



# Byron Shire Council



## **Minutes Ordinary Meeting Thursday, 26 August 2021**

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
26 August 2021

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ORDINARY MEETING MINUTES

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**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 26 AUGUST 2021 COMMENCING AT 9:07AM AND CONCLUDING AT 2.55PM**

I2021/1344

**PRESENT:** Cr M Lyon (Mayor), Cr B Cameron, Cr J Martin, and Cr S Ndiaye

**REMOTE:** Cr C Coorey, Cr J Hackett, Cr A Hunter, 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)  
Sharyn French (Manager Environmental & Economic Planning) – item 13.15  
Evan Elford (Manager Works) – item 13.12  
Rob Van Iersel (Place Activation Coordinator) – item 13.16  
James Flockton (Infrastructure Planning Coordinator) – item 13.17  
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	Joining the meeting via
13.2	For	Kurt Tutt	Zoom
		Tricia Shantz	Zoom
13.15	For	Duncan Dey	Zoom
	Against	Luke Houghton	Written speech

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## Submissions

Subject	Name	Joining the meeting via
Koala Plan of Management (2019) progress with adoption and support from State Government*	Kate Coxall	Zoom
Market Research on 5G in the Byron Shire	Tashi Lhamo	Zoom
Landmark legal case won against wireless regulatory agencies in the U.S	Rinat Strahlhofer	Zoom

\*The question raised by Kate Coxall during her submission was taken on notice:

### **Question No. 1 - Koala Plan of Management (2019) progress with adoption and support from State Government**

*Koala Sepp 2020 outlines that before granting consent to a DA, for consent to carry out work on land which applies, that it is satisfied that there is a plan of management prepared in accordance with Part 3 that is applied to the land.*

*Part 3 reads that this policy aims to encourage the proper conservation and management of areas of natural vegetation that provide a natural habitat for koala's, to ensure a permanent free-living population over their present range, and reverse the current trend of koala population decline by requiring the preparation of planned management before DA can be granted, in relation to areas of core koala habitat, and by encouraging the identification of areas of core koala habitat and by encouraging the inclusion of core koala habitat's in environmental protection zones.*

- 1) *Are all recent DA submissions including that of Alidenes Road, Wilsons Creek in alignment with these principles?*
- 2) *What will Council be doing/ put in place to protect the koala population that is regularly sighted?*

The questions were taken on notice.

### **Question No. 2 - Borrowing for the Byron Bypass**

John Anderson asked the following question:

*Bearing in mind the \$1 million that the council lost a dozen or so years ago during the G.F.C as a result of purchasing American junk bonds, and bearing in mind that a couple of years ago the Financial Services Royal Commission pointed out that some financial brokers invested super funds on the basis of what commission they would receive, rather than on what benefit would accrue to the super fund itself, and furthermore bear in mind that some months ago Council warned that the millions proposed to be borrowed for the Tyagarah Solar Farm would put Council at its borrowing limit, how does Council account for the recent further borrowing of \$1.75 million for the completion of the bypass, other than that it committed to higher interest rates and more onerous terms with a more*

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*generous allowance or commission for the agent/broker who was able to arrange the loan?*

The Director Corporate and Community Services provided the following response on behalf of the General Manager:

*Council, by resolution, authorised the borrowing of \$1.75million to fund costs to complete the Byron Bay Bypass. The loan borrowing undertaken was in accordance with a revised loan borrowing requirement for the 2020/2021 financial year lodged with the Office of Local Government via NSW Treasury Corporation.*

*The borrowing of the loan was completed on 25 June 2021 after seeking expressions of interest from major Australian financial institutions. The loan borrowing process was conducted by Council; no agent or broker was involved nor was a commission paid to any party.*

*The loan was secured with the Commonwealth Bank repayable over 20 years at a fixed interest rate of 2.31% per annum for the entire loan term. At the time of borrowing, the interest rate secured by Council was lower than the interest rate offered by NSW Treasury Corporation under the 'Low Cost Loans Initiative' for New South Wales Councils. The loan borrowing for the Bypass has yielded Council the second lowest interest rate on any loan borrowing it has ever undertaken so the suggestion that Council has committed itself to higher interest rates and more onerous terms as outlined in the question is incorrect.*

*The meeting adjourned at 9:42am and reconvened at 10:02am.*

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## APOLOGIES

There were no apologies.

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## REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

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## DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Hunter declared a non-pecuniary interest in Report 13.15. The nature of the interest being that he is the owner of land in a rural zone. Cr Hunter elected to remain in the Chamber and participate in discussion and the vote.

Cr Cameron declared a non-significant non-pecuniary interest in Report 13.15. The nature of the interest being that he is an owner of R5 land that may be captured by a review contemplated by Motion. Cr Cameron elected to remain in the Chamber and participate in discussion and the vote.

**TABLING OF PECUNIARY INTEREST RETURNS**

There were no Pecuniary Interest Returns tabled.

