



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 25 June 2020

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
25 June 2020

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 25 JUNE 2020 COMMENCING AT 9.09AM AND CONCLUDING AT 3.30PM

12020/947

PRESENT: Cr B Cameron, Cr A Hunter, Cr M Lyon, and Cr S Ndiaye

VIRTUAL: 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)
Liz Caddick (Biodiversity Officer) – item 13.17
Andrew Pearce (Traffic Engineer) – item 13.21
Cameron Clark (Manager Utilities) – item 13.22
Chris Soulsby (Development Planning Officer) – item 13.22
Chloe Dowsett (Coastal & Biodiversity Coordinator) – item 13.13
Heather Sills (Minute Taker)

The Deputy 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	Joining the meeting via
13.4	For	Jan Barham	Broken Head Protection Committee	Read out by staff member
13.17	Against	Jan Barham		Read out by staff member
13.21	For	Matthew O'Reilly		In Person
	Against	Michelle Begg	Brunswick Heads No Paid Parking Committee – (Chamber of Commerce)	In person
13.22	Against	Duncan Dey		Zoom
17.1	For	Sandra Kessler		In person

Submissions

Subject	Name	Representing Organisation	Joining the meeting via
Broken Head Reserve Road	Luke McConell	Broken Head Reserve Road Residents Group	Audio Recording
Biodiversity Conservation	Matthew O'Reilly		In Person
Feelings of betrayal	John Anderson		Please see note below*

*Director Corporate and Community Services advised that:

The material that we received was the correspondence that had recently been sent to Mr Anderson in relation to his attendance. Staff sought to check whether this was actually what was intended to be read out but we haven't had a response. Given that this material has already been circulated to Councillors, and it would take a lot longer than two minutes to read, I'm not proposing to read it - but if Councillors wish me to read it I will do my best.

The Deputy Mayor advised that it was not necessary for the correspondence to be read.

Question No. 1 – Local Road Traffic Movements

Luke McConell, on behalf of the Broken Head Reserve Road Residents Group, submitted the following question which was read by staff:

Is Council able to advise if there are any other local roads in Byron Shire that attract as much traffic as Broken Head Reserve Road, which in peak periods is over 7000 traffic movements per day and which roads they are?

The Director Infrastructure Services provided the following response:

Our understanding is that Broken Head Reserve Road in terms of its movements on an average day is 2,553 movements. On peak periods such as New Year's Eve it does go up to 3,500 movements per day. Just to give an indication of the sorts of roads we're talking about Clifford Street has 4,553 vehicles per day; Argyle St Mullumbimby -12,345; Coolamon Scenic Drive – 5,680; Lawson Street – 6,901. We have a number of roads which have higher traffic volumes than that.

I think there is a misconception with some of our traffic data behind this; where the 3,500 peak from New Year's Eve may have been doubled. We will take that up with Mr McConell and give him that advice.

Question No. 2 – Relationship with the Echo

The Deputy Mayor ruled the registered question not be allowed as it contradicts Council's Code of Conduct in that it makes insult, allegation, defamatory comment or personal reflection.

The Deputy Mayor further advised that:

It is not staff's job to redact any inappropriate content and that the onus is on the person submitting the question to do so in advance.

See page 6 for the General Manager's response to Mr Anderson's question.

Question No. 3 – Impacts of the tourism industry

Matthew O'Reilly asked the following question:

Given that Council continues to support to the expansion of the tourism industry, being a sustained tourism strategy and the function centres on rural land and our festivals. Does Council now accept that the tourism industry, the weddings industry, and festivals industries in the Byron Shire have no real intention of making a voluntary financial contribution to the negative impacts that they're having on our community and paying their way for the impacts that they're having on our environment and our social structure?

The Director Sustainable Environment and Economy provided the following response:

In relation to tourism and the Sustainable Visitation Strategy (SVS) and also the voluntary visitor fund, I think there's inter-related issues there, it's important to understand that in 2019 tourism contributed around \$927million to the Byron Shire economy and is our largest employer with around 4400 jobs presently.

There's been ongoing discussion with various tourism operators/accommodation providers around how they can return through either the voluntary visitor fund and/or other means back to the community through social or community infrastructure.

With regards to the Sustainable Visitation Strategy, it was due to go onto public exhibition on 25 March and followed a lengthy 18 month consultation with industry, wider community, and also included visitors to the area. That Strategy, however, has now been paused due to COVID-19. We're currently reframing that strategy. We're looking at the impacts that COVID-19 has had on the industry and also on the community, and we're preparing what the landscape ahead will look like so that we can include a resilience and adaptive chapter to that SVS. Once that work is completed we will put the SVS out formally on public exhibitions in late July and welcome feedback.

Cr Lyon asked a question of Matthew O'Reilly in relation to rural function centres:

Obviously that was a very difficult decision that we considered and there were a lot of voices from the more conservative elements in the Shire. Councillor Spooner mentioned that you are seeking election at the next Council elections, what is your position on rural function centres - will it be your intention to push for that policy to be reversed, such that we don't allow rural weddings?

Matthew O'Reilly responded that:

My position on that will probably be similar to what happened in Tweed with their water mining legislation/regulations where they introduced water mining into the LEP and the outcomes were a distortion of what the community wanted and they reversed that decision a few years later to amend the LEP to remove it. If we find that there's a distortion caused by allowing them legally in the Shire then I wouldn't hesitate to support the community to restrict those permissions if we find there's any distortion as a result. So I wouldn't "jump the gun" and say it's going to be a problem but what I am concerned about is that there will be now financial benefit to Council from that LEP amendment in that there's no contributions required and with no voluntary levy it's more the financial cost. There won't be road upgrades or anything like that. It's more about we'll wait and see, but if there's a distortion then I wouldn't hesitate like Tweed did to reverse that LEP.

