



Byron Shire Council



Minutes Ordinary Meeting Thursday, 25 February 2021

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
25 February 2021

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 25 FEBRUARY 2021 COMMENCING AT 9:10AM AND CONCLUDING AT 2:31PM

12021/255

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, Cr C Coorey, Cr J Hackett, 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)
Evan Elford (Acting Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Ralph James (Legal Counsel)
Joelinda Bourke (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 Community Organisation	Submission Received in form of
10.2	For	Matthew O'Reilly	Community Alliance for Byron Shire	In person
10.3	For	Clare Hopkins		In person
13.2	Against	Matthew Lambourne		In person
13.10	Against	Matthew O'Reilly	Saddle Road Community Association	In person

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Report No and Title		For/Against	Name	Representing Community Organisation	Submission Received in form of
13.14	Compliance Priorities Program Report 2020	Against	John Anderson		In person
13.16	Proposed Activity - Byron Music Festival 2021 on Reserve 82000 Denning Park, Byron Bay	For	Nick Sergi	Byron Music	In person
			Monique Hartman	Byron Music	In person
14.1	Report of The Local Traffic Committee Meeting Held 27th January 2021	Against	Len Bates		In person

Submissions

Subject	Name	Representing Community Organisation	Submission Received in form of
Complaint handling, compliance and enforcement	Matthew O'Reilly	Community Alliance for Byron Shire	In person

Question No. 1 – Use of Council Resources in 2021 Local Government Election

John Anderson asked the following question:

Given that in accordance with well-established principles the Council Executive (i.e. the bureaucracy) should remain at arm's length from the Council Legislative (the elected Councillors) and must not meddle in politics, is Cr Michael Lyon able to assure the ratepayers that he has not been assisted and will not be assisted in the lead-up to the September elections, by any member of the Council staff or anyone acting on their behalf, in terms of press releases, strategy, negotiations etc, and that he will not otherwise consume Council resources for a private purpose?

Cr Lyon responded:

I am not being assisted and will not be assisted in any way by staff that is untoward, illegal or contrary to any codes of conduct. This includes in terms of press releases, strategies and all the other items you mentioned. What I will say is I am focussed on the solutions that we need in this community. Most notably in terms of availability and affordability of housing and I would be a fool not to consult staff to further my understanding about legislative and other requirements when developing policy.

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Question No. 2 - Planning Proposals to rezone rural land for residential purposes as a Residential Zone

Matthew O'Reilly asked the following question:

Can Council please advise whether Planning Proposals to rezone rural land for residential purposes as a Residential Zone are permitted under the Byron Business and Industrial Land Strategy or may only take place under the Byron Residential Land Strategy and whether either of these two Strategies have been formally approved by the Department of Industry, Planning and the Environment?

The question was taken on notice.

The meeting was adjourned at 10:10am and resumed at 10:31am.

APOLOGIES

There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

PROCEDURAL MOTION

21-010 Resolved that Cr Martin be granted a leave of absence for the 11 March 2021 Planning Meeting (Richardson/Coorey)

The motion was put to the vote and declared carried.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Martin declared a pecuniary interest in Report 13.15. The nature of the interest being that her daughter and granddaughter are employed at the nursery mentioned. Cr Martin elected to leave the Chamber and will not participate in discussion and the vote.

Cr Lyon declared a pecuniary interest in Report 13.15. The nature of the interest being that he works for a related member organisation. Cr Lyon elected to leave the Chamber and will not participate in discussion and the vote.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 21-011 Resolved:** that the minutes of the Ordinary Meeting held 17 December 2020 be confirmed (Hunter/Lyon)

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 Financial hardship of the Upper Main Arm Community Association Incorporated

Corporate and Community Services

Report No. 13.5 Conduct a Constitutional referendum or council poll at the Local Government election in September 2021

Report No. 13.6 Section 355 Management Committees - resignations and appointments update

Report No. 13.8 Policy Review 2020-2021 - Part 2

Report No. 13.9 National General Assembly of Local Government 2021

Report No. 13.13 Delivery Program 6-monthly Report and 2020/21 Operational Plan Report - Q2 - December 2020

