



Byron Shire Council



Agenda Ordinary Meeting

Thursday, 25 November 2021
held at Council Chambers, Station Street, Mullumbimby
commencing at 9.00am

Public Access relating to items on this Agenda can be made between 9.00am and 10.30am 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.

Mark Arnold
General Manager

CONFLICT OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

Disclosure and participation in meetings

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

- (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

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

Non-pecuniary Interests - Must be disclosed in meetings.

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

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

RECORDING OF VOTING ON PLANNING MATTERS

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

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

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- 2. APOLOGIES**
- 3. REQUESTS FOR LEAVE OF ABSENCE**
- 4. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**
- 5. TABELING OF PECUNIARY INTEREST RETURNS (CL 4.9 CODE OF CONDUCT FOR COUNCILLORS)**
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15. QUESTIONS WITH NOTICE

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

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to be provided the question will be taken on notice, with an answer to be provided to the person/organisation prior to the next Ordinary Meeting and placed on Councils website www.byron.nsw.gov.au/Council/Council-meetings/Questions-on-Notice

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

NOTICES OF MOTION

Notice of Motion No. 9.1 So Long, and Thanks for all the Fish

File No: I2021/1819

5

I move that Council:

- 10
- 1. Acknowledges the work of staff and volunteer committee members in contributing to the achievement of the many wonderful outcomes during this term of council.**
 - 2. Provides a special thanks to my fellow councillors for the positive contributions, tireless efforts, and collegial manner they have approached decision-making to ensure the Byron Shire is a better place to live, work, and play.**
- 15

Signed: Cr Paul Spooner

Councillor's supporting information:

20 I would like to take the opportunity to thank staff and volunteer committee members for their wonderful contributions during this term of council.

I would like to especially thank my fellow councillors for their unwavering resilience and collegial attitude towards progressing the issues that have mattered to ensure the Byron Shire is a better place to live, work, and play.

25 After serving 9 years and 3 months as a Byron Shire Councillor it's time for me to leave the building. In that time a short list of notable projects and plans started or completed have included:

1. Byron Bay Bypass
2. Byron Bay Masterplan
3. Byron Markets Policy
- 30 4. Refugee Welcome Declaration
5. Affordable Housing Summit
6. Affordable Housing Contribution Scheme
7. Ethical Investment Policy
8. Soul Street and First Sun Events
- 35 9. Suffolk Park to Byron Bay Bike Path
10. Byron Bay Skate Park (it's finally coming)

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11. Byron Shire Land Trust (awaiting ministerial approval)
12. The Fletcher Street Cottage (re-opening)
13. Byron Community Hub (Old Byron Bay Hospital)
14. Station Street Affordable Housing Units (starting to be built)
- 5 15. Emission Reduction Projects

I wish the next council all the best in ensuring the Byron Shire continues to be a caring and compassionate community.

So long, and thanks for all the fish.

Notice of Motion No. 9.2 Drafting a Strategic Plan for Arts and Culture

File No: I2021/1822

5

I move:

10 **That a report be prepared for the second Ordinary Meeting of 2022 for the newly elected council, outlining progress thus far on staff's development of a Strategic Plan for the Arts and Culture. This progress report to consider:**

- a) **Community and stake-holders engagement to date**
- b) **Community needs and wants**
- c) **What have we got, what's working for us, what's not?**
- d) **Where do we want to take the arts and culture in this Shire (Vision)**
- 15 e) **Starting from what we've got, how might we reach our goals, over time.**

Signed: Cr Jan Hackett

Councillor's supporting information:

20 In 2008 BSC adopted its first Cultural Policy. Although never referenced to my knowledge in the following years, this policy did conclude by calling for the implementation of a **Cultural committee** and the need to develop a **Cultural Plan**.

In 2019 there was a call for a new and more inclusive Arts and Cultural Policy to be drafted. See, for example, attached submission below from Rick Molloy, and note the need for a Policy to be followed by a Strategic Plan of action.

25 We have had for some years a Policy and Strategic Plan for Public Art – the most controversial area of the arts – yet still, to this time, we do not have the same for Culture and the Arts. Nor do we have, nor have we ever had a Cultural or Arts Committee.

30 A new broad generic Policy was drafted and adopted by Council by August 2020. This 2020 Arts and Cultural Policy clearly states its preference to work together with the community to achieve community goals.

Words used repeatedly are - *support, cultivate, promote, recognize, play a role, collaborate with community, enable and empower community groups and partnerships* – in order to **ensure a**

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coordinated, coherent and integrated approach to arts and culture across council areas to achieve creative outcomes.

The last point is important because it shares the cost of programs and their implementation across the whole of council, making funding less onerous.

- 5 Whilst both Arts and Cultural expression have copped a huge set back-over recent years, especially with the onset of Co-vid, they are ready to roll again. With so much of the Byron Shire's economy dependent on creatives industries and tourism, now more than ever Council need to move on designing a Strategic Plan for promoting, supporting, upgrading and delivering on the Arts and Culture – on our Creative economic future.
- 10 Remember culture is strongly justifiable in economic terms – in the many jobs cultural industries create – so we need to focus on cost-benefit analysis and financial outcomes. Cultural industries can and should be seen as a source of potential financial gain rather than an inevitable drain on Council's coffers. And the marketing opportunities that come from a cohesive creative Shire are endless. I see the marketing of the arts and local culture strengthening and energising
- 15 communities across the state, while we, without a plan, languish.

The current Arts and Cultural Policy was adopted in August 2020. Covid aside, I am none the wiser in November 2021 about where our action plan to deliver in the Arts and Culture might be?

- 20 Without a strong, pragmatic, community focused STRATEGIC PLAN AND TIMELINE for how and when we support, enable, cultivate, promote and fund this integral area of Council business, the new Policy, like the old, may well just linger gathering dust in Council's archives.

We mustn't let this happen a second time. We must progress a Strategic Arts and Cultural Plan – an action plan – a roadmap for the next 10 years, backed by the community.

- 25 The new council needs to know the stage we are at and the road ahead of us so that an Arts and Cultural Action Plan can be realised, adopted and progressed, preferably with the assistance of a newly established Arts/Cultural Committee.

The new council needs to hit the ground running and as I, who lobbied hard for this, will no longer be on council, I ask that a progress report be delivered to the new council as soon as possible in the new term. With any luck, and after two years since the policy rewrite, a draft strategic plan could then be brought to council for adoption by the end of the financial year in July 2022.

- 30 *Byron Shire – Arts and Cultural Policy*

- 35 *The surrounding Shires of Tweed, Lismore and Ballina all have dedicated art galleries and studios that help promote and facilitate the arts within their Shires. Byron Shire only has an art space within the Byron library, which was designed as a dividable meeting room and, whilst it has been exclusively used as an art space since the library opened, it still has the feel of being only a temporary art space.*

Byron Shire has a significant number of artists, but there are very limited facilities for them to exhibit their art or further their arts practice through the use of workshop or studio space.

- 40 *Whilst many Councils have a strong arts commitment, this is noticeably lacking in Byron Shire and the development and implementation of an Arts and Cultural Policy would permit a planned arts strategy that served the needs of the local community to be brought into fruition.*

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An Arts and Cultural Policy would, in the first instance, provide a structured format that would enable Byron Shire to attain, and hopefully surpass, the current arts initiatives of our neighbouring Councils and hopefully lead towards Byron Shire being recognised as a leading arts community within the region.

- 5 *For this to be achieved, Council needs to commit funds within their budget such that appropriate professional consultants can be engaged to define and co-ordinate the implementation of an Arts and Cultural Policy. A minimum budget commitment of \$100,000 is required.*

- 10 *I am the President of the Practising Artists Network, Byron's leading arts group that serves the local arts community. Additionally, for a number of years I have been, and remain, an active member of the Council's Public Art Panel. I therefore fully understand the needs of the local arts community and also appreciate the need to have a formalized structure within Council, in order that art is able to flourish in a creative environment. Consequently I urge Byron Shire Council to commit funds and establish and implement an Arts and Cultural Policy.*

Rick Molloy 9th June 2019

15 **Staff comments**

by Vanessa Adams, Director, Corporate & Community Services:

(Management Comments must not include formatted recommendations – resolution 11-979)

- 20 Council's resolution demanded significant community and stakeholder engagement. Covid has severely impacted the ability to carry out meaningful engagement and only now is it possible to start to bring people together to inform this work. In the interim, opportunity for engagement has been sought where it has arisen, for example via the Community Strategic Plan refresh.

A diverse range of arts and cultural activities specific to the Arts and Culture Officer during covid has included:

- 25
- consideration of a range of similar strategies produced by other councils to inform our strategy development
 - managing all aspects of gallery operations during exhibitions and construction works,
 - coordinating the three streams of public art (community initiated, council initiated and DCP triggered) and
 - responding to internal and external arts and cultural enquiries and requests for support.

- 30 Please note that with the recruitment of the Gallerist, the Arts and Culture officer has now moved to three days a week.

- 35 Given the time of year it is unlikely that there will be significant development to report by February 2022. It was already the intention that Councillors would be briefed on progress in March and that a draft strategy would be presented to Council in May for public exhibition. This timeframe should allow sufficient time for further community engagement.

The requested update will cover the matters listed in the recommendation, including community and stakeholder engagement, identified community needs and wants emerging and where and how council can help facilitate the sector, supported by an early indicative draft action plan for discussion.

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5 Byron Shire has long been a place that attracts art and artists in all their diversity. The sector has undoubtedly been impacted by Covid, and Council can and should play a role in promoting and supporting the sector to thrive once more. However, noting the comments above about 'marketing' it is suggested that this Shire does not need to increase the visitor economy and this Strategy can add more value by focussing on what Council can do to serve the needs of the community in the arts and culture space.

10 Recent legislative amendments require that all strategies and plans are aligned with Council's Integrated Planning and Reporting Framework. This provides a new and important opportunity to ensure the Arts and Culture strategy informs and is informed by a truly cross-organisational approach.

Financial/Resource/Legal Implications:

No further funding sought.

Is the proposal consistent with any Delivery Program tasks?

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.1: Support and encourage our vibrant culture and creativity	2.1.3: Enhance opportunities for interaction with art in public spaces	2.1.3.2	Initiate Arts and Culture Strategy

15

Notice of Motion No. 9.3 Terrace Reserve/Reflections Holiday Park boundaries and buffers

File No: I2021/1825

5

I move that Council:

1. With reference to the recent Land and Environment Court decision between Crown Lands (Reflections) and Byron Council:

- 10 a) notes section 3.39 of the Crown Land Management Act 2016 (NSW):
- Approvals of activities under Local Government Act 1993 must comply with plans of management. A local council cannot grant an approval for an activity under Part 1 of Chapter 7 of the Local Government Act 1993 that authorises or requires a person to do (or not to do) anything on or in*
- 15 *relation to dedicated or reserved Crown land that would result in a contravention of a plan of management for the land.*
- b) notes the approved plan of management (POM) for Terrace Reserve has been in force since 2014
- c) notes:
- 20 i) that a foreshore buffer zone/walkway along Simpson’s Creek is included in 2014 POM and in the revised 2018 concept drawings endorsed by BSC in September 2018, and
- ii) that recent surveyors’ markings apparently indicating foreshore
- 25 *buffer zone/walkway are not sufficient to allow public access along the riverside.*
- d) seeks clarification from legal staff as to inconsistencies between the mapped site areas in the L&E court ruling and the approved setbacks and buffers in the approved Plan of Management
- e) Resolves that a new site map be drafted which accurately depicts the
- 30 actual 3m and 5m minimum setbacks and buffers
- f) urges staff to contact Reflections management and assert that any site plan must be interpreted with the minimum 3m and 5m setbacks and buffers as agreed by the Land Environment Court ruling of 25 May 2021 and the revised 2018 POM concept drawings

35 **2. Notes special condition 8 of the Land Environment Court ruling of 25 May 2021:**

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Sites numbered ST-P101, ST-P102, ST-P103, ST-P104, LT-105 and ST-P106, are to be setback from The Terrace road reserve by at least 5 metres and shall be, appropriately screened and landscaped in accordance with the approved site plan to the satisfaction of Council.

- 5 **3. Recommits to the Pedestrian Access and Mobility Plan (PAMP) for Brunswick**
 Heads which includes a shared foot path and bike path along the southern side
 of The Terrace from Tweed Street to Park Street, noting that The Terrace
 shared pathway will connect Brunswick Heads Primary School with the
10 **existing shared pathway from Bayside and the Brunswick Heads Sporting**
 Fields.

Attachments:

- 1 Bruns PAMP 2019 Pedestrian Access and Mobility Plan - Map, E2021/137608 
2 NSW Crown Holiday Park v Byron Council (No 2) [2021] NSWLEC 51, E2021/137609 
15 3 Brunswick Heads Foreshore Reserves - Plan of Management - POM - April 2014,
 E2021/137610 

Signed: Cr Cate Coorey

Councillor's supporting information:

- 20 The Land and Environment Court ruling on the Terrace Reserve of 25 May 2021 should
 have been the decisive point from which use of the Terrace Holiday park was settled.
 Recently, management of the park have been marking out boundaries or setbacks that
 seem at odds with the Court's decision and with the approved Plan of Management for the
 Terrace, also a live document approved by the Minister in 2014. The PoM sets out
25 boundaries, setbacks and usage of the area. Additionally, the layout of the campsites plan
 that accompanies the L&E Court decision does not appear to be consistent with the
 boundaries/setbacks as described in the decision and represented in the PoM.

- 30 Additionally, the Public Access and Mobility Plan (PAMP) for Brunswick Heads also seems
 at odds with the PoM and the Court decision. The PAMP includes a shared foot path and
 bike path along the southern side of The Terrace from Tweed Street to Park Street, which
 is not possible if Reflections/The Terrace interprets the Court decision in the way it has.

This motion seeks to clarify where there are uncertainties about the boundaries of the
Park, and activities therein, with reference to the documents attached.

Staff comments

by **Ralph James Legal Counsel, Ben Grant Planner, James Flockton** Infrastructure Planning Coordinator.

(Management Comments must not include formatted recommendations – resolution 11-979)

- 5 ***Motion 1(a) With reference to the recent Land and Environment Court decision between Crown Lands (Reflections) and Byron Council:***
a) notes section 3.39 of the Crown Land Management Act 2016 (NSW):

10 ***Approvals of activities under Local Government Act 1993 must comply with plans of management. A local council cannot grant an approval for an activity under Part 1 of Chapter 7 of the Local Government Act 1993 that authorises or requires a person to do (or not to do) anything on or in relation to dedicated or reserved Crown land that would result in a contravention of a plan of management for the land.***

15 The Court considered and acknowledged the approved Plan of Management (**POM**) for the Terrace Reserve Holiday Park dated April 2014 (see paragraphs [3], [8] – [9], [37]-[39] of the judgment of Justice Pain). The Court undertook a site inspection and did not determine that granting the proposed Approval would cause a contravention of the Plan of Management.

20 ***Motion 1 (c)(i): that a foreshore buffer zone/walkway along Simpson’s Creek is included in 2014 POM and in the revised 2018 concept drawings endorsed by BSC in September 2018 .***

There is currently no requirement for a public pedestrian walkway along the foreshore of Simpsons Creek under the 2014 Plan of Management (POM).

25 Previous strategic planning documents for The Terrace did include the requirement for a foreshore pathway, however, these provisions were not carried forward into the 2014 POM. For example, the *Brunswick Heads Foreshore Reserves Strategic Plan* (Department of Lands, 2008, p. 27) recommends the installation of a ‘5m wide public access corridor along Simpsons Creek where possible’. The requirement for a foreshore public walkway was also discussed in the Design Intent Report (Myers Elliot, 2017) for Terrace Reserve, which outlined two revised design concepts for the holiday park.

30 Page 48 of the POM acknowledges there have been previous proposals for a foreshore pathway but concludes that the physical attributes of the site and the presence of significant vegetation dictate that the proposal should not be pursued within the timeframe of the POM.

An extract from p. 48 of the POM is reproduced below.

35 Pedestrian Access

In the past there, have been proposals for the establishment of a continuous public pedestrian access along the forehore of Simpsons Creek. The physical attributes of the foreshore, together with significance of the vegetation communities, dictate that this proposal is not pursued within the time frame of this Plan of Management. Rather, the

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5 priority will be to progressively relocate existing structures away from foreshore sites to enable the re-establishment of a natural bank profile and the protection and restoration of the vegetation communities. As noted above, an additional pedestrian link from Fingal Street to the footbridge will be constructed on the northern side of the playground in Terrace Park.

Motion 1 (c)(ii): that recent surveyors' markings apparently indicating foreshore buffer zone/walkway are not sufficient to allow public access along the riverside.

10 The 2014 POM identifies the public access area adjacent to Simpson's Creek is in the northern precinct of the Park. The area adjacent to Simpsons Creek in the central and southern precincts is identified in the approved POM as 'foreshore environmental management precinct'. The Court made it clear that the Approval only related to the area of land within the Park boundary (not outside the Park boundary). While the Court did not particularly address the foreshore buffer zone/walkway in the northern precinct, nor were the revised 2018 concept drawings considered by the Court, it is noted that the site plan approved by the Court shows the setback from the park boundary in the northern precinct to short term sites is 9.2 metres and a pathway is identified within this setback area. There were no new structures approved or proposed within the setback buffer zone.

20 Council officers inspected the site on 3/11/21 and identified survey pegs and bollards installed along the bank of Simpsons Creek. Most of the bollards and survey pegs were identified as being 3 metres from the top bank. Some of the bollards were located further than 3m, and few others appeared to be slightly less than 3m.

25 The site manager informed staff that minor discrepancies in the bollard distances was due to variations in the survey measurements. In some cases, it is difficult to provide precise measurements of the top bank of the creek due to sloping topography. He noted that Reflections had attempted to locate the bollards more than 3 metres from the bank wherever possible, to allow provision of a public foreshore walkway at some point in the future. Work is ongoing.

The matter is currently being assessed to ensure all sites and bollards are at least 3m from the top bank of the creek in accordance with the approved community plan.

30 ***Motion 1 (d): Seeks clarification from legal staff as to inconsistencies between the mapped site areas in the L&E court ruling and the approved setbacks and buffers in the approved Plan of Management.***

35 As identified, the Court considered and acknowledged the approved Plan of Management for Terrace Reserve dated April 2014. In terms of buffers and setbacks, the Court placed emphasis on, and properly considered, the legal requirements of the Local Government Act and the Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. Special conditions were imposed in relation to buffers, setbacks and screening of the park to ensure that it complies with the requirements of the Regulation (or any exemptions granted). The Court also placed significant weight on the environmental significance of the southern precinct and required a reduction in camping sites in this area. The setbacks or buffers mentioned in the approved POM (noting a five metre wide public access corridor in the northern public

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access area adjacent to Simpsons Creek is suggested with a 10m setback to any holiday park structure) are also matters that are identified as capable of being addressed over time (in terms of any non compliance), noting that the caravan park approval lapses after 5 years.

- 5 The POM identifies five management precincts for the Terrace Reserve, as follows:
- Northern Precinct.
 - Central Precinct.
 - Southern Precinct.
 - Foreshore Management and Access Precinct.
- 10 - Foreshore Environmental Management Precinct.

15 The boundaries of each precinct are delineated in Drawings numbered **T01** to **T05** in **Appendix D** of the POM. The Northern, Central and Southern Precincts are identified as forming the operational boundaries of the holiday park.

20 The Foreshore Management Precinct is intended to provide opportunity for public pedestrian access along the foreshore of this section of Simpsons Creek. It is noted that a public pedestrian pathway has been constructed along the creek bank in front of the permanent holiday cabins in the northern precinct. The Foreshore Environmental Management Precinct is intended to protect and restore significant ecological communities and environmental features along the intertidal zone and foreshore of Simpsons Creek.

25 The eastern boundary of the holiday park (i.e., the eastern boundary of the Northern, Central and Southern Precincts), is identified in Drawing T-03 as being the top bank of the creek.

30 The community plan approved by the court similarly identifies the top bank of the creek as forming the eastern boundary of the holiday park. The required 3 metre setback for sites has been measured from the top bank as determined by a surveyor.

35 Based on the available information, there appears to be no inconsistencies between the operational boundaries of the park outlined in the POM and the approved community plan. It is noted that the boundaries identified in the POM may not reflect the exact location of the creekbank in precise detail. This is due to the scale of the drawing and the need to illustrate the entire holiday park on a single page.

Motion 1 (e): Resolves that a new site map be drafted which accurately depicts the actual 3m and 5m minimum setbacks and buffers

The site plan approved by the Court must be complied with in terms of the caravan park approval.

40 For the reasons discussed above, there is no need to redraft a new community plan. The approved community plan is consistent with the boundaries identified in the POM. Even if such a plan were drafted, it would have no legal effect and would be an aspirational document only.

BYRON SHIRE COUNCIL

NOTICES OF MOTION

9.3

Motion 1(f) f) urges staff to contact Reflections management and assert that any site plan must be interpreted with the minimum 3m and 5m setbacks and buffers as agreed by the Land Environment Court ruling of 25 May 2021 and the revised 2018 POM concept drawings.

- 5 The site plan approved by the Court must be complied with in terms of the caravan park approval.

Motion 2 Notes special condition 8 of the Land Environment Court ruling of 25 May 2021:

- 10 *Sites numbered ST-P101, ST-P102, ST-P103, ST-P104, LT-105 and ST-P106, are to be setback from The Terrace road reserve by at least 5 metres and shall be, appropriately screened and landscaped in accordance with the approved site plan to the satisfaction of Council.*

This special condition was an important matter for the Court and compliance should be enforced.

Motion 3:

- 15 Council already committed to delivering on ground works from Council's PAMP and have already completed some priority A projects. The website below provides details on works complete and under design.

[Footpath and cycleway projects - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/footpath-and-cycleway-projects-byron-shire-council)

- 20 The works supported in motion 3 are priority B works and will be completed in accordance with the Council adopted priority list.

Financial/Resource/Legal Implications:

As set out above.

Is the proposal consistent with any Delivery Program tasks?

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.3: Provide accessible, local community spaces and facilities	2.3.8: Meet requirements for the transition of management of Crown Land to Council under the Crown Lands Management Act 2018	2.3.8.2	Develop Plans of Management for Crown Reserves, that incorporate inclusion and accessibility, in accordance with prioritisation plan

SUBMISSIONS AND GRANTS

Report No. 11.1 Grants and Submissions October 2021

Directorate: Corporate and Community Services

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

File No: I2021/1719


Summary:

10 Council has submitted applications for a number of grant programs which, if successful, would provide funding to enable the delivery of identified projects. This report provides an update on these grant submissions.

RECOMMENDATION:

15 **That Council notes the report and Attachment 1 (#E2021/123605) for Byron Shire Council's Submissions and Grants as at 28 October 2021.**

Attachments:

20 1 Grants submitted as at 28 October 2021, E2021/134038 

BYRON SHIRE COUNCIL

SUBMISSIONS AND GRANTS

11.1

Report

This report provides an update on grant submissions since the last report to Council. Currently Council has 27 grant submissions awaiting determination.

