

Agenda Ordinary Meeting

Thursday, 22 February 2024



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.



Mark Arnold
General Manager

CONFLICT OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

Disclosure and participation in meetings

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

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

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

Non-pecuniary Interests - Must be disclosed in meetings.

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

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

RECORDING OF VOTING ON PLANNING MATTERS

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

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

OATH AND AFFIRMATION FOR COUNCILLORS

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

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BUSINESS OF ORDINARY MEETING

1. PUBLIC ACCESS
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
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Infrastructure Services

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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

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 screen at the meeting.

NOTICES OF MOTION

Notice of Motion No. 9.1 Collaboration and financing to deal with Fire Ants

5 **File No:** I2024/206

I move that Council:

- 10 1. **Notes that Fire Ants are a pest relatively new to Australia and previously confined to South East Queensland.**
2. **Notes that Fire Ants have been found this summer in Shires neighbouring Byron Shire, both to our north and south.**
- 15 3. **Notes that Fire Ants are a pest capable of rendering swathes of land uninhabitable, due to their tendency to attack in collaboration and using large numbers.**
- 20 4. **Asks the Mayor to put on the Agenda of the next meeting of the Northern Rivers Joint Organisation, an item aimed at collaboration across NRJO's seven Local Government Areas and possibly further to request state and/or federal funding and other support to start dealing with Fire Ants in this region.**

Signed: Cr Duncan Dey

25 **Councillor's supporting information:**

Wikipedia states at https://en.wikipedia.org/wiki/Red_imported_fire_ants_in_Australia:

30 The red imported fire ant (*Solenopsis invicta*) is an invasive species in Australia originating from South America but imported to Australia, New Zealand, the United States of America and several Asian and Caribbean countries. Fire ants are listed by the International Union for Conservation of Nature (IUCN) as one of the world's most invasive species.

Fire ants were first detected in Australia in Queensland in 2001. The Australian government has listed Fire ants as a Key Threatening Process in recognition of the ant's potential to severely impact on Australia's biodiversity.

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NOTICES OF MOTION

9.1

Distribution

5 There have been seven separate incursions of fire ants in Australia - six in Queensland and one in New South Wales (NSW). In Queensland, the first two incursions were discovered in 2001 - one in suburban Brisbane and the other at the Port of Brisbane. The pathway of entry is unknown but the ant was probably accidentally introduced in a shipping container from the southern United States, where the ant is well established.

The third and fourth incursions were in Yarwun, Central Queensland in 2006 and 2013. The fifth incursion to Queensland was found at Brisbane Airport in 2015, and the sixth at Port of Brisbane in 2016. The NSW incursion was discovered in 2014 in Port Botany.

10 According to the Queensland Department of Agriculture and Fisheries, the Port of Brisbane, Yarwun and Port Botany incursions have been eradicated. However, the initial Brisbane infestation has spread to around 300,000 hectares of south-east Queensland, and experts warn that the ant could soon spread to adjacent areas of NSW.^[4]
15 Nevertheless, according to an Independent Review of the National Red Imported Fire Ant Eradication Program, it is still considered technically feasible to eradicate red fire ants from south-east Queensland.

Impacts

Red imported fire ants are a serious problem because they are invasive species can cause major environmental, social and economic damage.

20 **Biosecurity**

The Australian government responded rapidly to the detection of fire ants in Brisbane in 2001, with the injection of significant initial funds. However, more recent incursions show that the fire ant continues to breach Australia's borders, despite a reportedly strong quarantine focus. Furthermore, significant lags between arrival and detection have been
25 noted. For example, it is probable that the 2014 incursion was not detected for two to three years after arrival.

Experts argue that funding for effective national surveillance and eradication programs are required while a brief window of opportunity to efficiently eradicate the fire ant still exists. A recent economic report concluded that every dollar spent on eradication now would save
30 \$25 in the longer term.

Actions so far in NSW include declaration this year of **NSW Biosecurity (Fire Ant) Emergency Order (No 1) 2024** <https://www.dpi.nsw.gov.au/dpi/bfs/insect-pests/rifa> . The order restricts the movement of fire ant carrier material.

35 Anyone bringing *organic mulch, compost, growing media, manure, soil, hay, straw, chaff, silage, potted plants, turf, agricultural equipment, earth moving equipment, sand, gravel, chitters, coal fines, coal stone, overburden and decomposed granite* into NSW from Queensland must comply with the [NSW Biosecurity \(Fire Ant\) Emergency Order \(No 1\) 2024](#) .

Staff comments

by Shannon Burt, Director, Sustainable Environment and Economy:

5 Council has been proactive in raising awareness about the presence of fire ants in the northern rivers since their detection in Murwillumbah last November, and when detected in Wardell in January. We know that the NSW DPI, the National Fire Ant Eradication Program and Ballina and Tweed Councils are working together in response to the detection.

Links to information on Council’s web pages below:

[Red Imported Fire Ants detected in Murwillumbah - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/red-imported-fire-ants-detected-in-murwillumbah)

10 [Time to be on the look-out for red imported fire ants - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/time-to-be-on-the-look-out-for-red-imported-fire-ants)

[Local Biosecurity Alert Species - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/local-biosecurity-alert-species)

[Red imported fire ants | Department of Primary Industries \(nsw.gov.au\)](https://www.nsw.gov.au/red-imported-fire-ants)

The deleterious environmental, social and economic damage caused by fire ants is otherwise well reported.

15 This Notice of Motion asks Council to note the presence of fire ants in the northern rivers area, and, for the Mayor to put options for dealing with fire ants (as a biosecurity threat) on the agenda at the next Northern Rivers Joint Organisation meeting. The next available NRJO meeting is 17 May 2024.

Financial/Resource/Legal Implications:

20 N/A

Is the proposal consistent with any Delivery Program tasks?

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

PETITIONS

Petition No. 11.1 Options for dog exercise areas near Linda Vidler Park

5 **Directorate:** Infrastructure Services
Report Author: Malcolm Robertson, Manager Open Space and Facilities
File No: I2024/143

10 Council is in receipt of a Petition containing 212 signatures (Attachment 1 - E2024/9687) from Ms Peta Fitzsimmons which states:

“Residents of Baywood Chase and Byron Hills feel there is insufficient dog exercise areas for the number of dogs here. Dog socialising and exercising is important for dogs and their owners.

15 *The dog beach area is difficult for many pet owners due to the distance as there is usually a need for car travel. There are already a significant number of dogs from beachside Suffolk who use the beach. Also some dogs are afraid of the water and are unhappy at the beach.*

The other leash free area is the narrow pathway around the lake this is not appropriate for exercise or socialising.

20 *We would like to propose two options for council to consider:*

- *A time share management plan for the soccer field. This field has not been used as a sport venue for three years. However recent improvements to the field suggest it may be used as a venue in the future. Time management has been used in Sydney for many active sports fields.*
- *A fenced off area next to the community gardens. There is a good sized square field that could be fenced and could allow for dog ball play.”*

Comments from Director Infrastructure Services:

30 Linda Vidler Park was impacted by flooding in 2022, and subsequently was unusable by Suffolk Park Football Association. Since that time significant funds have been spent on upgrading drainage across the whole of Linda Vidler Park, including sub-soil drainage across the sports fields. Council has also installed new changerooms and canteen facilities for the sports field users.

The sub-soil drainage works at Linda Vidler Park were completed and the football club allowed back onto the fields as of 12 February 2024.

Utilising the sports field as a “time-shared” off leash dog area is not supported.

5 Off leash dog areas in urban locations need to be contained with fencing. That is not desired around the football field. Health and safety considerations include the need to avoid faecal contamination on a sport playing surface, and shared use dog exercise has proven to create hazards with sticks or splintered parts of sticks used for fetch being left on the playing surface.

10 The land next to the community gardens is relatively small and was identified within the adopted Masterplan for Linda Vidler Park as passive open space for general community use. There were a number of conflicting uses of the land within Linda Vidler Park considered within the community engagement around the Masterplan. To restrict this land to an off-leash dog area would not reflect community desires and would have a negative impact on the range of possible uses for this valuable community asset.

15

- 1. Park entry including park signage
- 2. Informal car parking along access road- area to be re-surfaced
- 3. New pedestrian path improving pedestrian safety and park access
- 4. New turf swales as part of drainage works
- 5. Passive open parkland space providing for flexible community use
- 6. Entry path to pump track
- 7. Pump track
- 8. Planted swale as part of improved drainage
- 9. Informal gravel path and seating in natural shade
- 10. Bush track through existing vegetation zone
- 11. Community Garden storage shed- final location to be confirmed during detailed design phases
- 12. Community Garden and bushucker planting zones including informal paths and planting, formal plantings, raised planting beds, and cultural and environmental interpretation / information
- 13. Paths for improved access and circulation through gardens (material to be concrete and/or gravel)
- 14. Central gathering shelter- key location for cultural interpretation elements and stories
- 15. Bushucker, food tree and parkland tree planting
- 16. Community Garden mound and feature tree to be retained
- 17. Existing trees to be retained
- 18. Wetland water body as part of new drainage works
- 19. Pedestrian bridge over planted drainage swale
- 20. New nature play area with natural shade from existing and proposed trees
- 21. Seating walls for play and soccer field viewing
- 22. Potential sports field lighting
- 23. Shared zone crossing area for pedestrian and cycling linkages
- 24. Posts for installation of temporary netting on soccer match days

* Potential access gate for controlling vehicular access times-stopping overnight access

W New water point- final location to be confirmed during detailed design phases

Continued rollout of the Masterplan is ongoing, with budget currently identified for upgrade of pathways, entrance area and cultural interpretive material.

20 Council staff have been in discussion with the petition coordinator and have initiated investigations into possible locations for an off-leash dog area at Suffolk Park. These investigations will continue, and options will be returned to Council for consideration in a future report.

RECOMMENDATION:

5 **That Council:**

1. **Notes the petition regarding options for a dog exercise area near Linda Vidler Park.**
2. **Notes that an off leash area is not supported at either:**
 - a) **Linda Vidler Park soccer playing fields; and**
 - 10 **b) A fenced off area next to the Linda Vidler Park community gardens;**
3. **Requests Council staff to investigate options and costs for an off-leash dog area in Suffolk Park and provide outcomes in a future report to Council.**

Attachments:

- 15 1 Confidential - Petition from Peta Fitzsimmons - Dog Exercise Areas near Linda Vidler Park, E2024/9687
- 2 Petition from Peta Fitzsimmons - Dog Exercise Areas near Linda Vidler Park_REDACTED, E2024/9779 

20

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 Request to change market date

Directorate: General Manager

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

File No: I2024/179

Summary:

Byron Community Centre Limited, requests to move its scheduled artisan market in Denning Park from Saturday 30 March to Friday 29 March 2024.

10

RECOMMENDATION:

15 **That Council, pending no objecting submissions being received from the public notice of the proposal, agree to moving the Byron Community Centre Limited's artisan market day from 30 March to 29 March 2024.**

Context

By a licence from Council (resolution **21-147**), Byron Community Centre Limited (Community Centre) operates a quarterly artisan market at Dening Park.

- 5 Council has previously resolved (**22-696**), (**20-377**), (**21-311**) and (**21-510**) to allow the Community Centre to reschedule its weekly artisan markets to avoid clashing with other markets in the Shire being held on the originally scheduled day.

Request for change

The Community Centre presently requests that Council allow it to move its forthcoming quarterly artisan market from Saturday 30 March to Friday 29 March 2024 (Good Friday).

- 10 Changing the artisan market to Good Friday will avoid a clash with the Community Centre’s railway park market being held the next day.

Public Notice

Because Dening Park is Crown land managed by Council, the land is managed under the *Local Government Act*. The Act requires public notice for licenses over this type of lands.

- 15 To allow adequate time for public submissions, the proposed change of market day was placed on public notice from 12 February. The notice period will end on 11 March.

Subject to there being no public objections during the notice period, this report recommends that Council permit the Community Centre to move the market from Saturday 30 March to Friday 29 March 2024.

20 **Strategic Considerations**

Community Strategic Plan and Operational Plan

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

Recent Resolutions

- (22-696), (20-377), (21-311), (21-510) and (23-001).

Legal/Statutory/Policy Considerations

The *Local Government Act 1993* regulates the licensing of land regarded as community land (which includes Crown land managed by Council). This report is consistent with the Act's relevant provisions.

5 Financial Considerations

Nil.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.2 Grants January 2024

Directorate: Corporate and Community Services

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

File No: I2023/1936

Summary:

10 Council is waiting on determination of twelve (12) Grant applications which, if successful, would provide funding to enable the delivery of identified projects. This report provides an update on Grant applications.

RECOMMENDATION:

15 **That Council notes the grant submissions report for the month of December 2023 and January 2024 (Attachment 1 #E2024/9120).**

Attachments:

20 1 Grant submissions as at 31 January 2024, E2024/9120 

Report

Currently Council has twelve (12) grant applications awaiting determination (refer to Grants Submissions as of 31 January 2024 - Attachment 1, E2024/9120).

Successful applications

5 No grants announced.

Unsuccessful applications

No grants announced.

Upcoming Grant opportunities

10 [Regional Precincts and Partnerships Program | Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#)

15 The Regional Precincts and Partnerships Program (rPPP) seeks to support transformative investment in regional, rural and remote Australia based on the principles of unifying regional places, growing economies and serving communities. Unlike traditional grant programs, the rPPP will focus on a partnership approach, bringing together governments and communities to deliver regional precincts that are tailored to local needs and have a shared vision for how that precinct connects to the region.

20 The rPPP is an always open grants process that will provide funding through two grant streams to support both precinct development proposals and the delivery of construction-ready precinct projects.

- **Stream One: Precinct development and planning.** Grants of between \$500,000 to \$5 million will be available for master planning, consultation, design, business cases and partnership establishment.
- **Stream Two: Precinct delivery.** Grants of between \$5 million and \$50 million will be available to help deliver one or more elements of a precinct. It could be enabling infrastructure (roads, pathways, underground infrastructure), public infrastructure, or open spaces between elements or a particular building that activates other investment.

30 In conjunction with Lismore City Council, staff are considering applying for stream one and two sections of the Northern Rivers Rail Trail. Stream one would consist of the planning, approvals and detailed design for the current unfunded sections. Stream two would consist of design and construct of the Lismore to Bexhill and Mullumbimby to Crabbes Creek sections.

The proposed applications support Council resolution **23-360** that Council:

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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1. Proceeds with the planning, approval process, and preparation of an application for funding to implement on formation rail trails from Mullumbimby to Crabbes Creek and from the old Byron Bay station, through Bangalow to Booyong.

[Community Energy Upgrade Fund Program | energy.gov.au](https://energy.gov.au)

- 5 The Community Energy Upgrade Fund Program CEUF is a targeted, competitive grant program that provides co-funding for energy upgrades at existing local government facilities.

It aims to help support local governments to:

1. make their facilities more energy efficient
- 10 2. lower their greenhouse emissions and energy bills.

Only one grant awarded per Council. Local governments will be expected to share knowledge from their projects for local government and community benefit, to build the capability and skills of local governments and the wider community to undertake energy upgrades. Electric vehicle charging infrastructure such as smart electric vehicle charging for multiple vehicles at a depot for local government vehicles are considered an eligible project.

Staff are currently considering an application for electric vehicle charging infrastructure to be located at the Byron Bay depot to enable Council to transition its fleet vehicles.

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	1.3.1.9	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

20 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

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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Government or public authority, be used otherwise than for that specific purpose'. This legislative requirement governs Council's administration of Grants.

Financial Considerations

- 5 If Council is successful in obtaining the identified Grants, this would bring funding sought to approximately \$28.5 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:

10	Funding applications submitted and awaiting notification (total value)	\$28,567,732
	Requested funds from funding bodies	\$14,652,645
	Council contribution cash	\$13,919,087
	Council co-contribution in-kind	\$0
	Other contributions	\$0

15

Funding determined in December 23/ January 24:

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

Consultation and Engagement

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

Report No. 13.3 Policies for Review

Directorate: Corporate and Community Services

Report Author: Mila Jones, Governance and Internal Audit Coordinator

File No: I2023/1984

5 **Summary:**

As part of Council’s compliance framework, an annual review of Council policies is undertaken, and reports are provided to Council on the status of this review program. Three policies are discussed in this report, one policy is being recommended for updating and two are proposed to be repealed as the information is contained elsewhere, for example as required by legislation, or because the policy is not viable.

Updated policy

- Contaminated Land Management Policy 2024

Recommended for repeal

- Arts and Culture Policy 2020
- Onsite Sewage Management Systems in Reticulated Areas Policy 2014

RECOMMENDATION:

- 20 1. **That the Draft Contaminated Land Management Policy 2024 (Attachment 1 E2024/766) be placed on public exhibition for 42 days to allow for submissions and that:**
- 25 a) **should there be no submissions received then the Policy is endorsed from the date after the close of the exhibition period; and,**
 - b) **should submissions be received, that the Policy be reported back to Council noting the submissions and amendments made because of the feedback received.**
- 30 2. **That the following policies be repealed for the reasons outlined in the report:**
- a) **Arts and Culture Policy 2020**
 - b) **Onsite Sewage Management Systems in Reticulated Areas Policy 2014**

Attachments:

- 1 Draft Contaminated Land Management Policy 2024, E2024/766 

35

Report

An important element of public sector governance is establishing key policies and ensuring they are available, regularly updated and monitored for compliance.

5 An annual review of Council's policies is coordinated with relevant document development officers.

Three policies are discussed in this report, one policy is being recommended for updating and two are proposed to be repealed as the information is contained elsewhere, for example as required by legislation or because the policy is not viable.

Updated policy

- 10
- Draft Contaminated Land Management Policy 2024

Recommended for repeal

- Arts and Culture Policy 2020
- Onsite Sewage Management Systems in Reticulated Areas Policy 2014

Updated Policy – Contaminated Land Management Policy 2024

15 A draft Contaminated Land Management Policy 2024 (Attachment 1) has been developed which is the result of a major review of Council's outdated [2008 Policy](#). The changes were prompted by the Northern Rivers Contaminated Land Project, a NSW Environmental Protection Agency (EPA) initiative initiated in 2020 as part of the NSW EPA's process of handing over contaminated land management responsibilities for Underground Petrol Storage Systems (UPSS) in NSW.

20

The review was also prompted by the previous State Environmental Planning Policy 55 Remediation of Land being replaced in 2021 by the new Resilience and Hazards State Environmental Planning Policy. (see this link for further information [Remediation of Land SEPP | Planning \(nsw.gov.au\)](#))

25

The draft Policy is substantially the same as the current Policy with the main differences being:

- 30
- The replacement of references to SEPP 55 with the new Hazards and Resilience SEPP, includes new sections on Background (to the Policy), Sustainability, Accredited consultants and Council's Minimum Requirements for Consultants.

For Repeal – Arts and Culture Policy

35 At the Ordinary Meeting held on 28 September 2023 Council adopted the [Arts and Culture Action Plan 2023-2026](#). This document has been developed as per Council resolution **21-542**, as a high-level document to guide and prioritise involvement and investment in arts and cultural activity.

The Plan incorporates and responds to community feedback and written submissions that were received in 2019/2020 during consultation and feedback on the [Arts and Culture Policy 2020](#) and is also informed by more recent stakeholder engagement and community consultation.

- 5 The new Plan is designed as a high-level document to ensure a coordinated approach to achieving arts and cultural outcomes in the Shire. This Plan sits below the Community Strategic Plan within a suite of strategic Plans as part of Council's Integrated Planning and Reporting Framework.

- 10 The Arts and Culture Action Plan includes broad policy goals and offers a more comprehensive and updated picture of the operating environment.

The Arts and Culture Policy has become redundant and is therefore recommended to be repealed.

For Repeal – Onsite Sewage Management Systems in Reticulated Areas Policy

- 15 At the Council Planning Meeting held on 7 December 2023, Council resolved via **23-587** the Onsite Sewage Management Strategy 2023 and Onsite Sewage Management Guidelines 2023. With the adoption of these documents, the next review of the Local Approvals Policy will be updated to recognise the Guidelines.

- 20 It is recognised that effective management of domestic sewage and wastewater is an important consideration for the health of communities and the environment. Two major driving forces behind water management have had a significant impact on public health, as shown by the decrease in mortality and morbidity rates and corresponding increase in life expectancy. These two driving forces are: the provision of an adequate and safe public water supply through catchment management and protection, water treatment and disinfection, and distribution to each household and the removal of human waste products using a reticulation and transfer system for separate sanitary management.

- 25 Due to the adoption of these documents and the update to the Local Approvals Policy, it is proposed that Council's [On-Site Sewage Management Systems in Reticulated Areas Policy](#) be repealed due to:

- 30
- Council has not received any applications for onsite sewage management in sewered areas for more than 10 years.
 - Council receives rare enquiries pertaining to onsite sewage management in sewered areas mainly in the name of water conservation. Such enquiries are managed by referring customers to options for rainwater tanks and applicable rebates and water conserving appliances.
- 35
- Installing onsite sewage management in sewered areas adds additional costs and obligations to ratepayers where a sewerage system is also available.
 - Onsite sewage management is generally only adopted where an adequate sewerage system is not provided.

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

Recent Resolutions

- [23-587 Planning Meeting 7 December 2023](#)
- 5 • [23-438 Ordinary Meeting 28 September 2023](#)
- [21-542 Ordinary Meeting 25 November 2021](#)

Legal/Statutory/Policy Considerations

Each policy is reviewed to ensure consistency with the relevant legislation, agency guidelines, rules or protocols.

10 Councils have a number of statutory policies that it must adopt the rest are optional. These optional policies are useful to:

- reflect a council’s key issues and responsibilities
- guide staff and ensure consistency
- clearly inform the public of a council’s commitments

15 Clause 3.1(b) of the Codes of Conduct for Staff and for Councillors provides that council officials must not conduct themselves in a manner that is contrary to a council’s policies. If adopted by a council, a breach of a policy will be a breach of the council’s code of conduct.
Community Strategic Plan

20 The [Community Strategic Plan](#) (CSP) is the top-level document for Council which sets out the community’s and council’s aspirations.

As such they give guidance for developing policies, which should reflect and be consistent with the CSP. The CSP is reviewed every four years and therefore policies need to be reviewed at this time also.

When reviewing our policies, Council's Corporate Documents Standard provides the following guidance to staff:

5 *A Policy sets out Byron Shire Council's position on a specific matter – a formal statement of intent and non-discretionary governing principles that apply to Byron Shire Council's practice. The principles are derived from and shaped by the law and regulations that apply, community expectations, and the values and mission contained in the adopted Community Strategic Plan. A Policy is a concise document that may facilitate, enable or constrain practice, standard, guidelines or delegated functions but does not prescribe in detail how to perform certain*
10 *functions - instead it provides a framework for action with its primary role being to guide the achievement of the adopted strategic goals and ensure legislative compliance.*

15 The most recent developments in legislative requirements, and the community's and Council's position on certain matters are checked for each policy to determine whether a policy requires updating, or whether a policy is still necessary. A policy may no longer be necessary, for instance, if legislation now wholly covers Council's policy position, or if a Policy reflects legislation that no longer exists.

Financial Considerations

There are no financial considerations with this report.

20 Consultation and Engagement

Draft Contaminated Land Management Policy:

- Northern Rivers Contaminated Land Project (NECLP) Coordinator (and Stella Nord Consulting)
- Stella Nord Consulting
- 25 • Environmental Health Officers

Arts and Culture Policy:

- Extensive consultation as outlined for the Arts and Culture Action Plan 2023-2026.

Report No. 13.4 YouthSay 2023 Report Back

Directorate: Corporate and Community Services

Report Author: Jessica Cutter, Governance Support Officer

File No: I2023/2080

5 Summary:

The Byron Shire Council YouthSay program was developed in 2019 and has been run biennially since. The program was established to engage young people living in the Byron Shire and aims to give young people an opportunity to learn about local government and voice issues that are important to them.

10 In 2023, eight students from Mullumbimby High School participated in the program, which took place over five sessions. These sessions began in November 2023 and concluded with a presentation during Public Access at the 23 November Ordinary Meeting of Council.

15 The students presented the key issues that they workshopped through the program, identifying affordable housing and transport as two significant issues that affect youth in the Byron Shire.

This report provides information about the 2023 YouthSay program and the recommendations proposed by the students. This report also gives an overview of work recommencing in 2024 which will provide pathways to further youth engagement by Council.