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**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

- 21-305 Resolved** that the minutes of the Ordinary Meeting held 24 June 2021 be confirmed.  
(Hackett/Lyon)  
*The motion was put to the vote and declared carried.*
- 

**RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS**

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

**STAFF REPORTS**

**General Manager**

- Report No. 13.2 Rent relief to commercial lease and sub-licence holders due to COVID-19  
Report No. 13.5 Lease to Australia Skydive Pty Ltd

**Corporate and Community Services**

- Report No. 13.7 YouthSay Program - Report and Recommendations  
Report No. 13.12 Delivery Program 6-monthly Report and 2020/21 Operational Q4 Report - to 30 June 2021  
Report No. 13.14 Local Government NSW Annual Conference 2021

**Sustainable Environment and Economy**

- Report No. 13.15 Size limitations on Secondary Dwellings in rural zones  
Report No. 13.16 Mullumbimby Talking Street Trial Project - Parklets

**Infrastructure Services**

- Report No. 13.17 Parking Management within New Brighton and The Esplanade Area

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Lyon and seconded by Cr Martin. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 21-306 and concluding with Resolution No. 21-334.

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## PETITIONS

**Petition No. 10.1**      **Petition against PopCar Van Parked Permanently in Paterson Street**

**File No:**                I2021/1211

**21-306 Resolved:**

1. That the petition regarding Popcar van parked permanently on Paterson Street be noted.
  2. That Council note that staff have already had Popcar remove the vehicle, on 9 July 2021. (Lyon/Martin)
- 

**Petition No. 10.2**      **Stuart Street Greenspine**

**File No:**I2021/1290

**21-307 Resolved:**

1. That the petition regarding Stuart Street Greenspine project be noted.
  2. That detailed design of the concept design continue to be progressed. (Lyon/Martin)
- 

## SUBMISSIONS AND GRANTS

**Report No. 11.1**      **Grants and Submissions June/July 2021**

**File No:**                I2021/1237

**21-308 Resolved** that Council notes the report and Attachment 1 (#E2021/99272) for Byron Shire Council's Submissions and Grants as at 31 July 2021. (Lyon/Martin)

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## STAFF REPORTS - GENERAL MANAGER

**Report No. 13.1**      **Licence to Mullumbimby District Cultural Centre Incorporated**

**File No:**                I2021/532

**21-309 Resolved:**

1. That Council notes that two submissions were received on the proposed licence to the Mullumbimby District Cultural Centre Incorporated over Lot 1 DP91865 known as the Mullumbimby Drill Hall.
2. That Council, following consideration of the two public submissions received, authorises the General Manager, under delegation, to enter into a licence with the Mullumbimby District Cultural Centre Incorporated over Lot 1 DP91865 on the following:

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- a) term five years without holding over to commence on 1 September 2021,
- b) commence at base rent of \$490 (exclusive of GST) and thereafter increase rent annually by Consumer Price Index All Groups Sydney for the previous quarter,
- c) for the purpose of a public hall,
- d) the Licensee must hire out the Premises for community purposes only and must expend all hire income received upon the operating expenses, maintenance, and improvements to the premises,
- e) the Licensee to be responsible, at its cost, for all:
  - i. non-structural maintenance, repairs, and renewals to the Premises,
  - ii. usage costs for all services connected to the Premises, and
  - iii. requisite public risk insurance and contents insurance for full replacement value.
- f) the Licensee not to construct, install or otherwise add any improvements to the Premises without the prior written consent of Council that will not be unreasonably withheld, and
- g) the Licensor to provide the following subsidies:
  - i. rent to the value of \$42,830 being 6% of the Unimproved Land Value less the Licensee rent,
  - ii. annual fixed rates and charges in accordance with Council Policy Section 356 Donations Rates, Water and Sewerage Charges,
  - iii. building insurance, and
  - iv. annual pest inspections and controls, annual fire safety requirements and all structural building repairs where the damage is not the result of the Licensee's use of the Premises. (Lyon/Martin)

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**Report No. 13.3**      **Lease to Byron Shire Respite Service Incorporated**  
**File No:**              I2021/953

**21-310 Resolved:**

1. That Council authorises 28-day community consultation for a proposed lease to Byron Shire Respite Service Incorporated (ABN 80 199 561 418) on the following terms:
  - a) term five years with three by five-years options to renew,
  - b) to commence at base rent of \$490 (exclusive of GST) and thereafter increase rent annually by Consumer Price Index All Groups Sydney for the previous quarter, with a full rent review every five-years,
  - c) for the provision of community services,
  - d) Lessee to pay the following outgoings, at its cost:



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- i. non-structural maintenance, repairs, and renewals to the leased area,
      - ii. usage costs for Lessee connected services,
      - iii. public risk insurance and contents insurance for full replacement value.
    - e) the Lessee must not to construct, install or otherwise add any improvements to the leased area without the prior written consent of Council that will not be unreasonably withheld,
    - f) the Lessor consents to the Lessee sub-leasing 130.9sqm of the Premises to the Brunswick Valley Meals on Wheels Incorporated at a flat rent of \$490 (excluding GST) per annum for the purpose of community services,
    - g) the Lessor must, at its cost, manage, maintain, and renew 1,700sqm of the vacant land in the lease area for the term, and
    - h) the Lessor to provide the following subsidies:
      - i. annual fixed rates and charges in accordance with Council Policy Section 356 Donations Rates, Water and Sewerage Charges,
      - ii. building insurance, and
      - iii. annual fire safety requirements and all structural building repairs where the damage is not the result of the Lessee's use of the leased area.
  2. That Council authorises the General Manager, under delegations, to enter into the proposed lease with Byron Shire Respite Service Incorporated (ABN 80 199 561 418) following no submissions being received from the public consultation.
  3. That a new report be brought to Council for consideration of the proposed lease if submissions are received from the public consultation.
  4. That Council terminates the Delegated Authority under Section 377 of the Local Government Act 1993 for a Brunswick Valley Community Centre Section 355 Management Committee and authorises the winding-up of the section 355 Committee on the commencement date of the proposed lease. (Lyon/Martin)
- 

**Report No. 13.4**      **Request to change Railway Park Artisan Market day for one market only**

**File No:**              I2021/1188

- 21-311 Resolved** that Council, having considered any submissions received following public notice of the proposal, authorises a variation to the Railway Park Artisan Market Licence held by the Byron Bay Community Association Incorporation to move the scheduled Railway Park Artisan Market Day from 25 September 2021 to 24 September 2021. (Lyon/Martin)

**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 13.6      Section 355 Management Committees - Resignations & Appointments Update**

**File No:**                I2021/1141

**21-312    Resolved:**

1. That the resignation of Gail Fuller from the Ocean Shores Community Centre Management Committee be accepted and that a letter of thanks be provided.
  2. That the resignation of Janelle Horrigan from the South Golden Beach Community Hall Management Committee be accepted and that a letter of thanks be provided.
  3. That the resignation of Julie McFadden from the Suffolk Park Community Hall Management Committee be accepted and that a letter of thanks be provided.
  4. That the applicant as listed in Attachment 1 be officially appointed to the Suffolk Park Community Hall committee as treasurer.
  5. That the resignation of Trudy Ashworth from the Brunswick Heads Memorial Hall Management Committee be accepted and that a letter of thanks be provided.
  6. That the applicant as listed in Attachment 2 be officially appointed to the Durrumbul Hall committee. (Lyon/Martin)
- 

**Report No. 13.8      Council Investments - 1 June 2021 to 30 June 2021**

**File No:**                I2021/1153

- 21-313    Resolved** that Council notes the report listing Council's investments and overall cash position as at 30 June 2021. (Lyon/Martin)
- 

**Report No. 13.9      Council Resolutions Quarterly Review - Q4 - 1 April to 30 June 2021**

**File No:**                I2021/1205

**21-314    Resolved:**

1. That Council notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2021/88256).
2. That Council notes the completed Resolutions in Attachment 2 (#E2021/88255).
3. That Council endorses the closure of Resolution 18-039 as identified in Table 1: Council resolutions that are to be closed; and included in the completed Resolutions in Attachment 2 (#E2021/88255). (Lyon/Martin)

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**Report No. 13.10 Carryovers for Inclusion in the 2021-2022 Budget**  
**File No:** I2021/1206

- 21-315 Resolved** that Council approves the works and services (with respective funding) shown in Attachment 1 (#E2021/101511) to be carried over from the 2020/2021 financial year and that the carryover budget allocations be adopted as budget revotes for inclusion in the 2021/2022 Budget Estimates. (Lyon/Martin)
- 

**Report No. 13.11 Budget Review - 1 April to 30 June 2021**  
**File No:** I2021/1207

**21-316 Resolved:**

1. That Council authorises the itemised budget variations as shown in Attachment 2 (#E2021/102240) which includes the following results in the 30 June 2021 Quarterly Review of the 2020/2021 Budget:
    - a) General Fund - \$0 change in Unrestricted Cash Result
    - b) General Fund - \$18,464,300 increase in reserves
    - c) Water Fund - \$1,767,000 increase in reserves
    - d) Sewerage Fund - \$2,757,700 increase in reserves.
  2. That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$517,600 for the 2020/2021 financial year. (Lyon/Martin)
- 

**Report No. 13.13 Council Investments - 1 July 2021 to 31 July 2021**  
**File No:** I2021/1230

- 21-317 Resolved** that Council notes the report listing Council's investments and overall cash position as at 31 July 2021. (Lyon/Martin)
- 

## REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**Report No. 14.1 Report of the Transport and Infrastructure Advisory Committee Meeting held on 17 June 2021**  
**File No:** I2021/1037

- 21-318 Resolved** that Council notes the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 17 June 2021. (Lyon/Martin)