Successful applications

- 5 Council was advised of the following successful applications in October:

Funding body	Funding scheme	Project name	Total project value \$	Amount requested \$
Transport for NSW	Fixing Local Roads - Round 3	Koonyum Range Road	\$491,061	\$382,061
Transport for NSW	Fixing Local Roads - Round 3	Mullumbimby residential area reseals	\$1,297,838	\$997,838

Unsuccessful applications

Council was advised of the following unsuccessful applications during October.

Funding body	Funding scheme	Project name	Total project value \$	Amount requested \$
Transport for NSW	Fixing Local Roads - Round 3	Manns Road	\$339,097	\$299,097
Australian Government	Building Better Regions - Round 5	Sandhills Wetlands	\$6,300,000	\$2,840,000
Australian Government	Building Better Regions - Round 5	Bioenergy Byron	\$19,615,087	\$9,800,000

No feedback was provided for Manns Road, but two other grants were awarded under this round.

- 10 Building Better Regions Fund feedback was recently provided with the representative noting that the program was oversubscribed with 500 applications submitted and 290 awarded.

- 15 Sandhills Wetlands: The application did not pass the criterion assessment and more information was required on economic benefits including verification and modelling of how ongoing benefits were calculated (preferably by an independent source). The application also needed to show further capacity to deliver through relationships with local service providers; however, going through a request for tender process was not necessary.

BYRON SHIRE COUNCIL

SUBMISSIONS AND GRANTS

11.1

5 Bioenergy Byron: The application scored well and was presented to the Ministerial Panel for consideration; unfortunately, it was not successful. The application can be made stronger with how potential cost overruns can be absorbed and evidence of contractor partnerships. Council was encouraged to resubmit this project under Round 6, provided construction has not commenced.

Additional feedback on the Ministerial Panel process includes:

- Consideration of geographical spread of successful applications.
- Previous grant history under Building Better Regions Fund (ie. has Council received funding in the past under the program).

10 Applications submitted in October

Funding body	Funding scheme	Project name	Total project value \$	Amount requested \$
NSW Government - Office of Sport	Regional Sports Facility	Bangalow Football Club - change rooms	\$965,100	\$789,100
NSW Government - Office of Sport	Regional Sports Facility	Cavanbah Centre	\$243,412	\$243,412
NSW Government - Office of Sport	Regional Sports Facility	Suffolk Park Football Club	\$489,483	\$389,483
Australia Government	Bushfire Resilience Recovery	Byron Community Hub	\$5,200,000	\$1,500,000
Australia Government	National Landcare Program - Smart Farms Small Grants	Soil Science and Sustainable Farms in Byron Shire	\$108,973	\$108,973

Upcoming grant opportunities

[Streets as Shared Spaces Program | NSW Dept of Planning, Industry and Environment](#) – Round 2

15 Following the success of the first round of Streets as Shared Spaces and [Your High Street](#) programs, the department is now offering a further round of funding for Streets as Shared Spaces.

The program supports the Premier's Priority to increase walkable access to quality open, green and public space in urban areas.

20 Application to be submitted to support the trial of Car Free Sundays in Byron Bay in conjunction with the Byron Community Markets.

BYRON SHIRE COUNCIL

SUBMISSIONS AND GRANTS

11.1

[Community litter grants \(nsw.gov.au\)](https://www.nsw.gov.au) – Stream 2 Own it and Act.

The Community Litter Grant program aims to support litter reduction targets in the NSW Government's Waste and Materials Strategy 2041, including a 30% reduction in plastic litter by 2025, and a 60% reduction of all litter items by 2030.

- 5 Applications to be submitted included a trial of reusable crockery in Brunswick Heads parks and a stormwater litter prevention project in Byron Bay.

[National Australia Day Council](#)

- 10 Australia Day event hosts can apply for up to \$20,000 to deliver events that use the National Australia Day Council's '*Reflect. Respect. Celebrate. We're all part of the story.*' branding. Applicants that collaborate with local Aboriginal and Torres Strait Islander communities to incorporate activities that reflect and respect the history of local indigenous people and celebrate their culture will be eligible to apply for an additional \$10,000.

[Summer Night Fund Program | NSW Dept of Planning, Industry and Environment](#)

- 15 The Festival of Place Summer Night Fund for free, COVID-Safe activations or events in public spaces in local centres as part of the NSW Government's efforts to re-energise local centres in the evening and at night as we emerge from lockdown. The program supports the Premier's Priority to increase the proportion of homes in urban areas across NSW within 10 minutes' walk of quality green, open and public space.
- 20 Application for two FREE nightly events at the Mullumbimby Petria Thomas Swimming Pool - \$15,000.

[Fixing Country Bridges Program – Round 2](#)

- 25 Fixing Country Bridges is a \$500 million NSW Government program that aims to create a new legacy for our local road network, enabling councils to replace hundreds of timber bridges in poor condition and better connect regional and rural communities.

Applications being considered for the following pedestrian timber bridges: Thompson Road Bridge and Tallow Creek Footbridge.

[Preparing Australian Communities - Local Stream | business.gov.au](#)

- 30 A total of \$600 million is available over six years for the Preparing Australia Program. For this grant opportunity, Round 1 of the Preparing Australian Communities Program – Local Stream grant opportunity, \$150 million is available from 2021-22 to 2024-25.

The objectives of the Preparing Australia Program are to:

- 35
- improve the long-term resilience of Australian communities and households to natural hazards including bushfires, floods and tropical cyclones
 - deliver disaster risk reduction projects that reduce hazard exposure or vulnerability and are aligned with the recommendations of the Royal Commission

into National Natural Disaster Arrangements and the National Disaster Risk Reduction Framework.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.6: Manage Council's resources sustainably	5.6.12: Implement strategic grants management systems to deliver priority projects for Byron's community (SP)	5.6.12.2	Provide sound governance for grants management

5 Legal/Statutory/Policy Considerations

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

Financial Considerations

If Council is successful in obtaining the identified grants, this would bring funding sought to almost \$52 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 total amount below (\$52 million) includes projects that have been applied for in two earlier funding schemes (for example Suffolk Park Football Club and Cavanbah Centre).

The potential funding is detailed below:

20	Requested funds from funding bodies	\$30,965,566
	Council Contribution Cash	\$21,646,907
	Council Contribution In-Kind	\$36,000
	Other contributions	\$136,819
	Funding applications submitted and awaiting notification (total value)	\$52,785,292

25 Consultation and Engagement

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

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 Request to change Railway Park Artisan Market day for one day only.

5 **Directorate:** General Manager
Report Author: Paula Telford, Leasing and Licensing Coordinator
File No: I2021/1629

Summary:

10 The Byron Bay Community Association Incorporated has requested a variation to its Railway Park Artisan Market Licence to move the market scheduled on 25 December 2021 to 24 December 2021.

15 **RECOMMENDATION:**

20 **That Council, authorises the General Manager, under delegation, to vary the Railway Park Artisan Market Licence held by the Byron Bay Community Association Incorporated to move the scheduled market from 25 December 2021 to 24 December 2021.**

Report

5 Council has previously resolved (**18-350**), (**20-377**) and (**21-311**) to permit the Byron Bay Community Association Incorporated ('BBCA') to move its Railway Park Artisan Market from is scheduled Saturday to the previous Friday to avoid a clash with the monthly community market in Denning Park.

The BBCA again requests Council approval to move its scheduled Artisan Market in Railway Park from Saturday 25 December 2021 to Friday 24 December 2021 to maximise participation at the market.

10 Due to COVID-19 lockdowns the BBCA was forced to close its markets in August and again in September. As a result, market stall holders are eager to take advantage of a pre-Christmas market sales and requests the Christmas market is held on the 24 December 2021.

Public Notice

15 In accordance with legislative requirements for the granting of a short-term licence on community land, Council publicly advertised the proposed change to the Railway Park 25 December Artisan Market between 15 October 2021 and 11 November 2021. Council received no submission.

This report recommends that Council resolves to move the scheduled 25 December 2021 Railway Park Artisan Market to 24 December 2021.

20 Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.1	Support and encourage our vibrant culture and creativity	2.1.7	Support range of existing, emerging and major events	2.1.7.3	Administer licences for weddings, events, activities and filming on council and crown land

Recent Resolutions

- 25
- Resolution (**21-377**)
 - Resolution (**21-311**)
 - Resolution (**18-350**)

Legal/Statutory/Policy Considerations

s47A Leases, licences and other estates in respect of community land—terms of 5 years or less

- 5 (1) *This section applies to a lease, licence or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.*
- (2) *If a council proposes to grant a lease, licence or other estate to which this section applies—*
- 10 (a) *the proposal must be notified and exhibited in the manner prescribed by section 47, and*
- (b) *the provisions of section 47(3) and (4) apply to the proposal, and*
- (c) *on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of section 47(5)–(9) are to apply to the proposal.*
- 15 (3) *If the Minister, under subsection (2)(c), determines that the provisions of section 47(5)–(9) are to apply to the proposal—*
- (a) *the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47(1)–(8), and*
- (b) *section 47(9) has effect with respect to the Minister’s consent.*

Financial Considerations

20 Nil.

Consultation and Engagement

Public notification of proposed change in one Artisan Market day from 25 December to 24 December 2021 occurred between 15 October and 11 November 2021. Council received no submissions.

25

Report No. 13.2 Agistment licence to Leela Plantations Pty Ltd (A.C.N. 064 533 777)

Directorate: General Manager

Report Author: Paula Telford, Leasing and Licensing Coordinator

5 **File No:** I2021/1640

Summary:

Leela Plantations Pty Ltd has requested a new agistment licence over part Lot 15 DP 1178892 to include the grazing of cattle and horses on the property.

10

RECOMMENDATION:

15 That Council authorises the General Manager, under delegation, to enter into an agistment licence with Leela Plantations (A.C.N. 364 533 777) on the following terms:

- a) part Lot 15 DP 1178892,
- b) term 12-months plus an option of 12-months,
- c) base rent set at \$6,240 (excluding GST) with rent increased annually thereafter by Consumer Price Index All Groups Sydney,
- 20 d) purpose of grazing no more than 40 head of cattle and five horses, with horses to be grazed in the 'Top Paddock' on the Land,
- e) the Licensee to pay:
 - 25 i) all outgoings payable to occupy the Land for the purpose, and
 - ii) required insurances, and
 - iii) carry out improvements to existing fencing, weed control and other on the Land as negotiated with the Licensor prior to commencement of the Licence.
- 30 f) the Licence to terminate prior to expiry of the term and option if Council commences work on a 5MW Solar Farm Project on the Land.

Report

Leela Plantations Pty Ltd (A.C.N. 064 533 777), ('Leela Plantations') has requested a new agistment licence over part Lot 15 DP 1178892 ('the Land') to include the grazing of cattle and horses on the Land.

5 **Background:**

Leela Plantations holds an agistment licence for the grazing of up to 40 cattle on the Land under holding over provisions. The licence commenced on 1 February 2018.

Leela Plantations requests a new agistment licence to include existing stables and the authority to graze up to five horses in the 'Top Paddock' on the Land.

10 **The Land:**

The Land being 1 Dingo Lane Myocum ('the Land') is Council owned land classified as operational. The Land is a proposed site for a 5MW Solar Farm Project.

Council resolved (21-169) in relation to the Dingo Lane 5MW Solar Farm Project:

- 15 1. *Notes the Business Case included as Attachment 1 (E2021/44986) and endorse Option 3 as the preferred option;*
2. *Continues with the current Development Application to progress the project to shovel ready status; and*
- 20 3. *Receives a further report on the project, following the determination of current grant applications for the proposed Bioenergy Facility at the Byron STP to consider the holistic financial implications of both projects on Council's Long Term Financial Strategy.*

Leela Plantations requests the right to continue to licence the Land for cattle and horse agistment until Council resolves to proceed to build the Solar Farm on the Land at which time the agistment licence will end unless the licence has already expired.

25 **The Licence:**

The proposed agistment licence is to be offered on following:

1. term of twelve-months months with an option of twelve-months,
2. base rent set at \$6,240 (exclusive GST) as set by an independent market rent valuation by Valuers Australia dated March 2021 with base rent increased annually thereafter by Consumer Price Index All Groups Sydney ('CPI'),
- 30 3. purpose of grazing no more than 40 head of cattle and five horses, with horses to be grazed in the 'Top Paddock' on the Land,
4. Licensee to pay:
 - 35 a. all outgoings payable to occupy the Land for the purpose, and
 - b. required insurances, and

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- c. carry out improvements to existing fencing, weed control and other the Land as negotiated with the Licensor prior to commencement of the Licence.
5. the Licence to terminate prior to expiry of the term and option if Council commences work on a 5MW Solar Farm Project on the Land.

5 Authority to bind Council during 'Caretaker Period'

This meeting falls within the Caretaker Period as defined by clause 393B of the Local Government (General) Regulations 2021 (NSW).

10 In accordance with clause 393B(1)(a) of the Regulations, Council may enter into a contract for an amount to \$150,000 or 1% of Council's revenue from rates (\$241,000) in the preceding financial year whichever is greater.

The value of the proposed agistment licence, as calculated by the rent, is approximately \$12,480 (excluding GST) plus CPI over the term. As a result, the Council may consider and enter into the proposed agistment licence during the Caretaker Period.

Strategic Considerations

15 Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.4: Provide a regular and acceptable waste and recycling service	1.4.4: Ensure facilities and services meet statutory requirements	1.4.4.5	Council decision for 'Go/No Go' on construction for Dingo Lane Construction

Recent Resolutions

- Resolution: (21-169).

Legal/Statutory/Policy Considerations

20 Local Government (General) Regulation 2021 section 393B Exercise of council functions during caretaker period

1. The following functions of a council must not be exercised by the council, or the general manager or any other delegate of the council (other than a Joint Regional Planning Panel, the Central Sydney Planning Committee or a local planning panel), during a caretaker period—

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- 5 (a) entering a contract or undertaking involving the expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger),
- (b) determining a controversial development application, except where—
- 5 (i) a failure to make such a determination would give rise to a deemed refusal under the *Environmental Planning and Assessment Act 1979*, section 8.11(1), or
- (ii) such a deemed refusal arose before the commencement of the caretaker period,
- 10 (c) the appointment or reappointment of a person as the council's general manager (or the removal of a person from that position), other than—
- (i) an appointment of a person to act as general manager under section 336(1) of the Act, or
- 15 (ii) a temporary appointment of a person as general manager under section 351(1) of the Act.
2. Despite subsection (1), such a function may be exercised in a particular case with the consent of the Minister.

3. In this section—

20 ***caretaker period*** means the period of 4 weeks preceding the date of an ordinary election.

Financial Considerations

Base rent in the agistment licence is \$6,240 (exclusive GST) per annum to be increased by Consumer Price Index for All Groups Sydney ('CPI') for the second year.

Total value of the contract is \$12,480 (exclusive GST) plus CPI over the term.

25 Consultation and Engagement

Nil.

Report No. 13.3 Sub-licence to Zephyr Equine Pty Ltd (A.C.N 638 961 850) and Cape Byron Seahorses Riding Centre for access through Crown Land.

5 **Directorate:** General Manager
Report Author: Paula Telford, Leasing and Licensing Coordinator
File No: I2021/1687

Summary:

10 Sub-licences held by Zephyr Equine Pty Ltd and Cape Byron Seahorses Riding Centre for access through Crown land for commercial equestrian activities will expire on 1 January 2022.

15 This report recommends that Council grant new twelve-month sub-licences to both Zephyr Equine Pty Ltd and Cape Byron Seahorses Riding Centre in accordance with previous Council resolution (20-696).

RECOMMENDATION:

- 20 1. That Council authorises the General Manager, under delegation, to grant a sub-licence to Zephyr Equine Pty Ltd (A.C.N. 638 961 850) for a term of 12 -months for the purpose of access through Lot 407 DP 729057 being Crown Reserve R755695 on condition that:
- 25 a) Zephyr Equine Pty Ltd holds a current permit with Cape Byron Marine Park for the term of the sub-licence; and
b) Zephyr Equine Pty Ltd take all steps necessary to ensure that all horse droppings are removed from the sub-licenced area during and at the end of each access session.
- 30 2. That Council authorises the General Manager to grant a sub-licence to Cape Byron Seahorses Riding Centre for a term of 12-months for the purpose of access through Lot 428 DP 729272 being Crown Reserve R81780 on condition that:
- 35 a) Cape Byron Seahorses Riding Centre holds a current permit with Cape Byron Marine Park for the term of the sub-licence; and
b) Cape Byron Seahorses Riding Centre takes all steps necessary to ensure that all horse droppings are removed from the sub-licenced area during and at the end of each access session.
3. That each sub-licence fee is set in accordance with Councils current Fees and Charges.

Report

Council resolved (**20-696**) at its 17 December 2020 meeting:

- 5 1. *That Council authorises the General Manager to grant a sub-licence to Zephyr Equine Pty Ltd for a term of 12 months for the purpose of access through Lot 407 DP 729057 being Crown Reserve R755695 on condition that:*
 - 10 a) *Zephyr Equine Pty Ltd holds a current permit with Cape Byron Marine Park for the term of the sub-licence; and*
 - b) *Zephyr Equine Pty Ltd takes all steps necessary to ensure that all horse droppings are removed from the sub-licensed area during and at the end of each access session.*
- 15 2. *That Council authorises the General Manager to grant a sub-licence to Cape Byron Seahorses Riding Centre for a term of 12 months for the purpose of access through Lot 428 DP 729272 being Crown Reserve R81780 on condition that:*
 - a) *Cape Byron Seahorses Riding Centre holds a current permit with Cape Byron Marine Park for the term of the sub-licence; and*
 - b) *Cape Byron Seahorses Riding Centre takes all steps necessary to ensure that all horse droppings are removed from the sub-licensed area during and at the end of each access session.*
- 20 3. *That sub-licence fee is set in accordance with Councils current Fees and Charges.*

Council has received requests from both Zephyr Equine Pty Ltd (formerly Zephyr Horses) and Cape Byron Seahorses Riding Centre for new annual licences in accordance with resolution (20-696) following the expiry of current licence on 1 January 2022.

Authority to sub-licence

25 In accordance with Crown licence RI 564194, Council may grant sub-licences for access through Lot 407 DP729057 and Lot 428 DP 729272 for low impact recreational business purposes. All Native Title implications were considered by the Crown prior to the grant of licence RI 564194 to Council.

Council's Policy 5.52 Commercial Activities on Coastal and Riparian Crown Reserves further requires a Council resolution to grant proposed sub-licences.

30 Sub-licence terms and conditions

1. Term of the proposed sub-licences to Zephyr Equine Pty Ltd and Cape Byron Seahorses Riding Centre requires that both businesses hold a valid Cape Byron Marine Park Permit for the sub-licence term.

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13.3

2. Rent must be set in accordance with Council's 2020-2021 fees and charges for Sub-licence Beach Access Commercial Horse Riding.

3. Essential condition of the sub-licence:

- 5
- a. Zephyr Equine Pty Ltd must collect all horse dropping during and at the end of each access through Lot 407 DP 729057, and
- 10
- b. Cape Byron Seahorses Riding Centre must collect all horse dropping during and at the end of each access through South Beach Road and Lot 428 DP 729272 and park its horse truck/float legally on South Beach Road and handle all horses in public areas in a safe manner.

15

While equestrian commercial activities are prohibited in zone 7(f1) (Coastal Zone) under the Byron 1988 LEP, clause 48(1) of the LEP permits temporary use of the land for development not being designated development, for a maximum period of 7 days on any one occasion up to a maximum of 60 days in any calendar year because the land is vested in the Crown and the activity does not involve the erection of any permanent structures.

Planned works to South Beach Road Brunswick Heads:

20

Scheduled road works to South Beach Road Brunswick Heads will occur during the term of the proposed sub-licence. Council staff will work with Cape Byron Seahorses Riding Centre to provide parking for the horse float/truck and a safe area to hand horses during road works.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.2	Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.4	Provide active and passive recreational Community space that is accessible and inclusive for all (SP)	1.2.4.1	Deliver adopted projects from the beach accessibility program

25 Recent Resolutions

- Resolution (20-696)

Legal/Statutory/Policy Considerations

Zone No 7 (f1) (Coastal Land Zone)

1. Objectives of zone

The objectives of the zone are:

- 5 (a) *to identify and protect environmentally sensitive coastal land,*
 (b) *to enable development for certain purposes where such development does not have a detrimental effect on the habitat, landscape or scenic quality of the locality,*
10 (c) *to prevent development which would adversely affect, or be adversely affected by, coastal processes, and*
 (d) *to enable the careful control of noxious plants and weeds by means not likely to be significantly detrimental to the native ecosystem.*

2. Without development consent

Nil.

15 3. Only with development consent

20 *Agriculture (other than animal establishments); beach and coastal restoration works; building of levees, drains or clearing of land; bushfire hazard reduction; clearing of land; community buildings; drainage; environmental facilities; forestry; home industries; markets; roads; primitive camping grounds; surf lifesaving facilities; utility installations.*

4. Temporary use of certain land

25 *Despite any provision of this plan, a person may, without the consent of the Council, carry out development on land for any purpose (not being designated development) within Zone No 6 (a) or 7 (f1) for a maximum period of 7 days on any one occasion up to a maximum of 60 days in a calendar year if:*

- (a) *such land is vested in the Crown, a Minister of the Crown or the Council, and*
 (b) *the development does not involve the erection of permanent structures ancillary to the use of that land.*

30 *Despite any other provision of this plan, a person may, but only with the consent of the Council, carry out development on the following land for any purpose (not being designated development) for a maximum period of 7 days on any one occasion up to a maximum of 60 days in a calendar year if the development does not involve the erection of permanent structures ancillary to the use of that land:*

35 *Lot 1, DP 201626 and Lot 2, DP 542178, Ewingsdale Road, Ewingsdale
 Lot 358, DP 704247, Bangalow Road, Byron Bay.*

Policy 5.52 Commercial Activities on Coastal and Riparian Crown Reserves requires a Council resolution to grant sub-licences issued under head licence RI 564194.

Financial Considerations

Rent under the Sub-licence is established by Council's fees and charges.

- 5 Rental income for the term of the Sub-licences is \$3,352 inclusive of GST.

Consultation and Engagement

Nil.

Report No. 13.4 Draft Leasing and Licensing Policy

Directorate: General Manager

Report Author: Paula Telford, Leasing and Licensing Coordinator

File No: I2021/1779

5 **Summary:**

An internal audit review of Councils Leasing and Licensing procedures recommended that a Leasing and Licencing Policy be adopted by Council to provide for a transparent leasing and licensing framework.

10

RECOMMENDATION:

1. That Council authorises a 28-day public consultation of the Draft Leasing and Licencing Policy.
- 15 2. That Council adopts the Draft Leasing and Licencing Policy in (1) above if no submissions are received from public consultation.
3. That a report be brought to Council for consideration to adopt the Draft Leasing and Licensing Policy in (1) above if submissions are received from the public consultation of the Draft Policy.

20

Attachments:

- 1 Byron Shire Council Draft Policy - Leasing & Licensing 2021, E2020/2468 

Report

An outcome of an internal audit review of Councils leasing, and licensing procedures recommended that Council adopt a Leasing and Licensing Policy as a guiding document.

