

# Agenda Ordinary Meeting

Thursday, 28 November 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**

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## CONFLICT OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

### Disclosure and participation in meetings

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

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

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

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

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

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

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## RECORDING OF VOTING ON PLANNING MATTERS

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

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

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## OATH AND AFFIRMATION FOR COUNCILLORS

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

# BYRON SHIRE COUNCIL

## BUSINESS OF ORDINARY MEETING

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### 4. REQUESTS FOR LEAVE OF ABSENCE

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

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

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

NOTICES OF MOTION

**Notice of Motion No. 9.1 Closing the Gap Initiatives for Byron Shire Council**

5 **File No:** I2024/1498

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**We move:**

- 10 **That Council requests a report from Council staff outlining ways that Byron Shire Council can contribute to Closing the Gap for Indigenous people in our community. This report should explore successful initiatives implemented by other Councils, identify potential funding sources, and recommend specific programs or actions for the Byron Shire area.**

15

**Signed: Crs Lowe and Kay**

**Councillor's supporting information:**

**Background**

- 20 The Closing the Gap initiative, introduced in 2008, aims to reduce inequalities between Aboriginal and Torres Strait Islander people and non-Indigenous Australians in critical areas like health, education, employment, and life expectancy. However, despite more than a decade of efforts, national reports show that progress remains slow and inconsistent.

25 **National Challenges in Meeting Closing the Gap Targets**

The most recent Closing the Gap report highlights significant issues in achieving the intended targets. Key areas where targets are still not being met include:

- 30 1. **Life Expectancy:** The goal to reduce the life expectancy gap has not been met, with Aboriginal and Torres Strait Islander people still experiencing shorter lifespans on average compared to non-Indigenous Australians.
2. **Child Mortality:** While some progress has been made in reducing child mortality rates, the rate remains significantly higher than for non-Indigenous children, and the target to halve this gap has not been achieved.



# BYRON SHIRE COUNCIL

## NOTICES OF MOTION

9.1

3. Education: Targets for school attendance and literacy/numeracy among Indigenous youth are also falling short, with disparities in educational outcomes remaining a major barrier to long-term opportunities.

5 4. Employment: Employment rates for Indigenous Australians remain lower than for non-Indigenous Australians, and economic opportunities are limited in many communities.

These national results underscore the challenges of addressing systemic inequalities and highlight the need for more targeted, community-driven efforts.

### **Importance of Council Involvement**

10 Local councils have an opportunity to address these gaps directly within their communities. By focusing on community-specific needs, councils can support Indigenous residents in ways that national programs alone have struggled to achieve. Byron Shire Council can play a leadership role by building partnerships and designing programs tailored to our unique community.

### **Success in Other Council Areas**

15 Several councils have already taken steps to close these gaps:

- City of Sydney: Through partnerships with Indigenous organizations, Sydney has implemented targeted health, education, and employment programs, as well as culturally appropriate community support.
- 20 • City of Melbourne: Its Reconciliation Action Plan emphasizes Indigenous employment and educational initiatives, and Melbourne's programs in schools and community services aim to build greater cultural understanding.

### **Closing the Gap Targets (Summary)**

The national Closing the Gap targets focus on:

- 25
1. Life Expectancy: Reducing the life expectancy gap between Indigenous and non-Indigenous Australians.
  2. Child Mortality: Halving the gap in mortality rates for Indigenous children under five.
  3. Education: Improving early childhood education attendance, school completion rates, and youth literacy and numeracy.
  4. Employment: Increasing employment opportunities for Indigenous Australians.

30 Given the mixed results at the national level, community-focused strategies are critical to ensuring measurable progress.

This motion seeks to position Byron Shire Council as an active contributor to Closing the Gap, with a commitment to consultation, collaboration, and accountability in supporting our Indigenous residents.

## Staff comments

**by Deb Stafford, Manager Social and Cultural Planning, Corporate and Community Services:**

5 The proposed motion is strongly aligned with upcoming activities to codevelop, alongside Aboriginal stakeholders, Council's first Aboriginal Engagement Framework (working title only).

10 The co-development of an Aboriginal Engagement Framework is intended to create a consistent way of working that aligns Council's activities with community priorities, promotes cultural respect, and builds a local foundation for shared decision-making and community-led outcomes. Working alongside Aboriginal stakeholders to design the Framework will ensure the approach is aligned with cultural values, knowledges, local priorities and ways of working.

This work will strengthen Council's capacity to be an active contributor to Closing the Gap and staff intend to bring a progress report to Council in Q4.

15 Implementing the National Agreement on Closing the Gap is a shared responsibility between all levels of government and a transformative change to how they operate. It prioritises shared decision-making in the design, delivery, monitoring, and evaluation of policies and programs to improve life outcomes for Aboriginal and Torres Strait Islander peoples.

20 At the centre of the National Agreement are four Priority Reforms that focus on changing the way governments work with Aboriginal people.

The Priority Reforms will:

- Strengthen and establish formal partnerships and shared decision-making.
- Build the Aboriginal and Torres Strait Islander community-controlled sector.
- 25 • Transform government organisations so they work better for Aboriginal and Torres Strait Islander people.
- Improve and share access to data and information to enable Aboriginal and Torres Strait Islander communities make informed decisions.

30 In signing the National Agreement, the New South Wales (NSW) Government has committed to work in partnership with Aboriginal communities and organisations and share in decisions on the development and implementation of policies and programs that impact the lives of Aboriginal peoples.

35 NSW Coalition of Aboriginal Peak Organisations (NSW CAPO), the NSW Government and the Local Government NSW (LGNSW) are the NSW parties to the National Agreement on Closing the Gap and signatories to the NSW Closing the Gap Partnership Agreement.

# BYRON SHIRE COUNCIL

## NOTICES OF MOTION

9.1

NSW CAPO advocates for the interests of Aboriginal peoples of NSW. They provide an independent voice to address issues affecting Aboriginal people, including the social determinants of health and wellbeing. NSW CAPO member organisations are non-government Aboriginal peak bodies with board members elected by Aboriginal communities and organisations that are accountable to their membership.

NSW CAPO is currently made up of:

- NSW Child, Family and Community Peak Aboriginal Corporation
- NSW Aboriginal Land Council
- Link-Up NSW
- Aboriginal Education Consultative Group
- Aboriginal Health and Medical Research Council
- First Peoples Disability Network
- Aboriginal Legal Service
- BlaQ Aboriginal Corporation
- Aboriginal Culture, Heritage & Arts Association

In February 2024, Local Government NSW (LGNSW) signed a partnership with the NSW Government and the Coalition of Peak Aboriginal Organisations (CAPO) to support Priority Reform 1 of the federal government's Closing the Gap strategy: Formal partnership and shared decision making.

This NSW Partnership Agreement recognises that at the centre of the National Agreement are four Priority Reforms, with a fifth NSW specific Priority Reform, that focuses on changing the way governments work with Aboriginal and Torres Strait Islander people:

- Grow the Aboriginal business sector in partnership, including by expanding opportunities for businesses to deliver government contracts.

This NSW specific Priority Reform recognises that Aboriginal businesses are often vehicles of self-determination, driving positive employment, training and broader social outcomes.

As a result of the NSW Partnership Agreement, a new toolkit will be created to support councils and Aboriginal organisations to work in partnership on Closing the Gap projects. It is likely that this will inform additional project opportunities for Council, to complement the work already planned in the 2024/2025 Operational Plan.

## BYRON SHIRE COUNCIL

### NOTICES OF MOTION

9.1

Future activities could be considered and integrated into the 2025/2026 Operational Plan and Budget, to ensure alignment with Council's Delivery Program and other relevant strategic documents.

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

- 5 Nil, this work is planned and budgeted within the 24-25 financial year.

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

Yes.

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
2: Inclusive Community	2.3: Respect Aboriginal culture, value cultural knowledge, and acknowledge history	2.3.1: Aboriginal community and First Nations People - Develop strong and productive relationships that empower the Aboriginal community	2.3.1.2	Develop an Aboriginal Engagement Framework

## Notice of Motion No. 9.2 Mayor's Discretionary Allowance 2024-2025

File No: I2024/1538

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I move:

10 That Council confirms the donations from the Mayor's Discretionary Allowance 2024-2025 as per the recommendation in Confidential Attachment 1 (E2024/134177), including applications partially supported.

Attachments:

1 Confidential - Byron Shire Mayoral Fund 2024-2025 Applications, E2024/134177

15 Signed: Cr Sarah Ndiaye

### Councillor's supporting information:

One method that Council uses to support community groups, organisations and local schools is through the provision of funding by way of the "Mayor's Discretionary Allowance".

20 Following a review in March 2021 (**Res 21-075**) of how the Mayor's Discretionary Allowance is considered and determined, community groups, organisations and local schools were invited to apply for funding, including justification for the request, with the Mayor's decision to be reported to Council for confirmation in accordance with the Act and **Res 09-349**.

25 On 7 October 2024 Council announced the Mayoral Fund for 2024-2025 was open for applications via Council's website, with applications closing on 4 November 2024. Seventeen applications were received with a total of \$18,142.00 funding requested. This year's total available budget is \$3,500.00.

30 Applications received are for multiple locations across the Shire, including a variety of community groups, organisations, and local schools, and align with the following themes of the Community Strategic Plan:

- Community - We have an inclusive and active community where diversity is embraced and everyone is valued.
- Environment - We nurture and enhance the natural environment.
- 35 • Infrastructure – We have connected infrastructure, transport, and facilities that are safe, and reliable.

# BYRON SHIRE COUNCIL

## NOTICES OF MOTION

9.2

- Leadership – We have effective decision making and community leadership that is open and informed.

### Staff comments

#### 5 by Esmeralda Davis, Director Corporate and Community Services:

There is sufficient funding available to allocate as per the recommendations in Confidential Attachment 1 (E2024/134177). If the Notice of Motion is supported, staff will process accordingly.

### Financial/Resource/Legal Implications:

- 10 The 2024-2025 Budget adopted by Council included an allocation of \$3,500 for budget item Mayoral Fund and \$1,500 unallocated under Mayor – Discretionary Allowance. Sufficient funds are available for making the nominated donations of \$3,600.

In relation to the making of Section 356 Donations from Mayor – Discretionary Allowance, Council at its Ordinary meeting held on 14 May 2009 resolved as follows:

- 15 “**09-349** Resolved that Council confirm that all s356 donations, to be made from the budget allocation “Mayor – Discretionary Allowance”, must be the subject of a resolution of the Council at Ordinary or Extraordinary meeting.”

The Section 356 Donation will be advertised, and public notice of financial assistance provided in accordance with Section 356 of the Local Government Act 1993.

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

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

**Notice of Motion No. 9.3 Request for a Report on the Introduction of On-Demand Bus Services for Byron Shire**

**File No:** I2024/1544

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**I move that Council:**

10 **Requests a report from Council staff on any opportunities to introduce On-Demand Bus Services to Byron Shire. The report could focus on:**

1. **The potential benefits of such a service for residents, particularly youth, elderly people, and those without access to regular transport.**
2. **The impact of On-Demand services in other regional areas of NSW, including the Northern Rivers, Riverina, and South Coast regions.**
- 15 3. **The role these services could play in improving access to essential services like shopping, healthcare, and transport hubs.**
4. **Recommendations for advocating to the NSW State Government to expand On-Demand services to Byron Shire.**
- 20 5. **The report be provided to Council for discussion in the first quarter of 2025.**

**Signed: Cr Sarah Ndiaye**

**Councillor's supporting information:**

25 Public transport is often a challenge for rural and regional areas, where residents—especially the youth, elderly, and those with mobility issues—face difficulties accessing regular, reliable services. For those without a car, the lack of accessible transport options can severely limit opportunities for work, education, social engagement, and essential services such as healthcare.

30 In rural and regional areas like Byron Shire, the absence of frequent or reliable bus services means that many residents are forced to rely on private transport, which is not an option for everyone. This creates a barrier to social inclusion, limits economic opportunities, and contributes to adverse physical and mental health outcomes due to isolation and lack of mobility.

## BYRON SHIRE COUNCIL

### NOTICES OF MOTION

9.3

On-Demand Bus Services offer a promising solution to these challenges. Operating across various regions of New South Wales, On-Demand services provide flexible, accessible transport that can be tailored to the needs of individual passengers. Services can be booked in advance, allowing residents to travel from home or an accessible location to key destinations, including shopping centres, transport hubs, and medical facilities.

Currently, On-Demand services operate in several areas of regional and rural NSW, including:

- Northern Rivers (Alstonville/Wollongbar and Chilcotts Grass/Goonellabah)
- Riverina Murray (Burrumbuttock, Walla Walla and Jindera to Albury)
- South Coast (Merimbula, Tura Beach, Bega, and Eden)
- New England North West (Moree)
- North Coast (Coffs Harbour, Northern Beaches)

However, Byron Shire remains without such services, despite the clear benefits demonstrated in other regions. This motion advocates for the introduction of On-Demand services in Byron Shire, focusing on the positive impact they could have on the community, particularly for those who are unable to drive or who live in more remote areas.

#### *What is On-Demand Public Transport?*

On-Demand Public Transport is a flexible, convenient, and accessible public transport option that allows residents to book a trip from their home (or another easily accessible location) to their destination. The service is available to all, including those with mobility challenges. On-Demand services are already operational in select regions of NSW, offering a cost-effective and flexible alternative to traditional bus and ferry services.

Key features of On-Demand services include:

- Flexible pick-ups and drop-offs, making it easier for passengers to travel to essential services or local destinations.
- Pre-booking options, which allow users to plan their travel up to two weeks in advance.
- Affordable fares, often comparable to regular bus services.
- Accessible to people with mobility impairments.

It is without doubt that the introduction of On-Demand Bus Services in Byron Shire would greatly enhance transport options for residents, particularly for vulnerable groups, and could contribute to the social and economic revitalisation of the region. By advocating to the State Government for its expansion into our region, we seek to improve accessibility, reduce isolation, and foster greater community wellbeing.

### **Staff comments**

**by Shelley Currie, Road Safety Officer, Infrastructure Services:**

As per Council resolution **24-061** part 5, Council staff have an action to provide Council with a report on the trial of on-demand bus services in Alstonville and Coffs Harbour.



## BYRON SHIRE COUNCIL

### NOTICES OF MOTION

9.3

The current target date for this resolution is to finalise the review in December 2024 and report to the February 2025 Council meeting.

However, since this resolution, Council staff have commenced work on a Byron Shire Integrated Transport Plan (ITP) in collaboration with Transport for NSW (TfNSW). The purpose of the ITP is to provide a comprehensive plan for transport improvements to meet the shire's current and future needs. The ITP will include assessment of the following transport categories:

- active transport - walking, cycling, e-mobility, etc
- public transport - community transport, public and school bus services, on-demand bus services, rideshare, taxis, etc
- private transport – traffic management, road safety, parking
- freight transport - ensuring safe heavy vehicle access across the road network

The ITP will also align with TfNSW transport strategies and enable Council to take better advantage of funding opportunities. The current target date for completion of the draft ITP is June 2025.

As the ITP will be a comprehensive review of the shire's transport needs, we recommend that Council receive a report on the draft ITP, including information in response to Cr Ndiaye's requests, for Council review in June 2025.

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

None.

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

Yes, it aligns with the below Delivery Program Actions.

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
5: Connected Infrastructure	5.3: Invest in renewable energy and emerging technologies	5.3.1: Future needs - Plan for the infrastructure needs of the current and future population	5.3.1.11	Traffic, Transport and Active Transport Capital Works Business Cases Development

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 13.1 Meeting Schedule 2025 - Council Meetings, Committee Meetings, and Councillor Workshops**

**Directorate:** Corporate and Community Services

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

**File No:** I2024/1313

**Summary:**

This report seeks to determine the schedule of Ordinary and Planning Council Meetings, as well as Councillor Workshops for the 2025 calendar year. A proposed schedule of dates and times for the 2025 meetings is attached (Attachment 1) and recommended for adoption.

Some Councillors have expressed a desire for alternative options for meeting start times. Accordingly, the recommendation does not propose meeting start times. This will need to be determined by Council, having considered to the matters raised in the report.

Following Council endorsement, the meeting schedule will be publicly available to view on Council's website.

**RECOMMENDATION:**

1. That Council endorses the meeting frequency and cycle to generally follow the monthly pattern of:

1st Thursday – Councillor Workshop & Planning Review Committee

2nd Thursday - Planning Meeting

3rd Tuesday – Committee meetings

3rd Thursday - Committee meetings

4th Thursday - Ordinary Meeting

5th Thursday (where applicable) – Committee meetings or Councillor Workshop

2. That Council endorses recesses in January and July where no meetings are scheduled.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.1

3. That Council adopts the 2025 Meeting Schedule (Attachment 1, E2024/111478) with Ordinary and Planning Council Meetings to be held on the following dates:

Date	Meeting
Summer Recess	
13-Feb-25	Planning
27-Feb-25	Ordinary
13-Mar-25	Planning
27-Mar-25	Ordinary
10-Apr-25	Planning
24-Apr-25	Ordinary
8-May-25	Planning
22-May-25	Ordinary
12-Jun-25	Planning
26-Jun-25	Ordinary
Winter Recess	
14-Aug-25	Planning
28-Aug-25	Ordinary
11-Sep-25	Planning
25-Sep-25	Ordinary
9-Oct-25	Planning
23-Oct-25	Ordinary
13-Nov-25	Planning
27-Nov-25	Ordinary
11-Dec-25	Planning & Ordinary

4. That Ordinary Council Meetings commence at \_\_\_\_\_, and Planning Council Meetings commence at \_\_\_\_\_.

5. That Ordinary and Planning Council Meetings are held in the Council Chambers.

### Attachments:

- 1 DRAFT Council Meeting Schedule 2025, E2024/115577 

10

## Report

The proposed meeting schedule is based on the current structure of Ordinary and Planning Council Meetings, Councillor Workshops, and Committee meetings.

- 5 Ordinary Meetings must be held according to the prearranged and publicly notified schedule. There must be at least 10 ordinary meetings per year, each in a different month. A Planning Meeting, by definition, is an Ordinary Meeting. This practice was established by Council in 2019 to streamline meetings and spread the meeting agenda over two days in a month.

10 Council meetings are generally held each Thursday, and Committee meetings on Tuesdays and Thursdays. Meetings follow a general monthly pattern of:

- 1st Thursday – Councillor Workshop and Planning Review Committee
- 2nd Thursday - Planning Meeting
- 15 • 3rd Tuesday – Committee Meeting
- 3rd Thursday - Committee meetings
- 4th Thursday - Ordinary Meeting
- 5th Thursday (where applicable) – Committee meetings or Councillor Workshop

20 The meeting schedule has been prepared with consideration to 2025 events, such as public holidays and conferences. Dates are yet to be announced for the following key events:

- 2025 National General Assembly of Local Government
- 2025 Local Government NSW (LGNSW) Annual Conference

## Meeting start times

- 25 Ordinary Council Meetings have typically commenced at 9am, while Planning Council Meetings commenced at 11am to allow time for site inspections prior to the meeting.

Committee meetings are usually scheduled in blocks of 2 hours, with up to 4 committee meetings being held each day. The blocks are usually timed 9am-11am, 11:30am-1:30pm (lunch provided), 2pm-4pm, 4:30pm-6:30pm. The Committee Meeting schedule, which outlines which committee meetings will be held on which dates and at which times, will be provided to Council for endorsement at the 12 December Council Meeting, along with the appointment of members.

35 Councillor workshops commence at 9.30am. They are not mandatory, although attendance is encouraged. The agenda for a workshop generally follows pre-determined time allocations.

## Council Meeting Start Time Considerations

There are several factors to consider if seeking to change the current approach to Council meetings:

### 1. Length of Public Access

- 5 The current [Code of Meeting Practice](#) (Code) provides for “*the first hour of each meeting will be allocated to Public Access to allow people to speak in favour of or against the recommendation...*” (clause 4.1). After speeches for or against items on the agenda, “*If... time remains within the first hour...*” the Chairperson can either start the meeting proper or
- 10 continue the Public Access session on registered general submissions or questions (clause 4.2).

