

# Agenda Ordinary Meeting

Thursday, 28 September 2023



**BYRON**  
SHIRE  
COUNCIL

# Agenda Ordinary Meeting

held at Council Chambers, Station Street, Mullumbimby  
commencing at 9:00am

Public access relating to items on this agenda can be made between 9:00 and 10:30 am on the day of the meeting. Requests for public access should be made to the General Manager or Mayor no later than 12:00 midday on the day prior to the meeting.

A handwritten signature in black ink, appearing to read 'Mark Arnold'.

**Mark Arnold**  
**General Manager**

---

---

## CONFLICT OF INTERESTS

---

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

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

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

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

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

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

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

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

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

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

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

### Disclosure and participation in meetings

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

- (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
- (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

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

**Non-pecuniary Interests** - Must be disclosed in meetings.

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

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

---

---

## RECORDING OF VOTING ON PLANNING MATTERS

---

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

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

---

---

## OATH AND AFFIRMATION FOR COUNCILLORS

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

# BYRON SHIRE COUNCIL

## BUSINESS OF ORDINARY MEETING

### 1. PUBLIC ACCESS

### 2. APOLOGIES

### 3. ATTENDANCE BY AUDIO-VISUAL LINK

### 4. REQUESTS FOR LEAVE OF ABSENCE

### 5. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

### 6. TABLING OF PECUNIARY INTEREST RETURNS (CL 4.14 CODE OF CONDUCT FOR COUNCILLORS)

### 7. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

7.1 Ordinary Meeting held on 24 August 2023

### 8. RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

### 9. NOTICES OF MOTION

9.1 Residential Strategy Consultation..... 9

### 10. MAYORAL MINUTE

### 11. PETITIONS

### 12. DELEGATES' REPORTS

12.1 Far North Coast Bush Fire Management Committee Meeting 12 September 2023..... 12

### 13. STAFF REPORTS

#### General Manager

13.1 Public Interest Disclosure Policy..... 13  
13.2 Policy Commercial Activities on Coastal and Riparian Crown Reserves review ..... 23

#### Corporate and Community Services

13.3 Election of Deputy Mayor - 2023-2024 ..... 31  
13.4 Adoption of Arts and Culture Action Plan 2023 - 2026..... 35  
13.5 Council Investments - 1 August to 31 August 2023 ..... 41  
13.6 Grants August 2023..... 49  
13.7 NSW Treasury Corporation - Updated Council Loan Conditions ..... 54  
13.8 2023-2024 Financial Assistance Grant ..... 58

# BYRON SHIRE COUNCIL

## Sustainable Environment and Economy

13.9 Coastal Management Program Stage 2 technical studies for noting .....	62
13.10 Draft Carbon Offset Procurement Policy - public exhibition feedback.....	77
13.11 Byron Shire Housing Options Paper.....	80

## Infrastructure Services

13.12 School/community tree-planting program on Council owned or managed land	94
13.13 Mullumbimby to Brunswick Heads Active Transport Link .....	101
13.14 Bushfire preparedness submission to NRJO .....	112

## 14. REPORTS OF COMMITTEES

### Corporate and Community Services

14.1 Report of the Arts and Creative Industries Advisory Committee Meeting held on 17 August 2023.....	125
14.2 Report of the Finance Advisory Committee Meeting held on 17 August 2023	129
14.3 Report of the Audit, Risk and Improvement Committee Meeting held on 17 August 2023 .....	132

### Sustainable Environment and Economy

14.4 Report of the Biodiversity Advisory Committee Meeting held on 17 August 2023.....	135
14.5 Report of the Climate Change and Resource Recovery Advisory Committee Meeting held on 29 June 2023 .....	137
14.6 Report of the Housing and Affordability Advisory Committee Meeting held on 18 May 2023 .....	140

### Infrastructure Services

14.7 Report of the Water and Sewer Advisory Committee Meeting held on 17 August 2023 .....	141
14.8 Report of the Moving Byron Advisory Committee Meeting held on 31 August 2023.....	145

## 15. QUESTIONS WITH NOTICE

Nil

*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)*

## BYRON SHIRE COUNCIL

***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 Residential Strategy Consultation**

**File No:** I2023/1399

5

10 I move that Council arranges to meet property owners and representatives, within the next month, who have made themselves known to Council with an interest in the development of the Byron Shire Residential Strategy to consult and communicate the progress on the above-mentioned strategy.

**Signed: Cr Alan Hunter**

15 **Councillor's supporting information:**

Given the current community concerns with housing it is important for Council to communicate in a much more effective way to inform and address these concerns.

20 As an example during 2018, 2019 and 2020 a series of meetings were held between Council staff, three property owners of the Mullumbimby Release Areas and their consultants. The three property owners as well as Council shared costs in preparing a flood and stormwater impact assessment/report to assess the impacts of filling the three properties as well as Councils Lot 22 for the purposes of residential development/rezoning.

25 This report cost in excess of \$25,000 and was funded by all parties, the outcome/conclusion of the report was that the filling of the land as well as undertaking stormwater mitigation works would reduce the flood levels in existing residential zoned land within Mullumbimby.

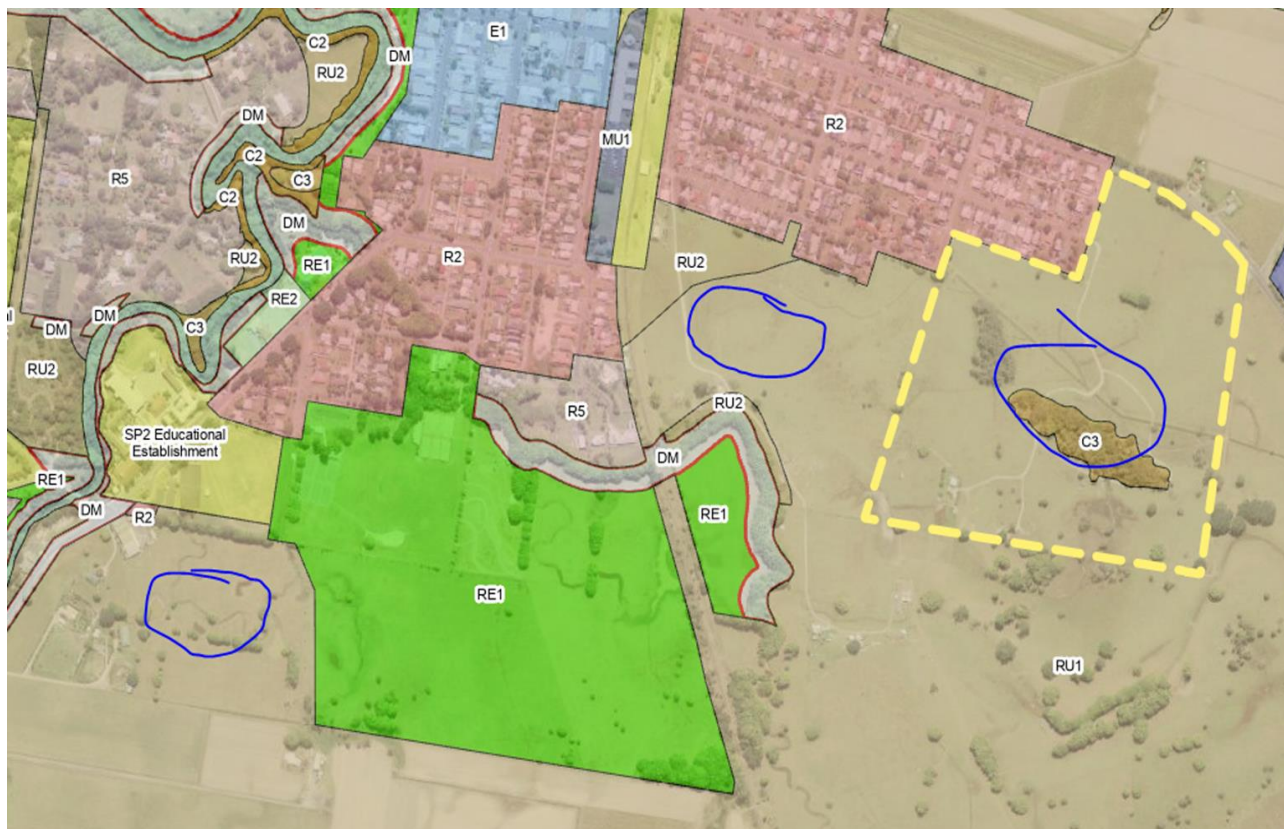
Council resolved at its meeting on 9 June 2022 that:

- 30 1. *Council not progress the planning proposal for lot 22 on DP 1073165, Mullumbimby at this time until the implications of the 2022 Flood Events and any further potential natural disasters are understood on the suitability of this land for future development.*
2. *Supports, subject to funds being allocated, the adopted updated residential strategy updated as per the peer review report option 1 and clarified by the Department of Planning & Environment correspondence (attachment 1)*
3. *Requests a draft of the updated residential strategy be reported back to council*

Since this resolution, the property owners (circled in blue below) have been unable to find out what is happening with the residential strategy? Where it is up to and the likelihood of this land ever being included in the residential strategy moving forward?

Beyond a significant obligation to the community. Council has no reason to withhold information from all residents given their level of concern with housing issues.

5



## Staff comments

**by Shannon Burt, Director, Sustainable Environment and Economy:**

10 The three landowners in question were part of a separate early activation rezoning investigation process running parallel to the Residential Strategy 2020 development.

Since then, there have been various communications with these landowners (and community) and reports to Council about the status of the early activation rezoning investigations and Residential Strategy 2020 and need for further work for these to progress.

15 Web page updates have also occurred.

## BYRON SHIRE COUNCIL

### NOTICES OF MOTION

9.1

In relation to providing site-specific outcomes to these three landowners, it is standard protocol for staff to only provide such information after it has been made available to councillors and or the wider public.

- 5 Presently, a separate report on the Byron Shire Housing Options Paper and Residential Strategy Refresh process on this agenda talks to this in more detail. Notification of this report has been sent to these three landowners to provide them with an opportunity to address councillors during public access if they desire.

Further, as part of the proposed community comment period landowners of new release and vacant land identified in the Housing Options Paper will be notified of their inclusion.

- 10 Landowners of land previously assessed as suitable for inclusion in the Residential Strategy 2020 but no longer identified as suitable in the Housing Options Paper, and or lands subject to previous planning proposals for residential development rejected by the Department of Planning, will also be notified of their exclusion where appropriate.

### **Financial/Resource/Legal Implications:**

- 15 As per Operational Plan and Project Budgets.

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

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
4: Ethical Growth	4.1: Manage responsible development through effective place and space planning	4.1.2: Growth Management Strategies - Implement Local Growth Management Strategies	4.1.2.5	Revise and update Residential Strategy

**DELEGATES' REPORTS**

**Delegate's Report No. 12.1      Far North Coast Bush Fire  
Management Committee Meeting 12  
September 2023**

5

**File No:** I2023/1396

- 
- 10 The Bush Fire Management Committee's area covers three Shires: Tweed, Byron and Ballina. I attended via Teams. Matters relevant to Byron Shire included:
1. Byron Council staff raised issues around clearing for fire safety in small reserves, like Flinders Way. Issues include species selection and whether we could expect adjoining landholders to assist.
  - 15 2. NPWS reports being close to having permission to access the rail corridor northwards from Elements, for fire hazard reduction. It is likely too late for this year, as koalas are mobile from September.
  3. North Rocks Road was obliterated in the 2022 flood. NPWS and Council are deliberating still on the road's future. Repair costs will be huge.
  - 20 4. Tweed Council has completed inspection of its Shire's APZ's. Koala Beach is a priority area. They are also looking at forested reserves like the catchment behind Clarrie Hall Dam.
  5. Staff shortages are leading to fatigue in remaining staff of Fire & Rescue across our region.
  - 25 6. There was discussion around sharing fire-fighting qualified staff across agencies, especially in the upcoming season predicted to be hot and dry.
  7. We saw several computer simulations of fire risk and impacts, based on 180m grid squares.

The next Committee meeting is scheduled for 12 December, in Murwillumbah.

30 **Signed: Cr Duncan Dey**

STAFF REPORTS - GENERAL MANAGER

**Report No. 13.1      Public Interest Disclosure Policy**

**Directorate:** General Manager

5    **Report Author:** Ralph James, Legal Counsel  
Heather Sills, Manager Corporate Services

**File No:** I2023/1232

10    The *Public Interest Disclosures Act 2022 (PID Act)* will commence on 1 October 2023 and will repeal the *Public Interest Disclosures Act 1994*. The PID Act introduces significant reforms to the ways that public interest disclosures are made, received and dealt with in New South Wales and is intended to provide greater protection of persons who make public interest disclosures than that currently afforded under the PID Act 1994.

Under section 42 of the PID Act, all agencies, which includes a Local Government Authority, must have a public interest disclosure policy.


15    Council's draft Policy is reported for adoption.

---

**RECOMMENDATION:**

20    **That Council adopts the Public Interest Disclosure Policy and repeals the current Internal Reporting Policy.**

**Attachments:**

25    1      Draft Public Interest Disclosure Policy, E2023/78183 

## Report

### Background

The PID Act will commence on 1 October 2023.

5 The PID Act provides the framework for the handling of public interest disclosures (**PIDs**) of serious wrongdoing in the NSW public sector, and for the protection of those who make them.

The PID Act will replace the current 1994 legislation in its entirety.

### Developing a PID Policy

10 Section 42 of the PID Act provides that Council must have a public interest disclosure policy.

The content of public interest disclosure policy is prescribed by section 43 of the PID Act, and includes:

- 15
- procedures for dealing with, acknowledging receipt of and providing information to the makers of, voluntary public interest disclosures,
  - procedures for assessing and minimising the risk of detrimental action being taken against a person as a result of a public interest disclosure being made,
  - 20 • identifying the responsibilities imposed by the PID Act on the head of the agency, other disclosure officers and managers associated with the agency, and
  - a list identifying the disclosure officers for the agency and their contact details.

Adoption of the new PID Policy will replace Council's Internal Reporting Policy.

25

### What is a public interest disclosure?

Under the PID Act, public interest disclosures are separated into three categories:

- 30
- Voluntary public interest disclosures
  - Witness public interest disclosures
  - Mandatory public interest disclosures

Mandatory public interest disclosures are disclosures about serious wrongdoing made by a council official, either while meeting the ordinary requirements of the official's particular role or functions, or under a statutory or other legal obligation.

35

Witness public interest disclosures are disclosures of information in an investigation of serious wrongdoing, or at the request of or in response to a requirement of a person or agency investigating the serious wrongdoing, whether or not the investigation:

- 40
- relates to or arises from the making of a voluntary public interest disclosure, or
  - constitutes dealing with a voluntary public interest disclosure.

Voluntary public interest disclosures

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and ‘whistleblowing’.

- 5 They involve a council official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features set out in sections 24 to 27 of the PID Act:

	Feature	<i>A report will be a voluntary PID only if it:</i>
1.	Who <i>makes</i> the report?	... is made by a <i>council official</i> AND
2.	Who <i>receives</i> the report?	... is made to one of the following: <ul style="list-style-type: none"> <li>• the person’s manager</li> <li>• the General Manager</li> <li>• a disclosure officer of Council</li> <li>• a Minister or Minister’s office (but only if in writing)</li> <li>• <i>only in very limited circumstances</i>, to a journalist or Member of Parliament (<b>MP</b>)</li> </ul> AND
3.	What is the <i>content</i> of the report?	... discloses information that the person honestly and on reasonable grounds believes, shows or tends to show serious wrongdoing AND
4.	In what way is the report made?	... is made in writing or orally (An exception is a report to a Minister or ministerial staff, which will be a voluntary PID only if made in writing.) AND
5.	Is the report <i>voluntary</i> ?	... is voluntary, in the sense of not being a mandatory PID or a witness PID.

- 10 This assessment is objective — that is, a report either has all of these features or it does not. There is no discretion or subjectivity on the part of the recipient who is assessing the report.

Serious wrongdoing

Each of the categories of disclosure provide protections to the maker of the disclosure where the disclosure is about *serious wrongdoing* by a public officer. Serious wrongdoing is defined in s 13 of the PID Act as the following:

a. corrupt conduct. Corrupt conduct includes:

- conduct of any person that adversely affects, or could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions.
- any conduct of a council official that constitutes or involves the dishonest or partial exercise of any of their official functions.
- any conduct of a council official or former council official that constitutes or involves a breach of public trust.
- any conduct of a council official or former council official that involves the misuse of information or material that they acquired during their official functions, whether for their benefit or for the benefit of any other person.

b. a government information contravention. A government information contravention is a failure, other than a trivial failure, by Council or a council official to exercise functions in accordance with the:

- *Government Information (Information Commissioner) Act 2009*
- *Government Information (Public Access) Act 2009*, or
- *State Records Act 1998*.

c. a local government pecuniary interest contravention. A local government pecuniary interest contravention means the contravention of an obligation in relation to a pecuniary interest, imposed by:

- the *Local Government Act 1993* (LG Act), or
- a code of conduct adopted by a council under section 440(3) of the LG Act.

d. serious maladministration, which is conduct, other than conduct of a trivial nature, of Council or a council official relating to a matter of administration that is:

- unlawful
- unreasonable, unjust, oppressive or improperly discriminatory, or
- based wholly or partly on improper motives.

e. a privacy contravention. A privacy contravention is a failure, other than a trivial failure, by Council or council official to exercise functions in accordance with the *Privacy and Personal Information Protection Act 1998*.

f. a serious and substantial waste of public money. A serious and substantial waste of public money includes any uneconomical, inefficient or ineffective use of resources, whether authorised or unauthorised, and which results in a loss of public funds or resources. For example, waste can result from not following a competitive tendering process.

Relevantly, a disclosure is *about* serious wrongdoing if the disclosure:

- a. includes an allegation of the serious wrongdoing, or
- b. otherwise shows or tends to show the serious wrongdoing.

- 5 A disclosure will not be a public interest disclosure to the extent that the maker of the disclosure wilfully makes a false statement, or misleads or attempts to mislead the agency or person to whom the disclosure is made.

**Who can make a public interest disclosure?**

- 10 The categories of persons who can make a public interest disclosure are significantly expanded by the PID Act. In addition to persons employed by Council, persons providing services or exercising functions on behalf of Council, including a contractor, subcontractor or volunteer, will be able to make a public interest disclosure.

Accordingly any employees, contractors, subcontractors and volunteers of Council will be a council official for the purposes of the Act.

15 **Who is a public interest disclosure made to?**

The PID Act widens the number of recipients of voluntary public interest disclosures to include:

- 20
- the General Manager,
  - another disclosure officer for Council, and
  - a supervisor of the person making the disclosure.

The PID Act imposes a mandatory obligation on persons who receive a public interest disclosure, to communicate, as soon as practicable, the disclosure to a disclosure officer for Council with which either the supervisor or the council official who made the disclosure is associated.

- 25 A voluntary public interest disclosure may also be made to a member of Parliament or a journalist. Such a disclosure will **only** be protected if made in limited circumstances, namely where the disclosure is substantially true, the same disclosure has already been made to a person within the agency, and the agency made a decision neither to investigate nor refer the disclosure or has ceased to investigate the disclosure.

30 **What are the protections for a person who makes a public interest disclosure?**

The PID Act contains protections to ensure that a person who has made a PID does not suffer detrimental action such as bullying, harassment or dismissal, as a result. These protections extend to people who are suspected by others of having made a PID (even if they have not) or of potentially making a PID in the future.

Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment, or a threat of detriment, to a person (whether express or implied).<sup>3</sup> This means that even if someone encourages another person to cause detriment or threaten detriment to a person, that encouragement will itself be considered detrimental action.

Detriment to a person includes:

- injury, damage or loss
- property damage
- reputational damage
- intimidation, bullying or harassment
- unfavourable treatment in relation to another person's job
- discrimination, prejudice or adverse treatment
- disciplinary proceedings or disciplinary action, or
- any other type of disadvantage.

Under section 33 of the PID Act, it is a criminal offence to take detrimental action against a person based on a suspicion, belief or awareness that a person has made, may have made or may make a PID.

In order to prove the offence, that belief, suspicion or awareness needs only to be a contributing factor in taking the detrimental action.

It is also an offence to take detrimental action against a person who has been, may be or proposes to investigate serious wrongdoing. The investigation into serious wrongdoing does not need to have arisen from the making of a voluntary PID or constitute dealing with a voluntary PID. This means the protection applies to investigators who are investigating serious wrongdoing that has been reported in other ways.

The offence has a reversed onus of proof. This means that if someone is prosecuted for having committed a detrimental action offence, the onus will be on the defendant to show that their suspicion, belief or awareness was not a contributing factor for the taking of the detrimental action.

### **Disclosure officers**

Disclosure officers are one of the key people to whom a report will be made in Council.

Disclosure officers are identified as 'disclosure officers' in Council's PID policy.

### **Integrity agencies**

The PID Act classifies certain agencies as 'integrity agencies'. Integrity agencies have an important role in the Act.

There is no requirement under the Act that a Council official report serious wrongdoing to the 'right' agency for the report to constitute a PID. They may choose to make the report to an integrity agency (or any other agency) instead of to the agency they work in.

Generally, PIDs would be expected to be directed to the most relevant integrity agency – for example, a report of corrupt conduct would be reported to the ICAC, a report of serious maladministration to the NSW Ombudsman, and a report of a government information contravention to the NSW Information and Privacy Commission.

- 5 The integrity agency will make a decision on how it will deal with the report, which may include referring it back to the agency where the PID maker works or is otherwise associated with.

### Protecting the identity of PID makers

- 10 Council has an obligation to ensure that information which identifies, or tends to identify, a person as the maker of a voluntary PID is not unlawfully disclosed.

This is called “identifying information” in the Act.

The Act allows for circumstances in which a Council official or Council can lawfully disclose identifying information. These circumstances include where the disclosure of the information is necessary for the report to be effectively dealt with.

## 15 Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership	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

### Legal/Statutory/Policy Considerations

#### PID Act

#### 13 Meaning of “serious wrongdoing”

- 20 In this Act, **serious wrongdoing** means 1 or more of the following—
  - (a) corrupt conduct,
  - (b) a government information contravention,
  - (c) a local government pecuniary interest contravention,
  - (d) serious maladministration,
  - 25 (e) a privacy contravention,
  - (f) a serious and substantial waste of public money.

#### 14 Meaning of “public official”

- (1) In this Act, **public official** means 1 or more of the following—

- (a) a person employed in or by an agency or otherwise in the service of an agency,
- (b) a person having public functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate,
- (e) a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer,
- (f) if an entity, under a contract, subcontract or other arrangement, is to provide services on behalf of an agency or exercise functions of an agency in whole or in part—an employee, partner or officer of the entity who is to be involved in providing the services in whole or in part, or who is to exercise the functions,

10 **15 Meaning of “manager” of a public official**

- (1) In this Act, **manager** of a public official means—
- (c) for a public official mentioned in section 14(1)(e) or (f)—a public official associated with the relevant agency who is responsible for overseeing the provision of the services or the exercise of the functions, or for managing the contract or arrangement, as applicable, or
- (e) for another public official—
- (i) a public official to whom the public official reports directly or indirectly, or
- (ii) a public official who directly or indirectly supervises the public official in the exercise of the public official’s functions.

**16 Meaning of “agency”**

- (1) In this Act, **agency** means 1 of the following persons or bodies—
- (g) a local government authority,

**17 Meaning of “head” of an agency**

- In this Act, **head** of an agency means—
- (c) for a local government authority—the general manager,

25 **18 Meaning of “disclosure officer” for an agency**

- (1) In this Act, **disclosure officer** for an agency means a person responsible for receiving voluntary public interest disclosures on behalf of the agency, including the following—
- (a) the head of the agency,
- (b) for each work site that is permanently maintained by the agency and at which more than 1 person is employed—the most senior ongoing employee who ordinarily works at the site,
- (d) a person specified in the agency’s public interest disclosure policy as a person with responsibility for receiving voluntary public interest disclosures on behalf of the agency,

**42 Policy mandatory for agencies**

An agency must have a public interest disclosure policy.

