

Agenda Ordinary Meeting

Thursday, 27 March 2025



BYRON
SHIRE
COUNCIL

Agenda Ordinary Meeting

held at Council Chambers, Station Street, Mullumbimby
commencing at 3:00 PM

Public access relating to items on this agenda can be made between 3:00pm and 4:00pm on the day of the meeting. Requests for public access should be made to the General Manager or Mayor no later than 12:00 midday on the day prior to the meeting.

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

Mark Arnold
General Manager

CONFLICT OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

Disclosure and participation in meetings

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

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

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

Non-pecuniary Interests - Must be disclosed in meetings.

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

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

RECORDING OF VOTING ON PLANNING MATTERS

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

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

OATH AND AFFIRMATION FOR COUNCILLORS

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

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BUSINESS OF ORDINARY MEETING

1. PUBLIC ACCESS

2. APOLOGIES

3. ATTENDANCE BY AUDIO-VISUAL LINK

4. REQUESTS FOR LEAVE OF ABSENCE

5. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

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

7. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

7.1 Ordinary Meeting held on 27 February 2025

8. RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

9. NOTICES OF MOTION

Nil

10. MAYORAL MINUTE

11. PETITIONS

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Infrastructure Services

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15. QUESTIONS WITH NOTICE

Nil

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

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

Report No. 13.1 Grants February 2025

5 **Directorate:** Corporate and Community Services
Report Author: Donna Johnston, Grants Coordinator
File No: I2025/139


Summary:

10 Council is waiting on determination of 14 Grant Applications which, if successful, would provide funding to enable the delivery of identified projects. This report provides an update on grant applications.

15 **RECOMMENDATION:**

That Council notes the Grant Submissions Report for the month of February 2025 (Attachment 1 #E2025/26154).

Attachments:

20 1 Grants submitted as at 28 February 2025, E2025/26154 

Report

Currently Council has 14 grant applications awaiting determination (refer to Grants Submissions as of 28 February 2025 - Attachment 1, E2025/26154).

Successful applications

- 5 There were no grants awarded in February 2025.

Unsuccessful applications

Funding body	Funding scheme	Project name	Total project value \$	Amount requested \$	Council \$
Australian Government – Department of Climate Change, Energy, the Environment and Water	Community Energy Upgrades Fund Round 1	Cavanbah Resilience Battery	\$329,339	\$164,669	\$164,670
Community Energy Upgrades					
Fund Round 1 grant recipients business.gov.au					

Upcoming Grant opportunities

[Regional Precincts and Partnerships Program \(rPPP\) – Stream Two: Precinct delivery | business.gov.au](#) (closes 7 March 2025)

- 10 The Australian Government has updated the program Guidelines to align with the Federation Fund Agreement – Infrastructure and the Urban Precincts and Partnerships Program, particularly regarding ineligible costs.

Key Updates:

- 15
- Program period extended – Project completion now 31 March 2027; funding commitments extended to 30 June 2027.
 - New assessment criteria – Applications must now score at least 75% on each criterion to be considered for funding.

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- Clarified precinct definition – Projects must involve multiple infrastructure elements and collaborative partnerships.
 - Updated eligible/ineligible costs – Notably, land purchase, leasing, site preparation, land clearing and demolition are now ineligible under specific streams.
- 5
- Resubmission limits – A project cannot be submitted a third time.

Action Required:

Lismore City Council and Byron Shire Council previously submitted a joint application for the Regional Precincts Partnership Program (RPPP) to develop and construct new sections of the rail trail across parts of the Northern Rivers.

- 10 Council was advised that due to the revised guidelines, the following options apply:
1. Retain the current application (no action needed; it will be assessed under the new guidelines).
 2. Submit a new application by 7 March 2025.
 3. Withdraw the application
- 15 In partnership with Lismore City Council, staff have completed a revised application which was submitted by 7 March 2025. Costs associated land clearing and demolition will be removed and a new estimate provided. The value of the funding request is estimated to be reduced by approximately \$600,000 (Byron sections only) with a new total of \$20.5 million.

[Disaster Ready Fund | NSW Government](#) (closes 2 April 2025)

- 20 On 22 January 2025, the Australian Government released the [DRF Round 3 Guidelines](#), with applications to be submitted to state and territory government lead agencies by 2 April 2025.

The NSW Reconstruction Authority (RA) is responsible for coordinating NSW applications.

- 25 The DRF provides investment in disaster mitigation across infrastructure and systemic disaster risk reduction projects, to address any, or multiple, natural hazards including extreme weather events and geological hazards.

The objectives of the program are to:

- 30
- increase the understanding of natural disaster impacts, as a first step towards reducing the risk of future natural disaster impacts,
 - increase the resilience, adaptive capacity and/or preparedness of governments, community service organisations and affected communities to future natural disasters to minimise the potential impact of natural hazards and reduce the risk of future natural disasters,

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- reduce the exposure to risk, harm and/or severity of a natural hazard's impacts, including reducing the recovery burden for governments, cohorts at disproportionate disaster risk, and/or affected communities.

5 Local governments are required to provide a co-contribution of at least 25%. Previous Australian Government funding awarded, other than Financial Assistance Grants, cannot be considered as part of Council's co-contribution. Staff had considered submitting for additional funding for the delivery of the Byron Drainage program however, co-contributions funding are not currently available. This funding program will also be available again in 2026 and staff will review and prepare an application for the next round.

10 [Landfill Consolidation and Environmental Improvements \(LCEI\) Grants Program | EPA](#)
(closes 21 March 2025)

The LCEI Grants Program offers \$6 million to regional councils to improve, consolidate or close landfills in the Regional Levy Area and Non-Levied Area of NSW. \$6 million will be offered over three streams:

- 15 • up to \$300,000 in Stream 1 for consolidation and closure of landfills and construction of transfer stations
- up to \$250,000 in Stream 2 for site improvements for better environmental and operational performance
- 20 • up to \$25,000 in Stream 3 for access to professional services and education courses related to Streams 1 and 2 such as feasibility studies, design closure plans, technical engineering plans to support councils.

A 30% co-contribution is required by Council.

25 Council staff are currently considering an application to replace the leachate tanks at the Byron Resource Recovery Centre. The project is estimated at \$700,000 and Council would seek a grant contribution of \$250,000 under Stream 2.

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership	1.3: Ethical and efficient management of resources	1.3.1: Financial Management - Ensure the financial integrity and sustainability of Council through effective financial management	1.3.1.9	Coordinate grant applications to support the delivery of Council projects and services within management plans, masterplans, strategic plans, council resolutions and high priority actions from feasibility studies; and support the management of successful grants

Legal/Statutory/Policy Considerations

5 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

10 If Council is successful in obtaining the identified Grants, this would bring funding sought to approximately \$36.6 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:

15	Funding applications submitted and awaiting notification (total value)	\$36.6 million
	Requested funds from funding bodies	\$35.3 million
	Council contribution cash	\$1.1 million
	Council co-contribution in-kind	\$0
20	Other contributions	\$0

Funding determined in February 2025:

Successful applications	\$0 (total project value)
Unsuccessful/withdrawn applications	\$329,339 (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. 13.2 Appointment of additional community representative to Arts Advisory Committee

Directorate: Corporate and Community Services

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

File No: I2025/233

Summary:

On 12 December 2024 Council appointed community representatives to its Advisory Committees for the term of Council.

10 At that time, the Arts Advisory Committee had no confirmed nominations for an Aboriginal arts representative. At the 12 December 2024 Council meeting, Council resolved as follows:

“24-619 Resolved that: ...

- 15 2. *Community representatives be appointed to each respective Advisory Committee for the 2024-2028 term ending September 2028, as follows:*
- a) *That Council appoints the following community representatives to the Arts Advisory Committee: ...*
 - *reserves one position for an Aboriginal Arts Representative (to be appointed at a future date)”*

20 Council has now received a nomination for this Committee position. This report provides information about the nomination received and recommends appointment to the Arts Committee.

25

RECOMMENDATION:

That the:

- 30 1. **Aboriginal Arts Representative, as recommended in confidential attachment 1, be appointed to the Arts Advisory Committee for the 2024-2028 term ending September 2028.**
2. **Advisory Committee member:**
- a) **be notified of their appointment to the committee; and**
 - b) **complete induction, Code of Conduct, and confidentiality requirements.**

Attachments:

35

- 1 Confidential - Arts Advisory Committee - Additional Nomination, E2025/26839

Report

Council received a report on 12 December 2024 to appoint community representatives to Advisory Committees. No nominations had been received from an Aboriginal arts representative for inclusion on the Arts Advisory Committee.

- 5 While appointing community representatives to the Arts Advisory Committee, Council resolved (**24-619**) at the meeting to reserve one position for “*an Aboriginal Arts Representative (to be appointed at a future date)*”.

10 Council is therefore asked to consider the nomination, as provided in confidential attachment 1, and determine the appointment of the Aboriginal arts representative to the Arts Advisory Committee.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership	1.2: Engage and involve community in decision making	1.2.4: Advisory Committees - Coordinate advisory committees to inform decision making on their areas of expertise	1.2.4.1	Coordinate and support Advisory Committees to assist with effective Council decision making

Recent Resolutions

- 15
- **24-482** – Advisory Committee Structure and Determination of Councillor Representatives – 24 October 2024
 - **24-619** – Appointment of Community Members to Advisory Committees and determination of Meeting Schedule

Legal/Statutory/Policy Considerations

20 Each Advisory Committee operates under an adopted Terms of Reference and Council’s Code of Meeting Practice.

Financial Considerations

The community representatives on Advisory Committees are volunteer representatives.

Consultation and Engagement

25 Council advertised that nominations were open through its website and social media as well as direct communication to current and past committee members, Councillors, and other contacts. Bunjalung arts representatives were also contacted directly.

Report No. 13.3 Council Investments - 1 February 2025 to 28 February 2025

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2025/324

Summary:

This Report includes a list of investments and identifies Council's overall cash position for the period 1 February 2025 to 28 February 2025 for information.

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

RECOMMENDATION:

15 **That Council notes the report listing Council's investments and overall cash position as of 28 February 2025.**

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Report

Council has continued to maintain a diversified portfolio of investments. As of 28 February 2025, the average 90-day bank bill rate (BBSW) for the month was 4.12%. Council's performance for February 2025 was 4.68%. 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 28 February 2025.

Schedule of Investments held as at 28 February 2025

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%	964,560.00
28/03/19	1,000,000.00	National Housing Finance & Investment Corporation	Y	AAA	28/03/29	N	B	2.38%	937,200.00
21/11/19	1,000,000.00	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	N	B	1.25%	997,292.00
27/11/19	500,000.00	National Housing Finance & Investment Corp	Y	AAA	27/05/30	N	B	1.52%	433,805.00
15/06/21	500,000.00	National Housing Finance & Investment Corp	Y	AAA	01/07/31	N	B	1.99%	499,484.07
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%	811,250.00
30/10/23	850,000.00	Bank Australia Ltd	P	BBB+	30/10/26	N	FRN	5.84%	858,268.75
21/02/24	500,000.00	Bank Australia Ltd	N	BBB+	21/02/28	N	FRN	6.04%	508,396.51
09/10/24	4,000,000.00	Beyond Bank	P	BBB	09/04/25	N	TD	5.00%	4,000,000.00

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
13/11/24	5,000,000.00	Bank of QLD	P	A-	12/05/25	N	TD	5.12%	5,000,000.00
27/11/24	1,000,000.00	Westpac Tailored	P	AA-	27/11/25	N	TD	5.08%	1,000,000.00
02/12/24	5,000,000.00	NAB	P	AA-	02/06/25	Y	TD	5.10%	5,000,000.00
03/12/24	2,000,000.00	NAB	N	AA-	03/03/25	Y	TD	5.00%	2,000,000.00
03/12/24	2,000,000.00	Bank of QLD	N	A-	03/03/25	N	TD	4.85%	2,000,000.00
04/12/24	2,000,000.00	Beyond Bank	N	BBB	04/03/25	N	TD	5.00%	2,000,000.00
04/12/24	2,000,000.00	Beyond Bank	N	BBB	04/03/25	N	TD	5.00%	2,000,000.00
05/12/24	5,000,000.00	Bank of QLD	N	A-	03/06/25	N	TD	5.18%	5,000,000.00
16/12/24	1,000,000.00	Bank of QLD	N	A-	17/03/25	N	TD	4.90%	1,000,000.00
16/12/24	2,000,000.00	NAB	N	AA-	17/03/25	Y	TD	5.05%	2,000,000.00
18/12/24	2,000,000.00	NAB	N	AA-	18/03/25	Y	TD	5.05%	2,000,000.00
12/12/24	1,000,000.00	Auswide Bank	P	BBB-	12/03/25	N	TD	5.05%	1,000,000.00
20/12/24	2,000,000.00	AMP Bank	P	BBB+	21/03/25	Y	TD	5.15%	2,000,000.00
02/01/25	1,000,000.00	Judo Bank	P	BBB-	03/04/25	N	TD	4.85%	1,000,000.00
03/01/25	1,000,000.00	Bank of QLD	N	A-	03/07/25	N	TD	5.00%	1,000,000.00
03/01/25	2,000,000.00	MyState Bank	P	BBB	07/07/25	N	TD	5.00%	2,000,000.00
06/01/25	2,000,000.00	Bank of QLD	N	A-	07/04/25	N	TD	4.75%	2,000,000.00
06/01/25	2,000,000.00	NAB	N	AA-	07/04/25	Y	TD	5.00%	2,000,000.00
06/01/25	5,000,000.00	NAB	N	AA-	07/04/25	Y	TD	5.00%	5,000,000.00
09/01/25	5,000,000.00	Beyond Bank	N	BBB	10/04/25	N	TD	5.00%	5,000,000.00
13/01/25	5,000,000.00	Judo Bank	N	BBB-	14/04/25	N	TD	5.00%	5,000,000.00
13/01/25	1,000,000.00	NAB	N	AA-	14/04/25	Y	TD	4.95%	1,000,000.00
16/01/25	1,000,000.00	Judo Bank	N	BBB-	17/04/25	N	TD	5.05%	1,000,000.00
28/01/25	1,000,000.00	NAB	N	AA-	28/04/25	Y	TD	4.95%	1,000,000.00
30/01/25	1,000,000.00	AMP Bank	N	BBB+	01/05/25	Y	TD	5.00%	1,000,000.00
30/01/25	1,000,000.00	AMP Bank	N	BBB+	29/07/25	Y	TD	5.05%	1,000,000.00
17/02/25	1,000,000.00	Judo Bank	N	BBB-	19/05/25	N	TD	4.75%	1,000,000.00
19/02/25	1,000,000.00	Judo Bank	N	BBB-	21/05/25	N	TD	4.65%	1,000,000.00
19/02/25	2,000,000.00	Judo Bank	N	BBB-	20/08/25	N	TD	4.70%	2,000,000.00

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
N/A	22,177,160.38	CBA Business Saver	P	AA-	N/A	Y	CALL	4.35%	22,177,160.38
N/A	209,225.70	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	Y	CALL	4.35%	209,225.70
N/A	1,927,831.79	Macquarie Accelerator Call	P	A	N/A	Y	CALL	4.20%	1,927,831.79
Total	99,664,217.87						AVG	4.98%	99,324,474.20

Note 1. CP = Capital protection on maturity

N = No Capital Protection

Y = Fully covered by Government Guarantee

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

Note 2. Fossil Fuel ADI

N = No investment in Fossil Fuels

Y = Investment in Fossil Fuels

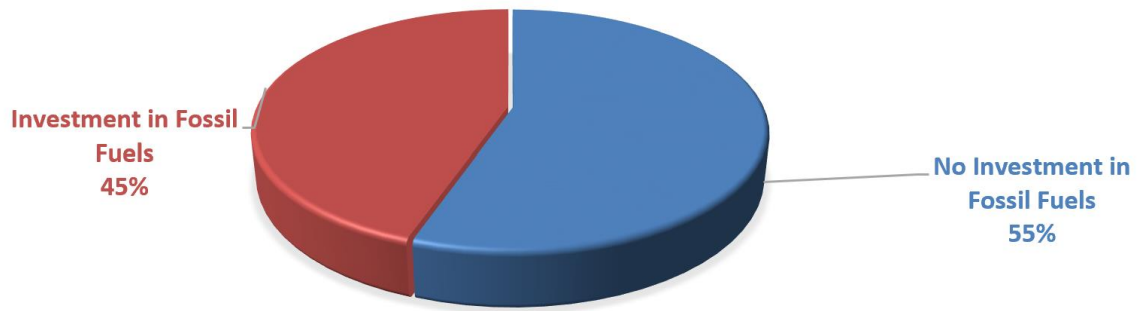
U = Unknown Status

Note 3. Type Description

B	Bonds	Principal can vary based on valuation, interest payable via a fixed interest, payable usually each quarter.
FRN	Floating Rate Note	Principal can vary based on valuation, interest payable via a floating interest rate that varies each quarter.
TD	Term Deposit	Principal does not vary during investment term. Interest payable is fixed at the rate invested for the investment term.
CALL	Call Account	Principal varies due to cash flow demands from deposits/withdrawals. Interest is payable on the daily balance.

