systems and also in adjoining shires. This FVR is allocated values to determine the LoS hierarchy.

Currently Heritage Park open parkland areas is defined as LOS 2. Parklands are maintained through mowing three weekly through the growing season, dropping to six weekly in the cooler months. Herbicide use is limited to managing major bindi infestations. Litter and rubbish are removed at each service.

Hardscape playgrounds and park furniture receive formal inspections monthly. Routine visual inspections are completed as per regular the maintenance regime. Reactive

inspections are undertaken in response to customer requests to ensure safety and functionality of assets.

On occasions the level of service may be increased, such as in preparation for a large-scale community event. The recent Mullum to Bruns Paddle event is an example where anticipated higher levels of use have seen a one-off undertaking to service the park to a higher level of presentation. This increased servicing elicited the following response from the current Arboretum team;

*We were agreeably surprised, and pleased, to see at the weekend that the Park had been very carefully 'maintained', presumably for the Paddle event. We volunteers have been trying to do this work with our own equipment over the past few years, disappointed that Byron Council didn't have the interest, or workers, to do this essential job. In fact, I spoke to Councillor Westheimer about my disappointment.*

*Can we expect your staff to continue this added workload in the year ahead? While the huge lawn tractor adequately mows the road verge, the dog exercise area, and the northern park, is not suitable for the Arboretum.*

*The new work by the Bush Regen team along the river bank from behind the school into the Arboretum is also appreciated. We residents believe more maintenance work by your departments needs to be considered. Mullum has been looking very 'tired' and run down. It used to be 'a tidy town'.*

This undertaking requires re-assignment of operational staff from core duties and is not sustainable as an on-going activity unless additional resourcing was made available.

To maintain the increased levels of service through provision of an additional three-weekly brush cutting and edging to Heritage Park pathways and perimeters, weekly collection of palm fronds and litter collection throughout the park would require around \$37,940 in additional operational maintenance budget per annum. This funding would allow areas currently being serviced by Council staff to be reassigned to contractors, freeing staff to provide increased servicing to Heritage Park.

There is intention within the 2023/24 financial year to conduct a review of the Open Space Levels of Service and to present this to Council for adoption. That document will allow better understanding of the maintenance cost implications and may lead to reconsideration of current maintenance programs and priorities.

### Bush Regeneration

The regen team is currently working on approx. 14kms of riparian zone along the Brunswick River and its tributaries. This area includes Heritage Park, as shown in attached map. All bushland in the Arboretum area is currently at a maintenance level with all mature weeds having been removed and receives a bush regeneration maintenance treatment to prevent establishment of weed species 3-5 times per year.

The first time this site was treated in 2020 it took around \$13,000 of Council funds to treat all weeds. Subsequently an additional \$14,000 has gone into weed control at the site with the most recent maintenance run in March 2023 taking \$950 to treat all weeds.



In addition to the weed control, the Bush Regeneration team have also been carrying out plantings of select native species in riparian areas. Most recently 250 seedlings were planted on 8 May 2023 in the area west of the tennis courts.

### Community Servicing

- 5 The plantings within the Arboretum have historically been maintained by a dedicated group of volunteers. Recent advice from volunteers currently providing oversight to the Arboretum is that *“Vegetation management along Arboretum path should be left to the Volunteers who have empirical knowledge, however a professional audit of trees in this area is necessary. Possibly some vegetation needs to be managed.”*
- 10 *“The current general park management by council with larger zero turn mowers don’t work in the arboretum where large areas of grass are shaded and disappearing as the planted trees mature. Grass areas are too much maintenance, and these should be removed and replaced by pathways and gardens”*
- 15 *“Palm fronds from both the Arboretum and Palm Park need to be regularly removed. They are not habitat - they are untidy and unwelcome”*

### Botanic Gardens

- 20 It has been suggested that Council should consider framing the Arboretum as Mullumbimby’s Botanic Gardens. No agency gives legal accreditation to botanic gardens, so effectively anyone can call any garden a botanic gardens. There are, however, some generally accepted criteria for defining the terms 'botanic gardens' or 'botanical gardens'.

The only legal definition of a botanic garden in Commonwealth legislation occurs in the National Parks and Wildlife Conservation Act 1975. This definition is carried forward into the replacement Environment Protection and Biodiversity Conservation Act 1999 by bridging legislation. Under this legislation "botanic garden" means

- 25 *a scientific and educational institution the purpose of which is the advancement and dissemination of knowledge and appreciation of plants by:*
- 30 *(a) growing them in a horticultural setting; and*  
*(b) establishing herbarium collections; and*  
*(c) conducting research; and*  
*(d) providing displays and interpretative services.*

The following is a list of general criteria that are aimed at meeting by any institution that is considered to be a botanic garden:

- A reasonable degree of permanence
- An underlying scientific basis for the collections
- 5 • Proper documentation of the collections, including wild origin
- Monitoring of the plants in the collections
- Adequate labelling of the plants
- Open to the public
- Communication of information to other gardens, institutions and the public
- 10 • Exchange of seed or other materials with other botanic gardens, arboreta or research institutions
- Undertaking of scientific or technical research on plants in the collections
- Maintenance of research programs in plant taxonomy in associated herbaria.

15 In order to maintain the requirements of a Botanic Gardens it is also normal practice to have dedicated staff including a Curator managing collections.

## **Strategic Considerations**

### **Community Strategic Plan and Operational Plan**

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
<b>3: Nurtured Environment</b> We nurture and enhance the natural environment	3.1: Partner to nurture and enhance our biodiversity, ecosystems, and ecology	3.1.3: Habitat restoration - Restore degraded areas that provide high environmental or community value	3.1.3.6	Undertake bush regeneration activities to maintain and expand restoration of HEV sites on Council owned or managed lands forming part of the Council bush regeneration program
<b>5: Connected Infrastructure</b> 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	5.4.2.1	Implement Open Space maintenance and capital programs in accordance with the adopted budgets and Open Space Asset Management Plan.

## Recent Resolutions

**23-149** Resolved (in part) that Council:

5. *Requests a staff report on providing a higher level of regular maintenance to the Maslen Arboretum.*

## 5 Financial Considerations

To provide an additional three-weekly brush cutting and edging to Heritage Park pathways and perimeters, weekly collection of palm fronds and litter collection throughout the park would require around \$37,940 in additional budget per annum. This would allow areas currently being servicing by Council staff to be reassigned to contractors.

- 10 Without identification of funding this additional work to maintain new planting areas is not possible. The first priority since adopting the budget is to recover the deficit throughout 2023/24. Unless decision was taken to reprioritise adopted budgeted and reduce expenditure in another area, funding of this new initiative cannot be achieved,

## Consultation and Engagement

- 15 Considerable engagement with community was undertaken through the recent public exhibition of the Landscape Master Plan for Heritage Park. This plan includes the Arboretum area. Full details on community feedback from the draft Master Plan is provided to Council in separate report.

## Report No. 13.23 Northern and Western Rail Corridor Reports

**Directorate:** Infrastructure Services

**Report Author:** Christopher Soulsby, A/ Manager Assets & Major Projects

**File No:** I2023/786

### 5 Summary:

In accordance with resolutions **22-409** and **22-412**, the purpose of this report is to present to Council the required investigative reports into the Northern and Western rail corridors prepared by consultants Burchills.

10 The Burchills' reports demonstrate that there are significant engineering challenges to progressing a multi use or rail with trail option. The issues associated the tunnels, bridges, embankments and land tenure would add significant cost to a project that had the trail off formation. It is recommended that Council seek funding to implement a rail trail on the northern and western sections of the rail corridor.



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### RECOMMENDATION:

20 **That Council proceeds with the planning, approval process, and preparation of an application for funding to implement on formation rail trails north of Mullumbimby to Crabbes Creek and west of Bangalow to Booyong.**

### Attachments:

- 1 Burchills Report 2023 - Western Rail Corridor - Bangalow to Shire Boundary, E2023/81333
- 25 2  Burchills Report 2023 - Northern Rail Corridor - Mullumbimby to Shire Boundary, E2023/81334 

## **Report**

At the 25 August 2022 meeting, Council considered two notice of motions and resolved as follows:

**22-409 Resolved that Council:**

- 5     1.     *Notes the removal of train tracks from the rail corridor north of Byron Shire following Tweed Shire Council's decision to implement a bike path in the rail corridor in their Shire.*
  
2.     *Receives a report on the rail corridor from Mullumbimby station through to the northern shire border:*
  - 10     a)     *Identifying known constraints of a trail beside the rail for the length of this section*
  - b)     *Detailing any offers or interest received from commercial or other operators to reinstate a form of rail transport in this section*
  - 15     c)     *Identifying cost savings that may be realised by utilising the corridor as part of the Mullum to Brunswick bike trail*
  - d)     *Providing a cost estimate and identifying funding sources for converting and then maintaining this corridor section as a bike and pedestrian track*
  - e)     *Detailing any benefits to the broader 'Northern River Rail Trail' of connecting to the Tweed section*

**22-412 Resolved that Council:**

1.     *Notes the previous unanimous support of council for the utilisation of the Rail Corridor through Bangalow from Rifle Range Road for bike and pedestrian travel*
  
2.     *Receives a report on the rail corridor from Bangalow station through to Binna Burra:*
  - 25     a)     *Identifying known constraints of a trail beside the rail for the length of this section*
  - b)     *Detailing any offers or interest received from commercial or other operators to reinstate a form of rail transport in this section*
  - c)     *Provide a cost estimate for implementing and maintaining annually a bike and pedestrian track along the rail corridor:*
    - 30     i.     *from the Bangalow Station to Rifle Range Road*
    - ii.    *from the Bangalow Station to the Bangalow Industrial Estate*
    - iii.   *from the Bangalow Station to Binna Burra*
  - d)     *Detailing any benefits to the community of building a bike and pedestrian track as above.*

- 35     The purpose of this report is to present to Council the required investigative reports into the Northern and Western rail corridors prepared by consultants Burchills.

The scope of the western rail corridor report was extended from Binna Burra to the Shire border at Booyong.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - INFRASTRUCTURE SERVICES

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Due to the conclusions of the Burchills reports, the recommendation of this report is that Council implement rail trails on formation north of Mullumbimby and west of Bangalow subject to external funding being available.

### Key issues

- 5 The Northern Rivers Rail Trail extends from Casino to Murwillumbah and is being progressively implemented.

Recently the Tweed section opened from Murwillumbah to Crabbes Creek.