Cr Ndiaye confirmed this information with the Director Sustainable Environment and Economy who added that:

With regards to development applications there are fees for the normal processing. Council does have the ability to impose conditions that can require upgrade works, bonds, etc and enter into planning agreements through negotiation with various applicants depending on the circumstances. Those planning agreements normally pertain to community infrastructure and community benefit. There is the potential there for a fee, based on merit.

Question No. 4 – 2019 Fire Report

Jan Barham submitted the following question which was read by staff:

Could Council advise if a report has been published to inform the community of the impact and consequences of the November 2019 fires in the Shire? I've searched the website and spoken to staff, but was unable to find an incident report and considering the unusual nature of the fire, a report to indicate what happened and what was learnt in terms of planning and preparedness is in place prior to the next fire season is crucial.

The Director Infrastructure Services provided the following response:

There hasn't been a formal report to Council per se, however, during the event we provided regular updates to Council on the fire situation right through to the end of March – from 9 November until the end of March. Our reporting process is back through the LEMC and the LEOCON and we provided situation and impact assessments through that forum. That information was forwarded to the Regional Emergency Management Office which leads up to the NSW Disaster Management Coordination Centre. In turn that information has been provided to inform the State wide review of the fire situation, and my understanding is that is being undertaken at the moment.

My understanding is that there will be a formal report from a State wide perspective coming forward in due course.

Staff had been invited to participate in a Leader Summit which is being coordinated by the Climate Council which is being led by Greg Mullins the former NSW RFS Commissioner. That process is to look at Climate Change and how that's impacting on the fire season, etc. That's on 9 July so we're hopeful that we'll have staff participating in that and participating in an online survey prior to that to inform that situation.

From a Council perspective to sum up, no we haven't provided a summary report to Council, but we are expecting a state wide report shortly.

Note: LEMC (Local Emergency Management Committee) LEOCON (Local Emergency Operations Controller)

Question No. 2 – Relationship with the Echo (continued)

Cr Cameron raised a Point of Order in relation to the disallowance of the question from Mr Anderson.

After further discussion, and consultation with the General Manager, Cr Ndiaye advised:

Since Cr Cameron was interested in the answer, which was prepared, I'll allow the GM to answer the question which may then make an implication as to what the question was.

The General Manager responded that:

Council currently has a contract with the Echo. The previous contract was held by the Byron Shire News. In 2018 the Echo was competitively awarded Contract 2018-327 for the block advertising

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which includes the block advertising, the statutory advertising Council is required to do, the display ad, and other advertising and a page for Council information along with a monthly Mayoral Column. Despite not winning the tender in 2018, Byron Shire News continues to invite the Mayor to make a contribution about once a month and does so free of charge. Our understanding is that both newspapers wish to publish the opinions of the Byron Shire Mayor in what they call a column, on a regular basis, as it may be of interest to their readers.

The meeting adjourned at 10.22am for a break and reconvened at 10.47am.

APOLOGIES

PROCEDURAL MOTION

- 20-289 Resolved** that the apologies from Cr Richardson and Martin be accepted and a leave of absence granted. (Lyon/Hunter)

The motion was put to the vote and declared carried.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 20-290 Resolved** that the minutes of the Ordinary Meeting held 28 May 2020 be confirmed. (Hunter/Spooner)

The motion was put to the vote and declared carried.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

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

STAFF REPORTS

Corporate and Community Services

Report No. 13.4 Draft 2020/21 Operational Plan and Budget for public exhibition
Report No. 13.9 Project Options for the Australian Government Local Roads and Community Infrastructure Program

Sustainable Environment and Economy

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- Report No. 13.13 Main Beach Shoreline Project - preliminary options assessment and stakeholder engagement
Report No. 13.14 Bringing Back the Bruns - update on Brunswick River related projects
Report No. 13.16 Climate Action Plan update
Report No. 13.17 Biodiversity Conservation Strategy
Report No. 13.18 Voluntary Visitor Fund - Project Update

Infrastructure Services

- Report No. 13.21 Brunswick Heads Parking Scheme Review
Report No. 13.22 Byron Sewage Treatment Plant - Additional Flow Path Project

LATE REPORTS

- Report No. 17.1 Petria Thomas Swimming Pool in Mullumbimby - Conversion to year round facility feasibility study funding

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Hunter and seconded by Cr Lyon. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 20-291 and concluding with Resolution No. 20-330.

SUBMISSIONS AND GRANTS

- Report No. 11.1 Grants and Submissions Report for May 2020**
File No: I2020/884

- 20-291 Resolved** that Council notes the report and Attachment 1 (E2020/40717) for Byron Shire Council's Submissions and Grants as at 3 June 2020. (Hunter/Lyon)

STAFF REPORTS - GENERAL MANAGER

- Report No. 13.1 Draft Policy 15/007 Sustainable Community Markets for adoption**
File No: I2020/678

20-292 Resolved:

1. That Council note that no submissions were received on Draft Policy 15/007 Sustainable Community Markets.
2. That Council adopt Policy 15/007 Sustainable Community Markets as amended. (Hunter/Lyon)

-
- Report No. 13.2 Community Survey 2020**
File No: I2020/890

- 20-293 Resolved** that the 2020 Community Survey results be noted, published on Council's website and shared with stakeholders. (Hunter/Lyon)