35 **43 Content of policy**

- (1) An agency’s public interest disclosure policy must specify the agency’s procedures for the following—
- (a) dealing with disclosures that are or may be voluntary public interest disclosures,
- (b) acknowledging receipt of voluntary public interest disclosures and providing information to the makers of voluntary public interest disclosures,

- (c) taking steps to assess and minimise the risk of detrimental action, other than reasonable management action, being taken against a person as a result of voluntary public interest disclosures being made,
- 5 (d) dealing with allegations a detrimental action offence has been committed by or against a public official associated with the agency,
- (e) maintaining confidentiality in relation to voluntary public interest disclosures and protecting the identity of the makers of voluntary public interest disclosures,
- (f) taking appropriate corrective action in response to findings of serious wrongdoing or other misconduct that arise from voluntary public interest disclosures relating to the agency,
- 10 (g) record-keeping and reporting in relation to voluntary public interest disclosures, including the preparation of annual returns,
- (h) establishing internal oversight of the agency's compliance with this Act,
- (i) otherwise complying with this Act.
- (2) An agency's public interest disclosure policy must specify—
- 15 (a) the responsibilities imposed by this Act on—
- (i) the head of the agency, and
- (ii) other disclosure officers for the agency, and
- (b) the responsibility imposed by section 51(1) on managers of public officials associated with the agency.
- 20 (3) An agency's public interest disclosure policy must include information about the protections available under this Act to makers of—
- (a) voluntary public interest disclosures, and
- (b) other categories of public interest disclosure.
- (4) An agency's public interest disclosure policy must prominently include, or be accompanied by,
- 25 the following—
- (a) a list identifying disclosure officers for the agency by class, position, role or name,
- (b) information enabling disclosure officers for the agency to be contacted.

### 44 Relationship between policy and Ombudsman's guidelines

- 30 If the Ombudsman publishes guidelines under section 73, an agency must have regard to the guidelines in preparing its public interest disclosure policy.

### 45 Adoption of model policy

If the Ombudsman publishes a model public interest disclosure policy under section 73(a), an agency may adopt the model policy.

The Ombudsman has provided the following PID Act guidelines:

- 35 [Core concepts in the PID Act](#)

[What is a public interest disclosure](#)

[What is serious wrongdoing](#)

[Dealing with voluntary PIDs](#)

[Dealing with mandatory PIDs](#)

- 40 [Dealing with a witness PID](#)

[Dealing with anonymous voluntary PIDs](#)

[Deeming that disclosure is a voluntary PID](#)

[Protections under the PID Act](#)

**Financial Considerations**

It is anticipated that all initial training will be conducted in house.

**Consultation and Engagement**

- 5 Public exhibition of the policy is not required given that it is a policy in accordance with the NSW Ombudsman model policy and that the making of PIDs is by Council Officials and not by members of the community.

It is a statutory requirement that Council's public interest disclosure policy must be prominently published on—

- 10 (a) Council's public website, and
- (b) Council's intranet.

**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  
Claire McGarry, Place Manager - Byron Bay  
Shannon McKelvey, Executive Officer

**File No:** I2023/1313

**Summary:**

A review of Council Policy Commercial Activities on Coastal and Riparian Crown Reserves is now due. Consultation with key stakeholders has occurred and 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.

---

**RECOMMENDATION:**

**That Council adopts the draft Policy Commercial Activities on Coastal and Riparian Crown Reserves for purposes of public exhibition for 28 days, and:**

- 1.    Should no submissions be received, that the Policy is adopted, and**
- 2.    Should submissions be received, that all submissions are reported back to Council for further consideration.**

**Attachments:**

- 1      Draft Policy Commercial Activities on Coastal & Riparian Crown Reserves, E2023/2345** 

## Report

This report was presented to Council at its 24 August 2023 meeting at which time Council resolved:

- 5           **23-349** - *Council defers the decision for one month to enable transition arrangements for the current operators to be worked through and incorporated into the draft Policy.*

Transition arrangements for two (2) private structures on the reserve have been incorporated into the draft Policy.

The draft transition arrangements:

- 10           1.    Would provide for the existing privately-owned storage structures to remain in situ, subject to certain conditions, until a public owned storage structure is available or the end of the next contract (whichever is sooner) provided they do not cause a risk to public safety and the current operators are successful in the next tender. If they are unsuccessful, the private structures will need to be removed at the end of the current contract.
- 15           2.    Acknowledge the need to ensure the upcoming tender process remains equitable, fair and transparent, which could be achieved with the recommended draft wording requiring tenderers to submit for assessment their proposed Operations Plans.

20           Initially, broad agreement was reached with the current operators but subsequent representations were made to Council, which triggered revision of the draft wording. There was not enough time to consult with the current operators on the revised draft wording before the deadline for publication of the Agenda. Staff will continue to work with the current operators.

25           It is important that a draft Policy be placed on public exhibition to give the whole community, including the current as well as prospective operators, a chance to comment, and to ensure that the upcoming required tender process is not delayed. Any delay to the tender process will reduce the time available of the preparation period between the awarding of the new tender (currently planned for July 2024) and the start date for the new contracts on 1 November 2024.

## Background

30           As provided in the Report to Council at its 24 August 2023 meeting, the draft Policy guides the granting of licences by Council to conduct commercial and non-commercial activities on coastal reserves.

35           The draft Policy requires a Class 2 sub-licence to be granted for all commercial activities on coastal reserves. The maximum term of a Class 2 sub-licence is six-years. The maximum term was agreed to by Council, the Cape Byron Marine Park and Cape Byron Trust/NSW National Parks and Wildlife Services in 2017, being a compatible term with the term of permits issued by both external agencies to conduct commercial activities in the coastal reserve.

In contrast, a Class 1 licence must only be granted for certain low impact recreational activities prescribed by legislation. The term of a Class 1 licence is limited to 12 months until a plan of management is adopted by Council for relevant coastal reserves.

### **Consultation**

- 5 Consultation with key stakeholders on the draft Policy review has occurred, including:
1. 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 in February 2023,
  - 10 2. Request for written submissions from all current Class 2 sub-licence holders on the Policy review during May 2023,
  3. Workshop with the elected Council on 1 June 2023,
  4. Stakeholder meeting with current Class 2 sub-licence holders, other interested persons, and the Cape Byron Marine Park on 20 July 2023, and
  - 15 5. Consultation with current sea kayak sub-licensees and owners of private structures on the Byron Bay Beach Reserve in September 2023.

As a result of the above consultation, the following amendments to the draft Policy are proposed:

- 20 1. New clause 1.1 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,
  - c. To clarify the types of low impact commercial recreational activities that may occur in coastal reserves and the regulation of those activities, and
  - 25 d. To provide a fair and transparent process for the grant of licences on coastal reserves.
2. Clause 1.2 Scope, has been amended to include transition arrangements for two privately-owned structures on Byron Bay Beach Reserve as per Res **23-349**.
- 30 3. 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.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - GENERAL MANAGER

13.2

The proposed activity must be:

- e. consistent with the coastal reserve purpose,
- 5 f. 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,
- g. a valid Future Act under the Native Title legislation on a coastal Reserve where Native Title rights and interests do or could continue,
- h. consistent with the terms of any Crown Lands licence or lease that applies to the coastal Reserves, and
- 10 i. lawful, which means additional approvals or permissions may also be required.
- 4. Amended clause 3.3 to include two new types of Class 1 licences being:
  - j. environmental protection, conservation or restoration or environmental studies, and
  - 15 k. site investigation.
- 5. Clause 3.4, new Class 2 sub-licence is included for access through a coastal reserve for equestrian activities,
- 6. Clause 3.4.3 (2) Qualitative Criteria (h) is amended to include:
  - 20 (h) benefit of the activity provided to the wider Byron Bay community, including degree of impact of operations on public use of the Reserve, weighting 5%.
- 7. 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.
- 25
- 8. 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:
      - 30 • 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
      - 35 • sub-licensees must obtain consent from Council to conduct the 3<sup>rd</sup> session.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - GENERAL MANAGER

13.2

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
- 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 28 days for additional public comment.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5: Connected Infrastructure	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 Plan of Management for Crown Reserve 82000 - Byron Beach Reserve

### Recent Resolutions

- 21-429

- 5 • 23-349

### Legal/Statutory/Policy Considerations

#### *Crown Land Management Act 2016*

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

- 10 (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***),
  - (c) the maximum term for which licences may be granted (***prescribed maximum term***).
- 15 (2) The Minister may grant a short-term licence over dedicated or reserved Crown land for any prescribed purpose.
- (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.

- 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,

15

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

20

    - (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:

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.
3. June 2023 workshop with Councillors on the Policy review.
4. July 2023 stakeholder workshop on the Policy review.
5. September 2023 consultation with current Class 2 sea kayak sub-licensees.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 13.3 Election of Deputy Mayor - 2023-2024**

**Directorate:** Corporate and Community Services

5 **Report Author:** Amber Evans Crane, Corporate Planning and Improvement Coordinator

**File No:** I2023/1078

**Summary:**

10 In accordance with [Section 231](#) of the *Local Government Act 1993* Councillors can elect a Deputy Mayor. The Deputy Mayor will be elected for a period of 12 months at the Ordinary Council meeting in September each year. This will align with the next Local Government Election on 14 September 2024.

15

---


**RECOMMENDATION:**

**That:**

1. Council elects a Deputy Mayor for the remainder of the Council term.
2. The method of election of the Deputy Mayor be by way of open voting.

20

**Attachments:**

- 1 Byron Shire Council Nomination Form Deputy Mayor 2023, E2023/91273 

25

## Report

In accordance with Section 231 of the Local Government Act 1993, a Council may elect a Deputy Mayor to assist the Mayor in the performance of his/her duties.

- 5 (1) *The councillors may elect a person from among their number to be the deputy mayor.*  
(2) *The person may be elected for the mayoral term or a shorter term.*  
(3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*  
10 (4) *The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

## Term of the Deputy Mayor

Section 231 (2) of the Local Government Act states: “*The person may be elected for the mayoral term or a shorter term*” such as:

- 15 1. For a period of 12 months  
2. For the period of the Mayoral Term  
3. For another period determined by Council

## Returning Officer

- 20 Schedule 7(1) of the Local Government (General) Regulation 2021 states that the “*General Manager (or a person appointed by the General Manager) is the Returning Officer.*”

## Nomination

Schedule 7(2) of the Local Government (General) Regulation 2021 states that:

- 25 (1) *A councillor may be nominated without notice for election as mayor or deputy mayor.*  
(2) *The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*  
30 (3) *The nomination is to be delivered or sent to the returning officer.*  
(4) *The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

Nomination forms have been provided as an attachment to this business paper. Any completed nomination forms should be handed to the General Manager prior to the commencement of the Council meeting.

## Election

Schedule 7(3) of the Local Government (General) Regulation 2021 states:

- (1) *If only one councillor is nominated, that councillor is elected.*
- 5 (2) *If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot; or by open voting.*
- (3) *The election is to be held at the Council meeting at which the Council resolves the method of voting.*
- 10 (4) *In this clause:*  
*“**ballot**” has its normal meaning of secret ballot;*  
*“**open voting**” means voting by a show of hands or similar means.*

The following additional information outlines various ballot systems. Traditionally, this Council has determined the election for Deputy Mayor by ordinary ballot.

### Preferential ballot

- 15 As per its normal interpretation, the ballot papers are to contain the names of all candidates and Councillors mark their votes 1, 2, 3 and so on against the various names, so as to indicate their order of preference for all of the candidates.

### Ordinary ballot or open voting

- 20 Ordinary ballot – ballots are secret with only one candidate’s name written on a ballot paper.

Open voting - open voting is by way of a show of hands or other similar means.

Where there are two candidates, the person with the most votes is elected. If the votes for the two candidates are tied, the one to be elected is to be chosen by lots, with the first name out being declared elected.

- 25 Where there are three or more candidates, the person with the lowest number of votes is eliminated and the process started again until there are only two candidates. The determination of the election would then proceed as if the two were the only candidates. In the case of three or more candidates where a tie occurs, the one to be excluded will be chosen by lot.
- 30 Choosing by Lot – to choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen, on the basis detailed above.

### 35 Selection of Method

The Office of Local Government previously released [circular 20-29](#) giving guidance around the voting method required where the meeting is being held by audio-visual link:

- Open ballots can be undertaken remotely where a council is conducting its meetings by audio visual link.
- Ordinary and preferential ballots are secret ballots and councillors will need to attend the meeting in person if the election is to be by way of an ordinary or preferential ballot.

Should there be any Councillors attending via audio-visual link, the recommendation is that the 'open voting' method be used.

## **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	1.1: 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

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

The Deputy Mayor will undertake the Mayor's role at the request of the Mayor and in situations where the Mayor is prevented by illness, absence or other reasons from exercising the functions of the position. The role of the Mayor is defined by [Section 226 of the Local Government Act 1993](#).

### **Financial Considerations**

Section 249(5) of the Local Government Act 1993 states:

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

Therefore, the Deputy Mayor when acting in the role of Mayor, in instances where the Mayor has leave of absence endorsed by Council, could be paid a fee calculated on a pro-rata basis of the annual Mayoral allowance, which would be deducted from the amount of the monthly Mayoral allowance paid to the Mayor, in accordance with Section 249 of the *Local Government Act 1993*.

### **Consultation and Engagement**

Not applicable.

## Report No. 13.4 Adoption of Arts and Culture Action Plan 2023 - 2026

**Directorate:** Corporate and Community Services

**Report Author:** Melitta Firth, Arts & Culture Officer

5 **File No:** I2023/1152

### Summary:

At its 22 June 2023 Ordinary Meeting, Council endorsed the draft Arts and Culture Action Plan 2023-2026 (the Action Plan) for public exhibition. The Action Plan articulates Council's key arts priorities to be delivered over the next three years, in line with the Operational Plan and Delivery Program.

Council received 13 survey responses during the public exhibition period. This report provides consideration of those submissions. It recommends that Council adopts the revised Action Plan.

15



---

### RECOMMENDATION:

**That Council:**

- 20 1. **Notes the submissions received during the public exhibition period for the draft Arts and Culture Action Plan 2023-2026 as outlined at Attachment 1 (E2023/91742)**
2. **Adopts the Arts and Culture Action Plan 2023-2026 with amendments at Attachment 2 (E2023/86759).**

### 25 Attachments:

- 1 Arts and Culture Action Plan Community Engagement Report June 2023, E2023/91742 
- 2 Arts and Culture Action Plan 2023–2026, E2023/86759 

30

## Report

Community consultation for the Arts and Culture Action Plan occurred via a survey hosted online on the Your Say Byron Shire engagement platform.

- 5 Community members, artists and creatives were invited to share their feedback on the draft Action Plan over the 30 days public exhibition period from 28 June 2023 to 28 July 2023.

Thirteen surveys were completed during the public exhibition period including 24 open field responses.

- 10 This report provides consideration of those submissions that arose during the public exhibition period. It recommends that Council adopts the revised Action Plan.

### Arts and Culture Action Plan

The purpose of the Action Plan is to:

1. Prioritise our actions and investment in arts and cultural activity over the next three years.
- 15 2. Demonstrate our commitment to a coordinated, whole-of-organisational approach to arts and cultural development.
3. Attract funding and increased resources to the arts and creative industries.
4. Highlight the diverse range of key stakeholders that contribute to supporting the creative life of the community.
- 20 5. Balance community aspirations and Council's current resourcing and capacity.

The Action Plan will also be used to attract funding and resources and demonstrate Council's commitment to a coordinated, whole-of-organisational approach to arts and cultural development.

- 25 The Action Plan has been developed following extensive consultation with arts professionals and creatives living and working in the Shire.

The Action Plan is presented in several parts:

**Our context:** Recognising the impressive scope and distinctive nature of arts and cultural activities already available, and the enormous contribution made by artists and creatives living and working across the Shire.

- 30 **Our role:** We are at times an enabler, commissioner, custodian, regulator, collaborator, or advocate.

**Vision and priorities:** Our vision is to be an artistic and creative capital of Australia, home to world class creativity and a sustainable and thriving arts community. Our priorities focus on:

- inclusive creative experiences for the whole community,
- 5      • fostering a resilient creative sector committed to climate consciousness and ecological sustainability,
- nurturing, amplifying, and supporting our artistic and creative industries, makers, artists and communities and
- 10     • acknowledging and celebrating Aboriginal voices, stories, communities, cultural expression, and creativity.

**Actions:** The activities in the Action Plan are organised in four broad program areas that reflect Council's arts and cultural touchpoints, organisational structure, and Community Strategic Plan. These program areas are:

- Arts and Cultural Infrastructure
- 15     • Public Art and Creative Activation of the Public Domain
- Enabling Arts and Cultural Activity
- Supporting Festivals Events and Screen Industry Activity

Actions in the Plan are categorised under deliver, improve, and grow.

- 20     • Deliver: indicates activities that we already do to support the arts and creative industries
- Improve: activities that will require more time and allocation of resources
- Grow: acknowledges that some activities will take time to deliver, these are larger items that we want to see happen in our community with significant external resourcing required

- 25     **Reporting:** The actions and achievements of the Action Plan will be monitored through the Operational Plan and Annual Report each year.

## **Public Exhibition and Submissions**

Overall, public exhibition feedback has been positive, demonstrating that the proposed actions align with community expectations, notwithstanding the current level of resourcing for arts and cultural activity.

- 5 Following the public exhibition process, the proposed amendments to the Action Plan are recommended:
  - changes to arts and culture definitions
  - new action focused on embedding environmental impact measures into Council grant processes,
- 10
  - new action focused on exploring partnership opportunities for Bundjalung artists to spend time creating on Country.

## **Next steps**

Once adopted, actions in the Plan will be incorporated into the Operational Plan through the Quarterly Business Review process and each year following.

## **15 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>
2: Inclusive Community	2.1: Foster opportunities to express, celebrate and participate in arts and cultural activity	2.1.4: Artistic and creative industries - Build, support, and advocate for the artistic and creative industries of the Shire to inspire a thriving and sustainable arts community	2.1.4.4	Coordinate implementation, monitoring and reporting on the Arts and Culture Action Plan
2: Inclusive Community	2.1: Foster opportunities to express, celebrate and participate in arts and cultural activity	2.1.1: Public Art - Increase creativity in public spaces and build public art opportunities	2.1.1.1	Support art and creative industries in the shire through advice, facilitation or coordination of policy, plans and projects

## Recent Resolutions

### **Res 21-542 Notice of Motion No. 9.2      *Drafting a Strategic Plan for Arts and Culture***

#### **Resolved:**

- 5      1. *That a briefing be provided to Councillors in March 2022, outlining progress thus far on development of a Strategic Plan for the Arts and Culture. This progress report to consider:*
- 10              a) *Community and stake-holders engagement to date*  
                 b) *Community needs and wants*  
                 c) *What have we got, what's working for us, what's not?*  
                 d) *Where do we want to take the arts and culture in this Shire (Vision)*  
                 e) *Starting from what we've got, how might we reach our goals, over time.*
- 15      2. *That the Strategic Plan for the Arts and Culture be delivered by October 2022. (Hackett/Spooner)*

### **Res 23-250 Public Exhibition of draft Arts and Culture Action Plan 2023-2026**

#### **Resolved that:**

1. *The Draft Arts and Culture Action Plan 2023-2026 (Attachment 1 #E2023/57998) be placed on public exhibition for a minimum of 28 days.*
- 20      2.      a) *Should there be no submissions, the Draft Arts and Culture Action Plan 2023-2026 is endorsed from the date after the close of the exhibition period and;*
- b) *Should submissions be received, the Draft Arts and Culture Action Plan 2023-2026 be reported back to Council noting the submissions and any amendments made as a result of the feedback received. (Lyon/Hunter)*

## Legal/Statutory/Policy Considerations

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

Relevant policies include:

- Arts and Culture Policy (2020)
- Public Art Guidelines (2019)
- 30      • Public Art Policy (2018)
- Public Art Strategy (2018)

## Financial Considerations

The proposed actions in the draft Plan will be delivered within the resourcing levels included in the operational and capital works budgets each financial year, subject to Council approval.

- 5     Actions that require additional funding will be progressed when resources are secured through budget increases that are matched with funding and/or alternative sources, including grants.

## Consultation and Engagement

- 10    The Arts and Culture Action Plan has been informed by consultation and engagement with key stakeholders over the last five years, including:

- Community consultation and feedback received during the development of the Arts and Culture Policy in 2019 and 2020.
- Citizen's Lottery - comprised of 400 people who nominated to provide feedback and opinion on Council matters.
- 15    • Consultation with Councillors at the June 2022 Strategic Workshop.
- Community consultation at the Arts and Culture Forum in November 2022. 116 industry professionals and creatives were in attendance.
- Arts and Creative Industries Advisory Committee Members and Public Art Panel Members.
- 20    • Staff consultation and collaboration across all Directorates.
- Your Say Byron Shire Survey

The draft Arts and Culture Action Plan was subject to 30 day's public exhibition, from 28 June to 28 July 2023.

- 25    Community feedback was sought online via Your Say Byron Shire. Emails, newspaper advertisement and media releases were distributed throughout the public exhibition period.

The submissions have been considered and the proposed changes are outlined in this report. A summary of the 13 surveys (including open field comments) are provided in the Community Engagement Report at Attachment 2.

- 30    Council is required to consider any submissions received during the exhibition period prior to the adoption of the Action Plan.

**Report No. 13.5 Council Investments - 1 August to 31 August 2023**

**Directorate:** Corporate and Community Services

**Report Author:** James Brickley, Acting Director Corporate and Community Services

**File No:** I2023/1338

**Summary:**

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

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

---

**RECOMMENDATION:**

- 15 That Council notes the Report listing Council's investments and overall cash position as of 31 August 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 31 August 2023, the average 90-day bank bill rate (BBSW) for the month was 4.06%. Council's performance for August 2023 was 4.26%.

- 5 Interest rates have seen a recent increase and over the month of August have been steady, as a result Council is performing above the average BBSW. The table below identifies the investments held by Council as at 31 August 2023.

### Schedule of Investments held as at 31 August 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%	948,980.00
20/11/18	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	22/03/24	Y	B	1.78%	993,810.00
28/03/19	1,000,000.00	National Housing Finance & Investment Corporation	Y	AAA	28/03/29	Y	B	2.38%	918,370.00
21/11/19	1,000,000.00	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	Y	B	1.25%	957,780.00
27/11/19	500,000.00	National Housing Finance & Investment Corp	Y	AAA	27/05/30	Y	B	1.52%	425,175.00
15/06/21	500,000.00	National Housing Finance & Investment Corp	Y	AAA	01/07/31	Y	B	1.99%	502,645.00
06/09/21	1,000,000.00	Northern Territory TCorp	N	Aa3	15/12/26	Y	B	1.40%	1,000,000.00
16/09/21	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	02/03/32	Y	B	1.83%	790,060.00

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.5

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
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
09/08/23	1,000,000.00	Auswide Bank	N	BBB	08/11/23	Y	TD	5.15%	1,000,000.00
23/08/23	1,000,000.00	NAB	N	AA-	20/11/23	N	TD	4.90%	1,000,000.00
31/08/23	1,000,000.00	NAB	N	AA-	29/11/23	N	TD	4.90%	1,000,000.00
N/A	33,824,177.35	CBA Business Saver	P	AA-	N/A	N	CALL	4.20%	33,824,177.35
N/A	3,137,392.16	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	N	CALL	4.20%	3,137,392.16

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.5

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Int. Rate	Current Value (\$)
N/A	10,431,190.52	Macquarie Accelerator Call	N	A	N/A	N	CALL	3.95%	10,431,190.52
<b>Total</b>	<b>83,392,760.03</b>						<b>AVG</b>	4.26%	<b>82,929,580.03</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](#).

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.5

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).
- 10

Investment policy compliance % should not exceed the following			ACTUAL	
AAA to AA	A1+	100%	73%	Meets policy
A+ to A-	A1	60%	13%	Meets policy
BBB to NR	A2,NR	40%	14%	Meets policy

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

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

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.5

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	5%	Meets policy
AA+ to AA-	100%	100%	5Y	67%	Meets policy
A+ to A	100%	100%	3Y	13%	Meets policy
A-	40%	40%	3Y	0%	Meets policy
BBB+		10% 3 Years	3Y	4%	Meets policy
BBB	30%	5% 12 Months	1Y	7%	Does not meet policy
BBB- and below (local ADI'S)		5% 12 Months	1Y	4%	Meets policy
BBB- and below (other)	5%	250,000	1Y	0%	Meets policy

5

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

- 10 Meeting the NSW Treasury Corporation compliance means Council will be limited in taking up investments that may be for purposes associated with Environmental and Socially Responsible outcomes. Investments which do not comply with NSW Treasury Corporation requirements and investments with financial institutions that do not support fossil fuels will have to be decreased due to their credit rating status or lack of credit rating.
- 15 The investment portfolio is outlined in the table below by investment type for the period 1 August 2023 to 31 August 2023:

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

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
29,000,000.00	Term Deposits	29,000,000.00	0.00
33,824,177.35	CBA Business Saver	33,824,177.35	0.00
3,137,392.16	CBA Business Saver – Tourism Infrastructure Grant	3,137,392.16	0.00
10,431,189.52	Macquarie Accelerator	10,431,189.52	0.00
7,000,000.00	Bonds	6,536,820.00	(463,180.00)
<b>83,392,759.03</b>	<b>Total</b>	<b>82,929,579.03</b>	<b>(463,180.00)</b>

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.5

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 August 2023

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
<b>Investments Portfolio</b>			
Term Deposits	29,000,000.00	29,000,000.00	0.00
CBA Business Saver	33,824,177.35	33,824,177.35	0.00
CBA Business Saver – Tourism Infrastructure Grant	3,137,392.16	3,137,392.16	0.00
Macquarie Accelerator	10,431,189.52	10,431,189.52	0.00
Bonds	7,000,000.00	6,536,820.00	(463,180.00)
<b>Total Investment Portfolio</b>	<b>83,392,759.03</b>	<b>82,929,579.03</b>	<b>(463,180.00)</b>
<b>Cash at Bank</b>			
Consolidated Fund	4,436,676.42	4,436,676.42	0.00
<b>Total Cash at Bank</b>	<b>4,436,676.42</b>	<b>4,436,676.42</b>	<b>0.00</b>
<b>Total Cash Position</b>	<b>87,829,435.45</b>	<b>87,366,255.45</b>	<b>(463,180.00)</b>

## **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	1.3.1.6	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.