Sustainable Environment and Economy

Report No. 13.16 Proposed Activity - Byron Music Festival 2021 on Reserve 82000 Denning Park, Byron Bay

Infrastructure Services

Report No. 13.19 Byron Shire Rail with Trail (Update)

REPORTS OF COMMITTEES

Infrastructure Services

Report No. 14.1 Report of the Local Traffic Committee Meeting held on 27 January 2021

6.1 Yellow Line - Lighthouse Rd, Wategos

6.2 Tincogan Street Intersection Priorities

6.3 Burringbar St - Talking Street

6.4 On-Road Cycleway Connection - Bangalow/Browning/Tennyson Roundabout

7.1 Mixed Use Development - Jonson St / Browning St

CONFIDENTIAL REPORTS

General Manager

Report No. 16.1 CONFIDENTIAL - Lease to AFL Queensland Limited

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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. 21-012 and concluding with Resolution No. 21-034.

In accordance with their earlier declared interest in item 13.15, Crs Martin and Lyon left the Chamber at 10.39am.

PETITIONS

Petition No. 10.1 **Tallowood Ridge**
File No: I2021/17

21-012 Resolved:

1. That the petition regarding Tallowood Ridge 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 February 2021**
File No: I2021/154

21-013 Resolved that Council notes the report and Attachment 1 (E2021/23600) for Byron Shire Council's Submissions and Grants as at 31 January 2021. (Richardson/Hunter)

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 **Licence to Byron Bay Community Association Incorporated for occupation of the Byron Community Cabin**
File No: I2021/31

21-014 Resolved:

1. That Council notes that no submissions were received on the proposal to grant the Byron Bay Community Association Incorporated a five year licence over the Byron Community Cabin located in Lot 444 Section 28 DP758207.
2. That Council authorises the General Manager to enter into a licence with the Byron Bay Community Association Incorporated over the Byron Community Cabin located in Lot 444 Section 28 DP758207 on the following terms:
 - a) term five years to commence 1 March 2021,
 - b) purpose of a community hall and ancillary use of shower facilities by persons that are homeless on a booking system,
 - c) the Licensee to pay initial rent of \$490 (exclusive GST) with rent increased

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- thereafter annually by Consumer Price Index all Groups Sydney,
- d) the Licensee to pay outgoings for the use of all services connected to the premises and requisite insurance covers,
 - e) Council to pay outgoings to the full value of general land rates (if applicable), fixed water and sewerage charges, building insurance, pest inspections and fire safety compliance,
 - f) Council to subsidise licence preparation costs of \$536 (inclusive GST).
- (Richardson/Hunter)
-

Report No. 13.3 Licence for the operation and maintenance of Byron Bay car parks
File No: I2021/201

- 21-015 Resolved** that the General Manager be authorised to enter into a Property Licence between Transport Asset Holding Entity of New South Wales and Byron Shire Council for part Lot 1 in DP 1001454 and part Lot 4729 DP 1228104 subject to the terms of the licence to be finalised under delegation. (Richardson/Hunter)
-

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.4 Security Services Tender Outcome
File No: I2020/1592

- 21-016 Resolved:**
- 1. That Council award Tender 2020-0009 Security Services to the preferred tenderer as identified in the Confidential Attachment (E2021/5095).
 - 2. That Council's seal is 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. (Richardson/Hunter)
-

Report No. 13.7 Council Investments - 1 December 2020 to 31 December 2020
File No: I2021/29

- 21-017 Resolved** that Council notes the report listing Council's investments and overall cash position as at 31 December 2020. (Richardson/Hunter)

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Report No. 13.10 Council Resolutions Quarterly Review - Q2 - 1 October to 31 December 2020

File No: I2021/137

21-018 Resolved:

1. That Council notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2021/41).
2. That Council notes the completed Resolutions in Attachment 2 (#E2021/42).
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 (#E2021/42).
(Richardson/Hunter)

