

**Minutes
Ordinary Meeting
Thursday, 24 March 2022**



**BYRON
SHIRE
COUNCIL**

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
24 March 2022

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 24 MARCH 2022 COMMENCING AT 9:08 AND CONCLUDING AT 3.15PM

I2022/224

PRESENT: Cr M Lyon (Mayor), Cr S Balson, Cr C Coorey, Cr D Dey, Cr S Ndiaye and Cr P Westheimer

VIRTUAL: Cr A Hunter, Cr A Pugh, and Cr M Swivel

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)
Cameron Clark (Manager Utilities) – item 13.10
Josh Winter (Capital Works Engineer) – item 13.10
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:

Question No. 1 - Emergency Management Plan

Melissa Misuraca submitted the following question which was read by staff:

The Emergency Management Plan on the council website is 29 pages long. A comparison with other Council plans show their plan to be over 100 pages with much more detail eg. Ballarat City Council. My question is - will the Emergency Management Plan be audited by an external party in the light of the recent Floods?

The Director of Infrastructure Services provided the following response:

The Tweed Byron Local Emergency Management Plan (LEMP) is a document that has been prepared by the Tweed Byron Local Emergency Management Committee under the Emergency and Rescue Management Act 1989.

It was adopted in August 2019 and gets reviewed every three years. It is due for review this year. The outward looking document which is on the website is an abridged version – the full plan which is 69 pages has operational and sensitive information that is pertinent to police operations, phone numbers, addresses of individuals and memberships and the like.

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The other document which supports the LEMP is the Tweed Byron Local Recovery Plan. That's a document of 100 pages which sets out the framework for the recovery phase of any natural disaster event and how we deal with that.

In terms of the comment in relation to Ballarat City Council, bear in mind that it is a different Council in a different state under a different legislation. So our current plan is in accordance with current NSW legislation and has been approved that way.

Question No. 2 – Strategic Planning Workshop

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

As the most penetrating voice during the last Council election campaign and as a practising lawyer (who presumably understands the principle of the "separation of powers"- a concept that underlines the workings of the West's democratic political systems) how do you intellectually deal with participating in a meeting described as the strategic planning workshop, the proceedings of which are all but secret and rarely have anything to do with strategic planning, but which arrives at "consensus" positions after uncontrolled and unrestricted interactions between elected councillors and unelected staff, resulting then in exhibition for public comment, by which time the relevant minds have clearly already been made up.

Cr Swivel provided the following response:

Local government is a creature of state government. Its limited role and powers are set out in an act of state parliament which could be repealed today. We deal here in Council with the practical management of community. The separation of powers is about the independence of the judiciary from the legislative arm of government - parliament - and executive arm - ministries and departments - plus the traditional independence of the public service.

The battles of our Council in court, often unsuccessful, demonstrate the independence of our judiciary from local government. At every level the independence of the executive and legislature is qualified because those who make decisions or rules also apply them including here.

As for the Community Strategic Plan that is an obligation for each Council set by the state government and is strongly informed by formal community consultation and public disclosure, feedback and amendment. I have reservations about the way the policies of Councillors are incorporated in the strategic planning process and I think our strategic planning should be more sharply informed by objectives and targets. We can improve all that.

My concern now is that we enact a strong, urgent response to the natural disaster of the recent floods. We need action on temporary accommodation, on our future emergency responses, our local transport networks, our telecommunications, on the financial support provided to people who have lost so much. We need a clearer action plan that is communicated to our community. We have met as Councillors - belatedly - and have not - or not yet - produced a formal, public action plan.

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Councillors should be independent in thought and action - always. But teamwork and respect for each other - even when we disagree - is what will deliver for our community. Invoking the separation of powers achieves nothing. We should work together rather than imagining there is a fundamental antagonism between the elected and employed dimensions of this council. John, we have so much work to do.

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

Under section 440AAB of the Local Government Act 1993 and in accordance with clause 4.19 of the Code of Conduct for Staff, a First Return of Interests is tabled for Andrew Fitzgibbon, Place Planning Coordinator.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

22-073 Resolved that the minutes of the 24 February Ordinary Meeting be confirmed.

(Lyon/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. 13.1 Adoption of Code of Meeting Practice

Corporate and Community Services

Report No. 13.2 National General Assembly of Local Government 2022

Report No. 13.3 Appointment of Community Members to Section 355 Committees and Boards

Report No. 13.4 Appointment of Community Representatives to Advisory Committees

Infrastructure Services

Report No. 13.9 Byron Triathlon - Cycle Leg Route Options

Report No. 13.10 Vallances Road & Natural Burial Ground - Update

REPORTS OF COMMITTEES

Infrastructure Services

14.1.7.1 Speed Zone Reviews

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Lyon and seconded by Cr Ndiaye. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 22-074 and concluding with Resolution No. 22-088.