### Next steps

- 10 Subject to the resolution of Council, potential funding to implement rail trails on formation north of Mullumbimby and west of Bangalow could be investigated.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<b>5: Connected Infrastructure</b> We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable	5.1: Provide a safe, reliable, and accessible transport network	5.1.4: Multi-use rail corridor - Activate the rail corridor for multi-use that provides expanded active and shared transport options catering to visitors and residents	5.1.4.1	Investigate use of the rail corridor

### Recent Resolutions

- 15
- Report to Council – 25 August 2022 (I2022/1157 – Western Rail Corridor Utilisation) Resolution 22-412 (Open)
  - Report to Council – 25 August 2022 (I2022/1156 – North Rail Corridor Utilisation) Resolution 22-409 (Open)
  - Report to Council – 26 May 2022 (I2022/621 – Byron Shire Rail with Trail Update) Resolution 22-224 (Open)
- 20
- Report to Council – 23 September 2021 (I2022/1538 – Byron Shire Rail with Trail Update) Resolution 21-389 (Open)
  - Report to Council – 24 June 2021 (I2022/1080 – Byron Shire Rail with Trail Update) Resolution 21-234 (Open)

## BYRON SHIRE COUNCIL

### STAFF REPORTS - INFRASTRUCTURE SERVICES

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- Report to Council – 25 February 2021 Resolution 21-053 (Closed) NoM – 22 October 2020 (I2022/1685 – MURC Bayshore DR to Tyagarah) Resolution 20-572 (Open)
- Report to Council – 24 September 2020 Resolution 20-518 (Closed)
- 5 • Report to Council – 26 March 2020 (I2020/479 – Byron Shire Rail with Trail Update) Resolution 20-127 (Open)
- Report to Council - 28 Nov 2019 Resolution 19-616 (Closed as per 21-053) Report to Council - 27 June 2019 Resolution 19-335 (Closed as per 20-518)

### **Legal/Statutory/Policy Considerations**

- 10 Not applicable

### **Financial Considerations**

Implementation of all options requires external funding.

### **Consultation and Engagement**

- 15 Preparation of the reports may have required the consultants, Burchills to engage with stakeholders.

## Report No. 13.24 Tender: 2023-1590 Provision of Mowing and Ground Maintenance Services

**Directorate:** Infrastructure Services

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

5 **File No:** I2023/886

### Summary:

On 10 January 2023, the General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract 2023-1590 – Provision of Mowing and Ground Maintenance Services.

10 The Request for Tender was advertised from 22 March 2023 to 26 April 2023. Tenders were received from the following organisations:

- Aruma Services
- Eviron Group
- HL Landscapes
- 15 • LD Total
- Leaf it to us
- North Coast Acreage Mowing
- Property and Infrastructure Group
- Summit Open Space Services
- 20 • Total Rural & Landscaping Pty Ltd

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 award the tender for Contract.



**RECOMMENDATION:**

- 5      1.    **That Council award Tender 2023-1590 – Provision of Mowing and Ground Maintenance Services to the preferred suppliers identified in the Request for Tender - Evaluation Report in the confidential attachment (E2023/55954).**
- 10     2.    **That Council makes public its decision, including the name and amount of the successful tenderers, in accordance with Clause 179(b) of the Local Government (General) Regulation 2021.**

**Attachments:**

- 15      1      Confidential - Request for Tender - Evaluation Report - Provision of Mowing and Ground Maintenance Services, E2023/55954

## Report

On 10 January 2023, the General Manager, under delegated authority, approved the use of the open tendering method to call for tenders for Contract 2023 – 1590 – Provision of Mowing and Ground Maintenance Services

- 5 The contract is to engage contractors to undertake mowing and ground maintenance services across the shire at various open space and utilities asset locations. This is the renewal of an existing contract. The contract provides an addition to existing services provided by Council staff. The Request for Tender sought responses from proponents to provide the mowing and ground maintenance works necessary to maintain amenity across various sites throughout Byron Shire.
- 10

The Contract is expected to commence in September 2023 for a period of 3 Years and 2 x 1 year extension options. Contract will be managed by Coordinator Open Space, Team Leader Open Space and a representative from Utilities.

Tenders were advertised as follows:

- 15
- VendorPanel Online: 22 March – 26 April 2023
  - Council website: 22 March – 26 April 2023

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

Tenders closed on 26 April 2023 and tenders were received from the following proponents:

- Aruma Services
- 20 • Eviron Group
- HL Landscapes
- LD Total
- Leaf it to us
- North Coast Acreage Mowing
- 25 • Property and Infrastructure Group
- Summit Open Space Services
- Total Rural & Landscaping Pty Ltd

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

- 30 *Mandatory criteria:*

## BYRON SHIRE COUNCIL

### STAFF REPORTS - INFRASTRUCTURE SERVICES

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- 5
- 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.
  - 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.

*Qualitative criteria:*

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

- 10
- Following the evaluation, the Evaluation Panel conducted referee and financial checks on the preferred tenderer/s. The results of these checks were deemed by the Evaluation Panel to be satisfactory as detailed in the attached Evaluation Report.

### **Financial Considerations**

The price basis for the contract is a schedule of rates.

Council spends over \$500,000 per year on contracted mowing and ground maintenance services.

There is sufficient funding for the proposed contract in the current 2023/24 budget across different budget programs that use contracted mowing services.

## 5 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.

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

### Local Government (General) Regulation 2021 - Reg 178

#### [Acceptance of tenders](#)

#### 178 Acceptance of tenders

- 15 (1) *After considering the tender submissions for a proposed contract, the council must either—*
- (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.*
- 20 (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 submissions.*
- 25 (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*
- 30 *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.*
- (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,*
  - 35 (b) *invite, in accordance with section 167, 168 or 169, fresh tender submissions based on the same or different details,*

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- 5
- (c) *invite, in accordance with section 168, fresh applications from persons interested in making a tender submission for the proposed contract,*
  - (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,*
  - (f) *carry out the requirements of the proposed contract itself.*
- 10
- (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 submissions 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).*
- 15

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

## **Report No. 13.25    Bangalow Sports Fields Plan of Management and Landscape Masterplan**

**Directorate:** Infrastructure Services

**Report Author:** Malcolm Robertson, Manager Open Space and Facilities

5    **File No:** I2023/830

### **Summary:**

A Plan of Management has been prepared for the Bangalow Sportsfields that:-

- Specifies the purposes for which the land, and any buildings or improvements, will be permitted to be used
- 10    • Specifies purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
- Specifies and describe the scale and intensity of any such permitted use or development.

15    An associated Landscape Master Plan for the reserve has been developed that lays out preferred options for the future development and upgrade of the Sportsfields precinct.

Following public exhibition of the draft documents and consideration of community feedback, the documents are now presented for Council consideration and adoption.

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### **RECOMMENDATION:**

**That Council adopts the Bangalow Sportsfields Plan of Management (Attachment 5) and associated concept Landscape Master Plan (Attachment 6).**

25

### **Attachments:**

- 1    Survey Responses Redacted - Bangalow Sports Fields Plan of Management and Landscape Master Plan - Public Exhibition, E2023/56750 
- 30    2    Bangalow Bluesdogs Soccer Club Sports Field Plan of Management - Public Exhibition Submission, E2023/53570 
- 3    3    Bangalow Bluesdogs Proposed Field Layout Options, E2023/54674 
- 4    4    Review of Responses to Public exhibition Bangalow Sports Fields Plan of Management, E2023/56749 
- 35    5    Final Draft Bangalow Sportsfields Plan of Management, E2023/56746 
- 6    6    Final Draft Bangalow Landscape Master Plan, E2023/56745 

## **Report**

This Plan of Management has been prepared to be as flexible and enabling as possible, recognising the constraints associated with the land, and to allow it to meet current community sporting and Council needs.

- 5 Initial engagement with Bangalow Sportsfields user groups and community stakeholders saw over 200 submissions from community and allowed draft plans to be produced that were largely in alignment with community expectations. The draft plans were placed on public exhibition from April 3<sup>rd</sup> until May 18<sup>th</sup> 2023.

- 10 Over 40 comments were made by clubs and the community on the Bangalow Sports Fields Draft Plan of Management And Master Plan. Attachment 1 provides the Your Say comments and feedback in full. Attachment 2 is a detailed response submitted by the Bangalow Blue dogs football club, along with Attachment 3 containing suggestions for amended field layouts also presented by Bangalow Blue dogs.

- 15 There were no significant changes to either Plan of Management or Landscape Plan arising from the public exhibition. Consideration of all comments is provided in attachment 4, along with detail of resulting amendments where applicable. Community comments were in four main themes, being:

1. *Provide more generic references in the Plan Of Management to enable flexibility.*

- 20 In general, this is agreed and flexibility is seen as an important aspect of the Plan of Management and Concept Landscape Plan, however the flexibility suggested was primarily around things that cannot be achieved. Changing wording to allow for construction of buildings on flood prone land or provision of additional facilities for which there is no space adds no value to the document.

2. *Desire for the amenities building to be significantly larger.*

- 25 There is only one location for a central amenities block due to flooding and access, and the available footprint is relatively small. It is suggested that the playground could move to accommodate a bigger building, but this would enable only a marginal increase of building footprint. It is also not desirable to constrain the configuration of fields any further by building amenities between playing fields.

- 30 The need for a central amenities block is constrained by available land across the whole reserve. The compromise was to provide a two storey block in the same footprint as existing, supported by two small satellite facilities with accessible amenities and shelter at either end of the park.

3. *Suggestion to move the playground to make it larger and safer.*

- 35 Consultation with the wider community did not recommend either relocation of the playground nor increase in size. It was recommended that the play area retained a small footprint because of the availability of alternate playgrounds in nearby, non-sporting sites such as Piccabeen Park. The current play area has good sight lines and is centrally located. The design concept provided resolves concerns raised with the path and fences the play area from adjacent vehicle accessways.

*4. Options for the layout of pitches.*

These were considered in detail with the clubs. The survey drawing shows that it is not possible to fit two rugby pitches side by side in the north cricket oval and the only way this could be achieved would be by the flexibility of rugby using the second oval. The soccer club drawings of the fields (Attachment 3) confirm inadequate space for two fields. The drawing provided shows the wrong field orientation. In this proposal even without required runout space fields extend over the pathway.