## **Report No. 13.6      Grants August 2023**

**Directorate:** Corporate and Community Services

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

**File No:** I2023/1356

### **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.

10


---

### **RECOMMENDATION:**

**That Council notes the grant submissions report for the month of August 2023 (Attachment 1 #E2023/94882).**

### **Attachments:**

15

- 1      Grant submissions as at 31 August 2023, E2023/94882 

## Report

Currently Council has eighteen grant applications awaiting determination (refer to Grants Submissions as at 31 August 2023 - Attachment 1, E2023/94882).

### Successful applications

- 5 No announcements for August 2023.

### Unsuccessful applications

Funding body	Funding scheme	Project name	Total project value \$	Amount requested \$	Council co-contribution \$
NSW EPA	Local Government Waste Solutions Fund Round 1	Wash On Wheels - mobile wash events trailer	\$256,260	\$192,000	\$64,260 (in-kind)

### Applications submitted

[Growing Regions Program Round 1 | business.gov.au](#)

Expression of Interest application submitted 1 August for Bioenergy Facility.

- 10 [Coastal and estuary grants | NSW Environment and Heritage](#)

Application submitted 31 August for Cavvanbah and Belongil Beach Dune Recovery Project to restore dunes that have been recently impacted by coastal processes. Proposed works include:

- Minor re-shaping of the dune where scalloping has occurred, filling in areas with small amounts of in-situ beach sand to create a more natural dune slope and promote vegetation establishment and dune recovery.
- Restoration of beach access ways.

## Upcoming Grant opportunities

### [Local Small Commitments Allocation - Home Page | NSW Government](#)

- 5 The Local Small Commitments Allocation will help fund small local projects, enhancing community well-being and providing benefits to each of the 93 NSW electorates. Byron Shire funding allocation is \$200,000. Staff are currently preparing an application for pathways and site signage to support delivery of the [Linda Vidler Park Masterplan - Byron Shire Council \(nsw.gov.au\)](#)

### [Regional Housing Strategic Planning Fund | Planning \(nsw.gov.au\)](#)

- 10 The Regional Housing Strategic Planning Fund is a \$12 million competitive grants program that aims to enable and accelerate the delivery of strategic planning projects, technical studies, and policies that support increased housing supply, affordability, diversity, and resilience in regional NSW. Closes 29 September. Available funding – up to \$250,000.

The objectives of the fund are to support eligible strategic planning projects that:

- 15
- enable and accelerate new housing capacity and the delivery of zoned and 'development-ready' residential land in regional NSW
  - support new housing capacity in regional NSW and enable future development by resolving issues and constraints
  - better align and coordinate housing and infrastructure delivery
- 20
- support more housing choice and the availability of affordable and diverse housing in regional NSW
  - make housing in regional NSW more resilient to natural hazards and other potential shocks and stresses
  - empower and support local councils to plan strategically for future housing supply.

- 25 Staff are currently preparing an application to deliver an Urban Design Study that builds on the Byron Town Centre Masterplan. The Urban Design Study will look at the housing mix within the residential areas adjacent to the Byron town centre and consider height and density.

### [Australia Day Community Grants](#) - 2024 Community Grants funding – opens 3 October

- 30 The National Australia Day Council (NADC) – with the support of the Federal Government – provide funding each year to community groups and councils to support local participation in Australia Day activities.

2024 grants are only be available to:

- a) All local and state government entities (regardless of whether they have previously participated in the Community Events Grants program); and

b) not-for-profit organisations who received an Australia Day 2023 Community Grant

In respect of Aboriginal and Torres Strait Islander communities, Council is not considering applying for 2024 funding. The Citizenship Ceremony date is yet to be determined and will be funded from existing Council budget. The award ceremony, recognising local residents and organisations achievements and contributions, is now held later in the year (this year held in August 2023).

## **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	1.3.1.9	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**

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**

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:

	<b>Funding applications submitted and awaiting notification (total value)</b>	<b>\$28,345,822</b>
	Requested funds from funding bodies	\$24,130,299
10	Council contribution cash	\$883,168
	Council co-contribution in-kind	\$4,500
	Other contributions	\$3,000,000

Funding determined in August 2023

15	Successful applications	\$0 (total project value)
	Unsuccessful/withdrawn applications	\$256,260 (total project value)

## **Consultation and Engagement**

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

**Report No. 13.7 NSW Treasury Corporation - Updated Council Loan Conditions**

**Directorate:** Corporate and Community Services

**Report Author:** James Brickley, Acting Director Corporate and Community Services

**File No:** I2023/1375

**Summary:**

Council, in 2019 and 2020, undertook loan borrowings with NSW Treasury Corporation. As part of those loan borrowings, Council was required to accept loan agreement conditions that placed further restrictions on Council's investments and limited investments to financial institutions with higher credit ratings. This had the impact of exposing Council to investing more with financial institutions linked to fossil fuels.

Council has been asking NSW Treasury Corporation for some time to vary the loan agreement conditions to remove or reduce the investment restrictions that will allow Council to invest more of its investment portfolio with financial institutions that do not support fossil fuels and more in accord with Council's adopted investment policy.

In response, NSW Treasury Corporation have provided a proposed variation to the Council loan agreements for Council to execute should Council elect to accept this variation.


This report is provided to Council to consider the loan agreement variation and to authorise the use of the Council Seal to the document to be signed as requested by NSW Treasury Corporation.

---

**RECOMMENDATION:****That Council:**

1. **Accepts the revised loan agreement variation offered by NSW Treasury Corporation.**
2. **Authorises the Agreement as outlined in Attachment 1 (#E2023/93927) to be executed by the Mayor and General Manager and the affixing of the Council Seal to the revised Loan Agreement.**

**Attachments:**

- 1 Proposed Agreement to vary Council Loan Agreements with NSW Treasury Corporation, E2023/93927 

**Report**

Council, in 2019 and 2020, undertook loan borrowings with NSW Treasury Corporation. As part of those loan borrowings, Council was required to accept loan agreement conditions that placed further restrictions on Council's investments and limited investments to financial institutions with higher credit ratings. This had the impact of exposing Council to investing more with financial institutions linked to fossil fuels.

Council has been asking NSW Treasury Corporation for some time to vary the Loan Agreement conditions to remove or reduce the investment restrictions that will allow Council to invest more of its investment portfolio with financial institutions that do not support fossil fuels and more in accord with Council's adopted investment policy.

In response, NSW Treasury Corporation have provided a proposed variation to the Council loan agreements for Council to execute should it agree. This report is provided to Council to consider the loan agreement variation and to authorise the affixing of the Council Seal to the document to be signed as requested by NSW Treasury Corporation.

As background, Council has the following loans with NSW Treasury Corporation:

- Loan 69 - \$4,335,000 borrowed on 27 June 2019 over 20 years at 2.58% for Bridge and Causeway Replacement – Principal and Interest repayments.
- Loan 70 - \$3,334,000 borrowed on 27 June 2019 over 5 years at 1.86% for demolition and remediation of former Mullumbimby Hospital – Interest only repayments.
- Loan 71 - \$17,564,000 borrowed on 2 December 2019 over 20 years at 2.34% for refinancing of Brunswick Valley Sewerage Treatment Plant and Donaghy's Bridge loans – Principal and Interest repayments.
- Loan 72 - \$1,844,000 borrowed on 15 May 2020 over 20 years at 2.45% for Bridges and South Golden Beach Flood Pump – Principal and Interest repayments.

The effect of the NSW Treasury Corporation Loan conditions for the above borrowings meant that Council was limited to a maximum of 30% of its investment portfolio being invested in financial institutions with a credit rating of BBB+ to BBB and 5% in BBB- or below. This meant the majority of Council's investments needed to be held with financial institutions that had a credit rating of A- (maximum 40%) or up to 100% in A+ to AAA credit ratings. Most financial institutions with credit ratings of A- and above have links to fossil fuels through lending or other means. These same financial institutions though from time to time do issue investment opportunities that support environmental and socially responsible activities to which Council has invested when able.

Council has a desire to invest its funds into Environmentally and Socially Responsible purposes and away from financial institutions that have links to fossil fuels. Council's current investment policy clearly articulates this, but the NSW Treasury Corporation loan condition restrictions has resulted in Council being required to invest funds with financial institutions with links to fossil fuels contrary to Council's policy objective.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.7

The letter provided at Attachment 1 outlines the proposed changes to the existing loan agreements by way of variation in place that includes the removal Clause 11.4 completely. This clause outlined the restrictions on Council's investments.

5 NSW Treasury Corporation are now allowing Council to rely on its Investment Policy for the basis of investments. This is a very positive change and will see Council over time improve the proportion of its investment portfolio not linked to financial institutions supporting fossil fuels and to pursue environmental and socially responsible investment opportunities as they come to market or invest with financial institutions that do not have links to fossil fuels.

10 Aside from the relaxation of investment conditions from NSW Treasury Corporation, Council will still need to comply with the Ministerial Investment Order last updated in January 2011.

15 It is recommended that Council approve the acceptance of the revised loan agreement conditions offered by NSW Treasury Corporation and execute the agreement accordingly with the use of the Council Seal. This will also mean that future Investment Reports provided to each Ordinary Meeting from October 2023 onwards will no longer outline the table containing the compliance information with NSW Treasury Corporation loan conditions as this will no longer be required.

## Strategic Considerations

### 20 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	1.3.1.6	Maintain Council's cash flow

## Legal/Statutory/Policy Considerations

Section 212 of the *Local Government (General) Regulation 2021*, requires the Responsible Accounting Officer of Council to provide Council with a monthly report detailing all monies it has invested under section 625 of the *Local Government Act 1993*.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.7

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.

- 5 Council's Investment Policy includes the objective of maximising earnings from authorised investments and ensuring the security of Council Funds can be found at the following link:

[Investments Policy - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/InvestmentsPolicy-ByronShireCouncil)

Section 400 of the Local Government (General) Regulation 2021 outlines the use of the Council Seal and application to documents as follows:

- 10 (1) The seal of a council must be kept by the mayor or the general manager, as the council determines.
- (2) The seal of a council may be affixed to a document only in the presence of—
- (a) the mayor and the general manager, or
- (b) at least one councillor (other than the mayor) and the general manager, or
- 15 (c) the mayor and at least one other councillor, or
- (d) at least 2 councillors other than the mayor.
- (3) The affixing of a council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subsection (2)) attest by their signatures that the seal was affixed in their presence.
- 20 (4) 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.

### **Financial Considerations**

- 25 There are no financial considerations associated with this report other than the execution of the revised loan agreement conditions with NSW Treasury Corporation will provide Council greater flexibility as to the investment of surplus funds in accord with its Investment Policy and allow Council over time to reduce the exposure of its investment portfolio with financial institutions that support fossil fuels.

## **Report No. 13.8      2023-2024 Financial Assistance Grant**

**Directorate:** Corporate and Community Services

**Report Author:** James Brickley, Acting Director Corporate and Community Services

5    **File No:** I2023/1395

### **Summary:**

The NSW Local Government Grants Commission has advised Council of its 2023-2024 Financial Assistance Grant entitlement via letter dated 5 September 2023. The letter requests that its contents be tabled at the next Ordinary Meeting of Council.




10    This report also provides Council with some additional information related to the Financial Assistance Grant entitlement for the 2023-2024 financial year.

### 15    **RECOMMENDATION:**

**That Council:**

1.    **Notes the 2023-2024 Financial Assistance Grant Allocation as outlined in Attachment 1 (#E2023/94900), 2 (#E2023/94898) and 3 (#E2023/94899).**
- 20    2.    **Uses part of the additional 2023-2024 Financial Assistance Grant allocation to reduce the 2023-2024 Budget Deficit from \$435,000 to \$250,000 and transfer \$186,900 to the Financial Assistance Grant Reserve for reasons outlined in the Financial Considerations Section of this Report.**

### **Attachments:**

- 25    1    Letter from NSW Grants Commission outlining 2023-2024 Financial Assistance Grant, E2023/94900 
- 2    2    Schedule of Financial Assistance Grant Payments 2023-2024 to NSW Councils, E2023/94898 
- 30    3    Details of Byron Shire Council 2023-2024 Financial Assistance Grant Entitlement, E2023/94899 

## Report

The NSW Local Government Grants Commission has advised Council of its 2023-2024 Financial Assistance Grant entitlement via letter dated 5 September 2023. The letter requests that its contents be tabled at the next Ordinary Meeting of Council and has been included at Attachment 1 (#E2023/94900).

This report addresses that request and provides Council with some additional information related to the Financial Assistance Grant entitlement for the 2023-2024 financial year.

The monetary value of the Council's 2023-2024 Financial Assistance Grant is provided in the table below:

Grant Component	Value \$
General Purpose	2,557,792
Roads Component	1,522,885
<b>Gross Financial Assistance Grant</b>	<b>4,080,677</b>
Add CPI Adjustment from 2022-2023 General	119,476
Add CPI Adjustment from 2022-2023 Roads	65,978
<b>Total Financial Assistance Grant 2023-2024</b>	<b>4,266,131</b>

The total General Purpose component of the Financial Assistance Grant for 2023-2024 is \$2,677,268 and the total Roads component is \$1,588,863 after adjustments from the previous year's Consumer Price Index (CPI) outcome. The gross grant allocation for Council is a 14.3% increase (including CPI adjustments) on the 2022-2023 Financial Assistance Grant.

The Commonwealth Government determined to pay all of the 2023-2024 Financial Assistance Grant in advance. This is the first time the full estimated grant was paid in advance albeit two days before the end of the financial year. In this regard, Council received a total advance payment of \$4,080,555 on 28 June 2023. The remaining grant payments will be received during the 2023-2024 financial year and will be reduced by the amount of the advance payment. The remaining instalments payable to Council in 2022-2023 are outlined in Attachment 3 along with details of the Byron Shire Council specific grant entitlement.

The Financial Assistance Grant is a general purpose grant. That is, whilst it has defined components as outlined in the table above, there are no conditions attached about how Council spends it. Council recognises this grant in the General Purpose Revenues Program along with rate revenue, which is distributed to other Council programs through the budget.

Incorporating the advance payment received at the end of the 2022-2023 financial year, that Council has carried forward to expend in the 2023-2024 financial year, Council's

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.8

estimated revenue budget is approximately \$371,900 above the proposed net 2023-2024 Financial Assistance Grant.

Attachment 2 provides a schedule of all Financial Assistance Grant payments to NSW Councils for the 2023-2024 financial year. The table below shows the net grant entitlements of neighbouring Councils for information.

Whilst each Council has its own circumstances that contribute to the grant calculations i.e., disability factors, population, property values etc., the table demonstrates that the Financial Assistance Grant Revenue received by Byron Shire Council remains low relative to our neighbouring councils.

#### 2023-2024 Financial Assistance Grant Outcomes

<b>Council</b>	<b>Population</b>	<b>Total Net Financial Assistance Grant \$</b>
Ballina	46,760	5,971,957
<b>Byron</b>	<b>36,398</b>	<b>4,266,131</b>
Clarence Valley	54,580	13,693,597
Kyogle	9,418	6,058,925
Lismore	44,202	8,070,214
Richmond Valley	23,671	6,746,876
Tweed	97,718	13,263,187

The table below sets out the actual grant differences.

#### 2023-2024 Financial Assistance Grant Differences

<b>Council</b>	<b>Additional FAG Revenue compared to Byron \$</b>	<b>Grant Entitlement greater than Byron (times)</b>
Ballina	1,705,826	1.40
Clarence Valley	9,427,466	3.21
Kyogle	1,792,794	1.42
Lismore	3,804,083	1.89
Richmond Valley	2,480,745	1.58
Tweed	8,997,056	3.11

## Strategic Considerations

### 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	1.3.1.4	Financial reporting as required provided to Council and management

### Legal/Statutory/Policy Considerations

5 The Financial Assistance Grant is provided by the Commonwealth Government via the NSW Local Government Grants Commission. The NSW Local Government Grants Commission determines the amount of the distribution to each Council in NSW from the pool of funds allocated to the State of NSW by the Commonwealth Government. Each State in Australia is required to have a Local Government Grants Commission to determine distributions.

### 10 Financial Considerations

Council may recall the 2023-2024 budget adopted on 22 June 2023 contained a budget deficit of \$435,000. The additional Financial Assistance Grant entitlement for 2023-2024 is \$371,900. It is proposed that Council apply \$185,000 to the budget deficit position reducing it to \$250,000. The outstanding \$250,000 equates to the additional resourcing 15 Council provided for enforcement and compliance as part of the 2023/2024 budget. Council is working on recovering this funding during the course of the financial year through compliance/enforcement activities.

The NSW Grants Commission have advised from the next financial year (2024/25) that the methodology for the Financial Assistance Grants may change where it is possible that a 20 Council's Financial Assistance Grant may be reduced as the current cap, to ensure no Council receives less grant entitlement than the previous year, will no longer be in place. In this regard, it is recommended that Council allocate the remaining \$186,900 to the Financial Assistance Grant Reserve, to be available for the 2024/25 financial year, as a buffer should Council's grant entitlement be reduced. The change in the methodology that 25 outlines a Council's grant entitlement can be reduced is outlined on page 4 of Attachment 1 under the heading 'A Message of Caution'.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.9 Coastal Management Program Stage 2 technical studies for noting**

5 **Directorate:** Sustainable Environment and Economy  
**Report Author:** Orla Seccull, Coastal & Estuary Officer  
**File No:** I2023/1128

**Summary:**

This report provides:



- 10
- An update on the status of development of Coastal Management Programs (CMPs) for Byron Shire including the expected timeframe for delivery of the Stage 2 technical studies.
  - The recommended geographical breakdown of the next stages of CMP development into three distinct CMPs planned (as follows with one for the
- 15 Brunswick Estuary as a future priority):
- Open Coast (Shire-Wide).
  - Tallow Creek Estuary.
  - Belongil Creek Estuary.
- 20
- A summary of two Stage 2 technical studies for noting by Council including, for each, the project background, components, key outcomes and next steps, the recommendations of which will be considered at the next stage of CMP preparation (Stage 3):
- Byron Shire ICOLL Water Pollution Source Tracking and Pollution Control Programs for Belongil Creek, Tallow Creek and Ti-Tree Lake (Attachment 1).
- 25
- Shire-Wide Review of Coastal Wetland and Littoral Rainforest Mapping (Attachment 2).

**RECOMMENDATION:**

**That Council notes:**

- 5 1. The Coastal Management Programs (CMPs) currently under development will be further developed as three distinct CMPs as follows:
  - a) Open Coast (Shire-wide).
  - b) Belongil Creek Estuary.
  - c) Tallow Creek Estuary.
- 10 2. The findings of the attached Coastal Management Program (CMP) Stage 2 technical reports:
  - 15 a) Byron Shire ICOLL Water Pollution Source Tracking and Pollution Control Programs for Belongil Creek, Tallow Creek and Ti-Tree Lake (Attachment 1; E2023/73406).
  - b) Review of R&H SEPP Coastal Wetland and Littoral Rainforest Mapping for Byron Shire, (Attachment 2; E2023/66258).
- 20 3. Stage 2 of the CMP process for these projects is not a decision-making stage and the management actions recommended in the attached CMP Stage 2 technical reports will be further considered at Stage 3 of CMP development.
4. The above CMP Stage 2 technical reports will be provided on Council's CMP project webpage.

**Attachments:**

- 25 1 Byron Shire ICOLL Water Pollution Source Tracking and Pollution Control Programs for Belongil Creek, Tallow Creek and Ti-Tree Lake, E2023/73406 
- 2 Review of R&H SEPP Coastal Wetland and Littoral Rainforest Mapping for Byron Shire, E2023/66258 

## Report

This report provides:

- An update on the status of development of Coastal Management Programs (CMPs) for Byron Shire.
- 5      • The recommended geographical breakdown of the next stages of CMP development.
- A summary of the project background, components, key outcomes and next steps for two recently completed CMP Stage 2 technical studies, i.e.:
  - 10      ○ Byron Shire ICOLL Water Pollution Source Tracking and Pollution Control Programs for Belongil Creek, Tallow Creek and Ti-Tree Lake (Attachment 1).
  - Shire-Wide Review of Coastal Wetland and Littoral Rainforest Mapping (Attachment 2).

### Information/ background

- 15      Council is progressing through Stage 2 of preparation of Coastal Management Programs (CMPs) for its coastline to fill key information gaps on threats, issues and opportunities in the coastal zone (refer Figure 1). This was recommended in the Stage 1 Scoping Studies adopted by Council for the open coast and for the Belongil and Tallow Creek estuaries (Res **20-301** (25 June 2020) and Res **21-299** (5 August 2021). The current status of CMP development is detailed below.

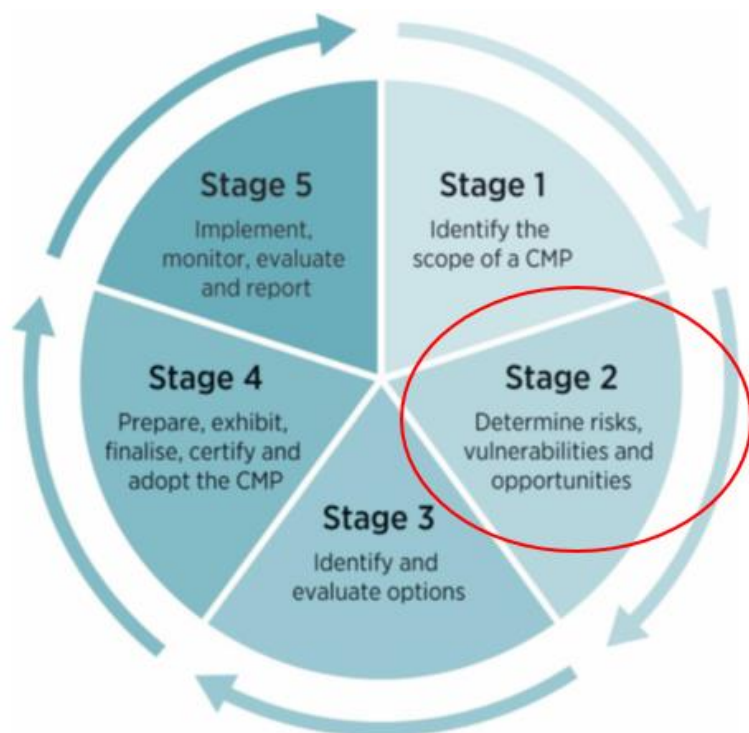


Figure 1 - CMP Stages

**Stage 1 Scoping Studies:**

- North Byron Coastline (Cape Byron to South Golden Beach) (BMT, 2020), adopted 2020
- South Byron Coastline (Cape Byron to Seven Mile Beach within the Shire) and Belongil Estuary (Rhelm, 2021), adopted 2021
- Future scoping study for the Brunswick River estuary pending resource and funding availability

**Stage 2 Studies underway/complete:**

Stage 2 technical studies confirm current knowledge on key issues and concerns and fill information gaps that are critical to the development of management strategies and actions that will occur in the next stage (Stage 3). The status of Stage 2 studies is shown in the table below.

