

Minutes Ordinary Meeting

Thursday, 23 June 2022



BYRON
SHIRE
COUNCIL

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
23 June 2022

INDEX OF ITEMS DISCUSSED

The following items are listed in the order in which they were dealt with.

Report No. 11.1	Grants May 2022	9
Report No. 13.5	Review of Council Policies 2021-2022	9
Report No. 13.8	Council Investments - 1 May 2022 to 31 May 2022	10
Report No. 13.13	PLANNING - Report of the Planning Review Committee held 2 June 2022	10
Report No. 13.17	Part Myocum Road Closure to progress Land Acquisition Matters for the purpose of widening and realignment of Myocum Road	10
Report No. 13.19	Tender 2021-1247 - Panel of Providers - Provision of Plumbing, Electrical, General Building & Maintenance Services	11
Report No. 13.20	Voluntary House Raising	11
Report No. 14.1	Report of the Audit, Risk and Improvement Committee Meeting held on 19 May 2022	12
Report No. 14.2	Report of the Finance Advisory Committee Meeting held on 19 May 2022	16
Report No. 14.3	Report of the Heritage Advisory Committee Meeting held on 21 April 2022	18
Report No. 14.4	Report of the Biodiversity Advisory Committee Meeting held on 19 May 2022	19
Report No. 14.5	Report of the Moving Byron Advisory Committee Meeting held on 19 May 2022	20
Report No. 16.2	CONFIDENTIAL - WCC Engineers Procurement	22
Notice of Motion No. 9.2	Strengthening our Festival Culture	22
Notice of Motion No. 9.4	Fill for urban development in the Marshalls Creek floodplain ..	23
Notice of Motion No. 9.1	First Nations Voice to Council	24
Notice of Motion No. 9.3	Flood problems at the end of Azalea Street	24
Report No. 13.1	Draft Councillor and Staff Interaction Policy for Public Exhibition	26
Report No. 13.2	Adoption of a Code of Meeting Practice	26
Report No. 13.3	North Byron drainage and sewerage status	27
Report No. 11.2	Reconnection Regional Communities - Event Funding Expression of Interest	27
Report No. 13.7	Appointment of Community Representatives to the Audit, Risk and Improvement Committee - Reconsideration	29
Report No. 13.9	Review of Council Delegations	30
Report No. 13.11	Burringbar Talking Street Mullumbimby - Evaluation of the Trial	31
Report No. 13.10	PLANNING - Development Application 10.2020.458.1 Demolition of existing structures and construction of a mixed use development comprising of a specialised retail premises, business premises and two (2) shop top housing dwellings	31
Report No. 13.4	Councillor Expenses and Facilities Policy	33

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
23 June 2022

Report No. 13.6	Local Government NSW Annual Conference 2022	34
Report No. 13.12	PLANNING - 10.2021.750.1 Boundary adjustment of disused rail land with adjoining land.....	34
Report No. 13.14	PLANNING - 10.2021.411.1 Community Title Subdivision consisting of Three (3) Community Title Lots and One (1) Neighbourhood Property 139 Broken Head Reserve Road BROKEN HEAD	34
Report No. 13.15	Delineation of Byron Bay Beaches.....	35
Report No. 13.16	Kolora Way Shared Path - Project Update.....	35
Report No. 13.18	First Sun Holiday Park Rail Land	35
Question With Notice No. 15.1	Plans for excess railway land in Mullumbimby.....	36
Question With Notice No. 15.2	Council's 14 other sites for Resilience NSW.....	36
Question With Notice No. 15.3	Recent earthworks in Main Arm.....	38
Report No. 16.1	CONFIDENTIAL - Land Acquisition Matters for the Purpose of Road Reconstruction Main Arm and Palmwood Road.....	39
No. 8.1	DA10.2014.753.7 - 2 TANNER LANE TYAGARAH 2481 - S4.55 to Modify Condition	40

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 23 JUNE 2022 COMMENCING AT 9.08AM AND CONCLUDING AT 4.45PM

I2022/725

PRESENT: Cr M Lyon (Mayor), Cr S Balson, Cr D Dey, Cr A Hunter, Cr S Ndiaye, Cr A Pugh (arrived at 9.22am), Cr M Swivel and Cr P Westheimer

Staff: Mark Arnold (General Manager)
Esmeralda Davis (Acting Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Lisa Brennan/Mila Jones/Lynette Foley (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.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

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		Name	For/ Against	Representing Organisation	Submission Received in form of
9.2	Strengthening our Festival Culture	Monique Hartman	For	No	In person
9.4	Fill for urban development in the Marshalls Creek floodplain	Raymond Darney	For	No	In person
13.10	PLANNING - Development Application 10.2020.458.1 Demolition of existing structures and construction of a mixed use development comprising of a specialised retail premises and two (2) shop top housing dwellings	Ryan Beavis - Ardill Payne & Partners	For	No	Webinar
		Kumar Rajaratnam	For	No	In person
		Leone Bolt / John Dunn	Against	Brunswick Heads Progress Association	Pre-recorded video

Cr Westheimer left the meeting at 9.15am and rejoined the meeting at 10.00am.

Cr Pugh arrived at the meeting at 9.22am.

PROCEDURAL MOTION

22-250 Resolved that Public Access be extended to allow for the submission and question.
(Lyon/Ndiaye)
The motion was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

Submissions

Subject	Name	Representing Organisation	Submission Received in form of
Fine imposed on Nicole Haberecht	Adrian Gattenhof	No	In person

Question No. 1 Cap on short term rental accommodation

David Wallace asked the following question (via staff reading the question):

On Thursday 9 June Byron Council issued a media release stating that Council had obtained a Gateway Determination from the Department of Planning for the 90 day cap on STRA application. It stated that there were to be 365 day precincts in Brunswick Heads, Byron Bay and Suffolk Park. No details were given. What are the exact boundaries of these precincts listed in the Gateway Determination, and do they fit the Council preferred precincts or the flawed Urbis Report preferred precincts that encompass large swathes of permanent residential areas? Thank you for your response today.

The Director Sustainable Environment and Economy advised that the planning proposal as endorsed by Council on the 19 November 2020 and the maps of which are on Councils website as well as attached to that report are those which have been issued the gateway determination. It will be those maps that Council will look to place on exhibition alongside the Urbis EIA and Council's peer review document of the EIA for wider public consultation and engagement to meet the gateway requirements for us to do so.