20

RECOMMENDATION:

That Council:

- 25
- 1. Thanks the young people involved in the 2023 Byron Shire YouthSay Program**
 - 2. Notes the report and recommendations developed through the program (Attachment 1, E2024/5981), and presentation during public access at the 23 November Ordinary Meeting of Council**
 - 3. Facilitates a free educational session in School Term 1 2024 on the rental market for young people and invites high school students and young adults to attend**
 - 4. Notes that work is underway to identify further pathways for youth engagement by Council and that a future report will be provided to Council on this topic.**
- 30

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Attachments:

- 1 YouthSay Report 2023, E2024/5981 
- 2 Youth Survey Findings 2022, E2023/16421 

5

Report

The YouthSay program seeks to engage young people in years 9-12 and provide a mechanism for youth leadership development and future social engagement of young people in the Byron Shire.

- 5 In 2023, eight students from Mullumbimby High School participated in the program, which took place over five sessions. These sessions began in November 2023 and concluded with a presentation during Public Access at the 23 November Ordinary Meeting of Council.

The program fosters civic leadership skills through a series of participatory activities related to the functions of Local Government as outlined below:

Co-Design Workshop	Activities designed to engage the students and elicit responses to the following questions: What are the responsibilities of Council? What are the most pressing issues for young people in the Shire? What can Council do to solve these issues?
Introduction to Local Government	In the context of the challenges and issues identified in the co-design phase, the students received a condensed Local Government induction from guest speakers from across Council in their identified areas of interest.
Challenges	The students were guided through a series of activities to identify challenges faced by youth in the Byron Shire.
Planning for the Future	Students met with Councillors who introduced them to life as a Councillor. The students consolidated their ideas and prepared their speech for the Council Meeting.
Formal Meeting of Council	Students presented their findings at public access and then observed an hour of the debate.

10 **Outcome**

The workshop sessions culminated in a report prepared by the students which they used for their presentation to Council. A copy of their report is available at Attachment 1.

- 15 The students' report is structured to align with the relevant community objectives identified in the *Community Strategic Plan 2032 (CSP)*. The report will be used to inform the next round of engagement on the CSP.

The students' recommendations are provided in more detail below:

Community Objective 4:

We manage growth and change responsibly.

5 The students identified that housing in the Byron Shire is unaffordable and that, as a young person new to the housing market, it can be challenging to understand rental and buying processes.

Youth Recommendation:

1. Extra tutoring on the property market for young people trying to stay in the area.
- 10 2. Council to investigate options to increase housing availability and affordability including building more affordable housing and converting more farmland to residential housing.

Council response:

- 15 1. Council staff have investigated the possibility of hosting a rental information session for young people in Byron Shire. It is recommended that the 'Rent it Keep it' program be delivered by a provider to a group of young people to cover topics such as rental applications, financing, tenancy conditions, their rights, bonds, and other related topics. The session would be advertised to high school students and young people in the Shire with any associated costs coming from the remaining YouthSay budget.
- 20 2. The youth recommendation supports several projects Council is working on to increase housing availability and affordability. The following outlines the steps being taken to increase housing affordability:
 - 25 • Council has an Affordable Housing Contributions Scheme (AHCS) that requires new urban developments to provide a percentage of land, dwellings or money towards the provision of affordable housing.
 - A second AHCS is in development to include the new urban release areas identified in the draft Residential Strategy to ensure a percentage of land, dwellings or money will be provided towards the provision of affordable housing.
 - 30 • Council is working in partnership with LANDCOM to secure a Community Housing Provider to deliver housing at 57 Station Street (site of an existing council carpark).
 - Council's planning proposal to amend the land zoning to enable residential development at the former Mullumbimby Hospital Site is currently on exhibition.
 - 35 • Concept plans developed by the community for the Mullumbimby Hospital Site will be further refined post a workshop with councillors early 2024 to inform the feasibility study.

Regarding releasing more land for housing, the following points apply:

- 40 • Much of the Shire's land is covered by the state government's significant farmland mapping and therefore constrained for residential use.
- Community feedback on Council's 'After the Floods: Settlement Discussion Paper' included support for exploring how flood free farmland could be used for housing.

- 5 • Council's 'Housing Options Paper' considered as an option the use of farmland for urban expansion. Mixed views were received by the community on this including support for housing in flood-free areas, opposition to the use of farmland for housing particularly in Brunswick Heads, Bangalow and Billinudgel or that any use of significant farmland be very limited.
- 10 • The State Government's 'Northern Rivers Resilient Land Strategy' proposes three housing sites (one at Brunswick Heads and two at Bangalow) on mapped significant farmland.
- 15 • The Department of Planning requires that infill housing (intensifying existing urban areas) is demonstrated before establishing new release areas on important farmland.
- 20 • The 'Housing Options Paper' will inform the draft 'Residential Strategy' (the Strategy) and includes a key principle to avoid valued assets including significant and viable farmlands.
- The draft Strategy also considers and proposes some new release areas where the land is rezoned from rural to urban. These sites exclude areas mapped as significant farmland. It has also considered land mapped as significant farmland where it meets government criteria such as adjoins existing urban areas or is in close proximity to urban areas and is not subject to flood risk.

Community Objective 5:

We have connected infrastructure, transport, and facilities that are safe, accessible and reliable.

25 The students also identified the need for safe and reliable public transport, especially at night. They noted that affordable public transport is not widely available in the evenings. A lack of well-lit area was also identified, including poorly lit bus stops.

Youth Recommendation:

- 30 1. Council to lobby for the public bus service to increase its services (both night and day) and run later.
2. Council to investigate options for increased lighting across the Shire, not only in high use areas but also those that are linked with transportation (e.g. isolated bus stops).

Council response:

1. Council is continuing to work with TfNSW to improve access to transport around the Shire as part of the [Moving Byron Strategy](#).

5 Council held the Moving Byron Public Transport Workshop on 21 November 2023 with Transport for NSW (TfNSW) and transport operators in Byron Shire. A key theme of the Workshop was a review of bus services including improved services during peak periods, efficient use of existing vehicles, services for both tourists and locals, and investigating customer needs by undertaking a travel study with funding support from TfNSW. Several actions arose for TfNSW to follow up on to further
10 investigate improving services in Byron Shire.

The full minutes of the Workshop are attached to Report 4.2 'Public Transport Workshop Items' in the 12 December 2023 Moving Byron Advisory Committee Agenda - [Moving Byron Advisory Committee meeting held on 12/12/2023 - Item 4.2 Public Transport Workshop Outcomes - Attachment Minutes Moving Byron Public Transport Workshop 13 November 2023 \(infocouncil.biz\)](#).

15 In addition, one of the Shire's local service providers, Blanches Bus Company, is currently reviewing their timetables and route planning. Accordingly, Council staff have reached out to assist and understand any deficiencies in infrastructure that could help them provide better services for the Shire.

- 20 2. Streetlights are an important public safety feature and included under 'supporting facilities' to pedestrian infrastructure in the [Byron Shire Pedestrian and Mobility Plan \(PAMP\)](#). In 2023 Council initiated a bulk upgrade of 1,147 streetlights to energy efficient LED lighting. Essential Energy installs and maintains the streetlights in Byron Shire. Locations and design are delivered according to Australian standards and
25 undergo a review process including assessment of risks and ecological considerations. There is also public consultation for residents where they may oppose the lighting due to negative impacts from light pollution.

Feedback

30 In addition to the recommendation report from the young people, participants were asked to complete a short survey before and after the YouthSay program. The questions surveyed their feedback about challenges, issues, and ideas, and offered evaluative feedback about the YouthSay program itself.

35 Only two responses were received before the program and a single response was received to the post program evaluation survey. Changes to attitude pre and post program are difficult to determine. The single response received post -survey demonstrated a high degree of satisfaction with program content. However, when asked whether the recommendations will make a difference to the future of Byron Shire the respondent disagreed.

General verbal feedback from students included that:

- It would have been valuable to have had more YouthSay sessions to further explore their ideas.
- They would be very likely to recommend the YouthSay program to other young people and encouraged Council to expand the program to include other schools in the Byron Shire.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
2: Inclusive Community	2.4: Enrich lifelong learning and education and support services to help young people thrive	2.4.2: Youth - Increase engagement with young people and support and encourage programs that offer mentoring, leadership, and pathways to education and employment	2.4.2.1	Deliver the youth engagement program 'YouthSay'
1: Effective Leadership	1.2: Engage and involve community in decision making	1.2.1: Community-led decision making - Engage with community to inform Council decision making	1.2.1.1	Provide opportunities for the community to have input, comment and feedback to Council on projects and matters of interest

Recent Resolutions

- **21-242** Notice of Motion No. 9.4 Youth Engagement

Legal/Statutory/Policy Considerations

There are no legal or policy considerations at this stage.

Financial Considerations

5 An allocation of \$10,000 in the 2023/24 Budget has covered the minimal costs associated with the YouthSay program. Remaining funds are proposed to be put towards the rental information session for young people (Recommendation 3). While the session can be delivered free of charge, costs will be incurred through advertising, venue hire and light refreshments.

Consultation and Engagement

10 Council consulted with young people on a youth engagement model via survey from September to November 2021. The outcomes from this consultation were recorded in the *Byron Youth Survey 2022 Survey Findings Report* (Attachment 2, E2023/16421).

15 The purpose of the survey was to identify new and existing opportunities to meaningfully engage with young people from diverse backgrounds and lived experiences in the Byron Shire. The outcomes were then intended to inform the development of a youth engagement program in 2022. However, due to the floods in early 2022, this work was put on hold.

With the information collected in 2021-22, as well as during the most recent YouthSay program, work to develop a strategic approach to youth engagement will recommence in 2024.

**Report No. 13.5 Budget Review - 1 October 2023 to 31
December 2023**

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2024/24

Summary:

10 This report has been prepared to comply with Section 203 of the *Local Government (General) Regulation 2021* and to inform Council and the community of Council's estimated financial position for the 2023/2024 financial year, reviewed as at 31 December 2023.

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

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

This report was considered by the Finance Advisory Committee at its Meeting held on 15 February 2024.

20

RECOMMENDATION:

- 25 1. **That Council authorises the itemised budget variations as shown in Attachment 2 (#E2024/4306) which include the following results in the 31 December 2023 Quarterly Review of the 2023/2024 Budget:**
- a) **General Fund - \$1,200 increase to the Estimated Unrestricted Cash Result**
 - b) **General Fund - \$2,772,500 increase in reserves**
 - c) **Water Fund - \$282,400 increase in reserves**
 - d) **Sewerage Fund - \$3,614,200 increase in reserves**
- 30 2. **That Council adopts the revised General Fund Estimated Unrestricted Cash Deficit of \$250,000 for the 2023/2024 financial year as at 31 December 2023.**

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Attachments:

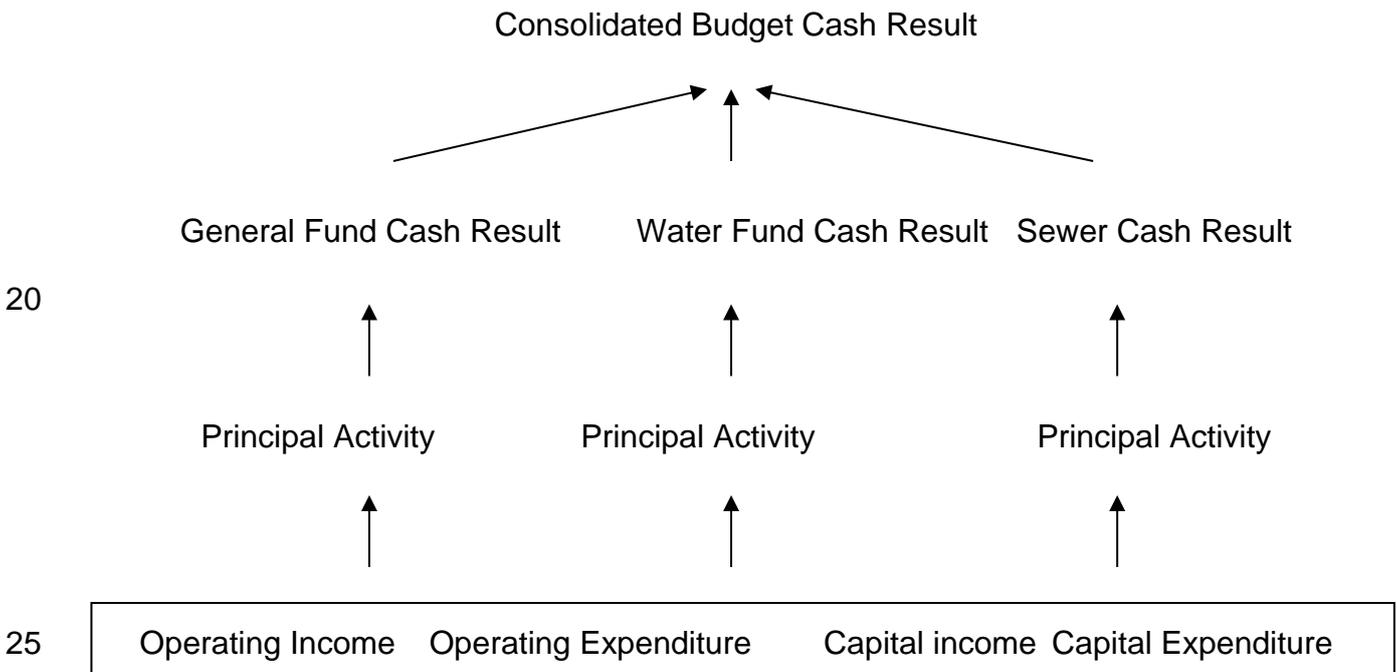
- 1 Budget Variations for General, Water and Sewerage Funds, E2024/4306 
 - 2 Itemised Listing of Budget Variations for General, Water and Sewerage Funds, E2024/4295 
 - 3 Integrated Planning and Reporting Framework (IP&R) required Quarterly Review Statements, E2024/4296 
- 5
- 10

Report

5 Council adopted the 2023/2024 budget on 22 June 2023 via Resolution **23-280**. Council also considered and adopted the budget carryovers from the 2022/2023 financial year, to be incorporated into the 2023/2024 budget at its Ordinary Meeting held on 24 August 2023 via Resolution **23-414**. Since that date, Council has reviewed the budget taking into consideration the audited 2022/2023 Financial Statement results and progress through the first half of the 2023/2024 financial year. This report considers the December 2023 Quarter Budget Review.

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

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



5 The pages within Attachment 1 are presented (from left to right) by showing the original budget as adopted by Council on 30 June 2023 plus the adopted carryover budgets from 2022/2023 followed by the resolutions between July and September and the revote (or adjustment for this review) and then the revised position projected for 30 June 2024 as at 31 December 2023.

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

10 There is also information detailing restricted assets (reserves) to show Council's estimated balances as at 30 June 2024 for all Council's reserves.

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

Office of Local Government Budget Review Guidelines:

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

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

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

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

The above components are included in Attachment 3 and outlined below:

35 Income and Expenditure Budget Review Statement by Type

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

Capital Budget Review Statement

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

Cash and Investments Budget Review Statement

10 This statement reconciles Council’s restricted funds (reserves) against available cash and investments. Council has attempted to indicate an actual position as at 31 December 2023 of each reserve to show a total cash position of reserves with any difference between that position and total cash and investments held as available cash and investments. It should be recognised that the figure is at a point in time and may vary greatly in future quarterly reviews depending on cash flow movements.

Key Performance Indicators (KPIs)

At this stage, the KPIs within this report are:

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

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

25 **Contracts and Other Expenses** - This report highlights any contracts Council entered into during the July to September quarter that are greater than \$50,000.

CONSOLIDATED RESULT

The following table provides a summary of the overall Council budget on a consolidated basis inclusive of all Funds’ budget movements for the 2023/2024 financial year projected to 30 June 2024 but revised as at 31 December 2023.

2023/2024 Budget Review Statement as at 31 December 2023	Original Estimate (Including Carryovers) 1/7/2023	Adjustments to 31 Dec 2023 including Resolutions*	Proposed 31 Dec 2023 Review Revotes	Revised Estimate 30/6/2024 at 31/12/2023
Operating Revenue	117,955,300	(9,220,600)	1,367,800	110,102,500
Operating Expenditure	127,753,000	(6,002,600)	(168,200)	121,582,200

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2023/2024 Budget Review Statement as at 31 December 2023	Original Estimate (Including Carryovers) 1/7/2023	Adjustments to 31 Dec 2023 including Resolutions*	Proposed 31 Dec 2023 Review Revotes	Revised Estimate 30/6/2024 at 31/12/2023
Operating Result – Surplus/Deficit	(9,797,700)	(3,218,000)	1,536,000	(11,479,700)
Add: Capital Revenue	155,394,600	(102,747,000)	(2,725,500)	49,922,100
Change in Net Assets	145,596,900	(105,965,000)	(1,189,500)	38,442,400
Add: Non Cash Expenses	20,523,000	0	0	20,523,000
Add: Non-Operating Funds Employed	10,487,100	1,200,000	0	11,687,100
Subtract: Funds Deployed for Non-Operating Purposes	(204,353,500)	100,747,700	7,859,800	(95,746,000)
Cash Surplus/(Deficit)	(27,746,500)	(4,017,300)	6,670,300	(25,093,500)
Restricted Funds – Increase / (Decrease)	(27,311,500)	(4,201,100)	6,669,100	(24,843,500)
Forecast Result for the Year – Surplus/(Deficit) – Unrestricted Cash Result	(435,000)	183,800	1,200	(250,000)

GENERAL FUND

In terms of the General Fund projected Unrestricted Cash Result the following table provides a reconciliation of the estimated position as at 31 December 2023:

Opening Balance – 1 July 2022	\$0
Plus original budget movement and carryovers	(435,000)
Council Resolutions July – September Quarter	185,000
Council Resolutions October – December Quarter	(1,200)
Recommendations within this Review – increase/(decrease)	1,200
Estimated Unrestricted Cash Result Closing Balance – 30 June 2024	(\$250,000)

5 The General Fund financial position overall has increased by \$1,200 as a result of this budget review, leaving the forecast cash result for the year at an estimated deficit of

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\$250,000. The proposed budget changes are detailed in Attachment 1 and summarised further in this report below.

Council Resolutions

- 5 Resolution **23-498** states “that Council pays the hire fees for the Ocean Shores Community Centre by Ocean Shores Art Expo on 3 to 6 November 2023”. The total of these fees was \$1,200.

Budget Adjustments

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

Budget Directorate	Revenue Increase/ (Decrease) \$	Expenditure Increase/ (Decrease) \$	Unrestricted Cash Increase/ (Decrease) \$
General Manager	110,200	110,200	0
Corporate & Community Services	622,600	622,100	500
Infrastructure Services	2,296,800	2,275,500	21,300
Sustainable Environment & Economy	197,300	217,900	(20,600)
Total Budget Movements	3,226,900	3,225,700	1,200

10 Budget Adjustment Comments

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

General Manager

- 20
- In the People & Culture program, it is proposed to increase operating income by \$103,200 due to a performance rebate received from Statecover. This can be transferred to the People & Culture reserve for use on future People & Culture initiatives.

Corporate and Community Services

- In the Corporate Services program, it is proposed to increase operating income by \$525,200 due to income received from Public Works Advisory (PWA) for building and facility damage resulting from the February 2022 flood event. This can be moved to the

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Flood Recovery reserve which is where the payments for the repairs were originally made from in the previous financial year.

- 5 • In the Community Development program, it is proposed to increase the budget for Homelessness projects by \$20,000 until contractual documentation for external funding is executed. It is proposed to reimburse the Community Development reserve by June 2024 once this has been finalised.
- 10 • In the Childrens Service program, it is proposed to increase operating expenditure due to the cleaning contract being higher than the allocated budget (\$14,000) and an increase required for the equipment and building maintenance budget (\$32,300). The proposed increase to the maintenance budget is due to new fences being constructed as a result of security breaches from the skatepark, with this being funded from developer contributions.
- 15 • In the Public Libraries program, it is proposed to increase operating income due to actual income received for the per capita grant (\$7,500) and the Local Priority Grant (\$23,600) being more than the budget. It is proposed to increase operating expenditure due to increased costs relating to the Local Priority Grant expenditure to match the
- 20 income received.

Infrastructure Services

- 25 • In the Depot Services Program, it is proposed to increase operating income due to the SEE directorate reimbursing the plant fund for the purchase of a Community Enforcement vehicle. This can be transferred to the Plant reserve which initially purchased the vehicle.
- 30 • In the Local Roads and Drainage program, there are a number of adjustments outlined under Note 10 on pages 51 to 53 in the Budget Variations explanations section of Attachment 1. Further disclosure is included in the first and second pages of Attachment 2 under the budget program heading Local Roads and Drainage.
- 35 • In the Infrastructure Recovery program, it is proposed to transfer \$182,300 from the Infrastructure Services carryover reserve and transfer it to the Flood Recovery reserve. This amount is Councils' contribution to the February 2022 Natural Disaster. Council is an "Opt-in" Council which means the contribution required is the lesser of 0.75% of Councils total rate revenue from 2 years prior (\$24,310,000) or \$1 million. This was restricted in the Infrastructure Services carryover reserve in the 2022 Financial year. It is proposed to increase capital income and expenditure by \$2,139,700 due to funding agreements being approved for the Sherrys Bridge EPAR (\$145,400 - EPAR 10) and the Mullumbimby Road EPAR (\$1,994,300 - EPAR 11).
- 40
- 45 • In the Open Space and Recreation program, there are a number of adjustments outlined under Note 12 on page 51 in the Budget Variations explanations section of Attachment 1. Further disclosure is included on the second page of Attachment 2 under the budget program heading Open Space & Recreation.

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- In the Quarries program, it is proposed to add a budget of \$300,000 to enable the initial stages of the Quarry remediation, with funding from the Quarry reserve.
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• In the Waste Management program, it is proposed to decrease operating income due to the budget tracking lower than anticipated with less tonnage coming through the gate. It is proposed to decrease operating expenditure by \$918,500 due to a decrease in disposal costs as a result of less waste (\$1,231,500) offset by increases to green waste processing and plant costs (\$150,000) and an adjustment required for the Butler Street contamination assessment. Council engaged a consultant to prepare and issue a Request For Detailed Quote (RFQ) for the Additional PFAS Assessment and Ecological Risk Assessment, Butler Street Reserve and surrounding (\$150,000). The objective of the work is to determine the extent of PFAS contamination and to collect additional data to meet the requirements of the ecological risk assessment to address the data gaps identified the NSW EPA. \$13,000 is also required to fund urgent property repairs at 1 Dingo Lane.
- In the Cavanbah Centre program, it is proposed to increase capital expenditure due to a grant received for the Cavanbah Centre car park repairs (\$437,300) and shelving required in Cavanbah Centre sheds (\$10,300).
- In the Facilities Management program, it is proposed to increase operating income due to an insurance payment received from Statewide Mutual for damage caused to 10 Lawson Street, Byron Bay by a vehicle. It is proposed to increase operating expenditure due to the vehicle damage at 10 Lawson Street (\$46,600), and the following community building maintenance projects: - Asbestos Removal (\$60,000), Marvell Hall New Access Ramp (\$50,000), Durrumbul Hall Floor Repairs (\$40,000), Lillypilli Preschool Roof & Guttering (\$160,000) and the Byron Scout Hall (\$40,000)

Sustainable Environment and Economy

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• In the Development & Certification program, it is proposed to increase operating income due to budgets required for the Swimming Pool Act fees (\$20,800, moved from the Environment and Compliance program), Fire Safety Fees (\$15,000), Occupation Certificates (\$20,000) and Design Excellence Panel meeting fees (\$15,000) and a decrease against Complying Development Certificate income (\$2,200). It is proposed to increase operating expenditure due to budgets required for Design Excellence Panel member fees (\$10,000), NRPP Panel member costs (\$10,000) and Priority Planning projects (\$100,000, funded from the Development & Certification reserve). It is proposed to increase the budgets for the Australian Coastal Council Membership (\$3,000) and Councils' Heritage Advisor (\$6,500).
- In the Planning Policy & Natural Environment program, it is proposed to increase operating income by \$47,400 due to grants received for WIRES – No Bats No Me project (\$2,700), Stage 2 Southern Coastal Management Program (\$13,100) and the Cavanbah & Belongil Beach Dune Recovery program (\$31,600). Operating expenditure increased due to the above grants in addition to an increase for the Azility subscription (\$2,400) and a Council contribution for the Cavanbah & Belongil Beach Dune Recovery

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project (\$31,600). It is proposed to decrease operating expenditure by \$75,900 due to the CMP for Byron Bay Embayment grant being expended in the last financial year. This should be reimbursing the Land & Natural Environment reserve which is where the original expenditure was funded from.

- 5
- In the Environment & Compliance program, it is proposed to decrease operating income due to the budget for Swimming pool inspections being transferred to the Development & Certification program, above (\$20,800) and an increase to the budget for Food Administration Fees where actual income is slightly higher than the budget (\$2,100). It
- 10
- proposed to increase operating expenditure by \$7,000 due to the addition of a new pool vehicle within the Compliance team and the running costs associated with this. In addition to this increase, it is proposed to decrease the Compliance Priorities Program- Option 1 budget by \$198,100.

