



# Byron Shire Council



## Minutes

Ordinary Meeting

Thursday, 28 May 2020

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
28 May 2020

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# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

28 May 2020

**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 28 MAY 2020 COMMENCING AT 9:08AM AND CONCLUDING AT 2:15PM**

I2020/781

**PRESENT:** Cr S Richardson (Mayor), Cr A Hunter, Cr M Lyon, Cr J Martin, and Cr S Ndiaye

**VIRTUAL:** Cr B Cameron, Cr C Coorey, Cr J Hackett, and Cr P Spooner

Staff: Mark Arnold (General Manager)  
 Vanessa Adams (Director Corporate and Community Services)  
 Phil Holloway (Director Infrastructure Services)  
 Shannon Burt (Director Sustainable Environment and Economy)  
 Ralph James (Legal Counsel)  
 Chloe Dowsett (Coastal & Biodiversity Coordinator) – item 13.9  
 Michael Matthews (Manager Open Spaces and Resource Recovery) – item 13.8  
 Heather Sills (Minute Taker)

*The Mayor opened the meeting and acknowledged that the meeting is being held on Arakwal Country and that we pay our respects to the elders past and present and extend our respect to the Bundjalung clans whose lands and waters are part of the Shire.*

## PUBLIC ACCESS

Prior to dealing with the circulated reports and associated information, a Public Access Session was held and Council was addressed on the following:

### Public Access

Report No and Title	For/Against	Name	Representing Organisation	Submission Received
13.1 Council sale to Catholic Healthcare Site part former Mullumbimby Hospital site	For	Michael Lockwood	Catholic Healthcare	Zoom
13.3 Draft Policy - Managing Unreasonable Customer Conduct	Against	John Anderson		In Person
13.2 Expiry of lease to Fishheads	For	Ralph Mamone	Fish Heads	In Person
	Against	Matt Hudson	Hudson Capital	Zoom
13.5 Budget Review - 1 January to 31 March 2020	Against	Jan Barham		Recorded Message
13.8 Council Resolutions Quarterly Review - Q3 - 1 January to 31 March 2020.	Against	Jan Barham		Recorded Message
13.9 Tallow Creek Management - update on Council Resolution 19 - 352 and changes to entrance management	Against	Dailan Pugh		Zoom
16.1 Rent Relief	Against	Alice Livingstone & Kurt Tutt	Cape Byron Kyaks & Go Sea Kayaks	Zoom
		Ralph Mamone	Fish Heads	In person
		Nick van de Merwe	Golden Breed	Speech read aloud by staff

**Submissions**

<b>Subject</b>	<b>Name</b>	<b>Representing Organisation</b>	<b>Submission Received in form of</b>
Councillor Responsibility	John Anderson		In Person
Public Access - Questions on Notice and minutes	Jan Barham		Pre Recorded Message Power Point

**Question No. 1 – Questions of Council**

John Anderson asked the following question:

*Given that Judges, Politicians and Civil Servants under the Western politico-legal system are given documented powers and responsibilities beyond which they may not stray, will the Mayor please indicate by reference to statute, policy, code or delegation which powers he relies upon to make ruling such as those to the following effect:*

- (i) That questions are not permitted if the person concerned has given the required notice and filed the question but does not turn up on the day;*
- (ii) That questions on submissions not read out on the day of the meeting are not permitted;*
- (iii) That questions or submissions concerning matters not to do with [undefined] Council business are not permitted;*

*And, relatedly, have the elected councillors been made aware that they have the legal power to challenge a mayoral ruling by moving a motion of dissent if for any reason at all they disagree with a particular ruling?*

The Mayor advised that as a result of COVID-19 changes we are all dealing with slightly new and temporary measures, trying to give access how we can and responses how we can. We are trying our best; so it is not an exact science.

To answer your first question about being there if you don't turn up on the day, clause 4.16 of the Code of Meeting Practice requires that a question must be asked in person by the registered person. I know for example in the third point you are talking about 'why can't you say anything that has got nothing to do with Council,' seems obvious, but it is in our Code of Meeting Practice 4.12 which says "questions or submission must relate to a current agenda item." As far as other Councillors, they were all part of creating the Code of Meeting Practice, supported it, and they have had training in relation to it; they are more than aware of motions of dissent.

**Question No. 2 - Bypass and Mitchell Rainforest Snail Relocation**

Jan Barham asked the following question:

- a) Did council gain approval from the State Government, or the party that does 'have control' of this land, if so was there any implied responsibility for the owner of land to be responsible for the relocated MRS?*
- b) Is information regarding the statement that 'it is not practical' to undertake monitoring for this species, provided by 'all government department' able to be provided?*
- c) What action has been undertaken in relation to the 28 November 2019 resolution 19-616 regarding Part 2 removal of vegetation in the rail corridor, has there been a response from state government?*

The Mayor took the questions on notice.

*The meeting adjourned at 10.25am and reconvened at 10:50am.*

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### APOLOGIES

There were no apologies.

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### REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence

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

There were no declarations of interest.