The Mayor added that whilst that was the gateway determination and that's what goes on public exhibition it then still pulls to us to do the final determination based on that consultation so we still do have the ability to make changes to those maps as we see fit based on that public exhibition period.

The meeting adjourned at 10.15am and reconvened at 10.34am.

APOLOGIES

Cr Coorey was granted a leave of absence for this meeting via Resolution No. 22-194 from the Ordinary meeting held on 26 May 2022.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Hunter declared a not significant non-pecuniary interest in Report 13.7. The nature of the interest being that he assisted a candidate to apply for consideration. Cr Hunter elected to leave the Chamber and will not participate in discussion and the vote.

TABLING OF PECUNIARY INTEREST RETURNS

Under clause 4.9 of the Code of Conduct, the Mayor tabled Annual Pecuniary Interest Returns of all Advisory Committee members.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

22-251 Resolved that the minutes of the Ordinary Meeting held 26 May 2022 meeting 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. 13.1 Draft Councillor and Staff Interaction Policy for Public Exhibition
Report No. 13.2 Adoption of a Code of Meeting Practice

Corporate and Community Services

Report No. 13.3 North Byron drainage and sewerage status
Report No. 13.4 Councillor Expenses and Facilities Policy
Report No. 13.6 Local Government NSW Annual Conference 2022
Report No. 13.7 Appointment of Community Representatives to the Audit, Risk and Improvement Committee - Reconsideration
Report No. 13.9 Review of Council Delegations

Sustainable Environment and Economy

Report No. 13.10 PLANNING - Development Application 10.2020.458.1 Demolition of existing structures and construction of a mixed use development comprising of a specialised retail premises, business premises and two (2) shop top housing dwellings
Report No. 13.11 Burringbar Talking Street Mullumbimby - Evaluation of the Trial

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

- Report No. 13.12 PLANNING - 10.2021.750.1 Boundary adjustment of disused rail land with adjoining land
- Report No. 13.14 PLANNING - 10.2021.411.1 Community Title Subdivision consisting of Three (3) Community Title Lots and One (1) Neighbourhood Property 139 Broken Head Reserve Road BROKEN HEAD

Infrastructure Services

- Report No. 13.15 Delineation of Byron Bay Beaches
- Report No. 13.16 Kolara Way Shared Path - Project Update
- Report No. 13.18 First Sun Holiday Park Rail Land

CONFIDENTIAL REPORTS

Infrastructure Services

- Report No. 16.1 CONFIDENTIAL - Land Acquisition Matters for the Purpose of Road Reconstruction Main Arm and Palmwood Road

LATE REPORTS

The remaining Recommendations and Committee Recommendations 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. 22-252 and concluding with Resolution No. 22-292.

SUBMISSIONS AND GRANTS

Report No. 11.1 Grants May 2022
File No: I2022/660

- 22-252 Resolved** that Council notes the report and Attachment 1 (#E2022/51678) for Byron Shire Council's grant submissions as at 31 May 2022. (Lyon/Ndiaye)

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.5 Review of Council Policies 2021-2022
File No: I2021/1691

- 22-253 Resolved:**
1. That Council adopts the unamended Local Orders for the Keeping of Animals Policy 2021, per s161(2) of the Local Government Act 1993.
 2. That the Events on Public and Private Land Policy 2010 be placed on public exhibition, for repeal, for 28 days, and

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

- a) should there be no submissions received the repeal be endorsed; or
- b) should submissions be received the policy be reported back to Council noting the submissions and any amendments made as a result of the feedback received. (Lyon/Ndiaye)

Report No. 13.8 Council Investments - 1 May 2022 to 31 May 2022
File No: I2022/657

- 22-254 Resolved** that Council notes the report listing Council's investments and overall cash position as at 31 May 2022. (Lyon/Ndiaye)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.13 PLANNING - Report of the Planning Review Committee held 2 June 2022
File No: I2022/672

- 22-255 Resolved** that Council endorses the outcomes of the Planning Review Committee meeting held on 2 June 2022. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

Crs Dey, Swivel, Pugh, Balson, Lyon, Ndiaye, Hunter, and Westheimer voted in favour of the motion.

No Councillors voted against the motion.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.17 Part Myocum Road Closure to progress Land Acquisition Matters for the purpose of widening and realignment of Myocum Road
File No: I2022/556

- 22-256 Resolved** that Council:
1. Endorses the closure of part road reserve adjoining Lot 1 DP 1138652 and Lot 127 DP 405405, and dedication of land being part Lot 4 DP 775335 as road as highlighted in the report.
 2. Authorises the execution of all documents necessary to affect the road closure and dedication of land as road including but not limited to contracts for the acquisition of land and consolidations. (Lyon/Ndiaye)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

Report No. 13.19 **Tender 2021-1247 - Panel of Providers - Provision of Plumbing, Electrical, General Building & Maintenance Services**

File No: I2022/592

22-257 Resolved:

1. That Council establishes a panel of providers inclusive of each of the organisations recommended in the Tender Evaluation Report (Confidential Attachment 1 - E2022/29277).
2. That Council makes public its decision, including the names of the successful tenderers, in accordance with Clause 169(4) and Clause 178 of the Local Government (General) Regulation 2021. (Lyon/Ndiaye)

Report No. 13.20 **Voluntary House Raising**

File No: I2022/663

22-258 Resolved that Council notes both the report and that any additional recommendations from the Floodplain Management Advisory Committee on the Voluntary House Raising scheme will be reported to the August Ordinary meeting of Council. (Lyon/Ndiaye)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

COMMITTEE REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 **Report of the Audit, Risk and Improvement Committee Meeting held on 19 May 2022**

File No: I2022/569

22-259 Resolved that Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 19 May 2022.

(Lyon/Ndiaye)

22-260 Resolved that Council adopts the following Committee Recommendations:

Report No. 3.1 Minutes from Extraordinary Audit, Risk and Improvement Committee of 21 October 2021

File No: I2021/1693

Committee Recommendation 3.1.1

That the minutes of the Audit, Risk and Improvement Committee (Extraordinary) Meeting held on 21 October 2021 be confirmed.