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Report No. 13.3 **Extension of Councillor Expenses and Facilities Policy**
File No: I2020/524

20-294 Resolved that in accordance with Section 253 of the Local Government Act 1993, Council adopts an amendment to the *Councillor Expenses and Facilities Policy* (Attachment 1 #E2019/40814) to include the provision of \$1,000 per councillor for 'ICT equipment and consumables' for the additional 2020/21 year of the current council term. (Hunter/Lyon)

Report No. 13.5 **Report of the Public Art Panel meeting held on 9 April 2020**
File No: I2020/567

20-295 Resolved:

1. That Council adopts the Public Art Annual Small Grants Program, incorporating feedback provided from Public Art Panel members, and prepares to advertise the first round.
2. That Council approves the location of *Immaculate Concept of the Mind* sculpture as remaining in Palm Park on loan from the artist, noting the work was selected as an acquisition prize for the Mullumbimby Sculpture Walk as per the DA approval.
3. That Council notes that the Public Art Panel reviewed the Preliminary Public Art Plan for 139 Jonson St, Byron Bay and provided feedback and comments to enable the assessment planning officer to proceed with the DA assessment process.
4. That Council notes that following the 9 April meeting, Matthew Baird submitted his resignation from the Panel and that a letter of thanks will be provided. (Hunter/Lyon)

Report No. 13.6 **Revised Council meeting schedule for 2020 due to postponement of Local Government Election**
File No: I2020/768

20-296 Resolved: that Council, due to the postponement of the 2020 Local Government Election, adopts the following amended schedule for Council Meetings and Strategic Planning Workshops from August 2020:

Date (2020)	Meeting/Workshop
6 August	SPW
13 August*	Planning
27 August	Ordinary
3 September	SPW
17 September	Planning
24 September	Ordinary
1 October	SPW
15 October	Planning
22 October	Ordinary
5 November	SPW
19 November	Planning
26 November	Ordinary
3 December	SPW
10 December	Planning
17 December	Ordinary

* Committee meetings have previously been resolved for 20 August therefore Planning Meeting brought forward to 13 August.

(Hunter/Lyon)

Report No. 13.7 **Council Investments - 1 May 2020 to 31 May 2020**
File No: I2020/807

- 20-297 Resolved** that the report listing Council's investments and overall cash position as at 31 May 2020 be noted. (Hunter/Lyon)
-

Report No. 13.8 **Update on Active Resolutions**
File No: I2020/868

- 20-298 Resolved** that Council notes the updated comments in the Active Resolutions report as at 3 June 2020 in Attachment 1 (#E2020/41239). (Hunter/Lyon)
-

Report No. 13.10 **Support for Byron Shire Front Line Community Service Providers**
File No: I2020/917

- 20-299 Resolved** that Council uses its resources to initiate and support a Byron Shire crowd-funding campaign with and on behalf of its front-line community service providers (Hunter/Lyon)
-

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.11 **Sustainable Catering Policy 2020**
File No: I2020/675

20-300 Resolved:

1. That Council publicly exhibits the draft Sustainable Catering Policy 2020 (Attachment 1 #E2020/31339) for a period of 28 days.
 2. That any submissions received on the draft Sustainable Catering Policy 2020 be reported to Council for consideration, prior to the adoption of the draft Policy; and if no submissions are received, Council adopts the policy. (Hunter/Lyon)
-

Report No. 13.12 **Draft CMP Stage 1 Scoping Study for Cape Byron to South Golden Beach - outcomes of public comment and agency review**
File No: I2019/2041

20-301 Resolved that Council:

1. Note the submissions received during the public comment period and agency feedback on Stage 1 Cape Byron to South Golden Beach Scoping Study.
 2. Adopt the finalised Stage 1 Cape Byron to South Golden Beach Scoping Study (Attachment 4) incorporating the amendments outlined in tables 2, 3 and 4 of the report.
 3. Consider an allocation of \$70,000 through the FY2020/21 budget process to enable the project to continue to Stage 2 of the Coastal Management Program process. (Hunter/Lyon)
-

Report No. 13.15 **Events & Festival Sponsorship Fund 2020-21**
File No: I2020/654

20-302 Resolved:

1. That Council notes this report and the impacts on local events.
 2. That Council endorses as part of the 2020/2021 Operational Plan and Budget process the combining of the 2019-20 and 2020-21 financial years' event sponsorship funds into a local event recovery fund, to be rolled out during the coming financial year as appropriate considering the lifting of COVID-19 restrictions.
 3. That Council endorses the inclusion of event funding for sponsored events that are unable to proceed in 2020-21 financial year, into the recovery fund. (Hunter/Lyon)
-

Report No. 13.19 **Bypassed Town Signage Initiative**
File No: I2020/906

20-303 Resolved that Council:

1. Note the report on the Bypassed Sign Initiative.
 2. Request staff to consult with key community stakeholders of Brunswick Heads, Mullumbimby and Bangalow to assist with the selection of images and service symbols for each of the bypassed town signs in accordance with the guidelines from Roads and Maritime Services.
 3. Advise the Roads and Maritime Services of the outcome of the consultation. (Hunter/Lyon)
-

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.20 **Update Resolution 20-161 - Lot 12 Bayshore Drive redevelopment**
 next steps
File No: I2020/916

20-304 Resolved the Council:

1. Note the update provided on the actions of Resolution 20-161 as completed.
2. Confirm that Lot 12 Bayshore Drive, Byron Bay is to be a 'mixed-use precinct that combines global innovation, entrepreneurship, creativity, research collaboration, cultural activity and nature' with a TAFE Connected Learning Centre as anchor tenant.
3. Request staff to prepare a Site Strategy and Urban Design Protocol for Lot 12 Bayshore Drive, Byron Bay which includes but not limited to a vision, desired future land uses and development principles and any technical requirements necessary to support an Expression of Interest process for the future use and development of the site that encapsulates 2 above.
4. Request staff to report the Lot 12 Bayshore Drive, Byron Bay Site Strategy and Urban Design Protocol to a meeting of Council for endorsement prior to the Expression of Interest process being made public. (Hunter/Lyon)

Report No. 13.23 **Policy Review: Building in the Vicinity of Underground Infrastructure 2020**
File No: I2020/738

20-305 Resolved that Council:

1. Endorse the public exhibition of Draft Policy Building in the Vicinity of Underground Infrastructure 2020 for a period of 28 days.
 2. If no submissions are received during the public exhibition period, adopt the Policy as of the date of close of public exhibition, and rescind the existing Policy 4.20 on the same date.
 3. If submissions are received, receive a further report on the submissions and the Policy.
(Hunter/Lyon)
-

Report No. 13.24 **Tender 2019-0059 Parking Management Systems**
File No: I2020/608

20-306 Resolved:

1. That Council award Tender (T2019-0059) Parking Management Systems as recommended within confidential attachment 1 (#E2020/41228)
 2. That Council's seal be affixed to the relevant documents.
 3. 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.
 4. That Council notify the Select Tenderers of the outcome of the tender process
(Hunter/Lyon)
-

Report No. 13.25 **Tender 2020-0007 - Panel of Providers - Provision of Professional Engineering and Consulting Services**
File No: I2020/814

20-307 Resolved:

1. That Council award Contracts to each of the organisations recommended in Attachment 2 (E2020/40036) on pages 11-13 of the Confidential - 2020-0007 Tender Evaluation Report - Provision of Professional Engineering and Consulting Services.
2. That Council makes public its decision, including the name of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.
(Hunter/Lyon)

Report No. 13.26 **Draft Open Spaces Asset Management Plan**
File No: I2020/891

- 20-308 Resolved** that the draft Open Spaces Asset Management Plan (E2020/29395) is adopted and published on Council's website. (Hunter/Lyon)

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 **Report of the Finance Advisory Committee Meeting held on 14 May 2020**
File No: I2020/776

- 20-309 Resolved** that Council notes the minutes of the Finance Advisory Committee Meeting held on 14 May 2020. (Hunter/Lyon)

- 20-310 Resolved** that Council adopts the following Committee Recommendation:

Report No. 4.1 **Quarterly Update - Implementation of Special Rate Variation**
File No: I2020/146

Committee Recommendation 4.1.1

That the Finance Advisory Committee notes the quarterly update on the Special Rate Variation Implementation as at 31 December 2019. (Hunter/Lyon)

- 20-311 Resolved** that Council adopts the following Committee Recommendation:

Report No. 4.2 **2019-2020 Loan Refinancing Outcome**
File No: I2020/147

Committee Recommendation 4.2.1

That the Finance Advisory Committee notes the outcome of the 2019-2020 loan refinancing. (Hunter/Lyon)

- 20-312 Resolved** that Council adopts the following Committee Recommendations:

Report No. 4.3 **Budget Review - 1 January 2020 to 31 March 2020**
File No: I2020/668

Committee Recommendation 4.3.1

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.
3. That the changes made to the overall original operating revenue and expense estimates at

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1 July 2019 at the 31 March 2020 Quarterly Budget Review, be restated back to their original amounts with the proposed reclassifications of operating revenues, operating expenses and capital grants be included as budget revotes and explained in the Report to be presented to the Ordinary Council Meeting on 28 May 2020.
(Hunter/Lyon)

20-313 Resolved that Council adopts the following Committee Recommendation:

Report No. 4.4 Quarterly Update - Implementation of Special Rate Variation

File No: I2020/682

Committee Recommendation 4.4.1

That the Finance Advisory Committee notes the quarterly update on the Special Rate Variation Implementation as at 31 March 2020.
(Hunter/Lyon)

Report No. 14.2 Report of the Audit, Risk and Improvement Committee Meeting held on 14 May 2020

File No: I2020/871

20-314 Resolved that Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 14 May 2020.
(Hunter/Lyon)

20-315 Resolved that Council adopts the following Committee Recommendation:

Report No. 4.1 Corporate Compliance Framework

File No: I2020/26

Committee Recommendation 4.1.1

That the Audit, Risk and Improvement Committee notes the contents of this report and the Committee's ongoing role in reviewing any non-compliance with legislative requirements.
(Hunter/Lyon)

20-316 Resolved that Council adopts the following Committee Recommendations:

Report No. 5.1 Business Continuity and Risk Management- Update

File No: I2020/459

Committee Recommendation 5.1.1

1. That the Audit, Risk & Improvement Committee endorses the Business Continuity Plan 2020 (E2020/17570).
2. That the Audit, Risk & Improvement Committee notes the strategic and operational risk reports for the quarter ending 31 March 2020 (E2020/23670).
(Hunter/Lyon)

20-317 Resolved that Council adopts the following Committee Recommendations:

Report No. 5.2 Audit Progress Report - April 2020

File No: I2020/525

Committee Recommendation 5.2.1

1. That the Audit, Risk and Improvement Committee notes the Internal Audit Activity Report – April 2020 (E2020/31562).
2. That the Audit, Risk and Improvement Committee endorses the recommendation from the Executive Team to close off 24 recommendations in Appendix C of the attached report (E2020/31562).
3. That the Audit, Risk and Improvement Committee endorses the Internal Audit Plan (E2020/31561), as updated in April 2020. (Hunter/Lyon)

20-318 Resolved that Council adopts the following Committee Recommendation:

Report No. 5.3 CONFIDENTIAL - Cyber Incidents and Service Outages Update

File No: I2020/674

Committee Recommendation 5.3.1

That the Audit, Risk and Improvement Committee:

- a) notes the Cyber Incidents report, attachment 1 (E2020/31282); and,
- b) notes the System Outages report, attachment 2 (E2020/31283); and,
- c) receives ongoing status reports for cyber Incidents and systems outages. (Hunter/Lyon)

20-319 Resolved that Council adopts the following Committee Recommendations:

Report No. 5.4 IT User Access Audit Review

File No: I2020/680

Committee Recommendation 5.4.1

1. That the Audit, Risk and Improvement Committee notes the IT User Access internal audit review report.
2. That the Audit, Risk and Improvement Committee requests management to implement the recommendations made in the report identified as Confidential Attachment 1 (E2020/28280).
3. That the report and Confidential Attachment 1 of the closed part of the meeting remain confidential (Hunter/Lyon)

20-320 Resolved that Council adopts the following Committee Recommendations:

Report No. 5.5 External Audit Actions - Quarter 3 2020 Update

File No: I2020/685

Committee Recommendation 5.5.1

1. That the Audit, Risk and Improvement Committee notes the external audit activity update for the quarter ending 31 March 2020.
2. That the Audit Risk and Improvement Committee receives quarterly updates on the external audit actions. (Hunter/Lyon)

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.3 **Report of the Local Traffic Committee Meeting held on 12 May 2020**
File No: I2020/600

20-321 Resolved that Council note the minutes of the Local Traffic Committee Meeting held on 12 May 2020. (Hunter/Lyon)

20-322 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.1 Massinger Street, Byron Bay - No Stopping Yellow Lines
File No: I2020/430

Committee Recommendation 6.1.1

1. That Council support the installation of “No Stopping” yellow lines on both sides of the southern end of Massinger Street, Byron Bay, with the extent of the yellow line to be generally in accordance with Attachment 1 (#E2020/20126)

2. That Council undertake community consultation prior to any changes. (Hunter/Lyon)

20-323 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.2 Bayshore Drive - No Parking Area 1am-5am
File No: I2020/439

Committee Recommendation 6.2.1

That Council support the installation of No Parking Area – (1am-5am) signs at approximate road chainage 1,400m. (Hunter/Lyon)

20-324 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.3 Ocean Shores Public School
File No: I2020/643

Committee Recommendation 6.3.1

That Council endorse the regulatory arrangements associated with the works undertaken at Ocean Shores Public School to help address safety concerns, as set out in this report. (Hunter/Lyon)

20-325 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.4 Byron Street Connection - Shared Zone
File No: I2020/676

Committee Recommendation 6.4.1

That Council support the establishment of a Shared Zone and one way traffic flow with the associated regulatory signage and linemarking. The location and design of the Shared Zone is to be generally in accordance with Attachment 1 (E2020/31355) (Hunter/Lyon)

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20-326 Resolved that Council adopt the following Committee Recommendations:

Report No. 7.1 Paterson St, Byron Bay - Parking Concerns

File No: I2020/573

Committee Recommendation 7.1.1

That Council:

1. Prepare a parking Plan of Management for the following area and submit it to LTC for recommendations and Council for approval:
 - i. Paterson Street from Lawson Street to the dead end;
 - ii. Daniels Street, and
 - iii. Kipling Street, Byron Bay.
2. The Plan of Management is to consider the following options individually and in combination:
 - i. Introducing 4P time limits;
 - ii. Extending the Massinger Permit Scheme to the area;
 - iii. Investigate opportunities to encourage Active Transport; and
 - iv. Any other options identified during this process (Hunter/Lyon)

20-327 Resolved that Council adopt the following Recommendations::

Report No. 8.1 DA 10.2019.6161.1 - Mixed Use Commercial/ Residential Development, cnr Jonson & Browning Streets Byron Bay

File No: I2020/545

Committee Recommendations:

1. That the Local Traffic Committee does not endorse the regulatory signs and devices as shown in Drawing Number 1300 Rev C, prepared by Planit, dated 09/03/2020, in Attachment 1 (E2020/26813).
2. That Council consider the committee's comments.

Management Recommendations:

That Council:

1. Forward onto the applicant LTC comments and mark-ups and that amended plans be submitted to the Local Traffic Committee for review; and
2. Endorse that where additional concerns remain in regards to regulatory matters the applicant is to work with LTC to resolve these concerns. (Hunter/Lyon)

Report No. 14.4 Report of the Transport and Infrastructure Advisory Committee Meeting held on 19 May 2020

File No: I2020/865

20-328 Resolved that Council note the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 19 May 2020. (Hunter/Lyon)

20-329 Resolved that Council adopt the following Committee Recommendations:

Report No. 4.1 Byron Integrated Transport Strategy

File No: I2020/736

Committee Recommendation 4.1.1

That TIAC advise GTA that the following items are to be included in the DRAFT Byron Integrated Transport Strategy:

1. Provide addition facts, data and evidence within the body of the strategy to help make it more robust and usable for grant applications.
2. Provide an Action Table at the end of the strategy with a 20 year horizon. The table is to outline recommended priorities in regards to (but not limited to) recommended works program; research, studies and investigations; future strategy and policy development; aligning existing programs, policies, masterplans and strategies.
3. Provide a section presenting the regional context of Byron Shire Council. This section is to include the following scope of works:
 - a) State what adjoining regional councils, including Gold Coast City Council are proposing in regards to rail corridors and how Byron Shire Council may connect in with adjoining Councils.
 - b) A description of key transport corridors connecting to and through Byron Shire Council.
 - c) Supporting facts, data and evidence. This does not include the need to undertake detailed statistical analysis and data extrapolation.
4. That the ITMS revert to its original name, the Byron Shire Integrated Transport Strategy (BSITS).
5. That the draft BSITS be redrafted to reflect the scope of the brief particularly as follows:
 - a) Local, regional and national transport situation analysis that describes the various policy layers and assumptions and contrasts these with an on ground reality check.
 - b) Trends, demography and other data that assists in the forecasting of transport movements and trip drivers to, from and within Byron Shire.
 - c) Review and amend to integrate existing BSC studies and projects.
 - d) Expand discussion on sustainable transport opportunities including an acknowledgement of climate change.
 - e) Understand and respond to unmet transport needs and accessible transport; and
 - f) Discuss the benefits and equity of insuring access to transport. (Hunter/Lyon)

CONFIDENTIAL REPORTS - GENERAL MANAGER

Report No. 16.1 **CONFIDENTIAL - Rent relief for commercial and non-profit tenants of Council during the COVID-19 crisis Confidential**
File No: I2020/888

20-330 Resolved that council waive 50% of the rent for the Society identified in the report for the period 1 July 2019 to 30 June 2020. (Hunter/Lyon)

PROCEDURAL MOTION

- 20-331 Resolved** that Council change the order of business to deal with Reports 13.17, 13.21, 13.22, 17.1, 13.4 next on the Agenda. (Lyon/Cameron)

The motion was put to the vote and declared carried.

STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.17 Biodiversity Conservation Strategy
File No: I2020/770

- 20-332 Resolved** that Council:

1. Note the submissions received during the public exhibition period (24 March to 20 May 2020) of the Biodiversity Conservation Strategy 2020-2030, issues raised and staff responses.
2. Adopt the Biodiversity Conservation Strategy 2020-2030 with the amendments outlined in Attachment 2 (E2020/40811) of this report.
3. Make public the submissions referenced in point 1, subject to the approval of the authors
4. Also make the previous Biodiversity Conservation Strategy and the audit thereof publicly available (Coorey/Lyon)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 20-333 Resolved** that Cr Coorey be granted a one minute extension to her speech. (Ndiaye/Lyon)

The motion was put to the vote and declared carried.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.21 Brunswick Heads Parking Scheme Review
File No: I2020/591

- 20-334 Resolved:**

1. That Council note the staff report.
2. That Council defer consideration of the Brunswick Heads Parking Scheme Review until after 30 June 2021 due to the continuing impacts and uncertainties of the COVID-19 crisis.
3. That Council continue to monitor parking demand within Brunswick Heads and parking occupancy rates within the existing 1P and 2P time limited areas and the area east of South Arm Bridge; and
4. That the report to the August 2021 Ordinary Meeting in response to the Recommendation from the TPS Report - Brunswick Heads Parking Scheme Review 2020 (Attachment 1,

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#E2020/29468) include a cost/benefit analysis and implementation plan for the introduction of a Pay Parking Scheme for Brunswick Heads incorporating:

- a) Delivery Program;
- b) Meter and sensor layouts;
- c) Relevant time limit modifications;
- d) Signs and line plan;
- e) Permit system;
- f) Business case with recommended pay parking fee rate and months over which the pay parking scheme should operate; and
- g) Media and communications plan (Spooner/Hunter)

AMENDMENT

Moved:

1. That in relation to consideration of proposed Parking Scheme changes within Brunswick Heads, Council:
 - a) Note the recommendations in the TPS Report - Brunswick Heads Parking Scheme Review 2020 (Attachment 1, #E2020/29468) including the recommendation "*that Council should undertake a cost/benefit analysis with the objective to introducing metered parking into Brunswick Heads in order to address the capacity and compliance issues identified in this project*"; and
 - b) Defer consideration of this report until the October 2020 Ordinary Council meeting due to the current impacts of the COVID-19 crisis.
 - c) Continue to monitor parking demand within Brunswick Heads and parking occupancy rates within the existing 1P and 2P time limited areas and the area east of South Arm Bridge; and
 - d) Not introduce pay parking to the CBD and Beach Precincts as identified in Figure 1.1b and Table 1.2b until parking occupancy rates return to 80%.

2. That the report to the October 2020 Ordinary in response to the Recommendation from the TPS Report - Brunswick Heads Parking Scheme Review 2020 (Attachment 1, #E2020/29468) include a cost/benefit analysis and implementation plan for the introduction of a Pay Parking Scheme for Brunswick Heads incorporating:
 - a) Delivery Program;
 - b) Meter and sensor layouts;
 - c) Relevant time limit modifications;
 - d) Signs and line plan;
 - e) Permit system;
 - f) Business case with recommended pay parking fee rate and months over which the pay parking scheme should operate; and
 - g) Media and communications plan (Coorey/Ndiaye)

PROCEDURAL MOTIONS

20-335 Resolved that Cr Lyon be granted a two minute extension to his speech. (Ndiaye/Cameron)

The motion was put to the vote and declared carried.

