

Agenda Ordinary Meeting

Thursday, 24 October 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.

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

Mark Arnold
General Manager

CONFLICT OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

Disclosure and participation in meetings

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

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

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

Non-pecuniary Interests - Must be disclosed in meetings.

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

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

RECORDING OF VOTING ON PLANNING MATTERS

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

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

OATH AND AFFIRMATION FOR COUNCILLORS

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

BYRON SHIRE COUNCIL

BUSINESS OF ORDINARY MEETING

1. PUBLIC ACCESS

2. APOLOGIES

3. ATTENDANCE BY AUDIO-VISUAL LINK

4. REQUESTS FOR LEAVE OF ABSENCE

5. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

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

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

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

Notice of Motion No. 9.1 Deferral of decision to pursue a connection to Roys

5 **File No:** I2024/1368

I move that:

- 10 1. **The decision to pursue a permanent connection to Rous be deferred for up to two years.**
2. **Council continues with the emergency connection to Rous as planned.**
3. **That a staged investigation into integrated water supply options be continued, including off stream storage, and:**
- 15 a. **the investigation includes options for workshops with community, and direct community input to multi-criteria weightings to compare options;**
- b. **regular progress reports be provided to the Council during this investigation period; and**
- c. **investigations into the possible reinstatement of the hydroelectric plant be explored.**
- 20

Signed: Cr Sarah Ndiaye

Councillor's supporting information:

25 This motion proposes Council postpone the decision regarding the establishment of a permanent connection to Rous for a period of two years. During that time, Council continues with the emergency connection to Rous as planned and do any necessary short-term repairs for Laverty's Gap operation. Council also undertakes a staged investigation into alternative water supply options including off-stream storage. The staged investigation of each option include "gateway" checkpoints to suspend assessment of any options found to be non-viable as early as practicable, and optimise utilisation of Council resources.

As our community has demonstrated strong interest in the future of Mullumbimby's water supply, the investigation should prioritise meaningful community engagement including direct input into the options evaluation and comparison process.

While the hydro is very small due to the small flow, and perhaps capital and operating resources would be better spent on solar PV of the same power rating, it may not be viable but there is still historical interest in this and it would be interesting, given a lot of this work was already done, to see if there is an opportunity in this area.

5 **Staff comments**

by Cameron Clark Manager Utilities Infrastructure Services

10 The Mullumbimby Water Treatment Plant was designed and constructed approximately 80 years ago. The plant is now past its useful process life causing significant day to day risk of meeting modern day Australian Drinking Water Guidelines (ADWG) causing significant risk to public health.

During any moderate to large rain event in the Lavery's gap catchment, the treatment plant cannot process water to ADWG standards. In effect, this causes Council operational staff to activate the Rous emergency line. This includes approximately 2 days work by purging the line and testing prior to commissioning.

15 This is occurring more frequently (approx. 7 to 9 times a year) putting significant risk on operations across the entire water network. For example, Council staff need to purge the emergency line at the same time a water main breaks impacting service delivery. This has occurred numerous times in the field.

20 Therefore, it is no longer operationally sustainable to operate the Rous line as an 'emergency line'.

Any further delays generate significant risk in potentially Council having to place Mullumbimby on a permanent boil water alert.

25 In addition, when the water treatment plant is not operational, there is currently no way to supply the trunk main customers with potable water as they can only be supplied from the WTP. Staff have been investigating supplying these customers from the town reservoirs once the permanent Rous connection is in place using the existing treated water trunk mains.

30 The existing studies have already established the costs and benefits of alternative supply scenarios. Additional investigations could include detailed hydrological and engineering studies and identification of suitable land for Council to acquire. However, it is Council's Utilities engineering staff and supporting consultant's opinion that the outcome of the proposed further investigations would result in the same conclusion as the current recommended preferred option with a significant cost to Council.

35 Council staff can further investigate other options including off-stream storage and a new treatment plant, however, recommends permanently connecting to Rous while potentially undertaking further investigation into other options if that is still desired. This secures safe drinking water to Mullumbimby residents without impacting the Mullumbimby community with a permanent boil water alert and restrictions while these options are investigated.

40 The hydroelectric plant is owned by Essential Energy not a Council owned and operated asset. Council is not the energy supplier for Mullumbimby and therefore has no jurisdiction

BYRON SHIRE COUNCIL

NOTICES OF MOTION

9.1

over the reinstatement of the facility. Regardless, the concurrent operation of the town water supply and hydroelectric scheme are likely to be incompatible due to the competing demands for water from Laverty's Gap weir.

Financial/Resource/Legal Implications:

- 5 For Council staff to undertake further investigation in line with items 3 (i) & (ii), the estimated cost would be approximately \$300,000 to \$500,000 (not including Council staff time) and would take approximately 18 months to 2 years to complete.

- 10 Utilities operational staff use the Rous connection for operational requirements when the water treatment plant cannot process water in accordance with the ADWG's criteria (normally after significant rainfall). In line with the Service Level Agreement (SLA) Council will pay a premium for water from Rous under an emergency supply agreement.

- 15 The Rous water main (under an emergency/operational requirement) is required to be flushed and tested prior to use each time. This will occur more frequently with therefore significant financial impact. The unit cost of with the emergency supply, in addition to the operational requirements for the current arrangement, is very high compared to a permanent connection.

Is the proposal consistent with any Delivery Program tasks?

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5: Connected Infrastructure	5.5: Provide continuous and sustainable water and sewerage management	5.5.1: Water supply - Provide a continuous water supply that is maintained in accordance with NSW Health guidelines	5.5.1.20	Report to Council on the future water strategy for Mullumbimby

DELEGATES' REPORTS

**Delegate's Report No. 12.1 Far North Coast Bush Fire
Management Committee Meeting - 10
September 2024**

File No: I2024/1305

- 10 This was my last meeting as Council's delegate to the region's Bush Fire Management Committee (BFMC), whose area covers three Shires: Tweed, Byron, and Ballina. I attended the Committee meeting via a poor-quality video link. Matters relevant to Byron Shire included:
- 15 1. Rural Fire Services (RFS) has heard back from Byron Shire Council and agreed that North Rocks Road will not be restored after heavy damaged in 2022. BFMC has removed it from the Fire Access and Fire Trail (FAFT) Plan.
- 20 2. The three focus areas for bushfire risk management (hazard reduction) in Byron Shire are: South Golden Beach, Lilli Pilli, and Nightcap Range north-west of Goonengerry.
- 20 3. The Committee considered a landholder request that RFS upgrade and maintain a fire trail on private land, near its boundary with Inner Pocket Nature Reserve. Landholders lower down the valley have put gates on the trail and locked them. RFS inspected the trail. It is in poor condition including being narrow on the bank of Lacks Creek such that it cannot be widened. It is deemed of no tactical value.
- 25 The Committee agreed to change the classification of the fire trail from tactical to other.
4. The register of Neighbourhood Safer Places (place of last resort) includes Durrumbul Public School, which has closed. Mullumbimby Showground is proposed as its replacement, the main pavilion in particular.
- The next Committee meeting is scheduled for 10 December 2024.
- 30 **Signed: Duncan Dey**

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 Draft Community Engagement Strategy

Directorate: General Manager

5 **Report Author:** Annie Lewis, Media and Communications Coordinator

File No: I2024/1372

Summary:

The purpose of this report is to present the draft Community Engagement Strategy to Council for endorsement to be put on exhibition.

10 As part of Council's Integrated Planning and Reporting (IP&R) requirements a Community Engagement Strategy needs to be presented to the newly elected Council within three months of election.

15

RECOMMENDATION:

That the Draft Community Engagement Strategy (Attachment 1 E2024/122782) be put on public exhibition.

Attachments:

20

1 Draft Community Engagement Strategy 2024 to 2028, E2024/122782 

Report

Council has an existing Community Engagement Strategy that was endorsed by Council in December 2022.

5 Using that document as a guide, this updated draft strategy has been written in line with the requirements set out in the NSW Government's IP&R guidelines.

While the document has been refreshed, the core content/themes remain as this is a standard framework for all Councils.

10 The updated version considered feedback sought from the community specifically relating to community engagement. This feedback was provided as part of the recent Community Strategic Plan (CSP) survey/consultation process.

In addition to the survey, there were also informal meetings with representatives from the following community organisations:

- Bangalow Community Association
- Brunswick Heads Progress Association
- 15 • Mullumbimby Residents Association

20 Staff also attended a meeting of Council's Access Consultative Working Group and members shared ideas and thoughts about what the organisation can do to make it easier for people living with disability to be engaged in projects. Conversations were also had with some random Byron Shire residents about their perception/interaction with Council in relation to engagement and consultation.

Our Community Participation Plan (CPP) which relates specifically to engagement for planning and development in relation to NSW Government legislation (Environmental Planning and Assessment Act 1979) sits as a separate document to this strategy. It is referenced in the strategy. The CPP is due to be updated next year.

25 When the Community Engagement Strategy is updated in 2028, the CPP information be included and the two documents consolidated.

Next steps

After public exhibition the draft Community Engagement Strategy will be reviewed in line with feedback received and will be reported back to Council on 12 December 2024.

30

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
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
1: Effective Leadership	1.2: Engage and involve community in decision making	1.2.2: Communication - Provide timely information to the community about Council projects and activities through traditional and digital media	1.2.2.5	Ensure information can be read and understood by our community regardless of their level of education, language spoken, lived experience of disability
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	1.2.1.2	Support staff to consider communication and engagement as part of all project development and implementation

Legal/Statutory/Policy Considerations

N/A

5 Financial Considerations

N/A

Consultation and Engagement

- Meetings with:
 - Bangalow Community Association
 - Brunswick Heads Progress Association
 - Mullumbimby Residents Association
 - Council's Access and Inclusion Committee

10

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STAFF REPORTS - GENERAL MANAGER

13.1

- Feedback from CSP engagement (survey)
- Discussions with random residents/business owners in relation to how they engage with Council.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.2 Grants September 2024

Directorate: Corporate and Community Services

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

File No: I2023/1942


Summary:

10 Council is waiting on the determination of eleven 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 September 2024 (Attachment 1 #E2024/120460).**

Attachments:

20 1 Grant submissions as at 30 September 2024, E2024/120460 

Report

Currently Council has eleven grant applications awaiting determination (refer to Grants Report as of 30 September 2024 - Attachment 1, E2024/120460).

Successful applications

- 5 The following applications have been advised as being successful.

Funding body	Funding scheme	Project name	Total project value \$	Grant \$	Council \$
Australian Government - Department of Infrastructure, Transport, Regional Development, Communications and the Arts	Housing Support Program Stream 1	Former Mullumbimby Hospital site - Masterplan and Business Case	\$263,000	\$263,000	\$0
Transport for NSW	Black Spot Program	Jonson Street - pedestrian safety improvement	\$255,693	\$255,693	\$0

Unsuccessful applications

Council was not notified of any unsuccessful applications this month.

Upcoming Grant opportunities

[Growing Regions Program – Round 2 | business.gov.au](https://business.gov.au/growing-regions-program-round-2)

- 10 Australian Government Funding to provide investment in community-focused infrastructure which creates and enhances amenity, liveability and social cohesion throughout regional Australia.

The objectives of the program are:

- 15
- constructing or upgrading community infrastructure that fills an identified and immediate gap or unmet need for community infrastructure, particularly for communities that have experienced substantial growth

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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- contributing to achieving social outcomes and increased community cohesion, liveability and accessibility
- delivering increased amenity, liveability and community connectedness in line with the Investing in Places priority focus area of the Australian Government's Regional Investment Framework to deliver targeted and place-based investment.

Closes, Thursday 10 October 2024. Co-contribution matching funding is required.

Council staff are currently preparing two applications:

- Brunswick Heads Recreation Grounds Clubhouse and playground accessibility upgrades
- Byron Bay Foreshore Masterplan - Stage 1 (public amenities and playground)

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

Legal/Statutory/Policy Considerations

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

Financial Considerations

If Council is successful in obtaining the identified Grants, this would bring funding sought to approximately \$32 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:

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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**Funding applications submitted and
awaiting notification (total value)**

\$32,338,674

Requested funds from funding bodies

\$32,041,804

Council contribution cash

\$254,670

5 Council co-contribution in-kind

\$189,200

Other contributions

\$0

Funding determined in September 2024:

Successful applications

\$518,693 (total project value)

10 Unsuccessful/withdrawn applications

\$0

Consultation and Engagement

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

Report No. 13.3 Committees for the 2024-28 Council Term

Directorate: Corporate and Community Services

Report Author: Jessica Cutter, Governance Support Officer

File No: I2024/1227

5 Summary:

The purpose of this report is to provide Council with a proposed structure for committees, taking into consideration the feedback received from surveys completed by secretariat staff and members of the previous Council term Advisory Committees between January and February 2024.

- 10 The report also enables the appointment of the Councillor members to the listed committees and calls for nominations from members of the public.

The membership, meeting frequency, and purpose of each committee is summarised in this report.

15

RECOMMENDATION:

That Council

- 20 1. Endorses the establishment of the following committees and appoints Councillor representatives, to support the 2024-2028 term of Council:
- Arts Advisory Committee – 2 Councillors
 - Biodiversity and Agricultural Advisory Committee – 2 Councillors
 - Climate Change and Resource Recovery Advisory Committee– 2 Councillors
 - 25 • Coast and ICOLL Advisory Committee – 2 Councillors
 - Finance Advisory Committee – 4 Councillors
 - Floodplain Risk Management Advisory Committee – 2 Councillors
 - Transport and Infrastructure Advisory Committee – 2 Councillors
 - Water and Sewer Advisory Committee – 2 Councillors
- 30 2. Calls for nominations for community representatives for each committee, with applicants to be reported back to Council at the 12 December 2024 Ordinary Meeting for appointment.
- 35 3. Endorses the template Terms of Reference, as a basis for each committee, with the purpose, membership, and meeting frequency to be included for each committee as outlined in this report.

BYRON SHIRE COUNCIL


STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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4. Establishes the General Manager's Performance Review Panel and appoints the Mayor and three Councillors as representatives: Cr _____; Cr _____; Cr _____.

5 5. Appoints the Director Infrastructure Services as the Council representative to the Local Traffic Committee.

Attachments:

1 DRAFT Committee Terms of Reference Template_2024, E2024/114947 

10

Information/Background

The 2024 Local Government election provided an opportunity for Council to re-evaluate its committee structure and consider the needs of the community and Council.

5 A comprehensive review of committees was conducted between January and February 2024. Committee members and secretariat staff were surveyed to get feedback about:

- Whether the committee meets its purpose
- The benefits and challenges of the committee
- Barriers to involvement
- Effectiveness of agendas, communication, discussion, expertise, etc
- 10 • Length and frequency of meetings
- And other general feedback
- Whether they would recommend the continuation of the committee in the new Council term.