SUBMISSIONS AND GRANTS

Report No. 11.1 Grants February 2022

File No: I2022/204

22-074 Resolved that Council notes the report and Attachment 1 (#E2022/20597) for Byron Shire Council's grant submissions as of 28 February 2022. (Lyon/Ndiaye)

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.5 Council Investments - 1 February 2022 to 28 February 2022

File No: I2022/202

22-075 Resolved that Council notes the report listing Council's investments and overall cash position as at 28 February 2022. (Lyon/Ndiaye)

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Report No. 13.6 **Financial Assistance - Feb/March 2022 Flood Event**
File No: I2022/210

22-076 Resolved:

1. That Council provide financial assistance to ratepayers and the community for the period 1 March 2022 to 30 June 2022 for the following:
 - a) Suspension of interest charges on overdue rates and charges by continuing to set the interest rate to 0%.
 - b) Suspension of any debt recovery activity for all debts due to Council except for issuing a reminder notice.
 - c) Not charging the fee for dishonoured direct debits (currently \$23.00 per dishonour).
 - d) Continuing to work with ratepayers in the establishment of payment arrangements upon application.
 2. That Council consider any extension of the measures in recommendation 1(a), 1(b), and 1(c) as part of adopting the 2022/2023 Revenue Policy. (Lyon/Ndiaye)
-

Report No. 13.7 **Community Initiatives Program - Policy Update**
File No: I2022/206

22-077 Resolved:

1. That Council endorses the proposed changes to the Community Initiatives Program policy, namely that:
 - a) the 'Reimbursement of Council Fees' category from the Community Initiatives Program funding categories be removed
 - b) the 'Educational Institution Award Presentations' category from the Community Initiatives Program funding categories be removed
 - c) the assessment criteria be consolidated from ten into four, as per Program Guidelines 2021
 - d) the condition of 25% matching contribution be removed
2. That the draft Community Initiatives Program policy be placed on public exhibition for a period of 28 days.
3. That any submissions received on the draft Community Initiatives Program policy be reported to Council for consideration, prior to the adoption of the draft Policy; and if no submissions are received, Council adopts the policy. (Lyon/Ndiaye)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.8 Compliance Priorities Program Report 2021
File No: I2022/52

22-078 Resolved:

1. That Council notes the report on the Compliance Priorities Program 2021.
2. That Council adopts the proposed Compliance Priorities Program for 2022 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 Breaches of the NSW Fair Trading's 'Code of Conduct for the Short-Term Rental Accommodation Industry' where the breach falls within the jurisdiction of Council's enforcement powers;
 - 2.3 Responses to complaints about recurring noise disturbance, public nuisance from premises, maintenance of alcohol free zones;
 - 2.4 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 (Lyon/Ndiaye)

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.1 Report of the Local Traffic Committee Meeting held on 15 February 2022

File No: I2022/211

22-079 Resolved that Council notes the minutes of the Local Traffic Committee Meeting held on 15 February 2022 (I2022/124) and agrees with and approves the following Committee Recommendations: (Lyon/Ndiaye)

22-080 Resolved that Council adopts the following committee recommendations:

Report No. 6.1 Ewingdale Road Shared Path - Linemarking and Signage

File No: I2022/35

Committee Recommendation 6.1.1

That the Local Traffic Committee endorse the attached detailed plans in terms of signage and linemarking for the Ewingdale Road Shared Path (Attachment 1 E2022/8110) including amendments agreed. (Lyon/Ndiaye)

22-081 Resolved that Council adopts the following committee recommendation:

Report No. 6.2 Pocket Road Upgrade Stage 2 - Linemarking

File No: I2022/40

Committee Recommendation 6.2.1

That the Local Traffic Committee endorse the detailed plans in terms of line marking for the Pocket Road Upgrade Stage 2 as per Attachment 1 (E2022/7060) including amendments agreed. (Lyon/Ndiaye)

22-082 Resolved that Council adopts the following committee recommendations:

Report No. 6.7 2022 Splendour in the Grass Music Festival

File No: I2022/65

Committee Recommendation 6.7.1

1. That Council note the Traffic Guidance Schemes for the 2022 Splendour in the Grass to be held between 22nd-24th July, 2022. This includes:
 - a) The installation and enforcement of No Stopping signs every 75m on:-
 - i) Tweed Valley Way through to the shire boundary in the north;
 - ii) Brunswick Valley Way from Shara Blvd intersection in the south through to Tweed Valley Way intersection;
 - iii) Yelgun Road, from Tweed Valley Way and extending for 300m;
 - iv) Billinudgel Rd from Tweed Valley Way and extending for 280m.
 - b) An alternate temporary pick up and drop off Bus Zone (with associated signage and works) on the northern side of Fawcett St, between Mona Lane and the War Memorial, Brunswick Heads.

