

# Agenda Ordinary Meeting

Thursday, 22 May 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**

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## CONFLICT OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

### Disclosure and participation in meetings

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

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

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

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

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

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

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## RECORDING OF VOTING ON PLANNING MATTERS

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

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

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## OATH AND AFFIRMATION FOR COUNCILLORS

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

# BYRON SHIRE COUNCIL

## BUSINESS OF ORDINARY MEETING

### 1. PUBLIC ACCESS

### 2. APOLOGIES

### 3. ATTENDANCE BY AUDIO-VISUAL LINK

### 4. REQUESTS FOR LEAVE OF ABSENCE

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

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

### 7. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

7.1 Ordinary Meeting held on 24 April 2025

### 8. RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

### 9. NOTICES OF MOTION

9.1 Mayor's Discretionary Allowance ..... 8

### 10. MAYORAL MINUTE

### 11. PETITIONS

### 12. DELEGATES' REPORTS

### 13. STAFF REPORTS

#### **General Manager**

13.1 Byron Bay Foreshore Concept Plans..... 10

#### **Corporate and Community Services**

13.2 Grants May 2025 ..... 24

13.3 Mayor and Councillor Remuneration 2025/26 ..... 28

13.4 Budget Review - 1 January to 31 March 2025 ..... 34

13.5 Meeting Schedule 2025 - Timing of Meetings..... 50

13.6 2024/25 Operational Plan Progress Report - Quarter 3 - March 2025..... 53

13.7 Council Resolutions Quarterly Review - Q3 - 1 February 2025 to 31 March 2025..... 57

13.8 Policies for Review ..... 60

13.9 Appointment of Councillor Representative to Mullumbimby Showground Land Manager ..... 65

13.10 2024/25 Loan Borrowings..... 68

13.11 Council Investments - 1 April 2025 to 30 April 2025 ..... 73

# BYRON SHIRE COUNCIL

## Sustainable Environment and Economy

13.12 PLANNING - 26.2021.4.1 - Planning Proposal for 268 Ewingsdale Road Byron Bay .....	81
13.13 PLANNING - Submissions report - Amendments to Byron Shire DCP 2014 Chapter C2: Areas Affected by Flood .....	99
13.14 Draft Affordable Housing Contribution Policy, Affordable Housing Contribution Scheme Procedure, Affordable Housing Planning Agreement Procedure and Affordable Housing Contribution Distribution Plan 2025.....	105

## 14. REPORTS OF COMMITTEES

### Corporate and Community Services

14.1 Report of the Arts Advisory Committee Meeting held on 17 April 2025 .....	116
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### Infrastructure Services

14.2 Report of the Water and Sewer Advisory Committee Meeting held on 17 April 2025.....	119
14.3 Report of the Transport and Infrastructure Advisory Committee Meeting held on 17 April 2025.....	122
14.4 Report of the Local Traffic Committee Meeting held on 6 May 2025 .....	124

**No table of contents entries found.**

## 15. QUESTIONS WITH NOTICE

Nil

## 16. CONFIDENTIAL REPORTS

### General Manager

16.1 CONFIDENTIAL - Court proceedings over DA for 17-lot industrial subdivision - 288 Ewingsdale Road, Byron Bay .....	128
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*Questions with Notice: A response to Questions with Notice will be provided at the meeting if possible, that response will be included in the meeting minutes. If a response is unable to be provided the question will be taken on notice, with an answer to be provided to the person/organisation prior to the next Ordinary Meeting and placed on Councils website [www.byron.nsw.gov.au/Council/Council-meetings/Questions-on-Notice](http://www.byron.nsw.gov.au/Council/Council-meetings/Questions-on-Notice)*

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

NOTICES OF MOTION

**Notice of Motion No. 9.1 Mayor's Discretionary Allowance**

**File No:** I2025/627

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**I move that Council:**

- 10      **1. Notes the following donation from the Mayor's Discretionary Allowance 2024/2025:**
- a) Mullumbimby and District Neighbourhood Centre - \$1,500**
- 2. Advertises the donation in accordance with Section 356 of the Local Government Act 1993.**

15      **Signed: Cr Sarah Ndiaye**

**Councillor's supporting information:**

The Mullumbimby and District Neighbourhood Centre played a crucial role in supporting the community in the leadup, during and after Ex Tropical Cyclone Alfred.

20      The centre provided food, support and facilitated volunteer efforts at a local level. I thank them for their ongoing commitment to deliver services to meet the community's needs.

This contribution is made to recognise the service provided and the expenses incurred.

**Staff comments**

**by Esmeralda Davis, Director, Corporate and Community Services**

25      The proposed allocation of \$1,500.00 to the Mullumbimby and District Neighbourhood Centre, will be processed and advertised accordingly.

**Financial/Resource/Legal Implications:**

Financial and Resource Implications:

30      The 2024/25 Budget adopted by Council included an allocation of \$1,500.00 for budget item Mayor – Discretionary Allowance (unallocated). Sufficient funds are available for making the nominated donation of \$1,500.00.



## BYRON SHIRE COUNCIL

### NOTICES OF MOTION

9.1

#### Legal and Policy Implications.

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

- 5 ***“09-349 Resolved that Council confirm that all s356 donations, to be made from the budget allocation “Mayor – Discretionary Allowance”, must be the subject of a resolution of the Council at Ordinary or Extraordinary meeting.”***

This Notice of Motion is to confirm the making of the listed Section 356 Donation.

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

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

Yes

CSP Objective	CSP Strategy	DP Action
1: Effective Leadership	1.5: Empower community leadership through collaboration, capacity building, and cultivating community driven initiatives	1.5.1: Community grant programs - Provide financial assistance and grants to empower community groups and organisations to deliver priority projects

STAFF REPORTS - GENERAL MANAGER

**Report No. 13.1      Byron Bay Foreshore Concept Plans**

**Directorate:** General Manager

5 **Report Author:** Claire McGarry, Place Manager - Byron Bay

**File No:** I2025/621

**Summary:**

10 This report presents for endorsement concept plans for the Byron Bay foreshore. A key catalyst site for the Byron Bay Town Centre Masterplan, the foreshore is one of the community's most valued places, as well as one that attracts a huge number of visitors every year. One of Australia's most iconic locations, it is also under the strain of ever-increasing use and environmental impacts, with aging and degraded infrastructure.

15 Council engaged landscape architects Plummer & Smith to develop a concept plan for the foreshore which presents an overarching vision that can be delivered in stages over the next 5-10 years. The intent is that while works are prioritised and staged according to approval pathways and funding availability, each discreet project is designed and delivered with the broader integrated concept in mind.

20 In 2024, Council took two concept plans out to the community for feedback. This report summarises the project objectives, the consultation undertaken, the feedback received and the proposed next steps to see the plan come to life as live construction projects.

As part of that consultation, it became evident that the Main Beach carpark and the coastal protection structure between the First Sun Holiday Park and the Byron Bay Surf Life Saving Club require confirmation of proposed changes to the coastal protection structure before a concept for that section of the foreshore can be completed.

25 Direction on the modification of the coastal protection structure will be determined through the preparation of Council's Coastal Management Program (CMP) for the Byron Shire Open Coast through the State led coastal management planning process. For this reason, it is recommended that concept planning for this area is temporarily paused until Stage 3 of the CMP concludes. As such, the report is silent on any decision making for the car park and coastal protection structure and recommends that Council endorses only the concept plan for the remainder of the precinct. The coastal management planning process and CMP will evaluate and determine the preferred modification option at this location for coastal protection in close consultation with community, which is expected later this year.

35 Overall, there is a high level of community aspiration for this site, and in this concept, we aim to create a space that retains the local rituals and rhythms of our place and celebrates its natural beauty. The design proposes a space where everyone is safe and welcome, a canvas on which the community can share its stories and show its creativity through future play and art elements. We want to create a space for people to linger, inspire the investment in infrastructure that Byron Bay requires, and provide for the future needs of the community and the environment.









40

**RECOMMENDATION:**

**That Council:**

- 5 1. **Adopts the Byron foreshore concept plan included in Attachment 1 (E2025/46396).**
2. **Awaits the outcome of the preferred modification option for the coastal protection structure as part of Stage 3 CMP preparation, before continuing community discussions and design workshops to develop a concept plan for the foreshore precinct parking.**
- 10 3. **Notes the proposed actions within the priority actions table, and:**
  - a) **Endorses the design for new Apex Park amenities;**
  - b) **Prioritises the design of a new play space for Apex Park;**
  - c) **Endorses staff beginning succession and additional planting along the foreshore in areas that won't be impacted by future construction;**
  - 15 d) **Endorses the design for kayak storage; and**
  - e) **Shares the community's feedback related to the Beach Café relocation with Crown Lands and encourages further community consultation through the Crown's planning and approval process.**

**Attachments:**

- 20 1 Byron Foreshore Landscape Concept FINAL 250502, E2025/46396 
- 2 Summary of Byron foreshore consultation outcomes 2024, E2025/46211 
- 3 Raw survey data - Byron foreshore community survey 2024, E2025/47352 
- 4 Combined additional submissions - Byron foreshore, E2025/47216 
- 25 5 Confidential - Petition for Main Beach Carpark - July 2024, E2025/46603
- 6 Byron Bay Foreshore - Apex Park Amenities report May 2025, E2025/46607 
- 7 Concept Design Brief Main Beach Play Space, E2025/47349 
- 8 Byron foreshore succession planting plan, E2025/46210 
- 30 9 Kayak storage concept plan - May 2025, E2025/46614 

### Report

#### Background

5 The Byron foreshore is one of the catalyst sites identified in the Byron Bay Town Centre Masterplan, which envisages 'a single coherent and connected foreshore open space' and that Main Beach in particular 'should be established as a continuous foreshore park, catering for large events, spaces for hanging out, picnics, passive and active recreation.'

10 In addition to the Masterplan, Council's [Main Beach Shoreline Project](#) which commenced in 2019, undertaken by Bluecoast Consulting Engineers investigated a range of options for modification of the coastal protection structure between the First Sun Holiday Park and the Byron Bay Surf Life Saving Club to improve coastal protection, public safety and access and use of the foreshore and beach. Three (3) shortlisted options were endorsed by Council in 2023 to proceed to further evaluation and determination of the preferred option. The options and associated technical reports have been considered as part of this concept plan.



15 The rich cultural and historical context of the foreshore serves as a critical foundation for this concept plan, ensuring that any interventions are sensitive to the area's heritage while also meeting contemporary needs. Environmental sustainability is prioritised throughout the design, with measures in place to preserve and enhance the natural environment.

- 20 The concept plan (Attachment 1) includes:
- detailed project background and site analysis
  - design principles and vision
  - key issues assessment
  - design proposals

25 - materials / character palettes



It provides an overarching vision for the foreshore, which can be delivered in stages over the next 5 – 10 years. Once Council has adopted an overarching concept, detailed design can begin for early stage works which will be focussed on new amenities, play elements and additional plantings. The 'priority actions' section of this report details the proposed early stage works.

### foreshore vision...

*"an inclusive and accessible foreshore where culture and the environment are respected and celebrated to ensure they are enjoyed into the future."*

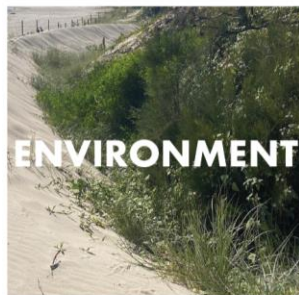
### Project principles

(Excerpt from Design Document – Attachment 1)



#### CULTURE

Cultural considerations encompass the deep, long, and on-going Arakwal and other Bundjalung Peoples' cultural connections to the landscape, and on-going connection to Country and cultural practices. There is also the laid back beach culture that underpins Byron's atmosphere.



#### ENVIRONMENT

The Foreshore is a site under considerable stress. This stress comes from both human and natural sources. The Foreshore is, justifiably, a much loved and much visited site with ever increasing numbers of people enjoying the amenity on offer. This inevitably places the ecology of the site under strain. Combined with this 'land based' stress the site is also at risk of considerable 'sea based' stress. Environmental factors such as sea level rise and storm surge impacts can have both slow and sudden impacts on foreshore stability- as seen over recent years. On-going management and care for the dune landscapes and ecology are critical to the environmental health of the foreshore.



#### COMMUNITY

The Byron Foreshore is a critical space for the local (and visiting) community. It is a place of gathering, connection, and recreation. It is a place full of cultural significance, associations, memories, and shared experiences.

A key consideration for this space is how can it support a healthy, vibrant, and connected community- and vice-versa...how can community participation and use support a healthy foreshore into the future?



#### FUTURE

As with related planning documents such as the Byron Bay Town Centre Masterplan and coastal management planning, a key purpose of this plan is to establish an agreed direction for future foreshore improvements and embellishments to ensure the space can continue to be enjoyed into the future. The proposed direction needs to ensure it can support culture and community and that it has ecological and environmental health and resilience.

### 10 Consultation

In acknowledgement of the significance of this site to the community, extensive community consultation was undertaken on concept options in order to inform the final concept included in this report.

15 The Byron Masterplan process, which identified this as a catalyst site for the town centre, was a result of over 18 months of comprehensive, robust community engagement including 'town hall' meetings, targeted stakeholder workshops, community design charettes, online campaigns and interactive surveys.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - GENERAL MANAGER

13.1

In early 2024, with the completion of the Byron Rail precinct, the Byron Bay skate park and construction of the Sandhills wetlands and town centre drainage projects underway, the focus for Council and community became the foreshore as the next key Masterplan site to focus on.

- 5 Through a competitive process, Council engaged Plummer & Smith to develop concept plans for the foreshore precinct, based on targeted consultation with a number of key stakeholder groups to inform design principles:
- Byron Masterplan Guidance Group
  - Byron Surf Club
- 10
- Crown Lands
  - Local Aboriginal representatives
  - Commercial licencees
  - Accessibility Working Group
  - Local school groups
- 15 The feedback from these groups informed the development of two concept plans which went out to the community for consultation through June and July 2024. Council provided face to face and online opportunities for stakeholders to view the plans and ask questions, as well as providing feedback online through Council's YourSay survey platform.
- These included:
- 20
- Eight drop in community information sessions at local farmers markets, community markets and on site at the Byron Surf Club
  - Online drop-in information sessions
  - Project-specific mailing list established
  - Promotion through social media and local media outlets
- 25
- Design workshops with local schools
  - Letterbox drop and doorknock to directly impacted business and property owners



The aim was to maximise the number of responses and demographic / representative groups, and the feedback received was used to refine the concepts, prioritise staging and inform this report.

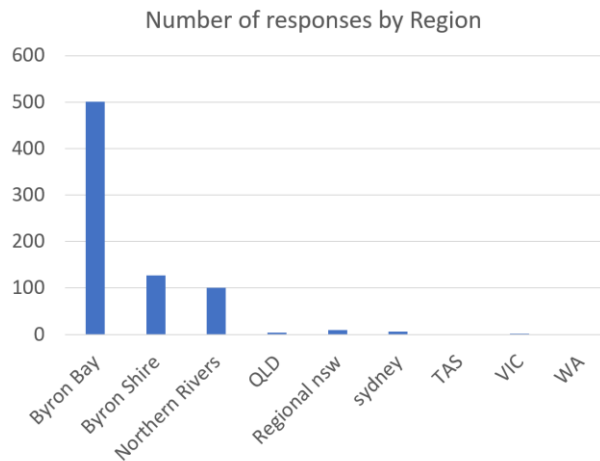
- 5 The community response was significant, with over 350 one-on-one conversations at drop-in sessions and over the phone and close to 800 survey responses, (64% higher than the Council project with the second-highest level of survey engagement).

Attachment 2 provides a summary of feedback received and Attachment 3 provides the de-identified raw data from the survey responses. A number of submissions were received which did not come through Council's Your Say portal but were submitted within the consultation period – see Attachment 4.

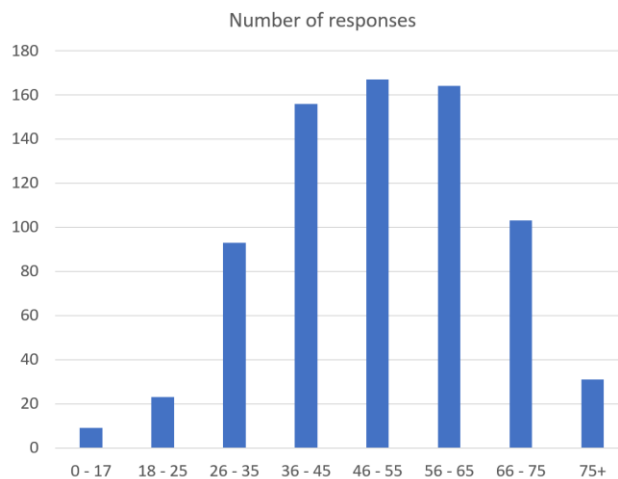
## Feedback received

The data shows that the vast majority of responses came from Byron Bay residents and businesses, with the age dispersal representative of local demographic data.

## Location



## Age



- Overall, the data showed very strong community support for the project from Apex Park to Clarkes Beach, and division within the community on the best long-term design for the existing Main Beach carpark.

A number of responses highlighted that other issues in the Shire (such as pothole repair) should be prioritised over projects such as this.



### Feedback for Apex and Denning Parks



The feedback on the concept for Apex and Denning Parks recommends a cautious approach to development, with a strong emphasis on preserving the character of Byron Bay while addressing the practical community needs and environmental concerns. The attached consultation summary provides further detail on each section of the project, but overall comments include:

- A focus on improving amenities and playgrounds with modern, inclusive designs
- Protecting natural habitats and considering impacts on local wildlife
- Creating pathways that balance accessibility with aesthetic considerations
- Prioritising accessibility including better parking, beach access and amenities
- Considering budget constraints and maintenance capabilities to avoid overextending council resources
- Balancing development with ecological preservation
- Ensuring that improvements benefit both locals and tourists and address concerns about commercial exclusivity and environmental impacts

The project team accept and agree with all this feedback and have incorporated it into the final concept for adoption, and will continue to do so through the detailed design process of each individual stage.

### Feedback on car parking

This report recommends adoption of the concept plans from Apex to Clarkes, and further community consultation be undertaken to progress designs for the car park space once the preferred modification option for the coastal protection structure is endorsed by Council.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - GENERAL MANAGER

13.1

Direction on the modification of the coastal protection structure will be determined through the preparation of Council's Coastal Management Program (CMP) for the Byron Shire Open Coast through the State led coastal management planning process. Council is currently in Stage 3 of the 4 staged CMP process. Stage 3 comprises identification and evaluation of coastal management options for managing threats and risks along with seeking feedback from stakeholders and the community to help shortlist the management options.

Two of the shortlisted options comprise changes to the alignment and position of the structure in the coastal landscape which will have implications for any proposed changes to the location and function of the foreshore area and car park (protected by the structure). For this reason, it is recommended that concept planning for this area is temporarily paused until Stage 3 of the CMP concludes. As such, the report is silent on any decision making for the car park and coastal protection structure and recommends that Council endorses only the concept plan for the remainder of the precinct.

Given the community's passionate views, there is plenty of time for further discussion to resolve the future use of this space.



It is important to note that a local group created a petition in relation to the car park (Attachment 5) but were advised that due to incomplete and inaccurate information provided to potential petition-signers it was not viewed by the project team as valid data.

It was recommended that instead interested community members be directed to Council's website, survey and/or project team.

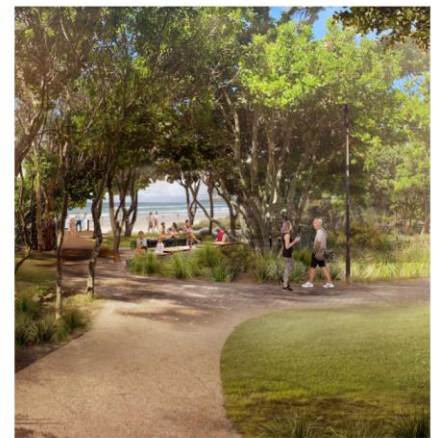
Feedback on Beach Café relocation

5 Separate to the Council-led upgrades, staff have been working with Crown Lands and the owners of Beach café to ensure that the café relocation, led by Crown Lands, integrates with the concept plan. The community feedback on this proposal is summarised below and this report recommends it be provided to Crown Lands to further guide their discussions with the lessee.

