



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 24 September 2020

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
24 September 2020

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ORDINARY MEETING MINUTES

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 24 SEPTEMBER 2020 COMMENCING AT 9:10AM AND CONCLUDING AT 2:48PM

I2020/1444

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, Cr C Coorey, Cr J Hackett, Cr A Hunter, Cr M Lyon, Cr J Martin, Cr S Ndiaye and Cr P Spooner

Staff: Mark Arnold (General Manager)
Vanessa Adams (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Ralph James (Legal Counsel)
Shannon McKelvey (Executive Officer) – item 16.1
Heather Sills (Minute Taker)

The Mayor opened the meeting and acknowledged that the meeting is being held on Arakwal Country and that we pay our respects to the elders past and present and extend our respect to the Bundjalung clans whose lands and waters are part of the Shire.

PUBLIC ACCESS

Prior to dealing with the circulated reports and associated information, a Public Access Session was held and Council was addressed on the following:

Public Access

Report No and Title		For/ Against	Name	Submission Received in form of
14.3	Report of the Byron Shire Floodplain Risk Management Committee Meeting held on 20 August 2020	For	Matthew Lambourne	In person
16.1	CONFIDENTIAL - Head lease - former Byron Hospital site	Against	John Anderson	Read out by staff

Submissions

Subject	Name	Representing Organisation	Submission Received in form of
MARRA request to suspend & change procedures on hinterland dwellings	Duncan Dey	MARRA	In person
Unauthorised Dwellings Policy	Matthew Lambourne		In Person

Question No. 1 – Legal Costs

John Anderson asked the following question:

How much has Council paid out in legal costs for the last 5 years, and how much of that figure is for day-to-day background advice sought by the General Manager and the Mayor from external lawyers retained by Council?

The General Manager took the question on notice.

The meeting adjourned at 9:40am and reconvened at 10:07am.

APOLOGIES

There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

Cr Hackett returned from her approved leave of absence prior to the resolved period ending.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 20-480 Resolved** that the minutes of the Ordinary Meeting held 27 August 2020 be confirmed.
(Ndiaye/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

Corporate and Community Services

- | | |
|-----------------|---|
| Report No. 13.3 | Election of Deputy Mayor 2020-21 |
| Report No. 13.4 | Report of the Extraordinary Public Art Panel meeting held on 20 August 2020 |
| Report No. 13.8 | Extension of Ratepayers Payment Arrangements due to COVID-19 |
| Report No. 13.9 | Council Resolutions Quarterly Review - Q4 - 1 April to 30 June 2020 |

Sustainable Environment and Economy

- | | |
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| Report No. 13.11 | Report on the restoration and regeneration of riparian zones in Byron Shire |
|------------------|---|

Infrastructure Services

- | | |
|------------------|---|
| Report No. 13.12 | Byron Shire Rail with Trail |
| Report No. 13.14 | Final Report of the NSW Bushfire Inquiry |
| Report No. 13.18 | Tender 2020-0022 - Mullumbimby STP Demolition and Remediation |

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REPORTS OF COMMITTEES

Sustainable Environment and Economy

Report No. 14.2 Report of the Biodiversity Advisory Committee Meeting held on 10 August 2020

Infrastructure Services

Report No. 14.3 Report of the Byron Shire Floodplain Risk Management Committee Meeting held on 20 August 2020

CONFIDENTIAL REPORTS

General Manager

Report No. 16.1 CONFIDENTIAL - Head lease - former Byron Hospital site

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Richardson and seconded by Cr Cameron. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 20-481 and concluding with Resolution No. 20-497.

