

# Minutes Ordinary Meeting

Thursday, 23 March 2023



## **DISCLAIMER**

*These minutes are DRAFT minutes and will remain unconfirmed until such time as they are confirmed as a correct record at the subsequent meeting.*



**BYRON  
SHIRE  
COUNCIL**



# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
23 March 2023

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# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 March 2023

**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 23 MARCH 2023 COMMENCING AT 9:11AM AND CONCLUDING AT 12:29PM.**

I2023/389

**PRESENT:** Cr M Lyon (Mayor), Cr S Balson, Cr C Coorey, Cr D Dey, Cr A Hunter, Cr A Pugh, Cr M Swivel and Cr P Westheimer

**Staff:** Mark Arnold (General Manager)  
Esmeralda Davis (Director Corporate and Community Services)  
Phil Holloway (Director Infrastructure Services)  
Shannon Burt (Director Sustainable Environment and Economy)  
Heather Sills (Manager Corporate and Community Services)  
Annie Lewis (Media and Communications Coordinator) – Item 13.2  
Malcolm Robertson (Manager Open Spaces and Facilities) – Item 13.1, 13.9  
Storm Townsend / Amber Evans Crane (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
10.1 Upper Main Arm Pothole Petition	Kol Dimond Navaya Ellis	For	Upper Main Arm Roads Committee	In person
13.2 Community Engagement	Dale Emmerson	For	Mullumbimby Residents Association	In person

*The Upper Main Arm Roads Committee asked a series of questions which will be referred to the Director Infrastructure Services for consideration.*

**APOLOGIES**

Cr Ndiaye was an apology in accordance with her prior approved leave of absence.

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**APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK**

There were no applications to attend by audio-visual link.

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**REQUESTS FOR LEAVE OF ABSENCE**

PROCEDURAL MOTION

**23-059 Resolved** that Cr Pugh be granted a leave of absence from the 13 April 2023 Council Meeting (Lyon/Hunter)

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

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**DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**

There were no formal declarations of pecuniary or non-pecuniary interests.

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**TABLING OF PECUNIARY INTEREST RETURNS**

There were no Pecuniary Interest Returns tabled.

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**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**23-060 Resolved** that the minutes of the Ordinary Meeting held 23 February 2023 be confirmed (Swivel/Lyon)

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

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

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

**STAFF REPORTS**

**General Manager**

- Report No. 13.1 Licences to manage Council owned tennis courts
- Report No. 13.2 Community Engagement

**Corporate and Community Services**

- Report No. 13.3 National General Assembly of Local Government 2023

**Infrastructure Services**

- Report No. 13.5 Adoption of the Byron Design Guide
- Report No. 13.6 Federal Drive Landslip - Remediation Works - Tender Award contract 2022-1432
- Report No. 13.9 Naming of a Park in Bangalow. Recommendations following Public Exhibition
- Report No. 13.10 Water Sensitive Urban Design (WSUD) Guidance Materials and Development Control Plan Update

**REPORTS OF COMMITTEES**

**Infrastructure Services**

- Report No. 14.4 Report of the Floodplain Management Advisory Committee Meeting held on 14 February 2023

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Lyon and seconded by Cr Westheimer. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 23-061 and concluding with Resolution No. 23-076.

**STAFF REPORTS – CORPORATE AND COMMUNITY SERVICES**

**Report No. 13.4 Council Investments - 1 February 2023 to 28 February 2023**  
**File No: I2023/299**

- 23-061 Resolved** that Council notes the report listing Council's investments and overall cash position as of 28 February 2023. (Lyon/Westheimer)
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**STAFF REPORTS – INFRASTRUCTURE SERVICE**

**Report No. 13.7 Mullumbimby Traffic Movement Corridor - Safety and Capacity Improvements**  
**File No: I2023/185**

- 23-062 Resolved:**
1. That Council supports the development of designs for the Station Street corridor, between Tincogan Street and Burringbar Street which provides for all users including heavy vehicles.
  2. That funding for the investigation and development of concept solutions for the Station / Tincogan Street intersection be considered in the preparation of the 2023/24 budget with a supporting draft Operational Plan Action. (Lyon/Westheimer)
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**Report No. 13.8 Tender Report - Contract 2023-1521 – Linda Vidler Park – Drainage and Sports Field Works - Suffolk Park**  
**File No: I2023/256**

