



Byron Shire Council



Minutes Ordinary Meeting Thursday, 25 March 2021

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
25 March 2021

INDEX OF ITEMS DISCUSSED

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

Report No. 11.1	Grants and Submissions March 2021	8
Report No. 13.1	Request to change Railway Park Artisan Market day for one market only	9
Report No. 13.2	Sub-licence to the Trustee for the McIvor Family Trust trading as The Ranch Byron Bay for access through Crown land.....	9
Report No. 13.3	Budget: Mayor - Discretionary Allowance	9
Report No. 13.4	Council Investments - 1 February 2021 to 28 February 2021	10
Report No. 13.5	Expiry of Rates & Charges Financial Assistance due to COVID-19 on 25 March 2021	10
Report No. 13.10	Stuart Street Green Spine Project Update and Next Steps.....	10
Report No. 14.1	Report of the Audit, Risk and Improvement Committee Meeting held on 18 February 2021	11
Report No. 14.2	Report of the Public Art Panel Meeting held on 18 February 2021	11
Report No. 14.3	Report of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 28 January 2021.....	13
Report No. 14.4	Report of the Local Traffic Committee Meeting held on 16 February 2021	13
Report No. 14.5	Report of the Water, Waste and Sewer Advisory Committee Meeting held on 18 February 2021	18
Report No. 13.8	Brunswick Heads Parking Scheme Review	20
Report No. 13.9	Byron Street, Bangalow - Shared Path Design and Options Study.....	21
Report No. 13.7	Byron Shire Council ats Oniva Pty Ltd - 94 Kingsford Drv, Brunswick Heads, Mixed Use Development comprising a General Store/Cafe, Cafe, Co-working Space, 8 Shop Top Dwellings and a Boarding House containing 39 Boarding Rooms.....	22
Notice of Motion No. 9.1	CONFIDENTIAL - Land Acquisition for Booyong Road dedication of land adjoining Lot 4 DP 707295	23
Notice of Motion No. 9.2	Koala SEPP.....	24
Notice of Motion No. 9.3	Assistance for Landowners in Rural Zones	25
Notice of Motion No. 9.4	Housing Crisis	25
Notice of Motion No. 9.5	Motion to the 2021 National General Assembly of Local Government.....	26
Report No. 13.6	Voluntary Visitor Fund.....	28
No. 17.1	Former Byron Hospital - appointment of head lessee	28

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 25 MARCH 2021 COMMENCING AT 9:09AM AND CONCLUDING AT 3:45PM
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I2021/444

PRESENT: Cr S Richardson (Mayor), Cr B Cameron (left at 1.12pm), 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)

Evan Elford (Manager Works) – item 9.1

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	Name	For/ Against	Representing Organisation	Submission Received in form of	
13.7	Byron Shire Council ats Oniva Pty Ltd - 94 Kingsford Drv, Brunswick Heads, Mixed Use Development comprising a General Store/Cafe, Cafe, Co-working Space, 8 Shop Top Dwellings and a Boarding House containing 39 Boarding Rooms	Matthew O'Reilly	For	-	In Person
	Judith Brazenor		-		In Person
	Vince Hardy	Against	Cityscape / Bayside Connected	Zoom	

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

Report No and Title		Name	For/ Against	Representing Organisation	Submission Received in form of
13.8	Brunswick Heads Parking Scheme Review	Matthew O'Reilly	For	Brunswick Heads Progress Association	In Person
		Michelle Begg	Against	Brunswick Surf Club	In Person
		Craig Reid		Brunswick Heads Chamber of Commerce	In Person
13.9	Byron Street, Bangalow - Shared Path Design and Options Study	Jenny Bird	Against	-	In Person
		Clare Hopkins		-	In Person
13.10	Stuart Street Green Spine Project Update and Next Steps	Richard Kowalski	For	-	In Person
		Lee Zahra		-	In Person

Submissions

Subject	Name	Representing Organisation	Submission Received in form of
Affordable Housing	Matthew O'Reilly	-	In Person

Question No. 1 - Brunswick Heads STP

Matthew O'Reilly asked the following question:

Does Council have any plans or proposals for the use of the old Brunswick Heads STP and what are they?

The Mayor took the question on notice.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

Question No. 2 – Sewerage and Stormwater Systems – 94 Kingsford Drive

Annie Radermacher asked the following question:

Why has Council not asked for or spoken regarding the failure of our existing sewerage and stormwater systems when considering the development at 94 Kingsford Drive?

The Mayor took the question on notice.

Question No. 3 - Waste Management Plan – 94 Kingsford Drive

Giles Perryman asked the following question:

Given the Development Application regarding 94 Kingsford Drive appears to have failed to include a Waste Management Plan in the submitted documents (there are two documents listed as 'Waste Management Plan', but both are simply the same site plan showing the bin locations), does this not make the submission invalid and un-assessable by the Shire until the Waste Management Plan (required by the Shire in Chapter B8, Waste Minimisation and Management) has been provided by the applicant?

The Mayor took the question on notice.

