

Agenda Ordinary Meeting

Thursday, 27 February 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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15. QUESTIONS WITH NOTICE

Nil

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

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

NOTICES OF MOTION

Notice of Motion No. 9.1 Establishing a Byron Shire Youth Council

5 **File No:** I2025/37

I move:

10 **That Council:**

1. Requests a report from Council staff outlining options for establishing a Youth Council in Byron Shire. This report should explore different options for Youth Council models, funding and grants, and best practices from successful Youth Councils globally. It should also consider accessibility and inclusiveness of different governance and logistical models (e.g. timing and travel for meetings);
2. Engages with youth in the Shire about their preferred model, and the outcomes they would want to see from a Youth Council; and
3. Investigates funding options in the upcoming quarterly budget review.

20 **Signed: Cr Elia Hauge**

Councillor's supporting information:

25 Young people play a vital role in shaping resilient, engaged, and inclusive communities. By re-establishing a Youth Council in Byron Shire, we would provide a formal platform for young residents to participate in local governance, advocate for issues that matter to them, and develop valuable leadership skills.

Community Need

30 Young people in Byron Shire face unprecedented challenges that threaten their ability to remain and thrive in our community. Housing affordability has reached crisis levels, with many young people forced to leave the region despite deep family and community connections. The lack of reliable public transport severely limits access to education, employment, and social opportunities, particularly for youth in our rural villages.

35 Our young people are increasingly anxious about climate change impacts on their future, having already witnessed severe weather events and environmental degradation in their

home region. They question whether we are adequately preparing our community for the challenges ahead and seek meaningful involvement in decisions that will affect their futures. The 2022 flood events particularly highlighted both the vulnerability and resilience of our young people. While many were displaced from homes and schools, youth also emerged as powerful advocates and volunteers in recovery efforts. However, their voices were often missing from formal decision-making processes about recovery and future preparedness.

Benefits to Community and Council

A Youth Council would strengthen Council's decision-making processes by providing direct access to youth perspectives and innovative solutions. Young people bring fresh viewpoints, digital literacy, and contemporary understanding of issues like sustainability, technology, and social inclusion. Their lived experience of current challenges can help Council develop more responsive and future-focused policies.

A Youth Council would provide a forum for young people to have direct, structured input into Council decisions. For example, youth input could enhance:

- Climate action and environmental protection
- Affordable housing solutions
- Public transport improvements
- Mental health support
- Employment opportunities
- Community spaces and facilities
- Community safety initiatives

Councils that meaningfully engage youth in decision-making develop more effective and sustainable policies, particularly around emerging challenges like climate change and technological transformation. Youth councillors can also serve as valuable bridges between Council and the broader youth community, improving communication and engagement.

Benefits to Young People

Participation in a Youth Council offers significant personal and professional development opportunities for young people:

- Leadership skills development
- Experience in governance and decision-making processes
- Public speaking and presentation skills
- Project management capabilities
- Networking with community leaders
- Understanding of local government operations
- Confidence in advocacy and community engagement

Former youth councillors from other regions report lasting benefits including:

- Enhanced employment prospects
- Stronger connection to their community
- Increased civic participation in adult life

- Development of professional networks
- Greater understanding of democracy and governance
- Improved confidence and communication skills

5 Many go on to take leadership roles in their communities or careers, with some pursuing further involvement in local government or community service.

Examples of Youth Councils in Action

Local Experience

10 Byron Shire has a proud history of youth representation, with a Youth Council first established in 2008 (but later disbanded). Current Councillor Elia Hauge served as an inaugural member of Byron's original Youth Council. This demonstrates the long-term benefits of youth engagement in local governance and how early civic participation can lead to ongoing community leadership. In our region, Ballina, Lismore and Tweed Councils have had or currently have active Youth Councils that have achieved valued outcomes and offered a space for youth to contribute to decision making.

15 National and Global Examples

20 The Cairns Youth Council provides a successful model of youth engagement in regional Australia, with monthly meetings addressing crucial issues including mental health, environmental initiatives, and civic involvement. In Ukraine, youth councils have become vital forces in community rebuilding through the Dialogues of Victory initiative, actively contributing to integrating displaced youth and supporting community recovery during wartime. Further, the recent Byron Bay International Film Festival screening of "Future Council" documented eight young environmental advocates engaging with corporate leaders across Europe about sustainability and future planning. The project, which attracted over 1,000 applications from 25 countries, demonstrates young people's capability and desire to participate meaningfully in decision-making about their future.

Key implementation considerations for the staff report include:

- Resourcing within Council's Social & Cultural Planning team
- Integration with existing Council committees and youth programs
- Governance structure and meeting procedures
- Training and mentoring support
- Transport assistance to ensure participation from all areas of the Shire
- Risk management and child safety requirements
- Evaluation framework to measure outcomes

35 In the past, council staff have raised concerns that a youth council would limit council's ability to resource other youth engagement programs. It is suggested that staff consider how the youth council could enhance other youth engagement programs, for example by assisting with project-specific engagement, identifying which projects would benefit from youth engagement, and/or facilitating the roll out of "Youth Say" within their schools and community networks.

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Budget allocations should be considered in the next quarterly review and in the 2025-26 Operational Plan development. Initial costs would include staff coordination time, meeting expenses, training programs, and transport support for regional participation.

- 5 This motion aligns with Council's Community Strategic Plan 2032, particularly Strategy 1.2 "Engage, inform, and involve community in decision making" and Strategy 2.4 "Enrich lifelong learning and education and support services to help young people thrive".

Staff comments

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

- 10 Staff are highly supportive of further efforts to improve and embed community engagement, including youth participation, across Council's activities. Staff echo the view that enhanced youth participation can contribute to more innovative decision-making across a range of complex challenges while also cultivating youth leadership and empowerment.
- 15 In August 2024, the previous term of Council considered a report which provided the outcomes of a review of youth engagement methods to determine the most effective and meaningful way for Council to engage with young people in the Byron Shire.
- 20 Council subsequently resolved **24-423** "*that Council embeds youth engagement into the Community Engagement Strategy and implements the activities outlined in Table 1, with the inclusion of continued exploration of the possibility of a youth council or similar engagement panel.*"
- 25 This current motion is aligned with the latter part of resolution **24-423** and can be incorporated in delivering on Council's commitment to continue ...*exploration of... a youth council or similar engagement panel.*

Background

Council supports youth engagement, leadership and empowerment through the following current and recent activities:

- 30
- 2024 - ongoing: Integrating Youth Engagement across Council operations (Resolution **24-423**). Recent implementation includes engaging children and young people on key strategic planning (e.g. Community Strategic Plan, Disability Inclusion Action Plan) and local projects (e.g. Stan Thompson Playground, Brunswick Heads and foreshore concept designs, Byron Bay.)
- 35
- 2022: Conducted the Byron Youth Survey to inform ongoing engagement, planning and decision-making
 - 2019 - ongoing: Facilitating YouthSay program
 - 2016 - ongoing: Supporting safety initiatives for young people during Schoolies

- 2012 - ongoing: Highly subsidised rent and sub-lease arrangement with Byron Youth Service to enable service delivery to young people
- 2001 – ongoing: Annual \$25,000 donation to Byron Youth Service for delivery of Street Cruise program, current cumulative value \$600,000.

5 A Youth Council refers to a formal, standing body that functions as part of Council's governance structure, where a small group of selected youth leaders meet regularly, engage in discussions, and provide advice across a range of issues.

10 While a Youth Council is one model for supporting youth participation, feedback from local young people indicates it is not preferred as a contemporary youth engagement model. Instead, local young people have told us that they prefer online engagement and episodic in-person engagement opportunities on issues that interest and impact them (Byron Youth Survey Findings, 2023).

15 Best practice in youth engagement sees young people determining the models and mechanisms for engagement. This would see Council's youth engagement approach determined by local young people's feedback and priorities.

Local young people have voiced their preferences for youth engagement mechanisms during focussed consultation undertaken by the Social and Cultural Planning team in 2022 and again in 2024.

TOP 10 HOW YOUNG PEOPLE WOULD LIKE TO BE CONSULTED – TO SHARE OPINIONS, IDEAS, EXPERIENCES AND CHALLENGES WITH COUNCIL

- 1. 69.6%** Surveys
- 2. 30.4%** Online/social media
- 3. 28.6%** Council should visit local schools or places of learning
- 28.6%** Invite us to Council
- 4. 26.8%** Involvement in key Council projects
- 5. 25%** Youth workshops (in person or online)
- 6. 21.4%** Council to partner with youth organisations
- 7. 19.6%** Youth forum
- 8. 16%** Attend community events
- 9. 7.1%** Visit places we hang out
- 10. 3.6%** Other

20 *Figure 1: Byron Youth Survey Findings, (2023). 'How young people would like to be consulted.'*

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NOTICES OF MOTION

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Local youth preferences align with evidence-based approaches that highlight flexibility and diversity of opportunities to optimise participation.

5 Council's biennial YouthSay engagement program draws on these preferences for flexibility and diversity to achieve similar outcomes to a Youth Council, albeit in a contracted, periodic approach. YouthSay involves short-term, structured sessions where participants share their views on issues that matter to them, propose solutions, and influence decisions. Young people work directly with Council staff and leadership on specific topics, leading to tangible outputs and outcomes, such as reports, recommendations, and direct input into Council decision-making. The program is delivered within existing resources and is scheduled for delivery in 2025.

15 As outlined in the August 2024 report to Council, Youth Councils are renowned as being highly resource intensive and would require dedicated staffing and operational resourcing to establish, support and maintain. It is important to acknowledge that Council's previous delivery of a Youth Council was externally funded by NSW Department of Communities and Justice (DCJ). DCJ and other agencies no longer offer this funding program.

20 Further, there are significant considerations around the representation and diversity within Youth Councils. Evidence indicates that Youth Council models are most effective at engaging high-achieving young people that experience socio-economic advantage and are already engaged with leadership roles in other domains e.g. Student Representative Council (SRC). A review of the previous Byron Youth Council's membership over time confirms this trend. Because of their inherent design, it is known that Youth Councils can entrench socio-economic disadvantage and channel scarce resources towards community members who least need support.

25 Local young people have told us that the main participation barrier they face is limited time relative to school, family, work and caring commitments. While staff can take active steps to overcome some logistical barriers, such as meeting timing and transport, other barriers to inclusion (time scarcity, diversity of life experiences, etc.) are bounded by broader structures that need to inform engagement design.

30 Other targeted, sustainable youth participation models are more fit for purpose, by design, to deliver both youth engagement and broader outcomes that align with existing community needs and priorities.

NoM Item 1: Report on Youth Council models

35 In response to previous Youth Council discussions of Council, Resolution **24-423** (August 2024) confirms *that Council embeds youth engagement (...) with the inclusion of continued exploration of the possibility of a youth council or similar engagement panel.*

The request for a report can be met by staff within existing resources in Q1 (Jul-Sep) 25-26.

40 To deliver on Resolution **24-423**, staff will also include best practice engagement options that meet local youth preferences for flexibility and diversity. Alternate engagement options could include a range of contemporary approaches such as Youth Advisory Committees, youth forums, panels or summits, which can offer a flexible model to engage with a broader base of young people in ways and places that that they prefer.

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To support further decision-making, the report will also highlight relevant risks and benefits of models proposed.

NoM Item 2: Youth Engagement

5 The Social and Cultural Planning team undertook engagement activities in 2022 and again in 2024, so further youth engagement needs to acknowledge what has already been voiced by local young people.

Engagement can be delivered by the end of Q4 (June) 2025, however will need to be delivered within existing resources and may therefore be constrained.

10 To deliver on Resolution **24-423**, engagement with local young people about their preferred model(s) of community engagement with Council will include Youth Council models and other best practice options. These models and options should be informed, primarily, by the needs of young people, and the effectiveness of sustaining ongoing and meaningful engagement with Councillors, Council processes and relevant Council officers.

15 Analysis and findings will also draw on the Youth Engagement research project undertaken in 2024. This work saw Council staff engage with local young people, local youth service providers, local governments across the Northern Rivers and other youth-related stakeholders to better understand Council's role in the youth ecosystem.

20 Findings may indicate a role for Council that includes partnership and enabling activities alongside existing organisations that already deliver engagement, leadership and empowerment activities, rather than further direct delivery of youth initiatives by Council.

Financial/Resource/Legal Implications:

NoM Item 3: Budget

25 Council currently has a budget of \$13,400 in the 2024/2025 financial year set aside for Youth Initiatives with \$3,800 of this budget expended at the time of preparing staff comments for this Notice of Motion. Remaining budget can enable proposed engagement activities.

30 Council currently does not have a specific budget set aside for the purposes of delivering a Youth Council and would need to allocate dedicated funding, including staff resourcing, if a Youth Council is to be established. Further costings will be provided in the proposed forthcoming report, and it is suggested that funding allocation be considered once cost estimates are known.

35 At this Ordinary Meeting, Council will also be considering the 31 December 2024 Quarterly Budget Review. This Review has been focused to address funding pressures on core maintenance expenditures for roads and open space assets that may need further focus in the 31 March 2025 Quarterly Budget Review. At this time given these pressures, should Council determine to allocate funds for a Youth Council it will need to decide what existing funding priorities to reduce accordingly to redirect the funding.

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Is the proposal consistent with any Delivery Program tasks?

Yes.

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

PETITIONS

Petition No. 11.1 No Traffic Lights in Suffolk Park

Directorate: Infrastructure Services

5 **Report Author:** Euan Rose, Infrastructure Planning Coordinator

File No: I2025/162

Council has received a petition containing 1091 signatures which states:

“No Traffic Lights in Suffolk Park.

10 *We the undersigned petition the Mayor and Councillors of Byron Shire Council to rescind their vote in favour of traffic lights at the Clifford Street-Broken Head Road intersection in Suffolk Park, and urgently investigate a roundabout as an alternative BEFORE any work begins on traffic lights.”*

Comments from Director Infrastructure Services:

15 Council considered this matter at the 28 November 2024 Ordinary Meeting of Council, where it resolved (**24-533**) that Council:

- 20 1. *Acknowledges the successful grant funding for the Clifford Street/Broken Head Road Intersection Improvement project under the TfNSW Road Safety Program and authorises the General Manager to sign the Funding Deed for the Road Safety Program funding and return to TfNSW by 13 December 2024.*
- 25 2. *Adopts traffic signals as an interim intersection option for the Broken Head Road / Clifford Street intersection; and*
 - a) *Acknowledges the Metis Options Report (November 2024) states that a signalised option will have a worse level of service than a roundabout in 2034*
 - b) *That the detailed design of the signalised intersection be reported back to Council for approval following a Councillor Workshop*
- 30 3. *Considers a roundabout as a long term intersection option for the Broken Head Rd / Clifford St intersection and that staff engage a quantity surveyor to cost the land acquisition and construction costs of the roundabout to report back to Council.*
4. *Produces an options report for a 2nd northern entry to Beachside Suffolk Park, to future proof an alternative entry to Beachside Suffolk.*

5. *Upgrades and widens the pedestrian refuge to the south leg of the Beech Dr roundabout as a matter of urgency to alleviate safety concerns.*
- 5 6. *In future, where traffic signals are a preferred option, undertakes participatory, deliberative process with local residents to determine a way forward.*

Petition

10 Council acknowledges receipt of the petition submitted on 9 February 2025 regarding the Clifford Street and Broken Head Road signalised intersection project. We recognise the community's concerns and the diverse perspectives surrounding this project. In response, Council has developed a comprehensive community engagement plan to ensure that key stakeholders are actively involved throughout the design and planning phases.

To date, the project team has engaged with the following stakeholders:

- Emergency services
- 15 • Public transport providers (CDC NSW)
- RSL Lifecare
- Suffolk Park Progress Association
- Suffolk Park residents
- Suffolk Park Shopping Centre business owners
- 20 • 'Keep the Flo' community group
- Transport for NSW

Council remains committed to ongoing engagement with these stakeholders to ensure their perspectives are considered during the project development process.

25 The project has been the subject of extensive discussions with Transport for NSW (TfNSW) following the approval of funding under the Road Safety Program. Council acknowledges that some community members have expressed a preference for alternatives to traffic signals at this intersection. In response, Council has explored various options within the constraints of funding, road safety objectives, and site conditions.

30 One alternative considered was a mini-roundabout. However, this option did not meet the project's core objective of improving safety for all road users, including pedestrians and cyclists. The key issues identified with a mini-roundabout included:

- Insufficient horizontal deflection, particularly for northbound traffic on Broken Head Road, leading to vehicles approaching the intersection at unsafe speeds and misjudging gaps.
- 35 • The need for a mountable island to accommodate heavy vehicles, increasing the risk of vehicles failing to see it in time and losing control.
- Potential conflicts with large vehicles, as other motorists may not anticipate heavy vehicles tracking over the island, leading to unexpected stoppages or collisions.
- Reduced capacity and long-term functionality, as larger vehicles would frequently impede movement, reducing the roundabout's effectiveness and overall design life.
- 40 • Lack of pedestrian safety improvements, as the option does not provide enhanced crossing facilities for active transport users.

BYRON SHIRE COUNCIL

PETITIONS

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- Additional lighting and infrastructure upgrades required, which would reduce the cost-effectiveness of this option.

5 Council also explored the feasibility of a full-sized roundabout at this location. Over the past 15 years, this option has been repeatedly assessed—starting with the Black Spot funding application in 2007—but has consistently been deemed unfeasible due to the significant land acquisition costs required. TfNSW has advised that no current grant funding programs would support the design and construction of a full-scale roundabout within a viable timeframe.

10 The project delivery team has engaged planners and traffic signal designers to undertake the Review of Environmental Factors (REF). Preliminary site investigations, including detailed survey work and service location assessments, have been completed, and procurement of civil design services is currently underway.

15 To date, Council has committed \$102,000 in project design and delivery for FY25. Additionally, funding for traffic studies and feasibility assessments undertaken in FY24 totals \$64,000. Council staff are currently processing the \$45,500 Works Authorisation Deed (WAD) invoice, which covers TfNSW’s design review, project management, administration, and traffic signal installation.

20 Council should remain committed to delivering a safe and effective solution for this intersection while balancing community concerns, technical feasibility, and funding constraints. We appreciate the ongoing engagement from residents and stakeholders and will continue to work collaboratively to ensure the best possible outcome for the community.

25

RECOMMENDATION:

1. That the petition regarding ‘No Traffic Lights in Suffolk Park’ be noted.
- 30 2. That Council reaffirms its decision in resolution 24-533 to adopt traffic signals as an interim intersection option for the Broken Head Road / Clifford Street intersection.

Attachments:

- 35 1 Confidential - PETITION - no traffic lights in Suffolk Park, E2025/17368

DELEGATES' REPORTS

**Delegate's Report No. 12.1 NRJO Board Meeting - 8
November 2024**

5 **File No:** I2024/1589

10 This was my first Northern Rivers Joint Organisation (NRJO) meeting, and it was a
wonderful opportunity to connect with fellow Mayors and General Managers (GMs) to
discuss some of the key local issues that require regional responses. I raised the impact of
the closure of Arts and Humanities at Southern Cross University (SCU) in Lismore, the
ongoing transport challenges, and opportunities to further partner on waste solutions. It
was great to engage in productive discussions with my colleagues on these critical topics
15 and explore collaborative solutions.

Below is a summary of the key items discussed and decisions made during the meeting:

1. Election of Chairperson and Deputy Chairperson

- **Chairperson:** Cr Chris Cherry was nominated and elected as Chairperson for a two-year term, with unanimous approval.
- 20 ○ **Deputy Chairperson:** Cr Sharon Cadwallader was nominated and elected as Deputy Chairperson for a two-year term, with unanimous approval.

2. Executive Officer Report

- The NSW Government is providing \$252.2 million over six years for councils to recruit trainees, apprentices, and cadets, with funding covering 100% of wages and 15% of recruitment costs.
- 25 ○ The NRJO Audit, Risk and Improvement Committee (ARIC) reviewed and approved the Audited Financial Statements, which will be presented to the NRJO Board.
- A request from Byron Shire Council for Modern Slavery training was discussed. The NRJO is seeking additional quotes to ensure the best value before proceeding.
- 30 ○ The NRJO will submit a response to the "Councillor conduct and meeting practices – A new framework" discussion paper from the Office of Local Government by the 15 November 2024 deadline.
- 35 ○ A draft of the NRJO's Annual Performance Statement for 2023/24 will be published on the NRJO website by 30 November 2024.

3. Audit, Risk and Improvement Committee Update

- The ARIC reviewed the NRJO's annual audited financial statements and received no concerns from the audit team.

BYRON SHIRE COUNCIL

DELEGATES' REPORTS

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- Cr Danielle Mulholland was elected as the new non-voting councillor member of the ARIC for a 4-year term.

4. Financial Statements for 2023/24

- 5
- The NRJO's financial reports for the 2023/24 year show a deficit of \$205,000, primarily due to the timing of grant income. However, the NRJO remains financially sound with sufficient cash and investments to meet its liabilities.

5. NRJO Board Meeting Schedule for 2025

- 10
- The following meeting dates and locations were approved:
 - 21 February: Byron Shire Council
 - 16 May: Lismore City Council
 - 15 August: Ballina Shire Council
 - 14 November: Richmond Valley Council

6. Annual Model Code of Conduct Complaint Statistics

- 15
- No Code of Conduct complaints were received from 1 September 2023 to 31 August 2024. The statistics must be reported to both the Board and the Office of Local Government by 31 December 2024.

7. Office of Local Government Updates

- 20
- The NSW Government's new \$252.2 million funding initiative for apprentices, trainees, and cadets was discussed. Councils can apply for grants starting January 2025.
 - A series of webinars will assist councils with councillor induction and refresher training.
 - The deadline for submissions on the councillor conduct framework discussion paper is 15 November 2024.

8. Destination North Coast (DNC) Updates

- 25
- DNC reported on the tourism sector's challenges due to cost-of-living pressures, though international visitation continues to grow.
 - DNC is seeking an LGA co-host for the 2025 Tourism Symposium and North Coast Tourism Awards, with a focus on entrepreneurship and innovation.
 - DNC's Business Events program secured 11 events generating over \$2.4 million in economic impact for the North Coast, showing a 15% year-on-year increase.
- 30

9. Scenic Rim Regional Council Updates

- 35
- Cr Sharp was appointed to represent the Scenic Rim on the Council of Mayors (SEQ) Waste Working Group.
 - The Scenic Rim's 2024-2034 Sport and Recreation Plan was adopted to promote community health and participation.
 - The Council is working on Stage Two of its Integrated Transport Plan after gathering community feedback.
 - Recycling efforts include the successful trial of community recycling points, with further expansion planned.
- 40

- The Sentinel Memorial Project was launched to honor the heritage of the iconic Sentinel rock formation.

10. Regional Development Australia (RDA) Updates

- RDA Northern Rivers was awarded the contract for the Welcome Experience program, which will support essential workers and their families in the local community through 2026.
- New mental health funding will support farmers in the Northern Rivers through a pilot program running until 2025.

11. Associate Member - Premier's Department, Regional Coordination

- The Welcome Experience program is expanding to the Lismore and Tweed Shire areas to provide support for essential workers.
- A new pilot mental health program for farmers has been announced to help address mental health challenges related to natural disasters and economic impacts.
- Various grant funding opportunities were discussed, including the Regional Event Fund, Public Library Infrastructure Grants, and the Local Government Waste Solutions Fund.

This meeting highlighted ongoing efforts to support regional development, enhance local government capacity, and address key challenges in the community, from tourism to waste management and workforce development. Afterwards we all went for lunch on the river to get to know each other better.



Signed: Cr Sarah Ndiaye

**Delegate's Report No. 12.2 Rous County Council Meeting –
30 October 2024**

File No: I2024/1590

5

This was our first Rous County Council meeting for the term, and it provided a valuable opportunity to connect with colleagues, meet new councillors and address important regional issues. Two councillors were nominated from each of the constituent councils (Ballina, Byron, Lismore and Richmond Valley). They are Councillors Sharon Cadwallader, Eva Ramsey, Sarah Ndiaye, Elia Hauge, Andrew Gordon, Steve Krieg, Robert Mustow and Sandra Humphrys. We discussed key matters impacting the region, including financial updates, policy revisions, and appointments to various advisory groups. I was voted on as Chair of the Reconciliation Action Plan Advisory Group and Cr Hauge was elected the primary member of the Audit, Risk and Improvement Committee. It was also an excellent chance to engage with other Councillors on topics such as water management and environmental initiatives. Below is a summary of the key items discussed and decisions made during the meeting:

General Matters

- 20 • **Chairperson and Deputy Chairperson Elections:**
Cr Robert Mustow was re-elected as Chairperson, and Cr Sharon Cadwallader was re-elected as Deputy Chairperson for the first two years of the term. Both had previously held these positions during the last term.
- 25 • **Reconciliation Action Plan (RAP) Advisory Group:**
Cr Sarah Ndiaye was elected as Chair of the RAP Advisory Group, with Cr Elia Hauge as the alternative Chair. Both will hold these positions for the duration of the current term.
- 30 • **Audit, Risk and Improvement Committee Appointments:**
Cr Elia Hauge was appointed as the primary non-voting member of the Audit, Risk, and Improvement Committee, with Cr Sarah Ndiaye serving as the alternate. These appointments are for the duration of the current Council term.
- 35 • **Local Government NSW Annual Conference:**
The Deputy Chairperson and the General Manager will attend the 2024 LGNSW Annual Conference in Tamworth in November 2024. It was resolved that the Deputy Chairperson will be the Council's voting delegate at the conference.

Financial Matters

- **2023/24 Financial Reports:**

The 2023/24 financial statements (for the year ended 30 June 2024) were presented to the Council. These statements had already been reviewed by the Audit, Risk, and Improvement Committee on 14 October 2024. Public advertising for the financial reports began on 30 October 2024, with a minimum advertising period of seven days. The final presentation of the reports will occur during an extraordinary meeting on 27 November 2024.

The Council remains in a strong financial position, with cash and investments at satisfactory levels to meet all current liabilities.

- **Quarterly Budget Review Statement:**

The Quarterly Budget Review for the period ending 30 September 2024 was presented. Several variations were authorized, including:

- Revenue increased by \$4.8M
 - Operating expenditure increased by \$6.1M
 - Capital expenditure decreased by \$5.9M
 - Loan drawdowns decreased by \$5M
- The overall impact was a \$0.4M transfer from reserves.

Policy Matters

- **Revised Related Party Disclosure Policy:**

A revised version of the Related Party Disclosure Policy was adopted, following a review of the existing policy. Minor revisions were made to ensure alignment with the Australian Accounting Standards Board (AASB) 124 guidelines.

- **Revised Investments Policy:**

A review of the Investments Policy was completed, with no substantial changes proposed. The revised policy was adopted, with minor updates to ensure it remains in line with current best practices.

Information Reports

- **Investments – September 2024:**

The Council received and noted information regarding investments as of September 2024.

- **Tenders Awarded by the General Manager:**

The Council also noted tenders awarded by the General Manager under delegation from 1 July 2024 to 30 September 2024.

Additional Information

For further details on the business paper and meeting minutes, you can access them via the following link: [30 October 2024 - Business Papers and Minutes](#)

BYRON SHIRE COUNCIL

DELEGATES' REPORTS

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5 This meeting was a valuable start to my involvement with Rous County Council, and it was clear that we are all committed to ensuring the Council operates efficiently and remains responsive to the needs of our community. I look forward to continuing to collaborate with my fellow Councillors and staff to tackle the region's challenges, especially those related to sustainable resource management and regional growth.



Signed: Cr Sarah Ndiaye

STAFF REPORTS - GENERAL MANAGER

**Report No. 13.1 Finalisation of future management
arrangements for Sandhills Estate Crown
Land in Byron Bay**

5

Directorate: General Manager
Report Author: Shannon McKelvey, Executive Officer
File No: I2025/31

Summary:

10

In December 2024 Department of Planning, Housing and Infrastructure - Crown Lands and Tweed Byron Local Aboriginal Land Council announced the successful settlement of the Aboriginal Land Agreement over the Sandhills Estate land in Byron Bay. Included in the announcements was return of around 3.7 hectares of land to the Tweed Byron Local Aboriginal Land Council, dedication of land for a new Emergency Services Precinct for new Police and Fire and Rescue facilities and a broad range of community benefits.

15

This report summarises the outcomes delivered, as they relate to Council, and provides an update on the next steps in finalising the arrangements for the parts of the Sandhills land that Council will manage in future.

20

RECOMMENDATION:

That Council notes the report.

25

Report

Summary

In December 2024, NSW Government and Tweed Byron Local Aboriginal Land Council (LALC) made significant announcements about finalisation of the Aboriginal Land Agreement over land known as Sandhills Estate in Byron Bay.

As a brief background to the Sandhills Estate land:

- It was directly managed by NSW Government as Crown land.
- Following the end of sandmining in the 1960's, large parts of it went mostly unused except for the Council infrastructure and the civic and recreation area adjacent to Middleton Street.
- In 2007 Crown Lands completed a Strategic Planning Study for Sandhills
- In 2008 Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) and Crown Lands reached an Indigenous Land Use Agreement [NI2006/004](#) (ILUA) that covered a variety of different lands and rights. Under that ILUA, Arakwal surrendered their native title rights and interests in the Sandhills Estate land.
- In 2024, NSW Aboriginal Land Council, Tweed Byron Local Aboriginal Land Council and Crown Lands entered into an Aboriginal Land Agreement over the Sandhills Estate.

The Aboriginal Land Agreement (ALA) finalises the future ownership and management of the different parts of Sandhills Estate and brings certainty for the first time.

The ALA delivers a broad range of significant outcomes. There is more information below under the 'Next Steps' heading but broadly the ALA will deliver:

1. Aboriginal Land Rights:
 - Important recognition of Land Rights and return of land to Tweed Byron Local Aboriginal Land Council
 - Self-determination
 - Opportunities for Aboriginal community that are associated with land ownership
2. Community Facilities:
 - New Police and Fire Stations in Byron Bay
 - Security for Sandhills Childcare Centre, Youth Activity Centre (YAC) and Jarjumirr Park under lease to 2072
 - Fixing an encroachment by the Byron Library onto adjoining property.
3. Infrastructure
 - Improved stormwater detention and flood mitigation outcomes
 - For the first time, being able to implement the Preferred Byron Drainage Strategy
 - Securing the road network and additional parking in this area
 - Easements created to protect key existing and future Council infrastructure

4. Open Space and Recreation:

- Jarjumirr Park and Byron Skate Park leased to Council to 2072
- Sandhills Wetlands remaining Crown Land, with Council as Crown Land Manager
- New pedestrian and cycle links

5. Environment

- Water quality improvements at the Cowper Outlet that drains urban stormwater directly into the Marine Park at Clarkes Beach
- Middleton Street Flying Fox Camp habitat able to be improved for first time
- Enhancing biodiversity values in the Sandhills Wetlands

6. Governance

The ALA, and actions from it, deliver on of a range of commitments from State and Local Plans including:

- Council Plans including:
 - o Community Strategic Plan, Delivery Program and Operational Plan actions
 - o Arakwal MOU – restoration of the wetlands has been a high priority action
 - o Aboriginal Housing on Country Res 23-509 parts 3(c) and (d)
 - o Byron Towncentre Masterplan actions for this area
 - o Preferred Byron Drainage Strategy
 - o Pedestrian and Access Movement Plan actions
 - o Developer Contribution Plan project.
- Crown Lands' [Strategic Plan 2031](#) priorities
- NSW Government's [Closing the Gap 2022-2024 Implementation Plan](#) priority reforms
- [Tweed Byron LALC's Charter](#)
- NSW Aboriginal Land Council's [Strategic Plan 2026](#)

At the same time, Council was able to work with Crown Lands to deliver the following additional outcomes:

- A. Resolution of ownership of the Byron Bay Memorial Swimming Pool land, which was previously partly on Crown Reserve.
- B. Securing the 'missing link' in the east-west pedestrian connection between the Arakwal Cultural Centre to the CBD, through the wetlands and Jarjumirr Park. An area of land has been vested in Council as a public road to create this connection which is an Arakwal priority.
- C. The full length of Cowper Street is now vested in Council, securing its future use. Previously the section of Cowper Street that ran through Sandhills was owned and managed by Crown Lands, despite it housing critical drainage infrastructure and

being a key part of the network providing a north-south connection from Suffolk Park through to Main Beach. Being related to the Sandhills discussions, Crown Lands were able to reconsider previous refusals of Council's requests to make this part of the local road network.

5

Acknowledging Native Title Act and Aboriginal Land Rights Act

The information in this report is presented from the perspective of how Council, as a government organisation, must apply the laws. Council respects that Cultural lore is different and that Aboriginal perspectives on these laws can vary.

10

It is also important to acknowledge the differences between Native Title Rights (Commonwealth) and Aboriginal Land Rights (NSW), and the rights of Arakwal People and of Land Councils. It is also important to acknowledge that both pieces of legislation are a result of Aboriginal and Torres Strait Islander peoples ongoing fight for Land Rights and Social Justice.

15

Arakwal People are the recognised traditional owners of lands and waters in their determination area and the holders of Native Title Rights and interests. Native Title Rights are the pre-existing traditional lore and customs and connection with Country, that traditional owners continue to have in their lands and waters. The Sandhills Estate land falls within the Arakwal determination area, so Arakwal had the first right of claim to their Native Title Rights and interests in the Sandhills Estate land.

20

In 2008 Arakwal entered an Indigenous Land Use Agreement (ILUA) [NI2006/004](#) with the NSW Government, that was registered with the Federal Court. It covered many areas of land inside their determination area and the terms of the ILUA are confidential, except for the parts that Arakwal agreed with NSW Government to make public. One matter that was made public, was that Arakwal decided to surrender their Native Title rights and interests to the Sandhills Estate land. That decision always was a matter for Arakwal People, their Elders and Board, and it remains Arakwal's confidential business.

25

Arakwal's decision to surrender their rights over the Sandhills Estate land, then obligated NSW Government to assess whether it was claimable land under the NSW Aboriginal Land Rights Act.

30

Since 1983, the Aboriginal Land Rights Act has provided a system for Aboriginal communities to regain ownership of lands. The NSW Aboriginal Land Rights system recognises that governments have progressively reduced Aboriginal land without payment, and it seeks to address that by supporting Aboriginal communities to claim and regain land through Aboriginal Land Councils.

35

After many years of hard work by NSW Aboriginal Land Council and Tweed Byron Local Aboriginal Land Council, the recent Aboriginal Land Agreement (ALA) over the Sandhills land was finalised. The terms of the ALA are also confidential, except for the parts that the Lands Councils and NSW Government agree to make public. Council has not seen the ALA and relies on the Council-specific information that has been shared with Council and the information that was made available in the recent announcements.

40

BYRON SHIRE COUNCIL

STAFF REPORTS - GENERAL MANAGER

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So, in summary, for the Sandhills Estate land:

- 5 • Arakwal People, represented by Bundjalung of Byron Bay Aboriginal Corporation are the recognised traditional owners of lands inside their determination area and they decided to surrender their rights in the Sandhills Estate land by an Indigenous Land Use Agreement under the federal Native Title Act.
- 10 • Tweed Byron Local Aboriginal Land Council representing Aboriginal community, including Arakwal People who are members, have regained ownership of parts of the Sandhills Estate land, through an Aboriginal Land Agreement under NSW Aboriginal Land Rights Act.

Next Steps

15 Work will continue with the various NSW Government agencies, NSW ALC, Tweed Byron LALC and community to implement all the outcomes the Aboriginal Land Agreement delivers, including work on:

1. Collaboration

20 The collaboration that supported the Aboriginal Land Agreement (ALA) has been unique. The collective results contain ‘something for everyone’ and that was possible because all the stakeholders made compromises as contribution towards overall outcomes.

25 Usually, Crown Lands and the Aboriginal Land Councils engage directly and exclusively on the Aboriginal Land Rights matters and the discussions are often limited to the claimed land.