- 21-319 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 3.1 Adoption of Minutes from Previous Meeting held on 15 April 2021**  
**File No:** I2021/987

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## Committee Recommendation 3.1.1

That the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 15 April 2021 be confirmed. (Lyon/Martin)

**21-320 Resolved** that Council adopt the following Committee Recommendations:

### **Report No. 4.1 Review Asset Management Policy in accordance with Resolution 20-741**

File No: I2021/864

#### Committee Recommendation 4.1.1

1. That the draft Asset Management Policy is expanded to include the Road Access and Safety Principles (RASPs), part 1 of res 20-741 is placed on 28 days public exhibition and if there are no submissions the revised Policy be adopted.
2. That TIAC and Council receive a further report detailing the methodology for the application of RASPs. (Lyon/Martin)

**21-321 Resolved** that Council adopt the following Recommendations:

### **Report No. 4.2 Draft Moving Byron**

File No: I2021/961

#### Committee Recommendation 4.2.1

1. That Council notes the Draft Moving Byron Strategy.
2. That TIAC continues to refine the draft out of session by email.
3. That TIAC submits a final copy to the Council Planning Meeting in August.
4. That Council adopts a final draft for public exhibition.
5. That Council supports a longer exhibition period of 6 weeks to provide an opportunity to the new Council to consider a draft on Strategic Planning Workshop. (Lyon/Martin)

**21-322 Resolved** that Council adopt the following Committee Recommendations:

### **Report No. 4.3 Road Access and Safety - Workshop**

File No: I2021/848

#### Committee Recommendation 4.3.1

1. That Council progresses an application for Road Safety Officer under Local Government Road Safety Program and that Council allocates the proportion of funding necessary to activate an application.
2. That Council continues to monitor constrained roads on the Hinterland network to identify areas where a speed zone review and/or other intervention such as

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signages, infrastructure modifications and messaging may be required to improve safety and access.

3. That Council notes that staff actively pursue funding opportunities.
4. That rural school bus routes be identified with signage showing the times of operation. (Lyon/Martin)

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**Report No. 14.2      Report of the Local Traffic Committee Meeting held on 15 June 2021**

**File No:** I2021/1122

**21-323 Resolved** that Council notes the minutes of the Local Traffic Committee Meeting held on 15 June 2021. (Lyon/Martin)

**21-324 Resolved** that Council adopt the following Committee Recommendations:

**Report No. 6.1 No Stopping - Old Bangalow Road, Suffolk Park**

File No: I2021/768

Committee Recommendation 6.1.1

That Council:

1. Replace No Parking signs with No Stopping signs on the inside of the Cemetery Road, Byron Bay curve, in the general location shown within LTC report I2021/768 (Figure 1).
2. Install a No Stopping sign on Cemetery Road, approximately 10m south of Lilli Pilli Drive, Byron Bay. (Lyon/Martin)

**21-325 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 6.2 Regulatory Signs - Various Locations**

File No: I2021/838

Committee Recommendation 6.2.1

That Council install the regulatory signs for 58 Armstrong Street, Suffolk Park (Friday - No Parking 5am-12pm) within Firewheel Place and Constellation Place, Byron Bay (No Stopping) in the locations shown in the report (I2021/838) (Lyon/Martin)

**21-326 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 6.3 Jonson Street Bus Stop - Revision to Signs & Linemarking**

File No: I2021/865

Committee Recommendation 6.3.1

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That Council endorse the modification of the Bus Zone fronting the Visitor's Information Centre on Jonson Street, Byron Bay to a 'No Stopping Zone'. (Lyon/Martin)

**21-327 Resolved** that Council adopt the following Committee Recommendations:

## **Report No. 6.4 Event - Chincogan Charge 2021**

File No: I2021/867

### Committee Recommendation 6.4.1

That Council support the Chincogan Charge 2021 to be held on Saturday 18 September 2021, between 8:00am and 5:30pm and for 2022 and 2023 provided there are no changes to the Traffic Management Plan, subject to:-

1. Traffic control plan(s) and a Traffic Management Plan (TMP) being designed by those with the appropriate and relevant NSW (TfNSW) accreditation. The TCP(s) and TMP to include the closure of Dalley Street between Burringbar Street and Tincogan Street between 12.30pm-5.30pm;
2. The TCP to be generally in accordance with document E2020/46680 (Attachment 1);
3. Implementation of the approved Traffic Management Plan and Traffic Control Plan/s by those with appropriate TfNSW accreditation and the holding of current and appropriate levels of insurance and liability cover;
4. Separate approvals by NSW Police and TfNSW being obtained;
5. 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;
6. The event be notified on Council's webpage;
7. Informing 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;
8. Undertake consultation with emergency services and any identified issues addressed;
9. Hold \$20m public liability insurance cover which is valid for the event
10. Pay Council's Road Event Application Fee and LTC application Fee prior to the event (Lyon/Martin)