5 The guiding Policy must establish a transparent framework for the leasing and licencing of Council owned and managed lands and facilities due to the wide range of Council owned and managed community and commercial facilities and lands suitable for long-term tenure.

10 A Draft Leasing and Licensing Policy ('Draft Policy') has been developed that sets out the way community and commercial facilities and land may be leased or licenced by individuals, organisations, and businesses. The Draft Policy provides direction on essential terms of a lease or licence being term, rent and purpose as well as maintenance obligations, outgoings, and the process for granting new lease or licences.

The Draft Policy has been endorsed by Councils Executive Team.

This report recommends that Council endorse placing the Draft Policy on 28-days public exhibition prior to adoption unless submissions are received.

15 **Strategic Considerations**

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.2: Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.8: Develop capital upgrades, renewal and enhancements works program for buildings-including community buildings, public toilets, emergency services, sports club facilities and Council operations buildings (SP)	1.2.8.1	Consult with user groups to establish user agreements, leases, licenses and Plans of Management

Recent Resolutions

Nil.

Legal/Statutory/Policy Considerations

Nil.

Financial Considerations

Nil.

5 Consultation and Engagement

The Draft Policy has been endorsed by Councils Executive Team.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.5 Budget Review - 1 July 2021 to 30 September 2021

5 **Directorate:** Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2021/1669

Summary:

10 This report has been prepared to comply with Section 203 of the *Local Government (General) Regulation 2021* and to inform Council and the Community of Council's estimated financial position for the 2020/2021 financial year, reviewed as at 30 September 2021.

15 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.

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.

20 This report was considered by the Finance Advisory Committee at its Meeting held on 11 November 2021.

RECOMMENDATION:




- 25 **1. That Council authorises the itemised budget variations as shown in Attachment 2 (#E2021/135696) which include the following results in the 30 September 2021 Quarterly Review of the 2021/2022 Budget:**
- a) **General Fund – \$271,800 increase to the Estimated Unrestricted Cash Result**
 - b) **General Fund - \$9,327,100 decrease in reserves**
 - 30 c) **Water Fund - \$773,300 decrease in reserves**
 - d) **Sewerage Fund - \$2,716,300 decrease in reserves**
- 2. That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$789,400 for the 2021/2022 financial year as at 30 September 2021.**

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Attachments:

- 1 Budget Variations for General, Water and Sewerage Funds, E2021/135695 
- 2 Itemised Listing of Budget Variations for General, Water and Sewerage Funds,
5 E2021/135696 
- 3 Integrated Planning and Reporting Framework (IP&R) required Quarterly Review
Statements, E2021/135697 

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 2022 for all Council's reserves.

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

Office of Local Government Budget Review Guidelines:

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

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

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

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

The above components are included in Attachment 3:-

Income and Expenditure Budget Review Statement by Type

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

Capital Budget Review Statement

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

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Cash and Investments Budget Review Statement

5 This statement reconciles Council's restricted funds (reserves) against available cash and investments. Council has attempted to indicate an actual position as at 30 September 2021 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 pending on cash flow movements.

Key Performance Indicators (KPI's)

At this stage, the KPI's within this report are:-

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

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

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

CONSOLIDATED RESULT

The following table provides a summary of the overall Council budget on a consolidated basis inclusive of all Funds' budget movements for the 2021/2022 financial year projected to 30 June 2022 but revised as at 30 September 2021.

2021/2022 Budget Review Statement as at 30 September 2021	Original Estimate (Including Carryovers) 1/7/2021	Adjustments to 30 Sept 2021 including Resolutions*	Proposed 30 Sept 2021 Review Revotes	Revised Estimate 30/6/2022 at 30/9/2021
Operating Revenue	93,504,500	0	(1,572,200)	91,932,300
Operating Expenditure	97,728,100	0	767,000	98,495,100
Operating Result – Surplus/Deficit	(4,223,600)	0	(2,339,200)	(6,562,800)
Add: Capital Revenue	28,841,500	0	223,700	29,065,200
Change in Net Assets	24,617,900	0	(2,115,500)	19,557,400

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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2021/2022 Budget Review Statement as at 30 September 2021	Original Estimate (Including Carryovers) 1/7/2021	Adjustments to 30 Sept 2021 including Resolutions*	Proposed 30 Sept 2021 Review Revotes	Revised Estimate 30/6/2022 at 30/9/2021
Add: Non Cash Expenses	15,779,900	0	0	15,779,900
Add: Non-Operating Funds Employed	13,500,000	1,057,500	0	14,557,500
Subtract: Funds Deployed for Non-Operating Purposes	(80,385,700)	(210,000)	(10,429,400)	(91,025,100)
Cash Surplus/(Deficit)	(26,487,900)	847,500	(12,544,900)	(38,185,300)
Restricted Funds – Increase / (Decrease)	(26,487,900)	847,500	(12,816,700)	(38,457,100)
Forecast Result for the Year – Surplus/(Deficit) – Unrestricted Cash Result	0	0	271,800	271,800

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 2021:

Opening Balance – 1 July 2021	\$517,600
Plus original budget movement and carryovers	0
Council Resolutions July – September Quarter	0
Recommendations within this Review – increase/(decrease)	271,800
Forecast Unrestricted Cash Result – Surplus/(Deficit) – 30 June 2022	271,800
Estimated Unrestricted Cash Result Closing Balance – 30 June 2022	\$789,400

- 5 The General Fund financial position overall has increased or improved by \$271,800 as a result of this budget review, bringing the forecast cash result for the year to an estimated surplus of \$271,800. The proposed budget changes are detailed in Attachment 1 and summarised further in this report below.

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Council Resolutions

Council has not passed any resolutions that impact the unrestricted cash result for the July 2021 to September 2021 quarter.

Budget Adjustments

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

Budget Directorate	Revenue Increase/ (Decrease) \$	Expenditure Increase/ (Decrease) \$	Accumulated Surplus (Working Funds) Increase/ (Decrease) \$
General Manager	0	0	0
Corporate & Community Services	194,400	46,900	147,500
Infrastructure Services	7,726,700	7,602,600	124,100
Sustainable Environment & Economy	37,900	37,700	200
Total Budget Movements	7,959,000	7,687,200	271,800

Budget Adjustment Comments

- 10 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 but in summary the major additional items included are summarised below by Directorate and are included in the overall budget adjustments table above:

Corporate and Community Services

- 15
- In the General Purpose Revenue program, it is proposed to increase income by \$154,200 as the final amount allocated to Council for the 2021/2022 Financial Assistance Grant (FAG) is more than the budget.
 - In the Community Development program it is proposed to increase the budget for income and expenditure by \$34,100 to reflect the estimated actual income and expenditure for the Lone Goat Gallery.

Infrastructure Services

- 5 • In the Emergency Services program it is proposed to decrease the operating expenditure budget by \$119,200 due to the actual advised 2021/2022 contributions to the Bush Fire Fighting fund (\$91,800), NSW Fire Brigades (\$8,700) and the SES (\$18,700) being less than the budget and previous advice.
- 10 • In the Depot Services program, it is proposed to increase the budget to enable the purchase of fleet and heavy plant that has not occurred over the last two years due to a variety of factors including delays in supply. It is also proposed to increase operating income as \$95,300 has been transferred from the Sewer Fund to reimburse the plant reserve that purchased upgraded sewer vehicles in the 2021 financial year.
- 15 • In the Local Roads and Drainage program, there are a number of adjustments outlined under Note 8 in the Budget Variations explanations section of Attachment 1. Further disclosure is included in the second and third pages of Attachment 2 under the budget program heading Local Roads and Drainage.
- 20 • In the Roads and Maritime Services program (RMS), it is proposed to decrease income and expenditure due works on regional roads that have been allocated to the Repair Program (4813.006) and will be duplicated if the budget remains.
- 25 • In the Open Space and Recreation program, there are a number of adjustments outlined under Note 10 in the Budget Variations explanations section of Attachment 1. Further disclosure is included in the fourth page of Attachment 2 under the budget program heading Open Space & Recreation.
- 30 • In the Waste & Recycling program it is proposed to decrease operating income by \$186,400 as the actual income for commercial waste (\$168,800) and the second-hand shop (\$17,600) is expected to be less than the budget due to closures as a result of the COVID lockdown. It is proposed to increase operating expenditure due to an increase in management costs (\$162,000) to cover additional compliance reporting undertaken by consultants at the request of the EPA, and additional leachate sampling costs as required for the STP trade waste agreement, further investigations requested by the EPA for the Butler Street landfill contamination assessment (\$57,000) and a decrease in
35 the plastic reduction project (\$39,500), redirecting this to the Second Life for Second Hand Shop project. An increase to the on-site leachate management project of \$258,700 is also required. These adjustments can be funded through the Domestic Waste Management Reserve and Other Waste Management Reserve.
- 40 • In the Suffolk Park Holiday Park program, it is proposed to increase the budget by \$154,000 to fund the purchase and installation of a Cabin on Site 8.
- 45 • In the Facilities Management program it is proposed to increase operating expenditure due a budget required for the feasibility study for the conversion of the Mullumbimby pool to a year-round facility (\$50,000) and adjustments to Crown toilet expenditure (\$72,500). It is also proposed to increase capital works for the Clarkes Beach amenities block (\$135,000) and new toilets at Middleton Street (\$85,600).

Sustainable Environment and Economy

- 5 • In the Development Certification program, it is proposed to increase operating income due to an increase in actual income against the budget for DA fees (\$50,000), activities over road reserves (\$24,000) and the information and technology service fee (\$15,000) which can be transferred to reserves. It is proposed to increase operating expenditure due to an increase in temporary resourcing/overtime as a result of an increased labour shortage and workload (\$50,000).

- 10 • In the Environment & Compliance program, it is proposed to reimburse the plant reserve \$25,000 for the purchase of a vehicle form the 2021 financial year.

- 15 • In the Planning Policy & Natural Environment program, it is proposed to increase operating income by \$31,600 due to a grant received for the Jonson Street protection works for works already completed. This project has an existing expenditure budget of \$79,500, funded from the Holiday Park reserve and is no longer required due to the preparation of the CMP which will encompass this project. The grant funding will cover the remaining commitment of \$29,190. It is proposed to decrease operating expenditure due to the Azility subscription being less than the budget (\$1,200). It is also proposed to decrease the budget for the Leash-Up communication project as an amount of \$38,200 was carried over from 2021, funded by a grant, but additional expenditure of \$21,100 was incurred after the carryovers had been finalised. This reduced the available unexpended grant in 2022 to \$17,100, with this adjustment bringing the expenditure budget into line with the available unexpended grant. It is proposed to increase the budget for the Centennial Circuit One-way Traffic Trial by \$17,900 as a result of a report resolved by Council on 4 November 2021 to identify outcomes of the trial and the next steps.

WATER FUND

30 After completion of the 2020/2021 Financial Statements the Water Fund as at 30 June 2021 has a capital works reserve of \$6,077,800 and held \$1,859,500 in section 64 developer contributions.

The estimated Water Fund reserve balances as at 30 June 2022, and forecast in this Quarter Budget Review, are derived as follows:

Capital Works Reserve

Opening Reserve Balance at 1 July 2020	\$6,077,800
Plus original budget reserve movement	(3,545,100)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(723,300)
Forecast Reserve Movement for 2021/2022 – Increase / (Decrease)	(4,268,400)
Estimated Reserve Balance at 30 June 2022	\$1,809,400

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Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2021	\$1,859,500
Plus original budget reserve movement	(1,022,800)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(50,000)
Forecast Reserve Movement for 2021/2022 – Increase / (Decrease)	(1,072,800)
Estimated Reserve Balance at 30 June 2022	\$786,700

Movements for Water Fund can be seen in Attachment 1 with a proposed estimated decrease to reserves (including S64 Contributions) overall of \$773,300 from the 30 September 2021 Quarter Budget Review.

5 SEWERAGE FUND

After completion of the 2020/2021 Financial Statements the Sewer Fund as at 30 June 2021 has a capital works reserve of \$3,453,200 and plant reserve of \$896,200. It also held \$8,871,900 in section 64 developer contributions.

Capital Works Reserve

Opening Reserve Balance at 1 July 2021	\$3,453,200
Plus original budget reserve movement	(3,128,300)
Resolutions July - September Quarter – increase / (decrease)	(210,000)
September Quarterly Review Adjustments – increase / (decrease)	187,900
Forecast Reserve Movement for 2021/2022 – Increase / (Decrease)	(3,150,400)
Estimated Reserve Balance at 30 June 2022	\$302,800

10 Plant Reserve

Opening Reserve Balance at 1 July 2021	\$896,200
Plus original budget reserve movement	0
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	0
Forecast Reserve Movement for 2021/2022 – Increase / (Decrease)	0
Estimated Reserve Balance at 30 June 2022	\$896,200

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Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2020	\$8,871,900
Plus original budget reserve movement	(2,731,200)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(2,904,200)
Forecast Reserve Movement for 2020/2021 – Increase / (Decrease)	(5,635,400)
Estimated Reserve Balance at 30 June 2021	\$3,236,500

Movements for the Sewerage Fund can be seen in Attachment 1 with a proposed estimated overall decrease to reserves (including S64 Contributions) of \$2,716,300 from the 30 September 2021 Quarter Budget Review.

5 Legal Expenses

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

10 The table that follows indicates the allocated budget and actual legal expenditure within Council on a fund basis as at 30 September 2021.

Total Legal Income & Expenditure as at 30 September 2021

Program	2021/2022 Budget (\$)	Actual (\$)	Percentage To Revised Budget
Income			
Legal Expenses Recovered	0	0	0%
Total Income	0	0	0%
Expenditure			
General Legal Expenses	200,000	112,163	56.08%
Total Expenditure General Fund	200,000	112,163	56.08%

Note: At the time of writing this report in October, Council has incurred additional expenditure that brings the total legal expenditure for 2021/22 to \$137,900. This should continue to be monitored to ensure there is enough funding for future expenses.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.5: Manage Council's finances sustainably	5.5.1: Enhance the financial capability and acumen of Council	5.5.1.1	Financial reporting as required provided to Council and Management

Legal/Statutory/Policy Considerations

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

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

20 Financial Considerations

25 The 30 September 2021 Quarter Budget Review of the 2021/2022 Budget has improved the overall estimated budget result by \$271,800. This brings the movement against the unrestricted cash balance attributable to the General Fund to an estimated surplus of \$271,800 for the year, leaving the estimated unrestricted cash balance attributable to the General Fund at an estimated \$789,400 at 30 June 2022. This is an improved result for the first quarter, but the improvement needs to be cautioned against potential revenue losses from the COVID-19 lockdowns/restrictions since July 2021. Council's financial

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position will need to be further reviewed at the 31 December 2021 Quarter Budget Review where a further assessment of revenue impacts can be undertaken. Should revenue losses compared to the budget eventuate, the improvement in the budget outcome this quarter may need to be utilised to offset those losses.

- 5 It is the view of the Responsible Accounting Officer that the short term financial position of the Council is still satisfactory for the 2021/2021 financial year, having consideration of the original estimate of income and expenditure at the 30 September 2021 Quarter Budget Review.

- 10 This opinion is based on the estimated General Fund Unrestricted Cash Result position and that the current indicative budget position for 2021/2022 outlined in this Budget Review continues to improve for the remainder of the 2021/2022 financial year. Council must remember it has a short term financial goal of maintaining \$1,000,000 in unrestricted cash and if it is of the view to recover this position by 30 June 2022, the budget position must continue to improve by a further \$210,600 to a surplus position of \$482,400.

15

Report No. 13.6 End of Term Report 2021

Directorate: Corporate and Community Services

Report Author: Heather Sills, Corporate Planning and Improvement Coordinator

5 **File No:** I2021/1685

Summary:

10 It is a requirement of the Integrated Planning and Reporting Framework that all councils report on the progress of implementing the Community Strategic Plan which is to be presented at the final meeting of an outgoing council. The Report is to include the effectiveness in achieving its social, environmental, economic, and civic leadership objectives.

15 The period to be covered by the End of Term Report is the term of a council. The End of Term Report has been prepared for the period 2016 to 2021 and it is provided for endorsement and inclusion in the Annual Report 2020/21 (as required by the Integrated Planning and Reporting Framework).



20 The 2020 Regional State of the Environment report has also been prepared and a summary for the 2016 to 2020 reporting period is provided. A more detailed report will be released in December 2021.

RECOMMENDATION:

That Council notes the End of Term Report 2021 (E2021/129464).

Attachments:

25

- 1 End of Term Report 2021, E2021/129464 
- 2 Regional State of the Environment Report - 2016 to 2020, E2021/135168 

Report

5 The End of Term Report 2021 has been prepared in accordance with the requirements of the Integrated Planning and Reporting Framework. The report outlines the effectiveness in achieving the social, environmental, economic, and civic leadership objectives. The Report includes the key achievements for each of the community objectives from the Community Strategic Plan 2028 'Our Byron Our Future' which was adopted by Council in 2018 following extensive community engagement.

10 The 2020 Regional State of the Environment report is the third prepared for the North Coast NSW region. It involved collaboration between 12 councils and reports on environmental conditions at both a regional and local level from 2012 to 2020. The report is divided into four main section: people and the environment, biodiversity and vegetation, land and soils, and water. Attached is the summary for the 2016 to 2020 reporting period. A more detailed report will be released in December 2021.

Strategic Considerations

15 Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.2: Create a culture of trust with the community by being open, genuine and transparent	5.2.1: Provide timely, accessible and accurate information to the community	5.2.1.3	Prepare and submit End of Term Report and Annual Report

Legal/Statutory/Policy Considerations

20 [Section 428\(2\)](#) of the *Local Government Act 1993* requires a report, the *End of Term Report*, be tabled at the last meeting of the outgoing council and included in the annual report for that year. The End of Term Report is to report on Council's progress in implementing the Community Strategic Plan over the previous four years.

Financial Considerations

Not applicable.

Consultation and Engagement

25 The End of Term Report is to be included in the Annual Report and published on Council's website.

**Report No. 13.7 Council Resolutions Quarterly Review - Q1 -
1 July to 30 September 2021**

Directorate: Corporate and Community Services

5 **Report Author:** Heather Sills, Corporate Planning and Improvement
Coordinator

File No: I2021/1711

Summary:

This report provides an update on the status of Council resolutions as at 30 September 2021.



10 133 resolutions were completed during the period 1 July to 30 September 2021.

As at 30 September 2021, there were 78 active resolutions.

15 **RECOMMENDATION:**

1. That Council notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2021/121861).
2. That Council notes the completed Resolutions in Attachment 2 (#E2021/121862).
- 20 3. That Council endorses the closure of Resolutions 19-679, 20-069, 20-189, 20-601, 20-669, 20-689, 20-702, 21-062, 21-066, 21-112 as identified in Table 1: Council resolutions that are to be closed; and included in the completed Resolutions in Attachment 2 (#E2021/121862).

Attachments:

- 25
- 1 Active Resolutions Report - as at 30 September 2021, E2021/121861 
 - 2 Completed Resolutions Report - 1 July to 30 September 2021, E2021/121862 

Report

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

5 Quarterly Report – 1 July to 30 September 2021

Active Resolutions

10 The *Active Resolutions Report* (#E2021/121861) provides an update to Council on all active resolutions as at 30 September 2021, with relevant commentary regarding the status of each resolution as at this date. There are 78 active resolutions including those resolutions from the September Council Meetings which may or may not have had any action taken at the time of preparing this report.

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

15 Completed Resolutions

The *Completed Resolutions Report* (#E2021/121862) provides details of those resolutions that were completed during the period 1 July to 30 September 2021. 133 resolutions were completed during this period.

Resolutions for Closure

20 Council resolutions that are no longer relevant or have been superseded either by other resolutions, legislative change, or other matters, are provided in Table 1 below. These resolutions are also reflected in the *Completed Resolutions Report*.

Table 1: Council resolutions that are to be closed:

Meeting Date	Res No.	Report Title	Staff Comments and Recommendation
12/12/2019	19-679	Council Development Assessment Symposium	Superseded by 21-263
27/02/2020	20-069	Supporting Housing above Council Owned Carparks	Superseded by resolution 21-302
23/04/2020	20-189	Outcome of Butler Street Reserve site investigations	Resolution superseded by market extensions and EPA investigations
19/11/2020	20-601	PLANNING - 26.2020.5.1 Planning proposal to permit a car park at 158 Jonson Street, Byron Bay	Superseded by resolution 21-260

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Meeting Date	Res No.	Report Title	Staff Comments and Recommendation
26/11/2020	20-669	Vallances Road Natural Burial Ground	Superseded by Resolution 21-250
10/12/2020	20-689	Federal Community Led Masterplan - Project Scope	Superseded by resolution 21-261
17/12/2020	20-702	PLANNING - The Farm Update on Planning Proposal	Superseded by resolution 21-300
11/03/2021	21-062	Council's role in Housing Delivery	Superseded by resolution 21-264
11/03/2021	21-066	Byron Shire Key Workers Issues Paper	Superseded by resolution 21-264
25/03/2021	21-112	Housing Crisis	Superseded by Resolution 21-253

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.2: Create a culture of trust with the community by being open, genuine, and transparent	5.2.4: Support Councillors to carry out their civic duties	5.2.4.3	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**.

Legal/Statutory/Policy Considerations

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

Financial Considerations

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

Consultation and Engagement

Not applicable.

**Report No. 13.8 2021/22 Operational Plan Report - Q1 -
September 2021**

Directorate: Corporate and Community Services

5 **Report Author:** Heather Sills, Corporate Planning and Improvement
Coordinator

File No: I2021/1713



Summary:

10 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.

RECOMMENDATION:

- 15
1. That Council notes the 2021/22 Operational Plan Quarter 1 Report for the period ending 30 September 2021 (Attachment 1 #E2021/132378).
 2. That Council adopts the proposed amendments to the Operational Plan 2021/22 outlined in Attachment 2 (#E2021/120213).

Attachments:

- 20
- 1 Operational Plan 2021/22 - Quarterly Report - Q1 - 1 July to 30 September 2021, E2021/132378 
 - 2 Quarter 1 Report - Proposed Amendments to Operational Plan 2021/22, E2021/120213 

25

Report

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

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

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

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

Strategic Objectives

The report (#E2021/4352) is structured by the five 'Our Byron, Our Future' Community Strategic Plan 2028 objectives:

- 20
- Community Objective 1: We have infrastructure, transport and services which meet our expectations
 - Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community
 - Community Objective 3: We protect and enhance our natural environment
 - 25 • Community Objective 4: We manage growth and change responsibly
 - Community Objective 5: We have community led decision making which is open and inclusive

Report Details

30 The report details Council's progress towards achieving the activities in the 2020/21 Operational Plan. It includes a status update on progress and notes any highlights or exceptions where actions may be delayed or reprioritised.