Report No. 13.11 Council Investments - 1 January 2021 to 31 January 2021

File No: I2021/149

- 21-019 Resolved** that Council notes the report listing Council's investments and overall cash position as at 31 January 2021. (Richardson/Hunter)

Report No. 13.12 Budget Review - 1 October 2020 to 31 December 2020

File No: I2021/156

21-020 Resolved:

1. That Council authorises the itemised budget variations as shown in Attachment 2 (#E2021/30960) which include the following results in the 31 December 2020 Quarterly Review of the 2020/2021 Budget:
 - a) General Fund – No change to the Estimated Unrestricted Cash Result
 - b) General Fund - \$1,185,800 increase in reserves
 - c) Water Fund - \$29,200 decrease in reserves
 - d) Sewerage Fund - \$94,200 increase 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 31 December 2020.
(Richardson/Hunter)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.14 Compliance Priorities Program Report 2020
File No: I2021/8

21-021 Resolved:

1. That Council notes the report on the Compliance Priorities Program 2020.
2. That Council adopts the proposed Compliance Priorities Program for 2021 as provided below:
 1. Very High Priorities:
 - 1.1 Developments, actions, works, activities or uses that places people's lives at immediate risk or that cause or are likely to cause a significant risk of environmental harm or pollution;
 - 1.2 Significant environmental and public health incidents;
 - 1.3 Dangerous and/or menacing dogs;
 - 1.4 Livestock on public roads;
 - 1.5 Traffic, parking and unapproved camping activity. Camping enforcement, with an emphasis on environmentally sensitive areas;
 - 1.6 Asbestos containing material ("ACM") being illegally dumped on public land (waste compliance).
 2. High Priorities
 - 2.1 Unauthorised events, wedding receptions, parties, 'doof and rave' parties where significant environmental harm or risk to people's lives;
 - 2.2 Responses to complaints about recurring noise disturbance, public nuisance from premises, maintenance of alcohol free zones;
 - 2.3 Uncontrolled dogs and/or cats including those kept on land where Policy or Development consent prohibits it.
 3. Medium Priorities
 - 3.1 Development or activities without consent, or non-compliance with consent, permit or licence conditions where these appear to pose no immediate threat to life, property, public health or the environment;
 - 3.2 Non-compliant signage (07-550, 06-204).
 4. Routine Priorities
 - 4.1 Companion animals with a high emphasis on high visibility enforcement and public education (15-465);
 - 4.2 Seasonal public health issues and community preparedness including issuing a minimum of two media releases;
 - 4.3 Tourist and visitor accommodation swimming pool safety, including legislative requirements;
 - 4.4 Onsite sewage management systems (including CERC project);
 - 4.5 Food Safety Inspections;
 - 4.6 Awareness of current public health requirements.

(Richardson/Hunter)

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successful tenderer, in accordance with Clause 179(b) of the Local Government
(General) Regulation 2005. (Richardson/Hunter)

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.2 Report of the Transport and Infrastructure Advisory Committee Meeting held on 28 January 2021

File No: I2021/188

21-026 Resolved that Council notes the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 28 January 2021. (Richardson/Hunter)

21-027 Resolved that Council adopts the following Committee Recommendation:

Report No. 3.1 Adoption of Minutes from Previous Meeting

File No: I2021/37

Committee Recommendation 3.1.1

That the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 8 October 2020 be confirmed. (Richardson/Hunter)

21-028 Resolved that Council adopts the following Committee Recommendation:

Report No. 4.1 Byron to Suffolk Cycleway - Browning St Roundabout Bypass Connection

File No: I2021/18

Committee Recommendation 4.1.1

That Council endorses the attached plan (Attachment 1 - E2020/97761) for the On-Road Cycleway Connection at Bangalow/Browning/Tennyson Roundabout pavement marking and signage to be installed. (Richardson/Hunter)

21-029 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.2 Signage Policy Update