20-336 Resolved that Cr Spooner be granted a two minute extension to his speech. (Ndiaye/Cameron)

The motion was put to the vote and declared carried.

20-337 Resolved that Cr Cameron be granted a one minute extension to his speech. (Ndiaye/Hunter)

The motion was put to the vote and declared carried.

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*The amendment was put to the vote and declared carried lost.
Crs Hunter, Cameron, Spooner, Lyon, and Hackett voted against the amendment.*

The motion (Spooner/Hunter) was put to the vote and declared carried.

The meeting adjourned at 12.24pm for a lunch break and reconvened at 1.18pm.

Report No. 13.22 **Byron Sewage Treatment Plant - Additional Flow Path Project**
File No: I2020/729

20-338 Resolved that Council:

1. Seek an amended licence from the NSW EPA consenting to the use of an “Additional Flow Path from the Byron Sewage Treatment Plant (STP) via the Byron Industrial Estate and West Byron Urban Release Area to the Belongil Creek”.
2. Proceed to an Open Tender for the Construction of the Additional Flow Path Project.
(Lyon/Hunter)

AMENDMENT

Moved:

1. That Council seeks an amended licence from the NSW EPA consenting to the use of an ‘Additional Flow Path from the Byron Sewage Treatment Plant (STP) via the Byron Industrial Estate and West Byron Urban Release Area to the Belongil Creek’;
2. That, prior to any approval or tender process, Council is provided with a management and operational framework for use of the Alternate Flow Path;
3. That staff provide a report to Council clarifying what is intended regarding “*allowing future increase of drainage loads*” from the STP, with particular reference to any upgrades to the STP, any environmental impacts and in the context of conditions of the DA for the STP including the provision for re-use of recycled water;
4. That staff also clarify the assertion that “*Overall it has been determined that increased flows are not likely to generate additional impact from current conditions*” and provide supporting information to this end;
5. That Councillors be provided with the third-party independent review of the Review of Environmental Factors, undertaken by the independent Environmental Consultant; and
6. That an MOU between the Belongil Catchment Drainage Board and Council be resolved within three months as per Resolution 19-345
(Coorey/Cameron)

PROCEDURAL MOTION

20-339 Resolved that Cr Coorey be granted a two minute extension to her speech. (Ndiaye/Cameron)

The motion was put to the vote and declared carried.

*The amendment was put to the vote and declared lost.
Crs Lyon, Cameron, Hunter, and Spooner voted against the amendment.*

*The motion was put to the vote and declared carried.
Crs Hackett and Coorey voted against the motion.*

LATE REPORTS**Notice of Motion No. 17.1 Petria Thomas Swimming Pool in Mullumbimby - Conversion to year round facility feasibility study funding****File No:** I2020/922**20-340 Resolved** that Council:

1. Seek funding from the State Government or other funding body for this important community project that includes a detailed feasibility study into converting the Petria Thomas Swimming Pool in Mullumbimby into a year round, solar heated facility that could service the needs of the local and visitor population, by adding a disability access ramp to the existing 50 metre pool, a splash children's pool and a rehabilitation / hydrotherapy pool, and that the feasibility also consider various water treatment options and;
2. That the feasibility includes the public health and social benefits of such a facility including research of other council areas that have installed similar facilities such as the Ballina Shire to see how these types of projects have worked in other similar communities.

(Ndiaye/Hunter)

The motion was put to the vote and declared carried.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICESPROCEDURAL MOTION**20-341 Resolved** that Council change the order of business to deal with Report 13.9 next on the Agenda. (Ndiaye/Hunter)*The motion was put to the vote and declared carried.*

Report No. 13.9 Project Options for the Australian Government Local Roads and Community Infrastructure Program**File No:** I2020/909**20-342 Resolved:**

1. That Council adopts the projects listed in Option 1 to expend the Australian Government's Local Roads and Community Infrastructure Program grant.
2. That the expenditure from Council's preferred option be incorporated in to Council's draft budget for public exhibition.
3. That a report be brought to the August 2020 Ordinary Meeting detailing the scope of the bus stop works required on Myocum Road and in Federal village. (Hunter/Cameron)

The motion was put to the vote and declared carried.

Report No. 13.4 **Draft 2020/21 Operational Plan and Budget for public exhibition**
File No: **I2020/711**

20-343 Resolved that Council:

1. Endorses the draft Operational Plan 2020/21 (Attachment 1, E2020/43572) for public exhibition for a period of 28 days.
2. Endorses the Draft 2020/21 Statement of Revenue Policy comprising detailed Budget Estimates (Attachment 2, E2020/43197), Rates, Charges, Borrowings and Fees and Charges (Attachment 3, E2020/42781) for public exhibition for a period of 28 days.
3. That an additional \$40,000 be allocated from Developer Contributions to Station Street, Bangalow shared path works (Cameron/Lyon)

The motion was put to the vote and declared carried.

MAYORAL MINUTE

There was no Mayoral Minute.

NOTICES OF MOTION

Notice of Motion No. 9.1 **Bunyarra Culture Collective**
File No: **I2020/907**

20-344 Resolved that Council:

Supports the Bunyarra Culture Collective to apply for up to \$5,000 through the Community Initiatives Program to further their important work. (Spooner/Ndiaye)

The motion was put to the vote and declared carried.

PETITIONS

There were no petitions tabled.