## Beach Café feedback

Overall, while there is support for relocating the Beach Café to address erosion concerns, the community has strong reservations about the proposed two-story development and emphasizes the need for designs that respect both the environment and public accessibility.

- **Maintain single story design:** The majority of respondents oppose adding a second story due to concerns about visual impact, environmental fit, and the precedent it sets.
- **Relocate the Café:** Support for relocating the café is high, primarily due to the need to address erosion. The exact location and design of the new café remain points of contention.
- **Enhance Public Access:** Ensuring the new or relocated café remains accessible to the public and does not prioritize exclusive functions is crucial.
- **Prioritize Environmental Sensitivity:** Any new development should respect the natural environment, use suitable materials, and consider the ecological impact.
- **Maintain Local Inclusivity:** The café should cater to the local community, offering affordable options and avoiding exclusivity. Continue engaging with the community to refine the plans, ensuring that the final design reflects the desires and needs of both locals and visitors.



### Priority actions

10 The intent of this report is to adopt an overall concept for the foreshore precinct, so that as funding becomes available for discreet projects within the footprint over the coming years, they can be designed in a way that connects into the broader vision for the site.

Through the design process, priority projects have emerged based on:

- a) Aging and/or decommissioned infrastructure
- b) Accessibility
- 15 c) Environmental (succession planting, shade trees)
- d) Commercial lease timing

With that in mind, this report also seeks endorsement for the below action table and the projects contained within it to proceed to next stages of detailed design and/or construction.

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# BYRON SHIRE COUNCIL

## STAFF REPORTS - GENERAL MANAGER

13.1

### Action table

Project	Rationale for prioritising	Current status	Proposed action
New amenities at Apex Park	<ol style="list-style-type: none"> <li>Existing Exeloos were installed as a temporary measure in 2014 and have not been upgraded since</li> <li>Existing amenities are not fit for purpose for current use and capacity does not meet current demand</li> <li>Broader foreshore project aims to reduce visual clutter to maximise views from Apex Park play area towards Nguthungulli and Walgun, which are currently blocked by existing exeloos and shelters</li> </ol>	<p>Detailed concept design complete (attachment 6)</p> <p>Funding application submitted – awaiting notification of outcome.</p>	<p>Endorse detailed concept design for amenities to enable staff to go to market for design then construction tender once funding is secured.</p>  
New play space at Apex Park	<ol style="list-style-type: none"> <li>Old play space was removed in 2024 due to safety concerns</li> <li>Regular and consistent community requests for replacement of</li> </ol>	<p>Design brief completed (attachment 7) and Request for Quote is currently out to market</p>	<p>Endorse prioritising a new play space so project team can proceed with concept design, including community consultation, with concepts to be reported to Council prior to detailed design commencing and funding applications submitted.</p>

# BYRON SHIRE COUNCIL

## STAFF REPORTS - GENERAL MANAGER


13.1

Project	Rationale for prioritising	Current status	Proposed action
	play equipment as soon as possible due to high demand at this site		
Additional and succession planting throughout Reserve	<ol style="list-style-type: none"> <li>1. Some existing native plantings are beginning to reach the end of their life and need timely replacements</li> <li>2. Some project elements (e.g. amenities) may require the removal of existing vegetation, so need to ensure they are replaced with additional plantings in logical locations</li> <li>3. Significant community feedback through consultation regarding additional shade and extra planting to improve environmental outcomes</li> </ol>	Planting plan completed (attachment 8)	Endorse staff to begin succession planting and additional planting in spaces that won't be impacted by future works
Construction of kayak storage	<ol style="list-style-type: none"> <li>1. Existing kayak storage structures are unapproved and need to be</li> </ol>	Concept plans completed (attachment 9)	Endorse concept plans to enable staff to proceed to detailed design and construction, subject to funding.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - GENERAL MANAGER

13.1

Project	Rationale for prioritising	Current status	Proposed action
	<p>removed</p> <p>2. Construction of a Council-owned storage structure would be allowable under existing Crown Lands licence and would enable Council to better manage commercial operations in the space</p> <p>3. Commercial tender for kayak operations is due to commence in November 2025— construction of storage prior to this enables a clean transition operationally for successful tenderers</p>	<p>Review of Environmental Factors is underway.</p> <p>Funding application submitted – awaiting notification of outcome.</p>	

## 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	5.4.2.11	Complete Landscape Masterplan for Main Beach Reserve and commence design for renewal/upgrade of playground and public facilities

**Legal/Statutory/Policy Considerations**

No legal implications for the adoption of concept plans.

**Financial Considerations**

- 5 Budget for the detailed design and construction of each stage of the project will be subject to applications for funding to state and federal governments.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 13.2 Grants May 2025**

**Directorate:** Corporate and Community Services

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

**File No:** I2025/141

**Summary:**


10 Council is waiting on determination of 15 Grant Applications which, if successful, would provide funding to enable the delivery of identified projects. This report provides an update on grant applications.

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**RECOMMENDATION:**

15 **That Council notes the Grant Submissions Report for the month of April 2025 (Attachment 1 #E2025/44539).**

**Attachments:**

20 1 Grants Awaiting Determination - April 2025, E2025/44539 



## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.2

## Report

Currently Council has 15 grant applications awaiting determination (refer to Grants Submissions as of 29 April 2025 - Attachment 1, E2025/44539).

### Successful applications

- 5 The following grant has been successful:

Funding body	Funding scheme	Project name	Total project value \$	Amount requested \$	Council \$
Create NSW	<u>Special Entertainment Precinct Kickstart Grant Program   NSW Government</u>	Byron Bay Town Centre SEP	\$162,800	\$162,800	0

### Unsuccessful applications

The following grant has been unsuccessful:

Funding body	Funding scheme	Project name	Total project value \$	Amount requested \$	Council \$
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	Housing Support Program	Gulgan Road Roundabout	\$7.63M	\$7.63M	0
Program over was oversubscribed. Feedback session being held in May 2025.					

### Upcoming Grant opportunities

- 10 [Regional Precincts and Partnerships Program \(rPPP\) - Stream One: Precinct development and planning | business.gov.au](#)

The program runs over 4 years from 2023-24 to 2026-27. It requires a partnership approach, bringing together governments and communities to plan and deliver multi-purpose regional precincts that are place-based, tailored to local needs and have a shared

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.2

vision in how the precinct connects to the region. Partners can be from government, First Nations groups, community organisations, regional universities or private enterprise.

The program supports the planning and delivery of regional, rural and remote precincts, places that encompass multiple infrastructure elements delivered by various parties through long-term partnerships between multiple providers. Regional precincts may include business districts, neighbourhoods, activity centres, commercial hubs or community and recreational areas. They will be located in renewal areas and growth areas in regional centres, regional corridors, regional cities, as well as smaller town centres that serve as service hubs in more remote communities.

- 5
- 10 Council resolved (**25-138**) to enter into a Memorandum of Understanding with Mullum Seed to facilitate work with Council in applying for a Regional Precincts and Partnerships Program Grant.

Council will be applying under Stream One, in partnership with Mullum Seed, to seek funding to prepare a Masterplan for Lot 22 Mullumbimby.

- 15 Arts and Cultural Funding Program

[2-Year Multi-year Funding | NSW Government](#) – closes 26 May 2025

2-Year Multi-year funding provides core investment to the NSW arts and cultural sector to support sustainable growth of the industry, with a focus on all NSW citizens being given the opportunity to contribute to and experience arts and culture.

- 20 Applicants can apply for a minimum of \$60,000 and a maximum of \$200,000 per year, subject to type of organisation eligibility that is applying.

Council staff are preparing an application seeking funding to further extend the public programs at the Byron Bay Lone Goat Gallery.

## 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 \$40.7 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	<b>Funding applications submitted and awaiting notification (total value)</b>	<b>\$40.7 million</b>
	Requested funds from funding bodies	\$38.4 million
	Council contribution cash	\$2.3 million
	Council co-contribution in-kind	\$147,000
20	Other contributions	\$0

Funding determined in April 2025:

Successful applications	\$162,800 (total project value)
Unsuccessful/withdrawn applications	\$7.63 million (total project value)

### 25 Consultation and Engagement

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

**Report No. 13.3 Mayor and Councillor Remuneration 2025/26**

**Directorate:** Corporate and Community Services

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

**File No:** I2025/404

5 **Summary:**

The Local Government Remuneration Tribunal has handed down its report and determination on fees for Councillors and Mayors for the 2025/26 financial year. A copy of the report is available from: [LGRT 2025 Annual Determination](#).

10 The Tribunal determined a 3% per annum increase in the minimum and maximum fees applicable to each category, effective 1 July 2025 and one council was reclassified into a higher category.

This report outlines the Tribunal's fee range and recommends that Council fixes the maximum fee available for the Mayor and Councillors for 2025/26.

15

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**RECOMMENDATION:**

**That Council:**

- 20
1. **Fixes the fee payable to each Councillor under section 248 of the *Local Government Act 1993* for the period 1 July 2025 to 30 June 2026 at \$27,860.**
  2. **Fixes the fee payable to the Mayor under section 249 of the *Local Government Act 1993*, for the period from 1 July 2025 to 30 June 2026 at \$68,800.**
  3. **Does not determine a fee payable to the Deputy Mayor, in accordance with current practice.**

25

## Report

Each year the Local Government Remuneration Tribunal (Tribunal) must determine, in each of the categories determined under section 239 of the *Local Government Act 1993* the maximum and minimum amounts of fees to be paid during the following year to councillors and mayors.

The Tribunal has released its 2025/26 Determination, in summary:

- a 3% per annum increase in the minimum and maximum fees will apply to each category, effective 1 July 2025.
- A review of categories is required at least once every 3 years. This was last carried out in 2023. The Tribunal will next consider the model, the criteria for each group, and the allocation of councils in the 2026 review.
- One council, Mid-coast, were reclassified into a higher category.

The Remuneration Tribunal has determined the maximum and minimum amounts of fees to be paid during the 2025/26 financial year. As Byron Shire Council is categorised as a Regional Centre the appropriate fee range is as follows:

Category	Councillor/Member Annual Fee (\$) effective 1 July 2025		Mayor/Chairperson Additional Fee* (\$) effective 1 July 2025	
	Minimum	Maximum	Minimum	Maximum
Regional Centre	15,830	27,860	32,940	68,800

*\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2) of the Local Government Act 1993).*

Currently, the annual fees payable to Councillors and the Mayor for the 2024/25 financial year are the maximum fee fixed at \$27,050 per annum for a Councillor, and an additional fee of \$66,800 for the Mayor.

A full version of the determination is provided on the Tribunal's website: [LGRT 2025 Annual Determination](#).

### Council's Submission

Council made a submission to the Tribunal (**24-544**) about the fees payable to Mayors and Councillors in 2025/26.

The key points of the submission are outlined below, with the corresponding response from the Tribunal's report.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.3

Council's Submission	Tribunal Response
<p>Urged the Tribunal to apply the maximum increase available, to offset the increasing cost of living</p>	<p>100. The Tribunal considered a range of factors in determining the amount to increase minimum and maximum fees payable to councillors and mayors. This included a wide range of economic data such as:</p> <ul style="list-style-type: none"> <li>• Consumer Price Index for the 12 months to December each year</li> <li>• Wage Price Index for the 12 months to December each year</li> <li>Local Government Remuneration Tribunal Annual Determination 2025 27</li> <li>• Full-time average weekly ordinary time earnings for the 12 months to November each year</li> <li>• NSW Public Sector Salaries increases</li> <li>• Local Government State Award increases</li> <li>• IPART Rate Peg Base Cost Change</li> <li>• Public Service Senior Executive remuneration determinations, by the Statutory and Other Offices Remuneration Tribunal, and</li> <li>• State Members of Parliament Basic Salary remuneration determinations by the Parliamentary Remuneration Tribunal.</li> </ul> <p>101. On this occasion the Tribunal has determined that a 3% increase will apply to the minimum and maximum fees applicable to existing categories</p>
<p>Recognition of Deputy Mayors as a distinct category within the local government remuneration framework</p>	<p>62. The issue of fees for deputy mayors was once again raised.</p> <p>63. Three submissions asserted that the position of deputy mayor should attract its own distinct independent fee, beyond the fee provided for in s.249(5) of the LG Act.</p> <p>64. The Tribunal dealt with this issue in its 2024 Annual Determination at paragraph 53-55. It was noted that the Tribunal lacked the powers to implement changes to the fee structure that would include a distinct independent fee for the position of deputy mayor.</p> <p>65. There has been no change to the legislation to permit such a change. Therefore, the Tribunal is currently unable to introduce a remuneration structure that would include a distinct independent fee for the position of deputy mayor.</p>
<p>Reduce the gap between minimum and maximum fees for each category</p>	<p>101. On this occasion the Tribunal has determined that a 3% increase will apply to the minimum and maximum fees applicable to existing categories.</p>

## 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

### Recent Resolutions

5 **22-222** - resolved to make a superannuation contribution payment to its councillors in accordance with section 254B of the Act.

**22-070** - endorsed the submission to the Local Government Remuneration Tribunal on the fees payable to Mayors and Councillors in 2023/24 and sought re-categorisation to 'Regional Centre'.

10 **24-544** - endorsed the submission to the Local Government Remuneration Tribunal on the fees payable to Mayors and Councillors in 2025/26 Legal/Statutory/Policy Considerations

[Section 248](#) of the *Local Government Act 1993* states:

- 15 (1) *A council must pay each councillor an annual fee.*  
 (2) *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*  
 (3) *The annual fee so fixed must be the same for each councillor.*  
 (4) *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*

[Section 249](#) of the *Local Government Act 1993* further states:

- 20 (1) *A council must pay the mayor an annual fee.*  
 (2) *The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*  
 (3) *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*  
 (4) *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*  
 25 (5) *A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.*

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.3

[Section 250](#) of the *Local Government Act 1993* states that fees are payable monthly in arrears for each month (or part of a month) for which the councillor holds office.

[Section 254B](#) of the *Local Government Act 1993* relates to the payment of a superannuation contribution, which came into effect on 1 July 2022.

### 5 Financial Considerations

#### Councillors and Mayoral fees currently paid:

\$27,050 each x 9	=	\$243,450
Plus Mayor additional fee	=	\$ 66,800
Total Paid		<b>\$310,250</b>

#### 10 Councillors and Mayoral fees 2025/26 increased to maximum set by the Tribunal\*:

\$27,860 each x 9	=	\$250,740
Plus Mayor additional fee	=	\$ 68,800
Total Paid		<b>\$319,540</b>

#### 15 Superannuation contribution payments:

Council resolved (**22-222**) to make a superannuation contribution payment to its councillors in accordance with section 254B of the Act. In 2024/25 this will be payable at the rate of 12%, which is equivalent to amount under the Commonwealth superannuation legislation if the councillor were an employee of the Council. The rate increases by 0.5% percent each year until 1 July 2025 when it reaches 12%. This payment is in addition to Councillor fees.

$$12\% \times \$319,540^* = \mathbf{\$38,344.80}$$

*\*based on the assumption that councillors will determine to receive the full contribution.*

25 Councillors are required nominate a superannuation account or if they do not wish to receive a superannuation contribution payment, may agree in writing to forgo or reduce the payment.

30 The draft 2025/26 Budget was prepared prior to the determination by the Tribunal. The amount determined by Council through this report will be incorporated into the final budget to be adopted at the 30 June Extraordinary Meeting of Council.

#### Allowance for Deputy Mayor

35 Section 249 (Clause 5) of the *Local Government Act 1993* states that:  
*A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.*

40 As stated in the above clause, Council is not bound to set a fee, but if it so chooses must deduct that sum from the amount available under the Mayoral allowance.



Current practice is that the payment of a fee for an acting period by Deputy Mayor undertaking the role of Mayor, would apply only in instances where the Mayor has leave of absence endorsed by Council, and any pro rata fees would be deducted from the Mayoral allowance, where agreed on a case by case basis in accordance with section 249 of the *Local Government Act 1993*.

5

### **Consultation and Engagement**

The Remuneration Tribunal consults with local governments to arrive at its determination. Byron Shire Council made a submission to the Remuneration requesting the maximum increase. Council has an adopted view that the current maximum fees for Councillors and Mayors are inadequate for the roles and responsibilities undertaken.

10

## Report No. 13.4 Budget Review - 1 January to 31 March 2025

**Directorate:** Corporate and Community Services

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

**File No:** I2025/441

### 5 Summary:

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 March 2025.

- 10 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 at their Meeting on 15 May 2025.

20

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### RECOMMENDATION:

That Council:




- 25 1. **Authorises the itemised budget variations as shown in Attachment 2 (#E2025/43407) which include the following results in the 31 March 2025 Quarterly Review of the 2024/2025 Budget:**
- a) **General Fund – \$0 movement to the Estimated Unrestricted Cash Result**
  - b) **General Fund - \$1,093,000 decrease in reserves**
  - c) **Water Fund - \$495,000 increase in reserves**
  - d) **Sewerage Fund - \$948,200 increase in reserves**
- 30 2. **Adopts the revised General Fund Estimated Unrestricted Cash Surplus of \$400,000 for the 2024/2025 financial year as at 31 March 2025.**

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.4

### **Attachments:**

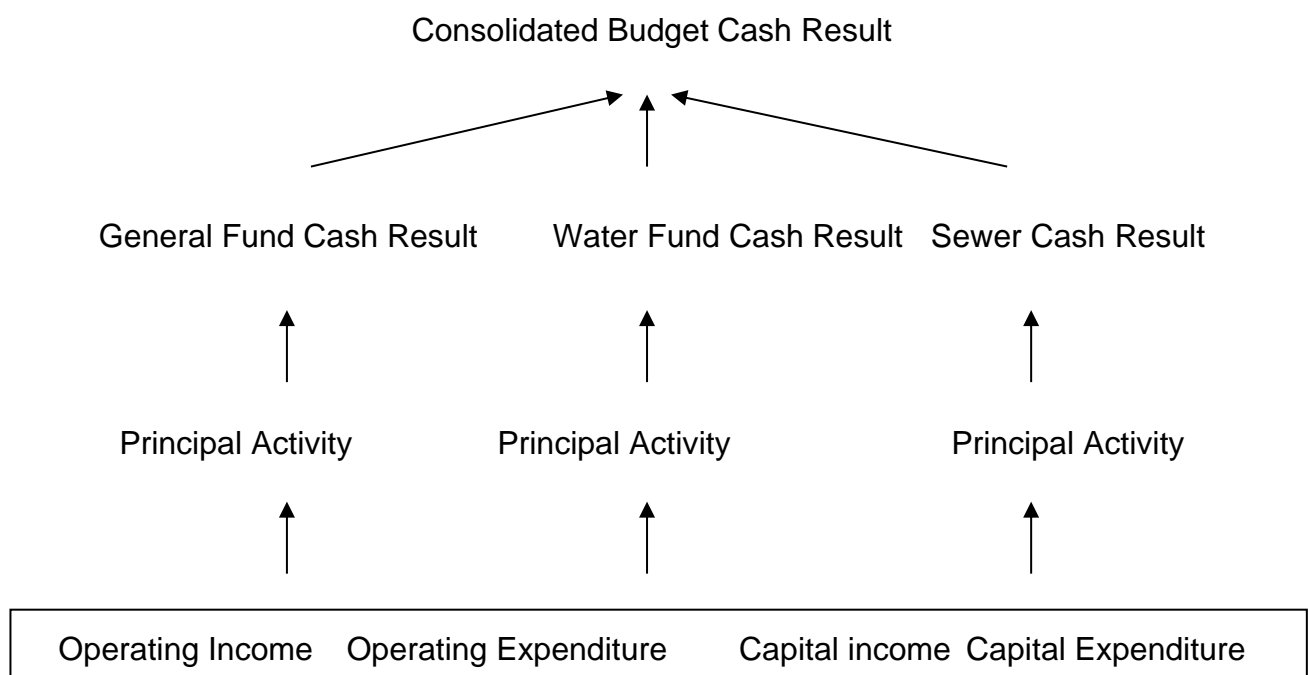
- 1 Budget Variations for General, Water and Sewerage Funds, E2025/43403 
- 2 Itemised Listing of Budget Variations for General, Water and Sewerage Funds, E2025/43407 
- 3 Integrated Planning and Reporting Framework (IP&R) required Quarterly Review Statements, E2025/43408 

## Report

Council adopted the 2024/2025 budget on 27 June 2024 via Resolution **24-328**. Council also considered and adopted the budget carryovers from the 2023/2024 financial year, to be incorporated into the 2024/2025 budget at its Ordinary Meeting held on 15 August 2024 via Resolution **24-380**, the September Quarterly Budget review adopted by Council at its ordinary meeting held on 28 November 2024 via resolution **24-545** and the December Quarterly Budget Review adopted by council on 27 February via resolution **25-019**. Since that date, Council has reviewed the budget and progress through the first three quarters of the 2024/2025 financial year. This report considers the March 2025 Quarter Budget Review (QBR).