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### TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

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### ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 20-219 Resolved** that the minutes of the Ordinary Meeting held on 23 April 2020 be confirmed.  
(Lyon/Richardson)  
*The motion was put to the vote and declared carried.*
- 

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

The Mayor suspended standing orders to allow for items to be reserved for debate, being:

#### STAFF REPORTS

##### General Manager

- Report No. 13.1 Council sale to Catholic Healthcare Site part former Mullumbimby Hospital site.  
Report No. 13.2 Expiry of lease to Fishheads

##### Corporate and Community Services

- Report No. 13.3 Draft Policy - Managing Unreasonable Customer Conduct  
Report No. 13.4 Draft Arts and Culture Policy  
Report No. 13.5 Budget Review - 1 January to 31 March 2020  
Report No. 13.8 Council Resolutions Quarterly Review - Q3 - 1 January to 31 March 2020

##### Sustainable Environment and Economy

- Report No. 13.9 Tallow Creek Management - update on Council Resolution 19 - 352 and changes to entrance management

##### Infrastructure Services

REPORTS OF COMMITTEES

**Sustainable Environment and Economy**

Report No. 14.1 Report of the Heritage Panel Meeting held on 12 March 2020

CONFIDENTIAL REPORTS

**General Manager**

Report No. 16.1 CONFIDENTIAL - Rent relief for commercial and non-profit tenants of Council during the COVID-19 crisis

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Richardson and seconded by Cr Hunter. Each recommendation is recorded with a separate resolution number commencing at Resolution No.20-220 and concluding with Resolution No. 20-249.

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SUBMISSIONS AND GRANTS

**Report No. 11.1 Grants and Submissions Report for April 2020**  
**File No: I2020/647**

**20-220 Resolved** that Council notes the report and Attachment 1 (E2020/31982) for Byron Shire Council's Submissions and Grants as at 4 May 2020. (Richardson/Hunter)

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 13.3 Draft Policy - Managing Unreasonable Customer Conduct**  
**File No: I2020/594**

**20-221 Resolved:**

1. That the Draft Managing Unreasonable Customer Conduct Policy (#E2019/70383) be placed on public exhibition for a period of 28 days; and
  - a) should no submissions be received, the Policy be adopted;
  - b) should submissions be received that all submissions be reported to Council at its August meeting.
2. That staff prepare and implement guidelines and staff training to support this Policy, when adopted. (Richardson/Hunter)

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**Report No. 13.6 Council Investments - 1 April 2020 to 30 April 2020**  
**File No: I2020/670**

**20-222 Resolved** that the report listing Council's investments and overall cash position as at 30 April 2020 be noted. (Richardson/Hunter)

**Report No. 13.7**      **Operational Plan 2019/20 - Third Quarter Report - Q3 - 1 January to 31 March 2020**

**File No:**              I2020/671

**20-223 Resolved:**

1. That Council notes the 2019/20 Operational Plan Third Quarter Report for the period ending 31 March 2020 (Attachment 1 #E2020/32269).
  2. That Council adopts the proposed amendments to the Operational Plan 2019/20 outlined in Attachment 2 (#E2020/32731). (Richardson/Hunter)
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**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.10**      **Wildlife Road Signage Trial**

**File No:**              I2020/528

**20-224 Resolved:**

1. That Council participate in the Rewilding Australia trial of static photographic wildlife signs at three identified road strike hot spots in the Shire.
  2. That Council further investigate costs and grant funding opportunities to trial alternative road signage options, including vehicle activated signs and road surface treatments at selected locations in the Shire. (Richardson/Hunter)
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**Report No. 13.11**      **Funding request from 'Northern Rivers Together' for the implementation of the Northern Rivers NSW Brand**

**File No:**              I2020/704

**20-225 Resolved:**

1. That Council note the request from 'Northern Rivers Together' steering group for a cash contribution of \$50,000 towards the implementation of the Northern Rivers NSW Brand.
2. That Council agree to provide in kind support only through professional advice, discussion and engagement with the Northern Rivers councils, and the Northern Rivers NSW Committee to the implementation phase of the Northern Rivers NSW Brand.
3. That Council notify the 'Northern Rivers Together' steering group of Council's decision. (Richardson/Hunter)

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STAFF REPORTS – INFRASTRUCTURE SERVICES