WATER FUND

- 15
- After completion of the 2022/2023 Financial Statements the Water Fund as at 30 June 2023 has a capital works reserve of \$5,702,300 and held \$1,720,900 in section 64 developer contributions.

The estimated Water Fund reserve balances as at 30 June 2024, and forecast in this Quarter Budget Review, are derived as follows:

20 Capital Works Reserve

Opening Reserve Balance at 1 July 2023	\$5,702,300
Plus original budget reserve movement	(3,254,300)
Resolutions July - September Quarter – increase / (decrease)	(690,700)
September Quarterly Review Adjustments – increase / (decrease)	(1,208,600)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	251,000
Forecast Reserve Movement for 2023/2024 – Increase / (Decrease)	(4,902,600)
Estimated Reserve Balance at 30 June 2024	\$799,700

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Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2023	\$1,720,900
Plus original budget reserve movement	(2,199,600)
Resolutions July - September Quarter – increase / (decrease)	(917,900)
September Quarterly Review Adjustments – increase / (decrease)	2,291,800
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	31,400
Forecast Reserve Movement for 2023/2024 – Increase / (Decrease)	(794,300)
Estimated Reserve Balance at 30 June 2024	\$926,600

Movements for Water Fund can be seen in Attachment 1 with a proposed estimated decrease to reserves (including S64 Contributions) overall of \$282,400 from the 31 December 2023 Quarter Budget Review.

5 SEWERAGE FUND

After completion of the 2022/2023 Financial Statements the Sewer Fund as at 30 June 2023 has a capital works reserve of \$3,935,300 and plant reserve of \$896,200. It also held \$5,448,900 in section 64 developer contributions and a \$272,500 unexpended grant.

Capital Works Reserve

Opening Reserve Balance at 1 July 2023	\$3,935,500
Plus original budget reserve movement	(504,300)
Resolutions July - September Quarter – increase / (decrease)	(1,613,600)
September Quarterly Review Adjustments – increase / (decrease)	(666,600)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	2,479,100
Forecast Reserve Movement for 2023/2024 – Increase / (Decrease)	(305,400)
Estimated Reserve Balance at 30 June 2024	\$3,630,100

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Plant Reserve

Opening Reserve Balance at 1 July 2023	\$896,200
Plus original budget reserve movement	0
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	0
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	0
Forecast Reserve Movement for 2023/2024 – Increase / (Decrease)	0
Estimated Reserve Balance at 30 June 2024	\$896,200

It is proposed to create a reserve for Property Development -Temporary Housing funded from income received for temporary housing on Sewer Fund land.

Property Development Reserve – Temporary Housing

Opening Reserve Balance at 1 July 2023	\$0
Plus original budget reserve movement	136,200
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	0
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	0
Forecast Reserve Movement for 2023/2024 – Increase / (Decrease)	136,200
Estimated Reserve Balance at 30 June 2024	\$136,200

5 Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2023	\$5,448,900
Plus original budget reserve movement	(610,000)
Resolutions July - September Quarter – increase / (decrease)	(865,700)
September Quarterly Review Adjustments – increase / (decrease)	193,300
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	1,135,100
Forecast Reserve Movement for 2023/2024 – Increase / (Decrease)	(147,300)
Estimated Reserve Balance at 30 June 2024	\$5,301,600

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Movements for the Sewerage Fund can be seen in Attachment 1 with a proposed estimated overall increase to reserves (including S64 Contributions) of \$3,614,200 from the 31 December 2023 Quarter Budget Review.

Legal Expenses

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

The table that follows indicates the allocated budget and actual legal expenditure within Council on a fund basis as at 31 December 2023.

10 Total Legal Income & Expenditure as at 31 December 2023

Program	2023/2024 Budget (\$)	Actual (\$)	Percentage To Revised Budget
Income			
Legal Expenses Recovered	0	32,000	0%
Total Income	0	32,000	0%
Expenditure			
General Legal Expenses	210,000	76,935	36.63%
Total Expenditure General Fund	210,000	76,935	36.63%

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

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	1.3.1.2	Provide Quarterly Budget Reviews to Council for adoption.

Legal/Statutory/Policy Considerations

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

- 10 (1) *Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*
- 15 (2) *A budget review statement must include or be accompanied by:*
- (a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
- (b) *if that position is unsatisfactory, recommendations for remedial action.*
- (3) *A budget review statement must also include any information required by the Code to be included in such a statement.*

20 Financial Considerations

25 The 31 December 2023 Quarter Budget Review of the 2023/2024 Budget has increased the overall estimated budget result by \$1,200. This leaves the movement against the unrestricted cash balance attributable to the General Fund to an estimated deficit of \$250,000 for the year, leaving the unrestricted cash balance attributable to the General Fund at an estimated \$250,000 deficit at 30 June 2024.

It is the view of the Responsible Accounting Officer that the short term financial position of the Council is still satisfactory for the 2023/2024 financial year, having consideration of the

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original estimate of income and expenditure at the 31 December 2023 Quarter Budget Review.

5 This opinion is based on the estimated General Fund Unrestricted Cash Result position and that the current indicative budget position for 2023/2024 outlined in this Budget Review is further improved through the remaining quarterly budget reviews for the 2023/2024 financial year. Council must remember it has a short term financial goal of maintaining \$1,000,000 in unrestricted cash.

10 Council must also be mindful of its cash flow position as the financial year progresses given the ongoing expenditure on restoration of infrastructure from the February/May 2022 flood events whilst experiencing significant delays in claims approvals, processing and payments from the NSW State Government. This position will need continual close monitoring as Council is delivering business as usual plus the flood recovery.

15 It is essential that the Quarterly Budget Review for the March 2024 Quarter is carefully considered in terms of delivery capacity and Council's financial position with a view to address the current \$250,000 deficit as a minimum.

Report No. 13.6 Council Investments - 1 December 2023 to 31 December 2023

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2024/34

Summary:

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

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Report

Council has continued to maintain a diversified portfolio of investments. As of 31 December 2023, the average 90-day bank bill rate (BBSW) for the month was 4.36%. Council's performance for December 2023 was 4.39%, higher than the average BBSW.

- 5 The table below identifies the investments held by Council as at 31 December 2023.

Schedule of Investments held as at 31 December 2023

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
15/11/18	1,000,000.00	NSW Treasury Corp (Green Bond)	N	AAA	15/11/28	N	B	3.00%	962,880.00
20/11/18	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	22/03/24	N	B	1.78%	1,005,907.00
28/03/19	1,000,000.00	National Housing Finance & Investment Corporation	Y	AAA	28/03/29	N	B	2.38%	935,100.00
21/11/19	1,000,000.00	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	N	B	1.25%	970,890.00
27/11/19	500,000.00	National Housing Finance & Investment Corp	Y	AAA	27/05/30	N	B	1.52%	431,133.50
15/06/21	500,000.00	National Housing Finance & Investment Corp	Y	AAA	01/07/31	N	B	1.99%	500,040.68
06/09/21	1,000,000.00	Northern Territory TCorp	N	Aa3	15/12/26	N	B	1.40%	1,000,000.00
16/09/21	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	02/03/32	N	B	1.83%	813,980.00
30/10/23	850,000.00	Bank Australia Ltd	P	BBB	30/10/26	N	FRN	5.72%	853,466.25

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
01/09/23	2,000,000.00	NAB	P	AA-	01/04/24	Y	TD	4.95%	2,000,000.00
14/09/23	1,000,000.00	NAB	N	AA-	12/01/24	Y	TD	4.90%	1,000,000.00
20/09/23	1,000,000.00	Bank of QLD	P	BBB+	22/01/24	N	TD	4.75%	1,000,000.00
25/09/23	2,000,000.00	Bank of QLD	N	BBB+	24/01/24	N	TD	4.85%	2,000,000.00
28/09/23	1,000,000.00	Judo Bank	P	BBB-	04/01/24	N	TD	4.85%	1,000,000.00
04/10/23	2,000,000.00	Judo Bank	N	BBB-	03/01/24	N	TD	4.90%	2,000,000.00
09/10/23	2,000,000.00	NAB	N	AA-	08/01/24	Y	TD	4.85%	2,000,000.00
19/10/23	1,000,000.00	AMP Bank	P	BBB	18/01/24	Y	TD	4.85%	1,000,000.00
25/10/23	1,000,000.00	Police Bank	P	BBB	22/02/24	N	TD	5.00%	1,000,000.00
25/10/23	1,000,000.00	Police Credit Union	P	BBB	22/02/24	N	TD	5.00%	1,000,000.00
30/10/23	2,000,000.00	NAB	N	AA-	29/01/24	Y	TD	5.00%	2,000,000.00
01/11/23	1,000,000.00	NAB	N	AA-	30/01/24	Y	TD	5.00%	1,000,000.00
08/11/23	1,000,000.00	Auswide Bank	P	BBB	07/02/24	N	TD	5.05%	1,000,000.00
20/11/23	1,000,000.00	NAB	N	AA-	19/02/24	Y	TD	5.00%	1,000,000.00
27/11/23	1,000,000.00	Westpac Tailored	P	AA-	27/11/24	N	TD	5.40%	1,000,000.00
29/11/23	1,000,000.00	Bank of QLD	N	BBB+	02/04/24	N	TD	5.20%	1,000,000.00
04/12/23	2,000,000.00	Judo Bank	N	BBB-	07/03/24	N	TD	5.20%	2,000,000.00
04/12/23	2,000,000.00	Bank of QLD	N	BBB+	04/04/24	N	TD	5.20%	2,000,000.00
06/12/23	2,000,000.00	Beyond Bank	P	BBB	06/03/24	N	TD	5.10%	2,000,000.00
12/12/23	2,000,000.00	NAB	N	AA-	18/03/24	Y	TD	5.05%	2,000,000.00
18/12/23	2,000,000.00	NAB	N	AA-	18/03/24	Y	TD	5.05%	2,000,000.00
22/12/23	2,000,000.00	NAB	N	AA-	21/03/24	Y	TD	5.05%	2,000,000.00
N/A	21,076,291.58	CBA Business Saver	P	AA-	N/A	Y	CALL	4.35%	21,076,291.58

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
N/A	3,181,781.24	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	Y	CALL	4.35%	3,181,781.24
N/A	10,568,189.37	Macquarie Accelerator Call	N	A	N/A	Y	CALL	3.97%	10,568,189.37
Total	75,676,262.19						AVG	4.39%	75,299,659.62

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. Fossil Fuel ADI

N = No investment in Fossil Fuels

Y = 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.

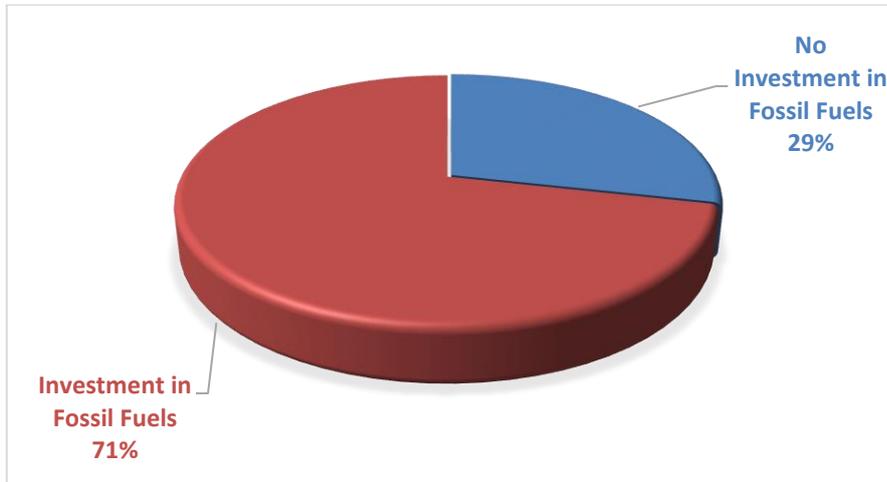
CALL

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 'Fossil Fuel' investing institution. This information has been sourced through 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.



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

Council may from time to time have an investment with a financial institution that invests in fossil fuels but is nevertheless aligned with the broader definition of Environmental and Socially Responsible investments. When this occurs, the investment will be marked as no fossil fuels given the investment purpose.

10 During the month of November 2023 as an example, Council undertook an investment with Westpac Bank as a tailored deposit. The investment proceeds are utilised for environmental purposes as this investment in Climate Bond Certified.

15 With the lifting of the NSW Treasury Corporation loan borrowing covenant on Council's investments, growth has recommenced in acquiring investments not aligned with fossil fuels. Council's portfolio reached its lowest point in August 2023 at 15% but as at 30 December 2023, the portfolio has already increased to 29%.

Investment Policy Compliance

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

Investment policy compliance % should not exceed the following			ACTUAL	
AAA to AA	A1+	100%	66%	Meets policy
A+ to A-	A1	60%	14%	Meets policy
BBB to NR	A2,NR	40%	20%	Meets policy

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The investment portfolio is outlined in the table below by investment type for the period 1 December 2023 to 31 December 2023:

Dissection of Council Investment Portfolio as at 31 December 2023

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
33,000,000.00	Term Deposits	33,000,000.00	0.00
21,076,291.58	CBA Business Saver	21,076,291.58	0.00
3,181,781.24	CBA Business Saver – Tourism Infrastructure Grant	3,181,781.24	0.00
10,568,189.37	Macquarie Accelerator	10,568,189.37	0.00
7,850,000.00	Bonds/Floating Rate Notes	7,473,397.43	(376,602.57)
75,676,262.19	Total	75,299,659.62	(376,602.57)

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 December 2023 as follows:

Dissection of Council's Cash Position as at 31 December 2023

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	33,000,000.00	33,000,000.00	0.00
CBA Business Saver	21,076,291.58	21,076,291.58	0.00
CBA Business Saver – Tourism Infrastructure Grant	3,181,781.24	3,181,781.24	0.00
Macquarie Accelerator	10,568,189.37	10,568,189.37	0.00

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Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Bonds	7,850,000.00	7,473,397.43	(376,602.57)
Total Investment Portfolio	75,676,262.19	75,299,659.62	(376,602.57)
Cash at Bank			
Consolidated Fund	3,046,836.47	3,046,836.47	0.00
Total Cash at Bank	3,046,836.47	3,046,836.47	0.00
Total Cash Position	78,723,098.66	78,346,496.09	(376,602.57)

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	1.3.1.6	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.

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*

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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.

5 **Financial Considerations**

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

10

Report No. 13.7 Council Resolutions Quarterly Review - Q2 - 1 October to 31 December 2023

Directorate: Corporate and Community Services

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

File No: I2024/84

Summary:

This report provides a quarterly update on the status of Council resolutions as at 31 December 2023.

10 96 resolutions were completed during the period 1 October to 31 December 2023.

122 resolutions remain active.

RECOMMENDATION:

15 **That Council:**

1. **Notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2024/1).**
2. **Notes the completed Council Resolutions in Attachment 2 (#E2024/2535).**

Attachments:

20

- 1 Active Resolutions - as at 31 December 2023, E2024/1 
- 2 Completed resolutions as at 31 December 2023, E2024/2535 

25

Report

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

5 **Quarterly Report – 1 October to 31 December 2023.**

Active Resolutions

10 The *Active Resolutions Report* (E2024/1) provides an update to Council on all active resolutions up to 31 December 2024, with relevant commentary regarding the status of each resolution as at this date. There were 122 active resolutions at the time of preparing this report.

35 of the active resolutions were overdue by more than 60 days at the time the report was prepared. Resolutions could be overdue for a variety of reasons including budget constraints, re-prioritisation, staff resourcing, extended negotiations with stakeholders, or other reasons.

15 **Completed Resolutions**

The *Completed Resolutions Report* (#E2024/2535) provides details of those resolutions that were completed during the period 1 October to 31 December 2023. 96 resolutions were completed during this period.

Resolutions for closure

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

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	1.1.2: Governance - Ensure legislative compliance and support Councillors to carry out their civic duties	1.1.2.4	Deliver Council meeting secretariat – including agenda preparation, minutes and council resolutions monitoring

Recent Resolutions

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

Legal/Statutory/Policy Considerations

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

Financial Considerations

Several resolutions note that resource constraints limit completion of action required.

Consultation and Engagement

- 10 Not applicable.

Report No. 13.8 Delivery Program 6-monthly Report and Operational Plan 2023/24 - Q2 - to December 2023

Directorate: Corporate and Community Services

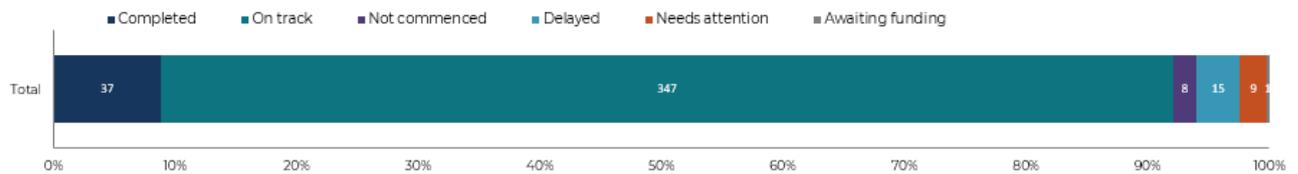
Report Author: Amber Evans Crane, Corporate Planning and Improvement Coordinator

File No: I2024/127

Summary:

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

This report represents the progress toward the activities in the 2023/24 Operational Plan at the end of the second quarter, being 31 December 2023. A summary of the status is provided in the graph below:



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

RECOMMENDATION:

That Council:

- Notes the 2023/24 Operational Plan Quarter 2 Report for the period ending 31 December 2023 (Attachment 1 #E2024/6355).**
- Adopts the proposed amendments to the Operational Plan 2023/24 outlined in Attachment 2 (#E2024/3281).**

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Attachments:

- 1 Operational Plan 2023/24 - Quarterly Report - Q2 - 1 October to 31 December 2023, E2024/6355 
- 5 2 Quarter 2 Report - Q2 - Proposed Amendments to Operational Plan 2023/24, E2024/3281 

Report

5 The Delivery Program and Operational Plan are two key corporate documents that establish Council's goals and priorities for the term of the Council and the current financial year. The Delivery Program is supported by the annual Operational Plan, which identifies the individual projects and activities that will be undertaken for the year to achieve the commitments made in the Delivery Program.

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

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

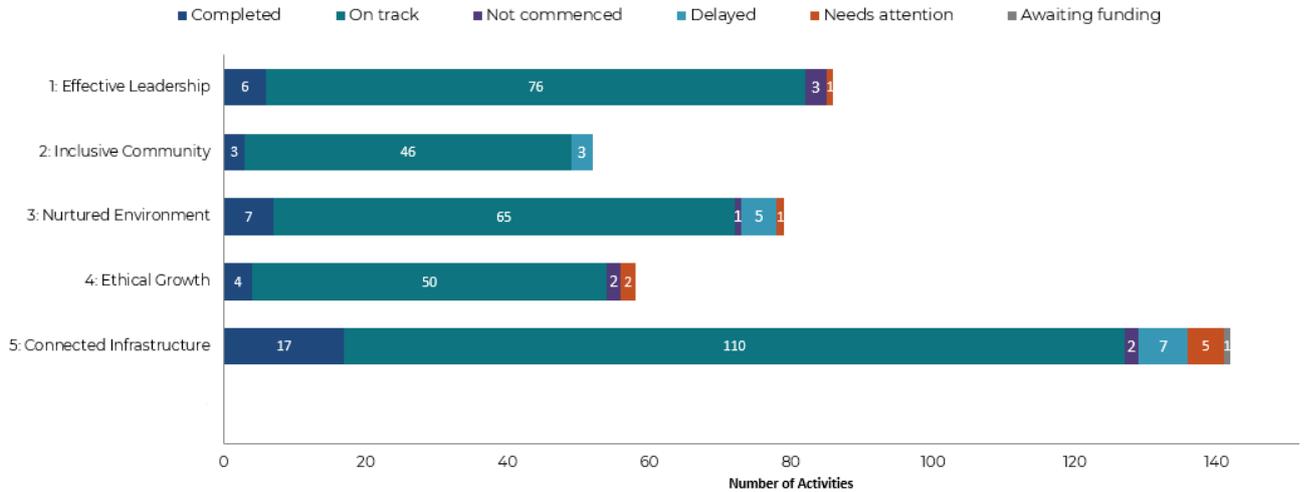
15 While the requirement is six monthly reporting, the Council is provided with a Quarterly Report on the activities in the Operational Plan, to promote effective and efficient reporting and decision making.

Strategic Objectives

20 The report (#E2024/6355) is structured by the five Community Objectives in the Byron Shire Community Strategic Plan:

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

Q2 Status by Community Objective:



Report Details

5 The report details Council's progress toward the activities in the 2023/24 Operational Plan. It includes a status update on progress and commentary on the activities undertaken during the reporting period.

Each section notes the progress against the activities including:

- Activity
- Measure
- Timeframe
- Comments
- Status
 - ✓ **Completed:** the activity has been completed in accordance with the prescribed measures
 - ▶ **On Track:** progressing and on track, in accordance with the timeframe, measures, and budget
 - ⊗ **Needs Attention:** indicates that the scope of the activity may need to be reviewed in line with constraints such as timeframe/budget
 - || **Delayed** - progressing but not currently on track with the timeframe, measures, or budget
 - **Not Commenced** – not yet commenced or due to commence

25 Performance indicators are provided for each of the five Community Objectives of the Byron Shire Community Strategic Plan 2032. The progress indicators support Council to report on progress toward the Community Strategic Plan Objectives and Delivery Program priorities using sound measurement and reliable data. This enables Council to measure the impact of its actions on the Byron Shire community and demonstrates our commitment to implementing actions that achieve social progress and contribute to the Sustainable Development Goals.

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Components and definitions of the Delivery Program Report is given in the table below:

Indicator	Definition	Baseline Result	Target	Q2 Result
Selected data point used to indicate whether the delivery program priorities have been realised	Description of the indicator and how it is measured	The most recent measurement at or before the beginning of the Delivery Program period (July 2022).	The desired trend or specific 'ideal outcome' ↓ Indicator decreases over the Council term ↑ Indicator increases over the Council term ✓ Indicator target is reached over the Council term or remains stable	Most recent result for the reporting period

NB. Where Community Survey is used as an indicator, satisfaction is measured on a 1-5 scale (where 1=not at all satisfied, 5=very satisfied), and reported as an average of scores.

Proposed Amendments

- This is the second quarterly report of the 2023/24 Operational Plan. Eight activities have been identified as requiring amendments, seven activities have been proposed to be removed and nine new activities have been proposed for inclusion. These are provided in Attachment 2 (E2024/3281) for Council's endorsement.

Strategic Considerations

10 Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action
1: Effective Leadership	1.1: Enhance trust and accountability through open and transparent leadership	1.1.4: Performance Measurement and Reporting - Embed a robust performance management system through the development of an outcomes measurement framework

Legal/Statutory/Policy Considerations

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

Financial Considerations

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

Consultation and Engagement

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

Report No. 13.9 Council Investments - 1 January 2024 to 31 January 2024

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2024/147

Summary:

This Report includes a list of investments and identifies Council's overall cash position for the period 1 January 2024 to 31 January 2024 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 January 2024.**

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Report

Council has continued to maintain a diversified portfolio of investments. As of 31 January 2024, the average 90-day bank bill rate (BBSW) for the month was 4.35%. Council's performance for January 2024 was 4.62%.