## **Strategic Considerations**

### **Community Strategic Plan and Operational Plan**

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
<b>5: Connected Infrastructure</b> 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	5.4.4.3	Complete review of Plan of Management and associated Landscape Masterplan for Bangalow Sportsfields and seek funding opportunities for implementation

## **Financial Considerations**

The adoption of the Plan of Management and Landscape Master Plan will provide the basis for future funding applications to enable development of the Sportsfields.

The current project to upgrade the Sportsfields lighting across the precinct is being implemented through a \$795,000 grant from the NSW Government's Essential Community Sports Assets Program and is indicative of potential funding sources that may be leveraged to further enhance this facility.

## **Consultation and Engagement**

Initial engagement with Bangalow Sportsfields user groups and community stakeholders saw over 200 submissions to "Your Say" survey in 2022. This allowed draft plans to be produced that were placed on public exhibition from April 3<sup>rd</sup> until May 18<sup>th</sup> 2023 and received an additional 40 comments from clubs and community.



## Report No. 13.26 Tender: Bangalow Sportsfield Lighting

**Directorate:** Infrastructure Services

**Report Author:** Malcolm Robertson, Manager Open Space and Facilities  
Jamie Steel, Project Officer Open Space & Facilities

5 **File No:** I2023/926

### Summary:

On 26 June 2023 the General Manager under delegated authority approved the use of the open Tendering method (Contract 2023-1783) for supplier submissions to Design and Construct new light Poles and LED Lighting fixtures within the Bangalow Sports Fields.

10 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 Tender responses and provides recommendation to award the Tender for Contract 2023-1783.

15 Request For Tender 2023-1783 was advertised from 26 June to 24 July 2023. Tender Submissions were received from the following Suppliers:

- Darcy Electrical
- Green Energy Queensland
- JSG Solutions
- NCEC – Sturdy Light
- 20 • O'Brien Electrical
- Precision Sports Lighting - Smartlux
- T2 Group – Sylvania Lighting
- Thearle Electrical

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**RECOMMENDATION:**

**5 That Council:**

- 1. Awards Tender RFT2023-1783 Bangalow Sports Field Lighting Upgrade to the preferred supplier identified in the Attached confidential Tender Evaluation Report (E2023/78325)**
- 10 2. 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.**
- 3. Increases the capital expenditure budget (GL 4835.297) for this project by \$412,500 funded from the remaining grant funding for this project.**

**Attachments:**

**15**

- 1 Confidential - Tender Evaluation Report RFT 2023-1783, E2023/78325**

## Report

Bangalow Sports field is an extensively used piece of Community Infrastructure. It hosts a wide variety of Sporting Associations and their respective competitions, and for passive recreation uses. Currently the existing lighting is outdated and does not meet AS.NZS 3827.2-1998 requirements for Competition Play.

On 26<sup>th</sup> June 2023 the General Manager under delegated authority approved the use of the open Tendering method (Contract 2023-1783) for Supplier Submissions for the Design and Construction of new Light Poles and LED Lighting fixtures to Bangalow Sports Fields.

Tenders have been assessed in accordance with the provisions of the Local Government (General) Regulation 2021.

The Request For Tender 2023-1783 was advertised as follows:

- Vendor Panel: 26 June to 24 July.
- Council Website: 26 June to 24 July.

An Evaluation Panel was formed comprising of (2) Council staff members and (1) external Consultant.

Tenders closed on 24 July and Submissions were received from the following Suppliers:

- Darcy Electrical
- Green Energy QLD
- JSG Solutions – Vailo Lighting
- NCEC – Sturdy Light
- O'Brien Electrical
- Precision Sports Lighting – Smartlux
- T2 Group – Sylvania Lighting
- Thearle Electrical – Sylvania Lighting

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

### *Compliance 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.

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- 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.

5 *Qualitative criteria:*

Criteria	Elements
Profile and relevant experience	Tenderer profile
	Previous relevant experience
Quality and availability of resources	Proposed key personnel
	Proposed staff
	Use of subcontractors
Delivery Plan	Goods/services standards and methodology
	Implementation plan
	Opportunities for people experiencing disadvantage
	Employment Opportunities
	Environmental Practices
	Commitment to purchase supplies/services from NOROC business
	Supporting local business, social enterprise, and Indigenous business
Price	Total contract price

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.

RFT2023-18-783 Bangalow Sports Field Lighting Upgrade Successful Supplier will:

- 10 • Design and Construct/install new Folding (Mid or Base Hinged) Light Poles up to 32 metres in height, complete with new code compliant LED Lighting to light the entire Bangalow Sports Fields playing surfaces to a minimum average 150LUX level (in accordance with *AS Lighting for Roads and Public Spaces Standard*) initially and warranted to not diminish to less than 100LUX over a period of 15 years.
- 15 • Provide warranty/s as specified to all components for a period of 10 years.
- Removal/Disposal of existing Perimeter timber light poles, light fittings/fixtures and associated power supplies.
- Design and Construction will adhere to conditions/requirements of Bangalow Draft Masterplan, Tender documents and REF 7843 (Review of Environmental Factors).

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<b>5: Connected Infrastructure</b> 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	5.4.4.3	Complete review of Plan of Management and associated Landscape Masterplan for Bangalow Sportsfields and seek funding opportunities for implementation

## Financial Considerations

- 5 The price basis for the contract is a lump sum Contract for the Design and Construct/installation of new Sports Field Lighting to Bangalow Sports Fields.

Council has secured Grant Funds through the NSW Office of Sports – Essential Community Assets Program to the sum of \$795,350.00 (ex gst). There is a high degree of confidence that this will be sufficient funding to complete the project.

- 10 To date Council has received \$382,901.70 in grant payments to 30 June 2023 for this project that will be carried over to the 2023/24 budget subject to a separate report to this Ordinary Meeting. Should Council award the Tender subject of this Report, it should also increase the capital expenditure budget to the extent of the available grant funding ie \$795,400 less proposed carry over \$382,900 leaves \$412,500 additional required budget to meet the grant funding. Currently there is no 2023/24 budget for this project.

### 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) Regulations 2021 define the options available to Council. An extract is provided below.

**Local Government (General) Regulation 2021 – Reg 178**

**Acceptance of Tenders**

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

- 5     *(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.*

10     *(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.*

15     *(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.*

20     *(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,*  
*(b) invite, in accordance with [section 167](#), [168](#) or [169](#), fresh tender submissions based on the same or different details,*  
25     *(c) invite, in accordance with [section 168](#), fresh applications from persons interested in making a tender submission for the proposed contract,*  
*(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*  
30     *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--*

- 35     *(a) the council's reasons for declining to invite fresh tender submissions 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).*

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

## **Consultation and Engagement**

Byron Shire Council employed the services of Planit Consulting Pty Ltd to assist Council with Project Management, Tender Documentation, Review of Environmental Factors, and as part of the Tender Evaluation Panel.

- 5 Extensive engagement with the Bangalow Community and Sportsfields user groups was undertaken within the review of the Plan of Management for the Bangalow Sportsfields. Through this engagement process upgrade of Sportsfields lighting was identified as a priority improvement for the reserve.

## Report No. 13.27 Mullumbimby Heritage Park Landscape Masterplan

**Directorate:** Infrastructure Services

**Report Author:** Malcolm Robertson, Manager Open Space and Facilities

5 **File No:** I2023/1083

### Summary:

A Landscape Masterplan has been prepared for Heritage Park Mullumbimby with the intention of to establishing a shared vision for this important open space. The Landscape Masterplan lays out preferred options for the future development and upgrade of the park.

10 Following public exhibition of the draft documents and consideration of community feedback, the Landscape Masterplan is now presented for Council consideration and adoption.





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### RECOMMENDATION:

**That Council adopts the Heritage Park Landscape Masterplan (Attachment 1, E2023/78596).**

### 20 Attachments:

- 1 Heritage Park - Landscape Master Plan FINAL, E2023/78596 
- 2 Redacted Submissions Heritage Park Draft Masterplan, E2023/73150 
- 3 Comments from online survey (Redacted), E2023/73164 
- 25 4 Community Comments Responses from Plummer & Smith - Heritage Park Masterplan, E2023/78598 



## Report

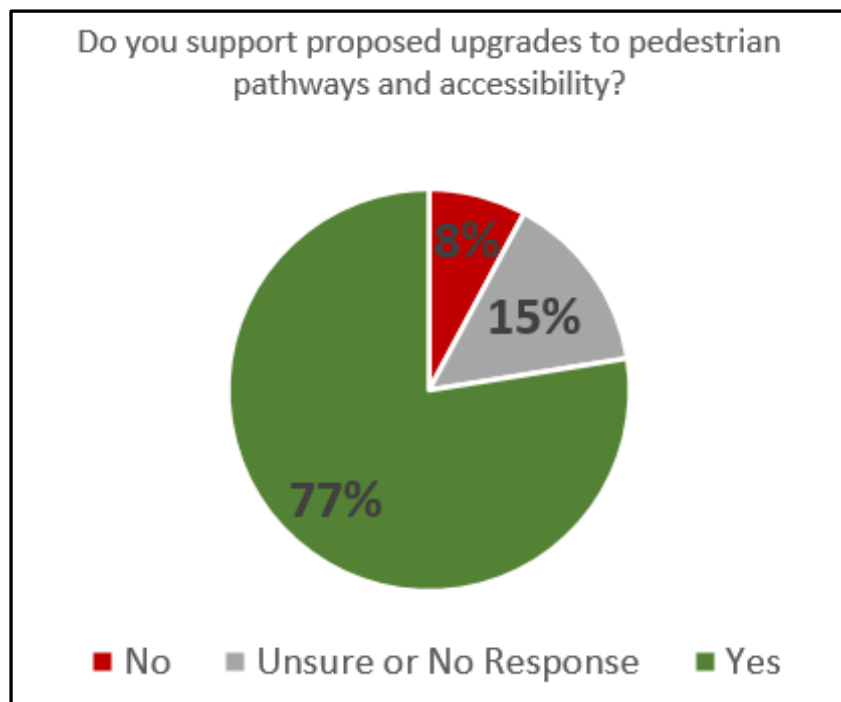
The Landscape Master Plan outlines landscape treatments and design strategies for Heritage Park, Mullumbimby. The plan seeks to promote environmental, cultural, and open space outcomes in a space that is a celebration of the diverse local community.

- 5 The online survey received 89 submissions, with a further 12 formal submissions received. All submissions and responses are attached to this report for reference. The main issues raised, and responses are outlined below.