“*Motions to extend the Public Access part of the meeting may be considered by Council*” (clause 4.18). “*Only one Procedural Motion for extension to the Public Access part of the meeting may be considered at a meeting. In circumstances deemed by the Chairperson to be exceptional, additional extensions may be considered*” (clause 4.20).

- 15 Despite these provisions existing within the Code, it has been common practice for this component of a Council meeting to take up to three hours.

It would be beneficial to ensure that Public Access is contained within the provisions of the Code (one hour), to prevent extended Council meeting lengths.

This can be achieved through:

- 20
- enforcing the time limit of 5 minutes allocated for speeches in favour of and against items on the Agenda (as prescribed by clause 4.8)
  - limiting the number of speeches to two in favour and two against an item (clause 4.9)
  - restricting a speaker’s response to a councillor question to one minute (clause 4.10)
- 25
- taking all registered questions on notice if there is insufficient time during the meeting (clause 4.15)
  - limiting the number of questions councillors can ask a speaker (not currently addressed in the Code)

- 30 The Code recognises that “*It is possible that not all requests to speak in favour of or against items on the Agenda, make a submission or ask a question of Council will be able to be accommodated within the Public Access part of the meeting. Members of the public are encouraged to contact their Councillors and/or Council regarding their concerns, questions or opinion before the Council meeting in case there is insufficient time on the day of the meeting to accommodate all requests for Public Access*” (clause 4.16).

### 35 2. Time Limits on Council Meetings

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The [Model Code of Meeting Practice](#) suggests inclusion of non-mandatory clauses that provide time limits on council meetings. These clauses serve to provide clarity on reasonable meeting finish times and to specify how unresolved business will be dealt with.

- 5 Council's current Code provides that *"Meetings of the council and committees of the council are to conclude no later than 6.00pm (if the meeting commenced at 9.00am)"* (clause 18.1) and that Council *"may, by resolution, extend the time of the meeting by one hour"* (clause 18.2).

Any unresolved items must be either deferred to the next meeting, or the meeting adjourned to another given time, date, and place (clause 18.3).

- 10 Byron Shire Council meetings have, on occasion, extended beyond the 6pm finish time, despite having started at 9am.

Should Council resolve to start meetings at a later time than 9am, it is recommended that a review of the Code of Meeting Practice provide a reasonable time limit on meetings. This will assist with mitigation of risks, as outlined in the next section.

### 15 3. Other considerations

The current Council meeting schedule was established to facilitate public access and accommodate debates that often arise during council discussions. It is acknowledged that this schedule can be challenging for Councillors and members of the public who work full-time and consideration may be given to holding meetings outside of business hours.

- 20 On the other hand, holding meetings later in the day may present other challenges:

- Meeting effectiveness: for example, Councillor who has worked a full day to then attend and actively participate in a Council meeting that extends into the evening may pose a fatigue management risk and limit the overall effectiveness of the meeting.
- 25 • Accessibility: While some working people may be able to avail themselves more easily after business hours, parents of young children for example, may be less inclined to participate due to a lack of available childcare options.
- Scheduling conflicts: Evening meetings may conflict with other community events, recreational activities, or personal obligations, making it difficult for Councillors, staff  
30 and residents to prioritise attendance.
- Staff availability: access to expert and technical staff may be limited outside core business hours, due to personal or other commitments. This could also result in increased costs for Council, due to the Award provisions around core hours and overtime.
- 35 • Work Health and Safety: managing fatigue and mitigating safety risks for afternoon/night meetings will need to be considered. This may include several strategies to ensure the well-being of all participants, such as regular breaks, keeping meetings concise to avoid fatigue and safe transportation following the meetings.

## 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

5 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.*"

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.
- 10 • [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.

### Financial Considerations

- 15 The financial implications of a change to the meeting start times have not been quantified at this stage. However, if Council resolves to hold meetings that run into the evening it is anticipated that there would be an increased cost to Council, should there be the need to pay overtime for professional and technical staff to attend the meeting after normal business hours.

### 20 Consultation and Engagement

Public notice of the 2025 meeting schedule will be given on Council's website.

## Report No. 13.2     2024/25 Operational Plan Progress Report - Quarter 1 - September 2024

**Directorate:** Corporate and Community Services

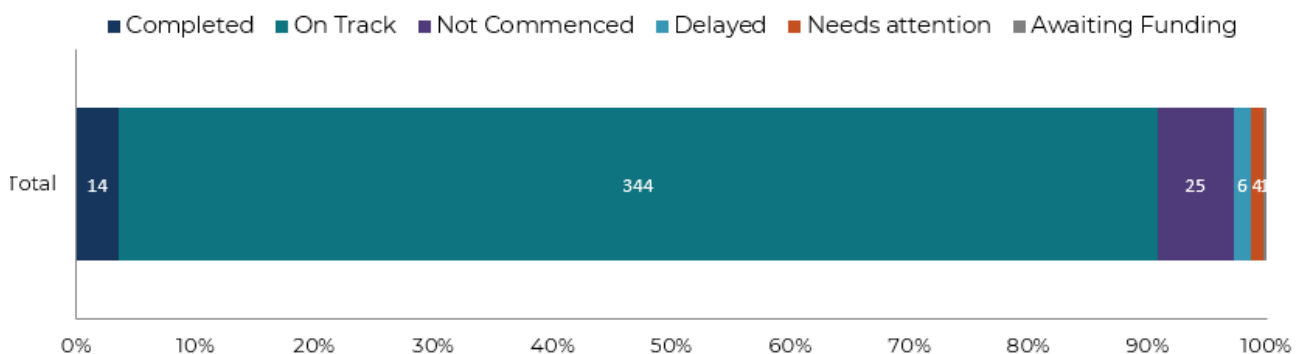
**Report Author:** Amber Evans Crane, Corporate Planning and Improvement Coordinator

**File No:** I2024/1383

### Summary:

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

This report represents the progress toward the activities in the 2024/25 Operational Plan at the end of the first quarter, being 30 September 2024. A summary of the status is provided in the graph below:





### RECOMMENDATION:

**That Council:**

- Notes the 2024/25 Operational Plan Quarter 1 Report for the period ending 30 September 2024 (Attachment 1 #E2024/119477).**
- Adopts the proposed amendments to the Operational Plan 2024/25 outlined in Attachment 2 (#E2024/89636).**

### Attachments:

- Operational Plan 2024/25 - Quarterly Report - Q1 - 1 July to 30 September 2024, E2024/124862 
- Quarter 1 Report - Q1 - Proposed Amendments to Operational Plan 2024/25, E2024/89636 





## Report

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

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

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

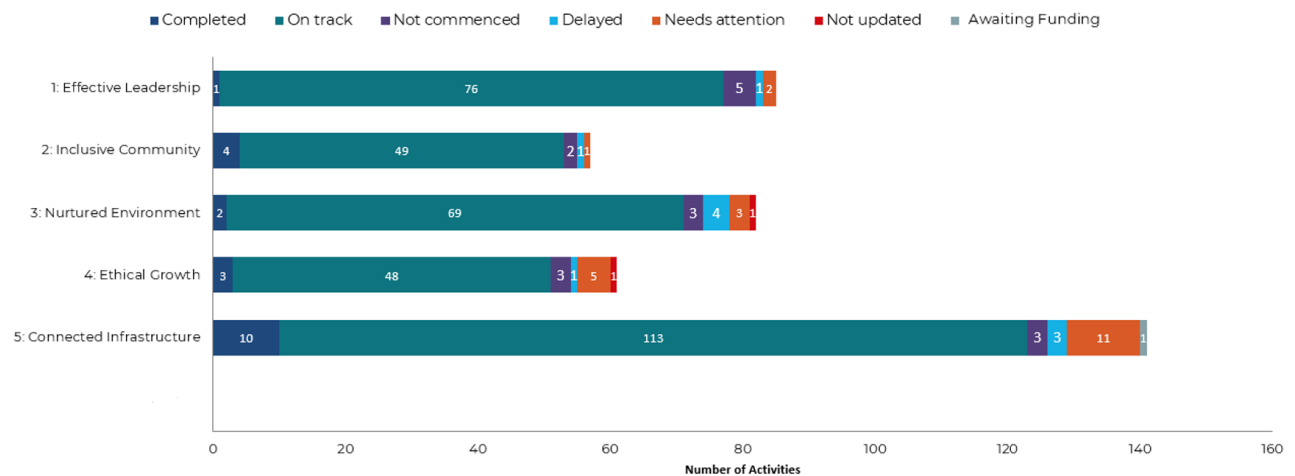
While the requirement is six monthly reporting, the Council is provided with a Quarterly Report on the activities in the Operational Plan, to promote effective and efficient reporting and decision making.

## Strategic Objectives

The report (#E2024/119477) is structured by the five Community Objectives in the Byron Shire Community Strategic Plan:

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

### Q1 Status by Community Objective:



### Report Details

- 5 The report details Council's progress toward the activities in the 2024/25 Operational Plan. It includes a status update on progress and commentary on the activities undertaken during the reporting period.

Each section notes the progress against the activities including:

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

As at 30 September 2024 there are:

- 14 activities completed
- 25 • 344 activities on track
- 25 activities not commenced
- 6 activities delayed
- 4 activities need attention
- 1 activity awaiting funding

## **Proposed Amendments**

This is the first quarterly report of the 2024/25 Operational Plan. A number of required amendments have been identified and 9 new activities proposed. These are provided in Attachment 2 (E2024/89636) for Council's endorsement.

## **5 Strategic Considerations**

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

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>
1: Effective Leadership	1.1: Enhance trust and accountability through open and transparent leadership	1.1.1: Leadership - Enhance leadership effectiveness, capacity, and ethical behaviour

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

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

### **Financial Considerations**

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

## **15 Consultation and Engagement**

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

**Report No. 13.3 Council Resolutions Quarterly Review -  
Quarter 1 - 1 July to 30 September 2024**

**Directorate:** Corporate and Community Services

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

**File No:** I2024/1384

**Summary:**

This report provides an update on the status of Council resolutions as at 30 September 2024.

110 resolutions were completed during the period 1 July to 30 September 2024.



112 resolutions remain active.

**RECOMMENDATION:**

**That Council:**

1. Notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2024/117892).
2. Notes the completed Resolutions in Attachment 2 (#E2024/117893).

**Attachments:**

- 1 Active Resolutions as at 30 September 2024, E2024/117892 
- 2 Completed Resolution Report as at 30 September 2024, E2024/117893 

## Report

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

### 5 Quarterly Report – 1 July to 30 September 2024

#### Active Resolutions

10 The *Active Resolutions Report* (E2024/117892) provides an update to Council on all active resolutions up to 30 September 2024, with relevant commentary regarding the status of each resolution as at this date. There were 112 active resolutions at the time of preparing this report.

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

#### Completed Resolutions

15 The *Completed Resolutions Report* (#E2024/117893) provides details of those resolutions that were completed during the period 1 July to 30 September 2024. 110 resolutions were completed during this period.

#### Resolutions for closure

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

### 20 Strategic Considerations

#### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership	1.1: Enhance trust and accountability through open and transparent leadership	1.1.2: Governance - Ensure legislative compliance and support Councillors to carry out their civic duties	1.1.2.4	Deliver Council meeting secretariat – including agenda preparation, minutes and council resolutions monitoring

## **Recent Resolutions**

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

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

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

## **Financial Considerations**

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

## **Consultation and Engagement**

- 10 Not applicable.

## Report No. 13.4 Draft Community Strategic Plan 2025 - 2035

**Directorate:** Corporate and Community Services

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

5 **File No:** I2024/1385

### Summary:

The Community Strategic Plan (CSP) is the highest-level plan that a council will prepare. The purpose of the Plan is to identify the community's main priorities and aspirations for the future and to plan strategies for achieving these goals.

10 Councils are required to review their community strategic plan by 30 June in the year following an ordinary election of council.

The Byron Shire Community Strategic Plan 2032 has been amended with feedback from the community to create the Byron Shire Community Strategic Plan 2035. It is proposed that Council places the Draft CSP on public exhibition and begins development of the  
15 Delivery Program in consultation with the community.



---

### RECOMMENDATION:

20 **That Council:**

1. **Endorses the Draft Community Strategic Plan 2035 (Attachment 1 E2024/131843), be placed on public exhibition until 9 February 2025.**
  2. **Notes that the Community Strategic Plan 2035 and outcomes from public exhibition will be reported back to Council in April 2025 for decision, along with a draft four-year Delivery Program.**
- 25

### Attachments:

- 1 DRAFT Community Strategic Plan 2035, E2024/131843 
  - 2 Engagement Outcomes Report 2024 - Community Strategic Plan 2032 Refresh, E2024/131582 
- 30



## Report

### Background

5 All councils are required to have a Community Strategic Plan (CSP) covering a minimum 10-year period. The CSP serves to capture the community's top priorities and aspirations for the future and set out strategies that can achieve these goals. The CSP informs all of council's plans and strategies and filters into the Delivery Program and annual Operational Plans. The CSP also needs to align with broader state and federal plans and priorities.

Components of a CSP include:

- Vision Statement – The community's aspiration for the next ten years
- 10 • Objectives – Desired goals to be achieved through the CSP
- Strategies – Outlines how the desired outcomes will be achieved

The CSP is a shared plan for how Council, the community, other levels of government, and local groups and organisations can work together to achieve outcomes.

### Current Community Strategic Plan

15 The current Byron Shire Community Strategic Plan 2032 was formally adopted by Council in June 2022.

An engagement program was undertaken at that time, which resulted in renewed objectives, strategies, and the vision statement, *'Byron Shire is a meeting place – where people can come together to connect, share, grow, inspire, and create positive change'*.

### 20 Review Process

Council must review the Community Strategic Plan before 30 June in the year following an ordinary election. Council may endorse the existing plan, or develop and endorse a new CSP, as appropriate, to ensure that the area has a CSP covering at least the next 10 years.

25 Usually, this cycle results in a review of the CSP every four years, however this period has been shortened due to the previous out of sync election cycle.

Given the shorter cycle and refresh that was undertaken in 2022, the CSP has been reviewed for currency to ensure it is still reflecting and serving community needs.

30 The review consisted of a series of engagement activities to collect feedback from the community from late 2023 to mid-2024. Over 800 community members from across the Byron Shire are estimated to have participated via:

- In person pop-up stalls in Bangalow, Byron Bay, Mullumbimby, and New Brighton
- Adult and youth surveys on Your Say

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## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.4

- Ideas workshops with stakeholders including community groups and young people
- Submission box and information nook in Council foyer
- Telephone Community Satisfaction Survey
- Drawing and visioning exercises

- 5 • The YouthSay Program

Engagement activities are detailed in Attachment 2 (E2024/131582).

Other inputs into the review included the State of Our Shire Report 2024, which was provided to the 24 October 2024 Ordinary Council Meeting, as well as other regional, state and federal plans.

### 10 Review Outcome

The draft CSP is provided at Attachment 1 (#E2024/131843)). A summary of the key review outcomes and updates is provided below for reference:

Objective	Recommendation
Effective Leadership	<p>Of all the strategies across the objectives in the CSP, 'Effective Leadership' had the highest percentage of support for the current strategies in the feedback survey. This was supported by community feedback broadly falling in line with the current strategies.</p> <p><u>Objective:</u> We have effective decision making and community leadership that is open and informed</p> <p><u>Strategies:</u></p> <ul style="list-style-type: none"><li>• Enhance trust and accountability through open and transparent leadership</li><li>• Engage, inform, and involve community in decision making</li><li>• Ethical, fair and efficient management of resources</li><li>• Enhance organisation capability through innovative practices and regional partnerships</li><li>• Empower community leadership through collaboration, capacity building, and cultivating community driven initiatives</li></ul>
Inclusive Community	<p>Themes relating to inclusive community featured as a strength of Byron Shire. Amendments have been proposed to strengthen identification and support provided to target groups in the community.</p> <p>Greater focus has been given to the way Aboriginal stakeholders and groups are involved in the Plan. The language has been shifted to emphasise self-determination and shared decision making as part of</p>

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## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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Objective	Recommendation
	<p>a broader piece of work to integrate strategic goals.</p> <p><u>Objective:</u> We have an inclusive and proactive community where diversity is embraced and everyone is valued</p> <p><u>Strategies:</u></p> <ul style="list-style-type: none"><li>• Foster opportunities to express, celebrate and participate in arts and cultural activity</li><li>• Enhance safety and contribute to the physical, mental, and spiritual health and wellbeing of the community</li><li>• Work with Aboriginal communities to support self-determination and shared decision making while promoting broader understanding.</li><li>• Enrich opportunities, education and support services to help young people thrive in place</li><li>• Create social impact initiatives to address adversity and support an inclusive society</li></ul>
Nurtured Environment	<p>The natural environment was a strong theme from consultation. Feedback aligned with the current strategies. No changes are proposed to this objective.</p> <p><u>Objective:</u> We nurture and enhance our natural environment</p> <p><u>Strategies:</u></p> <ul style="list-style-type: none"><li>• Partner to nurture and enhance biodiversity, ecosystems, and ecology</li><li>• Deliver initiatives and education programs to encourage protection of the environment</li><li>• Protect the health of coastline, estuaries, waterways, and catchments</li><li>• Support and empower the community to adapt to, and mitigate the impact of climate change</li><li>• Minimise waste and encourage recycling and resource recovery practices</li></ul>

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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Objective	Recommendation
Ethical Growth	<p>Strategies have been amended in line with current Council work programs including the Business, Industry and Visitor Economy Strategy.</p> <p><u>Objective:</u> We will responsibly and resiliently navigate growth and change</p> <p><u>Strategies:</u></p> <ul style="list-style-type: none"> <li>• Manage responsible development through effective place and space planning</li> <li>• Enable housing diversity and create collaborative initiatives to meet housing needs</li> <li>• Promote and support a resilient and diverse economy providing for our community and environment in a balanced and sustainable manner</li> <li>• Foster sustainable visitation and manage the impacts of tourism on the Shire</li> <li>• Support a resilient community that can adapt and respond to changes</li> </ul>
Connected Infrastructure	<p>Much of the feedback on infrastructure was centred around increasing options for active modes of transport and public transport. Condition of infrastructure and connecting the Shire's towns and villages also featured heavily.</p> <p><u>Objective:</u> We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable.</p> <p><u>Strategies:</u></p> <ul style="list-style-type: none"> <li>• Provide a safe, reliable, and accessible transport network</li> <li>• Connect the towns and villages through integrated, active, and public transport services</li> <li>• Ensure infrastructure meets future needs and invest in emerging technologies</li> <li>• Provide accessible community facilities and open spaces</li> <li>• Provide continuous and sustainable water and sewerage management</li> </ul>

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### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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#### New Sections:

A considerable amount of feedback indicated that it is unclear how the CSP will be executed. In response, new sections have been added to provide practical examples and mechanisms demonstrating how the CSP will be actioned. These include:

- 5
  - *Key partners:* Includes Council and external stakeholders involved in carrying out the strategies to build shared ownership.
  - *Council plans and programs:* Strategies, plans, frameworks and policies to provide a concrete example of how Council is actioning the Plan. This is not exhaustive but aims to strengthen the Plan by providing tangible and practical activities.
- 10
  - *How we'll work together:* Actions individuals can take to participate in achieving outcomes. These ideas arose from community workshops and whilst not an exhaustive list they serve to build community participation and identity within the Plan.

Other changes include:

Section	Rationale
Community profile	Updated with recent statistics.
Towns and villages	Amended using Place Plans.
Community engagement	Details added to emphasise the communities involvement.
Strengths and Stressors	Added to reinforce community identity and summarise consultation themes.
Community Resilience	Highlight included to contextualise the CSP with current events and form part of the narrative of 'where we've come from'.
Partnering with Aboriginal stakeholders and groups	Added to emphasise self-determination and shared decision making.
Links to State and Regional Priorities	Demonstrating alignment with key Regional, State and Federal documents.