Environmental and Socially Responsible Investing (ESRI)

5 An additional column has been added to the schedule of Investments to identify if the financial institution holding the Council investment has been assessed as a 'Fossil Fuel' investing institution. This information has been sourced through www.marketforces.org.au and identifies financial institutions that either invest in fossil fuel related industries or do not. The graph below highlights the percentage of each classification across Council's total investment portfolio in respect of fossil fuels only.



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

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

10 During the month of November 2024 as an example, Council undertook a reinvestment with Westpac Bank as a tailored deposit. The investment proceeds are utilised for environmental purposes as this investment in Climate Bond Certified.

15 With the lifting of the NSW Treasury Corporation loan borrowing covenant on Council’s investments, growth has recommenced in acquiring investments not aligned with fossil fuels. Council’s portfolio reached its lowest point in August 2023 at 15% and as at 28 February 2025, the portfolio has been stable and is currently at 55%.

Investment Policy Compliance

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

25 The investment portfolio is outlined in the table below by investment type for the period 1 February 2025 to 28 February 2025:

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Investment policy compliance % should not exceed the following			ACTUAL	
AAA to AA	A1+	100%	49%	Meets policy
A+ to A-	A1	60%	18%	Meets policy
BBB to NR	A2,NR	40%	33%	Meets policy

Dissection of Council Investment Portfolio as at 28 February 2025 Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
68,000,000.00	Term Deposits	68,000,000.00	0.00
22,177,160.38	CBA Business Saver	22,177,160.38	0.00
209,225.70	CBA Business Saver – Tourism Infrastructure Grant	209,225.70	0.00
1,927,831.79	Macquarie Accelerator	1,927,831.79	0.00
7,350,000.00	Bonds/Floating Rate Notes	7,010,256.33	(339,743.67)
99,664,217.87	Total	99,324,474.2	(339,743.67)

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 February 2025 as follows:

5 Dissection of Council's Cash Position as at 28 February 2025

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	68,000,000.00	68,000,000.00	0.00
CBA Business Saver	22,177,160.38	22,177,160.38	0.00
CBA Business Saver – Tourism Infrastructure Grant	209,225.70	209,225.70	0.00
Macquarie Accelerator	1,927,831.79	1,927,831.79	0.00
Bonds	7,350,000.00	7,010,256.33	(339,743.67)
Total Investment Portfolio	99,664,217.87	99,324,474.20	(339,743.67)
Cash at Bank			
Consolidated Fund	6,393,545.39	6,393,545.39	0.00
Total Cash at Bank	6,393,545.39	6,393,545.39	0.00
Total Cash Position	106,057,763.26	105,718,019.59	(339,743.67)

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. 13.4 Draft Place Plan for New Brighton, South Golden Beach and Ocean Shores - for Public Exhibition

5

Directorate: Sustainable Environment and Economy
Report Author: Stephanie McMurray, Place Liaison Officer
File No: I2025/87

Summary:

10 This report presents the Draft Place Plan for New Brighton, South Golden Beach and Ocean Shores (Attachment 1).

The Draft Place Plan has been developed following an initial round of collaboration with community and key stakeholders and sets out the vision and priority actions for these villages for the next 20 years.

15 The Draft Place Plan identifies a set of 20 priority actions for the three communities across a range of categories including infrastructure, environment, community resilience and events.

20 Having a clear set of priority actions supports future funding opportunities and grant applications. This means the important projects that community want to see happen are more likely to be planned and delivered.

We acknowledge and thank the local Aboriginal representatives, the New Brighton, South Golden Beach and Ocean Shores communities and other stakeholders for their input to date.

25 It is recommended that this Draft Place Plan be placed on formal public exhibition for a minimum of 28 days to gather community and stakeholder feedback.




It is proposed that following this second round of consultation, the Place Plan will be finalised and reported to Council for adoption, along with initial implementation recommendations.

RECOMMENDATION:

5 **That Council:**

1. **Endorses the Draft Place Plan for New Brighton, South Golden Beach and Ocean Shores (Attachment 1 E2025/23171) for public exhibition;**
2. **Acknowledges and thanks the local Aboriginal representatives, the New Brighton, South Golden Beach and Ocean Shores communities and other stakeholders for their input to date; and**
- 10 3. **Notes that, following the public exhibition period, the final Place Plan will be reported to Council for adoption, along with recommendations for the initial implementation of this Plan.**

Attachments:

- 15 1 Draft Place Plan for New Brighton, South Golden Beach and Ocean Shores - For Public Exhibition, E2025/23171 
- 2 What We Heard - Community Engagement 1 - New Brighton, South Golden Beach and Ocean Shores, E2024/149857 
- 20 3 Community feedback not developed into Actions - Draft Place Plan for New Brighton, South Golden Beach and Ocean Shores, E2025/11585 

Report

In February 2024, Council resolved ([refer resolution 24-056](#)) to develop a Place Plan for New Brighton, South Golden Beach and Ocean Shores.

- 5 The Draft Place Plan for New Brighton, South Golden Beach and Ocean Shores (Attachment 1) has been made in collaboration with community and sets out the vision and priority actions for these places for the next 20 years.

The Place Plan will be a guiding document for the future of New Brighton, South Golden Beach and Ocean Shores. It provides community and Council with a clear vision and guiding principles, and identifies a set of priority actions for the three communities.

- 10 Having a clear set of priority actions will support future funding opportunities and grant applications. This means the important projects that community want to see happen are more likely to be planned and delivered.

Place Plans can include vision statements, principles and actions related to themes such as:

- 15
- place making (for example streetscape upgrades)
 - transport and accessibility (for all modes such as pedestrians, cyclists, buses)
 - development planning controls, land use and built form
 - sustainability, resilience and environment
 - business and economy
- 20
- community development (such as events, arts and culture)
 - parks and open spaces

Examples of current Place Plans and their various formats can be found here [Place planning - Byron Shire Council \(nsw.gov.au\)](#)

Contents of the Place Plan

- 25 The Draft Place Plan for New Brighton, South Golden Beach and Ocean Shores contains the following three sections:

1 Introducing our Place Plan

This section provides the guiding principles, vision and character statements for each community. It also provides a summary of the 20 priority actions detailed in the Plan.

- 30 **2 Guiding our Place Plan**

This section provides background on the factors and trends guiding this place plan, including community values, history and culture, environment, people, housing and movement.

3 Implementing our Place Plan

5 This section provides the governance and funding mechanisms to be followed in order to implement this Place Plan. It also provides detail for each of the 20 priority actions, including a description, background information, time frames, key stakeholders and responsible parties.

How this plan was prepared

10 This Draft Place Plan has been developed with contributions from the New Brighton, South Golden Beach and Ocean Shores communities, including: local Minjungbal of the Bundjalung representatives, community groups and associations, local school students and business owners.

As part of this consultation Council established a Stakeholder Reference Group, made up community representatives and other stakeholders (such as technical experts and government agencies).

15 More detail of the community engagement carried out is included in the Consultation and Engagement section of this report.

There were a wide range of comments and suggestions submitted during consultation, ranging from big long-term projects to minor improvements. Attachment 2 summarises the feedback gathered.

Priority Actions for the Place Plan

20 The following table is included in the Draft Place Plan and summarises the twenty priority actions developed through the consultation period.

#	Action	Category	Who	Timing (years)		
				1-5	5-10	10-15
1	Work towards a strategic network of paths and cycleways	Infrastructure (Footpaths and Bikepaths)	Council		✓	✓
2	Improve road safety for pedestrians at village centres and beach entries	Infrastructure (Roads)	Council		✓	✓
3	Improve road safety for drivers and pedestrians at potentially dangerous intersections	Infrastructure (Roads)	Council	✓	✓	
4	Progress project to improve pedestrian and cyclist safety over Kolora Way / New Brighton Road bridge	Infrastructure (Roads)	Council	✓		
5	Trial traffic calming measures to reduce vehicle speeds in residential streets – initially in South Golden Beach	Infrastructure (Roads)	Council		✓	

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#	Action	Category	Who	Timing (years)		
				1-5	5-10	10-15
6	Lobby Transport for NSW to increase public transport in the area and aim to have this reflected in their North Coast Strategic Regional Integrated Transport Plan	Infrastructure (Public Transport)	Council (noting Authority is with TfNSW)	✓		
7a	Investigate the development of a second sports field at Bob Belleair Sports Field	Infrastructure (Open Spaces)	Council			✓
7b	Masterplan Tom Kendall Sports Field to become a multiuse village green for a wide range of users (if 7a complete)	Infrastructure (Open Spaces)	Council			✓
8	Engage the community regarding New Brighton Farmers Market, as part of the Sustainable Community Markets Policy review	Infrastructure (Open Spaces)	Council	✓		
9	Continue to make improvements at Waterlily Park, Ocean Shores and update the Plan of Management as needed	Infrastructure (Open Spaces)	Council	✓	✓	
10	Deliver minor improvements and additions to parks and public amenities	Infrastructure (Open Spaces)	Council	✓	✓	
11	Promote the Yalla Kool reserve and the Devines Hill walking tracks in Ocean Shores	Infrastructure (Open Spaces)	Council & Community	✓		
12	Promote the purpose of the local Nature Reserves to community and visitors – to protect and conserve Australian native plants and animals	Environment	NSW National Parks	✓		
13	Support NSW Government to address the Marshalls Creek riverbank erosion in New Brighton	Environment	NSW Fisheries	✓	✓	
14	Encourage the Ocean Shores Shopping Centre area to evolve into a town centre as noted in the Business and Industrial Lands Strategy	Strategic Town Planning	Council			✓
15	Deliver an annual grant program over three years to support local activations and events	Events	Council	✓		
16	Investigate potential to extend the suburb boundary of South Golden Beach to include neighbouring residential northern section of Ocean Shores	Geographical Naming	Council	✓		
17	Create a place and wayfinding signage plan for the villages	Infrastructure (Open Spaces)	Council	✓		
18	Update the 2020 North Byron Flood Study and associated Risk Management Plan	Infrastructure (Flooding and Drainage)	Council	✓		

#	Action	Category	Who	Timing (years)		
				1-5	5-10	10-15
19	Assess and undertake necessary upgrades to South Golden Beach rear drainage easements	Infrastructure (Flooding and Drainage)	Council	✓	✓	
20	Develop an Emergency Preparedness Plan for the three communities	Community Resilience and Recovery	Community	✓		

Actions not included in the Place Plan

There were several suggestions raised by community during consultation that have been considered to be not suitable or feasible to be developed into actions for this plan. Attachment 3 provides feedback as to why these items were not developed into Actions.

5 Next steps

The Place Plan program is shown in the figure below.



This draft Place Plan is intended to be placed on public exhibition for the month of April 2025.

- 10 During this time, staff intend to hold drop-in sessions in the local area for community to attend. Staff also plan to meet with the Stakeholder Reference Group and other community associations, government agencies and stakeholders to get their feedback and input into the final draft.

- 15 It is proposed that feedback from the Public Exhibition period will be shared with Councillors at a workshop in May, and then a final Place Plan will be reported to Council for adoption in June 2025.

Implementing the actions in this Place Plan

If the Draft Place Plan is adopted, it is the intent that implementation will follow the guidance detailed in the governance and funding section of the draft Place Plan (Attachment 1).

- 5 It is proposed that the first step for implementation will be to establish a Place Planning Collective North (PPC North) to support the implementation of the Place Plan for New Brighton, South Golden Beach and Ocean Shores. It will be made up of community members, Councillors and staff.

- 10 This process is in line with Council's existing Place Planning Collective which works to support the implementation of Council's existing Place Plans and Masterplans – for the towns and villages of Bangalow, Federal, Mullumbimby and the Byron Arts and Industry Estate.

Funding Priority Projects

- 15 The speed and success of the Place Plan implementation will heavily depend on finding appropriate funding sources for each project. Funding source options can include:

- Federal, State and Local Grants
- Byron Shire Developer Contributions
- Byron Shire Council Annual Budget as informed by Council's Operational Plan
- Community Funds

- 20 For infrastructure projects, one approach often used by Council is to utilise Council funds for initial design stages and then to use that design to apply for grants for the construction stage.

- 25 It should be noted that Developer Contributions for the north of the Shire are limited and significant further development is not expected. As such, these funds may not replenish to any great extent.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
4: Ethical Growth	4.1: Manage responsible development through effective place and space planning	4.1.3: Town / Village Masterplans - Develop, implement and update Place Plans that promote place-based forward planning strategies and actions	4.1.3.10	Develop a Place Plan for the North Byron Coastal Communities of Ocean Shores, South Golden Beach and New Brighton

Recent Resolutions

- [24-056](#) – Endorsement of expanded scope for Next Place Plan
- 5 • [22-684](#) – Expressions of Interest for Next Place Plan
- [22-216](#) – North Byron Shire Masterplan, Notice of Motion
- [21-468](#) – Expression of Interest Process for next village/town masterplan

Legal/Statutory/Policy Considerations

10 A Place Plan is not a statutory document and as such doesn't have any legal status, however it can, among other things, be the basis for changes in planning controls like Local Environmental Plans and Development Control Plans. The plan itself is not a planning instrument under the Environmental Planning and Assessment Act 1979.

Financial Considerations

15 For financial considerations please note the section above on Implementation and Funding Priority Projects.

Consultation and Engagement

Consultation Round 1 - Complete

The first round of Community Consultation took place between July – October 2024.

The engagement included:

- 20 • Online engagement through the 'Social Pinpoint' mapping tool, which received approximately 380 contributions

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13.4

- 3 in-person workshops open for anyone in the community to attend, with approximately 100 attendees over the three days
- Pop-ups at New Brighton Farmers Market and Ocean Shores Shopping Centre
- 5 • 2 Stakeholder Reference Group meetings made up of community representatives and other stakeholders (such as technical experts and government agencies)
- Meetings with key stakeholders and groups including:
 - Tweed Byron Local Aboriginal Land Council representatives
 - 10 ○ Local Minjungbal representatives
 - Ocean Shores Community Association (OSCA)
 - South Golden Beach Community Association
 - New Brighton Village Association (NBVA)
 - 15 ○ South Golden Beach, New Brighton and Ocean Shores Community Resilience Team (CRT)
 - Ocean Shores/North Byron Chamber of Commerce
 - Byron Shire's Access Consultative Working Group (ACWG)
 - Mullumbimby High School students
 - Public transport organisations
 - 20 ○ Ocean Shores Country Club
 - Ocean Shores Shopping Centre Management
 - Transport for NSW
 - NSW National Parks and Wildlife
 - NSW Marine Parks
- 25 At the conclusion of this initial consultation period, a feedback summary document was published on Council's website in December 2025 (refer Attachment 2). Emails were sent to the Stakeholder Reference Group as well as the community members who attended workshops or contributed to online feedback to notify them of this summary document.
- 30 Following this consultation period, the actions were developed based on the priorities heard during consultation.

