



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 22 October 2020

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
22 October 2020

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BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 22 OCTOBER 2020 COMMENCING AT 9:11AM AND CONCLUDING AT 11:43AM

12020/1594

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, Cr A Hunter, Cr M Lyon, Cr J Martin, Cr S Ndiaye 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)
 Phil Warner (Manager Assets and Major Projects) – item 9.1
 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 in form of |
|---------------------|--|-------------|--------------------------|--------------------------------------|--------------------------------|
| 13.2 | Five year licence to Shara Community Garden Incorporated | For | Liz Barker | Shara Community Gardens Incorporated | Read out by staff |
| 13.8 | Dingo Lane Solar Farm Project Progress and Owners Consent to Submit Development Application | Against | Tom Mchugh | | Read out by staff |
| | | | Mr and Mrs Hook | | Read out by staff |
| | | | Anthony Stante | | Read out by staff |
| | | | Mark Lewis | | Read out by staff |
| 14.2 | Report of the Local Traffic Committee Meeting held on 8 September 2020 (Report No. 6.1 Ruskin Street, Byron Bay - Parking Modifications) | Against | Dr John William Morrison | | In person |
| | | | Jason Trisley | | Zoom |

Submissions

| Subject | Name | Representing Organisation | Submission Received in form of |
|---|-------------|-------------------------------------|---------------------------------------|
| Submit petitions* opposing the proposed 8 Acacia St Byron Bay 5G upgrade. | Tashi Lhamo | Northern Rivers for Safe Technology | In person |

*A petition was received and laid on the table.

Question No. 1 Solar Panels on Mercato

John Anderson submitted the following question which was read by staff:

As the huge flat roof of the “iconic” Mercato building in Byron seems ideally suited to a large number of solar panels, and as the Mayor evidently had some input into the final form of the project – and is furthermore on the record as a proponent of technological solutions to man-made problems – could the mayor please explain why Council did not specify a single solar panel as a condition of consent?

The Mayor provided the following response:

Part of the consent conditions outlined the accreditation for Green Star rating, part of that is solar panels. I think if you look at a google map you will see there is quite a lot of solar panels on the roof. Arguably required more, it would have been nice to have more, but there are solar panels there and they fulfilled their obligations.

Question No. 2 Development Condition – Solar Panels

Coorabella Vista submitted the following question which was read by staff:

Will a Councillor ever move a motion to make the installation of solar panels a condition of consent on all new subdivisions and development applications, in keeping with the notion of a progressive Council?

The Mayor provided the following response:

Firstly, BASIX is generally the planning mechanism of which energy is facilitated and not every roof should have solar panels; my roof shouldn't have solar panels, it would be a waste. So requiring every single house to have a solar shows the ignorance of the questioner in the particular matter.

Cr Spooner also provided the following response:

My response is no.

APOLOGIES

PROCEDURAL MOTION

20-542 Resolved that the apology from Cr Coorey be accepted and a leave of absence granted.
(Richardson/Hunter)

The motion was put to the vote and declared carried.

REQUESTS FOR LEAVE OF ABSENCE

There were no other requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

The General Manager, Mark Arnold, declared a pecuniary interest in Report 16.1. The nature of the interest being that he is the subject of the report. Mr Arnold elected to leave the Chamber and not participate in discussion.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 20-543 Resolved** that the minutes of the Ordinary Meeting held on 24 September 2020 be confirmed.
(Hunter/Ndiaye)
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. 13.3 Byron Masterplan Guidance Group - appointment of new members

Corporate and Community Services

Report No. 13.4 Annual Report 2019/20

REPORTS OF COMMITTEES

Corporate and Community Services

Report No. 14.1 Report of the Audit, Risk and Improvement Committee Meeting held on 20 August 2020

Infrastructure Services

14.2.8.1 Ruskin Street, Byron Bay - Parking Modifications

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. 20-544 and concluding with Resolution No. 20-568.

In accordance with his earlier declared interest in item 16.1, Mark Arnold left the Chamber at 9:42am.