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

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



The pages within Attachment 1 are presented (from left to right) by showing the original budget as adopted by Council on 30 June 2024 plus the adopted carryover budgets from 2023/2024, followed by the resolutions between July and December and the revote (or adjustment for this review) and next, the revised position projected for 30 June 2025 as at 31 March 2025.

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

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

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

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

- 5 The Office of Local Government on 10 December 2010 issued 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. These Guidelines are currently being reviewed by the Office of Local Government.
- 10 The Quarterly Budget Review Guidelines set a minimum standard of disclosure, with these standards being included in the Local Government Code of Accounting Practice and Financial Reporting as mandatory requirements for Councils to address.

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

- 15
- A signed statement by the Responsible Accounting Officer on Council's financial position at the end of the year based on the information in the QBRs
  - Budget review income and expenses statement in one of the following formats:
    - Consolidated
    - 20 ○ 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
  - Budget Review Key performance indicators
  - 25 • 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**

- 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 9 pages of Attachment 1.
- 30

### **Capital Budget Review Statement**

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.

### **Cash and Investments Budget Review Statement**

- 35 This statement reconciles Council's restricted funds (reserves) against available cash and investments. Council has attempted to indicate an actual position as at 31 March 2025 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)

- 5 The KPIs within this report are:
- **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.
  - **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.

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

### CONSOLIDATED RESULT

- 20 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 March 2025.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.4

<b>2024/2025 Budget Review Statement as at 31 March 2025</b>	<b>Original Estimate (Including Carryovers) 1/7/2024</b>	<b>Adjustments to 31 Mar 2025 including Resolutions*</b>	<b>Proposed 31 Mar 2025 Review Revotes</b>	<b>Revised Estimate 30/6/2025 at 31/3/2025</b>
Operating Revenue	121,626,000	(1,301,900)	39,000	120,363,100
Operating Expenditure	127,469,300	3,564,700	(870,700)	130,163,300
<b>Operating Result – Surplus/Deficit</b>	<b>(5,843,300)</b>	<b>(4,866,600)</b>	<b>909,700</b>	<b>(9,800,200)</b>
Add: Capital Revenue	52,658,200	(21,523,500)	(5,411,600)	25,723,100
<b>Change in Net Assets</b>	<b>46,814,900</b>	<b>(26,390,100)</b>	<b>(4,501,900)</b>	<b>15,922,900</b>
Add: Non Cash Expenses	20,657,300	0	0	20,657,300
Add: Non-Operating Funds Employed	9,941,100	(486,900)	(5,635,600)	3,818,600
Subtract: Funds Deployed for Non-Operating Purposes	104,669,500	(19,517,300)	10,487,700	74,664,500
<b>Cash Surplus/(Deficit)</b>	<b>(27,256,200)</b>	<b>(7,359,700)</b>	<b>350,200</b>	<b>(34,265,700)</b>
Restricted Funds – Increase / (Decrease)	(27,331,700)	(7,284,200)	350,200	(34,265,700)
<b>Forecast Result for the Year – Surplus/(Deficit) – Unrestricted Cash Result</b>	<b>75,500</b>	<b>(75,500)</b>	<b>0</b>	<b>0</b>

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.4

### GENERAL FUND

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

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

- 5 The General Fund financial position overall has remained the same 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 Part 2 of Resolution **25-011** from the 13 February 2025 Planning Meeting requested consideration of allocating \$40,000 in the next Quarterly Budget Review to undertake a feasibility study into installing a community battery for Byron Shire, including options for equitable operating models, technologies and sites within the Shire.

- 15 The next Quarterly Budget Review referred to in Resolution **25-011** is this Review and there is the possibility to provide funding should Council require it. A specific budget allocation has not been made but provision has been considered through a proposed additional transfer of \$40,000 to the Property Development Reserve. This had been able to be achieved through additional interest revenue. It is understood that grant funding opportunities are currently being sought for the community battery as an alternative.



# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.4

### 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 (Unrestricted Cash) Increase/ (Decrease) \$
General Manager	75,000	75,000	0
Corporate & Community Services	145,900	137,900	8,000
Infrastructure Services	(9,073,100)	(9,080,500)	7,400
Sustainable Environment & Economy	60,000	75,400	(15,400)
<b>Total Budget Movements</b>	<b>(8,792,200)</b>	<b>(8,792,200)</b>	<b>0</b>

### Budget Adjustment Comments

- 5 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

- 10 • In the General Managers program, it is proposed to increase operating income due to legal fees recovered and increase operating expenditure due to additional legal expenses. The difference can be funded from the Legal Services reserve.

### Corporate and Community Services

- 15 • In the General Purpose Revenues Program an additional \$40,000 in interest revenue can be realised.
- In the Information Services program, it is proposed to move \$45,000 budget from Cyber Penetration Testing to Cyber Security Vulnerability Management to cover actual costs.
- 20 • In the Corporate Services program, it is proposed to decrease operating expenditure due to \$8,000 not required for Customer Service Initiatives in 2024/25. This can be redirected to the Foyer Security Works in the Facilities Management program.
- 25 • In the Community Development program, it is proposed to increase operating income and expenditure due to a grant being received from the Siddle Foundation for rough sleeping (\$215,000). It is proposed to decrease operating expenditure by \$5,000 due to \$84,000 being added to the salaries budget for a Community Facilities Officer in the

original 2024/25 budget, but only \$79,000 being required. It is proposed to further decrease operating expenditure due to 2323.001 Public Art (\$16,000), 2331.053 Aboriginal/Torres Strait Islander Projects (\$4,000), 2331.058 Aboriginal Leadership & Engagement (\$42,000) and 2331.106 Arts & Culture (\$50,000) not being required in 2024/25 and move to the Draft 2025/26 budget.

### Infrastructure Services

- In the Asset Management program, it is proposed to increase capital income due to the sale of part of road reserve Lot 1 DP1287743. It is proposed to transfer this to the Sale of Road Assets reserve.
- In the Projects & Commercial Development program, it is proposed to decrease operating expenditure due to the budgets for Property Consultancy Services (\$10,700) and Survey Services (\$8,600) not being required in 2024/25. It is also proposed to increase operating expenditure by \$3,300 for a land valuation.
- In the Depot Services program, it is proposed to remove Loan funding of \$3,672,100 for fleet replacement and fund this from the Plant reserve. During the course of 2024/25, the Plant reserve has obtained the capacity to fund these purchases through revised charge out rates and higher plant hire recoveries.
- In the Local Roads and Drainage program, there are a number of adjustments outlined under Note 8 on pages 54 to 56 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.
- In the Infrastructure Recovery program, It is proposed to adjust capital expenditure by for various EPARs to vary the budgets to a revised level of expected expenditure for the 2024/25 financial year.
- In the Open Space and Recreation program, it is proposed to decrease Capital expenditure by \$96,000 due to 4835.317 Linda Vidler Shelter & Path Extension (\$180,000) being removed and added to the Draft 2025/26 budget. This is offset by an increase against 4835.309 Playground Renewal (\$84,000) due to a grant that has been approved.
- In the Waste Management program, it is proposed to decrease various budgets 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.
- In the First Sun Holiday Park program, it is proposed to increase operating income as actual income for Tourist Sites is trending above the budget. It is proposed to decrease capital expenditure due to the Land Purchase of the Rail Corridor not being undertaken this financial year. This is loan funded and will be moved to the Draft 2025/26 budget. It is also proposed to change the loan funding (\$165,000) of 4265.1 - Detailed design and preparation of DA to reserve funding. The Holiday Park reserve is able to accommodate funding these capital works in 2024/25 and therefore defer the Holiday Park reserve from paying loan repayment costs.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.4

- 5 • In the Suffolk Park Holiday Park program, It is proposed to change the loan funding of 4270.2 - Bbqs, Signs, Minor works (\$30,000), 4270.5 - Park Improvements (\$15,000), 4270.6 - Compliance Works Program (\$196,000) and 4270.7 - Caravan Replacements (\$600,500) to reserve funding. The Holiday Park reserve is able to accommodate funding these capital works in 2024/25 and therefore defer the Holiday Park reserve from paying repayment costs.
- 10 • In the Facilities Management program, it is proposed to increase operating income and expenditure due to income received from the Electric Vehicle charging stations (\$4,000). It is proposed to increase operating expenditure by a further \$8,000 due to a budget of \$22,600 being required for the Council Building Foyer Security upgrade. This can be partly funded by a decrease against the budget for the Chambers roof replacement which is complete (\$14,600). This difference of \$8,000 can be funded from 15 a decrease in Customer Service Initiatives in the Corporate Services program.

### **Sustainable Environment and Economy**

- 20 • In the Development & Certification program, it is proposed to increase operating income due to actual income being higher than the budget for Footpath Dining (\$110,000) and the Information Technology Service Fee (\$20,400). These can be transferred through their respective reserves. It is also proposed to decrease the budget for Development Application Fees (\$213,600) as they are trending below the budgeted income due to a decrease in development applications across the Shire. This can be offset by adjustments to various income numbers where the actual income is trending higher than the budget. A further breakdown of these items is on page 3 of Attachment 2.
- 25 • In the Planning Policy & Natural Environment program, It is proposed to increase operating income and expenditure by \$90,000 due to grants received for the Northern Rivers Ark Project (\$85,000) and a Friends of the Koala Grant (\$5,000). A further \$207,300 as itemised on page 60 of Attachment 1 in expenditure has been reduced and 30 transferred to reserve to fund a proposed staff restructure in the Planning Policy & Natural Environment/Economic Development area. Page 60 also details additional project expenditure budgets that will not be expended in 2024/25 but will be added to the Draft 2025/26 budget.
- 35 • In the Economic Development program, it is proposed to decrease operating expenditure due to budgets not being required for Tourism Memberships and Projects (\$12,500) and Senior Capacity Building (\$16,400). It is also proposed to decrease the budget for Billinudgel is back in Business (\$21,000). Although this grant funded project was acquitted in 2020, two of the grants Council issued to local business' as part of the 40 project remained unspent and have subsequently been returned to Council.

### **WATER FUND**

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

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.4

#### Capital Works Reserve

<b>Opening Reserve Balance at 1 July 2024</b>	<b>\$4,111,700</b>
Plus original budget reserve movement	(3,820,500)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	1,099,200
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	374,300
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	495,000
<b>Forecast Reserve Movement for 2024/2025 – Increase / (Decrease)</b>	<b>(1,852,000)</b>
<b>Estimated Reserve Balance at 30 June 2025</b>	<b>\$2,259,700</b>

#### Section 64 Developer Contributions

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

Movements for Water Fund can be seen in Attachment 1 with a proposed estimated increase to reserves (including S64 Contributions) overall of \$495,000 from the 31 March 2025 Quarter Budget Review.

5

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.4

## SEWERAGE FUND

### Capital Works Reserve

<b>Opening Reserve Balance at 1 July 2024</b>	<b>\$7,577,100</b>
Plus original budget reserve movement	(2,588,900)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	881,200
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	1,150,000
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	590,600
<b>Forecast Reserve Movement for 2024/2025 – Increase / (Decrease)</b>	<b>32,900</b>
<b>Estimated Reserve Balance at 30 June 2025</b>	<b>\$7,610,000</b>

### Plant Reserve

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

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

5

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.4

#### Property Development Reserve – Temporary Housing

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

#### Section 64 Developer Contributions

<b>Opening Reserve Balance at 1 July 2024</b>	<b>\$8,043,300</b>
Plus original budget reserve movement	(7,500)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(1,050,000)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	255,200
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	357,600
<b>Forecast Reserve Movement for 2024/2025 – Increase / (Decrease)</b>	<b>(444,700)</b>
<b>Estimated Reserve Balance at 30 June 2025</b>	<b>\$7,598,600</b>

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.4

### Unexpended Public Works Grant

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

Movements for the Sewerage Fund can be seen in Attachment 1 with a proposed estimated overall increase to reserves (including S64 Contributions) of \$948,200 from the 31 March 2025 Quarter Budget Review.

### 5 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 March 2025.

### Total Legal Income & Expenditure as at 31 March 2025

Program	2024/2025 Budget (\$)	Actual (\$)	Percentage To Revised Budget
<b>Income</b>			
Legal Expenses Recovered	0	60,000	0%
<b>Total Income</b>	<b>0</b>	<b>60,000</b>	<b>0%</b>
<b>Expenditure</b>			
General Legal Expenses	350,000	418,924	119.69%
<b>Total Expenditure General Fund</b>	<b>350,000</b>	<b>418,924</b>	<b>119.69%</b>

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.4

Note: It is proposed to increase the Legal Services budget by a further \$75,000 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. If this transfer from the reserve is adopted, the Legal Services reserve will have a balance of \$35,000 following the recovery of \$60,000 in legal expenses. A budget for the legal expenses recovered is also proposed in this Quarterly Budget Review.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

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

## Legal/Statutory/Policy Considerations

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

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



**Financial Considerations**

The 31 March 2025 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 General Fund unrestricted cash balance 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 31 March 2025 Quarter Budget Review.

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

**Report No. 13.5 Meeting Schedule 2025 - Timing of Meetings**

**Directorate:** Corporate and Community Services

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

**File No:** I2025/643

**5 Summary:**

In accordance with Resolution **24-241(4)**, Council previously determined that Ordinary and Planning Council Meetings would commence at 3:00pm until the Winter Recess, at which point meeting times would be reviewed.

10 This report provides an opportunity for Council to consider and determine the meeting start time for the remainder of 2025.

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**RECOMMENDATION:**

15 **That Council Planning and Ordinary Meetings be scheduled to commence at 3pm for the remainder of 2025.**

## **Report**

Council adopted the 2025 Meeting Schedule in November 2024 (resolution **24-241**). The original schedule was amended as set out in Table 1.

- 5 This was further amended by resolution **25-054(4)**, where Council resolved to *“Change the date of the Ordinary Council Meeting from 26 June 2025 to 12 June 2025, if suitable, with the meeting to start at 9:00am.”*

Date	Meeting	Start time
Summer Recess		
13-Feb-25	Planning	3pm
27-Feb-25	Ordinary	3pm
13-Mar-25	Planning	3pm
27-Mar-25	Ordinary	3pm
10-Apr-25	Planning	3pm
24-Apr-25	Ordinary	3pm
8-May-25	Planning	3pm
22-May-25	Ordinary	3pm
12-Jun-25	Planning & Ordinary	9am
<del>26-Jun-25</del>	<del>Ordinary</del>	<del>Cancelled</del>
Winter Recess		
14-Aug-25	Planning	To be determined
28-Aug-25	Ordinary	To be determined
11-Sep-25	Planning	To be determined
25-Sep-25	Ordinary	To be determined
9-Oct-25	Planning	To be determined
23-Oct-25	Ordinary	To be determined
13-Nov-25	Planning	To be determined
27-Nov-25	Ordinary	To be determined
11-Dec-25	Planning & Ordinary	To be determined

At the time of setting the original 2025 Meeting Schedule, Council resolved in **24-241(4)** that *“Ordinary and Planning Council Meetings commence at 3:00pm and finish by 9:00pm until the Winter Recess at which stage the timing of meetings will be reviewed.”*

## **10 Councillor Feedback**

Councillor feedback was sought at a Councillor Workshop on 1 May 2025.

The feedback indicates that the 3:00pm start time has delivered some benefits, including:

- 15
- Improved efficiencies in meeting processes
  - Enhanced preparedness among Councillors with opportunities for review and discussion prior to the meeting
  - Improved work/life balance for some Councillors
  - Continued good attendance and participation in Public Access

While some concerns were raised regarding the length of meetings being untested with a large and controversial agenda, the majority of issues have been manageable to date.

Overall, Councillors have expressed that the 3pm meeting start time has resulted in practical benefits and is functioning effectively.

## **Strategic Considerations**

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

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
1: Effective Leadership	1.1: 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

## **5 Recent Resolutions**

- **24-241-** set the 2025 Meeting Schedule and changed the meeting start time to 3pm

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

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

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

## **Financial Considerations**

- 20 The financial implications of a change to the meeting start times have not been quantified. There has been some increased cost to Council, with the need to pay overtime for professional and technical staff to attend the meeting after normal business hours.

## **Consultation and Engagement**

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

## Report No. 13.6      2024/25 Operational Plan Progress Report - Quarter 3 - March 2025

**Directorate:** Corporate and Community Services

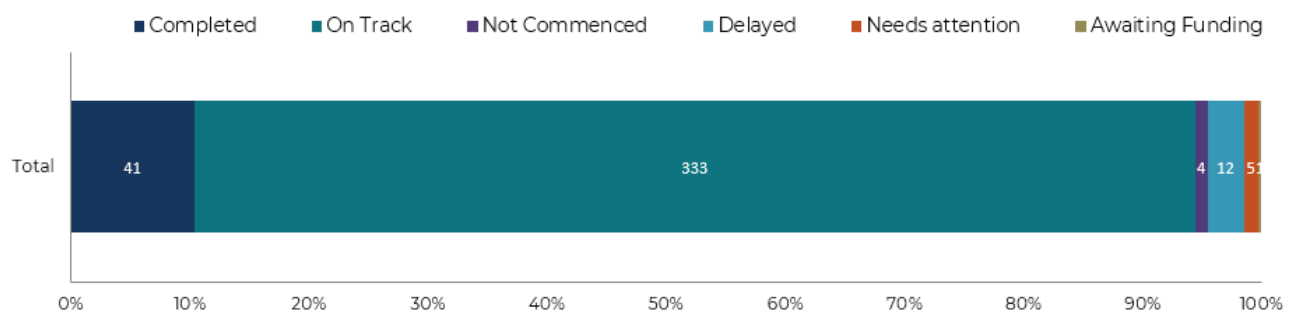
**Report Author:** Amber Evans Crane, Corporate Planning and Improvement Coordinator

**File No:** I2025/468

### Summary:

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

This report represents the progress toward the activities in the 2024/25 Operational Plan at the end of the first quarter, being 31 March 2025. A summary of the status is provided in the graph below:





### RECOMMENDATION:

**That Council:**

- Notes the 2024/25 Operational Plan Quarter 3 Report for the period ending 31 March 2025 (Attachment 1 #E2025/41786).**
- Adopts the proposed amendments to the Operational Plan 2024/25 outlined in Attachment 2 (#E2025/17650).**

### Attachments:

- Operational Plan 2024/25 - Quarterly Report - Q3 - 1 January to 31 March 2025, E2025/41786 
- Quarter 3 Report - Q3 - Proposed Amendments to Operational Plan 2024/25, E2025/17650 

## Report

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

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

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

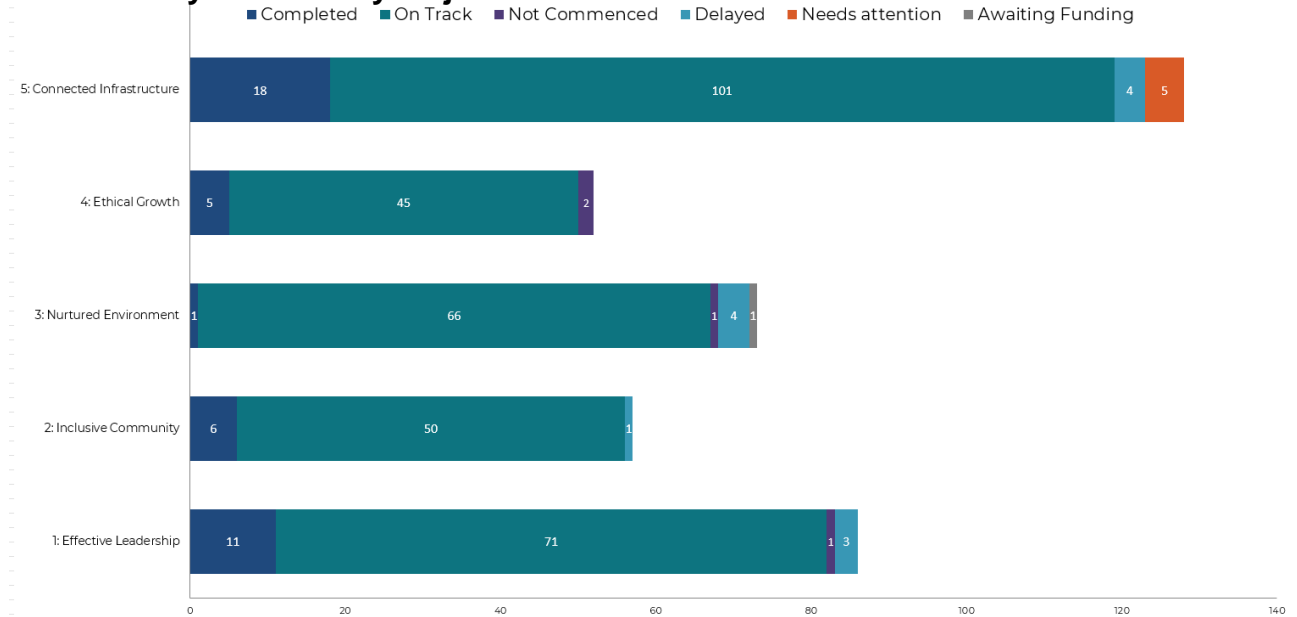
While the requirement is six monthly reporting, the Council is provided with a Quarterly Report on the activities in the Operational Plan, to promote effective and efficient reporting and decision making.