### Accessibility and Connectivity

- 10 Upgrade to accessibility was strongly supported. Accessibility within the park is currently very poor in all areas north of Tincogan Street. Improving accessibility within the park not only increases the potential park uses and users but also opens the opportunity for connecting the park to Mullumbimby town centre circulation - thereby providing benefits to both.

- 15 Seven submissions did not support improved accessibility, and with only one exception these were strongly focused on retention of the boat ramps.

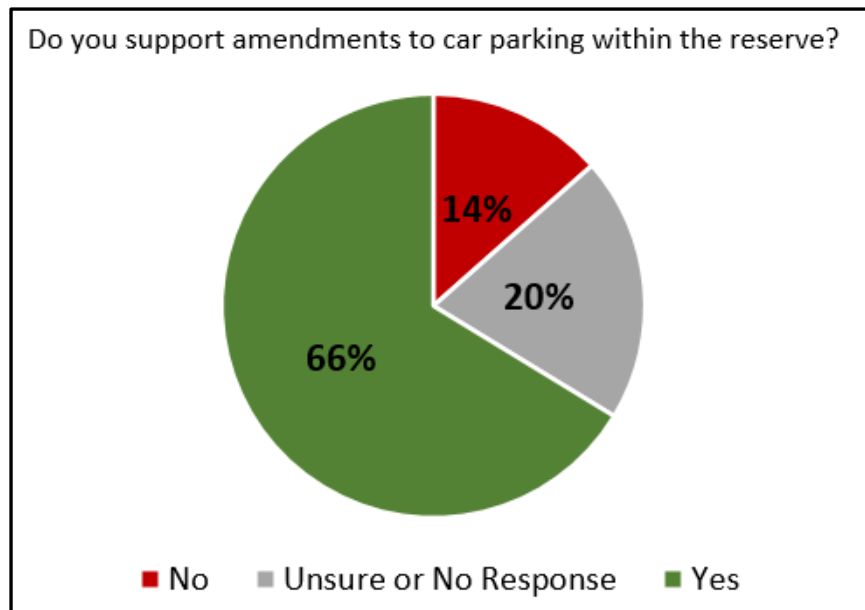


### Vehicle Access

- 20 Prioritising people oriented open space and riparian health will mean the removal of informal car parking and vehicular access from the northern end of the park. Car parking to the western river access will be upgraded and rationalised with accessible car parking.

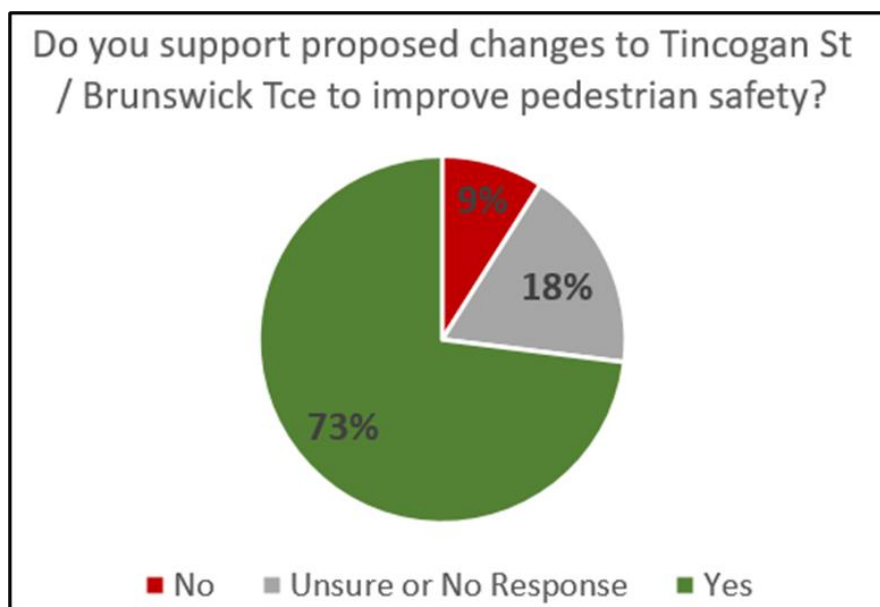
On street car parking and existing car parking near the tennis court will be retained and upgraded. This will improve safety, ecological issues, and enhance usable public open space.

66% of respondents (59) supported the proposed changes that restrict vehicles from accessing the parklands. 14% (12) that did not support the changes were all strongly in favour of retaining the boat ramps.



5 Proposed changes to the Tincogan Street / Brunswick Terrace intersection

65 submissions (73%) were in favour of the proposed changes to improve pedestrian safety at the Tincogan street crossing.



10 Nineteen submissions commented on the concept plan for the pedestrian crossing with nine of these submissions providing suggestions for additional changes including;

- The proposed refuge island is not wide enough for someone on a bike to safely stop in the middle and even worse for a family walking together or on bikes.

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The refuge island will provide a minimum storage width of 2.5m to accommodate cyclists.

- Safety of the intersection could be improved by firstly reducing the speed limit to and from Federation Bridge as well as improving signage.

5 This will be considered within the detailed design process; however the speed limit is set by the State Road Authority and any reduction in speed will be assessed by Transport for New South Wales.

- Put a small roundabout at the intersection which would aid in traffic flow and also reduce the speed of vehicles.

10 A roundabout/traffic circle is not supported at this location due to geometric constraints and issues roundabouts can pose for on-road cyclists.

- Has a pedestrian crossing been considered? I believe the installation of a zebra pedestrian crossing where the current informal crossing is on Tincogan Street/Murwillumbah Road would be a great way to connect the already popular walking paths and highly improve pedestrian safety.

15 It would be difficult to achieve the required sight distance (Tincogan St approach) required for a Zebra at this location.

- I'd like to see a speed hump/cross walk similar to the one at St Johns school and/or noise strips in the lead up to the crossing. The plan looks insufficient to slow down traffic travelling from Mullum around the corner.

20 A raised crossing would assist in reducing vehicle speeds, however the same sight distance considerations apply as the Zebra crossing requirements.

- Our Mullumbimby Masterplan mentions 'Investigate the potential for Brunswick Terrace to become a cul-de-sac where it meets Tincogan Street and Federation Bridge'. Brunswick Terrace splays out widely near the intersection of Tincogan St giving ample room for a turning circle to be constructed.

This can be considered throughout our investigative processes and detail design.

- It is not clear what formalise parking means. We would like details and clarification of what this actually means. Formalised car parking along the road in Burringbar St and Gordon St makes more sense than Brunswick Terrace.

30 Formalising carparking refers to clarifying where you can and cannot park with line-marked parking bays or re-enforcing existing parking restrictions (road rules) which may not be known to everyone.

- Installation of a barricade to prevent vehicles turning into Brunswick Terrace will only increase the speed of vehicles as they no longer have to steady for turning vehicles.

35 This will be considered during our investigation processes and detail design.

- There are no line markings on Tincogan to indicate which side of the road vehicles should drive on. Putting line markings back on the road would increase the safety of the intersection as vehicles would have a guide for where to drive.

This work has been scheduled.

- 5
- Tyagarah Street is too narrow, passing cars are forced onto the grass nature strip to allow other vehicles to pass and avoid collisions. Further, the state of Tyagarah Street is in disrepair and as a person with back injuries, the road is too rough to travel on.

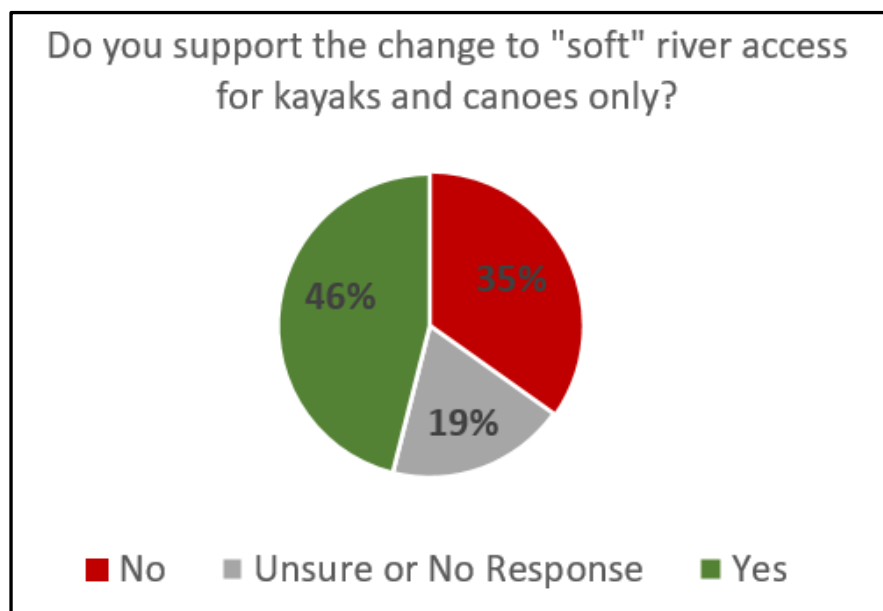
10 This information has been passed onto our operations department to investigate and resolve.

Of the eight submissions that did not support the changes only three commented, and these were all residents of Brunswick Terrace concerned about restrictions on access to their homes. Residents of Brunswick Terrace also separately presented concerns about the potential inconvenience from having to drive around the block.

15 Change to “soft” river access from within the park for kayaks and canoes only

46% of respondents (41) supported changing the boat ramp into a kayak launching facility only. Comments from supporters of this change focused on the environmental damage from power boats and improving the quality of the park by reducing access to foot traffic.

20 31 (35%) strongly supported retention of the boat ramps, with 27 people commenting as to why the ramps should be retained. Key issues were distance to Brunswick Heads, lack of an alternate option around Mullumbimby and historical connections with the river.



The Mullumbimby Residents Association strongly advocated for a new motor boat launch site to be developed close to Mullumbimby prior to removal of the existing ramp.

Because of the strength of community concern, the suggestion to remove both boat ramps has been amended. The Heritage Park West boat ramp, located near Federation Bridge is now proposed to be retained in the Masterplan. The retention of this boat ramp will entail a formalised car park with the existing boat ramp retained in it's current condition with potential for renewal, subject to future funding.

As recognised within the plan, maintaining and formalising boat access will result in significant loss of public open space for required vehicle movements and associated parking. This runs counter to community desires for maximising usable open space. Beyond the park boundaries the small residential village streets are already under strain from increasing traffic movements and parking. Parking space on the reserve for boats and trailers is limited, so this option is effectively encouraging large vehicles and boat trailers into these streets. In case there is a need for future review, the alternative option for this area to be a 'soft' river access is retained as an option for future consideration in section 3.7.