5 The table below identifies the investments held by Council as at 31 January 2024.

Schedule of Investments held as at 31 January 2024

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
15/11/18	1,000,000.00	NSW Treasury Corp (Green Bond)	N	AAA	15/11/28	N	B	3.00%	962,880.00
20/11/18	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	22/03/24	N	B	1.78%	1,005,907.00
28/03/19	1,000,000.00	National Housing Finance & Investment Corporation	Y	AAA	28/03/29	N	B	2.38%	935,100.00
21/11/19	1,000,000.00	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	N	B	1.25%	970,890.00
27/11/19	500,000.00	National Housing Finance & Investment Corp	Y	AAA	27/05/30	N	B	1.52%	431,133.50
15/06/21	500,000.00	National Housing Finance & Investment Corp	Y	AAA	01/07/31	N	B	1.99%	500,040.68
06/09/21	1,000,000.00	Northern Territory TCorp	N	Aa3	15/12/26	N	B	1.40%	1,000,000.00
16/09/21	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	02/03/32	N	B	1.83%	813,980.00
30/10/23	850,000.00	Bank Australia Ltd	P	BBB	30/10/26	N	FRN	5.72%	853,466.25

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
25/10/23	1,000,000.00	Police Bank	P	BBB	22/02/24	N	TD	5.00%	1,000,000.00
25/10/23	1,000,000.00	Police Credit Union	P	BBB	22/02/24	N	TD	5.00%	1,000,000.00
08/11/23	1,000,000.00	Auswide Bank	P	BBB	07/02/24	N	TD	5.05%	1,000,000.00
20/11/23	1,000,000.00	NAB	P	AA-	19/02/24	Y	TD	5.00%	1,000,000.00
27/11/23	1,000,000.00	Westpac Tailored	P	AA-	27/11/24	N	TD	5.40%	1,000,000.00
29/11/23	1,000,000.00	Bank of QLD	P	BBB+	02/04/24	N	TD	5.20%	1,000,000.00
04/12/23	2,000,000.00	Judo Bank	P	BBB-	07/03/24	N	TD	5.20%	2,000,000.00
04/12/23	2,000,000.00	Bank of QLD	N	BBB+	04/04/24	N	TD	5.20%	2,000,000.00
06/12/23	2,000,000.00	Beyond Bank	P	BBB	06/03/24	N	TD	5.10%	2,000,000.00
12/12/23	2,000,000.00	NAB	N	AA-	18/03/24	Y	TD	5.05%	2,000,000.00
18/12/23	2,000,000.00	NAB	N	AA-	18/03/24	Y	TD	5.05%	2,000,000.00
22/12/23	2,000,000.00	NAB	N	AA-	21/03/24	Y	TD	5.05%	2,000,000.00
03/01/24	2,000,000.00	Judo Bank	N	BBB-	03/04/24	N	TD	5.10%	2,000,000.00
04/01/24	1,000,000.00	Judo Bank	N	BBB-	04/04/24	N	TD	5.10%	1,000,000.00
08/01/24	2,000,000.00	NAB	N	AA-	08/04/24	Y	TD	5.05%	2,000,000.00
10/01/24	2,000,000.00	Judo Bank	N	BBB-	10/04/24	N	TD	5.10%	2,000,000.00
12/01/24	5,000,000.00	Judo Bank	N	BBB-	12/04/24	N	TD	5.10%	5,000,000.00
12/01/24	5,000,000.00	Bank of QLD	N	BBB+	13/05/24	N	TD	5.05%	5,000,000.00
12/01/24	5,000,000.00	NAB	N	AA-	10/07/24	Y	TD	5.10%	5,000,000.00
12/01/24	5,000,000.00	Heritage Bank	P	BBB	11/07/24	N	TD	5.00%	5,000,000.00
19/01/24	1,000,000.00	Judo Bank	N	BBB-	19/04/24	N	TD	5.05%	1,000,000.00
19/01/24	1,000,000.00	NAB	N	AA-	18/04/24	Y	TD	5.05%	1,000,000.00
19/01/24	1,000,000.00	Bank of QLD	N	BBB+	20/05/24	N	TD	5.05%	1,000,000.00
22/01/24	1,000,000.00	Bank of QLD	P	BBB+	22/05/24	N	TD	5.05%	1,000,000.00

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
25/01/24	2,000,000.00	Bank of QLD	N	BBB+	27/05/24	N	TD	5.05%	2,000,000.00
30/01/24	1,000,000.00	NAB	N	AA-	29/04/24	Y	TD	5.05%	1,000,000.00
N/A	20,155,707.69	CBA Business Saver	P	AA-	N/A	Y	CALL	4.35%	20,155,707.69
N/A	3,193,536.40	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	Y	CALL	4.35%	3,193,536.40
N/A	10,038,517.52	Macquarie Accelerator Call	N	A	N/A	Y	CALL	4.20%	10,038,517.52
Total	93,237,761.61						AVG	4.62%	92,861,159.04

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. Fossil Fuel ADI

N = No investment in Fossil Fuels

Y = Investment in Fossil Fuels

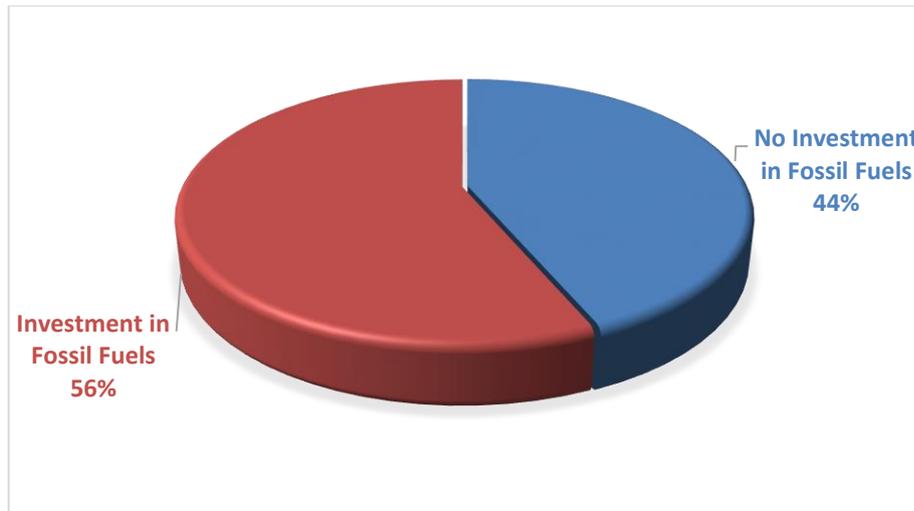
U = Unknown Status

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 'Fossil Fuel' investing institution. This information has been sourced through www.marketforces.org.au and identifies financial institutions that either invest in fossil fuel related industries or do not. The graph below highlights the percentage of each classification across Council's total investment portfolio in respect of fossil fuels only.



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

15 Council may from time to time have an investment with a financial institution that invests in fossil fuels but is nevertheless aligned with the broader definition of Environmental and Socially Responsible investments. When this occurs, the investment will be marked as no fossil fuels given the investment purpose.

During the month of November 2023 as an example, Council undertook an investment with Westpac Bank as a tailored deposit. The investment proceeds are utilised for environmental purposes as this investment in Climate Bond Certified.

20 With the lifting of the NSW Treasury Corporation loan borrowing covenant on Council's investments, growth has recommenced in acquiring investments not aligned with fossil fuels. Council's portfolio reached its lowest point in August 2023 at 15% but as at 31 January 2024, the portfolio has increased to 44%.

Investment Policy Compliance

25 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

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offering investments in the 'ethical' area are still mainly those with lower credit ratings (being either BBB or not rated at all i.e., credit unions).

Investment policy compliance % should not exceed the following			ACTUAL	
AAA to AA	A1+	100%	50%	Meets policy
A+ to A-	A1	60%	11%	Meets policy
BBB to NR	A2,NR	40%	39%	Meets policy

The investment portfolio is outlined in the table below by investment type for the period 1 January 2024 to 31 January 2024:

5 Dissection of Council Investment Portfolio as at 31 January 2024

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
52,000,000.00	Term Deposits	52,000,000.00	0.00
20,155,707.69	CBA Business Saver	20,155,707.69	0.00
3,193,536.40	CBA Business Saver – Tourism Infrastructure Grant	3,193,536.40	0.00
10,038,517.52	Macquarie Accelerator	10,038,517.52	0.00
7,850,000.00	Bonds/Floating Rate Notes	7,473,397.43	(376,602.57)
93,237,761.61	Total	92,861,159.04	(376,602.57)

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 January 2024 as follows:

Dissection of Council's Cash Position as at 31 January 2024

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	52,000,000.00	52,000,000.00	0.00
CBA Business Saver	20,155,707.69	20,155,707.69	0.00

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Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
CBA Business Saver – Tourism Infrastructure Grant	3,193,536.40	3,193,536.40	0.00
Macquarie Accelerator	10,038,517.52	10,038,517.52	0.00
Bonds	7,850,000.00	7,473,397.43	(376,602.57)
Total Investment Portfolio	93,237,761.61	92,861,159.04	(376,602.57)
Cash at Bank			
Consolidated Fund	5,181,741.06	5,181,741.06	0.00
Total Cash at Bank	5,181,741.06	5,181,741.06	0.00
Total Cash Position	98,419,502.67	98,042,900.10	(376,602.57)

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	1.3.1.6	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*.

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

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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.

5 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.

10 **Financial Considerations**

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

15

20

Report No. 13.10 2023 Environment and Safety Priorities Program

5 **Directorate:** Sustainable Environment and Economy
Report Author: Sarah Nagel, Manager Public and Environmental Services
File No: I2024/39

Summary:

10 This report details activities undertaken between **1 January 2023 and 31 December 2023** to meet the adopted 2023 Environment and Safety Priorities Program.

The 2023 Environment and Safety Priorities Program was undertaken in accordance with Council resolution **23-193** ([Minutes of Ordinary Meeting - Thursday, 25 May 2023 \(infocouncil.biz\)](#)) which adopted further compliance resourcing to support proactive and visible companion animal, parking and unauthorised camping compliance.

15

RECOMMENDATION:

That Council:

1. **Acknowledges the work of the Public and Environmental Service Team.**
- 5 2. **Notes the report on the 2023 Environment and Safety Priorities Program.**
3. **Adopts the proposed 'Environment and Safety Priorities Program' for 2024 as provided below to support the adopted compliance resourcing approach:**

Council's Public & Environmental Services prioritises proactive and visible companion animal, parking and unauthorised camping compliance.

10

It then prioritises its response to all other matters in accordance with the following categories:

1. *High risk activities which require an urgent and immediate response. (high risk activities are defined as activities that places people's lives at immediate risk or that cause or are likely to cause a significant risk of environmental harm or pollution); and*
2. *Other activities which require a routine response during strategic/regular duties.*

15

4. **Writes to the NSW Building Commissioner advising of its concerns with private certification, seeking a review of the regulation of Private Certifying Authorities in NSW.**

20

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Report

Between **1 January 2023 and 31 December 2023** (“the reporting period”), the Animal Enforcement Officers, Community Enforcement Officers, Parking Enforcement Officers, Environmental Health Officers, Public Space Liaison Officers and the Development Investigations Lead Officer (“the Team”) received **4,378** Customer Request Management (“CRMs”). This was an increase from **3,624** in the 2022 year.

The 2023 CRMs are broken down into categorises below:

MAJOR CATEGORY	MINOR CATEGORY	2023	2022	Finalised 2023
ANIMALS	Dogs	851	721	830
	Cats	57	36	58
	Livestock	42	34	41
	Unregistered	19	17	18
	Poultry	61	16	57
	Deceased	6	1	7
	Rabbits	1	1	1
Total		1,037	826	1,012
BUSKERS	No Permit	13	20	13
Total		13	20	13
CAMPING	Camping	804	420	804
Total		804	420	804
FIRE	Hazard	1	1	0
	Fire Safety	0	1	0
TOTAL		1	2	0
HEALTH	Food Premises	26	26	25
	Other	7	8	5
	Asbestos	6	4	4
	Chem Spray	0	4	0
	Food Poisoning	9	4	6
	Water Quality	0	4	1
	Odour	0	2	0

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MAJOR CATEGORY	MINOR CATEGORY	2023	2022	Finalised 2023
	General	2	2	2
	Mosquito	0	2	0
	Building	2	0	2
	Covid	0	0	0
TOTAL		52	56	45
Illegal Works	Building	332	301	339
	Development	167	133	179
	Land Use	107	92	116
	Clear Land	77	71	80
	Business	80	60	73
	Earthworks	31	59	23
	Holiday Letting	40	17	30
	Swimming pool	9	7	6
	Fire Safety	0	4	0
	Wedding	2	1	1
TOTAL		845	745	847
Pollution	Noise	172	176	144
	Air	36	42	29
	Water	20	26	22
	Land	12	19	9
	Light	5	4	5
	Odour	11	4	10
TOTAL		256	271	219
Vehicles	Parking	821	665	816
	Abandoned	549	484	550
	For Sale	0	10	0
TOTAL		1,370	1,159	1,366

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Note: *Some CRMs were carried over from the previous reporting period and completed in this period.*

5 The team responded to all matters in accordance with the following categories (as per the adopted 2023 Environment and Safety Priorities Program and/or as resources permit their re-prioritisation):

1. High Risk Activities which require an urgent and immediate response.

High risk activities are defined as activities that places people's lives at immediate risk or that cause or are likely to cause a significant risk of environmental harm or pollution.

10 **2. Other activities which require a routine response during strategic/regular duties.**

All other activities.

15 The vast majority of the team's work was again dominated by **vehicle, illegal works, animals and camping**. Complaints received in relation to vehicles and illegal works have reduced in the last twelve months. Complaints relating to camping and animals have increased.

The enforcement teams varied rostering, staffing, equipment and patrol approaches to ensure proactive and visible companion animal, parking and unauthorised camping compliance (Resolution **23-193**).

20 The team issued **13,591** penalty infringement notices with a value of **\$2,672,889** in the reporting period.

25 The enforcement team continues to make best endeavours to respond to all manner of compliance priority duties across the whole of the Shire. This is undertaken in the context of a rotating roster. The start and finish times on the roster, as well as the days, are continuously varied to accommodate the need to patrol numerous places in towns, villages and the coast and due to time of year. This is balanced against the requirement for the roster to also observe State Award and Workplace Health and Safety requirements for officers. Patrols and rostering also considers requests by Police and State Agencies for periodic joint activities in the field.

Year end results

- 5 The enforcement team has greatly benefited from the additional funded resources, resulting in two additional Community Enforcement Officers, one additional Parking Enforcement Officer, a community enforcement vehicle and equipment. This has supported expanded rostering hours and the ability to roster more staff on each shift. This allows officers to reach a larger geographical area for early morning **unauthorised camping** patrols, daily **parking** patrols and daily **animal** patrols. It has also supported further expansive early and late shifts for unauthorised camping, parking and animal patrols.
- 10 The team has displayed resilience and adaptability by their ability to frequently alter their roster, approach and response depending on the circumstances and challenges in the field whilst also supporting the community.

Companion Animals

- 15 Animal enforcement capabilities were greatly enhanced in 2022 with the addition of an Animal Education & Enforcement Officer by way of grant funding for flood impacted councils. This proved beneficial to the educational component of responsible pet ownership in 2022. In 2023, the expanded ability of the Animal Enforcement team to patrol and enforce responsible dog ownership behaviour in public spaces, due to this third officer, became very evident. The funding for this role will end on 30 June 2024.



20

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In the reporting period, there were **851** customer requests made in relation to dogs. An increase from **721** in the previous period. These included:

Customer Request Management Received	2023 (comparison to 2022)
Dogs Attacks	106 (110)
Dogs Barking	216 (177)
Dogs Found	114 (117)
Dogs Nuisance	403 (312)
Dogs Restricted	12 (5)
TOTAL	851 (721)

In the reporting period Council:

- 5 served **12** Intentions to Declare a Menacing or Dangerous Dog and issued **8** Orders relating to Menacing or Dangerous Dogs under the *Companion Animals Act 1998*. This was similar to the previous reporting period.
- 10 completed daily patrols and issued **20% more** Companion Animal related penalty infringement notices to the value of **\$53,920**. This was a substantial increase from **100** in the previous reporting period and **57** in the prior reporting period. During each patrol, a minimum of three microchip checks of dogs was undertaken by officers.
- 15 successfully finalised **15** Local Court prosecutions in relation to a dog. Fines and costs were awarded to Council totalling \$21,600. The number of prosecutions were similar to that of the previous reporting period (**14** prosecutions previously).

The number of reported dog attacks slightly reduced compared to the previous reporting period. This is despite the number of dog attacks across the whole of New South Wales increasing significantly in the first 10 months of the reporting period.

- 20 During the reporting period, notifications of uncontrolled dogs and/or cats (including in wildlife protection areas and dog prohibited areas) were actioned on a case-by-case basis and reported as CRMs.

- 25 The team progressed the implementation of the 'Dogs in Public Spaces Strategy' and further clarified dog prohibited and dog exercise areas within the Shire via the 'Guide to Dog Areas in the Byron Shire'. This included one further dog exercise area in Mullumbimby and one further dog prohibited area (Wildlife Protection Area) in New Brighton. The team progressed the Shire wide dog signage audit, commencing with footpath stencils via the support of Council's Open Spaces Team. Further footpath stencils and dog signage will be implemented over early 2024.

The team also continued participation in the 'Keeping Cats Safe at Home' project, in conjunction with the RSPCA, via a children's drawing competition, incentive packs to responsible owners (via local veterinary practices and rehoming organisations) and continued free desexing and microchipping of eligible cats. This resulted in the funding of **78** cats (45 female and 33 male) being desexed, microchipped and registered.

Parking

In the reporting period Council:

- issued **13,076** penalty infringement notices in relation to parking with a total value of **\$2,421,191**. This was a substantial increase from **10,869** in the previous reporting period and a **78% increase** in dollar value than the previous reporting period.
- obtained **71** convictions in the Local Court in relation to traffic, parking and unauthorised camping offences. In total Council was awarded fines and costs of **\$1,900**. This was a significant increase from **5** in the previous reporting period.
- issued **196** penalty infringement notices in relation to abandoned vehicles with a total value of **\$91,238**. This was **over seven times** the number of infringements in the previous reporting period (26 penalty infringement notices) and an increased total value of **\$73,858**.



Over the reporting period, officers performed approximately **40,000** individual compliance checks against vehicle registrations (99% of these by parking enforcement officers). This is where an officer stops and keys in the registration number of a vehicle through a hand-held device to check for payment/non-payment. This process is separate to the licence plate recognition ("LPR") automation compliance checks. This process / visible presence, combined with the LPR, has produced a **10-20%** increase in daily revenue (depending on day/time of year).

The LPR system has been updated and now routinely scans from **1000 to 4000 vehicles per day**, with automatic compliance / colour coded returns for payment compliance and overstay breaches. The system performs multiple scans per second and rereads a plate until the correct scan is determined and will present the correct plate while discarding an imperfect scan.

There has been a significant improvement on vehicle related CRM management and throughput by virtue of officers having access to laptops while in the field. When an officer properly utilises this access the time from CRM receipt to CRM closure is halved and parking CRM clearance rates has **improved by 30 to 50 percent**.

The additional parking enforcement officer has hit the ground running and is supporting the parking team to extend roster times (earlier and later shifts) and increase number of staff on each shift.

The parking team has also developed a stronger working relationship with the Infrastructure Services signage team which has expedited the corrections required on regulatory signage and improved our enforcement ability in key locations.

5 **Unauthorised Camping**

The amended **unauthorised camping** fine strategy (commenced in 2019) continued to prove vastly more effective in relation to officer safety, ability to issue higher number of fines (only 14 of the 1,275 camping-related penalty infringement notices issued in 2023 were issued under the old signage approach), less Court appeals (these was 1 in the reporting period) and a more effective ongoing deterrent of illegal camping in hot spot areas. The team continued to work effectively with Infrastructure Services to identify further areas that will benefit from early morning parking restrictions.



In the reporting period Council:

- 25 • issued **1,275** camping-related penalty infringement notices with a total value of **\$152,860**. This was an approximate 32% increase to that of the previous reporting period which was **964** with a total value of **\$112,752**.
- Court prosecutions relating to unauthorised camping are outlined above in this report under 'Parking'.
- 30 • completed coordinated patrols and inter-agency working groups with Police, NPWS, Crown Lands and Reflections Holiday Parks on various coastal lands where camping and camps were known to be causing community and environmental impacts. This included continued inter-agency action at the Brunswick Heads and Seven Mile Beach areas.

35 **Public Space Liaison Officers**

Public Space Liaison Officers ("PSLOs") provide a respectful and compassionate response to issues arising from homelessness in public places. PSLOs work with a diverse range of stakeholders to reduce the impact of homelessness in the Byron Shire. PSLOs engage with people occupying public space who are homeless to link them with supports services, improve amenity and manage the impact on public space. The importance of the PSLOs within the team has already proven beneficial to Council.

PSLOs facilitated the exchange of information between public space users and other stakeholders to promote responsible and shared use of public space and foster an environment of community inclusivity; whilst also promoting the fair use of public space for all stakeholders. They patrolled areas of the Shire all weekdays, building relationships with people who are rough sleeping, making appropriate referrals to relevant services and developing and facilitating a network of stakeholders, including people experiencing homelessness, NSW Police, non-government services, health services, NSW state government bodies, internal business units, local business, and residents. To aide Council's understanding and assistance of rough sleepers throughout the Shire, the officers collected and documented quantitative and qualitative information on issues and trends on homelessness and hotspots.

During the reporting period the PSLOs continued to problem-solve via the utilisation of limited available services, sources and resources to support rough sleepers and vulnerable persons. The PSLOs engaged with **1,545** people, being **740** more than the previous reporting period (**805**). They made **102** referrals (**115** in previous period), provided **804** people with information (**526** in previous period), provided **80** people with material aid (**75** in previous period), undertook **190** joint patrols with various services (**126** in previous period), organised **20** clean-ups (**4** in previous period), made **10** SHS referrals (not recorded in previous period), made **9** temporary accommodation referrals to the Department of Communities and Justice (**12** in previous period) and added **7** people to the 'By Name List' (**6** in the previous reporting period). The Officers participated in **128** local meetings (**51 previous**).

The importance of the PSLOs will only continue to increase in the current climate.

Other Matters

Under the terms of the *Environmental Planning and Assessment Act 1979*, Council served **149** notices of entry to inspect premises in relation to **unauthorised building works, activities and uses**. This was a reduction from **210** in the previous reporting period but consistent with the number of CRMs received for these matters.

Developments, actions, works, activities or uses that places people's lives at immediate risk or that cause or are likely to cause a significant risk of environmental harm or pollution were generally actioned within 24 hours. **Livestock on public roads** was responded to immediately.



In the reporting period Council:

- issued **251** notices and orders under the *Local Government Act 1993, Environmental Planning and Assessment Act 1979 and Protection of the Environment Operations Act 1997*. This was an increase from **222** in the previous reporting period and **53** in the period prior to that.

issued **7** penalty infringement notices under the *Environmental Planning and Assessment Act 1979* with a total value of **\$18,000**. This was a reduction from **15** in the previous reporting period. This may be a result

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of the focus on proactive and visible companion animal, parking and unauthorised camping compliance.

- 5 • issued **0** pollution and littering related penalty infringement notices under the *Protection of the Environment Operations Act 1997*. There were **4** issued in the previous reporting period.
- 10 • Issued **1** court attendance notice and finalised **2** *Environmental Planning and Assessment Act 1979* court elected penalty notices in the Local Court for development without consent. A fine of \$1,000 was imposed. Whilst this was the same number as the previous reporting period, fines and costs were significantly less.
- successfully finalised **2** Land and Environment Court matters (relating to appeals from Orders issued). This was less than the **4** in the previous reporting period
- other court matters completed during the reporting period were:
 - 15 ○ Expose article in/on/over road/let article be exposed at road without approval – withdrawn due to outcome being negotiated with offender;
 - Deposit litter (excluding cigarette) and from v vehicle - fined **\$300**;
 - Transport waste to unlawful waste facility - fined **\$4,000**, clean-up costs of **\$963** and Council costs of **\$1,500** awarded;
 - 20 ○ Fail to comply with Roads Act Direction – withdrawn due to outcome being negotiated with offender;
 - Fail to comply with Roads Act Direction - fined **\$200** and ordered to pay **\$600** in costs;
 - Delay/Obstruct an investigation officer in exercise of powers x 2 - fined **\$2,000** and awarded costs of **\$500**; and
 - 25 ○ Delay/Obstruct an investigation officer in exercise of powers x 4 - withdrawn due to outcome being negotiated with offender.

The team continued to investigate the use of properties with consent conditions which prohibit the use of a property as **short-term-rental accommodation (“STRA”)** (resolutions **23-056** [Minutes of Ordinary \(Planning\) Meeting - Thursday, 9 March 2023 \(infocouncil.biz\)](#) and **23-500** [Minutes of Ordinary Meeting - Thursday, 26 October 2023 \(infocouncil.biz\)](#)) and respond to CRMs relating to STRA use of a property. In the reporting period, **40** complaints were received.

Under the NSW Government rules for short-term rental accommodation (“STRA”), Councils have a limited role, as most houses/apartments are legally able to operate for STRA without specific approval for the accommodation use. However, Council can respond to breaches of the Code regarding failure to register a premises on the premises register and use of a premises for a period exceeding the days permitted; in addition to compliance issues that have historically fallen within the jurisdiction of Council including (but not limited to) fire safety, noise, parking, dog issues, neighbourhood amenity issues and other breaches of the State Environmental Planning Policies.