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2. That the event organisers are to undertake the following:
 - a) Separate approvals by NSW Police and TfNSW being obtained, noting that the event is on a state road or may impact the state road network;
 - b) The Traffic Management Plan and Traffic Guidance Schemes be implemented by those with appropriate accreditation;
 - c) That the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
 - d) The event be notified on Council's webpage with event details supplied to Council by the event organiser.

3. That the event organiser:
 - a) undertake consultation with community and affected businesses including adequate response/action to any raised concerns.
 - b) undertake consultation with emergency services and address any identified issues/concerns.
 - c) holds \$20m public liability insurance cover which is valid for the event.
 - d) pay Council's Road Event Application Fee prior to the event.
 - e) undertake an event debrief within one month following the festival which includes but is not limited to Council, TfNSW and Police representatives.

(Lyon/Ndiaye)

22-083 Resolved that Council adopts the following committee recommendations:

Report No. 6.3 Event – Byron Coast Charity Walk – 30 April 2022

File No: I2022/67

Committee Recommendation 6.3.1

1. That Council support the Westpac Life Saver Rescue Helicopter fundraiser, Byron Coast Charity Walk, to be held Saturday 30 April 2022 from 5.00am – 5.00pm.

2. That Council support in Part 1 is subject to:
 - a) The development of a Traffic Guidance Scheme (TGS) and Traffic Management Plan(s) for the 2022 event by those with relevant and current TfNSW accreditation. The TGS(s) and Traffic Management Plan is to include, but is not limited to, the following:
 - b) Signage, which specifies the date, hours and nature of the event, be positioned at the entrance and exit of Seven Mile Beach Road one week prior to the event;
 - c) On the day of the event, at 500m intervals on Seven Mile Beach Road, and facing both directions of travel, signs advising of "Special Event – Charity Walk Ahead" (or similar) are installed prior, and removed after, the event occurs;
 - d) A safety induction for participants advising of hazards be provided.
 - e) Implementation of the Traffic Management Plan and Traffic Guidance

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Scheme/s as designed by those with appropriate accreditation and implemented by people with appropriate accreditation, including traffic controllers.

- f) Any concerns expressed by members of the public to be addressed by council or relevant authority before the event;
3. The event organiser at to:
- a) Advertise the impact of the event, via a Variable Message Sign on site (event & date only) and notice in the local weekly paper, a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;
 - b) Arrange for the event to be notified on Council's webpage a minimum one week prior to the TGS being implemented;
 - c) Undertake consultation with affected community and businesses including adequate response/action to any raised concerns.
 - d) Undertake consultation with emergency services and any identified issues addressed.
 - e) Holding \$20m public liability insurance cover which is valid for the event.
 - f) Paying Council's Road Event Application Fee prior to the event.
 - g) Obtain NSW police approval before the event. (Lyon/Ndiaye)

22-084 Resolved that Council adopts the following committee recommendations:

Report No. 6.4 Event - Chincogan Walk and Charge 2022

File No: I2022/69

Committee Recommendation 6.4.1

1. That Council support the Chincogan Walk 2022 to be held on a day (as approved by asset owner) in March / April 2022 and Chincogan Charge 2022 to be held on Saturday 17 September 2022, between 8:00am and 5:30pm.
2. That Council support in Part 1 is subject to:
 - a) Traffic Guidance Scheme(s) and a Traffic Management Plan (TMP) being designed by those with the appropriate and relevant NSW (TfNSW) accreditation. The TGS(s) and TMP to include the closure of Dalley Street between Burringbar Street and Tincogan Street between 12.30pm-5.30pm;
 - b) The TGS to be generally in accordance with Attachment 1 (E2020/46680);
 - c) Implementation of the approved Traffic Management Plan and Traffic Guidance Scheme/s by those with appropriate TfNSW accreditation and the holding of current and appropriate levels of insurance and liability cover;
 - d) Separate approvals by NSW Police and TfNSW being obtained;
 - e) The March/April event date when specified is supported by staff prior to proceeding.
 - f) Any concerns expressed by members of the public to be addressed by council or relevant authority before the event;
3. The event organiser at to:
 - a) Advertise the impact of the event, via a Variable Message Sign on site and