Stage 2 - Project / Study	Status
Main Beach Shoreline Project	Design investigation and technical assessment complete. Reported to Council April 2023.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.9

Stage 2 - Project / Study	Status
Shire-Wide Coastal Hazard Assessment Study	Draft report received and under review. Final report expected September 2023. Expected to be reported to Council in October or November 2023.
Shire-Wide Planning Audit - Identify barriers and opportunities for improvement associated with Council's coastal planning controls and processes.	Draft report expected September 2023. Internal review required by Council staff (Planners, Coast & Estuary Team).  External review required by DPE (funding partner). Expected to be reported to Council Nov 2023 or Feb 2024.
Review of the Entrance Opening Strategies for Belongil and Tallow Creek estuaries.	Draft report received. Action planning workshop planned for September 2023. Final report due October 2023. Expected to be reported to Council Nov 2023 or Feb 2024.
Byron Shire ICOLL Water Pollution Source Tracking and Pollution Control Programs for the Belongil Creek, Tallow Creek and Ti-Tree Lake catchments.	Complete. <b>Reported to Council 28 September 2023 (this report).</b>
Shire-Wide Coastal Wetland and Littoral Rainforest Mapping review	Complete. <b>Reported to Council 28 September 2023 (this report).</b>
Shire-Wide study on the Impacts of Recreational Uses and Tourism on Coastal Biodiversity and Habitats	Draft report received. Report being finalised. Expected to be reported to Council October 2023.

Updates on these studies have been made quarterly to the Coast and ICOLL Advisory Committee.

#### **Pathway forward for CMP development**

Three Stage 2 studies are still underway with the expectation to be complete by end 2023 and reported to Council by early 2024. For the recently completed projects, refer to the section below.

Council staff with the support of Department of Planning and Environment (DPE) reported to the Coast and ICOLL Advisory Committee 14 February 2023 that the forward development of CMPs for Byron Shire be broken down into distinct geographical areas to better reflect the unique coastal values and threats of each area, to allow for more refined/targeted community engagement and stakeholder consultation, to reduce the timeframe associated with developing a CMP for lower risk/less complex areas (such as the Tallow Creek estuary) and to increase the possibility of obtaining a certified CMP for part of the Shire's coastal zone. There are now three CMPs currently planned (as follows with one for the Brunswick Estuary as a future priority):

- Open Coast (Shire-Wide).
- Tallow Creek Estuary.
- Belongil Creek Estuary

For each CMP, it is planned to undertake stages 3 and 4 simultaneously (refer Figure 1).

- Council has committed budget for stages 3 and 4 for the above three CMPs for FY23/34FY and has applied for or in the process of applying for Coast and Estuary Grant funding (at a ratio of 2:1, DPE: Council) to undertake these next stages.

### **Stage 2 Studies to be reported to Council**

Two Stage 2 CMP technical studies have recently been completed as detailed below.

- As per the Coastal Management Manual (OEH, 2018) that forms part of the NSW State Government's Coastal Management Framework and sets out how to develop a CMP, the intended outcome of engagement in Stage 2 is to explain ("Inform") the findings of Stage 2 studies, i.e. to "close the loop" following significant community and stakeholder consultation undertaken in Stage 1. Community and stakeholders will have opportunity in the future to participate in identification and evaluation of management options at Stage 3.

- Following noting by Council, these studies will be placed on Council's webpage for public information.

- Decision making on actual management actions for the coastal zone will take place at the next stage, Stage 3 of CMP preparation. Community and stakeholders will have opportunity in the future to participate in identification and evaluation of management options at Stage 3.

## **1) Byron Shire ICOLL Water Pollution Source Tracking and Pollution Control Programs for Belongil Creek, Tallow Creek and Ti-Tree Lake**

### **Objectives:**

5 Water pollution of the Tallow Creek and Belongil Creek estuaries from a variety of sources was identified as a key threat to coastal values as identified in the Scoping Study for the Southern Byron Shire Coastline. This project aligns with one of the key objectives of the CMP identified in the Scoping Study (Rhelm, 2021): *“To improve the quality of estuarine (Belongil Creek, Tallow Creek and Ti Tree Lakes) and South Byron coastal waters”* and further identifies risks and opportunities associated with several of the key threats  
10 identified in the Stage 1 CMP Scoping Study (Rhelm, 2021):

- *“Water pollution from urban stormwater and treated effluent discharge.*
- *Water pollution from agricultural diffuse source runoff.*
- *Pollution of water, beach sand and other habitat areas from litter, solid waste, marine debris and microplastics.”*

### **15 Methodology:**

Council engaged Hydrosphere Consulting Pty Ltd to undertake the project. Components of the study comprised:

- Stakeholder engagement including delivery of a questionnaire to key stakeholders including members of the Coast and ICOLL Advisory Committee.
- 20 • Review of background information and water quality monitoring data provided by Council and key stakeholders.
- Mapping of water quality pollution sources including consideration of catchment land uses, sewer and stormwater infrastructure, acid sulfate soils, dip sites, litter and marine debris and the DPE Estuary Health Risk Dataset.
- 25 • Ground-truthing and verification.
- Prioritisation of water quality pollution sources (point and diffuse sources) based on multiple lines of evidence (the NSW Estuary Health Risk Dataset, RCAT Modelling, water quality data held by Council, desktop studies, stakeholder feedback and field observations).
- 30 • Development of potential management options to be considered at Stage 3 including a coarse assessment of feasibility, acceptability to the community, cost, approvals process, as well as the responsible land manager and any comment as to whether the options has further merit for being considered Stage 3.
- 35 • Recommendations for future water quality monitoring in the catchments relating to catchment health.

The project aligns with other work being undertaken within other departments in Council – Resource Recovery team on litter; drainage and stormwater/ WSUD; environmental health and water quality monitoring.

**Outcomes:**

- 5 A combination of point sources (e.g. stormwater discharge points etc.) and diffuse pollution sources (e.g. areas of agricultural land and/or urban development with no defined point of discharge) were identified for each catchment.

Ranking of key pollutant sources in each catchment affecting water quality by priority for management is provided in the tables below.

- 10 **Table 1 - Priority ranking of water quality pollutant sources in the Belongil Creek catchment using multiple lines of evidence (adapted from Hydrosphere (2023))**

<b>Rank</b>	<b>Water Quality Pollutant Source</b>
1	Baywood Chase Lake - blue-green algae, pathogens and bacteria, nutrients and low dissolved oxygen
2	Urban residential areas - poor quality stormwater
3	Litter and marine debris
4	Intermittent sewer overflow events
4	Internal water quality processes (e.g. sediment interactions, nutrient cycling etc.)
4	Large-scale Salvinia blooms
7	ASS impacts – low pH, increased metal concentrations
7	Decommissioned South Byron STP site
9	Construction site runoff (ASS impacts, sediment runoff)
10	BP Service Station
10	Historical dip sites (1 site in catchment)
11	On-site wastewater management systems

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.9

**Table 2 - Priority ranking of water quality pollutant sources in the Tallow Creek catchment using multiple lines of evidence (adapted from Hydrosphere (2023))**

Rank	Water Quality Pollutant Source
1	Baywood Chase Lake - blue-green algae, pathogens and bacteria, nutrients and low dissolved oxygen
2	Urban residential areas - poor quality stormwater
3	Litter and marine debris
4	Intermittent sewer overflow events
4	Internal water quality processes (e.g. sediment interactions, nutrient cycling etc.)
4	Large-scale Salvinia blooms
7	ASS impacts – low pH, increased metal concentrations
7	Decommissioned South Byron STP site
9	Construction site runoff (ASS impacts, sediment runoff)
10	BP Service Station
10	Historical dip sites (1 site in catchment)
11	On-site wastewater management systems

**Table 3 - Priority ranking of water quality pollutant sources in the Ti-Tree Lake catchment using multiple lines of evidence (adapted from Hydrosphere (2023))**

Rank	Water Quality Pollutant Source
1	Recreational use of the lake – pollution, disturbance to lake sediments, cultural impacts.
2	Decommissioned Broken Head Quarry site (POEO Act Register listing)
3	Litter and marine debris
4	Urban residential areas - poor quality stormwater

Potential management options recommended to address the above identified water quality pollution sources include but are not limited to:

- further investigations (e.g. microbial source tracking, testing for Endocrine-Disrupting Chemicals (EDCs), identification of possible Blue Carbon projects)
- 5      • feasibility studies (e.g. of constructed wetlands)
- strategic management actions
- on-ground works (e.g. stormwater improvements/ WSUD, riparian rehabilitation)
- education
- offsets
- 10     • enhanced maintenance of assets
- monitoring
- increased resourcing to Council

The consultant presented to the Coast and ICOLL Advisory Committee in August 2023 and the project was well received.

15    **Key Issues:**

The report highlights the issue that even though the quality of treated effluent discharge from the Byron Bay STP is typically of a higher standard than the waters in the receiving environment within the Upper Union Drain, the discharge represents a constant low concentration, but high total load source of pollutants (primarily nutrients) to Belongil Creek and this is projected to increase in the future with increased development in the catchment. This issue was ranked as the second highest priority pollutant source to water quality to be addressed in the Belongil catchment, the highest being poor quality stormwater from Butler Street Drain.

25    The report also highlights the poor performance of Baywood Chase Lake in terms of water treatment and highlights the lake's contribution to reduced water quality outcomes for the Tallow Creek catchment in general. This issue has been raised by the community and key stakeholders of the Tallow Creek catchment several times.

**Next steps:**

- Place report on website for 'information only'
- 30    • Consider identified recommendations for improvements/ innovation/ monitoring/on-ground action at CMP Stage 3. The CMP will prioritise preferred high priority management actions and their timing for implementation over the ten year life of the CMP. Options may also be considered via other operational and strategic planning processes where relevant.

## 2) Shire-Wide Review of Coastal Wetland and Littoral Rainforest Mapping

### Objectives:

5 A key objective of the CMP is “*To facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making*”. The Stage 1 Scoping Study for the southern Byron Shire coastline and the Belongil Estuary identified a medium priority Stage 2 study to “*Investigate and ground truth discrepancies between Council’s mapping of Littoral Rainforest and Coastal Wetlands with the CM SEPP mapping [now the SEPP (Resilience and Hazards) 2021 (R&H SEPP)]...*”. This study further  
10 identifies risks and opportunities associated with several of the key threats identified in the Scoping Study, i.e.:

- “Habitat (physical) and wildlife disturbance”.
- “Coastal development resulting in loss of plant and animal species (habitat disturbance or loss)”.

15 The Coastal Wetlands and Littoral Rainforests area is one of four Coastal Management Areas defined in the *State Environmental Planning Policy (Resilience and Hazards) 2021* (R&H SEPP, incorporating provisions of the repealed Coastal Management SEPP 2016).

20 This review of coastal wetland (CW) and littoral rainforest (LR) area mapping in Byron Shire is aimed at fostering adequate protection of key ecological communities from future land use pressures and development by ensuring that the locations of the coastal wetlands and littoral rainforests are correctly mapped under the R&H SEPP to protect them in their natural state, including their biological diversity and ecosystem integrity. The objective of the mapping component of the study is to develop spatial datasets to support any future amendment to the R&H SEPP.

25 This project was fully funded by DPE’s Biodiversity Conservation Division with a limited budget for a desktop only study of \$15,000 (ex GST).

### Methodology:

Council engaged Earthscapes Consulting Pty Ltd to undertake the desktop mapping review. Components of the study comprised:

- 30 1. Stakeholder engagement with Council staff, State Government, Coast and ICOLL Advisory Committee and the Biodiversity Advisory Committee.
2. Review of the history of mapping and existing mapping criteria for CW and LR communities (limited in availability) in the R&H SEPP.
- 35 3. Development of updated detailed mapping criteria for defining CW and LR communities based on the existing criteria and including remnant patch size, connectivity, condition, elevation, vegetation community. The methodology and criteria for undertaking the mapping review were reviewed by the State.

4. Comprehensive review of the existing R&H SEPP CW and LR mapping in comparison to current (recent) vegetation and High Environmental Value (HEV) mapping, NearMaps aerial imagery and in consideration of key stakeholder input.
5. Identification of potential amendments to the mapping including:
  - 5 a) recommended additions/new areas that meet the updated criteria for LR and CW via desktop review.
  - b) significant errors in the existing mapping or errors that impact on Council's operational activities (e.g., STP treatment pond) via desktop review.
- 10 6. Recommendations as to Council's future planning activities and other considerations for later Stages of the CMP process.

**Outcomes:**

**Mapping Results**

15 The desktop mapping analysis has identified the following recommended changes to the R&H SEPP coastal wetland and littoral rainforest area in Byron Shire based on the updated mapping criteria:

- a reduction of 7.7ha of coastal wetland associated with errors or interference with Council's operational requirements (e.g. STP treatment ponds).
- an additional 266 ha of coastal wetland which are currently not mapped in the R&H SEPP, i.e. taking into account the above recommended reductions, a net 16.4% increase in mapped coastal wetland is recommended.
- 20 • an additional 232 ha of littoral rainforest which are currently not mapped in the R&H SEPP, i.e. a net 233% increase in mapped littoral rainforest area is recommended, i.e. vast areas of littoral rainforest in Byron Shire are not currently mapped or offered the protections of the R&H SEPP.

25 **Recommendations:**

Some of the key recommendations made were that Council:

- seek excision of areas of coastal wetland mapping from DPE for areas impacting on Council's operational activities.
- 30 • pursue a planning proposal to amend the R&H SEPP for additional areas of identified coastal wetland and littoral rainforest at a later stage of the CMP process prior to which Council should:
  - undertake further discussions with Council's Infrastructure Services Directorate regarding specific sites and the potential to impact on Council's operation activities.
  - 35 ○ verify those sites that have not yet been ground-truthed during the mapping of vegetation communities (on advice of DPE).
  - take into account any updated guidelines as provided by DPE at that time such as DPE published requirements on "patch size".

- investigate smaller and lower condition patches at a later stage of the CMP process.

**Key Issues:**

Methodology

- 5 At the commencement of the project, it was expected that the methodology and mapping criteria used by the State to map the existing CW and LR area would be made available to Council along with updated guidance on mapping criteria. However, during stakeholder engagement DPE advised:
- 10
- that the Department would be unable to fully provide all of the methodologies previously used due to their unpublished status.
  - that there was no recent/ updated mapping criteria available beyond that available in Factsheet 4 ([Coastal Management SEPP – Fact sheet 4: Mapping of Coastal Management Areas \(Technical\) \(nsw.gov.au\)](#)) which in the opinion of Council staff and the consultant is limited.
- 15
- that Earthscapes/ Council prepare a proposed methodology and criteria for the mapping review and have that reviewed by DPE. The subsequent methodology and criteria prepared was considered generally acceptable to DPE other than two aspects relating to expectations as to minimum vegetation patch size and vegetation condition class.

20 Final report:

DPE comments on the final report were that the deliverables meet the funding conditions of the project grant, however that the selected condition class and minimum patch size was likely to have resulted in conservative mapping and that smaller or lower condition littoral rainforest and coastal wetland patches, would warrant consideration in a future planning proposal to revise the R&H SEPP coastal wetlands and littoral rainforests area mapping. This has been addressed in the recommendations of the report as summarised under “Outcomes” above.

25

Comments received from DPE Crown Lands and NPWS indicated that there is an expectation that areas of mapping are ground-truthed prior to pursuing a planning proposal. Whilst some areas of vegetation mapping used in the review were ground-truthed as part of their creation, especially for LR mapping, many areas have not been ground-truthed. Council staff understand that there is also now an expectation from DPE Planning that all mapping is ground-truthed prior to submitting of a planning proposal for any project.

30

35 Next steps:

- Place report on website for ‘information only’.
- Consider identified recommendations for future investigations, mapping amendments at CMP Stage 3.

40

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
3: Nurtured Environment	3.3: Protect the health of coastline, estuaries, waterways, and catchments	3.3.1: Coastal Management Program planning and implementation - Undertake Coastal Management Program planning and implementation	3.3.1.8	Identify and evaluate management options and opportunities for addressing threats to the Byron Shire coastal zone and prepare Coastal Management Programs
3: Nurtured Environment	3.3: Protect the health of coastline, estuaries, waterways, and catchments	3.3.1: Coastal Management Program planning and implementation - Undertake Coastal Management Program planning and implementation	3.3.1.3	Identify pollution sources and plan to improve water quality in Byron Shire's intermittently closed and open lakes and lagoons (ICOLs)

### Recent Resolutions

- 5 • **21-299** Final Coastal Management Program (CMP) Stage 1 Scoping Study for the Southern Byron Shire Coastline and Belongil Estuary.
- **20-301** Draft CMP Stage 1 Scoping Study for Cape Byron to South Golden Beach - outcomes of public comment and agency review.

### Legal/Statutory/Policy Considerations

The NSW Coastal Management Framework in NSW comprises the following elements:

- 10 • the *Coastal Management Act 2016* (CM Act)
- the *State Environmental Planning Policy (Resilience and Hazards) 2021* (R&H SEPP)
- the NSW Coastal Management Manual (OEH, 2018).

15 Council is presently preparing a Coastal Management Programs (CMP) for the Byron Shire coastline. The purpose of the CMP will be to set the long-term strategy for the

management of the coastal zone, addressing priority open coast management issues and actions to address the issues, with a focus on achieving the objectives of the CM Act.

The three technical studies summarised herein have been undertaken within Stage 2 of CMP preparation having been guided by the forward plans of the Stage 1 Scoping studies previously adopted by Council. The recommended actions in each of the studies relate directly to the following objects of the CM Act:

- 6 (2) (a): *to protect coastal wetlands and littoral rainforests in their natural state, including their biological diversity and ecosystem integrity.*
- 8(2) (a): *to protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons, and enhance natural character, scenic value, biological diversity and ecosystem integrity.*
- 8(2) (b): *to reduce threats to and improve the resilience of coastal waters, estuaries, coastal lakes and coastal lagoons, including in response to climate change.*
- 8(2) (c): *to maintain and improve water quality and estuary health.*

The studies also support the following relevant purposes of the *Biodiversity Conservation Act 2016*:

- 1.3 (a): *to conserve biodiversity at bioregional and State scales.*
- 1.3 (b): *to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations.*

## Financial Considerations

An existing budget is allocated to the development of Coastal Management Programs for FY2023/24.

An application for grant contribution has been made to the Coast and Estuary Grants Program (DPE) for development of Stages 3 and 4 of the Coastal management Program for the Open Coast. A similar application for Stages 3 and 4 for the Belongil Creek CMP and the Tallow Creek CMP is in preparation.

## Consultation and Engagement

Current consultation in the preparation of CMPs includes:

1. Participation in a regular forum for council staff to discuss CMP preparation with other local council practitioners and DPE staff is being coordinated by DPE.
2. Regular meetings with individual DPE regional staff assigned to the Byron Shire coastal portfolio to discuss Byron's CMP development and trouble shoot issues being encountered and ways to move forward.

Project specific consultation and engagement plans are prepared and implemented as relevant to each study/project.

## Report No. 13.10 Draft Carbon Offset Procurement Policy - public exhibition feedback

**Directorate:** Sustainable Environment and Economy

**Report Author:** Hayley Briggs, Sustainability Officer  
Julia Adams, Sustainability Team Leader

**File No:** I2023/1166

### Summary:

Council resolved at the 22 June 2023 Council Ordinary meeting to place the draft Carbon Offset Procurement Policy on public exhibition for feedback.

- 10 The draft policy was placed on public exhibition for 28 days, during which three submissions were received.

This report recommends that Council adopts the draft Carbon Offset Procurement Policy with minor edits made in accordance with public feedback.



- 15 The Policy will be reviewed following the release of new information from the Australian Government on both the Climate Active scheme and the Senate enquiry into greenwashing.

---

### 20 RECOMMENDATION:

1. That Council adopts the Carbon Offset Procurement Policy (Attachment 1 E2023/91271).
  2. That staff review the Policy following the release of new information from the Australian Government on the Climate Active program and the Senate enquiry into greenwashing.
- 25

### Attachments:

- 1 Carbon Offset Procurement Policy 2023, E2023/91271 
  - 2 Draft Carbon Offset Procurement Policy - Combined Redacted Submissions, E2023/91246 
- 30

## Report

Council resolved that the Carbon Offset Procurement Policy (“the Policy”) be placed on public exhibition for 28 days to allow for public submissions and that the policy be reported back to Council noting the submissions and any amendments made as a result (**Res 23-295**).

The policy was placed on public exhibition for a period of 28 days, ending 24 July 2023. During that period, Council received three submissions (see Attachment 2, E2023/91246). In summary the submissions commented on:

- minor language changes to the Policy,
- the importance of reducing carbon emissions first and purchasing offsets only as a last resort (as is stated in the Policy), and
- the relevance of the current [Senate enquiry into greenwashing](#) and the [review of the future direction of the Climate Active program](#).

These comments have been taken into consideration and have been reflected in minor changes to the Policy and an additional recommendation in this report to review this Policy following the results of the Senate enquiry and the future direction of Climate Active.

Staff recommend adopting the Policy with these changes and considerations.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
3: Nurtured Environment	3.4: Support and empower the community to adapt to, and mitigate the impact on climate change	3.4.4: Net Zero - Work towards achieving Council's 100% net zero-emissions target	3.4.4.1	Develop a carbon offset plan for Council to achieve net zero emissions

## Recent Resolutions

- Resolution 23-295

## Legal/Statutory/Policy Considerations

Byron Shire Council Net Zero Emissions Strategy for Council Operations 2025  
Byron Shire Council Net Zero Emissions Action Plan for Council Operations 2025

**Financial Considerations**

The Policy is managed within the existing operational budget allocation.

**Consultation and Engagement**

The Policy was placed on public exhibition for 28 days.

## Report No. 13.11 Byron Shire Housing Options Paper

**Directorate:** Sustainable Environment and Economy

**Report Author:** Shannon Burt, Director Sustainable Environment and Economy

**File No:** I2023/1388

### 5 Summary:

The purpose of this report is to present the Byron Shire Housing Options Paper (Copy Attachment 1) to Council for consideration to enable it to proceed to a period of public comment October – November 2023.

10

---

### RECOMMENDATION:

That Council:

- 15 1. Notes its previous Resolutions 22-247 Residential Strategy Refresh, 22-739 After the Floods Discussion Paper, 23-165 IPC and Short-Term Rental Accommodation and 23-315 Housing Targets Commitment Department of Planning as they relate to and inform the Housing Options Paper and Residential Strategy Refresh process.
- 20 2. Confirms its support for the preferred 'housing options' of infill, new release, existing zoned vacant land and living differently that are required to meet the State Government housing targets (Resolution 23-315) as presented in the Housing Options Paper (Attachment 1 #E2023/95937) for each locality.
3. Supports the period for public comment on the Housing Options Paper (Attachment 1 #E2023/95937) from 9 October 2023 to 6 November 2023.
- 25 4. To support 1 and 2 above, have staff write to the Minister for Planning requesting a relaxation/variation to the current requirements of Ministerial Direction 9.4 Farmland of State and Regional Significance on the NSW Far North Coast as it applies to those lands identified in the Housing Options Paper consistent with the NSW Flood Inquiry Action 24. This is necessary to  
30 facilitate planning proposals for this land to meet Council's housing target response to the Minister for Planning under Resolution 23-315.
5. Notes that a submissions report on the Housing Options Paper public comment period will be presented back to Council in December 2023.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.11

- 5      6.      **Notes that one of the Affordable Housing Contribution Policy requirements for any land upzoned through inclusion in the Residential Strategy (including those lands in the State Government Resilient Lands Strategy), is that such land will also be included in an Affordable Housing Contribution Scheme to help deliver affordable housing for our community as deemed appropriate and fit for circumstances.**
- 10      7.      **Notes that staff intend to commence feasibility assessments of all new release area lands identified in the Housing Options Paper, as a precursor for inclusion in the Residential Strategy Refresh and new Affordable Housing Contribution Scheme No 2 for Byron Shire.**
- 15      8.      **Notes its previous Resolution 23-303 Resilient Lands Strategy and reiterates in writing to the Reconstruction Authority, Council's preference for a tripartite agreement between the Reconstruction Authority, landowner/developer, and Council about any future rezoning, masterplanning and infrastructure provision for the short-and medium-term Byron Shire resilient growth sites in the Resilient Lands Strategy.**

#### **Attachments:**

- 20      1      **Housing Options Paper - Exhibition Version - September 2023, E2023/95937** 

## Report

### BACKGROUND TO HOUSING OPTIONS PAPER

#### **Residential Strategy 2020**

5 Council adopted a Residential Strategy in December 2020. It was the result of three years of planning, research, and community consultation. It identified a need for a diverse supply of housing for a range of incomes, lifestyle choices, household types and life stages to maintain community diversity and social cohesion.

