



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 26 November 2020

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
26 November 2020

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 26 NOVEMBER 2020 COMMENCING AT 9.08AM AND CONCLUDING AT 3.11PM

12020/1860

PRESENT: Cr S Richardson (Mayor) (left at 2.29pm), Cr B Cameron, Cr A Hunter, Cr M Lyon, Cr J Martin, and Cr S Ndiaye

VIRTUAL: Cr C Coorey (left at 1.12pm), Cr J Hackett (left at 1.12pm), 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)
Deanna Savage (Roads and Property Officer) – item 13.15
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 |
|---------------------|-------------|-------------------|---|--------------------------------|
| 9.1 | For | Diane Hart | | Read by Zenith Virago |
| | | Zenith Virago | Natural Death Care Centre | In Person |
| 10.1 | Against | Rinat Strahlhofer | Northern Rivers for Safe Technology Group | In Person |
| 10.2 | For | Tina Petroff | | In Person |
| 13.11 | Against | John Anderson | | Read by staff |
| 13.15 | For | Max Campbell | | In Person |
| 16.1 | Against | Sarah Aldridge | Byron Bay High School P&C | Zoom |

Question No. 1 Economic Analysis in the Multi Use Railway Corridor Report

David Michie submitted the following question via pre-recorded video:

Why were options 3 (Active Transport Basic), option 4 (Active Transport multi-use) and option 5 (Electric Driverless Vehicles) not considered with travel behaviour change incentives such as pay parking in town centres?

It seems that behaviour change incentives alone shifted the Hi-Rail option from a BCR of less than 1 to a BCR of more than 1, thus making it the preferred option in the report.

Options 4 and 5 actually scored the same or better than the Hi-Rail option before the behaviour change incentives were applied.

I'm concerned that conclusions have been drawn in this report without all options being considered equally.

Cr Cameron provided the following response:

Thanks David for that. Really appreciate your thoughts on this and I think you are absolutely right that any solutions in that corridor, we have to look at a multiplicity of options. We cannot just have one single option and I think that's what the work of the Integrated Transport Strategy that is in draft is looking at; how to bring these different things together. The MIRC is just one of the studies and one of the options that is being considered in that.

I would note that the final choices are dependant not just on BCRs but on total cost as well and what might be considered to be feasible in terms of receiving grant monies or raising funds to proceed. So it's a little bit more complicated than just zeroing in on one particular issue. But David is part of our TIAC Committee, he's raised this with us and I thank him very much for it.

Cr Spooner added:

Excellent question and thanks for asking it. Put simply, we don't have an answer for it. Why should the consultant apply an inconsistent assumption for the different options considered? And furthermore we also don't know as a part of these assumptions; what was the value of the behaviour change incentives that you point to assumed by the consultant? In other words, was the dollar increase required in paid parking fee in Byron Bay to achieve a positive financial return, was it \$10, \$20, or more, for an hour parking? Because that is what we are talking about here in terms of behaviour change. That's all that's pointed to in the report, is the paid parking issue.

We also don't know the factual basis on which two other key assumptions were made within the report to make the rail option financially viable, because that is what you're question points to. These assumptions were, firstly, that 12% of tourists will need to use a train in conjunction with a park-and-ride scheme. That is 1 in 8 people visiting the Shire that would be a part of this. Secondly, the other assumption was that up to 50% of all markets and festival patrons will need to travel by train to make these numbers work.

So David, until the answers are provided to all those questions, I am afraid we will continue to stumble around like a 'blind King Arthur' in search of the 'Holy Grail' with this multi-use rail Corridor option. Alternatively, we can drop the idea of the multi-use corridor and establish a rail trail for walkers and riders straight away, like the rest of the North Coast. The choice is basically ours and unfortunately we have been unable to make that a clear decision up to this point. But thanks for your question and I hope that staff give you an adequate response.

Cr Ndiaye further added:

I also think in consideration, the \$105m price tag on option 5 made it less attractive. What it was going to cost to be able to make that area fit for electric vehicles was a lot and that, I think, had an influence.

The Director of Infrastructure Services took the question on notice.

Question No. 2 Responsibility of elected Councillors

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

In a recent public statement Cr. Lyon made a claim to the effect that it is the responsibility of elected Councillors to safeguard the morale of the permanent staff. Could Cr Lyon in his own words please explain the provenance of that notion i.e. its basis in statute?

Cr Lyon provided the following response:

I am happy to answer that; I will take the statute part on notice. But more broadly, Council is a business, it is a not-for-profit business perhaps, but it is a business that needs to be profitable in order to be sustainable. It is a business of community services, providing infrastructure, and as a business we need to have respectful and constructive dialogue with our community; it is one of the things we do. You can't do that if your staff are not on board, if your staff do not have good morale. Not just the permanent staff, the casual staff, and to some extent the contractors as well.

So to answer the question – Councillors are like a board of directors of a business and it is our responsibility to make sure that all aspects of this business are run smoothly. That is exercised through the General Manager, but we have the oversight and a big part of that is staff culture and morale and I make no apologies for taking that role seriously.