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- notice in the local weekly paper, a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;
- b) Arrange for the event to be notified on Council's webpage a minimum one week prior to the TGS being implemented;
 - c) Undertake consultation with affected community and businesses including adequate response/action to any raised concerns.
 - d) Undertake consultation with emergency services and any identified issues addressed.
 - e) Holding \$20m public liability insurance cover which is valid for the event.
 - f) Paying Council's Road Event Application Fee prior to the event. (Lyon/Ndiaye)

22-085 Resolved that Council adopts the following committee recommendations:

Report No. 6.5 Event - Mullum2Bruns Paddle 2022

File No: I2022/70

Committee Recommendation 6.5.1

That Council endorse the Mullum2Bruns Paddle 2022 to be held Sunday 29 May 2022, subject to:

1. The development and implementation of a Traffic Management Plan (TMP) and Traffic Guidance Scheme(s) (TGS) by those with appropriate TfNSW accreditation.
2. The TMP and TGS is to include, but not limited to, the following:
 - a) One way traffic along Brunswick Terrace, Mullumbimby, between 06:30am and 10:00am on Sunday 29 May 2022. The one way is to be from Tyagarah Street to Tincogan Street;
 - b) The right turn off Tincogan Street into Brunswick Terrace to have a "no right turn" sign;
 - c) The left turn off Tincogan St into Brunswick Terrace to have a "no left turn";
 - d) Relevant detour signs at the approaches to the impacted area;
 - e) No parking signs along the one way part of Brunswick Terrace.
3. The event organiser to:
 - a) Advertise the impact of the event, via a Variable Message Sign on site and notice in the local weekly paper, a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;
 - b) Arrange for the event to be notified on Council's webpage a minimum one week prior to the TGS being implemented;
 - c) undertake consultation with relevant community and affected businesses including adequate response/action to any raised concerns during and after the event;
 - d) undertake consultation with emergency services and any identified issues

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- addressed;
- e) hold \$20m public liability insurance cover which is valid for the event.
- f) Any concerns expressed by members of the public to be addressed by council or relevant authority before the event;
- g) Separate approvals by NSW Police and TfNSW being obtained (Lyon/Ndiaye)

22-086 Resolved that Council adopts the following committee recommendations:

Report No. 6.6 Events - Bangalow Billycart Derby May 2022

File No: I2022/95

Committee Recommendation 6.6.1

1. That Council endorse the Bangalow Billy Cart Derby to be held on a Sunday in May 2022 (to be confirmed), or a postponed date as agreed with asset owners, that includes the temporary road closure below:
 - a) Byron Street, Bangalow between Ashton Street and Granuaille Road, between 6am and 4pm on the event day.
2. That the approval provided in Part 1 is subject to:
 - a) Separate approvals by NSW Police and TfNSW being obtained, noting that the event is on a state road or may impact the state road network;
 - b) Traffic Guidance Scheme(s) to be developed by people with the appropriate TfNSW accreditation;
 - c) Traffic Guidance Scheme(s) to be implemented by people with appropriate accreditation;
 - d) That the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints; and
 - e) The event notified on Council's webpage.
3. That the event organiser:
 - a) Undertake consultation with community and affected businesses including adequate response/action to any raised concerns;
 - b) Undertake consultation with emergency services and any identified issues addressed;
 - c) Holding \$20m public liability insurance cover which is valid for the event; and
 - d) Pays Council's Road Event Application Fee prior to the event. (Lyon/Ndiaye)

22-087 Resolved that Council adopts the following committee recommendations:

Report No. 6.8 Brunswick Heads - Parking Limit Review

File No: I2022/103

Committee Recommendation 6.8.1

That the Local Traffic Committee endorse the following parked time amendments to Attachment 1 (E2021/50167) as part of the Brunswick Heads Parking Limit Review:

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- a) Mullumbimbi Street (Tweed to Park – northern side only); remain all day parking
 - b) Fingal Street (Tweed to 25 Fingal); remain all day parking
 - c) South Beach Road (full length); all day parking (western side only), 4 hours parking (beach side), Torkina Carpark 4 hours (Lyon/Ndiaye)
-

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.1 **CONFIDENTIAL - Former Mullumbimby Hospital Site Soil Contamination Cap and Soil Removal 2021-1218**

File No: I2022/97

22-088 Resolved:

1. That Council awards Tender 2021-1218 Former Mullumbimby Hospital Site Soil Contamination Cap and Soil Removal to Synergy Resource Management.
 2. That Council's seal be affixed to the relevant documents.
 3. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2021. (Lyon/Ndiaye)
-

MAYORAL MINUTE

There was no Mayoral Minute.