SUBMISSIONS AND GRANTS

Report No. 11.1 Grants and Submissions Report for August 2020
File No: I2020/1391

20-481 Resolved that Council notes the report and Attachment 1 (E2020/70392) for Byron Shire Council's Submissions and Grants as at 3 September 2020. (Richardson/Cameron)

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 Lease over road reserve for a children's treehouse
File No: I2020/1051

20-482 Resolved:

1. That Council grants to Ms Mell Coppin a lease over an unused portion of the road reserve adjoining 77 Massinger Street Byron Bay for the purpose of a children's treehouse on the following terms:
 - a) twelve months to commence 1 October 2020;
 - b) minimal rent of \$1 per annum payable on demand; and
 - c) public liability cover to a minimum of \$20 million over Council land that mitigates risk to Council should the treehouse structure not be compliant with Australian Standard AS 4685 for children's play equipment.
2. That the structural engineer's report attesting to the structural integrity of the treehouse and arborist report attesting to the health of both trees be valid to 30 September 2022.
(Richardson/Cameron)

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Report No. 13.2 **Amendment of Council's Code of Conduct for Councillors, the Procedures for the Administration of Council's Code of Conduct and Council's Code of Meeting Practice**

File No: I2020/1259

20-483 Resolved:

1. That Council adopts the amendments to the *Code of Conduct for Councillors* (E2020/69254) as detailed in the Report.
2. That Council endorses the amendments to the *Procedures for the Administration of Council's Code of Conduct* (E2020/69256) as detailed in the Report.
3. That Council adopts the amendments to the *Code of Meeting Practice* (E2020/69047) as detailed in the Report. (Richardson/Cameron)

STAFF REPORTS – CORPORATE AND COMMUNITY SERVICES

Report No. 13.5 **Section 355 Management Committees - resignations and appointments**

File No: I2020/1252

20-484 Resolved:

1. That a letter of thanks for Jane Shand's service to the Durrumbul Hall Management Committee be provided to the family.
2. That the resignation from Carmel Lancaster from the Brunswick Valley Community Centre Management Committee be accepted and that a letter of thanks be provided.
3. That the resignation from Nancy English from the Marvell Hall Management Committee be accepted and that a letter of thanks be provided.
4. That the resignation from Margaret White from the Lone Goat Gallery Board of Management be accepted and that a letter of thanks be provided. (Richardson/Cameron)

Report No. 13.6 **2020-2021 Financial Assistance Grant**

File No: I2020/1263

- 20-485 Resolved** that Council receives and notes the 2020-2021 Financial Assistance Grant report (#E2020/67773). (Richardson/Cameron)

Report No. 13.7 **Council Investments - 1 August 2020 to 31 August 2020**

File No: I2020/1266

- 20-486 Resolved** that Council notes the report listing Council's investments and overall cash position as at 31 August 2020. (Richardson/Cameron)

Report No. 13.10 Update on War Widows Cottage
File No: I2020/1377

20-487 Resolved that Council:

1. Proceeds with the Stronger Country Communities Fund grant funded Project at the War Widows Cottage and accept the risk of liability to have to repay the grant funds in the event that Department of Planning Industry and Environment – Crown Lands does not grant Council tenure at the expiry of the current lease.
 2. Allocates a budget of \$60,000 towards the project with funding from the 2017/2018 Special Rate Variation Funds as outlined in the Financial Considerations section of this report.
(Richardson/Cameron)
-

STAFF REPORTS – INFRASTRUCTURE SERVICES

Report No. 13.13 2020-0028 Provision of Transport and Disposal of Waste and Recycling Materials
File No: I2020/1355

20-488 Resolved:

1. That if discussion of matters contained in Confidential Attachment 1 is required, it is recommended that pursuant to Section 10A(2)(c), and 10A(2)(d)i of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss that part of this report.
2. That the reasons for closing the meeting to the public to consider information contained in the confidential attachment are that it contains;
 - a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting, or proposed to conduct, business
 - b) commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.
3. That on balance it is considered that receipt and discussion of the information contained in Confidential Attachment 1 in open Council would be contrary to the public interest, as it contains privileged commercial information that could, if disclosed, cause potential risk and disadvantage to Council or other parties that Council proposes to conduct business with.
4. That Council allocates an additional \$216,000 funded from the Other Waste Reserve to the current adopted 2020/2021 expenditure budget for mixed waste transport and disposal (GL Account 3414.019).
5. That Council adopts the recommendation as set out in page 10 of the report – Confidential Attachment 1 (E2020/70628) as follows:-
 - a) Tenderer 'x' for Contract Term 1: General Solid Waste - Separable Portions 1.2 and 2.2 combined, defined as "other Items 2.3 Mixed MSW and C&D Waste"
 - b) Tenderer 'y' for Contract Term 2: Recyclable waste - Separable portions 3.2 and 5.2
6. That Council makes public its decision, including the name and amount of the successful