In drafting these actions, Council's Place Planning team have consulted relevant Council staff to align the priority actions with existing work programs and strategies, receive feedback on their areas of expertise and ensure that the actions in this Draft Plan are realistic, feasible and achievable.

- 5 Council has also engaged Transport for NSW, NSW National Parks and Wildlife, NSW Geographical Names Board and NSW Department of Primary Industries to provide guidance on relevant actions.

Consultation Round 2 - Upcoming

- 10 If endorsed for public exhibition, the Draft Place Plan will be placed on formal consultation for a minimum of 28 days (planned for April 2025).

This second round of community and stakeholder consultation will seek feedback on the Draft Plan. The following activities are planned for this consultation:

- A Your Say page on the Council website with a link to provide feedback online.
 - Pop-up or Drop-in sessions where community can come and ask questions and provide feedback in person at:
 - South Golden Beach Community Hall
 - Ocean Shores Community Centre
 - New Brighton Farmers Market
 - A final meeting with the Stakeholder Reference Group
- 15
- Advertising through local news channels including The Echo, BayFM radio station and Council's social media.
 - Notifying key stakeholders and government agencies including Transport for NSW, Department of Primary Industries, NSW National Parks and Wildlife and other major landowners.
- 20
- Additional meetings may be organised with other groups and associations as required.
- 25

Feedback on the Draft Place Plan can also be submitted via Council's standard communications channels: phone, email, or in-person at Council offices in Mullumbimby.

Report No. 13.5 Net Zero Emissions Pathway and Climate Active Certification

Directorate: Sustainable Environment and Economy

Report Author: Alicia Lloyd, Team Leader Sustainability

5 **File No:** I2025/106

Summary:

10 Council resolved to be net zero emissions for its operations by 2025, to source 100% of its energy through renewable sources by 2027 (Res **17-086**), and to become certified carbon neutral under the Climate Active standard commencing in financial year 2025/26 (Res **19-634**).

15 Council has partially achieved this through a renewable Power Purchase Agreement, bringing the organisation's electricity emissions to net zero. However, there are several complexities with claiming net zero status and carbon neutrality for the remainder of Council's emissions in 2025. It will not be possible to certify with Climate Active because landfill and wastewater treatment activities represent more than 25% of emissions and are currently not technologically feasible to abate to zero. Furthermore, carbon offsetting the remaining emissions at this stage has fiscal and legitimacy concerns.

20 Best practice industry standards for carbon reporting and target setting have evolved since the original target was set in 2017. Utilising the ISO IWA 42:2022 Net Zero Guidelines, Council can set robust interim and long-term targets that align with the Paris Agreement to reduce global GHG emissions to below 2°C with efforts to limit to 1.5°C compared to pre-industrial levels.

RECOMMENDATION:

5 **That Council:**

1. **Acknowledges that it will not be possible to meet the target date for net zero emissions for Council operations by 2025 (Res. 17-086 item 3);**
2. **Acknowledges that it will not be possible to certify with Climate Active commencing in the 2025/26 financial year (Res. 19-634 item 2);**
- 10 3. **Notes that best-practice interim and long-term targets, including carbon neutrality, will be proposed after the development of a new pathway to net zero emissions;**
4. **Notes the plan to realign the net zero target utilising best practice methodology, being the ISO (International Standard for Organisation) IWA (International Workshop Agreement) 42:2022 Net Zero Guidelines;**
- 15 5. **Receives a further future report from Council staff on the development of the net zero pathway and the proposed interim and long-term target dates; and**
6. **Amends the Operational Plan for Q4 2024/25 to include the new action, 3.4.4.5 Review the Net Zero Emissions Strategy.**

20

Report

Background

Council made an aspirational resolution to be net zero emissions for its operations by 2025, (**Res 17-086** item 3), and to become certified carbon neutral under the Climate Active standard commencing in financial year 2025/26 (**Res 19-634** item 2). Council also resolved to source 100% of its energy through renewable sources by 2027 (**Res 17-086** item 5) which was achieved in 2022, 5 years ahead of the target date.

Council has been annually reporting on its greenhouse gas emissions since 2015/16. The [FY23 Annual Inventory of Council's Greenhouse Gas Emissions](#) was reported to Council at the 23 May 2024 meeting and the FY24 Annual Emissions Inventory is currently being prepared. As reported, the FY23 Annual Greenhouse Gas Emissions increased by 89% between FY22 & FY23. This increase is largely attributed to the significant increase in capital works (Scope 3 activities) associated with flood recovery activities. Initial calculations indicate that FY24 emissions have decreased, predominantly due to a decrease in Scope 3 activities.

The *Net Zero Emissions Action Plan for Council Operations 2025* (the Action Plan) was adopted by Council in 2020 (**Res 20-628**) and mapped a path for future activities for Council to undertake to reduce emissions from Council operations. Preliminary review indicates that 6 actions are complete, 18 actions are in progress, 6 actions are ongoing, and 4 actions have not commenced. A highlight of actions completed includes annual abatement of 3,284 tonnes CO₂^{eq} from street lighting upgrades and renewable energy and 4,747 tonnes of CO₂^{eq} from landfill gas flaring.

In anticipation of purchasing offsets under Climate Active, the *Carbon Offset Procurement Policy* was adopted in 2023 (**Res 23-442**). The Policy will be reviewed following the release of new information from the Australian Government on the Climate Active program and the Senate enquiry into greenwashing.

At the [22 June 2023 Council Meeting](#), considered on a report on changing the net zero target date. Council resolved (**Res 23-295**) to receive a further report on whether meeting a proposed revised net zero target date of 2030 is achievable and how this might be achieved, with regard to the proposed pathways in the report and utilising the Climate Active Standard. Council staff subsequently engaged consultants to provide advice on different target options and decarbonisation pathways. This report outlines the initial advice from the consultants and the next steps towards setting a revised target and net zero emissions strategy.

Key issues

Net Zero Standards and Carbon Offsetting

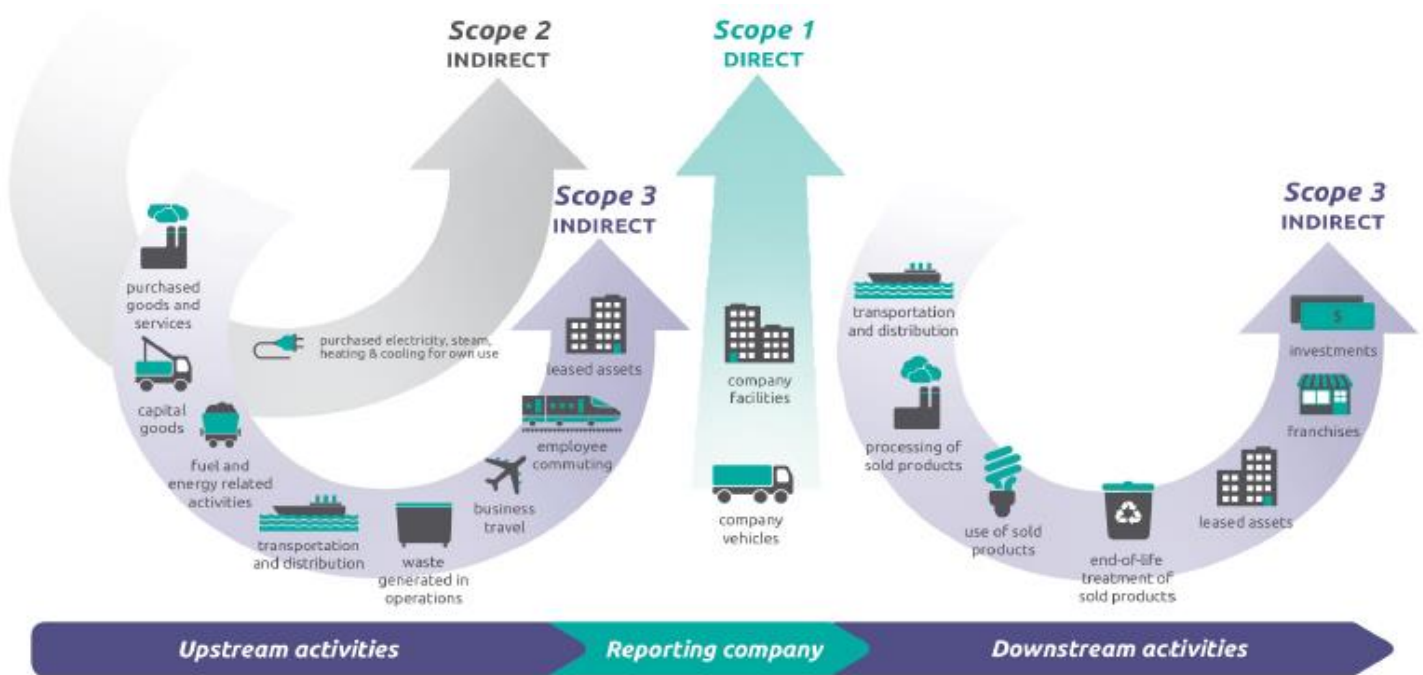
Industry best practice has evolved since Council first set out to achieve net zero carbon emissions. Net zero methodologies now stipulate that an organisation must firstly reduce emissions 'as much as possible' prior to considering carbon offsets. Standards state that the remaining emissions must be less than 10% compared to the baseline and that carbon removal-based offsets are best to counterbalance residual emissions. To ascertain 'net

zero' claims, offsetting residual emission must focus on sequestration, or drawing down carbon rather than abatement, or emissions avoided.

'Science Based' Target Setting

5 An industry leading net zero target is 'science based' and aligns with the Paris Agreement to reduce global GHG emissions to limit the warming well below 2°C with efforts to limit to 1.5°C compared to pre-industrial levels. Council can align with the ISO (International Standard for Organisation) IWA (International Workshop Agreement) 42:2022 Net Zero Guidelines to maintain a global pathway to 1.5°C. Under this method, Council would choose a baseline year representative of business-as-usual emissions, then set an interim target and a long-term target achieving net zero for Scope 1 non-fugitive emissions, and Scopes 2 & 3 (see Figure 1 for activities included in scope categories).

15 Council has Scope 1 fugitive emissions from wastewater treatment and landfill activities, which are difficult to abate, as widely adopted commercial solutions are not currently available. Setting targets that treat landfill emissions separately is an approach that has been adopted by other regional NSW councils who manage landfills (Clarence Valley Council and Coffs Harbour City Council). Council can continue to investigate technological solutions to decarbonise these sources as they become available.



20 Figure 1: Activities classified as Scope 1, 2 and 3 are included within an organisation's emissions inventory boundary.

Next steps

Council staff have commenced an internal review of the Net Zero Emissions Action Plan in preparation for development of an updated pathway to net zero. The next steps are:

1. Appoint a consultant to provide modelling work to inform the projects needed to reduce emissions.

25

2. Conduct emissions reduction workshops with relevant asset owners.
3. Collate feedback from stakeholders including the Climate Change and Resource Recovery Advisory Committee, Executive Team and Councillors and update the Net Zero Pathways model.
- 5 4. Develop the Net Zero Emissions Strategy and Plan for public exhibition
5. Conduct community consultation and consider feedback

Strategic Considerations

Community Strategic Plan and Operational Plan

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

- 10 This activity is aligned with the CSP and DP, but a new OP Activity is proposed, 3.4.4.5 Review the Net Zero Emissions Strategy.

Recent Resolutions

- Res 17-086
- Res 19-634
- Res 20-628
- 15 • Res 23-295

Legal/Statutory/Policy Considerations

20 The Climate Change (Net Zero Future) Act 2023 sets out the NSW Governments legislated emissions reduction targets of a 50% reduction by 2030, 70% reduction by 2035 and net zero by 2050 (based on 2005 baseline). Council should ensure that interim and long-term targets are aligned with NSW State targets, which aligns with the 2015 Paris Agreement. The NSW target includes community emissions. Council has an opportunity to lead the way to inspire community emissions reduction and has already achieved 100% renewable energy, 5 years ahead of Council's target date of 2027.

Financial Considerations

The Net Zero Pathway modelling and draft Strategy development will occur over 2 stages.

Stage 1 of the project includes planning and modelling work to be conducted by external consultants working with the Sustainability Team.

- 5 Stage 2 includes evaluation and feedback from internal and external stakeholders to be incorporated into the pathway.

- 10 For Stage 1, it is anticipated that the 2024/25 Zero Emissions Strategy budget (GL 2606.34) should cover half of the required modelling work (between \$15,000 - \$30,000). Advice from Finance Team is that there is around \$17,000 in the Land & Natural Environment Reserve which can also be used to cover the cost of this work. A Request for Quote has been prepared for Stage 1 of the project on this basis.

For Stage 2, a budget bid will need to be considered in a future budget review process following completion of Stage 1.

Consultation and Engagement

- 15 Revising the Net Zero target date has been discussed in a Council reports and workshop in 2023 and a report to the Climate Change and Resource Recovery Advisory Committee in February 2025.

- 20 Once the new Draft Net Zero Emissions Strategy and Plan has been prepared, it will be reported to Council with the recommendation for public exhibition and community engagement.

**Report No. 13.6 PLANNING - 26.2024.10.1 Submissions
Report Post Exhibition, Affordable Housing
Contribution Scheme 02**

Directorate: Sustainable Environment and Economy

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

File No: I2025/23

Summary:

10 This report presents the public exhibition outcomes of a planning proposal that seeks to amend the Byron LEP 2014 to introduce a second Affordable Housing Contribution Scheme (AHCS 02). AHCS 02 will enable contributions for affordable housing to be levied in the future if a land parcel identified in the draft AHCS 02 is upzoned.

The Planning Proposal is also supported by the following documents (attached to this report):

- 15
- Draft Affordable Housing Contribution Scheme 02
 - Housing Needs Assessment
 - Viability Assessment Report

20 The Planning Proposal and supporting information was on public exhibition from 13 November to 10 December 2024. Two (2) agency responses and seven (7) public submissions were received. Key issues raised are summarised in this report along with the planner's response.

The Planning Proposal directly supports Direction 2.3 Enable opportunities for affordable housing in Council's endorsed [Residential Strategy - Byron Shire Council](#) and associated actions in the implementation and delivery plan.

25 This report recommends that Council adopts the planning proposal 'as exhibited' to amend Byron LEP 2014, along with the Byron Affordable Housing Contribution Scheme 02, Viability Assessment Report and Housing Needs Assessment.