**Report No. 13.12**      **Byron Bay Bypass - Noise Abatement Private Works**  
**File No:**                I2020/667

**20-226 Resolved:**

1. That Council carry out private works on the following properties for the purpose of complying with the approval conditions of the Byron Bay Bypass project:-
  - a) Lot 388 on DP728537 - Byron Aged Care, Butler Street, Byron Bay NSW 2482
  - b) Lot 1 on DP781101 - Byron Motor Lodge, Butler Street, Byron Bay NSW 2482
  - c) Parcel 236222 on SP35568 - 1/54 Butler Street, Byron Bay NSW 2482
  - d) Parcel 236223 on SP35568 - 2/54 Butler Street, Byron Bay NSW 2482
  - e) Parcel 236224 on SP35568 - 3/54 Butler Street, Byron Bay NSW 2482
  - f) Lot 1 on DP316229 - 56 Butler Street, Byron Bay NSW 2482
  - g) Lot 2 on DP316229 - 58 Butler Street, Byron Bay NSW 2482
  - h) Lot 10 on DP1027557 - 60 Butler Street, Byron Bay NSW 2482
  - i) Lot 11 Section 34 on DP758207 - 62 Butler Street, Byron Bay NSW 2482
  - j) Lot 2 on DP232172 - 2 Burns Street, Byron Bay NSW 2482
  - k) Lot 3 on DP232172 - 68 Butler Street, Byron Bay NSW 2482
  - l) Lot 1 on DP38981 - 69 Butler Street, Byron Bay NSW 2482
  - m) Lot 10 Section 41 on DP758207 - 70 Butler Street, Byron Bay NSW 2482
  - n) Lot 2 on DP38981 - 71 Butler Street, Byron Bay NSW 2482
  - o) Lot 11 Section 41 on DP758207 - 72 Butler Street, Byron Bay NSW 2482
  - p) Lot 3 on DP38981 - 73 Butler Street, Byron Bay NSW 2482
  - q) Lot 12 Section 41 on DP758207 - 74 Butler Street, Byron Bay NSW 2482
  - r) Lot 4 on DP38981 - 75 Butler Street, Byron Bay NSW 2482
  - s) Lot 13 Section 41 on DP758207 - 76 Butler Street, Byron Bay NSW 2482
  - t) Lot 5 on DP38981 - 77 Butler Street, Byron Bay NSW 2482
2. That Council not charge a fee for the above work, because it is work Council must carry out as part of the Bypass project.
3. That pursuant to Section 67(4) of the *Local Government Act 1993*, staff prepare a report to Council after the works have been completed, providing details in accordance with the Section. (Richardson/Hunter)

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**Report No. 13.13**      **Land Acquisition for Booyong Road dedication adjoining Lot 4 DP 707295**  
**File No:**                I2020/526

- 20-227 Resolved** that Council make an application to the Minister and the Governor for approval to acquire land described as part Lot 4 DP 707295 (indicated in survey *Attachment 1 E2020/24612*) by the compulsory acquisition process under section 177(1) of the Roads Act 1993 for the purpose of road formalisation and dedication in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*. (Richardson/Hunter)



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**Report No. 13.14**      **Towards Zero - Byron Shire's Integrated Waste Management and Resource Recovery Strategy 2019-2029**

**File No:**                      I2020/688

**20-228 Resolved:**

1. That Council note the submission received on the *Draft Towards Zero - Byron Shire's Integrated Waste and Resource Recovery Strategy 2019-29; and*
2. That Council adopt the *Towards Zero - Byron Shire's Integrated Waste and Resource Recovery Strategy 2019-29 (E2019/13791)*. (Richardson/Hunter)

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**Report No. 13.15**      **Public Amenities Cleaning Services T2019-0063**

**File No:**                      I2020/692

**20-229 Resolved:**

1. That Council award Tender Public Amenities Cleaning Services to Tenderer as detailed on page 16 of the Evaluation Report (Attachment 1).
2. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Richardson/Hunter)

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## REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 14.2**      **Report of the Biodiversity Advisory Committee Meeting held on 4 May 2020**

**File No:**                      I2020/701

**20-230 Resolved** that Council note the minutes of the Biodiversity Advisory Committee Meeting held on 4 May 2020. (Richardson/Hunter)

**20-231 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 4.2 Endorsement of the Northern Rivers Feral Deer Plan**

File No: I2020/562

Committee Recommendation 4.2.1

That the Biodiversity Advisory Committee recommend to Council that the Feral Deer Management Plan (Attachment 1 E2020/15987) be endorsed. (Richardson/Hunter)

**20-232 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 4.4 Taro Removal - Salt Water Creek**

File No: I2020/590

Committee Recommendation 4.4.1

1. That the Biodiversity Advisory Committee note the update on Taro Removal at Saltwater Creek.

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2. That staff provide an update to Tamara Smith outlining works done and lack of funds to continue the project.

(Richardson/Hunter)

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## REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**Report No. 14.3**      **Report of the Local Traffic Committee Meeting held on 10 March 2020**  
**File No:**              I2020/604

- 20-233 Resolved** that Council note the minutes of the Local Traffic Committee Meeting held on 10 March 2020. (Richardson/Hunter)

- 20-234 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 6.1 No Stopping - Suffolk Park Cul-de-Sacs**  
File No: I2020/65

Committee Recommendation 6.1.1

1. That Council support the investigation of No Parking signs in Korau, Oceanside, Azolla and No Stopping in Paterson Lane to assist with waste collection at the end of the following cul-de-sacs:

Cul-de-Sac	Collection Day	Number of Signs	Sign Wording
Korau Place, Suffolk Park	Friday	3	No Parking (time limited - investigate times)
Oceanside Place, Suffolk Park	Friday	3	No Parking (time limited - investigate times)
Azolla Place, Suffolk Park	Friday	3	No Parking (time limited - investigate times)
Paterson Lane, Byron Bay Northern Section	N/a	4	No Stopping (full time)

2. That the matter be referred back to LTC after further investigations. (Richardson/Hunter)

- 20-235 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 6.2 No Stopping - Daniels St, Byron Bay**  
File No: I2020/71