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Changes for non-hosted STRA were endorsed by the NSW Government in September 2023. There will be a 12-month transition period for the community and industry to prepare. New day caps for unhosted STRA will take effect on 23 September 2024. During the transition period, staff will be developing a Monitoring and Compliance Strategy
5 specific to the new day caps for non-hosted STRA in Byron to be implemented after 23 September 2024. Staff time and resourcing to STRA in Byron Shire is currently funded by the current enforcement program budget of the Operational Plan. This may change the result of the Monitoring and Compliance Strategy development. Funding to support local community benefits and also enforcement is addressed in IPC Advice Report on Byron
10 Shire STRA recommendations 8 and 9.

A separate report relating to enforcement of STRA development conditions is included in this agenda.

The **illegal dumping** team and the enforcement team continued to manage responses to illegal dumping incidents in partnership. The Resource Recovery Department remain
15 primarily responsible for Council's response to illegal dumping incidents, including asbestos. This includes education and awareness, prevention, infrastructure and evaluation activities. The enforcement team undertakes all necessary enforcement activities, where enough evidence is available and enforcement measures are deemed necessary by the Waste Education & Compliance Officer in the Resource Recovery
20 Department.

In the reporting period, **172** noise complaints were received and responded to, a slight reduction from **176** in the previous reporting period.

Officers continued to attend to reports of **unauthorised events** in conjunction with local
25 Police, where necessary. This included one significant unauthorised event during the Christmas period and one significant unauthorised 'doof' party. The team also continued to work closely with local police, Manager Corporate Services and Infrastructure Services to maintain no-alcohol signage in hot spot areas and/or during events.

In the reporting period, Council impounded **150** unauthorised banners and signs (**07-550, 06-204**). This was a significant increase from **43** in the previous reporting period. During the period, the Community Enforcement Team sent advisory correspondence to owners of signage (including real estate signage, A-frame signage and event signage) as well as
35 businesses with footpath dining and goods/chattels. This correspondence outlined an amendment to the *Byron Shire Development Control Plan 2014* relating to signage. It gave business owners a period of time to comply with the amendment. A formalised process for event signage was implemented in conjunction with Council's Events Team. The Enforcement Team completed an audit of signage, footpath dining and goods/chattels
40 licences. These processes resulted in licences being renewed, unauthorised business signage being removed and **2** penalty infringement notices being issued.

Staff also completed the following routine matters:

- (a) Seasonal public health issues and community preparedness including issuing a minimum of two media releases.

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- (b) Tourist and visitor accommodation swimming pool safety, including legislative requirements.
- (c) Onsite sewage management systems (including CERC project).
- (d) Food Safety Inspections.
- 5 (e) Awareness of current public health requirements.

During the reporting period **87** swimming pools were inspected (**113** in the previous reporting period). **39** were satisfactory and **48** were unsatisfactory, requiring reinspection. This included **66** dwellings with **4** in the category of short-term-rental-accommodation, **5** 10 tourist facilities and **11** multi-dwelling properties. In the period, **39** swimming pool compliance certificates were issued and **22** non-compliant swimming pool certificates.

In the reporting period, **310** inspections of fixed food premises, **120** inspections of temporary food premises and **106** inspections of mobile food premises were conducted. 15 This was similar to the previous reporting period.

Council issued **12** penalty infringement notices under the Food Act with a total value of **\$8,360**. This was a significant increase from **2** penalty infringement notices with a total value of **\$1,760** in the previous reporting period. 20

Overall achievements 2023

- The Environmental Health Team achieved 100% on the NSW Food Authority food surveillance program (for food safety inspections of all high risk and medium risk food premises within the Shire). Additionally, the team inspected 100% of low risk, 25 temporary and mobile food premises.
- The Public Space Liaison Officers continued a strong presence in the Byron Shire community and within Council. They continue to receive positive feedback through engagement with several local services including Fletcher Street Cottage, Homeless Health Outreach Team, Orange Sky, Social Futures, Mullumbimby District 30 Neighbourhood Centre and Bruns Brekkie. The Officers continue to build rapport with service users through their ongoing presence in community.
- There was a continued focus on carrying out well planned targeted operations in relation to unauthorised camping, littering, alcohol free zones, parking enforcement, unauthorised activities and development. This included continued inter-agency 35 working groups in relation to Seven Mile Beach and Brunswick Heads; as well as joint-division projects in relation to illegal dumping and alcohol-free zones. The officers also undertook joint inspections with Local Police, Liquor Licencing and NSW Public Health.
- In February 2023, the Public Space Liaison Officers, with the support of Enforcement 40 Officers, participated in Department of Communities and Justice's Street count.

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- The Environmental Health Officers continued expanded monitoring and reporting of recreational water quality.
 - The team finalised a review and updated all notices, orders, directions and templates relating to the Local Government Act 1993, Environmental Planning & Assessment Act 1979, Protection of the Environment Operations Act 1997 and the Roads Act 1993.
- 10
- The Environmental Health Officers continued their working relationship with NSW Public Health and a number of services that were previously not undertaken by Council; including inspections of: public swimming pools, skin penetration businesses, cooling towers and UPSS in addition to increased surveillance for the JEV programme (mosquito trapping).
 - The management of a signage and regulatory infrastructure process between Infrastructure Services and the Enforcement Team continued.
- 15
- The team continued to progress an all-in-one Standard Operating Procedures manual.
 - The Environmental Health Officers continued their working relationship with NSW Food Authority relating to alleged foodborne illness outbreaks and free online food safety training.
- 20
- The Parking Team continued to prioritise the safety of local schools by attending and addressing compliance issues for school zones throughout the Shire.
 - The Environmental Health Team undertook a review of premises requiring notifications to Council under the Public Health Act which will result in improved health safety in the Shire, as well as increased revenue for Council.
- 25
- The Parking Team continued educating the community and improving parking compliance via the use of several information brochures and providing information in hot spots and/or changing locations.
- 30
- The Animal Enforcement Officers undertook regular compliance inspections of all menacing/dangerous dogs (and relevant enclosures) within the Shire to ensure legislative requirements being observed.
 - Ongoing coordination between the Enforcement Team and the Events Team ensured that the highest and best use of enforcement resources supported returning events within the Shire.
- 35

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- The Environmental Health Team and the Community Enforcement Team worked collaboratively on a number of development investigations.
- 5 • The team furthered the implementation of the 'Dogs in Public Spaces Strategy' and the "Guide to Dogs in the Byron Shire" including the additional of one further dog prohibited area and one further dog exercise area.
- 10
- PES Administrative staff completed the PETREGISTRY pound survey.
- The Animal Education & Enforcement Officer concluded the Shire wide audit of dog signs, finalised preparation of various community education packages, presented a number of community education days, identified organisations to support education events, progressed the upcoming community education day and increased support of enforcement activities.
- 15
- The team continued its participation in the RSPCA's 'Keeping Cats Safe at Home' project by hosting a children's drawing competition, arranging incentives for responsible cat owners (via local veterinary practices and cat rehoming organisations) and organised free desexing, microchipping and registration of cats for owners with financial hardship.
- 20
- Staff attended various training sessions to develop skills and competencies within the team. The team also strengthened collaboration with neighbouring Councils and other government agencies.
- 25
- The team finalised reviews of Management of Contaminated Land Policy, On-site Sewage Management Systems in Reticulated Areas Policy, On-site Sewage Management Systems Strategy and Guidelines, Busking Policy and Companion Animals Exercise Areas Policy.
- The team continued the ongoing review of short-term-rental-accommodation register, complaints and responses.
- 30
- Officers significantly increased proactive companion animal patrols within dog exercise areas, dog prohibited areas and dog on lead compliance within public spaces, coupled with an increased enforcement approach. This was supported by a varied roster approach to start and finish times.
- 35
- The Parking Enforcement Team amended its rostering to cover earlier and later shifts along with an ability to deploy from areas other than Council offices.
- The Community Enforcement Team extended its rostering to later evening shifts, in addition to early morning shifts.



- The PES Administrative staff provided high quality and efficient support for the overall team. Despite the increase in enforcement staff, expansion of projects and number of complaints that needed to be registered, reallocated and managed; the administrative staff continued to provide a high standard of ongoing support.

5 **Other key observations**

- Officers and administrative staff are still managing appropriate responses to several recurrent complainants who provide unsubstantiated and repeated complaints on a variety of lower priority matters, or issues outside of Council’s control, which continues to greatly impact resources. For example, one person logged **20** CRMs over the Christmas period relating to one issue.
10
- Significant staff resources are being utilised to respond to complaints about Private Certifying Authorities (“PCA”) with little outcome for complainants. In the reporting period, Council received **62** complaints relating to works being overseen by a PCA. Whilst Council does do its best to assist the community, it has no lawful jurisdiction over a PCA or the works they oversee until such time that certificates or approvals are issued by a PCA that do not comply with Council or legislative requirements. The State Government introduced changes to the building laws in 1998 which allowed owners/developers to appoint private certifiers as the PCA to oversee building work in place of Local Councils. The PCA is responsible for ensuring that the works are being carried out in accordance with the approved plans, specifications and conditions of the development consent and assumes the role of Council. The PCA is also responsible for issuing certification regarding critical stage inspections and occupation certificates at the end of the build. In instances where Council is not the PCA, the PCA is given the duty/opportunity to conduct the initial investigation and serve notice should non-compliance occur. Under the present legislation, the PCA substantially takes the role of Council, this includes initial investigation and complaints. Registered Certifiers are public officials and independent regulators of building construction and subdivision work. They are registered and regulated by NSW Fair Trading. Should the PCA fail to address concerns, then the Department of Fair Trading (not Council) deals with the conduct of Certifiers. The practical outcome is that many residents make legitimate complaints which Council are unable to proactively assist them with. It is recommended that Council writes to the NSW Building Commissioner advising of its concerns with private certification seeing a review of the regulation of Private Certifying Authorities in NSW.
15
20
25
30
35
- The team maintains a close relationship with neighbouring Councils, local Police, NPWS, Crown Lands, Reflections Holiday Parks, NSW Public Health, Marine Parks, Department of Fisheries, Liquor Licencing and Local Land Services to provide cross-agency responses to various issues. The team regularly hosts meetings with neighbouring Councils and explores joint training opportunities to reduce costs. The agencies are also investigating changes to cross-agency infrastructure and signage to assist in proactively managing hot spots.
40



2024 Environment and Safety Priorities Program

It is recommended that Council adopt the following draft 2024 Environment and Safety Priorities Program:

5 *Council’s Public & Environmental Services prioritises its response to all matters in accordance with the following categories:*

Council’s Public & Environmental Services prioritises proactive and visible companion animal, parking and unauthorised camping compliance.

10 *It then prioritises its response to all other matters in accordance with the following categories:*

15 1. *High risk activities which require an urgent and immediate response. (high risk activities are defined as activities that places people’s lives at immediate risk or that cause or are likely to cause a significant risk of environmental harm or pollution); and*

2. *Other activities which require a routine response during strategic/regular duties.*

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.2: Public health - Protect, promote and control risks to public health	2.2.2.1	Deliver environmental and public health education programs to the community
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.2: Public health - Protect, promote and control risks to public health	2.2.2.2	Provide 'I'm Alert' online food education training

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CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<p>2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued</p>	<p>2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people</p>	<p>2.2.2: Public health - Protect, promote and control risks to public health</p>	<p>2.2.2.3</p>	<p>Participate in Beach Watch program from December to April</p>
<p>2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued</p>	<p>2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people</p>	<p>2.2.2: Public health - Protect, promote and control risks to public health</p>	<p>2.2.2.4</p>	<p>Monitor, investigate and respond to public and environmental health matters through proactive inspections and surveillance programs</p>
<p>2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued</p>	<p>2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people</p>	<p>2.2.2: Public health - Protect, promote and control risks to public health</p>	<p>2.2.2.5</p>	<p>Assist local Public Health Unit in mosquito trapping (JEV surveillance)</p>
<p>2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued</p>	<p>2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people</p>	<p>2.2.2: Public health - Protect, promote and control risks to public health</p>	<p>2.2.2.6</p>	<p>Deliver the Food Premises inspection program</p>

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CSP Objective	CSP Strategy	DP Action	Code	OP Activity
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.3: Regulatory controls and compliance - Enhance public safety, health and liveability through the use of Council's regulatory controls and services	2.2.3.1	Undertake proactive camping patrols of streets and public places throughout the Shire
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.3: Regulatory controls and compliance - Enhance public safety, health and liveability through the use of Council's regulatory controls and services	2.2.3.2	Respond to and investigate complaints against building standards
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.3: Regulatory controls and compliance - Enhance public safety, health and liveability through the use of Council's regulatory controls and services	2.2.3.3	Conduct Swimming Pool fence inspections in accordance with relevant legislation
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.3: Regulatory controls and compliance - Enhance public safety, health and liveability through the use of Council's regulatory	2.2.3.4	Conduct Fire Safety inspections in accordance with relevant legislation

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CSP Objective	CSP Strategy	DP Action	Code	OP Activity
		controls and services		
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.4: Companion animals - Promote awareness of the requirements of the Companion Animals Act with respect to the ownership of companion animals	2.2.4.1	Undertake proactive patrols of community parks and open spaces to monitor safe use by dogs and their owners
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.4: Companion animals - Promote awareness of the requirements of the Companion Animals Act with respect to the ownership of companion animals	2.2.4.2	Provide companion animal management services
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.4: Companion animals - Promote awareness of the requirements of the Companion Animals Act with respect to the ownership of companion animals	2.2.4.3	Facilitate companion animals education

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CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<p>2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued</p>	<p>2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people</p>	<p>2.2.4: Companion animals - Promote awareness of the requirements of the Companion Animals Act with respect to the ownership of companion animals</p>	<p>2.2.4.4</p>	<p>Develop Dogs in Public Space Strategy</p>
<p>2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued</p>	<p>2.5: Create social impact and initiatives that address disadvantage</p>	<p>2.5.3: Rough sleepers - Work in partnership to reduce and end rough sleeping through community action</p>	<p>2.5.3.1</p>	<p>Respond to people experiencing homelessness and rough sleepers through engagement and referrals to appropriate support and housing services</p>
<p>2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued</p>	<p>2.5: Create social impact and initiatives that address disadvantage</p>	<p>2.5.3: Rough sleepers - Work in partnership to reduce and end rough sleeping through community action</p>	<p>2.5.3.2</p>	<p>Partner with Byron Community Centre to deliver Fletcher Street Cottage (homelessness hub)</p>
<p>2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued</p>	<p>2.5: Create social impact and initiatives that address disadvantage</p>	<p>2.5.3: Rough sleepers - Work in partnership to reduce and end rough sleeping through community action</p>	<p>2.5.3.3</p>	<p>Coordinate the Ending Rough Sleeping Byron Shire Collaboration</p>

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CSP Objective	CSP Strategy	DP Action	Code	OP Activity
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.5: Create social impact and initiatives that address disadvantage	2.5.3: Rough sleepers - Work in partnership to reduce and end rough sleeping through community action	2.5.3.4	Facilitate cross-directorate working group on homelessness to strengthen internal collaboration, knowledge exchange, advocacy, and planning
3: Nurtured Environment We nurture and enhance the natural environment	3.2: Deliver initiatives and education programs to encourage protection of our environment	3.2.1: Compliance - Encourage compliance with environmental planning regulations	3.2.1.1	Monitor, investigate and respond to unauthorised land use, development and environment complaints
5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable	5.2: Connect the Shire through integrated transport services	5.2.4: Parking - Manage parking through effective controls that support Movement and Place Plans and are coordinated with other initiatives such as park and ride	5.2.4.1	Undertake regular and frequent parking patrols to increase availability and turnover in the Town and Village centres

Recent Resolutions

- 2006-204
- 2007-550
- 2022-078
- 5 • 2022-208
- 2022-232
- 2022-395
- 2023-056
- 2023-193
- 10 • 2023-500

Legal/Statutory/Policy Considerations

There are a number of Acts which give local government regulatory powers. They include:

- Local Government Act 1993
- 5 • Environmental Planning & Assessment Act 1979
- Protection of the Environment Operations Act 1997
- Companion Animals Act 1998
- Roads Act 1993
- Road Rules 2014
- 10 • Road Transport Act 2013
- Public Spaces (Unattended Property) Act 2021
- Food Act 2003
- Public Health Act 2010
- Swimming Pools Act 1992
- 15 • Byron Shire Development Control Plan 2014

Compliance action is considered and determined through Council's adopted Enforcement Policy 2020 and the NSW Ombudsman Enforcement Guidelines for Councils.

Financial Considerations

The priorities program is managed within the existing operational budget allocation.

20 **Consultation and Engagement**

Not relevant to this report.

Report No. 13.11 Next Place Plan - Scope, Program and Budget

Directorate: Sustainable Environment and Economy

Report Author: Stephanie McMurray, Place Liaison Officer

5 File No: I2023/207

Summary:

10 In December 2022, Council resolved that Ocean Shores would be the next priority location for a Place Plan ([RES 22-684](#)). This resolution requested a further report to Council providing a detailed Place Plan project scope, methodology and budget. Council also noted that given current budget constraints, a Place Plan for the first priority location, Ocean Shores, should be considered in the 2024/25 financial year.

This report addresses this resolution **22-684**.

15 The proposed program is an efficient 12-month process. Broad public consultation and targeted stakeholder workshops are proposed in the Council-led process. The detailed scope, methodology and budget are included in the scope document at Attachment 1 (E2024/4242).

It is proposed to expand the scope to include New Brighton and South Golden Beach alongside Ocean Shores to create a **North Byron Coastal Communities Place Plan**. A map of the proposed area is included in the report.

20 These three communities are closely linked and share a lot of the same services, public amenities and spaces. By combining these three places into a single Place Plan, budget and resource efficiencies are achieved. Together with the proposed 12-month project program this will allow for community and Council to reach an agreed list of priority projects as quickly as possible for these locations.

25 Staff have had preliminary discussions with some key community representatives from Ocean Shores, New Brighton and South Golden Beach, regarding the potential to include all three communities under one Place Plan. The representatives supported this approach.

30 Key to this support was a recognition that although this Place Plan will include three communities, each village has its own distinct vision, character and priorities. The Place Plan will draw these out for each community while also addressing themes and projects that benefit the whole area.

The Place Plan will:

- Describe a 20-year vision and supporting overarching principles for each of the North Byron Coastal Communities.

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- Consider background information and analysis completed to date including site history, trends and community feedback.
 - Address place-making issues that are already identified and any additional issues identified during the process.
- 5
- Identify a set of clear, concise and implementable priority projects to address these issues and contribute to the future vision of the communities.
 - Consider governance, implementation and funding of proposed projects, aligning with the Council's Community Strategic Plan, Delivery Plan and Operational Plan.
 - Aim to be adopted by Council as one of Byron Shire's Place Planning Strategies.
- 10
- The key information to note about this Place Plan and the proposed approach is:
- The approach proposes to include New Brighton and South Golden Beach alongside Ocean Shores to create a North Byron Coastal Communities Place Plan.
 - This Place Plan will be a council-led document, engaging community at IAP2 Collaborate level. This means that Council's Place Planning team will be responsible for delivering the Plan, with multiple points of engagement and consultation with community and key stakeholders through-out the process.
- 15
- This Place Plan approach draws on the experience and lessons learned through the delivery of the four existing Place Plans of Mullumbimby, Bangalow, Byron Arts and Industry Estate and Federal.
- 20
- The proposed approach aims to deliver the North Byron Coastal Communities Place Plan in approximately 12 months, reporting a final Place Plan to Council in June 2025.
 - The total budget required to enable the development and delivery of this Place Plan is \$59,800.
- 25
-

RECOMMENDATION:

That Council:

- 30
- 1. Supports expanding the location scope for the next Place Plan to include New Brighton and South Golden Beach in addition to Ocean Shores (as defined in this report).**
 - 2. Endorses the proposed scope and project plan for the North Byron Coastal Communities Place Plan (as per Attachment 1, E2024/7310).**
- 35
- 3. Considers the inclusion of \$59,800 in the draft 2024-2025 Budget for the North Byron Coastal Communities Place Plan.**

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Attachments:

- 1 North Byron Coastal Communities Place Plan - Scope and Program - Council Meeting Feb 2024, E2024/7310 

5

Report

What is a Place Plan

The Place Plan will include for each location a 20 year vision, set of principles, and priority actions. The actions may be related to themes such as:

- 5
 - place making (for example streetscape upgrades)
 - transport and accessibility (for all modes such as pedestrians, cyclists, buses)
 - development planning controls, land use and built form
 - sustainability, resilience and environment
 - business and economy
- 10
 - community development (such as events, arts and culture)
 - parks and open spaces.

They are usually developed collaboratively between community members and Council staff, sometimes with the involvement of a consultant.

- 15
 - Examples of current Place Plans and their various formats can be found here [Place planning - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/planning-byron-shire-council)

In December 2022, Council resolved that Ocean Shores would be the next priority location for a Place Plan ([RES 22-684](#)).

- 20
 - This scope document and project plan proposes to include New Brighton and South Golden Beach alongside Ocean Shores to create a **North Byron Coastal Communities Place Plan**.

These three communities are closely linked and share a lot of the same services, public amenities and spaces. They also each have their own unique character, history, key features and issues which this Place Plan aims to address.

- 25
 - A scope document that details the proposed approach, project plan and budget is attached at Attachment 1 (E2024/4242). A high-level overview is provided following. Note that this timeline is subject to being able to consult all stakeholders in the timeframes identified.



The Place Planning Approach

This Place Plan will be a Council led document developed with an IAP2 ‘Collaborate’ approach with community.

- 5 **IAP2 ‘Collaborate’** is described as: Partnering with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.

In this level of engagement, Council will look to the community for advice and innovation in formulating solutions and incorporate the advice and recommendations to the maximum extent possible (ref: IAP2 public participation spectrum).

This approach for the North Byron Coastal Communities Place Plan has been informed by the lessons and feedback gathered from staff and community involved in the development of Place Plans for Mullumbimby, Bangalow, Byron Arts and Industry Estate and most recently, Federal.

- 15 The scope document in Attachment 1 explains the proposed approach in detail, which will be carried out over approximately 12 months, working with the community through a series of engagement opportunities (both in-person and online) and facilitating three key stakeholder workshops to develop the Place Plan.

20 This Plan will align with existing Council strategic and plans such as the [Pedestrian Access and Mobility Plan \(PAMP\)](#) and reference relevant engagement and consultation done to date, such as the [After the Floods: Settlement Discussion Paper](#).

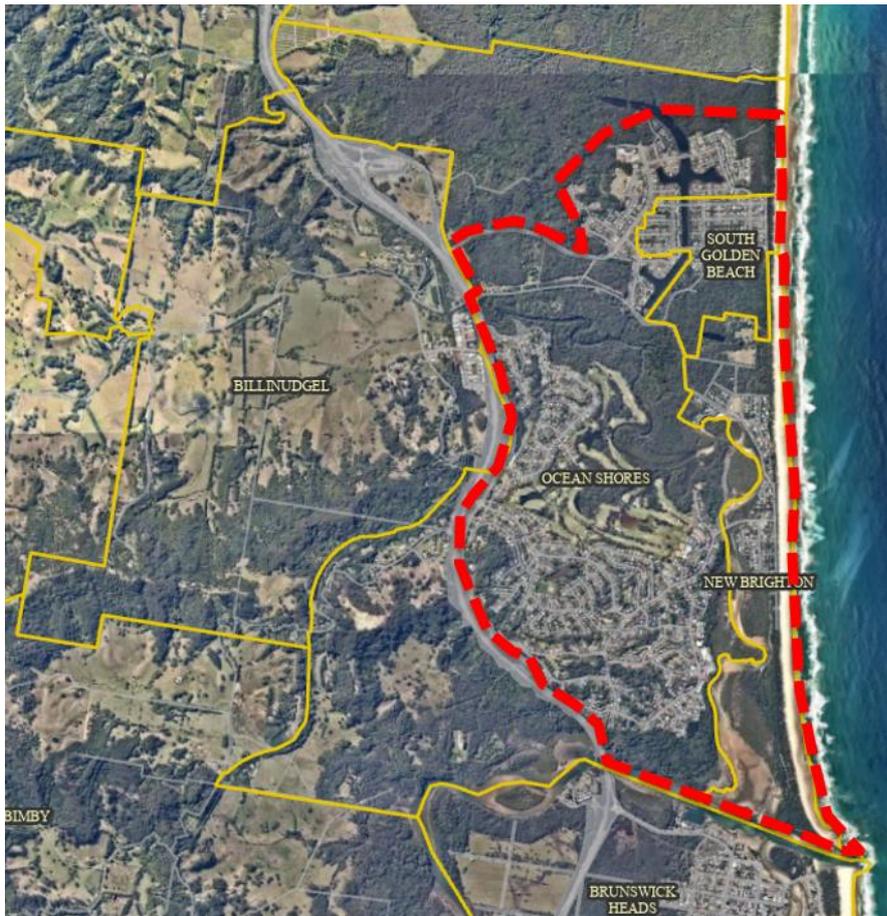


Figure: Proposed scope area

Key issues

Location Scope

- 5 This approach for the next Place Plan proposes the inclusion of New Brighton and South Golden Beach within the scope of this project. Some community representatives have expressed concern that issues specific to their smaller communities may be overlooked if all communities are included in one plan.
- 10 To address this, the project plan and methodology includes extensive community consultation, and planned events and opportunities for engagement held in each of the three North Byron coastal communities. The key benefit of combining this Place Plan is to enable implementation of priority actions sooner, and steps can be taken to ensure that the individual visions, history and needs of each place is covered in this Plan.