Question No. 3 Mercato misunderstanding

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

Early last year when the Mayor was on extended leave, a legal representative of the Mercato development addressed Council with the proposition that a "Council officer" had given the developers to understand that no rent, or a peppercorn rent, would be payable for the airspace above the Council foot path, which the developers use for access to retail outlets.

Given that the term "Council officer" applies as much to elected persons as it does to permanent staff, and given furthermore that the Mayor apparently had some input into the final form of the development, could the Mayor indicate the extent of his own involvement in the misunderstanding, if that's what it was?

The Mayor provided the following response:

No great misunderstanding; inaccuracy in the question. I actually was there when this was debated, I wasn't on leave, and I gave a response then which is the same as now. I will let Mr Anderson fill his day by having a look at what has been said nearly two years ago.

The meeting adjourned at 10.06am and reconvened at 10.35am.

APOLOGIES

There were no apologies.

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

- 20-619 Resolved** that the minutes of the Ordinary Meeting held 22 October 2020 meeting be confirmed.
(Spooner/Coorey)
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. 13.2 Draft Media and Communications Policy

Corporate and Community Services

Report No. 13.4 Policy Review 2020-2021

Report No. 13.6 Operational Plan 2020/21 - First Quarter Report - Q1 - 1 July to 30 September 2020

Report No. 13.10 Meeting Schedule 2021

Report No. 13.11 Bushfire Local Economic Recovery Fund - proposed project submissions

Sustainable Environment and Economy

Infrastructure Services

Report No. 13.14 Recycled Water Fees and Charges - Residential and Non-Residential

Report No. 13.15 Renaming Granuaille Crescent

Report No. 13.17 Byron CBD Mobility Spaces Review

CONFIDENTIAL REPORTS

Sustainable Environment and Economy

Report No. 16.1 CONFIDENTIAL - Lot 12 EOI Evaluation

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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. 20-620 and concluding with Resolution No. 20-656.

PETITIONS

Petition No. 10.1 **Proposed 5G upgrade to the tower at 8 Acacia Street Byron Bay NSW**
File No: I2020/1733

20-620 Resolved:

1. That the petition regarding proposed 5G upgrade to the tower at 8 Acacia Street Byron Bay NSW 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 November 2020**
File No: I2020/1741

20-621 Resolved that Council notes the report and Attachment 1 (E2020/87785) for Byron Shire Council's Submissions and Grants as at 2 November 2020. (Richardson/Hunter)

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 **Request to hold daytime New Years Eve 2020 Community Market**
File No: I2020/1572

20-622 Resolved:

1. That Council approves the request from the Byron Bay Community Association Incorporated to hold a community market in Denning Park on New Year's Eve 2020.
 2. That Council delegates to the General Manger the authority to grant an Occasional Market Licence to the Byron Bay Community Association Incorporated on the following conditions:
 - a) Type: community market of not more than 260 stall holders;
 - b) Term: 31 December 2020 between 8:00am and 3:00pm with the market site fully vacated by 4:00pm;
 - c) Fee: \$458 inclusive of GST; and
 - d) Market must have a registered COVID Safe plan. (Richardson/Hunter)
-

Report No. 13.3 **Community Roundtable Guidelines**
File No: I2020/1804

20-623 Resolved that Council resolves to endorse the adoption of Community Roundtable Guidelines in lieu of a constitution. (*Attachment E2020/89508*). (Richardson/Hunter)

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Report No. 13.5 **Section 355 Management Committees - resignations and appointments update**
File No: I2020/1718

20-624 Resolved:

1. That the resignation from Damon Lewis from the Bangalow A&I Hall Board of Management be accepted and that a letter of thanks be provided. That the nominee in Confidential Attachment 1 be appointed to the Bangalow A&I Hall Board of Management.
 2. That the nominees in Confidential Attachment 1 be appointed to the Brunswick Heads Memorial Hall Management Committee.
 3. That the nominee in Confidential Attachment 1 be appointed to the Brunswick Valley Community Centre Management Committee.
 4. That the resignation from Christine Willmott from the Marvell Hall Management Committee be accepted and that a letter of thanks be provided. That the nominee in Confidential Attachment 1 be appointed to the Marvell Hall Management Committee.
 5. That the resignation from Linda Holland from the Suffolk Park Community Hall Management Committee be accepted and that a letter of thanks be provided. (Richardson/Hunter)
-

Report No. 13.7 **Budget Review - 1 July 2020 to 30 September 2020**
File No: I2020/1727

20-625 Resolved:

1. That Council authorises the itemised budget variations as shown in Attachment 2 (#E2020/88837) which include the following results in the 30 September 2020 Quarterly Review of the 2020/2021 Budget:
 - a) General Fund – \$60,700 increase to the Estimated Unrestricted Cash Result
 - b) General Fund - \$3,045,100 increase in reserves
 - c) Water Fund - \$800,900 decrease in reserves
 - d) Sewerage Fund - \$431,200 decrease in reserves
 2. That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$428,200 for the 2020/2021 financial year as at 30 September 2020. (Richardson/Hunter)
-