- 23-063 Resolved** that Council:
1. Declines to accept the offers received from all of the tenders; and
  2. Notes the revised procurement strategy to separate parkland drainage works from sports field works. (Lyon/Westheimer)

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**REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES**

**Report No. 14.1**      **Report of the Finance Advisory Committee Meeting held on 16 February 2023**

**File No:**              I2023/255

**23-064**   **Resolved** that Council notes the minutes of the Finance Advisory Committee Meeting held on 16 February 2023.      (Lyon/Westheimer)

**23-065**   **Resolved** that Council adopts the following Committee Recommendations:

**Report No. 4.1 Budget Review - 1 October 2022 to 31 December 2022**

File No: I2023/170

Committee Recommendation 4.1.1

That Council:

1. Authorises the itemised budget variations as shown in Attachment 2 (#E2023/13829) which include the following results in the 31 December 2022 Quarterly Review of the 2022/2023 Budget:
  - a) General Fund – \$0 movement to the Estimated Unrestricted Cash Result
  - b) General Fund - \$7,342,100 increase in reserves
  - c) Water Fund - \$208,200 decrease in reserves
  - d) Sewerage Fund - \$297,500 decrease in reserves
2. Adopts the revised General Fund Estimated Unrestricted Cash Result of (\$205,000) for the 2022/2023 financial year as at 31 December 2022.
3. Receives a report to the Council Ordinary Meeting in April 2023 on infrastructure recovery program identifying major projects, cash flow gaps and funding sources.  
(Lyon/Westheimer)

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**Report No. 14.2**      **Report of the Audit, Risk and Improvement Committee Meeting held on 16 February 2023**

**File No:**              I2023/257

**23-066**   **Resolved** that Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 16 February 2023.      (Lyon/Westheimer)

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**23-067 Resolved** that Council adopts the following Committee and Management Recommendation:

**Report No. 4.4 Internal Audit Plan 2023-2024 - Detailed version**  
File No: I2023/63

Committee Recommendation 4.4.1

That the Audit, Risk and Improvement Committee endorses the scope of the audits to be undertaken in 2023-2024 as contained in the attached Internal Audit Plan (Attachment 1 E2023/8002) with the below amendments to the timetable:

	FY24
Q1	Developer contributions
Q2	Disaster recovery and planning
Q3	Waste management
Q4	WHS

(Lyon/Westheimer)

**23-068 Resolved** that Council adopts the following Committee and Management Recommendations:

**Report No. 5.1 Internal Audit Report Quarter 2 2022-2023 including Plant and Fleet Review and Corporate Cards Review**  
File No: I2022/1906

Committee Recommendation 5.1.1

That the Audit, Risk and Improvement Committee:

1. Notes the Internal Auditors Summary of Internal Audit Recommendations for Quarter 2 2022-2023 at Attachment 1 (E2023/7733).
2. Endorses the recommendations from the Executive Team to close off seven internal audit recommendations from Quarter 2 2022-2023 as listed in Table 1 of this report (a summary from Attachment 2 E2023/3535).
3. Endorses that Management implement the recommendations made in the:
  - a) Internal Audit of Plant and Fleet (December 2022) (Attachment 3 E2022/127137).
  - b) Internal Audit of Corporate Cards (December 2022) (Attachment 4 E2022/126217)

(Lyon/Westheimer)

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**23-069 Resolved** that Council adopts the following Committee and Management Recommendation:

**Report No. 5.2 2022 Year End Management Letter**

File No: I2023/123

Committee Recommendation 5.2.1

That the comments provided by Management in response to issues raised in the 2022 Year End Audit Management Letter (#E2023/10387) be noted by Council and the Audit, Risk and Improvement Committee.