Purpose of Advisory Committees

15 Committees have the role of making recommendations to Council following the consideration of staff reports at a meeting of the committee. The specific matters and areas of expertise for each committee are determined by Council in the establishment of the Advisory Committee and in the adopted Constitution for the committee.

20 The recommendations of the committee are made to Council through the Minutes of the committee meeting and considered at an Ordinary Meeting.

A committee may consist only of Councillors, or Councillors and appointed members. This report enables the appointment of the Councillor representatives, and it recommends that Council calls for expressions of interest from members of the public which will be reported back to Council for determination of appointment.

25 The term of office for all committees is the same term of the current Council.

Review of Advisory Committee Structure

The structure of Council's committees has been reviewed to determine the ongoing need and purpose of each. Feedback from existing committee members, Councillors, and staff contributed to this review.

30 Following this review, the below Advisory Committees are proposed to be established for the 2024-2028 term of Council:

- Arts Advisory Committee
- Biodiversity and Agricultural Advisory Committee

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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- 5
- Climate Change and Resource Recovery Advisory Committee
 - Coast and ICOLL Advisory Committee
 - Finance Advisory Committee
 - Floodplain Risk Management Advisory Committee
 - Transport and Infrastructure Advisory Committee
 - Water and Sewer Advisory Committee

The schedule for Advisory Committee meetings will be determined by Council at the 28 November 2024 Ordinary meeting.

10 Terms of Reference

The following table provides a summary of each proposed committee, including their purpose, frequency of meetings and the number of representatives required.

The template Terms of Reference (attachment 1) is provided for Council endorsement. This will outline the purpose, membership, and meeting frequency for each committee to be included, in accordance with the table below:

15

Advisory Committee	Meeting Cycle	Number of Representatives <i>Note: Staff members participating on committees do not have any voting entitlements.</i>	Purpose
Arts Advisory Committee	4 per annum	2 Councillors 5 relevantly qualified arts and creative industry representatives The General Manager (or staff delegate).	The purpose of the Arts Advisory Committee is to: <ul style="list-style-type: none">• Provide advice and recommendations on public art including, policy, commissioning, projects, donations and Development Control Plan (DCP) initiated public art and acquisitions.• Contribute to Council's strategic direction and provide recommendations into arts and cultural policy and strategy in relation to the four delivery areas of the Arts and Culture Action Plan:<ul style="list-style-type: none">• Arts and Cultural Infrastructure• Public Art and Creative Activation of the Public

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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Advisory Committee	Meeting Cycle	Number of Representatives <i>Note: Staff members participating on committees do not have any voting entitlements.</i>	Purpose
			<p>Domain</p> <ul style="list-style-type: none"> Enabling Arts and Cultural Activity Supporting Festivals Events and Screen Industry Activity Provide expert advice and guidance to Council on matters relating to arts, cultural, and creative industries development. Provide feedback on relevant planning documents and support Council to meet the expectations of the Byron Shire Community.
Biodiversity and Agricultural Advisory Committee	4 per annum	<p>2 Councillors</p> <p>4 relevantly qualified community representatives with expertise, local knowledge and or extensive on-ground experience in environmental science, ecology or sustainable/regenerative agriculture.</p> <p>1 representative from Brunswick Valley Landcare</p> <p>General Manager (or staff member delegate)</p>	<p>The purpose of the Biodiversity and Agricultural Advisory Committee is:</p> <ol style="list-style-type: none"> To assist Council in the development, implementation and review of relevant biodiversity plans and policies such as: Biodiversity Conservation Strategy, Integrated Pest Management Plan, Flying Fox Camp Management Plan, Coastal Koala Plan of Management, Pest Animal Management Plan. To assist Council in the development, implementation and review of relevant sustainable agriculture plans and policies including the Agriculture Action Plan.

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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Advisory Committee	Meeting Cycle	Number of Representatives <i>Note: Staff members participating on committees do not have any voting entitlements.</i>	Purpose
			<p>3. To provide expert and community advice on biodiversity (terrestrial and coastal) and sustainable/regenerative agriculture matters to Council including, but not limited to current projects; community or collaborative opportunities; grant funding opportunities; special events; government policy; best practice or improved guidelines/guidance.</p> <p>It is proposed that meetings can target specific issues related to biodiversity (terrestrial and coastal) and sustainable agriculture, and that for the Committee to understand the issue and identify opportunities, other experts on the subject can be invited to contribute.</p> <p>It is also proposed that meetings can be held outside the Council building within environments that are relevant to that meeting's theme. For example, different formats such as field days and workshops may sometimes be used.</p>
Climate Change and Resource Recovery Advisory Committee	4 per annum	2 Councillors 3 relevantly qualified community representatives 1 Zero Emissions Byron (ZEB) representative 1 Plan C representative 1 Mullum Cares representative	<p>1. To advise Council in the development, implementation and review of relevant sustainability, resource recovery and climate change mitigation and adaptation plans, policies and projects such as:</p>

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.3

Advisory Committee	Meeting Cycle	Number of Representatives <i>Note: Staff members participating on committees do not have any voting entitlements.</i>	Purpose
		General Manager (or staff member delegate)	<ul style="list-style-type: none"> • Council's Net Zero Emissions Strategy and Action Plan • Council's Towards Zero Integrated Waste Management and Resource Recovery Strategy • Council's Illegal Dumping and Litter Enforcement and Education Plan • Climate Change Adaptation Plan • Renewable energy projects • Local network trading and local network charges • Carbon reporting • Waste avoidance, resource recovery, circular economy and reuse programs • Other sustainability and resource recovery initiatives. <p>2. To support our community's drive towards zero emissions and zero waste to landfill.</p> <p>3. To identify and report opportunities or concerns regarding resource recovery, waste management, sustainability and climate change</p>

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13.3

Advisory Committee	Meeting Cycle	Number of Representatives <i>Note: Staff members participating on committees do not have any voting entitlements.</i>	Purpose
			<p>adaptation and mitigation issues to Council including, but not limited to, funding opportunities, special events, government policy, practice or guidelines.</p> <p>It is proposed that meetings can target specific issues related to resource recovery, waste management, sustainability and climate change mitigation and adaptation and that in order for the Committee to understand the issue and identify opportunities, experts on the subject can be invited to contribute.</p> <p>It is also proposed that meetings can be held outside the Council building within environments that are relevant to that meeting's theme. For example, different formats could be used such as field days and workshops.</p>
Coast and ICOLL Advisory Committee	4 per annum	<p>2 Councillors</p> <p>4 relevantly qualified community representatives with an understanding of coast, estuary and ICOLL matters.</p> <p>Representatives from relevant state agencies and organisations.</p> <p>General Manager (or staff member delegate)</p>	<p>1. The purpose of the Coast and ICOLL Advisory Committee is: To advise Council in the development, implementation of the:</p> <ul style="list-style-type: none"> a. Coastal Management Program for the Byron Shire Open Coast. b. Coastal Management Program for the Belongil Creek estuary and catchment.

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13.3

Advisory Committee	Meeting Cycle	Number of Representatives <i>Note: Staff members participating on committees do not have any voting entitlements.</i>	Purpose
			<ul style="list-style-type: none"> c. Coastal Management Program for the Tallow Creek estuary and catchment. d. Other relevant coast, estuary and ICOLL projects (i.e. Bringing Back the Brunswick River/Estuary; Dune Restoration Projects). <ol style="list-style-type: none"> 2. To provide advice on coast, estuary and ICOLL matters to Council including but not limited to current projects; community or collaborative opportunities; grant funding opportunities; special events; government policy; best practice or improved guidelines/guidance. 3. To offer a platform/sounding board for discussion between stakeholders and community members and agencies on relevant matters.
Finance Advisory Committee	4 per annum	4 Councillors General Manager Director Corporate and Community Services Manager Finance	The purpose of the Finance Advisory Committee is to: <ol style="list-style-type: none"> 1. Assist in the development of draft budgets; 2. Consider other financial information and matters as they arise. 3. Consider and review Quarterly Budget Reviews prior to submission to Council for adoption

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13.3

Advisory Committee	Meeting Cycle	Number of Representatives <i>Note: Staff members participating on committees do not have any voting entitlements.</i>	Purpose
			4. Consider and review Council's Long Term Financial Plan (LTFP) including annual reviews of the LTFP.
Floodplain Management Advisory Committee	4 per annum	<p>2 Councillors</p> <p>4 community representatives including if possible one representing communities near Tallow Creek ICOLL, Belongil Creek ICOLL, Marshalls Creek, Brunswick River</p> <p>1 Department of Planning, Industry and Environment representative</p> <p>1 State Emergency Service representative</p> <p>1 Cape Byron Marine Park representative</p> <p>1 National Parks representative</p> <p>General Manager (or staff member delegate)</p>	<p>The purpose of the Floodplain Management Advisory Committee is to oversee and advise Council on the preparation, implementation and review of Flood Studies and Floodplain Risk Management Studies as required.</p> <p>This includes overseeing and advising on any documents or processes that impact the management of ICOLL's (Intermediately Closed and Open Lakes or Lagoons).</p>
Transport and Infrastructure Advisory Committee	4 per annum	<p>2 Councillors</p> <p>4 relevantly qualified community representatives</p> <p>General Manager (or staff member delegate)</p>	<p>The purpose of the Transport and Infrastructure Advisory Committee is to:</p> <ol style="list-style-type: none"> 1. Develop and review policies and priorities for addressing the management of new and existing civil infrastructure to meet the needs and aspirations of the Shire's population in a

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13.3

Advisory Committee	Meeting Cycle	Number of Representatives <i>Note: Staff members participating on committees do not have any voting entitlements.</i>	Purpose
			<p>sustainable way.</p> <ol style="list-style-type: none"> 2. Review Council's Asset Management Plan to ensure the optimum performance for its road networks and maintenance program of structures such as bridges, guardrails, and culverts. 3. Ensure the appropriate planning and development of new infrastructure and management of Council's existing infrastructure to achieve the objectives and outcomes in Council's 10 year works program. 4. Review the level of service to be provided by the Council in the maintenance and renewal of assets within the available budget and resources. 5. Review Council's Active Transport Plan actions table and priorities annually or as required to help guide the development and prioritisation of the 10 year works program. 6. Provide guidance on the implementation and effectiveness of the 'Moving Byron' Integrated Transport Strategy, offering insights and recommendations

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13.3

Advisory Committee	Meeting Cycle	Number of Representatives <i>Note: Staff members participating on committees do not have any voting entitlements.</i>	Purpose
			<p>based on community feedback and emerging transport movements.</p> <p>7. Advise on opportunities or concerns regarding the Active Transport Plan to Council as required, including but not limited to, funding opportunities, government policy, practice or guidelines, safety, accessibility, mobility, and other such relevant transport issues.</p>
Water and Sewer Advisory Committee	4 per annum	<p>2 Councillors</p> <p>4 relevantly qualified community representatives</p> <p>General Manager (or staff member delegate)</p>	<p>The purpose of the Water and Sewer Advisory Committee is to:</p> <p>Advise on water and sewer strategies and policy development, including but not limited to:</p> <ul style="list-style-type: none"> • Strategic Business Plan/30 year Capital Works Plan • Integrated Water Management Strategy • Developer Servicing Plan • Recycled Water Strategy • Future Water Strategy

Local Traffic Committee

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13.3

The Local Traffic Committee (LTC) is a technical review committee, which is required to advise the council on traffic related matters referred to it by Council. These matters must be related to prescribed traffic control devices and traffic control facilities for which Council has delegated authority.

- 5 It is composed of four formal members each with one vote. These four members are a representative from Council, NSW Police, Transport for NSW, and the local State Member of Parliament or their nominee.

- 10 Council's representative may be any Councillor or Council officer. It is recommended that the Director Infrastructure Services be appointed as Council's representative to the Local Traffic Committee.

The LTC does not have executive power or authority to implement actions. Minutes of the LTC are reported to Council for consideration and endorsement.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership	1.2: Engage and involve community in decision making	1.2.4: Advisory Committees - Coordinate advisory committees to inform decision making on their areas of expertise	1.2.4.3	Undertake a review of Advisory Committees for adoption by the 2024-2028 term of Council

15 Policy Considerations

Each committee operates under an adopted Terms of Reference and Council's Code of Meeting Practice.

Financial Considerations

The community representatives on Advisory Committees are volunteer representatives.

- 20 In accordance with Council's Mayor and Councillors' Payment of Expenses and Provision of Facilities Policy, a Councillor may claim reimbursement for travelling costs to attend meetings.

Consultation and Engagement

5 Consultation was undertaken with Councillors, Committee Members, and staff to obtain feedback about the form and function of committees in the previous term of Council. The feedback collected via surveys, meetings, and discussions has informed the proposed committee structure for the 2024-2028 term of Council.

Once Council has determined the committees that are to be established for the 2024-2028 term of Council, advertisement in the local newspaper, online, and on social media will call for nominations for appointment to committees.

10 A report will be provided to Council at the 12 December 2024 Ordinary Meeting for appointment of members. Appointed members will be required to participate in an induction program prior to the commencement of meetings in 2025.

Report No. 13.4 **Determination of Councillor Representatives on Regional Committees**

Directorate: Corporate and Community Services

Report Author: Heather Sills, Manager Corporate Services

5 **File No:** I2024/1301

Summary:

Council is represented on a number of community groups and industry bodies (referred to in this report as 'Regional Committees'). Details of Regional Committees are shown in the body of this report.

10 Regional Committee memberships may consist of Councillors, Government Departments, staff representatives and other professional, and community representatives.

After each term of Council, it is necessary to re-elect Councillor representatives to the Regional Committees.

15

RECOMMENDATION:

That Council:

- 20 1. **Notes that Cr Pugh's appointment to the Arakwal National Park and Byron Coast Area Management Committees has been endorsed by the Minister to 2028 and given his re-election to Council, he will continue in this position.**
2. **Notes that the Mayor and Alternate Delegate, the Deputy Mayor, are appointed as Council's representative on the Northern Rivers Joint Organisation.**
3. **Determines its representatives on the following Regional Committees:**
- 25 a) **Arts Northern Rivers Board of Directors**
 Member: Cr _____
 Alternate: Cr _____
- b) **Byron Bay Liquor Accord**
 Cr _____
30 **Cr _____**
- c) **Chamber of Commerce – Brunswick Heads**
 Cr _____
- d) **Chamber of Commerce – Byron Bay**
 Cr _____
- 35 e) **Chamber of Commerce – Mullumbimby**

BYRON SHIRE COUNCIL

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Cr _____

f) **Chamber of Commerce – North Byron**

Cr _____

g) **Far North Coast Bush Fire Management Committee**

Cr _____

h) **Mullumbimby Showground Trust**

Cr _____

i) **North Byron Parklands Regulatory Working Group**

Cr _____


j) **Richmond Tweed Regional Library Committee**

Member: Cr _____

Member: Cr _____

Alternate: Cr _____

Attachments:

- 1 Councillor Briefing Note - Richmond Tweed Regional Library Service, E2024/119696 

Report

Council is in regional partnerships with various community groups and industry bodies (Regional Committees) which require Councillor representation.