Report No. 13.8 **Council Investments - 1 October 2020 to 31 October 2020**
File No: I2020/1728

- 20-626 Resolved** that Council notes the report listing Council's investments and overall cash position as at 31 October 2020. (Richardson/Hunter)

Report No. 13.9 **Council Resolutions Quarterly Review - Q1 - 1 July to 30 September 2020**

File No: I2020/1735

20-627 Resolved:

1. That Council notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2020/82855).
 2. That Council notes the completed Resolutions in Attachment 2 (#E2020/86794).
 3. That Council endorses the closure of the Resolutions identified in Table 1: Council resolutions that have been superseded by other resolutions; and which have been included in the completed Resolutions in Attachment 2 (#E2020/86794). (Richardson/Hunter)
-

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.12 **Net Zero Emissions Action Plan for Council Operations 2025 - public submissions and endorsement of final Plan**

File No: I2020/1544

20-628 Resolved:

1. That Council notes the four public submissions to the draft *Net Zero Emissions Action Plan for Council Operations 2025* (Attachment 2, E2020/84849).
 2. That Council adopts the exhibited version of the *Net Zero Emissions Action Plan for Council Operations 2025* (Attachment 1, E2020/56957).
 3. That Council notes that progress updates on the Action Plan will be provided to Council each year as part of the annual emissions inventory report to Council. (Richardson/Hunter)
-

Report No. 13.13 **Byron Shire Local Heritage Grants Program 2020-21**

File No: I2020/1764

20-629 Resolved:

1. That Council endorses the recommended funding allocations of the Byron Shire Local Places Heritage Grants Program 2020-21 being two (2) applications (Attachments 1 & 2) which will each receive \$4,000 to complete building repairs, enhancements and maintenance to prominent local heritage items in main towns.
2. That the grant applicants be notified of Council's decision.
3. That Council notes that there are a number of other potential projects that were discussed during the application process with landowners but not formally submitted. If any of these projects can be progressed by or before the March 2021 grant acquittal deadline, the residual funding from the grant allocation will be utilised to support these in part or full. (Richardson/Hunter)

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.16 **Road Closure Proposal adjoining 101 Pearce Road Pt Lot 30 DP 862126**
File No: I2020/1637

20-630 Resolved:

1. That Council endorses the closure of road reserve 101 Pearce Creek Road Pt Lot 30 DP 862126 highlighted in red Image 1 in this report.
2. That Council ascertains market value by engaging a suitably qualified Valuer and delegates to the General Manager the authority to enter into a contract for sale of the closed road with the owner of adjoining Pt Lot 30 DP 862126 at a value no less than the value placed on the closed road by the independent Valuer.
3. That the applicants pay all costs associated with the road closure, sale and consolidation, including but not limited to:
 - a) Council application fees
 - b) Council's surveyor's fees and survey, valuation and legal costs
 - c) All registration fees
 - d) Legal costs
4. The allotment created by the part road closure to be consolidated into the existing Parcel No 237378 Pt Lot 30 DP 862126.
5. That Council authorises the execution of all documents necessary to affect the road closure, sale, transfer and consolidation of the closed road. (Richardson/Hunter)

Report No. 13.18 **Temporary Relocation of Main Beach Patrolled Swim Area**
File No: I2020/1783

20-631 Resolved that Council:

1. Approves the area from the mapped Off lead companion animal exercise area to the western side of main beach carpark as Councils endorsed alternative flagged patrol area for Main Beach.
2. Ensures that beach access is maintained to allow for suitable access for members, public, and rescue equipment. (Richardson/Hunter)

Report No. 13.19 **Use of Delegated Authority - Local Traffic Committee**
File No: I2020/1788

- 20-632 Resolved** that Council approve the General Manager using Delegated Authority in consultation with the Director of Infrastructure Service to act on recommendations arising from extraordinary Local Traffic Committee meetings in November and December 2020 for matters where the Local Traffic Committee members are unanimous in their decision. (Richardson/Hunter)

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 **Report of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 8 October 2020**
File No: I2020/1599

20-633 Resolved that Council notes the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 8 October 2020. (Richardson/Hunter)

20-634 Resolved that Council adopt the following Committee Recommendations:

Report No. 3.1 Arakwal Cemetery - guidelines and fee waivers
File No: I2020/808

Committee Recommendation 3.1.1

That the Arakwal MoU Advisory Committee recommends:

1. Council seeks further information on whether an application to NSW State Government may be supported to waive burial fees for Arakwal members in recognition of their Native Title Rights and, if appropriate, pursues the waiver.
 2. Until such time that a permanent pathway is in place, that an application can be submitted by Arakwal Corporation on a case by case basis for fees to be waived for burial costs which can be approved by the General Manager. (Richardson/Hunter)
-

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.2 **Report of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 10 September 2020**
File No: I2020/1761

20-635 Resolved that Council note the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 10 September 2020. (Richardson/Hunter)

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.3 **Report of the Local Traffic Committee Meeting held on 21 October 2020**
File No: I2020/1743

20-636 Resolved that Council notes the minutes of the Local Traffic Committee Meeting held on 21 October 2020. (Richardson/Hunter)

20-637 Resolved that Council adopt the following Committee Recommendations:

Report No. 6.1 Event - Road Closure (Coopers Shoot Rd)

File No: I2020/1638

Committee Recommendation

That Council and LTC 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 TfNSW 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; and
 - pay Council's Road Event Application Fee prior to the event.