30 However, in this case, led by the Aboriginal Land Councils and Crown Lands, Council was invited to be involved in the collaboration. Council’s role has been to provide technical support and respect Aboriginal community’s and Crown Lands’ autonomy, and at the same time identify opportunities where State Government and Land Council outcomes can align with Byron community’s aspirations and needs.

As a first of its type, the collaboration:

- 35 • Acknowledged the great work of Tweed Byron LALC and recognised that their work and Aboriginal Land Rights can deliver benefits for the whole community.
- Took a whole of community and precinct approach to identify the full range of rights, needs and opportunities that resolution of the Aboriginal Land Claim could support.
- 40 • Looked at and leveraged the different organisation’s strengths, eliminated duplication and enabled the resources of each organisation to be allocated most effectively, to collectively deliver greater outcomes than could ever have been achieved by each organisation on its own.

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5 Work continues on the collaboration and implementation of the Aboriginal Land Agreement and Council has an ongoing support role. For now, there are no immediate next steps for Council to take, that we are aware of, other than to continue to work with State Government to assist them to deliver on their commitments.

2. Tennyson Street extension

10 NSW Police and Fire and Rescue NSW (Emergency Services) require Tennyson Street to be extended to meet Gilmore Crescent, to service their new facilities. The road has been designed to their specification for emergency vehicles. The benefit of Council being involved in the design process ensured the design also accommodated the needs of the Byron Bay Preferred Drainage Strategy.

15 Emergency Services assessed road network suitability and traffic impacts when they identified their preferred location. They will be required to undertake detailed traffic assessment as part of the Review of Environmental Factors (REF) when developing their new facilities and they have been asked to ensure they assess and identify any required treatments for the intersections. Crown Lands advised adjoining owners of the road project in late 2024, when they announced the
20 Emergency Services Precinct.

In the time available between the State Government announcement in mid-Dec and commencement of works in early Feb, Council provided as much notice and information as possible to community and adjoining owners. Completion of the road
25 construction is intended by mid-2025, weather dependent.

While the road is being constructed work will also continue on:

- 30 - integration between the road and the new emergency services facilities;
- carparking requirements, signage and regulation;
- road naming, which will be subject of separate report to Council.

35 3. Youth Activity Centre tenure to Byron Youth Service

Byron Youth Service (BYS) are currently the appointed Crown Land Manager of the Youth Activity Centre (YAC). BYS will need to enter a new licence from Council to secure their ongoing tenure of the YAC once Crown Lands has revoked their appointment as land manager. The licence will give both BYS and Council time to
40 discuss longer term options.

Next steps involve:

- 45 - Council providing BYS with a draft licence for them to consider and enter if they are happy with the terms. As a 12 month licence, this will be managed within delegations.

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- Discussing potential terms for a Lease of the facility for a longer period. Any lease proposal will be reported to Council for consideration and finalisation by resolution.

5 4. Sandhills Childcare Centre

10 Before the ALA, Council occupied the Sandhills Early Education and Childcare Centre under licence from Crown Lands that could be terminated with no notice, meaning there was no security of tenure at all. Now Council has security by way of a Lease of the premises until 2072.

15 The Childcare Centre will continue to operate as per normal. New administrative arrangements will need to be put in place to bring the old licence to an end, put systems in place to comply with the new Lease requirements and for reporting and accounting.

5. Tweed Byron Local Aboriginal Land Council Land (Tweed Byron LALC)

20 The areas of land owned by Tweed Byron LALC are being managed and regularly patrolled by Tweed Byron LALC Rangers. This land is now privately owned, with Tweed Byron LALC having the full range of rights and responsibilities that all private landowners have. Their Board and members will determine the future use and development of this land and how they will approach it.

25 Most of this land is zoned MU1 Mixed Use Development and R3 Medium Density Residential zones under the 2014 LEP. The rest is deferred matter zones under the 1988 LEP and is mostly 1D Investigation or 7(f2) Urban Coastal zones, with a small area of 7(b) Coastal Habitat zone in the far south. Based on the current zoning a wide range of uses are permissible and its future uses and development will be a matter for the owner of the land, like it is for all private land.

30

Council's role and next steps will be to:

- 35
- continue to support Tweed Byron LALC's right to self-determination, which includes the right to make decisions about their land as they see fit
 - continue to provide technical advice and support on matters that are within Council's functions, if requested
 - collaborate and partner, if requested, with Tweed Byron LALC to pursue opportunities that would support shared objectives like housing on Country or critical worker housing, but only if that is Tweed Byron LALC's preference.
- 40

45 Where ongoing work supports existing Council resolutions (eg Res 23-509) or is within delegations and existing budgets, it will be progressed. All others will be reported to Council for consideration.

6. Emergency Services Precinct – new Police and Fire Stations

The location of the new Police and Fire Stations was a decision of those agencies. After investigation of a range of options, the Sandhills site was determined by them to be the most feasible option in Byron Bay for a range of reasons including:

- it being an area big enough to co-locate the two services;
- needing a site that could provide state-of-the art facilities to meet current but also future demands of the area
- having amenities and training facilities to accommodate and support workforces of the size needed, now and in future, to service the area
- its central location that, with the Tennyson Street extension, will enable fast responses and more effective crime prevention strategies
- the site having greater flood resilience and access during flood events
- the opportunities that ongoing collaboration through co-location will provide for the two services to strengthen and streamline their resources and capacity to service the community
- affordability – NSW Police’s and Fire and Rescue NSW’s collaboration with NSW Aboriginal Land Council, Tweed Byron LALC, Crown Lands and Council, made delivery of new facilities financially possible within the agencies’ budgets.

Council and Crown Lands asked the two agencies to assess traffic impacts of their facilities and satisfy themselves that the road network can sufficiently service both the community and their new facilities, prior to settling on Sandhills as their preferred site. Traffic impact assessment will also need to be considered by the agencies during their design and approval processes.

Construction of the new Police and Fire and Rescue Facilities is being managed by the respective project teams in those State Agencies. Subject to approvals, the construction could be finished in 2027 if works commence in late 2025.

Both agencies indicated a commitment to developing sustainable facilities that respect the location, community and environment and Tweed Byron LALC and Council have asked them to use the NSW Government’s [Connecting with Country Framework](#) when designing their facilities.

The level of community engagement and the planning and development pathway for the new Police and Fire facilities will be up to those NSW agencies, noting that the State Environment Planning Policy - Transport and Infrastructure would be the usual planning pathway.

Council’s role will include:

- working with the project teams from the two agencies’ to, as much as possible, ensure integration of the facilities with Council’s infrastructure and provide technical advice and support on matters that are within Council’s functions, if requested.

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- 5
- encouraging the agencies to work with Arakwal and Tweed Byron Local Aboriginal Land Council to make their facilities not just culturally appropriate but leaders in design using Connecting with Country principles
 - encouraging the agencies to inform community about their projects; and
 - delivering the Tennyson Street road extension to their design requirements.

7. Byron Bay Memorial Swimming Pool

10 Council has finally acquired the parts of the Byron Bay Pool that were on Crown Land. This means that Council and community can now invest in the future of the pool with certainty, for the first time.

15 For decades there has been a stalemate with NSW Treasury expecting Council to pay full market price for the land and Council and community being simply unable to afford that. The Emergency Services identified early that they needed the Tennyson Street road extension, but they had no money to fund it. Council identified an opportunity to deliver the road for State Government, through Council's existing funding and grants programs, but could only do so if there was an equivalent benefit. That benefit to Council and ratepayers comes in the form of the road works offsetting a large part of the land value of the Byron Memorial Swimming Pool land.

20 Made possible with support of Tweed Byron LALC, the arrangements for Council to construct the road on NSW government's behalf were put in place, to support Tweed Byron LALC's land, the emergency services land and ongoing security for the swimming pool. This is an example of the community benefits that the collaboration achieved, that had previously been impossible.

25 Next steps for the Byron Bay Memorial Swimming Pool include:

- 30
- extension of the current management arrangements with the current operator to cover the period needed for the following work;
 - physical works to separate the pool and the café areas
 - procurement processes for the pool and café, noting Res 20-250.

35 This is a significant body of work that will be the subject of future Council reports and workshops. Consistent with Res 20-250, Council continues to work with the current pool and café operator during this transition from Crown Lands to Council.

8. Sandhills Wetlands

40 The natural wetlands systems in Sandhills were devastated by historical sandmining of the area. Restoring the wetlands has always been a high priority for Arakwal People. In Council documents, it was first recorded as a priority in the 1998 Heads of Agreement and has been in all versions in some form since the 2013 Arakwal Memorandum of Understanding.

45 Arakwal's requests for restoration of this area were echoed by numerous flood studies and most recently the preferred Byron Bay Drainage Strategy, all of which identified the need for restoration of the area for flood mitigation as well as

environmental purposes. Ever since, Council has been seeking funding which became available as a result of additional Federal and State Government investment in resilience, stormwater management and flood mitigation projects following the devastating 2022 flood events.

5

NSW Aboriginal Land Council, Tweed Byron Local Aboriginal Land Council and Crown Lands supported the project by giving Council permission to start work on the wetlands restoration project, even though the Aboriginal Land Claim was still before the Land and Environment Court. This was possible thanks to the good faith that all the stakeholders had in the process and each other. The Aboriginal Land Agreement confirmed the importance of the wetlands, with this area to remain as Crown Reserve so the wetlands and stormwater management systems can be maintained for the future.

10

15

The Sandhills Wetlands project is well advanced with work expected finish in 2025. Under the Aboriginal Land Agreements, the next steps involve:

- Crown Lands gazetting a purpose for the reserve and appointing Council as Crown Land Manager
- Council developing, with community consultation, a Plan of Management for the area or including it in an applicable generic Plan of Management
- Council including this new area in its asset management plans and financial systems and establishing budgets for ongoing operations and maintenance, after the construction contract period.

20

25

9. Jarjumirr Park and skatepark and Middleton Street Flying Fox Camp

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Council will continue to manage this area, under lease from Crown Lands, until 2072. There are no 'next steps' for Jarjumirr Park or the skatepark and operations will continue as per current.

35

However, finalisation of the Aboriginal Land Agreements does mean that conservation work can now get underway in the Middleton Street Flying Fox Camp area, which is badly degraded. With support from Arakwal and Tweed Byron LALC, Council has already started applying for funding and looking at other ways to immediately start to carry out actions from the Flying Fox Management Plan and improve the quality of the habitat for this Camp. Next steps for the Flying Fox Camp area include:

40

- Securing potential funding for works in this area through grants and other project opportunities.
- Carrying out improvement works, commencing with weed (vine) removal as the highest priority.

45

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
2: Inclusive Community	2.3: Respect Aboriginal culture, value cultural knowledge, and acknowledge history	2.3.1: Aboriginal community and First Nations People - Develop strong and productive relationships that empower the Aboriginal community	2.3.1.1	Continue working with Traditional Owners on land management matters
2: Inclusive Community	2.3: Respect Aboriginal culture, value cultural knowledge, and acknowledge history	2.3.2: Aboriginal cultural expression - Support First Nations cultural expression		
2: Inclusive Community	2.3: Respect Aboriginal culture, value cultural knowledge, and acknowledge history	2.3.3: Caring for Country and Aboriginal custodianship – 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: Aboriginal History – Recognise and acknowledge the importance of valuing Aboriginal history and cultural knowledge		
2: Inclusive Community	2.3: Respect Aboriginal culture, value	2.3.5: Cultural and Economic Development - Increase the economic self-determination of Aboriginal communities		

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	cultural knowledge, and acknowledge history			
5: Connected Infrastructure	5.4: Provide accessible community facilities and open spaces	5.4.2: Parks and open spaces - Provide and maintain active and passive recreational community space that is accessible and inclusive for all	5.4.2.10	Progress Sandhills Reserve management transition under Crown Lands Management Act

Recent Resolutions

- Res 23-509 Aboriginal Housing on Country:
 - 3(c) creating opportunities in the Byron Shire, and across the region, for housing on Country including on State owned land, including possible transfer of title and through collective lobbying, negotiation and advocacy with NSW and Federal Governments.
 - 3(d) using Aboriginal Land Agreements where appropriate
- Res 20-250 - Lease to Fishheads

Legal/Statutory/Policy Considerations

Refer to body of report.

Financial Considerations

- Ongoing work will occur within existing budgets or if beyond budget, will be reported to Council for consideration.

Consultation and Engagement

Refer to body of report.

Report No. 13.2 Byron Masterplan Guidance Group membership

Directorate: General Manager

Report Author: Claire McGarry, Place Manager - Byron Bay

5 **File No:** I2025/129

Summary:

10 The Byron Masterplan Guidance Group influences and provides advice to Council on project delivery in the Byron Bay town centre. Since its inception in 2018, the group have been critical to the success of town centre projects including the Byron rail precinct, Jarjumirr skate park, Sandhills wetlands, market relocations and streetscape upgrades.

Recent vacancies on the group resulted in Council running an Expression of Interest process for new members in October 2024.

This report:

- 15 - details the applications received;
- notifies Councillors of new members added to the group;
- facilitates the nomination of Councillor representatives to the group; and
- recommends an update to the group charter to reflect the role and functionality of the group.

20

RECOMMENDATION:

That Council:


- 25 1. **Notes the:**
 - a) **Applications received for the Byron Masterplan Guidance Group, and thanks applicants for their interest; and**
 - b) **New members added to the group.**
- 30 2. **Nominates the following three Councillors to be formal Councillor representatives on the group, noting that all Councillors are invited to attend all meetings:**
 - a)
 - b)
 - c)
- 35 3. **Endorses the updates to the Byron Masterplan Guidance Group charter to accurately reflect the role and functionality of the group.**

BYRON SHIRE COUNCIL

STAFF REPORTS - GENERAL MANAGER

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Attachments:

- 1 Confidential - Expressions of Interest - Byron Masterplan guidance group November 2024, E2025/15669
- 5 2 Confidential - Byron Masterplan Guidance Group applications analysis 2024, E2025/15653
- 3 Charter - Byron Masterplan Guidance Group, E2018/19664 

Report

The Byron Masterplan Guidance Group was established with the adoption of the Byron Bay Town Centre Masterplan to influence and provide advice to Council on project delivery in Byron Bay.

5 Since its inception in 2018, the Byron Masterplan Guidance Group have been critical in successful project delivery in Byron. Their design input, community engagement and oversight of project delivery has contributed significantly to over \$50 million of infrastructure upgrades in the Byron town centre, which have since won awards for design and engagement.

10 The key objectives of the group are to:

- Develop and maintain communication and understanding between the community and Council regarding the implementation of the Masterplan
- Provide comment and feedback to Council on projects relating to the implementation of the Masterplan
- 15 • Ensure open communication between the group and Council
- Actively engage with the community and provide feedback to Council on local aspirations, visions, needs and concerns
- Identify and assist in facilitating partnerships between the community and Council for relevant projects.

20

The group is made up of up to 22 members, plus 3 Councillors and the Mayor.

At the beginning of a new Council term, existing members are invited to remain on the group to ensure historical knowledge is retained. Following the September 2024 election, Council ran a public Expression of Interest process for new members to fill vacancies that have arisen over the past 12 months.

25

Under the group Charter, vacancies can be filled as such:

1. The group can seek and appoint up to 4 members to replace existing members; and
2. Any additional members (over and above these 4) are recruited by Council by public advertisement and selection by Council.

30 Through the Expression of Interest process, Council received 16 applications to join the group, with applications considered by the Guidance Group at their December 2024 meeting for recommendation to the elected Council.

All applications have been provided in Confidential Attachment 1 to this report.

35 The analysis of the applications received is contained in Confidential Attachment 2. The analysis was undertaken by a confidential vote, with four applicants receiving significantly higher endorsement than the remaining 12. The group decided to invite those four to join at this stage and thank the remaining applicants for their interest.

Under the Charter, this was able to be a direct appointment that did not require Council resolution. The new group members are listed below, and attended the February 2025 meeting to discuss underlying Masterplan principles and how they apply to the priority projects for 2025.

5 New members

- Stephen Harris
- Katherine O'Regan
- Darren Pearson
- Mindy Woods

10 **Councillor representatives**

The group's charter allows for up to three Councillors to be formally nominated as members of the group, with all other Councillors invited to attend the group's monthly meetings.

15 This report recommends the appointment of up to three Councillors to the group for the term of the current Council.

The group meets monthly in Byron Bay on Wednesdays from 4pm – 6pm.

In previous terms of Council, Councillors involved with this group reported an improved understanding of project delivery and community expectation in Byron Bay, as well as strengthened community networks.

20 **Group Charter**

The Byron Masterplan Guidance Group Charter (attached) has a number of references that do not accurately reflect the group's operations, namely:

- Quorum requirements
- Election of a secretary
- 25 - Publishing of minutes

This group is not a committee of Council, but rather a dynamic community-led advisory group that debate and workshop key issues, project priorities, engagement strategy and project design.

30 The success Council's had in project delivery in Byron Bay over the past 6 years is in a large part to the open, forthright discussions held with this group and the diversity of opinions put forward, representing a wide cross-section of the community.

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The group have chosen to publish agendas rather than minutes, acknowledging that the free-flowing, workshop-style discussions are intended to draw out issues and opportunities, rather than result in a vote or agreed outcome.

- 5 It is recommended that the charter remove the references to the items above to accurately reflect the functionality and intention of the group and adopt a best practice, community-led mode of engagement.

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	4.1.3.12	Implement priority actions out of the Byron Town Centre Masterplan

Recent Resolutions

10 Legal/Statutory/Policy Considerations

Community Engagement Strategy

Financial Considerations

No financial implications, changes can be made with existing staff resources.

Consultation and Engagement

- 15 The Expression of Interest process ran for eight weeks through October-November 2024, promoted through local media, social media and directly to key stakeholders and existing members' networks.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.3 Council Resolutions Quarterly Review - Q2 - 1 October to 31 January 2025

- 5 **Directorate:** Corporate and Community Services
- Report Author:** Amber Evans Crane, Corporate Planning and Improvement Coordinator
- File No:** I2025/15

Summary:

- 10 This report provides a quarterly update on the status of Council resolutions as at 31 January 2025. The reporting period has been extended past the 31 December 2024 end of quarter to account for additional reporting completed post the end of year closure of Council.



120 resolutions were completed during the period 1 October 2024 to 31 December 2025.
- 15 103 resolutions remain active.

RECOMMENDATION:

That Council:

- 20 1. **Notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2025/617).**
- 2. **Notes the completed Council Resolutions in Attachment 2 (#E2025/618).**

Attachments:

- 25 1 Active resolutions as at 31 January 2025, E2025/617 
- 2 Completed resolutions as at 31 January 2025, E2025/618 

Report

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

5 Quarterly Report – 1 October to 31 January 2025.

Active Resolutions

10 The *Active Resolutions Report* (E2025/617) provides an update to Council on all active resolutions up to 31 January 2025, with relevant commentary regarding the status of each resolution as at this date. There were 103 active resolutions at the time of preparing this report.

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

15 Completed Resolutions

The *Completed Resolutions Report* (#E2025/618) provides details of those resolutions that were completed during the period 1 October 2024 to 31 January 2025. 120 resolutions were completed during this period.

Resolutions for closure

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

Strategic Considerations

Community Strategic Plan and Operational Plan

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

Recent Resolutions

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

Legal/Statutory/Policy Considerations

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

Financial Considerations

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

Consultation and Engagement

- 10 Not applicable.

Report No. 13.4 Policies for Review

Directorate: Corporate and Community Services
Report Author: Heather Sills, Manager Corporate Services
File No: I2025/98

5 **Summary:**

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

Policy Review

10 The Business Ethics Statement (Attachment 1) has been reviewed and proposed amendments are marked in track changes for Council endorsement.

Two policies recommended for repeal as the information is contained elsewhere, for example as required by legislation, or because the policy is no longer relevant.

Recommended for repeal

- 15 • Public Gates and Cattle Grids on Council Roads Policy 2021
- Strategic Transport Statement (Transport Policy) 2019

20 **RECOMMENDATION:**

1. **That Council endorses the proposed amendments to the Business Ethics Statement and places it on public exhibition inviting submissions from the community; and that:**
 - 25 a) **should there be no submissions received, the Business Ethics Statement be adopted; or**
 - b) **should submissions be received they be reported back to Council prior to adoption of the policy.**
2. **That Council repeals the following Policies for the reasons outlined in the report:**
 - 30 a) **Public Gates and Cattle Grids on Council Roads Policy 2021 (E2021/18444)**
 - b) **Strategic Transport Statement (Transport Policy) 2019 (E2019/10347).**

Attachments:

- 35 1 Draft Business Ethics Statement (with amendments), E2025/4319 

Report

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

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

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

10 **Amended – Business Ethics Statement (Attachment 1)**

The Business Ethics Statement was reviewed, and an additional point (s) is recommended for inclusion in the requirements of providers of goods and services, to:

- 15 *“Seek opportunities to reduce greenhouse gas emissions and embodied carbon in their operations and supply chain and consider a carbon reduction target with a monitoring and evaluation practice in place.*

This addition is consistent with Council's commitment to achieving net zero emissions for Council operations.

For Repeal – [Public Gates and Cattle Grids on Council Roads Policy 2021](#)

- 20 This policy was first adopted in 1992 and predates the Roads Act 1993 and Roads Regulation 2018, both of which now prescribe requirements for public gates and cattle grids.

The Policy is consistent with the requirements in the Act and Regulation and therefore, there is no requirement to retain the Policy.

For Repeal – [Strategic Transport Statement \(Transport Policy\) 2019](#)

- 25 This Policy was originally adopted in 2009, predating Integrated Planning and Reporting (IP&R) requirements and the recently developed Moving Byron Strategy and the Active Transport Strategy currently in development.

This policy has been superseded by these legislative provisions and the objectives are more appropriately addressed through these mechanisms.

Strategic Considerations

Community Strategic Plan and Operational Plan

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

Recent Resolutions

Not applicable.

5 Legal/Statutory/Policy Considerations

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

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

- 10
- reflect a council’s key issues and responsibilities
 - guide staff and ensure consistency
 - clearly inform the public of a council’s commitments

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

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

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

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

25 *A Policy sets out Byron Shire Council’s position on a specific matter – a formal statement of intent and non-discretionary governing principles that apply to Byron Shire Council’s practice. The principles are derived from and shaped by the law*

5 *and regulations that apply, community expectations, and the values and mission contained in the adopted Community Strategic Plan. A Policy is a concise document that may facilitate, enable or constrain practice, standard, guidelines or delegated functions but does not prescribe in detail how to perform certain functions - instead it provides a framework for action with its primary role being to guide the achievement of the adopted strategic goals and ensure legislative compliance.*

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

Financial Considerations

There are no financial considerations with this report.

15 **Consultation and Engagement**

The Business Ethics Statement is recommended for public exhibition, inviting submissions from the community. Submissions will be reported back to Council prior to adoption, as necessary.

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

20

Report No. 13.5 Submission: Model Code of Meeting Practice

Directorate: Corporate and Community Services

Report Author: Heather Sills, Manager Corporate Services

5 **File No:** I2025/100

Summary:

The Office of Local Government (OLG) has issued a consultation draft of the amended Model Meeting Code and accompanying paper to seek the views of the local government sector, key stakeholders, and the community on the proposed amendments.

- 10
- [A new model code of meeting practice – Consultation draft](#)
 - [Consultation draft of the new Model Code of Meeting Practice for Local Councils in NSW](#)


This report contains Council's submission to the OLG's draft Model Code of Meeting Practice.

15

RECOMMENDATION:

20 **That Council endorses the draft submission (Attachment 1 E2025/14459) to the Office of Local Government's draft Model Code of Meeting Practice.**

Attachments:

- 1 Letter to Office of Local Government OLG - response to draft Model Code of Meeting Practice, E2025/14459 
- 25

Report

Context

5 The reform of the code and procedures governing how councillors gather, debate, and make decisions was flagged by the Minister for Local Government as part of the discussion paper issued in September 2024, "[Councillor conduct and meeting practice: a new framework](#)".

Council previously made a submission to the discussion paper, as reported to the 12 November 2024 Planning Meeting – [Report 13.1 Submission to review of Councillor conduct rules](#).

10 The Office of Local Government (OLG) has now issued a consultation draft of the amended Model Meeting Code and accompanying paper to seek the views of the local government sector, key stakeholders, and the community on the proposed amendments.

- [A new model code of meeting practice – Consultation draft](#)
 - [Consultation draft of the new Model Code of Meeting Practice for Local Councils in NSW](#)
- 15

Submissions will be accepted until close of business on 28 February 2025.

Submission

A submission to the draft Model Code of Meeting Practice has been prepared, based on the 4 key questions in the consultation paper:

- 20
- Will the proposed amendments made in the consultation draft of the Model Meeting Code achieve the policy outcomes identified in this paper?
 - Are there any other amendments you would suggest that will achieve these policy outcomes?
 - Will the proposed amendments have any unintended consequences?
- 25
- Are there any other amendments the Government should consider?

This submission is broadly consistent with Council's previous submission to the discussion paper and has been summarised below. Council's full submission is contained in Attachment 1.

Responses to Questions

- 30
- **Will the proposed amendments made in the consultation draft of the Model Meeting Code achieve the policy outcomes identified in this paper?**

The consultation draft indicates that the proposed amendments to the Model Code of Meeting Practice are designed to deliver the following outcomes:

- Promoting transparency, integrity, and public participation

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- Promoting the dignity of the council chamber
- Depoliticising the role of the general manager
- Simplifying the Model Meeting Code

5 Council supports the aims of the Code of Meeting Practice to *promote transparency, integrity, and public participation*. Some features of the proposed amendments will contribute to these outcomes.

10 The proposed measures *promoting the dignity of the council chamber*, such as requiring Councillors to stand and mandating modes of address, may promote formality, however they are artificial and fail to genuinely foster dignity in the council chamber. Council believes that the dignity of the chamber should be grounded in genuine respect, open dialogue, and collaborative decision-making rather than rigid procedural formalities.

15 In terms of *depoliticising the role of the general manager* the proposed amendments again fall short. Byron Shire Council does not support the removal of the requirement for the General Manager to prepare reports for notices of motion. Responding to notices of motion is considered good practice and ensures councillors have access to information to inform good and effective decision making, and that Councillors receive the information in an open and transparent manner.

20 Some of the proposed measures to achieve *simplifying the Model Meeting Code* are supported. Amendments to remove the two-limb approach to urgency simplifies and streamlines what is otherwise an inequitable and confusing process. Likewise, requiring that a leave of absence be automatically granted unless council resolves not to do so on reasonable grounds is appropriate.

25 Byron Shire Council is concerned with the removal of the optional items (for example Public Forums). This does nothing to simplify the Model Meeting Code. Removal of these provisions means that councils have to formulate their own rules to ensure a safe, fair, and orderly way for members of the public to address council. We prefer that the (optional) provisions on the operation of public forums be retained in the Code.

- **Are there any other amendments you would suggest that will achieve these policy outcomes?**

30 Byron Shire Council had hoped to see a more modern Code of Meeting Practice that would encourage a more inclusive and collaborative atmosphere for decision-making. We envisioned a Model Meeting Code that would reduce the formality and rigidity in the rules of debate, allowing for more dynamic and productive discussions that foster collaboration among Councillors.

- **Will the proposed amendments have any unintended consequences?**

Removing the option for councils to reduce the duration of speeches does not enable councils to implement practices appropriate to their circumstances. For example, to facilitate effective debate we have implemented 3 minute speeches with requests for extension of time to a maximum of 5 minutes. This has the same effect as mandating 5

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minutes, as proposed in the draft Model Meeting Code, whilst still encouraging Councillors to keep speeches to the point and managing the overall length of the meeting.

5 Removing provisions for foreshadowed motions: Foreshadowed motions allow an item to be properly resolved if it's voted down. Without them, issues may not be revisited, leaving important decisions unresolved, especially when consensus can't be reached through a series of amendments. This is particularly relevant for planning matters and other time sensitive issues, where a determination must be made one way or the other.

10 Removal of restrictions on raising complaints about the general manager and staff in questions with notice. This provision protects staff from unfair criticism, airing of personal grievances, and reputational damage. Retaining this clause supports the smooth running of meetings and effective relationships between councillors and staff.

15 Attendance by audio-visual link: the preference is for Councillors to participate in-person in council meetings. It demonstrates effective decision-making when Councillors attend in person and give their full attention to the meeting. Exceptions to accommodate medical or caring responsibilities are reasonable.

Removal of the option for staff to attend by audiovisual link could create logistical challenges or reduce the quality of the support staff provide to council meetings. For example, a technical expert may only be required for short period which can be accommodated through audio-visual link when necessary.

20 Shifting responsibility for determining staff attendance at meetings from the General Manager to Council undermines the role of the General Manager in managing staff and the efficient and effective operation of the organisation. The General Manager is best positioned to understand the staff availability and wellbeing considerations, ensure that the right personnel are present to provide expert advice or support, and manage resources efficiently. Furthermore, this change is in direct conflict with requirements of the *Model Code of Conduct* that "*Councillors or administrators must not direct council staff other than by giving appropriate direction to the general manager...*".

25

30 Information considered at closed meetings to be made public after it ceases to be confidential supports the principle of transparency and availability of business papers to the public (in line with ICAC recommendations). However, Byron Shire Council acknowledges that this measure could be practically difficult to implement. As written, this amendment imposes an open-ended duty on council to continually monitor all previous business papers, determine whether all the reasons for them being made confidential have lapsed and then publish them.

35 Acts of Disorder: The definition of disorderly conduct is based on the practices and expectations in the NSW Legislative Assembly. Conduct should not be defined by other protocols that are otherwise irrelevant to the operation of council meetings. Expectations should just be written into the Code.

• **Are there any other amendments the Government should consider?**

40 The Government should consider providing clear definitions before any amendments are made to the Regulation that could restrict councils from holding 'briefing sessions.' At

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present, there is uncertainty around whether Councillor Workshops are considered part of the definition of 'briefing sessions.'

5 The accompanying material suggests that periodic workshops may still be permissible, stating that: *"Information to enable councillors to understand the function, service delivery standards, strengths, weaknesses, threats, and opportunities of council operations should be provided in periodic workshop format (e.g., an annual strategic planning workshop)."*

Next steps

10 The consolidated version of Council's review response – in the form of a letter from the General Manager to the OLG – is attached to this report. It will be sent to the OLG by the close of submissions on 28 February 2025.

It is anticipated that the new Model Meeting Code will be prescribed in early 2025.

15 The OLG have advised that the amendments to the Model Meeting Code are the first tranche of reforms to the regulation of meetings. The second tranche will be legislated in 2025 as part of the measures implemented to reform the regulation of councillor conduct and will have a particular focus on behaviour at meetings.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership	1.1: Enhance trust and accountability through open and transparent leadership	1.1.1: Leadership - Enhance leadership effectiveness, capacity, and ethical behaviour	1.1.1.6	Manage Code of Conduct matters

Legal/Statutory/Policy Considerations

20 Under [s360 of the Local Government Act](#), council must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice prescribed by the Regulation within 12 months of the elections.

25 Given the timing of this review, Council will await the outcome and any subsequent amendments to the Model Code of Meeting Practice prior to considering its review of same.

Financial Considerations

Not applicable.

Consultation and Engagement

Councillors provided input to inform the drafting of the submission at the 6 February Councillor Workshop.

- 5 Individual Councillors may make their own submissions to the OLG review by close of business on Friday 28 February 2025 via the website: [Reforms to the Model Code of Meeting Practice - Office of Local Government NSW](#).

Report No. 13.6 Delivery Program and Operational Plan 2024/25 Progress Report - Quarter 2 - December 2024

Directorate: Corporate and Community Services

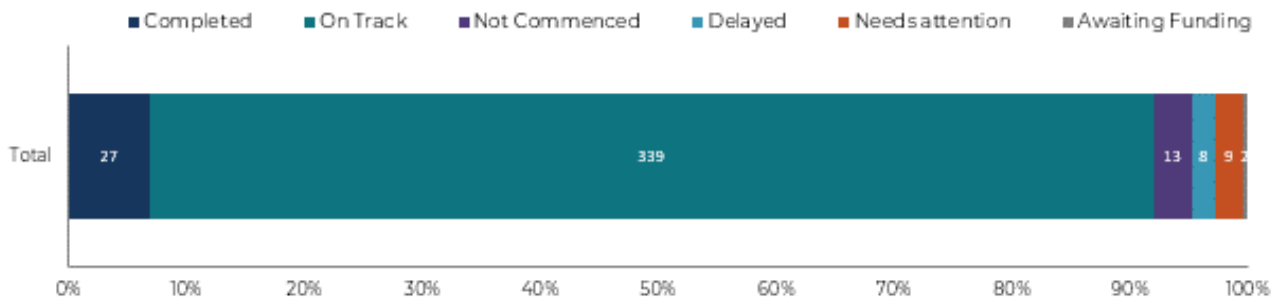
Report Author: Amber Evans Crane, Corporate Planning and Improvement Coordinator

File No: I2025/111

Summary:

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

This report represents the progress toward the activities in the 2024/25 Operational Plan at the end of the second quarter, being 31 December 2024. A summary of the status is provided in the graph below:



15

20

RECOMMENDATION:

That Council:

- Notes the Delivery Program and Operational Plan 2024/25 Quarter 2 Report for the period ending 31 December 2024 (Attachment 1 #E2025/6581).**
- Adopts the proposed amendments to the Operational Plan 2024/25 outlined in Attachment 2 (#E2024/149854).**



25

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Attachments:

- 1 Quarter 2 2024/25 Operational Plan Report and 6 month Delivery Program Report -
December 2024, E2025/6581 
- 5 2 Quarter 2 Report - Q2 - Proposed Amendments to Operational Plan 2024/25, E2024/149854


Report

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

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

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

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

Strategic Objectives

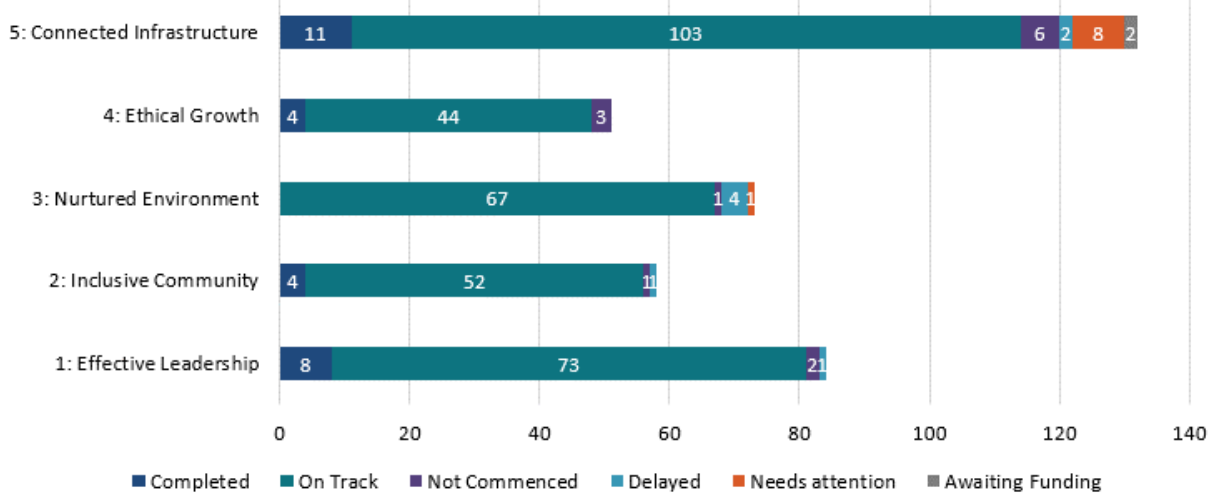
20 The report (#E2025/6581) is structured by the five Community Objectives in the Byron Shire Community Strategic Plan:

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

35

40

Q2 Status by Community Objective:



Report Details

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

Each section notes the progress against the activities including:

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

As at 31 December 2025 there are:

- 25 • 27 activities completed
- 339 activities on track
- 13 activities not commenced
- 8 activities delayed
- 9 activities need attention
- 2 activity awaiting funding

Proposed Amendments

A number of required amendments have been identified and 7 new activities proposed. These are provided in Attachment 2 (E2024/149854) for Council’s endorsement.