Committee Recommendation 6.2.1

That Council support the installation of No Stopping signs along the entire northern edge of Daniels Street, Byron Bay. (Richardson/Hunter)

**20-236 Resolved:** that Council adopt the following Committee Recommendation(s):

**Report No. 6.3 Byron Bay Bypass Stage 4 Signage**

File No: I2020/140

Committee Recommendation 6.3.1

1. That Council address the southern exit from the Police station to ensure safe egress.
2. That Council review pedestrian access provisions with a view to improving pedestrian access points and safety.
3. That Council note the attached Pavement Marking and Signage Plans for Stage Four of the Byron Bay Bypass project (#E2020/13820).
4. The amended design plans (further amendments to E2020/13820) be referred to LTC for concurrence (electronic concurrence). (Richardson/Hunter)

**20-237 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 6.4 Events - Anzac Day 2020 - Road Closures in Byron, Mullumbimby, Brunswick Heads, Bangalow**

File No: I2020/157

Moved 6.4.1

1. That Council:-
  - a) endorse the ANZAC Day Parades for 2020-2022 for the Return Services League sub branches of Byron Bay, Mullumbimby, Bangalow and Brunswick Heads / Billinudgel, subject to there being no changes to the current TCPs and road closures;
  - b) assists, where requested and required, with implementing the necessary temporary road closures and detours;
  - c) place advertisements in a local weekly newspaper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;
  - d) notify the event on Council's webpage.
2. That the event organiser:
  - a) obtain separate approvals by NSW Police and TfNSW, noting that the Bangalow event is on a state road or may impact the state road network;
  - b) undertake consultation with community and affected businesses including adequate response/action to any raised concerns;
  - c) undertake consultation with emergency services and any identified issues addressed;
  - d) holding \$20m public liability insurance cover which is valid for the event.
3. That the approvals provided above are subject to NSW Police approval being obtained and that each event is undertaken either or both under Police escort or traffic control and/or Council's implemented traffic control. (Richardson/Hunter)

**20-238 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 6.5 Events - Bangalow Billycart Derby 2020 - Byron Street Road Closure 17 May 2020**

File No: I2020/230

**Committee Recommendation 6.5.1**

1. That Council endorse the Bangalow Billy Cart Derby to be held on Sunday 17 May 2020, that includes the temporary road closure below:
  - a) Byron Street, Bangalow between Ashton Street and Granuaille Road, between 6am and 4pm on Sunday 17 May 2020.
2. That the approval provided in Part 1 is subject to:
  - a) Separate approvals by NSW Police and TfNSW being obtained, noting that the event is on a state road or may impact the state road network;
  - b) Traffic Control Plan(s) to be developed by people with the appropriate TfNSW accreditation;
  - c) Traffic Control Plan(s) to be implemented by people with appropriate accreditation;
  - d) That the impact of the event be advertised 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.
  - e) The event notified on Council's webpage.
3. That the event organiser:
  - a) Undertake consultation with community and affected businesses including adequate response/action to any raised concerns.
  - b) Undertake consultation with emergency services and any identified issues addressed.
  - c) Holding \$20m public liability insurance cover which is valid for the event.
  - d) Pays Council's Road Event Application Fee prior to the event. (Richardson/Hunter)

**20-239 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 7.1 Events - 2020 Splendour in the Grass Music Festival**

File No: I2020/189

**Committee Recommendation 7.1.1**

1. That Council note the Traffic Control Plans for the 2020 Splendour in the Grass to be held 22nd-27th July, 2020. This includes:
  - a) The installation and enforcement of No Stopping signs every 75m on:-
    - i) Tweed Valley Way through to the shire boundary in the north;
    - ii) Brunswick Valley Way from Shara Blvd intersection in the south through to Tweed Valley Way intersection;
    - iii) Yelgun Road, from Tweed Valley Way and extending for 300m;
    - iv) Billinudgel Rd from Tweed Valley Way and extending for 280m.
  - b) An alternate temporary pick up and drop off Bus Zone (with associated signage and works) on the northern side of Fawcett St, between Mona Lane and the War

Memorial, Brunswick Heads.

2. That the event organisers are to undertake the following:
  - a) Separate approvals by NSW Police and TfNSW being obtained, noting that the event is on a state road or may impact the state road network;
  - b) The Traffic Control Plan(s) to be developed by someone with appropriate and relevant accreditation.
  - c) The Traffic Management Plan and Traffic Control Plans to be implemented by those with appropriate accreditation;
  - d) That the impact of the event be advertised 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.
  - e) The event be notified on Council's webpage with event details supplied to Council by the event organiser.
  