(Lyon/Ndiaye)

22-261 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.1 Election of Chairperson, Committee Overview and the Internal Audit Plan 2021-2024

File No: I2022/342

Committee Recommendation 4.1.1

That the Audit, Risk and Improvement Committee:

1. Appoints Michael Georgiou as the Committee's Chairperson.
2. Notes sections 1 and 2 of the Three Year Strategic Internal Audit Program (2021-2024) (Attachment 1 E2022/33306) and that the proposed plan for Q4 2021-2022 and Q1 of 2022-2023 be endorsed for approval by Council (Attachment 2 E2022/33747). A report is to be provided to the Committee at the next meeting on the plan for the remainder of 2022-2023 and 2023-2024.
3. Endorses for approval by Council that the Audit Plan for 2022-2023 is to include the optional Credit/Corporate Card audit.

(Lyon/Ndiaye)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

22-262 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.2 Fraud and Corruption Control update

File No: I2022/474

Committee Recommendation 4.2.1

That the Audit, Risk and Improvement Committee notes the Fraud and Corruption Control update.

(Lyon/Ndiaye)

22-263 Resolved that Council adopts the following Committee Recommendations:

**Report No. 4.3 Audit, Risk and Improvement Committee Performance
Assessment for 2021**

File No: I2021/1589

Committee Recommendation 4.3.1

That pursuant to Clause 10 of the Constitution of the Audit, Risk and Improvement Committee that the Audit, Risk and Improvement Committee notes the annual report of the Chair to Council.

(Lyon/Ndiaye)

22-264 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.4 Update on delegations in place 2020-2021

File No: I2021/1665

Committee Recommendation 4.4.1

That the Audit, Risk and Improvement Committee notes this report.

(Lyon/Ndiaye)

22-265 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.5 Status of Council Policies 2020-2021

File No: I2021/1666

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

Committee Recommendation 4.5.1

That the Audit, Risk and Improvement Committee notes the status of Council's policies as provided in this report.

(Lyon/Ndiaye)

22-266 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.7 Draft Audit, Risk and Improvement Committee Constitution and 2022 Agenda Schedule

File No: I2022/340

Committee Recommendation 4.7.1

That the Audit, Risk and Improvement Committee:

1. Defers consideration of the constitution to receive feedback from the Committee and that the Constitution be reported back to the Committee with feedback prior to being reported to Council for adoption.
2. Endorses the Agenda Schedule for 2022 (Attachment 2 E2022/32044) subject to consideration of financial information being received by the Committee members.

(Lyon/Ndiaye)

22-267 Resolved that Council adopts the following Committee Recommendations:

Report No. 5.3 Cyber Security and IT System Outages Quarterly Update

File No: I2021/1761

Committee Recommendation 5.3.1

That the Audit Risk and Improvement Committee:

1. Notes the report.
2. Receives ongoing cyber security and system outage status reports.

(Lyon/Ndiaye)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

Resolved that Council adopts the following Committee Recommendations:

22-268

Report No. 5.4 2021 Year End Audit Management Letter

File No: I2021/1774

Committee Recommendation 5.4.1

That the Audit, Risk and Improvement Committee recommends to Council:

That the comments provided by Management in response to issues raised in the 2021 Year End Audit Management Letter (E2021/134318) be noted by Council.
(Lyon/Ndiaye) .

22-269 Resolved that Council adopts the following Committee Recommendations:

Report No. 5.6 Internal Audit Report - 2021-2022 Quarters 2 and 3

File No: I2022/147

Committee Recommendation 5.6.1

1. Notes the Summary of Internal Audit Recommendations for Quarter 2 2021-2022 (Attachment 1 E2022/15709) and Quarter 3 2021-2022 (Attachment 2 E2022/37933).
2. Endorses the recommendations from the Executive Team to close off 23 internal audit recommendations from Quarters 2 and 3 2021-2022 as listed in Table 1 of this report (which is a summary from Attachment 3 E2022/8328 and Attachment 4 E2022/33146).
3. Recommends to Council that management be requested to implement the recommendations made in the Internal Audit of Pay Parking – February 2022 (Attachment 5 E2022/10589) and the Internal Audit of Cyber Security – April 2022 (Attachment 6 E2022/39688)

(Lyon/Ndiaye) .

22-270 Resolved that Council adopts the following Committee Recommendations:

Report No. 5.8 2021-2022 External Audit Engagement Plan

File No: I2022/377

Committee Recommendation 5.8.1

That Council notes the External Audit Engagement Plan prepared by the Audit Office of New South Wales for the year ended 30 June 2022 as outlined in Confidential Attachment 1 (E2022/35065).

(Lyon/Ndiaye) .

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

22-271 Resolved that Council adopts the following Committee Recommendations:

Report No. 5.9 Cyber Security and IT System Outages Quarterly Update

File No: I2022/394

Committee Recommendation 5.9.1

That the Audit Risk and Improvement Committee:

1. Notes the report
2. Receives ongoing cyber security and system outage status reports

(Lyon/Ndiaye) .

22-272 Resolved that Council adopts the following Committee Recommendations:

Report No. 5.10 Financial Recognition of Rural Fire Service Equipment Assets

File No: I2022/416

Committee Recommendation 5.10.1

That the Audit Risk and Improvement Committee recommends to Council that Byron Shire Council does not record the value of Rural Fire Service equipment assets in its financial records and financial statements that it does not control.

(Lyon/Ndiaye).

Report No. 14.2 Report of the Finance Advisory Committee Meeting held on 19 May 2022

File No: I2022/718

22-273 Resolved that Council notes the minutes of the Finance Advisory Committee Meeting held on 19 May 2022.

(Lyon/Ndiaye)

22-274 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.1 Budget Review - 1 January 2022 to 31 March 2022

File No: I2022/531

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

Committee Recommendation 4.1.1

That the Finance Advisory Committee recommends to Council:

1. That Council authorises the itemised budget variations as shown in Attachment 2 (#E2022/43292) which include the following results in the 31 March 2022 Quarterly Review of the 2021/2022 Budget:
 - a) General Fund – \$354,500 decrease to the Estimated Unrestricted Cash Result
 - b) General Fund - \$9,405,900 increase in reserves
 - c) Water Fund - \$1,021,300 increase in reserves
 - d) Sewerage Fund - \$100,400 increase in reserves
2. That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$126,500 for the 2021/2022 financial year as at 31 March 2022.

(Lyon/Ndiaye) .