Strategic Considerations

5 Community Strategic Plan and Operational Plan

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

Legal/Statutory/Policy Considerations

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

Financial Considerations

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

Consultation and Engagement

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

Report No. 13.7 National General Assembly of Local Government 2025

Directorate: Corporate and Community Services

Report Author: Heather Sills, Manager Corporate Services

5 **File No:** I2025/113

Summary:

10 The National General Assembly of Local Government incorporating the Regional Cooperation and Development Forum will be held from 24 - 27 June 2025 in Canberra. The Call for Motions Discussion Paper requires that motions from Councillors are to be lodged by Monday, 31 March 2025.

15 This report is provided in accordance with Council's Policy Councillor Expenses and Facilities 2022, Clause 6.37 "A resolution of Council is required to authorise attendance of Councillors at...b) National General Assembly of Local Government as a voting delegate".

All councils and delegates intending to attend this event should familiarise themselves with the guidelines for motions contained in the [Call for Motions Discussion Paper](#).

RECOMMENDATION:

That Council:

1. **Authorises Councillor _____ to attend as the voting delegate at the 2025 National General Assembly of Local Government incorporating the Regional Cooperation and Development Forum, to be held at the National Convention Centre in Canberra from 24 - 27 June 2025; and**
2. **Considers endorsement of any motions for submission to the National General Assembly by the lodgement deadline with ALGA Monday, 31 March 2025.**

20

Report

5 Council has received the registration details for the National General Assembly (NGA) of Local Government to be held in Canberra from 24 - 27 June 2025. The theme for the 2025 NGA is 'National Priorities need Local Solutions' which aims to focus on opportunities for councils to work with the next Federal Government to deliver local solutions that will help them deliver on their vision for the nation

Council is entitled to one voting delegate in the debating session in addition to non-voting delegate/s.

10 As per Clause 6.37 of the [Councillor Expenses and Facilities Policy 2022](#), "A resolution of Council is required to authorise attendance of Councillors at...b) National General Assembly of Local Government as a voting delegate".

In assessing a Councillor request to attend a conference, Clause 6.40 of the Policy asserts the following factors must be considered:

- 15 1. *relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties*
2. *cost of the event in relation to the total remaining budget.*

Conference Motions

20 NGA Conference motions are subject to Clause 6.41 of the [Councillor Expenses and Facilities 2022 Policy](#) which states that "Submission of motions to the ... National General Assembly for consideration by Council will be done by notice of motion, which can be considered during the year."

Motions to the NGA are to be received electronically by the Australian Local Government Association (ALGA) no later than 11:59pm on Monday 31 March 2025, and must first be endorsed by Council prior to submission.

25 Staff will submit any adopted motions to ALGA on behalf of Council prior to the deadline.

Call for Motions

The NGA have indicated they are interested to hear ideas for new or expanded programs and key policy initiatives that could strengthen local governments and the delivery of services and infrastructure to local communities across the nation.

30 The discussion paper identifies twelve key priority areas which motion/s should address one or more of: intergovernmental relations; financial sustainability; roads and infrastructure; emergency management; housing and homelessness; jobs and skills; community services; Closing the Gap and Aboriginal and Torres Strait Islander Reconciliation; data, digital technology and cyber security; climate change and renewable energy; environment; and circular economy.

35

The full discussion paper is available from the following link: [2025-NGA-Discussion-Paper.pdf](#)

Criteria

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, Motions must meet the following criteria:

1. Be relevant to the work of local government nationally.
- 5 2. Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
3. Be consistent with the themes of the NGA.
4. Complement or build on the policy objectives of ALGA and your state or territory local government association.
- 10 5. Be submitted by a council which is a financial member of their state or territory local government association.
6. Propose a clear action and outcome ie call on the Australian Government to act on something.
- 15 7. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
- 20 9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
10. Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.
- 25 Motions must commence with the following wording: '*This National General Assembly calls on the Australian Government to ...*' All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement by Council.

30 Motions should be lodged electronically using the online form available on the NGA website at: www.alga.asn.au.

Strategic Considerations

Community Strategic Plan and Operational Plan

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

Related Resolutions

Not applicable.

5 Legal/Statutory/Policy Considerations

In accordance with Council’s Policy Councillor Expenses and Facilities 2022 “*A resolution of Council is required to authorise attendance of Councillors at ...b) Australian Local Government Association National General Assembly as a voting delegate.*”

Financial Considerations

- 10 The allocation to Conferences within the 2024/25 budget (2145.4) has approximately \$15,650 remaining for the financial year.

Costs: (*per delegate*)

	Registration Fee (early bird received 23 May 2025)	\$ 975.00
	Registration Fee for Regional Forum	\$ 475.00
15	Accommodation (<i>approx.</i>) (3 nights)	\$ 900.00
	Travel (<i>approx.</i>)	\$ 550.00
	Total:	\$2,900.00

NGA delegates will be eligible for a discounted fee (\$275.00) to the Regional Forum held in conjunction with the NGA should they lodge a successful motion to attend.

20 Consultation and Engagement

Not applicable.

Report No. 13.8 Budget Review - 1 October to 31 December 2024

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2025/115

Summary:

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

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

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

This report was also considered by the Finance Advisory Committee Meeting held on 20 February 2025.

20

RECOMMENDATION:

That Council:




- 25 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**
 - 30 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.**

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Attachments:

- 1 Budget Variations for General, Water and Sewerage Funds, E2025/15610 
 - 2 Itemised Listing of Budget Variations for General, Water and Sewerage Funds, E2025/15611 
 - 3 Integrated Planning and Reporting Framework (IP&R) required Quarterly Review Statements, E2025/15612 
- 5
- 10

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

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

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

Office of Local Government Budget Review Guidelines:

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

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

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

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

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

Income and Expenditure Budget Review Statement by Type

30 This shows Council's income and Expenditure by type. This has been split by Fund. Adjustments are shown, looking from left to right. These adjustments are commented on through the last 14 pages of Attachment 1.

Capital Budget Review Statement

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

Cash and Investments Budget Review Statement

5 This statement reconciles Council's restricted funds (reserves) against available cash and investments. Council has attempted to indicate an actual position as at 31 December 2024 of each reserve to show a total cash position of reserves with any difference between that position and total cash and investments held as available cash and investments. It should be recognised that the figure is at a point in time and may vary greatly in future quarterly reviews depending on cash flow movements.

Key Performance Indicators (KPIs)

At this stage, the KPIs within this report are:

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

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

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

CONSOLIDATED RESULT

The following table provides a summary of the overall Council budget on a consolidated basis inclusive of all Funds' budget movements for the 2024/2025 financial year projected to 30 June 2025, revised as at 31 December 2024.

25

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2024/2025 Budget Review Statement as at 31 December 2024	Original Estimate (Including Carryovers) 1/7/2024	Adjustments to 31 Dec 2024 including Resolutions*	Proposed 31 Dec 2024 Review Revotes	Revised Estimate 30/6/2025 at 31/12/2024
Operating Revenue	121,626,000	(3,762,300)	2,460,400	120,324,100
Operating Expenditure	127,469,300	1,365,900	2,198,800	131,034,000
Operating Result – Surplus/Deficit	(5,843,300)	(5,128,200)	261,600	(10,709,900)
Add: Capital Revenue	52,658,200	(20,278,400)	(1,818,000)	30,561,800
Change in Net Assets	46,814,900	(25,406,600)	(1,556,400)	19,851,900
Add: Non Cash Expenses	20,657,300	0	0	20,657,300
Add: Non-Operating Funds Employed	9,941,100	200,600	(687,500)	9,454,200
Subtract: Funds Deployed for Non-Operating Purposes	104,669,500	(6,342,800)	(13,747,400)	84,579,300
Cash Surplus/(Deficit)	(27,256,200)	(18,863,200)	11,503,500	(34,615,900)
Restricted Funds – Increase / (Decrease)	(27,331,700)	(18,863,200)	11,579,000	(34,615,900)
Forecast Result for the Year – Surplus/(Deficit) – Unrestricted Cash Result	75,500	0	(75,500)	0

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GENERAL FUND

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

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

- 5 The General Fund financial position overall has decreased by \$75,500 as a result of this budget review, leaving the forecast cash result for the year at an estimated balanced budget result and an estimated unrestricted cash result of \$400,000. The proposed budget changes are detailed in Attachment 1 and summarised further in this report below.

Council Resolutions

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

Budget Adjustments

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

Budget Directorate	Revenue Increase/ (Decrease) \$	Expenditure Increase/ (Decrease) \$	Accumulated Surplus (Working Funds) Increase/ (Decrease) \$
General Manager	258,600	258,600	0
Corporate & Community Services	800,800	681,100	119,700
Infrastructure Services	(1,668,700)	(1,439,300)	(229,400)
Sustainable Environment & Economy	297,200	263,000	34,200
Total Budget Movements	(312,100)	(236,600)	(75,500)

Budget Adjustment Comments

- 15 Within each of the Budget Directorates of the General Fund, are a series of budget adjustments identified in detail at Attachment 1 and 2. More detailed notes on these are

provided in Attachment 1. The major additional items included are summarised below by Directorate and are included in the overall budget adjustments table above.

General Managers Office

- 5 • In the General Managers program, it is proposed to increase operating expenditure due to additional legal expenses \$125,000 and expenses for the Byron Town Centre Master Plan \$24,800.
- 10 • In the People & Culture program, it is proposed to increase operating income due to a performance rebate received from Statecover transferred to the People & Culture Reserve \$108,800.

Corporate and Community Services

- 15 • In the General Purpose Revenue program, it is proposed to increase operating income as a result of the TfNSW Natural Disaster advance payments being invested, with the interest earned over the last six months being transferred to the Infrastructure Recovery Contingency reserve.
- 20 • In the Corporate Services program, it is proposed to increase operating income by \$116,600 due to income received from insurance claim recoveries related to the February/March 2022 flood event.
- In the Community Development program, it is proposed to increase operating income and expenditure due to a grant being approved for Spontaneous Volunteering (\$100,000) and Public Art Voluntary Planning Contributions (\$72,700).

Infrastructure Services

- 25 • In the Local Roads and Drainage program, there are a number of adjustments outlined under Note 8 on pages 54 to 57 in the Budget Variations explanations section of Attachment 1. Further disclosure is included on the second page of Attachment 2 under the budget program heading Local Roads and Drainage.
- 30 • In the Transport for New South Wales program (TfNSW), it is proposed to increase operating income due to a payment being received from TfNSW for the April 2024 Natural Disaster (AGRN 1119). It is proposed to increase operating expenditure by \$276,100 to match the actual expenditure incurred in 2025. It is proposed to transfer \$200,000 from the Infrastructure Services Carryover reserve to fund Council's contribution as an opt in Council. The remaining \$1,278,100 can be transferred to, and clear the negative reserve that funded the 2023/24 expenditure
- 35 • In the Infrastructure Recovery program, It is proposed to adjust capital expenditure by for various EPAR's to bring the budgets to an approved level of expected expenditure for the 2024/25 financial year.
- 40 • In the Open Space and Recreation program, there are a number of adjustments outlined under Note 11 on pages 59 and 60 in the Budget Variations explanations

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section of Attachment 1. Further disclosure is included on the fourth page of Attachment 2 under the budget program heading Open Space & Recreation.

- 5 • In the Waste Management program, it is proposed to decrease various capital works due to works not being undertaken this financial year. Further disclosure is included on the fourth page of Attachment 2 under the budget program heading Waste & Recycling.
- 10 • In the First Sun Holiday Park program, it is proposed to decrease various capital works due to works not being undertaken this financial year. Further disclosure is included on the fourth page of Attachment 2 under the budget program heading First Sun.
- 15 • In the Facilities Management program, it is proposed to increase operating income due to a grant received from the Department of Climate Change, Energy, the Environment and Water (DCCEEW) for Councils electric vehicle (EV) charging stations (\$18,900) and income received from the actual charging stations (\$13,000). It is proposed to increase operating expenditure due to the installation of new EV chargers (\$29,400), an increase to the budget for the Infrastructure Recovery office renovations (\$70,500), General Community buildings maintenance (\$49,700) and a decrease to the new roof at Federal pre school (\$70,000).

20 **Sustainable Environment and Economy**

- 25 • In the Planning Policy & Natural Environment program, it is proposed to increase operating income and expenditure due to grants being approved for the Northern rivers Watershed Initiative - Soil Mentor (\$50,000) and the Housing Support program – Stream One (\$185,000). It is proposed to increase operating expenditure by a further \$8,000 due to the creation of a budget for the Brunswick Heads Foreshore Community Opportunity Workshop (\$23,000) and a decrease to the Bangalow Village Plan (\$15,000). The \$15,000 for the Bangalow Village Plan has been moved to the Open Space & Recreation program to assist with the Stage 1 rollout of the Street Tree plan.
- 30 • In the Economic Development program, it is proposed to increase operating expenditure due to a budget being required to fund a Council contribution to the North Coast Tourism Symposium and Tourism Awards that Council will be hosting.

WATER FUND

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

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

40

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Capital Works Reserve

Opening Reserve Balance at 1 July 2024	\$4,111,700
Plus original budget reserve movement	(3,820,500)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	1,099,200
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	374,300
Forecast Reserve Movement for 2024/2025 – Increase / (Decrease)	(2,347,000)
Estimated Reserve Balance at 30 June 2025	\$1,764,700

Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2024	\$1,746,500
Plus original budget reserve movement	(1,253,000)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	1,026,400
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	297,300
Forecast Reserve Movement for 2024/2025 – Increase / (Decrease)	70,700
Estimated Reserve Balance at 30 June 2025	\$1,817,200

5 Movements for Water Fund can be seen in Attachment 1 with a proposed estimated increase to reserves (including S64 Contributions) overall of \$671,600 from the 31 December 2024 Quarter Budget Review.

SEWERAGE FUND

After completion of the 2023/2024 Financial Statements the Sewer Fund as at 30 June 2024 has a capital works reserve of \$7,577,100 and plant reserve of \$896,200. It also held \$8,043,300 in section 64 developer contributions and a \$272,500 unexpended grant.

10

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Capital Works Reserve

Opening Reserve Balance at 1 July 2024	\$7,577,100
Plus original budget reserve movement	(2,588,900)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	881,200
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	1,150,000
Forecast Reserve Movement for 2024/2025 – Increase / (Decrease)	(557,700)
Estimated Reserve Balance at 30 June 2025	\$7,019,400

Plant Reserve

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

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

5 Property Development Reserve – Temporary Housing

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

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Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2024	\$8,043,300
Plus original budget reserve movement	(7,500)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(1,050,000)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	255,200
Forecast Reserve Movement for 2024/2025 – Increase / (Decrease)	802,300
Estimated Reserve Balance at 30 June 2025	\$7,241,000

Unexpended Public Works Grant

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

- 5 Movements for the Sewerage Fund can be seen in Attachment 1 with a proposed estimated overall increase to reserves (including S64 Contributions) of \$1,405,200 from the 31 December 2024 Quarter Budget Review.

Legal Expenses

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

- 10 The table that follows indicates the allocated budget and actual legal expenditure within Council on a fund basis as at 31 December 2024.

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Total Legal Income & Expenditure as at 31 December 2024

Program	2024/2025 Budget (\$)	Actual (\$)	Percentage To Revised Budget
Income			
Legal Expenses Recovered	0	0	0%
Total Income	0	0	0%
Expenditure			
General Legal Expenses	225,000	260,854	115.93%
Total Expenditure General Fund	225,000	260,854	115.93%

5 Note: It is proposed to increase the Legal Services budget by a further \$125,000 at this QBR, funded from the Legal Service reserve as legal expenses are trending higher than the existing budget. This should continue to be monitored to ensure there is enough funding for future expenses. This transfer from the Legal Services Reserve brings the budget into line with actual expenditure. The remaining reserve balance of \$75,000 may be required at a future quarterly budget review to cover these increased costs.

Strategic Considerations

Community Strategic Plan and Operational Plan

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

10 Legal/Statutory/Policy Considerations

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

- 15 (1) *Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the*

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operational plan for the relevant year, a revised estimate of the income and expenditure for that year.

(2) *A budget review statement must include or be accompanied by:*

5 (a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*

(b) *if that position is unsatisfactory, recommendations for remedial action.*

(3) *A budget review statement must also include any information required by the Code to be included in such a statement.*

10 **Financial Considerations**

15 The 31 December 2024 Quarter Budget Review of the 2024/2025 Budget has left the overall estimated budget result at \$0. This leaves the movement against the unrestricted cash balance attributable to the General Fund to an estimated balanced result for the year, leaving the unrestricted cash balance attributable to the General Fund at an estimated \$400,000 surplus at 30 June 2025.

It is the view of the Responsible Accounting Officer that the short term financial position of the Council is satisfactory for the 2024/2025 financial year, having consideration of the original estimate of income and expenditure at the 30 September 2024 Quarter Budget Review.

20 This opinion is based on the estimated General Fund Unrestricted Cash Result position and that the current indicative budget position for 2024/2025 outlined in this Budget Review is maintained or further improved through the remaining quarterly budget reviews for the 2024/2025 financial year. Council must remember it has a short term financial goal of maintaining \$1,000,000 in unrestricted cash.

25 As further comment, Council is experiencing cost pressures in providing adequate maintenance funding in the areas of local roads and open spaces. These budget areas have been through a significant review as part of this Quarterly Budget Review to address current trending expenditures. This may likely require further review in the 31 March 2025 Quarterly Budget Review but it is demonstrating the strain on Council's financial position and its lack of ability to fund any new initiatives without reducing services/expenditure in other areas.

35 It is essential that the Quarterly Budget Reviews for the March 2025 Quarter further carefully consider in terms of delivery capacity and Council's financial position as preparations for the 2025/2026 Budget Estimates have commenced but outcomes for the rest of 2024/2025 will feed into the proposed 2025/2026 budget estimates.

Report No. 13.9 Appointment of additional community representatives to Water and Sewer Advisory Committee

Directorate: Corporate and Community Services

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

File No: I2025/122

Summary:

Council received a report on 12 December to appoint community representatives to its Advisory Committees for the term of Council.

10 Having only received two nominations for the four positions on the Water and Sewer Advisory Committee, Council resolved to seek further nominations for the remaining positions.

Interested members of the community and existing members were invited to submit an Expression of Interest for inclusion on this committees by completing an online nomination form. This report provides information about the nominations received and recommends
15 appointment to the Water and Sewer Advisory Committee.

20 **RECOMMENDATION:**

That:

1. **Community representatives, as recommended in confidential attachment 1, be appointed to the Water and Sewer Advisory Committee for the 2024-2028 term ending September 2028.**
- 25 2. **All appointed Advisory Committee members:**
 - a) **be notified of their appointment to the committee; and**
 - b) **complete induction, Code of Conduct, and confidentiality requirements.**
3. **Any unsuccessful nominees be notified.**

Attachments:

- 30 1 Confidential - Water & Sewer Advisory Committee - Additional Nominations, E2025/15185

Report

Council received a report on 12 December 2025 to appoint community representatives to Advisory Committees. Only two nominations had been received for the Water and Sewer Advisory Committee, with four positions available in the Terms of Reference.

- 5 Nominations were subsequently called for the two vacant positions.

Council is therefore asked to consider the nominations, as provided in confidential attachment 1, and determine the appointment of community representatives to the Water and Sewer Advisory Committee.

Strategic Considerations

10 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

- **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
- 15

Legal/Statutory/Policy Considerations

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

Financial Considerations

- 20 The community representatives on Advisory Committees are volunteer representatives.

Consultation and Engagement

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.

Report No. 13.10 Council Investments - 1 November 2024 to 30 November 2024

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2025/131

Summary:

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

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

RECOMMENDATION:

15 **That Council notes the report listing Council's investments and overall cash position as of 30 November 2024.**

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Report

Council has continued to maintain a diversified portfolio of investments. As of 30 November 2024, the average 90-day bank bill rate (BBSW) for the month was 4.43%. Council's performance for November 2024 was 4.49%. Performance higher than the BBSW indicates that Council earned a better return on its short-term investments compared to the market average.

5

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

Schedule of Investments held as at 30 November 2024

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
15/11/18	1,000,000.00	NSW Treasury Corp (Green Bond)	N	AAA	15/11/28	N	B	3.00%	971,690.00
28/03/19	1,000,000.00	National Housing Finance & Investment Corporation	Y	AAA	28/03/29	N	B	2.38%	928,370.00
21/11/19	1,000,000.00	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	N	B	1.25%	973,140.00
27/11/19	500,000.00	National Housing Finance & Investment Corp	Y	AAA	27/05/30	N	B	1.52%	434,937.50
15/06/21	500,000.00	National Housing Finance & Investment Corp	Y	AAA	01/07/31	N	B	1.99%	500,346.07
06/09/21	1,000,000.00	Northern Territory TCorp	N	Aa3	15/12/26	N	B	1.40%	1,000,000.00
16/09/21	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	02/03/32	N	B	1.83%	813,490.00
30/10/23	850,000.00	Bank Australia Ltd	P	BBB+	30/10/26	N	FRN	5.84%	854,230.32
21/02/24	500,000.00	Bank Australia Ltd	N	BBB+	21/02/28	N	FRN	6.04%	503,768.22
05/06/24	5,000,000.00	Bank of QLD	P	A-	05/12/24	N	TD	5.20%	5,000,000.00

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
05/06/24	5,000,000.00	NAB	P	AA-	02/12/24	Y	TD	5.10%	5,000,000.00
05/06/24	5,000,000.00	Police Bank	P	BBB	04/12/24	N	TD	5.20%	5,000,000.00
03/07/24	1,000,000.00	Bank of QLD	N	A-	03/01/25	N	TD	5.25%	1,000,000.00
03/07/24	2,000,000.00	MyState Bank	P	BBB	07/01/25	N	TD	5.35%	2,000,000.00
10/07/24	5,000,000.00	NAB	N	AA-	06/01/25	Y	TD	5.35%	5,000,000.00
11/07/24	5,000,000.00	Beyond Bank	P	BBB	09/01/25	N	TD	5.35%	5,000,000.00
11/07/24	5,000,000.00	Judo Bank	P	BBB-	13/01/25	N	TD	5.35%	5,000,000.00
07/08/24	1,000,000.00	Auswide Bank	P	BBB-	05/02/25	N	TD	5.15%	1,000,000.00
04/09/24	2,000,000.00	NAB	N	AA-	03/12/24	Y	TD	4.95%	2,000,000.00
04/09/24	2,000,000.00	Bank of QLD	N	A-	03/12/24	N	TD	4.75%	2,000,000.00
05/09/24	2,000,000.00	Beyond Bank	N	BBB	04/12/24	N	TD	4.90%	2,000,000.00
05/09/24	2,000,000.00	Beyond Bank	N	BBB	04/12/24	N	TD	4.90%	2,000,000.00
16/09/24	1,000,000.00	Bank of QLD	N	A-	16/12/24	N	TD	4.75%	1,000,000.00
16/09/24	2,000,000.00	NAB	N	AA-	16/12/24	Y	TD	4.95%	2,000,000.00
19/09/24	2,000,000.00	NAB	N	AA-	18/12/24	Y	TD	4.95%	2,000,000.00
27/09/24	1,000,000.00	Auswide Bank	N	BBB-	12/12/24	N	TD	4.80%	1,000,000.00
02/10/24	1,000,000.00	Judo Bank	N	BBB-	02/01/25	N	TD	4.75%	1,000,000.00
08/10/24	2,000,000.00	Bank of QLD	N	A-	06/01/25	N	TD	4.75%	2,000,000.00
08/10/24	2,000,000.00	NAB	N	AA-	06/01/25	Y	TD	5.15%	2,000,000.00
09/10/24	4,000,000.00	Beyond Bank	N	BBB	09/04/25	N	TD	5.00%	4,000,000.00
15/10/24	1,000,000.00	NAB	N	AA-	13/01/25	Y	TD	4.95%	1,000,000.00
18/10/24	1,000,000.00	Judo Bank	N	BBB-	16/01/25	N	TD	5.05%	1,000,000.00
28/10/24	1,000,000.00	NAB	N	AA-	28/01/25	Y	TD	4.95%	1,000,000.00
06/11/24	2,000,000.00	Judo Bank	N	BBB	05/02/25	N	TD	4.75%	2,000,000.00
13/11/24	5,000,000.00	Bank of QLD	N	A-	12/05/25	N	TD	5.12%	5,000,000.00
18/11/24	1,000,000.00	Judo Bank	N	BBB	17/02/25	N	TD	4.75%	1,000,000.00
20/11/24	1,000,000.00	MyState Bank	N	BBB	19/02/25	N	TD	4.77%	1,000,000.00
25/11/24	1,000,000.00	MyState Bank	N	BBB	24/02/25	N	TD	4.80%	1,000,000.00
27/11/24	1,000,000.00	Westpac Tailored	P	AA-	27/11/25	N	TD	5.08%	1,000,000.00
N/A	15,955,679.60	CBA Business Saver	P	AA-	N/A	Y	CALL	4.35%	15,955,679.60

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.10

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
N/A	207,011.64	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	Y	CALL	4.35%	207,011.64
N/A	10,390,992.57	Macquarie Accelerator Call	P	A	N/A	Y	CALL	4.20%	10,390,992.57
Total	104,903,683.81						AVG	4.49%	104,533,655.92

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

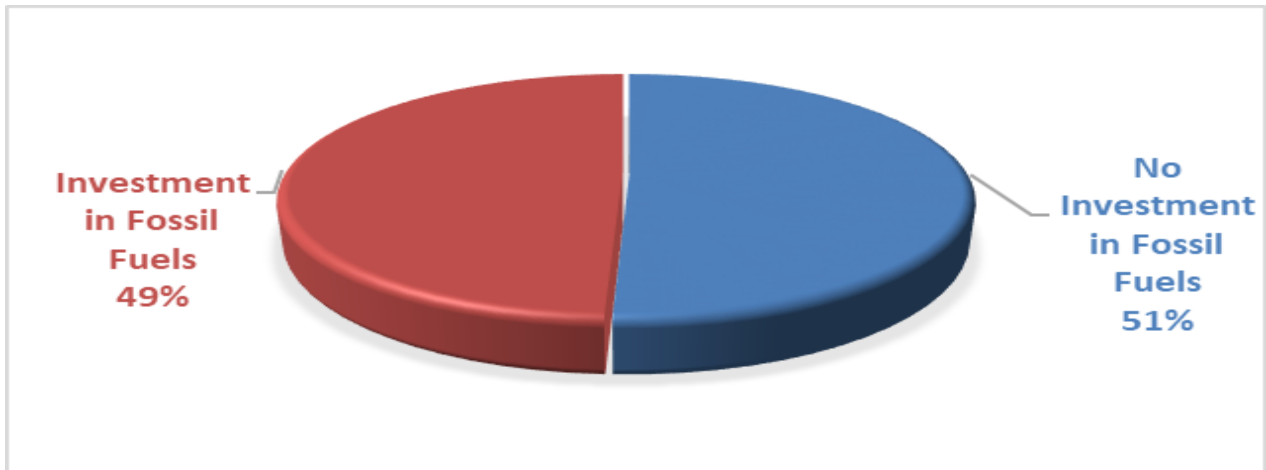
U = Unknown Status

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 30 November 2024, the portfolio has been stable at 51%.

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 November 2024 to 30 November 2024:

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.10

Investment policy compliance			ACTUAL		
% should not exceed the following					
AAA to AA	A1+	100%	41%		Meets policy
A+ to A-	A1	60%	25%		Meets policy
BBB to NR	A2,NR	40%	34%		Meets policy

Dissection of Council Investment Portfolio as at 30 November 2024

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
71,000,000.00	Term Deposits	71,000,000.00	0.00
15,955,679.60	CBA Business Saver	15,955,679.60	0.00
207,011.64	CBA Business Saver – Tourism Infrastructure Grant	207,011.64	0.00
10,390,992.57	Macquarie Accelerator	10,390,992.57	0.00
7,350,000.00	Bonds/Floating Rate Notes	6,979,972.11	(370,027.89)
104,903,683.81	Total	104,533,655.92	(370,027.89)

5 Council's overall 'cash position' is not only measured by funds invested but also by the funds retained in its consolidated fund or bank account for operational purposes. The table below identifies Council's overall cash position for the month of November 2024 as follows:

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

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	71,000,000.00	71,000,000.00	0.00
CBA Business Saver	15,955,679.60	15,955,679.60	0.00
CBA Business Saver – Tourism Infrastructure Grant	207,011.64	207,011.64	0.00
Macquarie Accelerator	10,390,992.57	10,390,992.57	0.00
Bonds	7,350,000.00	6,979,972.11	(370,027.89)
Total Investment Portfolio	104,903,683.81	104,533,655.92	(370,027.89)
Cash at Bank			
Consolidated Fund	4,482,730.07	4,482,730.07	0.00
Total Cash at Bank	4,482,730.07	4,482,730.07	0.00
Total Cash Position	109,386,413.88	109,016,376.99	(370,027.89)

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. 13.11 Council Investments - 1 December 2024 to 31 December 2024

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2025/133

Summary:

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

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

RECOMMENDATION:

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

20

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.11

Report

Council has continued to maintain a diversified portfolio of investments. As of 31 December 2024, the average 90-day bank bill rate (BBSW) for the month was 4.44%.

- 5 Council's performance for December 2024 was 4.74%. Performance higher than the BBSW indicates that Council earned a better return on its short-term investments compared to the market average.

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

Schedule of Investments held as at 31 December 2024

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
15/11/18	1,000,000.00	NSW Treasury Corp (Green Bond)	N	AAA	15/11/28	N	B	3.00%	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
03/07/24	1,000,000.00	Bank of QLD	P	A-	03/01/25	N	TD	5.25%	1,000,000.00

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.11

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
03/07/24	2,000,000.00	MyState Bank	P	BBB	07/01/25	N	TD	5.35%	2,000,000.00
10/07/24	5,000,000.00	NAB	P	AA-	06/01/25	Y	TD	5.00%	5,000,000.00
11/07/24	5,000,000.00	Beyond Bank	P	BBB	09/01/25	N	TD	5.00%	5,000,000.00
11/07/24	5,000,000.00	Judo Bank	P	BBB-	13/01/25	N	TD	5.00%	5,000,000.00
07/08/24	1,000,000.00	Auswide Bank	P	BBB-	05/02/25	N	TD	5.15%	1,000,000.00
02/10/24	1,000,000.00	Judo Bank	N	BBB-	02/01/25	N	TD	4.75%	1,000,000.00
08/10/24	2,000,000.00	Bank of QLD	N	A-	06/01/25	N	TD	4.75%	2,000,000.00
08/10/24	2,000,000.00	NAB	N	AA-	06/01/25	Y	TD	5.15%	2,000,000.00
09/10/24	4,000,000.00	Beyond Bank	N	BBB	09/04/25	N	TD	5.00%	4,000,000.00
15/10/24	1,000,000.00	NAB	N	AA-	13/01/25	Y	TD	4.95%	1,000,000.00
18/10/24	1,000,000.00	Judo Bank	N	BBB-	16/01/25	N	TD	5.05%	1,000,000.00
28/10/24	1,000,000.00	NAB	N	AA-	28/01/25	Y	TD	4.95%	1,000,000.00
06/11/24	2,000,000.00	Judo Bank	N	BBB	05/02/25	N	TD	4.75%	2,000,000.00
13/11/24	5,000,000.00	Bank of QLD	N	A-	12/05/25	N	TD	5.12%	5,000,000.00
18/11/24	1,000,000.00	Judo Bank	N	BBB	17/02/25	N	TD	4.75%	1,000,000.00
20/11/24	1,000,000.00	MyState Bank	N	BBB	19/02/25	N	TD	4.77%	1,000,000.00
25/11/24	1,000,000.00	MyState Bank	N	BBB	24/02/25	N	TD	4.80%	1,000,000.00
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	N	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	N	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
N/A	20,030,598.05	CBA Business Saver	P	AA-	N/A	Y	CALL	4.35%	20,030,598.05

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.11

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
N/A	207,776.45	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	Y	CALL	4.35%	207,776.45
N/A	1,913,435.64	Macquarie Accelerator Call	P	A	N/A	Y	CALL	4.20%	1,913,435.64
Total	97,501,810.14						AVG	4.49%	97,162,066.47

Note 1. CP = Capital protection on maturity

N = No Capital Protection

Y = Fully covered by Government Guarantee

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

Note 2. Fossil Fuel ADI

N = No investment in Fossil Fuels

Y = Investment in Fossil Fuels

U = Unknown Status

Note 3.

Type

Description

B

Bonds

Principal can vary based on valuation, interest payable via a fixed interest, payable usually each quarter.

FRN

Floating Rate Note

Principal can vary based on valuation, interest payable via a floating interest rate that varies each quarter.

TD

Term Deposit

Principal does not vary during investment term. Interest payable is fixed at the rate invested for the investment term.

CALL

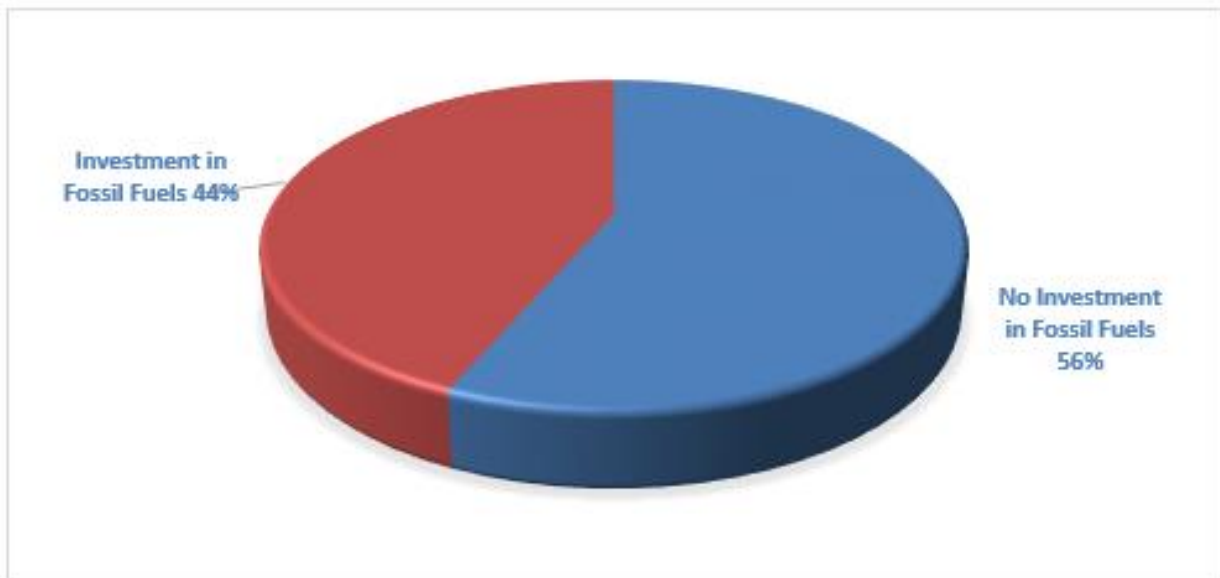
Call Account

Principal varies due to cash flow demands from deposits/withdrawals. Interest is payable on the daily balance.

Environmental and Socially Responsible Investing (ESRI)

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

5



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 31 December 2024, the portfolio has been stable at 56%.