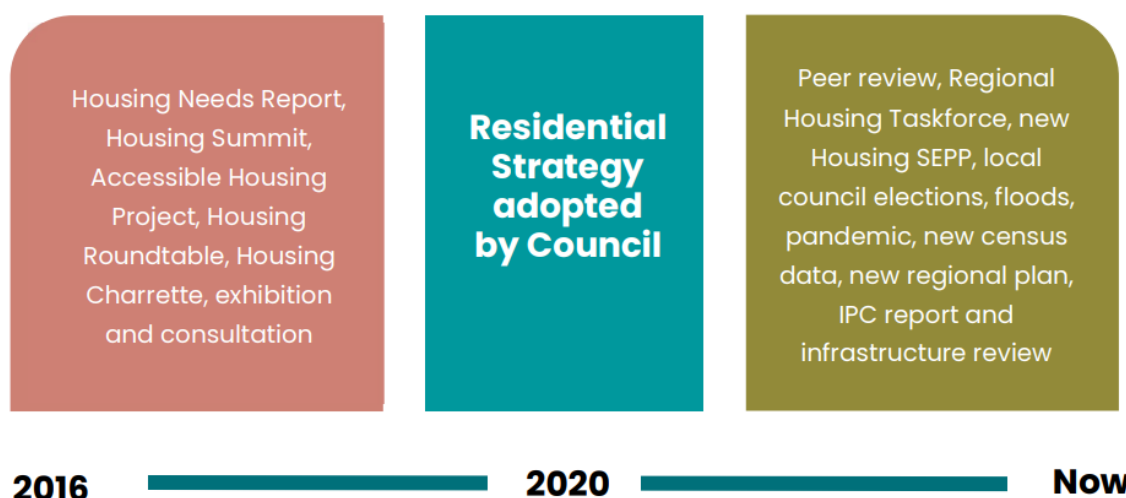
10 [The Residential Strategy](#) also included identified investigation areas, alternate residential models, a monitoring and review program, and a summary action plan with measures and timing for delivery.

The Strategy was not endorsed by the Department of Planning and Environment (DPE). Endorsement is required so that proposals for new land release and some infill opportunities may be progressed.

15 A peer review was instead required and then endorsed by the DPE which provided options to move forward, with the preferred option (Option 1) recommending a revision of the Strategy to:

- Revisit the staging/sequencing of the 'investigation areas' to better reflect the known constraints (including regionally significant farmland), including 'greenfield' and 'infill' options
- 20 • Revise the Monitoring & Review section of the Residential Strategy to include an 'implementation plan'
- Revise the Actions section of the Residential Strategy

25 Since then, many significant events have occurred, changes have been made to State and local policies, and critical decisions have been made that inform and affect housing options in the Byron Shire.



### Residential Strategy Refresh 2023 so far

Flood Events February and March 2022.

- 5 A report was presented to Council updating the status of the Residential Strategy and Lot 22 Mullumbimby. This included the peer review report.

#### [9 June 2022 Planning Meeting Report](#)

Council's decision was to support, subject to funds being allocated, the adopted Residential Strategy being updated as per the peer review report and that a draft of the updated Residential Strategy be reported back to Council.

- 10 [Byron Shire Housing Forum](#) held on 17 June 2022.

Australia Bureau of Statistics commenced a staged release of 2021 census data in June 2022.

DPE updated [North Coast Regional Plan 2041](#) from July 2022 to December 2022.

- 15 NSW government released [NSW Flood Inquiry Report recommendations](#) and the [Parliamentary Committee report](#) in August 2022.

As an initial step in the Residential Strategy Refresh, and in response to the flood events early 2022, Council resolved **22-249** to develop an 'After the Flood Discussion Paper' to rethink how our communities and their built environments exist and can grow in the future.

- 20 Community consultation and findings on the [Discussion Paper 'After the 2022 Floods: Working Out Possibilities Together'](#) from October to December 2022.

The purpose of the Discussion Paper was to start the conversation with the community about long-term planning for how and where people will live and work in the future given the wider consideration of climate change and natural disaster management. The Discussion Paper was focused around four key pillars:



**Build back better:** building or reconstructing in a way that is more resilient to future events and the weather extremes from climate change

Where appropriate and possible to do so, how can we build back better to reduce our vulnerability to future events?



**Build different:** rethinking our planning and building controls such as height and density, typology, form and materials to respond to a changing climate and weather patterns

Acknowledging that areas for new development are limited, how can we provide housing differently in existing areas to meet future needs?



**Build elsewhere:** future proofing settlement locations through potential new greenfield areas to support local housing and business needs

Thinking about potential new areas for people to live and work, where would these areas be and what needs to be considered in choosing them?



**Build supporting infrastructure:** building infrastructure / services appropriate for local circumstances and proportionate to need and available resources.

What are the communities' priorities in building supporting infrastructure to recover from recent events and to mitigate the impacts of future ones?

5

Report No. 13.10 After the Floods Discussion Paper - Submissions Report was considered [Agenda of Ordinary Meeting - Thursday, 15 December 2022 \(infocouncil.biz\)](https://infocouncil.biz) where Council resolved:

**Resolved 22-739** that Council:

- 10 1. *Notes the Settlement Discussion Paper's engagement report 'After the Floods: Settlement Discussion Paper, Engagement Report' (Attachment 1 E2022/119447).*
2. *Recognises the findings report which summarises community feedback on long-term planning for how and where people will live and work in the future and captures it in twenty Principles in 'After the Flood: Settlement Discussion Paper, Findings Report' (Attachment 2 E2022/119445).*
- 15 3. *Further recognises that other post-flood consultation processes like the two NSW Flood Inquiries (Independent and Parliamentary) will guide long-term planning for how and where people will live and work in the future.*
4. *Recognises that bushfire risks must be considered along with flood risks in that planning.*
- 20 5. *Considers all the above input and more in our strategic land use planning framework, including for the preparation and / or review of:*
  - *Residential Strategy*
  - *Rural Land Use Strategy*
  - *Business and Industrial Lands Strategy*

- *Place Plans*

6. *Thanks all who participated in the 'After the Flood Discussion Paper' engagement process.*

Preparation of the Housing Options Paper to inform the Residential Strategy Refresh commenced.

5 Other work needed to support the Housing Options Paper completed:

- Ecovillages addendum report to the Echelon Housing Report – completed May

[Agenda of Housing and Affordability Advisory Committee Meeting - Thursday, 18 May 2023 \(infocouncil.biz\)](#)

10

- Northern Rivers Reconstruction Authority Resilient Lands Strategy – completed June

[Resilient Lands Strategy | NSW Government](#)

- Infrastructure Capability Audit – completed August

## 15 **Housing Supply and Short-Term Rental Accommodation Planning Proposal**

Notwithstanding the above, Council received correspondence from the Deputy Secretary (NSW Planning) on 26 July 2023, stating that Council needs to demonstrate how it intends to improve its housing supply before any decision can be made on its Planning Proposal for Short Term Rental Accommodation (STRA) as per the Independent Planning Commission's (IPC) Advice Report on Byron Shire STRA.

20

The Council Planning Proposal seeks to introduce a new suite of planning controls to apply to Byron Shire that will define STRA and establish the circumstances in which it can occur.

To do this, the Deputy Secretary required Council to complete a table template to detail the commitments it intends to make over the next 3, 6, 12 months and beyond to deliver at least 4522 new and diverse homes in the Byron Shire by 2041.

25

A [late report](#) was presented to the 10 August Planning Meeting which provided Council with the background to this recent correspondence, and staff response to the Department of Planning and Environment (DPE) [table template](#). **23-315 Resolved** that Council:

- 30 1. *Acknowledges the significant amount of work that has been undertaken to support the Byron Shire Short Term Rental Accommodation Planning Proposal and Residential Strategy Refresh 2023.*
2. *Assures the Department of Planning that Council has always met and will continue to meet or exceed the implied dwelling targets required under the North Coast Regional Plan.*
- 35 3. *Agrees to commit to the work needed in relation to housing supply to ensure that the Minister for Planning has the confidence to make a timely decision on the Byron Shire Short Term Rental Accommodation Planning Proposal.*

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.11

4. *In response to 3, endorses the Council response to the Department of Planning and Environment Table Template in Attachment 8 (#E2023/80018) for submission to the Deputy Secretary NSW Planning by the 16 August 2023 with the following addition to content below in the table:*
- 5 *STRA Planning Proposal endorsed by DPE for the assessment of non-hosted STRA in Byron Shire as per IPC recommendation including conditions of consent to retain flexibility to manage non-hosted STRA across Byron Shire, such as time limits on approvals, and to require registration and compliance with the STRA Code of Conduct.*
5. *Requests an urgent meeting with the Minister for Planning on this matter.*
- 10 In summary, through this report and resolution, Council demonstrated its willingness and ability to meet the implied dwelling demand projections forecast of 4,552 additional homes by 2041, with sufficient commitments for the next 1,2,5 and 10 years. And that these commitments will be delivered through the Residential Strategy Refresh, other Planning proposals, and take up of existing infill and zoned vacant land opportunities in the Shire.
- 15 It is understood that the Council response has been considered by the DPE and referred to the Minister for Planning who has accepted its commitments.

A formal response to this from the Minister for Planning is understood to be imminent.

### HOUSING OPTIONS PAPER

- 20 The purpose of the Housing Options Paper (Attachment 1) is to inform the refresh of the existing Residential Strategy.
- The Housing Options Paper explores what has changed since 2020 and explains how this impacts the Strategy. It outlines the options for how housing could now be delivered whilst responding to these changes. This includes options for new release areas, infill, existing residential zoned vacant land and how we could live differently. The Paper then sets out a preferred way forward based on the localities across the Shire.
- 25
- Since 2020 to now a lot has changed.





# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

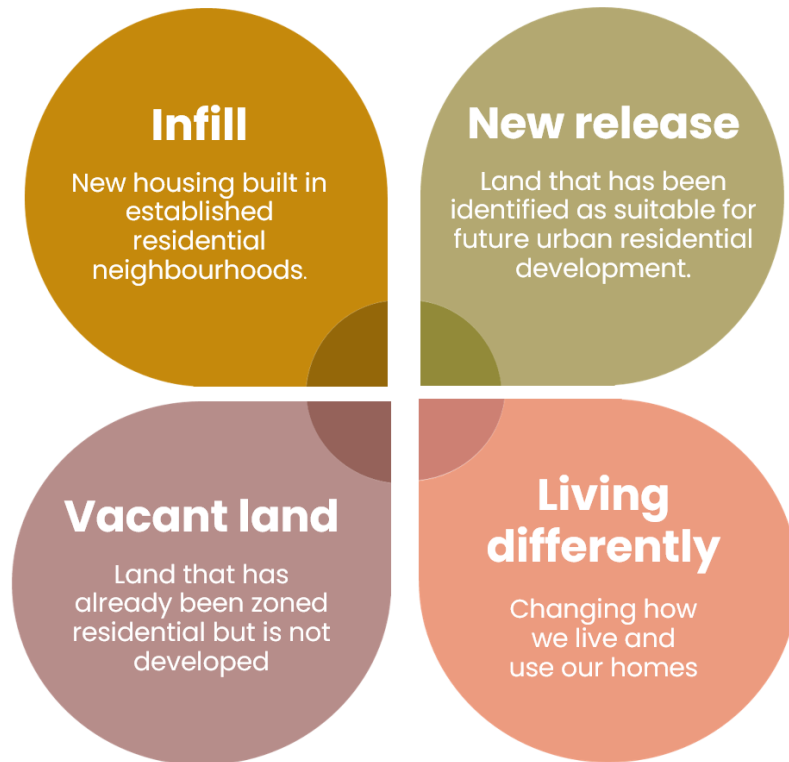
13.11

2020	2021	2022	2023
<p><b>January:</b> first case of Covid-19 announced in NSW</p> <p><b>March:</b> first round of Covid-19 lockdowns in NSW</p> <p><b>December</b> – Residential Strategy Adopted by Council</p>	<p><b>March:</b> NSW Housing Strategy 2041 released</p> <p><b>June:</b> Peer review of Residential Strategy &amp; Regional Housing Taskforce Established</p> <p><b>July:</b> second round of Covid 19 lockdowns in NSW</p> <p><b>November:</b> New Housing SEPP.</p> <p><b>December:</b> Local government elections</p>	<p><b>February/March:</b> Floods</p> <p><b>June:</b> Our Byron, Our Future 2032 adopted by Council.</p> <p><b>June/July:</b> Staged release of 2021 census data.</p> <p><b>July:</b> Creation of NRRC &amp; NSW Independent Flood Inquiry Report</p> <p><b>August:</b> Parliamentary Flood Inquiry Report</p> <p><b>November:</b> Government response to Flood Reports</p> <p><b>December:</b> After the Floods Discussion Paper adopted by Council &amp; Updated Regional North Coast Plan 2041.</p>	<p><b>April:</b> IPC Report on STRA</p> <p><b>May:</b> Eco-villages addendum report from Echelon</p> <p><b>May:</b> NSW Productivity Commission Housing Report</p> <p><b>June:</b> Draft Northern Rivers Resilient Lands Strategy</p> <p><b>July:</b> Infrastructure capability audit</p> <p><b>August:</b> Housing Options Paper</p> <p><b>Now:</b> ★</p>

In addition to the above, under the North Coast Regional Plan 2041 new housing targets have been set by the DPE and Minister for Planning (**Resolution 23-315**) for Byron Shire as follows:




Previous Target 2036	New Target 2041
3150 homes	4522 homes
	
6400 People	8590 People
	

To address the above, Council has identified 4 keyways housing supply will be delivered over the next 20 years.



5

Each of these keyways are explored in the Housing Options Paper in more detail, with the preferred keyways recommended to meet the DPE housing targets (**Resolution 23-315**) being a mix of the following and being different for each locality.

-  Infill (1,840)
-  New release (3,470)
-  Vacant land (1,385)

Living differently will apply to all of the above

- 10 The preferred keyways combined provide for up to 6,695 new homes in the Byron Shire over the next 20 years.

### Criteria for new release and vacant land inclusion in the Housing Options Paper

New release and vacant zoned land identified in the Housing Options Paper has been assessed as capable through a sieve constraints analysis that has taken into consideration inter alia the North Coast Regional Plan 2041, Ministerial Directions, State Policies, and recent infrastructure capability assessment.

The sieve constraints analysis considers environmental and geophysical constraints i.e., slope, flood hazard, vegetation, important farmland categorisation. There is also an implied principle that new release land should be a contiguous extension of the existing urban area unless the development is of a new village scale.

An Infrastructure staging/sequencing plan will now be developed to support the orderly and economic development of this new and infill land (**as per Resolution 23-315**).

Updated and new Contributions Plans for both 'affordable housing' (**see below**) and community facilities, open space, road, cycleways infrastructure also needs to be prepared as a result of new development demands (**Resolutions 23-387 & 21-240**).

Discussions with Reconstruction Authority and other agencies like Transport for NSW will also occur in this regard.

Note land previously assessed as suitable for inclusion in the Residential Strategy but no longer suitable for inclusion, due to the above, in the Housing Options Paper, has been excluded from consideration. Also lands subject to previous planning proposals for residential development rejected by the Department of Planning have been excluded.

### Affordable Housing Policy and Contributions Scheme Application

One of Council's key initiatives to help deliver affordable housing for our community is to collect contributions from landowners when their land is upzoned.

An upzoning is defined as a change of zone to enable residential development or a change of planning controls (such as floor space ratio) which enables greater residential density on a site.

In Byron Shire there are several ways to do this.

- Local Environmental Plan 2014 Additional local provisions Clause 6.7 - *Affordable housing in residential and business zones* to enable imposing conditions relating to providing, maintaining or retaining affordable housing (currently operational).
- Voluntary Planning Agreements with negotiated terms for affordable housing contributions as part of the early implementation affordable housing project.
- Affordable Housing Contribution Scheme for lands that undergo an upzoning.

Council's [Affordable Housing Contribution Policy, 2020](#) includes the following statements of intent in relation to affordable housing as they apply to the Residential Strategy:

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.11

- 4.6 *supports the Residential Strategy in identifying affordable housing contribution scheme investigation areas where a need and a general likely viability to contributions are established.*
- 5 4.7 *seeks the concurrent application of a SEPP 70 Affordable Housing Contribution Scheme clause over land subject to an upzoning.*
- 4.8 *supports, where appropriate, use of LEP Maps to help illustrate what is the preferred affordable housing contribution form for certain land*
- 10 4.10 *supports engaging with developers on Planning Agreements for the provision of affordable housing however, acceptance of an offer to enter into a Planning Agreement is at the absolute discretion of Council.*
- 4.11 *commits to implementing LEP 2014 Additional local provisions Clause 6.7 Affordable housing in residential and business zones to enable imposing conditions relating to providing, maintaining or retaining affordable housing.*
- 15 4.12 *commits as part of the Residential Strategy monitoring and review ongoing research, analysis and monitoring of local needs for affordable housing in the Shire.*
- 4.13 *respects in setting contribution rates, the NSW government policy position of a need for a developer's ability to achieve an investment return in order to maintaining a sustainable development market and continued housing supply.*
- 20 4.14 *guides the Residential Strategy to set a minimum affordable housing contribution rate for areas based on Council's understanding of development feasibility.*

It is proposed that land upzoned through inclusion in the Residential Strategy Refresh will be subject to the requirements of the Affordable Housing Contribution Policy. Upzoned land will be included in a new Affordable Housing Contribution Scheme to help deliver affordable housing for our community, as deemed appropriate and fit for circumstances.

- 25 Staff also intend to commence feasibility assessments of all new release area land identified in the Housing Options Paper as a precursor for inclusion in the Residential Strategy Refresh and new Affordable Housing Contribution Scheme No 2 for Byron Shire.

### Other issues

- 30 A presentation of the Housing Options Paper to Councillors occurred on 7 September 2023.

As a result, two "principles" boxes have now been added to the Housing Options Paper to better articulate desired future outcomes for new release areas and vacant zoned land development.

- 35 The boxes provide broad 'planning principles to be considered when land is undergoing a rezoning – one for 'New Release Areas' and one for 'Connecting with Country'. These principles capture the intent of [Resolution 23-303](#). These are found on page 28 of the document.

## **Next steps**

The Housing Options Paper will be open for public comment from 9 October 2023 to 6 November 2023.

Presentations will be made to:

- 5       • 20 September – Community Roundtable
- 21 September – Housing & Affordability Advisory Committee
- 4 October – Byron Town Centre MP
- 10 October – Place Planning Collective

10       Four in-person consultation sessions will be held in Byron Bay, Mullumbimby, Brunswick Heads and Bangalow on 30 & 31 October.

A submissions report will be presented to Council in December 2023.

## **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>
4: Ethical Growth	4.1: Manage responsible development through effective place and space planning	4.1.2: Growth Management Strategies - Implement Local Growth Management Strategies	4.1.2.5	Revise and update Residential Strategy
4: Ethical Growth	4.1: Manage responsible development through effective place and space planning	4.1.4: LEP & DCP - Review and update the Local Environmental Plan and Development Control Plans	4.1.4.7	Progress Short Term Rental Accommodation planning proposal

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
4: Ethical Growth	4.2: Enable housing diversity and support people experiencing housing insecurity	4.2.2: Partnerships and pilots to address housing needs - Investigate partnerships and pilots that deliver an innovative and affordable housing model for the Shire	4.2.2.1	Consider residential rezoning proposals, as identified within existing North Coast Regional Plan growth boundary and the Affordable Housing Contribution Scheme.

## Recent Resolutions

- 22-247 Residential Strategy Refresh
- 22-739 After the Floods Discussion Paper
- 23-165 IPC and Short-Term Rental Accommodation
- 5 • 23-303 Resilient Lands Strategy
- 23-315 Housing Targets Commitment DPE

## Legal/Statutory/Policy Considerations

Council's [After the Floods Discussion Paper](#) includes Pillar 3: Build Elsewhere.

- 10 Build elsewhere means future proofing settlement locations through potential new greenfield (release) areas to support local housing and business needs.

The [2022 Flood Inquiry \(nsw.gov.au\)](#) included Recommendation 24 – housing, especially social housing: ...

- 15 *fast-tracking the approval and servicing of new village developments beyond the current footprint of Lismore and other Northern Rivers towns on existing cleared agricultural land above the re-calculated flood planning level, ensuring all infrastructure including transport, retail, schools, public space and other community facilities are in situ prior to occupation.*

Some of the 'lands' in the Housing Options Paper including those identified in the Resilient Land Strategy are on mapped Important Farmland in the North Coast Regional Plan.

- 20 Ministerial Direction 9.4 Farmland of State and Regional Significance on the NSW Far North Coast currently states:

### Direction 9.4

(1) A planning proposal must not:

- (a) rezone land identified as "State Significant Farmland" for urban or rural residential purposes.
- (b) rezone land identified as "Regionally Significant Farmland" for urban or rural residential purposes.
- (c) rezone land identified as "significant non-contiguous farmland" for urban or rural residential purposes.

### Consistency

A planning proposal may be inconsistent with the terms of this direction only if council can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the planning proposal is consistent with:

(a) the *North Coast Regional Plan 2041*, or

(b) Section 4 of the report titled *Northern Rivers Farmland Protection Project - Final Recommendations*, February 2005, held by the Department of Planning and Environment.

As such a request to the Minister for Planning to relax/vary the current Ministerial Direction 9.4 Farmland of State and Regional Significance on the NSW Far North Coast for those lands identified in Council's Housing Options Paper and Residential Strategy to be considered for future settlement is necessary and in the recommendation.

These lands have already been included in the Council's Housing target response to the Minister under **Resolution 23-315**.

### Financial Considerations

As per Operational Plan and Project Budgets.

### Consultation and Engagement

As discussed in the Next Steps section of the report. Also:

- Print and social media notifications and releases.
- Web page.
- Further, landowners of new release and vacant land identified in the Housing Options Paper will be notified of their inclusion.
- Landowners of land previously assessed as suitable for inclusion in the Residential Strategy but no longer identified as suitable in the Housing Options Paper, and or lands subject to previous planning proposals rejected by the Department of Planning will be notified of their lands exclusion.

STAFF REPORTS - INFRASTRUCTURE SERVICES

**Report No. 13.12 School/community tree-planting program on Council owned or managed land**

5 **Directorate:** Infrastructure Services

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

**File No:** I2023/1124

**Summary:**

10 Council requested a report identifying a parcel or parcels of land up to 1Ha managed or owned by Byron Shire Council to enable a pilot tree-planting project by the local 'Regeneration' group to facilitate environmental awareness amongst schoolchildren.

Two potential parcels of land to facilitate the proposed pilot school-based tree planting programs have been identified.

15 Potential funding opportunities to enable initial plantings has been identified. To date there is no identified funding for essential ongoing maintenance works.

This proposed initiative currently falls outside of adopted budget allocations.

20

---

**RECOMMENDATION:**

**That Council:**

- 25
1. **Confirms the Azalea Street location (Lot 31 DP845143) as the preferred location for a proposed tree planting pilot program, with any works pending identification of recurrent annual maintenance budget for planted areas.**
  2. **Subject to identification of budget, endorses continued investigation into options for future tree planting programs for the 'Horse Paddock' area (Lot 4 DP 841856) including a high level strategic review and concept landscape design.**

30

**Attachments:**

- 1 Securing BSC Tree Planting Sites update from BVL for BAC 21.9.2023, E2023/93250 

## Report

### Option 1: Lot 31 DP845143 Chincogan Estate Reserve

Council staff have previously worked with community project groups seeking to identify suitable planting areas and the Chincogan Estate Reserve off Azalea Street was identified. This is a 6,700m<sup>2</sup> reserve with around 5,000m<sup>2</sup> maintained with a regular slashing program.

*Figure 1: Chincogan Estate Reserve*



The September 2022 proposal around Restore Fest, including project partners Brunswick Valley Landcare, Big Scrub Landcare, Envite, Red Ink, Brook Farm and Firewheel Nursery, resulted in 1,000m<sup>2</sup> of the Chincogan Estate land being used for revegetation planting, which can be seen in the above image.