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**21-328 Resolved** that Council adopt the following Committee Recommendations:

## **Report No. 6.5 Event Road Closures - Byron Lighthouse Run 2021**

File No: I2021/941

### Committee Recommendation 6.5.1

That Council support the 24 October 2021 Byron Lighthouse Run, subject to:

1. Traffic control plan(s) and a Traffic Management Plan being designed and implemented by those with the appropriate and relevant TfNSW accreditation.
2. The road closures and hours of closure in accordance with the submitted Traffic Management Plan in Attachment 1 (E2021/75049).
3. Clarkes Beach car park open to the public by 9am. Alternatively, if car park is to be closed to the public after 9am an application is to be made to Council to occupy the car park and relevant application fees and parking fees are to be paid to Council prior to the event commencing.
4. Separate approvals by NSW Police, TfNSW and Cape Byron Headland Trust being obtained.
5. The event organiser:
  - i) advertising 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) providing copy of the advert for Council's web page;
  - iii) informing community and businesses that are directly impacted (e.g. adjacent to the event), including the Beach Byron Bay Café and North Coast Holiday Park Clarkes Beach, via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
  - iv) arranging for private property access and egress affected by the event;
  - v) liaising with bus and taxi operators and ensuring arrangements are made for provision of services during conduct of the event;
  - vi) consulting with emergency services with any identified issues being addressed;
  - vii) holding \$20m public liability insurance cover which is valid for the event; and payment of Council's Road Event application fee prior to the event.

(Lyon/Martin)

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**21-329 Resolved** that Council adopt the following Committee Recommendations:

**Report No. 6.6 Mullumbimby Police Station Parking**

File No: I2021/942

Committee Recommendation 6.6.1

That Council support the installation of:

1. Three car spaces dedicated to police in Mullumbimby with signage to permit police vehicles only.
2. One mobility space on Dalley Street in the vicinity of the Mullumbimby Court House.  
(Lyon/Martin)

**21-330 Resolved** that Council adopt the following Committee Recommendations:

**Report No. 7.1 Speed Zone Reviews**

File No: I2021/701

Committee Recommendation 7.1.1

1. That Council note the information provided to the Committee on the matters listed in the Report.
2. That the Local Traffic Committee acknowledges the need for Council, the Byron Shire community, TfNSW and the Police to work together to provide safe road networks for all road users.  
(Lyon/Martin)

**21-331 Resolved** that Council adopt the following Committee Recommendations:

**Report No. 7.2 Events - Bangalow Billycart Derby 2021**

File No: I2021/868

Committee Recommendation 7.2.1

1. That Council endorse the Bangalow Billy Cart Derby to be held on Sunday 12 September 2021 and for 2022 and 2023 provided there are no changes to the Traffic Management Plan, subject that includes the temporary road closure below:
  - a. Byron Street, Bangalow between Ashton Street and Granuaille Road, between 6am and 4pm on Sunday 12 September 2021.
2. That the approval provided in Part 1 is subject to:
  - a. Separate approvals by NSW Police and TfNSW being obtained, noting that the event is on a state road or may impact the state road network;
  - b. Traffic Control Plan(s) to be developed and implemented by people with the appropriate TfNSW accreditation;
  - c. That the impact of the event be advertised via a notice in the local weekly



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paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints; and

d. The event notified on Council's webpage.

3. That the event organiser:

a. Undertake consultation with community and affected businesses including adequate response/action to any raised concerns;

b. Undertake consultation with emergency services and any identified issues addressed;

c. Holding \$20m public liability insurance cover which is valid for the event.

(Lyon/Martin)

**21-332 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 7.3 Pedestrian Access and Safety - Suffolk Park**

File No: I2021/938

Committee Recommendation 7.3.1

That Council continues to monitor speeds in this area, along with pedestrian and cyclist movements.

(Lyon/Martin)

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**Report No. 14.3 Report of the Byron Shire Floodplain Risk Management Committee Meeting held on 17 June 2021**

**File No:** I2021/1125

**21-333 Resolved** that Council notes the minutes of the Byron Shire Floodplain Risk Management Committee Meeting held on 17 June 2021. (Lyon/Martin)

**21-334 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 4.1 Council's interaction and collaboration with the Belongil Drainage Union - update and forward strategy**

File No: I2021/176

**Committee Recommendation 4.1.1**

The Byron Shire Floodplain Risk Management Committee recommends:

That Council:

1. Supports collaboration and communication with the Belongil Catchment Drainage

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Board (BCDB).