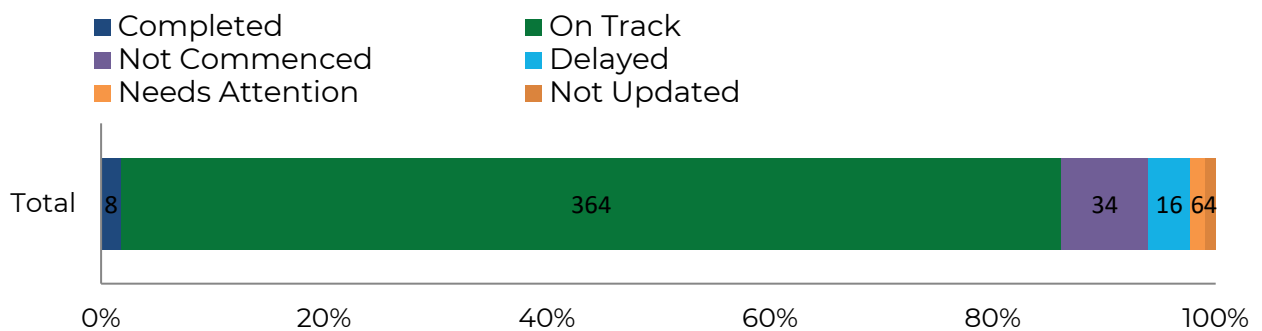
Each section notes the progress against the activities including:

- 35
- Activity
 - Responsible directorate
 - Measure
 - Timeframe
 - Comments
 - Status

- On track – indicates that an activity is currently on track, taking into account the timeframe, measures, and budget
- Delayed – indicates that an activity is progressing, but not currently on track with the timeframe, measures, or budget
- 5 ○ Needs attention – indicates that the scope of the activity may need to be reviewed in line with constraints such as timeframe/budget
- Not commenced – the activity is not due to have commenced or has not commenced
- 10 ○ Completed – the activity has been completed in accordance with the prescribed measures

Summary of Activities

The chart below provides a summary of the status of the Operational Plan activities as at 30 September 2021.



15 Proposed Amendments

This is the first quarterly report of the 2021/22 Operational Plan. A number of required amendments have been identified and nine new activities proposed. These are provided in attachment 2 (E2021/120213) for Council’s endorsement.

Strategic Considerations

20 Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.2: Create a culture of trust with the community by being open, genuine and transparent	5.2.1: Provide timely, accessible and accurate information to the community	5.2.1.1	Review Operational Plan annually

Legal/Statutory/Policy Considerations

5 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

10 The development of the Delivery Program was informed by extensive engagement around the Community Strategic Plan and specifically a Community Solutions Panel on infrastructure priorities.

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

Report No. 13.9 Report of The Public Art Panel Meeting held on 21 October 2021

Directorate: Corporate and Community Services

Report Author: Melitta Firth, Arts & Culture Office

5 **File No:** I2021/1722

Summary:

Attached to this report are the minutes of the Public Art Panel Meeting held on 21 October 2021 for determination by Council. The Panel is seeking endorsement for the allocation of funds for the installation of Emma Anna's work "Imagine" by Creative Mullumbimby.

10

RECOMMENDATION:

- 15
1. That Council notes the minutes of the Public Art Panel Meeting held on 21 October 2021.
 2. That Council adopts the Panel's recommendation 4.1 to provide funding of \$1,000 for the installation of Emma Anna's work 'Imagine' by Creative Mullumbimby over three months of Summer 2021.

Attachments:

20

1. Minutes 21/10/2021 Public Art Panel, I2021/1627 

Report

A meeting of Public Art Advisory Panel was held on 21 October 2021 to consider:

- Creative Mullum Update October 2021
- 5 • Public Art Panel Referral - 90 96 Jonson Street Voluntary Planning Agreement DA 10.2021.384.1
- Creative Public Spaces Grant Round

The agenda for this meeting can be located on Council's website at:

[Agenda of Public Art Panel Meeting - Thursday, 21 October 2021 \(infocouncil.biz\)](https://www.infocouncil.biz)

Panel recommendations are outlined in the attached Minutes.

- 10 Included in the reports was a submission by Creative Mullum Inc, outlining current activities and requesting funding support for the installation of a temporary public artwork in Mullumbimby. The work is MAGIC_L & AM_ZING by Emma Anna, an accomplished public artist who creates uplifting, interactive, accessible works drawn from the traditions of concrete poetry.
- 15 The artist has Public Liability Insurance and will be responsible for any loss or damage to the work. Creative Mullum will be responsible for installing the work within the area of their pre-existing DA for temporary and permanent public artworks.

20 The panel supports installation of the work and recommends that Council provide financial support of \$1,000 towards the project for an artist fee and artwork transportation/ installation costs.

Legal/Statutory/Policy Considerations

As per the Reports listed within the Meeting of 21 October 2021.

Financial Considerations

\$1,000 to support the installation of Emma Anna's work is available in the PAP budget.

25 Consultation and Engagement

The Public Art Panel is made up of six community representatives, two invited members and two councillors.

Report No. 13.10 Council Investments - 1 October 2021 to 31 October 2021

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2021/1759

Summary:

This report includes a list of investments and identifies Council's overall cash position for the period 1 October 2021 to 31 October 2021 for information.

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

RECOMMENDATION:

15 **That Council notes the report listing Council's investments and overall cash position as at 31 October 2021.**

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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Report

5 Council has continued to maintain a diversified portfolio of investments. As of 31 October 2021, the average 90-day bank bill rate (BBSW) for the month of October 2021 was 0.02%. Council's performance to October 2021 was 0.57%. This is largely due to the active ongoing management of the investment portfolio, maximising investment returns through secure term deposits, bonds and purchasing floating rate notes with attractive interest rates. It should be noted that as investments mature, Council's investment return may continue to decrease due to the lower rates available in the current market.

The table below identifies the investments held by Council as at 31 October 2021

10 Schedule of Investments held as at 31 October 2021

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fos sil Fuel	Type	Int. Rate	Current Value
24/03/17	1,000,000.00	NAB Social Bond (Gender Equality)	Y	AA-	24/03/22	N	B	3.25%	1,014,900.00
15/11/18	1,000,000.00	NSW Treasury Corp (Green Bond)	N	AAA	15/11/28	Y	B	3.00%	1,114,430.00
20/11/18	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	22/03/24	Y	B	3.00%	1,067,900.00
28/03/19	1,000,000.00	National Housing Finance & Investment Corporation	Y	AAA	28/03/31	Y	B	2.38%	1,068,760.00
21/11/19	1,000,000.00	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	Y	B	1.25%	1,024,560.00
27/11/19	500,000.00	National Housing Finance & Investment Social Bond	Y	AAA	27/05/30	Y	B	1.52%	498,217.00
06/09/21	1,000,000.00	Northern Territory TCorp	Y	Aa3	15/12/26	Y	B	1.40%	1,000,000.00

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fos sil Fuel	Type	Int. Rate	Current Value
16/09/21	1,000,000.00	QLD Treasury Corp (Green Bond)	N	AA+	02/03/32	Y	B	1.50%	968,360.00
31/03/17	1,000,000.00	CBA Climate Bond	Y	AA-	31/03/22	N	FRN	0.95%	1,004,250.00
16/11/17	750,000.00	Bank of Queensland	Y	BBB+	16/11/21	N	FRN	1.03%	750,817.50
15/06/21	500,000.00	National Housing Finance & Investment Social Bond	Y	AAA	01/07/31	Y	FRN	0.21%	501,350.00
04/11/20	2,000,000.00	NAB	N	AA-	04/11/21	N	TD	0.55%	2,000,000.00
09/11/20	1,000,000.00	Community First Credit Union	Y	NR	09/11/21	Y	TD	0.65%	1,000,000.00
23/11/20	1,000,000.00	AMP Bank	Y	BBB	23/11/21	N	TD	0.75%	1,000,000.00
24/11/20	1,000,000.00	Judo Bank	Y	BBB-	24/11/21	Y	TD	0.84%	1,000,000.00
26/11/20	1,000,000.00	Community First Credit Union	N	NR	26/11/21	Y	TD	0.65%	1,000,000.00
17/12/20	2,000,000.00	NAB	N	AA-	17/12/21	N	TD	0.50%	2,000,000.00
05/01/21	2,000,000.00	NAB	N	AA-	05/01/22	N	TD	0.45%	2,000,000.00
20/01/21	1,000,000.00	Westpac (Tailored)	Y	AA-	20/01/22	N	TD	0.38%	1,000,000.00
27/01/21	1,000,000.00	The Mutual Bank	Y	NR	27/01/22	Y	TD	0.50%	1,000,000.00
29/01/21	1,000,000.00	ME Bank	Y	BBB	31/01/22	Y	TD	0.45%	1,000,000.00
05/05/21	1,000,001.00	AMP Bank	N	BBB	03/11/21	N	TD	0.55%	1,000,001.00
09/06/21	1,000,000.00	Illawarra Credit Union	Y	NR	09/12/21	Y	TD	0.45%	1,000,000.00

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Int. Rate	Current Value
24/06/21	1,000,000.00	ME Bank	N	BBB	24/02/22	Y	TD	0.45%	1,000,000.00
30/06/21	1,000,000.00	ME Bank	N	BBB	27/01/22	Y	TD	0.45%	1,000,000.00
06/07/21	1,000,000.00	Judo Bank	N	BBB-	04/07/22	Y	TD	0.70%	1,000,000.00
23/07/21	1,000,000.00	AMP Bank	N	BBB	23/12/21	Y	TD	0.50%	1,000,000.00
30/07/21	1,000,000.00	AMP Bank	N	BBB	28/06/22	Y	TD	0.75%	1,000,000.00
09/08/21	1,000,000.00	The Mutual Bank	N	NR	07/02/22	Y	TD	0.45%	1,000,000.00
26/08/21	1,000,000.00	AMP Bank	N	BBB	22/02/22	N	TD	0.35%	1,000,000.00
01/09/21	1,000,000.00	Bank of Queensland	Y	BBB+	02/03/22	N	TD	0.33%	1,000,000.00
10/09/21	1,000,000.00	The Mutual Bank	N	NR	10/03/22	Y	TD	0.45%	1,000,000.00
03/09/21	2,000,000.00	Suncorp	Y	A+	02/03/22	Y	TD	0.30%	2,000,000.00
03/09/21	2,000,000.00	Bank of Queensland	N	BBB+	04/01/22	N	TD	0.30%	2,000,000.00
06/09/21	1,000,000.00	Volt Bank	Y	NR	06/12/21	Y	TD	0.40%	1,000,000.00
09/09/21	1,000,000.00	Illawarra Credit Union	N	NR	09/09/22	Y	TD	0.55%	1,000,000.00
01/10/2021	1,000,000.00	AMP Bank	N	BBB	01/04/22	N	TD	0.65%	1,000,000.00
N/A	9,583,704.67	CBA Business Saver	N	AA-	N/A	N	CALL	0.20%	9,583,704.67
N/A	153,313.94	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	N	CALL	0.20%	153,313.94
N/A	2,112,181.47	NSW Treasury Corp	N	AAA	N/A	Y	CALL	0.00%	2,112,181.47
N/A	15,015,813.82	Macquarie Accelerator Call	N	A	N/A	N	CALL	0.35%	15,015,813.82

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Int. Rate	Current Value
Total	67,615,014.90						AVG	0.57%	67,878,559.40

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. No Fossil Fuel ADI
 Y = No investment in Fossil Fuels
 N = 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 'No Fossil Fuel' investing institution. This information has been sourced through www.marketforces.org.au and identifies financial institutions that either invest in fossil fuel related industries or do not. The graph below highlights the percentage of each classification across Council's total investment portfolio in respect of fossil fuels only.

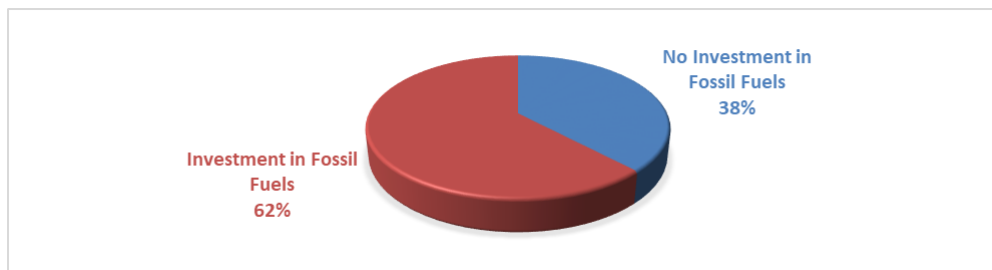
10

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](#).

15 Council has two investments with financial institutions that invest in fossil fuels but are nevertheless aligned with the broader definition of Environmental and Socially Responsible investments i.e.:

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1. \$1,000,000 investment with the National Australia Bank maturing on 24 March 2022 known as a Social Bond that promotes Gender Equity.
2. \$1,000,000 investment with Commonwealth Bank maturing on 31 March 2022 known as a Climate Bond.



5

Investment policy compliance			ACTUAL	Variance
% per institution should not exceed the following				
AAA to AA	A1+	100%	42.67%	Meets policy
A+ to A-	A1	60%	22.21%	Meets policy
BBB to NR	A2,NR	40%	33.65%	Meets policy

Investment Policy Compliance

10 The above 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).

NSW Treasury Corporation Compliance – Loan Borrowing Conditions

20 Council has borrowed loans through NSW Treasury Corporation under the Local Government Low Cost Loans Initiative. As part of these loan borrowings, NSW Treasury Corporation has placed restrictions on Council's investments in terms of where Council can invest based on the credit rating of the financial institution, the term of the investment and counterparty limit. NSW Treasury Corporation has reviewed Council's Investment Portfolio and has reminded Council it needs to remain within the investment parameters outlined in the accepted loan agreements. Council currently does not comply as is indicated in the table below:

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Tcorp compliance		Counterparty Limit	Tenor	ACTUAL	Variance
% should not exceed the following					
Tcorp	100%	100%	N/A	3%	Meets policy
AAA	100%	100%	N/A	7%	Meets policy
AA+ to AA-	100%	100%	5Y	29%	Meets policy
A+ to A	100%	100%	3Y	25%	Meets policy
A-	40%	40%	3Y	0%	Meets policy
BBB+	30%	10% 3 Years	3Y	4%	Does not meet policy
BBB		5% 12 Months	1Y	13%	Does not meet policy
BBB- and below (local ADI'S)		5% 12 Months	1Y	0%	Meets policy
BBB- and below (other)	5%	250,000	1Y	18%	Does not meet policy

5 Council has had discussions with NSW Treasury Corporation and indicated it would start reporting the compliance in the monthly investment report to Council. Additionally, Council is able to hold existing investments not in compliance until maturity but must ensure new investments meet the compliance requirements.

10 Meeting the NSW Treasury Corporation compliance means Council will be limited in taking up investments that may be for purposes associated with Environmental and Socially Responsible outcomes where investments do not comply with NSW Treasury Corporation requirements, and investments with financial institutions that do not support fossil fuels will have to be decreased due to their credit rating status or lack of credit rating.

The investment portfolio is outlined in the table below by investment type for the period 1 October 2021 to 31 October 2021:

Dissection of Council Investment Portfolio as at 31 October 2021

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
31,000,001.00	Term Deposits	31,000,001.00	0.00
3,250,000.00	Floating Rate Note	3,324,317.50	74,317.50
9,583,704.67	CBA Business Saver	9,583,704.67	0.00
153,313.94	CBA Business Saver – Tourism Infrastructure Grant	153,313.94	0.00
2,112,181.47	NSW Treasury Corp	2,112,181.47	0.00
15,015,813.82	Macquarie Accelerator	15,015,813.82	0.00
6,500,000.00	Bonds	6,689,227.00	189,227.00
67,615,014.90		67,878,559.40	263,544.50

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The current value of an investment compared to the principal value (face value or original purchase price) provides an indication of the performance of the investment without reference to the coupon (interest) rate. The current value represents the value received if an investment was sold or traded in the current market, in addition to the interest received.

- 5 The table below provides a reconciliation of investment purchases and maturities for the period of 1 October 2021 to 31 October 2021 on a current market value basis.

Movement in Investment Portfolio – 31 October 2021

Item	Current Market Value (at end of month) \$
Opening Balance at 1 October 2021	69,472,641.81
Add: New Investments Purchased	1,000,000.00
Add: Macquarie Accelerator Interest	3,642.75
Add: Tourism Call Account Interest	23.54
Add: Macquarie Accelerator Additions	4,000,000.00
Add: Call Account Interest	1,778.30
Less: Call Account Redemption	1,500,000.00
Less: Investments Matured	5,000,000.00
Less: Fair Value Movement for period	99,527.00
Closing Balance at 31 October 2021	67,878,559.40

- 10 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. In this regard, for the month of October 2021 the table below identifies Council's overall cash position as follows:

Dissection of Council's Cash Position as at 31 October 2021

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	31,000,001.00	31,000,001.00	0.00
Floating Rate Note	3,250,000.00	3,324,317.50	74,317.50
CBA Business Saver	9,583,704.67	9,583,704.67	0.00

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
CBA Business Saver – Tourism Infrastructure Grant	153,313.94	153,313.94	0.00
NSW Treasury Corp	2,112,181.47	2,112,181.47	0.00
Macquarie Accelerator	15,015,813.82	15,015,813.82	0.00
Bonds	6,500,000.00	6,689,227.00	189,227.00
Total Investment Portfolio	67,615,014.90	67,878,559.40	263,544.50
Cash at Bank			
Consolidated Fund	11,729,673.74	11,729,673.74	0.00
Total Cash at Bank	11,729,673.74	11,729,673.74	0.00
Total Cash Position	79,344,688.64	79,608,233.14	263,544.50

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.5: Manage Council's finances sustainably	5.5.2: Ensure the financial integrity and sustainability of Council through effective planning and reporting systems (SP)	5.5.2.5	Manage treasury functions of Council to maintain cash flow and maximise return on invested funds
Community Objective 5: We have community led decision making which is open and inclusive	5.5: Manage Council's finances sustainably	5.5.2: Ensure the financial integrity and sustainability of Council through effective planning and reporting systems (SP)	5.5.2.6	Identification of ethical investment opportunities with environmental and social inclusion outcomes

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*.

- 5 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.
- 10

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.

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

Financial Considerations

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

Report No. 13.11 Presentation of 2020/2021 Financial Statements

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

5 **File No:** I2021/1768

Summary:

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

15 The Financial Statements for the financial year ended 30 June 2021 were reported to the Ordinary Meeting held on 28 October 2021, where Council adopted the 2020/2021 Financial Statements through resolution **21-434**. This same resolution resolved to present the 2020/2021 Financial Statements and Auditor's Reports to the public at this Ordinary Meeting of Council.

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

25 A representative from the Audit Office of NSW or its contracted Audit Firm, Thomas Noble and Russell will be invited to make a 'virtual' presentation and answer any questions Councillors may have in respect of the 2020/2021 Financial Statements.

RECOMMENDATION:

30 **That the Audited Financial Statements and Auditors Report for the 2020/2021 financial year be presented to the public in accordance with Section 419(1) of the Local Government Act 1993.**

Report

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

At the Ordinary Meeting of Council on 28 October 2021, Council resolved:

21-434:

- 10
1. That Council adopts the Draft 2020/2021 Financial Statements incorporating the General Purpose Financial Statements(#E2021/127421) and Special Purpose Financial Statements (#E2021/127426).
 - 15 2. That Council approves the signing of the "Statement by Councillors and Management" in accordance with Section 413(2)(c) of the *Local Government Act 1993* and Section 215 of the *Local Government (General) Regulation 2021* in relation to the 2020/2021 Draft Financial Statements.
 - 20 3. That the Audited Financial Statements and Auditors Report be presented to the public at the Ordinary Meeting of Council scheduled for 25 November 2021 in accordance with Section 418(1) of the *Local Government Act 1993*."

25 In accordance with Council's resolution above, this report is provided to present the 2020/2021 Financial Statements and Auditor's Reports to the public.

A representative from the Audit Office of NSW or its contracted Audit Firm, Thomas Noble and Russell will be invited to make a 'virtual' presentation and answer any questions Councillors may have in respect of the 2020-2021 Financial Statements.

30 At the Ordinary Council Meeting held on 28 October 2021, Council received copies of the Financial Statements as outlined in Attachments 1 to 3 of Report 13.7 – Draft 2020/2021 Financial Statements to that Meeting.

Council's published 2020/2021 Financial Statements can be found at the following link:

35 [Our progress - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/our-progress/byron-shire-council)

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

40

The Financial Statements and Auditor's Reports have been placed on public exhibition and advertised in accordance with Section 418(1) of the *Local Government Act 1993* with a closing date for submissions of 2 December 2021. Should any submissions be received they are required to be forwarded to Council's Auditor and will be advised to Councillors via memo.

45

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

Strategic Considerations

5

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.5: Manage Council’s finances sustainably	5.5.2: Ensure the financial integrity and sustainability of Council through effective planning and reporting systems (SP)	5.5.2.2	Complete annual statutory financial reports

Legal/Statutory/Policy Considerations

10

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

15

20

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

Financial Considerations

25

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

Consultation and Engagement

30

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

35

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the public. Any submissions received by Council must be referred to Council's Auditor in accordance with Section 420(3) of the *Local Government Act 1993*.

Report No. 13.12 Request for Financial Assistance Due to Impacts of COVID-19

Directorate: Corporate and Community Services

Report Author: Isabelle Wood, Project Officer (Generalist)

5 **File No:** I2021/1816

Summary:

10 Council utilises committees established under Section 355 of the Local Government Act 1993 to undertake the management and operations of some of its facilities on Council's behalf. Without the assistance of the committees, Council would need to resource the functions undertaken.

15 As Council would be aware, throughout the course of the Covid-19 Pandemic, Council has been financially impacted due to restrictions and lockdowns. This is also the case for a current S355 Committee Bangalow A&I Hall and a former S355 Committee Bangalow Heritage Society (now a lessee). Both the Bangalow A&I Hall and Bangalow Heritage Society have approached Council for financial assistance due to income losses and this report is provided to Council to consider whether it wishes to provide financial assistance as recommended.

20

RECOMMENDATION:

1. **That Council provides \$7,300.00 to Bangalow A&I Hall to cover operational expenditure for the four-month period of November 2021 to February 2022.**
 2. **That Council provides \$2,100.00 to the Bangalow Heritage Society to cover outgoings for a six-month period with this amount repayable to Council over a six month term upon commencement of café operations.**
- 25

Attachments:

- 1 Bangalow A&I Hall Forecast of Expenditure for period Nov - Feb 2022, E2021/138809 
 - 2 Confidential - Bangalow A&I Hall Bank Statement, E2021/138928
 - 3 Confidential - Bangalow Heritage Society Bank Statement, E2021/139342
- 30

Report

5 Council utilises committees established under Section 355 of the Local Government Act 1993 to undertake the management and operations of some of its facilities on Council's behalf. Without the assistance of the committees, Council would need to resource the functions undertaken.

10 As Council would be aware, throughout the course of the Covid-19 Pandemic, Council itself has been financially impacted due to restrictions and lockdowns. This is also the case for a current S355 Committee Bangalow A&I Hall and a former S355 Committee Bangalow Heritage Society (now a lessee). Both the Bangalow A&I Hall and Bangalow Heritage Society have approached Council for financial assistance due to income losses and this report is provided to Council to consider whether it wishes to provide financial assistance as recommended.