#### 15 **Next steps**

The CSP is proposed to be placed on public exhibition for public feedback until April 2025.

Alongside the public exhibition period, development of the 2025 – 2029 Delivery Program priorities will begin.

An important part of this program of work will be to refine the indicators in the CSP to ensure outcomes are being measured effectively. Once Delivery Program Priorities have been established, suitable indicators can be identified.

- 5 Revised indicators and changes resulting from public exhibition will be incorporated into the CSP before it is presented back to Council for adoption.

## **Strategic Considerations**

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

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
1: Effective Leadership	1.2: Engage and involve community in decision making	1.2.1: Community-led decision making - Engage with community to inform Council decision making	1.2.1.7	Prepare the 2025-2035 Community Strategic Plan

### **Recent Resolutions**

- 10
- **22-335:** Adoption of the 2032 Byron Shire Community Strategic Plan
  - **24-061:** YouthSay Program Report
  - **24-465:** Endorsement of the State of Our Shire Report 2024

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

- 15
- Local Government Act 1993 s402(5): Following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election. The council may endorse the existing plan, endorse amendments to the existing plan or develop and endorse a new community strategic plan, as appropriate to ensure that the area has a community strategic plan covering at least the next 10 years.*

*Community Engagement Strategy:*

- 20
- The review of the community strategic plan was conducted alongside the review of the draft community engagement strategy for alignment.

### **Financial Considerations**

The Community Strategic Plan is developed within the Integrated Planning and Reporting Budget.

### **Consultation and Engagement**

- 25
- Engagement activities undertaken as part of the Community Strategic Plan Review are detailed in Attachment 2 (#E2024/131582).

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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An outline of the proposed engagement activities as part of the public exhibition of the CSP and development of the Delivery Program are included below:

<b>IAP2 Level</b>	<b>Engagement Activity</b>
Inform	<ul style="list-style-type: none"><li>• Webpage advertising public exhibition of CSP.</li><li>• Media Release.</li><li>• Emails to stakeholders informing of public exhibition.</li></ul>
Consult	<ul style="list-style-type: none"><li>• Your Say page seeking submissions from members of the public on the draft CSP.</li></ul>
Involve	<ul style="list-style-type: none"><li>• A series of workshops or 'listening tour' for community members to provide direct feedback to councillors.</li></ul>
Collaborate	<ul style="list-style-type: none"><li>• Reports to Council Advisory Committees for subject matter input into development of Delivery Program priorities.</li></ul>

**Report No. 13.5      Submission to Local Government  
Remuneration Tribunal - Mayor and  
Councillor Remuneration - 2025/26 Fees**

**Directorate:** Corporate and Community Services

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

**File No:** I2024/1432

**Summary:**

10    This report seeks Council endorsement to provide a submission to the Local Government Remuneration Tribunal (the Tribunal) on the fees payable to Mayors and Councillors in 2025/26.

It is proposed that Council make a submission to the Tribunal seeking:



- the maximum allowable increase to the fees payable
- recognition of Deputy Mayors as a distinct category within the local government remuneration framework
- 15    • reduction in the gap between minimum and maximum fees for each category

---

**RECOMMENDATION:**

20    **That Council endorses the submission to the Local Government Remuneration Tribunal on the fees payable to Mayors and Councillors in 2025/26 as provided in Attachment 2 (E2024/124039).**

**Attachments:**

- 25    1    Local Government Remuneration Tribunal - 2025 Annual Review - Invitation Letter to Councils seeking submissions, E2024/123242 
- 2    Submission to Local Government Remuneration Tribunal - Mayor and Councillor Remuneration and Categories - 2024/25 Fees, E2024/124039 

30



## **Report**

Pursuant to s241 of the *Local Government Act 1993* (LG Act), the Tribunal is required to make an annual determination, by no later than 1 May 2025, on the fees payable to Councillors and Mayors to take effect from 1 July 2025.

- 5 The Tribunal is responsible for the review of the minimum and maximum fee levels for each category. The Tribunal has commenced its review for the 2025 annual determination and has written to councils seeking submissions (Attachment 1). Submissions should be received no later than 20 December 2024.

- 10 In 2023 the Tribunal undertook a review of the categories and the allocation of councils into each of the categories as required under the LG Act. The Tribunal is only required to determine categories at least once every three years and will next consider the model, the criteria applicable to each category and the allocation of councils in detail in the 2026 review.

- 15 At that time, Byron Shire Council was reclassified to Regional Centre, as a result of the submission it made to the 2023 review.

A copy of the Tribunal's 2024 Annual Determination can be found [here](#).

- 20 It is proposed that Council make a submission to the Tribunal seeking the maximum allowable increase to the fees payable (3.5%), for recognition of Deputy Mayors as a distinct category within the local government remuneration framework, and for the remuneration tribunal to reduce the gap between the minimum and maximum fees for each category.

It is expected that submissions are endorsed by their respective council. The proposed submission is provided in Attachment 2.

## **Strategic Considerations**

- 25 **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	1.1.2.3	Provide administrative support to Councillors to carry out their civic duties

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

[s241 of the Local Government Act 1993](#)

**Financial Considerations**

Council will have a further opportunity determine their fees from within the range set by the Tribunal, prior to finalisation of the 2025/26 budget.

**Consultation and Engagement**

- 5 Not applicable.

## Report No. 13.6 2024-2025 Financial Assistance Grant

**Directorate:** Corporate and Community Services

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

**File No:** I2024/1443

### 5 Summary:

The NSW Local Government Grants Commission has advised Council of its 2024-2025 Financial Assistance Grant entitlement via letter dated 23 August 2024. The letter requests that its contents be tabled at the next Ordinary Meeting of Council.

10 This report also provides Council with additional information related to the Financial Assistance Grant entitlement for the 2024-2025 financial year.




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### RECOMMENDATION:

#### 15 That Council:

1. **Notes the 2024-2025 Financial Assistance Grant Allocation as outlined in Attachment 1 (#E2024/125519), 2 (#E2024/125478) and 3 (#E2024/125477).**
  2. **Allocates the estimated revenue of \$106,400, which is additional to the amount budgeted, from the 2024-2025 Financial Assistance Grant to assist funding the budget shortfall for the Workers Compensation Insurance Premiums.**
- 20

#### Attachments:

- 1 2024-25 Financial Assistance Grant Letter to Council, E2024/125519 
- 2 2024-25 Financial Assistance Grant Fact Sheet, E2024/125478 
- 25 3 2024-25 Financial Assistance Grant Calculations - Byron Shire Council, E2024/125477 

## Report

5 The NSW Local Government Grants Commission has advised Council of its 2024-2025 Financial Assistance Grant entitlement via letter dated 23 August 2024. The letter requests that its contents be tabled at the next Ordinary Meeting of Council, which has been included at Attachment 1. The delay in getting this reported to Council for noting is due to the Local Government elections.

This report addresses that request and provides Council with additional information related to the Financial Assistance Grant entitlement for the 2024-2025 financial year.

10 The monetary value of Council's 2024-2025 Financial Assistance Grant is provided in the table below:

<b>Grant Component</b>	<b>Value \$</b>
General Purpose	2,758,007
Roads Component	1,610,645
<b>Total Financial Assistance Grant</b>	<b>4,368,652</b>

For the benefit of new Councillors, the NSW Grants Commission provides a fact sheet about the Financial Assistance Grant and this is included at Attachment 2 for information.

15 The Financial Assistance Grant is a general purpose grant. That is, whilst it has defined components as outlined in the table above, there are no conditions attached about how Council spends it. Council recognises this grant in the General Purpose Revenues Budget Program along with ordinary rate revenue, which is distributed to other Council programs through the budget. The 2024-2025 budget has already been formulated incorporating the Financial Assistance Grant.

20 The grant allocation for Council is a 6.6% increase (not including CPI adjustments yet to be determined) on the 2023-2024 Financial Assistance Grant.

25 The Commonwealth Government determined to pay 85% of the 2024-2025 Financial Assistance Grant in advance. This was done after business hours on the last day of the 2023-2024 financial year. In this regard, Council received a total advance payment of \$3,669,040 on 28 June 2024. The remaining grant payments will be received during the 2024-2025 financial year and will be reduced by the amount of the advance payment. The remaining instalments payable to Council in 2024-2025 are outlined in Attachment 3 along with details of the Byron Shire Council specific grant entitlement.

30 Incorporating the advance payment received at the end of the 2023-2024 financial year, which Council has carried forward to expend in the 2024-2025 financial year, Council's estimated Financial Assistance Grant revenue is approximately \$106,400 above the current budgeted 2024-2025 Financial Assistance Grant revenue.

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The table below shows the net grant entitlements of neighbouring Councils for information. Whilst each Council has its own circumstances that contribute to the grant calculations i.e., disability factors, population, property values etc., the table demonstrates that the Financial Assistance Grant Revenue received by Byron Shire Council remains low relative to the neighbouring Councils.

#### 2024-2025 Financial Assistance Grant Outcomes

Council	Population	Total Financial Assistance Grant \$
Ballina	47,279	6,044,733
Byron	37,126	4,368,652
Clarence Valley	55,323	13,834,494
Kyogle	9,468	6,163,991
Lismore	43,907	8,075,034
Richmond Valley	23,705	6,813,076
Tweed	98,967	13,256,381

The table below sets out the actual grant differences.

#### 2024-2025 Financial Assistance Grant Differences

Council	Additional FAG Revenue compared to Byron \$	Grant Entitlement greater than Byron (times)
Ballina	1,676,081	1.38
Clarence Valley	9,465,842	3.17
Kyogle	1,795,339	1.41
Lismore	3,706,382	1.85
Richmond Valley	2,444,424	1.56
Tweed	8,887,729	3.03

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership	1.3: Ethical and efficient management of resources	1.3.1: Financial Management - Ensure the financial integrity and sustainability of Council through effective financial management	1.3.1.4	Financial reporting as required provided to Council and management

### Legal/Statutory/Policy Considerations

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

10 The legal framework for the Financial Assistance Grant to Councils in Australia is via the Local Government (Financial Assistance) Act 1995 (Cwlth).

### Financial Considerations

15 As indicated in the report, Council is estimated to receive an additional \$106,400 in Financial Assistance Grant revenue for 2024/25 than what was estimated in the 2024-25 Budget. It is recommended that Council apply this additional revenue to fund the shortfall in the 2024/25 budget for the Workers Compensation Insurance premium. Council adopted a budget of \$993,400 for the Workers Compensation Insurance Premium but the overall cost, including discount for early payment, is \$1,140,200. This equates to a budget shortfall of \$146,800. Should Council resolve as recommended, the surplus of \$106,400 will contribute to funding a significant portion of this shortfall.

20 The NSW Grants Commission have advised again from the next financial year (2025/26) that the methodology for the Financial Assistance Grants may change. This means it is possible that Council's Financial Assistance Grant may be reduced as the current cap (to ensure no Council receives less grant entitlement than the previous year) will no longer be in place. The change in the methodology that outlines how a Council's grant entitlement can be reduced is outlined on page 4 of Attachment 1 under the heading 'A Message of Caution'. This is something for Council to be aware of moving forward.

## **Report No. 13.7      Section 355 Committees**

**Directorate:** Corporate and Community Services

**Report Author:** Geeta Cheema, Manager Social & Cultural Planning  
Emily Fajerman, Community & Cultural Development  
Coordinator

**File No:** I2024/1444

### **Summary:**

[Section 355](#) of the *Local Government Act 1993* allows Council to delegate certain functions to a Committee. Council currently has nine (9) Section 355 Management Committees (sometimes referred to as Boards of Management) delegated to manage the operations and maintenance of nine community facilities in the shire. This delegation commenced on 24 March 2022 and “remains in force until expressly amended or revoked by the Council by further resolution” (Res **22-093**).

The report recommends that Council enable the current delegations and current Committee membership of nine Committees to remain in place until further consideration and Council decision about facilities management models in early 2025. It also recommends temporary suspension in appointment of new volunteers and Councillor contacts.

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### **RECOMMENDATION:**

**That Council:**

1. **Notes the continuation of delegation, as shown in Attachment 1 (#E2016/66109), to the existing Section 355 Committees under Section 377 of the Local Government Act 1993 and writes to advise existing committee members accordingly, being:**
  - a) **Bangalow A&I Hall Section 355 Management Committee**
  - b) **Bangalow Parks (Bangalow Showground) Section 355 Management Committee**
  - c) **Brunswick Heads Memorial Hall Section 355 Management Committee**
  - d) **Durrumbul Community Hall Section 355 Management Committee**
  - e) **Marvell Hall Section 355 Management Committee**
  - f) **Mullumbimby Civic Memorial Hall Section 355 Management Committee**
  - g) **Ocean Shores Community Centre Section 355 Management Committee**
  - h) **South Golden Beach Community Centre Section 355 Management Committee**
  - i) **Suffolk Park Community Hall Section 355 Management Committee**


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2. Notes the continuation of current volunteer appointments to the existing Section 355 Committees.
3. Temporarily suspends further volunteer appointments to the existing Section 355 Committees.
- 5 4. Notes the Section 355 Strategic Change Project currently underway which will identify alternative models for community facilities management for decision by Council in April 2025; and
- 10 5. Temporarily suspends determination of a Councillor contact for each of the Section 355 Committees until a decision is made by Council in April 2025 on alternative models for community facilities management, noting Committee volunteers are able to access Councillors directly.

#### **Attachments:**

- 15 1 Section 355 Management Committee Delegation of Authority, E2016/66109 



## Report

With the provisions enabled by Section 355 in the *Local Government Act 1993* and through resolution, Council has delegated management of community facilities to volunteer Committees of Council. These committees are known as 'Section 355 Management Committees' or 'Section 355 Boards of Management' or simply, 'Section 355 Committees.'

Council affirms delegation to Section 355 Committees through resolution, with the latest delegation being confirmed for each Committee on 3 February 2022 (Res **22-029**). This delegation "remains in force until expressly amended or revoked by the Council by further resolution." At that time, ten (10) Section 355 Committees were granted delegation.

Since that time, the Brunswick Valley Community Centre Section 355 Committee disbanded following Council decision to grant a lease to a non-government organisation who is responsible for hall hire administration (Res **22-569**).

There are currently Section 355 Committees for the following nine (9) Council facilities:

1. Bangalow A&I Hall
2. Bangalow Showgrounds
3. Brunswick Heads Memorial Hall
4. Durrumbul Hall (Upper Main Arm)
5. Marvell Hall (Byron Bay)
6. Mullumbimby Civic Memorial Hall
7. Ocean Shores Community Centre
8. South Golden Beach Hall
9. Suffolk Park Community Hall

Committees should operate in accordance with the [Section 355 Committee Guidelines](#).

There are currently 48 volunteers appointed as Council delegates as members of Section 355 Committees. These individuals have provided invaluable services in their management of Council facilities. Some of these volunteers have served for many years.

In late 2023, Council staff held a workshop with Section 355 volunteers on the future of the Section 355 model, noting the challenges and risks associated with a volunteer-run system.

Since then, with the endorsement of Audit Risk and Improvement Committee (ARIC) and Executive Team, Council has commenced the **Section 355 Strategic Change Project**.

Council staff have provided volunteers with an outline of the Section 355 Strategic Change Project and on 4 December 2024 will host a workshop for Committee volunteers as the next opportunity to provide reflections and input.

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In the interim, Council is undertaking some operational changes to have greater oversight of facilities. These changes include online bookings systems for four facilities (to replicate the Cavanbah Centre Bookings platform) and non-renewal of Council contractor agreements, impacting Mullumbimby Civic Memorial Hall, Bangalow A&I Hall, and Brunswick Heads Memorial Hall. These changes have been communicated to Committees and contractors.

Whilst the Section 355 Strategic Change Project is underway, Council delegation to existing Committees can continue uninterrupted. If Council opts to revoke delegation and appoint Committees anew, this may create confusion or inconvenience to existing and new Committee members, noting that changes to the management model may be implemented following a future Council decision, likely in April 2025.

In order to manage existing risks and limit exposure to additional volunteers, it is not recommended to appoint new Committee members until Council's future decision about alternative model(s).

There is no legislative requirement for a Councillor contact to be appointed to the Section 355 Committees. Council staff are the contact for Committee members for operational matters. The [Code of Conduct for Council Committee members, Delegates of Council and Council Advisors](#) does not otherwise place any restrictions on interactions between Committee volunteers and Councillors, unlike the restrictions placed on Council staff and Councillors.

### Key issues

#### Need for strategic review

The NSW Office of Local Government encourages councils to review the operations of committees established under section 355 of the *Local Government Act 1993* (the Act).

The Audit, Risk and Improvement Committee and Executive Team have endorsed the Section 355 Strategic Change Project to investigate alternative options for the Section 355 model, and to provide these for Council decision. The Change Project is included in Council's adopted 2024-25 Operational Plan.

#### Need for Council to meet legislative obligations

Council must ensure that any management models, including Section 355 Committees, adhere to legislative requirements such as systems for financial management, information management and work health and safety. Any alternative model(s) provided for Council decision must meet these minimum thresholds.

#### Importance of community engagement

Section 355 management arrangements have been in place for many years, creating important connections between volunteers, Council assets and communities. Any potential change to the current Section 355 model may create concern about loss of connection. Any alternative model(s) provided for Council decision should offer a meaningful mechanism for community engagement.

**Crown Lands ownership**

Six (6) of the community facilities managed by Section 355 Committees are on Crown Land. Any alternative model(s) must be supported by Crown Lands as applicable to these sites.

**5 Next steps**

Following Council resolution, staff will provide email communication to all volunteer members of Section 355 Committees to advise of Council's continued delegation and temporary suspension of new volunteer appointments and Councillor contacts.

**Strategic Considerations**

**10 Community Strategic Plan and Operational Plan**

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership	1.5: Empower community leadership through collaboration, capacity building, and cultivating community driven initiatives	1.5.3: s355 Committees - Support the management of community halls to delegated s355 committees	1.5.3.1	Support Council volunteers with the management and operation of community halls
1: Effective Leadership	1.5: Empower community leadership through collaboration, capacity building, and cultivating community driven initiatives	1.5.3: s355 Committees - Support the management of community halls to delegated s355 committees	1.5.3.2	Develop and implement change project for Section 355 model of management for community halls

**Recent Resolutions**

Resolution **22-029**: Establishment and Delegation to Section 355 Committees

Resolution **22-093**: Appointment of Community Members to Section 355 Committees

## Legal/Statutory/Policy Considerations

Local Government Act 1993 No 30

[Section 355: How a council may exercise functions](#) - certain functions to be exercised by a delegate of the Council, including volunteer Committees of Council.

- 5 [Section 377: General power of the council to delegate](#) - council may, by resolution, delegate certain functions to the general manager or any other person or body, including the authority for the care, control, and management of community buildings.

[Section 380: Review of delegations](#) - Council is required to review its delegations within the first 12 months of an election.

- 10 [Section 355 Committee Guidelines](#) (November 2023)

Guidelines and policy which define the Committee roles and responsibilities, and limitation of Committee powers.

[Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors](#) (2023)

- 15 Delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct.

Work Health and Safety Act 2011 No 10

- 20 This legislation includes volunteers and contractors in the definition of a 'worker', defines the duties of employers and defines offences. Since June 2024, includes offence of industrial manslaughter for officers or body corporate for failures to comply with health and safety duties which cause the death of a worker.

State Records Act 1998

- 25 Mandates that local governments create, maintain, and dispose of records in a systematic manner. These provisions apply to Section 355 Committees.

Government Information (Public Access) Act 2009 (GIPA Act)

Promotes transparency and accountability in the public sector by facilitating public access to government information. These provisions apply to Section 355 Committees.

## Financial Considerations

- 30 Committees are subject to the same rules and regulations as Council, as identified in the *Local Government Act 1993*. Therefore, from a legal perspective, Section 355 Committees manage funds as delegates of Council, not as legal entities independent of Council.