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 December 2024 to 31 December 2024:

BYRON SHIRE COUNCIL

Investment policy compliance % should not exceed the following			ACTUAL	
AAA to AA	A1+	100%	48%	Meets policy
A+ to A-	A1	60%	18%	Meets policy
BBB to NR	A2,NR	40%	34%	Meets policy

Dissection of Council Investment Portfolio as at 31 December 2024

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
68,000,000.00	Term Deposits	68,000,000.00	0.00
20,030,598.05	CBA Business Saver	20,030,598.05	0.00
207,776.45	CBA Business Saver – Tourism Infrastructure Grant	207,776.45	0.00
1,913,435.64	Macquarie Accelerator	1,913,435.64	0.00
7,350,000.00	Bonds/Floating Rate Notes	7,010,256.33	(339,743.67)
97,501,810.14	Total	97,162,066.47	(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 December 2024 as follows:

5 Dissection of Council's Cash Position as at 31 December 2024

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	20,030,598.05	20,030,598.05	0.00
CBA Business Saver – Tourism Infrastructure Grant	207,776.45	207,776.45	0.00
Macquarie Accelerator	1,913,435.64	1,913,435.64	0.00
Bonds	7,350,000.00	7,010,256.33	(339,743.67)
Total Investment Portfolio	97,501,810.14	97,162,066.47	(339,743.67)
Cash at Bank			
Consolidated Fund	3,699,194.53	3,699,194.53	0.00
Total Cash at Bank	3,699,194.53	3,699,194.53	0.00
Total Cash Position	101,201,004.67	100,861,261.00	(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. 13.12 Council Investments - 1 January 2025 to 31 January 2025

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2025/135

Summary:

This Report includes a list of investments and identifies Council's overall cash position for the period 1 January 2025 to 31 January 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 31 January 2025.**

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.12

Report

Council has continued to maintain a diversified portfolio of investments. As of 31 January 2025, the average 90-day bank bill rate (BBSW) for the month was 4.26%. Council's performance for January 2025 was 4.74%. Performance higher than the BBSW indicates that Council earned a better return on its short-term investments compared to the market average.

The table below identifies the investments held by Council as at 31 January 2025.

Schedule of Investments held as at 31 January 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
07/08/24	1,000,000.00	Auswide Bank	P	BBB-	05/02/25	N	TD	5.15%	1,000,000.00

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
09/10/24	4,000,000.00	Beyond Bank	P	BBB	09/04/25	N	TD	5.00%	4,000,000.00
06/11/24	2,000,000.00	Judo Bank	P	BBB	05/02/25	N	TD	4.75%	2,000,000.00
13/11/24	5,000,000.00	Bank of QLD	P	A-	12/05/25	N	TD	5.12%	5,000,000.00
18/11/24	1,000,000.00	Judo Bank	N	BBB	17/02/25	N	TD	4.75%	1,000,000.00
20/11/24	1,000,000.00	MyState Bank	P	BBB	19/02/25	N	TD	4.77%	1,000,000.00
25/11/24	1,000,000.00	MyState Bank	N	BBB	24/02/25	N	TD	4.80%	1,000,000.00
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	N	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	N	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	N	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

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Fossil Fuel	Type	Int. Rate	Current Value (\$)
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
N/A	20,607,700.14	CBA Business Saver	P	AA-	N/A	Y	CALL	4.35%	20,607,700.14
N/A	208,544.08	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	Y	CALL	4.35%	208,544.08
N/A	1,920,991.51	Macquarie Accelerator Call	P	A	N/A	Y	CALL	4.20%	1,920,991.51
Total	100,087,235.73						AVG	4.49%	99,747,492.06

Note 1. CP = Capital protection on maturity

N = No Capital Protection

Y = Fully covered by Government Guarantee

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

Note 2. Fossil Fuel ADI

N = No investment in Fossil Fuels

Y = Investment in Fossil Fuels

U = Unknown Status

Note 3. Type Description

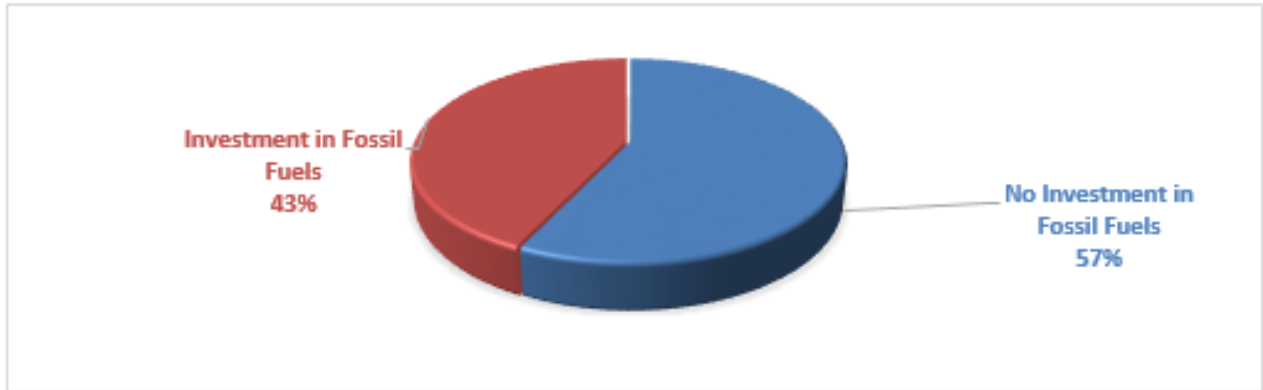
B	Bonds	Principal can vary based on valuation, interest payable via a fixed interest, payable usually each quarter.
FRN	Floating Rate Note	Principal can vary based on valuation, interest payable via a floating interest rate that varies each quarter.
TD	Term Deposit	Principal does not vary during investment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

Environmental and Socially Responsible Investing (ESRI)

An additional column has been added to the schedule of Investments to identify if the financial institution holding the Council investment has been assessed as a 'Fossil Fuel' investing institution. This information has been sourced through www.marketforces.org.au

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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](#).

10 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.

15 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.

With the lifting of the NSW Treasury Corporation loan borrowing covenant on Council's investments, growth has recommenced in acquiring investments not aligned with fossil fuels. Council's portfolio reached its lowest point in August 2023 at 15% and as at 31 January 2025, the portfolio has been stable at 57%.

20 Investment Policy Compliance

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

The investment portfolio is outlined in the table below by investment type for the period 1 January 2025 to 31 January 2025:

Investment policy compliance % should not exceed the following	ACTUAL	

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AAA to AA	A1+	100%	48%	Meets policy
A+ to A-	A1	60%	18%	Meets policy
BBB to NR	A2,NR	40%	34%	Meets policy

Dissection of Council Investment Portfolio as at 31 January 2025 Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
70,000,000.00	Term Deposits	70,000,000.00	0.00
20,607,700.14	CBA Business Saver	20,607,700.14	0.00
208,544.08	CBA Business Saver – Tourism Infrastructure Grant	208,544.08	0.00
1,920,991.51	Macquarie Accelerator	1,920,991.51	0.00
7,350,000.00	Bonds/Floating Rate Notes	7,010,256.33	(339,743.67)
100,087,235.73	Total	99,747,492.06	(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 January 2025 as follows:

5 Dissection of Council's Cash Position as at 31 January 2025

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	70,000,000.00	70,000,000.00	0.00
CBA Business Saver	20,607,700.14	20,607,700.14	0.00
CBA Business Saver – Tourism Infrastructure Grant	208,533.08	208,533.08	0.00
Macquarie Accelerator	1,920,991.51	1,920,991.51	0.00
Bonds	7,350,000.00	7,010,256.33	(339,743.67)
Total Investment Portfolio	100,087,224.73	99,747,481.06	(339,743.67)
Cash at Bank			
Consolidated Fund	3,262,033.69	3,262,033.69	0.00
Total Cash at Bank	3,262,033.69	3,262,033.69	0.00
Total Cash Position	103,349,258.42	103,009,514.75	(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. 13.13 Grants January 2025

Directorate: Corporate and Community Services

Report Author: Donna Johnston, Grants Coordinator

File No: I2025/138

5 **Summary:**


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

10

RECOMMENDATION:

That Council notes the Grant Submissions Report for the month of January 2025 (Attachment 1 #E2025/15953).

15 **Attachments:**

1 Grants submitted as at 31 January 2025, E2025/15953 

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Report

Currently Council has 12 grant applications awaiting determination (refer to Grants Submissions as of January 2025 - Attachment 1, E2025/15953.

Successful applications

5 The following grants have been awarded in December 2024 and January 2025:

Funding body	Funding scheme	Project name	Total project value \$	Amount requested \$	Council \$
Transport for NSW	Road Safety Program 2023/24-2025/26 Transport for NSW	Broken Head Road & Clifford Street Intersection signalisation and pedestrian crossing phasing	\$1,799,000	\$1,799,000	\$0
Transport for NSW	Road Safety Program 2023/24-2025/26 Transport for NSW	Bangalow Road/Byron Street Raised Crossing	\$43,600	\$43,600	\$0
Transport for NSW	Road Safety Program 2023/24-2025/26 Transport for NSW	Goonengerry Public School Road Safety Improvements	\$187,000	\$187,000	\$0

Unsuccessful applications

Funding body	Funding scheme	Project name	Total project value \$	Amount requested \$	Council \$
Australian Government - Department of Infrastructure, Transport, Regional Development, Communications and the Arts	Growing Regions Program – Round 2 business.gov.au	Brunswick Heads Recreation Grounds Clubhouse and playground accessibility upgrades	\$1,500,000	\$750,000	\$750,000

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Australian Government - Department of Infrastructure, Transport, Regional Development, Communication and the Arts	Growing Regions Program – Round 2 business.gov.au	Byron Bay Foreshore Masterplan - Stage 1 (public amenities and playground)	\$3,479,880	\$1,739,940	\$1,739,940
No feedback was provided by funding body at the time of notification, other than to acknowledge the high volume of applications. Additional feedback has been sought. A list of awarded projects can be found at new-south-wales-growing-regions-r2-approved-projects_cleared.pdf					

Upcoming Grant opportunities

[Community Building Partnership | NSW Government](#) (February 2025)

5 Program awards grants for community infrastructure projects that deliver positive social, environmental and recreational outcomes while also promoting community participation, inclusion and cohesion. Funding for projects is up to \$100,000. A high volume of grants is normally received by this funding program.

Staff are currently preparing an application for the delivery of a community shade shelter at Linda Vidler Park. Matching co-contribution funds are required and will be allocated from Suffolk Park Recreation Grounds developer contributions funding reserve.

10 [Regional Economic Development and Community Investment Program | NSW Government](#) (February 2025)

The \$50 million program is funded under the Regional Development Trust and will support initiatives that promote regional economic development and contribute to job creation and retention aligned with the Trust's key focus areas:

- 15 • Aboriginal economic development and enterprise
- Community connection and capacity building
- Improving regional service delivery
- Sustainable regional industries.

Within each key focus area, applications may be submitted for:

- 20 • infrastructure projects
- services and program delivery.

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A matching co-contribution of 20% is required for council applications. Staff are currently reviewing the guidelines to assess for suitability to apply for the proposed new Byron Bay foreshore public amenities and playground.

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

- 5 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.

- 10 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:

- 15
- 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,
- 20
- 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.

- 25 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 are currently assessing possible co-contributions funding sources to support an application for the continued delivery of the Byron Bay Drainage Strategy implementation.

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	1.3.1.9	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 \$33 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)	\$33,401,329
	Requested funds from funding bodies	\$33,003,659
	Council contribution cash	\$397,670
	Council co-contribution in-kind	\$0
20	Other contributions	\$0

Funding determined in December 2024 to January 2025:

Successful applications	\$2,029,600 (total project value)
Unsuccessful/withdrawn applications	\$4,979,880 (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.

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Report No. 13.14 2024 Environment and Safety Priorities Program

5 **Directorate:** Sustainable Environment and Economy
Report Author: Sarah Nagel, Manager Public and Environmental Services
File No: I2025/32

Summary:

10 This report details activities undertaken between **1 January 2024 and 31 December 2024** to meet the adopted 2024 Environment and Safety Priorities Program.

The 2023 and 2024 Environment and Safety Priorities Programs were undertaken in accordance with Council resolution **23-193** ([Minutes of Ordinary Meeting - Thursday, 25 May 2023 \(infocouncil.biz\)](#)) which adopted further compliance resourcing to support proactive and visible companion animal, parking and unauthorised camping compliance.

15

RECOMMENDATION:

That Council:

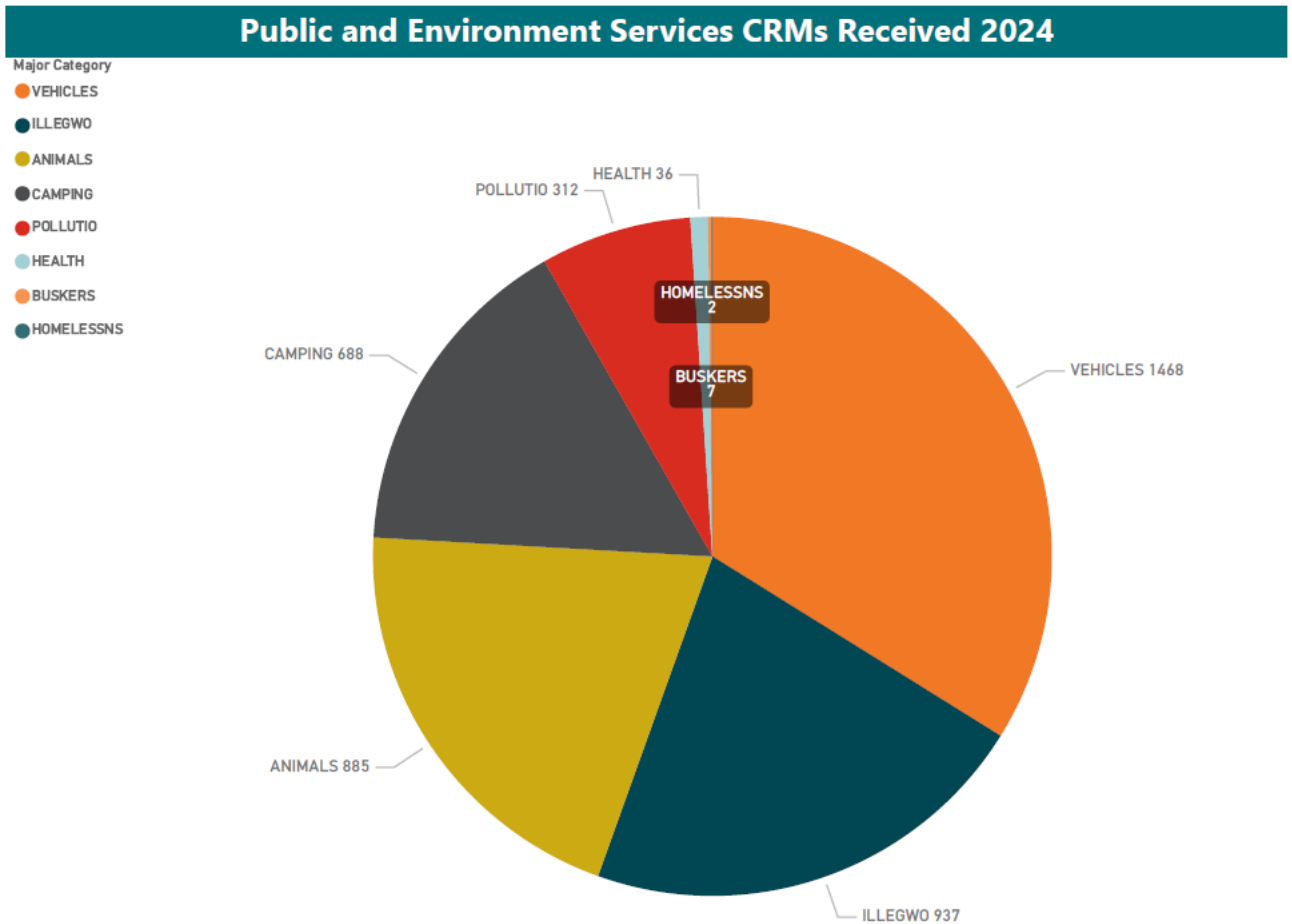
- 20
- 1. Acknowledges the work of the Public and Environmental Services Team.**
 - 2. Notes the report on the 2024 Environment and Safety Priorities Program.**
 - 3. Adopts the proposed ‘Environment and Safety Priorities Program’ for 2025 as provided below to support the adopted compliance resourcing approach:**

25 ***Council’s Public & Environmental Services prioritises proactive and visible companion animal, parking and unauthorised camping compliance. It then prioritises its response to all other matters in accordance with the following categories:***

- 30
- 1. High risk activities which require an urgent and immediate response. (high risk activities are defined as activities that places people’s lives at immediate risk or that cause or are likely to cause a significant risk of environmental harm or pollution); and***
 - 2. Other activities which require a routine response during strategic/regular duties.***

Report

Between 1 January 2024 and 31 December 2024 (“the reporting period”), the Companion Animal Officers, Compliance Officers, Parking Officers, Environmental Health Officers, Public Space Liaison Officers and the Development Investigations Lead Officer (“the Team”) received 4,322 Customer Request Management (“CRMs”). This was similar to 4,378 in the 2023 year.



The 2024 CRMs are broken down into categorises below.

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

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CRM by Category	CRMs received 2023	CRMs received 2024	CRMs finalised 2024
ANIMALS	1037	885	879
Cats	57	33	30
Deceased	6	7	5
Dogs	851	665	669
Livestock	42	45	44
Poultry	61	34	31
Rabbits	1	3	2
Unregistered	19	98	98
BUSKERS	13	7	7
No Permit	13	7	7
CAMPING	804	688	685
Camping	804	688	685
FIRE	1	0	0
Hazard	1	0	0
HEALTH	51	29	51
Asbestos	6	1	3
Building	2	2	3
Chem Spray	0	0	1
Food Poisoning	9	6	9
Food Premises	26	18	21
General	2	0	0
Mosquito	0	0	1
Other	6	0	11
Water Quality	0	2	2
Illegal Works	845	936	930
Building	332	228	254
Business	80	57	60
Clear Land	77	71	74
Development	167	320	279
Earthworks	31	37	40
Fire Safety	0	2	1
Holiday Letting	40	35	37
Land Use	107	175	176
Swimming pool	9	8	5
Wedding	2	3	4
Pollution	256	310	317
Air	36	42	44
Land	12	19	18
Light	5	14	13
Noise	172	195	204
Odour	11	8	9
Water	20	32	29
Vehicles	1370	1467	1436
Abandoned	549	603	589
For Sale	0	14	15
Parking	821	850	832
Grand Total	4377	4322	4305

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The team responded to all matters in accordance with the following categories (as per the adopted 2024 Environment and Safety Priorities Program and/or as resources permit their re-prioritisation):

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

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

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

10 *All other activities.*

The vast majority of the team's work was dominated by **vehicle, illegal works, animals and camping**. To a minimal extent, complaints in relation to vehicles and illegal works increased in the last twelve months. Complaints relating to camping and animals significantly decreased.

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

20 The team issued **11,928** penalty infringement notices with a value of **\$2,796,253** in the reporting period. This was an increase in revenue compared to the previous reporting period.

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

Year end results

5 The compliance teams have greatly benefited from the continued extended resources, being additional officers, a vehicle and equipment. This enabled a minor restructure to support expanded rostering hours and the ability to roster more staff on each shift. This has also supported officers to reach a larger geographical area for early morning **unauthorised camping** patrols, daily **parking** patrols and daily **animal** patrols. It has also supported further expansive early and late shifts for **unauthorised camping, parking** and **animal** patrols.

10 During the year, the 'Enforcement Team' underwent rebranding to reflect its community focus and approach of the team. The team name was changed from 'Enforcement' to 'Compliance Services' and all vehicles were re-stickered. Officers were retitled from Parking Enforcement Officers, Animal Enforcement Officers and Community Enforcement Officers to Parking Officers, Companion Animal Officers and Compliance Officers.



15

The team has displayed resilience and adaptability by their ability to frequently alter their roster, approach and response depending on the circumstances and challenges in the field whilst also supporting the community during differing climates.

20 **Companion Animals**

Animal enforcement capabilities were greatly enhanced by the permanent addition of a third Companion Animal Officer to patrol and proactively enforce responsible dog ownership behaviour in public spaces, as well as educate the community. The team has updated all education equipment, introduced a mascot and are continuing to provide free

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community talks as well as pop-up education in the Shire. The three officers have also undertaken a significant Shire-wide signage audit and commenced improving signage via the installation of more than **50** newly designed dog and cat signs.



- 5 In the reporting period, there were **665** customer requests made in relation to dogs. A significant decrease from **851** in the previous period which may reflect the team's proactive and high visible patrol approach; combined with increased staffing, signage, community education and updated procedures. These included:

Customer Request Management Received	2023	2024
Dogs Attacks	106	88
Dogs Barking	216	198
Dogs Found	114	93
Dogs Nuisance	403	284
Dogs Restricted	12	2
TOTAL	851	665

In the reporting period Council:

- 10 • served **8** Intentions to Declare a Menacing or Dangerous Dog and issued **5** Orders relating to Menacing or Dangerous Dogs under the *Companion Animals Act 1998*. This was not dissimilar to the previous reporting period.
- 15 • conducted **7** menacing dog inspections and **10** working dog inspections. Working dog inspections are a new initiative which commenced in 2024.
- 20 • completed daily patrols and issued **287** dog related penalty infringements for the total amount of **\$138,945**. This is over double that of the previous reporting period. **112** formal warning were also issued in relation to a dog. During each companion animal patrol, a minimum of three microchip checks of dogs was undertaken by officers and free leads were provided to the community.

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- there were **no** Local Court prosecutions in relation to a dog in the reporting period (there were **15** in the previous period).

5 For the second consecutive year the number of reported dog attacks reduced compared to the previous reporting period. This is despite the number of dog attacks across the whole of New South Wales continuing to increase.

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

15 The team progressed the implementation of the 'Dogs in Public Spaces Strategy' and further clarified dog prohibited and dog exercise areas within the Shire via the 'Guide to Dog Areas in the Byron Shire' and in partnership with Council's Open Spaces Department. The team finalised the Shire wide dog signage audit, installed newly designed signage (dog and wildlife) and continued footpath stencils via the support of Council's Open Spaces Team.



The Companion Animal Officers successfully hosted Council's first annual 'Furry Friends Festival' in Bangalow with the support of other government agencies and local businesses with information, stalls, giveaways, freebies, sausage sizzle, face painting, a photo booth competition and fee advice including dog nail clipping.

Ongoing media releases were undertaken throughout the reporting period to educate the public on responsible pet ownership, with a focus on protection of wildlife.

The team finalised its participation in the 'Keeping Cats Safe at Home' project, in conjunction with NSW RSPCA, with continued funding of cats being desexed, microchipped and registered for local charity rehoming.

30 **Parking**

In the reporting period Council:

- issued **11,065** penalty infringement notices in relation to parking with a total value of **\$2,295,496**. This was a reduction from the previous reporting period but consistent with increased meter compliance. The officers issued **401** formal warnings in relation to parking.
- **28.24%** of the total parking infringements were for No Stopping, **28.95%** for No Parking and **26.11%** were for Failure to Pay.
- obtained **29** convictions in the Local Court in relation to traffic, parking and unauthorised camping offences. In total Council was awarded fines and costs of **\$6,970**. This was a significant decrease from **71** in the previous reporting period.

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- issued **160** penalty infringement notices in relation to abandoned vehicles with a total value of **\$77,694**. This was consistent with the previous reporting period.

- 5 Over the reporting period, officers performed approximately **32,430** individual compliance checks against vehicle registrations. This is where an officer stops and keys in the registration number of a vehicle through a hand-held device to check for payment/non-payment. This process is separate to the licence plate recognition (“LPR”) automation compliance checks. This process / visible presence, combined with the LPR, produced **2,196** Fail to Pay infringements and a **93.2%** compliance rate.
- 10 The LPR system routinely scans from **1000 to 4000 vehicles per day**, with automatic compliance / colour coded returns for payment compliance and overstay breaches. The system performs multiple scans per second and rereads a plate until the correct scan is determined and will present the correct plate while discarding an imperfect scan.



- 15 The extended parking team supports a varied roster (earlier and later shifts) and an increased number of staff on each shift.

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

Unauthorised Camping

- 25 The amended **unauthorised camping** fine strategy (commenced in 2019) continued to prove vastly more effective in relation to officer safety, ability to issue higher number of fines (only **5** of the **2,821** camping-related penalty infringement notices issued in 2024 were issued under the old signage approach), less Court appeals (these was none in the reporting period) and a more effective ongoing deterrent of illegal camping in hot spot areas. The team continued to work effectively with Infrastructure Services to identify

further areas that will benefit from early morning parking restrictions or installations of temporary bollards.

In the reporting period Council:

- 5 • issued **2,821** camping-related penalty infringement notices, which was over double that of the 2023 year and may be the cause of the significantly reduced number of complaints received during the period.
- Court prosecutions relating to unauthorised camping are outlined above in this report under ‘Parking’.
- 10 • completed coordinated patrols and inter-agency working groups with Police, NPWS, Transport for NSW, Crown Lands and Reflections Holiday Parks on various coastal lands where camping and camps were known to be causing community and environmental impacts. This included continued inter-agency action at the Brunswick Heads and Byron Bay areas.



20 Public Space Liaison Officers

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

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

During the reporting period the PSLOs continued to problem-solve via the utilisation of limited available services, sources and resources to support rough sleepers and vulnerable persons. The PSLOs engaged with **1,841** people, being **296** more than the previous reporting period. They made **102** referrals (the same as the previous period), provided **1,236** people with information (**804** in previous period), undertook **323** joint patrols with various services (**190** in previous period), organised **32** clean-ups (**20** in

previous period), made **0** SHS referrals (**10** in previous period) and made **50** temporary accommodation referrals to the Department of Communities and Justice (**9** in previous period). The Officers participated in **169** local meetings (**128** previous) and undertook **1,213** phone calls/texts with rough sleepers (not recorded in the previous period).

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



Other Matters

10 Under the terms of the *Environmental Planning and Assessment Act 1979*, Council served **182** notices of entry to inspect premises in relation to **unauthorised building works, activities and uses**. This was an increase from **149** in the previous reporting period and likely a result of increased complaints being received.

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

In the reporting period Council:

- 20 • issued **189** notices and orders under the *Local Government Act 1993*, *Environmental Planning and Assessment Act 1979*, *Protection of the Environment Operations Act 1997* and the *Roads Act 1993*. This was a reduction from **251** in the previous reporting period and may demonstrate the problem-solving approach of officers to working with property owners in an effort to resolve matters without the necessity of formal enforcement action.
- 25 • issued **17** penalty infringement notices under the *Environmental Planning and Assessment Act 1979* with a total value of **\$76,500**. This was a significant increase from **7** at **\$18,000** in the previous reporting period.
- issued **1** penalty infringement notice for **\$15,000** for pollution of water under the *Protection of the Environment Operations Act 1997*. There were **0** issued in the previous reporting period.
- 30 • issued and finalised **1** court attendance notice pursuant to the *Environmental Planning and Assessment Act 1979* in the Local Court for development without consent. A fine of **\$6,000** was imposed. This was similar to the previous reporting period. **One** court attendance notice pursuant to the *Protection of the Environment Operations Act 1997* was withdrawn with fines of **\$24,000** being imposed for pollution of land.

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- successfully commenced proceedings in the Land and Environment Court to restrain unauthorised development being used as short-term-rental-accommodation.
- other court matters completed during the reporting period were:
 - Fail to comply with Roads Act Direction - fined **\$500**

5 Officers utilised creative problem-solving skills to respond to safety complaints regarding a macaw and environmental impacts from peacocks.

In accordance with resolution **24-581** [Minutes of Ordinary \(Planning\) Meeting - Thursday, 5 December 2024](#), an update on **short-term-rental accommodation ("STRA")** monitoring and compliance actions is hereby provided. The team is actively monitoring and auditing the STRA register and use of properties with consent conditions which prohibit the use of a property as STRA (resolutions **23-056** [Minutes of Ordinary \(Planning\) Meeting - Thursday, 9 March 2023 \(infocouncil.biz\)](#) and **23-500** [Minutes of Ordinary Meeting - Thursday, 26 October 2023 \(infocouncil.biz\)](#)) as well as responding to CRMs relating to STRA use of a property. In the reporting period, **35** complaints were received (a slight reduction from **40** in the previous period).

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

Changes for non-hosted STRA were endorsed by the NSW Government in September 2023 and new day caps for un-hosted STRA took effect on 23 September 2024, for STRA properties registered on or after that date. Staff time and resourcing for STRA in Byron Shire is being funded by the current enforcement program budget of the Operational Plan. This may change the result of further monitoring and compliance strategy development. Funding to support local community benefits and also enforcement is addressed in IPC Advice Report on Byron Shire STRA recommendations 8 and 9.

During the reporting period, Council sent over **30** show cause letters for property owners exceeding days caps, **9** show cause letters for non-approved STRA use, issued **2 x \$6,000** fines and successfully restrained **1** property owner from use of authorised development as STRA via Land and Environment Court proceedings.

35 The **illegal dumping** team and the compliance team continued to manage responses to illegal dumping incidents in partnership. The Resource Recovery Department remain primarily responsible for Council's response to illegal dumping incidents, including asbestos. This includes education and awareness, prevention, infrastructure and evaluation activities. The compliance team undertakes all necessary enforcement activities, where enough evidence is



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available and enforcement measures are deemed necessary by the Waste Education & Compliance Officer in the Resource Recovery Department.

In the reporting period, **195** noise complaints were received and responded to, a small increase from **172** in the previous reporting period.

5

Officers continued to attend to reports of **unauthorised events** in conjunction with local Police, particularly the Liquor Licencing Unit. The team also continued to work closely with local police, Manager Corporate Services and Infrastructure Services to maintain no-alcohol signage in hot spot areas and/or during events.

10

In October 2024, the NSW Parliament passed the 24-Hour *Economy Legislation Amendment (Vibrancy Reforms) Act 2024*, to improve night-time economy. Under changes made by these reforms, Liquor and Gaming NSW is now the lead regulator for entertainment, patron and amplified music sound coming from licensed premises (not Council). This includes all noise complaints about licensed premises, which are now managed under the disturbance complaint framework of the *Liquor Act 2007* by Liquor and Gaming NSW. Changes were made to facilitate premises hosting live music; however, licensees also retain certain obligations to minimise negative impact on local residents or businesses in their community. This amendment has resulted in Council being unable to assist some community members with noise concerns from venues and also discontinued a number of noise complaints there were being investigated by Council.

15

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In accordance with **24-611** [Minutes of Ordinary Meeting - Thursday, 12 December 2024](#), Council is in the process of establishing a 'Special Entertainment Precinct' on the land zoned E1 Local Centre and part Rail Corridor Land zoned SP2 Special Infrastructure under the *Byron Local Environmental Plan 2014*, [being zoned land as best identified and bounded by Bay Street, Rail Corridor/Jonson Street, Browning Street, Middleton Lane and Street, and the southern leg of Ruskin Lane, Byron Bay]. This will be supported by an application under the NSW Government's Special Entertainment Precinct Kickstart Grant Program for the development of the precinct and the formation of a Night Time Economy Strategy to encourage day and night time uses to ensure diversity and regular street activation; and to allow for events to grow flexibly in a diverse range of spaces, with a smooth, and simple approvals process accessible to a wide range of cultural and age groups in the Byron Bay Town Centre Masterplan.

25

30

Staff also completed the following routine matters:

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



(b) Tourist and visitor accommodation swimming pool safety, including legislative requirements.

(c) Food Safety Inspections.

(d) Onsite sewage management systems (including CERC project).

(e) Awareness of current public health requirements.

45 In the reporting period, Council impounded **53** unauthorised banners and signs (**07-550, 06-204**). During the period, the Compliance Team continued to educate and audit in relation to owners of signage (including real estate

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5 signage, A-frame signage and event signage) as well as businesses with footpath dining and goods/chattels. This approach is a result of an amendment to the *Byron Shire Development Control Plan 2014* relating to signage. The formalised process for event signage, implemented in conjunction with Council's Events Team, was successfully continued.

10 During the reporting period, certification officers conducted **122** swimming pool inspections, including reinspection's following initial failures. Of these, **83** inspections were deemed satisfactory, while **39** were deemed unsatisfactory.

15 **30** high-risk properties were identified and reminded of their obligations regarding pool safety. Property owners were informed that their pools must be inspected by an accredited swimming pool inspector, either through Council or a private certifier. High-risk pools include tourist and visitor accommodation such as hotels, hostels, etc.

20 During the reporting period, **87** swimming pool compliance certificates were issued and **56** non-compliant swimming pool certificates.

25 In the reporting period, **164** inspections of onsite-sewerage-management-systems were undertaken, **18** weeks of public waterway sampling was undertaken, **298** inspections of fixed food premises, **68** inspections of temporary food premises and **43** inspections of mobile food premises were conducted.

30 Council issued **26** food improvement notices and **6** penalty infringement notices under the Food Act with a total value of **\$5,280**. This was a reduction from **12** penalty infringement notices in the previous reporting period. Council also issued **2** prohibition orders under the Food Act.

Overall achievements 2024

- 30 • The Environmental Health Team again achieved 100% on the NSW Food Authority food surveillance program (for food safety inspections of all high risk and medium risk food premises within the Shire) – they inspected 100% of temporary and mobile food premises.
- 35 • The Parking Team progressed the installation of disability car parks at the Byron Bay Public School, a change of Mullumbimby laneways and new signage to assist Resource Recovery/SOLO operations (to allow better and safer access during pick days in numerous streets throughout the Shire), with the support of Infrastructure Services.
- 40 • The Environmental Health Officers continued their working relationship with NSW Public Health including inspections of: public swimming pools, skin penetration businesses, cooling towers and UPSS in addition to increased surveillance for the JEV programme (mosquito trapping).
- 45 • The Public Space Liaison Officers continued a strong presence in the Byron Shire community and within Council. They continue to receive positive feedback through engagement with several local services including Fletcher Street Cottage, Homeless Health Outreach Team, Orange Sky, Social Futures, Mullumbimby District

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Neighbourhood Centre and Bruns Brekkie. The Officers continue to build rapport with service users through their ongoing presence in community.

- 5 • There was a continued focus on carrying out well planned targeted operations in relation to unauthorised camping, littering, alcohol free zones, parking enforcement, unauthorised activities and development. This included continued inter-agency working groups in relation to Seven Mile Beach, Byron Bay and Brunswick Heads; as well as joint-division projects in relation to illegal dumping, signage and alcohol-free zones. The officers also undertook joint inspections with Local Police, Liquor Licencing and NSW Public Health.
- 10 • In February 2024, the Public Space Liaison Officers, with the support of Compliance Officers, participated in Department of Communities and Justice's Street count.
- 15 • The Environmental Health Officers continued expanded monitoring and reporting of recreational water quality.
- 20 • The Compliance, Parking and Companion Animal Teams continued to work closely with the PSLO Team, ensuring open communication between the teams and expanding several internal procedures to create positive outcomes for rough sleepers in the Shire. For example, the Companion Animal Team organised and supported dogs owned by rough sleepers to be desexed at a reduced rate via CAWI, the Compliance and Parking Teams aided rough sleepers in relation to management of vehicles and the Companion Animal Team provided support in the care of animals whilst their owners were accessing services.
- 25 • The management of a signage and regulatory infrastructure process between Infrastructure Services and the Compliance Team continued.
- The team continues to progress an all-in-one Standard Operating Procedures manual.
- 30 • The Environmental Health Officers continued their working relationship with NSW Food Authority relating to alleged foodborne illness outbreaks and free online food safety training.
- The Parking Team continued to prioritise the safety of local schools by attending and addressing compliance issues for school zones throughout the Shire.
- 35 • The Department received an exceptional OCI survey result – demonstrating culture in the team is optimal and vastly improved as a result of extensive cultural work undertaken by the team.
- Staff in the team won **6** 'Random Acts of Customer Service' awards (including the overall prize).



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- The Parking Team continued educating the community and improving parking compliance via the use of several information brochures and providing information in hot spots and/or changing locations.
 - The Department was awarded the 'Extra Milers' Director Bravo Award.
- 5 • PES Administrative staff increased revenue for dog/cat registrations by **474%**.