(Lyon/Westheimer)

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## REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 14.3 Report of the Biodiversity Advisory Committee Meeting held on 16 February 2023**

**File No:** I2023/243

**23-070 Resolved** that Council notes the Minutes of the Biodiversity Advisory Committee Meeting held on 16 February 2023. (Lyon/Westheimer)

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## REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**Report No. 14.5 Report of the Local Traffic Committee Meeting held on 28 February 2023**

**File No:** I2023/300

**23-071 Resolved** that Council notes the Minutes of the Local Traffic Committee Meeting held on 28 February 2023. (Lyon/Westheimer)

**23-072 Resolved** that Council adopts the following Committee Recommendation:

**Report No. 6.1 Short Term Parking - Stuart Street, Mullumbimby**

File No: I2023/218

Committee Recommendation 6.1.1

That the Local Traffic Committee endorse the installation of eight short term parking bays (30 minutes) in Stuart Street, Mullumbimby from the boundaries of property numbers 101/103 and 99/101. (Lyon/Westheimer)

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**23-073 Resolved** that Council adopts the following Committee Recommendations:

## **Report No. 6.2 Blues Festival 2023 TMP**

File No: I2023/234

### Committee Recommendation 6.2.1

1. That Council endorses the regulatory traffic management facilities and devices, including signs and traffic controller provisions proposed for the Council controlled public road network as outlined in attachment 1 (E2023/9632) for the Byron Bay Bluesfest 2023 to be held on Thursday 6 April 2023 to Monday 10 April 2023, 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) The event be held through the implementation of the events Traffic Management Plan and Traffic Control Plan(s) as per attachments 1 and 2 (E2023/9632, E2023/9636). The Traffic Management Plan 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.
  - c) The Traffic Management Plan and the Traffic Control Plan(s) to be implemented by those with relevant and current TfNSW accreditation;
  - d) Traffic camera data recorders or similar be used to obtain an accurate record of traffic impacts at KPI queue locations;
  - e) 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;
2. That the event organiser:
  - a) 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;
  - b) provide a copy of the advert for Council's web page;
  - c) give consideration of any submissions received;
  - d) 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;
  - e) arrange for private property access and egress affected by the event;
  - f) liaise with bus and taxi operators and ensuring arrangements are made for

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- provision of services during conduct of the event;
- g) consult with emergency services and any identified issues be addressed;
  - h) holding \$20m public liability insurance cover which is valid for the event;
  - i) paying Council's Road Event Application Fee prior to the event.
3. That Council endorses drawing number BFBB-BF-TCP-23-11 with regards to the Grays Lane intersection in relation to buses. The Local Traffic Committee does not support the other two options shown in drawing numbers TCP-BBBF-PACIFIC-23-01 and BFBB-BF-TCP-23-12. (Lyon/Westheimer)
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**Report No. 14.6 Report of the Infrastructure Advisory Committee Meeting held on 16 February 2023**

**File No:** I2023/322

- 23-074 Resolved** that Council notes the Minutes of the Infrastructure Advisory Committee Meeting held on 16 February 2023. (Lyon/Westheimer)

- 23-075 Resolved** that Council adopts the following Committee Recommendation:

**Report No. 4.1 Pedestrian Access & Movement Plan and Bike Plan Review**

File No: I2023/186

Committee Recommendation 4.1.1

That the Infrastructure Committee supports the Pedestrian Access and Mobility Plan and Bike Plan being reviewed, combined into an Active Transport Action Plan and consulted to the community as part of the 2023/24 Operational Plan actions.

(Lyon/Westheimer)

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**Report No. 14.7 Report of the Local Traffic Committee Meeting held on 7 February 2023**

**File No:** I2023/327

- 23-076 Resolved** that Council adopts the following Committee Recommendations:

**Report No. 6.1 10.2022.488.1 - Stone and Wood**

File No: I2023/116

Committee Recommendation 6.1.1

1. That Council endorse the "Festival of the Stone" event to be held on a Saturday, twice a year, and over a period of 5-years commencing 2023 on Lot 59 in DP 835349, being 96-100 Centennial Circuit, Byron Bay in accordance with the Local Traffic Committee's recommendation on 28th January 2020.