PETITIONS

Petition No. 10.1 **To REFUSE Development Application DA 10.2020.370.1 - 68 Byron Street BANGALOW**
File No: I2020/1428

20-544 Resolved:

1. That the petition regarding Development Application DA 10.2020.370.1 - 68 Byron Street BANGALOW be noted.
2. That the petition be referred to the Director Sustainable Environment and Economy.
(Richardson/Hunter)

SUBMISSIONS AND GRANTS

Report No. 11.1 **Grants and Submissions October 2020**
File No: I2020/1529

- 20-545 Resolved** that Council notes the report and Attachment 1 (E2020/79328) for Byron Shire Council's Submissions and Grants as at 1 October 2020. (Richardson/Hunter)

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 **Grant of five year licence over Tyagarah Hall (25 Staceys Way, Tyagarah)**
File No: I2020/1196

- 20-546 Resolved** that Council resolves to grant a five (5) year licence to Tyagarah Community Association as the preferred respondent, over part Folio 49/881232, 25 Staceys Way, Tyagarah colloquially known as the Tyagarah Hall. (Richardson/Hunter)

Report No. 13.2 **Five year licence to Shara Community Garden Incorporated**
File No: I2020/1254

20-547 Resolved:

1. That Council considers all public comments received on the proposed five (5) year licence to Shara Community Garden s Incorporated over Lot 2005 DP808461 known as the Shara Community Gardens.
2. That Council grants a licence to Shara Community Garden s Incorporated over Lot 2005 DP808461 on the following terms:
 - a) term five (5) years with no holding over;
 - b) for the purpose of a community garden as defined in Policy Byron Shire Community Gardens 2020;
 - c) rent to commence at \$490 (exclusive of GST) and thereafter increased annually by Consumer Price Index All Groups Sydney for the term;
 - d) the Licensee to pay usage charges for all services connected to the land including waste management services and provide public liability and contents insurance; and
 - e) the Licensor to pay outgoings of the value of general land rates and fixed water and sewer charges (if payable).
(Richardson/Hunter)

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**Report No. 13.5 Council Investments - 1 September 2020 to 30 September 2020****File No:** I2020/1534

- 20-548 Resolved** that Council notes the report listing Council's investments and overall cash position as at 30 September 2020. (Richardson/Hunter)
-

Report No. 13.6 Draft 2019/2020 Financial Statements**File No:** I2020/1574

- 20-549 Resolved:**
1. That Council adopts the Draft 2019/2020 Financial Statements incorporating the General Purpose Financial Statements and Special Purpose Financial Statements and refers these Financial Statements to Audit.
 2. That Council approves the signing of the "Statement by Councillors and Management" in accordance with Section 413(2)(c) of the Local Government Act 1993 and Clause 215 of the Local Government (General) Regulation 2005 in relation to the 2019/2020 Draft Financial Statements.
 3. That the Audited Financial Statements and Auditors Report be presented to the public at the Ordinary Meeting of Council scheduled for 26 November 2020 in accordance with Section 418(1) of the Local Government Act 1993. (Richardson/Hunter)
-

STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY**Report No. 13.7 Public Exhibition for the 2020 - 2030 Byron Shire Sustainable Visitation Strategy and Resilience discussion paper****File No:** I2020/1385

- 20-550 Resolved** that Council notes the update on the draft 2020 – 2030 Byron Shire Sustainable Visitation Strategy and preparation of a tourism resilience discussion paper and their intended public exhibition. (Richardson/Hunter)
-

STAFF REPORTS - INFRASTRUCTURE SERVICES**Report No. 13.8 Dingo Lane Solar Farm Project Progress and Owners Consent to Submit Development Application****File No:** I2020/1394

- 20-551 Resolved:**
1. That Council authorises the General Manager to submit a Development Application for the proposed 5MW Solar Farm at Dingo Lane, Myocum (Lot 15 DP 1178892)
 2. That Council notes that the DA is to seek approval for the use of the land for a 5MW Solar Farm only and that the consideration of the go/no go around the outcomes of the business case, feasibility investigation and commercial delivery options be reported to council in February 2021 (Richardson/Hunter)
-