- Staff attended the local Careers Expo and performed dog tricks for students.
 - Ongoing coordination between the Compliance Team and the Events Team ensured that the highest and best use of compliance resources supported returning events within the Shire.
- 10
- The Environmental Health Team and the Compliance Team worked collaboratively on a number of development investigations.
 - The Compliance and Parking teams were involved in two joint investigations with Byron Bay Police relating to parking meter vandalism in Brunswick Heads. One investigation led to a Court prosecution with the offender sentenced to 18 months jail and ordered to pay compensation totalling \$97,000. The second investigation was recently closed.
- 15
- The team furthered the implementation of the 'Dogs in Public Spaces Strategy' including the installation of extensive and newly designed signage and footpath stencilling.
- 20
- The team supported three microgrants to support local dog/cat rehoming organisations who assist Council to rehome impounded animals.
 - PES Administrative staff completed the PETREGISTRY pound survey.
- 25
- The Companion Animal Team provided a successful community education day as well as continuing to provide free education to local schools and community groups.
 - The Compliance and Companion Animal Teams have been actively cleaning graffiti and stickers from parking, traffic and dog signage during their patrols. Approximately 93 signs have been cleaned of graffiti and 128 stickers removed in six months, making the signage enforceable. This is now an ongoing project.

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- The team completed its participation in the RSPCA's 'Keeping Cats Safe at Home' project by organised free desexing, microchipping and registration of cats for owners with financial hardship.
- 5 • Staff attended various training sessions to develop skills and competencies within the team. The team also strengthened collaboration with neighbouring Councils and other government agencies.
- The team finalised policy reviews of Burials on Private Land, Burning of Garden Waste, Motor Vehicles on Beaches and Council's Enforcement Policy.
- The team continued the ongoing audit of STRA register, complaints and responses.
- 10 • Officers significantly increased proactive companion animal patrols within dog exercise areas, dog prohibited areas, the Cavanbah Centre (and other sporting fields) and dog on lead compliance within public spaces; coupled with an increased enforcement approach. This was supported by a varied roster approach to start and finish times.
- 15 • Two Officers completed Certificate IV in Government Investigations to extend knowledge and capabilities in the department.
- The Environmental Health Team undertook an audit of unpaid food premises improvement notice fees, which constitutes an offence under the *Food Act 2003*.
- 20 • The Parking, Compliance and Companion Animal Services Teams extended their rostering to longer shifts, later evening shifts and earlier morning shifts.
- The Companion Animal team introduced a new mascot – 'Ranger Byron'.
- 25 • The Compliance Team partnered with local police in three separate joint investigations targeting graffiti tagging of Council signage and infrastructure. This has led to one Court prosecution (not heard yet). The two other investigations are ongoing.
- 30 • The PES Administrative staff again provided high quality and efficient support for the overall team. Despite the increase in compliance staff, expansion of projects and number of complaints that needed to be registered, reallocated and managed; the administrative staff continued to provide a high standard of ongoing support to officers, other Council teams and the community.



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Other key observations

- Across the entire team, staff are sympathetic, compassionate and flexible in an effort to support of rough sleepers and vulnerable individuals.
- 5 • The entire team displayed great time management to complete customer concerns while juggling other competing duties.
- Unauthorised camping, illegal parking and dog matters at times overlap, with several repeat offenders creating issues across the three teams. The teams communicate and problem solve to provide a joint and consistent response.
- 10 • Officers and administrative staff are still managing appropriate responses to several recurrent complainants who provide unsubstantiated and repeated complaints on a variety of lower priority matters, or issues outside of Council's control, which continues to greatly impact resources.
- 15 • The Compliance Team have actively increased early morning camping patrols. In partnership with the increased signage installed in built up areas and the increase in number of infringements issued; a decline in antisocial unauthorised vehicle camping across the Shire has occurred. This also had a knock-on positive effect on illegal parking and dog related complaints. Officers have reported a decline in the number and impact of problematic and anti-social repeat offenders which may account for the decline of Court Attendance Notices/prosecutions in the reporting period.
- 20 • Significant staff resources are continuing to be utilised to respond to complaints about Private Certifying Authorities ("PCA") with little outcome for complainants. In the reporting period, Council received **28** complaints relating to works being overseen by a PCA. Of those, **6** resulted in a formal complaint being made by Council to the Department of Fair Trading. Whilst Council does do its best to assist the community,
25 it has no lawful jurisdiction over a PCA or the works they oversee until such time that certificates or approvals are issued by a PCA that do not comply with Council or legislative requirements. The State Government introduced changes to the building laws in 1998 which allowed owners/developers to appoint private certifiers as the PCA to oversee building work in place of Local Councils. The PCA is responsible for
30 ensuring that the works are being carried out in accordance with the approved plans, specifications and conditions of the development consent and assumes the role of Council. The PCA is also responsible for issuing certification regarding critical stage inspections and occupation certificates at the end of the build. In instances where Council is not the PCA, the PCA is given the duty/opportunity to conduct the initial
35 investigation and serve notice should non-compliance occur. Under the present legislation, the PCA substantially takes the role of Council, this includes initial investigation and complaints. Registered Certifiers are public officials and independent regulators of building construction and subdivision work. They are registered and regulated by NSW Fair Trading. Should the PCA fail to address
40 concerns, then the Department of Fair Trading (not Council) deals with the conduct of Certifiers. The practical outcome is that many residents make legitimate complaints which Council are unable to proactively assist them with. In 2024, Council staff met with local certifiers to discuss ongoing concerns and then wrote to the NSW Building Commissioner advising of its concerns with private certification and seeking a review

5 of the regulation of Private Certifying Authorities in NSW. George's River Council and Northern Beaches Council are also actively seeking a review, with support of LGNSW. The NSW Building Commissioner noted their powers via the *Building Legislation Amendment Act 2023* to immediately suspend poor-performing certifiers. However, this does little to resolve the community's specific complaint/s regarding a development in the Shire. Staff continue to monitor George's River's 'Certification Campaign'.

- 10 • The team maintained a close relationship with neighbouring Councils, local Police, NPWS, Crown Lands, Reflections Holiday Parks, NSW Public Health, Marine Parks, Department of Fisheries, Liquor Licencing and Local Land Services to provide cross-agency responses to various issues. The team regularly hosts meetings with neighbouring Councils and explores joint training opportunities to reduce costs. The agencies are also investigating changes to cross-agency media releases, infrastructure and signage to assist in proactively managing hot spots.

15 **2025 Environment and Safety Priorities Program**

It is recommended that Council adopt the following draft 2025 Environment and Safety Priorities Program:

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

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

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

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

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

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.2: Public health - Protect, promote and control risks to public health	2.2.2.1	Deliver environmental and public health education programs to the community
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.2: Public health - Protect, promote and control risks to public health	2.2.2.2	Provide 'I'm Alert' online food education training
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.2: Public health - Protect, promote and control risks to public health	2.2.2.3	Participate in Beach Watch program from December to April
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.2: Public health - Protect, promote and control risks to public health	2.2.2.4	Monitor, investigate and respond to public and environmental health matters through proactive inspections and surveillance programs

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CSP Objective	CSP Strategy	DP Action	Code	OP Activity
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.2: Public health - Protect, promote and control risks to public health	2.2.2.5	Assist local Public Health Unit in mosquito trapping (JEV surveillance)
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.2: Public health - Protect, promote and control risks to public health	2.2.2.6	Deliver the Food Premises inspection program
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.3: Regulatory controls and compliance - Enhance public safety, health and liveability through the use of Council's regulatory controls and services	2.2.3.1	Undertake proactive camping patrols of streets and public places throughout the Shire
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.3: Regulatory controls and compliance - Enhance public safety, health and liveability through the use of Council's regulatory controls and services	2.2.3.2	Respond to and investigate complaints against building standards
2: Inclusive Community We have an inclusive and active community where diversity is	2.2: Enhance safety and contribute to the physical, mental, and spiritual health	2.2.3: Regulatory controls and compliance - Enhance public safety, health	2.2.3.3	Conduct Swimming Pool fence inspections in accordance with relevant legislation

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CSP Objective	CSP Strategy	DP Action	Code	OP Activity
embraced and everyone is valued	and well being of our people	and liveability through the use of Council's regulatory controls and services		
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.3: Regulatory controls and compliance - Enhance public safety, health and liveability through the use of Council's regulatory controls and services	2.2.3.4	Conduct Fire Safety inspections in accordance with relevant legislation
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.4: Companion animals - Promote awareness of the requirements of the Companion Animals Act with respect to the ownership of companion animals	2.2.4.1	Undertake proactive patrols of community parks and open spaces to monitor safe use by dogs and their owners
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.2: Enhance safety and contribute to the physical, mental, and spiritual health and well being of our people	2.2.4: Companion animals - Promote awareness of the requirements of the Companion Animals Act with respect to the ownership of companion animals	2.2.4.2	Provide companion animal management services

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

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CSP Objective	CSP Strategy	DP Action	Code	OP Activity
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.5: Create social impact and initiatives that address disadvantage	2.5.3: Rough sleepers - Work in partnership to reduce and end rough sleeping through community action	2.5.3.3	Coordinate the Ending Rough Sleeping Byron Shire Collaboration
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.5: Create social impact and initiatives that address disadvantage	2.5.3: Rough sleepers - Work in partnership to reduce and end rough sleeping through community action	2.5.3.4	Facilitate cross-directorate working group on homelessness to strengthen internal collaboration, knowledge exchange, advocacy, and planning
3: Nurtured Environment We nurture and enhance the natural environment	3.2: Deliver initiatives and education programs to encourage protection of our environment	3.2.1: Compliance - Encourage compliance with environmental planning regulations	3.2.1.1	Monitor, investigate and respond to unauthorised land use, development and environment complaints
5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable	5.2: Connect the Shire through integrated transport services	5.2.4: Parking - Manage parking through effective controls that support Movement and Place Plans and are coordinated with other initiatives such as park and ride	5.2.4.1	Undertake regular and frequent parking patrols to increase availability and turnover in the Town and Village centres

Recent Resolutions

- 2006-204
- 2007-550
- 2022-078
- 2022-208
- 2022-232
- 2022-395

5

- 2023-056
- 2023-193
- 2023-500
- 2024-051
- 5 • 2024-063
- 2024-211
- 2024-581
- 2024-611

Legal/Statutory/Policy Considerations

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

- Local Government Act 1993
- Environmental Planning & Assessment Act 1979
- Protection of the Environment Operations Act 1997
- 15 • Companion Animals Act 1998
- Roads Act 1993
- Road Rules 2014
- Road Transport Act 2013
- Public Spaces (Unattended Property) Act 2021
- 20 • Food Act 2003
- Public Health Act 2010
- Swimming Pools Act 1992
- Byron Shire Development Control Plan 2014
- Economy Legislation Amendment (Vibrancy Reforms) Act 2024
- 25 Compliance action is considered and determined through Council's adopted Enforcement Policy 2020 and the NSW Ombudsman Enforcement Guidelines for Councils.

Financial Considerations

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

Consultation and Engagement

30 Not relevant to this report.

Report No. 13.15 PLANNING - 26.2024.3.1 Gulgan Village Planning Proposal

Directorate: Sustainable Environment and Economy

5 **Report Author:** Shannon Burt, Director Sustainable Environment and Economy
Steve Daniels, Senior Planner (Land Use)
Rob Van Iersel, Contract Planner

File No: I2024/1710

Summary:

10 The purpose of this report is to present an owner-initiated Planning Proposal (Attachment 1) for land at The Saddle Road, Brunswick Heads.

The subject land, part of Lot 2 DP1159910, part of Lot 32 DP1018929, is nominated as "Area B1" in the *Northern Rivers Resilient Lands Strategy* (NSW Reconstruction Authority) and also makes up the northern part of "Area 16" of the *Byron Shire Residential Strategy 2041*.

15 The Planning Proposal would amend the current RU2 Rural Landscape zoning of the site to R1 General Residential to provide for the development of Gulgan Village, described in the proposal as '*a new exemplar living environment responsive to the needs of modern society*'.

The concepts provided indicate this Village would accommodate between 400 and 550 dwellings and between 1,000 to 1,400 residents, with a diverse mix of lots sizes and built form within a mix of torrens title, community title and strata title arrangements.

20 The proposal also seeks to apply a maximum building height of 11.5m to the rezoned land and a floor space ratio of 0.9:1. These controls would allow a range of housing types within a site layout providing housing clusters linked by varying street types interspersed across the site, allowing for protection of existing vegetation, avoidance of visually exposed areas and steep hillslopes, and significant revegetation and habitat linkage.

25 The site adjoins the area adjacent to Gulgan Road which is subject to a separate rezoning request, as reported to the Council Planning Meeting of 5 December 2024 (BILS 5 land).

The two sites are linked, in that access to the BILS 5 land from Gulgan Road will continue to and through the Gulgan Village development.

30 A draft Planning Agreement has been submitted by the proponent in support of the Gulgan Village proposal, relating to the provision of affordable housing and infrastructure required for the development of the land.

35 The draft Planning Agreement aligns in part with the 'letter of offer' endorsed by Council at the Council Planning Meeting on 5 December 2024. However, certain elements of the draft Agreement are either new or extend beyond the resolution's intent. These aspects require further discussion with the proponents before the Planning Proposal is submitted for Gateway Determination.

The Planning Proposal is otherwise considered consistent with the Byron Shire Residential Strategy 2041 and the North Coast Regional Plan 2041.

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It is recommended that the Planning Proposal (and draft Planning Agreement) be amended to include changes outlined in this report and forwarded to the Department of Planning, Infrastructure and Housing (DPHI) for a Gateway Determination.

NOTE TO COUNCILLORS:

- 5 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.

10

RECOMMENDATION:

That Council:

- 15 1. **Notes this is the first Planning Proposal received under Council's Residential Strategy 2041.**
2. **Notes that the timing of this Planning Proposal presents certain challenges in relation to key infrastructure planning, funding, and delivery which will need to be the subject of ongoing discussions between Council and the proponent as part of the concurrent draft Planning Agreement process.**
- 20 3. **In relation to point 2:**
- a. **Notes the strong co-dependency between the BILS 5 and Gulgan Village sites. These two sites are intrinsically linked, as access to the BILS 5 land from Gulgan Road will pass through and continue into the Gulgan Village development. This connection must be fully recognised and addressed in the planning process.**
- 25 b. **Requires the draft Planning Agreement to be updated to include provision of a collector road intersection with Gulgan Road as a dual lane roundabout with apportioned costs. This is to future proof the road network. This is in accordance with the resolution of Council at the Planning Meeting of 5 December 2024.**
- 30 c. **Notes that there is a separate Planning Agreement for the BILS 5 land, which is relevant to this Planning Proposal and Planning Agreement. A review of it between Council and the proponent will be necessary as part of this draft Planning Agreement process to ensure consistency, equity, and efficiency in infrastructure planning and delivery across both sites.**
- 35 d. **Requires staff to finalise assessment to determine whether a new water supply reservoir constructed at a higher point on the site might be needed in the future and review the draft Planning Agreement to accord with the assessment recommendations. Where required, the draft Planning Agreement is to be amended prior to public exhibition.**
- 40














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4. Notes the proponents offer to contribute to the provision of affordable housing on the land, which will need to be the subject of ongoing discussions between Council and the proponent as part of the concurrent Planning Proposal and draft Planning Agreement process.
5. In relation to point 4:
- a. Sets a timeline for the Housing Expert report, which will determine the Contribution Amount to support the Planning Proposal. This report will be a critical document and must be included in the exhibition of the Planning Proposal.
 - b. Confirms wording in the draft Planning Agreement provides for up to 5% of the 'contribution amount' to be made to the Bundjalung of Byron Bay (Arakwal) Aboriginal Corporation (BoBBAC), in the form of land and or housing only.
 - c. Confirms whether a minimum or maximum 'contribution amount' excluding the Bundjalung of Byron Bay (Arakwal) Aboriginal Corporation (BoBBAC) 'contribution amount' needs to be included in the draft Planning Agreement.
 - d. Rejects the provisions in the draft Planning Agreement relating to the establishment of a 'Management Committee' to "consider, manage, and determine the type, timing and recipients of the development contributions". Instead includes provisions to reflect Council's currently adopted implementation procedures for affordable housing contributions, which were the foundation for the resolution of Council at the Planning Meeting of 5 December 2024.
6. Staff to hold discussions with the proponent and make all necessary amendments in relation the draft Planning Agreement provisions as per points 2-5 prior to submitting the Planning Proposal for Gateway Determination.
7. In relation to the Planning Proposal:
- a. Accepts the 11.5m maximum building height proposed for the area to be zoned R1 General Residential and amends the Height of Building Map accordingly.
 - b. Amends the Additional Permitted Uses Map as proposed in this report, and the land uses proposed be added to Schedule 1 of Byron LEP 2014, along with any supporting local provisions to clarify scope of permissible uses (where applicable).
 - c. Amends the Planning Proposal to provide a precinct-based dwelling density map containing low and high dwelling yields for each precinct; and include an amended new local clause containing a requirement for dwelling diversity, the provision of secondary dwellings on lots larger than 450m², and consideration of impacts on pedestrian, cycle and traffic movement on Gulgan Road

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- d. Notes that a draft Development Control Plan to support the Planning Proposal will be prepared to manage urban design and general site requirements and be exhibited alongside the Planning Proposal.
 - e. Requires staff to finalise assessment of the biodiversity value of the identified areas to determine the appropriate management approach and make any necessary amendments to the Planning Proposal prior to requesting a Gateway determination.
- 5
8. Prior to forwarding the updated Planning Proposal to the Department of Planning, Housing and Infrastructure requesting a Gateway determination, that:
- 10
- a. the applicant submits an updated Traffic Impact Study incorporating Transport for NSW feedback requirements (i.e. SIDRA modelling);
 - b. Council receive comment from TfNSW in relation to any required upgrades to the Pacific Motorway interchange north of the site; and
 - c. TfNSW comments are to be submitted to the DPHI as part of the Gateway determination request;
- 15
9. Pending a positive Gateway Determination, that Council exhibits the Planning Proposal (with the updated draft Planning Agreement and draft Development Control Plan) in accordance with the Gateway conditions.
- 20

Attachments:

- 1 26.2024.3.1 Gulgan Village Planning Proposal, E2024/144964 
- 2 26.2024.3.1 Gulgan Village Agricultural Report, E2024/144942 
- 25 3 26.2024.3.1 Gulgan Village Report on Visual Matters, E2024/144945 
- 4 26.2024.3.1 Gulgan Village Ecological Assessment, E2024/144946 
- 5 26.2024.3.1 Gulgan Village Noise Impact Assessment, E2024/144947 
- 6 26.2024.3.1 Gulgan Village Contamination Assessment, E2024/144949 
- 7 26.2024.3.1 Gulgan Village LUCRA, E2024/144951 
- 30 8 26.2024.3.1 Gulgan Village Bushfire Assessment, E2024/144952 
- 9 26.2024.3.1 Gulgan Village Urban Design Report, E2024/144954 
- 10 26.2024.3.1 Gulgan Village Civil Engineering Report, E2024/144955 
- 11 26.2024.3.1 Gulgan Village Traffic Impact Study, E2024/144957 
- 12 26.2024.3.1 Gulgan Village Aboriginal Cultural Heritage Report, E2024/144958 
- 35 13 26.2024.3.1 Gulgan Village Draft Planning Agreement, E2025/15186 

Report

Background

5 In response to the 2022 floods in the region, the NSW Government established the NSW Reconstruction Authority (RA). Amongst other actions, RA called for expressions of interest from landowners to be part of a 'Resilient Lands Program' aimed at identifying new land for housing in the Northern Rivers.

Following the EOI, RA released a draft Resilient Lands Strategy identifying 15 sites across the region. One of those sites, nominated as B1, was located on the land subject of this report, at The Saddle Road.

10 The Resilient Lands Strategy was finalised by RA in 2024, and it identifies the subject land as a 'priority site' that could accommodate around 600 new homes.

[Northern Rivers Resilient Lands Strategy](#)

15 Council's *Byron Shire Residential Strategy 2041* was endorsed by the Department in June 2024, based on a 'refresh' of the 2020 Strategy. This followed a Council resolution in December 2023 to support the refresh, which supported the inclusion of the Saddle Road Precinct in the Strategy as a new investigation site.

As shown in Figure 1 below, The Saddle Road Precinct, nominated as Area 16 in the adopted Residential Strategy, includes a wider area than that nominated as B1 in the Resilient Land Strategy, which is located in the northern part of the Precinct.

20 This land is also adjacent to land identified in Council's *Byron Business and Industrial Strategy* as Area 5 Gulgan North (BILS 5). Council considered a report on the rezoning proposal for that area at the meeting of 5 December 2024.

Associated with this, the RA has entered into a funding agreement with Council to assist with planning for the delivery of housing in the Area 16 precinct.

25 [Saddle Road Precinct - Byron Shire Council](#)

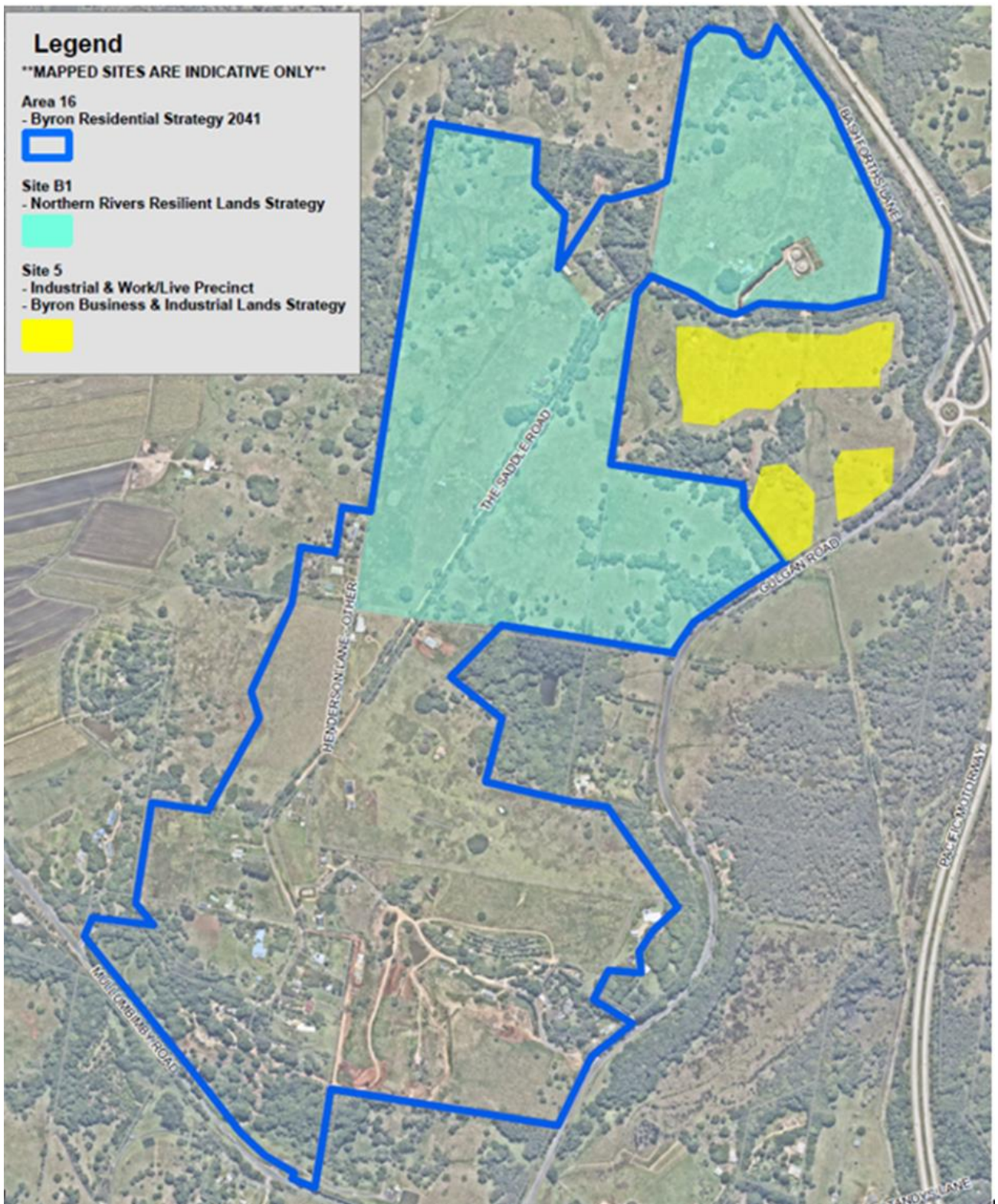


Figure 1 The Saddle Road Precinct

The landowner-initiated Planning Proposal the subject of this report applies only to the northern B1 area. Various studies and investigations are underway for the remainder of Area 16 and will be reported to Council separately.

5

The Planning Proposal

Summary

5 The Planning Proposal seeks to rezone part of the land known as Lot 2 DP 1159910 and Lot 32 DP 1018929, and all of Lot 1 DP 441896 and Lot 1 DP 584730, to R1 General Residential under Byron Local Environmental Plan 2014. Lot 1 DP 441896 and Lot 1 DP 584730 are owned by Council and contain two existing water reservoirs. The remaining land is privately owned.

The land subject to this Planning Proposal is shown in Figure 2. It has an overall area of 37.9 ha and has frontage to Gulgan Road, Bashforths Lane, with The Saddle Road running through the land.

10 As noted, part of Lot 2 DP 1159910 is subject to a separate Planning Proposal seeking to rezone that land for a range of employment and light industrial uses (BILS 5). [Proposed Zoning changes for 66 The Saddle Road - Byron Shire Council](#)

That separate Planning Proposal was reported to the Council meeting of 5 December 2024, where Council resolved to move toward finalising that rezoning.

15 13.3 26.2022.2.1 Gulgan North Planning Proposal (Business & Industrial Land Strategy, Site 5) [Agenda of Ordinary \(Planning\) Meeting - Thursday, 5 December 2024](#)

The intention of this rezoning is to facilitate the residential release of land to create Gulgan Village, described by the proponents as:

a new exemplar living environment responsive to the needs of our modern society.

20 The village will have between 400 and 550 new dwellings and accommodate between 1,000 and 1,375 residents. It is expected to contain a mixture of torrens title, community title and strata title arrangements.

The proponents' vision for Gulgan Village is described below:

25 *Unlike conventional suburbia, Gulgan Village will feature diverse housing types - from micro lots to apartments - integrated with light industrial areas, community facilities, and shared spaces. The village layout responds sensitively to the undulating topography, preserving view corridors to landmarks like Chincogan and Walgun (Cape Byron) while minimizing visual impact through thoughtful building placement and extensive landscaping. Through innovative governance structures and community management plans, residents will have agency in*
30 *shaping their neighbourhood's development, from power generation to landscape management.*

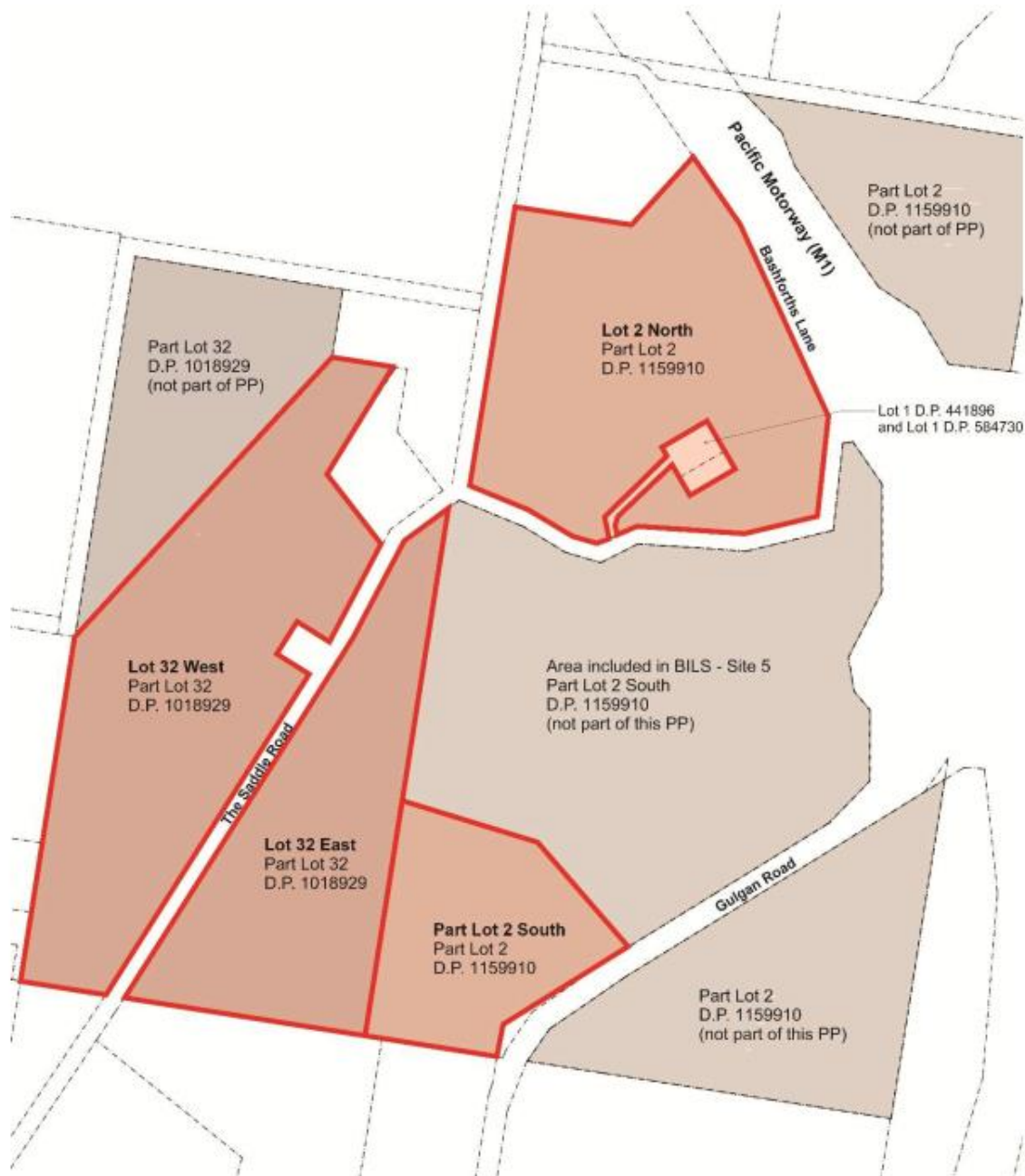


Figure 2 The Site

Current Zones and Controls

5 The land subject to the Planning Proposal is mapped under Byron Local Environmental Plan 2014 as follows, and as shown in Figure 3.

- The majority of the subject land is zoned RU2 Rural Landscape;
- A small portion in the north, and smaller areas in the south and adjacent to the Motorway boundary are zoned C2 Environmental Conservation;
- The small DM areas, located in a 'paper road' in the north of the site are zoned 1(d) Investigation under BLEP 1988.

10

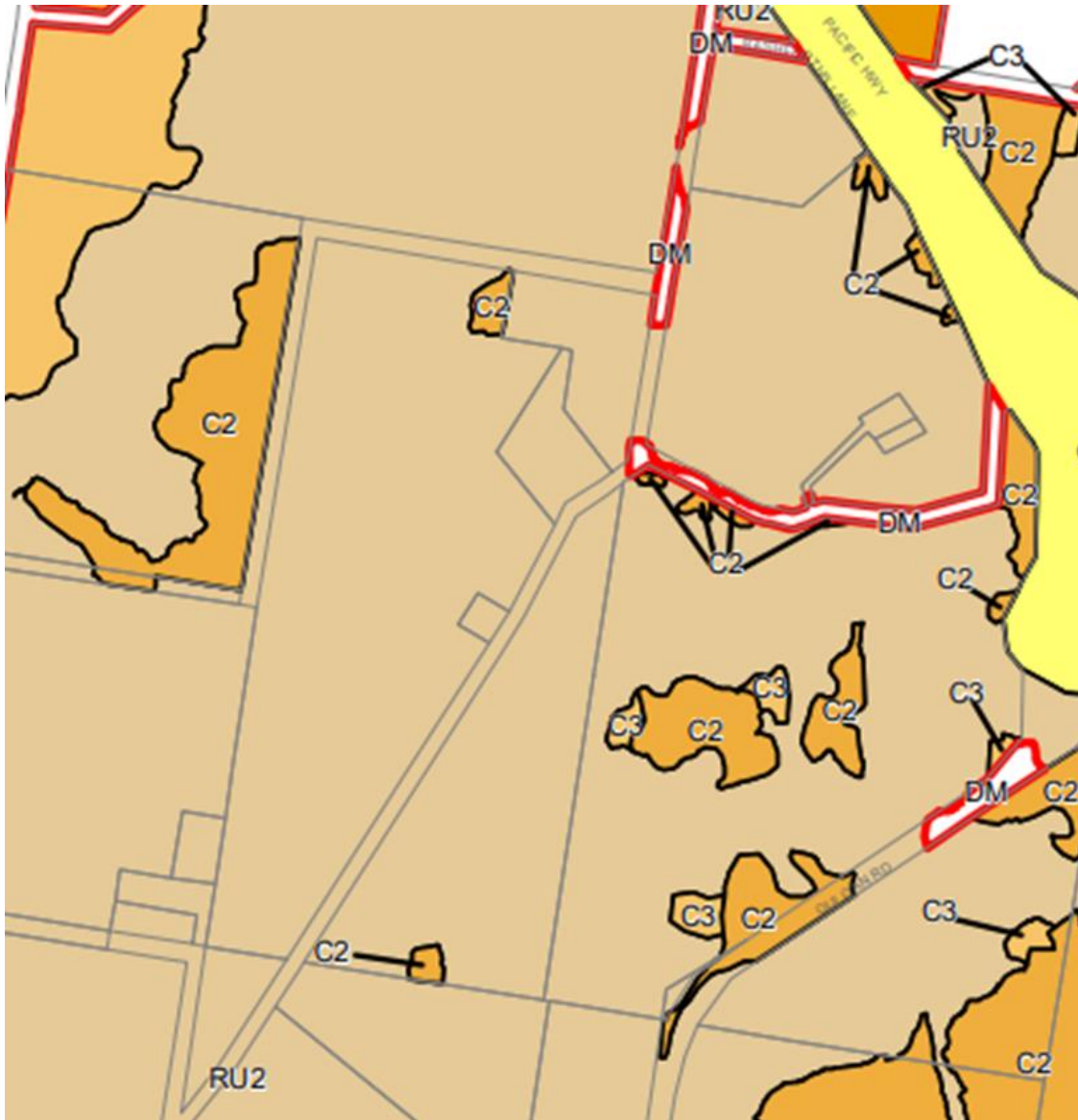


Figure 3 Existing Zoning

In addition to the zoning, the following key development controls currently apply:

- Maximum building height of 9.0m; and
- 5 • Minimum lot size of 40ha.