3. That the event organiser:
  - i) undertake consultation with community and affected businesses including adequate response/action to any raised concerns.
  - ii) undertake consultation with emergency services and any identified issues addressed.
  - iii) holding \$20m public liability insurance cover which is valid for the event.
  - iv) paying Council's Road Event Application Fee prior to the event.
  - v) the holding of an event debrief within one month following the festival which includes but is not limited to Council, TfNSW and Police representatives; (Richardson/Hunter)

**20-240 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 7.2 Events - Byron Writers Festival 2019 - Road Closure**

File No: I2020/216

**Committee Recommendation 7.2.1**

1. That Council endorse the Byron Bay Writers Festival 7-9 August 2020 and submitted Traffic Management Plan.
  
2. That the approval provided in Part 1 is subject to:
  - a) separate approvals by NSW Police and TfNSW being obtained
  - b) The traffic control plan is to operate Thursday 6th August to Sunday 9th August.
  - c) West bound event traffic arriving from Byron Town Centre is to be directed down Sunrise Blvd, as a contingency, if east bound traffic on Ewingsdale Rd is queued back onto the Motorway.
  - d) Document within the TCP, TMP persons who can change and approve the TCP on the day for unforeseen circumstances.
  - e) The development of a Traffic Control Plan(s) by those with relevant TfNSW accreditation. Traffic control plan(s) to be generally in accordance with the endorsed TMP.
  - f) The Traffic Control Plan to be implemented by those with relevant and current TfNSW accreditation.
  
3. That the event organiser must:

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- i. Advertise 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. The notification 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. Notify the public of event details on Council's webpage. Details to be supplied to Council by the event organisers,
- iii. Undertake consultation with community and affected businesses including adequate response/action to any concerns raised,
- iv. Undertake consultation with emergency services and any identified issues addressed,
- v. Hold \$20m public liability insurance cover which is valid for the event.

(Richardson/Hunter)

**20-241 Resolved** that Council adopt the following Committee Recommendation(s):

## **Report No. 7.3 Event - Byron Triathlon**

File No: I2020/231

### Committee Recommendation 7.3.1

That:

1. Council endorse the Byron Bay Triathlon to be held on Saturday 9th May 2020, which includes the following temporary road closures below:

STREET	EXTENT	CLOSURE TIMES
Bay St	- from the Surf Club to Middleton St	5am-5pm
Middleton St	- from Bay St to Lawson St	5am-5pm
Lawson St	- from Middleton St to Massinger St	5am-5pm
Gilmore Crescent	- full length	5am-5pm
Middleton St	- from Lawson St to Marvel St	10.30am – 3pm
Marvel St	- from Middleton St to Tennyson St	10.30am – 3pm
Tennyson St	- from Marvell St to Browning	10.30am – 3pm
Bangalow Rd	- from Browning St to Broken Head Rd	11.30am – 3pm
Broken Head Rd	- from Bangalow Rd to 166 Broken Head Rd	11.30am – 3pm

2. The approval provided in Part 1 and Part 2 is subject to:
  - a) separate approvals by NSW Police and TfNSW being obtained;
  - b) the event organiser provide council with an updated Traffic Management Plan and Traffic Control Plan for the 2020 event, if required by the Police and TfNSW;
  - c) development and implementation of a Traffic Management Plan and Traffic Control Plan(s) by those with appropriate TfNSW accreditation and the holding of current and appropriate levels of insurance and liability cover;
  - d) the impact of the event be advertised, and charged at cost to the organisers, 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;
  - e) the event be notified on Council's web page with the event organiser supplying Council with the relevant information;

## 3. The event organisers:

- inform the community and businesses that are directly impacted (eg within road closure zones) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
- arranging for private property access and egress affected by the event;
- liaising with bus, taxi and waste operators and ensuring arrangements are made for provision of services during conduct of the event;
- consulting with emergency services and any identified issues be addressed;
- holding \$20m public liability insurance cover which is valid for the event;
- paying Council's Road Event Application Fee prior to the event. (Richardson/Hunter)

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**Report No. 14.4      Report of the Water, Waste and Sewer Advisory Committee Meeting held on 9 April 2020**

**File No:**                    I2020/716

**20-242 Resolved** that Council note the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 9 April 2020. (Richardson/Hunter)

**20-243 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 4.2 Nutrient Loading in the Belongil**

File No: I2020/297

**Committee Recommendation 4.2.1**

1. That Council note that:-

- a) for the twelve-month period 27 April 2017 to 26 April 2018 Total Nitrogen (TN; monitored as required in Condition 11 of Council's approval under its Resolution 02-1329 of December 2002) released to Belongil Creek was 1,564 kg and that this exceeds:
  - (i) the allowable discharge of 1,500kg TN; and
  - (ii) the 80% threshold under which an investigation is triggered.
- b) the Condition requires this monitoring be done on a rolling two-month window, based on weekly sampling.
- c) the Condition requires Council to investigate feasible management strategies to reduce loads below 80%.
- d) the Condition further requires Council to discuss appropriate courses of action to prevent further exceedances.

2. That Council sample nutrient loads weekly or better, as required by Consent Condition 11.

3. That Council investigate all feasible management strategies to reduce loads below 80%, including strategies already under way such as:

- a) Biostem pellets for removing sludge and therefore possibly nutrients, and
- b) vetiver grass [increase sampling downstream of the trial planting to assess the grass's ability to reduce nutrients].

4. That Council continue testing its flow meter newly installed at EPA location #4 to assess accuracy and reliability of flow results and, once performance is confirmed or by the end of June 2020 (whichever is sooner) these results be reported to the next meeting (scheduled for 30 July) of the Water, Waste and Sewer Advisory Committee and published on Council's Water & Sewer information website.