Question No. 4 Character and Site Suitability – 94 Kingsford Drive

Lisa Sandstrom asked the following question:

Currently the footpath and 50/50 verge put forward by the The Kollektive's DA for the overflow of up to 80 cars from this development is the most utilised footpath in Bayside. It accesses our Preschool our Park and the tracks to our swimming holes. Does council acknowledge that by turning this community asset into a parking lot that the character of this community footpath to all our current meeting places is completely removed, It completely changes the character and safety of our park and by doing so brings into question the site suitability for this proposed development. What is councils response to character and site suitability legislation not being met by this DA?

The Mayor took the question on notice.

Question No. 5 – PAMP – Bayside Way to Tweed Street – 94 Kingsford Drive

Andrew Graeme-Cook asked the following question:

Are you aware the current PAMP that has been with Council for years has still not been acted upon and there is still a treacherous transit from Bayside Way to Tweed Street?

The Mayor took the question on notice.

Question No. 6 – Housing Solution for Brunswick Heads – 94 Kingsford Drive

Gary William Brazenor asked the following question:

What is Council's thoughts on a housing solution for families in Brunswick Heads?

The Mayor took the question on notice.

Question No. 7 - Sewage & Stormwater Infrastructure of Bayside – 94 Kingsford Drive

David Carnovale asked the following question:

If the General Manager is not authorised to enter into consent orders or Conciliation Agreement, will the entity entrusted with this decision require a commitment by Council to upgrade the currently overloaded and inadequate sewage & stormwater infrastructure of Bayside?

The Mayor took the question on notice.

Question No. 8 – Boarding Houses – 94 Kingsford Drive

Judith Brazenor asked the following question:

Has Council reached out to State MPs to place a moratorium on boarding houses whilst the review is underway, as requested in our petition from over one thousand residents?

The Mayor took the question on notice.

Question No. 9 – Brunswick Heads Public Transport Links – 94 Kingsford Drive

Evelyn Morgan asked the following question:

Do Council or the developer intend to put in the public transport links, footpaths and a cycle way to Brunswick Village and other infrastructure that will be required to service this development?

The Mayor took the question on notice.

Question No. 10 – Traffic Study – 94 Kingsford Drive

Tracey Leanne Graham asked the following question:

The traffic study was done during COVID 19 lockdown. Will the traffic study be re-done prior to any decision being made on this DA?

The Mayor took the question on notice.

Question No. 11 – List of Contentions – 94 Kingsford Drive

Michele Grant asked the following question:

Why has Council's "list of Contentions" for Bayside Boarding House not included character legislation, site suitability and LEP zone objections?

The Mayor took the question on notice.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

Question No. 12 - Character Narrative for Brunswick Heads – 94 Kingsford Drive

Leonie Maree Davis asked the following question:

Does Council intend to represent its constituents by taking steps toward bringing this development more in line with the Council's own character narrative for Brunswick Heads?

The Mayor took the question on notice.

The meeting adjourned at 10:15am and reconvened at 10:42am.

APOLOGIES

There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 21-070** **Resolved** that the minutes of the 25 February Ordinary Meeting be confirmed.
(Ndiaye/Coorey)
The motion was put to the vote and declared carried.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

The Mayor suspended standing orders to allow for items to be reserved for debate, being:

STAFF REPORTS

Sustainable Environment and Economy

Report No. 13.6 Voluntary Visitor Fund

Report No. 13.7 Byron Shire Council ats Oniva Pty Ltd - 94 Kingsford Drv, Brunswick Heads,
Mixed Use Development comprising a General Store/Cafe, Cafe, Co-working Space, 8 Shop Top Dwellings and a Boarding House containing 39 Boarding Rooms

Infrastructure Services

Report No. 13.8 Brunswick Heads Parking Scheme Review

Report No. 13.9 Byron Street, Bangalow - Shared Path Design and Options Study

LATE REPORTS

Report No. 17.1 Former Byron Hospital - appointment of head lessee

The remaining Recommendations and Committee Recommendations 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. 20-071 and concluding with Resolution No. 20-098

PROCEDURAL MOTION

21-071 Resolved that Council change the order of business to deal with Reports 13.8, 13.9, 13.7 next on the Agenda. (Richardson/Cameron)

The motion was put to the vote and declared carried.

SUBMISSIONS AND GRANTS

Report No. 11.1 Grants and Submissions March 2021
File No: I2021/369

21-072 Resolved that Council notes the report and Attachment 1 (E2021/41561) for Byron Shire Council's Submissions and Grants as at 28 February 2021. (Richardson/Cameron)

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 Request to change Railway Park Artisan Market day for one market only

File No: I2021/222

- 21-073 Resolved** that Council, authorises the General Manager, under delegation, to vary the Railway Park Artisan Market Licence held by the Byron Bay Community Association Incorporated to move the scheduled market from 10 April 2021 to 9 April 2021.
(Richardson/Cameron)

Report No. 13.2 Sub-licence to the Trustee for the McIvor Family Trust trading as The Ranch Byron Bay for access through Crown land.