File No: I2021/81

Committee Recommendation 4.2.1

1. That Council notes the progress undertaken to update Council's Tourist, Street Name, Community Facility and Service Signs (Policy 07/102) in accordance with resolution 18-465 and developing a wildlife signage strategy.
2. That the Transport and Infrastructure Advisory Committee is provided with scoping documentation outlining the signage policy review as soon as possible prior to a workshop to be held in March 2021. (Richardson/Hunter)

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21-030 Resolved that Council adopts the following Committee Recommendation:

Regular Item on the TIAC Agenda

Committee Recommendation 4.3.1

That the Transport and Infrastructure Advisory Committee receives an update on roads, reseals, reconstructions, maintenance requirements, and budgetary situation as a regular item on future Agendas. (Richardson/Hunter)

21-031 Resolved that Council adopts the following Committee Recommendation:

Kolora Way Update

Committee Recommendation 4.4.1

That the Transport and Infrastructure Advisory Committee receives a further report on bikeway options at the next meeting. (Richardson/Hunter)

Report No. 14.3 Report of the Byron Shire Floodplain Risk Management Committee Meeting held on 28 January 2021

File No: I2021/191

21-032 Resolved that Council notes the minutes of the Byron Shire Floodplain Risk Management Committee Meeting held on 28 January 2021. (Richardson/Hunter)

21-033 Resolved that Council adopts the following Committee Recommendation:

Report No. 3.1 Adoption of Minutes from Previous Byron Shire Floodplain Risk Management Committee Meeting

File No: I2021/35

Committee Recommendation 3.1.1

That the minutes of the Byron Shire Floodplain Risk Management Committee Meeting held on 29 October 2020 be confirmed. (Richardson/Hunter)

21-034 Resolved that Council adopts the following Committee Recommendation:

Report No. 4.1 Incident Management System Trial Event - East Coast Low - 11 December 2020

File No: I2021/6

Committee Recommendation 4.1.1

That Council recognise the value of testing the new Incident Management System-(IMS) in its first month of operation (East Coast Low starting on 11 December 2020) and recognise system improvements made during the event, as presented in document E2021/4075. (Richardson/Hunter)

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Crs Martin and Lyon returned to the Chamber at 10:41am.

PROCEDURAL MOTION

- 21-035 Resolved** that Council change the order of business to deal with Reports 10.2. 10.3. 13.2. 13.16. and 14.1 next on the Agenda. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

PETITIONS

Petition No. 10.2 **Petition against the changing of Ewingsdale rulings, R5 and R2**

File No: I2021/19

Moved that Council:

1.
 - Contact the proponents of the over 55s development that is the subject of the petition
 - Advise them that the Business and Industrial Lands Strategy has not been endorsed by the DPIE
 - Advise them that the project they are proposing is not supported by the BILS, with regard to the hospital precinct proposed therein, in particular, the description of any development in that precinct is thus described:

"Areas adjoining the hospital precinct are to be utilised for allied hospital services, Allied uses are described as offering:

 - medical devices;
 - precision medicine and regenerative medicine products and services
 - medical specialist consulting rooms
 - health care worker services, such as a child care facility
 - health education, training and research
 - residential facilities providing for resident needs to visit hospital for management of a chronic or acute health condition or to receive treatment for an injury. This may include a residential aged care facility, with either permanent or respite basis accommodation."
2. Undertakes a community consultation process with regard to the proposed Hospital precinct, as per Council's Community Engagement Strategy.

(Coorey/Cameron)

PROCEDURAL MOTION

- 21-036 Resolved** that Cr Coorey be granted a one minute extension to her speech. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

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AMENDMENT

21-037 Resolved:

1. That the petition regarding the possible rezoning of Lot 101 Ewingsdale Road be noted.
2. That the petition be referred to the Director Sustainable Environment and Economy.
3. That Council undertakes a community consultation process with regard to the proposed Hospital precinct, as per Council's Community Engagement Strategy.
(Richardson/Lyon)

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

The amendment upon becoming the substantive motion was put to the vote and declared carried.