Proposed Zones and Controls

The Planning Proposal seeks to make the following amendments to Byron LEP 2014:

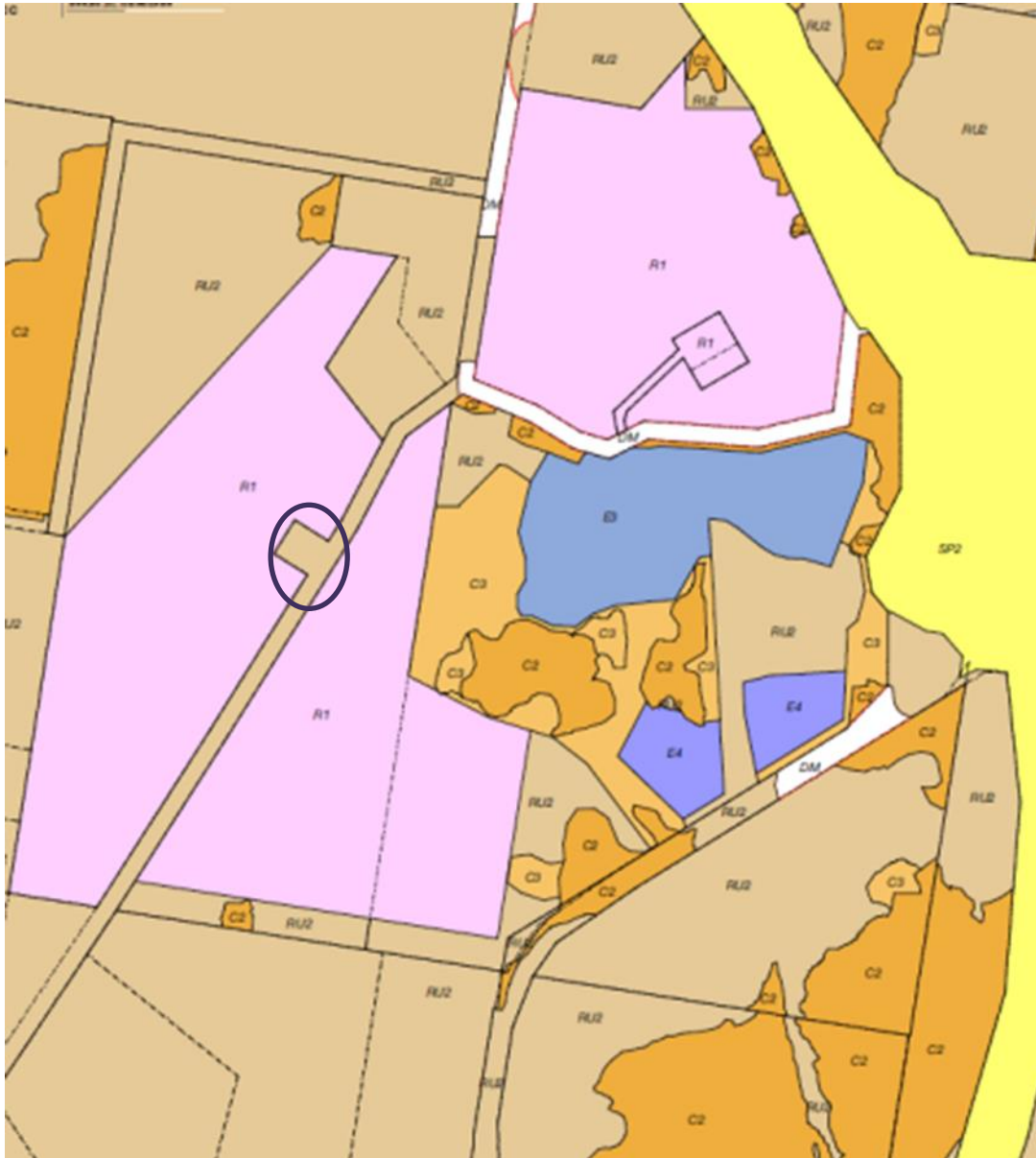
Table 1 – Proposed Amendments

Amendment Applies to:	Explanation of Provision
Zoning Plan	Rezoning the nominated parts of the site to R1 General Residential – see proposed zoning plan (Figure 4).
Height of Buildings Map	Amending the maximum building height to 11.5m to support the land use optimisation of the proposed R1 land.
Floor Space Ratio Map	Introducing a Floor Space Ratio Map to provide a 0.9:1 Floor Space Ratio specific to the proposed R1 land.
Lot Size Map	Amending the Lot Size Map to have no specified minimum subdivision lot size area within the R1 zone.
Additional Permitted Uses and Local Clauses Maps	<p>Providing for ancillary uses to the R1 zone to complement a vibrant future village character.</p> <p>Providing a mandatory provision in relation to minimum (400) and maximum (550) dwelling yield.</p> <p>Providing for a mandatory provision requiring a secondary dwelling to accompany any Development Application for a dwelling house on land greater than 450m² in area.</p>

The Planning Proposal will rezone the area as shown in Figure 4.

- 5 There is a small parcel of land, circled in Figure 4, which is a privately owned property that is not part of the Planning Proposal. That property, Lot 21 DP 740271, is currently zoned RU2 Rural Landscape and would retain that zoning.

Zoning for that property can be addressed in the wider structure planning work undertaken for the southern part of the Saddle Road Precinct, which will be progressed and reported on separately.



Legend:

 RU2 Rural Landscape	 DM Deferred Matter
 C2 Environmental Conservation	 SP2 Infrastructure
 C3 Environmental Management	 W1 Natural Waterways
 R1 General Residential	

Figure 4 Proposed Zoning

Supporting Studies

To support the rezoning request, the proponents have submitted the following expert reports and documentation:

- 5 • Agricultural Land Assessment Report (Attachment 2)
- Visual Matters Assessment Report (Attachment 3)
- Ecological Assessment (Attachment 4)
- Noise Impact Assessment (Attachment 5)
- Preliminary Site Contamination Assessment (Attachment 6)
- 10 • LUCRA Assessment (Attachment 7)
- Bushfire Assessment (Attachment 8)
- Urban Design Report (Attachment 9)
- Civil Engineering Report (Attachment 10)
- Traffic Impact Study (Attachment 11)
- Aboriginal Cultural Heritage Assessment Report (Attachment 12)
- 15 • Draft Planning Agreement (Attachment 13).

Draft Planning Agreement / Letter of Offer

The application is accompanied by a draft Planning Agreement (PA) relating to the provision of affordable housing and essential infrastructure (Attachment 13).

20 The draft PA follows a previously submitted “letter of offer” from the proponents, which was reported to the [Agenda of Ordinary \(Planning\) Meeting - Thursday, 5 December 2024](#), where Council resolved:

That Council:

- 25 1. *Agrees to provide in principle support to the terms in the Letter of Offer to enter into a Planning Agreement (PA) for Gulgan Village, The Saddle Road, Brunswick Heads Attachment 1 (#E2024/137961) subject to the amendments shown in Tables 1 and 2 of the report; with the following additions / changes where appropriate to Table 2:*
 - 30 a) *The planning agreement will require the proponent to provide affordable housing at a rate to be determined following receipt of the expert report(s), prepared at the cost of the proponent, containing the independent viability testing undertaken generally in accordance with the Guidelines for Development Affordable Housing Contribution Schemes (NSW Govt. Feb 2019) and agreed to by Council.*
 - b) *The planning agreement recognise an arrangement with the Bundjalung of Byron Bay (Arakwal) Aboriginal Corporation (BoBBAC) that will see a 5% dedication of the lots and or area on the Gulgan Village Site.*
 - 35 *That this contribution is part of the affordable housing contribution proportion in point a.*
 - c) *The planning agreement recognises that the proponent would prefer that the Gulgan Village Planning Agreement be used to address the mechanism for the provision of affordable housing rather than this aspect being incorporated into the Affordable Housing Contributions Scheme.*
- 40 2. *Requests the developer to prepare a draft Planning Agreement (PA) on the basis of the Council resolution and resubmit this to staff;*

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3. *Receives a report on the Planning Proposal for Gulgan Village along with the draft Planning Agreement in February 2025 for gateway determination.*

5 As of the time of writing this report, the draft PA is still under review by the Council's Legal Services team. Despite this ongoing review, several key issues with the draft are outlined below. Other issues may come to light following a complete review.

Affordable Housing

In relation to affordable housing, the draft PA provides for the contribution to be determined by an 'Affordable Housing Expert' in accordance with part 1(a) of the Council resolution.

10 Council must agree on the choice of expert, with all costs for their reporting borne by the developer.

15 Council and the proponent must now agree on a timeline for completing the 'Affordable Housing Expert' report to support the Planning Proposal. This was not explicitly addressed in the December resolution and cannot be postponed to the development application stage. The determination of the contribution rate through this report is essential for the Planning Proposal

The draft PA provides that the developer may pay up to 5% of the 'contribution amount' to the Bundjalung of Byron Bay (Arakwal) Aboriginal Corporation (BoBBAC), in the form of land, housing and/or monetary contribution.

20 The draft PA is inconsistent with the intent of the December resolution, which was specifically to facilitate the provision of Housing on Country through the "5% dedication of the lots and/or area on the Gulgan Village Site." The current proposal does not align with this clear objective and deviates from the intent by now adding 'monetary contribution' into the mix.

25 Further, Council should note that under the draft PA any contribution paid to the Arakwal will reduce the total Contribution Amount payable to Council for Affordable Housing Contributions from the development of the site.

As Council may recall, a contribution rate of 10% for the development of the site had originally been proposed, consistent with the [Viability Assessment Report](#) outcomes from Council's draft Affordable Housing Contribution Scheme 02. The B1 site is included in Scheme 02. This Scheme to be reported to Council in March to enable its finalisation.

30 Council debated this % rate at the December meeting and resolved to remove any minimum or maximum contribution % for the site from the draft PA.

35 Drafting note in Draft PA: *The Affordable Housing Contribution Scheme 02 is in draft and has not, at the time of the drafting been implemented. The determination of the Contribution Amount (i.e. the contribution rate for affordable housing) will be determined by an expert using independent viability testing under this clause, with no minimum or maximum rate restrictions.*

40 A potential outcome of this decision, and of the 'Affordable Housing Expert' report under the draft PA is that the assessed contribution amount falls below 10%, with 5% already committed to the Arakwal. This presents a risk for Council, as if the final amount is 5% or less, no additional affordable housing contributions will be required under the draft PA to Council from the development of the site.

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Staff are unsure if this was the intended outcome of the December resolution or if it was fully understood at the time. If not, Council will need to address it in the meeting.

The draft Agreement also proposes the establishment of a 'Management Committee' to "consider, manage, and determine the type, timing and recipients of the development contributions". The Committee would be made up of:

- 5
- 2 members appointed by Council;
 - 2 members appointed by the developer; and
 - 1 independent member appointed jointly by Council and the developer.
 - The decisions of the Management Committee are to be decided by a simple majority.
- 10 Council should firmly reject the inclusion of this provision in the final PA. It is a construct by the proponents, not at the request or direction of the Council. Including this provision would severely undermine the Council's current authority to receive, manage and allocate affordable housing contributions. Furthermore, it does not reflect Council's currently adopted implementation procedures for affordable housing contributions, which were the foundation for the December resolution.
- 15

Recommendations:

A timeline for the Affordable Housing Expert report to be completed to support this Planning Proposal is set, noting that this will be a key document to be exhibited alongside the Planning Proposal.

- 20 The draft PA to provide for up to 5% of the 'contribution amount' to be made to the Bundjalung of Byron Bay (Arakwal) Aboriginal Corporation (BoBBAC), in the form of land and or housing only.

25 Council confirms whether a minimum or maximum 'contribution amount' excluding the Bundjalung of Byron Bay (Arakwal) Aboriginal Corporation (BoBBAC) 'contribution amount' needs to be included in the draft PA.

30 Council rejects the provisions in the draft PA relating to the establishment of a 'Management Committee' to "consider, manage, and determine the type, timing and recipients of the development contributions". Instead includes provisions to reflect Council's currently adopted implementation procedures for affordable housing contributions, which were the foundation for the December resolution.

Staff to hold discussions with the proponent and make any necessary amendments in relation these recommendations prior to submitting the Planning Proposal for Gateway Determination.

35

Essential Infrastructure

In relation to Infrastructure Works, the draft PA provides that the developer will be responsible for:

- Provision of boosted and gravity networks water supply to cater for the demand created by the development;
- 5 • Provision of sewer infrastructure in accordance with the Council resolution of December; and
- A new intersection off Bashforths Lane in the northern boundary of the site.

10 Council's resolution of 5 December 2024 regarding the proponent's letter of offer required that the PA also make provision for a collector road intersection with Gulgan Road as a dual lane roundabout.

This has not been included in the draft PA as submitted.

15 It should be noted that a separate Planning Agreement is being finalised associated with the rezoning of the adjacent BILS land, which requires the developer to construct a new single-lane roundabout at the proposed access onto Gulgan Road. This PA and the draft PA for the Gulgan Village must talk to one another given the co-dependency between the two sites.

Recommendations:

20 Council requires the draft PA to be updated to include provision of a collector road intersection with Gulgan Road as a dual lane roundabout with apportioned costs. This is to future proof the road network. This is in accordance with the resolution of Council at the Planning Meeting of 5 December 2024.

25 Council notes that there is a separate PA for the BILS 5 land, which is relevant to this Planning Proposal and PA. A review between Council and the proponent will be necessary as part of the PA process to ensure consistency, equity, and efficiency in infrastructure planning and delivery across both sites.

30 As discussed above, a number of issues remain to be confirmed with the draft PA, including the process for affordable housing contributions, the standard required for the Gulgan Road roundabout, and the potential for the developer to contribute toward the provision of a new water reservoir within the site rather than providing a combination of boosted and gravity networks relying on the existing reservoir. These matters are discussed below in further detail.

Development Concept

35 The Urban Design Report submitted with the Planning Proposal (Attachment 9) indicates that the R1 zoning would facilitate development of the site by way of a number of connected precincts, as shown in Figure 5 (note: this figure also shows how the development precincts integrate with the BILS rezoning area, subject of a separate rezoning process).

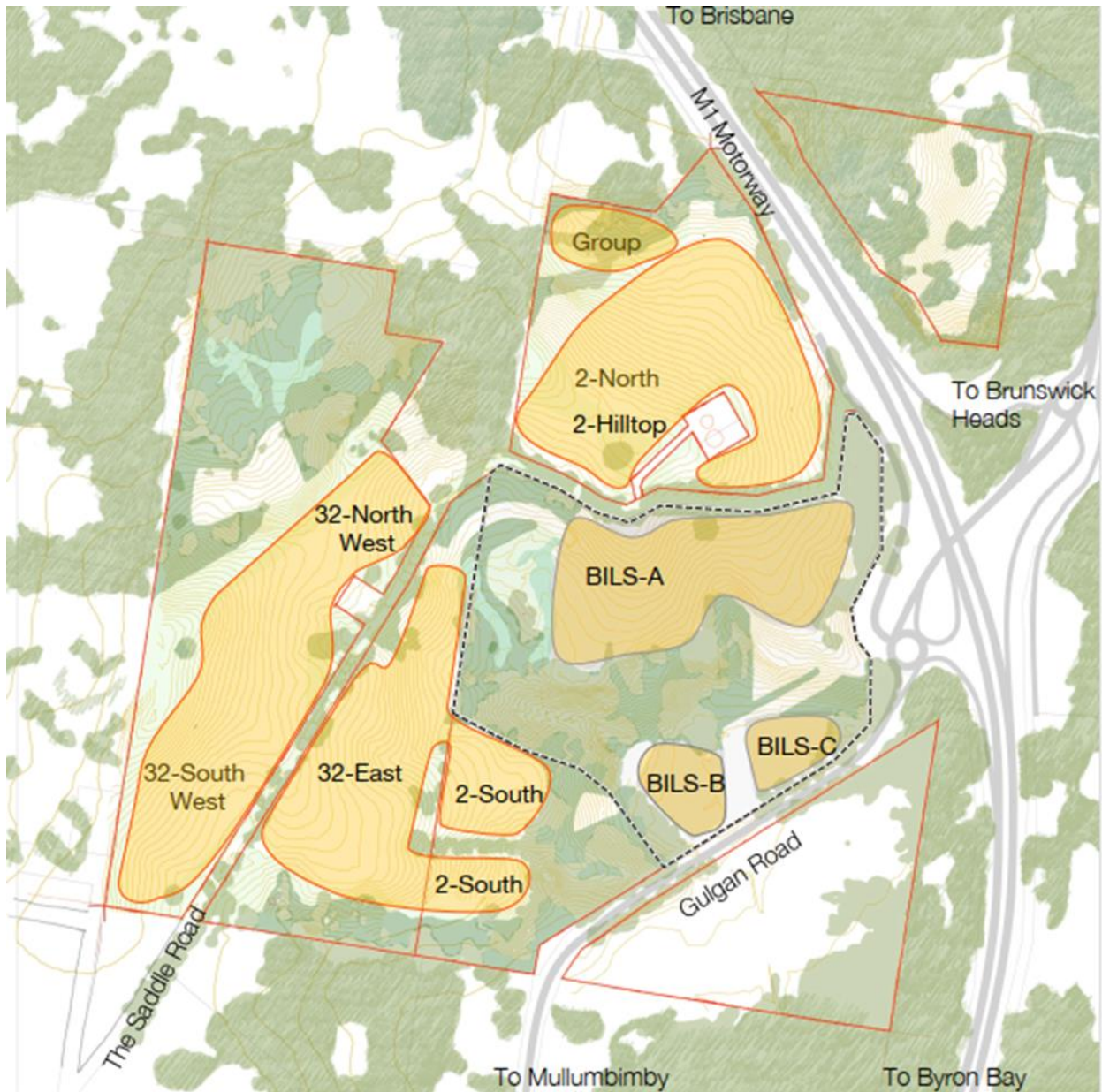


Figure 5 Conceptual Development Precincts

In Figure 5, “2” refers to Lot 2 DP 1159910, “32” refers to Lot 32 DP 1018929, and “BILS” refers to the land subject to the separate Planning Proposal.

- 5 Indicative development for these precincts is described in the Urban Design Report as:
- **2 North:** 100 lower cost dwellings. Acoustically treated, light-weight construction set on the north and east-facing slopes. 20-30 multi-unit / row housing.
 - **2 North - Hilltop:** 40-60 multi-unit / row housing. A cluster of common facilities are proposed on the hill-top.
- 10
- **2 South:** Larger lots and or co-housing / intentional community sites. 20-30 dwellings, 20-30 secondary dwellings micro lots.
 - **32 East:** Range of housing types and lots sizes possible, including 10-20 micro lots, secondary dwellings, row housing, 40-50 multi-unit/row housing and 50-60 semi and detached dwellings.

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- **32 South West:** Range of housing types and lots sizes possible, including 30-40 micro lots, secondary dwellings, row housing, 40-50 multi-unit/row housing and 80-90 semi and detached dwellings.
- **32 North West:** 80-90 multi-unit/row housing, community facilities and neighbourhood shops.
- 5 – **Group Homes:** Current DA for a Group Home. The home has five bedrooms and two bunk rooms, connected to the communal living pavilion.
- **BILS A:** Work and business spaces and work-live accommodation.
- **BILS B + C:** Light Industry with a variety of types of production.

10 An indicative staging plan has been provided to indicate how this development might be undertaken over time (see Figure 6).

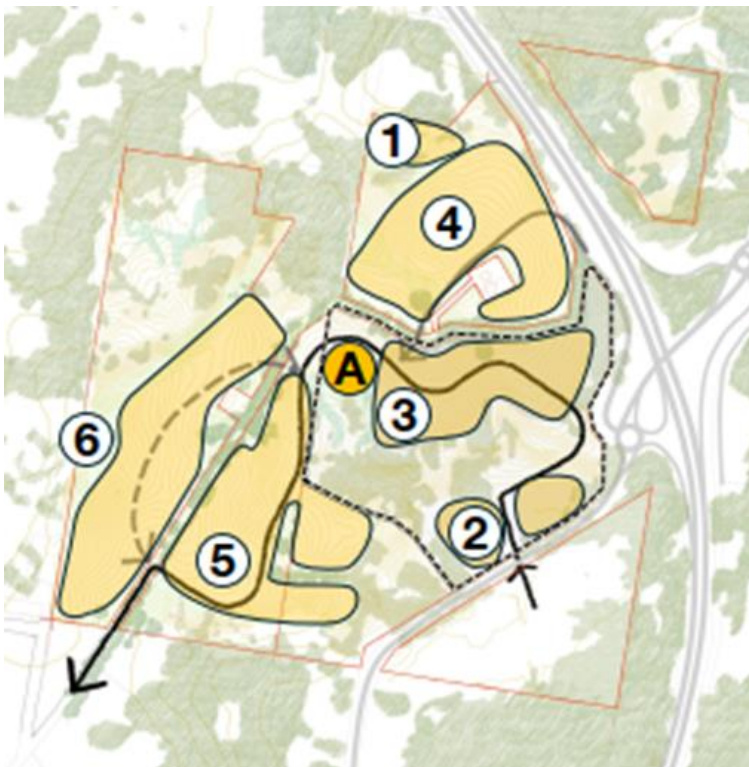


Figure 6 Indicative Staging Plan

15 The application indicates that the whole village, including the BILS land, are likely to be managed by a set of 'nested' community plans, comprising community, precinct, and neighbourhood plans as well as strata plans for individual buildings.

The Urban Design Report suggests that such plans would enable the village to have its own power generation and backup storage, manage landscapes and bushfire risks, and possibly handle composting and garbage collection, as well as allowing for street design and construction that have a reduced impact on the landscape and topography.

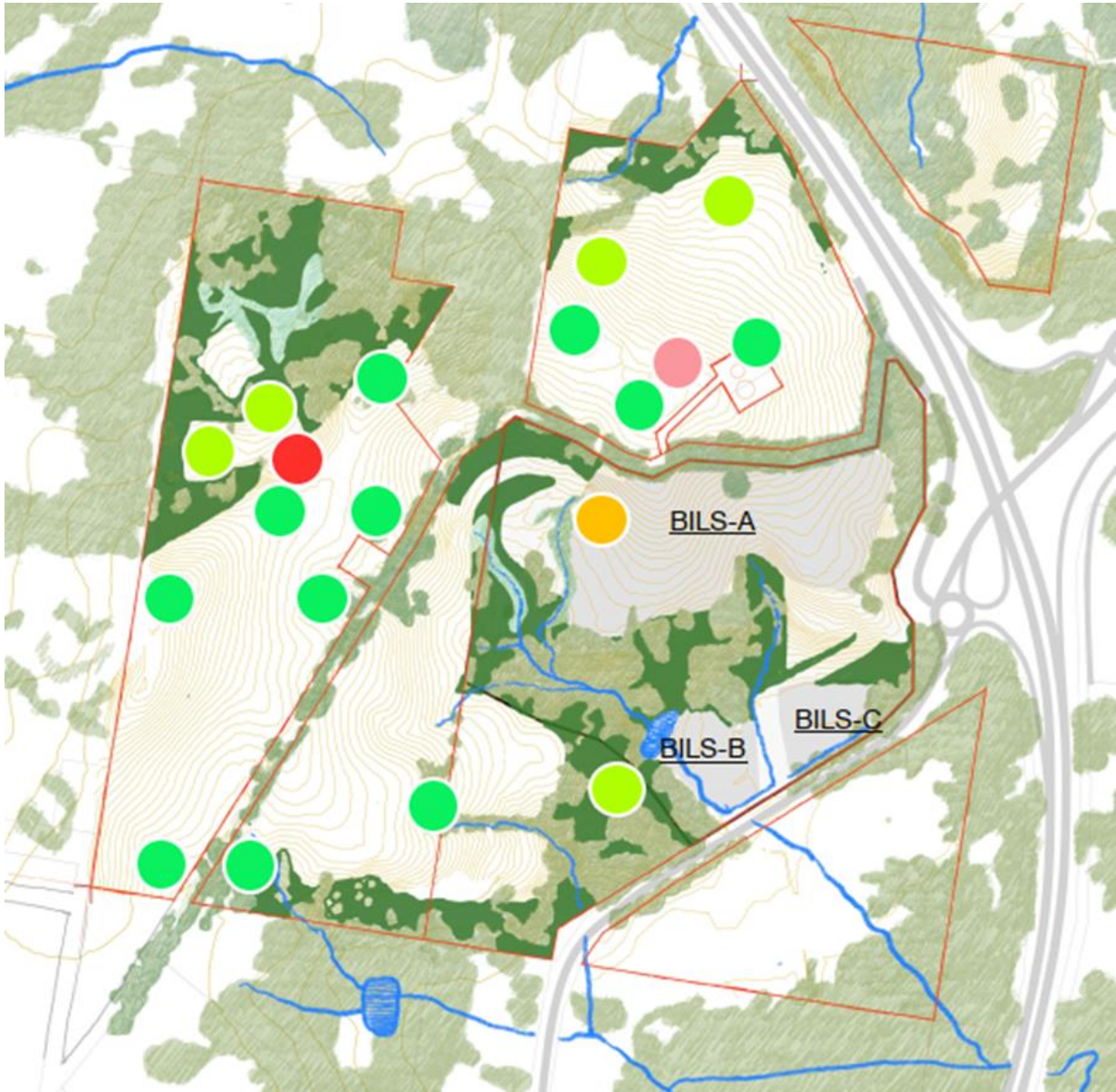
20 The Report also outlines concepts for the location of open space areas, community facilities and neighbourhood shops, based on a detailed site assessment (see Figure 7).

The precise amount and location of open space would be identified during subsequent design at DA stage.

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The application indicates that parks, walking tracks and community facilities would be owned and managed by way of the overall Community Scheme, although public access would be facilitated to all areas.

- 5 The proposal indicates that Gulgan Village will include a relatively high proportion of one and two-bedroom dwellings in a variety of forms: work-live units in the BILS land, micro lots, secondary dwellings above garages, compact houses, apartments and town houses.



- Possible community garden location
- Possible open space/pocket park
- Possible community facility location
- Possible neighbourhood shops and community facilities
- Possible location of café/minor retail in BILS

Figure 7 Open Space and Community Facilities

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The development precincts and the open space areas will be guided by the following key landscape principles:

1. *Identify and protect ecological communities, including the quality and quantity of water reaching them.*
- 5 2. *Identify and protect individual threatened species trees by avoiding disturbance to their roots, including those in the public road reserve along The Saddle Road.*
3. *Orientate streets and view-lines to significant trees and landscape features: seepage gardens, wetlands, dams, and copses.*
- 10 4. *Extend canopy, habitat trees, and vegetation throughout the village to meet bushfire requirements.*
5. *Regenerate extensive areas to create corridors that link remnant vegetation.*
6. *Protect and extend riparian zones.*
7. *Locate informal active recreation/parks in places with views out to the wider landscape.*
8. *Replant the ridgetop to provide shade and ensure skyline is not dominated by buildings.*
- 15 9. *Subdivision patterns to accommodate common gardens.*
10. *Create community gardens within walking distance of residents.*
11. *Employ community title streets, cul-de-sacs, and accessways to maximise potential for street trees and connectivity for pedestrians.*

20 As indicated above, the Planning Proposal seeks to implement a maximum building height of 11.5m across the site. This is proposed in response to the landscape, which is quite steep, similar to the topography of parts of Ocean Shores and Bangalow.

This means that the 2 and 2 ½ storey forms of housing required to achieve the anticipated higher density, will be difficult within in the 9m height limit that applies to the rest of the Shire.

Examples of this type of built form are outlined in the Urban Design Report, and reproduced below:



25 The scale of the village will require it to be developed in stages over a number of years. The types of housing required to meet demand may change in this period as may the interest in more communal living arrangements.

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Should the rezoning be supported, Council staff will work with the proponents to prepare a Development Control Plan (DCP) that guides and controls site development, to ensure that the visions and outcomes proposed at this rezoning stage will be realised on site.

5 This DCP planning approach be drafted to allow for flexibility (for the developer) while also providing certainty (for the residents and community) and aspiration (for the future community).

The draft DCP would provide a level of certainty by containing provisions that will include:

- A structure plan that protects environmental qualities, provides a spatial framework that allows for alternative staging and identifies most appropriate location for open space, community facilities and principal road and pedestrian network
- 10 • Design with Country principles, developed in conjunction with Arakwal, providing opportunities to live and work on Country, and celebrating key Aboriginal cultural values
- Protection of biodiversity and riparian areas
- A minimum yield of dwellings
- Commitments to affordable housing (as per Planning Agreement)
- 15 • A connected movement network that gives priority to pedestrians and cyclists
- Where infrastructure is public, requirement to meet Council and relevant authorities' standards
- Where infrastructure is private, commitment to affordable capital and operational costs and functionality
- 20 • Landscape
- Accessible community facilities and open space are provided to meet the needs of residents when they move in
- Employment opportunities
- 25 • Fresh food and retail to meet the needs of the local community and minimise the need for car use
- Consideration of visual impacts in built form and landscape design

The draft DCP will provide flexibility in:

- The sequence of stages
- The mix of dwelling types in any one stage and on any street block/superlot
- 30 • Street layout and design of private streets and lot configurations
- Building form, setbacks and envelopes while ensuring solar access
- Guidelines for individual building design

Key issues

- Traffic and access
- Infrastructure Servicing
- Biodiversity
- 5 • Cultural Heritage

Traffic and Access

The main access into the site would be via the roundabout on Gulgan Road, which is associated with the adjacent BILS rezoning. The collector road through the BILS land would be continued upslope to the proposed rezoning area.

- 10 A second access is proposed off Bashforths Lane in the northern part of the site (see Figure 8).



1. Intersection with Gulgan Road part of BILS Planning to provide collector road access to Gulgan Village.
 2. Upgrade of Bashforths Lane; public street to top of the hill.
 3. Extension of the collector road.
 4. Longer term crossing and closure of The Saddle Road.
 5. Extension of local street across The Saddle Road.
 6. Connection to the south to be determined as part of the overall precinct planning.
- A** Convert The Saddle Road to a pedestrian and cycle avenue that will form the 'spine' of the 'Gulgan Trails'.

Figure 8 Conceptual Access and Internal Linkages

The main access off Gulgan Road is proposed as a single lane roundabout with a north-south bypass lane and a left-turn slip-lane into the site off Gulgan Road (see schematic in Figure 9).

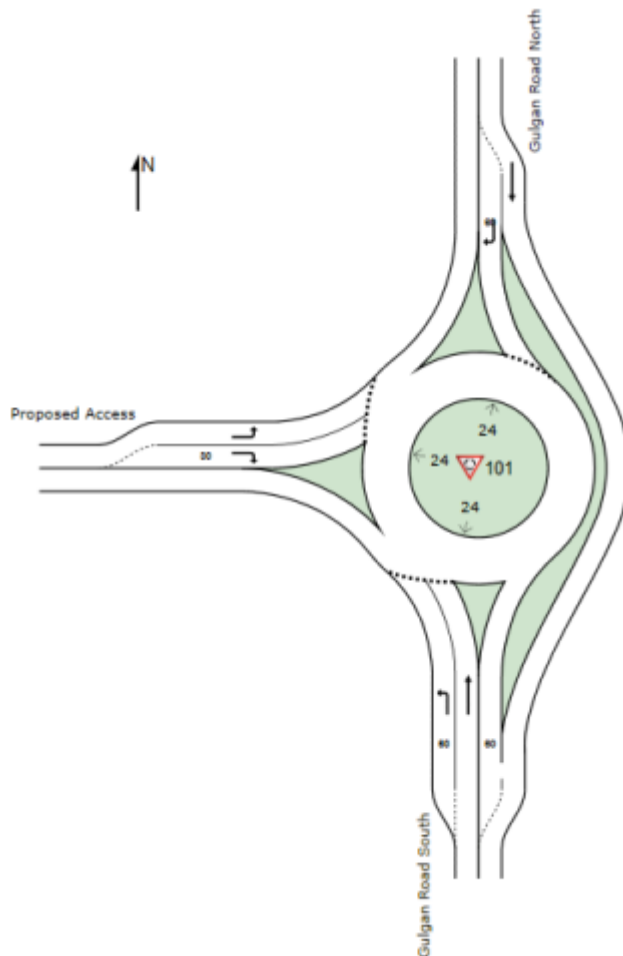


Figure 9 Proposed Gulgan Road Roundabout

- 5 Peer review of this intersection arrangement indicates that it will comfortably accommodate predicted traffic numbers from the development of the site over a 20-year horizon, with some spare capacity.

The review suggests that the north-south by-pass lane could lead to safety concerns around merging traffic. Detailed design of the roundabout would be undertaken at DA stage to confirm.

- 10 Analysis confirms that a conventional single-lane roundabout will have sufficient capacity for the traffic anticipated to be generated from the Gulgan Village development over a 10–20-year development period.

- 15 However, long term growth in the wider area will require a dual lane roundabout at this location in the future. As indicated above, in considering the letter of offer at the Council Planning Meeting of 5 December 2024, Council resolved that the Planning Agreement associated with the Gulgan Village rezoning should require the provision of a collector road intersection with Gulgan Road as a dual lane roundabout, the cost of which can be apportioned.

The intersection off Bashforths Lane is proposed as a standard T-intersection, with the associated access road becoming a 'minor leg' connection to the internal collector road.

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As shown in Figure 8, the proponents do not propose to use the existing Saddle Road alignment as the internal collector road for vehicle access. The road would be closed to vehicular traffic and used as a key pedestrian / cycle link through the site.

5 The primary roads within the area are proposed as public roads, with smaller roads within residential blocks to be private access roads under a Community Title Scheme.

10 A Traffic Impact Assessment (TIA) (Attachment 11) undertaken in support of the proposed rezoning examines the potential impact of the development on traffic in Gulgan Road. While concept subdivision designs have not yet been prepared, the assessment is based on an anticipated dwelling mix and yield, which suggests daily traffic numbers between approx. 1,900 and 2,600.

Peer review of the TIA confirms that the predicted traffic volumes are realistic to the proposal, but notes that a 'standard' greenfield subdivision has the potential for traffic volumes around 15% higher.

15 Detailed design of the internal road network is yet to be undertaken, but it is suggested that the main road into the site (through the BILS land) and principal roads in the Village should be designed to an 'urban collector' standard.

The internal collector road would connect at the south of the site to the existing Saddle Road.

20 Council staff are working towards a Structure Plan for this southern area of the precinct, and also currently working on design improvements for Mullumbimby Road from Gulgan Road into Mullumbimby.

That work is likely to result in a medium to longer term proposal for The Saddle Road to connect back to Gulgan Road toward the southern part of the precinct, rather than continue with the current intersection onto Mullumbimby Road.

25 In the short-term consideration is being given to altering the Saddle Road / Mullumbimby Road intersection to be left-in / left-out, to improve intersection safety.

30 In that regard, Council is currently finalising the design of various safety improvements and repair works for the whole of Mullumbimby Road. As part of the concept design supported by Council's Local Traffic Committee in November 2024, a 'traffic separator' is proposed within the centreline of the road adjacent to the current Saddle Road intersection, which would restrict movements from The Saddle Road to left-in / left-out only. There is currently no timing set for finalisation of the design and construction of these works.

Work is also commencing on designs for the upgrade of the Gulgan Road / Mullumbimby Road intersection, which is likely to involve a new roundabout.

35 The ultimate Gulgan Village development is also likely to require upgrades to the existing Pacific Motorway interchange north of the site. Transport for NSW will finalise a detailed review of the proponent's traffic assessment and is likely to require a separate Planning Agreement with the proponent to deliver any upgrades required.

Recommendation:

40 Prior to requesting a Gateway determination, Council receive comment from TfNSW in relation to any required upgrades to the Pacific Motorway interchange north of the site. TfNSW comments are to be submitted to the DPHI as part of the Gateway request.

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Infrastructure

Water Supply

5 There are two existing reservoirs located in the north of the site within Council-owned Lot 1 DP 441896 and Lot 1 DP 584730. One of these reservoirs is currently not in use but could be recommissioned if needed.

The reservoirs are fed by a Rous County Council water main that traverses the site to the south.

The reservoirs are located at a level of approx. RL 44m AHD. Areas within the site at or below RL 24m AHD can be serviced via gravity system from the reservoirs, but areas above that level will require a boosted network.

10 All previous consultations between the proponents and Council have been on the basis of supply by a combination of boosted and gravity systems.

The application includes a draft PA, which includes acknowledgment that the proponent will be responsible for the provision of boosted and gravity networks water supply throughout the development.

15 A peer review of the Civil Engineering report submitted with the proposal suggests that Council might have operational issues with a boosted water supply system, primarily around ongoing maintenance requirements.

20 Council's Infrastructure Services staff agree that a boosted system would result in operational challenges and agree with the peer review report suggestion that a new reservoir be constructed on another part of the site, at a higher elevation.

25 Assessment is currently being finalised by Infrastructure Services to determine whether a new reservoir constructed at a higher point on the site might be needed in the future in any case, to service the wider Brunswick Heads area and the remainder of the Saddle Road precinct. If that is the case, it will be possible to review the Planning Agreement associated with the Gulgan Village rezoning to have the proponent contribute to delivery of that new reservoir in lieu of construction of part or all of the new network that would rely on the existing reservoir.

Recommendation:

30 Staff to finalise assessment to determine whether a new reservoir constructed at a higher point on the site might be needed in the future and review the planning agreement to accord with the assessment recommendations.