2. Nominate a Councillor for representation on the Belongil Catchment Drainage Board.
3. Request the Belongil Catchment Drainage Board consider a review of their constitution to facilitate a Councillor (ex officio) position on the Board.
4. Pay the outstanding fees of \$30,000 (from Sewer Fund: GL 7205.27).
5. Will make future payments to the Belongil Catchment Drainage Board when the Belongil Catchment Drainage Board undertakes appropriate land audits and produces a financial management plan for the Board's area.
6. Offers assistance to the Belongil Catchment Drainage Board with the development of a rating financial model, including investigating access to Council's systems to rate members on the Board's behalf.
7. Invites a member of the Belongil Catchment Drainage Board to be a key stakeholder in developing Council's Coastal Management Plan.
8. Actively collaborate, support and engage with Southern Cross University for further research and investigations for the Belongil catchment.
9. Continue dialogue with relevant agencies, including DPIE Water, towards ongoing collaborative management in the Belongil area. (Lyon/Martin)

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## PROCEDURAL MOTION

- 21-335 Resolved** that Council change the order of business to deal with Reports 13.2, and 13.15 next on the Agenda. (Lyon/Ndiaye)

*The motion was put to the vote and declared carried.*

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## STAFF REPORTS - GENERAL MANAGER

**Report No. 13.2 Rent relief to commercial lease and sub-licence holders due to COVID-19**  
**File No:** I2021/1100

- 21-336 Resolved:**

1. That Council authorises 28-day public consultation to amend Policy 5.52 Commercial Activities on Coastal and Riparian Crown Reserves to increase the term of Class 2 Sub-Licences by twelve-months to enable an extension of the current Class 2 Sub-Licences to 1 November 2024.
2. That Council delegates to the General Manager, the authority to amend Policy 5.52 Commercial Activities on Coastal and Riparian Crown Reserves as stated in (1)

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above if no submissions are received from public consultation.

3. That a report be brought to Council for consideration to amend Policy 5.52 Commercial Activities on Coastal and Riparian Crown Reserves as stated in (1) above if submissions are received from the public consultation.
4. That Council:
  - a. delegates to the General Manager, the authority to negotiate deferred rent relief, if any, with commercial surf schools, stand up paddleboard schools, sea kayak sub licensees and Golden Breed Corporation, at a rate to be determined by the General Manager for any period between 29 March 2021 and 12 July 2021.
  - b. waives, in accordance with the recent ruling, the minimum of 50% of rent and licensee fees payable by commercial surf schools, stand up paddleboard schools, sea kayak sub licensees identified in the Report and Golden Breed Corporation for the period between 13 July 2021 to 13 January 2022.
  - c. Delegates to the General Manager authority to negotiate and enter into arrangements with commercial surf schools, stand up paddleboard schools, sea kayak sub licensees identified in the Report and Golden Breed Corporation for the balance of 50% rent between 13 July 2021 and 13 January 2022. (Hunter/Lyon)

*The motion was put to the vote and declared carried.*

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## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.15    Size limitations on Secondary Dwellings in rural zones**  
**File No:                    I2021/555**

**21-337    Resolved:**

1. That Council supports the inclusion of clause 5.5 into Byron LEP 2014 as follows:

Clause 5.5 Controls relating to secondary dwellings on land in a rural zone [optional]

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

  - (a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
    - (i) [70] square metres,
    - (ii) [0%] of the total floor area of the principal dwelling, and
  - (b) the distance between the secondary dwelling and the principal dwelling must not exceed [100] metres.

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2. That Council requests staff to advise the Department of Planning Industry and Environment of point 1 prior to 29 August 2021.
3. That Council requests staff to review the existing controls for secondary dwellings in D2.5 (Dual Occupancies and Secondary Dwellings) Development Control Plan (DCP) 2014, including the investigation of clearer regulation around boundary setbacks in relation to neighbouring properties and report on amendments to these if required, in a future housekeeping DCP amendment report to Council.
4. That Council further reviews the matter through future community consultation on the DCP.

(Ndiaye/Hackett)

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

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## MAYORAL MINUTE

There was no Mayoral Minute.

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## STAFF REPORTS - GENERAL MANAGER

### PROCEDURAL MOTIONS

- 21-338 Resolved** that Council change the order of business to deal with Report 13.5 next on the Agenda. (Coorey/Lyon)

*The motion was put to the vote and declared carried.*

**21-339 Resolved:**

1. That pursuant to Section 10A(2)(d) refer to relevant part of Act below) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the *Lease to Australia Skydive Pty Ltd* report.
2. That the reasons for closing the meeting to the public to consider this item be that discussion will include commercial information of a confidential nature.

(Coorey/Lyon)

*The motion was put to the vote and declared carried.  
Crs Cameron and Lyon voted against the motion.*

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**21-340 Resolved** that the meeting move out of confidential session.