- 5 After each term of Council, it is necessary to re-elect Councillor representatives to the Regional Committees.

Information has been sought from each Regional Committee requiring Councillor representation. Regional Committees are listed below with brief information on each committee.

- 10 Nominations for the various Regional Committees will be made by verbal nomination at the meeting. Councillors may nominate themselves or another Councillor may nominate them to be a representative on a committee. If nominated by another Councillor they have the right to decline the nomination.

- 15 If there is more than one nomination for a Committee and the Committee only requires one representative, a ballot by Councillors for the representative by show of hands, will be taken.

Arakwal National Park Management Committee Byron Coast Area Management Committee

Councillor representative: Cr Pugh

- 20 Arakwal National Park Management Committee established under section 24(3) of the National Parks and Wildlife Act 1974 (NPW Act) for the care, control and management of the Arakwal National Park.

Byron Coast Area Management Committee is established under section 24(3) of the NPW Act for the care, control and management of Tyagarah, Brunswick Heads (south), Hayters Hill, Nguthungulli Julian Rocks, Cumbebin Swamp, Broken Head Nature Reserves.

- 25 Meetings are held:

When: Bimonthly

Where: Byron Coast Area office meeting room
Arakwal Depot, Tallow Beach Road, Byron Bay

- 30 *Please Note: Cr Pugh's appointment to the Arakwal National Park and Byron Coast Area Management Committees were endorsed by the Minister to 2028 and given his re-election to Council he will continue to represent Council in these positions.*

Arts Northern Rivers Board of Directors

Previous Councillor representative: Cr Westheimer
Alternate: Cr Balson

5 As the peak arts body, Arts Northern Rivers works with individuals, organisations and government to generate, promote and advocate for the arts and creative industries in the Northern Rivers region of NSW. Arts Northern Rivers is supported by Create NSW and local Governments in our region who work with us to ensure access to arts and cultural activity for everyone.

10 As part of Arts Northern River's founding constitution signed by all 7 regional councils of the Northern Rivers, 1 x Representative and 1 x Alternate from each council holds a position on the Board of Directors of the Arts Northern Rivers Board.

Each Councillor as the representative on the Board is to have an Alternate member should the Councillor not be able to attend a meeting during the year. This could be a staff member within council as per the ANR constitution:

15 a. *each contributing Local Government will decide how to select its representative, either through direct appointment or by calling for Expressions of Interest, in consideration of selection criteria attached at Appendix ONE. They may be councillors, staff or members of the arts community from each Local Government Area.*

20 Staff recommend that the Manager Social & Cultural Planning, Deb Stafford, be appointed as the alternate member.

Meetings will be held:

25 **When:** 4 meetings / year (below dates subject to change)
29 November 2024
20 February 2025
8 May 2025 (AGM 10am to 10.30am, with regular meeting to follow)
11 September 2025
27 November 2025
Time: 10.30am to 11.30am
30 **Where:** Arts Northern Rivers Office
The Lismore Regional Gallery
11 Rural Street
Lismore

Further information can be obtained on its website at www.artsnorthernrivers.com.au

35 Byron Bay Liquor Accord

Previous Councillor representatives: Cr Lyon, Cr Ndiaye

The Byron Bay Liquor Accord (BBLA) was formally established in 2013 as a not for profit, voluntary membership based organisation that was formed by its members to help reduce alcohol related harm and anti-social behaviour in the Byron Bay LGA.

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Under the Liquor Act, Licensees are required to be regulated and have a proactive response in dealing with alcohol-related issues. The Liquor Accord and Council staff have previously recommended it would be beneficial to have a Councillor representative on this committee when dealing with significant events such as Blues Fest, Splendour and New Year's Eve.

Meetings are held:

When: Monthly, Tuesday or Thursday
Time: 10.30am for approximately 2 hours
Where: Byron Bay – venue varies

Further information can be found on the [Byron Bay Liquor Accord](#) website.

Chamber of Commerce – Brunswick Heads

Previous Councillor representative: Cr Hunter

“To foster a dynamic local business sector, encouraging sustainable and innovative business development in line with the community’s vision for Brunswick Heads.”

Meetings dates and times are to be confirmed.

Further information can be obtained on its web page at [About The Chamber - Brunswick Heads](#).

Chamber of Commerce - Byron Bay

Previous Councillor representative: Cr Lyon

The Byron Bay Chamber is dedicated to advancing and promoting the interests of local businesses by fostering collaboration and economic growth. Their aim is to support prosperity for our members, enhance the well-being of the broader community, and uphold Byron Bay’s reputation as a vibrant, values-driven place to do business.

Meetings dates and times are to be confirmed.

Further information can be obtained on the [Byron Bay Chamber of Commerce](#) website.

Chamber of Commerce - Mullumbimby

Previous Councillor representative: Cr Ndiaye

The Mullumbimby Chamber of Commerce is a mix of businesses and community groups that have come together for the purpose of taking care of Mullumbimby, not only in the present but also to have input into the future. They have a broad representation of Mullumbimby and have formed a strong partnership with Byron Shire Council.

Meetings dates and times are to be confirmed.

Further information can be obtained on the [Mullumbimby Chamber of Commerce](#) website.

Chamber of Commerce – North Byron

There was no previous Councillor representative.

- 5 The North Byron Business Chamber is a not-for-profit business organisation which supports businesses, and is made up of business owners in Ocean Shores, New Brighton, South Golden Beach, and Billinudgel. Their mission is to promote and encourage business growth and prosperity by facilitating and promoting business development in line with the communities vision for the North Byron district.

Further information can be obtained on the [North Byron Business Chamber](#) website.

Far North Coast Bush Fire Management Committee

- 10 Previous Councillor representative: Cr Dey

Far North Coast BFMC is made up of a range of stakeholders from the area including emergency services, land management agencies, local government, local Aboriginal land services and local community groups. This ensures key community stakeholders have a say on bush fire management activities for the benefit of their communities.

- 15 Representatives attending include NSW Rural Fire Service, NSW Department of Planning and Environment (Crown Lands), Essential Energy, NSW Farmers' Association, Fire and Rescue NSW, Ballina, Tweed, Byron Shire Councils, Local Aboriginal Land Councils, Nature Conservation Council of NSW, NSW National Parks and Wildlife Service, NSW Police Force, Transport for NSW, NSW Cane Growers' Association, NSW Local Land Services.
- 20

Meetings are held:

When: Bimonthly
Time: 10.00am
Where: Regional venues

25

Mullumbimby Showground Land Manager

Previous Councillor representative: Cr Hunter

- 30 Mullumbimby Showground is under the care, control and management of a community-based Board known as the Mullumbimby Showground Land Manager.

The Land Manager is an incorporated body established under the *Crown Lands Act 2016*. The Board is appointed by the Minister and is responsible for managing the affairs of the Showgrounds.

- 35 A Council ex-officio position has been included and they request that a representative be nominated for the Minister's approval.

Meetings are held:

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When: Monthly on the 2nd Monday
Time: 6.00pm
Where: Mullumbimby Showground

Information is available on the [Mullumbimby Showground](#) website.

5 North Byron Parklands Regulatory Working Group

Previous Councillor representatives: Cr Swivel

10 North Byron Parklands (Parklands) Regulatory Working Group (RWG) has been operating for many years to review environmental management and community relations. Members include the NSW Police, Byron Shire Council, Tweed Shire Council, Roads and Maritime Services, Rural Fire Service, State Emergency Service, Office of Environment and Heritage and National Parks and Wildlife Service.

A community representative from both Tweed and Byron local government areas is to be called by an expression of interest process when the need arises.

The Council representative can be either a Councillor and / or staff.

15 Meetings are held:

When: Prior to an event (as necessary)

Northern Rivers Joint Organisation

Councillor representative: Mayor

20 Joint Organisations (JOs) provide a way for local councils and the NSW Government to work together to deliver things that matter the most to regional communities. They represent a commitment to collaborate in the long term to develop and support a shared vision for the region.

25 Joint organisations are legislated under the NSW Local Government Act, which give NRJO the ability to enter into contracts and take on other important roles of behalf of consenting councils.

30 NRJO member councils are the seven Local Government Areas of Ballina, Byron, Clarence Valley, Lismore, Richmond Valley, Kyogle and Tweed in the Northern Rivers region of Northern NSW. The NRJO Board membership is the mayors of each of these councils.

Meetings are held:

35 **When:** Quarterly, 2nd Friday
February, May, August and November
Time: 10.00am for approximately 4 hours
Where: Various regional venues

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Information can be found on the [Northern Rivers Joint Organisation](#) website.

Richmond-Tweed Regional Library Committee

Previous Councillor representatives: Cr Swivel, Cr Pugh
Alternate: Cr Coorey

- 5 The Richmond Tweed Regional Library Committee manages library services for the Ballina, Byron, Tweed and Lismore council areas.

The Committee requests the appointment of two Councillor representatives and an approved alternate delegate who may attend the meetings of the Committee when the Council's nominated representative(s) is/are unavailable.

- 10 Meetings are held:

When: Quarterly
13 November 2024 at Ballina Shire - Council Chambers
2025 day and dates to be resolved during 13 November 2024 meeting
2025 meetings held months of February, May, August and November

15 **Time:** 10am-12pm
Where: Various regional venues

Further information is available on the [Richmond Tweed Regional Library](#) website and at Attachment 1 – Briefing Note.

Strategic Considerations

- 20 **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

Legal/Statutory/Policy Considerations

Delegates are elected by a process of nomination called for at the meeting by the Mayor, and where there are more nominations received then the number of delegate positions, a ballot by Councillors for the representative by show of hands will be taken.

Financial Considerations

Councillors' travel to and from Regional Committee meetings is reimbursed by Council and budgeted for in the annual budget.

Consultation and Engagement

- 5 Not applicable.

Report No. 13.5 Annual Report 2023/24 and State of Our Shire Report 2024

Directorate: Corporate and Community Services

Report Author: Heather Sills, Manager Corporate Services
Amber Evans Crane, Corporate Planning and Improvement Coordinator

File No: I2024/1342

Summary:

Each NSW Local Government Authority is required under S428 of the *Local Government Act 1993* to prepare and submit to the Minister of Local Government an Annual Report. In the year of an ordinary election, The State of Our Shire Report (formerly referred to as End of Term Report) is to be appended to the Annual Report.

The Annual Report is an opportunity for Council to communicate back to the community how Council has implemented its operational plan and delivered outcomes for the community.

The State of Our Shire report gives a summary of the progress of implementation and the effectiveness of the Community Strategic Plan.

Council is asked to note the Annual Report 2023/24 and State of Our Shire Report 2024/25 and their submission to the Minister for Local Government.



A separate report on the 2023/24 Financial Statements will be prepared for the consideration of Council.

RECOMMENDATION:

That Council:

1. **Notes the Annual Report 2023/24 at Attachment 1 (#E2024/100387) to this report, and its submission to the Minister for Local Government.**
2. **Endorses The State of Our Shire Report 2024 at Attachment 2 (#E2024/104005) to this report.**

Attachments:

- 1 Annual Report 2023/24, E2024/100387 
- 2 State of Our Shire Report 2024, E2024/104005 

Report

Annual Report

Each Council in NSW has an obligation to prepare and submit an Annual Report. It is an opportunity to report back to the community on Council's progress.

- 5 The attached Annual Report has been prepared in accordance with the *Local Government Act 1993* and includes the information prescribed in the *Local Government (General) Regulation 2021*. Information that is required by the Local Government Act and Regulation, or any other legislative requirement is noted with reference to the relevant legislation in bold.
- 10 In addition to the information required to comply with the above, the Annual Report serves as a key point of accountability between Council and our community.

The Annual Report demonstrates progress across the Operation Plan activities for the past year, as well as to the broader Delivery Program and Community Strategic Plan.

State of Our Shire Report

- 15 The State of Our Shire Report is prepared for the incoming council and must be endorsed at the second meeting of a newly elected council.

The State of Our Shire Report highlights Council's achievements in implementing the 2022 to 2026 Delivery Program over the last four years, noting the previous term of Council was reduced due to the impact of COVID-19 on the Council elections.

- 20 The State of Our Shire Report also demonstrates the ways in which these activities contribute to the five overarching objectives in the Community Strategic Plan 2032:
- Effective Leadership: We have effective decision making and community leadership that is open and informed.
 - 25 • Inclusive Community: We have an inclusive and active community where diversity is embraced and everyone is valued.
 - Nurtured Environment: We nurture and enhance the natural environment.
 - 30 • Ethical Growth: We manage growth and change responsibly.
 - Connected Infrastructure: We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable.

35

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	1.1.2.5	Prepare and submit the 2023/24 Annual Report
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	1.4.4.5	Prepare and submit the State of Our Shire Report

Legal/Statutory/Policy Considerations

5 [Section 428](#) of the *Local Government Act 1993* requires Council to:

- Prepare an annual report within 5 months after the end of each year and to
- Detail its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.
- 10 • Include a copy of the council's audited financial reports prepared in accordance with the *Local Government Code of Accounting Practice and Financial Reporting* published by the Department, as in force from time to time
- 15 • Include a statement of the action taken by the council in relation to any issue raised by the Anti-slavery Commissioner during the year concerning the operations of the council and identified by the Commissioner as being a significant issue and steps taken to ensure that goods and services procured by and for the council during the year were not the product of modern slavery within the meaning of the Modern Slavery Act 2018.
- 20 • Include such other information or material as the regulations or the guidelines under section 406 may require.

- Post a copy of the Annual Report on the Council's website and provide a copy to the Minister.

The *Local Government (General) Regulation 2021* [Clause 217](#) prescribes the required information to be included In the Annual Report.

- 5 The State of Our Shire Report must abide by Essential Element 1.11 of the NSW IP&R Guidelines: *A report on the progress of implementation and the effectiveness of the Community Strategic Plan (the State of our City (formerly referred to as End of Term Report) must be presented to and endorsed at the second meeting of a newly elected council.*

10 **Financial Considerations**

The preparation of the document was funded within existing budget allocations.

Consultation and Engagement

The Annual Report and State of Our Shire Report will be published on Council's website.

Report No. 13.6 Proposed change to 2024 Council Meeting Schedule

Directorate: Corporate and Community Services

Report Author: Heather Sills, Manager Corporate Services

5 **File No:** I2024/1377

Summary:

10 This report proposes that the Planning Council Meeting scheduled on 5 December 2024 be converted to a Councillor Workshop. The previously endorsed 2024 Meeting Schedule includes Council Meetings on three consecutive weeks, being 28 November, 5 December, and 12 December.