File No: I2021/252

- 21-074 Resolved:**
1. That Council authorises the General Manager, under delegation, to grant a sub-licence to The Trustee of the McIvor Family Trust trading as The Ranch Byron Bay for a term of 12-months for the purpose of access through Lot 428 DP729272 being Crown Reserve R81780 on condition that:
 - a) The Ranch Byron Bay holds a current permit with Cape Byron Marine Park for the term of the sub-licence; and
 - b) The Ranch Byron Bay takes all steps necessary to ensure that it collects all horse droppings from its horses and removes the droppings from the sub-licence area during and at the end of each access session.
 2. That the sub-licence fee is set in accordance with Councils current Fees and Charges.
(Richardson/Cameron)

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.3 Budget: Mayor - Discretionary Allowance

File No: I2021/288

- 21-075 Resolved:**
1. That Council determines an annual budget allocation for the Mayor's Discretionary allowance each year, through the standard budget process, with distribution of this fund to be determined at the Mayor's discretion and endorsed by Council Resolution on an annual basis.
 2. That the Mayor's Discretionary Fund budget allocation in 2021/22 be \$3,900.
(Richardson/Cameron)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

Report No. 13.4 **Council Investments - 1 February 2021 to 28 February 2021**
File No: I2021/307

21-076 **Resolved** that Council notes the report listing Council's investments and overall cash position as at 28 February 2021. (Richardson/Cameron)

Report No. 13.5 **Expiry of Rates & Charges Financial Assistance due to COVID-19 on 25 March 2021**
File No: I2021/401

21-077 **Resolved:**

1. That Council ceases to accept special temporary COVID-19 payment plan applications after 25 March 2021.
2. For ratepayers that have registered for the special COVID-19 payment plan on or before 25 March 2021, that Council extends the interest write-off provisions to 30 June 2021.
3. That Council extends the suspension of rates and charges debt management practices (except for the issuing of overdue reminder notices) under the current Debt Management and Financial Hardship Assistance Policy 2019 (Attachment 1 – E2019/63417) until 30 June 2021. (Richardson/Cameron)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.10 **Stuart Street Green Spine Project Update and Next Steps**
File No: I2021/434

21-078 **Resolved:**

1. That Council approves the completion of infrastructure renewal works required to satisfy the June 2021 funding constraints, and that this work be undertaken on the basis, that it is not dependent upon consultation and detailed design. These works may include the following works on Stuart Street: -
 - (i) Pavement upgrades between Burringbar Street and Fern Street
 - (ii) Removal of African Tulip trees and replacement with appropriate street trees
 - (iii) Footpath upgrade works
2. That Council endorses the actions relating to community feedback as documented in Attachment 1 (E2021/41567) on the Stuart Street Green Spine Project and the updating of the concept designs based on endorsed actions and relevant design standards. (Richardson/Cameron)

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 Report of the Audit, Risk and Improvement Committee Meeting held on 18 February 2021

File No: I2021/262

21-079 Resolved that Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 18 February 2021 in Attachment 3 (I2021/243). (Richardson/

21-080 Resolved that Council adopts the following Committee Recommendation:

Report No. 5.4 2020 Year End Audit Management Letter

File No: I2021/205

Committee Recommendation 5.4.1

That the comments provided by Management in response to issues raised in the 2020 Year End Audit Management Letter (#E2021/30330) be noted by Council and the Audit, Risk and Improvement Committee. (Richardson/Cameron)

21-081 Resolved that Council adopts the following Committee Recommendation:

Report No. 5.5 2020-2021 External Audit Engagement Plan

File No: I2021/206

Committee Recommendation 5.5.1

That Council notes the External Audit Engagement Plan prepared by the Audit Office of New South Wales for the year ended 30 June 2021 as outlined in Confidential Attachment 1 (#E2021/31603). (Richardson/Cameron)

Report No. 14.2 Report of the Public Art Panel Meeting held on 18 February 2021

File No: I2021/359

21-082 Resolved that Council notes the minutes of the Public Art Panel Meeting held on 18 February 2021. (Richardson/Cameron)

21-083 Resolved that Council adopts the following Committee Recommendation:

Report No. 3.1 Public Art Panel Adoption of Minutes 29 October 2020

File No: I2021/168

Committee Recommendation 3.1.1

That the minutes of the Public Art Panel Meeting held on 29 October 2020 be confirmed. (Richardson/Cameron)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

21-084 Resolved:

In relation to the Mullumbimby Talking Street update, that Council notes:

Report No. 4.1 Mullumbimby Talking Street Trial Update

File No: I2021/139

Committee Recommendation 4.1.1

That the Public Art Panel:

1. Notes Council Resolution 20-698.
2. Acknowledges the decision that the Mullumbimby Talking Street Trial project does not have a budget for the inclusion of art and requests a further update from staff. (Richardson/Cameron)

21-085 Resolved that Council adopts the following Recommendations:

Report No. 4.2 Brunswick Nature Sculpture Walk - Partnership Request

File No: I2021/140

Committee Recommendation 4.2.1

1. That the Public Art Panel notes the proposition from Brunswick Nature Sculpture Walk.
2. That Council accepts the Brunswick Nature Sculpture Walk partnership proposal in principle.