(Richardson/Hunter)

Report No. 14.4

Report of the Water, Waste and Sewer Advisory Committee Meeting held on 29 October 2020

File No:

I2020/1756

20-638 Resolved that Council notes the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 29 October 2020. (Richardson/Hunter)

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20-639 Resolved that Council adopt the following Committee Recommendation:

Report No. 3.1 Adoption of Minutes from 30 July 2020 Meeting

File No: I2020/1181

Committee Recommendation 3.1.1

That the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 30 July 2020 be confirmed. (Richardson/Hunter)

20-640 Resolved that Council adopt the following Committee Recommendation:

Report No. 4.1 Byron STP Condition 9. Additional Load - Quarterly Report

File No: I2020/1125

Committee Recommendation 4.1.1

That Council note the report. (Richardson/Hunter)

20-641 Resolved that Council adopt the following Committee Recommendations:

Report No. 4.2 2020 Household Kerbside waste Composition Audit

File No: I2020/1524

Committee Recommendation 4.2.1

That Council:

1. Note the report.
2. Hold a forum with the recycling/upcycling/reusing groups.
3. Investigate the possibility of auditing registered short term holiday letting dwellings.
4. Share the findings and promote good recycling practices in our community, schools and businesses. (Richardson/Hunter)

20-642 Resolved that Council adopt the following Committee Recommendations:

Report No. 4.3 Framework for guiding the strategic direction of (recycled) water management

File No: I2020/1573

Committee Recommendation 4.3.1

That Council:

1. Note the report.
2. Further develop the proposed framework and assess the requirements for its practical implementation. (Richardson/Hunter)

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20-643 Resolved that Council adopt the following Committee Recommendation:

Report No. 4.4 Inflow and Infiltration - quarterly update

File No: I2020/1583

Committee Recommendation 4.4.1

That Council note the report.

(Richardson/Hunter)

20-644 Resolved that Council adopt the following Committee Recommendation:

Report No. 4.5 Commercial and domestic water resourcing

File No: I2020/1584

Committee Recommendation 4.5.1

That Council receive a report on a possible LEP amendment to introduce a clause to limit water extraction for commercial purposes.

(Richardson/Hunter)

Report No. 14.5 Report of the Local Traffic Committee Meeting held on 3 November 2020

File No: I2020/1762

20-645 Resolved that Council note the minutes of the Local Traffic Committee Meeting held on 3 November 2020.

(Richardson/Hunter)

20-646 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.1 Heritage Park, Mill St, Mullumbimby - No Parking 1am -6am

File No: I2020/1412

Committee Recommendation 6.1.1

That Council endorse the installation of No Parking Area 1am-6am signage to cover Heritage Park, Mullumbimby.

(Richardson/Hunter)

20-647 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.2 Bayshore Dr, Byron Bay - No Stopping

File No: I2020/1413

Committee Recommendation 6.2.1

That Council endorse the installation of No Stopping signs and yellow linemarking to prevent on-street parking along the Bayshore Drive frontage of 26 Bayshore Drive, Byron Bay.

(Richardson/Hunter)

20-648 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.3 Give Way Sign - Cedar Rd, Wilsons Creek

File No: I2020/1558

Committee Recommendation 6.3.1

That Council endorse the installation of a Give Way sign and TB (hold line) at the intersection of Montecollum Drive and Cedar Road to give preference to through traffic on Cedar Road.

(Richardson/Hunter)

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20-649 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.4 No Stopping - South Beach Lane, Brunswick Heads

File No: I2020/1575

Committee Recommendation 6.4.1

That Council support the installation of No Stopping signs within South Beach Lane and on the western edge, approximately between chainages 130 to 190. (Richardson/Hunter)

20-650 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.5 Byron Bay Bypass - On-Road Cycleway

File No: I2020/1601

Committee Recommendation 6.5.1

That Council endorse the attached plans for the Byron Bay Bypass On-Road Cycleway pavement marking and signage to be installed as part of the Byron Bay Bypass project (#E2020/82748). (Richardson/Hunter)

20-651 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.6 Burringbar Street Mullumbimby Street Activation and Traffic Flow Improvements

File No: I2020/1612

Committee Recommendation 6.6.1

That Council endorse the attached plans for the Burringbar Street Mullumbimby Street Activation and Traffic Flow Improvements (#E2020/83138). (Richardson/Hunter)

20-652 Resolved that Council adopt the following Committee Recommendation:

Report No. 7.1 Tennyson Street - Shared Path & Crossings

File No: I2020/1632

Committee Recommendation 7.1.1

Engineering Comments: Council to note the committee comments. (Richardson/Hunter)

Report No. 14.6 Report of the Byron Shire Floodplain Risk Management Committee Meeting held on 29 October 2020

File No: I2020/1775

20-653 Resolved that Council note the minutes of the Byron Shire Floodplain Risk Management Committee Meeting held on 29 October 2020. (Richardson/Hunter)

20-654 Resolved that Council adopt the following Committee Recommendation:

Report No. 3.1 Adoption of Minutes from previous Floodplain Risk Management Committee Meeting

File No: I2020/1629

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Committee Recommendation 3.1.1

That the minutes of the Byron Shire Floodplain Risk Management Committee Meeting held on 20 August 2020 be confirmed. (Richardson/Hunter)

20-655 Resolved that Council adopt the following Committee Recommendations:

Report No. 4.1 Mullumbimby Land Release Areas (MLRA) Flood and Stormwater Assessment

File No: I2020/1589

Committee Recommendation 4.1.1

1. That Council acknowledges the adoption of the North Byron Flood Risk Management Study and Plan.
2. That Council note the presentation regarding the Mullumbimby Land Release Areas and the associated DRAFT Flood Impact Assessment (Attachment 1 – E2020/43608).
3. That Council note the importance of evacuation management for the site and the existing constraints in relation to evacuation capacity of Mullumbimby township, as identified in FRMS&P at action RM07.
4. That Council commences holistic analysis of emergency management for the proposed area. (Richardson/Hunter)

LATE REPORT

Report No. 17.1 Draft 2019/2020 Financial Statements
File No: I2020/1799

20-656 Resolved:

1. That Council adopts the Draft 2019/2020 Financial Statements incorporating the General Purpose Financial Statements (#E2020/94746) and Special Purpose Financial Statements (#E2020/94699).
2. That Council reapproves 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 17 December 2020 in accordance with Section 418(1) of the Local Government Act 1993. (Richardson/Hunter)

PROCEDURAL MOTION

20-657 Resolved that Council change the order of business to deal with Reports 9.1, 10.2, 13.11, 13.15, 16.1 next on the Agenda. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

NOTICES OF MOTION**Notice of Motion No. 9.1 Vallances Road Natural Burial Ground****File No:** I2020/1194**20-658 Resolved** that Council:

1. Identify areas within the site outlined in red on the map on page 7 for the creation of a Natural Burial Ground, at Vallances Road
2. Establish a steering committee of community members to oversee the process including:
 - the layout of the grounds and selection of appropriate sites for burial plots, ceremonial space and regeneration outcomes.
 - future governance of the Natural Burial Ground
 - funding of the infrastructure requirements
 - drafting rules and regulations for the Natural Burial Ground
 - the naming of the Natural Burial Ground
 - undertaking consultation with the relevant traditional owners through the appropriate staff (Lyon/Martin)

PROCEDURAL MOTION**20-659 Resolved** that Cr Lyon be granted a two minute extension to his speech. (Richardson/Ndiaye)*The motion was put to the vote and declared carried.**The motion (Lyon/Martin) was put to the vote and declared carried.*

PETITIONS**Petition No. 10.2 Bring Back Our Little Kids Swings****File No:** I2020/1773**20-660 Resolved:**

1. That the Petition regarding the community's request to bring back the Little Kids Swings to Waterlilly Playscape in Ocean Shores be noted.
2. That Council install the swings in accordance with recommendations provided within the CPTED report prior to the 25th December, 2020.
3. That Council provide 2 bike racks just off the carpark in Waterlilly Park, that were an element in the SCC Grant allocation to accompany the 500 metres of shared concrete pathway installed through Waterlilly Park in 2018, to complete Stage 3.
4. That staff action all Crime Prevention and Safety measures identified within the NSW Police, Crime Risk Assessment of Waterlilly Park dated 17th November 2020, within Council's current adopted budget and that any actions that are unfunded be brought back in a report to Council in December 2020. (Hunter/Richardson)

The motion was put to the vote and declared carried.

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Report No. 13.11 **Bushfire Local Economic Recovery Fund - proposed project submissions**

File No: I2020/1753

20-661 Resolved that Council notes the list of potential projects proposed for submission to the Bushfire Local Economic Recovery (BLER) Fund, closing 11 December 2020. (Coorey/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 13.15 **Renaming Granuaille Crescent**

File No: I2020/1635

20-662 Resolved:

1. That Council endorses the renaming of Granuaille Crescent on the Southern side of Hinterland Way to 'Satinash Crescent' and reallocate numbers in accordance with Geographical Naming Board Policy.
2. That the endorsed name be formally submitted to the NSW Geographical Names Board for concurrence, advertising and Gazettal in accordance with regulation requirements.
3. That new street name signs be erected and funded from the General Fund for Sign Maintenance. (Lyon/Richardson)

The motion was put to the vote and declared carried.