Report No. 13.9 **Report of Coastal Estuary Catchment Panel Meeting held on 10 September 2020**
File No: I2020/1551

20-552 Resolved that Council adopts the following Panel recommendations:

1. That Council notes the minutes of the Coastal Estuary Catchment Panel Meeting held on 12 March 2020.
 2. That Council escalates the unresolved matters regarding the Belongil Drainage Board status and lack of response from NSW Department of Planning, Industry and Environment staff to the NSW Minister for Water, Property and Housing.
 3. In relation to the presentation from Student on Pesticide Occurrence in the Coastal Aquatic system, Council considers approaching NSW Premier Gladys Berejiklian, Minister for Energy and Environment Matt Kean, Minister for Health Brad Hazzard, Minister for Agriculture Adam Marshall and Minister Gabrielle Upton (responsible for National Parks) with a copy to Ballina MP Tamara Smith, asking them to follow the findings of the EU in banning the sale and use of the following pesticides in NSW:
 - a) Dimethoate
 - b) Omethoate
 - c) Terbutryn
 - d) Methomyl
 - e) Triadimenol
 4. That's Council notes the update provided on the coastal projects presently being delivered by the Coastal, Biodiversity and Sustainability team. (Richardson/Hunter)
-

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.2 **Report of the Local Traffic Committee Meeting held on 8 September 2020**
File No: I2020/1414

20-553 Resolved that Council notes the minutes of the Local Traffic Committee Meeting held on 8 September 2020. (Richardson/Hunter)

20-554 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.1 Coolamon Scenic Drive Regulatory Signage and Linemarking
File No: I2020/1232

Committee Recommendation 6.1.1

That Council endorse the designs for Coolamon Scenic Drive in terms of its regulatory signage and line marking (E2020/37667). (Richardson/Hunter)

20-555 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.2 Amendment to the proposed changes to Bangalow Road for the Byron to Suffolk Cycleway to relieve parking issues near the General Store
File No: I2020/1235

Committee Recommendation 6.2.1

That Council supports the modification of Bangalow Road as per the amended plans (E2020/65203), including replacement drawing SK 33D (E2020/71743), which include adjustment of the existing road alignment, lane widths, line-marking, signage, parking locations, parking time limits and bus-stop locations. (Richardson/Hunter)

20-556 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.3 Byron Cycle Club - Criterium Racing 2020 - Woodford Lane, Ewingsdale and Byron Arts & Industrial Estate

File No: I2020/1245

Committee Recommendation 6.3.1

That Council support the use of Woodford Lane, Ewingsdale, for criterium racing on every 2nd and 4th Sunday of the month until August 2021, subject to:

- a) Traffic control plan(s) and a Traffic Management Plan being designed by those with the appropriate and relevant NSW (RMS) accreditation.
- b) The implementation of the Traffic Management Plan and Traffic Control Plan(s) by those with appropriate NSW (RMS) accreditation.
- c) Holding \$20m public liability insurance cover which is valid for all races.
- d) Obtaining separate approvals by NSW Police and RMS, as required.
- e) Paying Council's Road Event Application Fee prior to the event (Richardson/Hunter)

20-557 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.4 M545 Traffic and Parking Management - Broken Head Road and Bangalow Road, Suffolk Park to Byron Bay

File No: I2020/1246

Committee Recommendation 6.4.1

That Council note the proposed regulatory actions and support implementing a traffic and parking management strategy for MR545 from Clifford Street, Suffolk Park to Browning Street, Byron Bay incorporating restricted parking areas, timed parking zones, No stopping, No parking and other associated regulatory signs and line marking. (Richardson/Hunter)

20-558 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.5 Broken Head Rd - Informal Bus Stop Parking Conflicts