### Dog Management

The Masterplan is silent on dog exercise areas, with areas identified for open space recreation without specifying any compliance restrictions. The lack of specific detail around control over dog access has alerted many people who were recently engaged with the Dogs in Public Spaces Strategy.

The Landscape Masterplan is focused on landscape treatments and design strategies rather than specific uses, restrictions or compliance over those spaces. The Landscape Master Plan presents open spaces that may have multiple uses. Regulation and compliance over uses of those spaces sits within Management Planning for the reserve stands separately from the Landscape Masterplan.

Of note;

- 21 submissions requested that the existing off leash dog area be maintained.
- 3 submissions suggested that dogs could use the pathway through the Arboretum, but only if on lead.

The Mullumbimby Residents Association conducted their own survey on this matter and also found preference for an off-leash dog area to be retained in the far eastern end of Heritage Park.

The use of Heritage Park as an off-leash dog area was considered in the Dogs in Public Spaces Strategy, adopted by Council in December 2022. Consideration on the implications of removing the off-leash area from heritage Park was taken at Council's meeting on 25 May 2023, with decision deferred until the new Lot 22 off leash exercise area is operational.

### Arboretum

Several community members raised concerns about funding, affiliations and “values” relating to the Arboretum. These are management issues rather than landscape design and need to be considered separately to this plan.

- 5 The Landscape Masterplan does recognise to the values of history and environmental significance throughout report. IN response to the community concerns an additional note (page 36) has been added that “*Opportunities for ecological and plant educational signage throughout the Maslen Arboretum area to celebrate this environmental and community asset. Works to not negatively impact Arboretum vegetation.*’
- 10 Some concern was expressed about vegetation management within the Arboretum. Only selective and careful pruning to manage pathway use is proposed. No other clearing is suggested.

- 15 It was also suggested that a light-coloured surface treatment should be used through the arboretum. Asphalt has been recommended as pathway material through the arboretum due to access, construction, and maintenance reasons. The asphalt surface proposed is more practical and will limit any impact on existing trees. A light-coloured surface is not supported as a coloured surface would also quickly become dark and dirty due to moisture, leaves and lack of direct sunlight.

### Pedestrian Bridge

- 20 Submission was received suggesting that a pedestrian bridge linking Pine Avenue precinct and Burringbar Street should be included. While this proposition for pedestrian linkage is a visionary aspiration, the complexity around location, linkages, land tenures and potential cost suggest that any consideration should be undertaken as a separate project outside of the scope of this Masterplan.

### 25 Art and Sculpture Elements

- 30 It was proposed that all park furniture including, shelters, footbridges, seating etc. should be designed and commissioned by local artists and designers. The Masterplan does not dictate detail design but rather provides guidance as to the location and style of infrastructure. Any new works within the park will be staged and the staging of these works will be guided by need, community desires, and available funds and works programming. The masterplan and associated costings are designed to guide future works, assist with funding allocations and applications, and staging. Council seeks to support local suppliers in all procurement processes where possible.

- 35 Suggestion is also that the Masterplan needs to recognise specific sites for indigenous statement artworks. The plan already proposed locations for that cultural and environmental interpretation and wayfinding, Community consultation will continue as the project proceeds to detail design and Council has committed within the Masterplan to providing opportunity for Arakwal artists to have their art on display.

### Exercise Equipment

The Mullumbimby Residents Association advocated for inclusion of outdoor exercise equipment as an enhancement. A location within the Landscape Masterplan has not been defined for exercise equipment, however this does not constrain consideration should future funding allow for an installation.

## 5 Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<b>5: Connected Infrastructure</b> 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	5.4.2.4	Complete Landscape Master planning for Heritage Park, Mullumbimby and seek funding opportunities for implementation

### Recent Resolutions

#### RESOLUTION 23-210

- 10 *That Council notes the implications of excising the Heritage Park off-lead exercise area detailed in this Report.*  
 Once the Lot 22 exercise area is operational then Council considers the future use of the Off-Lead dog area within Heritage Park

#### RESOLUTION 21-375

- 15 *That Council allocates \$20,000 from the existing \$87,300 budget allocated to Heritage Park Infrastructure Works to fund development of a Masterplan for Mullumbimby Heritage Park.*  
*That the Masterplan is to ensure that pedestrian and cycle links between Palm Park, Heritage Park and across Tincogan Street are improved to a safe accessible standard for all users.*  
 20

### Financial Considerations

Adoption of the Heritage Park Landscape Masterplan will provide a solid basis for future grant funding applications.

### Consultation and Engagement

- 25 The draft Landscape Masterplan was developed through external consultation with TBLALC, Arakwal Board, Mullumbimby Residents Association, Maslen Arboretum

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representatives, Creative Mullum, the Byron Place Planning Collective, and casual park users. Public Exhibition of the draft Masterplan saw 101 submissions.



## Report No. 13.28 Update on the Additional Flow Path project - Response to Council Resolutions 23-108 and 23-277

**Directorate:** Infrastructure Services

5 **Report Author:** Pablo Orams, Integrated Water Management Officer

**File No:** I2023/1160

### Summary:

10 The Additional Flow Path (AFP) has undergone initial tests. However, it is not yet fully operational. Resourcing and technical issues have delayed the project commissioning process. Council have asked staff for extensive information regarding the status of the project:

1. **Res. 23-108** (Council Meeting of 13 April 2023) requested a response to NoM. 9.1 (see **Attachment 1**). Staff prepared a comprehensive report to address this request (see **Attachment 2**). The full Resolution is included below:

	<b>Notice of Motion No. 9.1 Alternative Flow path Bayshore Drive</b> <b>File No:</b> I2023/490
<b>23-108</b>	<p><b>Resolved that:</b></p> <ol style="list-style-type: none"> <li>1. Council receives a Report at the 25 May 2023 ordinary meeting outlining the progress of the additional/alternative flow path including: <ol style="list-style-type: none"> <li>a. How often it is used and in what conditions, i.e. wet weather and dry weather.</li> <li>b. The amount of water transferred down it from the STP under various conditions, including as a percentage of total out flows.</li> <li>c. Any filling that has been done to grade the drain toward west Byron and its effectiveness.</li> <li>d. Performance relative to initial project objectives.</li> <li>e. Impact on the amount of water leaving the STP through the drain on the Flick's property.</li> <li>f. The hydraulic efficacy of the flow path, given the stagnant water apparent in the photographs attached in the Notice of Motion.</li> </ol> </li> </ol>

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	<p>2. The Report also goes on the agenda of the next meeting of Council's Water &amp; Sewer Advisory Committee.</p> <p><i>The motion was put to the vote and carried unanimously.</i></p>
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2. **Res. 23-277** (Council Meeting of 22 June 2023) requested further clarification regarding Res. 23-108, and included various additional questions to staff. The full Resolution is included below:

	<b>Report No. 13.20</b>	<b>Project update - Additional Flow Path</b>
	<b>File No:</b>	I2023/874
<b>23-277</b>	<b>Resolved:</b> <ol style="list-style-type: none"><li>1. That Council notes the Additional Flow Path (AFP) project report dated May 2023</li><li>2. That Council receives a Report that responds to all Parts of Resolution 23-108 including Part 1(f) and also assesses:<ol style="list-style-type: none"><li>(g) whether Council should have and does have a Legal Point of Discharge from Council's STP land onto the Flicks' property;</li><li>(h) current condition of vegetation on the AFP as a starting point for Drain Maintenance, which was discussed in Section 3.3 of Attachment 2;</li><li>(i) when periodic checks of vegetation should commence;</li><li>(j) the likely annual cost of mechanical vegetation removal and which Council Fund should cover that cost.</li><li>(k) That also assesses capacity to go beyond 1 megalitre per day into the AFP during the trial period and up to the maximum possible whilst maintaining environmental flows at EPA 4</li></ol></li><li>3. That a detailed response is provided in the next Ordinary Council Meeting in August 2023.</li></ol>	

- 5 Staff's responses to item 2 of Res. **23-277** are provided in the report below. Staff requests feedback and advice from Council regarding the issues in question.

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### RECOMMENDATION:






- 10 **That Council notes this report.**

# BYRON SHIRE COUNCIL

## STAFF REPORTS - INFRASTRUCTURE SERVICES

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### **Attachments:**

- |    |   |
|----|---|
| 1  | Report 13/04/2023 Council (Planning) Alternative Flowpath Bayshore Drive, I2023/490                  |
| 2  | Report 22/06/2023 Council Project update - Additional Flow Path, I2023/874                           |
| 5  | 3 Byron Bay Integrated Water Management Reserve BBIWMR - Surface and ground water review, E2023/19414  |
| 4  | DRAFT AFP Discharge Draing Modelling BMT, E2020/35472    |
| 5  | Confidential - BSC legal advice - 27 July 2023 - Byron sewerage treatment plant - drainage rights, E2023/79546  |
| 10 | 6 DRAFT AFP Operating Manual and Functional Specification 31 May 2023, E2023/54928                   |

## Report

### Staff's response to Resolution 23-277

#### **Question 1: That Council receives a Report that responds to all Parts of Resolution 23-108 including Part 1(f).**

- 5        **a. How often it [the AFP] is used and in what conditions, i.e. wet weather and dry weather.**

The AFP was designed to be utilised during dry weather conditions.

- 10       The operational protocol (which will define how often the AFP can be used) and the monitoring/instrumentation infrastructure needed to implement that protocol are being revised based on the ongoing AFP testing regime.

- 15       Various effluent release trials were undertaken between May and July 2023 to test the infrastructure (e.g. pumps, instrumentation, etc).

A more substantial effluent release exercise was done on early August, with 2.5 ML being released on a 7-hour system run.

- 20       Staff are observing system performance in preparation to further operational tests.

- b. The amount of water transferred down it from the STP under various conditions, including as a percentage of total out flows.**

- 25       This will be defined through operational testing of the AFP. Effluent will be released in increments to gauge system performance and impacts on the surrounding catchment.

- 30       Council recommended staff to develop an ambitious testing regime. 2.5ML/day have been released during the last AFP operational test.

The testing regime is being revised based on this experience.

- 35       **c. Any filling that has been done to grade the drain toward west Byron and its effectiveness.**

The AFP drain grade is roughly 0.1%.

- 40       The highest point of the graded drain of the AFP and the lowest point of the pipe (at the Pocket Park) are the same.