Management Recommendation

2. That Council encourages Brunswick Nature Sculpture Walk to submit an application for funding and support in the upcoming Community Initiatives grant round. (Richardson/Cameron)

21-086 Resolved that Council notes:

Report No. 4.3 Creative Public Spaces Small Grant Scheme

File No: I2021/146

Committee Recommendation 4.3.1

That the Public Art Panel accepts the proposed changes to the Creative Public Spaces Grant Program with several minor amendments as noted. (Richardson/Cameron)

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.3 **Report of the Sustainability and Emissions Reduction
Advisory Committee Meeting held on 28 January 2021**

File No: I2021/250

- 21-087** **Resolved** that Council notes the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 28 January 2021.
(Richardson/Cameron)

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.4 **Report of the Local Traffic Committee Meeting held on 16
February 2021**

File No: I2021/276

- 21-088** **Resolved** that Council notes the minutes of the Local Traffic Committee Meeting held on 16 February 2021. (Richardson/Cameron)

- 21-089** **Resolved** that Council adopt the following Committee Recommendation:

Report No. 6.1 **Azalea St Intersection Upgrade**

File No: I2021/98

Committee Recommendation 6.1.1

That Council request proponents review the plans associated with the Azalea St and Jubilee St intersection upgrade, to consider the committee's comments and demonstrate how pedestrian and cyclist access and safety is enhanced, and to incorporate works highlighted within the Bike Plan. (Richardson/Cameron)

- 21-090** **Resolved** that Council adopt the following Committee Recommendations:

Report No. 6.2 **Event - Byron Bay Bluesfest 2021**

File No: I2021/169

Committee Recommendation 6.2.1

1. That Council endorse the regulatory traffic management facilities and devices, including signs and traffic controller provisions proposed for the Council controlled public road network as outlined in document E2021/4373 for the Byron Bay Bluesfest 2021 to be held on Thursday April 1 to Monday 5 April 2021, or alternatively, Thursday 29th September to Monday 4th October (if COVID 19 restrictions prevent the April event going ahead), subject to the following conditions:
2. Separate approvals by NSW Police and Transport for NSW being obtained,

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

noting that the event is on a state road or may impact the state road network;

3. The development and implementation of a Traffic Management Plan and Traffic Control Plan(s) by those with relevant TfNSW accreditation. These plans are to be submitted to Byron Shire Council at least 2 months prior to the event for approval of traffic regulation on roads under Byron Shire control;
4. The TMP is to include contingency measures in case the level of queuing fails to meet KPI requirements. It is noted that such queuing may be caused by the introduction of paid parking.
5. The Traffic Management Plan and the Traffic Control Plan(s) to be implemented by those with relevant and current TfNSW accreditation;
6. Traffic camera data recorders or similar be used to obtain an accurate record of traffic impacts at KPI queue locations;
7. That the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;
8. The event organiser:
 - i) advertise the impact of the event via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;
 - ii) provide a copy of the advert for Council's web page;
 - iii) give consideration of any submissions received;
 - iv) inform community and businesses that are directly impacted (e.g. adjacent to the event) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
 - v) arrange for private property access and egress affected by the event;
 - vi) liaise with bus and taxi operators and ensuring arrangements are made for provision of services during conduct of the event;
 - vii) consult with emergency services and any identified issues be addressed;
 - viii) holding \$20m public liability insurance cover which is valid for the event.
 - ix) paying of Council's Road Event Application Fee prior to the event.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

9. The event organiser is to:
- i) undertake consultation with community and affected businesses including adequate response/action to any raised concerns;
 - ii) undertake consultation with emergency services and any identified issues addressed;
 - iii) hold \$20m public liability insurance cover which is valid for the event;
 - iv) pay Council's Road Event Application Fee prior to the event.
- (Richardson/Cameron)

21-091 Resolved that Council adopt the following Committee Recommendations:

Report No. 6.3 Event - Byron Triathlon - 8 May 2021

File No: I2021/170

Committee Recommendation 6.3.1

1. That Council endorse the Byron Bay Triathlon to be held on Saturday 8th May 2021, which includes the following temporary road closures below:

CLOSED STREETS	BETWEEN	TIMES
Bay St	Fletcher St to Middleton St (both directions)	5am-5pm
Middleton St	Bay St to Marvel St (both directions)	5am-3pm
Lawson St	Middleton St to Massinger St (both directions)	5am-5pm
Marvell St	Middleton St to Tennyson St (both directions)	10.30am-3pm
Tennyson St	Marvell St to Browning St (both directions)	10.30-3pm
Bangalow Rd	Browning St to Old Bangalow Rd (both directions)	11.30am-3pm
Broken Head Rd	Old Bangalow Rd to BP Service Station Beech Drive (both directions)	11.30am-3pm