The Section 355 Strategic Change Project is endorsed by Council in the 2024-25 Operational Plan. In August 2024, Executive Team approved the allocation of funds to the delivery of the Section 355 Strategic Change Project.

**Consultation and Engagement**

- 5 Councillors will receive additional information about the project at the 21 November 2024 Councillor Workshop.

Council staff have provided Committee volunteers with an overview of the Section 355 Strategic Change Project. Committee volunteers will be invited to a 4 December 2024 workshop as an opportunity for information exchange and input into alternative model(s).

- 10 A report will be provided to Council in early 2025 to present the findings of the Section 355 Strategic Change Project and to recommend next steps.

## **Report No. 13.8      Budget Review - 1 July 2024 to 30 September 2024**

**Directorate:** Corporate and Community Services

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

5    **File No:** I2024/1454

### **Summary:**

10    This report has been prepared to comply with Section 203 of the *Local Government (General) Regulation 2021* and to inform Council and the community of Council's estimated financial position for the 2024/2025 financial year, reviewed as at 30 September 2024.

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




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

### **RECOMMENDATION:**

**That Council:**

- 20    1.    **Authorises the itemised budget variations as shown in Attachment 2 (#E2024/133179) which include the following results in the 30 September 2024 Quarterly Review of the 2024/2025 Budget:**
- a)    **General Fund – \$0 movement to the Estimated Unrestricted Cash Result**
  - b)    **General Fund - \$20,720,000 decrease in reserves**
  - 25    c)    **Water Fund - \$2,125,600 increase in reserves**
  - d)    **Sewerage Fund - \$168,800 decrease in reserves**
2.    **Adopts the revised General Fund Estimated Unrestricted Cash Surplus of \$475,500 for the 2024/2025 financial year as at 30 September 2024.**

### **Attachments:**

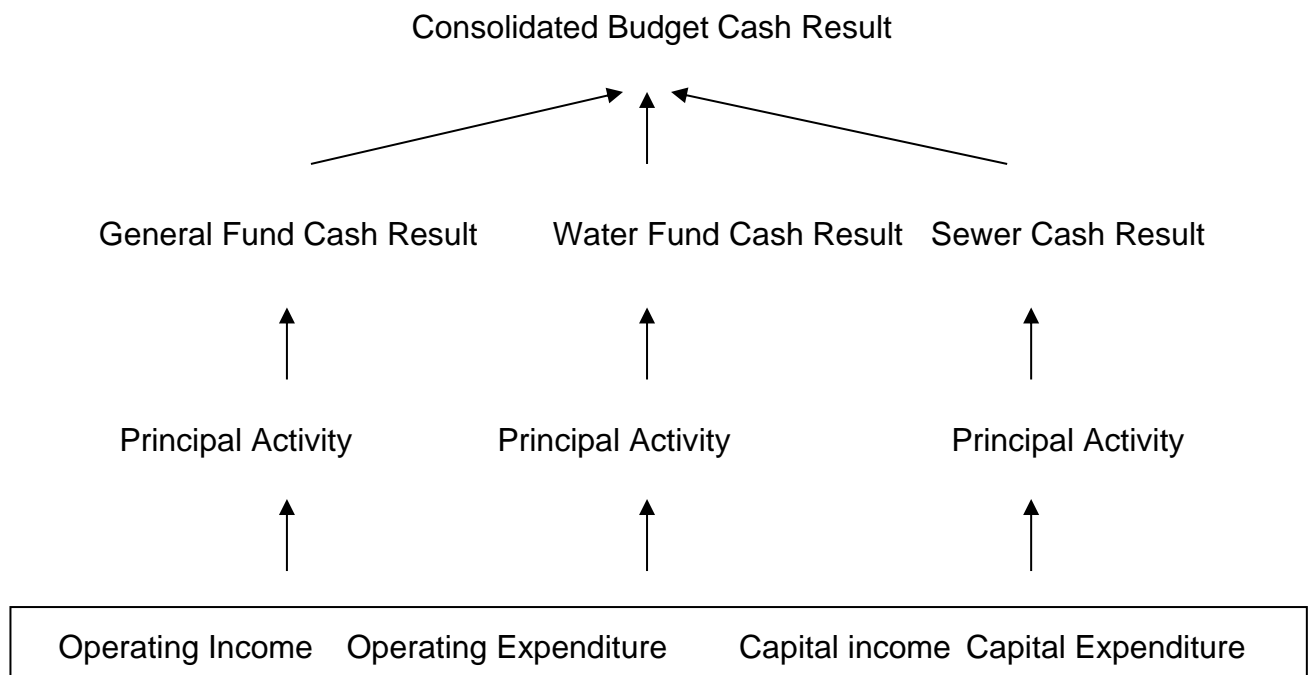
- 30    1    Budget Variations for General, Water and Sewerage Funds, E2024/133178 
- 2    Itemised Listing of Budget Variations for General, Water and Sewerage Funds, E2024/133179 
- 35    3    Integrated Planning and Reporting Framework (IP&R) required Quarterly Review Statements, E2024/133180 

## Report

Council adopted the 2024/2025 budget on 27 June 2024 via Resolution **24-328**. Council also considered and adopted the budget carryovers from the 2023/2024 financial year, to be incorporated into the 2024/2025 budget at its Ordinary Meeting held on 15 August 2024 via Resolution **24-380**. Since that date, Council has reviewed the budget taking into consideration the unaudited 2023/2024 Financial Statement results and progress through the first quarter of the 2024/2025 financial year. This report considers the September 2024 Quarter Budget Review.

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

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



The pages within Attachment 1 are presented (from left to right) by showing the original budget as adopted by Council on 30 June 2024 plus the adopted carryover budgets from 2023/2024, followed by the resolutions between July and September and the revote (or adjustment for this review) and next, the revised position projected for 30 June 2025 as at 30 September 2024.

On the far right of the Principal Activity, there is a column titled "Note". If this is populated by a number, it indicates there has been an adjustment in the quarterly review. This

number then corresponds to the notes at the end of the Attachment 1 which provides an explanation of the variation.

There is also information detailing restricted assets (reserves) to show Council's estimated balances as at 30 June 2025 for all Council's reserves.

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

### **Office of Local Government Budget Review Guidelines:**

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

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

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

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

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

### **Income and Expenditure Budget Review Statement by Type**

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

### **Capital Budget Review Statement**

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



## Cash and Investments Budget Review Statement

This statement reconciles Council's restricted funds (reserves) against available cash and investments. Council has attempted to indicate an actual position as at 30 September 2024 of each reserve to show a total cash position of reserves with any difference between that position and total cash and investments held as available cash and investments. It should be recognised that the figure is at a point in time and may vary greatly in future quarterly reviews depending on cash flow movements.

## Key Performance Indicators (KPIs)

At this stage, the KPIs within this report are:

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

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

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

## CONSOLIDATED RESULT

The following table provides a summary of the overall Council budget on a consolidated basis inclusive of all Funds' budget movements for the 2024/2025 financial year projected to 30 June 2025, revised as at 30 September 2024.

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<b>2024/2025 Budget Review Statement as at 30 September 2024</b>	<b>Original Estimate (Including Carryovers) 1/7/2024</b>	<b>Adjustments to 30 Sept 2024 including Resolutions*</b>	<b>Proposed 30 Sept 2024 Review Revotes</b>	<b>Revised Estimate 30/6/2025 at 30/9/2024</b>
Operating Revenue	121,626,000	0	(3,762,300)	117,863,700
Operating Expenditure	127,469,300	100,000	1,265,900	128,835,200
<b>Operating Result – Surplus/Deficit</b>	<b>(5,843,300)</b>	<b>(100,000)</b>	<b>(5,028,200)</b>	<b>(10,971,500)</b>
Add: Capital Revenue	52,658,200	0	(20,278,400)	32,379,800
<b>Change in Net Assets</b>	<b>46,814,900</b>	<b>(100,000)</b>	<b>(25,306,600)</b>	<b>21,408,300</b>
Add: Non Cash Expenses	20,657,300	0	0	20,657,300
Add: Non-Operating Funds Employed	9,941,100	0	200,600	10,141,700
Subtract: Funds Deployed for Non-Operating Purposes	104,669,500	0	(6,342,800)	98,326,700
<b>Cash Surplus/(Deficit)</b>	<b>(27,256,200)</b>	<b>(100,000)</b>	<b>(18,763,200)</b>	<b>(46,119,400)</b>
Restricted Funds – Increase / (Decrease)	(27,331,700)	(100,000)	(18,763,200)	(46,194,900)
<b>Forecast Result for the Year – Surplus/(Deficit) – Unrestricted Cash Result</b>	<b>75,500</b>	<b>0</b>	<b>0</b>	<b>75,500</b>

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### GENERAL FUND

In terms of the General Fund projected Unrestricted Cash Result the following table provides a reconciliation of the estimated position as at 30 September 2024:

<b>Opening Balance – 1 July 2024</b>	<b>\$400,000</b>
Plus original budget movement and carryovers	75,500
Council Resolutions July – September Quarter	0
Recommendations within this Review – increase/(decrease)	0
<b>Estimated Unrestricted Cash Result Closing Balance – 30 June 2025</b>	<b>\$475,500</b>

- 5 The General Fund financial position overall has not projected to change as a result of this budget review, leaving the forecast cash result for the year at an estimated surplus of \$75,500 and an estimated unrestricted cash result of \$475,500. The proposed budget changes are detailed in Attachment 1 and summarised further in this report below.

### Council Resolutions

- 10 There were no Council resolutions that impacted the budget result during the July to September quarter.

### Budget Adjustments

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

<b>Budget Directorate</b>	<b>Revenue Increase/ (Decrease) \$</b>	<b>Expenditure Increase/ (Decrease) \$</b>	<b>Accumulated Surplus (Working Funds) Increase/ (Decrease) \$</b>
General Manager	0	146,700	(146,700)
Corporate & Community Services	512,300	521,200	(8,900)
Infrastructure Services	(3,684,700)	(3,822,700)	138,000
Sustainable Environment & Economy	92,100	74,500	17,600
<b>Total Budget Movements</b>	<b>(3,080,300)</b>	<b>(3,080,300)</b>	<b>0</b>

### Budget Adjustment Comments

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

## General Managers Program

- In the People & Culture program it is proposed to increase operating expenditure by \$146,700 due to an increase in the Workers Compensation Insurance premium in addition to the budget estimate.

## 5 Corporate and Community Services

- In the General Purpose Revenue program, it is proposed to decrease operating income due to the OLG distributing 75% of the 2025 Financial Assistance Grant (FAG) (\$3,699,000) in 2024 which was restricted at the June 2024 QBR, offset by a slight increase of \$106,300 in the total approved 2025 amount. This \$3,699,000 was restricted in the OLG Financial Assistance reserve at the June QBR for transfer at the September QBR. It is also proposed to increase interest on investments by \$500,700 as a result of the TfNSW Natural Disaster advanced payments being invested from July to September and transfer to the Infrastructure Recovery Contingency reserve.
- In the Corporate Services program, it is proposed to decrease operating expenditure due to the savings made in insurance premiums. It is proposed to transfer this to the Infrastructure Recovery Contingency Reserve.
- In the Community Development program, it is proposed to increase operating expenditure due to a budget being required for a new ledger – Community Resilience and Recovery (\$5,100) to provide an operational budget when the NSWRA Community Recovery Officer funding stops in November. This can be funded by decreases against Community Development Projects (\$2,500) and the Community Resilience Network (\$2,600). It is also proposed to add a budget of \$13,000 for the Disability Access Inclusion Plan (DIAP), partially funded by a decrease in Community Development projects (\$8,000) and Inclusion projects (\$2,000). It is also proposed to add a budget of \$15,000 for the S355 Change project that can be funded by the Community Development reserve.

## Infrastructure Services

- In the Asset Management Planning Program, it is proposed to add a budget against capital income due to the sale of land, part Lot 103 DP1087996. This land was a drainage reserve, with the proceeds to be transferred to the Property Development Reserve.
- In the Local Roads and Drainage program, there are a number of adjustments outlined under Note 9 on pages 53 to 56 in the Budget Variations explanations section of Attachment 1. Further disclosure is included in the first and second pages of Attachment 2 under the budget program heading Local Roads and Drainage.
- In the Transport for New South Wales program (TfNSW), it is proposed to increase operating income and expenditure due to the Block grant due from Transport for New South Wales (TfNSW) being more than the original 2024/25 budget (\$18,000).

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- In the Infrastructure Recovery program, it is proposed to increase operating expenditure due to the need for a recurrent budget for the newly established Infrastructure Recovery Team for things such as salaries unable to be costed to EPARs, vehicle costs unable to be charged to EPARs, office equipment, software licences and any sundry expenses. It is proposed to decrease capital expenditure due to the review of the existing budget of EPARs in the 2024/25 budget to a more realistic level of what the actual expenditure is estimated to be for the financial year.
- In the Open Space and Recreation program, there are a number of adjustments outlined under Note 12 on pages 56 and 57 in the Budget Variations explanations section of Attachment 1. Further disclosure is included on the third page of Attachment 2 under the budget program heading Open Space & Recreation.
- In the Waste Management program, it is proposed to decrease operating income as grants for the LG Waste Solutions Round 2 (\$139,000) and WASM Litter Prevention Grant S3 (\$252,000) were recognised in 2024, therefore the budget is not required. It is proposed to increase operating expenditure as a budget is required to undertake the Butler Street landfill contamination assessment. It is proposed to increase capital expenditure as the costs for the Implementation of the Stormwater Management Plan are likely going to be more than the current budget.
- In the Cavanbah Centre program, it is proposed to decrease capital expenditure due to the Cavanbah Centre Car Park Repairs carryover being higher than what is available. The funding for this however does not need to decrease as Council restricted \$237,332.at the June 2024 quarterly budget review which is \$185,662.48 more than available.
- In the Facilities Management program, it is proposed to increase operating expenditure due to a budget required for asbestos removal and other works at Marvell Hall (\$388,800) and a budget required for the renovation of office space for the newly formed Infrastructure Recovery team (\$25,000). This is offset by a decrease in the Lilly Pilly preschool roofing and guttering project as this will not be completed this financial year (\$20,300). A further budget of \$135,500 is also proposed to finalise the Byron Community Hub project funded from available developer contributions held.

### **Sustainable Environment and Economy**

- In the Planning Policy & Natural Environment program It is proposed to increase operating expenditure due to a budget of \$50,000 being allocated for 7D Scenic Escarpment Zone Areas (Res 24-328), and a decrease to Flood response planning (\$30,000) as too much was carried over from 2024.
- In the Environment & Compliance program, it is proposed to increase operating income due the actual income for Food Administration Fees (\$9,100) and On site Sewer Management (\$9,500) being higher than the budget. It is also proposed to increase the budget for dog registrations which are trending higher than the budget (\$50,100) and to provide funding for an additional animal enforcement vehicle \$45,000.

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#### WATER FUND

After completion of the 2023/2024 Financial Statements the Water Fund as at 30 June 2024 has a capital works reserve of \$4,111,700 and held \$1,746,500 in section 64 developer contributions.

- 5 The estimated Water Fund reserve balances as at 30 June 2025, and forecast in this Quarter Budget Review, are derived as follows:

##### Capital Works Reserve

<b>Opening Reserve Balance at 1 July 2024</b>	<b>\$4,111,700</b>
Plus original budget reserve movement	(3,820,500)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	1,099,200
<b>Forecast Reserve Movement for 2024/2025 – Increase / (Decrease)</b>	<b>(2,721,300)</b>
<b>Estimated Reserve Balance at 30 June 2025</b>	<b>\$1,390,400</b>

##### Section 64 Developer Contributions

<b>Opening Reserve Balance at 1 July 2024</b>	<b>\$1,746,500</b>
Plus original budget reserve movement	(1,253,000)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	1,026,400
<b>Forecast Reserve Movement for 2024/2025 – Increase / (Decrease)</b>	<b>(226,600)</b>
<b>Estimated Reserve Balance at 30 June 2025</b>	<b>\$1,519,900</b>

- 10 Movements for Water Fund can be seen in Attachment 1 with a proposed estimated increase to reserves (including S64 Contributions) overall of \$2,125,600 from the 30 September 2024 Quarter Budget Review.

#### SEWERAGE FUND

- 15 After completion of the 2023/2024 Financial Statements the Sewer Fund as at 30 June 2024 has a capital works reserve of \$7,577,100 and plant reserve of \$8,043,300. It also held \$5,448,900 in section 64 developer contributions and a \$272,500 unexpended grant.

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#### Capital Works Reserve

<b>Opening Reserve Balance at 1 July 2024</b>	<b>\$7,577,100</b>
Plus original budget reserve movement	(2,588,900)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	881,200
<b>Forecast Reserve Movement for 2024/2025 – Increase / (Decrease)</b>	<b>(1,707,700)</b>
<b>Estimated Reserve Balance at 30 June 2025</b>	<b>\$5,869,400</b>

#### Plant Reserve

<b>Opening Reserve Balance at 1 July 2024</b>	<b>\$896,200</b>
Plus original budget reserve movement	0
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	0
<b>Forecast Reserve Movement for 2024/2025 – Increase / (Decrease)</b>	<b>0</b>
<b>Estimated Reserve Balance at 30 June 2025</b>	<b>\$896,200</b>

The below reserve is funded from income received for temporary housing on Sewer Fund land.

#### 5 Property Development Reserve – Temporary Housing

<b>Opening Reserve Balance at 1 July 2024</b>	<b>\$136,200</b>
Plus original budget reserve movement	136,200
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	0
<b>Forecast Reserve Movement for 2024/2025 – Increase / (Decrease)</b>	<b>136,200</b>
<b>Estimated Reserve Balance at 30 June 2025</b>	<b>\$272,400</b>

#### Section 64 Developer Contributions

<b>Opening Reserve Balance at 1 July 2024</b>	<b>\$8,043,300</b>
Plus original budget reserve movement	(7,500)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(1,050,000)
<b>Forecast Reserve Movement for 2024/2025 – Increase / (Decrease)</b>	<b>(1,057,500)</b>
<b>Estimated Reserve Balance at 30 June 2025</b>	<b>\$6,985,800</b>

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#### Unexpended Public Works Grant

<b>Opening Reserve Balance at 1 July 2024</b>	<b>\$253,149</b>
Plus original budget reserve movement	0
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	0
<b>Forecast Reserve Movement for 2024/2025 – Increase / (Decrease)</b>	<b>0</b>
<b>Estimated Reserve Balance at 30 June 2025</b>	<b>\$253,149</b>

Movements for the Sewerage Fund can be seen in Attachment 1 with a proposed estimated overall decrease to reserves (including S64 Contributions) of \$168,800 from the 30 September 2024 Quarter Budget Review.

#### 5 Legal Expenses

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

10 The table that follows indicates the allocated budget and actual legal expenditure within Council on a fund basis as at 30 September 2024.

#### **Total Legal Income & Expenditure as at 30 September 2024**

<b>Program</b>	<b>2024/2025 Budget (\$)</b>	<b>Actual (\$)</b>	<b>Percentage To Revised Budget</b>
<b>Income</b>			
Legal Expenses Recovered	0	0	0%
<b>Total Income</b>	<b>0</b>	<b>0</b>	<b>0%</b>
<b>Expenditure</b>			
General Legal Expenses	225,000	218,168	96.96%
<b>Total Expenditure General Fund</b>	<b>225,000</b>	<b>218,168</b>	<b>96.96%</b>

15 Note: This should continue to be monitored to ensure there is enough funding for future expenses. This budget is nearly fully expended with three quarters of the year still to go. It is anticipated that the reserve balance of \$200,000 may be required at a future quarterly budget review to cover these increased costs.



## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership	1.3: Ethical and efficient management of resources	1.3.1: Financial Management - Ensure the financial integrity and sustainability of Council through effective financial management	1.3.1.2	Provide Quarterly Budget Reviews to Council for adoption.