The surveyed pipe invert level is IL 2.70. The lowest point of the graded drain is at the upstream headwall of the Ewingsdale Road crossing with an approx. invert of IL 2.18.

During the latest effluent release trial of 2.5ML/day, flow was observed throughout the length of the AFP drain.

- 5 Staff will continue to assess conveyance effectiveness as AFP testing progresses.

**d. Performance relative to initial project objectives.**

- 10 As the AFP is not yet fully operational, it's performance against initial objectives is yet to be assessed.

15 The AFP needs to be operated within a complex set of objectives, including reduction of effluent discharge via current discharge path, wetland function for effluent treatment, management of acid sulphate soils (ASS) and peat fires, effluent reuse and environmental flows for biodiversity.

- 20 It is important to emphasize that a performance assessment framework for the AFP will be developed and tested overtime. Outcomes related to reduction of effluent discharge via the current flow path (i.e. discharging at EPA point 4) may be evident as soon as the AFP is fully operational. However, assessing performance related to the mitigation/improvement of environmental outcomes (i.e. wetland functions, ASS/peat fires, biodiversity, flooding of neighbouring land, etc.) will require on-going monitoring and evaluation over a longer period (e.g. 1-2 years).

25 **e. Impact on the amount of water leaving the STP through the drain on the Flick's property.**

- 30 Careful interpretation and analysis of available information suggests that increase in surface water levels within the Farm Drain and Upper Union Drain correspond with recent La Niña conditions, with rainfall being the strongest driver for changes in water levels. It is also suggested that water logging in neighbouring low-lying farmland (of which a substantial portion sits below sea level) may be exacerbated due to insufficient conveyance capacity / constrains in the Drainage Union drain network. Also, further monitoring infrastructure is required to better understand groundwater dynamics across and around the BBIWMR site and surrounding areas.

- 40 Further understanding of the linkages between effluent discharge and the dynamics of the surrounding catchment will be informed by monitoring data collected over the first 1-2 years of the AFP operation.

A detailed study of this issue is available in **Attachment 3**.

**f. The hydraulic efficacy of the flow path, given the stagnant water apparent in the photographs attached in the Notice of Motion.**

5 The hydraulic calculations for both the piped and open channel drainage lines of the AFP are based the report from BMT named *Byron Industrial Estate STP Discharge Drain Modelling* (see **Attachment 4**).

10 In brief, modelling in this report suggests that:

- In dry weather, the effects of increase of the STP discharge into the AFP from 3ML to 7ML a day alone are negligible and have minimal effect on water levels in the drainage lines.
- 15 - In wet weather, that is when combined with a 10-year ARI event, minor increases are observed in the downstream drainage line.
- At the predicted peak water levels in the drainage lines, inclusive of the STP flow and a 10-year ARI catchment event, there remains freeboard within the drainage line.
- 20 - Overall, the addition of flow to the AFP drainage lines has not been observed to impact on flooding in the Industrial Estate up to a 10-year ARI event.

25 The last effluent release test saw 2.5ML/day flow into and through the AFP drain. Modelled drain capacity will be further verified through upcoming system tests.

It must be noted that silt and debris are likely to accumulate in the drain from time to time. This will be managed via periodic drain inspections and clearing.

30 **Question 2: Whether Council should have and does have a Legal Point of Discharge from Council's STP land onto the Flicks' property.**

CONFIDENTIAL legal advice regarding this question is provided in **Attachment 5**.

**Question 3: Current condition of vegetation on the AFP as a starting point for Drain Maintenance, which was discussed in Section 3.3 of Attachment 2.**

35 The "*Attachment 2*" referred to in the above question is the AFP Draft Operating Manual and Functional Specification document (see **Attachment 6**), which was included as part of staff response to Res. 23-108.

40 While the current condition of the vegetation on the AFP drains hasn't been assessed by a subject-matter expert (i.e. water sensitive urban design - WSUD), staff have identified sections of plant overgrowth that may not align with the operational specifications for the system.

Clearing of the identified overgrowth will be undertaken in parallel to the revised AFP testing regime, as water flows can be used to control condition of drain vegetation.

During the last effluent release (2.5ML/day), overgrowth appeared to slow-down water movement during the early stages of the trial, but flow was clearly observed at the down-stream end of the AFP drain after 1-2 hours.

- 5 Mechanical removal will be required. Utilities is collaborating with the Works department to assess the feasibility of mechanical removal considering drain design, WSUD requirements and access (e.g. safety fencing may limit access for required machinery). A first drain clean is be scheduled for late August / September, weather-permitting.

**Question 4: When periodic checks of vegetation should commence.**

- 10 The AFP Draft Operating Manual and Functional Specification document (see **Attachment 6**) recommends that “Periodical checks and mechanical removal of vegetation overgrowth is recommended.”

- 15 The frequency of vegetation checks will be informed by the outcomes of the AFP testing regime and the finalisation of the Operating Manual and Functional Specification document.

**Question 5: The likely annual cost of mechanical vegetation removal and which Council Fund should cover that cost.**

The cost of mechanical vegetation removal is still to be defined.

- 20 Considering that the AFP drains will also receive stormwater flows from the surrounding catchment (i.e. Industrial State), drain maintenance costs are likely to be shared between the Utilities and Works Departments.

**Question 6: That also assesses capacity to go beyond 1 megalitre per day into the AFP during the trial period and up to the maximum possible whilst maintaining environmental flows at EPA 4**

- 25 Staff have noted Council’s recommendation to increase the scale of effluent release tests. A reviewed testing regime is being finalised. A release of 2.5ML/day was undertaken on early August. Staff are assessing the outcomes of these trials to review the AFP Operating Manual and Functional Specification, as well as the monitoring/instrumentation infrastructure to implement it adequately.

30

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

**Report No. 14.1      Report of the Arts and Creative Industries  
Advisory Committee Meeting held on 29  
June 2023**

**Directorate:** Corporate and Community Services

**Report Author:** Storm Townsend, Executive Assistant Corporate & Community Services

**File No:** I2023/1052

**Summary:**

The Arts and Creative Industries Advisory Committee met on 29 June 2023 and attached are the Minutes for noting by Council.

**RECOMMENDATION:**

1. That Council notes the minutes of the Arts and Creative Industries Advisory Committee Meeting held on 29 June 2023.

2. That Council adopts the following Committee Recommendations:

**Report No. 4.1 Basketball Court Art Project Proposal received from Laith  
McGregor & Art Courts Australia**

File No: I2022/1901

**Committee Recommendation 4.1.1**

1. That the Committee supports the proposal progressing including consultation with relevant stakeholders.
2. That the Committee recommends consideration of a broader review of the basketball and netball court areas for inclusion into an integrated activation plan.



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

**Report No. 4.2 Jonson and Lawson Street Roundabout Mosaic Artworks**

File No: I2023/557

**Committee Recommendation 4.2.1**

- 1. That the Committee acknowledges that the location of the artwork no longer complies with road safety standards and the cost/benefit of repairing the work is prohibitive.**
- 2. That the Committee recommends examining the possibility of salvaging some of the existing artwork.**
- 3. That the Committee recommends commissioning a new artwork in a more suitable location.**

**Attachments:**

- 5    1    Minutes 29/06/2023 Arts and Creative Industries Advisory Committee, I2023/973 

## Report

The attachment to this report provides the minutes of the Arts and Creative Industries Advisory Committee Meeting of 29 June 2023 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [Agenda of Arts and Creative Industries Advisory Committee Meeting - Thursday, 29 June 2023](#)

The following items were considered by the Committee:

### **Report No. 4.1 Basketball Court Art Project Proposal received from Laith McGregor & Art Courts Australia**

- 10 Council received a proposal from contemporary artist Laith Macgregor to reinvigorate the Basketball Court at the Byron Recreation Grounds, Tennyson Street, Byron Bay. The artist would work in partnership with specialists, Art Courts Australia, to create an integrated dynamic artwork design on the surface of the basketball court that is fully compliant with court line marking requirements. The Committee supports the action to  
15 proceed with consultation with the Artist and other relevant stakeholders, as well as requesting Council consider a broader review of the Basketball and Netball Courts area.

### **Report No. 4.2 Jonson and Lawson Street Roundabout Mosaic Artworks**

- 20 The mosaic roundabouts on Lawson and Jonson Streets and Lawson and Middleton Streets are well loved iconic artworks in Byron Shire, however, they are currently damaged and in a poor state of presentation. The Committee noted the artwork no longer complies with road safety standards and are cost prohibitive to repair. The Committee recommends Council ascertain whether any portions of the artworks are salvageable and commissions artwork in a more suitable location.

### **Report No. 4.3 Draft Arts and Culture Action Plan**

- 25 This Report was noted by the Committee with no recommendations made to Council. Byron Shire Council conducted significant community consultation to develop an Arts and Cultural Policy with detailed community feedback and comments received. Included in the feedback was the desire for a more specific action-focused document or strategy, as well as the initiation of an Arts and Culture Officer role in Council to provide arts and cultural  
30 expertise. Following consultation, Councillors voted to develop an Arts and Cultural Strategy (Res **21-542**). A draft Arts and Culture Action Plan was prepared internally and presented to the Committee for feedback. The Committee noted the Draft Plan and requested the Aboriginal Project Officer provide an update on the proposed Arakwal Cultural Centre. This Report will be returned to the Committee prior to going to Council.

## 35 Financial Implications

As per the Reports listed within the Arts and Creative Industries Advisory Committee Meeting of 29 June 2023.

**Statutory and Policy Compliance Implications**

As per the Reports listed within the Arts and Creative Industries Advisory Committee Meeting of 29 June 2023.

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 14.2      Report of the Business and Industry  
Advisory Committee Meeting held on 15  
June 2023**

**Directorate:** Sustainable Environment and Economy

**Report Author:** Michelle Wilde, Project Support Officer

**File No:** I2023/1041

**Summary:**

This report provides the minutes of the Business and Industry Advisory Committee Meeting held on 15 June 2023.

It also provides the Constitution, with an administrative update, for adoption.