Limitations of a Place Plan

- 15 The Place Plan only identifies and scopes priority projects – it does not initiate, design or undertake a project.

A Place Plan does not supersede any Council technical strategies already in place or in development. It is likely that many of the issues identified through this process will be dealt with through other Council policies or strategies, such as the residential, employment lands and rural land use strategies.

- 5 A Place Plan is not a statutory document and as such doesn't have any legal status.

Next steps

Following Council resolution of this report, the Place Planning team plan to proceed with Stage 1 of the Project Plan which involves:

- An internal kick-off meeting with key staff members
- 10 • The development of a Primer Document
- Inviting key Stakeholders to join a meeting, currently proposed for July 2024.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
4: Ethical Growth	4.1: Manage responsible development through effective place and space planning	4.1.3: Town / Village Masterplans - Develop, implement and update Place Plans that promote place-based forward planning strategies and actions	4.1.3.10	Investigate priority needs for future village/town masterplans

Recent Resolutions

- 15
- [22-684](#) – Expressions of Interest for Next Place Plan
 - [22-216](#) – North Byron Shire Masterplan, Notice of Motion
 - [21-468](#) – Expression of Interest Process for next village/town masterplan

Legal/Statutory/Policy Considerations

Place Planning is a process that aims to create a long-term plan or vision for a neighbourhood and/or a community. A Place Plan is a comprehensive plan for a town, village, or suburb. It is not a statutory document and as such doesn't have any legal status. 5 A Place Plan can be the basis for changes in planning controls like Local Environmental Plans and Development Control Plans. The legal status of Place Plans was clarified in a report to Council on 8 December 2022 which can be found at [this link](#).

Financial Considerations

10 The total Budget required to enable the development and delivery of this Place Plan is \$59,800.

A further breakdown of estimated costs can be found in Attachment 1.

Consultation and Engagement

15 Engagement has been carried out by the Place Planning team to inform the proposed approach for this Place Plan. Representatives from the following key community groups have been consulted:

- North Byron/Ocean Shores Chamber of Commerce
 - New Brighton Village Association
 - South Golden Community Association
 - Ocean Shores, South Golden Beach and New Brighton Community Resilience Team
- 20

As this Place Plan is intended to be developed in collaboration with community, there will be multiple opportunities and methods for community members and other stakeholders to contribute to the Place Plan and provide feedback throughout the process.

25 The plan for community engagement and consultation for the Place Plan is explained further in Attachment 1.

Report No. 13.12 CMP Stage 2 Study - Byron Shire Coastal Hazard Assessment Study - for Council adoption

Directorate: Sustainable Environment and Economy

5 **Report Author:** Chloe Dowsett, Biodiversity and Sustainability Coordinator

File No: I2023/816

Summary:

Council is currently preparing Coastal Management Programs (CMPs) for its coastline in accordance with the State Government NSW Coastal Management Framework.

10 Council is progressing through Stage 2 preparation of CMPs to fill key information gaps on threats, issues and opportunities in the coastal zone.

The **Byron Shire Coastal Hazard Assessment (CHA) Study** by Bluecoast Consulting Engineers is a major piece of technical information and significant CMP Stage 2 study.

15 The Coastal Hazard Assessment (CHA) Study is now complete. The study deliverables comprise:

- CHA Report (Bluecoast, December 2023) in PDF format (for Council adoption).
- Compendium of hazard maps for all hazard extents (as provided in the CHA Report appendices).
- Compendium of GIS files for all hazard extents.

20 Once adopted, the CHA Report will be provided on Councils' project webpage for broader community distribution.

This report provides:

- 25 • A brief update on the status of development of Coastal Management Programs (CMPs) for the Byron Shire coastline including the expected timeframe for delivery of the Stage 2 technical studies.
- A summary of the CMP Stage 2 technical study 'Byron Shire Coastal Hazard Assessment (CHA) Study' by Bluecoast Consulting Engineers (19 December 2023) including:
 - 30 ○ Project background, study objectives, study purpose, study area, methodology, study outcomes, review process, consultation undertaken.
 - The final CHA Report for Council adoption (Attachment 1; E2024/4012).
- Next steps in the preparation of a Coastal Management Program for the Byron Shire Open Coast.

RECOMMENDATION:

That Council:

- 5 1. **Adopts the findings of the Coastal Management Program (CMP) Stage 2 technical study 'Byron Shire Coastal Hazard Assessment Study' outlined in the report by Bluecoast Consulting Engineers (December 2023) (Attachment 1; E2024/4012).**
- 10 2. **Notes that Stage 2 of the CMP process is not a decision-making stage and management actions will be considered at the next stage (Stage 3) of CMP development.**
3. **Notes that the above CMP Stage 2 technical report will be provided on Council's CMP project webpage.**
- 15 4. **Notes that a presentation on the outcomes will be provided to stakeholders in March 2024.**

Attachments:

- 1 FINAL - Byron Shire Coastline - Bluecoast - Coastal Hazard Assessment Study - December 2023, E2024/4012 
- 20 2 EXEC SUMMARY - Byron Shire Coastal Hazard Assessment Study - December 2023 - by Bluecoast Consulting Engineers, E2024/4018 

Report

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This report provides:

- 15 • A brief update on the status of development of Coastal Management Programs (CMPs) for the Byron Shire coastline including the expected timeframe for delivery of the Stage 2 technical studies.
- A summary of the CMP Stage 2 technical study 'Byron Shire Coastal Hazard Assessment (CHA) Study' by Bluecoast Consulting Engineers (19 December 2023) including:
 - 20 ○ Project background, study objectives, study purpose, study area, methodology, study outcomes, review process, consultation undertaken.
 - The final CHA Report for Council adoption (Attachment 1; E2024/4012).
- Next steps in the preparation of a Coastal Management Program for the Byron Shire Open Coast.

Information/Background:

25 Council is currently preparing Coastal Management Programs for its coastline in accordance with the State Government NSW Coastal Management Framework.

CMPs set the long-term strategy for coordinated management of the coast with a focus on achieving the objects of the Coastal Management Act 2016. CMPs are prepared by local councils in consultation with their communities and relevant public authorities.

30 Council is progressing through Stage 2 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).

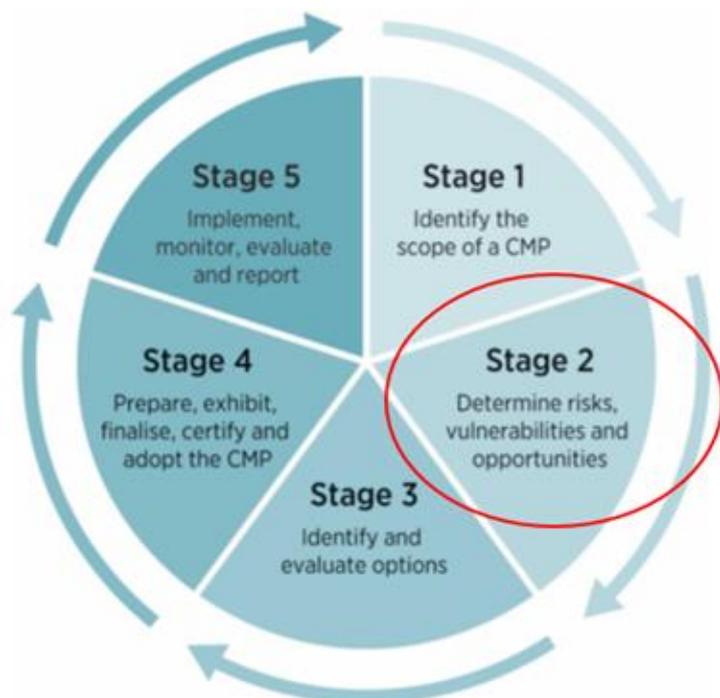


Figure 1 - CMP Stages

5 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). A significant part of Stage 2 CMP preparation is a detailed technical assessment of coastal hazards for the entire Byron Shire coastline.

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. Concept options endorsed by Council (Res 23-146). Report provided on the project webpage.
Shire-Wide Coastal Hazard Assessment Study	Reported to Council 22 February 2024 (this report) for adoption. Report to be provided on project webpage.
Shire-Wide Planning Audit - Identify barriers and opportunities for improvement associated with Council’s coastal planning controls and processes.	Final report received. Report to Executive Team proposed February 2024. Expected to be reported to Council March 2024.
Review of the Entrance Opening Strategies for Belongil and Tallow Creek estuaries.	Final report received. Report to Executive Team proposed February 2024. Expected to be reported to Council March 2024.

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Stage 2 - Project / Study	Status
Byron Shire ICOLL Water Pollution Source Tracking and Pollution Control Programs for the Belongil Creek, Tallow Creek and Ti-Tree Lake catchments.	Reported to Council 28 September 2023. Noted by Council and provided on the CMP webpage (Res 23-441).
Shire-Wide Coastal Wetland and Littoral Rainforest Mapping review	Reported to Council 28 September 2023. Noted by Council and provided on the CMP webpage (Res 23-441).
Shire-Wide study on the Impacts of Recreational Uses and Tourism on Coastal Biodiversity and Habitats	Final report received. Reported to Council 22 February 2024 for noting.

Updates on these studies are being made quarterly to the Coast and ICOLL Advisory Committee.

Pathway forward for CMP development

5 The forward development of CMPs for Byron Shire is 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. Preparation of the 3 CMPs was resolved by Council at the 28 September 2023 (**Res 23-441**).

- 10
- Open Coast (Shire-Wide) – *the Byron Shire Coastal Hazard Assessment Study is a key piece of technical information for preparation of this CMP.*
 - Tallow Creek Estuary.
 - Belongil Creek Estuary

A CMP for the Brunswick Estuary will follow as a future priority.

The Byron Shire Coastal Hazard Assessment (CHA) Study

15 The CHA Study is the third major investigation into coastal processes, sand movements and hazards in the Byron region following the Public Works Department investigation in the 1978, WBM 2000 and the BMT 2013 study. The study builds upon the most recent coastal assessment undertaken in 2013, using:

- 20
- new data available from the preceding 10 years (i.e. 2013 to 2023)
 - various and new survey sources
 - local knowledge
 - previous reports and studies

- revised best practice methods
- analysis of photogrammetry data and
- coastal numerical modelling.

5 Through analysis of up-to-date information some assumptions and remaining uncertainty in the previous hazard assessments are addressed. The CHA Study aims to quantify the coastal processes operating on the Byron Shire coastline and the nature and extent of exposure to coastal hazards and threats to public and private assets (both natural and built).

10 This CHA Study commenced late 2021 with the expectation that it would be completed within 12 months. The study has been significantly delayed resulting in a major departure from the original timing commitment with the key reasons for delay including:

- data delays and additional work required to incorporate key datasets;
- on-going rework, refining and redoing of elements to ensure fit for purpose;
- 15 • unexpected challenges encountered associated with the study area which covers a highly dynamic area in which the techniques applied successfully in other areas have been more difficult than expected; and
- co-ordination with the Main Beach Shoreline Project to ensure consistency.

Study objectives:

20 Coastal processes and coastal hazards affecting the Byron Shire coastline have been extensively investigated in the past. Coastal hazards are exacerbated in the future associated with the effects of climate change as identified in the Scoping Studies for Northern and Southern Byron Shire Coastlines (BMT, 2020; & Rhelm, 2021). The study aligns with six of the key objects of the Coastal Management Act (2016):

- 25 • *“to protect and enhance natural coastal processes and coastal environmental values...” and*
- *“to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making”*
- *“to mitigate current and future risks from coastal hazards, taking into account the effects of climate change”*
- 30 • *“to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events”*
- 35 • *“to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea...” and*

- *“to facilitate the identification of land in the coastal zone for acquisition by public or local authorities...”*

Study purpose:

The purpose of the CHA Study is to provide:

- 5 • An improved understanding of coastal sand movements for the entire Byron Shire coastline.
- A detailed review and update of Byron Shire Council's existing coastal hazard assessment study (completed in 2013) using contemporary data and a probabilistic hazard assessment approach for coastal erosion and recession.
- 10 • The scientific basis for understanding the nature and extent of risks to public safety, built assets, coastal land, cultural heritage/features, ecosystem health and recreational amenity from coastal hazards.
- The scientific basis for understanding the factors that contribute to vulnerability from current and future risks.
- 15 • The scientific basis to inform a detailed risk assessment that will be used to identify and evaluate management options to address the identified priority issues affecting the Byron Shire coastline.

Study area:

The study area includes:

- 20 • The Shire's open coast consisting of:
 - around 25 km of sandy beaches including Seven Mile Beach, Brays Beach, Kings Beach, Broken Head Beach, Tallow Beach, Little Wategos Beach, Wategos Beach, The Pass, Clarkes Beach, Main Beach, Belongil Beach, Tyagarah Beach, New Brighton Beach, South Golden Beach and Wooyung Beach.
 - 25 ○ around 6 km of headlands and rocky coastlines including Jews Point, Broken Head and Cape Byron. This coastal section has a series of major controlling headlands, being Cape Byron the most prominent one.
- Three coastal lagoons and creeks being Ti-Tree Lake (also known as Taylors Lake), Tallow Creek and Belongil Creek as well as the Brunswick River estuary.
- 30

Methodology:

Council engaged Bluecoast Consulting Engineers Pty Ltd to undertake the project. The study presents the methodology and outcomes for the definition of coastal hazards affecting the Byron Shire coastline using a risk-based approach based on multiple lines of evidence driven by data, providing for variability and uncertainty taking into account:

35

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- climate variability
 - local sediment transport processes such as headland by-passing
 - hazard risk occurring now and as projected into the future (immediate, 20, 50 and 100-years) under projected sea level rise scenarios.
- 5 Components of the study comprise:
- Review of background information, studies, data and reports.
 - Description of coastal morphology and local setting:
 - regional distribution of sediment deposits, bedrock highs and other key geological features
- 10
- geomorphic structure and morphology
 - wave and wind climate
 - tides and other water level variations
 - sea level rise
 - regional current and rainfall
- 15
- climate variability and projection.
- Development of a quantified conceptual Byron Shire coastal sediment/sand budget and sand movement model and outcomes of a quantitative analysis of the movement and distribution of sediment within the coastal region.
- 20
- Assessment of coastal erosion and recession using probabilistic Monte Carlo analysis incorporating:
 - beach erosion due to storm events, long-term shoreline trends due to sand budget imbalances, shorter-term variability in the sand budget (e.g., headland bypassing effects), cross embayment transport, losses to offshore sand lobe, onshore sand supply from the lower shoreface as well as beach and estuary response to sea level rise.
- 25
- erosion limiting/reducing/enhancing factors such as bedrock outcrops/reefs, coffee rock, coastal protection structures and associated downdrift shoreline impacts.
- 30
- Outputs of the erosion and recession analysis with mapping showing 1%, 2%, 5% and 10% Annual Exceedance Probability of the erosion hazard and landward extent of the erosion escarpment position (ZRFC) based on five adopted planning periods (immediate, 20, 30, 50 and 100 years).

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- High level geotechnical assessment of coastal cliffs and geotechnical hazards of the coastal cliffs within Byron Shire.
- Assessment of coastal inundation limited to the storm-related flooding by seawater due to elevated ocean water levels (storm surge) and wave processes.
- 5 • Assessment of tidal inundation in estuaries using hydrodynamic modelling to determine 'blue sky' flooding (i.e. tidal inundation in absence of rainfall).
- Assessment of coastal entrance instability which looks at entrance morphology and channel meandering of coastal creek/ICOLLs.
- 10 • Assessment of the erosion and inundation of foreshores caused by tidal waters and the action of waves.
- Stakeholder engagement including regular updates to the Coast and ICOLL Advisory Committee; Councillor workshops; presentation to stakeholders on project outcomes.

Key outcomes:

- 15 The CHA Study is now complete with the CHA Report (*Bluecoast, December 2023 – revision 4*) provided in Attachment 1. The CHA Report provides a summary of the comprehensive study and details the key outcomes of the assessment of specific coastal hazards operating on the Byron Shire coastline. Results of the study components and associated mapping of the specific coastal hazards are provided in the report. Outcomes
- 20 with respect to the results and implications for public and private assets affected by hazards are provided along with any recommendations for consideration of hazards in the further stages of CMP preparation.

Key outcomes from the coastal hazard assessments are outlined in the Executive Summary (Attachment 2) and have not been reproduced here.

- 25 The outcomes of the CHA Report will be used to undertake a detailed risk assessment of coastal hazards affecting the Byron Shire's coastline to identify and evaluate management options and support decision-making in Stages 3 and 4 of CMP preparation.

- As stated in the CHA Report, the approaches adopted within the study are reasonable and valid for assessing the Byron Shire's coastal hazards and underlying coastal processes.
- 30 However, it is important that Council and decision-makers recognise the assumptions underlining the assessments as well as the inherent uncertainties. The key assumptions and uncertainties for each of the hazard assessments are outlined in the relevant sections of the report.

Review of the CHA Report:

- 35 Review of the CHA Report comprised:
- Reviews of draft CHA Report by Project Team (Council and DPE staff).

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- Detailed review of draft CHA Report by:
 - Council staff
 - DPE staff from:
 - Water, Floodplains and Coast – North East Region; Biodiversity Conservation & Science Division.
 - Marine, Coastal, Estuaries and Flood; Biodiversity Conservation & Science Division.
 - Water, Wetlands and Coastal Science; Science Economics & Insights.
- Detailed review of the draft CHA Report chapters relating to coastal erosion and recession probabilistic hazard assessment and definition by coastal geomorphologist and modelling academic, Dr Mike Kinsela from the University of Newcastle relating to:
 - modelling approach
 - model parameter settings
 - model input parameters (probability density functions)
 - model responses
 - key reasoning and outcomes of the assessment
 - substantiation of arguments on which interpretations are based.
- Consideration, discussion and prioritisation of review comments on the draft CHA Report.
- Revision of the draft CHA Report as based on agreed amendments.
- Incorporation of additional analysis of satellite derived bathymetry data into the CHA Report (as requested by DPE).
- Final review of the CHA Report by the Project Team.
- Bluecoast finalisation of the CHA Report.

Next steps

- Adoption of the CHA Report outcomes and findings by Council at the 22 February 2024 meeting (**this report**).
- Ongoing implementation of the Community Engagement Plan for the project:

- Update project webpage and information.
 - Prepare fact sheets and other engagement material on the study for the project webpage.
 - Place report on website for ‘information only’.
- 5
- Presentation to stakeholders on the outcomes of the CHA (proposed for March 2024).
- Engage consultant for commencement of further stages of CMP preparation (stages 3 &4).

Strategic Considerations

10 **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

Recent Resolutions

23-285

23-441

23-156

15

Legal/Statutory/Policy Considerations

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

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

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.

10 The technical study summarised herein has 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 study aligns with six of the key objects of the Coastal Management Act (2016):

- 15 • *“to protect and enhance natural coastal processes and coastal environmental values...” and*
- *“to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making”*
- *“to mitigate current and future risks from coastal hazards, taking into account the effects of climate change”*
- 20 • *“to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events”*
- *“to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of*
- 25 *coastal land to the sea...” and*
- *“to facilitate the identification of land in the coastal zone for acquisition by public or local authorities...”*

The outcomes of the investigation will inform the evaluation and selection of management options and strategies in Stage 3 of the CMP development.

30 Financial Considerations

The project is complete, and no further budget is required.

The estimated budget to complete Stages 3 and 4 for all three CMPs is \$240K ex GST (an estimated \$80K committed from Council matched 2:1 by DPE). A budget of \$240,000 has been allocated to 2605.197 'CMP Byron Shire Coastal Zone Stages 3 & 4' with expected

35 grant income of \$160,000 allocated to 1501.117.

At this stage, the estimated costs to prepare the CMPs are:

- Open Coast (Shire-Wide) – \$120,000
- Tallow Creek Estuary - \$60,00
- Belongil Creek Estuary - \$60,00

5 Consultation and Engagement

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.

A Stakeholder and Community Engagement Plan has been prepared for the project. Key consultation activities are outlined below.

Who was consulted?	How did consultation occur? e.g. email, verbal etc	Comments/Feedback
Department of Planning and Environment: DPE Senior Coast and Estuary Officer and other relevant staff	Email and phone call discussions/meetings	DPE as the project funder have provided regular technical input into the methodology and outcomes of the study and review of the outcomes/report. Regular project catch-ups with the DPE regional officer have occurred throughout project delivery.
Bluecoast Consulting Engineers	Via email and regular phone call discussions	Regular project catch-ups with the consultant have occurred throughout project delivery. Consideration of comments and feedback provided by Council, DPE and external technical reviewer.
Councillors and Management/Directors	Workshop with Councillors on 1 June 2023	Presentation provided by Bluecoast and Council PM on the project, delivery and outcomes.

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Who was consulted?	How did consultation occur? e.g. email, verbal etc	Comments/Feedback
Council's Executive Team	Reports provided to ET meetings	Regular reporting to ET by project manager.
Peer Reviewer	Peer Review (technical) of the draft CHA	Peer review by an expert coastal practitioner of the draft CHA. Comments considered by Bluecoast in finalisation of CHA study and report.
Council's Coast and ICOLL Advisory Committee	Via Committee meetings.	<p>Regular updates on the project delivery provided quarterly via a report to the Committee.</p> <p>A Short Summary and Overview of the CHA report (Fact Sheet) provided to the Committee as per request from the meeting on 16 May 2023. The summary outlines the key content and objectives of the CHA Study for their information only.</p>
Key Stakeholders	Stakeholder Presentation	A presentation on the outcomes of the study is proposed for Key Stakeholders once the final CHA report has been adopted by Council.
Broader Community	Council's project Webpage	<p>A project webpage has been prepared which will be updated once the CHA Report is adopted by Council. The webpage will provide information regarding the study and access to the CHA Study report along with:</p> <p>Executive Summary Fact Sheet</p> <p>Fact Sheet on the Basics of Coastal Hazards</p> <p>A short video or graphic design images and/or other engagement materials will be considered for information</p>

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Who was consulted?	How did consultation occur? e.g. email, verbal etc	Comments/Feedback
		dissemination on the study and outcomes. Broader consultation activities will be undertaken in Stage 3 and 4 of CMP preparation where numerous opportunities for engagement will be provided to the community.

Report No. 13.13 Update Resolution 23-056 Short Term Rental Accommodation Consent Conditions

Directorate: Sustainable Environment and Economy

Report Author: Sarah Nagel, Manager Public and Environmental Services

5 **File No:** I2024/29

Summary:

Council at the Ordinary Planning Meeting 9 March 2023 resolved **23-056** that it:

1. Enforces consent conditions which prohibit the use of a property as short term rental accommodation.
- 10 2. Continues to prohibit the use of short-term rental of housing in new approvals, including but not limited to secondary dwellings, standard homes in the residential areas and business zones of the Shire.
3. Puts out a media release to inform the public of this decision.
4. Receives a report back every six months on the status of 1 and 2.
- 15 Council at the Ordinary Meeting 26 October 2023 resolved **23-500** to receive a report back every three months on the status of 1 and 2.

This report provides the three-month status on items 1 and 2 of the resolution.

20

RECOMMENDATION:

That Council notes the update provided on Resolution 23-056 Short Term Rental Accommodation Consent Conditions.

25

Report

Notice of Motion No. 9.3 Short Term Rental Accommodation Consent Conditions was presented at the [Agenda of Ordinary \(Planning\) Meeting - Thursday, 9 March 2023 \(infocouncil.biz\)](#) where Council resolved via **23-056** to receive a report every six months on the status of:

1. Enforcement of consent conditions which prohibit the use of a property as short term rental accommodation.
2. The continuing prohibition of the use of short-term rental of housing in new approvals, including but not limited to secondary dwellings, standard homes in the residential areas and business zones of the Shire.

At the Ordinary Meeting 26 October 2023, Council resolved via **23-056** to receive a report back every three months.

A staff update follows.

Point 1

On 14 June 2023, staff wrote to 824 property owners who were recorded as obtaining approval for a secondary dwelling between 2011 and 2019. The letters stated:

Between 2011 and 2019, Council provided property owners with financial incentives to develop secondary dwellings on their properties as a way of providing more affordable housing throughout the Shire. It is now evident that some property owners chose to utilise those dwellings for holiday letting and as a result, have not contributed to increased housing stock.