NOTICES OF MOTION

Notice of Motion No. 9.1 Fine for lilac colour of dwelling in Mullumbimby

File No: I2022/198

Moved that Council lift the \$3,000 fine levied on the then owner of the dwelling on the corner of Stuart and Tincogan Streets in Mullumbimby, against her for having the house painted lilac. (Dey/Lyon)

The motion was put to the vote and declared lost.

Crs Coorey, Westheimer, Hunter, Pugh, and Swivel voted against the motion.

PETITIONS

There were no petitions.

DELEGATES' REPORTS

There were no delegates reports.

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 Adoption of Code of Meeting Practice
File No: I2022/122

Moved:

1. That Council amends the draft Code of Meeting Practice (E2022/12245) as follows:
 - a) add a new clause between 3.10 and 3.11 saying “The mayor may also give notice of business they wish to be considered by the Council at its next ordinary meeting by way of a mayoral minute. To be included on the agenda for the meeting with staff comments, the mayoral minute must be submitted as for a notice of motion (clause 3.10 above). To be included on the agenda for the meeting without staff comments, a mayoral minute submitted after the deadline of clause 3.10 above must be submitted xxx business days before the meeting is to be held. As described in clauses 9.6 to 9.10 below, a mayoral minute may also be introduced after these deadlines.”
 - b) add a sentence at the end of clause 9.6 saying “The mayor is encouraged to give as much notice as possible, by email for example to the general manager and to all councillors, of the mayoral minute.”
 - c) adjust clauses 3.11 to 3.12 to include mayoral minutes in parallel with notices of motion.
 - d) in clause 4.1, add the word ‘ordinary’ ahead of the word ‘meeting’ in line 1 and revert to the draft of 10 February by adding its sentence “Public access sessions may also be held prior to extraordinary council meetings and meetings of committees of the council.”
 - e) in clause 4.7, change two times to three times.
 - f) change clause 4.9 to start with “Up to three speeches in favour and three speeches against”
 - g) after clause 4.9, add a clause similar to clause 4.6 in the draft of 10 February but saying “speakers must identify themselves and their interest in the matter being addressed, both on application and when speaking. Representatives, employees, consultants, etc of interested parties must identify their relationship with that party”.
 - h) change the first sentence of clause 4.10 to read “After addresses are complete, Councillors may seek clarification on points made in an address but must not commence deliberation of the matter. Each Councillor may ask one such question and is limited to 30 seconds to ask it”.
 - i) separate the second sentence of clause 4.10 into a new clause and revert to the version in the draft of 10 February by saying “Speakers are under no obligation to answer a question put under clause 4.10. A speaker’s response to a councillor’s question is limited to one minute”.
 - j) add the heading ‘Submissions’ into clause 4.11 and change ‘must’ in part b) to ‘may’.
 - k) add the heading ‘Questions’ into clause 4.12 and change ‘must’ in part b) to ‘may’.
 - l) add a new clause between clauses 21 g) and 21 h) saying “When a Development Application is called to a PRC meeting but the public exhibition period for the DA has not ended earlier than three days before the meeting,

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that DA will be deferred to a subsequent PRC meeting”.

2. That Council places the Code of Meeting Practice as amended by Part 1 on public exhibition for a period of 28 days and invites submissions for a period of 42 days (those periods running partly concurrently) and that:
 - a) Should no submissions be received the Code of Meeting Practice be adopted, or
 - b) Should any submissions be received those submissions be reported to Council prior to adoption. (Dey/Ndiaye)

AMENDMENT

Resolved:

22-089

1. That Council amends the draft Code of Meeting Practice (E2022/12245) as follows:
 - a) add the heading ‘Submissions’ into clause 4.11 and change ‘must’ in part b) to ‘may’.
 - b) add the heading ‘Questions’ into clause 4.12 and change ‘must’ in part b) to ‘may’.
 - c) a new clause between clauses 21 g) and 21 h) saying “When a Development Application is called to a PRC meeting and public exhibition for the DA ends less than three days before the meeting, that DA will be deferred to the next PRC meeting when number of submissions will be known”.
2. That Council place the Code of Meeting Practice (E2022/12245) on public exhibition for a period of 28 days and invite submissions for a period of 42 days (those periods running partly concurrently) and that:
 - a) should no submissions be received the Code of Meeting Practice be adopted, or
 - b) should any submissions be received those submissions be reported to Council prior to adoption. (Lyon/Hunter)

The amendment was put to the vote and declared carried.