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

7. That Council authorises the affixing of the Council seal to all documents that may require it, in regards to the Contract. (Richardson/Cameron)

Report No. 13.15 Tender 2020-0031 Ocean Shores Community Centre Upgrade
File No: I2020/1174

20-489 Resolved:

1. That Council allocates a total budget of \$540,000 for the Oceans Shores Community Centre upgrade by amending the 2020-2021 Budget as indicated in Table 1 and Table 2 under the 'Financial Implications' section of this report.
2. That Council awards Tender Ocean Shores Community Centre upgrade to the tenderer recommended on page 7 of the Confidential Tender Evaluation Report (Attachment 1 - #E2020/65992)
3. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Richardson/Cameron)

Report No. 13.16 RFT 2019-0170 Construction of Ferrous Chloride Dosing Facilities
File No: I2020/1398

20-490 Resolved:

1. That Council increases the total budget allocation for this project (GL Account 7649.019) by \$451,000 for the 2020/2021 Financial year with funding provided from unexpended Section 64 Sewerage Developer Contributions currently held in Reserve.
2. That Council awards a Contract to the tender recommended in Attachment 2 (E2020/71272) on page 7 of the Confidential - 2019-0170 Construction of Ferrous Chloride Dosing Facilities Tender Evaluation Report.
3. That Council delegates to the General Manager the authority to administer this contract to the contract value plus the contingency value nominated in this report.
4. That Council authorises the affixing of the Council seal to all documents that may require it, in regards to the Contract.
5. That Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.
6. That the Tender Evaluation Plan and Tender Evaluation Report remain confidential until the contract is finalised. (Richardson/Cameron)

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Report No. 13.17 2019-0034 South Byron STP Remediation - Stage 2B Works
File No: I2020/1401

20-491 Resolved:

1. That Council awards Tender Contract 2019-0034 South Byron STP Remediation - Stage 2B Remediation to the tenderer recommended on page 9 of the Confidential Tender Evaluation Report (Attachment 1 - E2020/71322).
2. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Richardson/Cameron)

Report No. 13.19 Filming Event - Bangalow Road
File No: I2020/1425

20-492 Resolved that Council supports the Nine Perfect Strangers film project and the associated temporary closure of part of Bangalow Road, subject to:

- a) The location of the temporary road closure to be generally in accordance with E2020/72772 and E2020/72773.
- b) Local Traffic Committee support and associated Local Traffic Committee recommendations, namely:
 - i. Traffic Management Plan (TMP) and Traffic Control Plans (TCP) to be developed and implemented by those with appropriate RMS accreditation
 - ii. The TMP and TCP is include:
 - Adequate private property access and egress affected by the project;
 - Traffic control measures for St Helena Road.
 - iii. Separate approvals by NSW Police and RMS to be obtained;
 - iv. That the impact of the event be advertised via a notice in the local weekly paper a minimum of 14 days prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;
 - v. The film project organiser is to:
 - liaise with Council to ensure filming does not conflict with and significantly impact Council works on the Bangalow Road railway bridge;
 - provide event details so it can be notified on Council's webpage;
 - inform the community and businesses that are directly impacted by the temporary road closure via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
 - undertake consultation with emergency services, bus companies, taxi and waste operators ensuring arrangements are made for provision of services during conduct of the event;
 - hold \$20m public liability insurance cover which is valid for the event;
 - pay Council's Road Event Application Fee prior to the event.