CONFIDENTIAL REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 16.1 **CONFIDENTIAL - Lot 12 EOI Evaluation**

File No: I2020/1730

20-663 Resolved:

1. That pursuant to Section 10A(2)(d)(i) of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Lot 12 EOI Evaluation.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - (d) commercial information of a confidential nature that would, if disclosed--
 - (i) prejudice the commercial position of the person who supplied it, or
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:

Report addresses EOI responses that would result in further commercial negotiations regarding Council-owned land. (Spooner/Richardson)

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

20-664 Resolved:

1. That Council authorise the General Manager to enter into direct negotiation with The Creative Capital Company as the preferred EOI proponent and that following these

negotiations the General Manager reports back to Council with a refined proposal. Key issues to be refined during this negotiation include (but are not limited to) the following:

- a) Mix of land uses to align more strongly with overall vision – review quantity of retail and residential
 - b) Structure and land uses on proposed Council lots to be defined by Council
 - c) Site access, frontage and entry to better prioritise pedestrian and cyclists movements, including a revision of the traffic study to consider all options, not just a roundabout
 - d) Proposed subdivision and masterplan to respond accurately to the extent of existing vegetation
 - e) Clarify and confirm governance and title arrangements (i.e. community title with central management body which can oversee design excellence and tenancy)
 - f) Timing of main infrastructure to accommodate delivery of TAFE by 2022
 - g) Independent review of quantity surveyor and land valuation reports provided in the proposal
2. That a report be brought to the December meeting of Council outlining the process for delivery of the TAFE NSW Connected Learning Centre in the location proposed within the Creative Capital EOI, including the details of the proposed lease arrangements for approval.
 3. That Council thank Citta Property Group for their Expression of Interest and advise that they were not successful in this instance.
 4. That Council develops a project scope for a Lot 12 Planning Proposal to amend provisions of the Byron Local Environmental Plan 2014 and the Byron Development Control Plan 2014 to deliver on the final agreed masterplan, to be reported back to Council in early 2021.
(Spooner/Ndiaye)

PROCEDURAL MOTIONS

20-665 Resolved that Council move into Committee to allow for free debate. (Cameron/Richardson)

The motion was put to the vote and declared carried.

20-666 Resolved that Council move out of Committee and resume the Ordinary Meeting. (Richardson/Ndiaye)

*The motion was put to the vote and declared carried.
Cr Cameron voted against the motion.*

20-667 Resolved that the meeting move out of confidential session. (Richardson/Lyon)

The motion was put to the vote and declared carried.

*The motion (Spooner/Ndiaye) was put to the vote and declared carried.
Crs Coorey and Cameron voted against the motion.*

*The meeting adjourned at 1.12pm for a lunch break and reconvened at 2.05pm.
Crs Coorey and Hackett did not return to the meeting.*

PROCEDURAL MOTION

20-668 Resolved that the vote on Resolution No. 20-658 be recommitted. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

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Notice of Motion No. 9.1 Vallances Road Natural Burial Ground
File No: I2020/1194

20-669 Resolved: that Council:

1. Identify areas within the site outlined in red on the map on page 7 for the creation of a Natural Burial Ground, at Vallances Road
2. Establish a steering committee of community members to oversee the process including:
 - the layout of the grounds and selection of appropriate sites for burial plots, ceremonial space and regeneration outcomes.
 - future governance of the Natural Burial Ground
 - funding of the infrastructure requirements
 - drafting rules and regulations for the Natural Burial Ground
 - the naming of the Natural Burial Ground
 - undertaking consultation with the relevant traditional owners through the appropriate staff
3. Progress the review of the Vallances Road Plan of Management as adopted by Council in concert with 1 and 2 above, including feedback received from the previous workshops with councillors and staff to confirm future land use activity supported on the site to inform the need for any local environmental plan and/or development control plan amendments.

(Lyon/Martin)

The motion was put to the vote and declared carried.

Cr Cameron was not present for the vote.

Cr Cameron returned at 2:10pm.

Notice of Motion No. 9.2 Movement and Place Planning Vision
File No: I2020/1787

Moved:

1. That Council sets a target journey complete time within the shire of 1 minute per kilometre average inter village journey travel time in the shire as a part of an overall vision.
2. That this abovementioned vision/target be incorporated in all Council committees including Byron Bay Town Master Plan, Public Access Movement & Planning, Local Traffic Committee, Bike Plans, road & street designs, traffic management and parking in suburban streets and roads across the shire.
3. That Council calls for submissions and comments from the public and Council committees for a review at the end of 12 months from the adoption of this motion.

PROCEDURAL MOTION

20-670 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.

The motion was put to the vote and declared lost.

Crs Martin, Ndiaye, Richardson, and Cameron voted against the motion.

Cr Richardson left the meeting at 2.29pm and did not return. The Deputy Mayor, Cr Lyon, took the Chair.

STAFF REPORTS - GENERAL MANAGER

Report No. 13.2 Draft Media and Communications Policy
File No: I2020/1738

Moved that an SPW be held to consider the draft Media and Communications Policy.
(Cameron/Lyon)

The motion was put to the vote and declared lost.
Crs Martin, Ndiaye, Spooner, and Hunter voted against the motion.