5. That Council recognise:
- a) that it is impossible to mitigate against increased nutrient loads during high rainfall events and
  - b) that rainfall periods longer than a month may cause breaches of Consent Conditions 11. (Richardson/Hunter)

**20-244 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 4.3 Effects of water mining in Byron and surrounding shires on groundwater resources**

File No: I2020/298

Committee Recommendation 4.3.1

That Council:

1. Note that the October 2019 Independent review of the impacts of the bottled water industry on groundwater resources in the Northern Rivers region of NSW (Final Report - NSW Chief Scientist & Engineer - 31 October 2019; E2019/91097) fails to consider cumulative impacts of this expanding industry on groundwater and does not adequately consider non-water impacts such as traffic in local communities and proliferation of plastic bottles.
2. Receive confirmation from staff to the committee that the current status of water mining for bottled water is that it is prohibited in the Byron shire. (Richardson/Hunter)

**20-245 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 4.4 Condition 9. Additional Load at Byron STP**

File No: I2020/497

Committee Recommendation 4.4.1

That Council receive reports twice yearly on the performance of BBSTP against its Consent Condition 9 via reports to its Water, Waste and Sewer Advisory Committee. (Richardson/Hunter)

**20-246 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 4.5 Inflow and Infiltration - quarterly update**

File No: I2020/504

Committee Recommendation 4.5.1

That Council note the report. (Richardson/Hunter)

**20-247 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 4.6 Rous County Council - Service Level Agreements 1st July - 31st December 2019**

File No: I2020/520

Committee Recommendation 4.6.1

That the Council note the report. (Richardson/Hunter)



# BYRON SHIRE COUNCIL

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**Report No. 14.5**      **Report of the Local Traffic Committee Meeting held on 16 April 2020**  
**File No:**              I2020/746

**20-248 Resolved** that Council note the minutes of the Local Traffic Committee Meeting held on 16 April 2020. (Richardson/Hunter)

**20-249 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 6.1 Parking time limits -South Beach Rd, Brunswick Heads**  
File No: I2020/555

Committee Recommendation 6.1.1

That Council implement 2P parking time limits in South Beach Road and South Beach Lane from 5am – 7am Monday to Sunday, and No Parking 7pm - 5am with signage as per signage plan in Figure 1 until 31 July 2020 or as otherwise directed by council. (Richardson/Hunter)

PROCEDURAL MOTION

**20-250 Resolved** that Council change the order of business to deal with Reports 13.2, 13.5, 13.8, 13.9, 16.1, 13.1 next on the Agenda. (Richardson/Cameron)

*The motion was put to the vote and declared carried.*

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## STAFF REPORTS - GENERAL MANAGER

**Report No. 13.2**      **Expiry of lease to Fishheads**  
**File No:**              I2020/715

**20-251 Resolved:**

1. That Council, subject to Crown consent, offer to extend the lease over:
  - a) Council operational land (lot 1 in DP 1246229);
  - b) Part Council operational land (lot 4 in DP 827049); and
  - c) Part Crown reserve (lot 10 in DP 1049827) known as the Byron Bay Swimming Pool Complex, to Fishheads@ Byron Pty Ltd for 5 years (1 July 2020 to 30 June 2025).
2. That the extension be offered on the same terms and conditions contained in the current lease/management agreement, but include provisions that account for:
  - a) Council needing access to the pool portion of the complex for the purpose of making improvements consistent with its long term upgrade plans for the site; and
  - b) Council registering the subdivision that will accurately align the complex between Council and Crown during the lease term; and
  - c) Updating the rent clause to reflect current market values; and
3. Council's intention to commence negotiations with Fishheads regarding a long term lease once land classification issues pertaining to the site are finalised. (Spooner/Lyon)

*The motion was put to the vote and declared carried.*

# BYRON SHIRE COUNCIL

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**Report No. 13.5**      **Budget Review - 1 January to 31 March 2020**  
**File No:**              I2020/645

**20-252 Resolved:**

1. That Council authorises the itemised budget variations as shown in Attachment 2 (#E2020/30522) which include the following results in the 31 March 2020 Quarterly Review of the 2019/2020 Budget:
  - a) General Fund – \$826,300 decrease to the Estimated Unrestricted Cash Result
  - b) General Fund - \$3,981,300 increase in reserves
  - c) Water Fund - \$444,400 increase in reserves
  - d) Sewerage Fund - \$3,681,100 increase in reserves
2. That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$23,700 for the 2019/2020 financial year as at 31 March 2020. (Cameron/Lyon)

*The motion was put to the vote and declared carried.*

**Report No. 13.8**      **Council Resolutions Quarterly Review - Q3 - 1 January to 31 March 2020**  
**File No:**              I2020/681

**20-253 Resolved:**

1. That Council notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2020/31731).
2. That Council notes the completed Resolutions in Attachment 2 (#E2020/31732).
3. All items provided without comment be re-reported at the next meeting with comments provided. (Martin/Richardson)

*The motion was put to the vote and declared carried.*

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## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.9**      **Tallow Creek Management - update on Council Resolution 19 - 352 and changes to entrance management**  
**File No:**              I2019/2058