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 **Report of the Finance Advisory Committee Meeting held on 20 August 2020**
File No: I2020/1256

20-493 Resolved that Council notes the minutes of the Finance Advisory Committee Meeting held on 20 August 2020. (Richardson/Cameron)

20-494 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.1 Carryovers for Inclusion in the 2020-2021 Budget
File No: I2020/1178

Committee Recommendation 4.1.1

That the Committee endorses the recommendation that Council approves the works and services (with respective funding) shown in Attachment 1 (#E2020/60174) to be carried over from the 2019/2020 financial year and that the carryover budget allocations be adopted as budget revotes for inclusion in the 2020/2021 Budget Estimates. (Richardson/Cameron)

20-495 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.2 Quarterly Update - Implementation of Special Rate Variation
File No: I2020/1202

Committee Recommendation 4.2.1

That the Finance Advisory Committee notes the quarterly update on the Special Rate Variation Implementation as at 30 June 2020 as outlined in Attachment 1 (#E2020/63603). (Richardson/Cameron)

20-496 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.3 Budget Review - 1 April 2020 to 30 June 2020
File No: I2020/1208

Committee Recommendation 4.3.1

1. That Council authorises the itemised budget variations as shown in Attachment 2 (#E2020/63870) which includes the following results in the 30 June 2020 Quarterly Review of the 2019/2020 Budget:
 - a) General Fund - \$699,700 change in Unrestricted Cash Result
 - b) General Fund - \$10,440,600 increase in reserves
 - c) Water Fund - \$1,966,800 increase in reserves
 - d) Sewerage Fund - \$1,491,600 increase in reserves.
2. That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$723,400 for the 2019/2020 financial year.

(Richardson/Cameron)

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PROCEDURAL MOTION

- 20-497 Resolved** that Council changes the order of business to deal with Reports 14.3 and 16.1 next on the Agenda. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Cr Hackett left the meeting at 10:15am.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.3 Report of the Byron Shire Floodplain Risk Management Committee Meeting held on 20 August 2020
File No: I2020/1361

- 20-498 Resolved** that Council notes the minutes of the Byron Shire Floodplain Risk Management Committee Meeting held on 20 August 2020. (Lyon/Richardson)

- 20-499 Resolved** that Council adopts the following Committee Recommendations:

Report No. 3.1 Minutes of Byron Shire Floodplain Risk Management Advisory Committee Meeting of 24 March 2020
File No: I2020/1199

1. That the minutes of the Byron Shire Floodplain Risk Management Committee Meeting held on 24 March 2020 be confirmed.
2. The minutes of the meeting held on 24 March 2020 were noted, and the Committee Recommendations adopted by Council, at the Ordinary Meeting held on 23 April 2020 without changes. (Lyon/Richardson)

- 20-500 Resolved** that Council adopts the following Committee Recommendations:

Report No. 4.1 North Byron Flood Risk Management Study and Plan Public Exhibition
File No: I2020/1154

Committee Recommendation 4.1.1

That Council:

1. Support the preparation of a further stand alone technical memorandum (with reference to the Study) to support the North Byron Floodplain Risk Management Study and Plan, detailing:
 - a) four dune opening scenarios;
 - b) rock wall modification scenarios;
 - c) training wall removal scenario;
 - d) dredging scenarios; and
 - e) bund modifications.
2. Support the addition of a reference to the technical memorandum in the North Byron Floodplain Risk Management Study document prior to adoption.
3. Endorse the amendment of the North Byron Floodplain Risk Management Study and Plan

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to include modifications recommended in Attachment 2 in this committee agenda except for the following modifications, prior to adoption: -

- a) Comment 3 (MLRA) – that original wording be retained
 - b) Comment 6 (Gray's lane) - no action
4. Adopt the North Byron Floodplain Risk Management Study and Plan following completion of the amendments within points 1 to 3 and with the removal of section 8.1.2.2
 5. Create a new Operational Plan action to commence development of internal maintenance plans for Council's drainage network within Councils maintenance management software Reflect.
 6. Create a new Operational Plan action to commence development of waterway management policies for waterways with relevant state agencies and the Byron Shire Floodplain Risk Management Committee. (Lyon/Richardson)

*The motions (20-499 to 20-501) were put to the vote and declared carried.
Cr Hackett was not present for the vote.*

CONFIDENTIAL REPORTS - GENERAL MANAGER

Report No. 16.1 **CONFIDENTIAL - Head lease - former Byron Hospital site**
File No: I2020/1189

20-501 Resolved:

1. That pursuant to Section 10A(2)(d)i of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Head lease - former Byron Hospital site.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

Report contains commercial details of negotiations not yet finalised (Richardson/Hunter)

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

Cr Hackett returned to the meeting at 10:37am.