To respond to this issue, Council resolved (resolution 23-056) to enforce consent conditions for existing properties that were approved for affordable housing and do not have approval for short-term accommodation.

Council is aware that a condition may have been imposed on your secondary dwelling which prohibits use for short-term rental accommodation. This letter serves to alert you that Council now intends to enforce consent conditions which prohibit such use.

Enforcement action may include:

- Environmental Planning & Assessment Act notices and orders,
- Penalty infringement notices, and/or
- Court attendance notices.

If you have concerns or queries relating to the unauthorised use of a property as short term holiday accommodation, please report these to Council via the online form at <https://www.byron.nsw.gov.au/STRAcontact>.

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Further information regarding short term holiday accommodation is located at <https://www.byron.nsw.gov.au/Services/Building-and-development/Do-I-need-approval/Short-term-rental-accommodation>

5 No further property owners have contacted Council since the date of the last staff update to Council (26 October 2023).

10 From responses to the above letters, enforcement staff concluded formal investigations into the possible prohibited use of the secondary dwellings. This included four Notice of Proposed Orders to cease use of a dwelling as short-term-rental-accommodation ("STRA"). All four property owners have agreed to cease use of the properties as STRA, and staff are monitoring this outcome.

15 Since 26 October 2023, Council have received 24 complaints relating to STRA properties. This included 22 illegal STRA complaints and 2 noise complaints. All complaints have been investigated and have resulted in two noise warnings, three formal show cause letters and two (2) notices being issued by staff. Of the three show cause letters issued, two have ceased STRA use, and one is still due to respond to Council. The two notices are still within time to respond to Council.

20 Staff are continuing to progress formal enforcement action against one property owner of a STRA property for prohibited use, with the assistance of legal counsel. To date this has resulted in two penalty infringement notices being issued for development without consent (exceeding the non-hosted day cap of 180 days) and one direction to cease use of a premises for exceeding the non-hosted day cap of 180 days.

Staff are also drafting a proactive investigation program to review properties with conditions prohibiting STRA.

Point 2

25 Specific conditions continue to be included in relevant development consents to prohibit STRA use.

Staff will provide a further update report to Council on Points 1 and Point 2 in three (3) months.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<p>2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued</p>	<p>2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people</p>	<p>2.2.3: Regulatory controls and compliance - Enhance public safety, health and liveability through the use of Council's regulatory controls and services</p>		
<p>4: Ethical Growth We manage growth and change responsibly</p>	<p>4.2: Enable housing diversity and support people experiencing housing insecurity</p>	<p>4.2.1 People experiencing housing insecurity - Seek opportunities that provide fair, appropriate, and affordable housing for people experiencing housing insecurity</p>		
<p>4: Ethical Growth</p>	<p>4.1: Manage responsible development through effective place and space planning</p>	<p>4.1.4: LEP & DCP - Review and update the Local Environmental Plan and</p>	<p>4.1.4.7</p>	<p>Progress Short Term Rental Accommodation planning proposal</p>

		Development Control Plans		
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Recent Resolutions

- 23-056
- 23-500

Legal/Statutory/Policy Considerations

5 Legal advice supports the approach discussed in the report. It should be noted that legal matters like STRA can be resource intensive, take considerable time and be costly to pursue. As such, Council has discretion in deciding whether to take enforcement action on the basis of the available evidence and the circumstances of the individual case.

10 Changes for non-hosted STRA were endorsed by the NSW Government in September 2023. There will be a 12-month transition period for the community and industry to prepare. New day caps for unhosted STRA will take effect on 23 September 2024.

The changes are:

- A house or unit cannot be used for non-hosted STRA for more than 60 days in a 365-day period, for most of the Shire.
- 15 • Some areas in Byron Bay and Brunswick Heads will be able to operate without a cap on holiday letting, for 365 days per year. Maps of these areas are available on the NSW Department of Planning portal website.

The changes do not affect hosted STRA where the host lives on the premises.

20 The above local planning changes and Council resolution align with IPC Advice Report on Byron Shire STRA recommendation 2 *‘Utilise the available regulatory regime to support Byron Shire Council to plan for and manage local impacts from the conversion of existing and future housing stock to non-hosted STRA...’*

25 As a result of the above, during the transition period, staff will be developing a Monitoring and Compliance Strategy specific to the new day caps for non-hosted STRA in Byron to be implemented after 23 September 2024.

Evaluation and Monitoring of STRA is addressed in IPC Advice Report on Byron Shire STRA recommendations 10,11 and 12.

30 A wider review of STRA has also been announced by the Minister for Planning. There are no details as yet. It will ostensibly address the remaining recommendations of the IPC report outside of the Byron Shire Planning Proposal decision (Recommendations 1 and 2) and also the NSW STRA framework more generally.

Financial Considerations

Staff time and resourcing to STRA in Byron Shire is currently funded by the current enforcement program budget of the Operational Plan. This may change the result of the Monitoring and Compliance Strategy development.

- 5 Funding to support local community benefits and also enforcement is addressed in IPC Advice Report on Byron Shire STRA recommendations 8 and 9.

Consultation and Engagement

Not required.

Report No. 13.14 PLANNING - 26.2023.5.1 Planning Proposal for 68 Rankin Drive, Bangalow - Rezone land for Housing and to activate the dedication of land to Council for Affordable Housing under the Byron Shire Affordable Housing Contribution Scheme

5

Directorate: Sustainable Environment and Economy

Report Author: Kristie Hughes, Natural Disaster Policy Planner
Alex Caras, Land Use Planning Coordinator

10 **File No:** I2024/67

Summary:

The purpose of this report is to present to Council an owner-initiated Planning Proposal (Attachment 1) for land known as 68 Rankin Drive, Bangalow, described as Lot 261 DP1262316 and Lot 11 DP807867.

15 The objective of the Planning Proposal is to amend the Byron LEP 2014 to extend the existing R2 Low Density Residential Zone on the above lots and rezone the eastern portion of the land to R3 Medium Density Residential.

20 Once rezoned, the future subdivision of the land will provide for larger lots on the steeper western area of the site, along with medium density lots on the flatter eastern area. One of the medium density lots, having an area of 5,645m² of developable land, is intended to be dedicated to Council for affordable housing through Council's Affordable Housing Contributions Scheme (AHCS). This is the first Planning Proposal to activate the Scheme.

25 It is recommended that the Planning Proposal be forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination, subject to recommended updates.

NOTE TO COUNCILLORS:

30 In accordance with the provisions of S375A of the Local Government Act 1993, a Division is to be called whenever a motion for a planning decision is put to the meeting, for the purpose of recording voting on planning matters. Pursuant to clause 2(a) under the heading Matters to be Included in Minutes of Council Meetings of Council's adopted Code of Meeting Practice (as amended) a Division will be deemed to have been called by the mover and seconder of all motions relating to this report.

RECOMMENDATION:

That Council:

- 5 **1. Notes that the planning proposal in Attachment 1 is the first to activate the Byron Shire Affordable Housing Contribution Scheme, therefore once finalised will:**
- a) be the first inclusion of land in the Affordable Housing Contribution Scheme – LEP 2014 Map; and**
- 10 **b) result in the dedication of land to Council for affordable housing as part of any future subdivision approval of the land.**
- 2. Proceeds with the planning proposal (Attachment 1) which seeks to:**
- a) amend the Byron LEP 2014 to rezone Lot 261 DP1262316 & Lot 11 DP807867 in Bangalow to extend the existing R2 Low Density Residential Zone and include an R3 Medium Density Residential Zone.**
- 15 **3. Forwards the planning proposal to the Department of Planning, Housing and Infrastructure for a Gateway Determination after making the following updates:**
- a) inclusion of Floor Space Ratio map applying the following planning controls to the subject land:**
- | Proposed Zone | Floor Space Ratio Map |
|--------------------------------------|---|
| R2 Low Density Residential | 0.5:1 (consistent with steeper sloping land in surrounding R2 zone) |
| R3 Medium Density Residential | No FSR to apply (to allow greater flexibility for housing diversity/densities) |
- 20 **b) inclusion of Affordable Housing Contribution Scheme Map identifying the subject land as an “Affordable housing contribution area”.**
- 4. Pending a positive Gateway determination, undertakes public exhibition of the planning proposal in accordance with the determination requirements; and**
- 5. Considers a submissions report post-exhibition that includes any recommended changes to the planning proposal for final adoption.**
- 25

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Attachments:

- 5 1 26.2023.5.1 Planning Proposal (Nov 2023) - 68 Rankin Drive BANGALOW_PP-2023-1376 - gateway version, E2023/134194 
- 2 26.2023.5.1 Bushfire Report (Rezoning) PP-2023-1376, E2023/68415 
- 3 26.2023.5.1 Engineering Services Report (July 2023) PP-2023-1376, E2023/68419 
- 4 26.2023.5.1 Geotech Report_PP-2023-1376, E2024/9912 
- 5 26.2023.5.1 Contamination Preliminary Site Investigation PP-2023-1376, E2024/9913 
- 10 6 26.2023.5.1 LUCRA Assessment PP-2023-1376, E2024/9914 
- 7 26.2023.5.1 Noise Impact Assessment_PP-2023-1376
- 8 26.2023.5.1 Traffic Impact Statement_PP-2023-1376, E2024/9916 
- 9 26.2023.5.1 Updated Flood maps_PP-2023-1376, E2024/9917 
- 10 10 26.2023.5.1 Updated Flood Report_HIA_PP-2023-1376, E2024/9918 
- 15 11 Form of Special Disclosure of Pecuniary Interest, E2012/2815 

Report

Background

The landowner previously submitted a [Planning Proposal](#) in May 2021, together with a Voluntary Planning Agreement (VPA) to provide for affordable housing on this site.

5 Council at its 5 August 2021 Planning Meeting resolved ([Res 21-284](#)) to support placing the 2021 Voluntary Planning Agreement on Public Exhibition, subject to further amendments but also resolved:

10 *5. Understands that should Council choose to proceed with finalising the attached draft VPA ahead of a statutory AHCS being in place, there is no guarantee that 20% of the rezoned land (or any %) will be dedicated for affordable housing purposes.*

15 *6. Due to 5, Council does not accept any “urban residential” planning proposal pertaining to a non-Council owned and managed investigation area (as identified in the Residential Strategy, until a statutory AHCS is in place for Byron Shire noting that the timeframe for this may be at least six months away.*

20 *7. Requests the Department of Planning, Industry and Environment finalise its approval of the Byron Residential Strategy and corresponding Affordable Housing Contributions Scheme (AHCS) without further delay.*

The landowner resubmitted a planning proposal on 7 September 2021 (PP-2021-5540) without a Voluntary Planning Agreement, but still retaining an area for affordable housing on a 1ha lot which would have enable the construction of 15 small houses as well as a community garden.

25 On 29 November 2021, this Planning Proposal was returned requesting further information regarding traffic, flooding and advising that Council’s Residential Strategy has yet to be endorsed by the Department.

30 The Byron Shire Affordable Housing Contributions Scheme (AHCS) was subsequently adopted in August 2022 and gazetted in the Byron Local Environmental Plan (LEP) 2014 in January 2023.

The Planning Proposal (Attachment 1) and supporting documentation (Attachments 2 – 10) have been updated to address the current legislative planning requirements. Key elements of the planning proposal are presented below.

The Planning Proposal

35 The Planning Proposal (Attachment 1) relates to land located at 68 Rankin Drive, Bangalow, described as Lot 261 DP1262316 and Lot 11 DP807867 (Figure 1).

The Planning Proposal is a document that explains the intended effect and justification of a proposed amendment to a LEP. The objective of this Planning Proposal is to amend the

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Byron LEP 2014 to extend the existing R2 Low Density Residential Zone on the above lots and rezone the eastern portion of the land to R3 Medium Density Residential.

5 Once rezoned, future subdivision of the land will provide for larger lots on the steeper western area of the site, and medium density lots on the flatter eastern area. One of the medium density lots is intended to be dedicated to Byron Shire Council for the development of affordable housing through Council's Affordable Housing Contributions Scheme. This is the first Planning Proposal to activate the dedication of land for affordable housing under the Scheme.

10 The following supporting technical studies and reports were submitted with the Planning Proposal:

- Hydraulic Assessment
- Bushfire Assessment
- Cultural Heritage Assessment
- Engineering Services Report
- 15 • Ecological Assessment
- Geotechnical Assessment
- Contaminated Land Assessment
- Land Use Conflict Assessment
- Noise Impact Assessment
- 20 • Traffic Impact Statement

The above information has been reviewed by staff and determined to be satisfactory for the purpose of this planning proposal.

25 Pending a Gateway determination, all supporting studies will be exhibited with the planning proposal and referred to relevant public agencies for comment as per the statutory Gateway requirement.



Figure 1 – Subject Land

The subject land:

- 5 • has a total area of 4.014ha
- is currently zoned a mix of R2 Low Density Residential, RU1 Primary Production and RU2 Rural Landscape
- is located on the northern extremity of the Bangalow residential area and bordered by Satinash Crescent to the west, Hinterland Way to the north and Rankin Drive to the South
- 10 • is situated within the urban growth area identified in the North Coast Regional Plan 2041
- is largely cleared and does not contain environmentally sensitive areas.

Explanation of Provisions

15 The following provides a summary of the LEP amendments proposed to support the objectives and intent for this site.

Proposed Zoning

Part of Lot 261 DP126316 is already zoned, and will remain, R2 Low Density Residential.

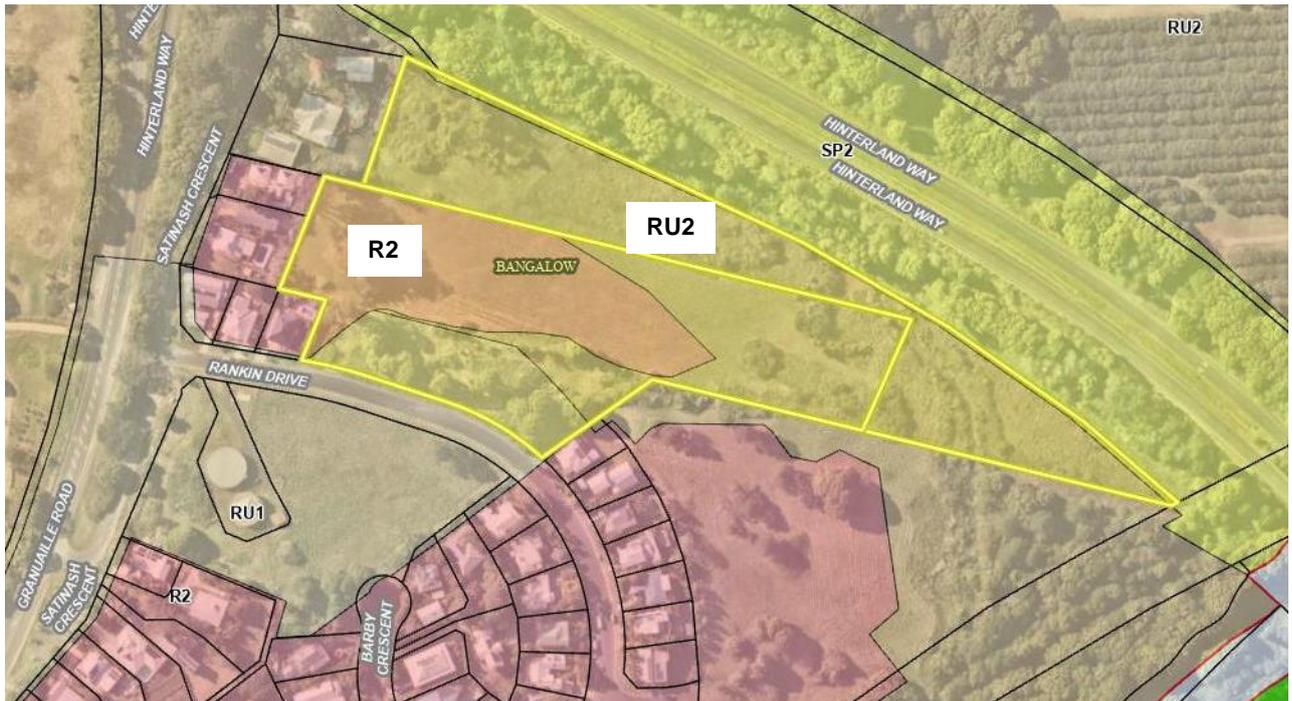


Figure 2 – Current BLEP 2014 Zone Map

The planning proposal will rezone the existing RU2 Rural Landscape and the RU1 Primary Production zones, to a mix of R2 Low Density Residential and R3 Medium Density Residential, as per Figure 3 below.

5

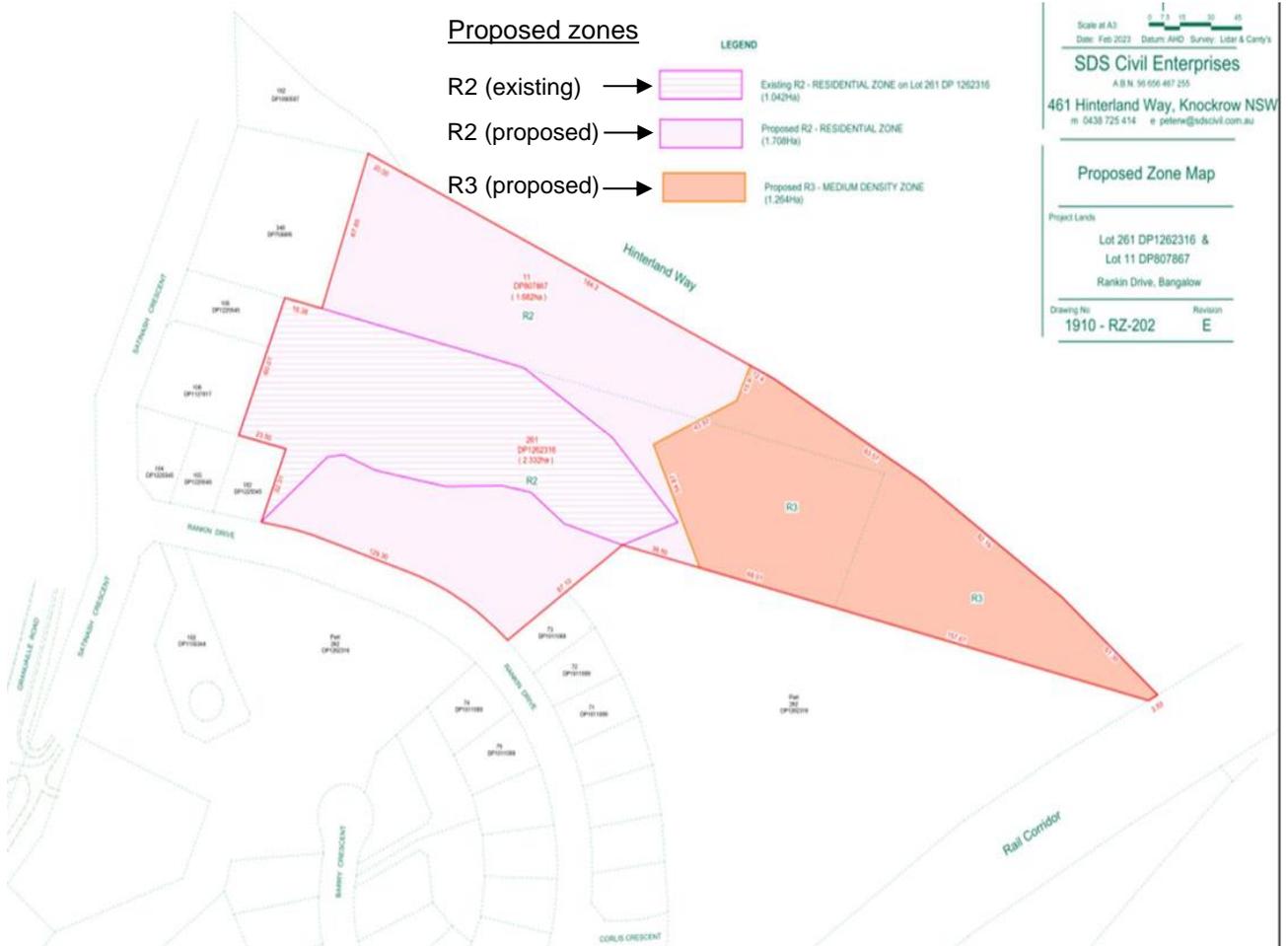


Figure 3 – Proposed BLEP 2014 Zone Map

Lot Size

5 The rezoning of the site will enable a mix of residential lots consistent with those in the surrounding residential area, as well as provide an R3 Medium Density Residential zone.

A Lot Size Map (Figure 4) providing a minimum lot size of 800m² for the steeper areas of the site is proposed, consistent with part of the existing R2 Low Density Residential Zone.

10 The proposed R3 Medium Density Zone will have a minimum lot size of 1,000m² allowing for strata title of smaller housing typologies. This will ensure an increase in housing diversity and density in the area. In addition, part of the medium density area will be dedicated to Byron Shire Council for the development of affordable housing in accordance with the AHCS.

15 Overall, the rezoning of the subject land has the potential to yield 40+ residential dwellings.



Figure 4 – Proposed Lot Size Map

Height of Buildings and Floor Space Ratio

5 The Planning Proposal did not contain maps for Height of Buildings (Hob) or Floor Space Ratio (FSR) for the rezoned land. A 9m HOB already applies to the entire Bangalow catchment, however it is recommended that an FSR map be completed as follows and included in the Planning Proposal prior to submission for Gateway Determination:

Proposed Zone	Floor Space Ratio Map
R2 Low Density Residential	0.5:1 (consistent with steeper sloping land in surrounding R2 zone)
R3 Medium Density Residential	No FSR to apply (to allow greater flexibility for housing diversity/densities)

Relationship to North Coast Regional Plan

The planning proposal is consistent with the North Coast Regional Plan 2041, which is a 20-year blueprint for the future of the North Coast. The subject site is partially within and adjacent the Urban Growth Area for the Village of Bangalow, as identified in the plan.

- 5 The planning proposal demonstrates consistency with the following regional priorities, identified for Byron Shire:
- Manage and support sustainable growth.
 - Deliver housing equitably to meet the needs of the community.
 - Investigate opportunities for increased housing diversity.
- 10 • Prioritise the delivery of affordable housing to support the local workforce.

Relationship to Housing Options Paper

The Housing Options Paper, adopted 14 December 2023, was developed to inform the Residential Strategy Refresh. It explores what has changed in the Byron Shire since 2020 and explains how these changes impact the 2020 Residential Strategy. The paper outlines the options for how housing could now be delivered whilst responding to these changes.

The subject land is identified as 'retained investigation land' in the Housing Options Paper.

Relationship to Affordable Housing Contribution Scheme

Byron LEP Clause [6.18](#) provides that Council may impose a contribution on the subdivision of land in accordance with the Byron Affordable Housing Scheme, as adopted by Council 11 August 2022 and gazetted in January 2023.

Clause 2.1.4 of the Scheme sets out affordable housing contributions for the Bangalow area, being:

- 25 Onsite: 20% of the area of residential lots in the development must be provided as an affordable housing contribution.

Once this Planning Proposal is finalised the AHCS map for Byron LEP 2014 will be updated to include this site.

30 As part of any subsequent subdivision approval of the land in accordance with Clause 2.1.4, the owner will be required dedicate to Council an area of 5,645m² (20%) of developable land in the R3 Medium Density Residential Zone.

Key issues

- **Flood impacts of development on subject land**

Investigation of flooding impacts and stormwater management measures have been undertaken to ensure the site is suitable for a residential rezoning, as per the Planning Proposal. Staff have reviewed the supporting Hydraulics Assessment and the Stormwater Management information, which have been endorsed together in accordance with the provisions Chapter [B3 – Services](#) and Chapter [C2 – Areas Affected by Flood](#) of Byron DCP 2014, to assist with the residential rezoning of the site.

- **Dedication of land under Council’s Affordable Housing Contribution Scheme**

In addition to being the first regional Council in New South Wales to have an AHCS in place, is important to note that this is the first Planning Proposal to activate the dedication of land to Council for affordable housing under the AHCS. Given the current housing crisis in the Shire the delivery of affordable housing on this site represents an important milestone for Council.

Conclusion and recommendations

This is the first Planning Proposal to activate the dedication of land to Council for affordable housing under the AHCS. The planning proposal is consistent with the applicable State, regional and local planning framework. Based on the staff assessment of this Planning Proposal, including the supporting reports and studies, it is recommended that it be forward to the Department of Planning, Housing and Infrastructure for Gateway determination, subject to inclusion of the relevant Floor Space Ratio and Affordable Housing Contribution Scheme maps.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
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.