FORESHADOWED MOTION:

20-671 Resolved:

1. That Council endorse the draft Communications and Social Media Policy for public exhibition (Attachment 1 E2019/14919).
2. That if no submissions are received the draft Communications and Social Media Policy is adopted. (Spooner/Ndiaye)

The motion was put to the vote and declared carried.
Crs Cameron voted against the motion.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.4 Policy Review 2020-2021
File No: I2020/1707

20-672 Resolved:

1. That the following policies be placed on public exhibition for the reason stated alongside it for 28 days to allow 42 days for submissions:
 - a) Building Information Certificates Policy 2020 – as updated and shown in track changes at Attachment 1
 - b) Local Order for the Keeping of Animals Policy 2020 – as updated and shown in track changes at Attachment 2
 - c) Construction of Garages and Outbuildings on Vacant Land Policy 1994 – to be repealed
 - d) Corporate Sustainability Policy 2012 – to be repealed
 - e) Development Policy 1994 – to be repealed
 - f) Lavertys Gap Weir Catchment Management Policy 2007 – to be repealed
 - g) Public Consultation – Proposed Works Policy 1994 – to be repealed
 - h) Traffic Control at Worksites Policy 1998 – to be repealed
2. That:
 - a) should there be no submissions received for a policy, the update or repeal be endorsed for those policies; and,
 - b) should submissions be received on a policy, those policies be reported back to Council noting the submissions and any amendments made as a result of the feedback received.

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3. That the Maximum Speed Limits on Rural Roads Policy 2011 be revised, updated and presented for exhibition. (Cameron/Lyon)
The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 20-673 Resolved** that Cr Cameron be granted a one minute extension to his speech. (Lyon/Ndiaye)
The motion was put to the vote and declared carried.

Report No. 13.6 **Operational Plan 2020/21 - First Quarter Report - Q1 - 1 July to 30 September 2020**
File No: I2020/1722

- 20-674 Resolved:**
1. That Council notes the 2020/21 Operational Plan First Quarter Report for the period ending 30 September 2020 (Attachment 1 #E2020/81520).
 2. That Council adopts the proposed amendments to the Operational Plan 2020/21 outlined in Attachment 2 (#E2020/87473) with the following exceptions that are to be reviewed and if necessary put forward at the next quarterly review with additional information to support the amendments.
 - 5.1.3.5
 - 5.2.1.7
 3. That an additional activity be included under section 1.2.5 of the 2020/21 Operational Plan to 'Seek funding for a feasibility study for the Petria Thomas Swimming Pool'
(Cameron/Lyon)
The motion was put to the vote and declared carried.

Report No. 13.10 **Meeting Schedule 2021**
File No: I2020/1736

- 20-675 Resolved:**
1. That Council adopts the following schedule of Ordinary and Planning Meetings and Strategic Planning Workshops (SPW) for 2021, noting that the dates following the 2021 election are dependent on the date of finalisation of the councillor election.

| Date | Meeting/Workshop (Thursday) |
|-----------|--------------------------------|
| 04-Feb-21 | SPW |
| 11-Feb-21 | Planning |
| 25-Feb-21 | Ordinary |
| 04-Mar-21 | SPW |
| 11-Mar-21 | Planning |
| 25-Mar-21 | Ordinary |

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| | |
|-----------|-----------------------------|
| 01-Apr-21 | SPW |
| 08-Apr-21 | Planning |
| 22-Apr-21 | Ordinary |
| 06-May-21 | SPW |
| 13-May-21 | Planning |
| 27-May-21 | Ordinary |
| 03-Jun-21 | SPW |
| 10-Jun-21 | Planning |
| 24-Jun-21 | Ordinary |
| 29-Jul-21 | Ordinary |
| 05-Aug-21 | Planning (brought forward) |
| 12-Aug-21 | SPW |
| 26-Aug-21 | Ordinary (Caretaker Period) |
| 02-Sep-21 | SPW |
| 04-Sep-21 | LG Election |
| 16-Sep-21 | Induction (TBC) |
| 23-Sep-21 | Extraordinary |
| 07-Oct-21 | SPW |
| 14-Oct-21 | Planning |
| 28-Oct-21 | Ordinary |
| 04-Nov-21 | SPW |
| 11-Nov-21 | Planning |
| 25-Nov-21 | Ordinary |
| 02-Dec-21 | SPW |
| 09-Dec-21 | Planning |
| 16-Dec-21 | Ordinary |

2. That Council notes that the LGNSW Annual Conference 2021 is scheduled to be held from 16-18 November 2021 in Sydney, and noting that this coincides with the Committee Meetings scheduled for November, decides whether to proceed with these meetings or whether it wishes to determine an alternate Committee Meeting date for the month of November.

