

#E2022/119329
Your ref: A6023981
Contact: Heather Sills



15 December 2022

Attn: Joanne Nava
Local Government Remuneration Tribunal
Via email: employmentstrategyandadvice@psc.nsw.gov.au

Dear Ms Nava,

Submission - Mayor and Councillors Fees Review and Categories Review

Thank you for the opportunity to make a submission in respect of the Mayor and Councillors' fees and categorisation for the 2023/24 financial year, as outlined in the letter dated 28 October 2022.

Council has considered the categories and applicable criteria, and the allocation of Councils into each of those categories as outlined in Attachment 1 of the [2022 determination](#).

This submission is made in consultation with the Executive Team and Councillors and was endorsed by Council on 15 December 2022. The attached submission requests that the Local Government Remuneration Tribunal considers the following two points:

- Increasing the fees payable to Mayors and Councillors by the maximum available amount of 2.5%
- As in submissions made in previous years, Byron Shire Council is again seeking to be recategorised into the 'Regional Centre' category, as this more adequately recognises the demographic and economic profile of the Byron Shire and the impacts of factors such as visitor numbers, population growth, and development on the community and the work of Councillors.

Council would welcome a visit from the Tribunal and Assessors to provide a further opportunity for us to make representation in respect of the recategorisation, as outlined in your letter.

Please contact me on 02 6626 7000 or marnold@byron.nsw.gov.au if you require any further information.

Yours sincerely

Mark Arnold
General Manager

Enc. Submission

Fees Payable to Mayors and Councillors

Comparison with other states and entities

LGNSW, local government's peak industry body, has been making representations year-on-year, on behalf of all NSW Councils to seek to address the inadequacy of the fees paid to Mayors and Councillors. Without going into explicit detail, as these points have been made at length by LGNSW and councils for many years, this submission supports and reiterates the points raised in the most recent [LGNSW Submission made in February 2022](#), namely:

- An increase of 2.5% is inadequate and does not address the historical undervaluation of the work performed by mayors and councillors
- Current remuneration levels are inadequately reflecting the extent and nature of the complex work undertaken by mayors and councillors, that are require considerable time and skill to effectively manage both responsibilities and community expectations
- Comparisons with mayor and councillor fees in other States, with Members of Parliament and with boards of not-for-profit organisations and corporate entities demonstrate that NSW mayors and councillors are paid considerably less
- Comparison with the minimum wage starkly demonstrates the current inadequacies. The national minimum wage is currently set at \$21.38 per hour, based on the maximum amount payable for a 'Regional Rural' councillor (\$21,000), our Councillors are currently working for significantly less than the minimum wage, given they generally commit much more than 19 hours per week to their vast array of duties and they work outside hours, over weekends and on public holidays.
- Mayors and councillors are subject to mandatory professional development requirements, with public reporting requirements, increasing the amount of time that Councillors and Mayors are required to commit to their roles

Recategorisation of Byron Shire

As in submissions made in previous years, Byron Shire Council is again seeking to be recategorised into the 'Regional Centre' category, as this more adequately recognises the demographic and economic profile of the Byron Shire and the impacts of factors such as visitor numbers, population growth, and development on the community and the work of Councillors.

Each of the 'Regional Centre' criteria are addressed below, to demonstrate the need for Byron Shire to be recategorised to this category.

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000

Byron Shire's population was recorded as 36,116 in the 2021 census (Australian Bureau of Statistics).

In addition to being on the cusp (within 10%) of the minimum population criteria, Byron Shire Council meets several of the additional criteria that should influence its re-categorisation to a 'Regional Centre.' The combination of these factors outweigh the adherence to the minimum residential population requirement. It is noted that Armidale Regional Council, currently categorised as a 'Regional Centre' has a smaller population (29,124) than Byron Shire and considerably less than the minimum required for this category.

A large city or town providing significant proportion of the region's housing and employment

Housing

There were 16,996 dwellings reported in the 2021 census (ABS).

The ABS further reports on the number of Residential Building Approvals, which has shown a significant increase year on year, presented in the below table:

Year (ending June 30)	Houses	Other	Total
2022-23 Sep FYTD	55	4	59
2021-22	131	70	201
2020-21	183	83	266
2019-20	232	61	293
2018-19	224	136	360
2017-18	208	47	255

Source: [Byron Shire Profile.ID Building Approvals](#)

The extent and complexity of development that is being undertaken in the Byron Shire should also be considered. The below comparison of development approvals in 2019/20* for each of the councils in the 'Regional Rural' category demonstrates that Byron Shire Council is dealing with a larger volume of development applications, with a significantly higher value, and complexity requiring determination by Councillors.

Council	Number Development Applications Determined by Councillors 2019-20	Number of Development Applications Determined 2019-20	Value of Development Applications Determined 2019-20 (\$)
Bega Valley	3	449	132,136,143
Broken Hill	0	179	33,074,408
Byron	18	616	243,209,671
Eurobodalla	4	577	187,616,141
Goulburn Mulwaree	5	364	124,228,553
Griffith	16	296	96,420,559
Kempsey	3	366	64,517,891
Kiama	21	211	90,858,000
Lithgow	12	193	55,791,053
Mid-Western Regional	7	266	47,184,176
Richmond Valley	1	249	36,873,600
Singleton	3	238	64,463,584
Snowy Monaro Regional	1	335	82,763,445

(Source: OLG Timeseries Data 2020/21 – available from <https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/Time-Series-2020-21.xlsx>)

*Note: more recent data is not available for comparison with other councils, however Byron Shire reported even greater numbers in its 2021/22 Annual Report, having processed 795 development applications with a construction value of \$438 million.