**20-254 Resolved that Council:**

1. Notes the report and changes to entrance management activities at Tallow Creek.
2. Makes previous and ongoing monitoring reports available to the community
3. Provides an acknowledgement regarding the failings that occurred during the particular event and assures our community that we will continue to work closely with all relevant agencies and stakeholders to improve sustainable ICOLL management.
4. Notes that despite the best efforts of all ICOLL management, fish kills will inevitably occur from time to time due to natural and intervention processes. (Lyon/Richardson)

# BYRON SHIRE COUNCIL

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## AMENDMENT

Moved that Council:

1. Notes the report and changes to entrance management activities at Tallow Creek.
2. Makes previous and ongoing monitoring reports available
3. Issues an apology to the community (Coorey/Hackett)

## PROCEDURAL MOTION

- 20-255 Resolved** that Cr Richardson be granted a one/two minute extension to his/her speech. (Ndiaye/Lyon)

*The motion was put to the vote and declared carried.*

*The amendment was put to the vote and declared lost.*

*Crs Martin, Spooner, Cameron, Lyon, Ndiaye, Richardson, and Hunter voted against the amendment.*

*The motion was put to the vote and declared carried.*

*Crs Coorey and Hackett voted against the motion.*

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## CONFIDENTIAL REPORTS - GENERAL MANAGER

**Report No. 16.1**      **CONFIDENTIAL - Rent relief for commercial and non-profit tenants of Council during the COVID-19 crisis**

**File No:**              I2020/442

**20-256 Resolved:**

1. That pursuant to Section 10A(2)(b) and (d)i of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Rent relief for commercial and non-profit tenants of Council during the COVID-19 crisis..
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
  - a) discussion in relation to the personal hardship of a resident or ratepayer
  - b) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

The report contains information on the financial impact on the entities mentioned of the COVID 19 pandemic.

It contains information provided on a commercial-in-confidence basis. (Richardson/Hunter)

*The motion was put to the vote and declared carried.*

**20-257 Resolved:**

1. That council waive all rent and licence fees to businesses affected and identified in the report from 15 March to 30 June 2020

# BYRON SHIRE COUNCIL

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2. That the General Manager is delegated to negotiate and enter into arrangements with each affected business on the payments due after 30 June until 31 October 2020  
(Hunter/Richardson)

*The motion was put to the vote and declared carried.*

## PROCEDURAL MOTION

- 20-258 Resolved** that the meeting move out of confidential session. (Richardson/Lyon)

*The motion was put to the vote and declared carried.*

## PROCEDURAL MOTION

- 20-259 Resolved:**

1. That pursuant to Section 10A(2)(d) (refer to relevant part of Act below) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely (subject of report).

2. That the reasons for closing the meeting to the public to consider this item be that the report contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential information could disclose information which was provided on a confidential basis. (Richardson/Ndiaye)

*The motion was put to the vote and declared carried.*

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## STAFF REPORTS - GENERAL MANAGER

**Report No. 13.1 Council sale to Catholic Healthcare Site part former Mullumbimby Hospital site.**

**File No:** I2020/564

- 20-260 Resolved** that Council defer consideration of the sale until after a Strategic Planning Workshop is held which will consider the results of the consultant's work outlining potential activities on the whole site. (Richardson/Cameron)

## AMENDMENT

1. That Council dispose of operational land known as part Lot 188 DP 728535 (proposed Lot 50 in the subdivision of that land) being the land presently occupied by Catholic Healthcare Limited and located at Azalea Street Mullumbimby, by way of sale to Catholic Healthcare Limited for the sum of \$1,350,000 plus GST.
2. That Council establish a new internally restricted reserve titled 'Former Mullumbimby Hospital Reserve', transfer the sale proceeds to this reserve, invest the sale proceeds until the outstanding loan borrowing is to be repaid and apply interest as progressively earned to this reserve.
3. That Council authorise the General Manager to execute the contract of sale and any other associated document associated with the sale.

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4. That Council, in accordance with Regulation 400 of the Local Government (General) Regulation 2005, authorise the affixing of the Council seal to any document required by this resolution that requires it. (Spooner/Hunter)

*The amendment was put to the vote and declared lost.*

*Crs Martin, Lyon, Ndiaye, Cameron, Coorey, and Hackett voted against the amendment.*

*The motion was put to the vote and declared*

*Crs Spooner, Lyon, and Hunter voted against the motion.*

*The meeting adjourned at 12.38pm for a lunch break and reconvened at 1:27pm.*

## PROCEDURAL MOTION

- 20-261 Resolved** that the meeting move out of confidential session. (Richardson/Hunter)

*The motion was put to the vote and declared carried.*

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## MAYORAL MINUTE

**Mayoral Minute No. 8.1**      **Footpath Dining**  
**File No:**                      I2020/812

- 20-262 Resolved** that in relation to the implemented response to COVID-19, Council lifts, from 1 June 2020, the current suspension on the use of the footpath for dining purposes for those premises that have a valid footpath dining approval in place. (Richardson)

*The motion was put to the vote and declared carried.*

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## PETITIONS

There were no petitions tabled at the meeting.