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

COMMITTEE REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.3 **Report of the Heritage Advisory Committee Meeting held on 21 April 2022**
File No: I2022/542

22-275 Resolved that Council notes the minutes of the Heritage Advisory Committee Meeting held on 21 April 2022.

(Lyon/Ndiaye)

22-276 Resolved that Council adopts the following Committee Recommendation:

Report No. 3.1 Delivery Program - Workshop Session
File No: I2022/368

Committee Recommendation 3.1.1

That the Heritage Advisory Committee provide input into the development of the draft Delivery Program 2022-26.

Heritage Advisory Committee members to provide submissions on the draft Delivery Program during the exhibition period May June 2022.

(Lyon/Ndiaye).

22-277 Resolved that Council adopts the following Committee Recommendation(s):

Report No. 3.2 Review Constitution of Heritage Advisory Committee
File No: I2022/359

Committee Recommendation 3.2.1

That the Heritage Advisory Committee recommend to Council to amend the constitution at Attachment 1 E2021/148702.

1. Under heading No 7 Quorum, amend to read as follows:
"A quorum is to constitute at least half the number of voting members, one of which is to be a Councillor". and delete the rest of the sentence.
2. Under heading No 5 – Membership:
Change from "Membership is to:", "Membership may include:".

(Lyon/Ndiaye).

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

22-278 Resolved that Council adopts the following Committee Recommendation(s):

Report No. 3.3 Heritage Advisor Annual Report 2021-2022

File No: I2022/360

Committee Recommendation 3.3.1

That the Heritage Advisory Panel endorse the presentation from Council's Heritage Advisor regarding the FY21/22 Heritage Advisor Annual Report with a Final draft to follow by mid May 2022. (# E2022/36033).

That Council staff to consider moving the next Heritage Advisory Committee meeting to the 30 June 2022.

(Lyon/Ndiaye) .

Report No. 14.4 Report of the Biodiversity Advisory Committee Meeting held on 19 May 2022

File No: I2022/638

22-279 Resolved that Council notes the minutes of the Biodiversity Advisory Committee Meeting held on 19 May 2022.

(Lyon/Ndiaye)

22-280 Resolved that Council adopts the following Committee Recommendation(s):

Report No. 4.2 Review Constitution of Biodiversity Advisory Committee

File No: I2022/471

Committee Recommendation 4.2.1

1. That the Biodiversity Advisory Committee recommends to Council to adopt the constitution at Attachment 1 (E2021/147945) with an amendment to the number of community members of up to 5.
 2. That the Biodiversity Advisory Committee elects Cr Sarah Ndiaye as Chair.
- (Lyon/Ndiaye).

22-281 Resolved that Council adopts the following Committee Recommendation(s):

Report No. 4.7 Renewal of MOU with Brunswick Valley Landcare

File No: I2022/485

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

Committee Recommendation 4.7.1

That the Biodiversity Advisory Committee recommends to Council that the Memorandum of Understanding between Brunswick Valley Landcare and Byron Shire Council (Attachment – E2021/121393) be endorsed.

(Lyon/Ndiaye) .

COMMITTEE REPORTS - INFRASTRUCTURE SERVICES

Report No. 14.5 Report of the Moving Byron Advisory Committee Meeting held on 19 May 2022

File No: I2022/652

22-282 Resolved:

1. That Council notes the minutes of the Moving Byron Advisory Committee Meeting held on 19 May 2022.

(Lyon/Ndiaye)

22-283 Resolved that Council adopts the following Committee Recommendation(s):

Report No. 3.1 Committee Constitution

File No: I2022/468

Committee Recommendation 3.1.1

That Council support the Moving Byron Advisory Committee in ratifying the draft Committee Constitution.

(Lyon/Ndiaye)

22-284 Resolved that Council adopts the following Committee Recommendation(s):

Report No. 3.2 Delivery Program - Workshop Session

File No: I2022/518

Committee Recommendation 3.2.1

That Council support the Moving Byron Advisory Committee in providing input into the development of the draft Delivery Program 2022-26.

(Lyon/Ndiaye) .

22-285 Resolved:

**Report No. 3.3 Moving Byron Integrated Transport Strategy 2022 to 2042 -
Results of Community Consultation**

File No: I2022/148

Committee Recommendation 3.3.1

That the Committee recommends that Council note:

1. The report and the comments received from the exhibition period.
2. The Moving Byron Committee will receive a further detailed report that provides:
 - a) commentary on each of the comments received during the exhibition period
 - b) commentary on comments received from TfNSW
 - c) an updated Moving Byron document for consideration
 - d) details on the resourcing requirements in relation to the Moving Byron Action Plan
3. An invitation will be extended to Transport for NSW to attend the next Moving Byron Advisory Committee meeting or to nominate a time prior when they are able to attend.

(Lyon/Ndiaye) .

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.2 **CONFIDENTIAL - WCC Engineers Procurement**
File No: I2022/688

- 22-286** **Resolved** that WCC Engineers be engaged through single source procurement process, pursuant to sections 55(k) of the *Local Government Act 1993* and Regulation 170A of the Local Government (General) Regulation 2021, to assist Council in the investigations, design and construction remediation works associated with the Federal Drive and Huonbrook #1 landslips resulting from the February 2022 flood event due to the extenuating circumstances noted in the report. (Lyon/Ndiaye)
-

PROCEDURAL MOTION

- 22-287** **Resolved** that Council change the order of business to deal with items 9.2, 9.4 and 13.10 next on the Agenda. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 9.2 Strengthening our Festival Culture
File No: I2022/676

- 22-288** **Resolved:**
1. That Council creates an action plan to enable and encourage small and medium sized festivals to operate in Byron Shire.
 2. That Council reviews small and medium sized festival proposals currently pending or recently determined to explore the feasibility for these festivals to be conducted in the period 2022-24.
 3. That Council reviews its policy and processes to ensure we support enabling festivals to enhance our creative industries, provide jobs and opportunities for creative companies and workers, and to contribute to community well-being.
 4. That as part of this process, council reviews their staffing and processes as part of an events strategy.
 5. That council do further work to clarify the DA and tenure issues around local potential sites capable of hosting events of various sizes. (Swivel/Ndiaye)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

PROCEDURAL MOTION

22-289 Resolved that Cr Westheimer be granted a one minute extension to his speech. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

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

Notice of Motion No. 9.4 Fill for urban development in the Marshalls Creek floodplain

File No: I2022/678

22-290 Resolved that Council:

1. notes the many reasons why floodplains require special attention to avoid filling, including that:
 - a) fill can prevent the passage of floodwater during major floods and may thus raise flood levels upstream of the fill site;
 - b) fill occupies airspace that would otherwise attenuate flooding further downstream; and
 - c) fill sends runoff outwards from the fill footprint, often onto neighbouring properties.
2. receives a report VIA Council's Floodplain Advisory Committee about fill on the Shire's floodplains in general, including on the Marshalls Creek floodplain.
3. asks the owner and certifier under DA10.2017.749.1 to reconfigure the drainage plan and construct a system that pipes all roof water to the street in charged lines such that no roof water spills onto the site itself. This would mean not having detention tanks. (Dey/Lyon)

Cr Hunter left the meeting at 11.36am.