File No: I2020/1206

Committee Recommendation 6.5.1

That Council support the implementation of a Restricted Parking Area and /or No Stopping and other appropriate regulatory signage and line marking to manage pedestrian, traffic and parking conflicts associated with the use of the informal bus stop on Broken Head Rd, Suffolk Park. (Richardson/Hunter)

20-559 Resolved that Council adopt the following Committee Recommendation:

Report No. 8.2 Byron Bay Traffic and Pedestrian Management Strategy

File No: I2020/1387

Committee Recommendation 6.2.1

That Council endorse the provision of traffic management facilities and traffic controllers within Byron Bay, when deemed necessary, to provide increased safety for road users and pedestrians and to manage the efficient movement of vehicles on the road network during the school holiday periods and at other times, subject to the development and implementation of Traffic Control Plans by those with relevant TfNSW accreditation. (Richardson/Hunter)

20-560 Resolved that Council adopts the following Committee Recommendation:

Report No. 7.1 'No Stopping' signs - Mott Street DA 10.2020.124.1

File No: I2020/1116

Committee Recommendation 7.1.1

That Council support the installation of 'No Stopping' signs along the eastern end of Mott Street, Byron Bay, to provide a safe turning point for the garbage trucks. (Richardson/Hunter)

Report No. 14.3 Report of the Local Traffic Committee Meeting held on 22 September 2020

File No: I2020/1474

20-561 Resolved that Council notes the minutes of the Local Traffic Committee Meeting held on 22 September 2020. (Richardson/Hunter)

20-562 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.1 Filming Event - Bangalow Road, Hayters Hill

File No: I2020/1427

Committee Recommendation 6.1.1

That Council supports the Nine Perfect Strangers film project and the associated temporary closure of part of Bangalow Road, subject to:-

- a. The location of the temporary road closure to be generally in accordance with Attachments 1 and 2 (E2020/72772 and E2020/72773).
- b. Local Traffic Committee support and associated Local Traffic Committee recommendations, namely:-
 - i. Traffic Management Plan and Traffic Control Plans to be developed and implemented by those with appropriate TfNSW accreditation;
 - ii. The TMP and TCP is include:
 - Adequate private property access and egress affected by the project;
 - Traffic control measures for St Helena Road.
 - iii. Separate approvals by NSW Police and TfNSW to be obtained;
 - iv. That the impact of the event be advertised via a notice in the local weekly paper a minimum of 14 days 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; and
 - v. The film project organiser is to:-
 - liaise with Council to ensure filming does not conflict with and significantly impact Council works on the Bangalow Road railway bridge;
 - provide event details so it can be notified on Council's webpage;

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- inform the community and businesses that are directly impacted by the temporary road closure via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
- undertake consultation with emergency services, bus companies, taxi and waste operators ensuring arrangements are made for provision of services during conduct of the event;
- hold \$20m public liability insurance cover which is valid for the event; and
- pay Council's Road Event Application Fee prior to the event.

(Richardson/Hunter)

Report No. 14.4 Report of the Transport and Infrastructure Advisory Committee Meeting held on 8 October 2020

File No: I2020/1569

20-563 Resolved that Council notes the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 8 October 2020. (Richardson/Hunter)

20-564 Resolved that Council adopts the following Committee Recommendation:

Report No. 3.1 Adoption of Minutes from Previous Meeting

File No: I2020/1473

Committee Recommendation 3.1.1

That the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 30 July 2020 be confirmed. (Richardson/Hunter)

20-565 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.1 Maintenance of non-Council owned toilets

File No: I2020/1162

Committee Recommendation 4.1.1

1. That Council note the contractual arrangements currently in place for maintenance of non-Council owned toilets.
2. That Council review public health information to ensure appropriate level of signage regarding COVID-19.
3. That Council note the need to review the arrangements for the cleaning servicing of Banner, Torakina and Terrace Park and terms and conditions of third party cleaning obligations.
4. That a report on performance of the contract and recommendation for further improvement be prepared to TIAC. (Richardson/Hunter)

20-566 Resolved that Council adopts the following Committee Recommendation:

Report No. 4.2 Infrastructure Report (Special Schedule 7) Financial Statements 2020

File No: I2020/1448

Committee Recommendation 4.2.1

That Council note the report. (Richardson/Hunter)

CONFIDENTIAL REPORTS - GENERAL MANAGER

Report No. 16.1 CONFIDENTIAL - Annual Review of GM's performance

File No: I2020/1562

Mark Arnold left the meeting at 9:42am in accordance with his earlier declared interest in this matter.