Petition No. 10.3 Petition with 140 signatures to reduce speed at Rifle Range Road
File No: I2021/182

21-038 Resolved:

1. That the petition regarding *Reduce speed limit at intersection of Rifle Range and Lismore Road* be noted.
2. That the petition be referred to the Director Infrastructure Services.
3. That Council report the outcome of the speed review to LTC.
4. That Council receive a report to provide a process so that all speed reviews can be referred to the LTC.
5. That Council note the policy on reducing speed on Rural roads and ensure that Council provide submissions in support of the policy for all community and Council initiated requests for speed reviews.
6. That staff look into any temporary measures that can be implemented to improve safety whilst consultation and planning matters are addressed.
(Cameron/Richardson)

The motion was put to the vote and declared carried.

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STAFF REPORTS - GENERAL MANAGER

Report No. 13.2 **Financial hardship of the Upper Main Arm Community Association Incorporated**

File No: I2021/41

21-039 Resolved:

1. Defer consideration of this report and undertake consultation with the Upper Main Arm Community Association Inc. relating to the ongoing and future management and ownership of Kohinur hall and the contents of the report.
2. Following consultation report this matter back to Council. (Lyon/Ndiaye)

AMENDMENT

Moved:

1. That Council waives 100% of the rent payable under a licence granted to the Upper Main Arm Community Association Incorporated for the period 1 August 2020 to 31 July 2021 at a cost of \$539 inclusive of GST.
2. That Council gifts the Upper Main Arm Community Association Incorporated \$800 inclusive of GST for the payment of Public Liability Insurance cover due 11 February 2021 upon issue of an invoice.
3. That Council note the correspondence from UMACA and the committee's willingness to be involved in discussion and consultation and that Council continues discussions with UMACA to ensure that this much loved community asset can be retained for community benefit. (Cameron/Hackett)

The amendment was put to the vote and declared lost.

Crs Coorey, Martin, Ndiaye, Richardson, Spooner, and Hunter voted against the amendment.

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

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.16 **Proposed Activity - Byron Music Festival 2021 on Reserve 82000 Dening Park, Byron Bay**

File No: I2021/160

Moved that the granting of a temporary licence for the occupation of Dening (& Apex) Park(s) for staged music performance at the proposed Byron Music Festival in June be deferred until further assessment can be undertaken regarding the suitability of such use in these environmentally sensitive public parks. (Hackett/Ndiaye)

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AMENDMENT

Resolved:

21-040

1. That Council grants a temporary licence in accordance with section 2.20 of the Crown Land Management Act for the purpose of Entertainment, Exhibition and Markets to the Byron Music Festival between Friday 18 June 2021 and Monday 21 June 2021 for occupation of Denning Park.
2. That the granting of the temporary licence be subject to receipt and favourable assessment of a full Event Application including:
 - a) management of environmental risks on the site with consideration to the dune areas
 - b) financial structure and management of the event. (Spooner/Coorey)

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

The amendment upon becoming the substantive motion was put to the vote and declared carried.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**Report No. 14.1 Report of the Local Traffic Committee Meeting held on 27
January 2021**

File No: I2021/135

21-041 Resolved that Council notes the minutes of the Local Traffic Committee Meeting held on 27 January 2021. (Cameron/Lyon)

21-042 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.1 Yellow Line - Lighthouse Rd, Wategos
File No: I2021/65

Committee Recommendation 6.1.1

That Council endorse the installation of yellow lines along Lighthouse Road from the Brooke Drive intersection extending through to the start of Palm Valley Drive.

(Cameron/Lyon)

21-043 Resolved that Council adopts the Recommendations:

Report No. 6.2 Tincogan Street Intersection Priorities
File No: I2021/66

Recommendation 6.2.1

1. That Council implement the priority changes to give way signs on Tincogan Street at the intersections of the Dalley Street and Stuart Street, Mullumbimby in order to

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provide priority to east-west traffic movements in Tincogan Street as amended by Committee comments.