2. That the approval provided in Part 1 and Part 2 is subject to:
- a) separate approvals by NSW Police and Transport for NSW being obtained;
 - b) the event organiser provide council with an updated Traffic Management Plan and Traffic Control Plan for the 2021 event, if required by the Police and Transport for NSW;
 - c) development and implementation of a Traffic Management Plan and Traffic

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

Control Plan(s) by those with appropriate TfNSW accreditation and the holding of current and appropriate levels of insurance and liability cover;

- d) the impact of the event be advertised, and charged at cost to the organisers, via a notice in the local weekly paper and VMS boards a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;
- e) the event be notified on Council's web page with the event organiser supplying Council with the relevant information;
- f) Access from main beach car park to Fletcher St is to be unrestricted at all times.
- g) Access to Lawson St between Fletcher St and Middleton St to be permitted at all times.

3. That the event organisers:

- a) inform the community and businesses that are directly impacted (eg within road closure zones) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
- b) arranging for private property access and egress affected by the event;
- c) liaising with bus, taxi and waste operators and ensuring arrangements are made for provision of services during conduct of the event;
- d) consulting with emergency services and any identified issues be addressed;
- e) holding \$20m public liability insurance cover which is valid for the event;
- f) paying Council's Road Event Application Fee prior to the event.

(Richardson/Cameron)

21-092 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 6.4 Event - Byron Coast Charity Walk - 22 May 2021

File No: I2021/172

Committee Recommendation 6.4.1

- 1. That Council support the Westpac Life Saver Rescue Helicopter fundraiser, Byron Coast Charity Walk, to be held Saturday 22 May 2021 from 5.00am – 5.00pm.
- 2. That Council support in Part 1 is subject to:
 - a. The development of a Traffic Management Plan and Traffic Control Plan(s)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

for the 2021 event by those with relevant and current Transport for NSW accreditation. The Traffic Control Plan(s) and Traffic Management Plan is to include, but is not limited to, the following:

- b. Signage, which specifies the date, hours and nature of the event, be positioned at the entrance and exit of Seven Mile Beach Road one week prior to the event;
- c. On the day of the event, at 500m intervals on Seven Mile Beach Road, and facing both directions of travel, signs advising of “ Special Event – Charity Walk Ahead” (or similar) are installed prior, and removed after, the event occurs;
- d. A safety induction for participants advising of hazards be provided.
- e. Implementation of the Traffic Management Plan and Traffic Control Plans as designed by those with appropriate accreditation and implemented by people with appropriate accreditation, including traffic controllers.
- f. That the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
- g. The event is notified on Council’s webpage.
- h. The event organiser:
 - i) Undertake consultation with affected community and businesses including adequate response/action to any raised concerns.
 - ii) Undertake consultation with emergency services and any identified issues addressed.
 - iii) Holding \$20m public liability insurance cover which is valid for the event.
- iv) Paying Council’s Road Event Application Fee prior to the event.
(Richardson/Cameron)

21-093 Resolved that Council adopt the following Committee Recommendations:

Report No. 6.5 Event - Anzac Day 2021 - Road Closures in Byron Bay, Mullumbimby, Brunswick Heads and Bangalow

File No: I2021/174

Committee Recommendation 6.5.1

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

1. That Council:
 - a) endorse the ANZAC Day Parades for 25 April 2021, 2022 and 2023 for the Return Services League sub branches of Byron Bay, Mullumbimby, Bangalow and Brunswick Heads / Billinudgel, subject to no changes to the traffic control plans;
 - b) assists, where requested and required, with implementing the necessary temporary road closures and detours;
 - c) place advertisements in a local weekly newspaper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;
 - d) Notify the event on Council's webpage.
2. That the event organiser:
 - a) obtain separate approvals by NSW Police and TfNSW, noting that the Bangalow event is on a state road or may impact the state road network;
 - b) undertake consultation with community and affected businesses including adequate response/action to any raised concerns;
 - c) undertake consultation with emergency services and any identified issues addressed;
 - d) holding \$20m public liability insurance cover which is valid for the event.
3. That the approvals provided above are subject to NSW Police approval being obtained and that each event is undertaken either or both under Police escort or traffic control and/or Council's implemented traffic control. (Richardson/Cameron)

Report No. 14.5 Report of the Water, Waste and Sewer Advisory Committee Meeting held on 18 February 2021

File No: I2021/285

21-094 Resolved that Council notes the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 18 February 2021. (Richardson/Cameron)

21-095 Resolved that Council adopt the following Committee Recommendation:

Report No. 3.1 Adoption of Minutes of Previous Meeting held on 29 October 2020

File No: I2021/177

Committee Recommendation 3.1.1

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

That the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 29 October 2020 be confirmed. (Richardson/Cameron)

21-096 Resolved that Council adopt the following Committee Recommendations:

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

File No: I2021/161

Committee Recommendation 4.1.1

1. That Council recognises:
 - a) That Additional Load approved since 2006 is of the order of 1.6 ML/day;
 - b) That in recent years 1.1 ML/day of Byron STP's effluent has been reused;
 - c) That Consent Condition 9 approved by Council in December 2002 states "Additional load at West Byron STP will not be accepted until: availability of sufficient reuse capacity to accommodate 100% of the volume of treated effluent generated by the additional load";
2. That Council seeks an independent planning assessment during the current financial year, of the interpretation of, compliance with, and ongoing fulfilment of Condition 9;
3. That Council seeks more opportunities to re-use effluent as soon as possible (Richardson/Cameron)

21-097 Resolved that Council adopt the following Committee Recommendations:

Report No. 4.2 Inflow and Infiltration - Sewer Asset Management

File No: I2021/175

Committee Recommendation 4.2.1

1. That Council notes the report.
2. That reporting to the committee and Council on the sewer rectification programme be annual (or more frequent if needed).
3. That reporting on Inflow/Infiltration continue to each Water, Waste and Sewer Advisory Committee meeting after any storm event where a Daily Inflow to an STP has exceeded its ADWF by factor of 10 or more, plus annually. (Richardson/Cameron)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

21-098 **Resolved** that Council adopt the following Committee Recommendations:

Report No. 4.3 Myocum Quarry status and rehabilitation update

File No: I2021/226

Committee Recommendation 4.3.1

1. That Council recognises its obligations in respect of the management and rehabilitation of Myocum Quarry.
2. That this issue be the first item on a future Agenda to the Water, Waste and Sewer Advisory Committee and include a site visit. (Richardson/Cameron)

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.8 Brunswick Heads Parking Scheme Review

File No: I2021/281

Moved:

1. That Council defers the decision on the Brunswick Heads Parking Scheme review until April 2021.
2. That Council allocates 8 car parking spaces adjacent to the Brunswick Heads SLSC for club use and once approved by the Local Traffic Committee. (Lyon/Hunter)

Resolved:

21-099

1. That Council adopts the Preferred Layout, Figure 4 (as per attachment 2 - E2021/34931) and with the adjustments in 2, 3, and 4 below and implements the proposed parking time limits once approved by the Local Traffic Committee.
2. That Council allocates 4 car parking spaces adjacent to the Brunswick Heads SLSC for club use and 4 parking permits once approved by the Local Traffic Committee.
3. The 2P limit in Zone 1 on Tweed Street should be extended to Booyun Street. This is due to demand for parking in this area surrounding the IGA
4. The 4P Zone 2 should be extended north on Tweed Street adjacent to the real estate agent's office (Richardson/Ndiaye)

The amendment was put to the vote and declared carried.

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

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

Crs Lyon, Spooner, Hackett, and Hunter voted against the motion.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

Report No. 13.9 **Byron Street, Bangalow - Shared Path Design and Options Study**

File No: I2021/286

21-100 **Resolved** that Council:

1. Supports the progression of Option 1 (an upgrade to the footpath on the northern side of Byron Street) to a shovel ready status.
2. Continues discussions with the Bangalow Community, Key stakeholders and the Place Planning Collective on final design and improved safety of the existing pedestrian bridge. (Cameron/Richardson)

The motion was put to the vote and declared carried.

STAFF REPORTS - GENERAL MANAGER

PROCEDURAL MOTIONS

21-101 **Resolved:**

1. That pursuant to section 10A(2)(e) of the Local Government Act 1993 Council resolve to move into Confidential Session to discuss a memorandum dealing with the conciliation conference phase of Land and Environment Court proceedings Byron Shire Council vs Oniva Pty Ltd - 94 Kingsford Drv, Brunswick Heads.
2. That the reasons for closing the meeting to the public to consider the memorandum be that it contains information that would, if disclosed, prejudice the maintenance of law
3. That on balance it is considered that receipt and discussion of the memorandum in open Council would be contrary to the public interest, as the memorandum contains information which the Land and Environment Court Act provides should remain confidential. (Coorey/Cameron)

The motion was put to the vote and declared carried.

21-102 **Resolved** that Council move into Committee to allow for free debate.

(Richardson/Lyon)

The motion was put to the vote and declared carried.

21-103 **Resolved** that Council move out of Committee and resume the Ordinary Meeting.

(Richardson/Cameron)

The motion was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

Report No. 13.7 **Byron Shire Council ats Oniva Pty Ltd - 94 Kingsford Drv, Brunswick Heads, Mixed Use Development comprising a General Store/Cafe, Cafe, Co-working Space, 8 Shop Top Dwellings and a Boarding House containing 39 Boarding Rooms**