Crs Dey and Ndiaye voted against the amendment.

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

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- b) for Bangalow Showground be deferred for further consultation with the nominees and be brought before Council at a later date
 - c) for Brunswick Heads Memorial Hall, Council appoints all five nominees: Peter Brennan, Leah Schinagl, LL M Trimble, Ann Burnett, Melinda Louise Bennett.
 - d) for Durrumbul Community Hall, Council appoints all four nominees: Duncan Dey, Ingrid Manning, Ewan Willis, Wayne Smith.
 - e) for Marvell Hall, Council appoints all three nominees: Margaret Robinson, Caroline Lloyd, Cate Bailey.
 - f) for Mullumbimby Civic Hall, Council appoints all four nominees: Anthony Reardon, Jeannette Martin, Karin Worthington, John Dorczak.
 - g) for Ocean Shores Community Centre, Council appoints the sole nominee: Trudi Gai Ashworth.
 - h) for Suffolk Park Hall, Council appoint both nominees: Margaret Patricia Wiles, and Margaret Beazley.
 - i) for South Golden Beach Community Centre, Council appoints both nominees: Lydia Burth-Weir, and Charline Emzin-Boyd.
2. That the appointed community representatives be:
- a) advised of their appointment to this Committee;
 - b) provided with a copy of the adopted Halls and Venues Guidelines for Section 355 Management Committees and Boards and the adopted Section 377 delegations;
 - c) advised that under Work Health and Safety Act, as a volunteer on a Council Committee established and delegated with the management of a community facility, of the requirement to attend an induction session.
3. That Council readvertises Section 355 Committee opportunities for Suffolk Park Hall, South Golden Beach Community Centre and Ocean Shores Community Centre. (Lyon/Ndiaye)

PROCEDURAL MOTIONS

22-094 Resolved that Council move out of Committee and resume the Ordinary Meeting. (Lyon/Westheimer)

The motion was put to the vote and declared carried.

22-095 Resolved that the meeting move out of confidential session. (Lyon/Dey)

The motion was put to the vote and declared carried.

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

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PROCEDURAL MOTIONS

22-096 Resolved:

1. That pursuant to Section 10A(2)(a) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely 'Appointment of Community Representatives to Advisory Committees'.
2. That the reasons for closing the meeting to the public to consider this item be that it contains personnel matters concerning particular individuals (other than councillors).
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 it may disclose confidential information relating to individuals.

(Dey/Lyon)

The motion was put to the vote and declared carried.

22-097 Resolved that Council move into Committee to allow for free debate.

(Dey/Lyon)

The motion was put to the vote and declared carried.

Report No. 13.4 Appointment of Community Representatives to Advisory Committees

File No: I2022/200

22-098 Resolved:

1. That the following community representatives be appointed to each respective Advisory Committee for the 2022-2024 term ie until new appointments are made (expected late 2024 or early 2025):
 - a) that Council appoints eight community representatives to the Arts and Creative Industries Advisory Committee: Bronwyn Bancroft, Jane Fuller, Lou Hodgson, Samantha Moss, Jack Dods (alternate: Denise Napier), Gwenyth Broug, Laurel Cohn, and Lisa Cowan
 - b) that in relation to the Audit Risk and Improvement Committee:
 - i) Council appoints Michael Georghiou and Bernard Grinberg;
 - ii) Continues to seek a third community member by way of another expression of interest process (EOI); and
 - iii) continues to hold the first scheduled meeting on 19 May 2022 with the two appointees, if a third member has not been selected by then. Quorum will be achieved if all members attend.
 - c) that the following nominees be appointed to the Biodiversity Advisory Committee:
 - i) Brunswick Valley Landcare representative, Dave Rawlins;
 - ii) Five community representatives: Liana Joseph, Lindsay Murray, Martin Brook, James Jackson, Stephen Millard.
 - d) that the following nominees be appointed to the Climate Change & Resource Recovery Advisory Committee:
 - i) Zero Emissions Byron representative, Katrina Shields;