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## DELEGATES' REPORTS

### 1. Safe Beaches Committee

Cr Hunter advised:

*As Chairperson of the Safe Beaches Committee, I met with Parks and our Manager Open Spaces and Resource Recovery, Michael Matthews, the other day. Everything is 'humming' down that way pretty well. I am waiting on the latest report that I will circulate when I receive it from the NSW Police. They have indicated that they think the activity down at the beaches have subsided somewhat, at the moment more to do with COVID-19. Reports prior to that were encouraging anyway. We are hopefully on the right track, but when the problem goes away too quickly I can't trust that it won't come back just as quickly, but I am encouraged by Parks willingness to help and support it.*

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**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES****Report No. 13.4      Draft Arts and Culture Policy****File No:**                      I2020/595**20-263 Resolved:**

1. That Council adopts the Draft Arts and Culture Policy for the purpose of public exhibition.
2. That following the period of public exhibition, if there are no submissions, the draft Policy be adopted. If any public submissions are received a report to Council will be provided for adoption of the final version of the policy.
3. That on the adoption of the Arts and Cultural Policy,  
(i) the Cultural Policy 2008 (Policy 3.42), (DM801769) be repealed, and  
(ii) preparation of an Arts and Cultural Strategic Plan commence in 2020-2021.
4. Council recruit a fully qualified Arts Administrator to facilitate, plan, coordinate and manage the Arts and Culture sector.
5. That staff identify appropriate funding sources to be included in the 2020/21 Budget.  
(Hackett/Ndiaye)

*The motion was put to the vote and declared carried.*

*Cr Hunter voted against the motion.*

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**REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY**

*Cr Coorey left the Chambers at 2:06pm and did not return.*

**Report No. 14.1      Report of the Heritage Panel Meeting held on 12 March 2020****File No:**                      I2020/579

- 20-264 Resolved** that Council note the minutes of the Heritage Panel Meeting held on 12 March 2020.  
(Richardson/Cameron)

- 20-265 Resolved** that Council adopt the following Panel and Management Recommendation(s):

**Report No. 4.1      Heritage Panel Walk - Brunswick Heads**

File No: I2020/168

Committee Recommendation 4.1.1

That the Heritage Panel:

1. Note the results from the heritage walk will be retained as a basis for any future heritage studies for Brunswick Heads.
2. Note the results from the heritage walk will be provided to planning staff to inform character narratives for Brunswick Heads that may be prepared for future LEP or DCP amendments that result from the adoption of the Residential Strategy.
3. Be invited to review and contribute to any future character narrative statements for Brunswick Heads.

4. Recommend Council consider a heritage conservation area for Brunswick Heads to be determined by further survey, subject to funding and staff availability.
5. Request staff to confirm the time frame and process for the drafting of the character narratives in item 2. (Richardson/Cameron)

**20-266 Resolved** that Council adopt the following Panel and Management Recommendation(s):

**Report No. 4.2 Draft Byron Shire Heritage Strategy 2020-2024**

File No: I2020/214

**Committee Recommendation 4.2.1**

**That the Heritage Panel:**

1. Endorse the Byron Heritage Strategy 2020-2024 for adoption at the next available Council meeting.
2. Nominate the following four priorities from the Byron Heritage Strategy 2020-2024 with four key actions identified to achieve them in the 2020/21 work program.
  - a. Operate a Heritage Panel to provide community input to heritage matters in the Byron Shire Council area:
    - Action - Resourcing for heritage planning be increased where able.
  - b. Identify Heritage Items in the Byron Shire and list them in the Local Environmental Plan:
    - Action - Council to consider a heritage conservation area for Brunswick Heads as determined by further survey, subject to funding and staff availability.
    - Action - Council to prepare character narratives for Brunswick Heads in relation to any future DCP or LEP's amendments that result from the adoption of the Residential Strategy.
  - c. Appoint a Heritage Advisor to assist Council, the community and owners of listed Heritage Items, properties in Heritage Conservation Areas or potential items:
    - Action – Seek additional resourcing for the heritage advisor where possible.
  - d. Manage heritage in the Byron Shire area in a positive manner:
    - Action - Develop a heritage awards program to show good examples of heritage conservation resulting from repair, maintenance, or infill; and
    - Action – Support community initiatives that showcase local heritage in particular the development of walks and interpretation trails. (Richardson/Cameron)

**20-267 Resolved** that Council adopt the following Panel and Management Recommendation(s):

**Report No. 4.3 Heritage Panel Member Updates**

File No: I2020/235

**Committee Recommendation 4.3.1**

**That the Heritage Panel:**

1. Note the member updates.

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2. Request further reports from staff be provided to the Panel on the following:
  - (i) Development application requirements for heritage conservation areas and heritage items.
  - (ii) The heritage significance of the Flick Farm and associated fencing and the group of houses on the 1903 Robinsons subdivision. (Richardson/Cameron)

*The motions (Resolutions 20-264 to 20-267) on being put to the vote were declared carried.  
Cr Coorey was not present for the vote.*

*There being no further business the meeting concluded at 2:15.*

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I hereby certify that these are the true and correct Minutes of this Meeting  
as confirmed at Council's Ordinary Meeting on 25 June 2020.



.....  
Mayor Simon Richardson