It is instead suggested that the 5 December meeting be converted to a Councillor Workshop and the 12 December meeting be a combined Ordinary and Planning Meeting.

15

RECOMMENDATION:

20 **That Council approves the change of the 5 December 2024 Planning Meeting to a Councillor Workshop with the 12 December Ordinary Meeting to be a combined meeting (Ordinary and Planning).**

Report

25 When the 2024 schedule was prepared the December meetings were condensed into the first two weeks to avoid the break period, however this resulted there being 3 meetings in consecutive weeks:

- 28 November 2024 (Ordinary)
- 5 December 2024 (Planning)
- 12 December 2024 (Ordinary)

30 This was schedule was endorsed by Council and public notice given on Council's website in compliance with [Section 9](#) of the Local Government Act.

This report seeks an amendment to the adopted 2024 meeting schedule to avoid unnecessary meetings occurring consecutively over a period 3 weeks.

It is therefore suggested that the 5 December meeting be converted to a Councillor Workshop and the 12 December meeting be a combined Ordinary and Planning Meeting. This will enable additional time for preparation between meetings, and free up the schedule to continue Councillor induction, onboarding, and briefings as required.

5 **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

Legal/Statutory/Policy Considerations

Clause 3.2 of Council's *Code of Meeting Practice* states that "*The council shall, by resolution, set the frequency, time, date and place of its Ordinary meetings.*"

- 10 The setting of the 2025 meeting schedule complies with Council's obligations under the various sections of the *Local Government Act 1993* that apply to meeting dates, namely:
- [Section 9](#) notes that a council must give notice to the public of the times and places of its meetings.
 - [Section 365](#) notes that Council is required to meet at least 10 times each year, each in a different month.
 - [Section 367](#) outlines the required notice period of business papers for Councillors.
- 15

Financial Considerations

There are no financial implications with this meeting schedule.

20 **Consultation and Engagement**

Public notice of the amendment to the 2024 meeting schedule will be given on Council's website.

Report No. 13.7 Draft 2023/2024 Financial Statements

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

File No: I2024/1379

5 **Summary:**

The Draft 2023/2024 Financial Statements have been prepared, and at the time of writing, are subject to external audit still in progress, albeit close to finalisation. Council's file has been lodged with the NSW Audit Office for review and has been subject to audit review by the contracted auditor, HLB Mann Judd GCNC.

- 10 This report to Council recommends the adoption of the Draft 2023/2024 Financial Statements as prepared, and the completion of the statutory steps outlined in Section 418 to 420 of the Local Government Act 1993.

15



RECOMMENDATION:

That:

- 20 1. **Council adopts the Draft 2023/2024 Financial Statements incorporating the General Purpose Financial Statements (#E2024/122438) and Special Purpose Financial Statements (#E2024/122303).**
2. **Council approves the signing of the "Statement by Councillors and Management" in accordance with Section 413(2)(c) of the Local Government Act 1993 and Section 215 of the Local Government (General) Regulation 2021 in relation to the 2023/2024 Draft Financial Statements.**
- 25 3. **The Audited Financial Statements and Auditors Report be presented to the public at the Ordinary Meeting of Council scheduled for 28 November 2024 in accordance with Section 418(1) of the Local Government Act 1993.**

Attachments:

30

- 1 Draft 2023-2024 General Purpose Financial Statements, E2024/122438 
- 2 Draft 2023-2024 Special Purpose Financial Statements, E2024/122303 

Report

The Draft 2023/2024 Financial Statements have been prepared, and at the time of writing this report, are subject to external audit still in progress, albeit close to finalisation. Council's file has been lodged with the NSW Audit Office for review and has been subject to audit review by the contracted auditor, HLB Mann Judd GCNC.

It is not expected there will be any major variations to the Draft 2023/2024 Financial Statements as presented and attached in this report.

This report recommends to Council, following consideration, the adoption of the Draft 2023/2024 Financial Statements as prepared, and the completion of the statutory steps outlined in Section 418 to 420 of the Local Government Act 1993.

Financial Statements

The Financial Statements are a statutory requirement and provide information on the financial performance of Council over the previous twelve-month period.

The Draft 2023/2024 Financial Statements provided in the attachments are broken down into:

- General Purpose Financial Statements – Attachment 1
- Special Purpose Financial Statements – Attachment 2

As in previous years, Council produces Special Schedules that are not audited (except Permissible Income for General Rates). However, since the 2018/2019 financial year, they are no longer required to be published as part of Council's Financial Statements, except for the Special Schedules relating to Permissible Income for General Rates and Report on Infrastructure Assets. The Special Schedules are still produced and submitted to the Office of Local Government as part of the annual financial data return.

Brief explanations for each item is as follows:

General Purpose Financial Statements

These Statements provide an overview of the operating result, financial position, changes in equity and cash flow movement of Council as at 30 June 2024 on a consolidated basis with internal transactions between Council's General, Water and Sewerage Funds eliminated. The notes included with these reports provide details of major items of income and expenditure with comparisons to the previous financial year. The notes also highlight the cash position of Council and indicate which funds are externally restricted (i.e., may be used for a specific purpose only), and those that may be used at Council's discretion.

Special Purpose Financial Statements

These Statements are a result of the implementation of the National Competition Policy and relate to those aspects of Council's operations that are business oriented and compete with other businesses with similar operations. Mandatory disclosures in the Special Purpose Financial Reports are Water and Sewerage. Additional disclosures relate

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to Council business units that Council deems 'commercial'. In this regard Council has traditionally reported its caravan park operations, being Suffolk Beachfront Holiday Park and First Sun Holiday Park, on a combined basis. These financial reports must also classify business units in the following categories:

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- Category 1 – operating turnover is greater than \$2million
- Category 2 – operating turnover is less than \$2million

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All Council's business units are classed as Category 1 with all having operating turnover greater than \$2 million.

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Another feature of the Special Purpose Financial Reports is to build taxes and charges, where not physically incurred, into the financial results in order that the results can be measured on a 'level playing field' with other organisations operating similar businesses, who are required to pay these additional taxes and charges. These taxes and charges include:

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- Land tax – Council is normally exempt from this tax, so notional land tax is applied.
- Income tax – Council is exempt from income tax and in regard to these reports, company tax. Any surplus generated has a notional company tax applied to it.
- Debt guarantee fees – Generally due to the low credit risk associated with Councils, Councils can often borrow loan funds at lower interest rates than the private sector. A debt guarantee fee inflates the borrowing costs by incorporating a notional cost between interest payable on loans at the interest rate borrowed by Council and one that would apply commercially.

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The Special Purpose Financial Reports are prepared on a non-consolidated basis - in other words they are grossed up to include any internal transactions with the General Fund.

Specific Items relating to 2023/2024 Draft Financial Statements

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Before consideration is given to the actual financial outcome, it should be noted that the Office of Local Government restructured the Local Government Code of Accounting Practice and Financial Reporting from the 2020/2021 financial year onwards. This means that the notes to the General Purpose Financial Statements are now broken into Sections as follows:

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- Section A – About Council and these Financial Statements
- Section B – Financial Performance
- Section C – Financial Position
- Section D – Council Structure
- Section E – Risks and Accounting Uncertainties
- Section F – People and Relationships
- Section G – Other Matters
- Section H – Additional Council Disclosures

Some line items previously within certain notes have been moved to other notes.

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The Draft 2023/2024 Financial Statement results have been impacted by the following items that require explanation:

- Overall Audit Outcome

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Council for the 2023/2024 financial year is expected to receive a 'unmodified' or 'clean' audit opinion from the NSW Audit Office. For both the General Purpose and Special Purpose Financial Statements.

- Operating Result from Continuing Operations

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The 2023/2024 financial year has seen a positive overall financial result. Council recorded a \$42.620million surplus compared to the \$31.581million surplus in 2022/2023. This result incorporates the recognition of capital revenues such as capital grants and contributions for specific purposes and asset dedications amounting to \$38.624 million, compared to \$29.560million in 2022/2023.

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A more important indicator is the operating result before capital grants and contributions. This result was a surplus of \$3.996 million in 2023/2024 compared to a surplus of \$2.021million in 2022/2023, representing an increase of \$1.975million between financial years. Whilst an ongoing improvement, this result is influenced more so by timing of events due to revenue recognition accounting standards for grants such as receipt of natural disaster funding with expenditure incurred in the previous financial year and receipt of 85% of the 2024/2025 Financial Assistance Grant in advance.

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With reference to the Income Statement to the General Purpose Financial Statements included at Attachment 1, the following table indicates the major changes between 2023/2024 and 2022/2023 by line item:

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Item	Change between 2023/2024 and 2022/2023 \$'000	Change Outcome	Comment
<u>Income</u>			
Rates & Annual Charges	+\$4,222	Increase	Reflects imposition of the 2023/2024 rate peg of 4.6% and changes in annual charges from Council's adopted 2023/2024 Revenue Policy.
User Charges and Fees	+\$3,023	Increase	A contributor to this change was water consumption charges +\$1.573million, sewerage consumption charges +\$0.407million and pay parking revenues +\$0.809million. Further information is available in Note B2-2 to Attachment 1.
Other Revenues	+\$526	Increase	The major increase in this item relates to fine revenues +\$0.181million and insurance recoveries +\$0.446million.

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Item	Change between 2023/2024 and 2022/2023 \$'000	Change Outcome	Comment
Grants & Contributions – Operating	-\$13,141	Decrease	Overall operating grants and contributions decreased significantly due to reduction in flood recovery grants received for emergency works for AGRN 1012. These were received in the 2022/23 financial year but are a one off grant. Further information is available in Note B2-4 to Attachment 1.
Grants & Contributions – Capital	+\$9,064	Increase	Revenue increase in this item mainly relates to the revenue recognition for completing grant funded capital works milestones. There was also an increase of +\$1,379million in developer contributions received. Further information is available in Note B2-4 to Attachment 1.
Interest and Investment Revenue	+\$2,101	Increase	Interest rates during 2023/2024 have remained high to combat inflation. This has increased the return on Council's investments in addition to having additional funds to invest. Council also received additional revenue on outstanding rates and charges of +\$0.376million due to the level of outstanding rates and charges.
Other Income	+\$286	Increase	Principally relates to change in revenues from property leases.
Total Income Change	+6,080	Increase	
Expenditure			
Employee Benefits and Oncosts	+\$2,913	Increase	Overall employee costs increased in gross terms by \$2.762million but there was also a decrease of \$0.151million of employee costs capitalised on capital works in 2023/2024 compared to 2022/2023. There was an increase of \$0.383million in superannuation contributions and \$0.122million in training costs. Gross salaries and wages increased by \$2.153million that incorporated a 4.5% Award wage increase. More information is provided at Note B3-1 to Attachment 1.
Materials &	-\$7,605	Decrease	Materials and Services decreased

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Item	Change between 2023/2024 and 2022/2023 \$'000	Change Outcome	Comment
Services			\$7.605million overall. Raw materials and consumables decreased \$8.876million significantly due to expenditure on flood recovery works not capitalised associated with emergency works and immediate repair works completed in 2022/2023. Further changes include an decrease of \$0.086million in legal expenses, increase of \$0.182million in insurance costs, increase of \$0.163million for IT software costs and increase of \$0.654million for the use of casual labour hire. Other changes can be found at Note B3-2 to Attachment 1.
Borrowing Costs	+\$21	Increase	Reduction in interest of \$0.094million paid on loan borrowings but an increase of \$0.115million associated with remediation liabilities.
Depreciation	+\$1,707	Increase	Respective changes between asset classes are outlined at Note B3-4 to Attachment 1. Essentially major increase is due to the ongoing revaluation and indexation of assets each year now flowing through with increased depreciation expense.
Other Expenses	+\$163	Increase	Overall variations in line items as disclosed at Note B3-5 to Attachment 1. The major changes were \$0.092million increase in emergency services contributions, and \$0.110million increase contribution to Richmond Tweed Regional Library, increase of \$0.060million for impairment of receivables but a reduction of \$0.103million relating to fair value movement on investments.
Net Losses from Disposal of Assets	-\$2,158	Decrease	Reflects the written down value of assets disposed of at the end of financial year and is contingent upon the extent of assets disposed and their written down value at the time of disposal which can vary. For 2023/2024, Council has more disposals than gains, including the disposal of infrastructure \$0.964million, reflecting the level of capital works

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Item	Change between 2023/2024 and 2022/2023 \$'000	Change Outcome	Comment
			disposals with plant and equipment obtaining a \$0.095million gain. Further details can be found at Note B4-1 to Attachment 1 but overall a significant reduction compared to 2022/2023.
Total Expenditure Change	-\$4,959	Decrease	
Change in Result	+\$11,039	Increase	Increase in overall surplus between financial years.

Following from the operating results, are the performance ratios at Note H1-1 to the General Purpose Financial Statements. These have been derived following the financial assessments undertaken by NSW Treasury Corporation on all NSW Councils in 2012 and are now incorporated into the latest update to the Code of Accounting Practice and Financial Reporting that determines the content of Council's Financial Statements.

These ratios present either a stable or improving result for Council except for the following:

Outstanding, Rates and Annual Charges – Council's ratio has increased to 13.03% in 2023/2024 from 11.94% in 2022/2023. The increase can be attributable to rates and charges increases, the cumulative impacts of the COVID-19 pandemic and the February/March 2022 flood events. Through its assistance program to the community up to 30 June 2022 which included not charging interest and suspending debt recovery, this reduced the incentive for people to pay. As a consequence, the rates and charges outstanding percentage has increased which has influenced the current result. Adding in the cost of living pressures now evident in the economy, this is making recovery of outstanding rates and annual charges difficult. Additional resourcing is being engaged to start actively pursuing the recovery of outstanding amounts and it is expected this ratio should stabilise or start to decrease in the 2024/25 financial year.

Pleasingly, Council met every other performance benchmark including the Operating Performance Ratio for a second year. As a note of caution, this ratio will fluctuate with revenue recognition accounting standards now in place in that grant revenues cannot be matched against expenditure but only in accord with firstly grant and subsequent claim approvals i.e. natural disaster funding and milestone achievement. However, Council needs to improve this result back towards the benchmark as it is a key financial sustainability indicator.

- Asset Revaluations

During 2023/2024, there was no specific asset revaluations due. However, an external review of assets relating to Operational Land was undertaken following the significant decline in valuations by the NSW Valuer General applied to Community and Crown land. These reviews have changed Council's asset values by the following amounts:

- Operational Land – an increase of \$2.842million
- Community and Crown Land – a reduction of \$46.961million

Operational Land represents a further increase following a review conducted by an external valuer APV of around 1.3% in value compared to 2022/2023. For Community and Crown Land, Council utilises valuations provided by the NSW Valuer General as an valuation methodology given Community Land and Crown Land cannot be sold to determine fair value. In the space of 12 months there was a dramatic reduction in values supplied by the Valuer General where Community Land values reduced 18.4% overall and Crown Land values reduced 9.3%.