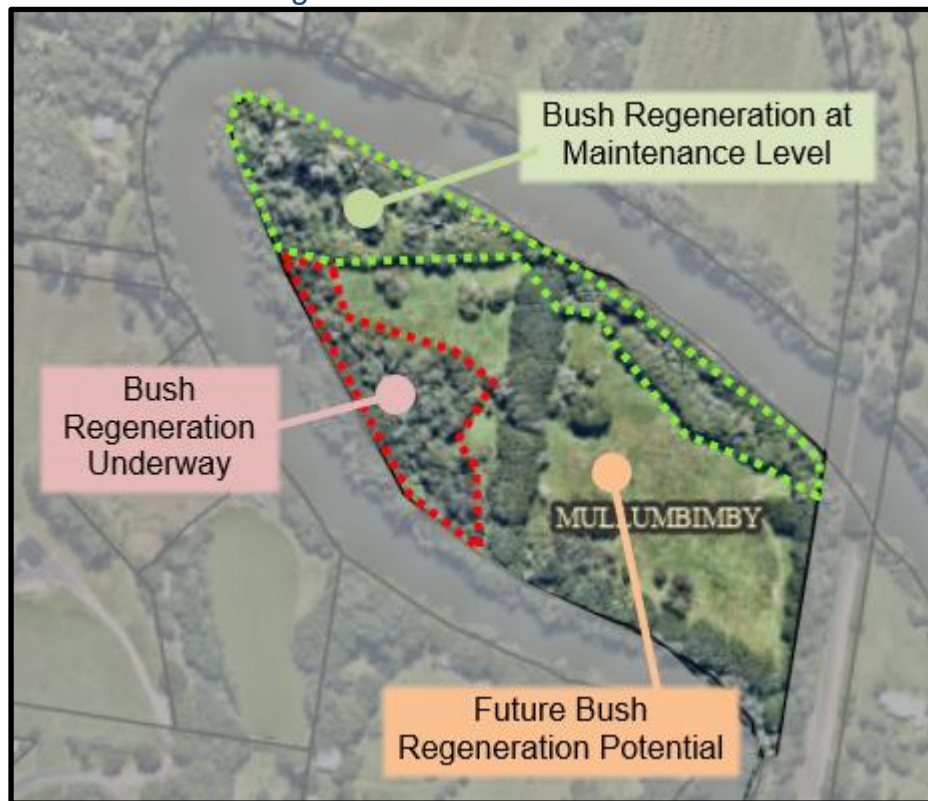
This reserve does not provide the requested 10,000m<sup>2</sup> area for planting, but does offer an additional 4,000m<sup>2</sup> of land that could be made available to continue plantings, maintaining a 6m buffer at path edge and roadside.

Because this area is near residential areas there is potential that standard bush regeneration process may be deemed untidy, and pressures may be raised to have a higher level of inter-planting weed control through brush cutting. This would increase maintenance costs by around 40%.

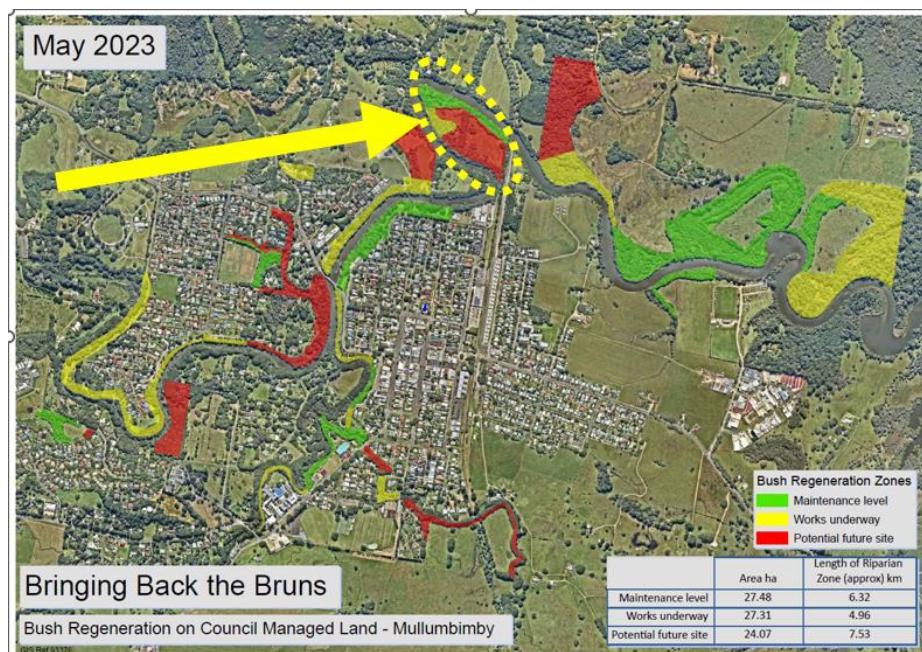
### Option 2: Lot 4 DP 841856 “The Horse Paddock”

The Horse Paddock area as shown below is Utilities Operational Land. There is already Bush regeneration activity in this area as part of the ‘Bringing Back the Bruns’ program, and the land currently has no identified strategic purpose due to flooding.

Figure 2: The Horse Paddock



As the Council's Bush Regen team are already working in this space, ongoing maintenance of planted areas can more easily be accommodated.



5

Within this land there is currently a bush regeneration area of around 1.8ha that has progressed to maintenance level, 0.7ha with Bush Regen underway, and around 3.5ha as

potential future regeneration area. This potentially allows the brief of an area of 1ha for plantings to be met.

- 5 Lot 4 DP 841856 is managed by the Utilities area of Council. The Manager of Utilities has identified a need for a strategic review of this land however, this has not been progressed to date. Should further sections of this land be confirmed for ongoing regeneration, it is recommended that a landscape planning process be completed as an initial step to provide direction and ensure potential future uses are not unnecessarily constrained.

Guided by strategic review, a high-level landscape concept could be developed seeking opportunities to:

- 10
- Connect to the river, such as through provision of low-key facilities that support education about riparian systems, ecology and the bush regeneration occurring at the site (e.g., outdoor learning areas, interpretative signage, walking trails, further regeneration, a native bush botanical garden, perhaps a river access point).
- 15
- Connect to culture – Provide areas for demonstration of traditional cultural practices or cultural activities (e.g., traditional fishing techniques, cultural burning, cultural storytelling spaces).
- 20
- Connect to the rail trail – Provide facilities which support the rail trail uses / a trail hub (e.g., short term secure bike storage, rest areas/seating, interpretative signage and tourism mapping which links to 'town' loops, hub for mobile tour operators, possibly low-key overnight camping and associated amenities, spaces for mobile food vendors).

Preparation of an opportunities and constraints summary plan and landscape concept sketches to assist with strategic review would require a budget of around \$6,500 (ex GST).

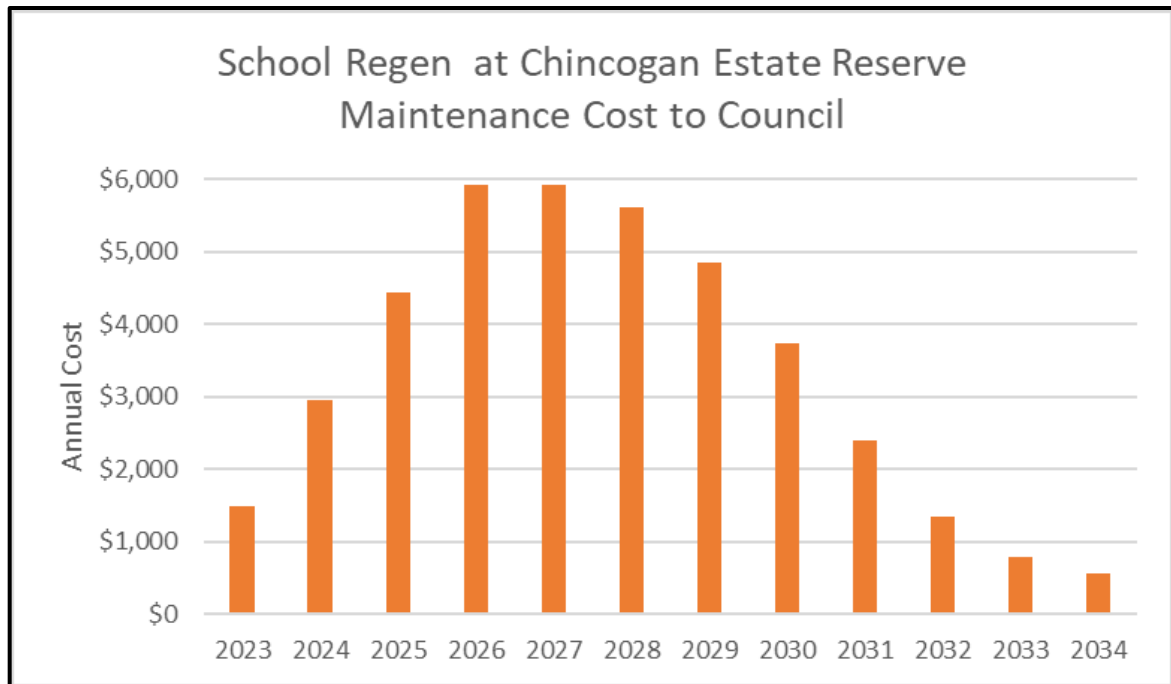
### Ongoing Maintenance

- 25 The proposed school tree planting involves the following activities by community;
1. Prepping the actual holes (after BSC has slashed) - eg brush-cutting holes, and drilling holes
  2. Sourcing plants and planting
  3. Staff to supervise and guide plantings.
  4. Watering 2 times (including the initial one).
  5. Covering all the logistics with the schools/community who will do the planting.
- 30
- 35 Council would need to take over maintenance once planting is complete. Maintenance activities require chemical handling and high-level skills in plant identification to ensure juvenile native seedlings are protected. These tasks cannot reasonably be assigned to school groups.

Costs of maintenance are estimated at around \$1.48 per tree per annum for the first five years of the program, reducing from that point as the canopy takes over.

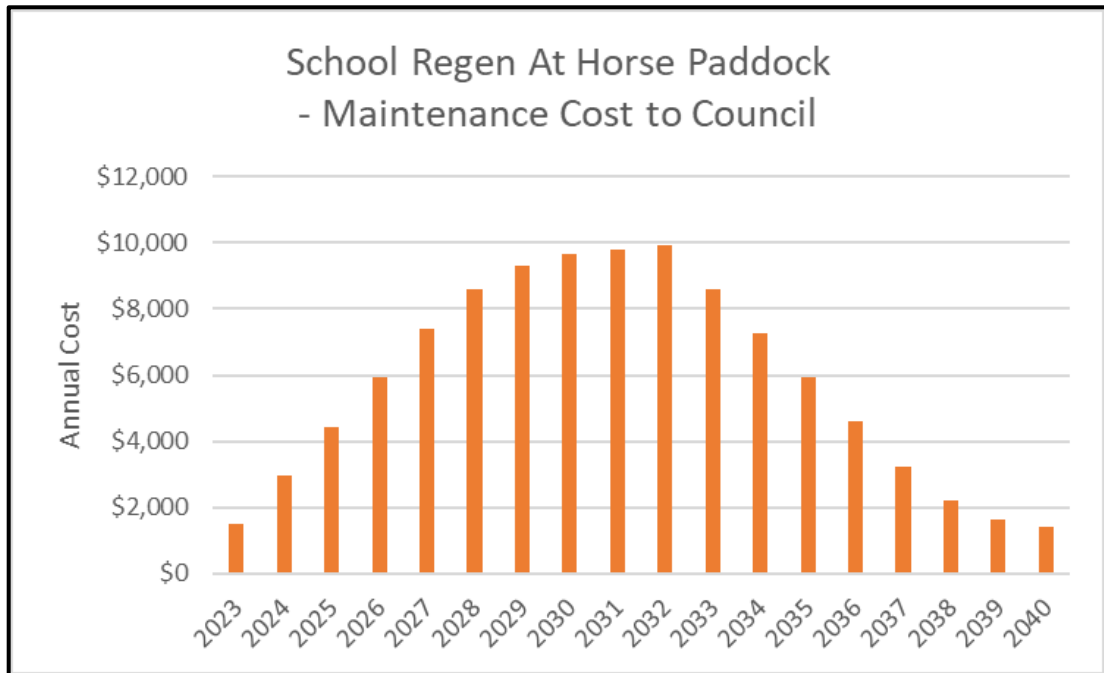
The community proposal has suggested an initial 1,000 plants. Best practice would see 1m<sup>2</sup> per planting of a mix of shrubs and trees, which would require an area of 1,000m<sup>2</sup>.

- 5 If 1,000 plants per annum were completed, Chincogan Estate would allow a pilot program over four years. Ongoing maintenance would cost Council around \$40,000 over ten years, reducing to an annual residual of \$568.



- 10 The Horse Paddock area could provide 1 ha of space for this project and allow the planting program to extend over 10 years.

If implemented at the Horse Paddock, the suggested program of 1,000 plants per annum would create total cost to Council over 17 years of around \$104,310, with a residual annual cost of \$1,420 from that point to maintain.



## 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	3.1.3: 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

## Recent Resolutions

23-192 – from Notice of Motion 25 May 2023 - School/community tree-planting program on Council owned or managed land, that Council:

- 5 1. *Receives a report identifying a parcel or parcels of land up to 1Ha managed or owned by Byron Shire Council such as:*
  - a) *The Vallances Rd STP along the river and in the flood prone areas of the site.*
  - b) *Riverside Drive in Mullumbimby*
  - c) *Any other suitable land, particularly riparian land.*
- 10 *to enable a pilot tree-planting project by the local "Regeneration" group to facilitate environmental awareness amongst school children.*
2. *Investigates funding opportunities or existing resources for this small-scale project*
3. *Receives a report on the outcomes of this pilot project in relation to Council's capacity for such projects (Lyon/Ndiaye)*

## Financial Considerations

- 15 There needs to be caution about establishing community expectations through commitments where specific resource has not been identified in advance. Without identification of funding this additional work to maintain new planting areas is not possible.

Unless decision was taken to reprioritise adopted budgeted by reduction in expenditure in another area, funding of this new initiative cannot currently be achieved,

## 20 Consultation and Engagement

- 25 Ray Moynihan has been the main community proponent for this initiative to date. Ray is currently working on a project with Big Scrub Rainforest Conservancy, providing workshops, walks and planting to schools, and there is a possibility that they could cover some funds for at least an initial school planting towards the end of this year of up to 1,000 plants.

- 30 The project with Big Scrub is potentially a 5-year project and may allow annual school plantings where students can check back in with the previous year's plantings. Ray has indicated that, along with partners such as Brunswick Valley Landcare and Big Scrub, he can seek funding and labour to cover sourcing plants and planting, staff for event/s to guide plantings and logistics with the schools/community who will do the planting.

- 35 Brunswick Valley Landcare have submitted support for the work underway to identify potential areas for school/community plantings, (Attachment 1) and have encouraged Council staff to continue conversations in a timely manner with the Regeneration collaboration to secure an ecological restoration site to ensure future tree plantings have sufficient lead time for planning and funding.

## Report No. 13.13 Mullumbimby to Brunswick Heads Active Transport Link

**Directorate:** Infrastructure Services

**Report Author:** Judd Cornwall, Traffic & Transport Engineer

5 **File No:** I2023/1258

### Summary:

10 The purpose of this report is to discuss the outcomes of the recent investigation into the preferred alignment of the Mullumbimby to Brunswick Heads Cycleway (northern alignment). To conduct this investigation Council engaged the expertise of consultant Burchills Engineering Solutions, who have conducted a high-level examination for the feasibility of the Community's preferred alignment.

The findings are detailed in the attached proof of concept report (Attachment 1), which addresses the following key aspects:


- 15 1. Identification of a Viable Cycleway Route: The consultant assessed the proposed alignment to determine its feasibility and viability as a cycleway route.
2. Assessment of Environmental Risks: The investigation also included an evaluation of potential environmental risks, such as protected land areas and impacts on flora and fauna, which could pose barriers to the successful implementation of the project.
- 20 3. Evaluation of User Experience: The report examines whether the cycleway's chosen route will provide a high-quality user experience, considering factors like terrain, landscape, and historical significance.
4. Impact on Landholders: One of the concerns addressed in the options study is whether the cycleway could lead to unmanageable or unmitigated impacts on the peaceful enjoyment of properties by landholders.
- 25 5. Cost-Effectiveness: The consultant analysed the financial aspects of the project to determine whether the cycleway represents value for money.
6. Exploration of Alternative Routes: As part of the investigation, the report explores alternative nearby routes that could potentially yield similar outcomes, warranting further exploration.

30

**RECOMMENDATION:**

- 5 **That Council supports designs being prepared for an off-road separated cycleway between Mullumbimby and Brunswick Heads along Mullumbimby Road and Gulgan Road.**

**Attachments:**

- 10 1  Proof of Concept - Mullum to Bruns northern alignment Report - 14 July 2023, E2023/72721

## Report

Following an options investigation into an Active Transport Link between Mullumbimby and Brunswick Heads, Council resolved (15 December 2022) resolution **22-746**:

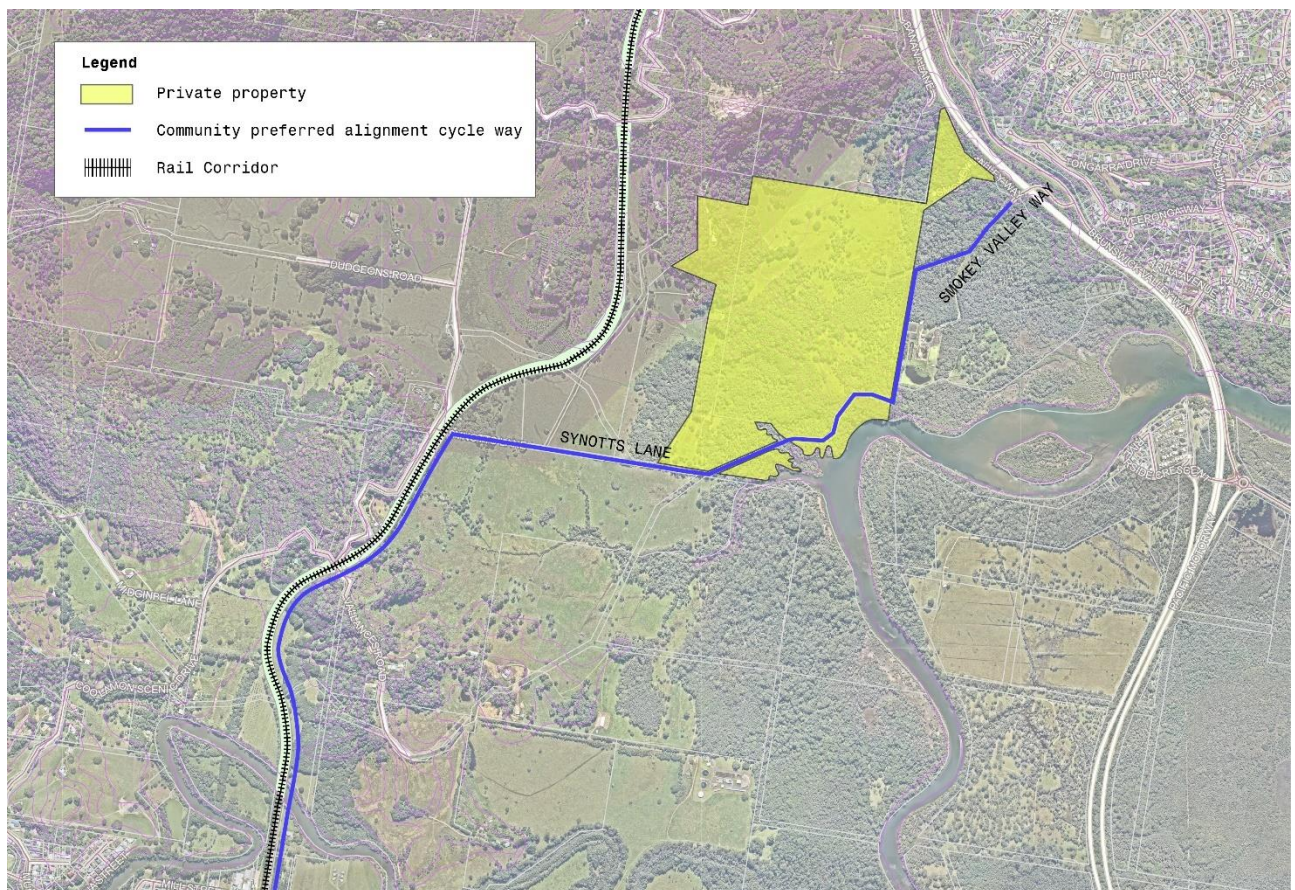
- 5 *Resolved that Council supports option 1 (from the community “Tell us what you think” survey) Mullum to Bruns Cycleway and endorse Council staff in progressing with the investigation of this general alignment. (Lyon/Pugh)*

Staff have now completed a proof-of-concept investigation and discussed this with Council at a Councillor Workshop.

The findings of the proof-of-concept investigation are provided under Key Issues.

## 10 Key issues

### Land ownership and tenure (Section 3.1 of the report, attachment 1)



**Figure 1: Property related constraints**

- 15
  - Rail corridor, requiring lease agreement with the rail authority has potential for significant delays

- Private property, impacted land holder does not support the alignment due to the following issues:
  - Disturbance of peaceful enjoyment of the natural environment within the property;
  - Members of the public trespassing on private land;
  - Destruction of sensitive environmental areas including riparian zones;
  - Separation of the riparian land from the rest of the land parcel;
  - Loss of value of the property;
  - Loss of visual appeal of the riverside area

### 10 Topography (section 3.2 of the report, attachment 1)

- Undesirable grades (greater than 10 per cent) along two sections of the alignment (below).



Figure 2: 10m contours along community chosen route (undesirable grade) near Sewage

Treatment Plant

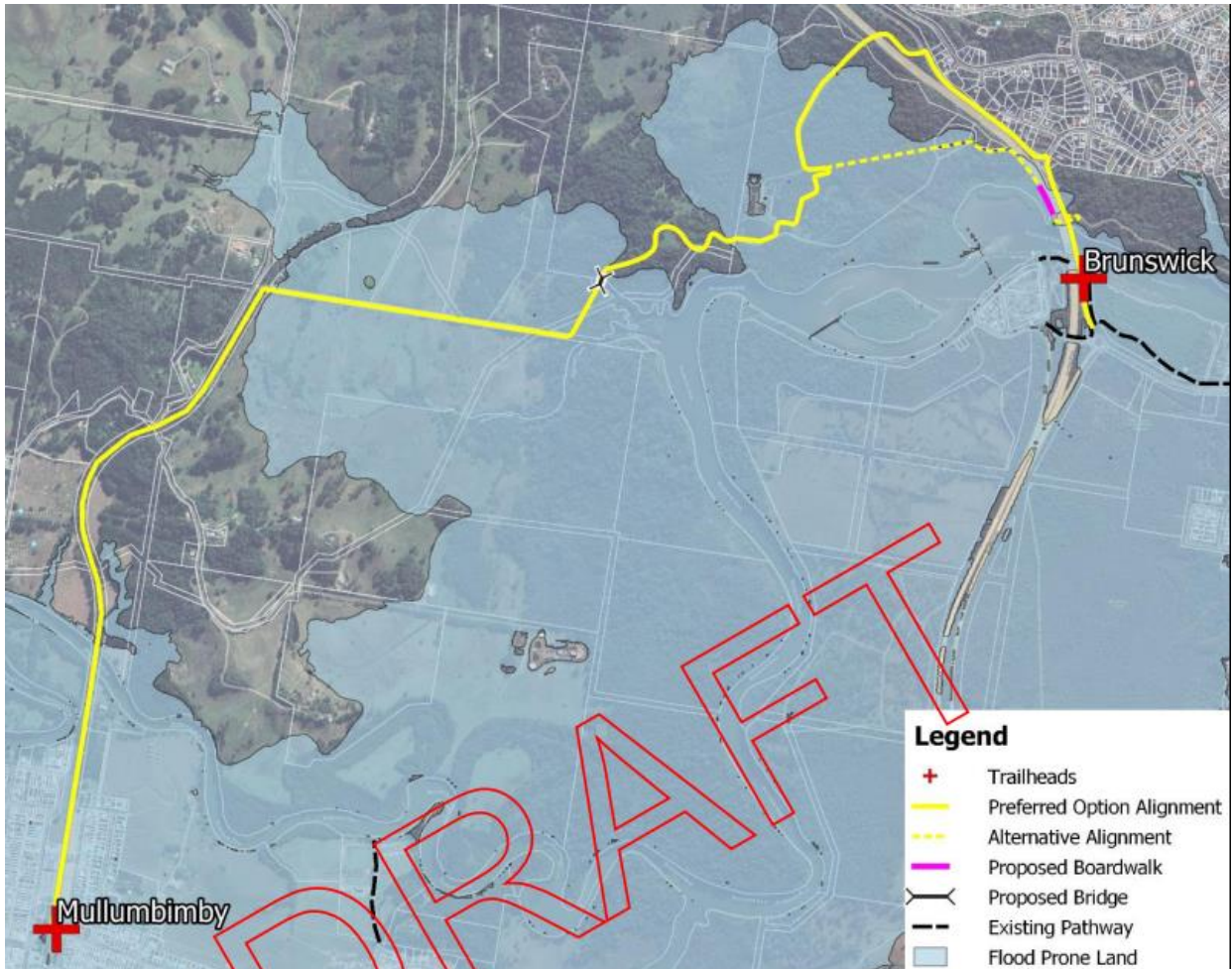


Figure 3: 10m contours along community chosen route (undesirable grade) near Smokey Valley



**Flooding (Section 3.4 of the report, attachment 1)**

Much of the alignment is within areas prone to flooding. There is also a concern of the project causing flooding issues (changing levels etc.) requiring a hydraulic impact assessment.