20-567 Resolved:

1. That Council notes the findings and endorses recommendations from the performance review panel with respect to the annual performance review for the General Manager contained in Attachment 1 (#E2020/76953).
2. That Council endorses the 2020/21 performance agreement for the General Manager contained in Attachment 2 (#E2020/80743). (Richardson/Hunter)

LATE REPORTS

Report No. 17.1 Filming Event - Coopers Shoot Road

File No: I2020/1628

20-568 Resolved that Council supports the Nine Perfect Strangers film project and the associated temporary closure of part of Coopers Shoot Road, subject to:

- a. The location of the temporary road closure to be in accordance with Attachment 1 (E2020/83292).
- b. Council and Local Traffic Committee support and associated Local Traffic Committee recommendations, namely:
 - i. Traffic Management Plan (TMP) and Traffic Control Plans (TCP) to be developed and implemented by those with appropriate RMS accreditation and to be in accordance with the submitted TMP (E2020/83292)
 - ii. The TMP and TCP is include adequate private property access and egress affected by the project;
 - iii. Separate approvals by NSW Police and TfNSW to be obtained, as required;
 - iv. That the impact of the event be advertised via a notice in the local weekly paper a minimum of 14 days 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;
 - v. The film project organiser is to:
 - liaise with Council depot to ensure filming does not conflict with and significantly impact any Council works proposed in the area;
 - provide event details so it can be notified on Council's webpage;
 - inform the community and businesses that are directly impacted by the temporary road closure via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
 - undertake consultation with emergency services, bus companies, taxi and waste operators ensuring arrangements are made for provision of services during conduct of the event;
 - hold \$20m public liability insurance cover which is valid for the event;
 - pay Council's Road Event Application Fee prior to the event.

(Richardson/Hunter)

PROCEDURAL MOTION

- 20-569 Resolved** that Council changes the order of business to deal with Report 14.2.8.1 next on the Agenda. (Richardson/Lyon)

The motion was put to the vote and declared carried.

Mark Arnold returned to the Chamber at 9:44am.

No. 14.2.8.1 Report of the Local Traffic Committee Meeting held on 8 September 2020

File No: I2020/1373

- 20-570 Resolved:**

Report No. 8.1 Ruskin Street, Byron Bay - Parking Modifications

File No: I2020/1373

1. That Council does not adopt Recommendation 8.1 of the 8 September 2020 Local Traffic Committee meeting.
2. That Council defers the implementation of actions associated with this recommendation, being the installation of "No Stopping" signs and/or yellow lines on the Northern side of the road of the eastern end of Ruskin Street, Byron Bay, with the extent of the yellow line to be generally from Cowper Street to Massinger Street, generally in accordance with Attachment 1(E2020/69866), and refers said item back to the LTC for further review. (Lyon/Cameron)

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 MURC Bayshore Drive to Tyagarah

File No: I2020/1560

Moved:

1. That Council prioritises the section of rail corridor between Bayshore Drive and Tyagarah for investigation into the alternatives including multi use.
2. That Council seeks community and local Land Care support to carry out environmental works on the rail corridor between Bayshore Drive and Tyagarah for
 - a) removal of unwanted vegetation and
 - b) planting of native species in the outer edges of corridor
3. That Council seeks funding
 - a) for the clearing of the vegetation on the line
 - b) for the planting of suitable native species in the corridor with local Land Care and

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- environmental groups and
- c) to establish the corridor as a wildlife corridor.
4. That Council, when funding is available, commissions a structural assessment and cost estimate of a sample of the timber bridges suitable for
- a) combined light rail and cycle/walkway and
- b) cycle/walkway on the rail line (Hunter/Spooner)