PROCEDURAL MOTION

22-291 Resolved that Cr Dey be granted a one minute extension to his speech. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

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

Cr Hunter was not present for the vote.

Cr Hunter returned to the meeting at 11.39pm.

PROCEDURAL MOTION

22-292 Resolved that Report 13.10 rest on the table. (Dey/Lyon)

The motion was put to the vote and declared carried.

Crs Swivel, Pugh and Hunter voted Against

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

NOTICES OF MOTION

Notice of Motion No. 9.1 First Nations Voice to Council

File No: I2022/675

22-293 Resolved:

1. That Council notes Resolution 39 on a First Nations Voice to Council passed at the March 2022 Special Conference.
2. That Council engages with local First Nations stakeholders including the Arakwal MOU Committee, to develop an action plan on implementing Resolution 39 on a First Nations Voice to Council passed at the March 2022 Special Conference.
3. That Council aims to facilitate a First Nations Voice to Council by the end of its current term in September 2024.
4. That Council receives a report outlining the next steps for a comprehensive reconciliation action plan. (Swivel/Ndiaye)

PROCEDURAL MOTIONS

22-294 Resolved that Cr Swivel be granted a one minute extension to his speech. (Lyon/Ndiaye)
The motion was put to the vote and declared carried

22-295 Resolved that Council move into Committee to allow for free debate. (Dey/Lyon)
The motion was put to the vote and declared carried.
Crs Swivel, Balson and Hunter voted against the motion

22-296 Resolved that Council move out of Committee and resume the Ordinary Meeting. (Lyon/Ndiaye)
The motion was put to the vote and declared carried.
The motion (Swivel/Ndiaye) was put to the vote and declared carried.

Notice of Motion No. 9.3 Flood problems at the end of Azalea Street

File No: I2022/677

22-297 Resolved:

1. That Council notes that residents at the end of Azalea Steet have experienced flood problems often in recent years, culminating in houses being flooded including with raw sewage during the 2022 flood event.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

2. That Council receives a report on at least three issues visible to the trained eye in relation to these problems, namely:
- a) the hydraulic influence of the private driveway in diverting floodwater out of the creek that drains Tallowood estate (shown in image #1 below) and the potential for that crossing to be reconfigured to occupy less waterway area and thus send less water onto Azalea Street;
 - b) the reconfiguring of the overflow from the SPS 4006 so as not to deliver overflow towards houses #34 to 38, via the stormwater pit shown in image #2 below; and
 - c) the potential for adding or increasing emergency storage volume and for providing backup power during blackouts, so that sewage doesn't overflow as it did in 2022. (Dey/Lyon)

The motion was put to the vote and declared carried.

PETITIONS

There were no petitions.

SUBMISSIONS AND GRANTS

PROCEDURAL MOTION

22-298 Resolved that Report 11.2 rest on the table. (Ndiaye/Lyon)

The motion was put to the vote and declared carried.

DELEGATES' REPORTS

Cr Dey discussed Delegates' Report – NSW Coastal Conference 31 May to 2 June 2022

Cr Balson discussed Delegates' Report – 2022 Local Government NSW Special Conference 28 February - 2nd March 2022

Cr Ndiaye discussed Delegates' Report – Affordable Housing Summit – 17 June 2022

Cr Lyon discussed the meeting held with the Prime Minister regarding flood recovery funding

*The meeting adjourned at 1.05pm for lunch and reconvened at 1.54pm.
Cr Westheimer was not present when the meeting resumed.*

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 **Draft Councillor and Staff Interaction Policy for Public Exhibition**
File No: I2022/389

22-299 Resolved:

1. That Council endorses the Draft Councillor and Staff Interaction Policy being placed on public exhibition for a minimum period of 28 days.
2. That in the event:
 - a) that any submissions are received on the draft Policy, those submissions be reported back to Council, prior to the adoption of the Policy
 - b) that no submissions are received on the draft Policy, the Policy be adopted.
(Hunter/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 13.2 **Adoption of a Code of Meeting Practice**
File No: I2022/695

22-300 Resolved that Council:

1. change the name of the "Strategic Planning Workshop" to "Councillor Workshop" and amend the Code of Meeting Practice accordingly.
2. also amend the draft Code (attachment 2, E2022/12245) as follows:
 - a) in clause 3.3 amend the wording so that it matches that in s366 of the Local Government Act;
 - b) in Clause 5.2, add at the end a note of the form (see Clause 5.18);
 - c) in Clause 5.24, add at the end "and the reason for exclusion is to be minuted";
 - d) in Clause 10.1, add at the end "with the exception that the mover of a Notice of Motion may speak by way of introduction before a seconder is sought";
 - e) in Clause 10.3, add "If a Councillor withdraws their Notice of Motion, any other Councillor may pick it up";
3. after consideration of the matters raised in submissions, adopt the Code of Meeting Practice as amended by Parts 1 and 2 above.
(Dey/Ndiaye)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

PROCEDURAL MOTIONS

- 22-301 Resolved** that Council move into Committee to allow for free debate. (Dey/Ndiaye)
The motion was put to the vote and declared carried.
- 22-302 Resolved** that Council move out of Committee and resume the Ordinary Meeting. (Lyon/Dey)
The motion was put to the vote and declared carried.
The motion (Dey/Ndiaye) was put to the vote and declared carried.
-

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.3 North Byron drainage and sewerage status
File No: I2022/637

- 22-303 Resolved** that Council notes the report on the drainage and sewer status north of the Shire. (Pugh/Lyon)
The motion was put to the vote and declared carried.
-

SUBMISSIONS AND GRANTS

PROCEDURAL MOTION

- 22-304 Resolved** that Report No. 11.2 be lifted from the table. (Lyon/Ndiaye)
The motion was put to the vote and declared carried.