- Asset Recognition, Indexation and Impairment

As indicated at Note C1-7 to Council's financial statements, Council recognised \$43.774million on asset renewals and \$13.254million on new assets. The extent of asset renewals is still significant and demonstrates ongoing commitment in that area. The depreciation expense of Council's assets for 2023/2024 was \$21.878million so it is pleasing to see that asset renewal was more than the financial depreciation of Council's assets. This will need to be managed carefully when the availability of grant funds decline to restore Council's assets from flood damage associated with AGRN 1012 and Council is left with its own funding sources.

Council annually needs to reassess the fair value of assets not subject to a specific revaluation. Consequently across all asset classes, excluding the movement in Operational, Community and Crown Land indexation has added around \$45.399million to the value of Council's infrastructure, property, plant and equipment. With the exception of land which is not depreciated, the indexation will inflate depreciation expense further in future reporting periods that will make the ability to reduce operational deficits, especially in the General Fund, more difficult.

The February/March 2022 flood events have also required Council to consider any impairment on its assets. Impairment is the reflection of writing down the fair value of an asset following events that have a negative impact on the asset's ability to deliver its economic benefits or perform its function completely. In terms of the February/March 2022 flood events, any Council infrastructure completely destroyed has been disposed of fully writing off any carrying value. Other assets that were damaged but not totally destroyed were assessed for impairment. This has meant Council has reduced the carrying value of its assets by \$2.157million ranging from buildings, roads, bridges, drainage, and swimming pool assets at 30 June 2022. These impairment charges will be reversed as and when the impaired assets are later repaired and restored. As a result, at 30 June 2024 due to works to restore infrastructure, a further \$461k of the impairment cost recognised previously has been reversed.

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- Cash and Investments

During 2023/2024, as detailed at Note C1-3 to the financial statements, Council has improved its unrestricted cash and investments position from \$0 at 30 June 2023 to \$400,000 at 30 June 2024. Council's goal of maintaining a \$1million unrestricted cash balance has not yet been able to be achieved however the \$400,000 available in unrestricted cash now provides Council with a small buffer for unforeseen non budgeted expenditure or revenue loss.

Council has established a flood recovery reserve, in an effort to track its expenditure for the recovery works. As at 30 June 2024, this reserve has a balance of negative \$8.695million and is indicative of expenditure incurred by Council that is yet to be reimbursed by the NSW Government through Natural Disaster funding. It needs to be clearly articulated, as it was when for the 2021/2022 financial year, that in establishing this reserve the short term funding to the flood recovery has come from Council's overall internal reserve allocations and that no externally restricted funds have been used for this purpose. It is expected that the flood recovery reserve will cease to exist when Council has completed all flood recovery works and been reimbursed fully for natural disaster funding eligible expenditure over the next few years.

All other cash and investments totalling \$118.882million at 30 June 2024 are restricted for specific purposes. Overall, the cash and investment position of Council increased by \$47.247million during the year.

- Receivables and Contract Assets

As at 30 June 2023, as detailed at Note C1-4 and C1-6 to the financial statements, Council was due \$23.738million in receivables and contract assets. Outstanding rates and annual charges were \$8.554million, an increase of \$1.086million. Overall receivables and contract assets decreased by \$0.459million compared to the 2022/2023 financial year.

- Payables, Contract Liabilities and Provisions

At 30 June 2023, as detailed at Note C3-1 for payables, Note C3-2 for Contract Liabilities, Note C3-4 for Employee Benefit Provisions and Note C3-5 for Provisions, total payables by Council were \$18.855million including \$7.400million held in security bonds, deposits and retentions, \$1.034million in accrued expenses and \$9.488million payable to suppliers. In addition at 30 June 2024, Council has accrued employee leave entitlements valued at \$8.542million. Specific employee leave entitlements include \$3.371million for annual leave, \$5.080million for long service leave and \$0.091million for gratuities. At 30 June 2024 Council also had \$42.637million in contract liabilities relating to unexpended capital grants and advance bookings for its holiday parks. The significant increase in contract liabilities relates primarily to cash flow support payments Council has received under the 'Tripartite Agreement' with Transport for NSW and the NSW Reconstruction Authority for flood recovery works yet to be completed. It has also made provisions of \$13.024million for the restoration of landfill and quarry assets. In comparison to 2022/2023, total liabilities have increased \$41.940million excluding loan borrowings.

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- Loan Borrowings

During 2023/2024 Council entered into new loan borrowings and continued to make normal loan repayments. Overall, new loan borrowings for 2023/2024 were \$5.801million with Council refinancing \$4.834million in existing borrowings with a new lender. Overall gross borrowings were \$10.635million.

Council's outstanding loans as at 30 June 2024 are \$55.905million. Total loan expenditure for 2023/2024 included interest payments of \$2.643million and principal payments of \$4.103million. Total expenditure in 2023/2024 related to loan repayments was \$6.746million or 6.37% of Council's revenue, excluding all grants and contributions.

The outstanding loans by Fund totalling \$55.905million are as follows:

- General Fund \$25.638million
- Water Fund \$0 – Water Fund is debt free
- Sewerage Fund \$30.267million

- New Accounting Standards

The 2023-2024 financial year did not require Council to implement any new accounting standards that impacted the financial statements in terms of monetary disclosures. However, Council has adopted the requirements of AASB 2021-2 which concerns the disclosure of accounting policies and definitions of accounting estimates in the financial statements. This has resulted in the removal of accounting policy wording from a number of the notes to the financial statements. Where disclosure is provided under the heading 'Material accounting policy', such disclosure has been deemed material in relation to the monetary disclosures in the various notes. Previously the disclosures included significant accounting policies that included material accounting policies so the disclosures deemed as 'significant accounting policies' are no longer disclosed and have been removed.

- Liquidity

Council's Statement of Financial Position (balance sheet) indicates net current assets of \$61.937million. It is on this basis, in the opinion of the Responsible Accounting Officer, that the short term financial position of Council remains satisfactory and that Council can be confident it can meet its payment obligations as and when they fall due. That is, there is no uncertainty as to Council being considered a 'going concern'. In addition, Council's cash expense cover ratio is at 14.68 months whereas the minimum benchmark is 3 months. Council exceeds this benchmark by nearly five times.

Council's Unrestricted Current Ratio did improve to 3.75, demonstrating Council has \$3.75 in unrestricted current assets compared to every \$1.00 of unrestricted current liabilities. This exceeds the benchmark of \$1.50 by 2.5 times.

On a longer term basis Council will need to consider its financial position carefully. Nevertheless, in isolation, the financial results for 2023/2024 continue to present a 'stable' financial position with improvement especially given Council is now in infrastructure recovery mode following the impact of the February/March 2022 flood events and is carrying significant debt on behalf of the NSW Government but has currently been offset

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by substantial advance payments in the short term. As the flood recovery works are completed this will extinguish advance payments.

5 Further work is required to restore the unrestricted cash balance to at least \$1million, or a further \$600,000 from the position at 30 June 2024.

10 Council will especially need to carefully manage its cash flow obligations as it starts to commit further significant expenditure in the flood recovery for Essential Public Asset Restoration (EPAR) and be diligent in the lodgement of claims for reimbursement as Council will be operating on a business as usual footing plus flood recovery for the next few years.

Strategic Considerations

15 Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership We have effective decision making and community leadership that is open and informed	1.3: Ethical and efficient management of resources	1.3.1: Financial Management - Ensure the financial integrity and sustainability of Council through effective financial management	1.3.1.3	Provide completion of Council's statutory annual financial statements for 2023/2024.

Legal/Statutory/Policy Considerations

20 Section 413(2)(c) of the Local Government Act 1993 and Section 215 of the Local Government (General) Regulation 2021 requires Council to specifically form an opinion on the financial statements. Specifically Council needs to sign off an opinion on the Financial Statements regarding their preparation and content as follows:

25 In this regard the Financial Statements have been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made thereunder.
- The Australian Accounting Standards and professional pronouncements.
- The Local Government Code of Accounting Practice and Financial Reporting.

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And the content to the best of our knowledge and belief:

- Presents fairly the Council's operating result and financial position for the year.
- Accords with Council's accounting and other records.
- 35 • Management is not aware of any matter that would render the Financial Statements false or misleading in any way.

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Section 416(1) of the Local Government Act 1993, requires a Council's annual Financial Statements to be prepared and audited within four (4) months of the end of that financial year i.e. on or before 31 October 2024.

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Section 417(4) of the Local Government Act 1993 requires, as soon as practicable after completing the audit, the Auditor must send a copy of the Auditor's Reports to the Departmental Chief Executive and to the Council.

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Section 417(5) of the Local Government Act 1993 requires Council, as soon as practicable after receiving the Auditor's Reports, to send a copy of the Auditor's Reports on the Council's Financial Statements, together with a copy of the Council's audited Financial Statements, to the Departmental Chief Executive before 7 November 2024.

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Section 418(1) of the Local Government Act 1993 requires Council to fix a date for the Meeting at which it proposes to present its audited Financial Statements, together with the Auditor's Reports, to the public, and must give public notice of the date so fixed. This requirement must be completed within five weeks after Council has received the Auditor's Reports.

Financial Considerations

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There are no direct financial implications associated with this report as the report does not involve any future expenditure of Council funds but rather, advises on Council's draft financial outcomes during the 2023/2024 financial year, which are identified in this report and attachments. These financial outcomes are also still subject to final audit review at the time of report preparation and may change.

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Consultation and Engagement

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Section 420 of the Local Government Act 1993 requires Council to provide the opportunity for the public to submit submissions on the Financial Statements. Submissions are to be made within seven days of the Financial Statements being presented to the public. In the case of the 2023/2024 Financial Statements, the closing date for submissions is expected to be 5 December 2024.

Report No. 13.8 Council Investments - 1 August 2024 to 31 August 2024

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2024/1393

Summary:

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

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

Councillors will have the opportunity to receive a more detailed briefing on Council finances during the induction and onboarding process.

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RECOMMENDATION:

That Council notes the report listing Council's investments and overall cash position as of 31 August 2024.

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Report

5 Council has continued to maintain a diversified portfolio of investments. As of 31 August 2024, the average 90-day bank bill rate (BBSW) for the month was 4.37%. Council's performance for August 2024 was 4.66%. Performance higher than the BBSW indicates that Council earned a better return on its short-term investments compared to the market average.

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

Schedule of Investments held as at 31 August 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%	971,690.00
28/03/19	1,000,000.00	National Housing Finance & Investment Corporation	Y	AAA	28/03/29	N	B	2.38%	928,370.00
21/11/19	1,000,000.00	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	N	B	1.25%	973,140.00
27/11/19	500,000.00	National Housing Finance & Investment Corp	Y	AAA	27/05/30	N	B	1.52%	434,937.50
15/06/21	500,000.00	National Housing Finance & Investment Corp	Y	AAA	01/07/31	N	B	1.99%	500,346.07
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%	813,490.00
30/10/23	850,000.00	Bank Australia Ltd	P	BBB+	30/10/26	N	FRN	5.84%	854,230.32
21/02/24	500,000.00	Bank Australia Ltd	N	BBB+	21/02/28	N	FRN	6.04%	503,768.22
27/11/23	1,000,000.00	Westpac	P	AA-	27/11/24	N	TD	5.40%	1,000,000.00

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
		Tailored							
04/12/23	2,000,000.00	Bank of QLD	P	A-	04/10/24	N	TD	5.10%	2,000,000.00
06/03/24	2,000,000.00	Beyond Bank	P	BBB	04/09/24	N	TD	5.05%	2,000,000.00
07/03/24	2,000,000.00	Judo Bank	P	BBB-	05/09/24	N	TD	5.20%	2,000,000.00
14/03/24	1,000,000.00	Bank of QLD	N	A-	16/09/24	N	TD	5.17%	1,000,000.00
13/05/24	5,000,000.00	MyState Bank	P	BBB	13/11/24	N	TD	5.20%	5,000,000.00
05/06/24	5,000,000.00	Bank of QLD	N	A-	05/12/24	N	TD	5.20%	5,000,000.00
05/06/24	5,000,000.00	NAB	P	AA-	02/12/24	Y	TD	5.10%	5,000,000.00
05/06/24	5,000,000.00	Police Bank	P	BBB	04/12/24	N	TD	5.20%	5,000,000.00
06/06/24	2,000,000.00	Beyond Bank	N	BBB	05/09/24	N	TD	5.05%	2,000,000.00
18/06/24	2,000,000.00	NAB	N	AA-	16/09/24	Y	TD	5.00%	2,000,000.00
21/06/24	2,000,000.00	NAB	N	AA-	19/09/24	Y	TD	5.00%	2,000,000.00
27/06/24	1,000,000.00	Auswide Bank Ltd	P	BBB-	27/09/24	N	TD	5.05%	1,000,000.00
03/07/24	1,000,000.00	Bank of QLD	N	A-	03/01/25	N	TD	5.25%	1,000,000.00
03/07/24	2,000,000.00	MyState Bank	N	BBB	07/01/25	N	TD	5.35%	2,000,000.00
04/07/24	1,000,000.00	Judo Bank	N	BBB-	02/10/24	N	TD	5.15%	1,000,000.00
08/07/24	2,000,000.00	NAB	N	AA-	08/10/24	Y	TD	5.15%	2,000,000.00
10/07/24	4,000,000.00	Beyond Bank	N	BBB	09/10/24	N	TD	5.15%	4,000,000.00
10/07/24	5,000,000.00	NAB	N	AA-	06/01/25	Y	TD	5.35%	5,000,000.00
11/07/24	5,000,000.00	Beyond Bank	N	BBB	09/01/25	N	TD	5.35%	5,000,000.00
11/07/24	5,000,000.00	Judo Bank	N	BBB-	13/01/25	N	TD	5.35%	5,000,000.00
17/07/24	1,000,000.00	NAB	N	AA-	15/10/24	Y	TD	5.15%	1,000,000.00
18/07/24	1,000,000.00	Judo Bank	N	BBB-	18/10/24	N	TD	5.05%	1,000,000.00
29/07/24	1,000,000.00	NAB	N	AA-	28/10/24	Y	TD	5.10%	1,000,000.00
07/08/24	1,000,000.00	Auswide Bank	N	BBB-	05/02/25	N	TD	5.15%	1,000,000.00
07/08/24	2,000,000.00	Judo Bank	N	BBB	06/11/24	N	TD	5.00%	2,000,000.00
19/08/24	1,000,000.00	Judo Bank	N	BBB	18/11/24	N	TD	4.80%	1,000,000.00
21/08/24	1,000,000.00	MyState Bank	N	BBB	20/11/24	N	TD	4.80%	1,000,000.00
27/08/24	1,000,000.00	MyState Bank	N	BBB	25/11/24	N	TD	4.75%	1,000,000.00
N/A	25,233,728.50	CBA Business Saver	P	AA-	N/A	Y	CALL	4.35%	25,233,728.50