### Legal/Statutory/Policy Considerations

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

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

### 20 Financial Considerations

25 The 30 September 2024 Quarter Budget Review of the 2024/2025 Budget has left the overall estimated budget result at a \$75,500 surplus. This leaves the movement against the unrestricted cash balance attributable to the General Fund to an estimated surplus of \$75,500 for the year, leaving the unrestricted cash balance attributable to the General Fund at an estimated \$475,500 surplus at 30 June 2025.

It is the view of the Responsible Accounting Officer that the short term financial position of the Council is satisfactory for the 2024/2025 financial year, having consideration of the

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original estimate of income and expenditure at the 30 September 2024 Quarter Budget Review.

This opinion is based on the estimated General Fund Unrestricted Cash Result position and that the current indicative budget position for 2024/2025 outlined in this Budget

- 5 Review is maintained or further improved through the remaining quarterly budget reviews for the 2024/2025 financial year. Council must remember it has a short term financial goal of maintaining \$1,000,000 in unrestricted cash.

It is essential that the Quarterly Budget Reviews for the December 2024 and March 2025 Quarters are carefully considered in terms of delivery capacity and Council's financial

- 10 position as preparations for the 2025/2026 Budget Estimates will soon commence.

**Report No. 13.9 Council Investments - 1 October 2024 to 31 October 2024**

**Directorate:** Corporate and Community Services

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

5 **File No:** I2024/1502

**Summary:**

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

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

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15 **RECOMMENDATION:**

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

20

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### Report

Council has continued to maintain a diversified portfolio of investments. As of 31 October 2024, the average 90-day bank bill rate (BBSW) for the month was 4.40%. Council's performance for October 2024 was 4.71%. 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 October 2024.

### Schedule of Investments held as at 31 October 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							
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	P	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
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	P	BBB	09/01/25	N	TD	5.35%	5,000,000.00
11/07/24	5,000,000.00	Judo Bank	P	BBB-	13/01/25	N	TD	5.35%	5,000,000.00
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
02/10/24	1,000,000.00	Judo Bank	N	BBB-	02/01/25	N	TD	4.75%	1,000,000.00
08/10/24	2,000,000.00	Bank of QLD	N	A-	06/01/25	N	TD	4.75%	2,000,000.00
08/10/24	2,000,000.00	NAB	N	AA-	06/01/25	Y	TD	5.15%	2,000,000.00
09/10/24	4,000,000.00	Beyond Bank	N	BBB	09/04/25	N	TD	5.00%	4,000,000.00
15/10/24	1,000,000.00	NAB	N	AA-	13/01/25	Y	TD	4.95%	1,000,000.00
18/10/24	1,000,000.00	Judo Bank	N	BBB-	16/01/25	N	TD	5.05%	1,000,000.00
28/10/24	1,000,000.00	NAB	N	AA-	28/01/25	Y	TD	4.95%	1,000,000.00
N/A	17,894,857.57	CBA Business	P	AA-	N/A	Y	CALL	4.35%	17,894,857.57

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
		Saver							
N/A	553,034.73	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	Y	CALL	4.35%	553,034.73
N/A	10,356,908.31	Macquarie Accelerator Call	P	A	N/A	Y	CALL	4.20%	10,356,908.31
<b>Total</b>	<b>107,154,800.61</b>						<b>AVG</b>	<b>4.71%</b>	<b>106,784,772.72</b>

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

N = No Capital Protection

Y = Fully covered by Government Guarantee

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

**Note 2. Fossil Fuel ADI**

N = No investment in Fossil Fuels

Y = Investment in Fossil Fuels

U = Unknown Status

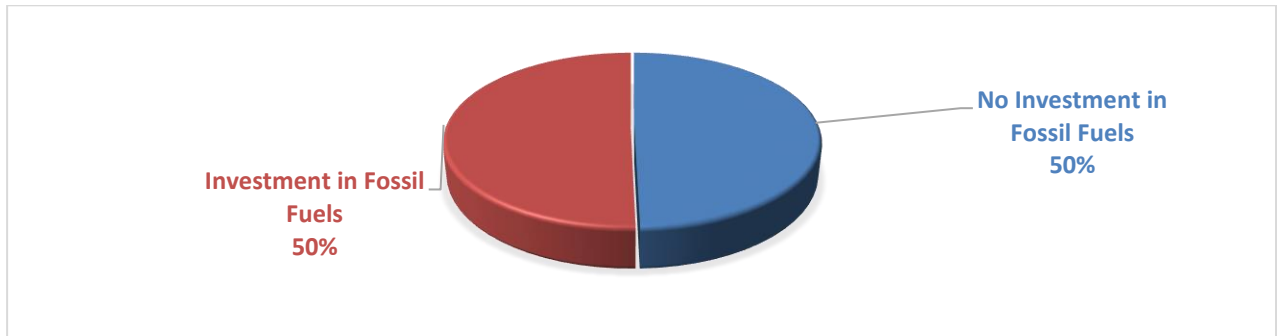
**Note 3. Type Description**

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](http://www.marketforces.org.au) and identifies financial institutions that either invest in fossil fuel related industries or do not. The graph below highlights the percentage of each classification across Council's total investment portfolio in respect of fossil fuels only.

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 October 2024, the portfolio has been stable at 50%.

### 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 October 2024 to 31 October 2024:

Investment policy compliance % should not exceed the following			ACTUAL	
AAA to AA	A1+	100%	42%	Meets policy
A+ to A-	A1	60%	20%	Meets policy
BBB to NR	A2,NR	40%	38%	Meets policy

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### Dissection of Council Investment Portfolio as at 31 October 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
17,894,857.57	CBA Business Saver	17,894,857.57	0.00
553,034.73	CBA Business Saver – Tourism Infrastructure Grant	553,034.73	0.00
10,356,908.31	Macquarie Accelerator	10,356,908.31	0.00
7,350,000.00	Bonds/Floating Rate Notes	6,979,972.11	(370,027.89)
<b>107,154,800.61</b>	<b>Total</b>	<b>106,784,772.72</b>	<b>(370,027.89)</b>

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 October 2024 as follows:

5

### Dissection of Council's Cash Position as at 31 October 2024

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
<b>Investments Portfolio</b>			
Term Deposits	71,000,000.00	71,000,000.00	0.00
CBA Business Saver	17,894,857.57	17,894,857.57	0.00
CBA Business Saver – Tourism Infrastructure Grant	553,034.73	553,034.73	0.00
Macquarie Accelerator	10,356,908.31	10,356,908.31	0.00
Bonds	7,350,000.00	6,979,972.11	(370,027.89)
<b>Total Investment Portfolio</b>	<b>107,154,800.61</b>	<b>106,784,772.72</b>	<b>(370,027.89)</b>
<b>Cash at Bank</b>			
Consolidated Fund	3,427,263.63	3,427,263.63	0.00
<b>Total Cash at Bank</b>	<b>3,427,263.63</b>	<b>3,427,263.63</b>	<b>0.00</b>
<b>Total Cash Position</b>	<b>110,582,064.24</b>	<b>110,212,036.35</b>	<b>(370,027.89)</b>



## 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.

**Report No. 13.10 Grants November 2024**

**Directorate:** Corporate and Community Services

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

**File No:** I2024/1509

5 **Summary:**

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


10

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**RECOMMENDATION:**

**That Council notes the Grant Submissions Report for the month of October 2024 (Attachment 1 #E2024/131076).**

15 **Attachments:**

- 1 Grant submissions as at 31 October 2024, E2024/131076 

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## Report

Currently Council has 12 grant applications awaiting determination (refer to Grants Submissions as of October 2024 - Attachment 1, E2024/131076.

### Successful applications

- 5 The following grant have been successful:

Funding body	Funding scheme	Project name	Total project value \$	Amount requested \$	Council \$
NSW Department of Planning and Environment	Flood Recovery and Resilience Grant Program	Billinudgel Rail Bridge debris options study			

### Unsuccessful applications

Funding body	Funding scheme	Project name	Total project value \$	Amount requested \$	Council \$
Office of Responsible Gambling	ClubGrants Category 3 Fund	Brunswick Heads Sports Club Playground	\$180,000	\$90,000	\$90,000
<p><i>The grant round was highly competitive with an impressive range of high-quality submissions. However, the number of applications received, and funding requested far exceeded the available funding. Over 300 applications were received for a total of just over \$49 million, which meant that only 15% of applications were successful.</i></p>					

### Upcoming Grant opportunities

#### [Crown Reserves Improvement Fund \(closes 22 November\)](#)

- 10 The Crown Reserves Improvement Fund Program (CRIF) provides financial support for the maintenance, improvement or development of Crown reserves. This funding has supported important initiatives such as the maintenance of showgrounds and community halls, the improvement of local parks, reserves and caravan parks, and eradication of pests and weeds. The 2024-25 funding round will offer around \$10m in grants to the highest priority projects.

At the time of this report, applications are being prepared for the Torakina Reserve (bollards and connecting path) and the Byron foreshore new recreational storage facility.

### [Get NSW Active | Transport for NSW](#)

- 5 The Get NSW Active program provides local councils with funding for projects that create safe, easy, and enjoyable walking and bike riding trips.

For this year's program, there is \$60 million in total grant funding available to local councils to deliver projects that enable more people to walk or bike ride. Of the \$60 million funding, \$10 million is for projects that enable walking or bike riding to primary schools, with the remaining funding for broader active transport projects.

- 10 Council can submit a total of 5 applications; however, only a possible 3 will be awarded with a total value of \$5 million.

Applications are being considered for the following projects:

- Byron Street Foot Path – Bangalow (construction)
- Bangalow Road Shared Path and crossing – Bangalow (design only)
- 15 • Lighthouse Road Foot Path - Byron Bay (construction)
- Station Street, Mullumbimby footpaths (construction)
- Northern Rivers Rail Trail – Mullumbimby to Byron Bay (design only)

### [Round 3 – Regional Housing Strategic Planning Fund | Planning](#)

- 20 The Regional Housing Strategic Planning Fund is a \$12 million competitive grants program that aims to enable and accelerate the delivery of strategic planning projects, technical studies, and policies that support increased housing supply, affordability, diversity, and resilience in regional NSW.

- 25 An application is being prepared to undertake a *North Byron Shire Living Differently Pilot Program*. The funding would provide a plan that outlines how infill development could occur. *Living differently* has been identified within the [Residential Strategy - Byron Shire Council](#) as a key way housing can be delivered within Byron Shire.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.10

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 \$37 million which would provide significant funding for Council projects. Some of the Grants require a contribution from Council (either cash or in-kind) and others do not. Council's contribution is funded.

The potential funding is detailed below:

	<b>Funding applications submitted and awaiting notification (total value)</b>	<b>\$36,935,935</b>
15	Requested funds from funding bodies	\$34,339,940
	Council contribution cash	\$2,553,795
	Council co-contribution in-kind	\$42,200
	Other contributions	\$0
20	Funding determined in August 2024:	
	Successful applications	\$175,000 (total project value)
	Unsuccessful/withdrawn applications	\$180,000 (total project value)

## **Consultation and Engagement**

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

## Report No. 13.11 Presentation of 2023-2024 Financial Statements

**Directorate:** Corporate and Community Services

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

5 **File No:** I2024/1513

### Summary:

10 Council is required under Section 418 of the *Local Government Act 1993* to fix a meeting at which it presents the annual Audited Financial Statements and Auditor's Reports to the public. Council is required to do this no later than five weeks after the Auditor's Reports are received by Council.

15 The Financial Statements for the financial year ended 30 June 2024 were reported to the Ordinary Meeting on 24 October 2024, where Council adopted the 2023-2024 Financial Statements through Resolution **24-466**. This same Resolution resolved to present the 2023-2024 Financial Statements and Auditor's Reports to the public at this Ordinary Meeting of Council.

20 The presentation of the Financial Statements and Auditor's Reports to the Public is required by Section 419(1) of the Local Government Act 1993 and does not have any impact on the content of the Financial Statements.

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### RECOMMENDATION:

25 **That the Audited Financial Statements and Auditors Report for the 2023-2024 financial year be presented to the public in accordance with Section 419(1) of the Local Government Act 1993.**

## Report

Council is required under Section 418 of the *Local Government Act 1993* to fix a meeting at which it presents the annual Audited Financial Statements and Auditor's Reports to the public. Council is required to do this no later than five weeks after the Auditor's Reports are received by Council.

At the Ordinary Meeting of Council on 24 October 2024, Council resolved:

### Resolution 24-466:

1. That Council adopts the Draft 2023/2024 Financial Statements incorporating the General Purpose Financial Statements (#E2024/122438) and Special Purpose Financial Statements (#E2024/122303).
2. That 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.
3. That 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*.

In accordance with Council's Resolution above, this report is provided to present the 2023-2024 Financial Statements and Auditor's Reports to the public.

Council's published 2023-2024 Financial Statements can be found at the following link:

[Reports on Our Progress - Byron Shire Council](#)

The presentation of the Financial Statements to the public is a requirement by Section 419(1) of the *Local Government Act 1993* and does not have any impact on the content of the Financial Statements.

The Financial Statements and Auditor's Reports have been placed on public exhibition and advertised in accordance with Section 418(1) of the *Local Government Act 1993* with a closing date for submissions of 5 December 2024. Should any submissions be received they are required to be forwarded to Council's Auditor and will be advised to Councillors via memo.

Presentation of the Financial Statements and Auditor's Reports to the public is the last step in the legislative requirements regarding the annual financial reporting.



## 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	1.3.1.3	Provide completion of Council's statutory annual financial statements for 2023/2024.

5

### Legal/Statutory/Policy Considerations

10 In accordance with Section 418(1) of the *Local Government Act 1993*, Council is required to fix a date for the meeting at which it proposes to present its Audited Financial Statements and Auditor's Reports. It must also give public notice of the date fixed. Section 418(2) requires the date fixed for the meeting must be at least 7 days after the date on which the notice is given but not more than five weeks after the Auditor's reports are given to the Council.

15 Section 419(1) of the *Local Government Act 1993* requires that Council must present its audited Financial Statements together with the Auditor's reports, at a meeting of the Council held on the date fixed for the meeting. Council has advertised and previously resolved that this Ordinary Meeting is when the Financial Statements and Auditor's Reports will be presented.

20

### Financial Considerations

25 There are no financial or resource implications in presenting the Financial Reports to the public.

25

### Consultation and Engagement

30 Section 420(1) of the *Local Government Act 1993* provides that any person may make submissions to Council with respect to the Council's audited Financial Statements or with respect to the Auditors Reports. Section 420(2) of the *Local Government Act 1993* requires a submission must be in writing and must be lodged with Council within 7 days after the date on which the Financial Statements and Auditor's Reports are presented to the public. Any submissions received by Council must be referred to Council's Auditor in accordance with Section 420(3) of the *Local Government Act 1993*.

35

## Report No. 13.12 Policies for Review

**Directorate:** Corporate and Community Services

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

**File No:** I2024/1528

### 5 Summary:

As part of Council's compliance framework, an annual review of Council policies is undertaken, and reports are provided to Council on the status of this review program.

10 This report presents two policies recommended for repeal as the information is contained elsewhere, for example as required by legislation, or because the policy is no longer relevant.

#### Recommended for repeal

- Burials on Private Property Policy (E2020/95377)
- Burning of Garden Waste Matter in Urban and Rural Areas Policy (E2020/74224)

15



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### RECOMMENDATION:

That Council repeals the following Policies for the reasons outlined in the report:

- 20
1. Burials on Private Property Policy (E2020/95377); and
  2. Burning of Garden Waste Matter in Urban and Rural Areas Policy (E2020/74224).

### Attachments:

- 25
- 1 Policy for Repeal - Burials on Private Property, E2020/95377 
  - 2 Policy for Repeal - Burning of Garden Waste Matter in Urban and Rural Areas Policy, E2020/74224 

## Report

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

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

During the first quarter review, two policies were identified that are proposed to be repealed. Information about each of these policies and the reason for repeal are outlined in the following sections.

### For Repeal – Burials on Private Property Policy

10 The Burials on Private Property Policy was first adopted in 1994.

The objective of the Policy is: *"To provide and control interment on private land."*

Since that time, the [Public Health Regulation 2022](#) (Regulation) has been developed.

The Regulation provides the following conditions need to be met:

- 15 • The total landholding must be equal to or exceed five hectares, burial on smaller landholdings is not allowed.
- Bodies must be buried at a minimum depth of 900 millimetres from the top of the coffin to the natural soil level.
- Bodies must be placed in a coffin prior to burial.
- 20 • A geotechnical investigation may be required if there is any likelihood of contamination of groundwater and/or surface waters. The investigation should determine the suitability of the location for burial and consider factors such as the depth of soil, and the water table.
- The burial place must be approved by a Local Government Authority under the [Environmental Planning and Assessment Act 1979](#).
- 25 • The Planning approval may include public notification, meaning that neighbours and other interested parties must be advised that an application for development has been lodged and can comment on the application.
- The Local Government Authority is to give consideration as to whether public access to the area should be maintained, by direct access, or alternatively, by a right of way or easement, to consider future access needs, such as if the property is sold or if
- 30 the remains are to be exhumed or other interments made.
- The area should be suitably fenced to delineate the boundaries of the location and secure the location.
- A restriction on the immediate use of the area adjacent to the private burial ground should be instigated to prevent building or disturbances of the grave sites.
- 35 • The burial location site should be described and drawn by a registered land surveyor together with details of the location of the deceased buried in respective sites and a copy should be forwarded to the local authority for placement on the property file.
- It is recommended that the Local Government Authority maintains a register of
- 40 private burial locations.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.12

- The grave should be permanently marked with details of the deceased and the boundaries of the grave excavation should also be permanently marked.
- The establishment of an above ground burial chamber should not be encouraged unless additional security precautions are taken.
- 5 • Provision of a long-term perpetual site plan to ensure the graves are always kept in a safe and sustainable condition.

The Policy is consistent with the regulation and therefore, there are no additional requirements to retain the Policy.

#### For Repeal – Burning of Garden Waste Matter in Urban and Rural Areas Policy

- 10 The Burning of Garden Waste Matter in Urban and Rural Areas Policy was first adopted 1994. The objective of the Policy is: *“To minimise air pollution nuisances in urban and rural areas.”*

- 15 The Policy predominantly refers to requirements prescribed by [Rural Fires Act 1997](#), [Rural Fire Regulations 2022](#), and the Rural Fire Service Safe Burning Checklist – which are all available on the RFS website.

The [Protection of the Environment Operations \(Clean Air\) Regulation 2022](#) came into force on 16 December 2022. It is the key regulatory mechanism in NSW for reducing emissions of harmful pollutants in the air.

Controls for local government areas are provided in Schedule 1.

- 20 This policy has been superseded by these legislative provisions.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership	1.1: Enhance trust and accountability through open and transparent leadership	1.1.1: Leadership - Enhance leadership effectiveness, capacity, and ethical behaviour	1.1.1.1	Coordinate Council's annual policy review program, update and publish adopted policies

### Recent Resolutions

Not applicable.

### 25 Legal/Statutory/Policy Considerations

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

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

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

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

### 10 Community Strategic Plan

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

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

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

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

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

## **Financial Considerations**

There are no financial considerations with this report.

### 35 **Consultation and Engagement**

Council is not required to seek public submissions regarding the repeal of policies.

## Report No. 13.13 Refinance of Sewerage Loan No 59

**Directorate:** Corporate and Community Services

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

**File No:** I2024/1531

### 5 Summary:

Council on 4 December 2009 executed a loan (Loan No 59) to fund the augmentation of the Brunswick Valley Sewerage Scheme. The loan borrowing was for \$8,575,000 borrowed over a twenty-five-year term with a fixed interest rate of 8.49% for fifteen years.

10 This loan is about to expire its fixed interest period on 4 December 2024 and Council needs to determine how it will manage the remaining loan balance.

This report provides Council with a recommended course of action for consideration.