2. That Council note the pedestrian safety issues raised by the Mullumbimby Residents Association and discussed in the Our Mullumbimby Masterplan.
3. That Council only undertake priority change at the same time that pedestrian safety infrastructure and systems are implemented.
4. That Council proceed with a speed zone review request to reduce the speed along Tincogan Street between Dalley Street and Station Street. (Cameron/Lyon)

21-044 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.3 Burringbar St - Talking Street

File No: I2021/67

Committee Recommendation 6.3.1

That Council endorse the regulatory signs, lines and devices associated with the 10km/h and 30km/h speed zone changes associated with the Burringbar Talking Streets project. (Cameron/Lyon)

21-045 Resolved that Council adopts the following Committee Recommendation:

**Report No. 6.4 On-Road Cycleway Connection -
Bangalow/Browning/Tennyson Roundabout**

File No: I2021/68

Committee Recommendation 6.4.1

That Council endorse the attached plans for the On-Road Cycleway Connection at Bangalow/Browning/Tennyson Roundabout pavement marking and signage to be installed (#E2020/97761). (Cameron/Lyon)

21-046 Resolved that Council adopts the following Committee Recommendation:

Report No. 7.1 Mixed Use Development - Jonson St / Browning St

File No: I2021/69

Committee Recommendation 7.1.1

That Council approve the regulatory signage shown in Attachment 1 (E2020/95011) which is associated with development application 10.2019.616.1 and Roads Act application 51.2019.616.2. (Cameron/Lyon)

The motions (21-041 – 21-046) were put to the vote and declared carried.

MAYORAL MINUTE

There was no Mayoral Minute.

NOTICES OF MOTION

Notice of Motion No. 9.1 Mayor's Discretionary Allowance

File No: I2021/164

The notice of motion was withdrawn.

DELEGATES' REPORTS

There were no delegates' reports.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.5 Conduct a Constitutional referendum or council poll at the Local Government election in September 2021

File No: I2021/7

21-047 Resolved that Council does not conduct a Constitutional referendum or council poll in association with the Local Government election on 4 September 2021.
(Hunter/Richardson)

The motion was put to the vote and declared carried.

Report No. 13.6 Section 355 Management Committees - resignations and appointments update

File No: I2021/26

21-048 Resolved:

1. That the resignation from Jim Beatson from the Marvell Hall Management Committee be accepted and that a letter of thanks be provided.
2. That the resignations from Glenn Wright and Jennifer Parenteau from the Mullumbimby Civic Hall Management Committee be accepted and that a letter of thanks be provided.
3. That the resignations from Zerina Millard, Jennifer Parenteau, Gabrielle Rinaldi and Tony Horrigan from the South Golden Beach Hall Management Committee be accepted and that letters of thanks be provided.
4. That the nominees in Confidential Attachment 1 be appointed to the South Golden Beach Hall Management Committee (Ndiaye/Richardson)

The motion was put to the vote and declared carried.

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Report No. 13.8 **Policy Review 2020-2021 - Part 2**
File No: I2021/42

21-049 Resolved:

1. That Council adopts the Draft Local Orders for the Keeping of Animals Policy 2020 at Attachment 2 (E2021/9267) amended as a result of submissions received during public exhibition.
2. That the following policies be placed on public exhibition for the reason stated alongside it for 28 days and to allow 42 days for submissions:
 - a) Draft Complaint Handling Policy 2021 – as updated and shown in track changes at Attachment 3 (E2021/15820)
 - b) Internal Reporting Policy 2021 – as updated and shown in track changes at Attachment 4 (E2021/9593)
 - c) Planning Agreement Policy 2021 - as updated and shown at Attachment 5 (E2021/28488)
 - d) Community Economic Development Policy 2010 – to be repealed
3. That:
 - a) should there be no submissions received for a policy listed in 2 above, the update or repeal be endorsed for those policies; and
 - b) should submissions be received on a policy listed in 2 above, those policies be reported back to Council noting the submissions and any amendments made as a result of the feedback received. (Coorey/Cameron)

The motion was put to the vote and declared carried.