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.8

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
N/A	549,036.06	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	Y	CALL	4.35%	549,036.06
N/A	10,284,236.39	Macquarie Accelerator Call	N	A	N/A	Y	CALL	4.20%	10,284,236.39
Total	112,417,000.95						AVG	4.66%	112,046,973.06

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

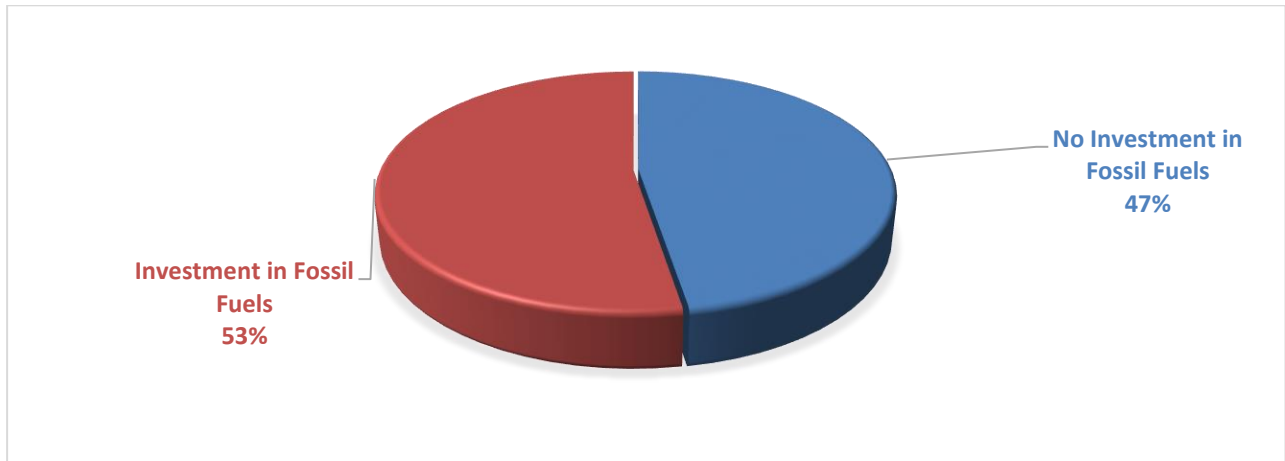
Note 3. Type Description

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)

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.

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.

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% and as at 31 August 2024, the portfolio has increased to 47%.

Investment Policy Compliance

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

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.8

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

Investment policy compliance % should not exceed the following			ACTUAL	
AAA to AA	A1+	100%	45%	Meets policy
A+ to A-	A1	60%	17%	Meets policy
BBB to NR	A2,NR	40%	38%	Meets policy

Dissection of Council Investment Portfolio as at 31 August 2024

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
69,000,000.00	Term Deposits	69,000,000.00	0.00
25,233,728.50	CBA Business Saver	25,233,728.50	0.00
549,036.06	CBA Business Saver – Tourism Infrastructure Grant	549,036.06	0.00
10,284,236.39	Macquarie Accelerator	10,284,236.39	0.00
7,350,000.00	Bonds/Floating Rate Notes	6,979,972.00	(370,028.00)
112,417,000.95	Total	112,046,972.95	(370,028.00)

- 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 August 2024 as follows:

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

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	69,000,000.00	69,000,000.00	0.00
CBA Business Saver	25,233,728.50	25,233,728.50	0.00
CBA Business Saver – Tourism Infrastructure Grant	549,036.06	549,036.06	0.00
Macquarie Accelerator	10,284,236.39	10,284,236.39	0.00

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.8

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Bonds	7,350,000.00	6,979,972.00	(370,028.00)
Total Investment Portfolio	112,417,000.95	112,046,972.95	(370,028.00)
Cash at Bank			
Consolidated Fund	4,670,296.55	4,670,296.55	0.00
Total Cash at Bank	4,670,296.55	4,670,296.55	0.00
Total Cash Position	117,087,297.50	116,717,269.50	(370,028.00)

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.

15 Council's investments are made in accordance with section 625(2) of the *Local Government Act 1993* and Council's Investment Policy. The *Local Government Act 1993* allows Council to invest money as per the Minister's Order – Forms of Investment, last published in the Government Gazette on 11 March 2011.

Council's Investment Policy includes the objective of maximising earnings from authorised investments and ensuring the security of Council Funds.

Financial Considerations

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

Report No. 13.9 Council Investments - 1 September 2024 to 30 September 2024

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2024/1394

Summary:

This Report includes a list of investments and identifies Council's overall cash position for the period 1 September 2024 to 30 September 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 30 September 2024.**

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.9

Report

Council has continued to maintain a diversified portfolio of investments. As of 30 September 2024, the average 90-day bank bill rate (BBSW) for the month was 4.42%.

Council's performance for September 2024 was 4.62%. Performance higher than the

- 5 BBSW indicates that Council earned a better return on its short-term investments compared to the market average.

The table below identifies the investments held by Council as at 30 September 2024.

Schedule of Investments held as at 30 September 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%	971,690.00
28/03/19	1,000,000.00	National Housing Finance & Investment Corporation	Y	AAA	28/03/29	N	B	2.38%	928,370.00
21/11/19	1,000,000.00	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	N	B	1.25%	973,140.00
27/11/19	500,000.00	National Housing Finance & Investment Corp	Y	AAA	27/05/30	N	B	1.52%	434,937.50
15/06/21	500,000.00	National Housing Finance & Investment Corp	Y	AAA	01/07/31	N	B	1.99%	500,346.07
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%	813,490.00
30/10/23	850,000.00	Bank Australia Ltd	P	BBB+	30/10/26	N	FRN	5.84%	854,230.32
21/02/24	500,000.00	Bank Australia Ltd	N	BBB+	21/02/28	N	FRN	6.04%	503,768.22
27/11/23	1,000,000.00	Westpac	P	AA-	27/11/24	N	TD	5.40%	1,000,000.00

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.9

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
		Tailored							
04/12/23	2,000,000.00	Bank of QLD	P	A-	04/10/24	N	TD	5.10%	2,000,000.00
13/05/24	5,000,000.00	MyState Bank	P	BBB	13/11/24	N	TD	5.20%	5,000,000.00
05/06/24	5,000,000.00	Bank of QLD	N	A-	05/12/24	N	TD	5.20%	5,000,000.00
05/06/24	5,000,000.00	NAB	P	AA-	02/12/24	Y	TD	5.10%	5,000,000.00
05/06/24	5,000,000.00	Police Bank	P	BBB	04/12/24	N	TD	5.20%	5,000,000.00
03/07/24	1,000,000.00	Bank of QLD	N	A-	03/01/25	N	TD	5.25%	1,000,000.00
03/07/24	2,000,000.00	MyState Bank	P	BBB	07/01/25	N	TD	5.35%	2,000,000.00
04/07/24	1,000,000.00	Judo Bank	P	BBB-	02/10/24	N	TD	5.15%	1,000,000.00
08/07/24	2,000,000.00	NAB	N	AA-	08/10/24	Y	TD	5.15%	2,000,000.00
10/07/24	4,000,000.00	Beyond Bank	P	BBB	09/10/24	N	TD	5.15%	4,000,000.00
10/07/24	5,000,000.00	NAB	N	AA-	06/01/25	Y	TD	5.35%	5,000,000.00
11/07/24	5,000,000.00	Beyond Bank	N	BBB	09/01/25	N	TD	5.35%	5,000,000.00
11/07/24	5,000,000.00	Judo Bank	N	BBB-	13/01/25	N	TD	5.35%	5,000,000.00
17/07/24	1,000,000.00	NAB	N	AA-	15/10/24	Y	TD	5.15%	1,000,000.00
18/07/24	1,000,000.00	Judo Bank	N	BBB-	18/10/24	N	TD	5.05%	1,000,000.00
29/07/24	1,000,000.00	NAB	N	AA-	28/10/24	Y	TD	5.10%	1,000,000.00
07/08/24	1,000,000.00	Auswide Bank	P	BBB-	05/02/25	N	TD	5.15%	1,000,000.00
07/08/24	2,000,000.00	Judo Bank	N	BBB	06/11/24	N	TD	5.00%	2,000,000.00
19/08/24	1,000,000.00	Judo Bank	N	BBB	18/11/24	N	TD	4.80%	1,000,000.00
21/08/24	1,000,000.00	MyState Bank	N	BBB	20/11/24	N	TD	4.80%	1,000,000.00
27/08/24	1,000,000.00	MyState Bank	N	BBB	25/11/24	N	TD	4.75%	1,000,000.00
04/09/24	2,000,000.00	NAB	N	AA-	03/12/24	Y	TD	4.95%	2,000,000.00
04/09/24	2,000,000.00	Bank of QLD	N	A-	03/12/24	N	TD	4.75%	2,000,000.00
05/09/24	2,000,000.00	Beyond Bank	N	BBB	04/12/24	N	TD	4.90%	2,000,000.00
05/09/24	2,000,000.00	Beyond Bank	N	BBB	04/12/24	N	TD	4.90%	2,000,000.00
16/09/24	1,000,000.00	Bank of QLD	N	A-	16/12/24	N	TD	4.75%	1,000,000.00
16/09/24	2,000,000.00	NAB	N	AA-	16/12/24	Y	TD	4.95%	2,000,000.00
19/09/24	2,000,000.00	NAB	N	AA-	18/12/24	Y	TD	4.95%	2,000,000.00
27/09/24	1,000,000.00	Auswide Bank	N	BBB-	12/12/24	N	TD	4.80%	1,000,000.00
N/A	24,322,279.23	CBA Business	P	AA-	N/A	Y	CALL	4.35%	24,322,279.23

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.9

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
		Saver							
N/A	550,999.05	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	Y	CALL	4.35%	550,999.05
N/A	10,320,519.96	Macquarie Accelerator Call	P	A	N/A	Y	CALL	4.20%	10,320,519.96
Total	113,543,798.24						AVG	4.62%	113,173,770.35

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

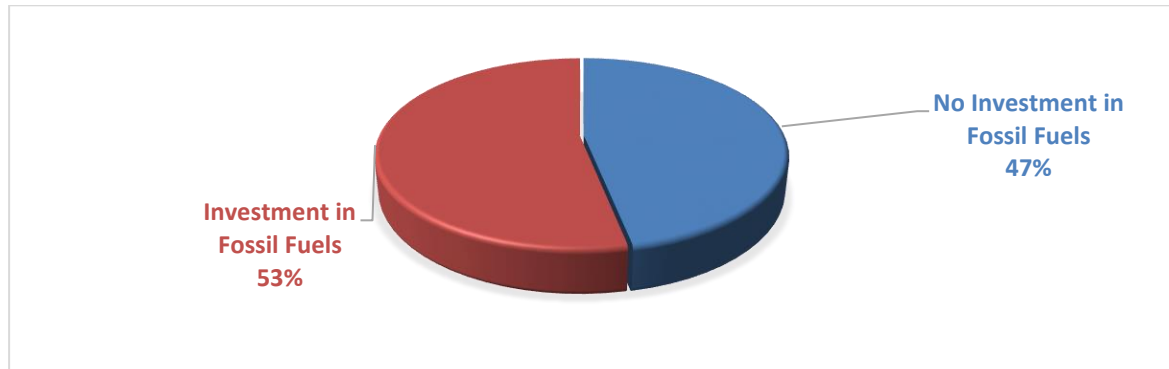
Note 3. Type Description

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)

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



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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.

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% and as at 30 September 2024, the portfolio has been stable at 47%.

Investment Policy Compliance

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

The investment portfolio is outlined in the table below by investment type for the period 1 September 2024 to 30 September 2024:

Investment policy compliance % should not exceed the following			ACTUAL	
AAA to AA	A1+	100%	45%	Meets policy
A+ to A-	A1	60%	19%	Meets policy
BBB to NR	A2,NR	40%	36%	Meets policy

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.9

Dissection of Council Investment Portfolio as at 30 September 2024

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
71,000,000.00	Term Deposits	71,000,000.00	0.00
24,322,279.23	CBA Business Saver	24,322,279.23	0.00
550,999.05	CBA Business Saver – Tourism Infrastructure Grant	550,999.05	0.00
10,320,519.96	Macquarie Accelerator	10,320,519.96	0.00
7,350,000.00	Bonds/Floating Rate Notes	6,979,972.00	(370,028.00)
113,543,798.24	Total	113,173,770.24	(370,028.00)

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 September 2024 as follows:

5

Dissection of Council's Cash Position as at 30 September 2024

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	71,000,000.00	71,000,000.00	0.00
CBA Business Saver	24,322,279.23	24,322,279.23	0.00
CBA Business Saver – Tourism Infrastructure Grant	550,999.05	550,999.05	0.00
Macquarie Accelerator	10,320,519.96	10,320,519.96	0.00
Bonds	7,350,000.00	6,979,972.00	(370,028.00)
Total Investment Portfolio	113,543,798.24	113,173,770.24	(370,028.00)
Cash at Bank			
Consolidated Fund	4,670,296.55	4,670,296.55	0.00
Total Cash at Bank	4,670,296.55	4,670,296.55	0.00
Total Cash Position	118,214,094.79	117,844,066.79	(370,028.00)

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.

- 15 Council's investments are made in accordance with section 625(2) of the *Local Government Act 1993* and Council's Investment Policy. The *Local Government Act 1993* allows Council to invest money as per the Minister's Order – Forms of Investment, last published in the Government Gazette on 11 March 2011. Council's Investment Policy includes the objective of maximising earnings from authorised investments and ensuring the security of Council Funds.

Financial Considerations

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

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.10 Public Transport Workshop Summary

Directorate: Infrastructure Services

5 **Report Author:** Shelley Currie, Road Safety Officer

File No: I2024/1202

Summary:

10 The purpose of this report is to discuss the outcomes from the second Public Transport Workshop held on the 9 August 2024. Minutes from the workshop are attached as Attachment 1 (E2024/95518).

A key outcome from the workshop was the North Coast Strategic Regional Integrated Transport Plan (SRITP) which is being developed by Transport for NSW. The purpose of the SRITP is to address transportation needs and aspirations of the North Coast region (including Byron shire) over a 20-year horizon.

15 As part of the SRITP process, TfNSW have offered to assist with assessing Byron shire's current and future transport needs, in line with the Moving Byron Strategy.

20 **RECOMMENDATION:**

That Council continues to support the work being undertaken with Transport for NSW on assessing Byron Shire's current and future transport needs and the North Coast Strategic Regional Integrated Transport Plan.

Attachments:

25 1 Public Transport Workshop Minutes 9 August 2024, E2024/95518 

Report

On 9 August 2024, Council held a second Public Transport Workshop which included Transport for NSW representatives, Councillors, Moving Byron Committee members, community members and Council staff. The key discussion points are outlined below.