3. That Council adopts the following schedule of Advisory Committee and Panel meetings for 2021 (at a minimum) noting that dates following the Local Government Election on 4 September may require shifting:

| Meeting | Date (2020) |
|-------------------------------------|-------------|
| Advisory Committees | |
| Arakwal Memorandum of Understanding | 15-Apr-21 |

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| | |
|--|--|
| (Thursday) | 17-Jun-21 9-Sep-21 18-Nov-21 |
| Audit, Risk & Improvement (Thursday) | 18-Feb-21 20-May-21 19-Aug-21 21-Oct-21 (Extraordinary) 18-Nov-21 |
| Biodiversity (Thursday) | 18-Mar-21 20-May-21 9-Sep-21 18-Nov-21 |
| Byron Shire Floodplain Risk Management (Thursday) | 28-Jan-21 15-Apr-21 17-Jun-21 30-Sep-21 |
| Finance (Thursday) | 18-Feb-21 20-May-21 19-Aug-21 18-Nov-21 |
| Sustainability and Emissions Reduction (Thursday) | 28-Jan-21 15-Apr-21 17-Jun-21 30-Sep-21 |
| Transport and Infrastructure (Thursday) | 28-Jan-21 15-Apr-21 17-Jun-21 30-Sep-21 |
| Water, Waste and Sewer (Thursday) | 18-Feb-21 29-Apr-21 19-Aug-21 21-Oct-21 |
| Panels | |
| Coastal Estuary Catchment (Thursday) | 18-Mar-21 20-May-21 21-Oct-21 |
| Communications Monday 4:00pm | 15-Feb-21 17-May-21 16-Aug-21 15-Nov-21 |
| Heritage (Thursday) | 18-Mar-21 17-Jun-21 9-Sep-21 |
| Public Art | 18-Feb-21 |

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| | |
|----------------------------------|-------------------------------------|
| (Thursday) | 29-Apr-21 19-Aug-21 21-Oct-21 |
| Strategic Business (Thursday) | 28-Jan-21 18-Mar-21 30-Sep-21 |

4. That Council endorses the following schedule of Planning Review Committee meetings for 2021:

| Planning Review Committee | |
|--------------------------------------|---|
| Thursday following Planning Meetings | 11-Feb-21 11-Mar-21 08-Apr-21 13-May-21 10-Jun-21 05-Aug-21 14-Oct-21 11-Nov-21 09-Dec-21 |

5. That Council endorses the following schedule of Local Traffic Committee meetings for 2021:

| Local Traffic Committee | |
|-------------------------|--|
| Tuesday 10:30am | 16-Feb-21 13-Apr-21 15-Jun-21 17-Aug-21 05-Oct-21 30-Nov-21 |

6. That Council adopts the following schedule of Community Roundtable meetings for 2021:

| Community Roundtable | |
|----------------------|--|
| Wednesday 4:00pm | 17-Mar-21 16-Jun-21 29-Sep-21 17-Nov-21 |

7. That the Ordinary Meetings be held in the Council Chambers, Mullumbimby with a start time of 9.00am.
8. That the Planning Meetings be held in the Council Chambers, Mullumbimby with a start time of 11.00am, following site inspections which are held at 9.00am on the day of the Planning Meeting.

(Ndiaye/Lyon)

The motion was put to the vote and declared carried.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.14 Recycled Water Fees and Charges - Residential and Non-Residential
File No: I2020/1454

20-676 Resolved that Council:

- Adopts the following proposed charges:

Recycled Water Usage Charge (Section 502 LGA)

A volumetric water usage charge will be levied based on the recycled water usage recorded as passing through the dedicated recycled water meter/s servicing each property.

Water access charges are not applicable for dedicated recycled water meter connections.

Water Usage Charges

| <i>Charge Type</i> | <i>Rate per Kilolitre (\$/KL)</i> | <i>Estimated Yield (\$)</i> |
|--|---------------------------------------|-----------------------------|
| <i>Residential</i> | | |
| <i>Residential Recycled Water Usage Charge</i> | <i>0.01</i> | <i>Unknown</i> |
| <i>Non-Residential</i> | | |
| <i>Non-Residential Recycled Water Usage Charge</i> | <i>0.01</i> | <i>Unknown</i> |

For the purpose of public exhibition for a period of 28 days;

- Adopt the proposed Charges as of the date of close of public exhibition, if no submissions are received, during the public exhibition period; or
- Receive a further report on the submissions, if submissions are received during the public exhibition period.
- Advise the community members of the Waste Water and Sewerage Committee and the Coastal Estuary Advisory Panel about the public exhibition. (Cameron/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 13.17 Byron CBD Mobility Spaces Review
File No: I2020/1732

20-677 Resolved that Council:

- Endorses the upgrade of mobility spaces within Byron Bay to comply with current standards as budget allows.
- Supports the use of the Infrastructure Renewal Reserve to the value of \$71,000 for Access Ramps and Footpaths works be used to begin the renewal of these mobility spaces to current standards. (Cameron/Ndiaye)

The motion was put to the vote and declared carried.

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There being no further business the meeting concluded at 3.11pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 17 December 2020.

.....
Mayor Simon Richardson