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2. That Council's support in Part 1 is subject to:
  - a) separate approvals by NSW Police and TfNSW being obtained;
  - b) the event organiser provide Council with an updated Traffic Management Plan and Traffic Guidance Scheme/s for the 2023 event;
  - c) development and implementation of a Traffic Management Plan and Traffic Guidance Scheme/s by those with appropriate TfNSW accreditation and the holding of current and appropriate levels of insurance and liability cover;
  - d) the impact of the event be advertised, and charged at cost to the organisers, 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;
  - e) the event be notified on Council's web page with the event organiser supplying Council with the relevant information.
3. The event organiser to:
  - a) inform the community and businesses that are directly impacted (e.g. 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) liaising with bus, taxi and waste operators and ensuring arrangements are made for provision of services during conduct of the event;
  - c) consulting with emergency services and any identified issues be addressed;
  - d) holding \$20m public liability insurance cover which is valid for the event;
  - e) paying Council's Road Event Application Fee prior to the event;
  - f) not place any signage on the road related area of the Pacific Highway.

(Lyon/Westheimer)

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## PROCEDURAL MOTION

- 23-077 Resolved** that Council change the order of business to deal with Report 13.2 next on the Agenda. (Lyon)

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**STAFF REPORTS - GENERAL MANAGER**

**Report No. 13.2**      **Community Engagement**  
**File No:**            I2023/366

**23-078 Resolved:**

1. That this report on community engagement and liaison be noted.
2. That Councillors further discuss and consider opportunities for community engagement at a councillor workshop in 2023. (Balson/Lyon)

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

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**MAYORAL MINUTE**

There was no Mayoral Minute.

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**NOTICES OF MOTION**

**Notice of Motion No. 9.1 Disaster preparedness motion to the 2023 ALGA Conference**

**File No:**            I2023/343

**23-079 Resolved that Council:**

1. Notes that the closing date for submissions to the Australian Local Government Association (ALGA) National Conference is Friday 24 March; and
2. Submits a Notice of Motion to be included in the Agenda of this year's ALGA Conference as follows:

*That the National General Assembly calls on the Australian Government to urgently implement the 80 recommendations of the report by Royal Commission into National Natural Disaster Arrangements, acknowledging;*

- i. the many extreme climate-related disasters that have occurred since the report of the Royal Commission into National Natural Disaster Arrangements was tabled in Parliament in October 2020;*
- ii. the unprecedented nature of these disasters and the shortfall in capacity of local government, communities, emergency services and rescue services to respond to them effectively;*
- iii. that communities in rural and regional areas have been most affected by the recent climate related disasters;*
- iv. the extreme lack of resources – funds, equipment and personnel – required to respond to such disasters;*
- v. that in regional communities it has predominantly fallen to volunteer services to be the frontline responders to disasters and that this is no longer a tenable situation given the increased frequency and intensity of climate-related disaster events;*

(Coorey/Dey)

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

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**PETITIONS**

Cr Westheimer left the Chamber at 10:34AM.  
Cr Swivel left the Chamber at 10:35AM.

**Petition No. 10.1     Upper Main Arm Pothole Petition**  
**File No:                     I2023/208**

**23-080     Resolved:**

1. That the petition regarding Upper Main Arm Potholes be noted.
2. That the petition be referred to the Director Infrastructure Services.  
(Dey/Westheimer)

*The motion was put to the vote and carried.*  
*Crs Westheimer and Swivel were not present for the vote.*

Crs Swivel and Westheimer returned to the Chamber at 10:40AM.

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**SUBMISSIONS AND GRANTS**

**Report No. 11.1     Grants February 2023**  
**File No:                     I2023/357**

**23-081     Resolved** that Council notes the report and Attachment 1 (#E2023/25127) for Byron Shire Council's Grant submissions as at 28 February 2023. (Dey/Lyon)

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

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**DELEGATES' REPORTS**

Cr Dey spoke further regarding the NSW Rural and Regional Summit on 20 February 2023.

Cr Westheimer spoke about the NSW Rural and Regional Summit on 20 February 2023 and his discussion with the Shadow Minister for Regional Transport and Roads, Jenny Aitchison.