5

North Coast Strategic Regional Integrated Transport Plan (SRITP)

10 A key outcome from the workshop was Transport for NSW announcing that they are developing a North Coast Strategic Regional Integrated Transport Plan (SRITP). The purpose of the SRITP is to address transportation needs and aspirations of the North Coast region (including Byron shire) over a 20-year horizon.

As part of the SRITP process, TfNSW have offered to assist Council in assessing Byron shire's current and future transport needs, which would assist with delivering actions from the Moving Byron Strategy, including:

5.2.2 Survey community to identify service gaps and undertake route evaluation.

15 *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.

20 *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.

25 *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.

30 *- 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.

- 5 TfNSW are accepting submissions until the end of 2024 for the SRITP via an online Your Say survey (<https://www.haveyoursay.nsw.gov.au/sritp/north-coast>). During the workshop it was suggested that Council should promote this survey to the local community. However, any community engagement needs to be managed carefully so that the SRITP doesn't detract from the engagement required for the local transport assessment. There is also a risk of confusing the two projects and thereby disengaging the community.
- 10

In addition, TfNSW would like to have another workshop with Council staff and relevant stakeholders in early 2025 as part of the SRITP process, aiming for completion of the SRITP by early 2026.

- 15 Council staff recommend further discussion with TfNSW in relation to both the SRITP and the local transport assessment to fully understand the scope and implementation.

Other public transport services

During the first workshop in November 2023, bus services were the primary focus. During this second workshop, both light rail and heavy rail public transport services were discussed.

- 20 Transport for NSW are not supportive of heavy rail anywhere along the rail corridor and have asked for this to be excluded from any future discussions. This corroborates with Council's decision to proceed with plans to implement a shared path on the rail corridor, except for the Mullumbimby to Byron Bay section which is being investigated for multi-use.
- 25 It is unclear if TfNSW would consider light rail in the Mullumbimby to Byron Bay section of the rail corridor. However, this can be discussed once Council has completed assessment of the existing rail infrastructure as this will determine whether light rail is possible or not.

Ocean Shores to Byron services and other improvements to the bus routes and timetables

- 30 During the workshop, Council discussed community feedback received in relation to Sunday bus services from Ocean Shores, more direct services between Ocean Shores and Byron Bay and more afternoon/evening services.

- 35 At present, TfNSW do not have funding to add new services to the current contract with CDC Buses, who are the local bus operator. However, CDC Buses have an action to complete a network review which will include cost neutral changes and consideration of the above community requests.

- 40 TfNSW noted that school bus services could also be used by the general public and may assist with filling service gaps on weekdays during school term. The feedback from the workshop members was that this was not well known by the community and also that school services are not shown by default on the TfNSW Trip Planner. However, bus operators noted concerns relating to child safety, hail'n'ride safety and potential impacts on the school timetable. This opportunity requires further investigation as part of the local transport plan project.

Poorly presented timetable formation

During the workshop it was noted that the current bus timetable format is difficult to understand. Bus operators have an action to audit and update timetables to improve readability.

5 Dysfunctional 'trip planner' coordinated by TfNSW

The TfNSW Trip Planner has several issues which have been acknowledged by TfNSW. While the workshop did not go into the detail of the specific issues, TfNSW have an action to fix these issues in collaboration with workshop members.

10 Better understanding and attention to meeting the needs of disabled and mobility challenged people.

Both the SRITP and the local transport assessment will consider the needs of the Byron shire community as well as visitors to the area. This will include people with disabilities and/or mobility challenges. Specific engagement mechanisms are yet to be confirmed but will most likely include community surveys, meetings with key groups and consideration of general community feedback.

15 BusBot Trial

Council currently has an action to provide a bus bay adjacent to the Tourism Information Centre in Jonson Street, Byron Bay and support bus services circulating in the town centre.

20 In response to this action TfNSW have offered to run a BusBot trial in Byron Bay. A BusBot is a small low speed automated electric vehicle (see website for more information - <https://www.transport.nsw.gov.au/data-and-research/future-mobility/our-projects/automated-shuttle-trials/coffs-harbour-busbot-trial>). This technology has been successfully trialled in a number of locations across Australia, including Coffs Harbour.

25 However, there are restrictions in the use of this technology, such as it can only be used in low speed environments within a limited area. As part of the local transport assessment, Council staff would like to investigate how the BusBot technology functions and how a trial could be applied in Byron Bay's town centre.

Other topics discussed

30 In addition to the above, the following actions came out of the workshop:

1. TfNSW to investigate adding more bus bays to support bus services and improve afternoon sun protection in summer for waiting passengers at the Byron Bay bus interchange.
- 35 2. Council to consider driver education (possibly signage) in relation to safety around school bus routes/stops and promotion of school bus use to parents to ease congestion in busy areas such as Broken Head Road.
3. Byron Solar Train to engage with TfNSW regarding inclusion of train in Trip Planner.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5: Connected Infrastructure	5.2: Connect the Shire through integrated transport services	5.2.2: Public transport - Advocate for public transport services across Byron Shire that are convenient, regular, and easy to access	5.2.2.1	Advocate and apply for grants that improve accessibility to various transport options across the Shire
2: Inclusive Community	2.5: Create social impact and initiatives that address disadvantage	2.5.1: Access and inclusion - Improve access and inclusion for all community members, including people with disability	2.5.1.3	Partner with Access Consultative Working Group to implement disability inclusion action planning priorities

Recent Resolutions

24-045

- 5 **Resolved** that Council adopts the following Committee Recommendation:

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

Committee Recommendation 4.2.1

- 10 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).
- 15 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
- 20 b) Dysfunctional 'trip planner' coordinated by TfNSW.

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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 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.

10 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.

15 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:

20 - 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.

25 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.

Legal/Statutory/Policy Considerations

Not applicable

Financial Considerations

30 Not applicable

Consultation and Engagement

Not applicable

Report No. 13.11 RFT 2024-2315 Supply of Spray Seal, Asphalt & Stabilisation Services

Directorate: Infrastructure Services

Report Author: Joshua Provis, Road and Bridge Engineer

5 **File No:** I2024/1344

Summary:

On 24 July 2024, the Acting General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract RFT 2024-2315 Supply of Spray Seal, Asphalt & Stabilisation Services.

10 The Request for Tender was advertised from 14 August to 11 September 2024. Tenders were received from the following organisations:

- ANA Industries Pty Ltd
- Asphalt / Property Innovations
- Austek Asphalt Services
- Boral Resources (QLD) Pty Ltd
- Colas QLD Pty Ltd
- Downer EDI Works Pty Ltd
- Durack Civil Pty Ltd
- Elite Roads NSQ & QLD Pty Ltd

- 15
- Ellis Stabilising Pty Ltd
 - Fulton Hogan Industries Pty Ltd
 - Hiway Aus Pty Ltd
 - MJ Smith Ground Preparation Pty Ltd
 - NSW Building and Civil Pty Ltd
- 20

- 25
- Renolith
 - RPQ Spray Seal Pty Ltd

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- Stabilcorp Pty Ltd
- Stabilised Pavements of Australia
- East Coast Asphalt Pty Ltd

5 Tenders have been assessed in accordance with the provisions of the Local Government (General) Regulations 2021. This report summarises the background and assessment of the tenders and provides a recommendation to award the tender for Contract 2024-2315.

RECOMMENDATION:

10 **That Council:**

1. **Award Tender 2024-2315 Supply of Spray Seal, Asphalt & Stabilisation Services to the preferred suppliers identified in the Tender Evaluation Report E2024/119351; and**
 2. **Makes public its decision, including the name and amount of the successful Tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2021.**
- 15

Attachments:

- 1 Confidential - RFT2024-2315 - Evaluation Panel Recommendation Report, E2024/119351
- 20

Report

On 24 July 2024, the Acting General Manager, under delegated authority, approved the use of the open tendering method to call for tenders for Contract RFT 2024-2315 Supply of Spray Seal, Asphalt & Stabilisation Services.

- 5 The Contract is required so that contracts are in place for Council's annual spend on spray sealing, asphalt, road stabilisation and supply of bitumen emulsion. Current contracts for these services have expired.

The Request for Tender (RFT) sought responses from proponents to provide

- Supply of bitumen spray sealing services
- 10 • Supply of asphalt paving services
- Supply of road stabilisation services
- Supply and delivery bitumen emulsion for Council's Jetmaster patching truck

The Contract is expected to commence in November 2024 for a period of two years. Two by one year contract extensions are available at Council's sole discretion.

- 15 The Contract will be managed by Council's Works Coordinator.

Tenders were advertised as follows:

VendorPanel Online: 14 August to 11 September 2024

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

- 20 Tenders closed on 11 September 2024 and tenders were received from the following proponents:

- ANA Industries Pty Ltd
- Asphalt / Property Innovations
- Austek Asphalt Services
- Boral Resources (QLD) Pty Ltd
- 25 • Colas QLD Pty Ltd
- Downer EDI Works Pty Ltd
- Durack Civil Pty Ltd
- Elite Roads NSQ & QLD Pty Ltd
- Ellis Stabilising Pty Ltd

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- Fulton Hogan Industries Pty Ltd
- Hiway Aus Pty Ltd
- MJ Smith Ground Preparation Pty Ltd
- NSW Building and Civil Pty Ltd
- 5 • Renolith
- RPQ Spray Seal Pty Ltd
- Stabilcorp Pty Ltd
- Stabilised Pavements of Australia
- East Coast Asphalt Pty Ltd

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

Mandatory criteria:

- Tender lodged on time, in accordance with the Conditions of Tender.
- Respondent has a valid Australian Business Number.
- 15 • Respondent substantially complies with the Statement of Requirements.
- Respondent substantially complies with the Conditions of Contract.
- Respondent holds the required insurances or has the ability to obtain the insurances.
- Holds current Workers Compensation insurance for all employees
- 20 • Respondent has satisfactory work health and safety and environmental compliance practices.
- Financial capacity to undertake the contract
- Commitment to ethical business practice principles.
- Tenderer confirms no ties to Bravus Mining previously Adani Mining, no ties with Carmichael mine and no involvement with offshore detention centres
- 25 • Respondent has confirmed they, and their supply chains, do not engage in Modern Slavery practices
- Responses have been provided to other social enterprise questions (eg sustainability, disability employment organisation).

30

Qualitative criteria:

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

Financial Considerations

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

The expected spend on each category, based on the previous financial year data available is as follows:

- 5
 - Spray sealing \$2,000,000
 - Asphalt \$5,500,000
 - Stabilisation \$3,500,000
 - Supply of bitumen emulsion \$100,000
- 10 There is sufficient funding for the proposed contracts in the current budgets.

Statutory and Policy Compliance Considerations

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

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

Local Government (General) Regulation 2021 - Reg 178

Acceptance of tenders

178 Acceptance of tenders

- 10 (1) *After considering the tender submissions for a proposed contract, the council must either—*
 - (a) *accept the tender submission that, having regard to all the circumstances, appears to it to be the most advantageous, or*
 - (b) *decline to accept any of the tender submissions.*
- 15 (1A) *Without limiting subsection (1), in considering the tender submissions for a proposed contract for the performance of domestic or other waste management services, the council must take into account whether or not existing workers (within the meaning of section 170) will be offered employment or engagement on terms and conditions comparable to those applicable to the workers immediately before the tender*
20 *submissions.*
- (2) *A council must ensure that every contract it enters into as a result of a tender submission accepted by the council is with the successful tenderer and in accordance with the tender (modified by any variation under section 176). However, if the successful tender submission was made by the council (as provided for in*
25 *section 55(2A) of the Act), the council is not required to enter into any contract in order to carry out the requirements of the proposed contract.*
- (3) *A council that decides not to accept any of the tender submissions for a proposed contract or receives no tender submissions for the proposed contract must do one of the following—*
 - 30 (a) *postpone or cancel the proposal for the contract,*
 - (b) *invite, in accordance with section 167, 168 or 169, fresh tender submissions based on the same or different details,*
 - (c) *invite, in accordance with section 168, fresh applications from persons interested in making a tender submission for the proposed contract,*
 - 35 (d) *invite, in accordance with section 169, fresh applications from persons interested in making a tender submission for contracts of the same kind as the proposed contract,*

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- (e) *by resolution of the council, enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
 - (f) *carry out the requirements of the proposed contract itself.*
- 5 (4) *If a council resolves to enter into negotiations as referred to in subsection (3)(e), the resolution must state the following—*
 - (a) *the council's reasons for declining to invite fresh tender submissions or applications as referred to in subsection (3)(b)–(d),*
 - 10 (b) *the council's reasons for determining to enter into negotiations with the person or persons referred to in subsection (3)(e).*

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

Report No. 13.12 RFT 2024-2317 Supply of Traffic Management Services

Directorate: Infrastructure Services

Report Author: Joshua Provis, Road and Bridge Engineer

5 **File No:** I2024/1346

Summary:

On 24 July 2024, the Acting General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract 2024-2317 Supply of Traffic Management Services.

10 The Request for Tender was advertised from 14 August to 11 September 2024. Tenders were received from the following organisations:

- Advanced Traffic Management Pty Ltd
- Altus Traffic Pty Ltd
- Avada Traffic Pty Ltd
- 15 • Evolution Traffic Management
- Go Traffic Pty Ltd
- Lack Group Traffic Pty Ltd
- Men and Women at Work
- Site Security and Traffic Control
- 20 • Spinifex Recruiting
- The Control Group Pty Ltd
- Traffic QLD Pty Ltd
- Workforce Road Services

25 Tenders have been assessed in accordance with the provisions of the Local Government (General) Regulations 2021. This report summarises the background and assessment of the tenders and provides a recommendation to [award the tender for Contract 2024-2317 Supply of Traffic Management Services.

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RECOMMENDATION:

That Council:

1. **Awards Tender 2024-2317 Supply of Traffic Management Services to the preferred suppliers identified in the Tender Evaluation Report E2024/119622; and,**
2. **Makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2021.**

Attachments:

- 1 Confidential - RFT2024-2317 - Evaluation Panel Recommendation Report, E2024/119622

Report

On 24 July 2024, the Acting General Manager, under delegated authority, approved the use of the open tendering method to call for tenders for Contract 2024-2317 Supply of Traffic Management Services.

- 5 The Contract is required so that contracts are in place for Council's annual spend on Traffic Control and Management. Current contracts for these services have expired.

The Request for Tender (RFT) sought responses from proponents to provide schedule of rates pricing to provide day to day traffic control and management services to support Council's Works and Operations.

- 10 The Contract is expected to commence in November 2024 for a period of two years, with an option to extend the contract for two additional one-year periods at Council's sole discretion.

The Contract will be managed by Council's Manager Works.