Bangalow A&I Hall – Section 355 Committee

15 Bangalow A&I Hall Section 355 Committee does not operate on Council's financial system. This is currently permissible under the Halls and Venues Guidelines for Section 355 Committees. Under this arrangement, the Bangalow A&I Hall Committee manages its own funds and provides annual reports to Council each financial year, which includes a profit and loss statement, balance sheet and business activity statement.

20 A \$2,500 float was provided to the Bangalow A&I Hall Committee upon commencement of the Council term to assist with operational expenditure. This has since been depleted.

25 Bangalow A&I Hall Committee has experienced direct and cumulative impacts to its operations due to Covid-19 restrictions and changes to NSW Public Health Orders (PHOs).

30 The PHOs have directly affected capacity limits, types of activities, periods of forced closure and more recently vaccination requirements. This has resulted in an inability to generate income. Although the Bangalow A&I Hall reopened in September, in line with the relevant PHO, hall bookings remain slow.

The Committee provided a current bank statement showing total funds as outlined in Confidential Attachment 2 that are not sufficient to meet current expenditure projections.

35 As such, the Committee seeks financial support from Council to cover basic operational expenses for four months from November 2021 – February 2022. The Committee provided details (E2021/138809) of forecasted operational expenses for the four-month period:

	Venue Co-ordinator's payment:	\$4,872.00
	Outstanding Council invoice for GST:	\$3,564.17
	Sure Hygiene service:	\$352.00
	Floor Sealer:	\$500.00
40	Budget for unforeseen repairs/invoices:	\$500.00
	Leak in the roof:	\$1,000.00
	TOTAL:	\$10,788.17

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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The outstanding Council invoice for GST has a payment arrangement in place, and as such does not require financial assistance.

It is recommended that the remaining expenses (rounded to nearest \$100) totalling \$7,300.00 are provided to the Committee.

5 **Bangalow Heritage Society – Lessee**

The Bangalow Heritage Society Inc ('the Society') holds a lease over Folio 1/1249921 known as the Bangalow Heritage House to expire on 30 June 2024. The Bangalow Heritage Society prior to being subject to a lease with Council was a Section 355 Committee.

- 10 Due to an ageing volunteer base and COVID-19 Public Health Orders restrictions, the Society was forced to close the café and museum to the public in early 2021. The Society, not having the capacity to re-let the café, requested that Council run an expression of interest (EOI) for a sub-lease to manage the café. An EOI to operate a Social Enterprise café at the Bangalow Heritage House ran from 4 to 31 August 2021. Council received no
15 submissions.

As a result, the Society has no income to pay outgoings under its lease agreement. The Society seeks financial assistance from Council to cover its fixed costs under the lease until a new café operator can be found.

- 20 Terms of the lease agreement requires the Lessee to pay rent, insurance cover, water and sewer usage rates, waste management and trade waste charges, all utilities costs, operational and upkeep costs for the building and surrounding lands with 14 days of falling due to avoid defaulting under terms of the lease.

The Society provided the following fixed costs totalling \$334.00 per month:

- 25 • Annual water and sewer charges, waste, and liquid waste management charges \$1,600.66
- Annual Insurance \$1,179.72
- Annual Café equipment hire \$1,227.56

The Society provided a current bank statement showing total funds as outlined in Confidential Attachment 3 that are not sufficient to meet current expenditure projections.

- 30 It is recommended that Council covers the fixed costs of \$334.00 for a period of six months that in rounded terms to the nearest \$100 would mean a contribution of \$2,100.00 up front.

- 35 As the Bangalow Heritage Society is subject to a lease, it is an organisation external to Council. Whilst there is a linkage as a former Section 355 Committee and Council could offer a financial advance to them, it would have to be on the basis that if approved it be repaid. It is suggested that the contribution of \$2,100 be repaid over a six month period once the café re-commences operations.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.3: Provide accessible, local community spaces and facilities	2.3.2: Support effective management of community buildings (SP)	2.3.2.1	Implement community building management improvements

Legal/Statutory/Policy Considerations

- 5 Halls and Venues Guidelines for Section 355 Management Committees and Boards

Financial Considerations

- 10 The total funding, should Council accept the recommendations outlined in this report, amounts to \$9,400 with \$2,100 recommended to be repaid to Council over time. Council is currently separately recording any expenses it is incurring managing the impacts of Covid-19. These costs are distributed amongst Council programs at financial year end once known and absorbed in end of year results. The amount that is the subject of this report will be incorporated into this distribution.

Costs to date managing Covid-19 impacts for Council for the 2021/2022 financial year are \$50,409 and since the commencement of the Pandemic are \$326,440.

15 Consultation and Engagement

All current Section 355 Committees

Report No. 13.13 New Year's Eve Event Sponsorship

Directorate: Corporate and Community Services

Report Author: Vanessa Adams, Director Corporate and Community Services

File No: I2021/1829

5 **Summary:**

Council approval is sought for proposed New Year's Eve event sponsorship.

10 **RECOMMENDATION:**

That Council approves the request for sponsorship advertising on Dening Park for the evening of 31 December 2021

15

Report

Policy 5.52 Commercial Activities on Coastal and Riparian Crown Reserves, clause 6.2.3 requires Council permission to be sought for advertising on Crown Land.

5 At the request of the police, this year's New Year's Eve event will activate Dening Park, which is covered by the above policy requirement. The activation of Dening Park is designed to support public safety and the movement and management of people.

10 Strong guidance was provided by councillors at a strategic workshop in March 2020 that the event manager should seek to offset the cost to council through sponsorship from local businesses and services. In order for this to be achieved, Council is asked to approve sponsorship advertising on Dening Park for 31 December 2021.

In accordance with the policy, advertising will only and directly relate to sponsorship of the event. The sponsor will have the opportunity to provide one banner of appropriate size and to have a stall, as well as have their logo displayed on general marketing material.

15 The site will be activated from 6pm and will feature a mix of roving performers, food stalls and one sound stage.

As per previous years Jonson Street will be activated from 4pm and will host market stalls, food trucks, roving performers and circus acts.

Sponsors

20 The event manager is proposing to contact a range of local businesses and services, seeking sponsorship for all activation areas. Packages will range from \$1,000 to \$10,000.

Strategic Considerations

Community Strategic Plan and Operational Plan

Nil

Legal/Statutory/Policy Considerations

25 This report is required by policy 5.52.

Financial Considerations

Nil

Consultation and Engagement

30 Event managers, A/Manager Social and Cultural Planning, Events team, Leasing Coordinator.

Report No. 13.14 Submission to the Office of Local Government on the Draft Risk Management and Internal Audit for Local Councils in NSW Guidelines

5 **Directorate:** Corporate and Community Services
Report Author: Alexandra Keen, Audit, Risk & Improvement Coordinator
File No: I2021/1832




Summary:

10 To seek Council approval to provide a submission to the Office of Local Government NSW (OLG) on the draft Risk Management and Internal Audit for Local Councils in NSW Guidelines (the Guidelines).

15 **RECOMMENDATION:**

That Council approves the submission on the Draft Risk Management and Internal Audit for Local Councils in NSW Guidelines (Attachment 3 E2021/131297) to the Office of Local Government NSW.

Attachments:

- 20
- 1 Draft Risk Management and Internal Audit Guidelines 2021, E2021/112230 
 - 2 Summary of Draft Guidelines, E2021/112229 
 - 3 Submission to the OLG: Draft Risk Management and Internal Audit Guidelines 2021, E2021/131297 

25

Report

5 The OLG released the third draft of the Guidelines for feedback on 24 August 2021. Submissions on the Guidelines are open until close of business 26 November 2021. The Guidelines (Attachment 1) will form part of the *Local Government Act Regulations* pursuant to section 428A of the *Local Government Act 1993*.

10 The Guidelines set out a new framework for councils in NSW for internal audit, risk management, and the establishment of Audit, Risk and Improvement Committees (ARIC). The intent appears to be to ensure there is greater oversight, consistency, and process around these core functions. The summary document which accompanied the Guidelines is at Attachment 2. Both documents were circulated to Council's ARIC members on 30 August 2021.

The OLG advises that it is expected the Guidelines will be proclaimed for commencement by June 2022, although Councils will be able to implement aspects of the Guidelines in a staged manner until 2027, with key dates being:

- 15
- **4 June 2022** – establish an ARIC
 - **30 June 2024** – adoption of risk management framework and internal audit functions
 - **June 2027** – ARIC compliance with membership and reporting requirements

20 It should be noted that Byron Shire Council broadly complies with several of the proposed requirements already including for example having an ARIC, a risk management framework, and internal audit functions.

Key issues

25 At its meeting on 21 October 2021, the ARIC considered the Guidelines and the potential impacts on Council. The ARIC supported the preparation of a submission on behalf of Council to provide feedback and seek clarification on several issues contained in the Guidelines.

The proposed submission from Council is at Attachment 3.

Next steps

30 Should Council approve the submission to the OLG, the Audit, Risk and Improvement Coordinator will arrange for it to be provided to the OLG before close of business, Friday, 26 November 2021.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.6: Manage Council's resources sustainably	5.6.7: Develop and embed a proactive risk management culture	5.6.7.4	Coordinate the Audit Risk and Improvement program
Community Objective 5: We have community led decision making which is open and inclusive	5.6: Manage Council's resources sustainably	5.6.7: Develop and embed a proactive risk management culture	5.6.7.1	Evaluate and improve risk management framework

Recent Resolutions

- Recommendation 4.2 of the ARIC Minutes from meeting of 21 October 2021.

5 Financial Considerations

The Guidelines in their current form have the potential to impose a significant increase in financial costs to Council associated with member fees, resourcing of the ARIC (including the requirement for a budget or process to obtain external expertise when required), and to meet increased reporting requirements.

10 Consultation and Engagement

The Audit, Risk and Improvement Coordinator consulted with the Executive Team, Manager Corporate Services, and ARIC members. Feedback received was incorporated into the proposed final submission (Attachment 3).

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.15 PLANNING - Report of the 25 October 2021
Planning Review Committee**

- 5 **Directorate:** Sustainable Environment and Economy
- Report Author:** Chris Larkin, Manager Sustainable Development
Noreen Scott, EA Sustainable Environment and Economy
- File No:** I2021/1702

Summary:

- 10 This report provides the outcome of the Planning Review Committee (PRC) held on 25 October 2021.

NOTE TO COUNCILLORS:

- 15 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.

20 **RECOMMENDATION:**

That Council endorses the outcomes of the Planning Review Committee meeting held on 25 October 2021.

BYRON SHIRE COUNCIL

Report

The Planning Review Committee meeting was held on 25 October 2021. The meeting commenced at 4:15pm and concluded at 4:30pm.

Councillors: Lyon, Ndiaye, Hunter

5 Apologies: Cameron, Spooner

Staff: Chris Larkin (Manager Sustainable Development)

The following development applications were reviewed with the outcome shown in the final column.

DA No.	Applicant	Property Address	Proposal	Exhibition /submissions	Reason/s Outcome
10.2021.370.1	Newton Denny Chapelle	10-12 Shirley Street BYRON BAY	Community Hub including Community Facility, Office Premises, Light Industry and Restaurant or Cafe Components and Education Facility	Level 2 20/7/21 to 16/8/21 5 against 1 support	Staff Delegation
10.2021.303.1	Mr M Lescesin	12 Yalla Kool Drive OCEAN SHORES	Multi-dwelling Housing (8 Townhouse Units)	Level 2 17/6/21 to 30/6/21 8 submissions against	Staff Delegation
10.2021.523.1	Planners North	3-5 Boronia Place BYRON BAY	Demolition of Existing Buildings and Construction of a Mixed Use Development comprising Light Industrial Units, Artisan Food and Drink Premises and Entertainment/Function Centre including Parking and Loading Areas	Level 2 14/9/21 to 27/9/21 7 against	Staff Delegation
10.2021.300.1	Newton Denny Chapelle	276 Picadilly Hill Rd COOPERS SHOOT	Second Driveway to Dual Occupancy	Level 2 22/9/21 to 5/7/21 1 submission	Staff Delegation

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STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.15

Council determined the following original development applications. The S.4.55 applications to modify those consents are referred to the Planning Review Committee to decide if the modification applications can be determined under delegated authority.

DA No.	Applicant	Property Address	Proposal	Exhibition/submissions	Reason/s Outcome
10.2019.616.4	JD Property Group Pty Ltd	139 Jonson Street BYRON BAY	139 Jonson Street BYRON BAY	S4.55 to Modify Layout and Use of Ground Floor	Staff Delegation

Report No. 13.16 Service NSW for Business

Directorate: Sustainable Environment and Economy

Report Author: Kylie Grainey, Business Improvement Officer
Jess Gilmore, Events & Economy Team Leader

5 **File No:** I2021/1698

Summary:

This report seeks approval for Byron Shire Council to enter into an updated agreement with Service NSW for Business.

10 In 2018 Council entered a partnership with Service NSW to participate in a program called 'Easy to do business' to make it simpler and faster for business owners to open or expand a small business. The program has now been re-branded to 'Service NSW for Business' and the agreement updated.


15

RECOMMENDATION:

That Council:

1. **That Council delegates authority to the General Manager to enter into an (updated) agreement with Service NSW; and**
- 20 2. **That Council approves any necessary documents be authorised for execution under the Common Seal of Council.**

Attachments:

- 25 1 Service NSW Partnership Agreement - Byron Shire Council, E2021/131294 

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.17 Belongil Creek Entrance Opening Strategy (EOS) - Update on the EOS Review and Actioning of Resolution 21-298

5

Directorate: Infrastructure Services
Report Author: Chloe Dowsett, Coastal and Biodiversity Coordinator
File No: I2021/1107

Summary:

10 The Belongil Entrance Opening Strategy (EOS) prepared in 2019 and adopted by Council February 2020 proposed a 2-year review process and three key review questions for consideration. The Belongil EOS (2019) has now been implemented for two years since adoption and a review is timely and also aligns with Council resolution **21-298** from 5 August meeting.

15

The EOS will be reviewed in two stages, one which involves an initial preliminary review (i.e. this review) and a more detailed technical review pending outcomes the Coastal Management Program - Stage 2 investigations. The more detailed technical review will build on the knowledge base and consideration of the items first assessed in the preliminary review, along with outcomes of other studies.

20

The review items of the Belongil EOS being considered in this preliminary review include the list below.

- 25
- An update on the status of the actioning of the three items of Resolution 21-298;
 - Preliminary outcomes of the three key review questions; and
 - Consideration of minor amendments and suggested improvements on the operational aspects of the EOS.

30 Staff have now completed the preliminary review with the outcomes outlined in this report for Council's consideration and endorsement.

35 **RECOMMENDATION:**

That Council:

- 40
1. **Notes the outcomes of the preliminary review of the Belongil Entrance Opening Strategy (2019).**
 2. **Notes that berm scraping has generally proven unsuccessful and will no longer be used as an option for entrance management at Belongil.**

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3. **Notes that the current breach/water level management controls are workable but will need to rise in parallel with rise in ocean levels. Maintaining levels below a certain height will become increasingly hard to achieve in the future (when the entrance is both open and closed) due to sea level rise.**
- 5 4. **Endorses changes to the excavation depth for mechanical opening from 0.2m below water level to up to 0.5m below water level.**
5. **Notes that pilot channel of 3m wide across the beach berm does not include the width required for batter slopes of the channel, it is the channels base width.**
- 10 6. **Notes the outcomes of the preliminary assessment into Melaleuca Forest dieback within an area of the Belongil catchment; and**
7. **Notes that if items 1 to 4 recommended above are supported by Council, staff will amend the EOS and implement the changes effective immediately.**

Attachments:

15

- 1 Belongil Creek Entrance Opening Strategy and EMP, E2019/76509 
- 2 Review of Berm Scraping - Belongil EOS, E2021/134713 
- 3 Review of the BESMP 2001 - Belongil EOS, E2021/134781 
- 4 Review of Operational Controls - Belongil EOS, E2021/134821 
- 20 5 AWC - Preliminary Assessment of Melaleuca Dieback, E2021/99382 

Report

Information/Background

5 Belongil Creek is an Intermittently Closed and Open Lake or Lagoon (ICOLL) system that remains in a predominately closed state and isolated from the ocean for extended periods of time. The Belongil Creek estuary drains a catchment area of approximately 34 km² which supports a diverse range of land uses including urban and industrial areas, agricultural areas and high value ecological areas including Cumbebin Swamp Nature Reserve and Tyagarah Nature Reserve. For nearly 100 years Council has actively managed the estuary entrance. Initially opening was undertaken to alleviate inundation of agricultural land however later flooding in Byron Bay CBD was a major driver.

15 Council's 'Belongil Creek Entrance Opening Strategy and Environmental Management Plan' prepared by Alluvium Consulting and Salients in 2019 was adopted by Council in February 2020 (EOS, 2019) (Attachment 1). The adopted EOS seeks to minimise the impact of entrance activities on natural littoral processes and the fragile ecosystems which exist within the Belongil Creek catchment, while also protecting the community and existing built assets from flooding. Overall, the EOS aims to provide a balanced and sustainable long-term approach to entrance management of the estuary.

Resolution 21-298

20 In mid-2021, there was negative media concerning Council's management of the Belongil ICOLL. Council received various correspondence regarding the EOS and the perceived impact to agricultural land within the Belongil Drainage Board management area. The Drainage Board asserted dieback of Swamp Paperbark Forest (*Melaleuca* wetland) is a result of Council's mismanagement of the catchment hydrology (e.g. salt water being trapped in the catchment by the higher water levels in parallel with water logged land from STP outflow). It was suggested this will lead to 'ecological collapse' within the catchment.

30 This mismanagement assertion includes both the management of the Belongil entrance and the operation of the Byron Bay Sewerage Treatment Plan (BBSTP) in relation to water re-use and non-compliance with STP Conditions.

35 A site inspection was conducted on Thursday, July 15th, 2021, of the Drainage Union member's land attended by Councilors, staff, agencies, consultants, stakeholders, and the media. After this site visit Council made **resolution 21-298** at the 5 August 2021 which outlined that Council:

- 40 1. *Undertakes a review of the current Opening Strategy for the Belongil ICOLL to determine whether it is impacting adversely on upstream lands within the Drainage Union catchment and/or flooding issues within the Byron Bay township.*
2. *Reviews its performance in comparison to the earlier 2001 Opening Strategy (Belongil Estuary Management Plan – Parker and Pont 2001).*

3. *Supports that this review should also address the likely impacts of the new Overland Flow Route on the ICOLL and from increased effluent flows proposed from the Byron Bay Sewage Treatment Plant (BBSTP), both upstream on Drainage (Lyon/Ndiaye)*

Belongil EOS Review

5

The Belongil EOS (2019) proposed a 2-year review process and three key review questions for consideration. The Belongil EOS (2019) has now been implemented for two years since adoption and a review is timely and aligns with the Council resolution 21-298 from 5 August meeting to review the EOS.

10

However, in the time since preparation of the EOS, new information has evolved in the ICOLL space along with lessons learnt on the methodology of opening from a Council perspective. As such, a detailed technical review of both the Belongil Creek and Tallow Creek EOS's was recommended in the Stage 1 Coastal Management Program (CMP) Scoping Study for the southern Byron Shire Coastline (including the Belongil and Tallow Creek estuary).

15

20

The detailed review is expected to consider many items beyond the key review questions specified in the Belongil EOS (2019). Some key components of the review are pending outcomes of other studies to be completed (such as the recently commenced Coastal Hazard Assessment).

25

Staff reported to the 5 August 2021 meeting proposing that the EOS be reviewed in two stages, one which involves an initial preliminary review (i.e. this review) and a more detailed technical review pending outcomes of other CMP Stage 2 investigations. The more detailed technical review will build on the knowledge base and consideration of the items first assessed in the preliminary review, along with outcomes of other studies.

30

The review items of the Belongil EOS (2019) being considered in this preliminary review include (but are not limited to) the list below. The items that are **bold** are now complete with the preliminary outcomes presented in this report.

35

- **Key Review Questions**
 - **Q1: Is the current opening frequency beyond Council's resources for opening?**
 - **Q2: Is berm scraping resulting in effective opening events?**
 - **Q3: Have there been any significant environmental or community concerns?**
- **Review of the Belongil Estuary Study and Management Plan (2001) (Res 21-298 - Item#2)**
- **Similarities and/or differences between the current EOS (2019) and the previous Belongil Estuary Management Plan (2001) (Res 21-298 - Item#2)**
- **Operational Considerations**
 - **Water level Controls**
 - **Excavation Depth**
 - **Entrance Opening Location**
 - **Ocean water levels**

45

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

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- Forecast rainfall
- Decision Support Framework
- **Flooding Issues**
 - Within agricultural land (focussing on the area of the Drainage Union remit) (*Res 21-298 - Item#1*)
 - Within the Byron Bay township (Council infrastructure i.e., footpaths) (*Res 21-298 - Item#1*)
- **Vegetation**
 - Dieback of Swamp Paperbark Forest (Melaleuca wetland) (*Res 21-298 - Item#1*)
 - Vegetation monitoring and changes
- **Sewage Treatment Plant**
 - Increased effluent flows and likely impacts of the overland flow route on the ICOLL (*Res (Res 21-298 - Item#3)*)
- **Acid Sulphate Soils**
- **Water Quality**
 - Water Quality/Environmental Monitoring Program
- **Fish Kill Risk**
 - Best practice management to minimise the risk of fish kills
 - Rainfall as a mitigation factor
- **EOS Decision Support Tool**
 - Lessons learnt under current arrangements
- **Collaboration / Sharing of Responsibilities in ICOLL Management**
- **Outcomes of engagement with key stakeholders**

EOS Review Items and Preliminary Outcomes

Question 1: Is the current opening frequency beyond Council's resources for opening?

Answer 1: No.

This key review question relates to water level controls, rise of ocean levels and Council's operational ability to resource the activity. Due to sea level rise and the low breach/water management controls for Belongil, the EOS advises that every 24 months the EOS should be reviewed to assess any changes in the frequency of opening and the outcomes of the openings completed.

The EOS acknowledges that over time more effort in individual entrance opening operations will be needed as opening at low breach/water controls will become impractical and ineffective due to rising sea levels.

It is noted that breach/water management controls will need to increase/ be raised incrementally over time particularly considering the recent IPCC Sixth Annual Report (AR6) which indicates an increasing rate of Global Mean Sea Level rise (recorded at 3.7mm/yr between 2006 and 2018 (high confidence)), i.e., a rate faster than what was previously recorded.

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The raising of the breach/water level management controls should be based on monitoring and if opening is required more frequently (e.g., every month) then the opening levels could be raised.

- 5 The current breach/water level management controls are workable now but will need to rise in parallel with rise in ocean levels. Maintaining levels below a certain height will become increasingly hard to achieve in the future (when the entrance is both open and closed) due to sea level rise. Water level controls are considered further in this report.