Report No. 11.2 Reconnection Regional Communities - Event Funding
Expression of Interest
File No: I2022/685

- 22-305 Resolved:**
1. That Council endorses the following events under the Reconnecting Regional Communities Funding program:
 - a) Sidestep (\$59,010).
 - b) Restore Fest and associated community events (\$75,000).
 - c) Queer Family Recovery Series (\$41,289).
 - d) Reconnecting Mullumbimby (\$35,500).

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

- e) Bruns Dive-in Cinema (\$73,100).
 - f) After Disaster - Stories, Reflections, Songs (\$40,000).
2. That should an Expression of Interest event application not be approved by Regional NSW, the General Manager be authorised to endorse an alternative event.
3. That Council thanks the Expression of Interest applicants for their time in preparing applications and acknowledges their creativity and challenges faced during COVID-19 and the recent natural flooding disaster. (Ndiaye/Dey)

The motion was put to the vote and declared carried.

PROCEDURAL MOTIONS

22-306 Resolved that Report 13.4 rest on the table. (Ndiaye/Lyon)

The motion was put to the vote and declared carried.

22-307 Resolved that Report 13.6 rest on the table. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.7 **Appointment of Community Representatives to the Audit, Risk and Improvement Committee - Reconsideration**
File No: I2022/641

Cr Hunter left the meeting in accordance with his earlier declared interest in this matter.

22-308 Resolved:

1. That pursuant to Section 10A(2)(a) of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report sample.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) 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 due to the personnel matter.

(Swivel/Dey)

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

22-309 Resolved:

1. That Council selects Ian Patrick Grier as the community representative from the options provided at Attachment 1 (E2022/51077), and they be appointed to the Audit, Risk and Improvement Committee for the remainder of the 2022-2024 term ending September 2024.
2. That the appointed Committee member:
 - a) be notified of their appointment to the Committee; and
 - b) complete induction, Code of Conduct, and confidentiality requirements.
3. That unsuccessful nominees be notified.

(Swivel/Dey)

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

PROCEDURAL MOTION

22-310 Resolved that the meeting move out of confidential session. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

Cr Hunter returned to the meeting at 2.48pm.
Cr Westheimer returned to the meeting at 2.50pm.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

Report No. 13.9 **Review of Council Delegations**
File No: I2022/658

22-311 Resolved:

1. That Council revokes its previous delegations to the Mayor and General Manager and adopts the following:
 - a) Instrument of Delegation to the Mayor shown at Attachment 1 (E2021/140718); and
 - b) Instrument of Delegation to the General Manager at Attachment 2 (E2022/57999).
2. That Council reconfirms that it delegates its functions as a Local Control Authority for noxious weeds under s370 of the Biosecurity Act 2015 to Rous County Council until such time as the delegation is revoked or re-delegated.
3. That Council reconfirms its delegations to Council's Special Purposes Committee, i.e., the Planning Review Committee, as set out in Council's Code of Meeting Practice at clause 21.
4. That Council reconfirms its acceptance of delegation of functions from other agencies as set out at Attachment 3 (E2021/140789).
5. That Council notes that Delegations of Authority for Council's Section 355 Committees is the subject of a separate report to Council. (Lyon/Balson)

The motion was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.11 **Burringbar Talking Street Mullumbimby - Evaluation of the Trial**
File No: I2022/151

22-312 Resolved:

1. That Council thanks the community and business members of the Talking Street Working Group for their collaboration and valuable input on the project.
2. That Council notes the evaluation of the Talking Street Trial contained in the report.
3. That Council endorses the drafting and release of a Request for Quotation to design a more permanent solution for the street – implementing the principles of the trial – including narrowing the central intersection of Burringbar and Stuart Streets.
4. That Council notes that the evaluation will be submitted to the Department of Planning Industry and Environment as part of the Streets as Shared Spaces grant acquittal. (Lyon/Ndiaye)

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

PROCEDURAL MOTION

22-313 Resolved that Report No.13.10 be lifted from the table. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 13.10 **PLANNING - Development Application 10.2020.458.1**
Demolition of existing structures and construction of a mixed
use development comprising of a specialised retail premises,
business premises and two (2) shop top housing dwellings
File No: I2022/519

Moved:

That, pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2020.458.1 for demolition of existing structures and construction of a mixed-use development comprising of a specialised retail premises, business premises and two (2) shop top housing dwellings, be refused for the following reasons:

1. Pursuant to Section 4.15(1)(c) the site is unsuitable as the basement parking is unlikely to facilitate parking and will not prevent residents, staff, and customers from parking on-street and will exacerbate an emerging parking crisis in Brunswick Heads.
2. Pursuant to Section 4.15(1)(c) The subject site is unsuitable for the development with a car park floor level of 1.1m AHD, which is about equal to high tide level; is

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

well below the 10-year flood level of 1.4m or 1.5m AHD; and is 1.4m below the 100-year flood level of 2.5m AHD. The Probable Maximum Flood level at the site is higher than 5m AHD.

3. Pursuant to Section 4.15(1)(c) the depth of excavation of 2m into the water table at the Mullumbimbi Street end makes the site unsuitable for the development.
4. Pursuant to Section 4.15 (1)(e) the proposal with the basement car park creates an undesirable precedent and is not in the public interest having regards as expressed by the public in 24 submissions in 2020, 3 submissions in 2021, and in a paper & online petition with over 400 signatures to date. (Dey/Westheimer)

The motion was put to the vote and declared lost.

Crs Westheimer, Dey and Balson voted in favour of the motion.

Crs Hunter, Ndiaye, Lyon, Pugh and Swivel voted against the motion.

FORESHADOWED MOTION

- 22-314 Resolved** that, pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2020.458.1 for demolition of existing structures and construction of a mixed-use development comprising of a specialised retail premises, business premises and two (2) shop top housing dwellings, be granted consent subject to the recommended conditions of approval in Attachment 6 (#E2022/45336). (Lyon/Hunter)

The motion was put to the vote and declared tied.