NOTE TO COUNCILLORS:








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

RECOMMENDATION:

That Council:

- 5 1. **Adopts the planning proposal in Attachment 1 (E2024/132963) to amend Byron LEP 2014 to introduce Byron Affordable Housing Contribution Scheme 02, together with the following supporting documents:**
- a) **Final Affordable Housing Contribution Scheme 02 for Adoption, (Attachment 2 – E2025/21189)**
- 10 b) **Final Byron Shire Viability Assessment Report (Attachment 3 – E2025/21426)**
- c) **Final Draft Byron Shire Housing Needs Study (Attachment 4 – E2024/78446);**
- 15 2. **Forwards the adopted planning proposal and Affordable Housing Contribution Scheme 02 to Department of Planning, Housing and Infrastructure for finalisation; and**
3. **Receives an updated Affordable Housing Contribution Policy in April 2025 to be placed on public exhibition.**

20 **Attachments:**

- 1 26.2024.10.1 Draft Planning Proposal for Affordable Housing Contribution Scheme 02 (Exhibition Version) following gateway, E2024/132963 
- 25 2 26.2024.10.1 FINAL DRAFT Affordable Housing Contribution Scheme 02 for Adoption, E2025/21189 
- 3 26.2024.10.1 Byron Shire Viability Assessment Report - Final updated 240225, E2025/21426 
- 4 26.2024.10.1 Final Draft Byron Shire Housing Needs Assessment - Final 22 May 2024, E2024/78446 
- 30 5 26.2024.10.1 AHCS02 Submissions Summary and Response to issues raised, E2025/25234 
- 6 26.2024.10.1 Copy of AHCS 02 Submissions (redacted), E2024/146344 
- 7 26.2024.10.1 Copy of HOMES NSW DCJ - Submission to Byron Council re AHCS 02, E2025/3415 
- 35

Report

Background

5 On 1 August 2024 Council agreed to the introduction of Draft Affordable Housing Contribution Scheme 02 (AHCS 02) to the Byron Shire Local Environmental Plan 2014. As per the Council resolution ([24-355](#)) a planning proposal was prepared and submitted to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination.

10 The Planning Proposal will amend the Byron LEP 2014 by introducing a second Affordable Housing Contribution Scheme (AHCS 02) into clause 6.18. Draft AHCS 02 applies to residential development in identified contribution areas within Brunswick Heads, Mullumbimby and Suffolk Park as set out in the Scheme. This will enable contributions for affordable housing to be levied in the future if land identified in the Scheme is upzoned.

15 The planning proposal does not actually amend the zoning or any other development standards applying to the land identified in the draft AHCS 02. Any change to the zone or other development standards for land in AHCS 02 will be subject to a separate planning proposal (initiated by the landowner) which must demonstrate strategic merit and be supported with site-specific investigations.

The planning proposal is accompanied by following supporting documents (attached to this report):

- Draft Affordable Housing Contribution Scheme 02 (Attachment 2)
- 20 • Viability Assessment Report (Attachment 3)
- Housing Needs Assessment (Attachment 4)

Some updates have been made to the first two documents following exhibition, mainly for greater clarity around terms used and these are highlighted in yellow.

Gateway Determination

25 The Department Planning Housing and Infrastructure (DPHI) issued a Gateway Determination on 24 September 2024, supporting an amendment to the Byron LEP 2014 to introduce Affordable Housing Contribution Scheme 02 and subject to the following Gateway Conditions:

“That the planning proposal be updated to include:

- 30 • a tabulated list of properties that have been mapped as Affordable Housing Contribution Areas in draft Affordable Housing Contribution Scheme 02; and
- an explanation of the different approach and methodology taken in draft Affordable Housing Contribution Scheme 02 compared to Affordable Housing Contribution Scheme 01. “

35

“That the draft Affordable Housing Contribution Scheme 02:

- 5 • revise section 2.2 (e) to detail that where there is a shortfall in the area of lots to be dedicated equivalent to less than 75% of the minimum lot size, the applicant may elect to meet the shortfall through a monetary contribution determined in accordance with Section 2.4 only; and
- remove area B2 (Ballina Road, Bangalow) as an Affordable Contribution Scheme area. It has been removed from the resilient lands strategy and requires further investigation at this stage”

Public Exhibition

- 10 The Planning Proposal and supporting documents were placed on public exhibition from 13 November to 10 December 2024 inclusive (20 working days). Notification letters were sent to adjoining landowners and Agency consultation was carried out in accordance with the Gateway determination. The exhibited documents and supporting FAQs can be viewed on Council’s website [here](#).
- 15 Seven (7) public submissions were received (refer Attachment 6), with two focused solely on the Saddle Road Precinct.

20 During the exhibition period a high number of enquiries were received via phone and face to face meetings held with property owners seeking to understand the Affordable Housing Contribution Scheme and how it applies to their land. Several people were concerned that contributions under the Scheme would be automatically applied once adopted, rather than being activated at the planning proposal stage. Questions also centred around whether financial support would be offered to assist landowners to build additional dwellings.

Two (2) agency submissions were received, and these are summarised below.

Agency submissions

Agency and Matters Raised	Council Staff Response
<p>Homes NSW</p> <ol style="list-style-type: none"> 1. Commend and strongly support the Scheme - acknowledge its timeliness and the importance for all levels of government to work together to address housing need. 2. Supportive of the viability assessment method developed by Urbanista and see the potential for its application to other local government areas in rural and regional NSW, and potentially outer urban areas also. 	<p>Noted. Homes NSW will be further consulted as implementation of the Scheme progresses. (A copy of Homes NSW submission is contained in Attachment 7)</p>

Agency and Matters Raised	Council Staff Response
3. Homes NSW offer continued assistance and support to assist Council in delivering affordable housing that results from the Scheme.	
NSW Rural Fire Service Has no concerns or issues in relation to bush fire in relation this planning proposal.	Noted.

Public submissions

Majority of submissions acknowledged that there is currently a shortage of affordable housing and stated their support and understanding for the provision of more affordable rental housing stock. There was also some support for allocating a percentage of all new developments towards housing that is truly affordable in perpetuity.

Key concerns raised in submissions fell into four broad categories, which have been generalised for the purpose of this report with the planner’s response provided below. Submission issues and planning responses can be viewed in more detail in attachment 5.

- 1. The impact of the AHCS 02 on affected landowners** – submissions were concerned with equity and fairness of how the Scheme would be applied within contribution areas. There were several interpretations and misunderstandings among the submissions. Some perceived the Scheme as a tax on landowners, and some did not understand that the Scheme is connected to a broader framework of policy mechanisms and strategies to address affordable housing. One submission also expressed legal and constitutional concerns.

Planning Response:

The aim of the AHCS 02 is to enable contributions for affordable housing to be levied in the future if a land parcel identified in the draft AHCS 02 is upzoned and DA lodged. This planning proposal does not seek to amend the zone or any other development standard applying to the land identified in the draft AHCS 02. Any change to the zone or other development standards for land in AHCS 02 will be subject to a separate planning proposal (at the discretion of the landowner) which is supported by strategic merit and site-specific investigations.

Affordable Housing Contribution Schemes are one of the Social and Affordable Housing Reform mechanisms developed by the NSW Government to facilitate the increased supply of affordable housing for low-income households and essential workers. The reforms have been introduced after extensive consultation with councils, industry, government agencies and community housing providers.

5 It's important to understand that increasing housing supply alone will not deliver affordable housing in Byron Shire. This is because the private rental market in Byron Shire is highly constrained and inaccessible for the majority of very low to moderate-income households; hence why Council has prioritised development of affordable housing contributions schemes to assist in delivering a permanent stock of affordable rental housing into the future.

2. **Infrastructure and Planning** – concerns that current infrastructure is inadequate, and the proposal does not account for the necessary infrastructure and planning required to support new developments.

10 Planning Response:

15 The provision of infrastructure to support future growth is addressed in the Byron Shire Residential Strategy 2041, Section 2.4 Opportunities & Constraints to Housing Delivery provides an overview on Water and Sewer Infrastructure Planning, Traffic and Transport Infrastructure, Stormwater and Drainage and Council works program and funding, while Appendix C – Development Sequencing Plan provides a roadmap for housing supply delivery and infrastructure planning.

- 20 3. **Viability Assessment and calculations** – some submissions were concerned with the assumptions, calculations and or specifics details of the Viability Assessment Report. This included suggestions that these calculations be determined later in the process once all development costs were known.

Planning Response:

25 The basic test of viability examines the capacity of the development to pay a market-based land value for the land and the associated development costs, pay the affordable housing contributions and still make a profit large enough not to discourage land transactions.

30 For the purpose of the Affordable Housing Contribution Scheme, it is important that accurate data is used in order to forecast and assess outcomes when the Scheme is created. The purpose of the data used for calculations is to understand the averages for localities analysed. Market conditions and costs are continually changing, and it is not possible to have complete certainty or predict future costs for the purpose of an Affordable Housing Contribution Scheme.

35 Importantly, clauses 2.1 and 2.2 of the Scheme (Attachment 1) now provide for a review of a contribution rate in exceptional (previously “limited”) circumstances that negatively impact the rate of return, for example where there is a substantial variation in infrastructure costs or dwelling yield as a result of factors unknown at the time of the preparation of the Viability Assessment Report.

- 40 4. **Flexibility in applying scheme contribution percentages** – some submissions were concerned with the finer details of the calculations and specifics of the Viability Assessment Report. This included suggestions that this process occurred later once all development costs were known and scaled accordingly.

Planning Response:

5 The basic test of viability examines the capacity of the development to pay a market-based land value for the land and the associated development costs, pay the affordable housing contributions and still make a profit large enough not to discourage land transactions.

10 The purpose of setting affordable housing contribution rates at an early stage is to put downward pressure on land prices. If the calculation was done at the DA stage, developers may bid too much for land thinking that they would be able to improve their bottom line by reducing the affordable housing contribution rates at the DA stage (which would undermine the Scheme).

Summary and recommendations

15 The aim of the AHCS 02 is to enable contributions for affordable housing to be levied in the future if a land parcel identified in the draft AHCS 02 is upzoned and a DA lodged. AHCS 02 will apply to residential development in identified contribution areas in Brunswick Heads, Mullumbimby and Suffolk Park, as set out in the Scheme. This will enable contributions for affordable housing to be levied in the future if land identified in the Scheme is upzoned. Some updates have been made to AHCS 02 and the Viability Assessment Report in response to issues raised in submissions. It is recommended that
20 Council adopt the follow documents and forward to the Department of Planning, Housing and Infrastructure for finalisation:

- Housing Needs Assessment
- Viability Assessment Report ('as revised')
- Draft Affordable Housing Contribution Scheme 02 ('as revised')
- 25 • Draft Planning Proposal Affordable Housing Contribution Scheme 02 (Exhibition Version)

Strategic Considerations

Community Strategic Plan and Operational Plan

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

Recent Resolutions

- 5 • [24-355](#) (1 August 2024)

Legal/Statutory/Policy Considerations

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

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

- 10 The Planning Proposal directly supports Direction 2.3 Enable opportunities for affordable housing in Council’s endorsed [Residential Strategy - Byron Shire Council](#) and associated actions in the implementation and delivery plan.

Consultation and Engagement

Consultation was carried out in accordance with the gateway determination requirements.

15

Report No. 13.7 Draft Pest Animal Management Plan 2025 - 2030 for Public Exhibition

Directorate: Sustainable Environment and Economy

Report Author: Claudia Caliarì, Biodiversity Projects Officer

5 **File No:** I2025/187

Summary:

10 The Byron Shire Pest Animal Management Plan (PAMP) is a framework to help Council meet its legislative obligations while supporting the community with updated pest management information. It applies to Council-owned and managed land and aligns with regional and state strategies, addressing pest animals that threaten biodiversity, agriculture, cultural assets and human health. The PAMP emphasizes the shared responsibility of all land managers in managing the biosecurity risks caused by pest animals and outlines strategies for controlling established and emerging pest species. The PAMP aims to minimize risks, protect the environment and ensure humane pest management, with an emphasis on collaboration with stakeholders, including First Nations groups.

20 The PAMP incorporates recent scientific findings and community feedback, including concerns about management options used by Council and about dingoes and wild dogs, emphasizing the need for balanced pest management that also conserves culturally significant species. It highlights the growing costs of pest control and the importance of preventing further invasions as the most cost-effective strategy.

This report seeks Council support for public exhibition of the PAMP for a period of six weeks anticipated to be from 3 April to 15 May 2025.

25

RECOMMENDATION:

That Council:

- 30
- 1. Approves the draft Pest Animal Management Plan (Attachment 1 - E2025/22626) for public exhibition;**
 - 2. Notes the draft Pest Animal Management Plan will be on public exhibition and open for feedback for a period of 6 weeks; and**
 - 3. Receives a submissions report following the public exhibition and feedback period of the draft Pest Animal Management Plan.**


35

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Attachments:

- 1 Final draft Pest Animal Management Plan for endorsement for Public Exhibition_February 2025, E2025/22626 

5

Report

The Byron Shire Pest Animal Management Plan (PAMP) is a framework to help Council meet its legislative obligations while supporting the community with relevant local information. The Plan applies to Council-owned and managed land. It sits under the North Coast Regional Strategic Pest Animal Management Plan (RSPAMP).

The revised PAMP was developed by Ecosure Environmental Consultancy, and when adopted will supersede Council’s Pest Animal Management Plan 2018-2023.

Pest animals are not defined by species but by the impact they cause to the environment, economy, or native wildlife. Pest animals are those that are recognised as a significant threat to biodiversity and agricultural productivity and have the ability to interfere with human health e.g. diseases, acute and chronic distress, depression and anxiety, and lifestyle.

The NSW Biosecurity Act 2015 (the Act) came into effect on 1 July 2017 and replaced all or part of 14 other Acts. Since pest animals do not respect boundaries like fences or government jurisdictions, the Act, alongside the Local Land Services Act 2013 (LLS Act), makes it clear that all land managers—whether on private or public land—have equal responsibility for managing biosecurity risks, including pest animals. This responsibility is known as the General Biosecurity Duty (GBD). Therefore, effective management of pest animals requires a clear and strong commitment from all levels of government, community groups, First Nations groups and the broader community.

Council’s PAMP follows a hierarchy of Federal, State and regional strategies, recognising the impact pest species have in the broader landscape. While three pest categories (Table 1) are described in the plan, actions are only given for established and emerging species. This is basically due the dynamism and nature of new incursions categorised as “Alert species”:

Table 1 – Pest Categories

Category	Description
Established species	Pest species that have already become established in the Byron Shire: cane toads, feral cats, foxes, hares, Indian myna, rabbits, wild dogs/dingoes.
Emerging species	Pest species that are established in nearby areas but not yet in Byron Shire, so there is a risk that they could become established in the Byron Shire: feral deer, feral goats and feral pigs.
Alert species	Species where efforts are required to prevent their incursion into Byron Shire. These are the species which Department of Primary Industries and Regional Development (DPIRD; NSW Government) identifies as biosecurity risks on a regional level. Alert Species for Byron Shire are identified at the time the Plan was prepared, acknowledging they can change over time. Landowners must always consult DPIRD to get the most up to date list of Alert Species.

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5 The PAMP is based on various legislative requirements, Commonwealth, State and regional strategies and plans. It also aligns with priorities identified through alignment with RSPAMP, recent research, local data, relevant stakeholder and broader community engagement, including input from First Nations Peoples (see further information under “Consultation and Engagement”).

10 Council’s primary objective is to fulfill its GBD to minimise risks associated with pest animals on Council owned and managed land, eliminating or minimising the risk in neighbouring land, emphasising humane and safe management approaches that are effective at reducing risk whilst protecting the environment, people and industries within the Shire. However, through our public consultation phase we learnt that there is scope for Council to act as a conduit between private landholders and the lead pest management agency in this region, Local Land Service (LLS), to strengthen understanding, coordination, collaboration and the provision of relevant local information to manage pest animals.

15 The revised PAMP has been developed to enable Council to respond to community enquiries and this includes controversial issues such as methods of control, recent scientific findings related to dingoes and wild dogs as well as the impact of cats (feral and free-roaming pets) and responsible pet ownership as this is affecting overall pest management.