20-502 Resolved:

1. That the General Manager liaises with the Office of Local Government on the proposed lease to ensure that Council meets its statutory requirements.
2. That Council enters into a head lease, with a change to clause 25 from 5 years to 3 years, and rent incentive with Old Byron Hospital Ltd, subject to advice from the Office of Local Government and finalisation of the loan repayment arrangements.

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3. The report, attachment 3 to the report (Draft lease) and revised draft Rent Incentive Deed (E2020/76323), be made public documents (Spooner/Ndiaye)

PROCEDURAL MOTIONS

- 20-503 Resolved** that Council move into Committee to allow for free debate. (Richardson/Coorey)

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

- 20-504 Resolved** that Council move out of Committee and resume the Ordinary Meeting. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

- 20-505 Resolved** that the meeting move out of confidential session. (Spooner/Richardson)

The motion was put to the vote and declared carried.

*The motion (Spooner/Ndiaye) was put to the vote and declared carried.
Cr Hunter voted against the motion.*

MAYORAL MINUTE

Mayoral Minute No. 8.1 Completion of Byron to Suffolk Park Bike Path
File No: I2020/1417

Cr Richardson withdrew the Mayoral Minute.

NOTICES OF MOTION

Notice of Motion No. 9.1 Identifying three priority infrastructure projects for Destination North Coast
File No: I2020/1399

- 20-506 Resolved** that Council identify its three priority infrastructure projects that may have a definitive impact on the Byron Shire's visitor economy:

1. Multiuse of the rail corridor and including integration with access needs on Ewingsdale Road
2. Byron Bay Town Centre Masterplan projects including Arakwal Cultural Centre
3. Brunswick Heads public infrastructure upgrades (Richardson/Ndiaye)

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

Notice of Motion No. 9.2 Parklet Policy
File No: I2020/1404

- 20-507 Resolved:**

1. Acknowledge that Parklets for outdoor dining purposes are proposed to be trialled in Mullumbimby as part of Talking Mullumbimby Project with the support of local businesses,

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Chamber of Commerce and community.

2. Request staff to conduct a shire wide 'Parklets Trial' to permit the use of street car park spaces by nearby businesses expressing interest in using the space/s for business purposes from 5 - 11pm daily for a period of 12 months to commence 30th November 2020 subject to approval.
3. Request staff to provide an expression of interest (EOI) template for eligible businesses to make application to participate in the shire wide trial.
4. Waive the fees for any approved business use for the trial period for those businesses with a registered COVID safe plan.
5. Use the results and recommendations from the trial period to inform the development of a shire wide 'Parklets and Street Activation Policy'. (Hunter/Richardson)

PROCEDURAL MOTION

20-508 Resolved that Cr Hunter be granted a two minute extension to his speech. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

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

Notice of Motion No. 9.3 Creation of safe school cycling linkage
File No: I2020/1415

20-509 Resolved that Council upgrades the Browning and Tennyson St intersection to connect a missing link in the Byron to Suffolk Park cycleway and to provide a safe cycleway for children to get to school and to improve usage for cyclists and pedestrians generally. (Coorey/Cameron)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.4 Reimbursement of Development Application Fees - Reforest
Now
File No: I2020/1419

Cr Lyon withdrew the Notice of Motion.

PETITIONS

There were no petitions tabled at the meeting.

DELEGATES' REPORTS

There were no delegates' reports.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.3 **Election of Deputy Mayor 2020-21**
File No: I2019/2152

20-510 Resolved:

1. That Council elects a Deputy Mayor for the period from 24 September 2020 for the remainder of the Council term.
2. That the method of election of the Deputy Mayor be by way of an open vote.
(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

The returning officer advised that there were three nominations for Deputy Mayor being Cr Hunter, Cr Coorey, and Cr Lyon.

Following the election the returning officer declared Cr Lyon elected as Deputy Mayor for the ensuing 12 month period.