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### 15 RECOMMENDATION:

**That Council:**

1. Refinances Loan No 59 with a principal value of up to \$5,145,000 and delegates to the General Manager to accept a loan finance offer based on terms most favourable to Council either as a refinance over the remaining ten years or a shorter term to refinance again assuming future interest rate reductions;
2. Authorises the affixing of the Council seal to all documents that may require it, in regard to this loan refinancing; and
3. Authorises the short term utilisation of Sewerage Capital Works Reserve to fund the initial pay out of Loan No 59 up to \$5,145,000 on 4 December 2024 and reimburse the Sewerage Capital Works Reserve upon receipt of the refinanced loan proceeds.

## Report

Council on 4 December 2009 executed a loan (Loan No 59) to fund the augmentation of the Brunswick Valley Sewerage Scheme. The loan borrowing was for \$8,575,000 borrowed over a twenty five year term with a fixed interest rate of 8.49% for fifteen years.

This loan is about to expire its fixed interest period on 4 December 2024 and Council needs to determine how it will manage the remaining loan balance. Council has the following options:

- Pay out the remainder of the loan balance with no penalty for early repayment. This option is not recommended given the size of the loan still outstanding and the impact that would have on the Sewerage Capital Works Reserve. This option is only available to facilitate the initial refinancing outlined in this report but is not a longer term option.
- Refinance the loan with the current outstanding balance at the end of the fixed interest period over the remaining loan term of 10 years.
- Refinance the loan with the current outstanding balance at the end of the fixed interest period over two years, then refinance again on the assumption interest rates will decline during 2025 and 2026.

At the time of loan maturity, Council will have an outstanding loan balance of up to \$5,145,000. Since the loan was originally drawn down, Council has been making annual repayments inclusive of interest and loan principal of \$847,213.84 per annum. The financing of the loan repayments for this loan have been via Council's Sewerage Budget Program and the Sewerage Capital Works Reserve from Sewerage charges levied. To date Council has paid \$3,430,000 in loan principal and \$9,066,403.94 in interest on this loan borrowing from 27 August 2009 to 4 September 2024.

Currently indicative loan borrowing interest rates over the notional remaining term of this loan of 10 years are at 5.27% at the time of preparing this report. Given Council is currently paying 8.49%, it should at least see a reduction of at least 3.00% on the remaining borrowing.

Globally, interest rates are starting to fall but in Australia have remained on hold for 12 months as underlying inflation in Australia has remained outside the target range of the Reserve Bank. Latest predictions are that interest rates in Australia may start to decline in February 2025. As a strategy, Council could consider refinancing the residual of Loan No 59 over the ten year period but fix the loan for two years and then look to refinance again. The assumption being within the next two years there would be a further decline in interest rates and a further refinancing would reduce future loan repayments in addition to the initial loan refinance proposed in this report.

As an indication if Council, through an initial refinance, was able to secure a loan borrowing rate of 5.50%, annual repayments would reduce to \$682,575.67 per annum or save the Sewerage Fund \$164,638.17 per annum. If this then was fixed for the remaining

ten year period, the Sewerage Fund would realise an overall saving of \$1,646,381.70 compared to existing remaining payments.

5 However, it is certainly in the financial interest of Council to consider a shorter refinancing term to see where interest rates in Australia trend over the next two years and then look to refinance again. Based on the current outstanding loan balance every 1% reduction in the interest rate will save Council around \$32,300 per annum.

10 As the timing of a refinance will not be able to be completed prior to 4 December 2024 and the current loan borrowing matures, the suggested course of action is that Council pay out the current loan in full through utilisation of available cash flow and Sewerage Capital Works Reserves, and then replenish the cash flow and Sewerage Capital Works Reserve when the refinancing process is completed. This should be able to be completed prior to the Christmas break.

15 The savings potentially generated post loan refinancing, should the recommendations to this report be approved, will need to be contained within the Sewerage Fund but are still an overall saving to the Council as whole. The final actual outcome Council may achieve will be contingent upon the interest rate Council receives in the initial refinancing offer and what could be achieved if there is a future refinancing.

## **Strategic Considerations**

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

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
<b>1: Effective Leadership</b> We have effective decision making and community leadership that is open and informed	1.3: Ethical and efficient management of resources	1.3.1: Financial Management - Ensure the financial integrity and sustainability of Council through effective financial management	1.3.1.4	Financial reporting as required provided to Council and Management.

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

Council has adopted Policy 2009/006 regarding loan borrowings.

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

25 Section 377(1)(f) of the Local Government Act 1993 stipulates that a Council may by resolution delegate to the General Manager or any other person or body (not including



another employee of the Council any of the functions of the Council except the borrowing of money.

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

- 5       • That Council can borrow at any time for purposes allowed under the Local Government Act 1993,
- That Council may borrow by way of overdraft or loan or by other means approved by the Minister.
- 10     • That Council may give security for any borrowings in such manner as may be prescribed by the regulations with such securities ranking on equal footing despite any other Act.
- The Minister may, from time to time, impose limitations or restrictions on borrowings by a particular Council, or Councils generally despite the other provisions of this Part.

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

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

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

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

## **Financial Considerations**

As outlined in the report.

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

## Report No. 13.14 Place Planning Collective - Community Members and Councillor Nominations

5 **Directorate:** Sustainable Environment and Economy

**Report Author:** Stephanie McMurray, Place Liaison Officer  
Andrew FitzGibbon, Place Planning Coordinator

**File No:** I2024/1455

### Summary:

- 10 The purpose of this Place Planning Collective (PPC) report is for Council to:
- select community representatives (up to three for each location) for the PPC; and
  - select up to four Councillor representatives for the PPC.

15 **The Place Planning Collective (PPC):** is a group of community members, Councillors and staff who help to promote and guide the implementation of actions from endorsed Place Plans – currently Bangalow, Byron Arts and Industry Estate, Federal and Mullumbimby. The PPC does not encompass the Byron Town Centre Masterplan. This is overseen specifically by the Byron Town Centre Masterplan Group.

20 In relation to New Brighton, South Golden Beach and Ocean Shores, a process to select representatives from these communities for the PPC or other preferred governance approach will be undertaken following completion of their Place Plan. A report to Council will be provided at that time (and also include different governance options for the plan's implementation).

25 **Community Nominations:** The PPC Charter, which guides the PPC, provides for members to be appointed for a two-year term with existing members being invited to re-apply at the end of this term. Multiple PPC members have reached the end of their term. An Expression of Interest (EOI) process has been carried out for new community representatives to the Place Planning Collective. Thirty-two (32) conforming applications were received in total, five of which are from existing members – refer Attachments 1 and 2.

30 The EOI specifically sought applicants to represent the completed Place Plans for Bangalow, Byron Arts and Industry Estate, Federal and Mullumbimby. The PPC Charter allows for up to three community representatives for each Place Plan.

Staff are also seeking that Council nominate backup representatives where possible who could be invited to sit on the PPC if a member resigns at some point in the future.

35 **Councillor Nominations:** As per the PPC Charter, up to four Councillors can be nominated to sit on the PPC.

---

5 **RECOMMENDATION:**

**That Council:**

1. Thanks the existing PPC members who have completed two terms.
2. Thanks the community members who have submitted an Expression of Interest  
10 as per the summary at Attachment 1 (E2024/129344) and full submissions at Attachment 2 (E2024/131010).
3. Nominates the following community members (up to three and one backup where possible) for each Place Plan to sit on the Place Planning Collective in accordance with the PPC Charter:
  - a) Bangalow nominations: \_\_\_\_\_
  - 15 b) Byron Arts and Industry Estate nominations: \_\_\_\_\_
  - c) Federal nominations: \_\_\_\_\_
  - d) Mullumbimby nominations: \_\_\_\_\_
4. Nominates the following Councillors (up to four) to sit on the Place Planning Collective in accordance with the PPC Charter: \_\_\_\_\_

20 **Attachments:**

- 1 CONFIDENTIAL - PPC EOI Submission Summary, October 2024, E2024/129344
- 2 CONFIDENTIAL: Combined PPC EOI Complete Submissions October 2024, E2024/131010

25

## Report

The purpose of this Place Planning Collective (PPC) report is for Council to:

- select community representatives (up to three for each location) for the PPC;
- select up to four Councillor representatives for the PPC.

### 5 The Place Planning Collective

The Place Planning Collective (PPC) is a group of community members, Councillors and staff who help to promote and guide the implementation of actions from endorsed Place Plans.

The PPC consists of community representatives from the following completed Place Plans:

- 10
- The Bangalow Village Plan
  - The Byron Arts and Industry Estate (BAIE) Precinct Plan
  - The Federal Village Masterplan
  - The Our Mullumbimby Masterplan

15 The PPC does not encompass the Byron Town Centre Masterplan. This is overseen specifically by the Byron Town Centre Masterplan Group.

20 In relation to New Brighton, South Golden Beach and Ocean Shores, a process to select representatives from these communities for the PPC or other preferred governance approach will be undertaken following completion of their Place Plan. A report to Council will be provided at that time (and also include different governance options for the plan's implementation).

The Place Planning Collective Charter provides guidelines for the operation of the group.

Further information on the Place Planning Collective and its Charter can be found on Council's website here: <https://www.byron.nsw.gov.au/Community/Place-planning/Place-Planning-Collective>

### 25 Expressions of Interest

30 The PPC Charter, which guides the PPC, provides for members to be appointed for a two-year term with existing members being invited to re-apply at the end of this term. Multiple community PPC members have reached the end of their tenure period. Council resolved to undertake an Expression of Interest (EOI) process to recruit new community representatives ([Res 24-128](#)).

In total 32 conforming submissions were received, five of those are from existing members wishing to continue their membership.

A summary of EOI respondents is provided at Attachment 1.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.14

All EOI responses are provided in full at Attachment 2.

In relation to community membership, note the following extracts from the PPC Charter:

- The collective will be made of up to twenty community members, including up to three for each location, and up to four nominated Councillors.
  - 5 • Community members will be appointed for a two-year term and existing members will be invited to re-apply at the end of their first term.
  - In appointing Collective members, Council will seek to maximise diversity of interests and skills, and to achieve a mixed representation of the Shire's community.
  - 10 In practice, staff note that it has been very beneficial where PPC community members also sit on a local community or business group.
- Staff also note that having some existing members retained for another term may be beneficial in sharing historical knowledge with new members.
- 15 Additionally, the Disability Inclusion Action Plan (DIAP) 2022-2026 seeks to ensure diversity of representation across consultation processes, and specifically references the PPC as an opportunity to do this.
- The EOI asked applicants to describe their skills, interests and involvement in community groups, committees or business chambers.
- 20 This report seeks Council to select up to three community representatives for each Place Plan to sit on the PPC. Staff are also seeking that Council nominate backup representatives where possible who could be invited to sit on the PPC if a member resigns at some point in the future.

#### **Councillor membership**

- 25 As per the PPC Charter, up to four Councillors can be nominated to sit on the PPC. As Councillors have recently been elected in September 2024, this report requests Council to nominate new representatives for the PPC.

Note that meetings have traditionally been every two months on a Tuesday, 3:30-5:30pm. There is flexibility to alter this if needed.

The next PPC meeting will be in February 2025.

30

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
4: Ethical Growth	4.1: Manage responsible development through effective place and space planning	4.1.3: Town / Village Masterplans - Develop, implement and update Place Plans that promote place-based forward planning strategies and actions	4.1.3.1	Facilitate the Place Planning Collective in order to promote and support implementation of actions from adopted town / village masterplans

### Recent Resolutions

- [24-128](#): Council meeting 28 March 2024 – Place Planning Collective Update
- 5 • [19-451](#): Council Meeting 19 September 2019 – resolution to establish the Collective

### Legal/Statutory/Policy Considerations

Community members are required to sign Council's [Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers](#). The EOI process informed applicants of this requirement.

### 10 Financial Considerations

Nil

### Consultation and Engagement

- 15 The Expression of Interest (EOI) was advertised on Council's website for six weeks (23 September 2024 to 3 November 2024). In addition to advertising the EOI on Council's website, advertisements were placed in the Echo, The Byron Coast Times, Bangalow Herald, BayFm radio network and promoted through Council's social media channels.

The invitation was also extended to local community groups, business chambers, and previous participants of relevant masterplan working groups. This was to target a local cohort, more likely to be interested in participating in the PPC.

- 20 In line with Council's Disability Inclusion Action Plan, inclusive wording was used during the EOI process to welcome and encourage people with a disability to apply. The EOI was also sent to Council's Access Consultative Working Group representatives.

STAFF REPORTS - INFRASTRUCTURE SERVICES

## Report No. 13.15 Rifle Range Road Traffic Calming for Koala Safety

5    **Directorate:** Infrastructure Services

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

**File No:** I2024/1079

### Summary:

This report provides an update on Council resolution **23-605**, which states:

- 10    1.    *This item be deferred until quarter 1 2024 and further information be provided regarding the option of introducing a lower speed limit and/or physical traffic calming, including speed bumps, and more detail on the access issues from physical calming devices referred to in the report.*
- 15    2.    *Staff consider an onsite meeting with impacted residents and invite representatives from Bangalow Koalas.*

20    In relation to part 1 of the resolution, the main access concern was in relation to the surrounding agricultural land being in a medium/high bushfire risk zone and the need to ensure egress for property owners and emergency vehicles in the event of a fire (see Image 1 below). As per the *NSW Fire and Rescue Fire Safety Guideline - Access for Fire Brigade Vehicles and Firefighters*, fire brigade vehicles need a minimum 3.2m wide road with a gradient no steeper than 1:6 or 16.6%. This section of road is uphill and narrow which is already not ideal and adding further obstacles, such as speed bumps, may cause issues in an emergency event.

25    The community concerns and traffic calming options are detailed in the body of this report, including some new items not previously considered.





Image 1: Map showing bushfire vegetation risk categories around the project area

In relation to part 2 of the resolution, Council staff conducted a site visit on 4 July to assess the road environment and also met on site with residents and a Bangalow Koalas representative on 29 July to discuss community concerns and traffic calming options. In addition, Council staff received resident feedback via email and discussed the matter with Council's Biodiversity team and development support team.

During the site meeting, the residents alleged that the 99 Acres accommodation was in breach of development consent conditions. These concerns have been passed on to Council's public enforcement team for investigation.

In summary, Council staff do not recommend the following options:

- Lower speed limit – the traffic volumes and pedestrian movements are very low and the road environment has good sight distances and encourages lower speeds. This location has been discussed with Transport for NSW and they do not support speeds lower than 50kph here. In addition, reducing the speed limit is often not the most effective traffic calming method as signs are easily ignored by drivers and it's also unlikely that Police will enforce this small area.



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- Speed bump - this would require installation of a street light to ensure road safety for drivers at night and both of these devices would cause noise and light disturbance to residents and koalas. It would also involve significantly more cost and time to implement.

- 5 Based on the road environment and in consideration of community feedback, Council staff recommend installation of wildlife warning signage and pavement treatment. Cost estimate approx. \$14,000. Should this option be selected, Council will use the Local Area Traffic Management budget to complete this work. Local Traffic Committee review is required prior to installation.
- 10 We also recommend further investigation of road safety improvements for the intersection of Raftons Road and Rifle Range Road.

Council staff also recommend this site be added to the Wildlife Signage Priority Sites list in Council's GIS system so that future works can be coordinated around this location.

15



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#### **RECOMMENDATION:**

##### **That Council supports:**

1. Adding this site to Council's Wildlife Signage Priority Site layer in GIS;
- 20 2. Installation of wildlife warning signage and pavement treatment (approx. \$14,000) using Council's Local Area Traffic Management budget (subject to review by the Local Traffic Committee); and
3. Investigation of road safety improvements for the intersection of Raftons Road and Rifle Range Road.

##### **Attachments:**

- 1 Letterbox drop - On site meeting request Rifle Range Road Koala and Wildlife Safety Bangalow, E2024/75874 
- 2 Report 07/12/2023 Council (Planning) Rifle Range Road Traffic Calming for Koala Safety, I2023/1761 
- 30

## Report

### Summary of community concerns

#### 1. Access Issues

5 There is a Crown road at the end of Rifle Range Road (see Image 2 below) which is used by the adjacent rural properties for property access and stock management.

10 It is also an access route for emergency vehicles and the public in the event of a bushfire as this area is in a medium/high Bushfire Risk zone. The closest Fire & Rescue Service depot is located in the Bangalow town centre and this road is the closest access point to these properties.



Image 2: Map showing crown access road





**Image 3: Looking north up crown access road**





**Image 4: view from top of hill from Crown road, looking down Rifle Range Road towards Raftons Road**

## **2. Vehicle speeds**

- 5 Local community members report a high number of vehicles speeding on this section of road during peak tourist seasons. They believe these vehicles are accessing the 99 Acres accommodation located at 75 Rifle Range Road (see image 6). The community would like to lower the speed limit in order to reduce vehicle speeds.
- 10 The current speed limit on this section of road is 50kph, however a 40kph speed sign was installed as part of the development application for the 99 Acres accommodation. Another condition of the development application was installation of a 20kph speed limit sign on the 99 Acres driveway. Residents allege the 20kph sign has been removed and this has been passed on to Council's enforcement team for further investigation. The speed limit in the surrounding area is 50kph, including the remainder of Rifle Range Road. The 40kph speed limit sign has been removed by an unknown party. However, as the 40kph speed limit change was not endorsed by TfNSW, Council staff do not recommend that the sign is re-installed. Alternatively, a 50kph sign could be installed but this is unlikely to be supported by local residents.
- 15
- 20

As previously reported (refer I2023/1761 attached), Council undertook a traffic survey in March 2023 which showed low traffic volumes and speeds. It also showed most vehicle



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5 movements occurred during daylight hours. However, the community believe this was not a representative survey as it was during low tourist season and the survey point was not located where the speeding is occurring and should have been further south. For reference, the survey location was 125m north of the Raftons Road intersection (see Images 5 and 6 below).

10 Council staff believe this location is a logical place for the traffic survey as it is at the bottom of the hill and roughly in the middle of the stretch of road. This provides sufficient distance from the junction at the top of the hill and the intersection, which are both areas where vehicles would naturally slow down. It's unlikely that moving the survey point 50m further south would significantly alter the speed data.



**Image 5: view from bottom of hill (and approx. location of traffic survey) looking up Rifle Range Road towards crown access road**



Image 6: map showing traffic survey location

### 3. Road surface change

- 5 Approximately 120m of the northern part of Rifle Range Road was gravel up until mid-2022, when it was sealed. Local residents would like to understand why this section of road was sealed as they believe that the speeding has increased since the seal was laid. Council staff have investigated the maintenance history and advise as follows.
- 10 This area has a history of drainage and pothole issues and Council had attended to these concerns through regular re-grading of the road and unblocking of the drains/culverts which run under driveways and under the road (see image 7 below). However, the Feb/March 2022 floods exacerbated these issues and caused large amounts of sitting water on the road and property driveways. Around June 2022, Council sealed the road
- 15 surface in an attempt to provide a more permanent fix to these issues.





**Image 7: spoon drain along the east side of road (left in photo) with culverts running under driveways and road, channelling the water to the west side of the road**

**4. Koala and pedestrian safety**

- 5 Bangalow Koalas and local residents report a high number of koalas in this area. Council's Biodiversity team and GIS data supports this anecdotal evidence, showing a high number of koala sightings in this location (see image 8 below).