20 In April 2023, Council passed a resolution (Council Resolution [23-124](#)) acknowledging that dingoes are a native species essential to the culture of First Nations people and for ecosystem health, requiring care and attention. In following resolutions Council resolved that the PAMP review should include broader community engagement, collaboration with researchers, and input from traditional custodians to identify overall priorities and inform best practices for wild dog/dingo management including non-lethal options. It was resolved that the PAMP review should explore engagement with scientists to increase local wild dog/dingoes monitoring data and understanding of non-lethal management options, working with stakeholders to raise awareness about dingoes, with the findings being considered as part of the ongoing plan revision (August 2023: [23-351](#) and April 2024: [24-166](#)). As a result of these resolutions, the revised PAMP has been developed both to guide the management of pest animals on Council owned and managed land and also to support Council’s decision making on these controversial pest management issues.

35 The PAMP outlines the necessary actions for effective pest management, including supporting DPIRD in local research and developing improved pest control strategies. It incorporates approaches to balance risk-based management of wild dogs with the conservation of dingoes, which are culturally significant to First Nations peoples and play a role in maintaining ecosystem services.

40 The Plan also highlights the increasing and significant costs associated with managing pest animals. Preventing further invasions is identified as the most cost-effective strategy for pest control. To reduce the impacts of pest animals on the environmental, economic, social, and cultural values of Byron Shire, sustained funding is required both annually and long-term, extending beyond the five-year term of the draft Plan.

The draft Plan is ready for public exhibition proposed for a period of six weeks anticipated to be from 3 April to 15 May 2025.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership	1.2: Engage and involve community in decision making	1.2.1: Community-led decision making - Engage with community to inform Council decision making	1.2.1.1	Provide opportunities for the community to have input, comment and feedback to Council on projects and matters of interest
2: Inclusive Community	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of the community	2.2.4: Companion animals - Promote awareness of the requirements of the Companion Animals Act with respect to the ownership of companion animals	2.2.4.3	Facilitate companion animals education
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	2.3.1.1	Continue working with Traditional Owners on land management matters
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	2.3.1.3	Enhance connection between Aboriginal stakeholders and Council
2: Inclusive Community	2.3: Respect Aboriginal culture, value cultural	2.3.2: Aboriginal cultural expression - Support First Nations cultural	2.3.2.1	Support public artworks and cultural activations led by Aboriginal people,

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CSP Objective	CSP Strategy	DP Action	Code	OP Activity
	knowledge, and acknowledge history	expression		that celebrate and respect Aboriginal and Torres Strait Islander history, stories, culture and expression
2: Inclusive Community	2.3 Respect Aboriginal culture, value cultural knowledge, and acknowledge history	2.3.3 Support initiatives that maintain cultural connection to country and foster opportunities for Aboriginal people to live and work on country		
2: Inclusive Community	2.3 Respect Aboriginal culture, value cultural knowledge, and acknowledge history	2.3.4 Recognise and acknowledge the importance of valuing Aboriginal history and cultural knowledge		
3: Nurtured Environment	3.1: Partner to nurture and enhance biodiversity, ecosystems, and ecology	3.1.2: Pest and weed management - Use best practice land management to improve ecological resilience and reduce threats to biodiversity	3.1.2.2	Implement Indian Myna Trapping program
3: Nurtured Environment	3.1: Partner to nurture and enhance biodiversity, ecosystems, and ecology	3.1.2: Pest and weed management - Use best practice land management to improve ecological resilience and reduce threats to biodiversity	3.1.2.3	Participate in Northern Rivers Feral Deer Management group
3: Nurtured Environment	3.1: Partner to nurture and enhance biodiversity, ecosystems, and ecology	3.1.2: Pest and weed management - Use best practice land management to improve	3.1.2.4	Undertake chemical free weed control program to high-use public areas including CBD streetscapes

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
	and ecology	ecological resilience and reduce threats to biodiversity		and playgrounds
3: Nurtured Environment	3.1: Partner to nurture and enhance biodiversity, ecosystems, and ecology	3.1.2: Pest and weed management - Use best practice land management to improve ecological resilience and reduce threats to biodiversity	3.1.2.7	Review of Pest Animal Management Plan

Recent Resolutions

- 23-124
- 23-351
- 24-166

5 Legal/Statutory/Policy Considerations

A full summary of relevant legislation is provided in Appendix 5 of the draft PAMP (Attachment 1).

10 The PAMP sits under the RSPAMP and must comply with a variety of legal, statutory, and policy frameworks. This includes the Biosecurity Act 2015 (Commonwealth and NSW) describing the General Biosecurity Duty (GBD) to manage pests, adhering to public health regulations to reduce direct (E.g. predation) and indirect (E.g. diseases) risks spread by pests and the Prevention of Cruelty to Animals Act, ensuring humane treatment during pest control.

15 The PAMP also aligns with environmental protection laws like the EPBC Act and the Biodiversity Conservation Act (NSW), which protect biodiversity and threatened species. Additionally, it considers the cultural significance of species like dingoes to First Nations peoples.

20 The PAMP must also comply with the National Invasive Species Framework and facilitate collaboration with agencies like the LLS and DPIRD and local stakeholders. As such, long-term funding, clear engagement mechanisms, and stakeholder partnerships will be crucial in implementing and sustaining pest management efforts while minimizing their environmental, social, and economic impacts on the Shire.

The PAMP also aligns with a range of local Policies and Strategies such as:

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- Byron Shire Council Integrated Pest Management Policy 2024-2028 and Byron Shire Council Integrated Pest Management Strategy 2019-2029: by eliminating or reducing the use of pesticides in Council owned and managed land and the commitment with continuous improvement
- 5 • Byron Shire Council Biodiversity Conservation Strategy 2020-2030: by controlling pests that harm native species
- Byron Shire Rural Land Use Strategy 2017: by providing local relevant information to broader community, acting as a conduit between local community and Local Land Services (pest control authority) and by fulfilling Council's GBD
- 10 • Byron Shire Council Dogs in Public Spaces Strategy 2022-2032: by informing the community about the risks posed by free-roaming and abandoned animals can impact pest management efforts

Financial Considerations

15 The previous PAMP (2018-2023) was delivered with an annual budget \$20,000 for the management of wild dogs, feral foxes, feral cats, and Indian Myna birds. When resources permitted, Council has also undertaken rabbit control. In 2024, a cane toad program was introduced, funded through the biodiversity budget.

20 Since 2018 pest animal management costs have increased, due to changes in contractor costs, fluctuations in pest animal numbers following extreme weather events, and the ongoing need to manage pest animals on all Council owned/managed land. Table 2 below summarises current pest animal management costs on Byron Shire Council land. These costs are an estimate, and may be subject to change in future due to changes in contractor availability and changes in pest animal numbers and associated risks.

Table 2 – Pest animal management costs on Council land

Program:	Estimated ongoing annual costs
Foxes, feral cats, wild dogs/ dingoes and rabbits	\$30,000
Indian Myna	\$5,000
Cane Toad	\$8,000
TOTAL	\$43,000

25 Council provides an annual allocation of \$43,000 to support delivery of the Pest Animal Management Plan. From time-to-time Council may also have the opportunity to apply for grants to support pest animal management at specific sites or for individual species, for example development of this revised PAMP was supported by a grant of \$25,000 from DCCEEW. However, grant funding for pest management is inconsistent and on it's on
30 does not cover the cost of Council's requirement to fulfill its General Biosecurity Duty on Council-managed land.

Consultation and Engagement

Phase 1

5 Extensive effort was made to engage with the community and other key stakeholders prior to development of the PAMP, so that key community issues and concerns could be considered in the plan. Engagement methods in this initial phase included:

- farmers market stalls,
- a workshop with First Nations stakeholders,
- email and social media engagements with private land managers and the broader community,
- 10 • an online survey.

Results from preliminary community engagements are detailed in Appendix 3 of the attached draft PAMP, and a summary of community engagement conducted to date is below:

- 15 • 78 respondents completed an online survey which was available 24 July-26 August 2024.
- 19 participants representing four groups (Arakwal, Madhima Gulgan Community Association, Minyumai rangers and Tweed Byron Local Aboriginal Land Council) attended the First Nations stakeholder workshop on 19 June 2024.
- 20 • 50 people were engaged at a local farmers' market Council stall on 1-2 August 2024.
- 2 Facebook and 2 Instagram posts (23 July and 20 August) reached 2,240 people and had 327 post engagements (reactions, comments, clicks and shares).
- 11 local farmers replied to the Byron Farmers Network engagement email.

25 A preliminary draft of the PAMP was reviewed by key Council stakeholders and by North Coast Local Land Services.

Phase 2

This report seeks Council support to place the draft PAMP on public exhibition for a period of six weeks. The PAMP will be made available on Council's website via a Your Say page, and advertised by two advertisements in the local paper, as well as via social media.

30 Following the public exhibition period, comments received will be considered during drafting of the final PAMP, with the final PAMP to be presented to Council by the end of 2025.

Report No. 13.8 Northern Regional Planning Panel Membership

Directorate: Sustainable Environment and Economy

Report Author: Kylie Grainey, Business Improvement Officer

5 **File No:** I2025/225

Summary:

This report seeks Council's approval to initiate the process to call for expressions of interest for the selection of community panel members to sit on the Northern Regional Planning Panel (NRPP) for the next three years.

10 The current NRPP community membership is due to expire on 13 April 2025. It is recommended the current members be invited to extend their term while this EIO process is undertaken.

15

RECOMMENDATION:

That Council:



1. **Endorses an expression of interest process to call for two community panel members and two alternate members to the Northern Regional Planning Panel;**
2. **Receives a report on the expressions of interest process to determine the new Northern Regional Planning Panel community panel members and alternate members;**
3. **Thanks the current members Simon Richardson and Joe Vescio and alternate members Ian Pickles and David Brown for their participation on the Northern Regional Planning Panel;**
4. **Invites the current members to continue as members on the current Northern Regional Planning Panel until new members are appointed through the EOI process;**
5. **Confirms the payment to community members on Northern Regional Planning Panel (continuing and new members) will align with the Department of Planning Housing and Industry Guidance; and**
6. **Notifies the Planning Panel Secretariat of the above.**

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Attachments:

- 1 Sydney District & Regional Planning Panels Operational Procedures - November 2022, E2025/24561 
- 5 2 Sydney District and Regional Planning Panels Code of Conduct - August 2020, E2025/24564 

Report

Sydney and Regional Planning Panels were introduced to NSW in 2009 to determine regionally significant development applications and other planning matters. More detail here [Sydney District and Regional Planning Panels | Planning Portal - Department of Planning and Environment](#)

5

Planning Panels primarily determine regionally significant development applications with a CIV over \$5M and rezoning reviews. They also:

- Determine modification and Crown development applications
- Review development applications
- 10 • Conduct independent reviews for Local Aboriginal Land Council lands
- Prepare planning proposals if directed
- Advise the Minister or Secretary on planning and development matters when requested

15 There are five Sydney Planning Panels and four Regional Planning Panels across NSW. Each Panel is an independent body that is not subject to the direction of the Minister of Planning.

A Panel is comprised of five members: three appointed by the Minister and two appointed by the relevant local council. Each Panel also includes alternates to act in place of the permanent members if they are unavailable for any reason including conflict of interest.

20 The current Ministerial appointed members to the Northern Regional Planning Panel are:

- Chair – Dianne Lesson
- State Members Michael Wright and Stephen Gow.

25 A Council can nominate two people as Council community nominees for the purposes of the Panel, at least one of whom has expertise in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, or tourism.

Property developers and real estate agents are not eligible to be members of a Panel.

The term of community panel members is three years.

30 The current Byron Shire community members are Simon Richardson and Joe Vescio. Alternate members are Ian Pickles and David Brown.

The members are thanked for their participation during this time.

It is recommended to undertake an expression of interest process to fill the two-community member and two alternate member positions.

The EOI process would require interested parties to submit a resume and declaration they are not property developers or real estate agents. And provide any other information that would deem them suitable for panel membership.

5 The applications received will be reported to Council to make a final decision on panel membership.

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	4.1.1: Development assessment - Manage development through a transparent and efficient assessment process	4.1.1.1	Assess and determine development assessments in accordance with the relevant legislation

Recent Resolutions

22-129 Resolved that Council:

- 10 1. Nominates Simon Richardson and Joe Vescio as the community members and Ian Pickles as the alternate to Joe Vescio and David Brown as the alternate to Simon Richardson for appointment to represent Council on the Northern Regional Planning Panel.
- 2. Notifies the Planning Panel Secretariat of the community members.
- 15 3. Thanks all nominees for their interest and time in submitting an Expression of Interest.

Legal/Statutory/Policy Considerations

20 All regional panel members are expected to follow the regional panel's operational procedures and to adhere to the regional panel's code of conduct. Both documents are included as attachments to this report.

Financial Considerations

Council is responsible for payment of community panel members.

5 Current guidance from the Department of Planning, Housing and Infrastructure provides for a fee not exceeding \$1,400 per meeting. This includes site inspections and other preparatory work.

This guidance has been provided in light of apparent inconsistencies around payment of panel member by different councils.

Clarification of this fee structure will be sent by letter to the continuing members as well as any new members.

10 The 2025/26 budget for payment of NRPP community members is \$10,000.

Consultation and Engagement

An expression of interest will be advertised for a 28-day period, following which applications received will be reported to Council to determine the NRPP community members and alternates.

15

Report No. 13.9 PLANNING - 26.2024.8.1 - Post Exhibition Submissions Report - Planning Proposal for Public Road Subdivision as Exempt Development. Amendment of Byron Local Environmental Plan 2014

5

Directorate: Sustainable Environment and Economy

Report Author: Cameron Thiessen, Land Use Planner

File No: I2025/271

Summary:

10 This report presents the public exhibition outcomes of the planning proposal that seeks to amend Byron Local Environmental Plan (LEP) 2014 to include subdivision of Council-owned roads as an item within *Schedule 2 – Exempt Development*.

On 1 August 2024, Council considered and supported progression of a planning proposal as attached to this report (Attachment 1) that would amend Byron LEP 2014 to include subdivision of Council-owned roads as an item within ‘Schedule 2 Exempt Development’.

15 The Department of Planning, Housing & Infrastructure issued a Gateway determination on 17 October 2024 and the Planning Proposal was placed on public exhibition for a minimum period of 28 days from 29 January to 27 February 2025. Agency consultation was undertaken in accordance with the Gateway determination.

20 One (1) public submission (refer Attachment 2) and one (1) agency submission (refer Attachment 3) were received during the exhibition period.

In accordance with the Gateway Determination, Council is the delegated plan making authority in this instance and the Planning Proposal is to be finalised within 9 months of the issuance of the Gateway, i.e., 17 July 2025.

25 This report recommends that the planning proposal be finalised in its current form i.e., as exhibited.

NOTE TO COUNCILLORS:




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

RECOMMENDATION:

That Council:

- 5 1. **Forwards the Planning Proposal in Attachment 1 (E2025/10489) to this report to NSW Parliamentary Counsel's Office (PCO) requesting that a draft LEP instrument be prepared; and**
- 10 2. **Pending receipt of PCO Certificate that the plan can be made, forwards the plan to the NSW Department of Planning, Housing and Infrastructure requesting notification on the NSW Government legislation website.**

Attachments:

- 1 26.2024.8.1 - Planning Proposal for Public Road Subdivision as Exempt Development - Public Exhibition Version PDF, E2025/10489 
- 15 2 26.2024.8.1 Public Road Subdivision submission received (redacted public version), E2025/23285 
- 3 3 Form of Special Disclosure of Pecuniary Interest, E2012/2815 

Report

The current process for the closure of Council-owned roads depends on the ability to obtain consent for a subdivision certificate granted through a Development Application.