**Figure 5: Flood Prone Land in Proximity to Proposed Cycleway**

## Indicative Cost Estimates

**Table 4.3 Indicative Project Cost Estimate**

<b>Item</b>	<b>Description</b>	<b>Indicative Cost</b>
1	Preliminaries	\$380,000
2	Bulk earthworks	\$727,000
3	Civil works (including bridges)	\$4,897,000
4	Other items (detailed design, project management, embellishments, etc.)	\$2,835,000
	<b>Sub Total</b>	<b>\$8,839,000</b>
6	Contingency (30%)	\$2,652,000
	<b>Total Indicative Project Budget</b>	<b>\$11,491,000</b>

## Conclusion Summary (from report provided at attachment 1)

<b>Key Question</b>	<b>Answer</b>
Is there a viable cycleway route?	Yes. The route is viable from a technical perspective but is subject to environmental impact studies and agreements with affected landowners
Are there any environmental risks, i.e. protected land, flora and fauna that might become a barrier to the project?	Yes. The route passes through HEV areas and SEPP containing high value and protected vegetation (including mangroves). Disturbance of these areas is subject to a detailed ecological assessment and BCMP as well as being subject to Council approval. There is a risk that these protected areas may prevent the project from proceeding.
Will the cycleway provide a quality user experience (terrain/landscape/history)?	Yes. The trail provides an attractive off-road route following the disused railway corridor, historic railway bridges and tunnels, and scenic bushland and marine environments. The longitudinal profile of the route exceeds maximum desired grades in two locations however this topography would be encountered on any viable route between Mullumbimby and Brunswick Heads.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - INFRASTRUCTURE SERVICES

13.13

Will the cycleway create any unmanageable or unmitigated impacts on landholder's peaceful enjoyment of their property?	Maybe. The proposed cycleway route does not pass within close proximity to any dwellings except at some locations along the railway corridor near Mullumbimby. Any adjacent landholders would be consulted as part of the design development process to address any potential impacts.
Is the local government and key stakeholders supportive of the project?	Yes. The project has the support of Byron Shire Council, the NSW State Government.
Is there a supportive community?	Yes. The community generally support the preferred option, as per the community consultation undertaken by Byron Shire Council. One of the affected landholders has expressed their objection to the project.
Would the cycleway be value for money?	Yes, with some limitations. The cost per km is relatively high for comparable cycleways / shared paths in SEQ and NNSW however it was found to be cheaper than the original concept design route
Are there alternative routes that that provide a similar outcome that should be explored further?	Yes. Alternative Route * <b>Option 2</b> should be considered in more detail since this route will potentially be constructed in the short to medium term. If this routes meets the needs of the community then there may no longer be a need for a dedicated cycleway between Mullumbimby and Brunswick Heads.

*\*Option 2 considers utilising the rail corridor to Ocean Shores near the Coolamon Scenic Drive M1 underpass continuing on road to Brunswick Heads via Brunswick Valley Way. This option (option 2) is not considered to meet the objective, it is not a direct link between Brunswick Heads and Mullumbimby (>8km journey).*

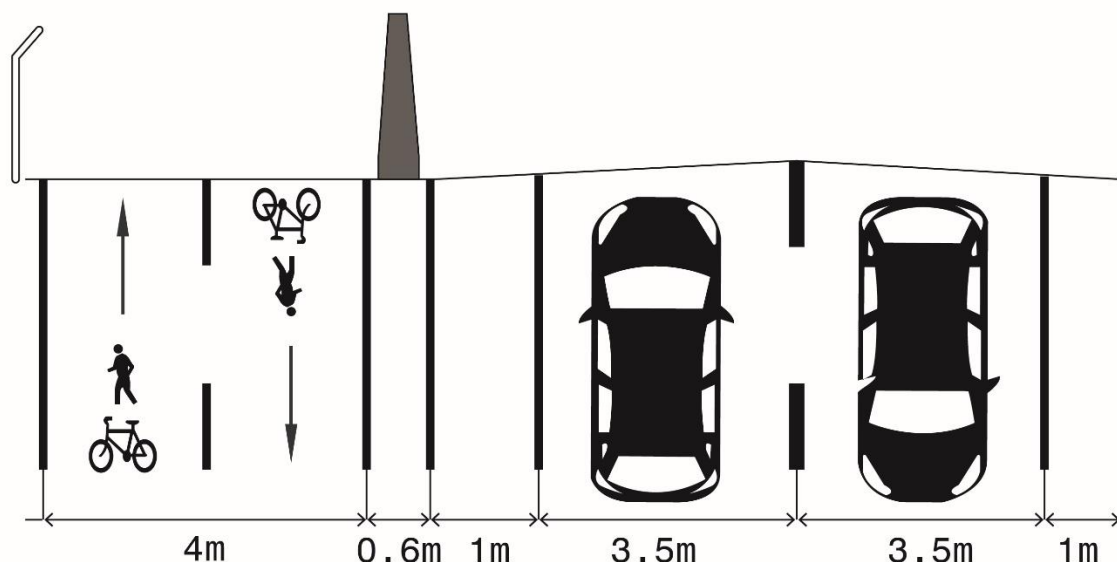
## Next steps

### Options

- a) Continue forward the community driven preferred option, understanding it will have a lengthy planning process, that has some risks to manage.
- 5 b) Proceed with the alternate route option and commence concept design for an off road active Transport Link along Mullumbimby Road

Given the difficulty in delivering the community preferred option and the time frames required to obtain land (likely via compulsory acquisition) it has been recommended that option (b) is moved forward because it can be delivered in a shorter time frame.

- 10 It is recommended that staff proceed with the design of option (b), as a separated, bi-direction shared path between Mullumbimby and Brunswick Heads along Mullumbimby Road and Gulgah Road. As shown in figure 6 below.



**Figure 6: Mullumbimby Road, possible cross section where width is available**

- 15 Proposed next steps if recommendation is supported by Council.
  1. Commence concept design
  2. Preliminary Design
  3. Finalise Design
  4. Seek grant funding for construction

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5: Connected Infrastructure	5.1: Provide a safe, reliable, and accessible transport network	5.1.3: Active transport - pedestrians and cycleways - Deliver the actions identified in the Pedestrian Access and Mobility Plan and in the Bike Plan	5.1.3.3	Undertake options analysis, planning and design for the Mullumbimby to Brunswick Heads on-road cycleway

### Recent Resolutions

22-746

## 5 Financial Considerations

Budget may not be sufficient for complete 'Issue For Construction' designs, however there is the possibility for cocktail funding opportunities through other road related investigations/projects in the immediate area.

### Consultation and Engagement

- 10 Consultation with community, Council and staff was completed as part of the options study stage. No further consultation is proposed if Council resolve as recommended because the remaining task will be purely a civil design exercise to prepare a design that meets standards for an off road cycleway.

## Report No. 13.14 Bushfire preparedness submission to NRJO

**Directorate:** Infrastructure Services

**Report Author:** Phillip Holloway, Director Infrastructure Services

**File No:** I2023/1365

### 5 Summary:

On 10 August 2023 Council resolved **23-319**:

*That Council:*

1. *Receives a report at our second September meeting on preparations by Council, and key stakeholder agencies, for the 2023-24 bushfire season and on any implementation by Council or state/federal agencies – of the seventy-six recommendations of the [Final Report of the NSW Bushfire Inquiry 2020](#)*
2. *Requests Cr Lyon to submit an Urgency Motion to the NRJO meeting on 11 August 2023 concerning bushfire preparedness for summer 2023/24 as follows:*
  - a) *That member Councils provide a report to NRJO on the following:*
    - *their LGA's approaches to, and levels of preparation for, the 2023-24 bushfire season*
    - *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*
  - b) *That NRJO considers the implications for the region of the upcoming bushfire season and plans to collaborate on managing the 2023-24 bushfire season*
  - c) *That any collaboration includes, but is not limited to, cross-border collaboration with Queensland in fighting bushfires in cross border areas including national parks*

This report is in response to Part 1 of Res **23-319**.

In relation to Part 2, the Mayor put the Urgency Motion to the NRJO meeting held on 11 August 2023, with the motion being adopted by the meeting. The contents of this report will be the basis of Byron Shires Response to NRJO, which is currently collating information from member Councils.

**RECOMMENDATION:**

- 5 **That Council notes the report on bushfire preparedness.**

**Attachments:**

- |    |   |   |   |
|----|---|---|---|
|    | 1 | NSW Bushfire Inquiry 2020 Progress Report April to June 2023, E2023/95940 |  |
|    | 2 | Tweed Byron Local Emergency Management Plan, E2023/95952                  |  |
| 10 | 3 | Interim Tweed Byron Local Recovery Plan, E2023/95954                      |  |

## Report

### *Far North Coast Bush Fire Management Committee (BFMC)*

5 The Far North Coast BFMC is the coordinating authority for bush fire risk mitigation and collaboration across the region. The committee is responsible for preparing, coordinating, reviewing and monitoring the Far North Coast Bush Fire Risk Management Plan and Fire Access and Fire Trails (FAFT) Plan.

Byron Shire Council (Council) as a member of the FNCBFMC, continues to work towards fulfilling its obligations under the Far North Coast Bush Fire Risk Management Plan (FNCBFRMP).

10 Refer [Bush Fire Risk Management Plan - Byron Shire Council \(nsw.gov.au\)](#) or [Model Bush Fire Risk Management Plan 2008 \(nsw.gov.au\)](#)

[Emergency Management - Byron Shire Council \(nsw.gov.au\)](#)

A Council representative attends and contributes to the committee's quarterly meetings, giving quarterly reports on its land management and bush fire risk mitigation activities.

15 Council has limited capacity to complete the necessary planning and approvals to undertake hazard reduction burning where appropriate in its bushland estate.

Wider planning for an implementation of hazard reduction burns remains subject to financial and operational resources.

20 When Hazard Reduction burning is approved, NSW Rural Fire Service (RFS) and NSW Fire & Rescue become the primary agents in the exercise.

### **Updates to the Bush Fire Prone Land Mapping**

The Byron Shire Council Bushfire Prone Land Map have been updated and recertified by the NSW RFS in accordance with the requirements of the Environmental Planning and Assessment Act.

25 Refer - [Know your risk - NSW Rural Fire Service](#)

### **Hazard and Risk Mitigation**

Byron Shire do not have any fire trails on Council owned or managed land.

30 Council maintains the gated entrances to fire trails on Arakwal National Park and Billinudgel Nature Reserve and maintains Asset Protection Zones (APZs) that also serve as Fire Access and Fire Trail (FAFT).

Council's development planning in recent years places the responsibility for provision of an APZ on the developer, within their own land.

Council's tractor slasher has been maintaining the historic APZs on Council land in the ongoing favourable weather and the slasher and side-arm unit operated by Council's Works Team has been managing road reserve throughout the shire.

- 5 Funding provided by the State Government in the 2021/22 financial year allowed for the development of a Fuel Management Plan for reserves in Ocean Shores. This plan formed the basis of a dedicated exercise, prioritising areas that have been classified as High Risk by the Far North Coast Bushfire Management Plan. Fuel reduction burning was not considered practical in these sites due to the prevalence of residential development adjoining the reserves so bush regenerators were engaged to perform manual fuel
- 10 reduction work. Methodology has involved removal of exotic and highly volatile species, removal of suspended fuels and separation of understorey from canopy.

A major site that has been treated in this manner is the sloping bushland reserve below Tongarra Crescent, Ocean Shores and bushland surrounding Flinders Way.

- 15 Now that the funding received under this grant has been expended primary works have ceased, and councils Bushfire Management budget allows for the ongoing maintenance of the areas that were addressed.

### Land Management

- 20 A continuing challenge is to manage the fuel loads in Council reserves while preserving ecological functions of High Environmental Value vegetation, some of our vegetation communities are fire dependent (sclerophyll) and others fire sensitive (rain forest).

Where large scale plantings are undertaken it is important to utilise appropriate species, based on the prevailing ecological model or run the risk of introducing a volatile capsule into a fire sensitive community.

- 25 While Cultural Burning is an acknowledged indigenous land management practice it is not appropriate for all vegetation communities.

Council's Biodiversity & Agriculture Team does have a program in partnership with Brunswick Valley Landcare and Zero Emissions Byron seeking submission/expressions of interest to:

- assess the level of interest in ecological and cultural fire,
- 30 • connect community members with qualified cultural fire practitioners who have the skills and capacity to reinstate good fire on their property, as well as
- seek grant funding to support bringing back good fire on groups of private properties in Byron Shire.

Refer [Ecological and cultural fire management - Byron Shire Council \(nsw.gov.au\)](https://www.byrongov.au/infrastructure/land-management/land-management)

**Capital Works**

**Community Preparedness**

RFS and Fire & Rescue NSW carry out regular community workshops encouraging preparedness, where appropriate *council staff assist in these workshops.*

- 5 Refer to [Plan and prepare - NSW Rural Fire Service](#)

**Byron Shire Planning for Bush Fire Resilience Project**

The RFS have developed a mapping tool (ATHENA) to predict fire behaviour and the effectiveness of fuel management in planning for the fire season.

- 10 This achievement of this project was due to the working collaboration between Councils, leading bush fire science experts and innovative GIS technologies to develop the bushfire risk model.

It is understood that the bushfire risk mapping has been made accessible through a web-based platform where bushfire reports for every property within the Tweed Shire that can be downloaded.

- 15 The access to this more detailed bushfire related information enables residents and landowners to better understand the bushfire risk specific to their property and assist them in making more informed decisions regarding bushfire survival planning, compliance with land use planning including NSW RFS Planning for Bushfire Protection, and construction standards within Australian Standard 3959 Construction of buildings in bushfire prone areas.

Council staff are investigating how to incorporate this mapping tool into Council's webpage/Disaster Dashboard.

**Community Resilience Network (CRNs)**

- 25 Council has continued to build and strengthen its local Community Resilience Network under the revised Tweed Byron Local Recovery Plan 2022.

It currently consists of 71 members including 12 locality-based team leaders and representatives from organisations such as Red Cross, State Emergency Service, and NSW Rural Fire Service.

- 30 The NSW Rural Fire Service plans to speak with the Community Resilience Network on 24 October 2023, providing an overview of the service and explaining its roles and responsibilities in relation to bush fire mitigation and preparation and emergency management.

- 35 In 2022 and 2023, the Children's Services team used Bushfire related funding to work with combat agencies and the Dept of Education - Office of Early Childhood Care and Education to develop a suite of planning and preparation policy documents as well as

undertaking practical scenario testing and staff capacity building to ensure safe practice is embedded across all sites in the event of an emergency.

- 5 As part of the Tweed Byron Local Emergency Management Committee's preparations for the 2023/24 bushfire season a planned exercise in October will be extended to testing communications with community leaders.

### **Emergency Services Expo**

As occurred in 2022, Byron Shire Council is hosting an Emergency Services Community Connect Day on 7 October 2023 at Brunswick Heads.

- 10 Representatives from the NSW Rural Fire Service will be present to talk to community members and distribute information. The event is being run alongside the Brunswick Markets and so is sure to be well attended.

### **Disaster Management**

The Tweed Byron Local Emergency Management Committee (LEMC) meets quarterly.

- 15 Planning has commenced for a desktop exercise in October between emergency service organisations and member agencies and to be conducted at the Tweed Heads Police Station (and site of the nominated primary Tweed Byron Emergency Operations Centre (EOC)).

An EOC upgrade at Tweed Head Police Station and minor works at Byron Depot was finalised in 2022 under grant funding.

- 20 The LEMC maintains an evacuation centre resource list on behalf of the Committee and conducts desktop audits of all identified evacuation centres annually.

Information held regarding each centre is undertaken against the State audit template issued by the State Emergency Operations Controller (SEOCON) and submitted in April 2023 as requested by the SEOCON.

- 25 A working group is to be formed to review all centres in the coming months based on the State audit template. The resource list also identifies potential larger recovery centres.

- 30 Council's Emergency Dashboard website was developed after the 2017 flood event, was officially launched in 2021 and continues to be updated. The website includes information on and key links to other government websites relating to weather warnings and river conditions, road hazards and closures, power outages and the status of Council services and facilities. It is a key resource for the community in times of natural disasters and emergencies.

Refer [Dashboard \(nsw.gov.au\)](https://www.nsw.gov.au/emergency-services/emergency-services-dashboard) and Attachment 1 and 2

# BYRON SHIRE COUNCIL

## STAFF REPORTS - INFRASTRUCTURE SERVICES

13.14

**In terms of state-wide NSW Rural Fire Service (RFS) preparations, below are some recent initiatives which have put us into a better position this season:**

- 5       • RFS have introduced a new operational system this season called “Athena”.
  - It gives RFS operational staff access to rapid computer-generated fire spread predictions for all fires as soon as they are reported, to more effectively aid in Planning and decision making in response to bush/grass fires.
  - It also gives better access to numerous extra relevant spatial data-sets and public social media feeds, which may provide useful intel from community members posting information and photos/videos in the vicinity of the incident
- 10       • Rollout of Centralised Dispatch has recently been completed across the State
  - Process of responding the quickest most appropriate RFS resources to a report of fire has been centralised and streamlined to significantly reduce response times to 000 calls
- 15       • Australian Fire Danger Rating System has been developed by the NSW RFS in consultation with other jurisdictions around Australia and implemented 12 months ago
  - Nationally uniform system adopted by all states
  - Simplified ratings tied to clear community messaging at each level
  - New ratings and associated Fire Behaviour Index gives fire management
  - 20       agencies a better indication of expected fire behaviour and likely success/failure of various strategies/tactics
  - Far more accurate system in terms of predicting fire danger; using several vegetation types and fire behaviour models

### **General RFS Preparations – Far North Coast**

- 25       The RFS Operational Officer has advised of the following preparation being undertaken by RFS across the Far North Coast (Tweed, Byron, Ballina Council Areas):
- Next Generation Bushfire Risk Management Plan for Far North Coast
    - Commencing in November with specific date to be set at Bush Fire Management Committee (BFMC)
    - 30       ○ Uses significant computer simulation and several GIS data-sets to calculate and quantify bushfire risk throughout the landscape as a basis to develop the new plan
  - Section 52 BFMC Plan of Operations for Co-ordinated Fire-fighting Arrangements is being updated and will be discussed at BFMC Meetings with the view to submit for approval shortly afterwards
  - 35
  - Currently developing a Tweed/Byron LEMC Bushfire Exercise (scheduled in October) to allow the EOC to practice a simulated response in support of a significant RFS bushfire operation
  - BFMC Executive Officer has attended a Pre Season Briefing in Dubbo
  - 40

## BYRON SHIRE COUNCIL

### STAFF REPORTS - INFRASTRUCTURE SERVICES

13.14

- Cross-border radio testing undertaken with QLD RFS this week to ensure compatible communications if QLD trucks come South to assist us or vice versa
- 5 • 6 x Far North Coast RFS crews recently attended a major exercise in Carrara QLD to practise their skills and enhance interstate interoperability with QLD RFS
- RFS have made a fire preparedness presentation to both Byron and Tweed CRNs in recent weeks
- 10 • RFS brigades have attended events organised by local CRTs and supplied bushfire preparation advice/resources to landholders
- 11 of the 21 Far North Coast brigades are participating in the RFS “Get Ready Weekend” campaign throughout September
- 15 • RFS attended the Tweed Emergency Services Expo where 600 bushfire preparedness information packs were distributed to members of the public
- RFS plan to attend the upcoming Byron Emergency Services Expo
- 20 • Several small hazard reduction burns are in various stages of planning. A 23Ha burn near Mullumbimby was scheduled for this week but has been postponed due to the recent rain
- All Ballina Shire brigades recently attended a training exercise in Ballina to refresh skills
- 25 • All Byron Shire brigades attended a major training exercise in Federal last season to refresh skills
- 30 • Various training courses have been delivered to our firefighters throughout the season as per our usual training calendar to train/qualify new members and upskill existing members
- 35 • Far North Coast RFS Staff members have attended a recent Incident Management Exercise in Casino for assessment in IMT Planning & Logistics qualifications
- Fire Permit Officer training was recently undertaken for our new and existing Fire Permit Officers ahead of the commencement of the Bush Fire Danger Period on September 01

**Notes on 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 Bush Fire Enquiry 2020.**

5 The recommendations contained within the Final Report are predominately aimed at federal or state government levels.

Where recommendations directly involve local government, this is usually in collaboration with (or lead by) state government.

10 Below is a list summary of those recommendations that Council has participated in delivering on to date, as evidence in the responses to a) above. Importantly, Council's overall capacity to proactively contribute to delivering on many of the recommendations has been hampered by other major disrupting events which occurred sequentially since the recommendations were released, including the COVID pandemic and the major flood events of early 2022.

15 **Recommendation 11** – *That, in order to strengthen the capability of local Councils in future emergency events:*

a) *Resilience NSW, in consultation with local government, develop specific training that focuses on the role, responsibilities and expected functions of the Local Emergency Management Officer (LEMO), including regular 'refresher' components*

20 b) *Councils support their staff to participate in LEMO training on an ongoing basis, and ensure staff who are LEMOs are appropriately senior and have the authority to commit resources.*

Byron Shire Council has a LEMO (Director Infrastructure Services) in place and has attended training sessions when scheduled.

25 **Recommendation 23:** *That Government amend the Rural Fires Act 1997 so that all public land management agencies be required to forward complaints received about bush fire hazards to the Commissioner of the NSW RFS. As an interim measure, heads of agencies should commence this practice immediately.*

Byron Shire Council administration staff have been instructed by RFS to advise community that complaints concerning Bushfire risk should be forwarded to RFS.

30 Where RFS find that concerns have some substance they will issue a Bush Fire Hazard Advice and invite Councils Open Space representative to meet on site to mutually develop a risk reduction strategy.

35 **Recommendation 24:** *That Government agencies managing land (at all levels and through all agencies) be the best neighbours possible by considering their neighbours when undertaking activities related to bush fire prevention and having clear two way communication about these activities, with the aspiration that government landholders will be seen as highly desirable neighbours.*

Over the past 6 months Council has received an increasing number of enquiries about bush fire risk from residents adjacent to or near bushland areas.

All enquiries have been promptly responded to, with clear explanations about the risk mitigation activities that are in place.

5 **Recommendation 28:** *That Government acknowledging that a strategic approach to bush fire will take time, in order to protect, prepare and build resilience into existing communities better, should immediately:*

- 10
  - *prepare, in association with the insurance sector, a model framework and statutory basis for the establishment of an enforcement, compliance and education program which adopts a risk-based approach to routine inspection of local bush fire prone developments to ensure that every local development on bush fire prone land is prepared for future bush fire seasons in accordance with the bush fire protection standards of the day, that account for worsening conditions*
- 15
  - *ensure local government is resourced to enable effective audit, enforcement and compliance powers in respect of local developments and assets on bush fire land*
- 20
  - *consider the introduction of subsidies for property owners to undertake site mitigation works to reduce bush fire risk and work with the Insurance Council of Australia to develop an agreed set of measures to insure against with a view to risk reductions resulting in lower insurance premiums*
  - *review vegetation clearing policies to ensure that processes are clear and easy to navigate for the community, and they enable appropriate bush fire risk management by individual land owners without undue cost or complexity.*

25 The NSW Rural Boundary Clearing Code was introduced providing a pathway for rural landholders to clear vegetation on their own land, independent of the planning system.

30 **Recommendation 31:** *That, in order to improve bush fire planning and protection of road infrastructure and to ensure communities, freight movers and fire fighting agencies have appropriate access and egress in a bush fire event, Government, working with local government as needed:*

- 35
  - *Develop a formal bush fire risk assessment process for all State roads and bridges, to identify:*
    - *'high-risk' communities where access and egress in the event of a fire will be affected, for example rural communities connected by a single road surrounded by bushland, and ensure community bush fire planning processes (i.e. Bush Fire Risk Management Plans (BFRMPs) or Community Protection Plans) include plans to leave early or enforce mandatory evacuation orders*

- *How waterways can be integrated better into the transport network as evacuation routes or places of shelter when road and rail transport is unavailable – waterways should be included in regional emergency management plans*
- 5       • *Route options for rapid identification of needed road closures in the event of a fire*
- *Key sections of the State's road network for future upgrades to ensure whole corridors are resilient to fire impacts, regardless of who manages the asset*
- 10       • *Audit, through the NSW RFS Audit Unit (to be established) the inclusion of critical road infrastructure in BFRMPs prepared by Bush Fire Management Committees (ensuring that appropriate transport representation is provided to BFMCs) and Local Emergency Management Committees across the State.*

15       *In support of these measures, it will be critical that the community is given early warning of bush fire events and has ample time to evacuate prior to and during an emergency.*

Staff are unaware of engagement by State agencies relating to the Council managed transport network, or provision of a frameworks or suggestions on what Council should be focusing on in terms of its local road network.