Tenders were advertised as follows:

- 15 VendorPanel Online: 14 August to 11 September 2024.

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

Tenders closed on 11 September 2024 and tenders were received from the following proponents:

- Advanced Traffic Management Pty Ltd
- 20 • Altus Traffic Pty Ltd
- Avada Traffic Pty Ltd
- Evolution Traffic Management
- Go Traffic Pty Ltd
- Lack Group Traffic Pty Ltd
- 25 • Men and Women at Work
- Site Security and Traffic Control
- Spinifex Recruiting
- The Control Group Pty Ltd
- Traffic QLD Pty Ltd
- 30 • Workforce Road Services

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

Mandatory criteria:

- Tender lodged on time, in accordance with the Conditions of Tender.
- 5 • Respondent has a valid Australian Business Number.
- Respondent substantially complies with the Statement of Requirements.
- Respondent substantially complies with the Conditions of Contract.
- Respondent holds the required insurances or has the ability to obtain the insurances.
- 10 • Holds current Workers Compensation insurance for all employees
- Respondent has satisfactory work health and safety and environmental compliance practices.
- Financial capacity to undertake the contract
- Commitment to ethical business practice principles.
- 15 • Tenderer confirms no ties to Bravus Mining previously Adani Mining, no ties with Carmichael mine and no involvement with offshore detention centres
- Respondent has confirmed they, and their supply chains, do not engage in Modern Slavery practices
- 20 • Responses have been provided to other social enterprise questions (eg sustainability, disability employment organisation).

Qualitative criteria:

Criteria	Elements
Profile and relevant experience	Tenderer profile
	Previous relevant experience
	Environmental practices
	Opportunities for disadvantaged people
	Local employment opportunities

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Quality and availability of resources	Proposed key personnel
	Proposed staff
	Use of subcontractors
	Vehicles, plant and equipment
Delivery Plan	Goods/services standards and methodology
	Implementation plan
	Product sustainability
	Supporting local business, social enterprise and Indigenous business
Price	Total contract price

Financial Considerations

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

Council spends over \$1.5M per year on traffic management services

There is sufficient funding for the proposed contract in the current budget.

5 Statutory and Policy Compliance Considerations

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

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

Local Government (General) Regulation 2021 - Reg 178

[Acceptance of tenders](#)

178 Acceptance of tenders

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

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- (a) *accept the tender submission that, having regard to all the circumstances, appears to it to be the most advantageous, or*
- (b) *decline to accept any of the tender submissions.*
- 5 (1A) *Without limiting subsection (1), in considering the tender submissions for a proposed contract for the performance of domestic or other waste management services, the council must take into account whether or not existing workers (within the meaning of section 170) will be offered employment or engagement on terms and conditions comparable to those applicable to the workers immediately before the tender submissions.*
- 10 (2) *A council must ensure that every contract it enters into as a result of a tender submission accepted by the council is with the successful tenderer and in accordance with the tender (modified by any variation under section 176). However, if the successful tender submission was made by the council (as provided for in section 55(2A) of the Act), the council is not required to enter into any contract in*
- 15 *order to carry out the requirements of the proposed contract.*
- (3) *A council that decides not to accept any of the tender submissions for a proposed contract or receives no tender submissions for the proposed contract must do one of the following—*
- (a) *postpone or cancel the proposal for the contract,*
- 20 (b) *invite, in accordance with section 167, 168 or 169, fresh tender submissions based on the same or different details,*
- (c) *invite, in accordance with section 168, fresh applications from persons interested in making a tender submission for the proposed contract,*
- 25 (d) *invite, in accordance with section 169, fresh applications from persons interested in making a tender submission for contracts of the same kind as the proposed contract,*
- (e) *by resolution of the council, enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
- 30 (f) *carry out the requirements of the proposed contract itself.*
- (4) *If a council resolves to enter into negotiations as referred to in subsection (3)(e), the resolution must state the following—*
- (a) *the council's reasons for declining to invite fresh tender submissions or applications as referred to in subsection (3)(b)–(d),*
- 35 (b) *the council's reasons for determining to enter into negotiations with the person or persons referred to in subsection (3)(e).*

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

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**Report No. 14.1 Report of the Local Traffic Committee
Meeting held on 10 September 2024**

5 **Directorate:** Infrastructure Services

File No: I2024/1282

Summary:

10 The attachment to this report provides the minutes of the Local Traffic Committee Meeting held on 10 September 2024 for determination by Council.

Council's action on the LTC advice will be:

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

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.

35

RECOMMENDATION:

1. That Council notes the minutes of the Local Traffic Committee Meeting held on 10 September 2024.

5

2. That Council adopts the following Committee Recommendation:

Report No. 6.1 Bayshore Drive Roundabout

File No: I2024/986

Committee Recommendation 6.1.1

That Local Traffic Committee support the new signage, line markings and traffic control devices associated with the new Roundabout on Bayshore Drive, Byron Bay as shown in Attachment 1 (E2024/72969).

3. That Council adopts the following Committee Recommendation(s):

Report No. 6.2 Northern Beaches Illegal Camping

File No: I2024/1215

Committee Recommendation 6.2.1

That the Local Traffic Committee support installation of the following signage:

1. “No Parking 1am – 6am” signs on the western side of Park Street, New Brighton;
2. “No Parking 1am – 6am” signs on the western side of the The Esplanade, New Brighton;
3. “No Parking 1am – 6am” signs on the eastern side of the Pacific Esplanade, South Golden Beach;
4. “No Parking 1am – 6am” signs in the skate park carpark on Helen Street, South Golden Beach;
5. “No Parking Area 1am – 6am” signs at the entry to the soccer club carpark on Shara Boulevard, Ocean Shores.

Report

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 10 September 2024 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [Agenda of Local Traffic Committee Meeting - Tuesday, 10 September 2024 \(infocouncil.biz\)](https://infocouncil.biz)

This report contains the recommendations of the Local Traffic Committee (LTC) meeting held on 10 September 2024.

Financial Implications

- 10 As per the Reports listed within the Local Traffic Committee Meeting of 10 September 2024.

Statutory and Policy Compliance Implications

As per the Reports listed within the Local Traffic Committee Meeting of 10 September 2024.

15

QUESTIONS WITH NOTICE

Question with Notice No. 15.1 Offstream Storage

File No: I2024/1365

5

Cr Pugh asks the following question:

- 10 *With reference to two of the scenarios outlined in the report to Council on 15 August 2024, being Scenario 2 – Off Stream Storage providing improvements to the existing raw water transfer system, full emergency connection to the regional supply and construction of a 200ml off stream storage and new Water Treatment Plant. This will also require land acquisition and Scenario 3 – Permanent connection to the Rous County Council regional water supply with bulk treated water transferred to the Azalea Street reservoirs.*
- 15 *What would the cost impacts be to each individual customer of each of the above scenarios where;*
1. *The cost is borne by Mullumbimby customers only and;*
 2. *The cost is spread across the whole Shire?*

Response Director Infrastructure Services:

- 20 In September 2024, Council's Manager Finance has reviewed the FINMODEL used by the Utilities Staff and Hydrosphere (financial planning software developed by the NSW Government for water supply and sewerage funds) in comparing the Off Stream (Scenario 2) and Regional Supply (Scenario 3) to estimate the increase in customer bills that would be needed to fund each scenario.
- 25 This analysis was updated with revised cost estimates from 26 August 2024 and other financial assumptions.

This preliminary analysis has not considered all other capital or operating costs, which are currently being finalised, and should be treated as a guide only.

As part of the review the Manager Finance has:-

- 30
- Considered the Council report from the 15 August 2024 Ordinary Council Meeting (including the NPV Assessment);
 - Obtained more information from staff and asked questions of Hydrosphere (including matters raised at the Council Meeting);

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QUESTIONS WITH NOTICE

15.1

- Reviewed the number of water customers in Mullumbimby from Council's billing records off the last bill issued in May 2024. (The next bill is about to be run and is up to date.); and
- Used cost information based on the latest updated information from Hydrosphere dated 26 August 2024 that has been extracted from FINMOD and provided to the Manager Finance yesterday.

The information provided below is based on the following scenarios as reported to Council on 15 August 2024: -

1. **Scenario 2** – Off Stream Storage providing improvements to the existing raw water transfer system, full emergency connection to the regional supply and construction of a 200ML off stream storage and new Water Treatment Plant. This will also require land acquisition.
2. **Scenario 3** – Permanent connection to the Rous County Council regional water supply with bulk treated water transferred to the Azalea Street reservoirs.

15 ***Manager Finance Assessment (including notes and assumptions)***

There are two scenarios regarding Scenario 2 and 3:-

- Cost impact to Mullumbimby customers only.
- Cost being spread across the whole Shire given all consumers pay the same water charges and would all be supplied by Rous County Council.

- 20 There needs to be an understanding that the outcomes are indicative and could change.

Given the timing and available information, future events may change the outcomes as presented but at this point in time, they represent a possible outcome and are a product of assumptions.

- 25 The major assumption is water operations of Council remain as is with the proposed Mullumbimby Water Supply options cost impact on customers related to the additional costs from the respective options in addition to current costs.

- 30 Manager Finance has indicated that it is understood that there has not been the ability to rationalise any existing costs that could create any potential savings to support either Scenario 2 or 3 so the analysis therefore is based purely on new costs created by either scenario.

Based on the analysis the following outcomes are provided: -

1. **Scenario 2 – Off Stream Scenario** just applied to Mullumbimby – an annual increase of at least \$2,175 in addition to the current typical residential bill for ten years before any potential reduction.

BYRON SHIRE COUNCIL

QUESTIONS WITH NOTICE

15.1

2. **Scenario 2 – Off Stream Scenario** – an annual increase of at least \$345 across all Shire Customers, not just Mullumbimby, in addition to the current typical residential bill for ten years before any potential reduction.
- 5 3. **Scenario 3 - Rous County Council Regional Supply Option** – an annual increase of at least \$105 across all Shire customers, not just Mullumbimby, in addition to the current typical residential bill for twelve years before any potential reduction.
- 10 4. **Scenario 3 - Rous County Council Regional Supply Option** just applied to Mullumbimby – an annual increase of at least \$662 in addition to the current typical residential bill for twelve years before any potential reduction.

The differences in outcomes can be attributed to the following: -

1. Loan borrowings would be done in one go. The maximum loan term Council can borrow fixed is 20 years.

15 Whilst Council can ask for a 30-year loan, it would need to be refinanced after 20 years at the prevailing interest rate at the time.

That is so unknown so for the minimisation of risk, locking the loan in provides certainty in repayments for such a long-term intergenerational project.

20 Latest 20-year loan borrowing indicative rates for Council as of 2 September 2024 is 5.46%.

Any unexpended loan funds from original borrowing are invested with interest proceeds to offset the cost of scenario 2 as the works are completed and the loan funds are exhausted.

- 25 2. The previous calculations were suggesting to borrow \$48million but loan borrowings required based on new costs are \$65.858million assuming no cash see point 4 below.
- 30 3. Capital costs of the Off Stream option have increased from the Council report. As an example, the fishway was quoted at \$9.775million, it is now quoted at \$12.025million.

4. Variances in customer numbers. The modelling has relied on the Mullumbimby Water Supply Strategy whereas this analysis has looked at current billing data and then factored in growth.

35 There are less customers. The Strategy says there is 2,403 customers (residential) but the billing records suggest there are 1,679 residential customers.

Calculations has used the billing info as the start point then added a growth factor to that annually.

- 40 5. Based off the 2024/25 budget, the Capital Works reserve in the Water Fund as reported to Council on 15 August as part of the options report, is essentially exhausted.

BYRON SHIRE COUNCIL

QUESTIONS WITH NOTICE

15.1

The amount of available Developer Contributions for Mullumbimby for Water at 30 June 2024 is at around \$650k so that amount in the scheme of this analysis is not material.

- 5 Therefore, the Water Fund does not have existing cash to apply to this project whereas the analysis has assumed 2022/23 levels given 2023/24 results are not yet available but are projected as stated here.

10

Question with Notice No. 15.2 Annual Rates

File No: I2024/1366

5

Cr Pugh asks the following question:

What is the current average amount of rates paid by Mullumbimby residents and the average amount of annual rates paid across the Shire?

Response Director Corporate and Community Services:

10 The response to this question makes the following assumptions:

1. Average ordinary rate is for properties categorised as residential.
2. Property is fully serviced so all other applicable charges are listed. These charges do not vary across the entire Council area.
3. Water consumption is based on an assumed consumption of 220kl per annum.

15 4. Rates and charges below are those currently levied by Council for 2024/25.

Rate/Charge	Mullumbimby \$	Shire Wide \$
Average Ordinary Rate – Residential	1,112.00	1,618.00
Domestic Waste Charge	474.00	474.00
Waste Operations Charge	133.00	133.00
Sewerage (Waste Water) Charge	1,563.00	1,563.00
Water Access Charge	237.00	237.00
Water Consumption Charge	794.20	794.20
Urban Stormwater Drainage	25.00	25.00
Total Rates/Charges - Average	4,338.20	4,844.20

CONFIDENTIAL REPORTS - GENERAL MANAGER

Report No. 16.1 CONFIDENTIAL - Annual Review of General Manager's Performance Agreement

5 **Directorate:** General Manager

Report Author: Vicki Lawrence, Manager People and Culture

File No: I2024/1348

Summary:

10 On 30 August 2024, the General Manager's annual performance review for the 2023/2024 financial year was conducted by a performance review panel, in accordance with the Guidelines for the Appointment and Oversight of General Managers issued by the Division of Local Government, Department of Premier and Cabinet (the 'Guidelines').

15 The performance review panel consisted of Mayor Cr Michael Lyon, Cr Duncan Dey, Cr Alan Hunter and Cr Sarah Ndiaye, assisted by an external facilitator Melinda Hewitt from Anson Australia.

20 A performance agreement for the 2024/2025 financial year is currently pending. The new performance review panel will be appointed on 24 October 2024. The first panel meeting at 25 November 2024 will focus on developing the new performance agreement, assisted by Melinda Hewitt, Anson Australia, and will be submitted for Council approval and adoption at 12 December 2024 Council meeting.

RECOMMENDATION:

- 25 1. That pursuant to Section 10A(2)(a) of the Local Government Act, 1993, Council resolves to move into Confidential Session to discuss the report Annual Review of General Manager's Performance Agreement.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
- a) personnel matters concerning particular individuals (other than councillors)
- 30 3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

The report contains confidential information about performance

Attachments:

BYRON SHIRE COUNCIL

CONFIDENTIAL REPORTS - GENERAL MANAGER

16.1

- 1 Confidential - Mark Arnold - GM Performance YEARLY Report 23/24 - signed by Mayor 14 October 2024, E2024/122875
- 2 Confidential - Mark Arnold - email to confirm GM review of Performance Review Record Draft 1 - 4 October 2024, E2024/122883