5 Since the responsibility of road closures was transferred to Council, issues have arisen in the closure of roads located in areas zoned RU1 or RU2. It is also a problem in any other zone that has a 40 ha Minimum Lot Size. That is, subdivision of a road cannot occur due to the land area not being able to meet the required Minimum Lot Size specified in the Byron LEP 2014. Road closures do not meet any of the exceptions to minimum lot size in the LEP, and therefore cannot be finalised as the appropriate consents are unable to be
10 obtained. Council is unable to fulfil its obligation under s38A of the Roads Act 1993.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 permits road widening as exempt development but does not permit road subdivision (and closure) as exempt development.

15 Other North Coast Councils that have commenced a similar LEP amendment include Bellingen and Nambucca. Camden Council successfully amended its LEP in November 2022 to make public road subdivision exempt development.

Key issues

20 There are a number of sites in rural locations where Council can't proceed to close a section of surplus public road because it can't obtain a subdivision certificate (due to minimum lot size requirements) and consequently a development application cannot be approved.

By making public road subdivision 'exempt' Council will be able to issue the subdivision certificate. This in turn will allow roads to be closed more expeditiously and if appropriate sold to neighbouring landowners.

25 Exhibition

30 The planning proposal was exhibited from 29 January 2025 to 27 February 2025 in accordance with the Gateway Determination. During the exhibition period, one (1) public submission was received in support of the proposal. One agency submission was received with no issues. Table 1 and 2 provide a summary of the submissions received and Staff comments in relation to the items raised. A copy of the public submission is contained in Attachment 2 to this report.

Table 1: Summary of public submissions and staff response

Item #	Submission Issues	Staff comment
	Submitter: Pam and Michael Lang	
Item 1	“The approval of this change to the LEP is common sense and creates a win, win situation for both small rural landowners like ourselves wishing to purchase closed roads to add to their small holdings and also for Byron Shire Council who can be left with small parcels of land which is excess to their needs and often a problem to keep clean. The approval of this change to the LEP is certainly has our approval.”	Noted

Government agencies were consulted in accordance with the Gateway Determination and a summary of the RFS response is provided in Table 2.

Table 2 - Agency Consultation

Agency Name	Submission Issues and Staff comment (where applicable)
New South Wales Rural Fires Service	The NSW RFS has considered the information submitted and subsequently raise no concerns or issues in relation to bush fire.

5 Next steps

Pending Council’s adoption, the planning proposal will be sent to Parliamentary Counsel for legal drafting; Council exercises its plan making functions; and the Planning Proposal will then be sent to the Department of Planning, Housing and Infrastructure for notification.

Strategic Considerations

10 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	5.1.5: Restore road network - Restore the affected parts of the road network that were impacted by the 2022 flood events	5.1.5.10	Implement Road network betterment initiatives in accordance with approved programs

Recent Resolutions

- **24-347** (1 August 2024). Council (Planning) Meeting - Planning Proposal for Public Road Subdivision as Exempt Development. I2024/1102

Legal/Statutory/Policy Considerations

- 5 The Environmental Planning and Assessment Act 1979 outlines Council powers in making and amending LEPs in Division 3.4 Environmental planning instruments—LEPs.

This report is consistent with these provisions.

It is also consistent with the Department of Planning and Environment Local Environmental Plan Making Guideline (August 2023)

10 **Financial Considerations**

Infrastructure Services has funded this planning proposal to ensure this matter is resolved in a timely manner.

Consultation and Engagement

- 15 The post-Gateway public exhibition of the planning proposal occurred in accordance with the Gateway Determination for a period of 28 days concluding on 27 February 2025.

The outcome of the community engagement process has been outlined within this report.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.10 Byron Shire Integrated Transport Plan

Directorate: Infrastructure Services

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

File No: I2025/281

Summary:

10 The purpose of this report is to seek Council endorsement of the new Byron Shire Integrated Transport Plan (ITP) project program and structure. This document has been planned for several years and discussed at various Advisory Committee and Council meetings but has been on hold, pending Transport for NSW (TfNSW) availability.

15 As TfNSW have recently commenced work on the North Coast Strategic Regional Integrated Transport Plan (SRITP), it is an opportune time to commence work on the Byron Shire ITP as this information will feed into the higher level SRITP. The Byron Shire ITP is being drafted by Infrastructure Planning staff in collaboration with Transport for NSW.

20 The purpose of the document is to provide a 20 year plan for Byron Shire transport which aligns with NSW state transport planning. The ITP will also consolidate a number of Council resolutions, Operational Plan actions, Council documents and key projects. The key categories to be included are:

- Road safety
- Freight and services
- Active transport (i.e. walking and cycling)
- Public transport
- 25 • Parking

30 The current project program aims to report a draft document to the Transport and Infrastructure Advisory Committee in June, followed by Council in August. The ITP will then be issued for community consultation and a final version submitted to Council for adoption before the end of 2025.

RECOMMENDATION:

35 **That Council endorses the proposed Byron Shire Integrated Transport Plan project program and structure.**

Report

5 The purpose of this report is to seek Council endorsement of the new Byron Shire Integrated Transport Plan (ITP) project program and structure. This document has been planned for several years and discussed at various Advisory Committee and Council meetings but has been on hold, pending Transport for NSW (TfNSW) availability.

As TfNSW have recently commenced work on the North Coast Strategic Regional Integrated Transport Plan (SRITP), it is an opportune time to work on the Byron Shire ITP as this information will feed into the higher level SRITP.

10 The purpose of the document is to provide a 20 year plan for Byron Shire transport which aligns with NSW state transport planning. The ITP will also consolidate a number of Council resolutions, Operational Plan actions, Council documents and key projects.

Key categories to be included are outlined below.

1. Road Safety

- 15
- Current state and future planning for safety and traffic management of the road network
 - Key project areas such as regional roads, high risk intersections, etc
 - Shire wide speed limit strategy based on the TfNSW Movement and Place Framework (e.g. 10kph shared zones, 30kph High Pedestrian Activity Areas, 40kph local traffic areas)

20

2. Freight and services

- Heavy vehicle access to and within industrial and commercial areas (particularly Bangalow, Mullumbimby and Byron)
- Route improvements (e.g. Mullumbimby heavy vehicle route)

25

3. Active transport

- Completion of the draft Active Transport Plan
- Identify key projects such as the Rail Trail, Mullum to Bruns cycleway, Lennox to Byron cycleway, Bangalow to Ballina shared path, etc.

30

4. Public transport

- Current state and future planning for public transport including community awareness of existing services, investigation of service demand and demographics, potential of on-demand bus services and bus stop network locations/improvements

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- Engagement/advocacy with bus operators and TfNSW, given Council has minimal impact on this commercial arrangement

5. Parking

- 5
- Current state and future planning for parking including pay parking, parking studies, EV charging locations, permit schemes, congestion taxes, etc

Project Program

Milestone / Deliverable	Completion Date
Working Group – Initiation meeting in-person	3 October 2024
Project Team – Initiation meeting	17 October 2024
Working Group – Project Plan review	25 November 2024
Council Meeting - Councillor endorsement of ITP project	28 November 2024
Project Team - Communications / Stakeholder Engagement Plan	16 January 2025
Steering Group – Project introduction and Project Plan review	21 January 2025
Cr Workshop	6 March 2025
Steering Group & ET – Draft ITP for review	30 April 2025
Transport & Infrastructure Advisory Committee – Draft ITP for review	19 June 2025
Council Meeting - ITP submitted to Councillors for endorsement prior to consultation	28 August 2025
Project Team - ITP issued for community consultation	11 September 2025
Steering Group – Final ITP for review	11 November 2025
Council Meeting – Final ITP submitted to Councillors for adoption	27 November 2025

10 Governance Structure

Group	Members	Purpose	Meeting Frequency
Project team	Shelley Currie (BSC Road Safety Officer) TfNSW Senior Transport Planner	Writing and researching the ITP	Every 2 weeks
Working group	Project team Euan Rose (Infrastructure Planning)	Provide regular governance and reporting oversight on the delivery of the	Monthly

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Group	Members	Purpose	Meeting Frequency
	Coordinator) Sam Frumpui (Manager Works) TfNSW Senior Manager Transport Planning	ITP	
Steering group	Project team Working group Chris Soulsby (Manager Assets & Major Projects) Andrew Fitzgibbon (Place Planning Coordinator) Steve Daniels (Senior Planner Land Use) Rachel Thatcher (Sustainability Officer) Claire McGarry (Byron Bay Place Manager) Jessica Mitchell (Social Media & Communications Officer) Charlotte Hayes (Digital Communications Officer) Phil Holloway (Director Infrastructure Services) TfNSW A/Director Planning North	Provide strategic oversight and final approval of the ITP	As required / key milestones

Strategic Considerations

Community Strategic Plan and Operational Plan

This document aligns with OP action 5.2.3.5 shown below. All other OP actions that relate to this are also listed below.

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5: Connected Infrastructure	5.2: Connect the Shire through integrated transport services	5.2.3: Traffic management and reduced car dependence - Develop transport infrastructure and services that are accessible to all and meet a diverse range of needs and community expectations	5.2.3.5	Develop an Integrated Transport Plan in collaboration with Transport for NSW
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	5.2: Connect the Shire through integrated transport services	5.2.3: Traffic management and reduced car dependence - Develop transport infrastructure and services that are accessible to all and meet a diverse range of needs and community expectations	5.2.3.4	Manage public car share program
5: Connected Infrastructure	5.2: Connect the Shire through integrated transport services	5.2.4: Parking - Manage parking through effective controls that support Movement and Place Plans and are coordinated with other initiatives such as park and ride	5.2.4.1	Undertake regular and frequent parking patrols to increase availability and turnover in the town and village centres and compliance with mobility parking
5: Connected	5.2: Connect	5.2.4: Parking - Manage	5.2.4.2	Byron Bay Pay

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CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Infrastructure	the Shire through integrated transport services	parking through effective controls that support Movement and Place Plans and are coordinated with other initiatives such as park and ride		Parking system operations
5: Connected Infrastructure	5.2: Connect the Shire through integrated transport services	5.2.4: Parking - Manage parking through effective controls that support Movement and Place Plans and are coordinated with other initiatives such as park and ride	5.2.4.7	Investigate opportunities to expand Byron Bay pay parking into Somerset Street, Wordworth Street (south) and Old Hospital Precinct and Belongil Beach Precinct
5: Connected Infrastructure	5.2: Connect the Shire through integrated transport services	5.2.4: Parking - Manage parking through effective controls that support Movement and Place Plans and are coordinated with other initiatives such as park and ride	5.2.4.8	Review and provide detailed study report of pay parking in Mullumbimby
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	5.3.1.4	Review and update 10-year Active Transport renewal and upgrade program
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	5.3.1.10	Traffic, Transport and Active Transport Asset Condition Review
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
5: Connected Infrastructure	5.3: Invest in renewable energy and	5.3.2: Electrification opportunities - Explore electrification	5.3.2.3	Investigate an Electric Vehicle transition plan for

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CSP Objective	CSP Strategy	DP Action	Code	OP Activity
	emerging technologies	opportunities as they arise		Council's vehicle fleet

Recent Resolutions

- 20-450
- 23-122
- 5 • 24-303
- 24-443
- 24-469
- 24-540

Legal/Statutory/Policy Considerations

10 Not applicable

Financial Considerations

Not applicable

Consultation and Engagement

15 In addition to the internal governance structure noted above, the Byron Shire ITP will also be submitted to the Transport and Infrastructure Advisory Committee and to the community for feedback via the "Your Say" online survey.

Report No. 13.11 Byron Bay Drainage Upgrade - Town Centre Design and Construction

Directorate: Infrastructure Services

5 **Report Author:** Daniel Strzina, Project Engineer
Christopher Soulsby, Manager Assets & Major Projects
Claire McGarry, Place Manager - Byron Bay

File No: I2025/293

Summary:

10 Council is upgrading drainage in Byron Bay to reduce the impacts and frequency of flooding in the town centre. Byron Bay has a history of flooding during heavy rain, compounded by low terrain, ocean levels, the Belongil Creek and aging infrastructure.

15 Council has received close to \$20 million in funding for the construction of drainage upgrades, jointly funded by the Australian and NSW governments through the Infrastructure Betterment Fund as well as the Australian Government's Emergency Response Fund.

Council has made significant progress on the drainage improvements using these funds, with the Lawson Street works completed and the Sandhills Wetlands under construction and due for completion in August 2025.

20 Since the award of this funding, Council has progressed with detailed design of the town centre component of the works, and tested the market by releasing an Expression of Interest (EOI) to construction companies to identify:

- a) Availability of appropriate construction teams for works on this scale; and
- b) The escalation of construction costs since concept plans were endorsed.

This report:

- 25
- seeks endorsement of the completed detailed design for the drainage works;
 - recommends a reallocation of funding to prioritise town centre works;
 - details the construction timing and constraints;
 - details the proposed procurement methodology; and
 - outlines stakeholder engagement to date and proposed.



30 It also seeks delegation for staff and the General Manager to undertake a number of activities that will enable construction to begin in the quiet and dry winter period of 2025.

RECOMMENDATION:

5 **That Council:**

1. **Endorses the completed Detailed Design for the Town Centre component of the Byron Bay Drainage Upgrade (Attachment 1);**
2. **Endorses the reallocation of grant funding to prioritise town centre upgrades, subject to agreement from funding bodies;**
- 10 3. **Grants the Mayor and General Manager delegation to lobby State and Federal governments for additional funding to enable Council to complete the full scope of drainage upgrades in Byron Bay;**
4. **Undertakes a selective tender process for the Byron Drainage Upgrade - Town Centre Construction, inviting the preferred suppliers identified in the EOI evaluation report (Attachment 2), subject to amendment of the funding deeds and resulting availability of funding;**
- 15 5. **Grants the General Manager delegation to award Contract 2024-2448 - Byron Drainage Upgrade - Town Centre Construction, so long as the works are within the allocated budget; and**
- 20 6. **Grants the General Manager delegation to enable staff to negotiate the market relocation and associated licence terms and conditions, based on the market's previous footprint and operations on the foreshore.**

Attachments:

- 25
- 1 Byron Drainage Town Centre 100% Detailed Design - Issued for Tender Drawing Set, E2025/29039 
 - 2 Confidential - Evaluation Panel Recommendation Report - Town Centre EOI Byron Drainage, E2025/14316
 - 30 3 QC2003_008-REP-001-1 Byron Bay Drainage Upgrade Town Centre Stormwater Management Plan, E2025/26679 
 - 4 Confidential - Confidential Attachment Town Centre Drainage EOI Funding, E2025/28412

Report

History

The Byron Bay Drainage Upgrade Project (BBDUP) is a Floodplain Management Measure in the Council's adopted Belongil Creek Floodplain Risk Management Plan (2015).

- 5 In December 2023, Council endorsed the concept designs for the Byron drainage upgrades ([Report I2023/1229](#), [Res. 23-621](#)) and work commenced on the detailed design of the gravity network.

Detailed design for the town centre component of the works is now complete, and an 'Issued for Tender' set of drawings has been attached to this report for endorsement.