Where required, the PA is to be amended prior to public exhibition.

Sewer

35 Sewer reticulation will comprise a network of gravity mains, rising mains and pump stations to pump sewage to the existing SPS2000 pump station at Brunswick Heads. Analysis of likely loads demonstrate that there is adequate capacity at that pump station to service the development as proposed.

Electricity and Telecommunications

A peer review of the proponents' Civil Engineering report confirms that adequate infrastructure is available to service the site. Some high voltage power lines traverse the site, and will need to be relocated for the development, but there do not appear to be significant constraints to doing so.

- 5 Essential Energy owns an adjoining site (Lot 1 DP1159910) and will be consulted during the exhibition period. Consultation will determine if there are any buffer requirements so as not to limit future use of that land for essential energy infrastructure.

Biodiversity

- 10 The site contains areas of mapped Biodiversity Value and High Environmental Value Vegetation. The ecological assessment notes that concept development within the rezoned area has been designed to mainly overlay existing paddock areas dominated by exotic pasture grasses.

- 15 In these paddock areas, the ecological impact of any future development is expected to be minor, and there is a significant opportunity for further impact reduction via future design and environmental management, including Water Sensitive Urban Design ("WSUD") and the implementation of a vegetation rehabilitation plan.

Council's Consulting Ecologist has identified two small areas within the southern part of the proposed rezoning area that appear to contain high environmental value wetland vegetation. Assessment of these areas is being finalised to determine the most appropriate protection/management measures to conserve and enhance their biodiversity value.

- 20 The areas are quite small and might not be suited to a C2 Environmental Protection zoning but could be identified and protected through the subsequent site Development Control Plan (DCP) by way of a Vegetation Management Plan (VMP).

- 25 At the time of writing, the proponent has submitted an updated Ecological Assessment Report following a request to undertake further assessments noted above. Staff assessment of the updated report will inform the appropriate management approach and planning controls. This issue will be sorted prior to submission of the Planning Proposal to the Department for Gateway Determination.

Recommendation:

- 30 Council finalise assessment of the biodiversity value of the identified areas to determine the appropriate management approach and make any necessary amendments to the Planning Proposal prior to requesting a Gateway determination.

Cultural Heritage

The proposed Gulgan Village is on the land of the Arakwal, the traditional owners, custodians and knowledge holders.

- 35 The Gulgan Village proposal includes a commitment to having the Arakwal live, work and care for Country again on the site.

- 40 The urban design and ecological restoration recognise the importance of reconnecting and restoring wildlife corridors, as well as providing a network of pathways to move through and appreciate the landscape, the range of habitats, and spectacular views to Walgun, Wollumbin and Chincogan.

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“Gulgan” means ‘track, way’ or ‘path’ in the Bundjalung language, and it is understood that The Saddle Road probably follows the line of movement between the ‘grasses’ in the Northern Rivers region created by the original inhabitants to create the optimal conditions for hunting as well as ceremony.

- 5 The proposal indicates that The Saddle Road alignment through the site would be closed to vehicular traffic, to become a pedestrian spine through the site.

A detailed Aboriginal Cultural Heritage Assessment Report would be prepared as part of any initial subdivision application. In the meantime, the proposal includes the following ideas and strategies for connecting and designing with Country:

- 10
- *The Saddle Road could be closed to traffic to become the ‘spine’ of a network of trails that relate to the original Aboriginal paths, or “Gulgan”, that linked the big grasses of the region.*
 - *Perimeter paths and roads would have very low traffic, and the westernmost path follows the ridge, giving unobstructed views to Chincogan and Wollumbin. High points provide views back to Walgun.*
- 15
- *Prominent hilltops are set aside in the northeast, looking out to the horizon.*
 - *Extensive revegetation is proposed to restore wildlife corridors and shield sites to the west.*
 - *Streets can be aligned to provide glimpses back to the southeast and Walgun.*
 - *The water quality and flows to the natural springs and watercourses will be protected by naturalistic water-sensitive urban design, ponds, and bio-retention in the upstream catchments.*
- 20
- *The provision of housing for Arakwal in appropriate locations related to the Aboriginal values of the site.*
 - *Direct involvement and employment related to the management and care for the site.*
 - *Opportunities for interpretation, public art, and naming of streets and places will be explored with the Arakwal during design development.*
- 25

Other Issues:

Bushfire

- 30 The site is mapped as Bushfire Prone Land. The bushfire assessment indicates that future dwellings constructed on the periphery of the development, adjacent to bushfire hazard vegetation, will be constructed to BAL 29, with the construction standard reduced with the increasing distance from the hazard towards the interior of future development.

- 35 Reticulated water will be available to all lots within the development. The assessment noted that access for fire-fighting appliances and residents will be designed and provided as per Planning for Bushfire Protection 2019 requirements, and, in particular, perimeter roads will be required between dwellings and the identified bushfire hazard.

The assessment concludes that the site is suitable for rezoning to allow future residential development on the basis that appropriate bushfire protection measures are achievable, the site is

not located in an area of high fire risk, utility and emergency services can be provided, and the impact on bushfire protection measures available to surrounding landowners is minimal.

Landform

5 The relief of the site varies from RL6 to RL72m AHD and slopes generally to the south, with a low-lying valley floor landscape across the southern portion of the site.

10 Slopes within the site vary from 0% on the lower land and foot slope areas to greater than 20% on the upper hillslopes. More gently sloping lands are situated within the site on either side of The Saddle Road, which traverses a distinct ridgeline that extends into lands further to the south-west of the site. There are a number of natural drainage lines that are situated predominantly in the western portions of the site.

15 Significant earthworks will be required for this development. The main access roads into the site, off Bashforths Lane and off Gulgan Road, will require cut and fill to enable the construction of these roads at an acceptable gradient. Design of internal roads will also require earthworks to meet Council Road design standards.

15 Detailed design of the development would be undertaken at DA stage to minimise cut and fill and associated visual impacts.

Planning Proposal Assessment

Zoning Considerations

20 The technical reports submitted in support of the proposal demonstrate that the site is suitable for the proposed R1 General Residential Zone.

As discussed further below, Council's Consulting Ecologist, in reviewing the Biodiversity Assessment Report, notes two areas of High Environmental Value Vegetation located in the south of Lot 2 that potentially warrant protection by way of a zoning of C3 Environmental Management.

25 The alternate may be to allow an R1 zone, with associated protection by way of a VMP, which would become a requirement for any future development in that area through the site-specific DCP.

Height of Buildings Considerations

30 As noted in Table 1, an 11.5m building height is proposed across the Gulgan Village area. The reason for this height is to optimise the density of permitted development types through flexible and site-specific design responses that can achieve the required density whilst minimising individual building footprints.

The site has very few flat areas and some areas of relatively steep slopes. An 11.5m building height will allow for two and two and a half storey building forms that step down the slope.

35 It also gives scope to build dwellings on poles, which would minimize earthworks cutting into the slope and provide more diversity in housing forms.

The Report of Visual Matters and Considerations (Attachment 3), submitted in support of the Planning Proposal includes an analysis of the difference between 9.0m built form within the development area and 11.5m built form, based on topography and LIDAR data on vegetation.

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The modelling shows only a minor (~6%) increase in the extent of areas visible from outside of the site.

- 5 Given that most of the areas outside of the site that would have a view of the built form are somewhat distant from the site, and that additional landscaping would soften these views, it is considered that the impact of the proposed height increase is minor.

Recommendation:

Council accepts the 11.5m maximum building height proposed for the area to be zoned R1 General Residential and amended the Height of Building Map accordingly.

Minimum Lot Size and Floor Space Ratio Considerations

- 10 As outlined in Table 1 it is proposed that there be no specified minimum lot size and that the Floor Space Ratio Map be amended to provide an FSR of 0.9:1 for the area to be zoned R1 General Residential.

The intention is to allow a diversity of housing product and building types and sizes within a mixture of torrens title, community title and strata title arrangements.

- 15 In place of the minimum lot size control, a new local LEP clause is proposed relating to dwelling density within the identified precincts (see further discussion. below).

A site-specific DCP will also be prepared to better articulate urban design and general site arrangements and outcomes for the ultimate development.

Recommendation:

- 20 The Proponent prepare a site-specific draft DCP to manage urban design and general site requirements, to be exhibited alongside the Planning Proposal. Staff to assess and report on the DCP once submitted.

Proposed Additional Permitted Use and New Local Clauses

- 25 The Planning Proposal intends to add a new item into Schedule 1 of Byron LEP 2014, which would specify a range of additional land uses within the site. It also intends to add two new local clauses – one outlining the range of dwelling densities to be achieved across the site and the second to require secondary dwellings for all dwelling houses proposed on lots larger than 450m².

Additional Permitted Uses

- 30 The proposal would add the site to the Additional Permitted Uses map as “Area K” and specify the following land uses as permitted with consent in the site (note: these uses are currently prohibited in the R1 General Residential Zone):

- 35
- a) *business premises;*
 - b) *caravan parks*;*
 - c) *early education and care facilities;*
 - d) *exhibition villages;*
 - e) *information and education facilities;*
 - f) *kiosks;*
 - g) *markets;*
 - h) *recreation facilities (indoor);*

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- i) recreation facilities (outdoor);
- j) restaurant or café;
- k) water supply systems.

5 *Caravan Park*: The proponents indicate that caravan parks are requested to facilitate the potential for manufactured home estate (MHE) style housing as part of the overall dwelling mix.

10 Pursuant to Chapter 3 Part 8 of *State Environmental Planning Policy (Housing) 2021*, development for the purposes of an MHE is only permitted with consent on urban land where development for the purpose of a caravan park may be carried out. This pathway for an MHE is a peculiarity of the NSW Planning system and its relationship with the Local Government Act which we are unable to change. This presents both a concern and an impediment to delivering MHE style housing in the proposed R1 areas.

15 Notwithstanding the above, the proponents have advised that it is not their intent to otherwise development caravan parks on this land. To do so would be an underutilization of the development potential of the land for what it is being zoned for as 'permanent and diverse housing' and not tourist or short term stay use.

As it is not possible to isolate the term "manufactured home estate" as a standalone additional permitted use because of the above and it is without a definition in the LEP template dictionary, it's staff preference to address this in a local provision in LEP 2014. Possible wording in relation to *caravan parks* as an additional permitted could be as follows:

- 20 • "Development of land for the purposes of a caravan park is permitted with development consent only if the development is limited to a manufactured home estate as defined by the *Local Government Act*, and enabled by Chapter 3 Part 8 of *State Environmental Planning Policy (Housing) 2021*"

It is also an option to amalgamate this with proposed clause 6.16D below.

25 The subsequent site-specific DCP can also include provisions to clarify the nature and form of manufactured homes acceptable at the site and that Council does not endorse a caravan park on the land.

30 *Restaurant or café*: This standard template land use definition is included to provide for the potential of a small local café to serve residents within the Village. Provisions can be included within the subsequent site-specific DCP to control the scale of such a use, to ensure that any café would not become a significant attractor of traffic from outside the village.

35 While most of these uses are intended to allow future development that would service the residents of the Village, a number of the proposed uses have the potential to attract traffic from outside the site. As indicated below, assessment of the roundabout proposed for Gulgan Road, and the main collector internal network, indicates that they have 'spare capacity' – i.e. they can cater for traffic anticipated to be generated by the Gulgan Village development and for external traffic entering the site.

Controls within the subsequent site-specific DCP will address matters of scale, with the aim of reducing external traffic generation.

40

Recommendation:

The Additional Permitted Uses Map be amended as proposed, and the land uses proposed be added to Schedule 1 of Byron LEP 2014 along with any supporting local provisions to clarify scope of permissible uses (where applicable).

5 *Proposed New LEP Clauses*

Two new clauses are proposed:

4.2E Erection of Dwellings and secondary dwellings in Gulgan Village

- (1) *The objective of this clause is to foster secondary dwelling accommodation on larger lots in the Gulgan Village.*
- 10 (2) *This clause applies to land at the Gulgan Village site, identified as “Area K” on the Additional Permitted Uses Map, originally being part of Lot 2 in DP 1159910, part of Lot 32 DP1018929, Lot 1 DP 441896 and Lot 1 DP584730.*
- 15 (3) *Development consent must not be granted to development for the purpose of a dwelling house on land greater than 450m² unless the consent authority is satisfied that the development will include a secondary dwelling.*

This clause is unlikely to be accepted by the Department of Planning, Housing and Infrastructure as it is not a ‘Standard Template’ clause.

Instead, it is preferred to amalgamate it into a new Local Clause (see below).

6.16D Dwelling density

- 20 (1) *The objectives of this clause are as follows—*
- (a) *to ensure the provision of a mix of dwelling types and housing choices,*
 - (b) *to ensure the efficient use of public infrastructure and land resources,*
 - (c) *to meet the demand for regional housing,*
 - 25 (d) *to ensure the viability of public transport, recreation, community facilities and other services in the area.*
- (2) *This clause applies to land identified as “Dwelling Density” on the Dwelling Density Map.*
- (3) *Development consent must not be granted for the development of land unless the consent authority is satisfied the development—*
- 30 (a) *will result in at least the dwelling yield shown for the land on the Dwelling Density Map, and*
 - (b) *will not result in more than the restricted dwelling yield.*
- (4) *In this clause— **restricted dwelling yield** means the maximum number of dwellings shown for the land on the Dwelling Density Map.*

35 This clause should be renamed “Use of land at “Gulgan Village” to be consistent with other local provisions in the LEP.

The proposed Dwelling Density Map should also relate to the internal precincts, rather than to the area as a whole (see Precincts described below in Figure 5).

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The new local clause should also include a requirement in part (3) requiring that Council also be satisfied that the specified dwelling density will be achieved through a diversity of dwelling types, forms and sizes.

5 The provision suggested above, requiring secondary dwellings to be delivered with dwelling houses on lots larger than 450m² could also be incorporated into this clause.

The clause should also include a provision similar to that already adopted for the BILS land rezoning, to ensure that development is managed in a way that it does not significantly impact Gulgan Road:

10 *Subdivision of the land can only occur if the consent authority is satisfied that vehicular access to and from the site will not unreasonably impact pedestrian, cyclist or vehicular traffic movements on Gulgan Road, Brunswick Heads.*

Recommendation:

15 Prior to forwarding the Planning Proposal to the Department, it be amended to provide a precinct-based dwelling density map containing low and high dwelling yields for each precinct; and include an amended new local clause containing a requirement for dwelling diversity, the provision of secondary dwellings on lots larger than 450m², and consideration of impacts on pedestrian, cycle and traffic movement on Gulgan Road.

Next steps

- Notify the proponent about the resolution.
- 20 • Prior to submitting the Planning Proposal for Gateway Determination:
 - Finalise the terms of the draft PA for provision of affordable housing and essential infrastructure.
 - Receive an updated Biodiversity Assessment
 - 25 ▪ Obtain agency comment from TfNSW and BCD and make any consequential changes to the studies and/or Planning Proposal
- Submit the Planning Proposal and updated studies (and draft PA) to DPHI for a Gateway determination.
- Following Gateway, prepare a site-specific draft DCP.
- 30 • Publicly exhibit the Planning Proposal, DCP and PA as per the statutory requirements.
- Council report to consider the outcomes of public exhibition and agency consultation.

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	4.1.4: LEP & DCP - Review and update the Local Environmental Plan and Development Control Plans	4.1.4.1	Assess requests to amend Local Environmental Plans and/or Development Control Plans including maps in accordance with legislative requirements
4: Ethical Growth	4.2: Enable housing diversity and support people experiencing housing insecurity	4.2.1: People experiencing housing insecurity - Seek opportunities that provide fair, appropriate, and affordable housing for people experiencing housing insecurity	4.2.1.1	Expand or apply new affordable housing contribution mechanisms over all new residential rezonings
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
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	4.2.2.5	Deliver on funding agreement with Reconstruction Authority for 66 The Saddle Road (site in Resilient Land Strategy) and the Saddle Road Precinct, Brunswick Heads

Recent Resolutions

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Legal/Statutory/Policy Considerations

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

Financial Considerations

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

Consultation and Engagement

10 Pre-lodgement meetings held with DPE on technical studies/reports, agency referrals and draft Planning Proposal content. All other Consultation will be carried out in accordance with Council's Community Participation Plan 2019 and as directed by any future gateway determination from the Department of Planning and Environment.

Report No. 13.16 Plan of Management, Lot 22 DP 1073165, 156 Stuart Street Mullumbimby - public submissions report

Directorate: Sustainable Environment and Economy

5 **Report Author:** Sharyn French, Manager Environmental and Economic Planning

File No: I2025/47

Summary:

10 Council endorsed (**Res 24-404**) the public exhibition of the draft Plan of Management (PoM) for Lot 22 DP 1073165, 156 Stuart Street Mullumbimby at the [15 August 2025](#) Council Meeting.

Lot 22 DP 1073165 is located adjacent to the Mullumbimby Recreation Grounds and currently includes the Mullumbimby Community Gardens and a dog park.

15 The current PoM was developed in 2008. As such it needed updating to reflect current and potential future land uses, and constraints such as flooding. Importantly, the full extent of the Community Gardens operations was not covered in the 2008 PoM and this was causing difficulties with approving development applications such as the Men's Shed.

The PoM has been updated to as follows:

- 20
- the boundary of the Community Garden has been extended to align with their current footprint
 - this section of land is being re-categorised from Sportsground to General Community Use
 - the High Environmental Value vegetation on the northern boundary is being categorised to Natural Area - Bushland

25

 - retain Sportsground category for the remainder of the land
 - references to affordable housing have been removed
 - the location of the dog park has been included

The PoM has also been reformatted and refreshed to ensure it complies with and acknowledges current legislation, policies and strategies.

30 The draft PoM was exhibited from 26 September to 11 November 2024.

A Public Hearing was held on 23 October 2024, which is required when a council proposes to change the categorisation of Community land. Whilst two people registered to speak at the hearing, neither attended the meeting. One community member attended the public hearing. This was the single attendee at the meeting.

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Eight written submissions were received. None of the submissions related to the proposed categorisation or re-categorisation of the land.

Comments on the following topics were made in the submissions:

- 5
- proposed public swimming pool locations in Mullumbimby
 - risk of flooding and flood prone land
 - car parking and footpaths
 - unauthorised use
 - improved drainage




10 These matters are outside the scope of a PoM and as such no changes are recommended to the PoM.

It is recommended that Council adopt the PoM as exhibited (Attachment 1).

15 **RECOMMENDATION:**

That Council adopts the Plan of Management for Lot 22 DP 1073165, 156 Stuart Street Mullumbimby, as exhibited (Attachment 1 – E2024/79827).

Attachments:

- 20
- 1 Plan of Management for Lot 22 DP 1073165, 156 Stuart Street Mullumbimby, E2024/79827 
 - 2 Final Report Public Hearing on Proposed Land Categorisation - Lot 22 DP 107316, Mullumbimby - Plan of Management, E2025/8998 
 - 3 Lot 22 Submissions (private information redacted), E2025/13760 
- 25

Report

Council endorsed (**Res 24-404**) the public exhibition of the draft Plan of Management (PoM) for Lot 22 DP 1073165, 156 Stuart Street Mullumbimby at the [15 August 2025](#) Council Meeting.

- 5 Lot 22 DP 1073165 is located adjacent to the Mullumbimby Recreation Grounds and currently includes the Mullumbimby Community Gardens and a dog park, Figure 1.

The current PoM was developed in 2008 and needed updating to reflect current and potential future land uses, and constraints such as flooding. Importantly, the full extent of the Community Gardens operations was not covered in the 2008 PoM and this was causing difficulties with approving development applications such as the Men's Shed.

The following was updated in the PoM:

- the boundary of the Community Garden has been extended to align with their current footprint
- this section of land is being re-categorised from Sportsground to General Community Use
- the High Environmental Value vegetation on the northern boundary is being categorised to Natural Area - Bushland
- retain the Sportsground category for the remainder of the land
- references to affordable housing have been removed
- the location of the dog park has been included

The PoM has also been reformatted and refreshed to ensure it complies with and acknowledges current legislation, policies and strategies

The changes to the PoM do not consider the proposed swimming pool for the site, (**Res. 24-336**, Aquatic Options Report). This is because the project is in the early concept design stage and subject to further consideration of Council.

If developments, such as the pool, are advanced for the site further revisions of the PoM can occur.

The lands classification is not being changed; it will remain as community land. The lands current land use zones are not changing and will remain as RE1 Public Recreation with a band along Saltwater Creek zoned 7b Coastal Habitat. (This will eventually transfer to C3 Environmental Management under Council's C Zone review).

Figure 2 shows the existing and proposed land categories.



Legend

- Property Boundaries
- Plan of Management - Lot Boundary
- Enterprise Garden
- Dog Park
- Agistment Area

Notes

Agistment Areas:	25 ha and 3.5 ha
Enterprise Garden Area:	2.80 ha
Dog Park Lease Area:	0.54 ha
Total Lot Area:	31.84 ha

Figure 1: Site Plan for Lot 22 DP1073165 including existing licence areas.

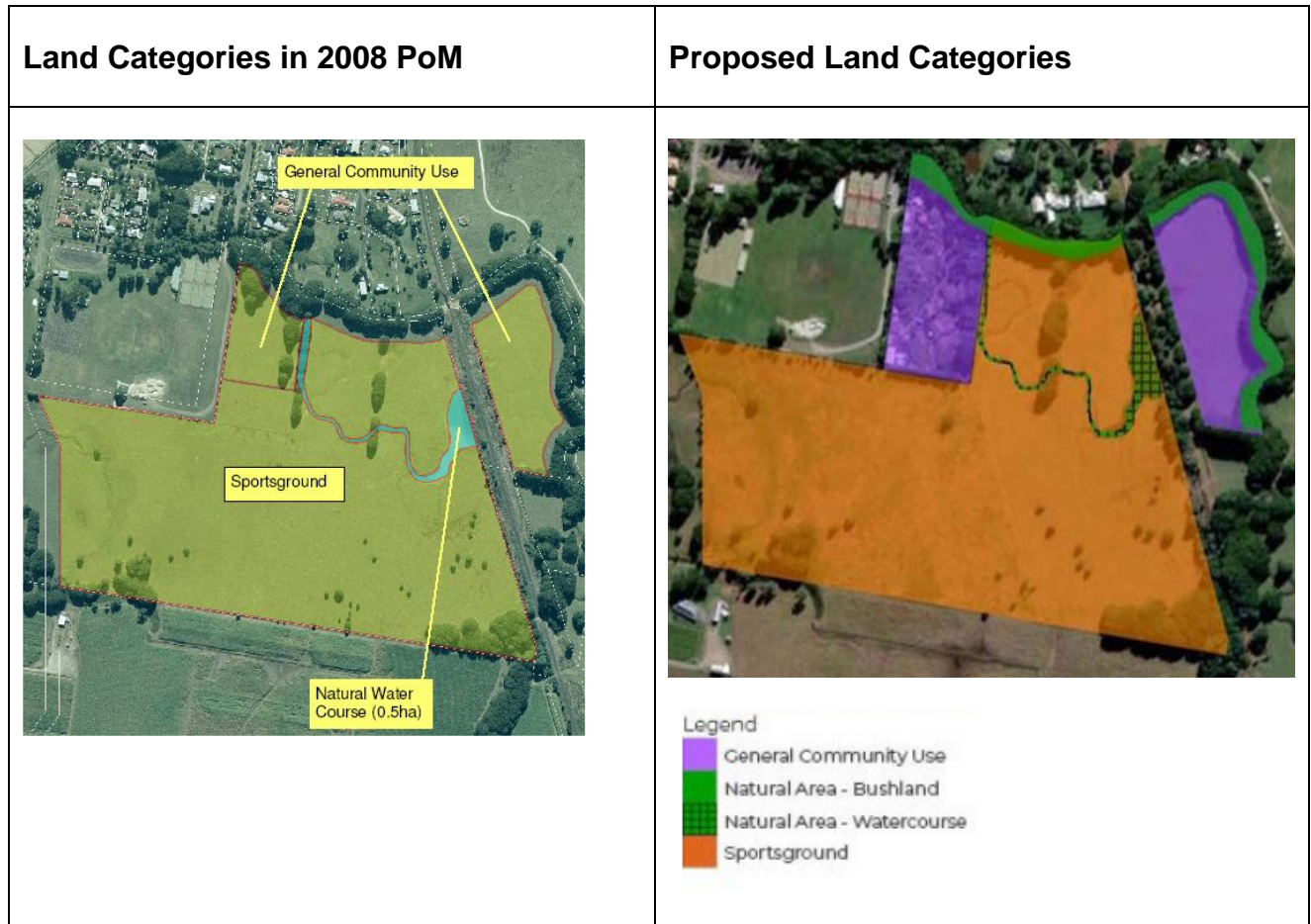


Figure 2: Existing and proposed Use land categories

Public exhibition

The draft PoM and was exhibited from 26 September to 11 November 2024.

5 A Public Hearing was held on 23 October 2024, which is required when a council proposes to change the categorisation of Community land. Whilst two people registered to speak at the hearing neither attended the meeting. One community member attended the public hearing. This was the single attendee at the meeting.

The Report on the Public Hearing is provided in Attachment 2.

10 Eight written submissions were received, refer Attachment 3. None of the submissions related to the proposed categorisation or re-categorisation of the land.

Comments on the following topics were made in the submissions:

- proposed public swimming pool locations in Mullumbimby
- risk of flooding and flood prone land
- car parking and footpaths
- 15 • unauthorised use
- improved drainage

A more detailed response to each of these matters is included in the Report on the Public Hearing, page 19 of Attachment 2.

5 The matters raised are outside the scope of a PoM, as such no changes have been made to the PoM from these submissions. Some of these matters raised are known to staff and are being managed through other processes.

It is recommended that Council adopt the PoM as exhibited, Attachment 1.

On adoption, the revised PoM will supersede the previous PoM for this site.

Next steps

- Update website with adopted PoM
- 10 • Notify key stakeholders

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5: Connected Infrastructure	5.4: Provide accessible community facilities and open spaces	5.4.2: Parks and open spaces - Provide and maintain active and passive recreational community space that is accessible and inclusive for all	5.4.2.16	Prepare a Plan of Management for Lot 22 DP 1073165, Mullumbimby

Recent Resolutions

- Res 23-528
- 15 • Res 24- 404

Legal/Statutory/Policy Considerations

Council prepares plans of management under the Local Government Act 1993 for land that Council owns which is classified as ‘community land’.

20 A Plan of Management (PoM) is a strategic framework that guides the use and management of the land to ensure a consistent and transparent approach to decision-making. The LG Act requires that a PoM identifies:

- the category for the land

- objectives and performance targets for management of the land
- the means (actions) by which council proposes to achieve the objectives and performance targets
- measures by which council proposes to assess its performance.

5 A PoM must also 'expressly authorise' the purposes for which the land can be leased or licenced.

Council must follow the process and requirements set out in the Local Government Act 1993 for preparing and adopting a plan of management. This legislation requires Council to publicly exhibit the draft plan of management for a minimum of 28 days and allow for at least 42 days for submissions.

10

Public Hearing

When new or amended, categorisations are applied to Community land a public hearing during the public exhibition period is required under the LG Act. This will be chaired by an independent facilitator to provide the community with an opportunity to present their submissions.

15

Adoption of a PoM

After considering all submissions received council may decide to amend the draft plan or to adopt it without amendment.

If the council decides to amend the draft plan it must either exhibit the amended plan or if the amendments are not substantial, adopt the amended plan without public exhibition.

20

If council adopts an amended plan without public exhibition of the amended plan, it must give public notice of that adoption, and the terms of the amended plan of management, as soon as practicable after its adoption.

If additional changes are made to the lands categorisation from what was exhibited, then another public hearing will be required before Council can adopt the PoM.

25

Financial Considerations

This work is funded from existing budgets.

Consultation and Engagement

As outlined in the report.

30

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.17 Belongil Creek Entrance Opening Strategy (EOS) - Two Year Review and Amendment to EOS

5

Directorate: Infrastructure Services

Report Author: Orla Seccull, Coastal & Estuary Officer

File No: I2025/18

Summary:

10 The Belongil Creek Entrance Opening Strategy (EOS) is an operational strategy for the purpose of flood mitigation in the Belongil catchment, the entrance of which is an Intermittently Closed and Open Lake/Lagoon (ICOLL). The EOS is a key operational measure being implemented under the Belongil Flood Risk Management Plan (BMT WBM, 2015).

15 The Belongil EOS prepared in 2019 and adopted by Council February 2020 proposed a 2-year review process and a series of review questions for consideration. Following the first two-year review, minor amendments were made to the EOS in 2021 with Revision (Rev) 1.0 (2021) noted by Council November 2021 (**21-547**), including removal of scraping of the entrance berm as a management option due to its lack of efficacy.

20 A more detailed technical review of the Belongil EOS was undertaken as a Coastal Management Program Stage 2 technical study by [Salients \(2024\)](#) which involved significant staff and stakeholder engagement including presentation of the methodology and preliminary findings and recommendations to the Coast and ICOLL Advisory Committee in November 2023. Following finalisation of the detailed review (Salients, 2024) and receipt of feedback from key agencies in support of the proposed short-term recommendations (Attachment 1), Council staff completed their two-year review (May 2024, updated October 2024) and made amendments to EOS reflected in Draft Rev 2.0 (Attachment 2) to accommodate improvements to operational aspects of the EOS along with following key short-term recommendations from the detailed technical review:

- 30
 - Raising of the breach trigger level by 10cm in keeping with the EOS' adaptive management framework.
 - Expansion of the entrance management zone boundary to provide more flexibility in breach channel alignment, work more with the natural hydrological regime and reduce excavation effort.
- 35
 - More flexibility in the location of placement of excavated sand (within the entrance management zone to provide optimise operations.

A list of all amendments made in the Draft 2.0 Belongil EOS (Attachment 2) are detailed in this report for Council's consideration and adoption, following which Council staff will proceed with the following next steps:



- Finalise the Draft Rev 2.0 Belongil EOS (Attachment 2)
 - Reapply for Crown land licence and Marine Parks permit for entrance opening activities at Belongil Creek entrance to align with the amendments to the EOS.
 - 5 • Undertake stakeholder and community engagement on the amended EOS.
 - Continue to review the EOS on a biennial basis including re-evaluation of the breach trigger level considering findings of the forthcoming flood study update for the Belongil catchment and other reliable information as it becomes available.
 - 10 • Consider longer term options for entrance management and flood risk mitigation in the Belongil catchment through processes other than the EOS, e.g. through the flood study update (underway), the development of management options in the Coastal Management Program (under development) or through other opportunities as they arise.
 - 15
-

RECOMMENDATION:

That Council:

- 20 1. **Notes the two-year review of the Belongil Entrance Opening Strategy (EOS) is complete (Appendix A of Attachment 2 (E2024/133679)).**
- 25 2. **Adopts the draft Rev 2.0 of the Belongil Creek Entrance Opening Strategy (Attachment 2 - E2024/133679) as an operational flood risk mitigation measure incorporating the amendments detailed in the report below based on the staff two-year review, the detailed technical review by Salient and feedback from BOBBAC and relevant agencies (Attachment 1 (E2024/138379)).**
3. **Notes that, pending adoption of the draft Rev 2.0 of the Belongil Creek Entrance Opening Strategy at Attachment 2 (E2024/133679), staff will proceed with next steps as outlined in this report.**

Attachments:

- 30 1 Stakeholder comment register on Salients (2024) Entrance Opening Strategy Review_Select short term recommendations Belongil Creek, E2024/138379 
- 2 Draft Belongil Creek Entrance Opening Strategy EOS Rev 2.0 2024, E2024/133679 

35

Report

Information/ Background

5 In February 2020, Council adopted a sustainable, long-term Entrance Opening Strategy (EOS) (Res 20-040) for the Belongil Creek Intermittently Closed and Open Lake/Lagoon (ICOLL) estuary prepared by Alluvium (2019) to mitigate and reduce impacts of flooding in the Belongil catchment. The EOS is a key operational measure being implemented under the Belongil Flood Risk Management Plan (BMT WBM, 2015).

10 The adopted EOS sought to minimise the impact of entrance opening activities on natural littoral processes and the fragile ecosystems within the catchment, while protecting the community and existing built assets from flooding, and also being adaptable to sea level rise and to changes in entrance opening location. Overall, the EOS adopted by Council aimed to provide a balanced and sustainable approach to entrance management of Belongil Estuary. The EOS provided for a two-year review process.

15 In June 2021, staff commenced a two-year review of the EOS in accordance with OP 3.3.1.10 (at that time) as a preliminary review of the EOS with the intent that a full technical review of the EOS would be subsequently commenced through Stage 2 of the Coastal Management Program (CMP) process, as recommended by the CMP Stage 1 Scoping Study for the Southern Byron Shire Coastline and Belongil Estuary (Rhelm, 2021) adopted by Council in August 2021 (Res **21-299**).

20 The first two-year review and minor amendments to the EOS (Rev 1.0) were completed in November 2021 with Revision 1.0 of the EOS adopted by Council (Res. 21-547).

25 Through the CMP Stage 2 process, Council commissioned Salients Pty Ltd to undertake a full review of the Belongil (and Tallow Creek) EOS' and provide recommendations for assimilation into the EOS's either through or separate to the CMP process. Salients full technical review of the EOS was completed in April 2024 and involved significant staff and key stakeholder engagement including:

- Questionnaire seeking input on issues and available data.
- Briefing to staff, agencies and key community stakeholders to relay findings and to educate attendees on ICOLL nature and management difficulties.
- 30 • Workshop with stakeholders responsible for ICOLL opening decision making on "best-practice" ICOLL management and discussion on potential management options and main motivations for management.
- Presentation to the Coast and ICOLL Advisory Committee (November 2023) on methodology and draft recommendations.

35 Following completion of the Salients (2024) technical review, Council staff commenced the two-year review of the Belongil EOS in May 2024 (finalised in October 2024, Appendix 1).

40 An update on the CMP Stage 2 technical studies was reported to the Coast and ICOLL Advisory Committee in May 2024 noting that the technical study was complete, Council would upload the study to [Council's CMP project webpage](#), and Council would renew entrance management permits, approvals and the existing EOS (Rev 1, 2021) for Belongil

Creek incorporating shorter-term recommended amendments and outcomes from the study. Longer term recommendations from the Salients technical study were to be considered following receipt of additional information (e.g. pending updated flood studies), or through the CMP (or other) process.

- 5 In June 2024, Council staff undertook a debrief of the short-term recommendations from the Salients (2024) technical review with representatives from relevant agencies and BOBBAC. Feedback received from these stakeholders is generally in support of those recommendations (Attachment 1).

10 Council staff have now completed the two-year review (Appendix 1 of Attachment 2) of the Rev 1.0 (2021) EOS taking into account:

- Key review questions provided in the Rev 1.0 (2021) EOS.
- Recommendations of the Salients (2024) technical review.
- Feedback from BOBBAC and agencies regarding the Salients short-term recommendations (Attachment 1).

15 Based on the above considerations, staff have made amendments to the EOS (Draft Rev 2.0 provided at Attachment 2) with the two-year review included as Appendix A to the EOS) including:

- Condensing the EOS down to that information which comprises the Strategy and reorganising the document for improved comprehensibility.
- Importing that information into Council's accessible template.

Council staff are seeking Council adoption of the two-year review and draft amended Belongil EOS (draft Rev 2.0, 2024) at Attachment 2 to ensure ongoing best practice management of the ICOLL entrance for flood mitigation within the catchment.