10 Question 2: Is berm scraping resulting in effective opening events?

Answer 2: No

- 15 A detailed review on berm scraping has been undertaken and is provided in Attachment 2. The review outlines that scraping is unlikely to provide an efficient or feasible option for entrance management at Belongil Creek and is not considered feasible on a long-term basis in the context of climate change as sea levels rise.

- 20 The EOS outlines that given the low breach /water level management controls scraping alone may not facilitate an effective opening event due to the low hydraulic gradient. Berm scraping has been trialled several times under various conditions and has proven ineffective. It is recommended that berm scraping as an option for entrance management is discontinued and removed from the EOS.

Question 3: Have there been any significant environmental or community concerns?

Answer 3: Yes community concerns have been raised.

- 25 There have been some concerns about the EOS from key stakeholders primarily in relation to the breach/water level management controls and the perceived impact of water levels when the entrance berm is closed on agricultural land. This is explored further in this report.

Review of the Belongil Estuary Study and Management Plan (2001) (Res 21-298 - Item#2)

- 30 The Belongil Estuary Study and Management Plan (BESMP) (Parker and Pont, 2001) was commissioned by Council and the State government and completed in 2001. The BESMP is outdated, however was a key document at its time for management of the Belongil Creek and catchment. A review of the BESMP was undertaken as part of the CMP Stage 1 Scoping Study for the Southern Shire Coastline including Tallow and Belongil Estuary for
35 the which a summary of the status of the strategy/recommended actions is provided. This summary of the review of actions related to entrance management in the BESMP is provided in Attachment 3.

- 40 Whilst consideration of the remaining actions from the BESMP will be considered in developing a CMP, the subsequent CMP for Belongil Creek will make this plan completely redundant.

Similarities and/or differences between the current EOS (2019) and the previous Belongil Estuary Management Plan (2001) (Res 21-298 - Item#2)

The adopted EOS is similar to the previous approach (i.e. maintain opening at 1.0m AHD) as it still centres around a 'watch' level of 1.0m and 'immediate' breach level of 1.1m AHD. However, the adopted EOS does include the consideration of berm levels/scraping and other parameters such as ocean levels, and weather conditions (rainfall and waves).

5

In the current EOS there is not a necessity to open the creek at 1.0m AHD if no rainfall is coming (i.e. flood risk). There is flexibility within the range of 1.0m to 1.1m AHD. *Note: Maintaining water levels below 1.0m AHD in the present day is becoming difficult given actual sea level rise that has occurred in the twenty years since the 2001 BESMP.*

10 There is an assertion that the past BESMP written in 2001 is better (or performs better) than the current EOS. 'Performance' of the current EOS is subjective depending on the stakeholder and their interest and how the 'performance' is being measured. It is important for the EOS to balance the needs of various priority coastal and catchment values whilst also remaining adaptable, cognisant with the expected impacts of climate change and sea level rise.

15

An outline of this review is provided in Attachment 3.

Operational Considerations

- Water Level Controls

20

The current breach/water level controls are workable now but will need to rise in parallel with rise in ocean levels. Long-term planning is needed through the CMP and Floodplain Management Plans to mitigate the risk of flooding in Byron Bay, and to adapt to changing water levels into the future. Further detail on the consideration of water level controls is provided in Attachment 4.

25

- Excavation Depth and Pilot Channel Width

Excavation depth in the EOS is currently 0.2m below water level. This has had limited success in creating channel formation and opening of the creek. The EOS should allow excavation depth up to 0.5m below water level to ensure scour can happen in a suitable time period.

30

The pilot channel (3m) is noted to be the base channel area and does not include the width needed for batter slopes. Further detail on the consideration of excavation depth is provided in Attachment 4.

Flooding Issues and Vegetation Dieback

35

- Within agricultural land (focussing on the area of the Drainage Union remit) (Res 21-298 - Item#1)
- Dieback of Swamp Paperbark Forest (Melaleuca wetland) (Res 21-298 - Item#1)

40 Staff engaged Australian Wetlands Consulting (AWC) to undertake a preliminary assessment of the dieback of Melaleuca Forest after concern regarding Council's EOS due to perceived impact to agricultural land within the Drainage Union lands of the Belongil

5 catchment. The preliminary assessment of the potential causes of dieback within the catchment, along with any knowledge gaps and need for additional investigations is provided in Attachment 5. AWC provided an overview of the outcomes of the report to the Coast and Estuary Catchment Panel members at the 21 October 2021 meeting. The preliminary assessment outlines that:

- The area of dieback is a legacy issue likely the result of historic disturbance – land clearing, drainage works in combination with seasonal rainfall patterns which continue a cycle of wetting and drying and acid production;
- 10 • Additional investigations are suggested to better understand the causes for acid production;
- The dieback is likely not caused by Council operations - there is no clear hydraulic connection between STP discharge and the affected area. The EOS is potentially facilitating the spread of wetland vegetation and the catchment is not on the verge of ecological collapse.
- 15 • Options for rehabilitation of the affected area should be considered including improved drain management and additional flooding to avoid prolonged drawdown of the water table (possibly through the addition of recycled water and drainage controls).
- 20 • A holistic approach to catchment management is required through the preparation of a Coastal Management Program.

Recommendations

The outcomes of this preliminary review of the Belongil EOS are provided below:

- 25 • Berm scraping has generally proven unsuccessful and should no longer be used as an option for entrance management at Belongil.
- The current breach/water level management controls are workable now but will need to rise in parallel with rise in ocean levels. Maintaining levels below a certain height will become increasingly hard to achieve in the future due to sea level rise.
- 30 • The excavation depth for mechanical opening should be amended from 0.2m below water level to up to 0.5m below water level.
- Clarification should be provided in the EOS that the pilot channel of 3m wide across the beach berm does not include the width required for batter slopes of the channel.
- The outcomes of the preliminary assessment into Melaleuca Forest dieback within an area of the Belongil catchment should be further investigated (pending resources).
- 35 • Staff should amend the EOS and implement the changes effective immediately.

Next steps

If supported by Council, amend the EOS as recommended above and begin to use the updated EOS.

- 40 Use the amended EOS to obtain a Marine Parks Permit and Crown Lands Licence renewal in 2022.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 3: We protect and enhance our natural environment	3.3: Partner to protect and enhance the health of the Shire's coastlines, estuaries, waterways and catchments	3.3.1: Implement Coastal Management Program	3.3.1.10	Belongil Creek Entrance Opening Strategy Review

Recent Resolutions

- Resolution 21-298

5 Legal/Statutory/Policy Considerations

Coastal Management Framework and associated policies.

Under the NSW Floodplain Development Manual 2006, Council is responsible for floodplain management within its Local Government Area, hence the need to manage the Belongil mouth.

10 Financial Considerations

A budget for the preparation of the Coastal Management Program for the Southern Shire Coastline including review of the Belongil EOS has been allocated for FY2021/22.

Further investigation into Melaleuca Forest dieback within an area of the Belongil catchment will require funding if it is endorsed by Council.

15 Consultation and Engagement

Staff members of Team ICOLL have been consulted on this report and Councils Executive Team.

Report No. 13.18 Water Sensitive Urban Design (WSUD)

Directorate: Infrastructure Services

Report Author: Scott Moffett, Drainage & Flood Engineer, IS - Works - Infrastructure Planning

5 **File No:** I2021/1582

Summary:

This report responds to Council resolution **21-343** from the 26 August 2021 meeting that requested details the progress in implementing the Byron Shire Council Water Sensitive Urban Design (WSUD) Policy and Strategy.

10 The report provides a summary of the progress to date and next steps required to realise the four (4) key strategies from Council's Water Sensitive Urban Design Policy and Strategy.

15

RECOMMENDATION:

That the following be presented to the next available Council meeting:

1. **Draft Water Sensitive Urban Design – Development Control Plan**
2. **Draft Water Sensitive Urban Design – Guidance Materials**
- 20 2. **Initial annual drainage infrastructure report**

Report

The following report is in response to resolution 21-343 from Councils 26 August 2021 meeting (Coorey/Ndiaye).

5 On 27 March 2020 Byron Shire Council adopted Council's Water Sensitive Urban Design (WSUD) Policy and Strategy.

The aim of this policy is to provide a consistent approach to the inclusion of WSUD principles into Council projects and in planning applications provided to Council.

WSUD principles will guide the design, construction and management of projects and development towards:

- 10
- Better management of stormwater runoff peak flows, volumes and quality;
 - Improving compliance through monitoring of construction activities and built assets;
 - Reducing demands on the use of the regions finite potable water supplies;
 - Maximising water efficiency through demand management and conservation);
 - 15 • Supporting reuse of recycled water in appropriate locations * (i.e. investigate the suitability of water re-use as an additional new water source), and
 - Enhancing habitat values for flora and fauna through biodiverse local plant selections.

20 Additionally, the water balances of catchments should not be subject to excessive imbalance due to importation, exportation or redirection of water, where the water imbalance has the potential to result in adverse impacts to human or ecological receptors.

Climate change and sea level rise will influence the siting and design of WSUD systems in the Byron Shire. Council will review and adopt suitable design approaches for WSUD system as they become available and accepted. This will assist in ensuring that WSUD infrastructure achieves its desired function and service life requirements.

25 The Policy is supported by four key strategies and an action plan. The key strategies supporting the policy include:

- A. Improve Council's planning, processes and capacity to integrate WSUD into Council works and address catchment based priorities;
- 30 B. Improve community understanding of the aims of WSUD and actions they can take to support catchment and waterway health;
- C. Increase Council's ability to leverage funding to implement, operate and maintain WSUD infrastructure now and into the future; and

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D. Improving WSUD outcomes delivered to Council in planning applications.

Staff have been working in the WSUD area since the strategy adoption. In particular all Council designed projects now have a greater emphasis on WSUD design where possible and this has changed design outcomes a number of times.

5 The table below provides a status update on WSUD works currently underway:

Strategy Item	Sub-Tasks	Delivery Status
Process and Audit of WSUD Data	<ul style="list-style-type: none"> - Consultant to review Council's stormwater asset data. - Consultant to review GIS file of known assets. - Consultant/Council staff to develop a condition and attribute proforma for Council assets. 	Complete
Development Control Plan (DCP) Update to Include WSUD	<ul style="list-style-type: none"> - Consultant/Council staff to prepare a new WSUD section of the DCP, incorporating industry best practice of stormwater quality management. 	Draft complete and under internal review
Site Inspections	<ul style="list-style-type: none"> - Undertake strategic site inspections to test a condition and attribute proforma form for the assessment of WSUD infrastructure. 	Complete
General Internal Reporting	<ul style="list-style-type: none"> - Consultant reports to internal staff summarising work complete, inspection/pilot study findings, recommendations and forward works plan for the remainder of the project 	Complete/to be workshopped
Preferred WSUD Solutions	<ul style="list-style-type: none"> - Consultation with other relevant councils on WSUD strategies. - Consultant to undertake literature review of WSUD policy. - Climate change implications on WSUD performance / design. - Consultant/Council staff to update WSUD DCP Section. - Consultant/Council staff to prepare WSUD Guidance Document on preferred solutions including descriptions, design considerations, water quality modelling. 	Draft report complete and under internal review
WSUD Section in DCP	<ul style="list-style-type: none"> - Consultant to review current DCP WSUD provisions. - Review Climate Emergency Plan outcomes. - DCP WSUD section including above. - Refer to above DCP item. 	Draft report complete and under internal review
Strategy Item	Sub-Tasks	Delivery Status

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Deemed to Comply	<ul style="list-style-type: none"> - Consultation with other relevant councils on WSUD deemed to comply solutions. - Literature review of WSUD deemed to comply solutions. - Consultant/Council staff to define suitable Deemed to Comply solutions and compliance requirements. - Consultant/Council staff to produce DCP WSUD section on Deemed to Comply solutions and relevant guidance. 	Draft report complete and under internal review
Homeowner Information	<ul style="list-style-type: none"> - Consultant/Council staff to develop homeowners guide / fact sheet for maintaining existing WSUD assets. - Consultant/Council staff to prepare DCP WSUD section on homeowner information on responsibilities in WSUD asset maintenance. 	Draft report complete and under internal review
Guidance for Preferred Solutions	<ul style="list-style-type: none"> - Identify examples where preferred WSUD solutions apply. - Locally suited planting options, materials and guidance. - Define types of development suited to each preferred WSUD solution. - Consultant/Council staff to develop DCP section on guidance for applying preferred WSUD solutions. 	Draft report complete and under internal review
Economic Information	<ul style="list-style-type: none"> - Consultant/Council staff to develop a methodology and format for submission to Council, for developers to follow in providing forecast maintenance cost of WSUD assets. 	Draft report complete and under internal review
Establishment Periods	<ul style="list-style-type: none"> - Literature review and recommendation of on-maintenance periods for different WSUD assets. - Develop WSUD asset handover checklists, including QA processes, for developers and Council to follow. - Consultant/Council staff to liaise with / review of other Council handover processes. 	Draft report complete for review with literature review complete.
Strategy Item	Sub-Tasks	Delivery Status

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O&M Program	<ul style="list-style-type: none"> - Consultant/Council staff to define level of service of maintenance for bioretention and constructed wetlands, and associated maintenance requirements and frequency. - Consultant to estimate maintenance cost rate per m2 treatment area, for each level of service. - Consultant/Council staff to forecast future WSUD asset areas that may be inherited by Council and estimate future maintenance cost estimates for bioretention and constructed wetlands. 	Draft report complete for internal review with level of service definition and initial maintenance cost rates estimated.
Training	<ul style="list-style-type: none"> - Consultant/Council staff to undertake Council training on WSUD management, including initial review to understand current WSUD management and maintenance within Byron Council, development and facilitation of a 1-day training course to implement new WSUD guidance. - Consultant/Council staff to develop future training program. 	Initial review of current Council WSUD management completed. Training to be programmed.
Information resources	<ul style="list-style-type: none"> - Review case studies and outcomes of literature review. - Climate change implications. - Update supporting document based on action A1. 	Draft report complete for internal review
Strategy Guideline	<ul style="list-style-type: none"> - Consultant/Council staff to prepare of new WSUD document consolidated overall WSUD review and develop forward works plan. 	WSUD draft 95%, to be finalised continued with completion of above tasks and following internal workshopping
Public Consultation	<ul style="list-style-type: none"> Consultant/Council staff to undertake public consultation especially focusing on the development/industrial local industry 	Developed following internal Council reporting To be developed following public consultation
Update Council's WSUD web page	<ul style="list-style-type: none"> Update Council's WSUD web page with all relevant information 	To be developed following public consultation

Key issues

There are numerous actions in the above table that are interlinked. Part of the draft report review process will be for staff to determine where each of the elements are located in one of the four final deliverables:

- 5 1. WSUD Development Control Plan
- 2. WSUD supporting and guidance document
- 3. Annual drainage infrastructure report to Council
- 4. Maintenance management system REFLECT

10 Further, embracing implementation of WSUD within the shire raises a number of key issues that must be addressed. These include:

- Ensuring appropriate WSUD asset inspections and subsequent asset handover to Council are undertaken
- Additional funding is realised to ensure the level of current WSUD maintenance is adequate
- 15 • Additional maintenance funding is realised and allocated to ensure the level of future WSUD maintenance is adequate. Current maintenance frequency and regimes will need to be reviewed and improved

Next steps

The following actions will occur prior to June 2022.

- 20 1. Electronic WSUD maintenance forms will be linked to the newly developed REFLECT Drainage Maintenance System
- 2. Undertake detailed workshops with key internal stakeholders to finalise the Draft DCP and supporting documents
- 25 3. Report Council's Draft WSUD DCP and supporting documents to Council for approval to undertake public consultation. (March 2022)
- 4. Undertake public consultation (April 2022)
- 5. Adopt WSUD DCP and supporting documents (May 2022)
- 6. Further reporting to Council on the future needs and constraints of stormwater drainage infrastructure across the shire from a renewal and maintenance perspective, including WSUD infrastructure (March 2022)
- 30

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.1: Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.6: Provide stormwater infrastructure to manage flood mitigation, social and environmental outcomes	New activity	Complete Water Sensitive Urban Design Strategy Actions

Recent Resolutions

- Resolution **21-343** - 27 March 2020 (Coorey/Cameron).
- 5 • Notice Of Motion/resolution **21-343** - 26 August 2021 (Coorey/Ndiaye).

Legal/Statutory/Policy Considerations

The implementation of the WSUD project outcomes will result in an update of Council's existing DCP.

Financial Considerations

- 10 The current programmed WSUD works are funded. However, the financial impacts of a growing number of WSUD assets and the general condition and cost to maintain drainage infrastructure across the shire requires more in-depth reporting to Council. This is proposed in March 2022.

Consultation and Engagement

Who was consulted?	How did consultation occur? e.g. email, verbal etc.	Comments/Feedback
Phillip Holloway, Evan Elford	Verbal	Supported
Council Executive Team	Formal Executive Team report	Supported
Council	Report/verbal	Council adopted WSUD Policy and supported implementation of key strategies
Internal Council Stakeholders (SEE/IS)	Email/verbal/technical reports	Supported and ongoing collaboration/implementation

Report No. 13.19 Completion of Brunswick Heads STP Remediation

Directorate: Infrastructure Services

Report Author: Nikki Bourke, Project Officer

5 **File No:** I2021/456

Summary:


The Brunswick Heads Sewage Treatment Plant (STP) remediation project is now complete with Council having received the final Site Audit Statement from the appointed NSW Environmental Protection Authority (EPA) accredited Contaminated Site Auditor.

10

RECOMMENDATION:

15 **That Council notes that the remediation of the Brunswick Heads Sewage Treatment Plant land is now complete to a Health Investigation Level (HIL) C – Public Open Space as per the National Environment Protection (Assessment of Site Contamination) Measure 1999.**

Attachments:

20 1 FINAL Brunswick Heads STP Land Use Options Update report 7 Feb 2017 Mike Svikis Planning, E2021/52447 

Report

5 The removal of the former STP structures and remediation of the Brunswick Heads STP site was completed in 2019. The documentation required to finalise the remediation process under the Contaminated Land Management Act 1997 (CLM Act) has now also been completed.

The documentation includes:

- the Site Validation Report, and
- the Long-Term Site Environmental Management Plan

10 As prepared by the remediation consultant and approved by the EPA accredited Contaminated Site Auditor (the Auditor); and

- the Final Site Audit Statement

As prepared by the Auditor.

15 The level of remediation - Health Investigation Level (HIL) C – Public Open Space was adopted following the preparation of a Brunswick Heads STP Land Use Options Update Report (LUOUR) in 2017.

The LUOUR is attached for Council's information. The purpose of the LUOUR was to determine the then highest and best value uses possible for the site allowable at that time by planning and site constraints.

The 2017 LUOUR recommendations for future uses of the STP lots were:

- 20
- Short Term = Sewer pump station + habitat (E zone, etc) + large solar farm + passive recreation (see Figure 1)
 - Long Term = Sewer pump station + habitat (E zone, etc) + small solar farm + sports field (see Figure 2)

25 Those potential uses guided the level to which the site was remediated, which was to Health Investigation Level (HIL) C – Public Open Space:

“HIL C (public open space) assumes a two-year-old child will play in the area two hours per day, 365 days of the year. It assumes that the child eats 50 milligram of this soil every day, and that 44 per cent of the child's total skin is exposed to the soil and that the soil sticks to the skin long enough to provide the dose.”

30 Remediating to HIL C can also allow for future uses covered in the less stringent HIL D – Commercial/Industrial remediation level, subject to further investigation of planning and site constraints for that particular use.



Figure 1: Potential short term use of the site (Mike Sivikis Planning, 2017)



Figure 2: Potential long term use of the site (Mike Sivikis Planning, 2017)

Since the pre-remediation LUOUR a number of circumstances have changed that would need to be considered in determining future uses, for example:

- 5 1. The Byron Shire Rural Land Use Strategy and the Residential Strategy were in a draft form but have since been finalised. The consultant was engaged to review the uses against the updated strategic plans and they found the 2017 uses still possible.
2. Contamination within the STP ponds meant that retaining a portion of it as a freshwater wetland (as depicted in the above figures) was no longer viable. The pond was filled completely during remediation works to remove any hazards associated with contaminants.
- 10 3. Native Title rights and interest have been recognised as continuing on the adjoining reserve. This influences what can occur on the adjoining reserve and increases the strategic importance of the Council land for future public recreation.

15

The current remediated site aerial photograph is provided in Figure 3 below.



Figure 3: Remediated former Brunswick Heads STP site (Nearmap 2021).

- 5 Any future use of the site will need to accord with the Health Investigation Level (HIL) C – Public Open Space remediation status of the land and requirements of the Long-Term Site Environmental Management Plan, as well as the land management and planning statutory controls that are in place at the time of any change in use. Contaminated site specialists and an EPA accredited contaminated site auditor would need to be re-engaged for any future use options not in compliance with HIL C or the Long-Term Site Management Plan conditions.
- 10

The remediation project is now complete. Staff will include a project in the next Operational Plan to look at future use of the site including financial and governance considerations, noting that this land is a Sewer Fund asset.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.5	Provide continuous urban water and sewerage services within the Shire	1.5.2	Ensure Wastewater Treatment Plants are maintained in accordance with operating licences	1.5.2.9	Investigate future use options for the remediated old Brunswick heads STP site

Consultation and Engagement

- 5 Key stakeholders and neighbours of the site were consulted throughout the remediation project. Community and stakeholder consultation has not yet been undertaken in relation to potential future uses.

Report No. 13.20 Belongil Parking Scheme Review

Directorate: Infrastructure Services
Report Author: Andrew Pearce, Traffic Engineer
File No: I2021/1471

5 **Summary:**



The purpose of this report is to present the recent Belongil Parking Study to Council for adoption.

10 Belongil has been identified as a strategic focus area to undertake a parking study with an explicit goal of developing a parking system that supports both the Byron Bay Masterplan and Belongil resident needs.

15 **RECOMMENDATION:**

1. That Council adopts the Belongil Parking Scheme Review, consisting of attachments 1 and 2 (E2021/113682 and E2021/113683).
2. That staff scope and estimate the short term actions from the Belongil Parking Scheme Review and report a proposed delivery program, with consideration of other conflicting Local Area Traffic Management priorities, to the next available Transport Infrastructure Advisory Committee meeting.
3. That a budget of \$100,000 from the Infrastructure Renewal Reserve – Byron Bay be allocated in the 2021/22 budget to fund the commencement of Local Area Traffic Management Programs and the short term actions from the Belongil Parking Scheme Review.

Attachments:

- 1 210909 Belongil Parking Scheme Review - Final Report, E2021/113682 , page **Error! Bookmark not defined.** 
- 30 2 210909 Belongil Parking Scheme Review - Context Report, E2021/113683 , page **Error! Bookmark not defined.** 

Report

Background

A parking study of Belongil area has been completed for three reasons.

- 5 1. The Byron Bay Masterplan plans to transition cars and parking out of the CBD and into satellite areas around Byron Bay. As a result, Council needs to identify opportunities to expand parking demand in these key satellite areas and make these schemes more efficient and useable in preparation for this transition.
- 10 2. While a recent grant application to construct the Green Line connecting Belongil and Byron Bay was not successful it highlights a clear nexus between Belongil and the Byron Bay CBD. This reinforces the fact that the Belongil area is a strategic and logical parking link with Byron Bay.
- 15 3. Belongil residents approached Council to highlight the dangerous and chaotic parking behaviour occurring within the Belongil commercial precinct and the need to improve parking management in the area.