- 10 Council engaged engineering design consultants Engeny to undertake the modelling and detailed design for Byron Bay town centre drainage upgrades as part of the Preferred Byron Drainage Strategy. This scope involved an in-depth analysis and redesign of the town centre surface and subsurface stormwater management system, including the road reserves on parts of Byron St and Fletcher St.
- 15 Council resolved ([res. 23-621](#)) to proceed with the gravity network first as a stand-alone system that can operate without the pump stations and levees, allowing these to be added at a later stage. The gravity drainage only option in the Town Centre achieves a similar number of flood improved properties as the original design upgrade scenario using pumps. This issue was addressed in the December 2023 report to Council.
- 20 The detailed design scope deliverables include:
- Gravity drainage design for the Town Centre
 - Road reserve design for:
 - Byron Street, from Jonson Street to Fletcher Street, and
 - Fletcher Street, from Byron Street to Lawson Street

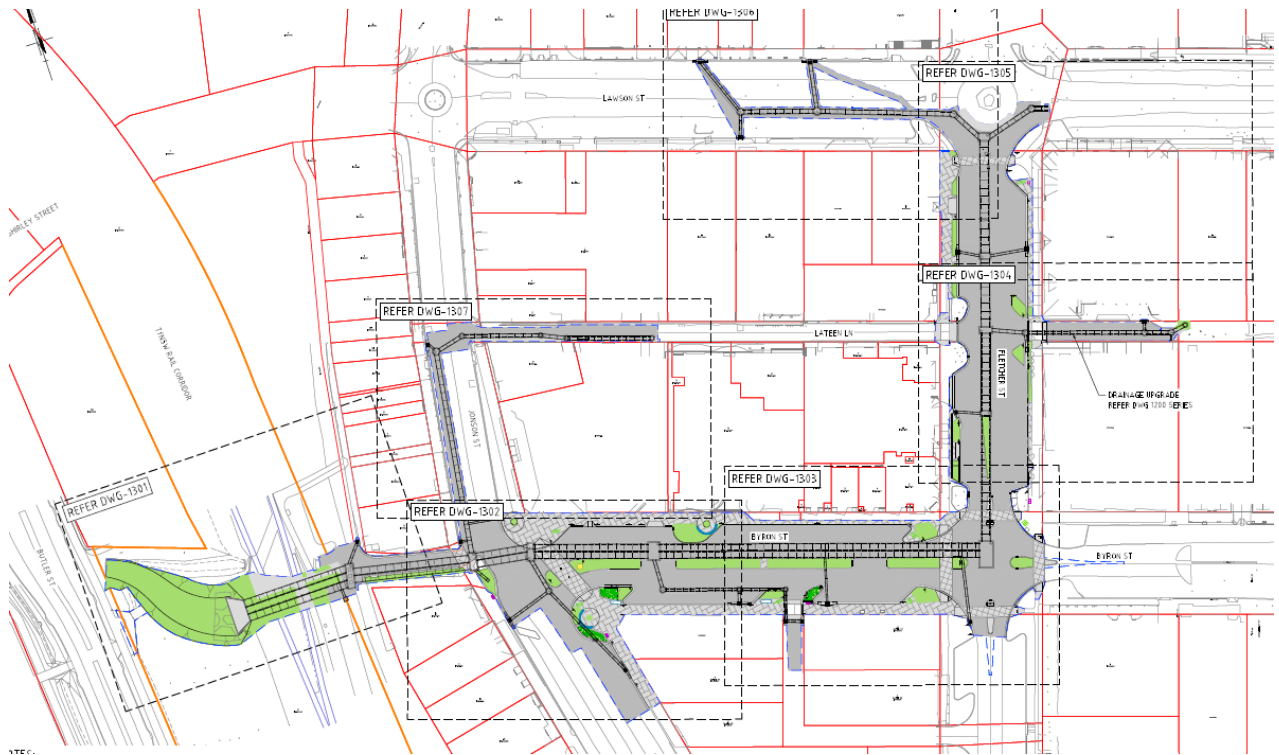


Figure 1 - Byron Drainage Upgrade - Town Centre Scope

The objectives/outcomes of this project include, but are not limited to:

- Improve drainage and mitigate flooding issues
- 5 • Optimise drainage asset lifecycle costs
- Improve pedestrian amenity including DDA-compliance
- Include placemaking features where opportunities arise
- Provide value for money for Council, stakeholders, and ratepayers
- Minimise disruption to road users and business owners in the vicinity
- 10 • Undertake any design works required to complete the scope of works

An Issued for Tender set completed (Attachment 1) for endorsement prior to procurement of a construction contractor.

Detailed Design

Drainage Improvements and Flood Mitigation

- 15 The latest revision of the detailed design was used in the latest flood model run by Engeny. Full details on flood and water quality improvements can be sourced from the Byron Bay Town Centre Drainage Upgrade Stormwater Management Plan (Attachment 3).

The results demonstrate that in the 10% Annual Exceedance Probability (AEP) design storm, 15 (out of 17) of the flood impacted buildings in Town Centre would be protected by implementation of the detailed design. These results are consistent with the previously endorsed concept design.

- 5 The flood level afflux results show significant improvements within the town centre for the 10% AEP and 1% AEP design storm events. Reductions of the peak flood level range between 0.11m and 0.31m across the Town Centre.

10 The number of flooded properties and buildings for the Baseline Scenario (current drainage network) and Stage 1 Upgrade Scenario (detailed design proposed) across the Town Centre (Stage 1) is provided in Figure 5.2 and Figure 5.3.

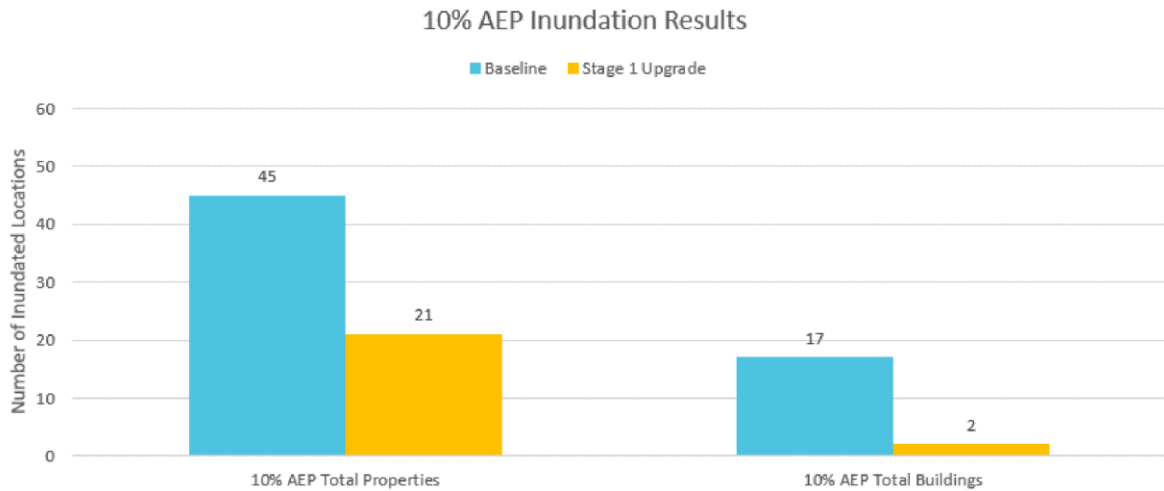


Figure 5.2: 10% AEP Inundation Results

Figure 5.2: 10% AEP Inundation Results

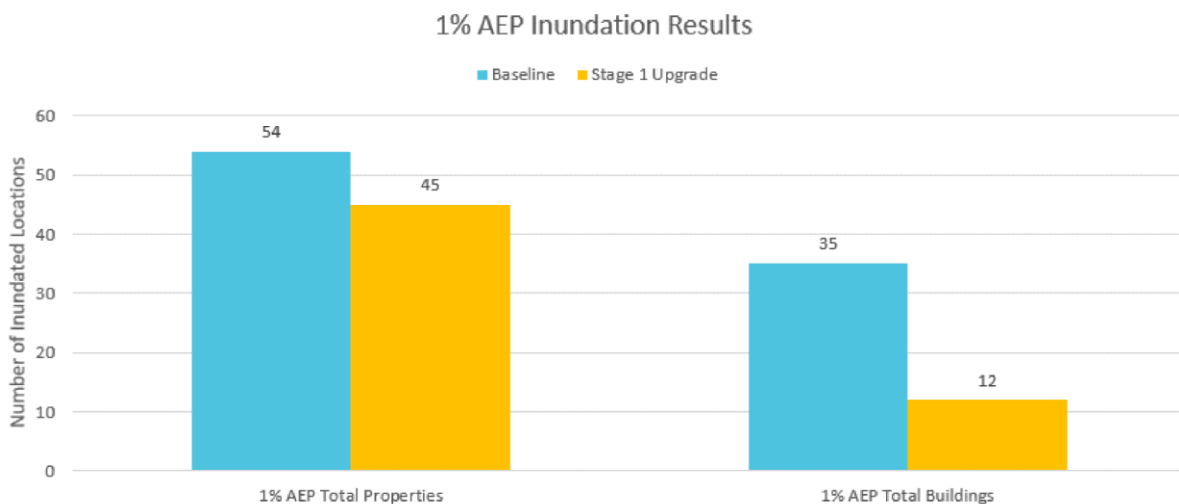


Figure 5.3: 1% AEP Inundation Results

Figure 5.3: 1% AEP Inundation Results

The stormwater quality improvement modelling was undertaken with the following devices included in the detailed design:

- 24 Drain Buddies at grated inlet pits,
- 3 street tree bioretention pits; and,
- 5 • 4 WSUD biopods.

The improvement offered by the integration of these devices is summarised in Table 7.2. The results demonstrate that a measurable improvement to stormwater quality is estimated following the installation of the proposed treatment devices.



Pollutant	Load-Based Reduction (%)
Total Suspended Solids (TSS)	51.3
Total Phosphorus (TP)	49.6
Total Nitrogen (TN)	37.1
Gross Pollutants (GP)	87.5

10 *Table 7.2. Stormwater Quality Improvements*

Road and public space improvements

15 This project requires the reconstruction of critical streets in the town centre, enabling Council to deliver on a number of strategies in the Byron Bay Town Centre Masterplan. Councillors may note that the detailed designs do not include specifications around planting types or sizes, or street furniture. These will be provided by Council’s Open Spaces team in alignment with both the Byron Masterplan and the Byron Design Guide, and will be workshopped with the Byron Masterplan Guidance Group for any additional feedback prior to finalisation.

Masterplan Strategy	Drainage project
<p><u>A traffic-calmed centre</u></p> <p>The town centre is characterised by large streets that at present focus on supporting the large volumes of traffic in and around the centre. A key aim of the masterplan is to redirect traffic away from the centre (which the bypass now does) and introduce traffic calming measures that support a more pedestrian</p>	<p>The design proposes a reconstruction of Byron and Fletcher streets that improves pedestrian-priority through surface treatments.</p>

<p>friendly atmosphere in the town centre.</p>	 <p>PEDESTRIAN THRESHOLD TREATMENT <i>Note: the use of segmental pavers shall be minimal to ensure manageable on-going maintenance</i></p> <p>Improved and consistent pedestrian surfaces and narrowed intersections will naturally encourage drivers to slow down and give way to pedestrians. Raised crossings allow pedestrians and cyclists to move freely through town.</p>
<p><u>A people-prioritised centre</u></p> <p>People should be prioritised within the centre as they are the key component of a vital town centre. Walking is first and foremost a type of transportation, but it also provides an opportunity to spend time in the public realm. As such, streets should be welcoming to all of us.</p>	<p>The project increases the public space available for impromptu socialising by reclaiming a small number of carparks for gardens, seating and bike racks. “Leftover” spaces have been reconsidered to extend pedestrian space and green spaces.</p>  <p>CUSTOM ARCED TIMBER SEAT Finish: Australian HW- eg spotted gum Height: 450mm Width: Varies</p>
<p><u>A rich tree network</u></p> <p>The town centre is home to a number of significant and mature street trees. The masterplan aims to build on this solid foundation to</p>	<p>Additional street tree plantings along the Byron Street median will improve visual quality and provide additional shade to create cooler streets.</p> <p>Integrated low-shrub planting areas define zones, increase biodiversity and enhance overall street amenity, celebrating the local character and</p>

<p>create a truly green town centre that will have a range of benefits for the community and local wildlife.</p> <p>Increasing street tree plantings improves the visual quality of streets and provides pedestrian amenity.</p>	<p>environment.</p>  <p>ANIGOZANTHOS Kangaroo Paw</p>
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Byron Street Clock Tower

The Clock Tower in Byron Street (outside the Great Northern) was erected in 1992 with funds generated by Rotary. The Clock Tower is a Council asset and is maintained by Council.

- 5 The clock tower sits directly over the existing drainage system on Byron Street and will need to be relocated in order for the drainage works to proceed. It will be reconstructed in a similar location, although slightly to the west to remove the conflict with overhead electrical cables which have historically made maintenance difficult.
- 10 Staff have discussed the need for demolition and reconstruction with both the Rotary and Byron Masterplan Guidance Group, and will continue to workshop designs with these groups.

Construction timing and constraints

15 Construction of this scope of works is complex and multifaceted, involving significant excavation, sheet piling, dewatering, drainage installation, service relocation and road reconstruction works in some of the town’s main streets. Impacts on community and businesses will be significant, and consultation with the community has been undertaken during the design process to raise awareness and understanding of the disruption that will occur. Impact mitigation measures have been stipulated in the Expression of Interest (EOI) and Request for Tender (RFT) documents to ensure that disruption to residents and businesses is minimised as much as possible.

25 Timing of construction is important because of the need to construct the low-lying components during the drier months (typically July through to November inclusive). Working outside these months can cause significant delays and additional costs to the project due to rain and resulting site water management. An additional complication is the need to expend these funds by the 14 November 2025 deadline set by the TfNSW Infrastructure Betterment Fund (IBF), who has committed ~\$7M towards construction.

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One of the impact mitigation measures stipulated in the EOI and RFT is that construction on CBD road reserves shall not take place in December or January. This is for the benefit of local businesses but adds further constraint on the timeline for effective construction, putting more pressure on the project to achieve a June 2025 start date.

- 5 Current estimates forecast that construction is likely to take 14-18 months to complete depending on construction methodologies.

Funding

Council needs to be satisfied that there are sufficient funds available prior to moving to tender the works.

- 10 The TfNSW Infrastructure Betterment Fund (IBF) grant has committed \$7,030,858.00 towards construction of the town centre drainage upgrades. This includes \$903,883.06 spent on construction of the Lawson Street section.

- 15 Council has engaged a quantity surveyor to provide a rigorous cost estimate to complete the works including the contactors price and Council's project management costs and contingency. The quantity surveyors costs are addressed in Confidential Attachment 4 Town Centre Drainage EOI Funding.

- 20 Council sought clarifications on pricing from the contractors for certain elements of their submissions. This has resulted in revised pricing. These revised prices vary from the Evaluation Panel Recommendation Report (Confidential Attachment 2) and are addressed in confidential attachment 4.

A resolution is also sought to grant the Mayor and General Manager delegation to lobby State and Federal governments for additional funding to enable Council to complete the full scope of the Byron drainage works inclusive additional drainage work in the Recreation Grounds Catchment, which would require an additional \$10 million investment.

25 Procurement Methodology

In parallel to the development of the design, a request for expression of interest (EOI) process was undertaken to attract and evaluate prospective tenderers for the construction of the town centre component of the works using the 80% design.

- 30 Due to the complexity of the project and risk associated with delays, a request for EOI was used to shortlist potential suitable contractors ahead of the finalisation of the detailed design.

- 35 The request sought responses from potential tenderers to provide proposals to construct the works as defined by the 80% detailed design drawings. The shortlisted companies if successful, would be invited back to submit a fixed price tender based on the Issued for Tender drawing set.

The request for EOI was advertised on VendorPanel Online from 13 December 2024 to 29 January 2025.

Responses have been assessed in accordance with the provisions of the Local Government (General) Regulations 2021 and the evaluation report has been attached to this report as a confidential attachment (Attachment 2).

5 This report seeks endorsement to undertake a selective tender process for the town centre drainage upgrades, inviting the satisfactory suppliers identified in the evaluation report to submit construction tenders. It also seeks delegation to the General Manager to award a construction tender if it is within the allocated budget, without requiring further reporting to Council for tender award.