Report No. 13.4 **Report of the Extraordinary Public Art Panel meeting held on 20 August 2020**
File No: I2020/1248

- 20-511 Resolved** that Council supports the installation of *Memento Aestates* at the station building forecourt site within Railway Park, Byron Bay, pending final Heritage approval.
(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 13.8 **Extension of Ratepayers Payment Arrangements due to COVID-19**
File No: I2020/1269

- 20-512 Resolved** that Council extends current payment arrangements for ratepayers impacted by the COVID-19 Pandemic to 25 March 2021.
(Lyon/Richardson)

The motion was put to the vote and declared carried.

Report No. 13.9 **Council Resolutions Quarterly Review - Q4 - 1 April to 30 June 2020**
File No: I2020/1137

20-513 Resolved:

1. That the report be revised to ensure that details of actions taken to complete requirements of resolutions are provided for each of those proposed to be closed and that the report distinguishes between resolutions that are complete from those that are sought to be closed.
2. That future reports ensure that details of actions are provided against all resolutions and that separate lists are provided for completed resolutions, defined as those with actions linked to the requirements of the resolution and closed resolutions, defined as those where

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alternative or no action is proposed.

(Cameron/Ndiaye)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

20-514 Resolved that Cr Cameron be granted a two minute extension to his speech.

(Richardson/Martin)

The motion was put to the vote and declared carried.

The meeting adjourned at 12:23pm for a lunch break and reconvened 1:28pm.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.11 **Report on the restoration and regeneration of riparian zones in Byron Shire**

File No: I2020/1231

20-515 Resolved:

1. That Council notes the report on the restoration and regeneration of riparian zones in Byron Shire.
2. That Council staff prepare a media release highlighting the restorative and regenerative works that have been undertaken by Council, land holders, and community groups and pathways for people to engage.
3. That Council look at options for relevant staff to coordinate engagement with land holders
(Lyon/Ndiaye)

PROCEDURAL MOTION

20-516 Resolved that Cr Lyon be granted a two minute extension to his speech. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

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

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.12 **Byron Shire Rail with Trail**

File No: I2020/1251

Moved:

That Council:

1. Notes the report.
2. Ceases any further work on the Byron Bay to Mullumbimby 'Rail with Trail' project.
3. Collaborates with other councils to establish a rail trail within the Casino to Murwillumbah rail corridor that includes the Byron Shire.
(Hunter/Spooner)

PROCEDURAL MOTION

20-517 Resolved that Cr Richardson be granted a one minute extension to his speech. (Cameron/Ndiaye)

The motion was put to the vote and declared carried.

AMENDMENT

20-518 Resolved:

1. That Council closes Resolution 19-335, with the remaining actions being duplicated within Resolution 20-127.
2. That Council considers a budget allocation at the September quarterly review to undertake further work on the Rail with Trail on the corridor between Mullumbimby and Byron Bay.
(Richardson/Cameron)

The amendment was put to the vote and declared carried.

Crs Hackett, Spooner, and Hunter voted against the amendment.

*The amendment upon becoming the substantive motion was put to the vote and declared carried.
Crs Hackett, Spooner and Hunter voted against the motion.*

Report No. 13.14
File No:

Final Report of the NSW Bushfire Inquiry
I2020/1372

20-519 Resolved that Council:

1. Notes the report and advice provided on the “Final Report of the NSW Bushfire Inquiry” (Attachment 1); and
2. Invites a NSW Rural Fire Service (NSW RFS) and Fire and Rescue NSW (FRNSW) representative to the next available SPW to provide a briefing on the preparations for the 2020/21 Fire Season and actions from the inquiry that relate to Byron Shire Council.
3. That Council be provided with an update on the Disaster Resilience funding at the next available Strategic Planning Workshop
(Ndiaye/Cameron)

PROCEDURAL MOTION

20-520 Resolved that Cr Ndiaye be granted a two minute extension to her speech. (Richardson/Coorey)

The motion was put to the vote and declared carried.

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

Cr Hackett left the meeting at 2:20pm.