Report No. 13.9 **National General Assembly of Local Government 2021**
File No: I2021/49

21-050 Resolved:

1. That Council authorises two Councillors being Councillors Ndiaye and Coorey to attend the 2021 National General Assembly of Local Government to be held at the National Convention Centre in Canberra from 20 to 23 June 2021 and nominates Cr Ndiaye as the voting delegate.
2. That Council considers endorsement of any motions for submission to the National General Assembly, at its Ordinary meeting scheduled for Thursday, 25 March 2021, to meet the lodgement deadline with ALGA of Friday, 26 March 2021. (Lyon/Richardson)

The motion was put to the vote and declared carried.

The meeting adjourned at 12:27pm for a lunch break and reconvened at 1:21pm.

Report No. 13.13 **Delivery Program 6-monthly Report and 2020/21 Operational Plan Report - Q2 - December 2020**

File No: I2021/171

21-051 **Resolved:**

1. That Council notes the Delivery Program 6-monthly Report and 2020/21 Operational Plan Quarter 2 Report for the period ending 31 December 2020 (Attachment 1 #E2021/4352).
2. That Council adopts the proposed amendments to the Operational Plan 2020/21 outlined in Attachment 2 (#E2021/17779). (Cameron/Richardson)

The motion was put to the vote and declared carried.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.19 **Byron Shire Rail with Trail (Update)**

File No: I2021/46

Moved that Council suspend all work on the 'Byron Shire Rail with Trail Project' until answers to the following questions regarding the MURC Report are provided and considered by Council:

1. What was asked for in the project brief in regard to undertaking a benefit/cost ratio?
2. What was the type and rate of the behaviour change incentives calculated that achieved a positive benefit/cost ratio for the preferred hi-rail option?
3. Why did the consultants not include a rail trail option when calculating the impact of behaviour change incentives on a benefit/cost ratio?
4. What contribution, if any, did the Mayor, or any councillor, have on the design of the project, it's management and the conclusions contained in the final report?
5. Were any discussions held between any staff member, the Mayor or any councillor, and the consultants regarding the perceived benefits of getting a positive result for a railway option?
6. What are the total costs (both direct and indirect) in this term of Council on matters relating to the use of the rail corridor? (Spooner/Hunter)

PROCEDURAL MOTION

21-052 **Resolved** that Cr Richardson be granted a two minute extension to his speech. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

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and

- Ancillary caretaker dwellings/Ancillary managers and staff dwellings.
- Ancillary dwellings in industrial and business zones
- New lots under 800m2 with dwelling entitlements
- New lots under 1000m2 with dwelling entitlements
- New lots over 10002 with dwelling entitlements

NB please count total dwellings, total rooms and total lots, not total approvals as often multiple dwellings are included in a single approval such as multi dwelling housing, dual occupancies or a new house and secondary dwelling.

Rural includes RU1, RU2, RU5, R5 and environmental zones.

Urban includes all Residential, Business and Industrial Zones.

Response Director Sustainable Environment and Economy:

Councillor Coorey asked the same question of staff for the period 2014-2017 at the 22 March 2018 ordinary council meeting.

The following response was published 19 April 2018 on the ordinary meeting agenda.

Question with Notice No. 15.5 Agglomerated Data on Dwelling Supply in Byron Shire

The tables below break down the Development (DA) and Complying Development (CDC) applications approved during the calendar years from 2012 to 2017.

It is not possible to provide the level of detail requested in the question above as information collected and collated by Council does not necessarily correlate. As such the breakdown in the response provided below is based on that information that is readily able to be accessed and presented by staff from Council records or other sources.

Dwellings

The figures show number of dwelling (or studios) approved during these periods, not the number of applications. It should be noted that bedroom numbers are not recorded on Council's electronic register and therefore have not been included in the data. To capture this information each application would need to be individually reviewed by a staff member, a task that is not resourced to be done.