## Strategic Objectives

The report (#E2025/41786) is structured by the five Community Objectives in the Byron Shire Community Strategic Plan:

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

### Q3 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
- 10 • Measure
- Timeframe
- Comments
- Status:
  - ✓ **Completed:** the activity has been completed in accordance with the prescribed measures
  - 15 ▶ **On Track:** progressing and on track, in accordance with the timeframe, measures, and budget
  - ⚠ **Needs Attention:** indicates that the scope of the activity may need to be reviewed in line with constraints such as timeframe/budget
  - 20 || **Delayed** - progressing but not currently on track with the timeframe, measures, or budget
  - **Not Commenced** - not yet commenced or due to commence

As at 31 March 2025 there are:

- 25 • 41 activities completed
- 333 activities on track
- 4 activities not commenced
- 12 activities delayed
- 5 activities need attention

- 1 activity awaiting funding

### **Proposed Amendments**

This is the third quarterly report of the 2024/25 Operational Plan. A number of required amendments to the OP have been identified. These are provided in Attachment 2 (E2025/17650) for Council's endorsement.

## **Strategic Considerations**

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

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

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

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**

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 Council Resolutions Quarterly Review - Q3 -  
1 February 2025 to 31 March 2025**

**Directorate:** Corporate and Community Services

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

**File No:** I2025/469

**Summary:**

This report provides a quarterly update on the status of Council resolutions as at 31 March 2025. The reporting began later in Quarter 3 due to the extension of Quarter 2 reporting to account for the holiday period.

56 resolutions were completed during the period 1 February to 31 March 2025.

125 resolutions remain active.



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**RECOMMENDATION:**

**That Council:**

1. **Notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2025/34607).**
2. **Notes the completed Council Resolutions in Attachment 2 (#E2025/35477).**

**Attachments:**

- 1 Active Resolutions as at 31 March 2025, E2025/34607 
- 2 Completed resolutions - 1 February 2025 to 31 March 2025, E2025/35477 

## 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 February to 31 March 2025

#### Active Resolutions

The *Active Resolutions Report* (E2025/34607) provides an update to Council on all active resolutions up to 31 March 2025, with relevant commentary regarding the status of each resolution as at this date. There were 125 active resolutions at the end of quarter 3.

#### 10 Outstanding resolutions

Report authors determine a due date for the completion of their resolution based on the complexity and volume of tasks required. This will differ between resolutions and may also change across the course of a single resolution if circumstances change.

- 15 Two (2) 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.

- 20 Resolution **25-053** requires outstanding resolutions (overdue by more than 6 months) to be identified within the report. No resolutions were identified as outstanding 6 months past their expected due date.

#### Completed Resolutions

The *Completed Resolutions Report* (#E2025/35477) provides details of those resolutions that were completed during the period 1 February 2025 to 31 March 2025. 56 resolutions were completed during this period.

#### 25 Resolutions for closure

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

- 5
- This report has been prepared in accordance with requirements prescribed by Council resolution **20-513**.
  - The Report identifies resolutions overdue by more than 6 months as per Resolution **25-053**

### Legal/Statutory/Policy Considerations

10 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

Not applicable.

15

## Report No. 13.8 Policies for Review

**Directorate:** Corporate and Community Services

**Report Author:** Irene Lee, Governance Officer

**File No:** I2025/628

### 5 Summary:

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

The Communications and Social Media Policy 2020 (Attachment 1) has been reviewed and is proposed for public exhibition prior to adoption.

- 10 The Commercial and Other Activities on Public Land and Roads Policy 1994 policy is recommended for repeal as the information is contained elsewhere and is superseded by legislation.

The Child Safe Policy (Attachment 2) was endorsed for public exhibition last year and is now recommended for adoption.

15



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### RECOMMENDATION:

#### That Council:

- 20 1. **Repeals the Commercial and Other Activities on Public Land and Roads Policy.**
2. **Places the Communications and Social Media Policy (E2024/92716) on public exhibition for a period of 28 days, and that:**
- a) **Should submissions be received, the Policy be reported back to Council to consider submissions prior to adoption of the Policy.**
- 25 b) **Should no submissions be received the Policy be adopted**
3. **Adopts the Child Safe Policy (E2025/48027).**

#### Attachments:

- 30 1 Draft Communications and Social Media Policy, E2024/92716 
- 2 Child Safe Policy for adoption, E2025/48027 

## Report

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

A review of Council's policies is coordinated with relevant document development officers.

- 5 During the third quarter review, the Communications and Social Media Policy was amended, and one policy was identified that is proposed to be repealed. Information about each of these policies and the reason for repeal are outlined in the following sections.

### Amended – Communications and Social Media Policy (Attachment 1)

- 10 The Communications and Social Media Policy was due for review which provided an opportunity to consider best practice in accordance with the Model Social Media Policy and Model Media Policy provided by the OLG in 2022.

The policy has undergone major changes and is reported for Council's endorsement.

Any reference to legislation includes amended or replaced versions of the relevant Act.

Sections of the policy have been renumbered and updated with additional sections added.

- 15 The **Media** section has been updated as follows:

- *Distribution of Information* section now specifies all relevant channels including links where appropriate.

The **Social Media** section has been updated as follows:

- 20
- *Account management* now specifies official sources of information such as SES, BOM and other organisations as required,
  - *Account monitoring and moderation* details the teams responsible for specific channels such as People and Culture Team are responsible for the Council's LinkedIn page. Monitoring hours and removal of content policy are now detailed,
  - Sub section added Guidance for Councillors.

- 25 The following sections have been added to the policy:

- **Communicating during an emergency**
- **Children and Youth** referencing *Council's Child Safe Policy*
- **Consent and Privacy** referencing *Council's Child Safe Policy* and the *Online Safety Act 2021 (cth)*
- 30 • **Records Management** referencing the *Records Act 1998* and the *Government Information (Public Access) Act 2009*

- **Accessibility** referencing *Byron Shire Council Disability Access and Inclusion Plan 2022 to 2026*, *NSW Anti Discrimination Act 1977*, and *Web Content Accessibility Guidelines (WCAG) 2.1 AA Standards by Vision Australia*
- **Accuracy of Information**

5 The policy has been extensively revised and updated to include all relevant legislation.

### **For Repeal – Commercial and Other Activities on Public Land and Roads Policy 1994**

10 This policy was first adopted in 1994 and predates the Roads Regulation 2018, and the recently developed Sustainable Community Markets, Busking, and Temporary Use of Land Policies.

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

The current adopted policy is available from: [Commercial and Other Activities on Public Land and Roads Policy](#)

### **15 For Adoption – Child Safe Policy**

The NSW Child Safe Scheme commenced in 2022 and embeds the 10 Child Safe Standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse, in the Children’s Guardian Act 2019.

20 Local councils are obligated to implement the Child Safe Standards, including a Child Safe Policy and Child Safe Commitment, plus supporting documents.

The Child Safe Standards provide a framework for creating child safe organisations. They are designed to drive cultural change to create, maintain and improve child safe practices. When organisations implement the standards, they build a culture where abuse of children is prevented, responded to and reported.

25 A policy is a key component of embedding the standards across the organisation. Council endorsed the Child Safe Policy for public exhibition at its June 2024 meeting.

The policy outlines a commitment to:

30 *Byron Shire Council is committed to being a child safe organisation – we respect all children and their wellbeing. We will embed Child Safe Standards into our leadership, governance and culture. We will support our staff and volunteers in their responsibilities. We will strive to keep children safe from harm and abuse.*

The policy was promoted through media release, advertisement in The Echo, targeted emails to families, inclusion in school newsletters, posters at key centres (Sandhills, Cavanbah) during July and August 2024. Seventeen responses received.

35 Comments were generally supportive and were around the statement of commitment, expectations of Council’s role, and the vision for how council will keep children safe.

Feedback was sought on the level of importance of priority areas which were staff (checks and training), safe environment, family and children involvement, leadership and processes.

- 5 Some comments sought further detail, and it is noted that this will be in the supporting procedures – child safe code of conduct and reporting guidelines. Some comments were also made about events or instances where community members thought Council didn't uphold child safety, such as engagement around Apex Park and footpath maintenance. It is acknowledged that embedding these principles is a process of continuous improvement.

- 10 Minor edits have been made to the policy to reflect updated reporting procedures. Attachment 2 (E2025/48027) has a tracked changed version of the policy.

## **Strategic Considerations**

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

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
1: Effective Leadership	1.1: 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.

## **15 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:

- 20
- reflect a council's key issues and responsibilities
  - guide staff and ensure consistency
  - clearly inform the public of a council's commitments

- 25 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.

- 5 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:

- 10 *A Policy sets out Byron Shire Council's position on a specific matter – a formal statement of intent and non-discretionary governing principles that apply to Byron Shire Council's practice. The principles are derived from and shaped by the law and regulations that apply, community expectations, and the values and mission contained in the adopted Community Strategic Plan. A Policy is a concise document that may facilitate, enable or constrain practice, standard, guidelines or*
- 15 *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.*

- 20 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**

- 25 There are no financial considerations with this report.

**Consultation and Engagement**

The Communications and Social Media Policy is recommended for public exhibition, inviting submissions from the community. Submissions will be reported back to Council prior to adoption, as necessary.

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



**Report No. 13.9      Appointment of Councillor Representative  
to Mullumbimby Showground Land Manager**

**Directorate:** Corporate and Community Services

**Report Author:** Sarah McCabe, Governance Support Officer

5    **File No:** I2025/641

**Summary:**

At the Ordinary Council meeting on 24 October 2024, Councillors were appointed to represent Council at each of the Regional Committees (Res **24-486**).

10    Cr Swain was appointed as Council's representative for the Mullumbimby Showground Land Manager, however, has resigned due to scheduling conflicts.

This report seeks appointment of a new Councillor to represent Council.

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15    **RECOMMENDATION:**

**That Council:**

1.    **Notes Cr Swain has resigned as Council's representative on the Mullumbimby Showground Land Manager.**
- 20    2.    **Appoints Cr \_\_\_\_\_ to replace Cr Swain to represent Council on the Mullumbimby Showground Land Manager.**

## Report

Councillors were appointed to represent Regional Committees at the Ordinary Council meeting on 24 October 2024 (Res **24-486**).

- 5 Cr Swain has since resigned from the Mullumbimby Showground Land Manager. This report seeks a new representative in place of Cr Swain.

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

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

A Council ex-officio position has been included and the representative nominated may require the Minister's approval.

Meetings are held:

- 15       **When:**     Monthly on the 2<sup>nd</sup> Monday  
           **Time:**     6.00pm  
           **Where:**  Mullumbimby Showground

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

## Strategic Considerations

- 20       **Community Strategic Plan and Operational Plan**

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

## Legal/Statutory/Policy Considerations

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

**Financial Considerations**

Councillors' travel to and from the meetings for Mullumbimby Showground Land Manager will be reimbursed by Council and budgeted for in the annual budget.

**Consultation and Engagement**

- 5 Not applicable.

## Report No. 13.10 2024/25 Loan Borrowings

**Directorate:** Corporate and Community Services

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

**File No:** I2025/646

### 5 Summary:

This report is provided to Council to address the loan borrowing requirements for the 2024/25 financial year with recommendation to seek Council approval. Further, the report provides an update on the refinancing of Sewerage Loan No 59 as reported to Council on 28 November 2024 and resulting resolution **24-523**.

10

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### RECOMMENDATION:

**That Council:**

- 15
1. **Authorises the borrowing of \$3,500,000 in new loan borrowings for the 2024/25 financial year for the purposes of roundabout construction at Lot 12 Bayshore Drive Byron Bay;**
  2. **Delegates to the General Manager to accept a loan finance offer based on terms most favourable to Council on the basis of a three year interest only loan maturing no later than 30 June 2028;**
  3. **Authorises the affixing of the Council Seal to all documents that may require it if applicable;**
  4. **Allocates \$5,145,000 from the Sewerage Capital Works Reserve to fund the full repayment of Loan No 59 that occurred on 4 December 2024 in lieu of refinancing as per Resolution 24-523, for reasons outlined in the report; and**
  5. **Closes Resolution 24-523 regarding the refinance of Sewerage Loan No 59.**
- 20
- 25

## Report

5 This report is provided to Council to address the loan borrowing requirements for the 2024/25 financial year with recommendation to seek Council approval. Further, the report provides an update on the refinancing of Sewerage Loan No 59 as reported to Council on 28 November 2024 and resulting resolution **24-523**.

### 2024/25 Loan Borrowing Requirements

The adopted 2024/25 Council Budget provided for the following proposed loan borrowings by purpose in the 2024/25 financial year:

Purpose	Amount \$
First Sun Holiday Park Land Purchase and Works	\$2,240,000
Lot 12 Bayshore Drive Roundabout Construction	\$2,500,000
Fleet Replacement Program	\$3,672,100
Suffolk Beachfront Holiday Park Caravan Replacements and Works	\$841,500
<b>Total Loan Borrowings</b>	<b>\$9,253,600</b>

10 Provided in another Report to this Ordinary Meeting of Council is the 31 March 2025 Quarterly Budget Review. As outlined in that report, given the level of capital expenditure for the above programs, the amount of loan funds required for 2024/25 can be reduced as follows:

- 15
  - First Sun Holiday Park – the loan borrowings included \$2,075,000 for purchase of land occupied by the Park currently under a lease/licence. The purchase will not occur in 2024/25 and the remaining \$165,000 can be funded through the Holiday Parks Reserve. Nil loan required this financial year.
- 20
  - Fleet Replacement Program – the \$3,672,100 was designed to replace principally major plant items that could be used on the ongoing February/March 2022 (AGRN 1012) flood restoration works. However, the pace of the plant replacements and the performance of the Plant Fund through plant hire recoveries means the loan borrowing for 2024/25 is not required this financial year. Ongoing assessment will determine whether future borrowings will be required.
- 25
  - Suffolk Beachfront Holiday Park – the \$841,500 in works, mainly for the replacement of caravans \$600,000 can be funded through the Holiday Parks Reserve.

Following the above changes, this leaves the loan borrowing for the Lot 12 Bayshore Drive Roundabout construction, which is currently underway for \$2,500,000, as the only borrowing requirement for 2024/25. Since construction has commenced, the works have

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.10

5 been impacted by unforeseen construction issues such as drainage and service relocations that will require a further \$1,000,000 to complete the works. The works are a condition of the current Development Application. This means Council needs to borrow \$3,500,000 in total to complete the Lot 12 Bayshore Drive Roundabout Construction works.

10 Given that Lot 12 Bayshore Drive is under negotiation for sale, Council can recover the roundabout construction costs either partially from the deposit or fully after settlement. It is expected that the sale, should it proceed, would complete by the end of the 2027/28 financial year. Therefore, the proposed loan should be interest-only for up to three years, to be repaid upon the sale of Lot 12 and the loan's maturity.

15 It is therefore recommended that Council approve the borrowing of \$3,500,000 for the construction of the Lot 12 Bayshore Drive Roundabout on an interest only basis for a term of three financial years, not exceeding 30 June 2028, as the only loan borrowings for the 2024/25 financial year. Should the circumstance arise that Lot 12 Bayshore Drive sale not be completed by this time, the loan be refinanced for an appropriate term.

### Refinance of Sewerage Loan no 59

Council received a report at the 28 November 2024 Ordinary Meeting regarding refinancing of Sewerage Loan No 59. At that Meeting, Council resolved through resolution **24-523** as follows:

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

35 As background, Council borrowed Loan No 59 on 4 December 2009 to fund augmentation of the Brunswick Valley Sewerage Scheme. The original loan amount of \$8,575,000 was borrowed over a twenty-five year term with a fixed interest rate of 8.49% per annum for a fifteen year term. The fixed interest period expired on 4 December 2024 and in accordance with resolution 24-523 part 3, the loan was repaid in full with the principal balance outstanding at the time of \$5,145,000.

40 The intent was to refinance the loan as per the rest of Resolution **24-523** on the assumption that there may be a decline in interest rates. However, the decline in interest rates has been slower than expected with a single reduction of 0.25% as at the time of preparing this report and the 28 November 2024 Ordinary Council Meeting.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.10

Upon further consideration and after updating the 30-year Business Plan for the Sewerage Fund post the 28 November 2024 Council Meeting, the next major capital works program of \$23.6 million is expected in the 2029/30 financial year. The Sewerage Capital Works Reserve is projected to have a balance of \$7,610,000 as of 30 June 2025, potentially higher pending capital works completion. The 2025/26 Draft Budget projects a reserve balance of \$10,669,300 by 30 June 2026. If the loan refinancing does not occur, the reserve balance will be \$5,524,300, and the Sewerage Fund's cash position will be \$14,229,100 by 30 June 2026. Given Loan No. 59 has been fully repaid, refinancing may not be necessary.

If Council refinances Loan No. 59 for ten years at the current rate of 4.94% per annum, it would pay approximately \$1,498,600 in interest over the loan's life. This is significantly lower than the original 2009 rate of 8.49%, but no interest would be payable if the loan remains repaid. Council can also consider new borrowings in the Sewerage Fund if future projects require additional funding.

Given the proposed interest savings of approximately \$1,498,600 over ten years, the current reserve levels of the Sewerage Fund, and the fact that significant capital expenditure is not required for the next five financial years, it is recommended that Council does not refinance Loan No. 59 and closes resolution **24-523**.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

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

## Legal/Statutory/Policy Considerations

Council has adopted Policy 2009/006 regarding loan borrowings.

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

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

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.10

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

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

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

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

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

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

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

### **Financial Considerations**

As outlined in the report.



**Report No. 13.11 Council Investments - 1 April 2025 to 30 April 2025**

**Directorate:** Corporate and Community Services

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

5 **File No:** I2025/695

**Summary:**

This Report includes a list of investments and identifies Council's overall cash position for the period 1 April 2025 to 30 April 2025 for information.

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

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**RECOMMENDATION:**

15 **That Council notes the report listing Council's investments and overall cash position as of 30 April 2025.**

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.11

### Report

Council has continued to maintain a diversified portfolio of investments. As of 30 April 2025, the average 90-day bank bill rate (BBSW) for the month was 4.06%. Council's performance for April 2025 was 4.54%. Performance higher than the BBSW indicates that

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

The table below identifies the investments held by Council as at 30 April 2025.