(Lyon/Coorey)

*The motion was put to the vote and declared carried.*

**Report No. 13.5 Lease to Australia Skydive Pty Ltd**

**File No:** I2021/1098

**21-341 Resolved:**

That Council authorises the General Manager, under delegation, to enter into a lease with Australia Skydive Pty Ltd over Lot 4 DP805678 in the Plan of Lease over Lot 1 DP713023 Staceys Way Tyagarah on the following terms:

- a) term five years with option of a further five years to a total of 10 years;
- b) initial rent to be set by following an independent market valuation to be provided by Valuers Australia Pty Ltd with annual rent increased thereafter by Consumer Price Index All Groups Sydney with full rent review of base rent on the fifth anniversary of the execution of the lease to be established by an independent registered valuer appointed by the lessor at the Lessee's cost;
- c) for the purpose of skydiving and associated activities carried out by the Lessee;
- d) acknowledgement that the Lessee owns all building improvements on the leased land;
- e) Lessee must, at its cost, be responsible for the following:
  - i) all outgoings payable in respect of the leased land;
  - ii) all maintenance of the leased land including but not limited to any road, or carpark constructed on the leased land;
  - iii) all insurances including a minimum \$20 million public risk insurance noting Byron Shire Council as an interested party; and
  - iv) all consents, approvals and other authorisation to operate its business and improve its buildings on the leased land;
- f) Lessee must at its cost, remove its building improvements from the land and return the land to vacant possession at the end of the lease unless a new lease is negotiated to commence on the day after the end date of the lease; and
- g) special conditions that the Lessee must at its cost:
  - i) comply with the Remediation Action Plan annexed to the lease with any failure by the Lessee to comply with the Remediation Action Plan being grounds to terminate the lease;
  - ii) not sub-let any part of the leased land without the Lessor's written consent that will not be unreasonably withheld;
  - iii) remove all unapproved buildings, shipping containers and other structures on the leased land within sixty (60) days of commencement of the lease with a failure to comply with this clause grounds to terminate the lease;

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- iv) indemnify Byron Shire Council for all liabilities arising from the use of the leased land during and after the remediation of the land in accordance with the Remediation Action Plan with the Lessee obligations in this clause extending beyond the end of the lease;
- v) not build any structures, temporary or otherwise in the dedicated easement in Lot 1 DP713023 for a water pipeline as detailed in the plan annexed to this lease;
- vi) ensure that all aviation fuel stored on the leased land is to be used by Australia Skydive Pty Ltd only; and
- vii) obtain all necessary approvals from Byron Shire Council to operate a coffee cart or other retail food business in the leased land. (Coorey/Ndiaye)

*The motion was put to the vote and declared carried.*

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## NOTICES OF MOTION

### Notice of Motion No. 9.1 Barbed wire review

File No: I2021/1180

#### 21-342 Resolved:

1. That Council reviews its use of barbed wire on Council properties with a view to improving the conservation and protection of animals.
2. That Council works with key stakeholders to develop an information and education program for the community and landowners in order to:
  - a) review the impacts of barbed wire on native fauna and
  - b) provide ideas for alternatives to barbed wire or measures to mitigate the impacts.
3. That this issue be referred to the Biodiversity Advisory Committee for further consideration.
4. That the review be undertaken and a report be provided to Council before June 2022. (Coorey/Ndiaye)

*The motion was put to the vote and declared carried.*

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### Notice of Motion No. 9.2 Report on implementation of Water Sensitive Design Policy and Strategy

File No: I2021/1179

#### 21-343 Resolved:

1. That a report be brought to Council that details the progress in implementing the

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## *Byron Shire Council Water Sensitive Urban Design (WSUD) Policy and Strategy*

2. That the report details progress on the key strategies of the WSUD Policy and Strategy which are:
  - a) Improve Council's planning, processes and capacity to integrate WSUD into Council works and address catchment based priorities;
  - b) Improve community understanding of the aims of WSUD and actions they can take to support catchment and waterway health;
  - c) Increase Council's ability to leverage funding to implement, operate and maintain WSUD infrastructure now and into the future; and
  - d) Improve WSUD outcomes delivered to Council in planning applications.
3. That the report notes any progress on the actions listed in the Policy under the key strategies in (2.)
4. That the report be brought to Council by the November 2021 Ordinary meeting.
5. That the *Byron Shire Council WSUD Policy and Strategy* be placed on the Policies page of Council's website where it can be found. (Coorey/Ndiaye)

*The motion was put to the vote and declared carried.*

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## DELEGATES' REPORTS

There were no delegates' reports.

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## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 13.7**      **YouthSay Program - Report and Recommendations**  
**File No:**              I2021/950

### 21-344 Resolved:

1. That Council thanks the young people from Mullumbimby High School involved in the Byron Shire YouthSay Program and notes their report and presentation during public access at the 27 May Ordinary Meeting of Council.
2. That Council notes the feedback and report from the YouthSay program and implements the following suggestions from the young people:
  - a) undertakes a survey of young people about their transport needs
  - b) provides a report to Council detailing opportunities to develop or implement on demand public transport including for trials and to obtain grant funding.