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**RECOMMENDATION:**

**That Council:**

1. **Notes the minutes of the Business and Industry Advisory Committee Meeting held on 15 June 2023.**
2. **Adopts the Business and Industry Advisory Constitution, Attachment 2, E2023/78915, updated at Point 7, Quorum.**

**Attachments:**

- 1 Minutes 15/06/2023 Business and Industry Advisory Committee, I2023/936 
- 2 Business and Industry Advisory Committee Constitution updated at Quorum August 2023, E2023/78915 

## Report

The attachment to this report provides the minutes of the Business and Industry Advisory Committee Meeting of 15 June 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/2023/06/BAI\\_15062023\\_AGN\\_1644\\_AT.PDF](https://byron.infocouncil.biz/RedirectToDoc.aspx?URL=Open/2023/06/BAI_15062023_AGN_1644_AT.PDF)

The following items were considered by the Committee:

### **Report No. 4.1 Future Discussion Items for Business and Industry Advisory Committee**

- 10 There were no requests for reports or information received from the Business and Industry Advisory Committee members for this meeting.

### **Report No. 4.2 Business, Industry and Visitor Economy Strategy**

Michael Campbell of Lucid Economics facilitated a workshop on the Business Industry and Visitor Economy Strategy (BIVE) with the Committee and invited key sector stakeholders.

### **15 Committee Constitution**

The Committee's constitution needs an administrative update at Section 7 Quorum. Membership is three Councillors. Quorum is at least half the number of members plus one, which means that two Councillors are required for quorum for this committee. The constitution currently quotes one.

- 20 It is recommended that Point 7 of the Constitution is updated to:

"A quorum is to constitute at least half the number of members plus one (resulting half numbers go down), two of which are to be Councillors."

## **Financial Implications**

- 25 As per the Reports listed within the Business and Industry Advisory Committee Meeting of 15 June 2023.

## **Statutory and Policy Compliance Implications**

As per the Reports listed within the Business and Industry Advisory Committee Meeting of 15 June 2023.

**Report No. 14.3 Report of the Climate Change and Resource Recovery Advisory Committee Meeting held on 29 June 2023**

**Directorate:** Sustainable Environment and Economy

5 **Report Author:** Michelle Wilde, Project Support Officer

**File No:** I2023/1042

**Summary:**


10 This report provides the minutes of the Climate Change and Resource Recovery Advisory Committee Meeting held on 29 June 2023.

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**RECOMMENDATION:**

15 **That Council notes the minutes of the Climate Change and Resource Recovery Advisory Committee Meeting held on 29 June 2023.**

**Attachments:**

20 1 Minutes 29/06/2023 Climate Change and Resource Recovery Advisory Committee, I2023/965 

## Report

The attachment to this report provides the minutes of the Climate Change and Resource Recovery Advisory Committee Meeting of 29 June 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/2023/06/CCRR\\_29062023\\_AGN\\_1649\\_AT.PDF](https://byron.infocouncil.biz/RedirectToDoc.aspx?URL=Open/2023/06/CCRR_29062023_AGN_1649_AT.PDF)

The following items were considered by the Committee:

### **Report No. 4.1 Future Discussion Items for Climate Change and Resource Recovery Advisory Committee**

- 10 That the Climate Change and Resource Recovery Advisory Committee notes the community members' report and looks forward to a more detailed report in the September meeting.

### **Report No. 4.2 Regional Waste Strategy and Waste to Energy**

That the Climate Change and Resource Recovery Advisory Committee:

- 15 1. Notes the report;
2. Notes that we oppose any incineration or waste treatment that results in worse environmental outcomes than current operations.
3. That Council supports the NSW Energy from Waste Policy Statement 2022 approach that the *incineration facilities for the destruction of waste* not be permitted.
- 20 4. Supports maintaining an open, investigative approach to long term waste management, including alternative waste treatment, ensuring options are assessed transparently to ensure the best outcome for the environment and our communities; and.
- 25 5. Is updated on regional waste management initiatives and any progression or changes in energy from waste status locally or at a state level as part of the Resource Recovery Update report provided to this Committee each meeting.

### **Report No. 4.3 Draft Single-use Packaging and Materials Policy**

- 30 That the Climate Change and Resource Recovery Advisory Committee notes the report and attachment.

### **Report No. 4.4 Sustainability project updates**

That the Climate Change and Resource Recovery Committee notes the report.

## BYRON SHIRE COUNCIL

### REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY 14.3

#### **Report No. 4.5 Climate Change Risk and Adaptation: Council Project Update**

That the Climate Change and Resource Recovery Advisory Committee notes the report.

#### **Other Business:**

- 5 John Taberner resigned from the Climate Change and Resource Recovery Advisory Committee on 22 June 2023.

#### **Committee Recommendation:**

That Council seek a replacement member for the Climate Change and Resource Recovery Advisory Committee.

#### **Management Comment:**

- 10 Council has a list of two candidates who previously applied for the Climate Change and Resource Recovery Advisory Committee in 2022 and were placed on a wait list.
- One of the applicants confirmed verbally that although they are still interested in hearing about future vacancies, they do not have capacity to commit to the committee at this stage.
- 15 The other applicant confirmed that they are still interested and can attend the next meeting on 21 September 2023, if appointed.
- This matter is the subject of a separate report to Council at the same meeting titled "Appointment of Replacement Community Member to the Climate Change and Resource Recovery Advisory Committee".

#### **20 Financial Implications**

As per the Reports listed within the Climate Change and Resource Recovery Advisory Committee Meeting of 29 June 2023.

#### **Statutory and Policy Compliance Implications**

- 25 As per the Reports listed within the Climate Change and Resource Recovery Advisory Committee Meeting of 29 June 2023.



REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**Report No. 14.4      Report of the Water and Sewer Advisory Committee Meeting held on 15 June 2023**

5    **Directorate:**                      Infrastructure Services

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

**File No:**                          I2023/1038

**Summary:**

10    The Attachment to this report provides the minutes of the Water and Sewer Advisory Committee Meeting of 15 June 2023 for determination by Council.

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**RECOMMENDATION:**

- 15    1.    **That Council notes the minutes of the Water and Sewer Advisory Committee Meeting held on 15 June 2023.**
2.    **That Council does not adopt Committee Recommendation(s) 4.1 as shown in the minutes attachment to this report, but instead adopts the Management Recommendation(s) as follows:**

20    **Report No. 4.1 Byron Shire Council Future Water Strategy**  
      **File No: I2023/899**

**Management recommendation**

**That Council permanently connects the Mullumbimby Water Supply to Rous as the Council's Bulk water supplier.**

25

**Attachments:**

- 1       Minutes 15/06/2023 Water and Sewer Advisory Committee, I2023/935 

30

## **Report**

The attachment to this report provides the minutes of the Water and Sewer Advisory Committee Meeting of 15 June 2023 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5     [\*\*Agenda of Water and Sewer Advisory Committee Meeting - Thursday, 15 June 2023 \(infocouncil.biz\)\*\*](#)

The following items were considered by the Committee:

### **Report No. 4.1 Byron Shire Council Future Water Strategy**

- 10     This report summarises the development of the Mullumbimby Water Supply Strategy and 10 related Committee and Council resolutions. The key issue to be addressed is water supply security (servicing existing customers and future development over the long-term).

### **Report No. 4.2 Utilities Operational Update Report**

This report summaries the performance of Utilities Department delivery for April 2023

## **Committee Recommendation**

- 15     The committee recommendations are provided in the attachment to this report.

Report No. 4.1 Byron Shire Council Future Water Strategy  
File No: I2023/899

### **Committee Recommendation 4.1.1**

- 20     That the Committee advise Council, further to its Resolution 23-120 of 27 April 2023:-
1.     to note that the workshop with Rous County Council (RCC) representatives was held on 18 May 2023.
  2.     to proceed with the investigation as outlined in parts 7 and 8 of the Council Resolution 23-120.
  - 25     3.     to inform the public via a press release or similar, that Council is looking into the capacity of Lavertys Gap to provide Mullumbimby's future water supply.

## **Management Comments**

- 30     Management provided the alternative recommendation for the reasons given below alternatively recommend that Council:

## Staff Background

The future water strategy for Mullumbimby demonstrates that a permanent connection to Rous is the best option under an options analysis assessment through a multi-criteria analysis (MCA). This is inclusive of Environmental, Social and Economic weightings. It was concluded that any further works carried out at Laverty's Gap water supply would have significant additional environmental and social impact.

A workshop with Rous County Council was carried out on Rous's Future Water Strategy with committee members. Numerous comments were made in relation to Rous's strategy around potential additional environmental impact by permanently connecting to Mullumbimby. Rous responded with the following words;

*In reference to a recent request from the Byron Shire Council (BySC) Water and Sewer Advisory Committee for advice on the possible Environmental, Social and Economic Impacts of the addition of the 2060 population of the Mullumbimby water supply network to the Rous County Council (RCC) bulk water supply network.*

*Based on Local water utility performance monitoring data, it is estimated that the total population served by the RCC bulk water supply is approx. 110,000 people and the population of the Mullumbimby water supply area is approx. 4250, or about 4% of the RCC bulk water supply system.*

*Future estimates of demands for water and their respective populations to be served in 2060 vary considerably. However, it is possible that the percent of the Mullumbimby supply that could depend on the RCC bulk water supply may range from 3 % to 6% subject to when the timing and density of developments occur across the region. Given that this will have a minimal overall increase in the total demand for water for the RCC bulk water supply.*

*RCC will not alter the current strategy regarding our future water security plans. As such, any alternative scenarios that BySC seeks to implement would be above and beyond the current RCC footprint.*

*All of RCC's future augmentation options have environmental, social and economic impacts. Any preferred option(s) will be thoroughly assessed, and the impacts identified will be ameliorated as far as reasonably practicable. RCC's current preferred water security plan direction has specifically given greater weighting to environmental and social impacts in recognition of the triple bottom line considerations.*

Mullumbimby's supply is currently at capacity under the revised climate change modelling criteria. Therefore, delaying and holding up a decision to permanently connect to Rous, is putting future development and current users at risk. In the event of the last natural disaster, where Mullumbimby ran out of water. The permanent connection would ensure this risk was mitigated.

***Staff Recommendation***

Council staff recommend to permanently connect to Rous as the Byron Shire Council's Bulk water supplier.

**Financial Implications**

- 5 As per the Reports listed within the Water and Sewer Advisory Committee Meeting of 15 June 2023.

**Statutory and Policy Compliance Implications**

As per the Reports listed within the Water and Sewer Advisory Committee Meeting of 15 June 2023.