### Schedule of Investments held as at 30 April 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%	939,650.00
27/11/19	500,000.00	National Housing Finance & Investment Corp	Y	AAA	27/05/30	N	B	1.52%	439,808.50
15/06/21	500,000.00	National Housing Finance & Investment Corp	Y	AAA	01/07/31	N	B	1.99%	499,681.02
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%	815,320.00
30/10/23	850,000.00	Bank Australia Ltd	P	BBB+	30/10/26	N	FRN	5.84%	857,595.39
21/02/24	500,000.00	Bank Australia Ltd	N	BBB+	21/02/28	N	FRN	6.04%	507,194.93
13/11/24	5,000,000.00	Bank of QLD	P	A-	12/05/25	N	TD	5.12%	5,000,000.00
27/11/24	1,000,000.00	Westpac Tailored	P	AA-	27/11/25	N	TD	5.08%	1,000,000.00

# 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 (\$)
02/12/24	5,000,000.00	NAB	P	AA-	02/06/25	Y	TD	5.10%	5,000,000.00
05/12/24	5,000,000.00	Bank of QLD	N	A-	03/06/25	N	TD	5.18%	5,000,000.00
03/01/25	1,000,000.00	Bank of QLD	N	A-	03/07/25	N	TD	5.00%	1,000,000.00
03/01/25	2,000,000.00	MyState Bank	P	BBB	07/07/25	N	TD	5.00%	2,000,000.00
30/01/25	1,000,000.00	AMP Bank	P	BBB+	01/05/25	Y	TD	5.00%	1,000,000.00
30/01/25	1,000,000.00	AMP Bank	N	BBB+	29/07/25	Y	TD	5.05%	1,000,000.00
17/02/25	1,000,000.00	Judo Bank	P	BBB-	19/05/25	N	TD	4.75%	1,000,000.00
19/02/25	1,000,000.00	Judo Bank	N	BBB-	21/05/25	N	TD	4.65%	1,000,000.00
19/02/25	2,000,000.00	Judo Bank	N	BBB-	20/08/25	N	TD	4.70%	2,000,000.00
03/03/25	2,000,000.00	NAB	N	AA-	02/06/25	Y	TD	4.70%	2,000,000.00
04/03/25	2,000,000.00	Beyond Bank	P	BBB	02/09/25	N	TD	4.70%	2,000,000.00
04/03/25	2,000,000.00	Beyond Bank	N	BBB	03/06/25	N	TD	4.65%	2,000,000.00
04/03/25	2,000,000.00	Judo Bank	N	BBB-	03/06/25	N	TD	4.65%	2,000,000.00
12/03/25	1,000,000.00	Auswide Bank	P	BBB	10/06/25	N	TD	4.65%	1,000,000.00
17/03/25	2,000,000.00	NAB	N	AA-	16/06/25	Y	TD	4.70%	2,000,000.00
18/03/25	2,000,000.00	NAB	N	AA-	16/06/25	Y	TD	4.75%	2,000,000.00
19/03/25	2,000,000.00	Auswide Bank	N	BBB	18/06/25	N	TD	4.70%	2,000,000.00
21/03/25	2,000,000.00	Judo Bank	N	BBB-	20/06/25	N	TD	4.70%	2,000,000.00
03/04/25	2,000,000.00	Bank of QLD	N	A-	03/10/25	N	TD	4.80%	2,000,000.00
10/04/25	5,000,000.00	MyState Bank	N	BBB	09/10/25	N	TD	4.80%	5,000,000.00
07/04/25	2,000,000.00	NAB	N	AA-	07/07/25	Y	TD	4.70%	2,000,000.00
07/04/25	5,000,000.00	NAB	N	AA-	07/07/25	Y	TD	4.70%	5,000,000.00
14/04/25	5,000,000.00	Judo Bank	N	BBB-	14/07/25	N	TD	4.60%	5,000,000.00
14/04/25	1,000,000.00	NAB	N	AA-	14/07/25	Y	TD	4.60%	1,000,000.00
17/04/25	1,000,000.00	Judo Bank	N	BBB-	16/07/25	N	TD	4.60%	1,000,000.00
28/04/25	1,000,000.00	NAB	N	AA-	28/07/25	Y	TD	4.50%	1,000,000.00
N/A	23,334,952.88	CBA Business Saver	P	AA-	N/A	Y	CALL	4.10%	23,334,952.88
N/A	210,661.78	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	Y	CALL	4.10%	210,661.78

# 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	1,942,033.99	Macquarie Accelerator Call	P	A	N/A	Y	CALL	4.20%	1,942,033.99
<b>Total</b>	<b>95,837,648.65</b>						<b>AVG</b>	<b>4.61%</b>	<b>95,511,458.49</b>

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

N = No Capital Protection

Y = Fully covered by Government Guarantee

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

**Note 2. Fossil Fuel ADI**

N = No investment in Fossil Fuels

Y = Investment in Fossil Fuels

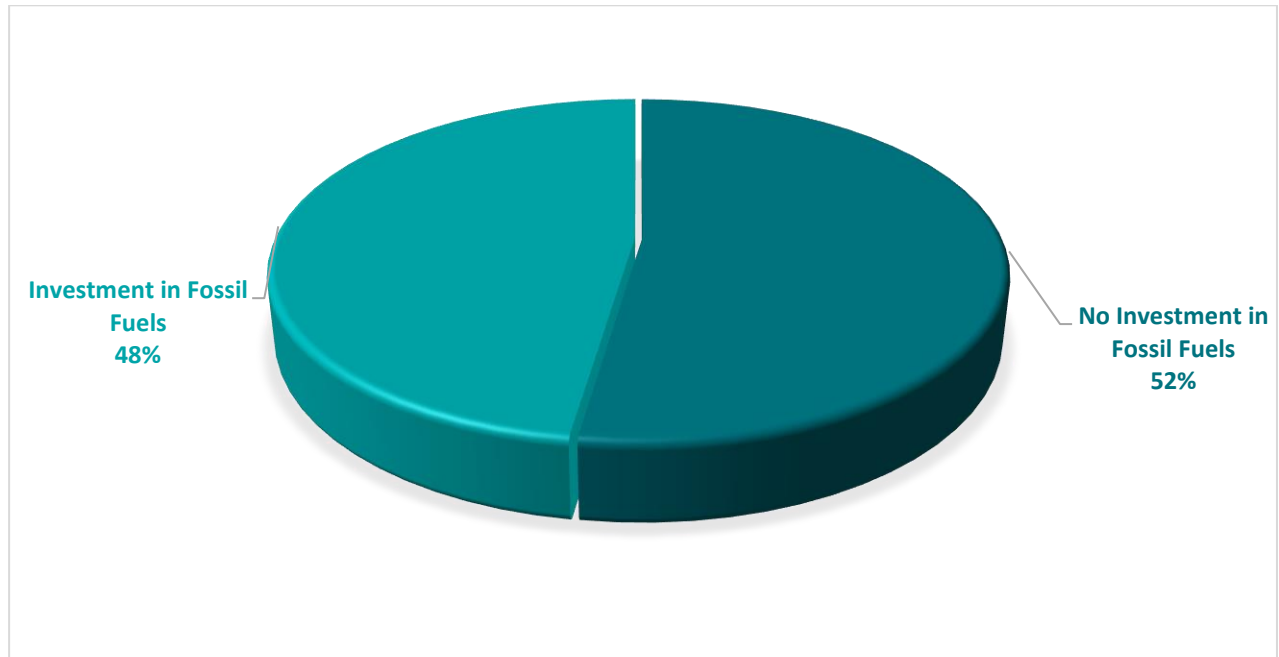
U = Unknown Status

**Note 3. Type Description**

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

### Environmental and Socially Responsible Investing (ESRI)

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



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

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

During the month of November 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 30 April 2025, the portfolio has been stable and is currently at 52%.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.11

### Investment Policy Compliance

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

- 10 The investment portfolio is outlined in the table below by investment type for the period 1 April 2025 to 30 April 2025:

Investment policy compliance % should not exceed the following			ACTUAL	
AAA to AA	A1+	100%	51%	Meets policy
A+ to A-	A1	60%	16%	Meets policy
BBB to NR	A2,NR	40%	33%	Meets policy

### Dissection of Council Investment Portfolio as at 30 April 2025

15

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
64,000,000.00	Term Deposits	64,000,000.00	0.00
23,334,952.88	CBA Business Saver	23,334,952.88	0.00
210,661.78	CBA Business Saver – Tourism Infrastructure Grant	210,661.78	0.00
1,942,033.99	Macquarie Accelerator	1,942,033.99	0.00
6,350,000.00	Bonds/Floating Rate Notes	6,023,809.84	(326,190.16)
<b>95,837,648.65</b>	<b>Total</b>	<b>95,511,458.49</b>	<b>(326,190.16)</b>

Council's overall 'cash position' is not only measured by funds invested but also by the funds retained in its consolidated fund or bank account for operational purposes. The table below identifies Council's overall cash position for the month of April 2025 as follows:

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.11

### Dissection of Council's Cash Position as at 30 April 2025

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
<b>Investments Portfolio</b>			
Term Deposits	64,000,000.00	64,000,000.00	0.00
CBA Business Saver	23,334,952.88	23,334,952.88	0.00
CBA Business Saver – Tourism Infrastructure Grant	210,661.78	210,661.78	0.00
Macquarie Accelerator	1,942,033.99	1,942,033.99	0.00
Bonds	6,350,000.00	6,023,809.84	(326,190.16)
<b>Total Investment Portfolio</b>	<b>95,837,648.65</b>	<b>95,511,458.49</b>	<b>(326,190.16)</b>
<b>Cash at Bank</b>			
Consolidated Fund	1,716,693.71	1,716,693.71	0.00
<b>Total Cash at Bank</b>	<b>1,716,693.71</b>	<b>1,716,693.71</b>	<b>0.00</b>
<b>Total Cash Position</b>	<b>97,554,342.36</b>	<b>97,228,152.20</b>	<b>(326,190.16)</b>

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership	1.3: Ethical and efficient management of resources	1.3.1: Financial Management - Ensure the financial integrity and sustainability of Council through effective financial management	1.3.1.6	Maintain Council's cash flow

## 5 Legal/Statutory/Policy Considerations

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.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.11

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

#### **Financial Considerations**

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

10



## Report No. 13.12 PLANNING - 26.2021.4.1 - Planning Proposal for 268 Ewingsdale Road Byron Bay

5 **Directorate:** Sustainable Environment and Economy

**Report Author:** Steve Daniels, Senior Planner (Land Use)  
Cameron Thiessen, Land Use Planner

**File No:** I2025/388

### Summary:

10 This report presents a proponent-initiated Planning Proposal (Attachment 1) for Council's consideration. The objective of the proposal is to amend the Byron Local Environmental Plan (LEP) 2014 to rezone part of the subject site at 268 Ewingsdale Road, Byron Bay, from RU2 Rural Landscape to E4 General Industrial, C2 Environmental Conservation and  
15 C3 Environmental Management. The E4 General Industrial Zone will permit a suite of employment related land uses similar to those permitted on nearby industrial land

The land is identified in the **North Coast Regional Plan 2041** as an "Investigation Area – employment land" and in the **Byron Shire Business and Industrial Lands Strategy (BILS)** as "Area 6: Byron Bay West." The proposal is consistent with both strategies.

20 A 'letter of offer' (Attachment 2) has been submitted by the proponent to enter into a planning agreement to fund works associated with proposed upgrades to the roundabout at the Cavanbah centre on Ewingsdale Road, which will allow vehicle access to the site. Legal drafting of the planning agreement will take place prior to public exhibition of the planning proposal.

25 Land constraints such as flooding, stormwater, ecological impacts, bushfire risks, land contamination, groundwater conditions and traffic concerns have been addressed to the satisfaction of internal staff.

It is recommended that the attached Planning Proposal be forwarded to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination.

#### NOTE TO COUNCILLORS:

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

35

### RECOMMENDATION:

#### That Council:

- 5      1.    **Proceeds with the Planning Proposal (Attachment 1 #E2025/32579) to amend Byron LEP 2014 to rezone the subject land from RU2 Rural Landscape to E4 General Industrial, C2 Environmental Conservation and C3 Environmental Management, and apply other relevant planning controls;**
2.    **Accepts the applicant's letter of offer to enter into a Planning Agreement (Attachment 11 #E2025/42998) with Council as part of this Planning Proposal;**
- 10    3.    **Requires that a draft Planning Agreement be prepared in accordance with the letter of offer and exhibited concurrently with the Planning Proposal;**
4.    **Prior to requesting a Gateway determination, requires the proponent submit documentation to confirm status of the negotiations relating to the purchase of Lot 7022 from Crown Lands;**
- 15    5.    **Pending submission of documentation in item 3, finalises and forwards the Planning Proposal and supporting documentation, to the NSW Department of Planning, Housing and Infrastructure for the purpose of obtaining a Gateway determination;**
- 20    6.    **Pending a positive Gateway determination and completion of further supporting information, undertakes public exhibition of the planning proposal in accordance with the determination requirements;**
7.    **Notes that legal drafting of the draft Planning Agreement will be prepared and exhibited alongside the Planning Proposal;**
- 25    8.    **Considers a Submissions Report post-exhibition that includes any recommended changes to the Planning Proposal for final adoption.**

#### Attachments:

- 30    1    26.2021.4.1 - Byron Bay Industry Hub - Planning Proposal - 03-07-24, E2025/32579 
- 2    26.2021.4.1 - Byron Bay Industry Hub - Flood Impact Assessment, E2024/58591 
- 3    26.2021.4.1 - Byron Bay Industry Hub - Flooding RFI Response, E2024/141059 
- 4    26.2021.4.1 - Byron Bay Industry Hub - Amended Stormwater Management Plan, E2025/36608 
- 5    26.2021.4.1 - Byron Bay Industry Hub - Biodiversity Assessment Report, E2024/141058 
- 35    6    26.2021.4.1 - Byron Bay Industry Hub - Groundwater Quality Report, E2024/141056 
- 7    26.2021.4.1 - Byron Bay Industry Hub - Groundwater and ASS Management Plan, E2024/141054 
- 8    26.2021.4.1 - Byron Bay Industry Hub - Strategic Bushfire Study -, E2024/58695 
- 9    26.2021.4.1 - Byron Bay Industry Hub - Traffic Report, E2024/141061 
- 40    10   26.2021.4.1 - Byron Bay Industry Hub - Traffic Advice update, E2025/44008 
- 11   26.2021.4.1 - VPA Letter of Offer 220425, E2025/42998 
- 12   26.2021.4.1 - Byron Bay Industry Hub - Economic Benefits Assessment, E2025/44014 
- 13   Form of Special Disclosure of Pecuniary Interest, E2012/2815 

## Background and Subject Site

Council received a Planning Proposal (Attachment 1) in December 2024 requesting an amendment to the Byron LEP 2014 to rezone the subject site from RU2 Rural Landscape to E4 General Industrial, C2 Environmental Conservation and C3 Environmental Management.

The subject site (shown in Figure 1 and 2) is known as 268 Ewingsdale Road, Byron Bay, which consists of Lot 1181 DP 755695 and part Lot 7022 DP 1113424. Rezoning is also sought over a section of the adjoining Council Road reserve, which is to be used as the primary site access.

The Ewingsdale Road frontage is approximately 422.6m, and the total area of the site is approximately 18.6 ha which is made up of 17.6 ha for Lot 181, 0.79 ha for the relevant part of Lot 7022, and 0.22 ha for the part of the Council Road reserve.

Lot 7022 is a 15.08m wide drainage reserve traversing the larger lot 1181 from north to south. The lot is Crown land that is included within a Native Title Area subject to the determination NCD2019/00. The Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) are the Native Title holders for the land. Consultation and negotiation is currently underway with the Arakwal Corporation and NTS Corp to acquire the land and a recommendation for the applicant to provide further documentation on this matter is included in this report.

The site was previously occupied by a poultry processing facility, which ceased operation in 2014. The facility included large poultry sheds, oriented east-west on the western portion of the site. The north-east corner of the site contained the processing facilities, and to the south of the processing area were two constructed wastewater oxidation ponds. Further information regarding the site, including a detailed site survey, is contained within the Planning Proposal (Attachment 1).





Figure 1 The subject site as shown on current council mapping

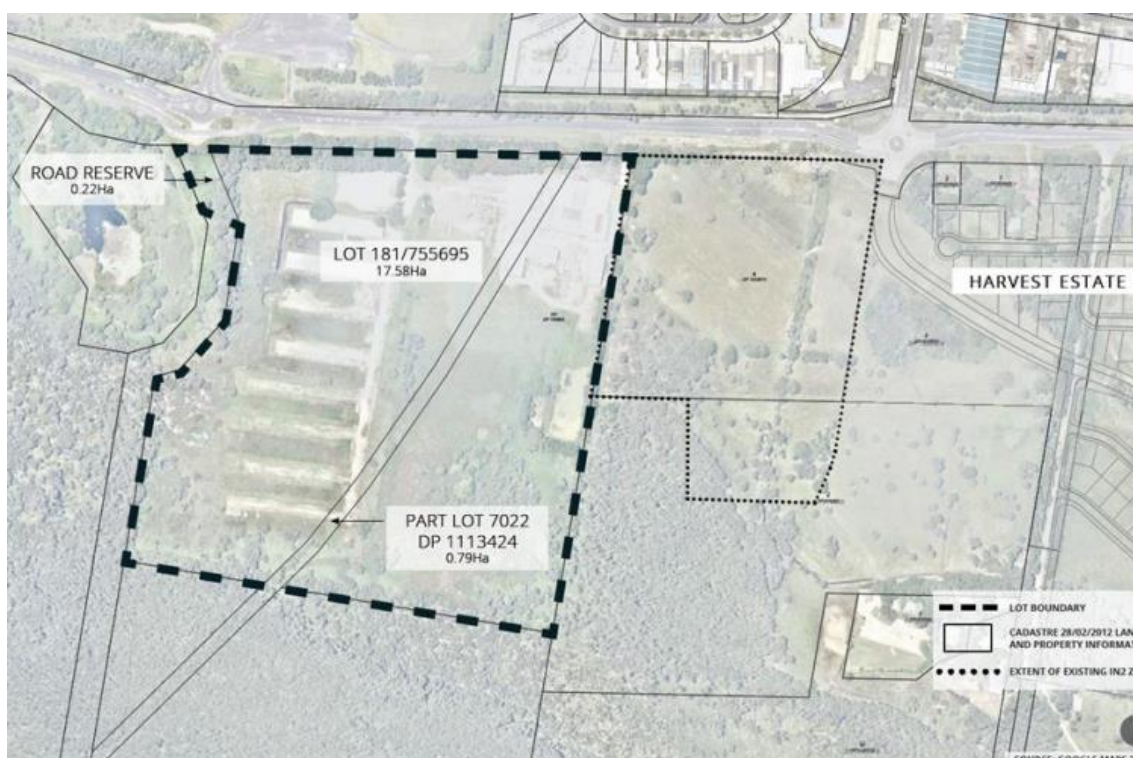


Figure 2 The subject site and surrounds from the Planning Proposal

## **Planning Proposal**

A Planning Proposal is a document that explains the intended effect and justification of a proposed amendment to an LEP.

- 5 The Planning Proposal lodged by the proponent in December 2024, requests an amendment to the Byron LEP 2014 to rezone the subject site from RU2 Rural Landscape to E4 General Industrial, C2 Environmental Conservation and C3 Environmental Management. The change to E4 General Industrial will permit a suite of employment related land uses similar to those permitted on nearby industrial land.

10 The following technical studies/reports required to support the Planning Proposal have also been provided and are attached to this report:

- Flood Impact Assessment (Attachment 2)
- Flooding RFI Response (Attachment 3)
- Stormwater Management Plan (Attachment 4)
- Biodiversity Assessment Report (Attachment 5)
- 15 • Groundwater Quality Report (Attachment 6)
- Groundwater and Acid Sulfate Soil Management Plan (Attachment 7)
- Strategic Bushfire Study (Attachment 8)
- Traffic Report (Attachment 9)
- Traffic Advice (Attachment 10)
- 20 • Economic Benefits Assessment (Attachment 12)

Following a Gateway determination, all studies will be exhibited with the Planning Proposal and referred to relevant public agencies for comment as determined by the gateway conditions.

25 The following table provides a summary of the LEP 2014 amendments proposed to support achieving the BILS objectives and intent for this site.