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- c) coordinates a youth volunteer clean-up day in November 2021
- 3. Noting the request for a Youth Council and Res 21.242, Council undertakes targeted engagement to determine the preferred model that can give young people an effective voice in raising issues of concern to young people.
- 4. That Council receives a report regarding the outcomes of this youth engagement and the proposed forum for future youth engagement to commence in 2022. (Cameron/Ndiaye)

*Cr Ndiaye left the Chambers at 12.03pm.*

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

*Cr Ndiaye returned to the Chambers at 12.04pm.*

**Report No. 13.12 Delivery Program 6-monthly Report and 2020/21 Operational Q4 Report - to 30 June 2021**

**File No:** I2021/1224

### **21-345 Resolved:**

- 1. That Council notes the Delivery Program 6-monthly Report and 2020/21 Operational Plan Fourth Quarter Report for the period ending 30 June 2021 (Attachment 1 #E2021/97874).
- 2. That Councillors be provided with an update on the Disability Inclusion Action Plan (DIAP) at the next suitable SPW. (Cameron/Ndiaye)

*Cr Lyon left the Chambers at 12.13pm.*

*The Deputy Mayor took the Chair.*

*Cr Lyon returned to the Chambers at 12.15pm.*

*The motion was put to the vote and declared carried.*

**Report No. 13.14 Local Government NSW Annual Conference 2021**

**File No:** I2021/1329

- 21-346 Resolved** that Council authorises Cr Lyon, Cr Ndiaye, and Cr Cameron to attend the online Local Government NSW Annual Conference 2021, to be held on 29 November 2021, as the voting delegates and be responsible for voting in the LGNSW Board Elections which will be conducted via postal vote in November 2021. (Hunter/Lyon)

*The motion was put to the vote and declared carried.*



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**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.16 Mullumbimby Talking Street Trial Project - Parklets**  
**File No: I2021/1219**

**21-347 Resolved** that Council:

1. Notes the issues raised in the report about the current parklet locations and authorises the relocation of the parklet currently located at the Stuart Street taxi rank to a another location in either Burringbar or Stuart with particular consideration of the strip between Baker and Daughters and the Chemsave Pharmacy or in Studal Lane.
2. If no suitable location can be identified as per 1, an appropriate location, preferably close to the library, be considered and that staff work with the business community and reference group to coordinate a program of community activation for that parklet.
3. Requests staff work with community organisations, the business community and the reference group to create a program of activation and possible future locations for the Stuart Street Bus Stop parklet.
4. In implementing this resolution, staff consider and discuss with the business, reference group and wider community the option of direct management by stakeholders. (Cameron/Coorey)

PROCEDURAL MOTION

**21-348 Resolved** that Cr Cameron be granted a two minute extension to his speech. (Lyon/Ndiaye)

*The motion was put to the vote and declared carried.*

*The meeting adjourned at 1.02pm for a lunch break and reconvened at 1.55pm.*

*The motion (Cameron/Coorey) was put the vote and declared carried.*

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**STAFF REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 13.17 Parking Management within New Brighton and The Esplanade Area**  
**File No: I2021/545**

**21-349 Resolved** that Council:

1. Notes the community representatives' request to not proceed with amending car parking supply and car parking arrangements within Ocean Avenue and Park Street, New Brighton.
2. Begins developing detailed design plans for the North Head car parking area,

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subject to sufficient funds being available within the project budget.

- Notes the ongoing works by staff to consider the parking arrangements at The Esplanade, New Brighton, south of Strand Avenue in association with planned resealing and dune protection works. (Lyon/Martin)

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

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## URGENCY MOTIONS

### No. 1 Matter of Urgency - Cross-border Community Zone

Mayor Michael Lyon declared the item 'Cross-border Community Zone' a matter of urgency as a media release from local MPs from all parties including independent Mayor of Tweed came out Tuesday and there is energy behind this push now.

- 21-350 Resolved** that the matter be considered urgent and be dealt with at the meeting. (Lyon/Ndiaye)

*The motion was put to the vote and declared carried.*

- 21-351 Resolved** that Council supports the establishment of a pilot cross-border community zone around the Tweed LGA. (Lyon/Hunter)

*The motion was put to the vote and declared carried.*

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### No. 2 Matter of Urgency - Definition of Essential Worker

Mayor Michael Lyon declared the item 'Matter of Urgency - Definition of Essential Worker' urgent as the current definition of 'essential worker' provided by the QLD State Government is creating widespread and unnecessary hardship for families, hospitals, worksites, health care workers, businesses, and carers.

- 21-352 Resolved** that the matter be considered urgent and be dealt with at the meeting. (Ndiaye/Coorey)

*The motion was put to the vote and declared carried.*

- 21-353 Resolved** that Council requests the cross-border group to encourage the QLD Government to broaden the definition of the term 'essential worker' (Ndiaye/Coorey)

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

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*There being no further business the meeting concluded at 2:55pm.*

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I hereby certify that these are the true and correct Minutes of this Meeting  
as confirmed at Council's Ordinary Meeting on 23 September 2021.

A handwritten signature in black ink, appearing to read 'M Lyon', is positioned above the printed name of the Mayor.

Mayor Michael Lyon