**Report No. 14.5      Report of the Local Traffic Committee  
Meeting held on 21 July 2023**

**Directorate:** Infrastructure Services

**Report Author:** Shelley Flower, Road Safety Officer

5    **File No:** I2023/1135

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**Summary:**

10    The attachment to this report provides the minutes of the Local Traffic Committee Meeting held on 21 July 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.
- 20    b)    If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.
- 20    c)    If Council is in agreement with the LTC unanimous decline then the proposal may be rejected. Again there is no conflict between Council and the advice of the LTC. Consequently there is no need for Council to inform TfNSW or the NSW Police representatives of the decision.
- 25    d)    If Council decides to proceed with a proposal where the advice of the LTC is not unanimous support, then the Council must first advise the TfNSW and the NSW Police representatives in writing of their intention to approve the proposal. TfNSW or the NSW Police may then lodge an appeal to the Regional Traffic Committee (RTC).
- 30    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.

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**RECOMMENDATION:**

- 5      1.    That Council notes the minutes of the Local Traffic Committee Meeting held on 21 July 2023.

2.    That Council adopts the following Committee Recommendation:

**Report No. 6.3 Gilmore Crescent - Parking restrictions and pedestrian facilities**  
File No: I2023/1070

**RECOMMENDATION:**

That the Local Traffic Committee endorse the proposed parking restrictions within Gilmore Crescent and the pedestrian refuge facility and associated no stopping restrictions on Lawson Street as per attachments 1 (E2023/58247) and attachment 2 (E2023/71557).

3.    That Council notes the following Committee Recommendations which have been approved by the General Manager:

**Report No. 6.2 Toni Childs - Filming Road Closure Secondary Proposal**  
File No: I2023/1067

**RECOMMENDATION:**

1.    That the Local Traffic Committee (LTC) support the Toni Childs Music Video Production to be held on Monday 7 August 2023.
2.    That (LTC) support in Part 1 is subject to:
  - a)    the event organiser providing council with an updated Traffic Management Plan and Traffic Guidance Scheme/s for the film shoot;
  - b)    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;
  - c)    the impact of the film shoot be advertised, and charged at cost to the

**organisers, via a notice in the local weekly paper and Variable Message Signage near the site, a minimum of one week prior to the operational impacts taking effect, noting it must include the film shoot name, specifics of any traffic impacts or road closures and times, alternative route arrangements, Production Team, a personal contact name and a telephone number for all event related enquiries or complaints;**

- d) the film shoot be notified on Council's web page with the event organiser supplying Council with the relevant information.**

**3. The Production Team 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) arranging for private property access and egress affected by the film shoot;**
- c) liaising with bus, taxi and waste operators and ensuring arrangements are made for provision of services during conduct of the film shoot;**
- d) consulting with emergency services and any identified issues be addressed;**
- e) holding \$20m public liability insurance cover which is valid for the film shoot;**
- f) paying Council's Road Event Application Fee prior to the film shoot;**
- g) not place any signage on the road related area of the Pacific Highway.**
- h) apply/receive consent by the relevant road authority under section 138 of the NSW road act (1993) and pay any associated fees and charges within this process.**

**4. That Council adopts the following Committee Recommendation:**

**Report No. 6.1 Pedestrian Refuge, Parking and Channelised Right (CHR)  
Treatment on Bayside Way**

File No: I2023/951

**Committee Recommendation 6.1.1**

**That Council supports the regulatory signage, line markings and other traffic facilities associated with the new works on Bayside Way, as shown in Attachment 1 (E2023/61852).**

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

**Report No. 6.4 Wordsworth Street / Shirley Street - Parking and intersection upgrades.**

File No: I2023/1071

**Committee Recommendation 6.4.1**

**That the Local Traffic Committee endorse:**

- a) the treatments at the intersection of Shirley Street to improve safety and capacity**
- b) the updated parking restrictions within Wordsworth Street**

**Detailed plans for these improvements are shown in attachment 1, Construction drawings Wordsworth Street and Shirley Street (E2023/38317).**

**Attachments:**

- 5    1    Minutes 21/07/2023 Local Traffic Committee Extraordinary, I2023/1091** 



## Report

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 21 July 2023 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [https://byron.infocouncil.biz/Open/2023/07/LTC\\_21072023\\_AGN\\_1737\\_AT\\_EXTRA.PDF](https://byron.infocouncil.biz/Open/2023/07/LTC_21072023_AGN_1737_AT_EXTRA.PDF)

This report contains the recommendations of the Local Traffic Committee (LTC) meeting held on 21 July 2023.

### Committee Recommendation

As per the Reports listed within the Local Traffic Committee Meeting of 21 July 2023.

## 10 Financial Implications

As per the Reports listed within the Local Traffic Committee Meeting of 21 July 2023.

### Statutory and Policy Compliance Implications

As per the Reports listed within the Local Traffic Committee Meeting of 21 July 2023.

**Report No. 14.6      Report of the Moving Byron Advisory  
Committee Meeting held on 15 June 2023**

**Directorate:** Infrastructure Services

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

5    **File No:** I2023/1161

**Summary:**

The attachment to this report provides the minutes of the Moving Byron Advisory Committee Meeting of 15 June 2023 for determination by Council.

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**RECOMMENDATION:**

1.    **That Council notes the minutes of the Moving Byron Advisory Committee Meeting held on 15 June 2023.**

15

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

**Report No. 4.1 Bike Plan and Pedestrian Access and Movement Plan Progress Update**

File No: I2023/629

**Committee Recommendation 4.1.1**

1.    **That the Moving Byron Advisory Committee notes the ongoing work by Council staff in reviewing the Bike Plan and Pedestrian Access and Movement Plan and the development of a combined Active Travel Plan**
2.    **That the review considers the following:-**
  - a)    **Inclusion of all types of trips, not just trips to work;**
  - b)    **Impacts of E-Bikes and mobility devices;**
  - c)    **Connecting Byron to Brunswick (IT005) and Ocean Shores to Pottsville;  
and**
  - d)    **Connections to proposed land release areas**

# BYRON SHIRE COUNCIL

## REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

14.6

### **Attachments:**

- 1 Minutes 15/06/2023 Moving Byron Advisory Committee, I2023/934 

5

## Report

The attachment to this report provides the minutes of the Moving Byron Advisory Committee Meeting of 15 June 2023 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [Agenda of Moving Byron Advisory Committee Meeting - Thursday, 15 June 2023 \(infocouncil.biz\)](https://infocouncil.biz)

The following items were considered by the Committee:

### **Report No. 4.1 Bike Plan and Pedestrian Access and Movement Plan Progress Update**

- 10 The purpose of this report was to provide an update on the Shires Active Travel Plan (Integrated Bike and Pedestrian Access and Movement Plan) and the process being undertaken to develop a consolidated Active Travel Plan.

### **Report No. 4.2 Transport for New South Wales - Local Transport Update, South East Queensland, Strategic Transport Model Shire Integration**

- 15 The purpose of this report was to introduce the TfNSW, Moving Byron, Integrated Transport Planning Working Group members update for the development of the Strategic Transport Model, that builds upon the existing Southeast Queensland Strategic Transport Model (SEQSTM) and to discuss the benefits it will bring for future Shire transport planning (from a data perspective).

### **20 Committee Recommendation**

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

## **Financial Implications**

- 25 As per the Reports listed within the Moving Byron Advisory Committee Meeting of 15 June 2023.

## **Statutory and Policy Compliance Implications**

As per the Reports listed within the Moving Byron Advisory Committee Meeting of 15 June 2023.

QUESTIONS WITH NOTICE

**Question with Notice No. 15.1 Urban Water and Sewer Systems  
Part 2**

5 **File No:** I2023/1184

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Cr Dey asks the following question:

- 10 *Council sponsored me to attend the Local Gov't NSW Water Management Conference in Parkes in June. My Delegate's Report appears in the agenda for our Council meeting of 10 August. The same agenda carries my Questions and staff's Responses on issues including energy efficiency in water and sewer electricity usage. Water and Sewage treatment and handling are heavy users of electricity.*
- 15 *Government and commercial exhibitors displayed their services at the Water Conference. They included Bridgeford Group who consult on energy, engineering and efficiency. They offer a free initial high-level assessment of a Council's practices and of its potential for savings by using a Virtual Energy Network (VEN). Most endeavours to date focus on electricity generation and Byron Council is typical in not having a VEN.*
- 20 *We do generate renewable energy at several sites but do not share it between sites. Further to this:*
1. *how much energy does Council return to the grid annually, from our generation sites?*
  2. *what is the average price that Council receives from sale of that energy back to the grid?*

25 **Response Director Sustainable Environment & Economy:**

1. *How much energy does Council return to the grid annually, from our generation sites?*

30 Council generates approximately 796,100 kWh annually from on-site solar PV systems. Around 106,443 kWh or 13% of this energy is returned to the grid each year.

These figures will vary depending on the weather and on-site electricity consumption.

2. *What is the average price that Council receives from sale of that energy back to the grid?*

## BYRON SHIRE COUNCIL

### QUESTIONS WITH NOTICE

15.1

Currently, the feed-in solar tariff rate for large market sites is the [Spot Price (\$/MWh) - \$2]/MWh.

The feed-in tariff rate for small market sites is \$0.05/kWh.

CONFIDENTIAL REPORTS - GENERAL MANAGER

**Report No. 16.1**      **CONFIDENTIAL - Lease to Catholic Healthcare Limited over proposed Lot 50 in unregistered plan of subdivision (presently part Folio 188/728535) request for further holding over.**

**Directorate:**                      General Manager

**Report Author:**                  Ralph James, Legal Counsel

**File No:**                              I2023/1111

**Summary:**

This report updates "Commercial in confidence" discussions between Council and Catholic Healthcare Pty Ltd in enacting Council resolution 22-515.

**RECOMMENDATION:**

1. That pursuant to Section 10A(2)(c) of the Local Government Act, 1993, Council resolves to move into Confidential Session to discuss the report Lease to Catholic Healthcare Limited over proposed Lot 50 in unregistered plan of subdivision (presently part Folio 188/728535) request for further holding over..
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
  - a) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

All discussions have proceeded on a commercial in confidence basis. Commercial in confidence must be maintained.

# BYRON SHIRE COUNCIL

## CONFIDENTIAL REPORTS - GENERAL MANAGER

16.1

### **Attachments:**

- 1 Confidential - Council letter to Catholic Healthcare Ltd 30 January 2023, E2023/15931
- 2 Confidential - Letter Catholic Healthcare Ltd to Council 11 May 2023, E2023/76428
- 5 3 Confidential - Letter from Catholic Healthcare summarising meeting outcomes, E2023/81629
- 4 Confidential - Letter from Catholic Healthcare setting out a lease proposal, E2023/81628