File No: I2021/378

21-104 **Resolved:**

1. That the General Manager is not authorised to enter into consent orders, that instead, staff continue the current s34 Conciliation process for Development Application 10.2020.571.1 to address the matters below that are the concerns raised by Councillors and community:
 - a) Relationship between the development and the public domain in terms of an improved design integration to the public reserve and greater activation of the ground floor business/commercial/retail use area;
 - b) Proportion of business/commercial/retail uses permitted under the B1 zone to the residential uses proposed in terms of increasing the former
 - c) Ability to further supplement transport options to the site such as of the provision of a managed car share space, pedestrian amenity and active transport links
2. That the General Manager instruct Council's external solicitors to seek the consent of the Applicant to notify any plans amending the development application.
3. That on receiving consent the amended plans be publicly notified for a period of 28 days.
4. That a report be included in the agenda for Council's 27 May 2021 Ordinary meeting (or earlier) to enable Council to consider authorising delegations to the General Manager to enter into a conciliation agreement. (Richardson/Lyon)

PROCEDURAL MOTIONS

21-105 **Resolved** that Cr Ndiaye be granted a one minute extension to her speech. (Richardson/Coorey)

The motion was put to the vote and declared carried.

The motion was put to the vote and declared carried.

21-106 **Resolved** that the meeting move out of confidential session. (Richardson/Lyon)

The motion was put to the vote and declared carried.

*The meeting adjourned at 1.12pm for lunch and reconvened at 2.00pm.
Cr Cameron did not return to the meeting.*

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

MAYORAL MINUTE

There was no Mayoral Minute.

NOTICES OF MOTION

Notice of Motion No. 9.1 **CONFIDENTIAL - Land Acquisition for Booyong Road dedication of land adjoining Lot 4 DP 707295**

File No: I2021/284

21-107 Resolved:

1. That pursuant to Section 10A(2)(c) of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Land Acquisition for Booyong Road dedication of land adjoining Lot 4 DP 707295.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

commercial in confidence information is contained within the report (Hunter/Lyon)

The motion was put to the vote and declared carried.

Cr Cameron was not present for the vote.

PROCEDURAL MOTION

21-108 Resolved that the meeting move out of confidential session. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Cr Cameron was not present for the vote.

Notice of Motion No. 9.2 Koala SEPP

File No: I2021/388

21-109 Resolved that Council:

1. Writes to the Minister for Planning Rob Stokes as a matter of urgency and includes the concerns raised in points 2-7.
2. Notes the announcement of the Koala SEPP 2021.
3. Acknowledges the finalisation of the Byron Coastal Koala Plan of Management in the SEPP.
4. Expresses grave concern for the future survival of Koalas in NSW given that it overrides Council's ability to protect koala habitat in that it:
 - a) overrides decades of Council's efforts in protecting private lands from clearing and logging;
 - b) removes Tree Preservation Orders
 - c) allows logging across all existing environmental zones,
 - d) removes the right to rezone rural land to an environmental zone, or
 - e) removes the right to vary the rural zoning.
5. Further conveys its concern for the future of koalas in NSW for the following reasons:
 - a) most rural land will be exempt under this SEPP including all within the Northern Rivers, with both existing farming and forestry zones exempt;
 - b) the SEPP allows for increased land clearing when it has already increased by 60% in the three years since the State Government relaxed land clearing laws;
 - c) 2/3 of the koala population remain unprotected by the SEPP as their habitat is on private land.
6. Notes that land zoned for primary production or forestry in regional NSW will not be subject to the new SEPP 2021 and protection of koala habitat in these areas is proposed to be delivered through 'new codes' for private native forestry and the Local Land Services (LLS) Act and urges that:
 - a) new codes must provide adequate protection of koala habitat on rural land.
 - b) landowners of primary productions or forestry land should be given good business incentives to protect and enhance koala habitat on their land as part of their business.
7. Urges the Minister to restore Council's ability to protect Koala habitat.

(Coorey/Ndiaye)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

PROCEDURAL MOTION

- 21-110 Resolved** that Cr Coorey be granted a two minute extension to her speech.
(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Cr Cameron was not present for the vote.

The motion was put to the vote and declared carried.

Cr Hunter voted against the motion.

Cr Cameron was not present for the vote.

Notice of Motion No. 9.3 Assistance for Landowners in Rural Zones

File No: I2021/389

- 21-111 Resolved:**

I move that Council contacts all current and future new landowners in rural zones RU1, RU2 & R5 in the shire offering assistance with

1. Relevant information and contacts for technical aspects of soil, weed and pasture management, animal husbandry, environmental conservation, property planning and management.
2. Information regarding financial support for on-farm environmental projects
3. Ongoing information about organised activities such as field inspections and farm demonstrations.
(Hunter/Ndiaye)

The motion was put to the vote and declared carried.

Cr Cameron was not present for the vote.

Notice of Motion No. 9.4 Housing Crisis

File No: I2021/390

- 21-112 Resolved** that Council:

1. Declares we are currently experiencing an emergency situation with respect to housing availability and affordability in our community.
2. Invites other councils experiencing similar challenges to make the same declaration.
3. Investigates options for providing 'temporary vanpacker' accommodation for those locals currently forced to camp in their cars due to the lack of availability of other forms of accommodation. This may include the use of either Council land assets or land that we manage.
4. Investigates options for safe and secure emergency accommodation for women in local tourist and caravan parks and backpackers/hostels. This may include

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

Council owned and operated parks and/or private parks. This may also include parks that are outside the Byron Shire.