<b>LEP 2014 Amendment</b>	<b>Explanation of Provisions</b>
<b>Zoning</b>	Amend the Byron LEP Land Zoning Map to apply a combination of E4 General Industrial zone, C2 Environmental Conservation zone, and C3 Environmental Management zone to the site.
<b>Lot Size</b>	Amend the Byron LEP Minimum Lot Size Map to apply a minimum lot size of 1,500m <sup>2</sup> over the E4 zoned area, and a 40 ha minimum lot size over the remainder of the site.
<b>Floor Space Ratio</b>	Amend the Byron LEP Floor Space Ratio Map to apply an FSR of 0.9:1 to the E4 zoned area.



### Mapping

It is proposed to retain the existing 9 metre maximum building height limit, however a Floor Space Ratio (FSR) of 0.9:1 will be applied, which is consistent with that applied to the nearby Byron Arts and Industry Estate (BA&IE). A new category allowing a 1500m<sup>2</sup> Minimum Lot Size (LSZ) will be applied which is larger than that applied to land in the nearby BA&IE.

The Planning Proposal seeks to amend the following Byron LEP 2014 maps:

- Land Application Map
- Land Zoning Map
- Lot Size Map
- Floor Space Ratio Map

The following figures illustrate the existing and proposed Byron LEP 2014 maps for Land Zoning (LZN) and Lot Size (LSZ) for the subject site. The mapping also includes a proposed Floor Space Ratio (FSR) map, which currently does not exist over the site.

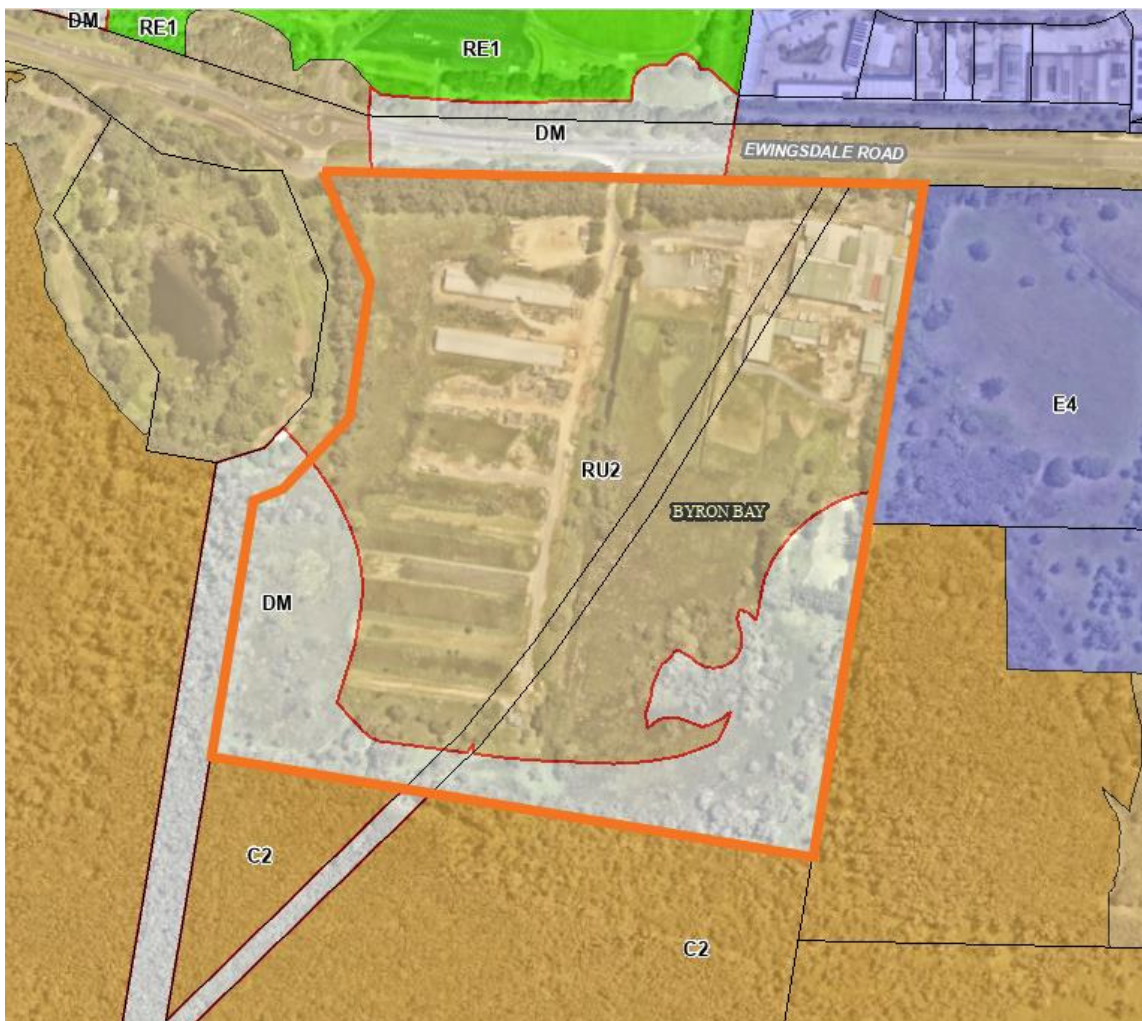


Figure 3 Existing LZN Mapping



LEGEND - PROPOSED LAND USE ZONES

- SUBJECT SITE
- E4 GENERAL INDUSTRIAL
- C2 ENVIRONMENTAL CONSERVATION
- C3 ENVIRONMENTAL MANAGEMENT

Figure 4 Proposed LZN Mapping





Figure 5 Existing Lot Size Mapping





LEGEND - MINIMUM LOT SIZE

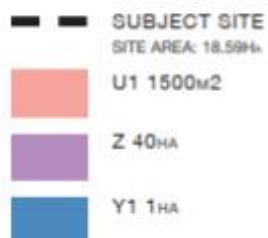


Figure 6 Proposed Lot Size mapping

## Strategic Planning Framework

In September 2020, Byron Shire Council adopted a **Local Strategic Planning Statement** (LSPS), which was approved by the NSW Department of Planning, Housing and Infrastructure (DPHI). The LSPS aims to “Secure a sustainable supply of suitable employment lands and ensuring growth in appropriate areas”. It references the BILS, which identifies this land for business and industrial use. This proposal supports these goals and increases the supply of employment land in Byron Bay.

The proposal is consistent with Council's 10-Year **Community Strategic Plan 2022** (CSP), and it has also been assessed against relevant State Environmental Planning Policies (SEPPs) and section 9.1 Directions. Any inconsistencies can be addressed with further information, if required.

## North Coast Regional Plan

The subject site is located within the Urban Growth Area boundary for existing employment land under the **North Coast Regional Plan 2041 (NCRP)** and is mapped as “Investigation Area – employment land”.

The most relevant **NCRP** objective is *Objective 11: Support cities and centres and coordinate the supply of well-located employment land*. A relevant strategy of objective 11 is “11.4 New employment areas are in accordance with an employment land strategy endorsed by the Department of Planning and Environment”.

Rezoning the subject land will allow it to be used for a range of employment purposes that will support jobs growth in Byron Bay. On this basis, the planning proposal is consistent with the NCRP.

## Byron Shire Business and Industrial Lands Strategy (BILS)

Council adopted its Business and Industrial Lands Strategy (BILS) in October 2020.

[Final-strategy-business-and-industrial-lands-strategy-october-2020-revision-of-e2019-64471-as-per-dpie-approval-letter-e2020-78957.pdf](#)

Business and Industrial land strategies provide the basis for future land use and infrastructure planning actions required to meet projected growth and provide for future local jobs in an LGA.

They are produced in the context of the relevant regional plans and translate the broader strategic context into a clear rationale to either continue or change the business and industrial zoning applied to different areas of land in an LGA. The Department of Planning subsequently endorsed the Byron Shire BILS in September 2020. This endorsement enabled the lodgement of Planning Proposals for individual sites as per the Actions and sites contained in the Strategy. BILS Area 6, known as Byron Bay West, is shown below in Figure 7.


The “Key Issues and Further considerations” and “Key Infrastructure note” items listed in Figure 7 below (from the Byron Shire BILS) are addressed in the supporting

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.12

documentation for the Planning Proposal. Items of particular concern raised by council staff during the planning proposal review process are addressed in the **Key Issues** section of this report.

<b>Area Number</b>	<b>6.</b>
<b>Description</b>	Part Lot 181 in DP 755695 268 Ewingsdale Road
<b>Image of investigation area</b>	
	
<b>Potential developable land<sup>1</sup> (ha)</b>	7.0 ha
<b>Preferred role</b>	Industrial urban service land (IN1)
<b>Strengths/ advantages</b>	<ul style="list-style-type: none"> <li>• adjacent to a zoned industrial area (West Byron) and across the road from the zoned Byron Arts and Industry Estate</li> <li>• on existing public transport route</li> <li>• site previously quasi-industrial as a chicken processing factory</li> <li>• single ownership</li> <li>• relatively flat and clear land (in some locations)</li> <li>• proximity to existing workforce</li> </ul>
<b>Key issues and further investigations</b>	<ul style="list-style-type: none"> <li>• flooding and stormwater drainage</li> <li>• Aboriginal cultural heritage sensitivities</li> <li>• ecological sensitivities including prime koala habitat</li> <li>• land containing HEV vegetation to be excluded and designated as</li> </ul>



	<p>Environmental Zone</p> <ul style="list-style-type: none"> <li>• acid sulphate soils</li> <li>• potential site contamination</li> <li>• bushfire prone</li> <li>• traffic impacts</li> <li>• infrastructure and services provision</li> <li>• impacts on the adjoining SEPP 14 wetlands of the proposed future industrial use of the site</li> <li>• gateway to Byron Bay and Ewingsdale Road frontage, landscaping to enhance visual amenity</li> <li>• investigations to ensure that any proposed development is consistent with relevant State and regional planning provisions this may include the management of areas of high environmental value, flooding and heritage/cultural significance.</li> </ul>
<b>Key infrastructure note</b>	<ul style="list-style-type: none"> <li>• a change of zoning has the potential to noticeably increase the volume of heavy vehicles along Ewingsdale Rd and increase turning movements at the Cavanbah Centre Roundabout – which would become the main entrance to the site with the current entrance being closed. A voluntary planning agreement (VPA) to upgrade the roundabout is required by the Gateway determination</li> </ul>
<b>Anticipated delivery timeframe</b>	<p>Short term</p> <p>Noting that a planning proposal has been submitted with work on the Planning Proposal be put on hold until the adjacent development applications relating to West Byron, particularly the portion relating to industrial zoned land, have been determined.</p>

Figure 7 - Excerpt from Byron Shire Business and Industrial Lands Strategy – BILS Area 6, showing a map of the investigation area and planning matters requiring further investigation.

## 5 Key issues

- Flooding and stormwater
- Aboriginal cultural heritage sensitivities
- Ecological sensitivities
- Potential site contamination
- Bushfire prone
- Traffic Impacts
- Planning Agreement

10

**Flooding and Stormwater**

Flooding

The whole of the subject site is currently mapped as being flood prone. A detailed Flood Assessment report has been provided (Attachment 2) in support of the proposal.

- 5 The assessment concludes that the development as proposed will not have any significant impact on the Belongil Creek floodplain and that it will not result in any notable changes to the flood extent in the locality.

- 10 Given the proposed filling of the site, the assessment concludes that there will be no flood hazards at the site for the 1% AEP event (i.e. year 2100 1 in 100 AEP event plus climate change).

Sections of the site would be inundated in the PMF event, but it is noted that the industrial development would not include critical infrastructure or sensitive land uses.

Evacuation routes are open and available in the 1% AEP event, but Ewingsdale Road would be cut in the PMF event.

- 15 Stormwater

A Stormwater Management Plan has been provided to address the impact of the development in relation to Stormwater and the proposed mitigation measures.

- 20 The general stormwater strategy is the use of pits/pipes/kerbs and channels to convey stormwater through the development site to a centralised stormwater quality and quantity treatment system consisting of two bioretention basins.

The drainage from the upstream industrial estate is conveyed via culverts under the landform bypassing the internal drainage system of the proposal.

- 25 Discharge of stormwater will be to the south of the site in generally the same manner as it is currently conveyed. The Stormwater Management Plan suggests that treatment measures are proposed to improve the quality of stormwater runoff prior to discharging off site.

Concluding remarks:

Council accepts the Flood Assessment and proposed Stormwater Management Plan in support of the planning proposal for rezoning based on internal staff review. Further, council notes that subsequent detailed design will be required for the mitigation and Flooding and Stormwater impacts for future development applications.

**Aboriginal cultural heritage sensitivities**

- 30 Lot 7022 is Crown Land that was included within the Native Title Area subject to the determination NCD2019/001. The Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) are the Native Title holders for the land.

The proponent is currently in negotiations with Arakwal via NTS Corp. The Arakwal Board met on the 17 April to discuss the land. The outcomes of this meeting are under review by the proponent and the provision of the results of these negotiations are included as a recommendation prior to formally requesting a Gateway determination with the NSW DPHI.

**Recommendation:**

Prior to requesting a Gateway determination, requires the proponent submit documentation to confirm status of the negotiations relating to the purchase of Lot 7022 from Crown Lands;

**Ecological sensitivities**

The site is heavily disturbed but contains some planted vegetation (used for screening) along the Ewingsdale frontage of the site and scattered remnant vegetation in other locations. There are sedgeland in low lying areas throughout the site, including between the hardstand areas that once housed the chicken sheds. There are freshwater wetlands to the south of the site. At the site's edges these wetland areas are defined Coastal Wetlands under the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

The Biodiversity Assessment Report recommends:

To avoid and minimise biodiversity impacts and impacts to HEV land which may result from the proposed rezoning and future development of the site, the following measures should be considered:

- Appropriate Conservation Zoning should be considered for areas external to the future development footprint to ensure adequate protection.
- Future development should avoid and protect wetlands considered to represent higher ecological values (i.e. SEPP Coastal Wetlands, EPBCA listed TEC wetlands, and higher quality wetlands).
- Future development will need to ensure there is no significant impacts or changes to the hydrology regimes within retained wetland areas external to the development footprint (the provided Stormwater Management Plan addresses this matter specifically).
- Future landscaping works are to incorporate locally occurring native flora species (preferably swamp sclerophyll species). This will provide potential foraging habitat for several fauna species
- Future development will need to restrict all bushfire Asset Protection Zones (APZs) and civil clearing requirements within the nominated development footprint. This will be managed at DA/subdivision stage; however, the Strategic Bushfire Report indicates this to be the case.
- Appropriate mitigation and management measures are required as a part of any future development application to ensure potential indirect impacts are adequately managed.
- Retained conservation areas of the site are to be managed through either a Vegetation Management Plan (VMP) or Biodiversity Conservation Management Plan (BCMP) and

protected in-perpetuity through a suitable protective mechanism (i.e. Section 88B instrument or a community title scheme), also addressed at DA stage.

Concluding remarks:

Council's ecologist accepts the supporting Biodiversity Assessment Report accompanying the rezoning proposal. Internal staff also note that further detailed assessment and field surveys in the form of a BDAR will be required as part of any future Development Applications for the site, as will referral to the NSW DCCEEW Biodiversity, Conservation and Science Group (BCS).

**Potential site contamination**

5 Historical uses of the site include poultry farming operations, wastewater and treatment storage and fuel storage/use. The site is currently used for mixed commercial/industrial land use – consisting of a nursery, timber storage, taxi parking, fruit and vegetable packing. The remainder of the site is vacant.

10 Based on the current understanding of the site's contamination profile, the risk of significant contaminated land impacts is considered low. Contaminants detected in groundwater are localised in extent and do not include persistent or industrial chemicals, such as pesticides or per- and polyfluoroalkyl substances (PFAS). A preliminary assessment of potential risks is provided in attachment 6. Groundwater is a reliable indicator of soil contamination, as contaminants can migrate through infiltration and leaching, reflecting the type, extent, and persistence of contaminants.

Concluding remarks:

The proposed development outcome is for light industry only, no residential component will be permitted and is therefore acceptable based on internal staff review.

15 **Bushfire prone**

A Strategic Bushfire Study (SBS) has been prepared to support the PP request. That Study contains a thorough assessment of risks, undertaken in accordance with the requirements of Planning for Bushfire Protection 2019.

20 The SBS concludes that the site is appropriate for the increased density and the bushfire risk can be successfully mitigated by applying the requirements of PBP 2019, including vegetation management.

The Study contains key recommendations to be adopted for the purposes of this Planning Proposal request, which will enable the proposed development to achieve the aims and objectives of PBP 2019.

25

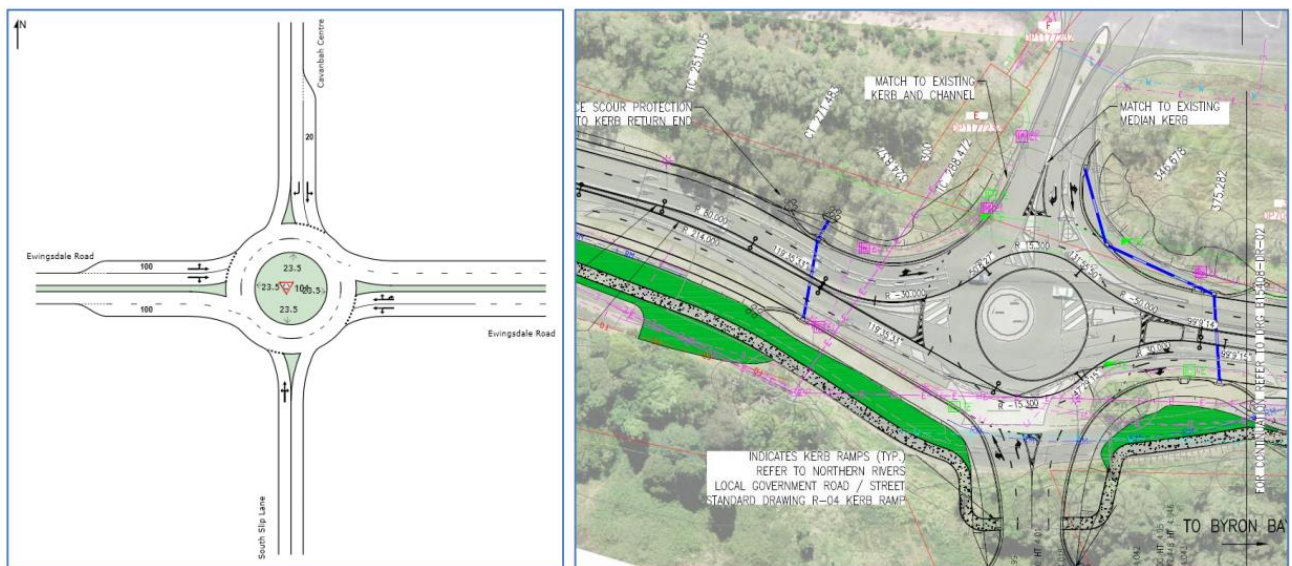
Concluding remarks:

Council accepts the key recommendations and refers to the NSW RFS for comment as part of the Gateway Determination.

**Traffic Impacts**

The Traffic Engineering provided report highlights that the primary point of access will be via a southern arm extension to the roundabout at the Cavanbah Centre on Ewingsdale Road (Figure 8) at the north-western corner of the site. Also, a secondary, potential, future site access point has been suggested through the neighbouring property, 288 Ewingsdale Rd, Lot 105 DP1297628, immediately to the east of the site (Light Industry subdivision - DA 2024.57.1). The current site access at the northern boundary dirt road (adjacent to the current skateboard school) will be closed.

Active transport issues are addressed in the report. Access to public transport via a bus stop near the site on Bayshore Dr would prove impractical due to the necessity to cross Ewingsdale Rd which has no controlled pedestrian crossing. Future cycling network upgrades suggest a proposed bike path along the frontage of the site.



*Figure 8 Excerpt from Traffic Engineering report showing SIDRA model layout and BSC 2016 Concept Design for the Ewingsdale Rd / Cavanbah Centre Roundabout.*

The report highlights the need to upgrade the Ewingsdale Rd / Cavanbah Centre roundabout regardless of whether the development proceeds due to its current lack of capacity to deal with traffic movements. Traffic survey data provided suggests that the roundabout Concept design proposed by Council in 2016 will provide sufficient capacity to accommodate traffic volume in the design horizon (opening in 2027 plus 10 years, 2037). However, Council engineers have requested more recent traffic data to determine if the 2016 Concept Design for Ewingsdale Rd upgrades is still appropriate.