Consultation

10 Byron bay businesses

Staff have been actively engaging with the community and local businesses on this project for 12 months, with a focus on the project being essential flood mitigation works. Directly impacted businesses have been offered one-on-one information sessions with staff to discuss construction impacts and access requirements for their businesses. The project team have built a database of email and phone contacts for businesses within the construction footprint, and any businesses or community members interested in the project have been encouraged to sign up for project-specific email updates on the [project website](#).

20 In addition, multiple social media posts, Community E-News, and media releases have been distributed as part of the engagement activities related to the Byron Drainage and associated projects.

Workshopping design

Throughout the detailed design process, the team has workshopped designs and sought feedback from the Byron Masterplan Guidance Group, and through Councillor workshops.

- 25 • Briefings with Masterplan Group – June 2023, April 2024, May 2024, June 2024, August 2024, October 2024, December 2024.
- Councillor workshops – October 2023, November 2023, November 2024

The below table summarises engagement activities completed to date and those proposed during the next stage of the project.

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Date	Engagement Activity Completed
March 2024	Letter to businesses and residents introducing the project
May 2024	Stalls at Farmers and Community Markets introducing the project and upcoming Potholing and Geotechnical investigation works in the Town Centre
June 2024	Letter to business and residents re Potholing and Geotechnical investigation works
July 2024	Face to face engagement (walk ins and meetings) with directly impacted businesses for Potholing and Geotechnical investigation works
September 2024	Commencement of Lawson Street works – Ongoing engagement with directly impacted businesses
September 2024	Letter to businesses and residents introducing the project and providing contact details to contact Council for more information
September to November 2024	Face to face engagement with businesses within the project alignment (Jonson, Byron, Fletcher & Lawson St west) introducing the project, follow up from letter
September/ October 2024	Met with key stakeholders including Byron Chamber of Commerce and Byron Community Markets & Byron Masterplan Group to discuss the project
February / March / April 2025	Recommence direct engagement meeting with directly impacted businesses to discuss operational needs during works
Date	Engagement activity planned
May 2025	Stalls at Farmers and Community Markets promoting the project and works commencing
May 2025	Letters, E-news, email, social media and media release, face to face to announce project works commencing
June 2025	Introducing contractor to businesses

Byron Community Market

Staff have been working with the Byron Community Market management on how best to manage the anticipated construction impacts of the drainage works, particularly through the rail corridor and South Lawson Street carpark. Initially, construction impacts for the markets were estimated to be 2 months and all parties agreed that the simplest approach would be to postpone the two impacted markets to later in the year.

As detailed design has progressed and we have further clarity around construction methodology and staging, it has become evident that the construction impact around the rail precinct is likely to be closer to 6 months, meaning relocation of the market will be required. Staff have discussed this with the market managers who believe they can accommodate relocation back to the foreshore for the construction period. This report recommends giving the General Manager delegation to enable staff to negotiate the relocation and associated licence terms and conditions, based on the market's previous footprint and operations on the foreshore.

15 Next steps

Following resolution, staff will seek to amend the NRRRP funding deeds with the NSW Reconstruction Authority to make available funding to go to tender.

Council will then proceed with procurement of one of the shortlisted construction contractors by the selective tender method to deliver the endorsed plans under a GC21 contract.

In parallel, the General Manager will lobby State and Federal governments for additional funding to enable Council to complete the full scope of the works.

Financial Considerations

This report seeks endorsement to vary funding allocations to prioritise the town centre works using the State and Federal government funding available.

Statutory and Policy Compliance Considerations

The request for EOI and selective tendering process will be undertaken in accordance with Council's Purchasing and Procurement Policy, and the provisions of the Local Government (General) Regulation 2021.

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

A resolution is sought to delegate power to award the selective tender, so long as the tender amount is within the project budget.

A resolution is also sought to grant the General Manager delegation to lobby State and Federal governments for additional funding to enable Council to complete the full scope of the BBDUP works.

Local Government (General) Regulation 2021 - Reg 178

Acceptance of tenders

178 *Acceptance of tenders*

- 5 (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.*
- 10 (1A) *Without limiting subsection (1), in considering the tender submissions for a proposed contract for the performance of domestic or other waste management services, the council must take into account whether or not existing workers (within the meaning of section 170) will be offered employment or engagement on terms and conditions comparable to those applicable to the workers immediately before the tender submissions.*
- 15 (2) *A council must ensure that every contract it enters into as a result of a tender submission accepted by the council is with the successful tenderer and in accordance with the tender (modified by any variation under section 176). However, if the successful tender submission was made by the council (as provided for in section 55(2A) of the Act), the council is not required to enter into any contract in*
- 20 *order to carry out the requirements of the proposed contract.*
- (3) *A council that decides not to accept any of the tender submissions for a proposed contract or receives no tender submissions for the proposed contract must do one of the following—*
- (a) *postpone or cancel the proposal for the contract,*
 - 25 (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,*
 - 30 (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,*
 - 35 (f) *carry out the requirements of the proposed contract itself.*
- (4) *If a council resolves to enter into negotiations as referred to in subsection (3)(e), the resolution must state the following—*

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13.11

- (a) *the council's reasons for declining to invite fresh tender submissions or applications as referred to in subsection (3)(b)–(d),*
 - (b) *the council's reasons for determining to enter into negotiations with the person or persons referred to in subsection (3)(e).*
- 5 Council's endorsement of the recommendation to give the General Manager delegation to award the tender for the construction works is sought.

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 Report of the Arts Advisory Committee Meeting held on 20 February 2025

5 **Directorate:** Corporate and Community Services
File No: I2025/214

Summary:

10 The Arts Advisory Committee met on 20 February 2025. The Minutes of this meeting are attached for noting by Council.

RECOMMENDATION:

15 **That Council notes the minutes of the Arts Advisory Committee Meeting held on 20 February 2025.**

Attachments:

20 1 Minutes 20/02/2025 Arts Advisory Committee, I2025/182 

Report

The attachment to this report provides the minutes of the Arts Advisory Committee Meeting of 20 February 2025 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [Agenda of Arts Advisory Committee Meeting - Thursday, 20 February 2025](#)

The following items were considered by the Committee:

Report No. 4.1 Integrated Planning and Reporting

- 10 This report provided an overview of Council's Integrated Planning and Reporting Framework and invited discussion on priority areas in the arts for inclusion in Council's delivery program. This report was noted by the Committee. There was no Council recommendation required.

Report No. 6.1 Committee Arts and Culture Overview

- 15 This Report was a "For Information" report with the purpose to provide the incoming Committee Members with general information about Council's involvement in Arts and Culture and relevant plans and policies. There was no Committee recommendation required.

Financial Implications

As per the Reports listed within the Arts Advisory Committee Meeting of 20 February 2025.

Statutory and Policy Compliance Implications

- 20 As per the Reports listed within the Arts Advisory Committee Meeting of 20 February 2025.

Report No. 14.2 Report of the Finance Advisory Committee Meeting held on 20 February 2025

Directorate: Corporate and Community Services

File No: I2025/215

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Summary:

The Finance Advisory Committee met on 20 February 2025. The Minutes are attached for noting by Council.

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RECOMMENDATION:

1. That Council notes the minutes of the Finance Advisory Committee Meeting held on 20 February 2025.

2. That Council adopts the following Committee Recommendation:

Report No. 4.1 Budget Review - 1 October to 31 December 2024
File No: I2025/134

Committee Recommendation 4.1.1

That Council:

1. Authorises the itemised budget variations as shown in Attachment 2 (#E2025/15611) which include the following results in the 31 December 2024 Quarterly Review of the 2024/2025 Budget:
 - a) General Fund – \$75,500 decrease to the Estimated Unrestricted Cash Result
 - b) General Fund - \$9,502,200 increase in reserves
 - c) Water Fund - \$671,600 increase in reserves
 - d) Sewerage Fund - \$1,405,200 increase in reserves
2. Adopts the revised General Fund Estimated Unrestricted Cash Surplus of \$400,000 for the 2024/2025 financial year as at 31 December 2024.

15

BYRON SHIRE COUNCIL

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

14.2

Attachments:

- 1 Minutes 20/02/2025 Finance Advisory Committee, I2025/181 

5

Report

The attachment to this report provides the minutes of the Finance Advisory Committee Meeting of 20 February 2025 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [Agenda of Finance Advisory Committee Meeting - Thursday, 20 February 2025](#)

The following items were considered by the Committee:

Report No. 4.1 Budget Review - 1 October to 31 December 2024

- 10 The report was prepared to comply with Section 203 of the *Local Government (General) Regulation 2021* and to inform Council and the community of Council's estimated financial position for the 2024/2025 financial year, reviewed as at 31 December 2024

Report No. 4.2 Natural Disaster Recovery - Financial Reporting

- 15 The report provided a background and a financial update to the Finance Advisory Committee on Council's response to infrastructure recovery following recent Natural Disasters with a particular focus on AGRN 1012 – February/March 2022 flood events given the scale and damage caused by that event.

Financial Implications

As per the Reports listed within the Finance Advisory Committee Meeting of 20 February 2025.

Statutory and Policy Compliance Implications

- 20 As per the Reports listed within the Finance Advisory Committee Meeting of 20 February 2025.

5 **Report No. 14.3 Report of the Climate Change and Resource Recovery Advisory Committee Meeting held on 20 February 2025**

Directorate: Sustainable Environment and Economy

File No: I2025/294


Summary:

10 This report provides the minutes of the Climate Change and Resource Recovery Advisory Committee meeting held on 20 February 2025.

RECOMMENDATION:

15 1. **That Council notes the minutes of the Climate Change and Resource Recovery Advisory Committee Meeting held on 20 February 2025.**

Attachments:

20 1 Minutes 20/02/2025 Climate Change and Resource Recovery Advisory Committee, I2025/151 

Report

The attachment to this report provides the minutes of the Climate Change and Resource Recovery Advisory Committee Meeting of 20 February 2025 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 https://byron.infocouncil.biz/Open/2025/02/CCRR_20022025_AGN_2036.PDF

The following items were considered by the Committee:

Report No. 3.1 Confirmation of the Minutes of the 9 May 2024 Climate Change and Resource Recovery Advisory Committee Meeting

The Committee acknowledged the minutes of the previous meeting, held on 9 May 2024.

10 **Report No. 4.1 Integrated Planning and Reporting**

The report provided the Committee with an update on Council's priorities as identified by Councillors for the 2025 – 2029 Delivery Program.

Report No. 4.2 Community Battery Project Working Group

- 15 The Committee nominated Cr Hauge to be the Chair of the working group enabling Cr Hauge to work with staff to invite representatives from Zero Emissions Byron, Bayside Community Group, Electrify 2479-83, Plan C, CHUBS, Essential Energy. Meeting frequency and locations to be determined at the first meeting.

Financial Implications

- 20 As per the Reports listed within the Climate Change and Resource Recovery Advisory Committee Meeting of 20 February 2025.

Statutory and Policy Compliance Implications

As per the Reports listed within the Climate Change and Resource Recovery Advisory Committee Meeting of 20 February 2025.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.4 Report of the Floodplain Risk Management Advisory Committee Meeting held on 20 February 2025

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Directorate: Infrastructure Services

File No: I2025/232

Summary:

10 The attachment to this report provides the minutes of the Floodplain Risk Management Advisory Committee Meeting of 20 February 2025 for determination by Council.

RECOMMENDATION:

15 1. That Council notes the minutes of the Floodplain Risk Management Advisory Committee Meeting held on 20 February 2025.

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

Report No. 4.1 Integrated Planning and Reporting
File No: I2025/128

Committee Recommendation 4.1.1

That the Floodplain Risk Management Advisory Committee:

1. Notes Council's Integrated Planning and Reporting Framework
2. Discusses at our May meeting the priorities for the 2025 – 2029 Delivery Program

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

**Report No. 4.2 Byron Shire Council Flood Risk Management Plan-Update on
Actions and Accomplishments - Post 2022 Flood Priorities**

File No: I2025/73

Committee Recommendation 4.2.1

The Floodplain Management Advisory Committee recommend:

- 1. That Council notes and endorses the update on the 2022 Byron Shire Council Flood Mitigation Program, Attachment 2 (E2025/10640).**
- 2. That staff creates a dedicated webpage for current Floodplain Risk Management activities to keep the community well-informed.**
- 3. Staff provides an update on the Post Event Flood Planning Level review (Item 23).**
- 4. Staff provides an update on the Evacuation Assessment for Mullumbimby (Item 12).**
- 5. The committee requests that staff member Annie Lewis be present at the May meeting to discuss community engagement.**

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

Report No. 4.3 Current Status of Flood Resilience Studies and Works

File No: I2025/74

Committee Recommendation 4.3.1

- 1. That the Committee notes the status of the following works being undertaken by Council:**
 - a) Broken Head Road – Evacuation Route**
 - b) Belongil and Tallow flood risk management study and plan update – DCCEEW & BSC**
 - c) Byron Shire overland flow path study – DCCEEW & BSC**
 - d) Billinudgel rail bridge debris options study and implementation – DCCEEW & BSC**
 - e) South Golden Beach Levee Works – NSW Public Works**
 - f) Coogera Basin Upgrade Project – NSW Reconstruction Authority**

g) Byron Preferred Drainage Strategy

h) NSW Severe Weather and Flood Grant AGRN1012 \$2M program

2. That the Committee notes the Council staff endorsement of the Stage 2 – Bangalow Flood Study Report – Calibration and Validation (E2025/9759).
3. That the Chair considers an extraordinary meeting before the May meeting.
4. Update to be circulated to committee members regarding the easement enhancement at South Golden Beach.
5. Scope clarity from public works regarding the South Golden Beach levee.

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

Report No. 4.4 Recommended Flood Grant Applications in May 2025 subject to budget allocation

File No: I2025/102

Committee Recommendation 4.4.1

That Council:

1. Endorses funding Councils component and applying for grant funding through the NSW DCCEEW Floodplain Management Program for the following two (2) projects:
 - a) North Byron Floodplain Risk Management Study and Plan, and
 - b) Bangalow Floodplain Risk Management Study and Plan.
2. Undertakes appropriate community engagement.

Attachments:

- 5 1 Minutes 20/02/2025 Floodplain Risk Management Advisory Committee, I2025/199 

Report

The attachment to this report provides the minutes of the Floodplain Risk Management Advisory Committee Meeting of 20 February 2025 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [Agenda of Floodplain Management Advisory Committee Meeting - Thursday, 20 February 2025](#)

The following items were considered by the Committee:

Report No. 4.1 Integrated Planning and Reporting

- 10 This report provides an overview of Council's Integrated Planning and Reporting Framework and invites discussion on priority areas in the arts for inclusion in Council's delivery program.

Report No. 4.2 Byron Shire Council Flood Risk Management Plan-Update on Actions and Accomplishments - Post 2022 Flood Priorities

- 15 The report provides and update on actions and accomplishments for Post 2022 Flood Priorities.

Report No. 4.3 Current Status of Flood Resilience Studies and Works

The report talks about the current Status of Flood Resilience Studies and Works

Report No. 4.4 Recommended Flood Grant Applications in May 2025 subject to budget allocation

- 20 The report lists the recommended flood grant applications in May 2025.

Report No. 4.5 Performance of Automatic Warning Signs for Water Over Main Arm Road just west of Sherrys Bridge

There was no sufficient time to discuss the report and the matter be deferred to a subsequent committee meeting.

25 Committee Recommendation

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

Financial Implications

- 30 As per the Reports listed within the Floodplain Risk Management Advisory Committee Meeting of 20 February 2025.

Statutory and Policy Compliance Implications

As per the Reports listed within the Floodplain Risk Management Advisory Committee Meeting of 20 February 2025.