The Census includes a question on the number of bedrooms per household which may be of use in this regard. A link to the Byron Community profile web follows:

<https://profile.id.com.au/byron>

2017	No. of Dwellings
Rural	128
Dual Occupancy	26
Dwelling	47
Secondary Dwelling	37

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Studio	4
Tourist Facility	14
Urban	276
Dual Occupancy	23
Dwelling	65
Medium density development	70
Residential Units	3
Secondary Dwelling	113
Studio	2
Grand Total	404
2016	No. of Dwellings
Rural	150
Cabin - Rural Tourist	3
Dual Occupancy	22
Dwelling	56
Secondary Dwelling	46
Studio	10
Tourist Facility	19
Urban	282
Dual Occupancy	22
Dwelling	103
Medium density development	15
Residential Units	17
Secondary Dwelling	115
Studio	4
Tourist Facility	6
Grand Total	432

2015	No. of Dwellings
Rural	119
Aged Care Units	4
Cabin - Rural Tourist	2
Dual Occupancy	14
Dwelling	52
Secondary Dwelling	27
Studio	13
Tourist Facility	7
Urban	287
Dual Occupancy	39
Dwelling	99
Medium density development	18
Residential Units	19
Secondary Dwelling	102
Studio	3

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Tourist Facility	7
Grand Total	406
2014	No. of Dwellings
Rural	106
Dual Occupancy Dwelling	11
Secondary Dwelling	57
Studio	22
Tourist Facility	13
	3
Urban	235
Dual Occupancy Dwelling	34
Residential Units	99
Secondary Dwelling	17
Studio	79
	6
Grand Total	341
2013	No. of Dwellings
Rural	74
Dwelling	44
Dual Occupancy	6
Studio	6
Tourist Facility	7
Secondary Dwelling	11
Urban	155
Dwelling	58
Dual Occupancy	32
Studio	1
Medium Density Development	5
Secondary Dwelling	59
Grand Total	229

2012	No. of Dwellings
Rural	76
Dwelling	46
Dual Occupancy	3
Studio	8
Secondary Dwelling	7
Tourist Facility	12
Urban	240
Dwelling	67
Dual Occupancy	26
Residential Unit	15
Studio	4

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Medium Density Development	72
Secondary Dwelling	56
Grand Total	316

Subdivisions

It should be noted that lot sizes are not recorded on Council's electronic register and therefore have not been included in the data in Table 1. To capture this information each application would need to be individually reviewed by a staff member, a task that is not resourced to be done.

Table 1 below shows the number of lots approved between 2012-2017.

Table 1	Rural	Urban	Total
2017	32	38	70
2016	53	50	103
2015	36	17	53
2014	55	42	97
2013	20	394 *	414
2012	122	140	262

Source: Authority

Notes:

Does not include strata subdivision

Does not distinguish between properties created with or without dwelling entitlements

** State Government approvals and concept approval for Bayside Brunswick Heads*

Table 2 shows the breakdown of lots registered (i.e. constructed) between 2012 and 2017 including lot sizes (derived from Council's GIS software). These lots do not indicate if there is a dwelling entitlement as that data is not available on Council's GIS software.

Table 2	<800	>800 and <1000	>1000	Total
2017	39	14	110	163
2016	34	20	110	164
2015	87	25	105	217
2014	32	12	90	134
2013	49	22	59	130
2012	31	9	66	106

Source: Geocortex

Notes:

Does not include strata subdivision

Does not distinguish between properties created with or without dwelling entitlements

Does not does not break down if the subdivision was a boundary adjustment or torrens (i.e. additional lot/s)

A further response to update the data to include the period 2017 -2020 will be provided in the next available Council Meeting Agenda.

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CONFIDENTIAL REPORTS - GENERAL MANAGER

Report No. 16.1 **CONFIDENTIAL - Lease to AFL Queensland Limited**
File No: 12021/79

21-054 Resolved:

1. That pursuant to Section 10A(2)(c) of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Lease to AFL Queensland Limited.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as: Disclosure could prejudice Councils position in negotiations to lease (Cameron/Richardson)

The motion was put to the vote and declared carried.

21-055 Resolved that Council authorise the General Manager to offer to AFL Queensland Limited the Draft Lease in Attachment 1 to this Report. (Cameron/Richardson)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

21-056 Resolved that the meeting move out of confidential session. (Cameron/Richardson)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 2:30pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 25 March 2021.



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Mayor Simon Richardson