Concluding remarks:

Council notes that any future Development Application will trigger the need for further consultation with TfNSW, which would include an updated Traffic Engineering report with the inclusion of revised Traffic survey data.

**Planning Agreement**

- 5 Planning agreements are a tool that allow planning authorities and developers to work together to deliver infrastructure outcomes. The “Key infrastructure note” listed in the BILS Area Number 6 table (Figure 7) suggests that the change of zoning from RU2 to E4, will increase heavy traffic volumes, and a voluntary planning agreement (VPA) will be required to upgrade the roundabout in accordance with the traffic advice above.

The applicant has submitted a ‘letter of offer’ (Attachment 11) to enter into a Planning Agreement to fund and construct the required works to deliver the upgrades to the roundabout described above.

- 10 The letter of offer precedes the drafting of a planning agreement between the landowner and Council. The planning agreement is a voluntary offer and subject to mutual agreement. Once drafted, the planning agreement will be exhibited concurrently with the planning proposal.

Recommendation:

Council accepts the letter of offer and requires the drafting of a Planning Agreement prior to public exhibition of the Planning Proposal. If the planning proposal progresses to public exhibition, it is recommended that the draft Planning Agreement be exhibited concurrently with the Planning Proposal.

**Next steps**

- 15
- Finalise the following outstanding matters prior to submitting planning proposal and studies to DPHI for a Gateway determination:
    - requires the proponent submit documentation to confirm status of the negotiations relating to the purchase of Lot 7022 from Crown Lands;
- 20
- Following Gateway determination, prepare a draft planning agreement for upgrades to the Cavanbah roundabout prior to public exhibition.
  - Publicly exhibit the planning proposal, supporting studies and planning agreement 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**

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
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	4.1.4.5	Consider landowner planning investigations for possible new industrial and/or business park areas, as identified in the BILS

### **Recent Resolutions**

- N/A

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

Requirements under the Environmental Planning and Assessment Act and Regulation as applicable. Relevant considerations are addressed in the report.

### **Financial Considerations**

- 10 This Planning Proposal has been funded by the proponent. Proponent-initiated Planning Proposals are subject to full cost recovery via Council's Fees and Charges.

### **Consultation and Engagement**

Pre-lodgement referrals were undertaken with TfNSW, NSW RFS, EPA, NRAR, and BCD on the draft technical reports and Planning Proposal. These are included in the appendix to the lodged planning proposal.

- 15 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, Housing and Infrastructure.

**Report No. 13.13 PLANNING - Submissions report -  
Amendments to Byron Shire DCP 2014  
Chapter C2: Areas Affected by Flood**

**Directorate:** Sustainable Environment and Economy

5 **Report Author:** Cameron Jewell, Planner (Land Use)

**File No:** I2025/456

**Summary:**

10 This report presents updates to the Byron Shire DCP 2014, Chapter 'C2: Areas Affected by Flood', which were made following public exhibition and consideration of submissions. The purpose of the report is to present the updated DCP for Council's adoption.

The draft Chapter 'C2: Areas Affected by Flood' was placed on exhibition between 14 June 2024 and 14 July 2024. Twenty-seven (27) submissions were received.

Following consultation, changes to the DCP include:

- 15
  - A new criterion requiring recent flood events not captured by existing flood studies to be considered as part of assessments.
  - Updates to terminology to reflect the NSW Government's Flood Risk Management Manual.
  - Amendments to the rural road crossings section to update driveway/private road flood immunity requirements for small-scale rural development.
- 20
  - Additional structural soundness conditions for critical facilities and special purpose facilities.
  - Updates to the flood emergency management section to reflect the release of the NSW Government's 'Shelter in Place' guidelines.
  - Multiple minor changes to improve clarity and readability.

25 This report outlines the submissions made during public exhibition, and changes made by staff in response. It also outlines changes made due to internal staff feedback.

Council staff plan to make further substantive changes to the DCP chapter based on recommendations from updated Floodplain Risk Management Studies and Plans, which are in the process of being reviewed.

30 The report recommends adoption of the amended DCP chapter by Council, as well as updating Part A of the DCP to ensure consistency of flood-related terminology.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.13





### 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.
- 

### RECOMMENDATION:

- 10 **That Council:**
1. **Adopts the amended DCP 2014 Chapter 2: Areas Affected by Flood as contained in Attachment 1 (E2025/38635);**
  2. **Amends the DCP Part A to reflect updated flood-related terminology consistent with DCP 2014 Chapter 2: Areas Affected by Flood; and**
  - 15 3. **Publishes the adopted Chapter C2 on its website as required by the Environmental Planning and Assessment Act and Regulation.**

### Attachments:

- 20
- 1 Amended Draft DCP chapter C2 - post-exhibition version for Council, E2025/38635 
  - 2 Public submissions summary - Draft DCP Chapter C2, E2025/31046 
  - 3 Combined public submissions - Draft DCP Chapter C2 (redacted PUBLIC VERSION), E2025/41542 
  - 4 Internal submissions summary - Draft DCP Chapter C2, E2025/38634 

25

## Report

### Background

In 2024, Council engaged consultant BMT WBM to review Chapter 'C2 Areas Affected by Flood' of the Byron Development Control Plan 2014 (DCP) to:

- 5 • Ensure consistency of terminology
- Place greater emphasis on the safe occupation and efficient evacuation of people in the event of a flood
- Replace outdated flood study references
- 10 • Implement relevant actions (where possible) identified in North Byron Floodplain Risk Management Study.

This followed significant changes to the policy environment at the State level, including:

- 15 • The implementation of the NSW Government's Flood Prone Lands Package, including the [Considering flooding in land use planning guideline](#) which advised that councils should update their development control plans (DCPs) to indicate the relevant flood planning levels and flood planning areas that have been identified through the Flood Risk Management process and where they apply.
- New flood-related clauses inserted into the Byron LEP 2014 (Clauses 5.21 and 5.22)
- Development of a new [Flood Risk Management Manual](#) by the NSW Government
- 20 • The NSW Flood Inquiry following the 2022 floods, and the NSW Government's subsequent response.

At the 18 April 2024 Council meeting, it was resolved that Council:

1. Proceeds to exhibit the draft DCP 2014 Chapter C2: Areas Affected by Flood, as contained in Attachment 1 (E2023/129624) for a minimum period of 28 days; and
- 25 2. Arranges a community meeting with residents in the north of the shire to inform and discuss the draft DCP Chapter C2 proposal flood affected areas in the north.
3. Following exhibition, receives a further report detailing submissions made and any recommended changes.

All proposed changes to the exhibited version of the DCP based on feedback is provided at **Attachment 1**.

### 30 Public exhibition

The draft DCP was placed on exhibition between 14 June 2024 and 14 July 2024. There were 27 submissions received, with 23 via Council's YourSay site, three (3) via email and one (1) sent as a written letter.

- 35 A detailed response to submissions by theme is provided at **Attachment 2**, all submissions are provided at **Attachment 3** and a summary of submissions by theme are provided below at **Table 1**.

**Table 1: Summary of submissions by theme**

<b>Theme</b>	<b>Issues raised</b>	<b>Response</b>
<b>Incorporating information from historic flood events</b>	The DCP should consider the 2022 flood event, in line with recommendations from the Floodplain Management Advisory Committee (FMAC).	The DCP has been amended to incorporate wording proposed by the Flood Management Advisory Committee (FMAC) as a general assessment criterion.
	Council should provide information on historical floods publicly.	Historical flood information is not recommended to be included as part of the DCP. Council staff will, however, investigate whether data such as known flood levels from the 2022 flood can be shared via Council's Online Mapping Tool.
<b>Requirements for filling of land</b>	Concerns that filling the floodplain will have adverse flood impacts, including the impacts of cumulative development.	Council has mapped 'fill exclusion' areas where filling is generally not supported due to these areas being highly sensitive to changes in topography, and potential impacts from cumulative development. The DCP has been amended to make clear that filling is typically not acceptable in 'fill exclusion' areas. Where filling is proposed, a flood impact and risk assessment will also be required by Council to ensure there are no adverse impacts.
	Concern that requirements for filling are too conservative and restrictive. Minor fill should be allowed in low/intermediate risk areas without a flood study.	Council has a responsibility to ensure impacts of development do not adversely affect neighbouring properties. No change is recommended to the DCP.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.13

Theme	Issues raised	Response
<b>Development in Mullumbimby</b>	Concerns raised about specific developments that do not consider latest flood modelling.	The DCP has been amended to incorporate wording proposed by the FMAC as a general assessment criterion, which requires development applications and planning proposals to consider flood data from flood events not yet considered by flood studies.
<b>Flood management and evacuation</b>	The DCP should include assessment of capacity of evacuation centres when considering applications.	Council does not lead evacuation and planning for evacuation centres. The State Emergency Operations Controller can establish additional evacuation centres during an emergency; therefore, it is not recommended to amend DCP controls.
<b>Rural crossings</b>	Controls for rural crossing are cost-prohibitive and need review to provide a reasonable level of flood immunity. For cost reasons, flood studies should also not be required.	An amendment has been made to reduce requirements for rural crossings, where they only service a small number of residents. A flood study, however, is considered reasonable and no change is proposed in this regard.
<b>Readability and useability</b>	Various changes to DCP to improve readability and useability.	Where changes would lead to an increase in readability or useability, such changes have been made.

Changes were also made in response to internal staff feedback. A summary of internal feedback and proposed changes are provided at **Attachment 4**. Key changes include:

- Amendments to terminology to be consistent with NSW Government's Flood Risk Management Manual
- 5 • Providing clarity on how to treat fully enclosed structures that may have flood impacts
- Providing controls for dwellings in no hazard areas, but which are below the flood planning level
- 10 • Providing hyperlinks to reference external documents, and hosting these on Council's website to minimise incidence of broken links and consequential DCP amendments
- Providing link to [Council's Online Mapping Tool](#) to view catchment extents and fill exclusion areas

- Amending section on shelter in place following release of [NSW Guidelines](#)
- Multiple minor changes to improve clarity and readability

**Conclusion and Recommendation**

- 5 The proposed amendments to DCP 2014 Chapter 'C2' incorporate changes made because of public exhibition feedback. It reflects current policies and legislation that should be considered when addressing flood risk in planning decisions. It is recommended that Council adopts the DCP chapter and makes relevant changes to DCP Part A to ensure flood terminology is consistent.

**Strategic Considerations**

10 **Community Strategic Plan and Operational Plan**

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
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	4.1.4.2	Review and update Local Environmental Plan and Development Control Plans to reflect strategic land use priorities and/or legislative reforms

**Recent Resolutions**

[24-182](#) – 14 April 2024 Ordinary Council meeting

[24-322](#) – 14 May 2024 Floodplain Management Advisory Committee

**Legal/Statutory/Policy Considerations**

- 15 The review of the DCP planning controls will be used to inform Council's future strategic land use planning and development control framework. The proposed amendments will be notified as per the statutory requirements.

**Financial Considerations**

- 20 This is a Council-initiated DCP amendment that has been funded by Natural Disaster Funding grant. All other processing costs will be borne by Council.

**Consultation and Engagement**

The proposed amendments to DCP 2014 Chapter 'C2' incorporate changes made because of public exhibition consistent with Council's Community Participation Plan.



**Report No. 13.14 Draft Affordable Housing Contribution Policy, Affordable Housing Contribution Scheme Procedure, Affordable Housing Planning Agreement Procedure and Affordable Housing Contribution Distribution Plan 2025**

**Directorate:** Sustainable Environment and Economy

**Report Author:** Shannon Burt, Director Sustainable Environment and Economy  
Alex Caras, Land Use Planning Coordinator

**File No:** I2025/526

**Summary:**

One of Council's key initiatives to support the delivery of affordable housing in our community is the collection of contributions from landowners when their land is upzoned.

This approach aligns with Council's broader commitment to housing affordability and equitable development outcomes.

Council currently operates under the Affordable Housing Contribution Policy 2020 and the associated Procedure.

The Policy outlines the framework through which landowners may make affordable housing contributions via planning agreements.

The Procedure provides operational guidance on implementing the contribution framework in line with the Policy.

In addition to planning agreements, Council has implemented Affordable Housing Contribution Schemes (AHCS) as a second mechanism for collecting contributions:

Byron Shire Council was the first regional council to adopt such a Scheme in 2022.

A second Scheme has recently been endorsed, expanding the application of this model.

The Policy and Procedure were originally developed prior to the adoption of Council's:

- Residential Strategy 2041,
- Affordable Housing Contribution Scheme 01, and
- Affordable Housing Contribution Scheme 02.

To ensure alignment with these strategic documents and to reflect current best practices in affordable housing contributions, both the Policy and Procedure now require a comprehensive review and update.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.14

Further, under the AHCS 01 and 02, Council is required to hold a register of nominated community housing providers that can deliver and manage the affordable rental housing in line with the AHCSs.

Council created a community housing providers register for Scheme 01 in 2022.

- 5 An update to this register is now recommended given that Scheme 02 will be notified shortly and to reflect the most current list of providers. Updates occur via an expression of interest process.

- 10 This report recommends that Council endorse the draft Affordable Housing Contribution Policy, Affordable Housing Contribution Scheme Procedure, Affordable Housing Planning Agreement Procedure and Affordable Housing Contribution Distribution Plan for public exhibition.

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#### RECOMMENDATION:

##### That Council:

- 20 1. **Acknowledges continued high housing costs both for purchase and rental have increased the difficulties for low and moderate-income households to access housing they can afford in Byron Shire.**
2. **Notes the Council initiatives to help deliver affordable housing for our community including the collection of contributions from landowners when their land is upzoned.**
- 25 3. **Endorses the draft Affordable Housing Contribution Policy, Affordable Housing Contribution Scheme Procedure, Affordable Housing Planning Agreement Procedure and Affordable Housing Contribution Distribution Plan (Attachments 1-4 #E2025/47836, #E2025/47838, #E2025/47837, #E2025/47839) for public exhibition for a period of 6 weeks.**
- 30 4. **Notes that an expression of interest calling for accredited community housing providers to join our community housing provider register will run concurrent with the public exhibition period in item 3.**
5. **Receives a report on the outcomes of items 3 and 4 following the public exhibition and expression of interest period.**

##### Attachments:

- 35
- 1 Draft Affordable Housing Policy prepared by Urbanista dated May 2025, E2025/47836 
- 2 Draft Procedure Affordable Housing Contribution Schemes prepared by Urbanista May 2025, E2025/47838 
- 3 Draft Procedure Planning Agreements prepared by Urbanista dated May 2025, E2025/47837 
- 40 4 Draft Affordable Housing Distribution Plan prepared by Urbanista dated May 2025, E2025/47839 

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.14

5 Draft Local Distribution Plan Template prepared by Urbanista dated May 2025, E2025/47840



### Report

5 The Affordable Housing Contribution Policy 2020 and the associated Affordable Housing Contribution Procedure 2020 [Affordable Housing Contribution Policy - Byron Shire Council](#) were originally developed prior to the adoption of Council's:

- Residential Strategy 2041, [Residential Strategy - Byron Shire Council](#)
- Affordable Housing Contribution Scheme AHCS 01, and [Affordable Housing Contribution Schemes - Byron Shire Council](#)
- 10 • Affordable Housing Contribution Scheme AHCS 02. [Affordable Housing Contribution Schemes - Byron Shire Council](#)

To ensure alignment with these strategic documents and to reflect current best practices in affordable housing contributions, both the Policy and Procedure now require a comprehensive review and update.

15 To this end, Council staff have worked with Urbanista to develop a suite of documents to replace the current Policy and Procedure. The draft documents (Attachments 1-5) are:

- Affordable Housing Contribution Policy 2025
- Affordable Housing Contribution Schemes Procedure 2025
- Affordable Housing Planning Agreement Procedure 2025
- 20 - Affordable Housing Contribution Distribution Plan 2025
- Affordable Housing Contributions Local Distribution Plan template

A summary of each document is provided below.

Current document	Draft document	Changes to existing or purpose of new document
Affordable Housing Contribution Policy 2020	Affordable Housing Contribution Policy 2025	<p>Policy 2025 represents a significant update to Policy 2020, outlining the Council's objectives and commitments regarding affordable housing contributions in Byron Shire.</p> <p><b>Objectives:</b> The primary objective of Policy 2025 is to establish a framework for advocating, facilitating, providing, and managing affordable housing contributions.</p> <p><b>Mechanisms:</b> To achieve these objectives, the Council has activated or is in the process of</p>

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.14

Current document	Draft document	Changes to existing or purpose of new document
		<p>activating the following mechanisms:</p> <ul style="list-style-type: none"> <li>• <b>Clause 6.17:</b> Affordable housing in employment, mixed-use, and residential zones of the Byron Local Environmental Plan 2014.</li> <li>• <b>Affordable Housing Contribution Schemes.</b></li> <li>• <b>Planning Agreements.</b></li> </ul> <p><b>Statement of Intent:</b> Under Clause 4.4, the Council aims for a minimum of 7% affordable housing for very low to moderate income households in all developments benefiting from planning uplift under a planning agreement in employment, mixed use and residential zones unless a different rate is specified in the applicable scheme.</p> <p>The 7% target is informed by viability testing undertaken in the development of Affordable Housing Contribution Schemes 01 and 02.</p> <p>The suggested minimum rate ensures that a sufficient public benefit is gained from entering the planning agreement.</p> <p>This target aligns with those set in other high cost, high needs housing markets such as the City of Sydney's 7.5% target and the 5-10% target in the Greater Sydney Regional Plan. It serves as a benchmark and does not preclude higher levels where demonstrated to be viable.</p> <p><b>Supporting Documentation:</b> This target is supported by the Byron Shire Housing Needs Assessment 2024, which was prepared to support the Council's Affordable Housing Contribution Scheme (AHCS 02).</p> <p><b>Procedures:</b> Details on the Affordable Housing Planning Agreement Procedure are provided below.</p>
Affordable Housing Contribution Procedure 2020	Affordable Housing Contribution Procedure 2025	<p>Procedure 2025 is a significant update to Procedure 2020, incorporating changes in both format and content.</p> <p>Relevant elements from Procedure 2020 have been integrated into Policy 2025, Procedure 2025, or the Planning Agreement Procedure, while redundant</p>

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.14

Current document	Draft document	Changes to existing or purpose of new document
		<p>material has been removed.</p> <p><b>Focus:</b> Procedure 2025 now exclusively addresses the implementation of Affordable Housing Contribution Schemes 01 and 02 and any future Schemes. It also outlines additional requirements for contributions under these schemes.</p> <p><b>Exceptional Circumstances:</b> The procedure specifies the exceptional circumstances under which the Council may consider a variation to the contribution rate.</p> <p><b>Variation Requests:</b> If the land is listed in the Residential Strategy 2041 as part of an affordable housing contribution scheme area with a set contribution rate in exceptional circumstances when factors that were unforeseen at the time the contribution rate was determined adversely impact development feasibility, developers may submit a formal request for the Council to consider a different contribution rate. This request must be submitted at or prior to the planning proposal stage.</p> <p><b>Future Updates:</b> Additional details may be added to the Procedure over time, as needed.</p>
	Affordable Housing Planning Agreement Procedure	<p>The Procedure for Affordable Housing Planning Agreements outlines how the Council will enter into Planning Agreements that include affordable housing contributions.</p> <p><b>Scope:</b> These agreements may arise through either a development application (DA) or a request to amend the Local Environmental Plan (LEP).</p> <p><b>Negotiation Process:</b> The Council may negotiate a Planning Agreement offered by a developer (the proponent) in connection with any DA or LEP application related to land within the area.</p> <p><b>Variation Requests:</b> If the land is listed in the Residential Strategy 2041 as part of an affordable housing contribution scheme area with a set contribution rate, the developer may submit a letter of offer before lodging the application. This letter should request the Council to consider a different</p>