PROCEDURAL MOTION

20-571 Resolved that Cr Hunter be granted a two minute extension to his speech. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

AMENDMENT

20-572 Resolved:

1. That Council prioritises the section of rail corridor between Bayshore Drive and Tyagarah for investigation into the alternatives including multi use.
2. That Council seeks community and local Land Care support to carry out environmental works on the rail corridor between Bayshore Drive and Tyagarah for removal of unwanted vegetation
3. That Council seeks funding for the clearing of the vegetation on the line
4. That Council, when funding is available, commissions a structural assessment and cost estimate of a sample of the timber bridges suitable for facilitating movement up to a weight that can support light rail and very light rail options outlined in the MURC.
(Richardson/Ndiaye)

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

*The amendment upon becoming the substantive motion was put to the vote and declared carried.
Cr Spooner voted against the motion.*

The meeting adjourned at 10.32am and reconvened at 11.03am.

DELEGATES' REPORTS

There were no delegates' reports.

STAFF REPORTS - GENERAL MANAGER

Report No. 13.3 **Byron Masterplan Guidance Group - appointment of new members**
File No: I2020/1553

20-573 Resolved:

1. That Council endorses and invites the 8 recommended applicants to join the Byron Masterplan Guidance Group, being David Vago, Lisa Hansberry, Louise Tingey, Meredith

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Wray, Michael Gudgeon, Alan Maizey, John Robert McKay, Pippa Noble.

2. That Council amends the Byron Masterplan Guidance Group charter to increase membership number from 22 to 27. (Richardson/Hunter)

The motion was put to the vote and declared carried.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.4 **Annual Report 2019/20**
File No: I2020/1528

20-574 Resolved that Council:

1. Notes the Annual Report 2019/20 (#E2020/78609), included as Attachment 1 to this report and its submission to the Minister for Local Government; and
2. Acknowledges and congratulates staff on achieving a high standard of service to the Byron Shire community over the past year. (Spooner/Ndiaye)

PROCEDURAL MOTION

20-575 Resolved that Cr Spooner be granted a two minute extension to his speech. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

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

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 **Report of the Audit, Risk and Improvement Committee Meeting held on 20 August 2020**
File No: I2020/1429

20-576 Resolved that Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 20 August 2020. (Cameron/Richardson)

20-577 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.1 Draft Audit, Risk and Improvement Committee Constitution and 2021 Agenda Schedule
File No: I2020/1022

Committee Recommendation 4.1.1

That the Audit, Risk and Improvement Committee:

1. Considers the draft Audit, Risk and Improvement Committee Constitution (E2020/46708) and the Agenda Schedule for 2021 (E2020/46705) and provides feedback to the Chair by 3 September 2020.
2. Submits the Audit, Risk and Improvement Committee Constitution, with any amendments based on feedback from the Committee, to Council for adoption.

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3. Be provided with a copy of the Update on Council's Financial and Investment Positions as provided to the Finance Advisory Committee. (Cameron/Richardson)

20-578 Resolved that Council adopts the following Committee Recommendation:

Report No. 4.2 Annual Compliance Report 2019-2020

File No: I2020/1055

Committee Recommendation 4.2.1

That the Audit, Risk and Improvement Committee notes Council's compliance with legislative reporting requirements as at 30 June 2020. (Cameron/Richardson)

20-579 Resolved that Council adopts the following Committee Recommendations:

Report No. 5.1 Risk Management- Update

File No: I2020/953

Committee Recommendation 5.1.2

1. That the Audit, Risk and Improvement Committee notes the strategic and operational risk reports for the quarter ending 30 June 2020 (E2020/49108).
2. That the Audit, Risk and Improvement Committee requests Council consider the impacts on all transport users when implementing asset upgrades particularly roads. (Cameron/Richardson)

20-580 Resolved that Council adopts the following Committee Recommendations:

Report No. 5.2 Audit Progress Report - August 2020

File No: I2020/954

Committee Recommendation 5.2.2

1. That the Audit, Risk and Improvement Committee notes the Internal Audit Activity Report – August 2020 (E2020/60577).
2. That the Audit, Risk and Improvement Committee endorses the recommendation from the Executive Team to close off 18 recommendations in Appendix E of the attached report (E2020/60577). (Cameron/Richardson)

20-581 Resolved that Council adopts the following Committee Recommendation:

Report No. 5.3 Cyber Security and System Outages Quarterly Update

File No: I2020/1113

Committee Recommendation 5.3.1

That the Audit, Risk and Improvement Committee:

- a) notes the Cyber Incidents report, attachment 1; and,
- b) notes the System Outages report, attachment 2; and,
- c) receives ongoing status reports for cyber Incidents and systems outages (Cameron/Richardson)

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ORDINARY MEETING MINUTES

22 October 2020

20-582 Resolved that Council adopts the following Committee Recommendations:

Report No. 5.4 Development Application Processes Audit Review

File No: I2020/1179

Committee Recommendation 5.4.1

1. That the Audit, Risk and Improvement Committee notes the Development Application Processes 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 (E2020/60181).
3. That the report and Confidential Attachment 1 (E2020/60181) of the closed part of the meeting remain confidential. (Cameron/Richardson)

20-583 Resolved that Council adopts the following Committee Recommendation:

Report No. 5.5 2020 External Audit Interim Audit Management Letter

File No: I2020/1185

Committee Recommendation 5.5.1

That the comments provided by Management in response to matters raised in the 2020 External Audit Interim Audit Management Letter detailed at Attachment 1 (#E2020/60321) be noted by the Audit, Risk and Improvement Committee. (Cameron/Richardson)

20-584 Resolved that Council adopts the following Committee Recommendation:

Report No. 5.6 External Audit Actions - Quarter 4 2020 Update

File No: I2020/1187

Committee Recommendation 5.6.1

That the Audit, Risk and Improvement Committee notes the external audit activity update for the quarter ending 30 June 2020. (Cameron/Richardson)

The motions (20-576 to 20-584) were put to the vote and declared carried.

URGENCY MOTIONS

PROCEDURAL MOTION

20-585 Resolved that the matter “Consideration and Processing of Applications to hold events in Byron Shire over Summer within COVID restriction directives” is considered urgent as currently Council is in discussions with event organisers to hold events over summer when Public Health Orders will possibly be different and applications need significant lead in time prior to the event. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

22 October 2020

No. Urgency 1 Matter of Urgency - Consideration and Processing of Applications to hold events in Byron Shire over Summer within COVID restriction directives

20-586 Resolved that Council processes applications and submissions to hold events even if at the time of initial lodgement the scope and scale of the events sit outside Public Health Orders and that conditions of any consent, approval or support stipulate that events must sit within active Public Health Orders at the time of the event occurring. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

20-587 Resolved that the matter “Local Land Services Amendment (Miscellaneous) Bill 2020” is urgent because the Bill has had its first reading already and there is a window for representations to be made prior to the second reading. (Lyon/Richardson)

The motion was put to the vote and declared carried.

No. Urgency 2 Matter of Urgency - Local Land Services Amendment (Miscellaneous) Bill 2020

20-588 Resolved that Council:

1. Notes its strong objection to the Local Land Services Amendment (Miscellaneous) Bill 2020 currently before the NSW Parliament
2. Makes, and seeks support from the local member for Ballina, Tamara Smith to make, urgent representations to the Premier, Gladys Berejiklian, the Minister for Energy and the Environment, Matthew Kean and members of the NSW Parliament on behalf of Council about the potential impact that the Bill will have on our biodiversity.
3. Prepares a media release outlining the objection and explaining reasons. (Lyon/Richardson)

PROCEDURAL MOTION

20-589 Resolved that Cr Lyon be granted a one minute extension to his speech. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

The motion (Lyon/Richardson) was put to the vote and declared carried.

There being no further business the meeting concluded at 11:43am.

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

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Mayor Simon Richardson