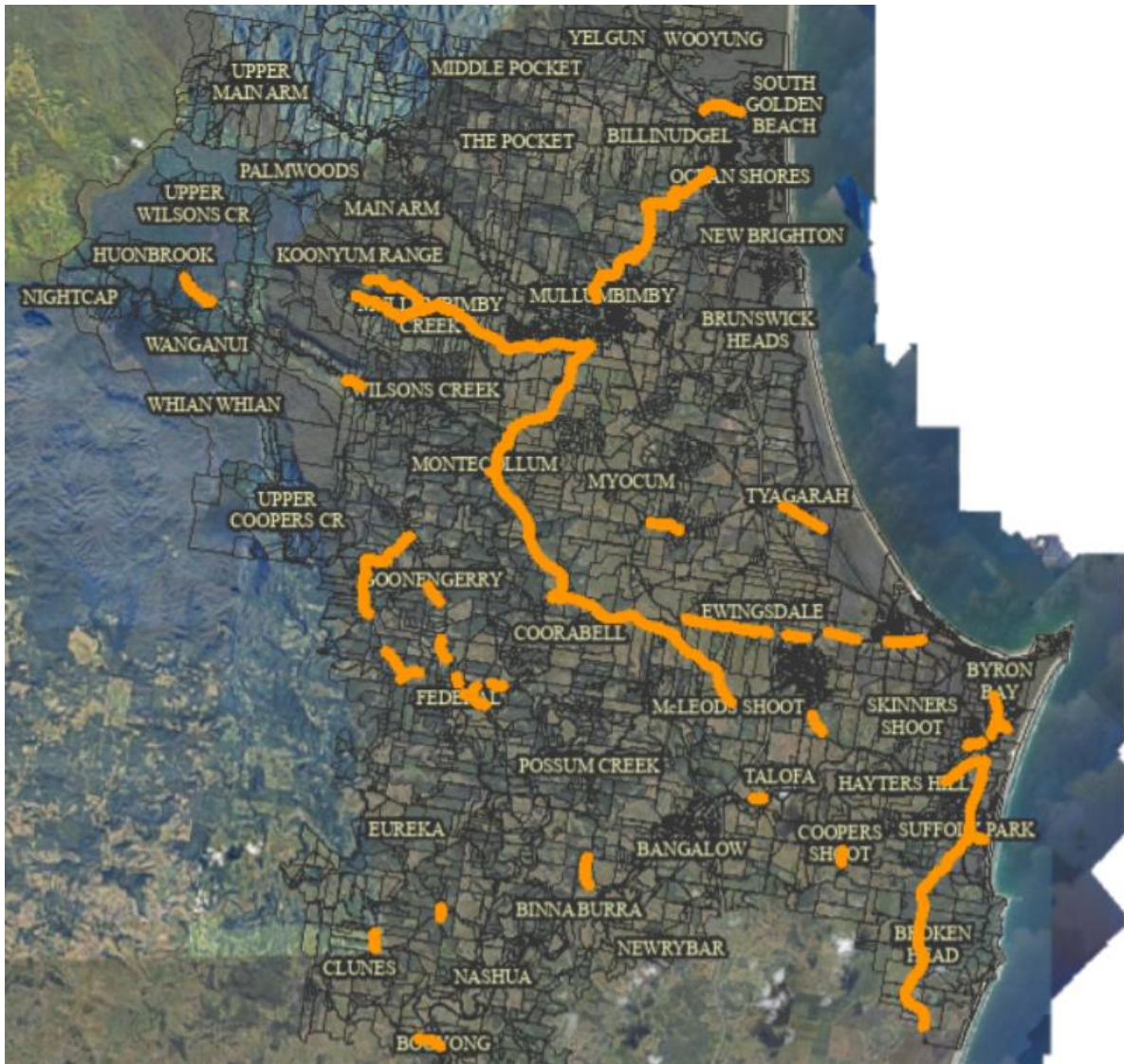


**Image 8: Council's GIS data showing koala sightings from 2017 - 2022**

Koalas are most active at night, during spring and summer. In addition, when koala habitat is small and fragmented, like it is in Bangalow, koalas are often forced to travel long distances through suburban areas to reach the next patch of bushland. There is a row of eucalypts along the west side of the road which provides a link from these suburban areas away to habitat west of Rifle Range Road, linking to Friday Hut Road in Binna Burra, Possum Creek and beyond.

However, there are no recorded koala injuries or fatalities in this location and there are a number of other sites across the shire where they have occurred. Council has identified these sites as "Wildlife Signage Priority Sites" (see Image 9 below) and staff actively work towards installing a variety of koala road treatments in these locations (e.g. signage, line marking, etc). In order to prioritise this site against other known sites, Council staff recommend this site is added to the list.





**Image 9: Wildlife Signage Priority sites across the shire (shown orange)**

In addition, the community advise that this area is used by locals and visitors for recreation and koala spotting and there is an increased risk of someone being hit by a speeding vehicle.

It's most likely that pedestrians would be here during the day so they could see the koalas in the trees, and the lack of street lighting makes it unappealing to walk here at night. Also, they would most likely be on the road as there is no footpath and the road verge is not easily accessible due to vegetation, spoon drains and uneven ground.

The driver sight distance in both directions is good, so drivers would be able to see people or koalas on the road well in advance. There is a corner at the 99 Acres driveway which obstructs driver vision of the road, however vehicles are likely to travel more slowly here as the driveway is gravel and they have to check the Crown access road to the right as well as navigate the corner. In addition, pedestrians would most likely hear vehicles coming from this direction as both the Crown road and driveway are gravel/dirt.

While the road surface is sealed, it has some loose material and small potholes. It is also narrow at 3.5m wide; a standard dual lane carriageway is usually at least 7m wide. These factors would normally cause most drivers to reduce speed, rather than increase speed.

5 This road is classed as an Access road as per Council's Infrastructure Services Transport Risk Management Procedure. This road category has an Annual Average Daily Traffic (AADT) amount of 50 – 200 vehicles, which is supported by the traffic survey AADT of 67. Even if the AADT was closer to 200 in peak season, this is still a very low traffic volume and therefore considered low risk in terms of exposure (e.g. an AADT of 200 equates to roughly 1 vehicle every 3 or 4 minutes during daylight hours). In addition, most of these  
10 traffic movements occur during the day, when koalas are less active.

Council doesn't have any pedestrian survey data to confirm the number of people using this area. However, it's likely that people would be attracted to walk here as it is a quiet suburban road with minimal property access points, a view to the west, a footpath 50m away and the potential to spot a koala. On the other hand, as it's not located close to  
15 attractors such as shopping areas, parks or schools, the number of pedestrians is unlikely to be high enough to warrant creation of a low speed shared zone or High Pedestrian Activity Area (HPAA).

In addition, Council note that while it is a quiet no through road, it is still a road with the main function being vehicle movements and, therefore, the normal road rules apply. Any  
20 pedestrians using the road need to exercise common sense and be aware of their environment.

#### **5. Raftons Road intersection safety**

Local residents report frequent near miss vehicle incidents at the intersection of Raftons Road and Rifle Range Road (see image 10 below). These have been confirmed through  
25 observations made by Council staff on site. The primary traffic route runs along Raftons Road onto the southern leg of Rifle Range Rd.





**Image 10: black arrows indicate primary traffic flow, red arrows indicate secondary traffic flow**

- 5 The near misses occur between traffic on the primary route (black arrows) and traffic on the secondary route (red arrows). Further investigation is required to determine appropriate road safety treatments and improvements at this intersection.

### Summary of traffic calming options

#### 1. Lowering the speed limit

- 10 Speed limits on NSW roads are controlled by TfNSW. Lowering the speed limit here is unlikely to be supported as we do not have any data showing speeding is an issue and the location doesn't meet the TfNSW requirements for a 30kph High Pedestrian Activity Area or a shared zone. Speed limits under 50kph are usually only provided in areas where there is a significant amount of pedestrian activity combined with high traffic movements, such as town centres or school zones.

- 15 However, if Council would like to proceed with requesting a speed zone review from TfNSW, we would need to conduct another traffic survey during the summer holiday tourist season. This survey will cost \$600. Council has a traffic survey budget that is used for



our annual traffic count program to support asset management and grant applications. We wouldn't normally use this budget for a low risk area such as this and, also, waiting until the peak season would further delay finding a resolution to this issue.

- 5 The above was explained to community on site and while they were still supportive of a lower speed, they also understood it was unlikely to occur.

### 2. Speed bump

- 10 Construction of a speed bump or road cushion would require installation of new street lighting to ensure that the road treatment is visible to drivers at night. These structures would create noise and light disturbances to both residents and koalas. Also, as per the Austroads Guide to Traffic Management Part 8, it's not recommended to install traffic management devices such as speed bumps on roads with a grade greater than 3%. In addition, the invasive nature of this work would necessitate full design drawings and a
- 15 Review of Environmental Factors. Council has not allocated any funding for this work and would therefore need to re-allocate from other budgets or seek external funding.

When the above was discussed with the community, they were not supportive of this option.



**Image 11: view of existing koala sign located on left hand side, at top of hill and empty post where 40kph sign was installed**

### 3. Signage and line marking

This is the least invasive, most cost effective and, potentially, quickest solution to the community's concerns. The road currently has a No Through Road and a koala sign.

- 5 There was a 40kph speed sign but it has been removed. The koala sign was installed by Bangalow Koalas.

- 10 As previously recommended, Council staff suggest installation of a combination wildlife pavement treatment and koala signage (see image 12 below). We estimate the cost for this as \$14,000. Should this option be selected, Council will use the Local Area Traffic Management budget to complete this work. Council staff also recommend removal of the current koala sign when the new treatment is installed, as it will be redundant and Bangalow Koalas may be able to re-use it elsewhere.

- 15 The local community and Bangalow Koalas are supportive of this treatment.



Image 12: Wildlife pavement treatment and signage





**Image 13: proposed location of a mobile Vehicle Activated Speed Sign for use during peak season**



**5 Image 14: permanent Vehicle Activated Speed Sign**

#### **4. Vehicle Activated Speed (VAS) Sign**

Council installs both mobile and permanent VAS signs in areas where there are significant speeding concerns. They have proven to be an excellent way to impact driver behaviour and reduce vehicle speeds. Image 13 shows an example of how a mobile version could be placed on Rifle Range Road. To hire one of these signs costs approx. \$500+gst per week or \$6,000+gst total to install during school holidays. A permanent sign would cost approximately \$10,000 to install (see image 14 above).

However, Council staff are not recommending this option as some of the community were concerned about the impact of the flashing light at night on both wild life and residents.

## **Strategic Considerations**

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

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
3: Nurtured Environment	3.1: Partner to nurture and enhance biodiversity, ecosystems, and ecology	3.1.1: Native species - Use best practice land management to improve ecological resilience and reduce threats to biodiversity	3.1.1.11	Partner with DPE to implement koala vehicle strike mitigation as part of the NSW Koala Strategy 2022-2026
5: Connected Infrastructure	5.1: Provide a safe, reliable, and accessible transport network	5.1.2: Road renewal and upgrades - Deliver road renewal and upgrade capital works program	5.1.2.24	Deliver annual Local area traffic management facilities works program

### **Recent Resolutions**

- 23-605

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

Nil

### **Financial Considerations**

Council staff recommendation requests \$19,000 as per below breakdown. This amount has not been budgeted by Council and would either need to be re-allocated from existing budgets or sought from external funding.

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- Give way sign and line marking at the intersection of Raftons Road and Rifle Range Road: \$5,000
- Wildlife warning signage and pavement treatment: \$14,000

### **Consultation and Engagement**

- 5 Council staff initially engaged with local residents via a letterbox drop in November 2023 and received community feedback via email.

Following the report to Council in December 2023, Council staff requested a site meeting via letterbox drop in July 2024 (see letter attached).

- 10 Council's Road Safety Officer met on site with local residents and Bangalow Koalas at 1pm on Monday 29 July 2024. However, some residents were not able to attend and provided feedback via email.

Prior to submitting this report to Council, Council staff emailed local residents and Bangalow Koalas to advise of the report recommendations.

- 15 Council's staff also engaged internally with development support, public enforcement and biodiversity teams.



## Report No. 13.16 Clifford St / Broken Head Road Intersection - Options Analysis Report

**Directorate:** Infrastructure Services

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

5 **File No:** I2024/1322

### Summary:

This report provides an update on Council resolution **24-240**, specifically Items 2a and 2b which state:

2. *Completes Parts 3 and 5 of Resolution 17-685, namely that:*

- 10 a) *an options report be presented to Council, where roundabout or traffic signals are being considered, which reviews all facets of the design process for each intersection traffic control measure, including the recommended solution for the intersection and the reasons why it should be used.*
- 15 b) *a further investigation is presented to Council on alternative solutions to a roundabout at Clifford Street/Broken Head Road, including traffic lights.*

20 Previous works have been undertaken for the Broken Head Road / Clifford Street intersection from both an intersection performance and safety perspective by TTM Consulting in 2016. These works found that the layout of the existing intersection requires upgrade to cater for future growth. Updated assessments have been undertaken by Council, to investigate the safety of an upgraded intersection form, and by Metis Consultants, to investigate the future performance of the intersection. These recent assessments were completed in tandem with a grant funding submission to TfNSW for road safety improvements to the intersection.

25 The assessments found that both signals and a roundabout would improve driver safety and traffic performance of the intersection. Traffic signals were also found to potentially improve the safety of pedestrians and cyclists. A roundabout would require land acquisition and land clearing due to the adjacent properties and trees, based on the size of the current road reserve. Whereas traffic signals would require minimal widening at the intersection as the lane configuration is in line with the current intersection form.

30 Based on the findings in the assessments and consideration of the impacts of each option, it is recommended that traffic signals are adopted for the Broken Head Road / Clifford Street intersection. A detailed design and Local Traffic Committee review of the traffic light layout is required to determine the exact form that is adopted as well as the construction cost and timeframes.

35




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**RECOMMENDATION:**

**That Council:**

- 5
1. **Adopts traffic signals as the preferred intersection option for the Broken Head Road / Clifford Street intersection.**
  2. **Supports staff seeking funding for the detailed design and construction of traffic signals at the Broken Head Road / Clifford Street intersection.**

**Attachments:**

- 10
- 1 TTM Report, E2016/8814 
  - 2 Metis Report, E2024/118050 
  - 3 Safe System Assessment, E2024/132089 

## Report

### 1. Background

The Broken Head Road / Clifford Street intersection (subject intersection) serves as the primary and only access to the eastern Suffolk Park residential catchment and a key north south link in the area. The intersection is currently a priority-controlled T-intersection with the Clifford Street approach being give-way. The subject intersection location is shown in Figure 1.

Council receives significant community feedback in relation to the safety of this intersection and also in relation to traffic delays experienced by Suffolk Park residents heading north to Byron Bay during peak times.



Figure 1. Subject Intersection Location

The key details of the local network are as follows:

- Broken Head Road – forms part of the MR545 regional road network which provides the main north/south connection through Suffolk Park and to the wider road network such as the M1, Byron Bay, and Lennox Head / Ballina. Broken Head Road is a high volume road and is currently configured as a two-lane undivided road and signed as 50km/h adjacent to the subject intersection.

- Clifford Street – provides the sole access to the eastern Suffolk Park residential catchment and is configured as a two-lane undivided road and signed as 50km/h. However, TfNSW plan to introduce a 40km/h local traffic area speed limit in the near future in response to Council and community feedback.

**5 2. Intersection Analysis Works Completed to Date**

The works that have been completed to date for the subject intersection are as follows:

- A report was undertaken by TTM Consulting in 2016 which analysed the performance of the intersection as well as a safety review of the existing configuration. Refer Attachment 1 (E2016/8814).
- 10 • An options modelling report was undertaken by Metis Consultants in 2024 to analyse the different intersection forms (i.e. roundabout / signals) with updated data. Refer Attachment 2 (E2024/118050).
- A Safe Systems Assessment was completed and submitted to TfNSW in 2024 as part of the Road Safety Program grant submission. Refer Attachment 3  
15 (E2024/132089).

**Key Issues and Findings**

**Intersection Safety Findings**

The findings of the Safe Systems Assessment for the subject intersection are as follows:

- 20 • A history of crashes with both vehicles and pedestrians with six (6) crashes recorded since 2018 at the subject intersection
- The intersection has poor sight distance when approaching from Clifford Street
- There is congestion during the AM and PM peak hours with high traffic volumes
- Vehicles undertake unsafe manoeuvres from Clifford Street due to the poor conditions and high traffic volumes
- 25 • Upgrading the intersection form to traffic signals helps to mitigate these existing safety issues.

Further to the above safety issues, there are also several pieces of key pedestrian infrastructure that should be included in any future upgrade.

**Intersection Performance Findings**

- 30 The outcomes of the Clifford Street and Broken Head Road intersection traffic study undertaken by Metis Consultants for the subject intersection are as follows:
  - The base model, developed using Aimsun Simulation software, is a good representation of the local road network and is calibrated / validated appropriately



- Conservative growth was adopted for Broken Head Road and the intersection was assessed in the future year 2034 to determine the forecast performance
- The current priority-controlled intersection form fails in future years, causing very long delays and queues on the Clifford Street approach. The main movement that fails is the right turn from Clifford Street as this has to give-way to both directions of travel
- Both the roundabout and signalised options operate within acceptable parameters in the future years.

The results of the Metis report generally align with those of the previously undertaken TTM report.

### Options

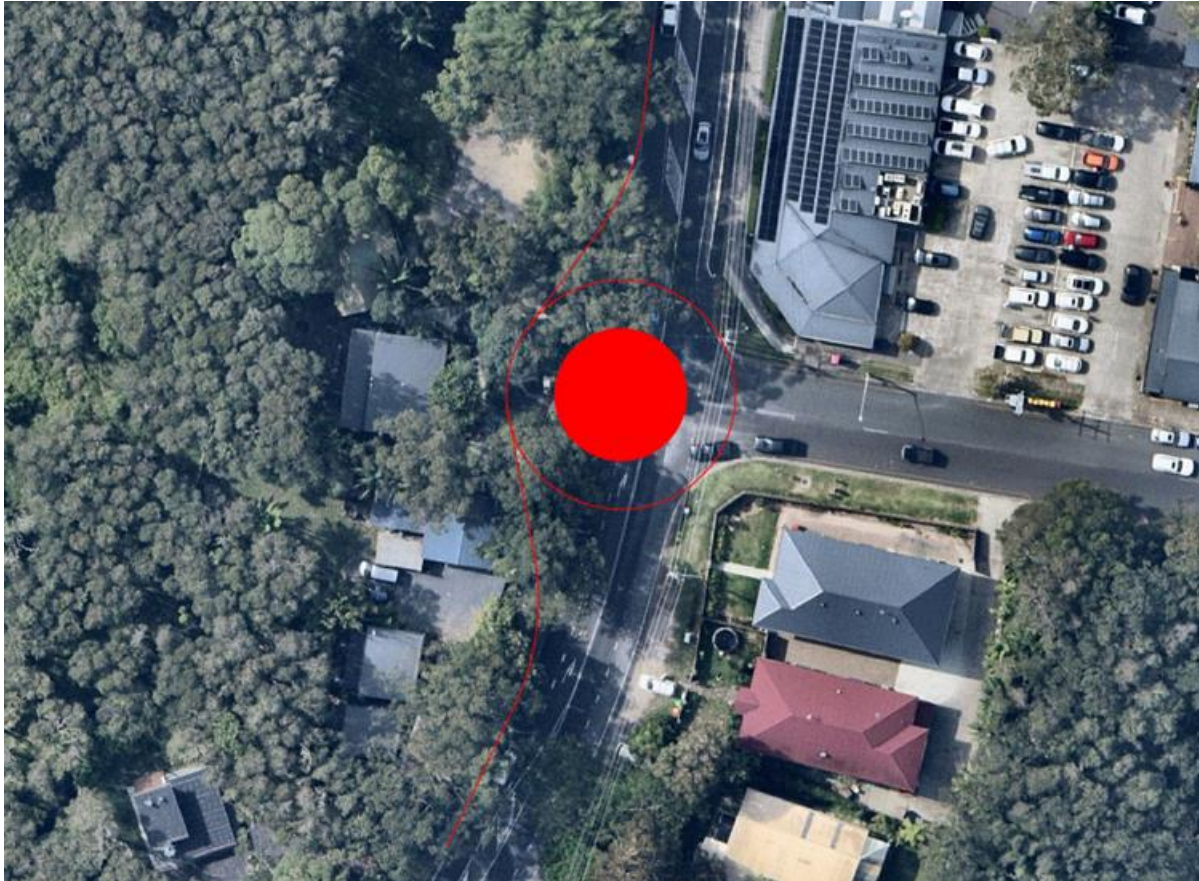
To mitigate the existing and future issues at the subject intersection, the following options have been considered:

**Option 1** – Traffic signals: signalise the existing intersection with some minor additional upgrades. Refer Figure 2 below.