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- ii) five community representatives: Luke McConnell, Bronwyn Elliott, Fleur Brown, John Taberner, and Madeleine Green;
 - iii) that Resilient Byron and Community Owned Renewable Energy Mullumbimby (COREM) be given another opportunity to nominate a representative to the CC&RR Advisory Committee.
 - e) that the following nominees be appointed to the Coast & ICOLL Advisory Committee: Dailan Pugh, Tom Vidal, Dane Marx, Jan Olley, Andrew Hall, and Dylan Laicher.
 - f) that the following nominees be appointed to the Floodplain Management Advisory Committee: Rebecca Brewin, Matthew Lambourne, Karl Allen, and Steven Harris.
 - g) that the following nominees be appointed to the Heritage Advisory Committee:
 - i) That Chris Cooney be appointed as the representative of Brunswick Valley Historical Society
 - ii) That Vivienne Gorec be appointed as the representative of Bangalow Historical Society
 - iii) That Jan Hackett, Gae Laverty, and Brooke Crowle be appointed as community representatives
 - iv) That Council writes to the Mullumbimby Historical Society, Byron Bay Historical Society, the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), and the Tweed Byron Local Aboriginal Council seeking nominations for the Heritage Advisory Committee
 - h) that the following nominees be appointed to the Infrastructure Advisory Committee: Gareth James, Anthony Pangallo, Kellie Obrien, Genevieve Lee, and Andrew Winton-Brown
 - i) that the following nominees be appointed to the Moving Byron Advisory Committee: Annie Villeseche, Jack Dods, Basil Cameron, Ian Pickles, Margaret Robertson, and Geoffrey Meers
 - j) that the following nominees be appointed to the Water & Sewer Advisory Committee: Ben Fawcett, David Fligelman, Elia Hauge, and Kathryn McConnochie.
2. That the above community representatives be:
- a) advised of their appointment to the Advisory Committee;
 - b) asked to complete induction, Code of Conduct, and confidentiality requirements.
3. That unsuccessful nominees be thanked for applying and advised of outcomes for that Committee. (Dey/Westheimer)

22-099 Resolved that Council move out of Committee and resume the Ordinary Meeting. (Lyon/Hunter)

The motion was put to the vote and declared carried.

22-100 Resolved that the meeting move out of confidential session. (Lyon/Balson)

The motion was put to the vote and declared carried.

The motion (Dey/Westheimer) was put to the vote and declared carried.

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The meeting adjourned at 11.40am and reconvened at 12.04pm.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.9 **Byron Triathlon - Cycle Leg Route Options**
File No: I2022/155

22-101 **Resolved** that Council:

1. Notes the importance of the Byron Triathlon event to the local community and businesses, as well as the Australian sporting community in general.
2. Supports the 2022 Byron Triathlon and future events using a similar route to the 2021 event as per attachment 2, and that this route is endorsed by Council, on the basis that the route is supported by the Local Traffic Committee at its April meeting.
3. Communicates its position to the local community via media release.
4. Requests the community and businesses respect this decision and support the organisers in the delivery of the 2022 Byron Triathlon.
5. Council requests that the Byron Triathlon and NX Sports provide to Council evidence of their status as a not-for-profit including registration with the Australian Charities and not-for-profit commission (ACNC) and any details of disbursement of funds to charities or other financial details that give evidence of their status as a not-for-profit organisation. (Coorey/Dey)

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

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Report No. 13.10 Vallances Road & Natural Burial Ground - Update
File No: I2021/1584

22-102 Resolved that Council:

1. Acknowledges the access constraints at the Vallances Road site.
2. Prepares a feasibility of an access upgrade as a priority, including survey, concept design and costing, and that this be presented to Council by September 2022 to further clarify the potential development of this site, including for the provision of affordable housing.
3. Allocates an additional \$70,000 from the Sewer Capital Works Reserve to undertake these works.
4. Staff allocate members from the IS and SEE directorates to participate with Councillors Lyon and Dey and the Natural Burial Committee in bi-monthly Project Reference Group meetings, commencing in April 2022.
5. Add an additional Operational Plan activity to "Undertake the scoping, design and costing of the access upgrade to Vallances Road"
6. Amend the Operational Plan activity 2.3.7.6 to "Progress the delivery of the Natural Burial Ground at Vallances Rd via the Project Reference Group"
7. Brief Councillors on the Vallances Road site at a Strategic Planning Workshop in May 2022. (Swivel/Lyon)

PROCEDURAL MOTIONS

22-103 Resolved that Cr Lyon be granted a two minute extension to his speech. (Westheimer)

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

22-104 Resolved that this matter rest on the table. (Lyon)

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

*The meeting adjourned at 12.52pm for a lunch break and reconvened at 2.00pm.
Cr Hunter did not return at this time.*

22-105 Resolved that Report No. 13.10 be lifted from the table. (Lyon)

The motion was put to the vote and declared carried.