Relevant Resolutions

- Res 21-284 (5 August 2021)

Legal/Statutory/Policy Considerations

5 Requirements under the Environmental Planning and Assessment Act and Regulation as applicable.

LEP 2014 [clause 6.18](#) and Byron Shire [Affordable Housing Contributions Scheme](#).

Financial Considerations

Owner initiated Planning Proposals are subject to full cost recovery via Council's Fees and Charges.

10 Consultation and Engagement

Consultation will be carried out in accordance with Council's [Community Participation Plan 2019](#) and as directed by any future gateway determination from the Department of Planning, Housing and Infrastructure.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.15 Tyagarah Clothing Optional Beach

Directorate: Infrastructure Services

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

File No: I2024/112

Summary:

10 A recent survey of Tyagarah Beach by NSW National Parks and Wildlife Service has confirmed that the current “Clothing Optional” area sits within land where National Parks are the managing authority.

NPWS have confirmed to Council that having a clothing optional beach within Tyagarah Nature Reserve is not supported by NPWS as it is inconsistent with values of the reserve that it manages.

15

RECOMMENDATION:

That Council:

1. **Revokes its 1998 decision to make the Tyagarah Beach clothes optional.**
- 20 2. **Works with NSW National Parks and Wildlife Service to remove or amend site signage and update social media information, as required to implement this change as of 8 April 2024.**

Attachments:

- 25 1 DOC23 934779 Letter to Byron Shire Council regarding removal of Clothes Optional Beach signs - cessation of clothes optional area within Tyagarah NR, E2024/7511 
- 2 DOC23 934779-1 Encl. Mean High Water Mark Survey 2023, E2024/7512 
- 3 Tyagarah Clothes Optional Map On Council Website, E2024/7519 

30

Background

Council on 27 October 1998 resolved (8147) to designate beach areas under the *Local Govt Act 1993* as “Clothes Optional”.

‘CLOTHES OPTIONAL’ BEACH

Residents and visitors are advised that clothes optional bathing is permitted in the following area:

From the north western boundary of the Beach Resort (approx 1.25km west of Manfred Street) to the southern Grays Lane beach entrance.

The designated area applies to the beach only and **DOES NOT** include the Tyagarah Nature Reserve.

- 5 The Local Govt Act s633(3)(b) authorises Council to erect a notice defining the optional clothing area only with the consent of the person who owns or controls the Beach. Approval for the signage was at that time provided by Crown Lands and NSW National Parks and Wildlife Service as relevant landowners.

- 10 Signage was subsequently installed in 2018 by Council at Tyagarah Beach Car Park and public access adjacent to Elements Resort.

Figure 1: Clothes Optional Signage Installed by Council



Advice from NPWS confirmed that the Clothing Optional designation applied only to the intertidal zone and did not include the Tyagarah Nature Reserve. At the time there was a

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belief that the Tyagarah Nature Reserve extended only to the edge of the vegetated area, and therefore the beach area between the mean high-water mark and the vegetated dunes was Council managed. Recent survey has shown the assumption to be incorrect.

5 Following promotion of the clothes optional designation, the area became a focal point for anti-social behaviour, with frequent complaints made to Council and to the Police. This activity extended into sensitive areas of the Tyagarah Nature Reserve including the adjacent car park and Tea Tree Lakes. The 2020 NSW NPWS Plan of Management for Tyagarah Nature Reserve specifically notes *“reports of offensive, obscene or antisocial behaviour associated with some users of Council’s ‘clothes optional’ beach”*.

10 While Council’s designation was not intended to promote or enable the anti-social activity, the designation created a “honeypot” attracting individuals seeking out sexual activity. These activities permeated through the nature reserve into culturally and ecologically sensitive areas.

15 At Council’s Ordinary meeting held on 22 November 2018 a petition containing 86 signatures was tabled stating:

“We the undersigned residents of Byron Shire Request Byron Sire council to remove the clothes optional status of Tyagarah Beach due to the ongoing prevalence of sexual misconduct. Safety should be the top priority”.

20 In response to the petition, Council resolved (**18-821**) to reassert commitment to improving safety for residents and visitors to our beaches, recognises the community concern regarding anti-social behaviour and public safety risks at Tyagarah Beach and surrounding area. The petition was referred to the Byron Safe Beaches Committee to consider the request for alternatives and provide advice to Council. To date no alternatives have been identified.

25 Enforcement of anti-social behaviour in this area is a matter for the Police, and not Council. NSW Police are resource poor and do not have available staff to proactively manage issues arising around the clothes optional designation.

Beach Tenure

30 As the beach had not been formally surveyed before, there had been an assumption that the MHWL was at the point where vegetation ceased to grow on the beach and that the area below the MHWL was therefore Crown Land managed by the Crown. Recent survey of Tyagarah Beach (Attachment 2) by NSW National Parks and Wildlife Service has confirmed that the current “Clothing Optional” area sits within land where National Parks are the managing authority, and therefore the previous assumption was wrong.

35 NSW National Parks and Wildlife Service, as the managing authority for land above the MHWL on Tyagarah Beach, have confirmed to Council in its letter dated 6 December 2023 (Attachment 1) that having a clothing optional beach is not supported by NPWS as it is inconsistent with values of the reserve that it manages.

Options

With support of NPWS as Land Manager withdrawn, Council has no jurisdiction to declare this part of the beach as clothes optional. If people continue to use this area as clothes optional that is not a matter over which Council has any regulatory control.

- 5 Should any State Government agencies wish this part of the beach to remain as clothes optional then those agencies are at liberty to implement and regulate this.

Byron Council has very limited options to provide a designated clothes optional area. Within the Byron Shire beach areas outside of residential suburbs predominantly fall within NPWS managed land including Billinudgel, Marshalls Creek, Tyagarah and Broken Head Nature Reserves, Arakwal and Cape Byron National Parks.

10

In discussions with NPWS it has been identified that a preferred date for the signage to be removed would be Monday 8 April 2024.

Next steps

- 15 As Council have no jurisdiction, Council should rightly through resolution revoke its 1998 decision to designate the section of Tyagarah beach clothes optional under Section 633 of the Local Government Act 1993. Current Council signage installed at Tyagarah and Belongil and associated mapping on Council's website (Attachment 3) would then need to be removed.

Strategic Considerations

20 Community Strategic Plan and Operational Plan

There are no relevant activities around Clothes Optional areas identified in the current Operational Plan or Delivery Plan.

Recent Resolutions

18-821 Council Resolved to

- 25
1. *Notes the petition regarding clothes optional Tyagarah Beach;*
 2. *Reasserts its commitment to improving safety for residents and visitors to our beaches;*
 3. *Recognises the community concern regarding anti-social behaviour and public safety risks at Tyagarah Beach and surrounding area, and*
 4. *Refer the petition to the Byron Safe Beaches Committee to consider the request for alternatives and provide advice to Council.*
- 30

Legal/Statutory/Policy Considerations

The Local Govt Act s633(3)(b) authorises Council to erect a notice defining the optional clothing area only with the consent of the person who owns or controls the Beach.

35

Consultation and Engagement

5 The Byron Naturalists & Friends group have expressed disappointment at potentially losing access to the only clothes optional beach. A representative of the group has requested that Council request NPWS to not implement any changes to the existing clothes optional arrangement until an alternative location within Byron Shire has been identified.

In response, NPWS have advised that the signage removal date of 8 April 2024 allows time for alternatives to be explored.

10 NPWS have also confirmed that they are not aware of any other locations on NPWS estate that would be suitable for a clothes optional beach.

Report No. 13.16 New Brighton - Parking Improvements Investigation

Directorate: Infrastructure Services

5 **Report Author:** Isabella Avelino Gianelli, Project Engineer
Honey Ayres, Project Support Officer

File No: I2024/126

Summary:

10 This report details the proposed Community Consultation Plan for the New Brighton Parking improvements investigation, following resolution 23-604.

RECOMMENDATION:

15 **That Council endorses the New Brighton Parking Community Consultation Plan, which will provide opportunities for the community to provide feedback on proposed parking options in New Brighton, as detailed in the report.**

Attachments:

- 20 1 Comms letter - New Brighton - Parking Improvements Investigation, E2024/8223 
- 2 2 North Head Road - Parking Draft Design, E2023/36775 
- 3 3 Final New Brighton, The Esplanade parking, etc - Planning Advice 27.03.2023, E2023/35699 
- 4 4 Parking study and wayfinding New Brighton, E2023/108434 
- 25 5 Revised planning advice New Brighton The Esplanade 6-space option 14.11.2023 - Mike Svikis, E2023/119288 

1.

Report

Background

On 25 June 2023 Council resolved **23-217** as follows:

- 5 1. *That staff continue to develop designs to improve car parks in the area including North Head Carpark, The Esplanade North and provide way finding signage in the area to direct beach goers to the beach facility.*
2. *That Council investigates closing all but 6 car parking spaces in The Esplanade South and providing further parking in Esplanade North, North Head Rd, Riversea Lane, Dolphin Lane and New Brighton for foot traffic beach access.*
- 10 3. *That a further report is brought back to Council within 3 months of this date.*
4. *That Council considers the eventual outcome of the dune continuing to move west 10 onto the Esplanade and this aspect be referred to the CMP.*

15 **Staff Report 13.14 – New Brighton Parking Improvements** was presented at Council planning meeting on 07 December 2023 (E2023/135033) with the following recommendations.

That Council:

1. *Takes no further action on The Esplanade North, Riversea Lane and Dolphin Lane regarding parking implementation.*
- 20 2. *Endorses the installation of the wayfinding signage plan as per attachment 4 (E2023/108434)*
3. *Supports detail design and planning for implementing the North Head Road carpark, as per attachment 2 (E2023/36775), and the 6-spaces solution at The Esplanade, as per attachment 5 (E2023/119288).*
- 25 4. *Notes that any further investigations will consider the eventual outcome of the dune continuing to move west onto the Esplanade.*

Following consideration of the report, Council resolved that agenda **Item 13.14** be deferred until the February 2024 Planning meeting to allow staff and Councillors to undertake consultation in January with adjacent residents given five staff-suggested options to consider. (Hunter/Lyon)

30 The motion was put to the vote and carried unanimously.

Recent Resolutions

- 23-217
- 23-604

Consultation and Engagement

Staff propose the following consultation plan, staged as follows:

Stage 1: Letters to inform Residents and Businesses directly and indirectly impacted by proposed New Brighton parking options.

5 The letter will provide the proposed changes in a table format with a detailed map showing the proposed changes, and three ways for the community to provide feedback to Council. As per attachment 1 (E2024/8223).

1. *Your Say survey (open for 28 days)*

2. *Email*

10 3. *Telephone*

Stage 2: Two drop-in sessions at New Brighton Oval, River Street for those interested in finding out more about the proposed options.

- *Council staff will be available for 2 days, 1 hour each day.*

- *One hour at the New Brighton Farmers Market on a Tuesday from 9am to 10am.*

15 • *One hour on a Wednesday afternoon from 4pm to 5pm.*

Stage 3: Analyse and compile the feedback collected from Your Say survey and drop-in sessions and report the community feedback outcome to Council.

Key Messages

Share the findings of the investigation into parking improvements in New Brighton.

20 **Strategic Considerations**

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable	5.4: Provide accessible community facilities and open spaces	5.4.1: Community buildings - Ongoing maintenance and capital upgrades of community buildings with a focus on increasing accessibility	5.4.1.2	Deliver accessibility outcomes within Capital Works and infrastructure renewal programs

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

5 **Directorate:** Corporate and Community Services
File No: I2024/5

Summary:

10 The Finance Advisory Committee met on 16 November 2023. The Minutes are attached for noting by Council.

RECOMMENDATION:

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

2. That Council adopts the following Committee Recommendation:

Report No. 3.1 Adoption of Minutes of the Finance Advisory Committee Meeting held 17 August 2023
File No: I2023/1245

Committee Recommendation 3.1.1

That the minutes of the Finance Advisory Committee Meeting held on 17 August 2023 be confirmed.

3. That Council adopts the following Committee Recommendation:

Report No. 4.1 Review Constitution of Finance Advisory Committee
File No: I2023/565

Committee Recommendation 4.1.1

That the Finance Advisory Committee recommends Council adopts the draft Committee Constitution at Attachment E2021/147963 with amendment to also include in Part 2 c) to monitor progress against indicators.

4. That Council adopts the following Committee Recommendations:

Report No. 4.2 Budget Review - 1 July 2023 to 30 September 2023

File No: I2023/1758

Committee Recommendation 4.2.1

That Council:

- 1. Authorises the itemised budget variations as shown in Attachment 2 (#E2023/115792) which include the following results in the 30 September 2023 Quarterly Review of the 2023/2024 Budget:**
 - a) General Fund – \$0 movement to the Estimated Unrestricted Cash Result**
 - b) General Fund - \$1,701,000 decrease in reserves**
 - c) Water Fund - \$1,083,200 increase in reserves**
 - d) Sewerage Fund - \$473,300 decrease in reserves**
- 2. Adopts the revised General Fund Estimated Unrestricted Cash Deficit of \$250,000 for the 2023/2024 financial year as at 30 September 2023.**

Attachments:

- 5 1 Minutes 16/11/2023 Finance Advisory Committee, I2023/1806 

Report

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

- 5 [Agenda of Finance Advisory Committee Meeting - Thursday, 16 November 2023](#)

The following items were considered by the Committee:

Report No. 4.1 Review Constitution of Finance Advisory Committee

- 10 The Report was prepared to request the Finance Advisory Committee to review and ratify the Committee Constitution. The original recommendation was updated to include the words "with amendment to also include in Part 2 c) to monitor progress against indicators".

Report No. 4.2 Budget Review - 1 July 2023 to 30 September 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 2023/2024 financial year, reviewed as at 30 September 2023.

Financial Implications

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

20 Statutory and Policy Compliance Implications

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

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.2 Report of the Floodplain Management Advisory Committee Meeting held on 8 December 2023

5

Directorate: Infrastructure Services

File No: I2023/1982

Summary:

10 The attachment to this report provides the minutes of the Floodplain Management Advisory Committee Meeting of 8 December 2023 for determination by Council.

RECOMMENDATION:

15 1. That Council notes the minutes of the Floodplain Management Advisory Committee Meeting held on 8 December 2023.

2. That Council adopts the following Committee Recommendations:

Report No. 4.1 Floodplain Management Advisory Committee Goals for 2024
File No: I2023/1928

Committee Recommendation 4.1.1

1. That the Floodplain Management Advisory Committee note the report.
2. That Council staff present the draft DCP at the next Floodplain Management Advisory Committee.
3. That Council staff ask DPE to provide an update on options that limit fill on new construction in floodplains at the next Floodplain Management Advisory Committee meeting.
4. That Council staff update the Floodplain Management Advisory Committee on enforcement of no-fill zones on floodplains.

BYRON SHIRE COUNCIL

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

14.2

5. That Council considers following the lead of Tweed Shire Council in making the Flood Certificate information publicly available for all properties covered by suitable floodplain plans.
6. That Council staff provide a presentation on the flood warnings and warning systems to the next Floodplain Management Advisory Committee meeting.

3. That Council adopts the following Committee Recommendation:

Report No. 4.2 Community Education Strategy and Review of Flood Options - Project Update

File No: I2023/1927

Committee Recommendation 4.2.1

That the Floodplain Management Advisory Committee receive a further update on the 'Community Education Strategy and Review of Flood Options' project and a briefing on ways of further engaging community, for example with animations from existing and future flood models.

4. That Council adopts the following Committee Recommendations:

Report No. 4.3 Post 2022 Event Flood Behaviour Analysis - Brunswick River - Final Draft Report - September 2023-NSW Department of Planning & Environment

File No: I2023/1935

Committee Recommendation 4.3.1

1. That the Floodplain Management Advisory Committee advise Council to ask NSW Department of Planning & Environment (DPE) to update figures in Appendix D of DPE's "Post 2022 Event Flood Behaviour Analysis - Brunswick River - Final Draft Report - September 2023" so that they display the point number and that the computed and recorded flood levels are tabulated, and that the flooded areas in the figures display the calibrated model results as contours.
2. That, subject to the changes in point 1 above and the changes discussed in the Committee meeting held on 8 December 2023, the Floodplain Management Advisory Committee endorses the report.
3. That Council staff release the report to the public with proactive advertising, and with notice to Committee members.

Attachments:

- 5 1 Minutes 08/12/2023 Floodplain Management Advisory Committee Extraordinary, I2023/1963
 

Report

The attachment to this report provides the minutes of the Floodplain Management Advisory Committee Meeting of 8 December 2023 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [Agenda of Extraordinary Floodplain Management Advisory Committee Meeting - Friday, 8 December 2023 \(infocouncil.biz\)](#)

The following items were considered by the Committee:

Report No. 4.1 Floodplain Management Advisory Committee Goals for 2024

- 10 The report listed the topics that the Committee would like to deal with over the last year of its life when the committee ends at the end of the Council term.

Report No. 4.2 Community Education Strategy and Review of Flood Options - Project Update

This report provides a quarterly project update to committee members on project status and progression.

- 15 **Report No. 4.3 Post 2022 Event Flood Behaviour Analysis - Brunswick River - Final Draft Report - September 2023-NSW Department of Planning & Environment**

The NSW Department of Planning & Environment (DPE) have circulated a confidential "Post 2022 Event Flood Behaviour Analysis - Brunswick River - Final Draft Report - September 2023" for review and input from the Flood Advisory Committee (FAC).

- 20 DPE are seeking feedback and input from the FAC, so they can update and formally release this review to the public. DPE have commissioned this assessment and review report which is being undertaken by WMA Water.

Report No. 4.4 Byron Bay Drainage Upgrade Update

This report provides a status update for the project. The Committee noted the report.

- 25 **Committee Recommendation**

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

Financial Implications

- 30 As per the Reports listed within the Floodplain Management Advisory Committee Meeting of 8 December 2023.

Statutory and Policy Compliance Implications

As per the Reports listed within the Floodplain Management Advisory Committee Meeting of 8 December 2023.

Report No. 14.3 Report of the Moving Byron Advisory Committee Meeting held on 12 December 2023

Directorate: Infrastructure Services

5 **File No:** I2023/2074

Summary:

The attachment to this report provides the minutes of the Moving Byron Advisory Committee Meeting of 12 December 2023 for noting by Council.

10

RECOMMENDATION:

1. **That Council notes the minutes of the Moving Byron Advisory Committee Meeting held on 12 December 2023.**

15

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

Report No. 4.1 Kolara Way - Alternative Scope of Works
File No: I2023/1391

Committee Recommendation 4.1.1

1. **That Council proceeds with the long term project as originally resolved for a separate cycle/pedestrian bridge on the north side of Kolara Way at Yelgun Creek including the likelihood of an EIS.**
2. **That Council arranges a temporary cycle/pedestrian lane on the north side of the existing bridge and use the south lane for priority controlled traffic with No Passing.**
3. **That Council commences the Helen Street bridge repair after the works in point 2 above are in operation.**

4. That Council adopts the following Committee Recommendations:

Report No. 4.2 Public Transport Workshop Outcomes
File No: I2023/1862

Committee Recommendation 4.2.1

1. That the Moving Byron Committee note the ongoing work with TfNSW to help achieve the Shires Public Transport expectations.
2. That staff provide a follow up Public Transport Workshop to discuss other modes of public transport not discussed at this workshop (Moving Byron Public Transport Workshop, 13 November 2023).
3. That Council facilitates discussion with TfNSW and bus companies regarding Ocean Shores to Byron service and other improvements to the bus routes and timetables.
4. Council note the following issues presented as current and urgent issues with the bus system requiring attention to address customer needs.
 - a) Poorly presented timetable formation
 - b) Dysfunctional 'trip planner' coordinated by TfNSW.
 - c) Better understanding and attention to meeting the needs of disabled and mobility challenged people.
5. That the next Moving Byron Committee receive the report on the progress and funding on the following issues, which come from the Moving Byron Strategy:
 - 5.2.2 Survey community to identify service gaps and undertake route evaluation.
 - 5.2.3 Undertake data collection and research project to understand.
 - Non-work and tourist visitor travel patterns and demand.
 - Identify grant and other funding opportunities.
 - 5.2.6 Understand the movement needs of tourist visitors and opportunities to align services that can cater to experiential, commuter, and other cohorts.
 - 5.2.7 Complete review of bus stop and facilities in town and village centres to identify opportunities to provide central locations, enhance convenience, connectivity, and accessibility.
 - 5.2.8 Provide bus bay adjacent to Tourism Information Centre in Jonson

Street Byron Bay and support town bus services circulating in the town centre.

5.3.3 Review Development Control Plans, Master Plans, and relevant policy to facilitate and promote shared transport options in land use and place planning.

7.2.3 Amend development assessment criteria for transport infrastructure including for Traffic Impact Assessments to include:

- **Counts for pedestrians, cyclists, and other road users.**
- **Measures that address risks to all road users (including pedestrians and cyclists).**
- **The provision of public transport facilities.**
- **Travel Demand Management strategies.**

8.1.4 Identify and develop a priority funding plan for hinterland connection points, such as bus transfers at road intersections and nodes such as halls and schools that can be made safer with improved facilities such as bus bays, signage, kiss and ride etc.

Attachments:

- 1 Minutes 12/12/2023 Moving Byron Advisory Committee, I2023/1971 

5

Report

The attachment to this report provides the minutes of the Moving Byron Advisory Committee Meeting of 12 December 2023 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 byron.infocouncil.biz/Open/2023/12/MBAC_12122023_AGN_1805_AT.PDF

The following items were considered by the Committee:

Report No. 4.1 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.

10 **Report No. 4.2 Public Transport Workshop Outcomes**

The purpose of this report is to discuss the outcomes from the recent Moving Byron Public Transport Workshop held on the 21 November 2023. Council staff note that not all modes of public transport were on the agenda at this workshop. However, it is considered that this workshop is to be the first of a series on this topic.

15 **Committee Recommendation**

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

Financial Implications

- 20 As per the Reports listed within the Moving Byron Advisory Committee Meeting of 12 December 2023.

Statutory and Policy Compliance Implications

As per the Reports listed within the Moving Byron Advisory Committee Meeting of 12 December 2023.

Report No. 14.4 Report of the Local Traffic Committee Meeting held on 20 December 2023

Directorate: Infrastructure Services

File No: I2024/130

5

Summary:

The attachment to this report provides the minutes of the Local Traffic Committee Meeting held on 20 December 2023 for noting by Council.

- 10 Council's action on the LTC advice will be:
- a) If Council is in agreement with the LTC unanimous support then the proposal may be approved. In these cases there is no conflict between Council and the advice of the LTC, consequently there is no need for Council to inform TfNSW or the NSW Police representatives of the decision.
 - 15 b) If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.
 - c) If Council is in agreement with the LTC unanimous decline then the proposal may be rejected. Again there is no conflict between Council and the advice of the LTC. Consequently there is no need for Council to inform TfNSW or the NSW Police
20 representatives of the decision.
 - d) If Council decides to proceed with a proposal where the advice of the LTC is not unanimous support, then the Council must first advise the TfNSW and the NSW Police representatives in writing of their intention to approve the proposal. TfNSW or the NSW Police may then lodge an appeal to the Regional Traffic Committee (RTC).
 - 25 e) If Council decides to proceed with a proposal where the advice of the LTC is a unanimous decline, then the Council must first advise the TfNSW and NSW Police representatives in writing of their intention to approve the proposal. TfNSW or the NSW Police may then lodge an appeal to the RTC.

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

RECOMMENDATION:

1. That Council notes the minutes of the Local Traffic Committee Meeting held on 20 December 2023.

5

2. That Council adopts the following Committee Recommendation:

Report No. 6.1 Upgrade intersection works of Tweed Street and Bayside Way and LATM traffic control devices for new works within the subdivision.

File No: I2023/1969

Committee Recommendation 6.1.1

That the Local Traffic Committee supports the signage, line markings and traffic control devices associated with the Bayside way intersection works, and traffic calming signage and devices as shown in Attachment 1 (E2023/128712) to the Report

Attachments:

10

- 1 Minutes 20/12/2023 Local Traffic Committee Extraordinary, I2023/2027 

Report

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 20 December 2023 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [Agenda of Extraordinary Local Traffic Committee Meeting - Wednesday, 20 December 2023 \(infocouncil.biz\)](https://infocouncil.biz)

This report contains the recommendations of the Local Traffic Committee (LTC) meeting held on 20 December 2023.

Committee Recommendation

- 10 As per the Reports listed within the Local Traffic Committee Meeting of 20 December 2023.

Financial Implications

As per the Reports listed within the Local Traffic Committee Meeting of 20 December 2023.

- 15 **Statutory and Policy Compliance Implications**

As per the Reports listed within the Local Traffic Committee Meeting of 20 December 2023.