Crs Hunter, Lyon, Pugh and Swivel voted in favour of the motion.

Crs Westheimer, Dey, Balson and Ndiaye voted against the motion.

The mayor used his casting vote and declared the motion carried.

PROCEDURAL MOTION

- 22-315 Resolved** that Report No. 13.4 be lifted from the table. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.4 **Councillor Expenses and Facilities Policy**
File No: I2022/226

Moved:

1. That in accordance with section 253 of the *local government act 1993*, Council endorses the councillor expenses and facilities policy (#e2021/147065) to be placed on public exhibition for a minimum period of 28 days with the following change:
 - Budget for ICT – \$7,500 for first three years and then \$1,500 for each extra year
2. That in the event:
 - a) any submissions are received on the draft policy, those submissions be reported back to council, prior to the adoption of the policy.
 - b) no submissions are received on the draft policy, the policy be adopted.
(Westheimer/Ndiaye)

AMENDMENT

22-316 Resolved:

1. That in accordance with section 253 of the *local government act 1993*, council endorses the councillor expenses and facilities policy (#e2021/147065) to be placed on public exhibition for a minimum period of 28 days with the following change:
2. That in the event:
 - a) any submissions are received on the draft policy, those submissions be reported back to council, prior to the adoption of the policy.
 - b) no submissions are received on the draft policy, the policy be adopted.
(Lyon/Hunter)

The amendment was put to the vote and declared tied.

Crs Westheimer, Ndiaye, Balson and Dey voted against the motion.

The mayor used his casting vote and declared the motion carried.

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

PROCEDURAL MOTION

22-317 Resolved that Report No. 13.6 be lifted from the table. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

Report No. 13.6 **Local Government NSW Annual Conference 2022**
File No: I2022/555

- 22-318** **Resolved** that Council authorises the attendance of Crs Lyon, Balson and Swivel as voting delegates and Cr Ndiaye as a non-voting delegate at the Local Government NSW Annual Conference 2022, to be held from 23 to 25 October 2022. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.12 **PLANNING - 10.2021.750.1 Boundary adjustment of disused rail land with adjoining land**
File No: I2022/564

- 22-319** **Resolved** that Pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2021.750.1 for boundary adjustment of disused rail land with adjoining land at 156 Jonson Street Byron Bay, be approved subject to Conditions of Consent in Attachment 2 (#E2022/47151). (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

Crs Dey, Swivel, Pugh, Balson, Lyon, Ndiaye, Hunter and Westheimer voted in favour of the motion.

No Crs voted against the motion.

Report No. 13.14 **PLANNING - 10.2021.411.1 Community Title Subdivision consisting of Three (3) Community Title Lots and One (1) Neighbourhood Property 139 Broken Head Reserve Road BROKEN HEAD**

File No: I2022/589

- 22-320** **Resolved** that pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2021.411.1 for Community Title Subdivision consisting of Three (3) Community Title Lots and One (1) Neighbourhood Property, be granted consent subject to the recommended conditions in Attachment 7 (#E2022/50270). (Lyon/Hunter)

The motion was put to the vote and declared carried.

Crs Dey, Swivel, Pugh, Balson, Hunter, Westheimer and Lyon voted in favour of the motion.

Cr Dey voted against the motion.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.15 **Delineation of Byron Bay Beaches**
File No: I2022/278

22-321 **Resolved** that Council:

1. Approves the proposed refinement of mapping on public exhibition for 28 days; and
2. Requests a further report on the resulting community feedback generated, for consideration of agreed naming. (Ndiaye/Westheimer)

The motion was put to the vote and declared carried.

Report No. 13.16 **Kolora Way Shared Path - Project Update**
File No: I2022/535

22-322 **Resolved:**

1. That Council notes the report.
2. That staff commence the detailed design and planning activities for the Kolora Way Shared Path Project on the basis that the proposed funding in the 2022/23 budget is sufficient to cover market costs relating to planning and design. (Ndiaye/Pugh)

The motion was put to the vote and declared carried.

Report No. 13.18 **First Sun Holiday Park Rail Land**
File No: I2022/559

22-323 **Resolved** that Council:

1. Makes application to the Minister and the Governor for approval to acquire land described as part of Lot 4729 DP1228104 by compulsory process under section 186(1) of the *Local Government Act 1993* for the purpose of a caravan park and in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. Upon acquisition of the land described as part of Lot 4729 DP1228104 classifies this land as Operational Land. (Hunter/Ndiaye)

The motion was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

QUESTIONS WITH NOTICE

Question With Notice No. 15.1 Plans for excess railway land in Mullumbimby
File No: I2022/628

Cr Dey asks the following questions:

1. *Has Council engaged with TransportNSW or any state department or agency or Minister in regard to use of excess railway land (Station or Prince Streets, Mullumbimby):*
 - a) *for a social or affordable housing?*
 - b) *for a carpark to replace the one given to Landcom for affordable housing in Station Street?*
 - c) *for any other purpose or project?*
2. *What land use options is TransportNSW (or a state department or agency or Minister) considering for the land?*

Response Director Sustainable Environmental and Economy:

There have been ongoing discussions with State Government agencies including Transport for NSW about access to the land adjacent the Mullumbimby Rail Corridor for overflow town centre car parking use. These discussions continue.

This land is also one of the options currently being progressed by the Housing Taskforce through Resilience NSW for temporary emergency accommodation in the form of a pop-up pod village and associated car parking use. Pop-up villages can have a life span of up to 5 years.

It is likely that further discussions will ensue with Transport for NSW through the Housing Taskforce on the potential for this land to be considered for the longer-term housing needs of the Byron Shire, in the context of Regional and Local Plan reviews.

Question With Notice No. 15.2 Council's 14 other sites for Resilience NSW
File No: |2022/670

Cr Dey asks the following question:

What are the other 14 locations considered on the list of 16 for provision to Resilience NSW for them to use for Temporary Housing for people displaced by the 2022 floods, what are the constraints on the use of each of the 14 sites and what is the likely timeframe for each to become available?

Response Director Sustainable Environment and Economy:

The NSW Housing Taskforce (a cross-agency group within the NSW Government Flood Recovery Governance structure) was set up to address the short- medium- and long-term

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

housing issues arising out of the 2022 Flood events.

The establishment of emergency accommodation in the form of pod villages for those displaced by the Flood Events has and continues to be an immediate priority of the Taskforce.