Report No. 13.18 Tender 2020-0022 - Mullumbimby STP Demolition and Remediation
File No: I2020/1390

20-521 Resolved:

1. That Council awards Tender 2020-0022 Mullumbimby STP Demolition and Remediation (NSW Public Works RFT ID: RFT-10032821) to the tenderer recommended on page 9 of the Confidential Tender Evaluation Report (Attachment 1 - E2020/71479).
2. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.
3. That Council receives a report on future options for the former Mullumbimby STP site including reuse options. (Ndiaye/Coorey)

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

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.2 Report of the Biodiversity Advisory Committee Meeting held on 10
File No: August 2020
I2020/1240

20-522 Resolved that Council notes the minutes of the Biodiversity Advisory Committee Meeting held on 10 August 2020. (Coorey/Ndiaye)

20-523 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.3 Mitchell's Rainforest Snail update
File No: I2020/1068

Committee Recommendation 4.3.1

1. That the Biodiversity Advisory Committee recommend that Council consider a budget bid for implementation of the following medium priority actions from the 2020-2030 Byron Shire Biodiversity Conservation Strategy:
 - Action 1.25: Map potential habitat areas for Mitchell's Rainforest Snail, in the 2021-22 financial year
 - Action 2.6: Implement a community awareness campaign to assist in protection and habitat identification for the Mitchell's Rainforest Snail in the Byron Bay area, in the 2022-23 financial year.
2. That the Biodiversity Advisory Committee recommend that Council's outdoor staff be made more aware of the potential habitat and identification of Mitchell's Rainforest Snail. (Coorey/Ndiaye)

The motions (20-522 and 20-523) were put to the vote and declared carried.
Cr Hackett was not present for the vote.

URGENCY MOTIONS**PROCEDURAL MOTION**

- 20-524 Resolved** that the matter '*Impact of Coastal Process on Clarkes Beach and Main Beach Reserves*' be dealt with at the meeting. (Ndiaye/Richardson)

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

Urgency No. 1 Impact of Coastal Process on Clarkes Beach and Main Beach Reserves

Reason for urgency

Coastal processes over the last week have caused further erosion towards Main Beach. As such beach levels have further decreased. There are now exposed cobbles on the beach that have not been seen/exposed until now. Certain areas of the back beach escarpment have seen further erosion with more large trees falling. Over the coming weekend a swell from a NE to N direction is predicted which may see further erosion of the Clarkes/Main Beach area.

Staff have been meeting regularly with DPIE-Crown Lands staff to discuss the various challenges and matters presently playing out at Clarkes/Main Beach. DPIE-Crown Lands are considering options for their land at Clarkes including Reflections Holiday Park and the Café. However they have made no formal decision or position on future action.

Council continues to monitor the situation at Main Beach on a weekly basis.

The status of the development of Coastal Management Program for the Clarkes/Main Beach Embayment, and the interplay between relevant State Agencies with legislative roles, and respective Land Managers has not helped in identifying a speedy remedy.

Coastal erosion and accretion is a natural process that has been present here for a long time however any circumstances that may be impacting and/or exacerbating this should be addressed as soon as possible.

Notwithstanding the above, this situation is urgent and critical as beach amenity, community safety and public interest is not being served through inaction.

- 20-525 Resolved** that Council:

1. Request staff to convene an urgent meeting between all Land Managers of Clarkes Beach and Main Beach reserves to discuss the current impact of coastal processes on the beach and adjoining land, and explore potential options for management.
2. That the outcome of the meeting be reported to the next available Council meeting.
3. Note that significant work has occurred on the Lighthouse Road Stormwater Diversion Project and a briefing on this project is scheduled for councillors at the December SPW. This briefing will also address previous concerns raised about contribution of surface runoff and hard drainage systems to beach erosion. (Ndiaye/Richardson)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

24 September 2020

PROCEDURAL MOTION

20-526 Resolved that Cr Ndiaye be granted a two minute extension to her speech. (Richardson/Martin)

The motion was put to the vote and declared carried.

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

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

24 September 2020

There being no further business the meeting concluded at 2:48pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 22 October 2020.



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Mayor Simon Richardson