*The motion (Swivel/Lyon) was put to the vote and declared carried.
Cr Ndiaye voted against the motion.
Crs Hunter and Coorey were not present for the vote.*

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

No. 14.1.7.1 **Speed Zone Reviews**
File No: I2022/39

22-106 Resolved:

1. That Council note the speed zone reviews raised with TfNSW as listed in the report.
2. That Council requests a further review on McAuleys Lane by TfNSW that includes an identification and assessment of risks to cyclists and pedestrians with a view to reduce the speed limit. (Coorey/Lyon)

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

URGENCY MOTIONS

No. 1 **Matter of Urgency - Byron Shire Mayoral Flood Recovery Appeal Fund**

22-107 Resolved that the matter of “Byron Shire Mayoral Flood Recovery Appeal Fund” be considered at the meeting. (Swivel/Balson)

The motion was put to the vote and declared carried.

The Chairperson ruled the matter “Byron Shire Mayoral Flood Recovery Appeal Fund” a matter of great urgency requiring a decision before the next meeting of Council.

22-108 Resolved:

1. That the Council establish a Byron Shire Mayoral Flood Recovery Appeal Fund.
2. That the Fund be overseen by a Committee of 3 made up of the General Manager, the Mayor and an eminent community member.
3. That the Fund be used only to fund the activities of organisations already engaged in the Flood Recovery effort for the purpose of recovery and longer-term mitigation of flood risks.
4. That short terms of reference for the Fund be developed within 7 days by 2 Councillors chosen by the Councillors working with the Head of Legal Services (which will included a costed target for the fund).
5. That the Committee report to Council on its allocation of funds each week by providing an update to the database of grants made over time. (Swivel/Balson)

*The motion was put to the vote and declared carried.
Cr Lyons and Westheimer voted against the motion.
Cr Hunter was not present for the vote.*

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PROCEDURAL MOTION

22-109 Resolved that the vote on Resolution No. 22-108 be recommitted. (Lyon/Ndiaye)

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

No. 1 Matter of Urgency - Byron Shire Mayoral Flood Recovery Appeal Fund

22-110 Resolved:

1. That the Council establish a Byron Shire Mayoral Flood Recovery Appeal Fund.
2. That the Fund be overseen by a Committee of 3 made up of the General Manager, the Mayor and an eminent community member.
3. That the Fund be used only to fund the activities of organisations already engaged in the Flood Recovery effort for the purpose of recovery and longer-term mitigation of flood risks.
4. That short terms of reference for the Fund be developed within 7 days by Councillors Swivel, Lyon, and Balson working with Legal Counsel (which will include a costed target for the fund).
5. That the Committee report to Council on its allocation of funds each week by providing an update to the database of grants made over time. (Swivel/Balson)

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

Cr Hunter returned to the meeting.

No. 2 Matter of Urgency - Thank you to staff and community

22-111 Resolved that the matter of "Thank you to staff and community" be considered at the meeting. (Pugh/Ndiaye)

The motion was put to the vote and declared carried.

The Chairperson ruled the matter "Thank you to staff and community" a matter of great urgency requiring a decision before the next meeting of Council.

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22-112 Resolved:

1. Council acknowledges the immense impact that the climate change fuelled flooding of late February has caused ours and neighbouring communities. Some people have lost their lives. This impact continues to be felt by many people, including those that have suffered damage to their homes, lost their homes and businesses and having their transport and communications options cut. The suffering is huge and will be long felt by many in the community right across the Northern Rivers.
2. Council applauds the extraordinary response of the community to the emergency in saving lives and property. The efforts in leading the recovery by many parts of the community have been extraordinary. We are acutely aware that important lessons need to be learned from this experience at every level of government and across all agencies.
3. Council recognises the effort that all Council staff have made over the past weeks to support our community through the devastation of the emergency flood response and the beginnings of the recovery. Council recognises the difficulty that staff faced in delivering services and engaging with each other and the community with such widespread destruction and intermittent or non-existent communication. Council recognises the personal impact that this disaster has also had on many staff. Council sincerely thanks all staff for their work right across the organisation.
4. A report be provided to council with options for holding an appropriate thank you and recognition day in the future to bring the community together and acknowledge the community effort in the emergency response and the recovery effort.
5. That point 3 of this motion be communicated to all staff by the General Manager.
(Pugh/Ndiaye)

PROCEDURAL MOTION

22-113 Resolved that Cr Ndiaye be granted a one minute extension to her speech. (Lyon)

The motion was put to the vote and declared carried.

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

There being no further business the meeting concluded at 3.15pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 28 April 2022.

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Mayor Michael Lyon