Figure 2. Option 1 – Traffic light intersection Concept Design

**Option 2** – Roundabout: upgrade the subject intersection to a roundabout form with single lane approaches from all directions. See Figure 3 below.



5 Figure 3. Option 2 – Roundabout intersection sketch

**Option 3** – Secondary access: provide a secondary access for the eastern Suffolk Park residential catchment to mitigate future impacts on Clifford Street by lowering vehicle volumes. This would also require land acquisition, clearing and community support. See Figure 4 below.





Figure 4. Option 3 – secondary access to eastern Suffolk Park (Council land shown as purple and green)

- 5 **Option 4** – Right turn restriction: physically restrict the right turn out of Clifford Street to remove the 'worst' movement. This would require a u-turn facility or similar on Broken Head Road (south of Clifford St) to allow traffic from Clifford Street to head north on Broken Head Road. Refer Figure 5 below.



Figure 5. Option 4 – right turn restriction on Clifford Street

Signalising the existing intersection form, Option 1, resolves the current safety issues associated with the right turning Clifford St traffic and provides adequate intersection performance by allowing Clifford Street traffic to release. However, this is at the expense of north / south traffic on Broken Head Road which is delayed. The intersection also meets TfNSW's traffic signal warrants based on the forecast traffic volumes.

Adopting a roundabout form, Option 2, would cater for the increased traffic volume and overall performs better than signals as per Metis Consultants' intersection analysis report. This option would help to mitigate the existing safety issues by removing the key conflict points and slowing down approaching traffic. However, a compliant roundabout form would require land acquisition and tree clearing to be constructed as there is not sufficient road reserve. As such, a roundabout form is likely to cost significantly more than signals at this location. It will also involve significant community consultation and require support from property owners to progress.

Option 3 and 4 would likely require significant additional traffic analysis in the area, land acquisition and land clearing. In addition, neither option resolves the safety issues at the subject intersection.

## Recommendation

Based on the work undertaken to date for the safety and performance of the subject intersection, traffic signals are considered a more suitable upgrade over the other options due to the following:

- A signalised intersection form is warranted based on TfNSW intersection warrants with forecast future volumes



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- The signalised intersection form tested works from a performance perspective without any significant widening of the current pavement
  - A roundabout form works from a performance perspective but requires land acquisition, land clearing and community support to allow for a roundabout footprint.
- 5 This option will require a detailed design to be undertaken to determine the exact extent of works and cost to implement.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5: Connected Infrastructure	5.1: Provide a safe, reliable, and accessible transport network	5.1.2: Road renewal and upgrades - Deliver road renewal and upgrade capital works program	5.1.2.24	Deliver annual Local area traffic management facilities works program

## Recent Resolutions

- 10 • 24-240

## Legal/Statutory/Policy Considerations

Nil

## Financial Considerations

Nil

## 15 Consultation and Engagement

Community consultation to be undertaken during detailed design phase.

## Report No. 13.17 Brunswick Terrace / Tincogan Street Intersection - Safety and Solutions Report

**Directorate:** Infrastructure Services

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

5 **File No:** I2024/1323

### Summary:

This report provides an update on Council resolution **23-385**, specifically item 4 which states:

10 *That Council requests a safety and solutions report regarding the safety of pedestrians cyclists at the Brunswick Terrace and Tincogan Street Intersection*

15 The Heritage Park Masterplan outlined a shared path that crosses Tincogan Street at the subject intersection and proposed realigning the crossing and installation of a median refuge island for pedestrians and cyclists to store when crossing. A review of the intersection and existing crossing was undertaken to determine any existing safety issues and to recommend any options to improve the safety and function of the crossing point.

20 The existing configuration requires active transport users to cross Tincogan Street at an angle, does not have sufficient sight distance to cross safely if vehicles are coming, and requires users to look for turning vehicles from Brunswick Terrace. Furthermore, there is insufficient signage and line marking to warn vehicles about the crossing. This configuration increases the risk of a crash occurring while an active transport user is crossing Tincogan Street. In addition to the issues with the crossing, the intersection configuration shares some of the existing issues with insufficient sight distance for vehicles approach from Brunswick Heads.

25 It is recommended that a median refuge island, with appropriate signage, be adopted for the crossing to allow active transport users to cross one lane at a time. This also allows active transport users greater sight distance. To supplement the active transport crossing, movements from Brunswick Terrace should be restricted or removed. The exact solution will need to be subject to further consultation, traffic analysis and Local Traffic Committee review.

30

**RECOMMENDATION:**

**That Council:**

- 5     1.     **Supports the detailed design and costing of the pedestrian crossing option provided in the Heritage Park Masterplan for implementation;**
2.     **Investigates the potential of restricting / removing movements from the Brunswick Terrace approaches at Tincogan Street; and**
- 10    3.     **Notes that to proceed with point 1 and 2, that it will be subject to consideration of a funding allocation of \$5,500 at the next Quarterly Budget Review.**

## Report

### 1. Background

The Tincogan Street / Brunswick Terrace intersection (subject intersection) serves as the primary route for traffic to cross Brunswick River in Mullumbimby while providing an all-movements access to Brunswick Terrace for both the northern and southern legs. Furthermore, Tincogan Street is the only east-west heavy vehicle route through Mullumbimby.

For active transport users, there is a north-south shared path that crosses Tincogan Street adjacent to the subject intersection with an at-grade crossing. The subject intersection and relevant transport infrastructure is shown in Figure 1.



Figure 1 – Tincogan Street / Brunswick Terrace Intersection Location

The key surrounding roads and their relevant details are as follows:

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- Tincogan Street – provides the main east-west connection through Mullumbimby and across Brunswick River, signed at 50km/h with a 40km/h school zone at this location and no median is provided. Additionally, the Tincogan Street is 40km/h between Gordon Street and Station Street (east of the subject intersection)
- 5 ▪ Brunswick Terrace – provides local access to the surrounding residential properties via the intersection with Tincogan Street and the surrounding road network. As a local street the speed limit is 50km/h, and no median is provided.

A site visit was undertaken on 10 October 2024 to determine the existing conditions.

### **2. Previous Works**

- 10 The Heritage Park Landscape Masterplan was completed by Plummer and Smith on behalf of Byron Shire Council which provided future plans for the Heritage Park along Brunswick River. The recommendations that are relevant to the subject intersection and crossing at Tincogan Street are as follows:
- 15 ▪ The existing shared path should be upgraded and formalised for the entirety of the Heritage Park
- The crossing at the subject intersection should be upgraded to realign the pathway, provide a pedestrian refuge on Tincogan Street, and restrict the Brunswick Terrace movements to left out only (retaining left and right in)

- 20 A concept prepared by Byron Shire Council for the subject intersection is shown in Figure 2.





Figure 2 – Tincogan Street Intersection Concept (Drawing no. 2934-CP01)

Traffic counts were undertaken along Tincogan Street for the Mullumbimby traffic study, between 2 to 13 November 2023, which showed that the 85<sup>th</sup> percentile speed was approximately 45km/h.

5

## Key issues

### Pedestrian Safety

- 5 The existing configuration of the intersection does not allow for adequate sight distance for pedestrians when crossing Tincogan Street for either direction of travel. As per Austroads *Guide to Road Design Part 4* (2023), 110m of sight distance is required for a pedestrian to cross the 8m road width based on a vehicle speed of 45km/h. Figure 3 shows the available sight distance for pedestrians crossing from either side of Tincogan Street.



Figure 3 – Available Pedestrian Sight Distance

- 10 As shown, when crossing from either side, insufficient sight distance is available for pedestrians to cross both lanes at this location. The alignment of the shared path crossing requires users to cross Tincogan Street at an angle which increases the crossing distance and time. In addition to the lack of sight distance when using the crossing, users are required to also check the Brunswick Terrace approaches for vehicles, which increases the risk of a pedestrian missing an oncoming vehicle.
- 15 Of particular note, a pedestrian crossing from the southern side of Tincogan Street would be required to turn 180 degrees to check for vehicles from the southern Brunswick Terrace approach.

Further to the sight distance issue, the existing pedestrian crossing lacks signage and line marking to warn approaching vehicles which exacerbates the existing issues.

20



## Intersection Operations

5 Similar to the shared path crossing on Tincogan Street, the Brunswick Terrace approaches both lack sufficient sight distance when undertaking a through or right turn movement out of Brunswick Terrace. Furthermore, the alignment of the side streets when compared to the main road encourages vehicles to 'cross' into the wrong lane to make a right turn and maintain generally high speeds. A safe intersection sight distance (SISD) for a vehicle turning from Brunswick Terrace is between 73m and 97m as per Austroads *Guide to Road Design Part 4* (2023). As per Figure 4, the actual sight distance achieved is approximately 40m to 60m which falls short of the road design requirement.



Figure 4 – Brunswick Terrace Sight Distance

15 Four-way priority-controlled intersections are generally to be avoided, particularly in high traffic areas, as traffic from the minor roads (i.e. Brunswick Terrace) can often ignore traffic on the major road (Tincogan Street) and does not adequately control vehicle movements from the side streets.



**Options****Pedestrian Treatments**

The pedestrian treatment options include the following:

- 5     ▪ Option 1.1 – ‘Do Minimum’: Provide signage / line marking to increase vehicle awareness and provide additional warning. This option would not solve any of the geometric deficiencies but would help to mitigate the current issues by increasing the crossing’s visibility.
- 10    ▪ Option 1.2 – Refuge Island and Realignment: Provide the option in line with the Heritage Park Landscape Masterplan. This would mitigate the existing sight line issue as active transport users would cross a reduced distance requiring less time on each lane. The median refuge would deflect the road marginally which would help to reduce vehicle speeds.
- 15    ▪ Option 1.3 – Zebra / Wombat Crossing: provide a pedestrian-priority crossing with either a Zebra or Wombat (raised) crossing. This would require more significant works and a traffic analysis to ensure the pedestrian priority does not cause major flow-on affects for Tincogan Street. Any speed controls through vertical deflection should generally be avoided where high volumes of heavy vehicles are present. Also, this treatment is generally not preferred when near an intersection and commonly used in midblock locations. This option would also require lighting to be installed at the crossing location.
- 20    ▪ Option 1.4 – Signalised Crossing: provide a signalised crossing (whether for an intersection or midblock). This would require significant works and a traffic analysis to determine the extent of impacts and would only be warranted if there were significant pedestrian volumes.
- 25    Note that no significant studies or designs have been undertaken on the feasibility of constructing any of the above options outside of the concept for Option 1.2.

**Intersection Treatments**

The intersection treatment options include the following:

- 30    ▪ Option 2.1 – Cul-de-sac Brunswick Terrace: remove the Brunswick Terrace approaches and turn them into cul-de-sacs. This would have an impact on network movements but would remove the risks of the intersection with Tincogan Street.
- Option 2.2 – Left-in/Left-out Brunswick Terrace: restrict the Brunswick Terrace approaches to be left-in and left-out through signage, line marking, and potentially a raised median.
- 35    ▪ Option 2.3 – Roundabout: change the intersection form to a roundabout. This would have significant spatial constraints and would likely require land acquisition to be feasible given the current alignment of the subject intersection.

### **Recommendations**

It is recommended that the median refuge for the shared path crossing (Option 1.2) in the short-term. This would provide an immediate benefit of reducing crossing distances and allow for increased pedestrian sight distance. Furthermore, this option aligns with the findings of the Heritage Park masterplan. Supporting warning signage and line marking should also be adopted given the spatial constraints on Tincogan Street.

In the medium to long term, it is recommended that either Option 2.1 or Option 2.2 are adopted for the Brunswick Terrace approaches at the nearby intersection. This will reduce conflicts with active transport users and remove the right turning vehicles. These options would require additional works which would include:

- Consulting with residents on the impact of reducing multiple or all movements.
- Traffic surveys to determine the level of traffic currently using the Brunswick Terrace movements at the subject intersection.
- Depending on the level of traffic using the Brunswick Terrace approaches, a traffic analysis to determine the high-level impacts on the surrounding road network if traffic was redirected. This will likely only be a first principles assessment but could require intersection modelling at other locations if volumes are significant.
- A detailed design of the chosen intersection concept for implementation.
- Submission of the design to the Local Traffic Committee for review.

Both options align with Council's Active Transport Plan which notes pedestrian crossings on the northern and western approaches of the subject intersection as a priority. The pedestrian crossing recommendation fulfills the western crossing requirement and either intersection treatment option does not impede on the ability for a pedestrian crossing on the northern leg to be delivered.

## **Strategic Considerations**

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

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
5: Connected Infrastructure	5.4: Provide accessible community facilities and open spaces	5.4.2: Parks and open spaces - Provide and maintain active and passive recreational community space that is accessible and inclusive for all	5.4.2.4	Complete design and construction of Heritage Park Playground upgrade and accessible pathways

**Recent Resolutions**

- 23-385

**Legal/Statutory/Policy Considerations**

Nil

**5 Financial Considerations**

The Council staff recommendation requests \$5,500 as per the below breakdown. This amount has not been budgeted by Council and would either need to be re-allocated from existing budgets or sought from external funding. In addition, this amount does not include the construction costs for implementing either option.

- 10 ▪ Traffic surveys for further analysis at the Tincogan Street / Brunswick Terrace intersection: \$2,000
- Traffic analysis for the intersection options that restrict Brunswick Terrace: \$3,500

**Consultation and Engagement**

Nil

15

## Report No. 13.18 RFT 2024-2316 - Supply of Quarry Products

**Directorate:** Infrastructure Services

**Report Author:** Joshua Provis, Road and Bridge Engineer

**File No:** I2024/1529

### 5 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 2024-2316 - Supply of Quarry Products.

10 The Request for Tender was advertised from 15 August to 18 September 2024. Tenders were received from the following organisations:

- Bentley Quarry Pty Ltd
- Boral Resources (Country) Pty Ltd
- Coolamon Quarries Pty Ltd
- Farrell Transport Group Pty Ltd
- 15 • Holcim Australia Pty Ltd
- HXR Pty Ltd
- KIS Plant Pty Ltd
- Mororo Quarry Pty Ltd
- The Bashforth Unit Trust
- 20 • The Trustee For RJ & K Graham Family Trust

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 2024-2316.

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### 25 RECOMMENDATION:

**That Council:**

1. **Awards Tender 2024-2316 Supply of Quarry Products to the preferred suppliers identified in the Tender Evaluation Report E2024/132431; 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.**
- 30

**Attachments:**

- 1 Confidential - RFT2024-2316 - Evaluation Panel Recommendation Report, E2024/132431

## 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 2024-2316 Supply of Quarry Products.

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

The Request for Tender (RFT) sought responses from proponents to provide schedule of rates pricing for a range of products such as road base, aggregates and rock.

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

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

Tenders were advertised as follows:

- VendorPanel Online: 15 August to 18 September 2024

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

- 15 Tenders closed on 18 September 2024 and tenders were received from the following organisations:

- Bentley Quarry Pty Ltd
- Boral Resources (Country) Pty Ltd
- Coolamon Quarries Pty Ltd
- 20 • Farrell Transport Group Pty Ltd
- Holcim Australia Pty Ltd
- HXR Pty Ltd
- KIS Plant Pty Ltd
- Mororo Quarry Pty Ltd
- 25 • The Bashforth Unit Trust
- The Trustee For RJ & K Graham Family Trust

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

*Mandatory criteria:*

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- Tender lodged on time, in accordance with the Conditions of Tender.
  - Respondent has a valid Australian Business Number.
  - Respondent substantially complies with the Statement of Requirements.
  - Respondent substantially complies with the Conditions of Contract.
- 5
- Respondent holds the required insurances or has the ability to obtain the insurances.
  - Holds current Workers Compensation insurance for all employees
  - Respondent has satisfactory work health and safety and environmental compliance practices.
- 10
- 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
- 15
- Respondent has confirmed they, and their supply chains, do not engage in Modern Slavery practices
  - Responses have been provided to other social enterprise questions (e.g. sustainability, disability employment organisation).

*Qualitative criteria:*

Criteria	Elements
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



Criteria	Elements
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 \$1M per year on quarry products.

There is sufficient funding for the proposed contracts in the current budgets.

## 5 Statutory and Policy Compliance Considerations

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

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

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

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

#### *178 Acceptance of tenders*

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

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

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

20 (1A) *Without limiting subsection (1), in considering the tender submissions for a proposed contract for the performance of domestic or other waste management services, the council must take into account whether or not existing workers (within the meaning of*

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*section 170) will be offered employment or engagement on terms and conditions comparable to those applicable to the workers immediately before the tender submissions.*

- 5       (2) *A council must ensure that every contract it enters into as a result of a tender submission accepted by the council is with the successful tenderer and in accordance with the tender (modified by any variation under section 176). However, if the successful tender submission was made by the council (as provided for in section 55(2A) of the Act), the council is not required to enter into any contract in order to carry out the requirements of the proposed contract.*
- 10       (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—*
- 15               (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,*
- 20               (d) *invite, in accordance with section 169, fresh applications from persons interested in making a tender submission for contracts of the same kind as the proposed contract,*
- (e) *by resolution of the council, enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
- (f) *carry out the requirements of the proposed contract itself.*
- 25       (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),*
- 30               (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 15 October 2024**

5      **Directorate:**                      Infrastructure Services

**File No:**                              I2024/1496

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**Summary:**

10      The attachment to this report provides the minutes of the Local Traffic Committee Meeting held on 15 October 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 15 October 2024.

5

2. That Council adopt the following Committee Recommendation(s):

**Report No. 6.1 Mullumbimby Lane ways**

File No: I2024/1143

**Committee Recommendation 6.1.1**

**That the Local Traffic Committee supports the installation of No Stopping signs and yellow line marking on McGoughans Lane and Studal Lane.**

- Yellow line marking around the garden beds where the laneways meet Burringbar Street.

See Figure 1 below for locations.

See Figure 2 for an example of the signage type.

- The proposed signage would replace existing in the same location.



**Figure 1: Map showing no parking areas on Studal and McGoughans Lane, Mullumbimby**



**Figure 2: Example of No Stopping sign**

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

**Report No. 6.2 9 Marvell Street, Byron Bay - regulatory sign and line marking**  
File No: I2024/1297

**Committee Recommendation 6.2.1**

**That the Local Traffic Committee supports the signage and line markings associated with the 9 Marvell Street development, as shown in (updated, as per committee comments) Attachment 1 (E2024/112998).**

## Report

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 15 October 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, 15 October 2024](#)

This report contains the recommendations of the Local Traffic Committee (LTC) meeting held on 15 October.

## Financial Implications

As per the Reports listed within the Local Traffic Committee Meeting of 15 October 2024.

10 **Statutory and Policy Compliance Implications**

As per the Reports listed within the Local Traffic Committee Meeting of 15 October 2024.



CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

**Report No. 16.1      CONFIDENTIAL - Exemption from Tender -  
Project Management Essential Public Asset  
Restoration Works**

**Directorate:** Infrastructure Services

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

**File No:** I2024/1549

**Summary:**

This report recommends that Council grant an exemption from tender requirements to enter into a contract for Project Management services related to the delivery of Essential Public Asset Restoration (EPAR) works.

The reasons for seeking this exemption include:

1. The urgent need to resource the lead Project Manager for the critical path in the western area of the EPAR program (Wilson's Creek)
2. The significant financial, safety and reputational risks associated with the delays in project delivery, should a tender process be undertaken
3. Demonstrated value for money based on comparison with rates offered under contract LGP808-4

**RECOMMENDATION:**

1. That pursuant to Section 10A(2)(a) and (c) of the Local Government Act, 1993, Council resolves to move into Confidential Session to discuss the report Exemption from Tender - Project Management Essential Public Asset Restoration Works.
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)
  - b) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as it may compromise Council's ability to negotiate fairly and commercially to achieve best outcome for its ratepayers and the community.