Belongil EOS Review and Amendments

25 The outcomes of the two-year review of Revision (Rev) 1.0 (2021) of the Belongil EOS (as provided in Appendix A of Attachment 2) are that amendments to the Rev 1.0 EOS are required. Amendments have been made as provided in the Draft Rev 2.0 EOS (Attachment 2) including minor amendments to align with Crown land licence and Marine Park permit conditions, formatting changes to ensure accessibility and to provide for a more succinct and comprehensible Strategy, and the following key changes:

- Change in opening and upper trigger levels (with reference to estuary water levels as measured at Ewingsdale Bridge (m AHD)):
- Removal of the "Immediate breach" level at 1.1m AHD. "Immediate" is misleading for stakeholders as forecast rainfall and other monitoring and notification requirements still need to be met before opening can occur. A trigger level at 1.1m AHD is no longer recommended as:
 - This trigger level has been reached and occasional exceeded by the action of high tides in recent years.
 - Adaptive management principles require the EOS to keep pace with actual sea level rise (sea level has risen approximately 8.51cm in the 23 years

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since the opening trigger was previously at 1.2m AHD in 2001 (based on DCCEEW calculations of 3.7mm/yr rise in recent years)).

- 5 • Inclusion of a “Breach trigger level” at 1.2m AHD, dependent on the decision support framework which includes consideration of rainfall and safety (e.g. to minimise risk of fish kill).
- “Upper limit” for immediate opening removed. This is no longer possible with inclusion of a forecast rainfall conditions specified by State Government approvals.
- 10 • Amends the rainfall trigger from “*Is a rainfall event predicted in the next 24 hours with follow-up rain?*” to “*Is a rainfall event (20+mm) forecast to be occurring during or within 24 hours following expected opening time*” to align with forecasting capability, notification timeframes (min 48 hrs) and approval conditions.
- 15 • Clarifies what “safe” refers to with regards to the entrance opening decision making (in terms of risk to personnel safety, environmental considerations and reputational risk).
- Amends the decision support framework to reflect the above changes.
- Addition of an alternative access route from the east during special circumstances.
- 20 • Changes in the entrance channel alignment and sand placement: The existing management area has been broadened to a defined “Entrance Management Zone” to provide more flexibility for Council operations to align with the natural channel alignment as required. It also allows for more flexibility in the location of placement of excavated sand within the entrance management zone.
- 25 • Clarifies that the depth of excavation of the pilot channel should be 0.5m “below the estuary water level” (i.e. not below sand level) as is the intent of the Revision 1.0 (2021) to reduce the failure rate of opening.
- Amends the recommended monitoring as follows:
 - 30 ○ Reduces number of permanent water level loggers from two to one (i.e. at Ewingsdale Bridge) as per existing infrastructure. A previous water logger which was installed in upper catchment (in association with the STP, not the EOS) has been removed.
 - Allows for qualified Council staff (e.g. ecologists) to undertake shorebird monitoring which removes risk should external parties (NPWS or Byron Bird Buddies) be unavailable.
 - 35 ○ Includes of a new section on fish kill monitoring.
- Amends the vegetation monitoring by:
 - 40 ○ Reduction of monitoring efforts at two lower estuary sites from twice/year to annually.
 - Inclusion of two extra monitoring locations including with at least one new “control” site outside of the catchment and ICOLL environment (e.g. within the Brunswick River estuary).
 - Amends and includes additional recommended questions for the next two-year review to align with staff experience in using the EOS to date.

Next Steps

Pending adoption of the Draft Rev 2.0 EOS (Attachment 2), staff will proceed with finalising the EOS and ensuring it meets Council's accessibility requirements.

5 Council is required to operate within the conditions of Crown Lands licence (expires Dec 2027) and a permit from NSW Department of Primary Industry – Fisheries and Marine Parks (expires Jan 2026). Once the amended EOS is finalised, applications are required to renew both the licence and permit to align with the amendments. Once the permit and licence have been obtained, Council will implement Rev 2.0 of the EOS immediately.

10 Each EOS revision has highlighted the importance of informing and involving stakeholders in any changes or adaptation to the Opening Strategy. Significant consultation was undertaken with staff and key stakeholders during the detailed technical review of the EOS by Salients in 2023 and 2024. The draft amended EOS (Rev 2.0, 2024) attached (Attachment 2), has involved detailed consultation with key agencies and BOBBAC
15 undertaken in June and July 2024 (Attachment 1), however other stakeholders will need to be informed of the key changes to the EOS including Byron Bird Buddies, Elements Resort, Belongil Catchment Drainage Union and low-lying landowners. Council staff will inform these stakeholders of the amended EOS through email (including quarterly Coast and Estuaries e-News) and updating of information and attachments on the following Council webpages:

- 20
- [Managing ICOLLs - Byron Shire Council](#); and
 - [Belongil Creek - Byron Shire Council](#).

25 Council staff will continue to review the EOS on a biennial basis including re-evaluation of the breach trigger level in light of findings of the forthcoming flood study update for the Belongil catchment and other reliable information as it becomes available (e.g. sea level rise data or predictions).

30 Other recommendations made in the detailed technical review of the EOS (Salients, 2024) and longer-term options for entrance management and flood risk mitigation in the Belongil catchment are to be considered through processes other than the EOS, e.g. through the flood study update (underway), the development of management options in the CMP or through other opportunities as they arise.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
3: Nurtured Environment	3.3: Protect the health of coastline, estuaries, waterways, and catchments	3.3.2: Floodplain management - Mitigate the impact of flooding on private and public property	3.3.2.2	Update entrance management strategy for Belongil Creek

Recent Resolutions

- Resolution **23-266**
- 5 • Resolution **21-547**
- Resolution **21-289**

Legal/Statutory/Policy Considerations

10 Flood risk policy and practice in NSW are defined in the *NSW Flood prone land policy* and the *NSW Flood risk management manual* (DPE, 2023) under which Councils are primarily responsible for managing flood risk in their local government areas (LGAs). The Belongil Creek EOS is a key operational measure being implemented under the Belongil Flood Risk Management Plan (BMT WBM, 2015). The detailed review of the Belongil EOS (Salients, 2024) has been undertaken as part of Council's development of Coastal Management Programs through the NSW Government Coastal Management Framework.

15 Financial Considerations

Next steps following adoption of the EOS amendments would be undertaken via staff time as business as usual (BAU) under existing OP actions.

Consultation and Engagement

20 Staff members of Team ICOLL have been consulted on this report along with Council's Executive Team.

Report No. 13.18 Shire Wide Aquatic Strategy - Community feedback

Directorate: Infrastructure Services

Report Author: Pattie Ruck, Open Space Facilities Coordinator

5 **File No:** I2025/124

Summary:

Council requested the Shire Wide Aquatic Options Report be placed on public exhibition, with final options report to be returned to Council following consideration of community feedback.

10 Community feedback predominantly supports options to upgrade the existing Byron Swimming Pool and to construct a new facility in Mullumbimby.

No changes to the report have been required. The final report is now provided for consideration.

15

RECOMMENDATION:

That Council:



- 20
1. **Notes submissions received during the public exhibition of the Shire Wide Aquatic Options Report**
 2. **Confirms preferred options to:**
 - a) **Upgrade of Byron Bay Pool within current footprint**
 - b) **Construct a new pool facility at Mullumbimby.**
 - 25 3. **Requests staff seek to identify funding and to progress detail design, staging options and initial costings of preferred options**
 4. **Notes funding requests for priority projects are to be included within 2025/26 budget development process to allow for:**
 - a) **Detailed design of Byron Pool Amenities (Stage 1 of upgrade)**
 - 30 b) **Installation and operation of heat pumps and extension of pool management contracts to allow for year-round operation of existing Petria Thomas Pool at Mullumbimby.**

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Attachments:

- 1 2021-0031 Byron Shire Aquatic Options Report, E2024/63733 
- 2 Free text feedback on Aquatic Options Report, E2025/15910 

5

Background

5 Both Mullumbimby and Byron Bay pools are approaching the end of their functional life and are requiring significant renewal or upgrade works. The Byron Bay swimming pool was built in 1966 and the Mullumbimby swimming pool in the 1950's. Cost of maintaining these facilities continues to increase and current infrastructure is not accessible for people with a disability.

The market and public expectation for public swimming pools has changed significantly since the Byron Shire pools were first built. It is now expected that a public pool can provide a wider range of programs and are inclusive of all abilities.

10 The options report confirmed that Byron Shire needs :

- Two accessible 50m pools for fitness, carnivals, water polo, swim clubs
- One warm water Hydrotherapy pool
- Equitable supply / distribution suggests facilities at Byron and Mullum.
- One facility at either Byron or Mullum to include an indoor hydro pool.

15 Within the study potential sites to locate community pool facilities were investigated were undertaken, and following consideration of the advantages and disadvantages of each site. Core findings were:

- Community strongly value the current Byron Pool and would not support its closure.
- Keeping the Byron pool negates a new pool at Cavanbah.

20 • Mullumbimby pool needs a more appropriate location, able to accommodate wider community needs

Preferred locations were confirmed as:

- Mullumbimby – new facility on Lot 22
- Byron Bay – retain and existing, within current footprint

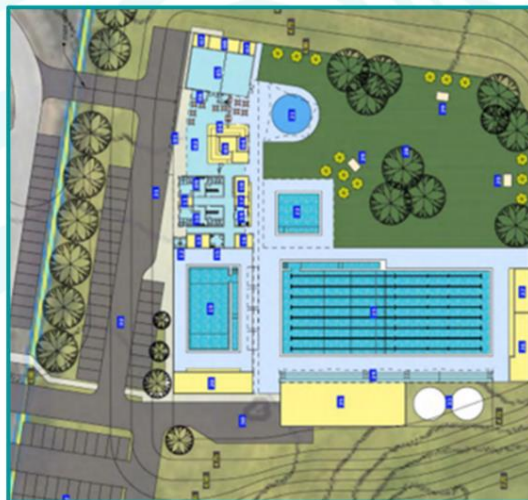
Byron Bay Renewal Concept

- Buildings along south boundary
- Entry from southwest corner.
- Cafe and reception together.
- New change rooms and toilets
- Accessible facilities and family friendly changing options.
- Pool plant to meet current standards.
- Glazing on east side to provide visual connection with park / ocean.
- Possibility of 50m pool extended to 8 lanes to cater for increased programming.
- New program pool
- New splash pad
- Removable starting blocks



Mullumbimby New facility Concept

- Outdoor 50m pool x 8 lanes with accessible ramp entry - split wall to divide to 25m when required
- Fully accessible indoor warm water pool
- Learners / program pool (incl. swim lesson depth)
- Splash pad
- Lights and grandstand
- Change rooms and toilets
- Pool plant
- Multipurpose room
- Cafe and reception

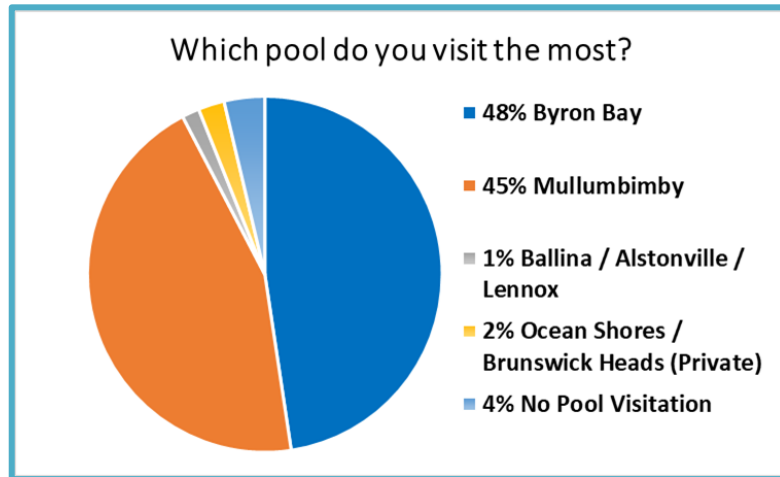


5 In June 2024, Council Resolved 24-336 to place the concept designs on public exhibition and return the final options report to future Council with consideration of Community feedback.

Public Exhibition Feedback

Public Exhibition of the Options Report occurred from 30 September to 4 November 2024, aligned with pool season opening. Council staff held drop-in information sessions at both the Byron and Mullumbimby Farmers markets and onsite at both pools.

- 5 390 responses were received and split evenly across users of both Byron and Mullumbimby Pools.



Byron Bay Pool

- 10 Due to age and condition, the existing pool shell will in time need to be replaced. This allows potential to increase lane capacity within existing footprint, whilst upgrading amenities. All pool plant will also need to be replaced to bring up to current standard.

Proposed Renewal:

- Buildings along south boundary to create break from prevailing wind.
- Entry from southwest corner providing best exposure.
- 15 • Accessible facilities and family friendly changing options.
- Changing Places facility
- New pool plant to meet current standards.
- Cafe and reception together saving staff costs.
- 20 • Possibility of 50m pool being extended to 8 lanes to cater for increased programming.
- New Program pool
- New Splash pad
- Change rooms and toilets separated for supervision.
- Glazing on east side provide a visual connection with the park.

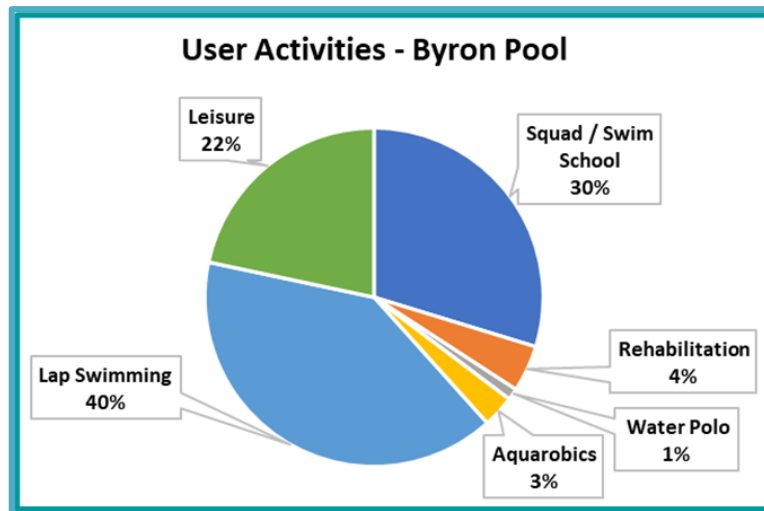
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Key features within concept:

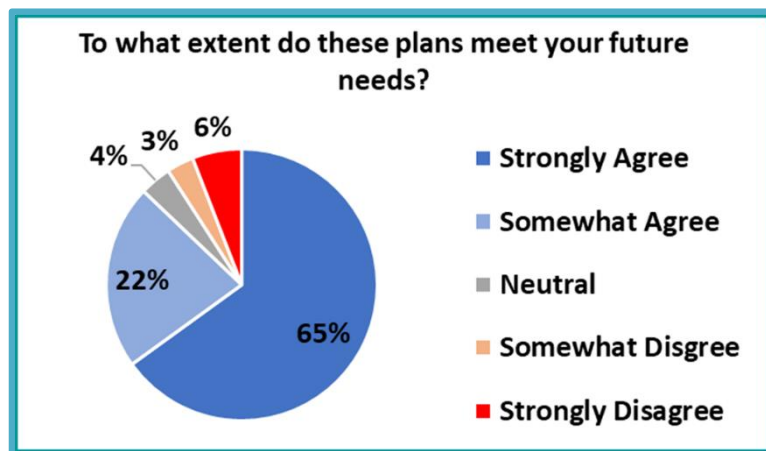
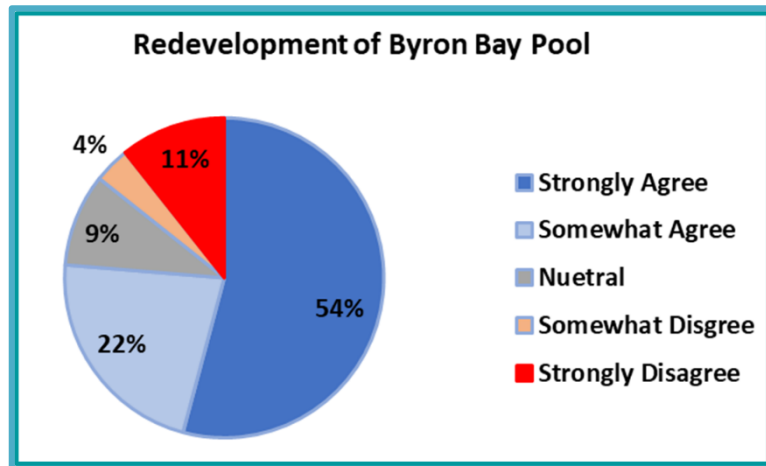
- Pool control has a clear view to all pools and wet areas.
 - World Aquatics compliant 8 lane solution,
 - Removable starting blocks.
- 5
- Split swim wall with recess in pool floor allowing 25m option
 - Wet edge and ramp access.
 - Splash pad separation from pools via a fence
 - Option for school and other carnivals to have competitor entry directly from coaches via the loading hardstand directly onto the concourse.
- 10
- Lightweight fabric roof over the spectators.
 - Shade structure over the program pool and splash pad
 - Incidental umbrella shades for seating
 - Lockers at the entry and concourse showers in front of change rooms

15 **Public Exhibition – Feedback on Byron Pool Concept**

187 Current Users Responded. 52% of users indicated that they attend on a weekly basis, with 18% and undertake a variety of activities at the pool, with 22% reporting general leisure use, 40% lap swimming and 30% squad or swim school programs.



- 20 Of the respondents, 76% supported the redevelopment, 15% disagreed and 9% were neutral



85% of respondents believed the plans meet future needs, with 9% disagreeing and 4% Neutral

5 Respondents that did not support the concept detractors stated reasons including:

- more shade shelter needed
- dedicated parking including bus access needed
- additional recreational offerings such as scuba training required

10 Concerns about privatized management and equitable access across the Shire were also raised.

Respondents supporting the concept supporters suggested additional features including:

- Wellness features – sauna / steam rooms, ice baths, spa.
- Shaded areas, seating and picnic spaces to enhance social and leisure activities.

15 Environmentally sustainable design such as solar heating and corrosion resistant structures was emphasised.

Mullumbimby – New Facility

The preferred site was within Lot 22 adjacent to Mullumbimby Skate Park

5 Flood Engineers have recommended that the proposal be built to at least the 2100 control of RL 4.99m AHD. This recommended level would be slightly higher than the recorded 2022 flood event based on the recorded data compiled by the NSW Public works. A fine-grained flood model will be developed to support this location through the next detail design stage of the project.

10 The site at its highest point is at about RL4.00 and lowest at about RL3.2. With the flood planning level at RL 4.99 the entire site will need to be filled with an average depth of 1.4m to raise the floor level above the flood level. This can be accomplished without affecting no fill zones and will ensure that risk of inundation is minimised.

Proposed Facilities:

- Outdoor 50m pool x 8 lanes
- Split wall to divide to 25m when required
- 15 • Accessible ramp entry
- Lights and grandstand
- Learners / program pool (incl. swim lesson depth)
- Fully accessible indoor warm water pool
- Splash pad
- 20 • Change rooms and toilets
- Pool plant
- Multipurpose room
- Cafe and reception

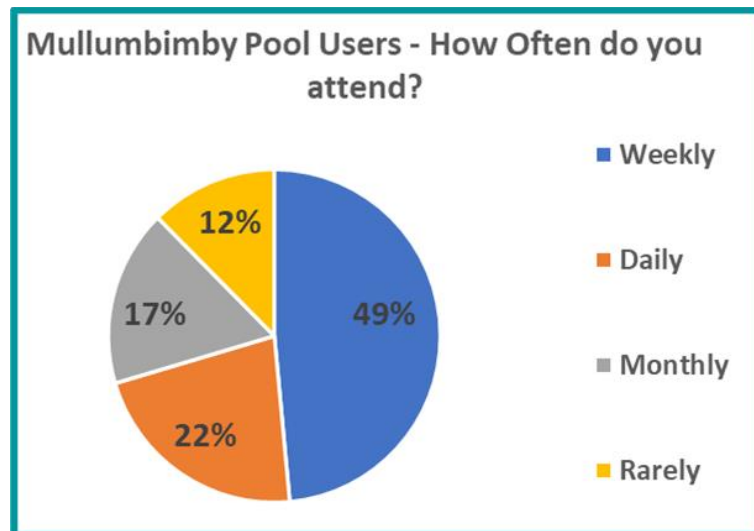
Key features within concept

- 25 • World Aquatics compliant 8 lane solution
- Removable starting blocks.
- Split swim wall with recess in pool floor for 50m option.
- 50m start from north end with finish at south, spectator seating to the west.
- Wet edge and ramp access.
- 30 • Warm Water Pool
- Direct access from amenities and unisex change booths for gender diversity in addition to the female, male and Access facilities.
- Program Pool and Splash Pad
- 35 • Separation from pools is via a fence from the program pool and by distance between the splash pad and shallow end of the 50m. This provides for best supervision in this zone.

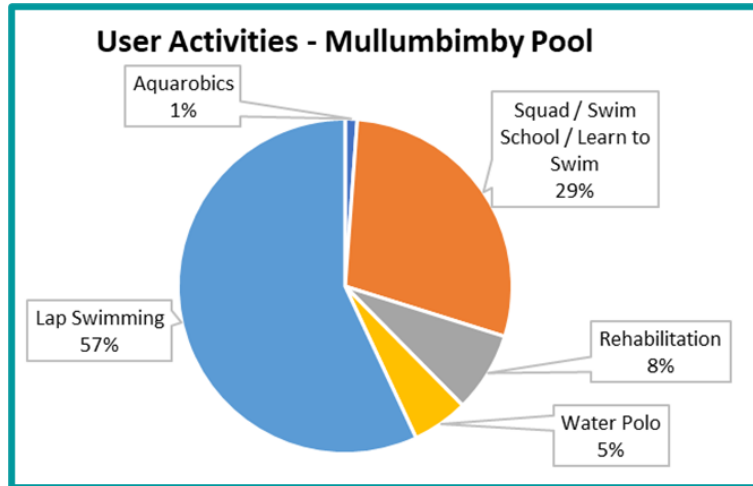
- Central reception which can be staffed at low patron times by a single person who can also handle café and merchandise. Admin located is directly behind.
- Multipurpose room directly off the lobby has connections to the aquatic areas but can be used stand-alone.
- 5 • Concourses and Shade
- Lightweight fabric roof over the spectators and shade structure over the program pool and splash pad with very wide eave canopy off the building along the southern edge.
- 10 • Incidental umbrella shades for seating and turfed areas and BBQ's and ample opportunity for shade tree.
- Lockers at entry and concourse showers to be located in detailed design.
- Amenities
- Amenities directly off the entry and lead to the indoor warm water pool which has lift up doors connecting this space to the outdoor pools.
- 15 • Two family friendly change booths accessed directly off the Warm Water Pool concourse.

Public Exhibition – Feedback on Mullumbimby Pool Concept

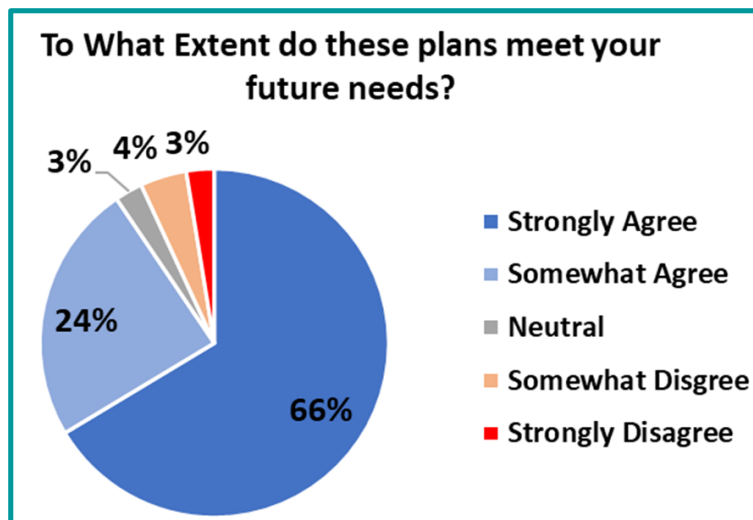
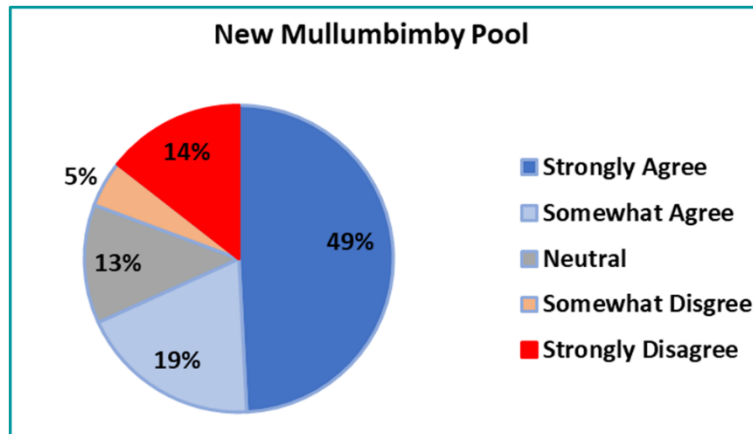
117 Current Users Responded, with similar attendance patterns as Byron Pool. Lap swimming is the predominant use, followed by squad.



20



Of respondents, 68% support new facility, 19% disagreed and 13% were neutral



5 90% believe plans meet future needs, with 7% disagreeing and 3% Neutral

Concept detractors identified reasons including:

- Alternate location preferred (1)
 - Free hot showers needed
 - Linked gymnasium required
- 5 • Family change rooms required

Concept supporters suggested additional elements including:

- Diving boards, waterslides, splash pads, and fun water features
 - Naturally shaded areas, seating and picnic spaces to enhance social and leisure activities.
- 10 • Wellness facilities, including saunas, steam rooms, gyms and multipurpose spaces for yoga, fitness classes, and rehabilitation exercises.
- A café with food and drink options to enhance the pool as a community hub.
 - Environmentally friendly features e.g. saltwater chlorination, solar heating

15 **Next Steps**

Subject to adoption of final options report by Council, the next step would be to progress to detailed design for both facilities.

Priority for Byron pool would be to advance design with staging options that would allow replacement of current amenities with fit-for purpose new facilities and allow clear
20 separation of the commercial restaurant from the pool activities.

Progress on detailed design of a new facility in Mullumbimby will also Council to be “shovel ready” and in best position to leverage grant opportunities as these become available.

Interim arrangement includes progressing heating at Mullumbimby for all year operations, subject to identification of forward operational budgets to cover additional management
25 and heating costs.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5: Connected Infrastructure	5.4: Provide accessible community facilities and open spaces	5.4.4: Sporting facilities and swimming pools - Ensure ongoing maintenance and upgrade of inclusive sporting facilities and swimming pools	5.4.4.5	Progress planning of renewal / upgrades of Byron Bay Memorial Pool
5: Connected Infrastructure	5.4: Provide accessible community facilities and open spaces	5.4.4: Sporting facilities and swimming pools - Ensure ongoing maintenance and upgrade of inclusive sporting facilities and swimming pools	5.4.4.7	Pursue funding opportunities to allow implementation of adopted recommendations within Shire-wide aquatic recreation study

Recent Resolutions

- 5 • February 2018 (**18-039**) Concept plans for options for possible refurbishment of the Byron Bay Pool be prepared for community consultation to ascertain community priorities and preferences. This project is ongoing but has been delayed as Council seeks resolution with the Crown regarding alignment of boundaries.

- 10 • February 2020 (**20-061**) Council resolved to conduct a feasibility study into the financial viability of converting the Petria Thomas Swimming Pool in Mullumbimby into a year-round, solar heated facility along with addition of a disability access ramp, a splash children’s pool and a rehabilitation pool.

- 15 • August 2022 (**22-422**) Council resolved that the Current Mullumbimby Memorial Centre – Petria Thomas Pool feasibility study be placed on hold pending consideration of Shire-wide Aquatic Facility requirements.

- May 2024 (NOM 9.3) Council moved to explore and implement options to heat the Mullumbimby Swimming Pool. This project is underway

- 20 • June 2024 (**24-336**) Council resolved to place concept designs from the draft options report on public exhibition and return the final options report to Council with consideration of Community feedback.

Financial Considerations

Concept designs have been used to undertake quantity survey to allow indicative costs for both Byron Bay and Mullumbimby options.

5 Suggested complete upgrade to Byron Bay pool is estimated at \$28m, including 40% contingency. This upgrade could be staged, with upgrade of the amenities as a primary step estimated at around \$2.4m.

10 The new facilities at Mullumbimby are estimated at \$50m, including 40% contingency. Consultants have suggested that a staged approach is possible for Mullumbimby is not recommended due to duplication of operational and management costs across two facilities. Single stage construction will allow economies of scale and is the recommended approach.

15 No funding has been identified to progress detail design at this stage, but subject to adoption of final Options Report, funding allocation will be sought in future budget development processes.

20 Current project to install heating at the Mullumbimby Pool has been delayed due to requirements for upgrade to electrical supply. Additional annual operational costs to cover heating and extended pool operations are estimated at \$170,000 per annum. Additional operational funding is being sought through the 25/26 budget development process.

Consultation and Engagement

Consultation to provide an options report, initially included stakeholders for the Mullumbimby Pool Feasibility Study including:

25 • Water Polo, Swimming Schools, Swim Teachers, Pool Managers, local primary and secondary schools, resident associations, Access Consultative Working Group, Neighbouring Council's, Petria Thomas and current pool patrons.

30 Further consultation was undertaken when the scope was broadened to the Shire Wide Aquatic Study. Face-to face or telephone conversations and a written questionnaire were used to consult with stakeholders including:

35 • Shire Wide primary & high schools, swimming clubs, water polo, surf clubs, aqua fitness programs, learn to swim, pool managers, aquatic management businesses and other relevant stakeholders.

• Councillors were provided a workshop briefing on option details prior to finalisation of options within the report.

Public exhibition of draft concepts was held from 30 September to 4 November 2024 and will assist to inform detail design. 390 responses were received online, drop-in sessions held at Byron & Mullumbimby farmers market and both pool sites.

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 Report of the Audit, Risk and Improvement Committee Meeting held on 25 November 2024

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Directorate: Corporate and Community Services

File No: I2024/1667

Summary:

10 This report provides the minutes of the Audit, Risk and Improvement Committee Meeting of 25 November 2024 for determination by Council.

RECOMMENDATION:

15 1. That Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 25 November 2024.

2. That Council adopts the following Committee Recommendations:

Report No. 3.1 Draft Audit, Risk and Improvement Terms of Reference and 2025 Agenda Schedule

File No: I2024/1329

Committee Recommendation 3.1.1

That Council:

1. Reaffirms the Audit, Risk and Improvement Committee Terms of Reference (Attachment 1 E2024/20686) and they be adopted.
2. Considers and endorses the Agenda Schedule for 2025 (Attachment 2 E2024/120676) and includes:
 - a) Meeting times to commence at 9:30am on the dates specified for three hour duration.

3. That Council adopts the following Committee Recommendations:

Report No. 3.2 2023/2024 Financial Statements and External Audit Closing Report

File No: I2024/1520

Committee Recommendation 3.2.1

That Council notes:

1. The External Audit Engagement Closing Report for the year ended 30 June 2024 provided by the Audit Office of NSW provided at Attachment 1 (#E2024/131009) and 2023-2024 Financial Statements provided at Attachment 2 (#E2024/131187).
2. In relation to the timeliness of and quality of Financial Reports, the Committee does not propose any changes.

4. That Council adopts the following Committee Recommendations:

Report No. 3.3 Draft Internal Audit Charter

File No: I2024/18

Committee Recommendation 3.3.1

That Council adopts the draft Internal Audit Charter (Attachment 1 E2023/128072), to include the following amendment:

- a) Update the references to International Standards for the Professional Practice of Internal Auditing to Global Internal Audit Standards in preparation of the change on 9 January 2025.

5. That Council adopts the following Committee Recommendation:

Report No. 4.1 Internal Audit Plan 2024-2028

File No: I2024/1336

Committee Recommendation 4.1.1

That the Council endorses the Internal Audit Plan 2024-2028 (Attachment 1 E2024/103385).

6. That Council adopts the following Committee Recommendations:

Report No. 4.2 Internal Audit Report Quarter 4 2023-2024 and Q1 2024-2025
File No: I2024/1263

Committee Recommendation 4.2.1

That Council:

- 1. Notes the status of audit recommendations for Quarter 4 2023-2024 at Attachment 1 (E2024/78518) and for Quarter 1 2024-2025 at Attachment 2 (E2024/125859).**
- 2. Endorses the recommendations from the Executive Team to close off 34 internal audit recommendations from Quarters 4 and 1 as listed in Table 1 of this report (a summary from Attachments 1 and 2).**

Report

This report provides the minutes of the Audit, Risk and Improvement Committee Meeting of 25 November 2024 for determination by Council.

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

- 5 [Minutes of Audit, Risk and Improvement Committee Meeting - Monday, 25 November 2024](#)

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

[Agenda of Audit, Risk and Improvement Committee Meeting - Monday, 25 November 2024](#)

- 10 The attachment numbers included in the recommendations to this Report follows the numbering of the Audit, Risk and Improvement Committee Meeting Agenda. Confidential attachments from that Agenda are available to Councillors by viewing the Agenda on the Hub.

Financial Implications

- 15 As per the Reports listed within the Audit, Risk and Improvement Committee Meeting of 25 November 2024.

Statutory and Policy Compliance Implications

As per the Reports listed within the Audit, Risk and Improvement Committee Meeting of 25 November 2024.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.2 Report of the Floodplain Risk Management Advisory Committee Meeting held on 12 July 2024

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Directorate: Infrastructure Services

File No: I2025/132

Summary:

10 The attachment to this report provides the minutes of the extraordinary Floodplain Risk Management Advisory Committee Meeting of 12 July 2024 for determination by Council.

RECOMMENDATION:

15 1. That Council notes the minutes of the Floodplain Risk Management Advisory Committee Meeting held on 12 July 2024.

2. That Council adopts the following Committee Recommendation:

Report No. 3.1 Adoption of Minutes from Previous Meetings
File No: I2024/997

Committee Recommendation 3.1.1

That the minutes of the Floodplain Management Advisory Committee Meeting held on 14 May 2024 be confirmed subject to the following amendment:

1. Removal of the recommendation for Report No. 4.5 'Community Education Strategy and Review of Flood Options / North Byron Flood Investigations - Projects Update' and instead a note added to the minutes to say this item was deferred.

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3. That Council adopts the following Committee Recommendation:

**Report No. 4.1 Community Education Strategy and Review of Flood Options /
North Byron Flood Investigations - Projects Update**


File No: I2024/677

Committee Recommendation 4.1.1

That Council:

1. **Notes the update on the 'Community Education Strategy and Review of Flood Options' project which focuses on some villages in the north of the Byron Shire.**
2. **Thanks the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) for providing the animation graphic models of the 2022 flood event to Council to assist in future community engagement.**
3. **Allocates budget for ongoing community collaboration on flood mitigation options including discussion around the sky pump.**
4. **Supports staff collaborating with members of the Floodplain Management Advisory Committee to prepare a pamphlet for the collaboration mentioned in part 3 above.**
5. **Applies in the next funding round to commence a new Flood Study and Floodplain Risk Management Study and Plan for the whole Brunswick River catchment, which may include collaboration with Tweed Shire because of a shared floodplain.**
6. **Recognises the overlap between flood issues and Council's project of preparing a Place Plan for the entirety of Ocean Shores, South Golden Beach and New Brighton.**

Attachments:

- 5
- 1 Minutes 12/07/2024 Floodplain Management Advisory Committee Extraordinary, I2024/1025


Report

The attachment to this report provides the minutes of the Floodplain Risk Management Advisory Committee Meeting of 12 July 2024 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 byron.infocouncil.biz/Open/2024/07/FLOOD_12072024_AGN_1917_AT_EXTRA.PDF

The following items were considered by the Committee:

Report No. 4.1 Community Education Strategy and Review of Flood Options / North Byron Flood Investigations - Projects Update

- 10 Report provide an update on Community Education Strategy and Review of Flood Options / North Byron Flood Investigations

Committee Recommendation

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

Financial Implications

- 15 As per the Reports listed within the Floodplain Risk Management Advisory Committee Meeting of 12 July 2024.

Statutory and Policy Compliance Implications

As per the Reports listed within the Floodplain Risk Management Advisory Committee Meeting of 12 July 2024.

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