These three reasons identified Belongil as a strategic focus to undertake a parking study with an explicit goal of developing a parking system that supports both the Masterplan and Belongil resident needs.

20 Scope of Works

The scope of the study included a review of the following standard parking data:

- Supply,
- Demand,
- Occupancy rates,
- 25 • Identify parking behaviours, patterns, and infringements,
- Duration of stay, and
- Time limits

However, to develop Belongil into a strategic link with Byron Bay and to meet the needs of residents the scope of works was expanded to also review the following:

- 30 • Identify works to create a safer, more accessible internal pedestrianised network,
- Identify measures to help create a more traffic calmed pedestrianised village precinct.
- Consider the broader links between Belongil and Byron Bay.

35 The image below is taken from Figure 1-1 of Attachment 1 with the red dotted line showing the general area covered by the study.



The results of this study are seen in Attachments 1 and 2.

Attachment 1 presents the observations and recommendations.

5 Attachment 2 presents the background research that ensured the local context and needs of the area were clearly understood.

Key Observations and Recommendations

Table 2-1 below is taken from Attachment 1 and shows the recommended short term and long term actions to help improve the Belongil parking scheme. The two images below Tale 2-1 are also taken from Attachment 1 and show where the works are to occur.

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Table 2-1

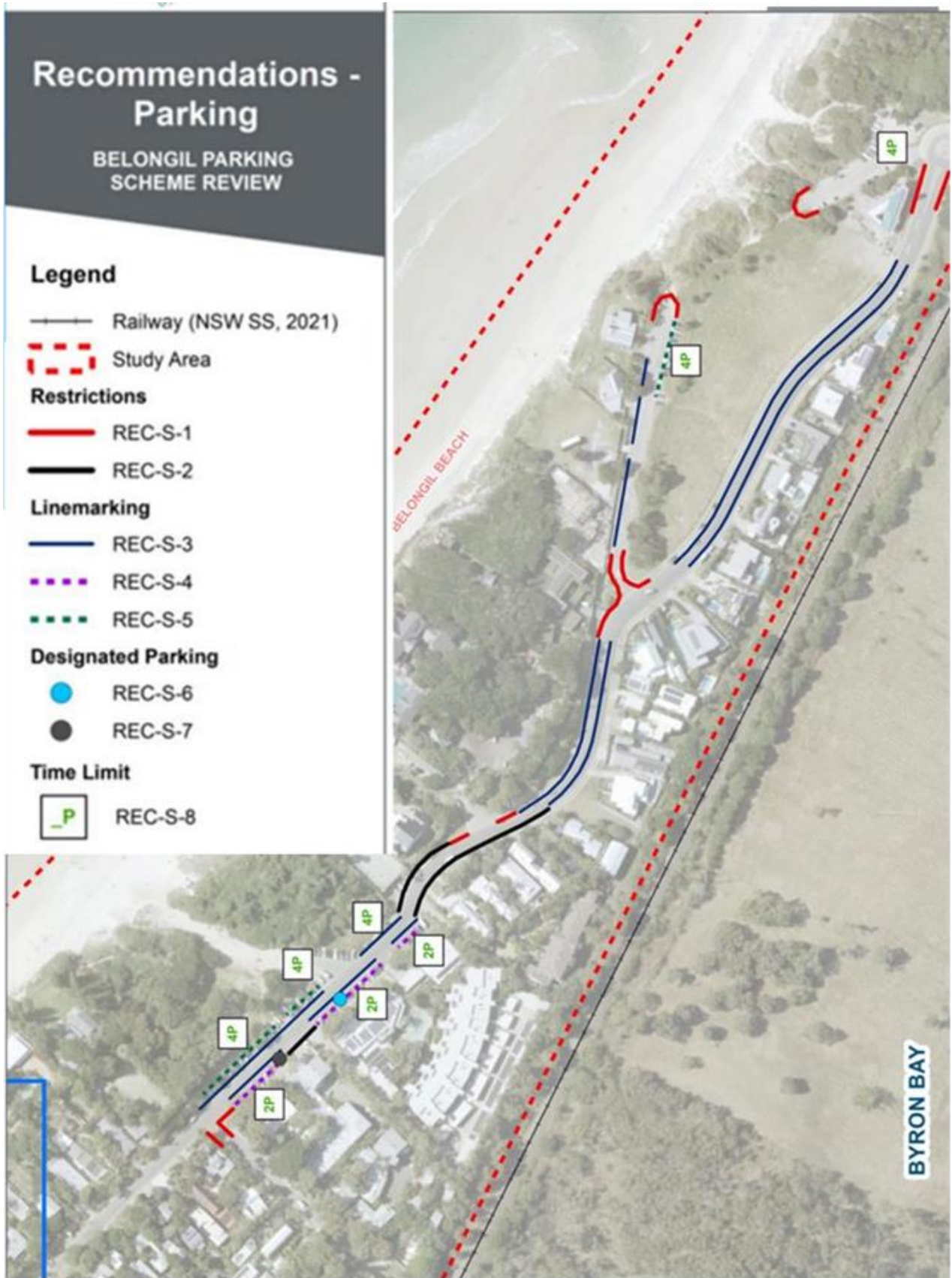
Short term		
ID	Recommendation	Issue addressed
REC-S-1	No Stopping signage	Parking within 10 metres of intersections.
REC-S-2	No Parking signage	Narrow carriageway width.
REC-S-3	Edgeline	Parking in the verge or on the footpath.
REC-S-4	Delineation linemarking (perpendicular)	Undesirable parking configurations.
REC-S-5	Marking dots (perpendicular)	
REC-S-6	Accessible parking spaces (2)	Lack of accessible parking.
REC-S-7	Motorcycle parking spaces (4)	Lack of designated motorcycle parking.
REC-S-8	Time limits	Uneven parking demand.
REC-S-9	Wheel stops	Vehicle overhang on footpath.
REC-S-10	Timber bollards	Lack of delineation and separation of parking area and open space.
REC-S-11	Geogrid pavement	Unsealed parking spaces.
REC-S-12	Maintain vegetation	Vegetation reclaiming the road and reducing parking capacity.

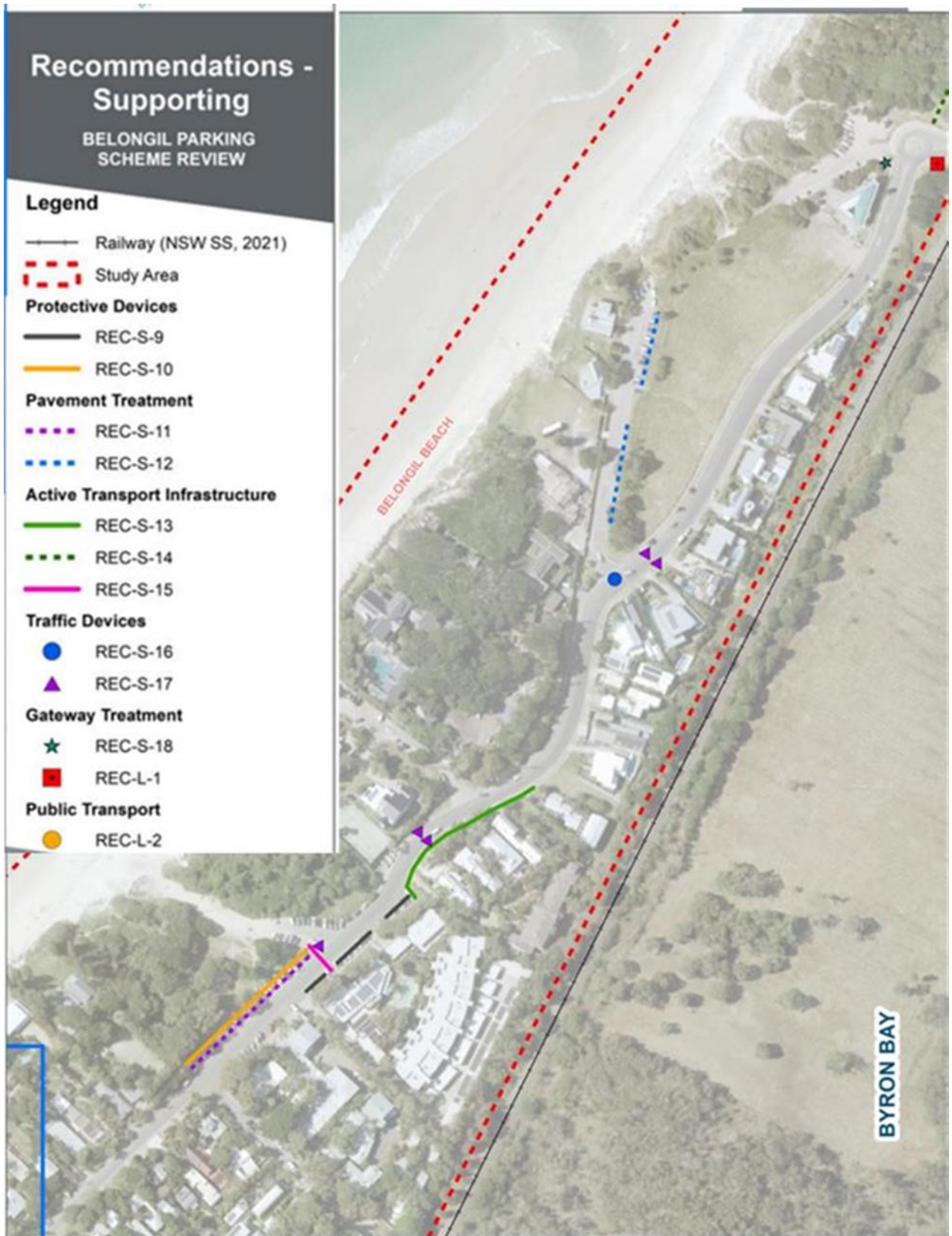
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ID	Recommendation	Issue addressed
REC-S-13	Footpath	Missing link in the active transport network.
REC-S-14	Shared path	No active transport connectivity to Byron Bay town centre.
REC-S-15	Raised pedestrian crossing	Lack of pedestrian crossing facility.
REC-S-16	Roundabout	Poor accessibility to eastbound on-street parking spaces.
REC-S-17	Kerb extensions	Lack of traffic calming devices.
REC-S-18	Destination signage	Lack of entry signage to define the area.
Long term		
REC-L-1	High Pedestrian Activity Area signage	High pedestrian volumes.
REC-L-2	Train station for the Byron Bay Solar	Train No public transport connectivity to Byron Bay town centre.





Key issues

There is no dedicated funding source for the completion of the recommended works from the report.

Options

5 Additional options were raised during the study but not included in the report, such as:

- Activation of the eastern leg of Border Street (currently overgrown):
It was initially identified as a potential area to activate as a link to the Green Line. However, given the grant application was not successful this location was not pursued.

10

- Activation of Don Street:
It was noted that the road reserve within Don Street is very wide with ability to increase supply noticeably. However, there is currently no need to substantially increase parking supply in this location, at this time. This area can be explored at a future date if demand requires.

15

- The area known as Old Jetty car park as a park:
An option raised but not pursued was to recommend changing the old car park into a park. The net loss in parking was considered small and had the potential to noticeably increase the outdoor play area. The entrance to the car park would be fenced off with bollards and on street 90-degree parking placed along the former entrance to the car park. Given the car park is sand blown and infrequently maintained the number of spaces is reducing.

20

Next steps

25 Review Attachment 1 to estimate costs and identify priority projects for funding in future financial years.

Strategic Considerations

Community Strategic Plan and Operational Plan

30 While there is no direct OP Activity associated with this study it links directly to CSP Strategy 1.6:

- *1.6 Manage traffic and parking in an efficient manner*

And DP Action 1.6.1 and 1.6.3:

- *1.6.1: Implement review of parking management*
- *1.6.3: Ensure new infrastructure is planned and funded to meet the needs of the current and future population (SP)*

35

Recent Resolutions

N/A

Legal/Statutory/Policy Considerations

- 5 Local roads are the responsibility of Local Councils to fund, determine priorities and carry out works as required to manage demand and safety, as funding and priorities permit.

The recommended actions from this report are all actions that form part of Councils responsibilities to manage local roads, it is therefore important that Council investigate ways to fund the proposed actions as funding and priorities permit.

Financial Considerations

- 10 There is no dedicated funding source for the completion of Local Area Traffic Management Programs and the recommended works from the report.

However, this work forms an integral part of the overall traffic and parking management planning for the Byron Bay Township, cars out people in strategy and as such funding from pay parking income is considered appropriate.

- 15 The Study actions will need to be costed and considered against other Local Area Traffic Management Programs. All program works will require an annual review to identify priority projects to submit for funding each year.

Comment from Manager Finance

- 20 The third proposed recommendation to this report is seeking Council to allocate \$100,000 from pay parking revenues to fund aspects from the Belongil Parking Scheme Review. Should Council endorse this recommendation, funding would need to be provided from the Infrastructure Renewal Reserve – Byron Bay given the locality and this reserve is funded from pay parking revenues distributed to Byron Bay. Based on the 2021/2022 Budget, there is capacity within this reserve to fund the \$100,000 although monitoring for the remainder of the financial year will be necessary given pay parking revenues are tracking lower than expected due to the COVID lockdowns/restrictions since July 2021.

Consultation and Engagement

Belongil community representatives were consulted at three stages during the study and have reviewed the final version for comments.

- 30 They confirmed residents were very happy with the Study with the following suggestions:

“The general comment was on the pedestrian crossing was that it was better on the Wake Up side rather than the town side.

Also if possible one vegetation blister one accessible parking either side of the pedestrian crossing in front of resort.”

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These considerations can be addressed when specific works are funded and designed.

Report No. 13.21 Land Acquisition part Lot 11 DP 1200712 for the purpose of facilitating the shared cycle/walking path

Directorate: Infrastructure Services

5 **Report Author:** Deanna Savage, Roads and Property Officer

File No: I2021/1681

Summary:

10 This report is being presented to Council to endorse the land acquisition of part Lot 11 DP 1200712. The land area to be acquired is 152.6m² and is necessary to facilitate the completion of the Byron Bay to Suffolk Park section of the shared cycle/walking path.

RECOMMENDATION:

- 15 1. That Council endorses the land transfer agreement for the acquisition of part lot 11 DP 1200712 152.6m² for NIL value on the condition that Council fund the construction of a protective barrier fence, 3.6m High Backstop x 53 lineal metres being Chainwire PVC on Council's part of the acquired land; and
- 20 2. That Concil authorises the acquisition and the execution of all documents necessary to affect the land acquisition and land transfer between Byron Bay Golf Club and Byron Shire Council.

Attachments:

- 25 1 Confidential - Valuation Assessment of Compensation - Valuers Australia Rob Houlden Byron Bay Golf Course land acquisition shared path/cycle way, E2021/131440 , page **Error! Bookmark not defined.**
- 2 Confidential - 24.2017.86.1 Quote for Protective Barrier Byron Bay Golf Club Land acquisition for shared cycle/walking path, E2021/132950 , page **Error! Bookmark not defined.**

Report

In 2017, Byron Shire Council resolved to develop a new Bike Strategy and Action Plan (Bike Plan) for the entire local government area to supersede the dated Bike Plan which was adopted in August 2008. In 2019 the final bike plan was adopted and passed by resolution **19-546**. This report is specific to the Byron Bay to Suffolk Park shared cycle/walking path section of the final bike plan. As per **Image 1** below, a section of Byron Bay Golf Course land, the blue hatched section of lot 11 DP 1200712 is needed to safely complete the shared cycle/walking path.



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At present the existing Bus Shelter (represented by black hatching **Image 1**), which adjoins the Golf Club land Lot 11 DP 1200712, has been upgraded. As part of the design process, it was proposed to install the cycleway behind the bus shelter to help facilitate the cycleway design. This was needed because there was insufficient space within the road reserve to fit all the required infrastructure.

Image 2 provides an on the ground view of the Bus Shelter and the area behind the bus shelter needed for the shared cycle/walking path. The property boundary is currently just behind the bus shelter.



10

Image 2

To progress this construction Council had 2 options to either acquire a section of Lot 11 DP 1200712 or create an easement over Lot 11 DP 1200712. This would then allow the cycleway to join the North bound cycleway and continue to the crossing situated on Broken Head Road as there is not enough space within the existing road corridor for both the bus stop and shared path.

15

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13.21

As seen in **Image 2** there is already a clearing behind the bus shelter and the heavy vegetation allows for a screen / barrier between the players and pedestrians and cyclists.

5 Negotiations have been ongoing for the 12 months with Byron Golf Course Committee agreeing to a land acquisition of the section of land required to complete the shared cycle/walking path. The section consists of a 152.6m² section of Lot 11 DP 1200712. Once acquired the section is to be dedicated as road reserve and consolidated into the existing road corridor Broken Head Road.

10 A Valuation was completed *Attachment 1 E2021/131440* and presented to the Byron Golf Club Committee who assessed the report helping them come to a final agreement/offer. The agreement/offer is as follows:

That Council acquire part lot 11 DP 1200712 152.6m² for NIL value on the condition that:

- Byron Shire Council fund the build of a protective barrier described below on Council's part of the acquired land.
- 15
- The protective barrier to be 3.6m High Backstop x 53 lineal metres being Chainwire PVC.

20 An initial quote was received for the protective barrier *Attachment 2 E2021/132950*. It is noted that as this quote was given in April 2021 the price may vary in value when construction proceeds.

In an attempt to avoid property acquisition or easement, alternative design options have been investigated. Staff have concluded that to ensure Council provide the best long term and safest shared path in this location the property acquisition should proceed in accordance with the above offer from the Byron Bay Golf Club.

25 **Strategic Considerations**

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.3: Support, through partnership, a network of integrated sustainable transport options	1.3.1: Ensure an integrated and accessible transport network (SP)	1.3.1.1	Seek and apply for grants that deliver prioritised Pedestrian and Access Mobility Plan (PAMP) and Bike Plan facilities across the shire

Recent Resolutions

- Resolution (19-546)

Legal/Statutory/Policy Considerations

ROADS ACT 1993 - SECT 9

5 **Public road created by registration of plan**

9 PUBLIC ROAD CREATED BY REGISTRATION OF PLAN

(1) A person may open a public road by causing a plan of subdivision or other plan that bears a statement of intention to dedicate specified land as a public road (including a temporary public road) to be registered in the office of the Registrar-General.

10 (2) On registration of the plan, the land is dedicated as a public road.

Land Acquisition (Just Terms Compensation) Act 1991 (NSW)

1 s1 Notice of intention to acquire land by compulsory process

15 (1) An authority of the State may not acquire land by compulsory process unless the authority has given the owners of the land written notice of its intention to do so.

(2) The authority of the State is not prevented from acquiring the land by agreement after giving the proposed acquisition notice.

20

Roads Act 1993

Part 12 Division 1 Section 177

25 **177 Power to acquire land generally**

(1) The Minister, RMS or a council may acquire land for any of the purposes of this Act.

30 (2) Without limiting subsection (1), the Minister, RMS or a council may acquire—

(a) land that is to be made available for any public purpose for which it is reserved or zoned under an environmental planning instrument; or

(b) land that forms part of, or adjoins or lies in the vicinity of, other land proposed to be acquired for the purpose of opening, widening or constructing a road or road work.

35 (3) Without limiting subsection (1), RMS may also acquire land that it proposes to declare to be.

Policy Acquisition and Disposal 2016 – (5) Land Acquisitions

40 **List of Notifications required for Section 10.7 (previously Section 149) Certificates**

1. Road Widening and Road Realignment under:

- Division 2 of Part 3 of the Roads Act 1993, or
- Environmental planning instrument, or
- 5 • Resolution of council

Financial Considerations

Budget for the remainder of land acquisition matters will be funded from the Election Commitment Grant (ECG). The remainder of the costs include Subdivision Plan for road widening, Legal, Registration Fees and the cost and erection of the protective barrier. All costs in total approximately \$25,000.

Consultation and Engagement

Negotiations have been carried out between Byron Golf Clubs Executive Committee and Byron Shire Council Infrastructure Services Staff.

Report No. 13.22 Moving Byron (Transport Strategy)

Directorate: Infrastructure Services
Report Author: Andrew Pearce, Traffic Engineer
File No: I2021/1773

5 **Summary:**

A preliminary version of *Moving Byron* (Attachment 1, 2 &3) has been developed in preparation for Public Exhibition.

10 The work of bringing the Strategy together has been led by Council's Transport and Infrastructure Advisory Committee consisting of community representatives, Councillors, and staff.

The purpose of this report is to seek Council approval to liaise with TfNSW, other government agencies and key stakeholders identified within the draft Moving Byron Strategy for their feedback and investigate a resourcing strategy to sustainably implement Moving Byron, prior to the public exhibition of Moving Byron.

15 It is essential Council develop a strategy that is achievable in the long term.

Further consultation with relevant stakeholders may help facilitate their "buy in" when we go to implement some actions (such as improving the public bus network) and potentially provide Council with access to additional funding and technical resources.

20 A copy of the draft documents and recommendations have also been forwarded direct to TIAC members for their advice and consideration.

Council needs to further understand staff resourcing impacts prior to committing to a long-term strategy, to ensure the strategy is successful.

25

RECOMMENDATION:

1. **That Council notes the Draft version of the Moving Byron Strategy (Attachments 1,2 &3)**
2. **That prior to the Public Exhibition of the Draft Moving Byron Strategy, Council:**
 - 30 a) **Undertakes consultation with other government agencies and key stakeholders identified within the Draft Moving Byron Strategy to obtain their feedback and comments.**
 - b) **Receives a report on resourcing requirements in relation to the Draft Moving Byron Action Plan prior to its Public Exhibition, by March 2022.**

BYRON SHIRE COUNCIL




STAFF REPORTS - INFRASTRUCTURE SERVICES

13.22

- 3. That Council thank members of the Transport and Infrastructure Advisory Committee (TIAC) for the extensive time and effort put into preparing the Draft Moving Byron Strategy.**

Attachments:

5

- 1 24.2018.46.1 - Moving Byron Introduction - Draft, E2021/137340 
- 2 24.2018.46.1 - Moving Byron Actions - Draft, E2021/137339 
- 3 24.2018.46.1 - Moving Byron Discussion and Data - Draft, E2021/138738 

10

Report

A preliminary version of *Moving Byron* (Attachment 1, 2 &3) has been developed in preparation for Public Exhibition.

- 5 The work of bringing the Strategy together has been led by Council's Transport and Infrastructure Advisory Committee (TIAC) consisting of community representatives, Councillors, and staff.

Moving Byron is an opportunity for Council to look ahead twenty years at how our transport network (aka roads, footpaths, cycleways) is likely to evolve if we follow a business as usual (BAU) approach.

- 10 It is clear that BAU would largely continue current trends in car dependency, demand for parking, congestion and community amenity. The network will face increasing challenges to maintain financially sustainable levels of service and struggle to meet a diverse range of movement needs and community expectations.