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.14

Current document	Draft document	Changes to existing or purpose of new document
		<p>contribution rate for the part of the development affected by upzoning. This request must be submitted before the planning proposal application is lodged.</p> <p>If not identified in an AHCS, then 7% minimum would apply for the reasons discussed. As VPAs are not mandatory, a process for formal review is not required.</p> <p><b>Council's Discretion:</b> The Council has full discretion to accept or reject any offer to enter into a Planning Agreement.</p> <p><b>Policy 2025 Alignment:</b> Policy 2025 outlines the Council's Statement of Intent regarding affordable housing contributions. As stated in Clause 4.4, the Council aims for a minimum of 7% affordable housing for very low to moderate income households in all developments benefiting from planning uplift under a planning agreement in employment, mixed use and residential zones, unless a different rate is specified in the applicable scheme. This benchmark serves as a starting point for all Planning Agreement negotiations. A rate above 7% may be put forward by a proponent or by Council where viability supports this.</p> <p><b>Consideration of Financial Viability:</b> Policy 2025 also acknowledges the need to respect the NSW government policy position, which emphasises maintaining a sustainable development market and continued housing supply by considering the financial viability of development when setting contribution rates.</p>
	Affordable Housing Contribution Distribution Plan	<p>The Distribution Plan guides the allocation of affordable housing contributions and the delivery and allocation of affordable housing in alignment with the Policy 2025 and relevant legislation. It aims to provide transparency and clarity about the process for the allocation and use of contributions generated through the Affordable Housing Contribution Schemes, planning agreements, and other mechanisms.</p>

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.14

Current document	Draft document	Changes to existing or purpose of new document
		<p><b>Summary of Key Elements:</b></p> <ol style="list-style-type: none"> <li><b>Framework for Dispersal of Contributions:</b> <ul style="list-style-type: none"> <li>The plan outlines the framework for dispersing contributions to community housing providers and/or a Council-sponsored Land Trust (Clause 3).</li> </ul> </li> <li><b>Criteria for Selection of Community Housing Providers:</b> <ul style="list-style-type: none"> <li>It specifies the criteria for selecting one or more community housing providers to receive funding or property (Clause 6 &amp; Appendix A).</li> </ul> </li> <li><b>Requirements for Transfer of Assets:</b> <ul style="list-style-type: none"> <li>The plan includes requirements relating to the transfer of assets. (Clause 4)</li> </ul> </li> <li><b>Performance Expectations:</b> <ul style="list-style-type: none"> <li>It sets performance expectations for community housing providers receiving and using the contributions, including the use of surplus or other funds to support leveraging of finance to deliver more affordable housing. (Clause 7)</li> </ul> </li> <li><b>Eligibility Criteria:</b> <ul style="list-style-type: none"> <li>The plan details the eligibility criteria for the allocation of affordable housing generated using contributions, including income cohorts and any specific requirements nominated by the Council (e.g., local connections or key worker status). (Clause 4)</li> </ul> </li> <li><b>Rent Setting Requirements:</b> <ul style="list-style-type: none"> <li>It outlines rent setting requirements for the provision of affordable housing. (Clause 4)</li> </ul> </li> <li><b>Monitoring and Reporting:</b> <ul style="list-style-type: none"> <li>The plan includes provisions for monitoring and reporting on affordable housing outcomes to the Council. (Clause 8)</li> </ul> </li> </ol>

<b>Current document</b>	<b>Draft document</b>	<b>Changes to existing or purpose of new document</b>
		<p><b>8. Review of Arrangements:</b></p> <ul style="list-style-type: none"> <li>It describes the process for reviewing arrangements and making changes to the Distribution Plan by the Council. (Clause 9)</li> </ul> <p><b>9. Provision for Local Distribution Plans:</b></p> <ul style="list-style-type: none"> <li>The plan provides for the creation of Local Distribution Plans. (Clause 4 and Local Distribution Plan Template)</li> </ul>

## **Community Housing Provider Register**

Council is required to hold a register of nominated community housing providers that can deliver and manage the affordable rental housing in line with AHC Schemes.

### **5 [Affordable Housing Contribution Schemes - Byron Shire Council](#)**

The creation of a register streamlines future tender processes by reducing associated costs and enabling faster response times as planning proposals seeking upzoning are submitted.

**10** Council endorsed in 2022 the following accredited community housing providers to be on a register for Scheme 01:

- Amelie Housing
- Community Housing Ltd
- Common Equity
- Mission Australia
- 15** • North Coast Community Housing
- Wesley Mission

[View the Community Housing Provider Register report to Council, 8 December 2022 meeting.](#)

**20** An update to this register is recommended now given that Scheme 02 will be notified shortly and to reflect the most current list of providers.



## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.14

The process for a register update is an expression of interest through direct contact with registered community housing providers with an interest in working within the North Coast region.

#### Key issues

- 5 Continued high housing costs both for purchase and rental have increased the difficulties for low and moderate-income households to access housing they can afford in Byron Shire.

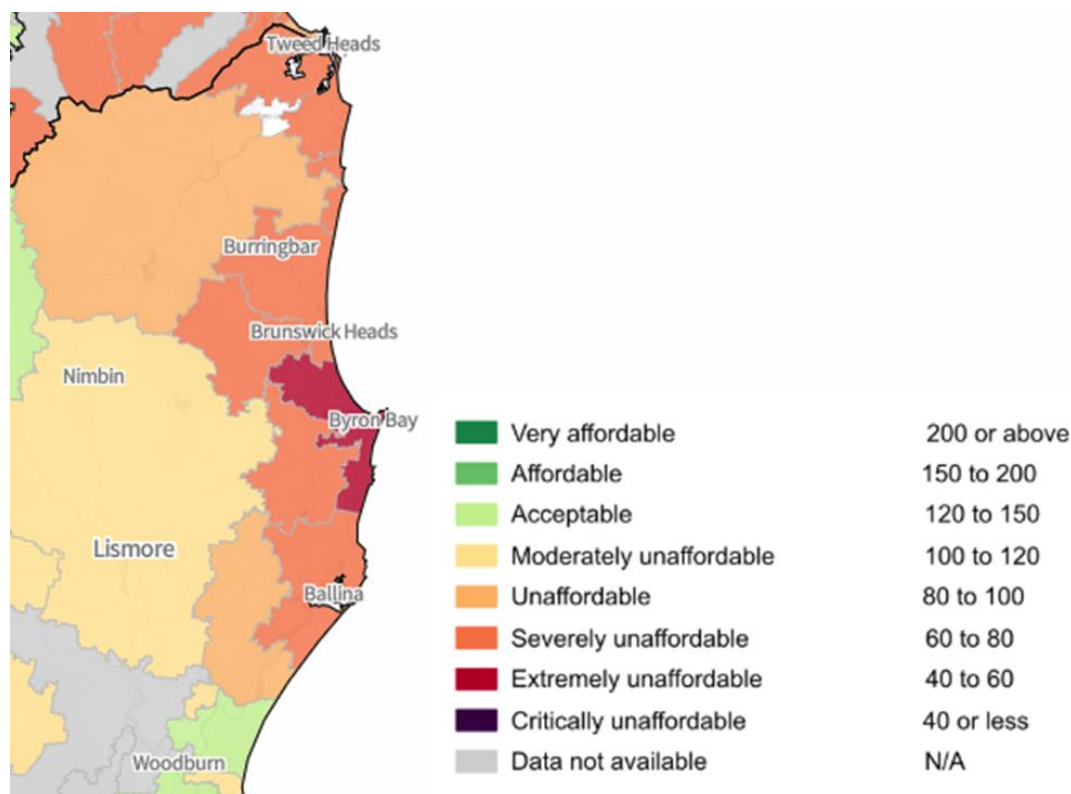
#### Housing Affordability in Byron Shire

- Population growth has far outweighed expectations.
- 10
- Incomes have not kept up with price increases creating greater affordability pressures.
  - It is not a new issue but made worse by the pandemic and floods.
  - Rental stress is more severe than in many parts of Sydney and Byron's regional neighbours.
- 15
- The region is amongst the worst off in NSW for income to rent ratios for key workers.

Affordable Housing Ministerial Guidelines Weekly Household Income Thresholds 2024-25				
Byron Shire		Very Low	Low	Moderate
Rental costs - Dec 2024		\$1,108	\$1,771	\$2,340
Median Rent		Byron Shire Median Rent as a % of household income		
1 bedroom	\$550	49.65%	31.05%	23.50%
2 bedroom	\$680	61.39%	38.39%	29.06%
3 bedroom	\$900	81.25%	50.81%	38.46%

#### Rental Affordability Index

- 20 An index score of less than 60 is extremely unaffordable, which includes all coastal (and some non-coastal) areas in Byron LGA as shown below.



## Next steps

- The Affordable Housing Contribution Policy, Affordable Housing Contribution Scheme Procedure, Affordable Housing Planning Agreement Procedure and Affordable Housing Contribution Distribution Plan are publicly exhibited for a 6-week period.
- A submissions report is presented back to Council after public exhibition.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
4: Ethical Growth	4.2: Enable housing diversity and support people experiencing housing insecurity	4.2.1: 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

**Recent Resolutions**

- 25-109 Affordable Housing Contribution Scheme 02

**Legal/Statutory/Policy Considerations**

5 One of the objectives of the Environmental Planning and Assessment Act 1979 is to promote the delivery and maintenance of affordable housing.

To do this the Act incorporates a number of enabling mechanisms and sets terms under which contributions for affordable housing can be required.

**Financial Considerations**

Not relevant to this report.

10 **Consultation and Engagement**

Public exhibition of the draft Affordable Housing Contribution Policy, Affordable Housing Contribution Scheme Procedure, Affordable Housing Planning Agreement Procedure and Affordable Housing Contribution Distribution Plan to occur for a period of 6 weeks.

15

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

**Report No. 14.1      Report of the Arts Advisory Committee  
Meeting held on 17 April 2025**

5    **Directorate:**                      Corporate and Community Services  
**File No:**                                I2025/552

**Summary:**

10    The Arts Advisory Committee met on 17 April 2025. The Minutes of this meeting are attached for noting by Council.

---

**RECOMMENDATION:**

15    1.    **That Council notes the minutes of the Arts Advisory Committee Meeting held on 17 April 2025.**

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

**Report No. 4.1 Resignation of Arts Advisory Committee Member**  
File No: I2025/340

**Committee Recommendation 4.1.1**

**That:**



1.    **Council accepts the resignation of Marisa Snow from the Arts Advisory Committee effective 13 March 2025 due to temporary employment with Byron Shire Council; and**
2.    **Should the vacancy not be filled prior to the cessation of Marisa Snow's employment with Byron Shire Council, that upon the receipt of an acceptable nomination from Marisa Snow, Marisa Snow be reappointed to the Arts Advisory Committee without the requirement to:**
  - a)    **Be re-endorsed by Council; and**
  - b)    **Undertake a further induction process.**

## BYRON SHIRE COUNCIL

### REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

14.1

#### **Attachments:**

- 1 Minutes 17/04/2025 Arts Advisory Committee, I2025/537 
- 2 Arts Northern Rivers Who We Are Presentation, E2025/41926 

5

## Report

The attachment to this report provides the minutes of the Arts Advisory Committee Meeting of 17 April 2025 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [Agenda of Arts Advisory Committee Meeting - Thursday, 17 April 2025](#)

The following items were considered by the Committee:

### Report No. 4.1 Resignation of Arts Advisory Committee Member

- 10 A letter of resignation dated 13 March 2025 was received from a Community Representative on the Arts Advisory Committee. The resignation is a result of temporary employment with Council in the Arts and Culture Officer role. The Community Representative would like to return to the position on the Arts Advisory Committee at the cessation of her role with Byron Shire Council, in approximately July 2025.

### Report No. 6.1 Who We Are Report Update by Arts Northern Rivers

- 15 This Report was a "For Information" presentation with the purpose to provide an update to the Committee on a major new report commissioned by Arts Northern Rivers and prepared by Patternmakers: *"Who We Are: A Profile of the Northern Rivers' Creative Sector"*. A copy of the presentation is attached to this Report (E2025/41926). Please use this [link - Who We Are](#) to view the Report in its entirety. There was no Committee recommendation required.

### 20 Report No. 6.2 Lone Goat Gallery Fees and Charges

This Report was a "For Information" report with the purpose to update to the Committee on changes to Lone Goat Gallery fees charged to artists. There was no Committee recommendation required.

### Report No. 6.3 Soul Street New Year's Eve 2024 Update

- 25 This Report was a "For Information" report with the purpose to update to the Committee about the delivery of the 2024/25 Soul Street New Year's Eve and future events. There was no Committee recommendation required.

### Report No. 6.4 Draft Place Plan for New Brighton, South Golden Beach and Ocean Shores

- 30 This Report was a "For Information" report with the purpose to notify the Committee that the Draft Place Plan for New Brighton, South Golden Beach and Ocean Shores is now on public exhibition and open for feedback and to encourage input via the various consultation opportunities. There was no Committee recommendation required.

## Financial Implications

- 35 As per the Reports listed within the Arts Advisory Committee Meeting of 17 April 2025.

## Statutory and Policy Compliance Implications

As per the Reports listed within the Arts Advisory Committee Meeting of 17 April 2025.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**Report No. 14.2      Report of the Water and Sewer Advisory Committee Meeting held on 17 April 2025**

5    **Directorate:**                      Infrastructure Services

**File No:**                              I2025/631

**Summary:**

10    The attachment to this report provides the minutes of the Water and Sewer Advisory Committee Meeting of 17 April 2025 for determination by Council.

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**RECOMMENDATION:**

15    1.    That Council notes the minutes of the Water and Sewer Advisory Committee Meeting held on 17 April 2025.

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

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

File No: I2025/481

**Committee Recommendation 4.1.1**

**That the Water and Sewer Advisory Committee:**

1.    Notes Council's Integrated Planning and Reporting Framework;
2.    Notes Council's priorities as identified by Councillors for the 2025 – 2029 and Delivery Program.

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

**Report No. 4.2 Mullumbimby water supply strategy - High-level project plan**

File No: I2025/395

**Committee Recommendation 4.2.1**

1.    That the Water and Sewer Advisory Committee notes the proposed project design

- 2. That the Committee provides feedback to staff on how to improve the project design, in alignment with:**
  - a) The aim of the project i.e. provide evidence-based recommendations for Council to decide on a long-term water supply strategy for Mullumbimby**
  - b) The need to provide best-value to ratepayers via sustainable and efficient water services provision**
- 3. That Council keeps the WSAC informed of subsequent changes to the project design, including between WSAC meetings.**
- 4. That Council considers in the project the investigations previously sought by the WSAC, and recorded in its Minutes for the meeting of 19 July 2024.**



## Report

The attachment to this report provides the minutes of the Water and Sewer Advisory Committee Meeting of 17 April 2025 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [Minutes of Water and Sewer Advisory Committee Meeting - Thursday, 17 April 2025](#)

The following items were considered by the Committee:

### Report No. 4.1 Integrated Planning and Reporting

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

### Report No. 4.2 Mullumbimby water supply strategy - High-level project plan

This report gives a high-level overview of the Mullumbimby Water Supply Strategy and Project Plan.

## Committee Recommendation

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

## Financial Implications

As per the Reports listed within the Water and Sewer Advisory Committee Meeting of 17 April 2025.

- 20 **Statutory and Policy Compliance Implications**

As per the Reports listed within the Water and Sewer Advisory Committee Meeting of 17 April 2025.

**Report No. 14.3      Report of the Transport and Infrastructure  
Advisory Committee Meeting held on 17  
April 2025**

**Directorate:** Infrastructure Services

5    **File No:** I2025/632

**Summary:**

The attachment to this report provides the minutes of the Transport and Infrastructure Advisory Committee Meeting of 17 April 2025 for determination by Council.

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**RECOMMENDATION:**

1. That Council notes the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 17 April 2025.

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## Report

The attachment to this report provides the minutes of the Transport and Infrastructure Advisory Committee Meeting of 17 April 2025 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [Minutes of Transport and Infrastructure Advisory Committee Meeting - Thursday, 17 April 2025](#)

The following items were considered by the Committee:

### Report No. 4.1 Integrated Planning and Reporting

- 10 This report provides an overview of Council's Integrated Planning and Reporting Framework and invites discussion on priority areas in the arts for inclusion in Council's delivery program. The Report was noted by the Committee with no action required by Council.

### Report No. 4.2 Capital Program 2025/26

- 15 The report provides an overview and update on the current Capital Works Program for 2025 and 2026. The Report was noted by the Committee with no action required by Council.

### Committee Recommendation

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

### 20 Financial Implications

As per the Reports listed within the Transport and Infrastructure Advisory Committee Meeting of 17 April 2025.

### Statutory and Policy Compliance Implications

- 25 As per the Reports listed within the Transport and Infrastructure Advisory Committee Meeting of 17 April 2025.

## Report No. 14.4      Report of the Local Traffic Committee Meeting held on 6 May 2025

**Directorate:** Infrastructure Services

**File No:** I2025/663

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### Summary:

The attachment to this report provides the minutes of the Local Traffic Committee Meeting held on 6 May 2025 for determination by Council.

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

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

**RECOMMENDATION:**

- 1. That Council notes the minutes of the Local Traffic Committee Meeting held on 6 May 2025.**
- 2. That Council adopts the following Committee Recommendations:**

**Report No. 6.1 Byron Writers Festival 2025**

**File No: I2025/366**

**Committee Recommendation:**

- 1. That the Local Traffic Committee supports the traffic management associated with the Writers Festival in Bangalow from the 8 August 2025 to 10 August 2025.**
- 2. That the Local Traffic Committee supports the TCP to be approved for a two year period (2025/2026) subject to Council's assessment of smooth operation of the TMP for 2025 with little to no negative feedback.**
- 3. That the Local Traffic Committee support is subject to:**
  - a) separate approvals by NSW Police and TfNSW being obtained;**
  - b) implementation of the Traffic Management Plan and Traffic Guidance Scheme/s, by those with appropriate TfNSW accreditation and the holding of current and appropriate levels of insurance and liability cover;**
  - c) the impact of the event be advertised, and charged at cost to the organisers, via a notice in the local weekly paper and Variable Message Signage (VMS) a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;**
  - d) the event be notified on Council's web page and social media with the event organiser supplying Council with the relevant information;**
- 4. The event organiser to:**
  - a) inform the community and businesses that are directly impacted (e.g. within road closure zones) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;**
  - b) arranging for private property access and egress affected by the event;**
  - c) liaising with bus, taxi and waste operators and ensuring arrangements are made for provision of services during conduct of**

## BYRON SHIRE COUNCIL

### REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

14.4

the event;

- d) consulting with emergency services and any identified issues be addressed;
- e) holding \$20m public liability insurance cover which is valid for the event;
- f) not place any signage on the road related area of the Pacific Highway.

#### **Attachments:**

- 1 Minutes 06/05/2025 Local Traffic Committee, I2025/616 

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## Report

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 6 May 2025 for determination by Council. The agenda for this meeting can be located on Council's website at:

5 [Local Traffic Committee Agenda 6 May 2025](#)

This report contains the recommendations of the Local Traffic Committee (LTC) meeting held on Tuesday 6 May 2025.

## Financial Implications

As per the Reports listed within the Local Traffic Committee Meeting of 6 May 2025.

10 **Statutory and Policy Compliance Implications**

As per the Reports listed within the Local Traffic Committee Meeting of 6 May 2025.

CONFIDENTIAL REPORTS - GENERAL MANAGER

**Report No. 16.1      CONFIDENTIAL - Court proceedings over DA for  
17-lot industrial subdivision - 288  
Ewingsdale Road, Byron Bay**

**Directorate:** General Manager

**Report Author:** Matt Meir, Legal Counsel  
Ben Grant, Senior Planner

**File No:** I2025/626

**Summary:**

This report is about a potential resolution of the above Court proceedings.

**RECOMMENDATION:**

1. That pursuant to Section 10A(2)(g) of the Local Government Act, 1993, Council resolves to move into Confidential Session to discuss the report Court proceedings over DA for 17-lot industrial subdivision - 288 Ewingsdale Road, Byron Bay.

2. That the reasons for closing the meeting to the public to consider this item be that the report contains:

a) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

Report discusses a confidential and without prejudice conciliation conference as part of ongoing Land and Environment Court proceedings

**Attachments:**

- 1 Legal Correspondence re: s34 Conference, E2025/48618
- 2 Amended Intersection Design Plan, E2025/48620