DELEGATES' REPORTS

There were no delegates' reports.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Cr Lyon left the Chambers at 2:35pm.

PROCEDURAL MOTION

20-345 Resolved:

1. That pursuant to Section 10A(2)(g) of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Main Beach Shoreline Project - preliminary options assessment and stakeholder engagement.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) Advice concerning litigation (or the threat of it) or advice that would be privileged from production in legal proceedings on the ground of legal professional privilege.
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:
The report contains information on legal advice and other privileged material
(Ndiaye/Cameron)

*The motion was put to the vote and declared carried.
Cr Lyon was not present for the vote.*

Cr Lyon returned to the Chambers at 2.42pm.

Report No. 13.13 Main Beach Shoreline Project - preliminary options assessment and stakeholder engagement

File No: I2020/544

Moved:

1. That Council notes the preliminary options assessment and top seven concept designs presented in the Concept Design Development - Report (Attachment 1-E2020/40490)
2. That Council thank Bluecoast Consulting Engineers for the work undertaken in preparing these prioritised concept designs and endorse the seven options presented.
3. That Council defer public exhibition, extend the concept design development stage, and call for a wider range of infrastructure and environmental protection options from other experts-in-the-field of coastal management. (Hackett/Spooner)

PROCEDURAL MOTION

20-346 Resolved that Cr Hackett be granted a two minute extension to her speech. (Ndiaye/Cameron)

The motion was put to the vote and declared carried.

Cr Hunter left the Chambers at 2.49pm.

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AMENDMENT

20-347 Resolved:

1. That Council notes the preliminary options assessment and top seven concept designs presented in the Concept Design Development – Report (Attachment 1 – E2020/40490).
2. That Council endorses the top seven concept options outlined in Attachment 1 (E2020/40490) for key stakeholder and broader community engagement.
3. That Council receives a report following the community engagement detailing the submissions received and staff response to these submissions. (Ndiaye/Lyon)

Cr Hunter returned to the Chambers at 2.55pm.

PROCEDURAL MOTION

20-348 Resolved that Cr Spooner be granted a one minute extension to his speech. (Ndiaye/Lyon)

The motion was put to the vote and declared carried.

*The amendment was put to the vote and declared carried.
Crs Coorey, Spooner, and Hackett voted against the amendment.*

*The amendment upon becoming the substantive motion was put to the vote and declared carried.
Crs Coorey, Spooner, and Hackett voted against the motion.*

PROCEDURAL MOTION

20-349 Resolved that the meeting move out of confidential session. (Ndiaye/Cameron)

The motion was put to the vote and declared carried.

Report No. 13.14 Bringing Back the Bruns - update on Brunswick River related projects

File No: 12020/700

20-350 Resolved that Council notes:

1. The update provided by staff on the 'Bringing Back the Bruns' and related Brunswick River projects.
2. That staff will continue to explore all grant and alternate funding opportunities as they arise including partnerships, to support new projects that contribute to 'Bringing back the Bruns' and related projects.
3. That the bank stabilisation and environmental wetlands projects associated with the Brunswick Valley Sustainability Centre (Vallances Road) project be incorporated into the 'Bringing Back the Bruns' and related Brunswick River projects to enable an acceleration of these two important environmental projects to occur if able prior to any grant or alternate funding being made available. (Ndiaye/Lyon)

The motion was put to the vote and declared carried.

Report No. 13.16 **Climate Action Plan update**
File No: **I2020/762**

20-351 Resolved that Council:

1. Request staff to progress the finalisation a draft Climate Change Adaptation Plan which:
 - a) Considers the:
 - i) Identified areas of concern determined at the 6 September 2019 Councillor workshop;
 - ii) Council researched gap analysis conducted and presented to Council 12 December 2019; and
 - iii) Contemporary and current science as it relates to Local Government best practice for Climate Adaptation within Australia.
 - b) Is peer reviewed where possible by the previously confirmed workshop participants; and
 - c) Undergoes a Councillor and community engagement process before reporting to Council for consideration for adoption.
2. Agree to explore the development of a resilience framework and plan for Byron Shire.
3. Make contact with Resilience NSW to discuss the potential preparation of a Resilience Plan and how Council may partner in the early preparation of such a plan for Byron Shire.
4. Make contact with the City of Sydney to discuss their Resilience Plan framework and how it might be applied to Byron Shire.
5. Request staff to undertake a gap analysis of Council's current plans against a resilience framework such as the City of Sydney.
6. Request staff to present the findings of items 3-5 at a Strategic Planning Workshop and report to Council.

(Coorey/Ndiaye)

PROCEDURAL MOTION

20-352 Resolved that Cr Coorey be granted a two minute extension to her speech. (Ndiaye/Cameron)

The motion was put to the vote and declared carried.

The motion (Coorey/Ndiaye) was put to the vote and declared carried.

Report No. 13.18 **Voluntary Visitor Fund - Project Update**
File No: **I2020/775**

20-353 Resolved that Council:

1. Defers a decision on the Voluntary Visitor Fund, until a report is presented to a Council Meeting in March 2021.
2. Continues to collect a voluntary visitor contribution from Council's First Sun and Suffolk Park Holiday Parks; and
3. Allocates the funds collected from 2 to implement the Byron Shire Sustainable Visitation

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Strategy once adopted by Council.

(Ndiaye/Lyon)

The motion was put to the vote and declared carried.

Crs Spooner, Hackett, and Cameron voted against the motion.

There being no further business the meeting concluded at 3.30pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 27 August 2020.

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Mayor Simon Richardson