5. Makes contact with tourist and caravan park managers to discuss point 4 above.
6. Continue discussions with the state government for the lease and use of suitable disused and surplus rail land within the Byron Shire for a period of 5 years. This land to be used to establish the 'Housing for Locals' project. This project would aim to establish small clusters of self-contained tiny homes on identified unused rail land within the towns and villages of the shire.'
7. Receives a report back from staff on points 2- 6 by or before July 2021.

(Lyon/Ndiaye)

The motion was put to the vote and declared carried.

Cr Cameron was not present for the vote.

PROCEDURAL MOTION

- 21-113 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.

Cr Cameron was not present for the vote.

Notice of Motion No. 9.5 Motions to the 2021 National General Assembly of Local Government

File No: I2021/411

- 21-114 Resolved** that Council supports the following Notices of Motion to be debated at the Australian Local Government Conference:

1. That the Australian Local Government Association (ALGA) advocate for Federal and State Governments to acknowledge that all people need a home and that the number of Australians who are homeless or in extreme housing stress is high and rising, and the recent increase in house prices is not only harmful to affordability and accessibility, but also an enormous risk to social and economic stability.

In recognition of this, ALGA ask that all levels of government work together to investigate ways of making the delivery of affordable and accessible housing easier. We ask that the Federal Government consider:

- a) investing more money into social housing,
- b) reviewing the impact of current tax arrangements like negative gearing on housing affordability,
- c) reviewing the effectiveness of rental assistance in its current form,
- d) increasing the grant percentage of the National Housing and Infrastructure Finance Corporation finance from 20% to 50% to local councils,

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

- e) implement a national RAPID program, supported by state and local governments to address homelessness,
- f) where appropriate, donating crown land to be used for the provision of social and affordable housing,
- g) changing policy and regulatory settings to better support and fund councils in addressing the affordable and accessible housing crisis in the Northern Rivers Region and other areas throughout the country. This could include enabling controls on existing housing that is kept empty for visitor accommodation, for example in Byron Shire, where approximately half the residential rental stock, over 3,500 properties, are listed, 80% whole houses and most are available year round for short term holiday letting,
- h) exploring the use of public private partnerships to assist in delivering affordable housing,
- i) exploring supporting councils to directly facilitate development through planning, the provision of land and financial levels such as subsidies.

We are currently facing a housing emergency in our region and the cost to those people and the whole community is so big, it's hard to quantify. As a country, all levels of government need to work together to find a national framework that supports models found to be effective, socially responsible and replicable both in a fiscal and regulatory setting.

2. That ALGA:

1. Notes that:

- i. the Treaty on the Prohibition of Nuclear Weapons entered into force and became permanent international law on 22 January 2021;
- ii. this Treaty is now the global benchmark for nuclear disarmament policy;
- iii. any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment, and that
- iv. our residents have the right to live in a world free from this threat.

2. Encourages all member councils to takes steps to ensure that funds administered by their councils are not invested in companies that produce nuclear weapons, and

3. Calls on the Australian government to sign and ratify the Treaty on the Prohibition of Nuclear Weapons without delay. (Ndiaye/Coorey)

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

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

PROCEDURAL MOTION

- 21-115 Resolved** that Cr Ndiaye be granted a two minute extension to her speech.
(Richardson/Lyon)

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

PETITIONS

There were no petitions.

DELEGATES' REPORTS

There were no delegates' reports.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.6 Voluntary Visitor Fund
File No: I2021/354

- 21-116 Resolved** that Council no longer pursues a Voluntary Visitor Fund.
(Richardson/Coorey)

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

LATE REPORTS

No. 17.1 Former Byron Hospital - appointment of head lessee
File No: I2021/462

- 21-117 Resolved:**
1. That the General Manager liaise with the Office of Local Government on the proposal to call a tender for the lease to ensure that Council meets its statutory requirements.
 2. That Council delegate to the General Manager authority:
 - a) under the Local Government Act to proceed to tender for the management of the former Byron Hospital site under a head lease agreement.
 - b) to formulate the assessment criteria for the tender provided they include the following (or substantially similar) principles:
 - i) Not-for-profit status and alignment of entity's constitutional objects with the uses and outcomes detailed in the original submission to NSW Health

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 March 2021

- ii) Capacity and commitment to delivering the agreed upon uses and activities on the site, as detailed in the original submission to NSW Health
- iii) Demonstrated skills or experience in management of a multi-use building within the Byron Shire, or in a substantially similar context, to deliver a broad range of social and economic outcomes
- iv) Demonstrated understanding of the Shire's community service needs and strategy for attracting subtenants that will meet these needs
- v) Detailed financial and resourcing management plan for the site, including proposed staff structure and experience

3. That a final recommendation report be presented to Council on or before 24 June 2021. (Spooner/Richardson)

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

There being no further business the meeting concluded at 3.45pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 22 April 2021.



.....
Mayor Simon Richardson