- 15 *Moving Byron* takes an over the horizon view of our transport network to identify the changes we can begin making now that can sustainably provide better outcomes for people and communities.

To ensure this, an overriding objective is that the *Moving Byron Integrated Transport Strategy (Strategy)* helps Council to manage a financially and environmentally sustainable road network.

- 20 The Draft *Moving Byron Integrated Transport Strategy (Strategy)* (Attachment 1) is in two parts.

- 25 *Part 1:* A big picture view of our existing transport network and the ways we move to identify priority and future directions in transport infrastructure, services and behaviours as well as the tools that can help us achieve meaningful change (Future Direction 1).

Part 2: Connecting Communities: How we will go about applying the changes identified in Part 1 (Future Directions 2-7)

- 30 The *Moving Byron Integrated Transport Strategy (Strategy)* is supported by 2 other documents being – *Moving Byron Actions* (Attachment 2) and *Moving Byron – Discussion and Data* (Attachment 3)

Next Steps

The current version has not been circulated to external stakeholders or other agencies.

As part of the internal consultation and review process staff have undertaken a preliminary review of the strategy and it is:

- 5 a. *a staged engagement strategy commencing with other government agencies before being placed on Public Exhibition; and*
- b. *investigation of resourcing strategy.*

10 In line with this, this report recommends that prior to public exhibition staff liaise with TfNSW, other relevant government agencies and key stakeholders and provide them with a draft copy of Moving Byron for their feedback.

This recommendation arises from a meeting on 3 November 2021 held between several key TfNSW Directors and Byron Shire Council Directors, where Moving Byron was discussed together with opportunities to support Council in funding strategic infrastructure.

15 Following this meeting TfNSW Directors requested an opportunity to review the document prior to public exhibition given they are identified as a key stakeholder and they are actively looking for opportunities to help Council deliver many signature projects.

20 As many of the proposed actions require significant collaboration and staffing commitments from all directorates and significant future budget allocations, it is also recommended that staff undertake a resourcing strategy while consultation with government agencies is also underway.

The purpose is to:-

- help clarify potential budget and staffing requirements for Council to implement immediate actions
- 25 • help Council plan for the sustainable implementation of Moving Byron over the next 20 years,
- help ensure the strategy can be actioned in the most efficient manner without negatively impacting other services and strategies.

Key issues

It is essential Council develop a strategy that is achievable in the long term.

30 Consultation with relevant stakeholders may help facilitate their “buy in” when we go to implement some actions (such as improving the public bus network) and potentially provide Council with access to additional funding and technical resources.

Next steps

The proposed next steps are as follows:

Step 1 - December to January 2022

- 5 • Consult with TfNSW and other government agencies. Given the New Year and Christmas period a slightly longer consultation period of 8 weeks is proposed to provide adequate time for agencies to review the strategy across different departments, ask clarifying questions, partake in a workshop to review the document and then submit feedback.
- Investigate a resourcing strategy through cross directorate collaboration.

10 *Step 2 – February 2022*

- Update *Moving Byron* to include all feedback and resourcing strategy
- Further internal review
- Make the document “accessible” and prepare for public exhibition

Step 3 - March 2022 - Council Meeting

- 15 • Council report recommending Public Exhibition of *Moving Byron* including consideration of resourcing requirements

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.3	Support, through partnership, a network of integrated sustainable transport options	1.3.1	Ensure an integrated and accessible transport network (SP)	1.3.1.1	Finalise the Integrated Transport Management Strategy (ITMS)

Recent Resolutions

Resolution 21-321

1. *That Council notes the Draft Moving Byron Strategy.*
2. *That TIAC continues to refine the draft out of session by email.*
- 5 3. *That TIAC submits a final copy to the Council Planning Meeting in August.*
4. *That Council adopts a final draft for public exhibition.*
5. *That Council supports a longer exhibition period of 6 weeks to provide an opportunity to the new Council to consider a draft on Strategic Planning Workshop.*

10 **Legal/Statutory/Policy Considerations**

There are no legal, statutory or policy requirement for Council to develop this strategy.

However, all actions arising from Moving Byron to be implemented within the required regulatory framework and works are to be undertaken to required regulatory standards and guidelines.

15 **Financial Considerations**

Currently the financial impacts of Moving Byron Actions are unknown. Investigation of a Resourcing Strategy will begin to clarify the potential financial impact of Moving Byron over the immediate and long term.

- 20 There is \$47,800 (under GL 3161.132) remaining within the project budget allocation. Part of this may be required to help make the document “accessible” prior to public exhibition.

Consultation and Engagement

‘Moving Byron’ has been developed under the guidance of TIAC and through consultation with Council staff.

Report No. 13.23 Use of Delegated Authority - Local Traffic Committee

Directorate: Infrastructure Services

Report Author: Andrew Pearce, Traffic Engineer

5 **File No:** I2021/1796

Summary:

The last Local Traffic Committee (LTC) meeting for 2021 is on Tuesday 25th November. There are currently no Council meetings planned in which the LTC recommendations could then be adopted.

10 This report seeks Council's support for the General Manager to use Delegated Authority in consultation with Director of Infrastructure Services to act on LTC recommendations arising from the Tuesday 25 November, 2021, meeting.

15 It is also requested that Council delegate chairing of the Local Traffic Committee to the Director of Infrastructure Services until after the December Local Council Elections and a new Chair of the committee is confirmed. This will allow Council to organise extraordinary meetings of the LTC during the transition period of the New Council and address any urgent matters that may arise during that transition phase.

20

RECOMMENDATION:

25 **1. That Council approves the General Manager (or his delegate) using Delegated Authority in consultation with the Director of Infrastructure Services to act on recommendations arising from the 25th November Local Traffic Committee meeting and any additional extraordinary meetings held during December 2021 and January 2022.**

2. That Council delegates chairing of the Local Traffic Committee to the General Manager (or his delegate) for the period from the December Local Council Elections until a new Chair of the committee is confirmed.

30

Report

The last Local Traffic Committee (LTC) meeting for 2021 is on Tuesday 25 November. There are currently no Council meetings planned in which the LTC recommendations could then be adopted.

- 5 This report seeks Council’s support for the General Manager to use Delegated Authority in consultation with Director of Infrastructure Services to act on LTC recommendations arising from the Tuesday 25 November, 2021, meeting.

10 It is also requested that Council delegate chairing of the Local Traffic Committee to the Director of Infrastructure Services for the period from the December Local Council Elections until a new Chair of the committee is confirmed. This will allow Council to organise extraordinary meetings of the LTC during the transition period of the New Council and address any urgent matters that may arise during that transition phase.

Key issues

15 Council processes generally allow for LTC matters to be considered and approved in a reasonable time frame. The election process will prevent this from occurring and therefore the proposed recommendation will allow staff to maintain a reasonable response time for LTC matters.

Options

- 1. Support as recommended
- 20 2. Not support as recommended.

Option two will result in any LTC matters needing to wait until the February 2022 Council meeting for approval.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.6: Manage traffic and parking in an efficient manner	1.6.4: Improve effectiveness of Local Traffic Committee	1.6.4.1	Report regulatory traffic matters and items requiring comment through the Local Traffic Committee for recommendation to Council for approval

Recent Resolutions

At the 26th November 2020 Council meeting Council resolved the following similar resolution:

Resolution **20-632**

- 5
- Resolved that Council approve the General Manager using Delegated Authority in consultation with the Director of Infrastructure Service to act on recommendations arising from extraordinary Local Traffic Committee meetings in November and December 2020 for matters where the Local Traffic Committee members are unanimous in their decision.

10 **Legal/Statutory/Policy Considerations**

Recommendations have been written in consultation with Council Legal Counsel

Financial Considerations

No financial issues are linked to this recommendation.

Consultation and Engagement

- 15 Prior to preparing this report internal discussions occurred to identify the most suitable way to manage Local Traffic Committee matters over the transition period. These discussions occurred with Evan Elford (Manager Works), James Flockton (Infrastructure Planning Coordinator) and Ralph James (Legal Counsel).

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 Report of the Audit, Risk and Improvement Committee Meeting held on 21 October 2021

- 5 **Directorate:** Corporate and Community Services
- Report Author:** Alexandra Keen, Audit, Risk & Improvement Coordinator
- File No:** I2021/1694

Summary:

- 10 This report provides the minutes of the Audit, Risk and Improvement Committee (Extraordinary) Meeting held on 21 October 2021 for determination by Council.

RECOMMENDATIONS:

- 15 1. That Council notes the minutes of the Audit, Risk and Improvement Committee Meetings held on 21 October 2021 (Extraordinary) and 11 November 2021, at Attachment 1 (I2021/1645).

2. That Council adopts the following Committee Recommendation:

Report No. 3.1 Adoption of Minutes from Audit, Risk and Improvement Committee meeting of 19 August 2021

File No: I2021/1452

Committee Recommendation 3.1.1

That the minutes of the Audit, Risk and Improvement Committee Meeting held on 19 August 2021 be confirmed.

3. That Council adopts the following Committee Recommendation:

Report No. 4.1 Proposed ARIC Work Plan for 2022

File No: I2021/1578

Committee Recommendation 4.1.1

That the Audit, Risk and Improvement Committee approves the draft Audit Risk and Improvement Committee Work Plan for 2022 (E2021/120219).

4. That Council adopts the following Committee Recommendation:

Report No. 4.2 Office of Local Government - Risk Management and Internal Audit for Local Councils in NSW: Guidelines

File No: I2021/1451

Committee Recommendation 4.2.1

That the Audit, Risk and Improvement Committee approves:

- i) the drafting of a submission to the Office of the Local Government on the Draft Risk Management and Internal Audit for Local Councils in NSW - Guidelines on behalf of Byron Shire Council, based on the matters at Attachment 3 (E2021/115947) and any further submissions from Audit, Risk and Improvement Committee members prior to 4 November 2021.
- ii) the consideration of the draft submission at the next Audit, Risk, and Improvement Committee meeting on 11 November 2021 prior to going to Council for endorsement on 25 November 2021.

5. That Council adopts the following Committee Recommendations:

Report No. 4.3 Draft 2020/2021 Financial Statements


File No: I2021/1642

Committee Recommendation 4.3.1

That the Audit, Risk and Improvement Committee recommends to Council:

1. That Council adopts the Draft 2020/2021 Financial Statements incorporating the General Purpose Financial Statements (#E2021/127421) and Special Purpose Financial Statements (#E2021/127426).
2. That Council approves the signing of the "Statement by Councillors and Management" in accordance with Section 413(2)(c) of the Local Government Act 1993 and Section 215 of the Local Government (General) Regulation 2021 in relation to the 2020/2021 Draft Financial Statements.
3. That the Audited Financial Statements and Auditors Report be presented to the public at the Ordinary Meeting of Council scheduled for 25 November 2021 in accordance with Section 418(1) of the Local Government Act 1993.

Attachments:

- 1 Minutes of Audit, Risk and Improvement Committee Extraordinary Meeting of 21 October 2021, I2021/1645 

Report

Attachment 1 (I2021/1645) to this report provides the minutes of the Audit, Risk and Improvement Committee (Extraordinary) Meeting of 21 October 2021 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 [Agenda of Extraordinary Audit, Risk and Improvement Committee Meeting - Thursday, 21 October 2021 \(infocouncil.biz\)](#)

Financial Implications

As per the Reports listed within the Audit, Risk and Improvement Committee Meeting of 21 October 2021.

10 Statutory and Policy Compliance Implications

As per the Reports listed within the Audit, Risk and Improvement Committee Meeting of 21 October 2021.

5 **Report No. 14.2 Report of the Biodiversity Advisory Committee Meeting held on 9 September 2021**

Directorate: Sustainable Environment and Economy

Report Author: Michelle Chapman, Project Support Officer

File No: I2021/1684

10 **Summary:**

The attachment to this report provides the minutes of the Biodiversity Advisory Committee Meeting of 9 September 2021.

15 **RECOMMENDATION:**

That Council notes the minutes of the Biodiversity Advisory Committee Meeting held on 9 September 2021.

20 **Attachments:**

1 Minutes 09/09/2021 Biodiversity Advisory Committee, I2021/1433 

Report

The attachment to this report provides the minutes of the Biodiversity Advisory Committee Meeting of 9 September 2021 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 https://byron.infocouncil.biz/RedirectToDoc.aspx?URL=Open/2021/09/BAC_09092021_A_GN_1304_AT_EMBEDDED.PDF

Committee Recommendation

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

10 **Financial Implications**

As per the Reports listed within the Biodiversity Advisory Committee Meeting of 9 September 2021.

Statutory and Policy Compliance Implications

- 15 As per the Reports listed within the Biodiversity Advisory Committee Meeting of 9 September 2021.

BYRON SHIRE COUNCIL

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY 14.3

Report No. 14.3 Report of the Heritage Panel Meeting held on 9 September 2021

Directorate: Sustainable Environment and Economy

Report Author: Noreen Scott, EA Sustainable Environment and Economy

5 **File No:** I2021/1791

Summary:

The attachment to this report provides the minutes of the Heritage Panel meeting held on 9 September 2021


10

RECOMMENDATION:

That Council notes the minutes of the Heritage Panel Meeting held on 9 September 2021.

15

Attachments:

1 Minutes HAP meeting held 9 September 2021, I2021/1443 

20

Report

The attachment to this report provides the minutes of the Heritage Panel Meeting of 9 September 2021 for determination by Council. The agenda for this meeting can be located on Council's website at:

5 https://byron.infocouncil.biz/Open/2021/09/HER_09092021_AGN_1335_AT_EMBEDDED.PDF

Committee Recommendation

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

Financial Implications

As per the Reports listed within the Heritage Panel Meeting of 9 September 2021.

Statutory and Policy Compliance Implications

As per the Reports listed within the Heritage Panel Meeting of 9 September 2021.

15

BYRON SHIRE COUNCIL

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY 14.4

Report No. 14.4 Report of the Heritage Panel Meeting held on 17 June 2021

Directorate: Sustainable Environment and Economy

Report Author: Noreen Scott, EA Sustainable Environment and Economy

5 **File No:** I2021/1792

Summary:

The attachment to this report provides the minutes of the Heritage Panel meeting held on 17 June 2021 for determination of Council.

10

RECOMMENDATION:

That Council notes the minutes of the Heritage Panel Meeting held on 17 June 2021.

15 **Attachments:**

1 Minutes HAP meeting held 17 June 2021, I2021/1025 

BYRON SHIRE COUNCIL

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY 14.4

Report

The attachment to this report provides the minutes of the Heritage Panel Meeting of 17 June 2021 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 https://byron.infocouncil.biz/Open/2021/06/HER_17062021_AGN_1334_AT_EMBEDDED.PDF

Committee Recommendation

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

10 **Financial Implications**

As per the Reports listed within the Heritage Panel Meeting of 17 June 2021.

Statutory and Policy Compliance Implications

As per the Reports listed within the Heritage Panel Meeting of 17 June 2021.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**Report No. 14.5 Report of the Water, Waste and Sewer
Advisory Committee Meeting held on 21
October 2021**

5

Directorate: Infrastructure Services

Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services

File No: I2021/1699

10 **Summary:**

The attachment to this report provides the minutes of the Water, Waste and Sewer Advisory Committee Meeting of 21 October 2021 for determination by Council.

15 **RECOMMENDATION:**

1. That Council notes the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 21 October 2021.

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

Report No. 3.1 Adoption of Minutes from Previous Meetings

File No: I2021/1637

Committee Recommendation 3.1.1

That the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 30 September 2021 be confirmed with the adjustment that the word 'catchment' is added after each word 'STP' in point 3 of the minutes.

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

Report No. 4.1 Inflow and Infiltration - April 2021 update

File No: I2021/718

Committee Recommendation 4.1.1

That Council:-

- a) notes the report from Environmental Data Services;
- b) notes that the measuring system on which the report was based does not work when the manholes surcharge;
- c) investigates methods of assessing the benefits to Inflow and Infiltration of sewer repairs in our leakiest sewer catchments, to ascertain the efficacy of the repairs to date and into the future of ongoing repairs.

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


Report No. 4.2 Byron STP Condition 9 Additional Load - Quarterly Report
File No: I2021/1611

Committee Recommendation 4.2.1

That Council:-

- a) notes the report.
- b) reaffirms its commitment to reducing flows from the STP into Belongil Creek.

Attachments:

- 1 Minutes 21/10/2021 Water, Waste and Sewer Advisory Committee, I2021/1664 

5

Report

The attachment to this report provides the minutes of the Water, Waste and Sewer Advisory Committee Meeting of 21 October 2021 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 https://byron.infocouncil.biz/Open/2021/10/WWSAC_21102021_AGN_1325_AT_EMBEDDED.PDF

Committee Recommendation

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

10 **Financial Implications**

As per the Reports listed within the Water, Waste and Sewer Advisory Committee Meeting of 21 October 2021.

Statutory and Policy Compliance Implications

- 15 As per the Reports listed within the Water, Waste and Sewer Advisory Committee Meeting of 21 October 2021.

Report No. 14.6 Report of the Local Traffic Committee Meeting held on 11 October 2021

Directorate: Infrastructure Services

Report Author: Michelle Wilcox, Traffic & Parking Systems Officer

5 **File No:** I2021/1777

Summary:

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 11 October 2021 for determination by Council.

10

Council's action on the LTC advice will be:

- 15 a) If Council is in agreement with the LTC unanimous support then the proposal may be approved. In these cases there is no conflict between Council and the advice of the LTC, consequently there is no need for Council to inform the TfNSW or the NSW Police representatives of the decision.
- 20 b) If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.
- 25 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 the TfNSW or the NSW Police representatives of the decision.
- 30 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. The TfNSW or the NSW Police may then lodge an appeal to the Regional Traffic Committee (RTC).
- 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. The TfNSW or the NSW Police may then lodge an appeal to the RTC.

Due to the fact that the TfNSW and the NSW Police have the power to appeal certain decisions of the Council, the LTC cannot provide its advice to Council until both the 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 11 October 2021.

5

2. That Council adopts the following Committee Recommendations:

Report No. 6.1 Change of Date - Byron Lighthouse Run 2021

File No: I2021/1632

RECOMMENDATION:

That Council supports the 21 November 2021 Byron Lighthouse Run, subject to:-

1. Traffic guidance Scheme(s) and a Traffic Management Plan being designed and implemented by those with the appropriate and relevant TfNSW accreditation.
2. The road closures and hours of closure in accordance with the submitted Traffic Management Plan in Attachment 1 (E2021/126632).
3. Clarkes Beach car park open to the public by 9am. Alternatively, if car park is to be closed to the public after 9am an application is to be made to Council to occupy the car park and relevant application fees and parking fees are to be paid to Council prior to the event commencing.
4. Separate approvals from:
 - i) Council for Section 138 approval
 - ii) NSW Police - a COVID safety plan to be submitted to Police prior to any Police Approval
 - iii) TfNSW, as required
 - iv) Cape Byron Headland Trust being obtained.
5. The event organiser:-
 - i) advertising the impact of the event via a notice in the local weekly paper 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;
 - ii) providing copy of the advert for Council's web page;
 - iii) informing community and businesses that are directly impacted (e.g. adjacent to the event), including the Beach Byron Bay Café and North Coast Holiday Park Clarkes Beach, via written information which is

delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;

- iv) arranging for private property access and egress affected by the event;
- v) liaising with bus and taxi operators and ensuring arrangements are made for provision of services during conduct of the event;
- vi) consulting with emergency services with any identified issues being addressed;
- vii) holding \$20m public liability insurance cover which is valid for the event; and payment of Council's Road Event application fee prior to the event.

3. That Council adopt the following Committee Recommendations:

**Report No. 7.1 Mercato on Byron - Amendment to Development Consent
Conditions of Approval**

File No: I2021/1608

RECOMMENDATION:

That Council approves the regulatory signs and lines as presented within the design plans presented in documents E2021/123595 and E2021/123596 with the following amendments:

- i) **Attachment E2021/123595 be amended as follows:**
 - a. change line type SL to TF
 - b. Turning Arrows (AR-3c) not to extend beyond the end of the right turn lane
 - c. Replace proposed pole mounted Keep Left Sign R2-209 with R2-3AA
 - d. Continuity Line CL to be C1 Line type
- ii) **Attachment E2021/123596 be amended as follows:**
 - a. Pedestrian refuge to be designed and constructed in accordance with TfNSW technical direction TDT2011/01a
 - b. Install Pedestrian Refuge Advance Warning signs facing north bound traffic

Attachments:

- 5 1 Minutes 11/10/2021 Local Traffic Committee, I2021/1715 

Report

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 11 October 2021 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 https://byron.infocouncil.biz/Open/2021/10/LTC_11102021_AGN_1413_AT_EMBEDDED.PDF

This report contains the recommendations of the Local Traffic Committee (LTC) meeting held on 11th October 2021.

Committee Recommendation

- 10 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 Local Traffic Committee Meeting of 11 October 2021.

Statutory and Policy Compliance Implications

- 15 As per the Reports listed within the Local Traffic Committee Meeting of 11 October 2021.

Report No. 14.7 Report of the Local Traffic Committee Meeting held on 8 November 2021

Directorate: Infrastructure Services

Report Author: Michelle Wilcox, Traffic & Parking Systems Officer

5 **File No:** I2021/1823

Summary:

10 This report provides the minutes of the Local Traffic Committee Meeting of 8 November 2021 for determination by Council.

Council's action on the LTC advice will be:

- 15 a) If Council is in agreement with the LTC unanimous support then the proposal may be approved. In these cases there is no conflict between Council and the advice of the LTC, consequently there is no need for Council to inform the TFNSW or the NSW Police representatives of the decision.
- 20 b) If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.
- 25 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 the TFNSW or the NSW Police representatives of the decision.
- 30 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. The TFNSW or the NSW Police may then lodge an appeal to the Regional Traffic Committee (RTC).
- 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. The TFNSW or the NSW Police may then lodge an appeal to the RTC.

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

RECOMMENDATION:

5 1. That Council supports the minutes of the Local Traffic Committee Meeting held on 8 November 2021.

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

Report No. 6.1 Somerset Street - Time Limit Changes

File No: I2021/1755

Committee Recommendation 6.1.1

That Council:-

1. Supports changing the time limits along the Northern side of Somerset Street to No Parking 1am to 6am, 1P between 6am to 1am Thursdays and P between 6am to 1am All other days/. (Signage layout is to be in accordance to the sign plan shown in report I2021/1755); and
2. Requests that market operators to inform stall holders & patrons of the time limit changes within Somerset Street.

Attachments:

10 1 Minutes 08/11/2021 Local Traffic Committee Extraordinary, I2021/1772 

Report

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 8 November 2021 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 https://byron.infocouncil.biz/Open/2021/11/LTC_08112021_AGN_1417_AT_EXTRA_EMB_EDDED.PDF

This report contains the recommendations of the Local Traffic Committee (LTC) meeting held on 8th November 2021.

Committee Recommendation

- 10 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 Local Traffic Committee Meeting of 8 November 2021.

Statutory and Policy Compliance Implications

- 15 As per the Reports listed within the Local Traffic Committee Meeting of 8 November 2021.