20       Council is continuing its normal asset management regime within available budget and resources.

25       **Recommendation 32:** *That, in order to ensure outcomes-based roadside vegetation management to reduce roadside tree fall and grass ignitions in planning and preparing for bush fire, Transport for NSW, working with local government and NSW RFS, establish a consistent framework for roadside vegetation management that analyses road priority, utility, amenity, strategic value and risk. The framework should:*

- *Take into consideration landscape characteristics like distance, slope, set back, vegetation maturity and type. Acceptable outcomes under this framework could include clear verges, or alternatives such as safe zones/pull-outs*
  - *Tie in formally with other strategic land use and biodiversity processes.*
- 30       Staff are unaware of engagement by State agencies relating to the Council managed transport network, or provision of a frameworks or suggestions on what Council should be focusing on in terms of its local road network.

Council is continuing its normal asset management regime within available budget and resources.

35

**Recommendation 33:** *That as a matter of urgency, in order to accelerate and finalise a State-wide strategic fire trail network, the NSW RFS Commissioner and Bush Fire Coordinating Committee (BFCC):*

- 5
  - Set a deadline for Bush Fire Management Committees to complete all outstanding Fire Access and Fire Trail (FAFT) Plans for submission to BFCC for approval, and a related deadline for BFCC consideration of these
  - Assess the completed suite of FAFT Plans to identify high-priority trails of relative strategic importance across the State for urgent construction or upgrades with particular reference to the needs of upcoming fire seasons
- 10
  - Enforce completion of annual fire trail condition assessment reporting by relevant landholders. Following this, the BFCC should, as part of its standard business, undertake an audit of all FAFT Plan and annual fire trail condition assessment reports
- 15
  - Develop a single asset management system to capture the outcomes of annual fire trail condition assessment reporting on a tenure blind basis to support BFCC strategic and budgetary prioritization and form funding allocation to agencies for capital works programs
- 20
  - Commission a review of FAFT Plans, with particular assessment of containment line potential, following a significant bushfire even in their area, as part of the planned review of BFCC Policy and NSW RFS Standards in 2020-21

*Where it is not feasible to conduct a fire trail completely on public land, and private landowners are not satisfied with the proposed negotiated arrangements to construct the trail across their land, Government should negotiate acquisition of easement interest, with appropriate compensation, over private land.*

- 25 Council is a member of the FAFT subcommittee and actively participated in regular meetings to finalise of the Far North Coast FAFT Plan.

**Recommendation 69:** *That in order to ensure evacuation arrangements can be scaled up when needed, Resilience NSW:*

- 30
  - a) Ensure staff who are willing to be deployed to evacuation centres are trained as soon as possible to bolster evacuation centre staff surge capacity
  - b) Train council and NSW government regional staff in evacuation centre establishment and management, supported by a one page 'start-up sheet' for opening an evacuation centre
- 35
  - c) Enable interested community members to be trained to assist in evacuation centre establishment and management and provide an avenue for skilled volunteers to register their interest
  - d) Develop an exercise for the management of multiple evacuation centres dealing with large numbers of people for a protracted period over a widespread area.

This is being reviewed by Resilience NSW in consultation with Council

## 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	3.1.3: Habitat restoration - Restore degraded areas that provide high environmental or community value	3.1.3.9	Engage consultant to prepare hazard reduction burn application for Honeysuckle Hill
4: Ethical Growth	4.5: Support a resilient community that can adapt and respond to change	4.5.1: Emergency management and response - Support and participate in local emergency management	4.5.1.6	Undertake exercises as decided by Tweed Byron Local Emergency Management Committee

### Recent Resolutions

- 23-319

### 5 Legal/Statutory/Policy Considerations

NSW Rural Fires Regulation 2022

NSW Emergency Operations Centres – Policy Document, 2013

NSW State Emergency and Rescue Management Act 1989 (SERM Act)

[State Emergency Management Plan](#)

### 10 Financial Considerations

N/A

### Consultation and Engagement

Tweed Shire Council – LEMO

NSW RFS

### 15 Byron Shire CRN

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

**Report No. 14.1      Report of the Arts and Creative Industries  
Advisory Committee Meeting held on 17  
August 2023**

**Directorate:** Corporate and Community Services

**Report Author:** Storm Townsend, Executive Assistant Corporate & Community Services

**File No:** I2023/1241

**Summary:**

The Arts and Creative Industries Advisory Committee met on 17 August 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 17 August 2023.
2. That Council does not adopt Committee Recommendations 3.1 as shown in the attachment to this report, but instead adopts the Management Recommendations as follows:

**Report No. 3.1 Byron Shire Council Creative Public Spaces Grant 2023 -  
Successful Applicants**

File No: I2023/1090

**Management Recommendation 3.1.1**


1. That the Committee notes successful applicants for the 2023 Creative Public Spaces Grant.
2. The Management recommends an increase in the budget for the Creative Public Spaces Grant of \$10,000 allocated from the Public Art Budget Line (GL 2323.001).

## BYRON SHIRE COUNCIL

### REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

14.1

#### **Attachments:**

- 1 Minutes 17/08/2023 Arts and Creative Industries Advisory Committee, I2023/1187 

5

## Report

The attachment to this report provides the minutes of the Arts and Creative Industries Advisory Committee Meeting of 17 August 2023 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [Minutes of Arts and Creative Industries Advisory Committee Meeting - Thursday, 17 August 2023](#)

The following items were considered by the Committee:

### **Report No. 3.1      Byron Shire Council Creative Public Spaces Grant 2023 - Successful Applicants**

- 10 The Committee was advised that there were seven applications received for Council's 2023 Creative Public Spaces Grant Round with two successful Applicants. The total pool of funds available in this round is \$5,000. The successful Applicants were Lighting for the LOVE sign Mullumbimby & Launch – The Paddock Project (\$3,700) and Signage – Queer Family (\$1,300).
- 15 The Committee recommended Council increase the budget for the Creative Spaces Grant to \$20,000 or more with the funding source to be identified. This recommendation was not supported by Management as detailed in the Management Comments below.

### **Management Comments**

- 20 In respect to Committee Recommendation in Report 3.1, *Byron Shire Council Creative Public Spaces Grant 2023 -Successful Applicants*, Management supports the Committee recommendation to increase the Creative Public Spaces Grant and proposes an additional \$10,000 be allocated from the Public Art budget line (GL2323.001) to create a total pool of \$15,000.
- 25 This is a moderate increase to enable quality creative activation projects while balancing Council's limited resources and upcoming commitments in the arts and culture portfolio. It also identifies a funding source for the budget increase that had to be identified in the original Committee recommendation.

### **Report No. 3.2      Events Strategy – Findings Paper**

- 30 This Report was noted by the Committee with no recommendations made to Council. Council is working with consultants from Tilma Group to develop an Events Strategy for small to medium events in our Shire. Tilma Group presented a Findings Paper to the Committee. The Findings Paper is the precursor to the Events Strategy and will be on exhibition until 10 September for broader industry and community feedback with a survey to accompany the paper will be available from 14 August at [Events Strategy - Byron Shire Council \(nsw.gov.au\)](#).
- 35

## BYRON SHIRE COUNCIL

### REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

14.1

#### **Report No. 3.3 Preliminary Concept Proposal for Feedback - Arts & Culture Festival**

5 This Report was noted by the Committee with no recommendations made to Council. The Committee received a preliminary concept proposal for a 'Byron Shire Contemporary Art and Culture Festival'. The proposal was submitted by an Arts and Creative Industries Advisory Committee member, Cr Westheimer, for the Committee's review and feedback.

#### **Financial Implications**

As per the management comments and reports listed within the Arts and Creative Industries Advisory Committee Meeting of 17 August 2023.

#### **10 Statutory and Policy Compliance Implications**

As per the Reports listed within the Arts and Creative Industries Advisory Committee Meeting of 17 August 2023.

## **Report No. 14.2      Report of the Finance Advisory Committee Meeting held on 17 August 2023**

**Directorate:** Corporate and Community Services

**Report Author:** Storm Townsend, Executive Assistant Corporate & Community Services

**File No:** I2023/1244

### **Summary:**

The Finance Advisory Committee met on 17 August 2023 and attached are the Minutes for noting by Council.

---

### **RECOMMENDATION:**

**1. That Council notes the minutes of the Finance Advisory Committee Meeting held on 17 August 2023.**

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

**Report No. 4.1 Carryovers for Inclusion in the 2023-2024 Budget**  
File No: I2023/1178

#### **Committee Recommendation 4.1.1**

**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.**

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

**Report No. 4.2 Budget Review - 1 April to 30 June 2023**

File No: I2023/1186

**Committee Recommendation 4.2.1**

**That Council:**

- 1. 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:**
  - 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**
- 2. Adopts the revised General Fund Estimated Unrestricted Cash Result of \$0 for the 2022/2023 financial year as at 30 June 2023.**

**Attachments:**

- 5    1    Minutes 17/08/2023 Finance Advisory Committee, I2023/1226 

## Report

The attachment to this report provides the minutes of the Finance Advisory Committee Meeting of 17 August 2023 for determination by Council. The agenda for this meeting can be located on Council's website at:

5 [Minutes of Finance Advisory Committee Meeting - Thursday, 17 August 2023](#)

The following items were considered by the Committee:

**Report No. 4.1      Carryovers for Inclusion in the 2023-2024 Budget**

10 This Report was prepared for the Committee to consider 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.

**Report No. 4.2      Budget Review - 1 April to 30 June 2023**

15 This Report was 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 (subject to completion and audit of Council's Financial Statements).

## Financial Implications

As per the Reports listed within the Finance Advisory Committee Meeting of 17 August 2023.

## Statutory and Policy Compliance Implications

20 As per the Reports listed within the Finance Advisory Committee Meeting of 17 August 2023.

**Report No. 14.3      Report of the Audit, Risk and Improvement  
Committee Meeting held on 17 August 2023**

**Directorate:** Corporate and Community Services

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

5    **File No:** I2023/1273

**Summary:**

This report provides the minutes of the Audit, Risk and Improvement Committee Meeting of 17 August 2023 for determination by Council.

10

---

**RECOMMENDATION:**

1.    **That Council notes the minutes of the Audit, Risk and Improvement  
Committee Meeting held on 17 August 2023.**

15

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

**Report No. 5.1 Internal Audit Report - Quarter 4 2022-2023**

File No: I2023/919

**Committee Recommendation 5.1.1**

**That Council:**

1.    **Notes the Internal Auditors Summary of Internal Audit Recommendations for Quarter 4 2022-2023 at Attachment 1 (E2023/75611).**
2.    **Notes that the Audit, Risk and Improvement Committee endorses the recommendations from the Executive Team to close off nine internal audit recommendations from Quarter 4 2022-2023 as listed in Table 1 of this report (which is a summary from Attachment 2 E2023/71627).**

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


**Report No. 5.3 2023 Interim Audit Management Letter**

File No: I2023/1130

**Committee Recommendation 5.3.1**

**That the comments provided by Management in response to issues raised in the 2023 Interim Audit Management Letter (#E2023/77884) be noted by Council and the Audit, Risk and Improvement Committee.**

**Attachments:**

- 1 Minutes 17/08/2023 Audit, Risk and Improvement Committee, I2023/1227 

## **Report**

Attachment 1 to this report provides the minutes of the Audit, Risk and Improvement Committee Meeting of 17 August 2023 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [Audit, Risk and Improvement Committee Meeting Agenda 17 August 2023](#)

The attachment numbers included in the recommendations to this Report follows the numbering of the Audit, Risk and Improvement Committee Meeting Agenda. Attachments are available at the link provided above.

## **Committee Recommendation**

- 10 The recommendations in this Report to Council list only those Committee recommendations that require endorsement by Council e.g. items the Committee simply noted have not been included in this Report (Reports 5.2 and 5.4). The remainder of the Committee Recommendations are included in the attached minutes.
- 15 Further, two reports were provided to the Committee for information only and required no recommendations to Council. These are listed in the Agenda and in the Minutes at Reports 7.1 and 7.2.

## **Financial Implications**

As per the Reports listed within the Audit, Risk and Improvement Committee Meeting of 17 August 2023.

- 20 **Statutory and Policy Compliance Implications**

As per the Reports listed within the Audit, Risk and Improvement Committee Meeting of 17 August 2023.

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 14.4      Report of the Biodiversity Advisory  
Committee Meeting held on 17 August 2023**

5      **Directorate:**                      Sustainable Environment and Economy

**File No:**                              I2023/1347

**Summary:**

10      This report provides the minutes of the Biodiversity Advisory Committee Meeting held on  
17 August 2023.

---

**RECOMMENDATION:**

15      **That Council notes the minutes of the Biodiversity Advisory Committee Meeting  
held on 17 August 2023.**

**Attachments:**

20      1      Minutes 17/08/2023 Biodiversity Advisory Committee, I2023/1203 

## Report

The attachment to this report provides the minutes of the Biodiversity Advisory Committee Meeting of 17 August 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/2023/08/BAC\\_17082023\\_MIN\\_1731.PDF](https://byron.infocouncil.biz/RedirectToDoc.aspx?URL=Open/2023/08/BAC_17082023_MIN_1731.PDF)

The following items were considered by the Committee:

### **Report No. 3.1 Confirmation of minutes from 20 April 2023 Biodiversity Advisory Committee Meeting**

- 10 The previous meeting minutes were confirmed.

### **Report No. 4.1. Brunswick Valley Landcare Support Officer quarterly reports, October 2022 to June 2023**

The Committee noted the report.

### **Report No. 4.2. Biodiversity and Agriculture Projects and Operations Update**

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

### **Report No. 4.3 Future Discussion Items for Biodiversity Advisory Committee**

- 20 The Committee noted the report, invited David Milledge to provide comments on item 4.3 from the August meeting for discussion at a future meeting, and sought a follow up response to item 4.2 from the April meeting agenda.

## Financial Implications

As per the Reports listed within the Biodiversity Advisory Committee Meeting of 17 August 2023.

## Statutory and Policy Compliance Implications

- 25 As per the Reports listed within the Biodiversity Advisory Committee Meeting of 17 August 2023.

**Report No. 14.5 Report of the Climate Change and Resource Recovery Advisory Committee Meeting held on 29 June 2023**

**Directorate:** Sustainable Environment and Economy

5 **File No:** I2023/1349

**Summary:**

This report provides the minutes of the Climate Change and Resource Recovery Advisory Committee meeting held on 29 June 2023.

10

---

**RECOMMENDATION:**

1. That Council notes the minutes of the Climate Change and Resource Recovery Advisory Committee Meeting held on 29 June 2023.

15

2. That Council adopts the following Committee Recommendation:

**Report No. 4.2 Regional Waste Strategy and Waste to Energy**  
File No: I2023/806

**Committee Recommendation 4.2.1**

**That Council supports the NSW Energy From Waste Policy Statement 2022 approach that the incineration facilities for the destruction of waste not be permitted.**

## 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 [Minutes of Climate Change and Resource Recovery Advisory Committee Meeting - Thursday, 29 June 2023 \(infocouncil.biz\)](https://infocouncil.biz)

The following items were considered by the Committee:

### **Report No. 3.1 Confirmation of minutes from the 18 May 2023 meeting**

The previous meeting minutes were confirmed.

### **10 Report No. 4.1 Future Discussion Items for Climate Change and Resource Recovery Advisory Committee**

The Committee noted 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**

- 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**

The Committee noted the report and attachment.

### **Report No. 4.4 Sustainability project updates**

- 30 The Committee noted the report.

### **Report No. 4.5 Climate Change Risk and Adaptation: Council Project Update**

The Committee noted the report.

**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**

- 5    As per the Reports listed within the Climate Change and Resource Recovery Advisory Committee Meeting of 29 June 2023.

**Report No. 14.6      Report of the Housing and Affordability  
Advisory Committee Meeting held on 18 May  
2023**

**Directorate:** Sustainable Environment and Economy

5    **File No:** I2023/1367

**Summary:**

This report provides the minutes of the Housing and Affordability Advisory Committee Meeting held on 18 May 2023.

10

---

**RECOMMENDATION:**

1.    **That Council notes the minutes of the Housing and Affordability Advisory Committee Meeting held on 18 May 2023.**

15

**Attachments:**

- 1    Minutes 18/05/2023 Housing and Affordability Advisory Committee, I2023/743 

20

## Report

The attachment to this report provides the minutes of the Housing and Affordability Advisory Committee Meeting of 18 May 2023 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [https://byron.infocouncil.biz/Open/2023/05/HAAAC\\_18052023\\_MIN\\_1667.PDF](https://byron.infocouncil.biz/Open/2023/05/HAAAC_18052023_MIN_1667.PDF)

## Summary of Reports

### Report No. 4.1 Future Discussion Items for Housing and Affordability Advisory Committee

The Committee determined:

- 10 1. *That they have an agenda item in a future meeting exploring ways that the Housing and Affordability Advisory Committee can be more proactive and interactive.*
2. *That an item for the list be the re-use of existing buildings for affordable housing purposes be investigated.*
3. *That an item for the exploration of lot sizes and purpose be investigated.*
- 15 4. *Noted the report.*

### Report No. 4.2 Presentation on Alternative Housing Models Research Paper by Echelon

The Committee:

- 20 1. *Thanked Sarah McQuillen from Echelon Planning for the presentation on the Housing Models Addendum Research Paper for Byron Shire Council*
2. *Noted this Addendum report will inform further work being progressed by staff on the Byron Shire Residential Strategy refresh this year.*
3. *Will discuss the presentation on alternative Housing Models in the next meeting.*

### Report No. 4.3 Housing Initiative and Project Updates

25 The Committee:

1. *Noted the update on current initiatives and projects being progressed by Council staff.*

## Financial Implications

30 As per the Reports listed within the Housing and Affordability Advisory Committee Meeting of 18 May 2023.

## Statutory and Policy Compliance Implications

As per the Reports listed within the Housing and Affordability Advisory Committee Meeting of 18 May 2023.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**Report No. 14.7      Report of the Water and Sewer Advisory  
Committee Meeting held on 17 August 2023**

5    **Directorate:**                      Infrastructure Services

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

**File No:**                         I2023/1239

**Summary:**

10    The attachment to this report provides the minutes of the Water and Sewer Advisory Committee Meeting of 17 August 2023 for determination by Council.

---

**RECOMMENDATION:**

15    1.    **That Council notes the minutes of the Water and Sewer Advisory Committee Meeting held on 17 August 2023.**

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

**Report No. 4.1 Integrated Water Cycle Management and Strategic Business Plan**

File No: I2023/1179

**Committee Recommendation 4.1.1**

**That Council:**

1.    **Notes that updating its Integrated Water Cycle Management Strategy is no longer required by DPE;**
2.    **Notes that it can opt-in now or later, to the newly adopted (2022) DPE regulatory and assurance framework in order to seek state funding (of which there is none currently available); and**
3.    **Notes the work in progress in assessment of the gaps between Council's current strategic planning status and the requirements of the new framework, and receives an update on the outcomes when they become available.**

**Attachments:**

- 1 Minutes 17/08/2023 Water and Sewer Advisory Committee, I2023/1205 

5

## **Report**

The attachment to this report provides the minutes of the Water and Sewer Advisory Committee Meeting of 17 August 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, 17 August 2023 \(infocouncil.biz\)](https://infocouncil.biz)

The following items were considered by the Committee:

### **Report No. 4.1 Integrated Water Cycle Management and Strategic Business Plan**

- 10 This report discusses the history of Integrated Water Cycle Management in Byron Shire, the NSW Government's new regulatory assurance framework and Council's strategic planning for water supply and sewerage.

### **Report No. 4.2 Utilities Operational Plan Report**

This report summaries the performance of Utilities Department delivery for May-July 2023

## **Committee Recommendation**

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

## **Financial Implications**

As per the Reports listed within the Water and Sewer Advisory Committee Meeting of 17 August 2023.

## **20 Statutory and Policy Compliance Implications**

As per the Reports listed within the Water and Sewer Advisory Committee Meeting of 17 August 2023.

**Report No. 14.8      Report of the Moving Byron Advisory  
Committee Meeting held on 31 August 2023**

**Directorate:** Infrastructure Services

**File No:** I2023/1374

5

**Summary:**

The attachment to this report provides the minutes of the Moving Byron Advisory Committee Meeting of 31 August 2023 for determination by Council.

10

---

**RECOMMENDATION:**

1. That Council notes the minutes of the Moving Byron Advisory Committee Meeting held on 31 August 2023.

2. That Council adopts the following Committee Recommendations:

**Report No. 4.1 Active Transport Plan Update**  
File No: I2023/955

**Committee Recommendation 4.1.1**

**That Council:**

1. Notes that the Active Transport Plan is still being drafted, will be integrated with previous other transport plan and it references actions in the Moving Byron strategy and will soon be recommended for public exhibition; and
2. Notes that the northern route currently prioritised for the Mullumbimby to Brunswick Heads Cycleway is unlikely to proceed in the near term and that the southern route, or variations thereof, will form part of the new Active Transport plan.
3. Ensures that Planning Agreements with potential future developers in the Saddle Road area consider incorporating the bike path through the development/s and consider design and contributions (including Special Infrastructure Contributions) supporting the route in part 2 above.
4. Ensures that Moving Byron Committee receive further report at its next meeting to further consider the draft Active Transport Plan.

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

**Report No. 4.2 Raftons Road Shared Path Consultation and Direction**

File No: I2023/956

**Committee Recommendation 4.2.1**

**That Council:**

- 1. Endorses a scope change for the Raftons Road project, from a 2.5m shared path to a pedestrian path of 1.2m -1.5m in width, which includes retaining the grass verge; and**
- 2. Creates an on-road bicycle awareness zone including options for traffic calming.**

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

**Report No. 4.3 Kolora Way - Alternative Scope of Works**

File No: I2023/649

**Committee Recommendation 4.3.1**

**That Council:**

- 1. Seeks the additional funding to pursue the shared path bridge on Kolora Way as originally envisaged.**
- 2. Notes that staff will bring this matter back to the next Moving Byron Committee**

**5. That Council adopts the following Committee Recommendation:**

**Report No. 4.4 Moving Byron Integrated Transport Plan - Implementation and Strategic Alignment**


File No: I2023/1255

**Committee Recommendation 4.4.1**

**That Council notes the report and that there is a standing item for this committee to discuss the Moving Byron Strategy.**

**Attachments:**

5

- 1 Minutes 31/08/2023 Moving Byron Advisory Committee, I2023/1321 

## Report

The attachment to this report provides the minutes of the Moving Byron Advisory Committee Meeting of 31 August 2023 for determination by Council.

The agenda for this meeting can be located on Council's website at:

- 5 [Agendas and Minutes - Byron Shire Council \(nsw.gov.au\)](https://www.byrongov.au/agendas-and-minutes)

The following items were considered by the Committee:

### **Report No. 4.1 Active Transport Plan Update**

- 10 This report provides more detail on the work Council staff have undertaken in the mid-life review of the Pedestrian Access and Mobility Plan (PAMP) and Bike Plan and discusses future steps for the Committee's consideration.

### **Report No. 4.2 Raftons Road Shared Path Consultation and Direction**

The purpose of this report is to gain approval for a scope change based on communications during a site walkthrough with directly impacted residents (refer to attachment 3, Community feedback notes).

- 15 **Report No. 4.3 Kolora Way - Alternative Scope of Works**

The purpose of this report is to highlight issues that have arisen in the planning phase and further discuss alternative scope proposals to council prior to moving forward.

### **Report No. 4.4 Moving Byron Integrated Transport Plan - Implementation and Strategic Alignment**

- 20 The purpose of this report is to discuss some of the expected outcomes within the Moving Byron Integrated Transport Plan in relation to our (Councils) collaborative works with Transport for New South Wales.

## **Committee Recommendation**

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

## **Financial Implications**

As per the Reports listed within the Moving Byron Advisory Committee Meeting of 31 August 2023.

## **Statutory and Policy Compliance Implications**

- 30 As per the Reports listed within the Moving Byron Advisory Committee Meeting of 31 August 2023.