Employment

There are 15,704 jobs located in Byron Shire (National Institute of Economic and Industry Research (NIEIR), 2021), with health care and social assistance accounting for 15.9% followed closely by accommodation and food services at 15.5%.

4,817 people travel from surrounding locations to work in Byron Shire, accounting for 29.1% of the Byron Shire workforce. This is accommodated by the 5,350 businesses registered in the Byron LGA.

Health services, tertiary education services, and major regional airports which service the surrounding and wider regional community

As mentioned above, health care and social assistance accounts for 15.9% of the jobs in Byron Shire. The Byron Central Hospital has been designed to provide integrated services for hospital patients and community health clients and includes a 24 hour Accident & Emergency service.

SAE Quantum Creative Media Institute offers Government accredited certificates, diplomas and bachelor degrees in animation, audio, film, games and web and mobile. The campus is situated in Byron Bay. While the Southern Cross University has its main campuses in Lismore, Coffs Harbour and the Gold Coast it also has a study centre located at the SAE's campus.

Although Byron Shire council does not service a major regional airport, it is located approximately 30 minutes from the Ballina/Byron Gateway Airport and 45 minutes to the Gold Coast Airport. The new terminal at the Ballina/Byron Gateway Airport has passenger numbers set to exceed over half a million per year and the renovated Gold Coast Airport will increase passenger numbers from 6.6M per year to over 12M within twenty years. With many of these passengers planning to visit Byron Shire, the proximity of Byron Shire to these transport hubs is an important consideration.

A full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres

Byron Bay and its hinterland are internationally renowned for community, creativity and connection to place. In 2016 Regional Australia Institute (RAI) revealed that Byron Shire was the top creative hotspot outside of metro areas based on the percentage of professionals employed in creative industries, including coming number one in the music and performing arts category.

The Arts and the Industrial estate at North Byron is home to over 140 industrial premises with a range of commercial, retail and industrial uses. A myriad of local designers, craftsmen, galleries and showrooms all dedicated to showcasing the incredible amount of constructed beauty and artistic talent on offer in the Byron Bay area. Byron township is also home to several world-class art galleries that represent a myriad of both establishing and emerging visual artists. Byron Shire is also home to a significant number of large festivals and other events, which will be addressed in separate criteria.

Total operating revenue exceeding \$100M per annum

Council's total operating revenue in 2021/22, excluding capital grants and contributions was \$104.839 million.

The highest rates of population growth in regional NSW

This is a fast growth area, with the population having increased by 7.2% in the last 5 years. This is significantly above the state increase of 5.3% for the same period. In addition to the general population increases, Byron Shire is experiencing a housing crisis so complex that the number of people sleeping rough are the highest in the state outside of metropolitan Sydney.

Significant visitor numbers to established tourism ventures and major events that attract state and national attention

Byron Shire's visitor numbers were 1.4 million in 2020/21, down from pre-COVID times when numbers were exceeding 2 million annually. When averaged out on a weekly basis, Byron's visitor numbers effectively more than double the population each week, resulting in a 'serviceable population' comparable to other councils in the 'Regional Centre' category and far in excess of the councils in the 'Regional Rural' category.

In 2020/21, the total tourism sales in Byron Shire was \$249.8m, the total value added was \$156.7 million. Managing the impacts of significant tourism presents unique challenges for Byron Shire including planning, infrastructure and transport, social, and environmental issues.

In 2021/22, despite the ongoing impacts of COVID and the devastating floods in February and March 2022, Byron Shire Council approved or supported 68 events over 230 days. This does not include events which occur in already approved venues or those events, weddings or filming that are not approved by Council or that Council has not been notified of. Events also provide a wide-range of jobs and other economic benefits to our small and medium sized enterprises.

Byron Shire Council hosts 4 festivals with over 5,000 patrons and 10 festivals of 10,000 plus patrons each year. The festivals form a large part of visitor numbers to the region. In 2019, the Independent Planning Commission (IPC) approved a \$42-million development application for North Byron Parklands (NBP), which has enabled the popular Falls and Splendour in the Grass festivals to increase in size to 50,000 and 35,000 attendees respectively .

A proximity to Sydney which generates economic opportunities

Byron Shire is a mere 1 hour and 20 minute flight to Sydney, from either Ballina/Byron Gateway Airport or Gold Coast Airport, offering passengers over 200 direct flights per week. This proximity to Sydney generates a range of economic opportunities in both tourism and employment, as it enables tourists to make an easy side-trip to sample Byron's national and international icon status.

Furthermore, Byron Shire is less than 50km from the Queensland border, and a short 1 hour 40 minute drive from another major capital city, Brisbane.

The proximity to Brisbane and the Gold Coast means our residents and businesses enjoy many of the economic and social benefits enjoyed by city residents. It also means we face many of the same growth management issues as South East Queensland, including population growth, rising land costs, high tourist numbers, development pressures on natural assets and farmland, and the need to invest in extra infrastructure and community services. These pressures are comparable to those in Sydney's outer suburbs.

Summary

The recategorisation would entitle Byron Shire Councillors to an additional \$4,210 each annually, and a further \$16,470 for the Mayor. While this is still considerably less than what is considered fair and reasonable it would go some way in acknowledging the complex and tireless work that is delivered for the community.