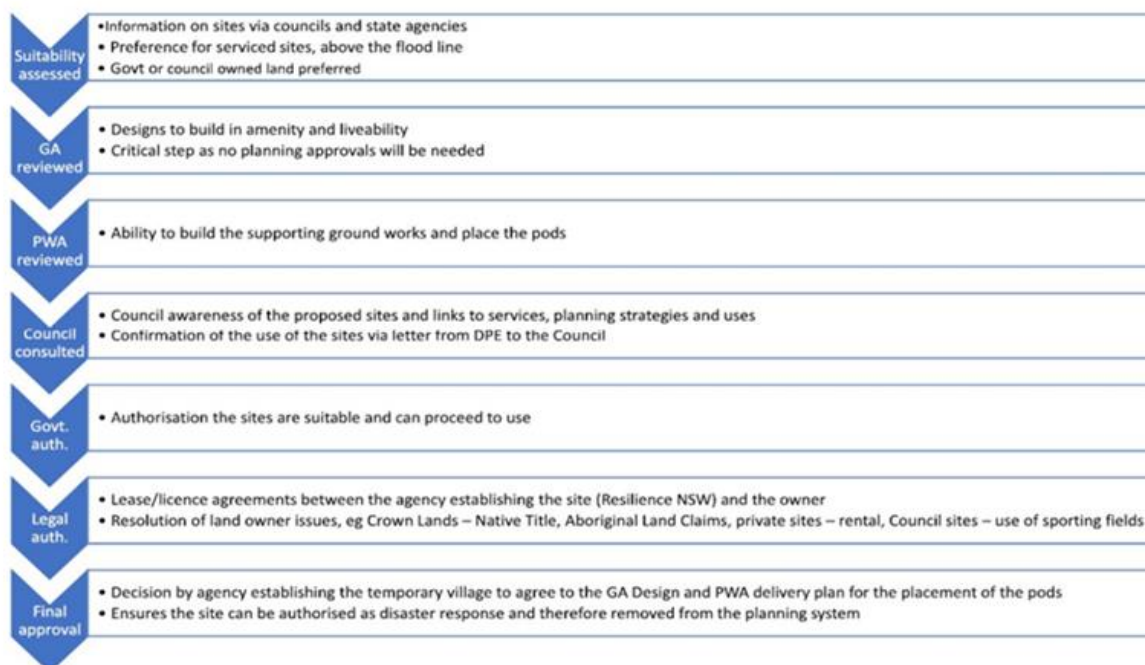
To this aim, each impacted council was asked to provide a list of potential sites (on council or crown land) that could be used for emergency accommodation in the form of pod villages.

A number of sites were identified by staff across the Byron Shire. There are three known sites in Byron Shire currently being progressed. Two are council land in Brunswick Heads. These two sites were the subject of a recent report to council.

This wider list of sites however is not a public list, reason being that not all the sites have been assessed as suitable, ready, or fit for purpose for a pod village. The process for a pod village is set by the Housing Taskforce, a process which Council is asked to observe. This includes not disclosing the locations of potential sites until such time as due diligence and the pod village authorisation process is completed. See 'Pop Up Village approval process' diagram below.

No other sites have been nominated or progressed by the Housing Taskforce in Byron Shire for pop up villages by this process at this time.

Pop-Up Village approval process



BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

Question With Notice No. 15.3 **Recent earthworks in Main Arm**
File No: I2022/680

Cr Duncan Dey asks the following question:

Are earthworks of the type shown in Image #2 below, on the grounds of Upper Main Arm Public School, exempt from erosion control measures by way of being done by a state department?



Image #1: the school grounds after flooding in 2022.



Image #2: the school grounds on 2 June after earthworks.

Response Director Sustainable Environment and Economy:

Sediment and erosion controls are required for the earthworks shown above.

The Infrastructure Coordinator of the Department of Education Tweed/Byron area was contacted by staff following receipt of these photos from Councillor Dey on 8 June 2022. In response sediment and erosion controls were to be put in place 9 June 2022. Staff were advised that once the area is clear and clean it will be resurfaced with turf.

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.1 **CONFIDENTIAL - Land Acquisition Matters for the Purpose of Road Reconstruction Main Arm and Palmwood Road**
File No: I2022/115

22-324 Resolved:

1. That Council accepts the design for the land swap agreement and delegates to the General Manager the authority to negotiate a contract for the land swap in accordance with the staff procedures and financial arrangements recommendations contained within the confidential report.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

2. That Council authorises the execution of all documents necessary to affect the land swap agreement with the owners of Lot 1 DP 127158 and Lot 50 DP 755722 including but not limited to contracts for the land swap, acquisition of land, road closures, dedication of land as road and consolidations. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

MAYORAL MINUTE

No. 8.1 DA10.2014.753.7 - 2 Tanner Lane Tyagarah 2481 - S4.55 to Modify Condition

22-325 Resolved:

That Council:

1. Upon receipt of a Traffic Control Plan/Traffic Management Plan from the applicant convenes an extraordinary Local Traffic Committee meeting to consider it as part of the supporting documents for DA10.2014.753.7 - 2 Tanner Lane Tyagarah 2481 - S4.55 to Modify Condition 13 to allow the Camping ground to be operated in support of the Splendour in the Grass 2022 event and operate two days either side.
2. Delegates to the General Manager pursuant to the Local Government Act 1993, the authority:
 - a) to approve any Minutes issued following the extraordinary Local Traffic Committee referred to in 1.
 - b) to determine DA10.2014.753.7 - 2 Tanner Lane Tyagarah 2481 - S4.55 to Modify Condition 13 to allow the Camping ground to be operated in support of the Splendour in the Grass 2022 event and operate two days either side.
3. Communicates its desire for the most environmentally sensitive areas of the bluesfest campgrounds not be used as part of this approval and that buses be used as part of the traffic management plan for the transport of patrons between the two sites. (Lyon)

PROCEDURAL MOTIONS

22-326 Resolved that Council move into Committee to allow for free debate. (Dey/Lyon)

The motion was put to the vote and declared carried.

22-327 Resolved that Council move out of Committee and resume the Ordinary Meeting. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

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

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 June 2022

There being no further business the meeting concluded at 4.45pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 25 August 2022.



.....
Mayor Michael Lyon