**STAFF REPORTS - GENERAL MANAGER**

**Report No. 13.1 Licences to manage Council owned tennis courts**  
**File No: I2023/180**

**23-082 Resolved:**

1. That Council delegates to the General Manager the authority to grant the following licences to:
  - a) Bangalow Tennis Club Incorporated to manage and operate the Bangalow tennis court's part Folio 9/748099, Byron Bay Road Bangalow known as the Bangalow Sports Ground.
  - b) Ocean Shores Tennis Club Incorporated to manage and operate the Ocean Shores tennis court's part Folio 175/238456, Orana Road Ocean Shores.
  - c) Byron Bay Community Tennis Incorporated to manage and operate the Suffolk Park tennis court's Folio 122/831214, 46 Beech Drive Suffolk Park known as Linda Vidler
2. That the Licences referred to in point 1 are to be executed as User Agreements with the following conditions:
  - a) term of twelve-months commencing 17 April 2023 without holding over,
  - b) rent for the term to be specified by Councils Fees and Charges at:
    - i) \$1,650 (inc GST) per annum for the Bangalow tennis courts, and
    - ii) \$850 (inc GST) per annum for the Ocean Shores and Suffolk Park tennis courts.
  - c) The Licensee to pay:
    - i) all outgoings required to operate a tennis venue,
    - ii) public liability and contents insurance for the venue, and
    - iii) all non-structural repairs and maintenance to the tennis courts and club house.
  - d) The Licensee must deposit no less than 5% of its annual net profit into a sinking fund for future asset renewals at the venue. The Licensee must transfer the contents of the sinking fund to Council at end of the Licence if not renewed.
  - e) The Licensee must obtain Licensor consent:
    - i) for a tennis coach to operate a commercial business from the Council venue, and
    - ii) to obtain a liquor licence for use in a Council venue.
  - f) The Licensee must allocate reasonable hours of court use to non-members.

(Swivel/Pugh)

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

**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

Cr Pugh left the Chambers at 11:07AM.

**Report No. 13.3      National General Assembly of Local Government 2023**  
**File No:                I2023/105**

**23-083 Resolved** that Council:

1. Authorises two Councillors being Councillors Lyon and Westheimer to attend the 2023 National General Assembly of Local Government incorporating the Regional Cooperation and Development Forum to be held at the National Convention Centre in Canberra from 13 to 16 June 2023 and nominates Cr Lyon as the voting delegate.
2. Considers endorsement of any motions for submission to the National General Assembly by the lodgement deadline with ALGA of Friday, 24 March 2023.

(Westheimer/Lyon)

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

Cr Pugh returned to the Chambers at 11:10AM.

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**STAFF REPORTS - INFRASTRUCTURE SERVICES**

Cr Swivel left the Chambers at 11:12AM.

**Report No. 13.5      Adoption of the Byron Design Guide**  
**File No:                I2022/1798**

**23-084 Resolved** that Council defers consideration of the Report titled Adoption of the Byron Design Guide to the Ordinary Council Meeting in May 2023. (Dey/Westheimer)

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

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Cr Dey left the Chambers at 11:18AM.

PROCEDURAL MOTION

**23-085 Resolved:**

1. That pursuant to Section 10A(2)(d)(i) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely the Federal Drive Landslip - Remediation Works - Tender Award contract 2022-1432.
2. That the reasons for closing the meeting to the public to consider this item be that:

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- (d) *commercial information of a confidential nature that would, if disclosed:*  
(i) *prejudice the commercial position of the person who supplied it*

3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential information could compromise the commercial position of tenderers. (Lyon)

*The motion was put to the vote and carried.  
Crs Swivel and Dey were not present for the vote.*

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Cr Dey returned to the Chambers at 11:22AM.  
Cr Swivel returned to the Chamber at 11:33AM

**Report No. 13.6**      **Federal Drive Landslip - Remediation Works - Tender Award contract 2022-1432**  
**File No:**              I2022/1398

**23-086**      **Resolved** that Council:

1. Awards Tender 2022-1432, 532-606 Federal Drive Flood Damaged Site Landslides Stabilisation and Reconstruction to Civlec Pty Ltd (GRC Civil) as recommended in the confidential assessment report (E2023/17878).
2. Makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2021. (Lyon/Hunter)

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

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## PROCEDURAL MOTION

**23-087**      **Resolved** that the meeting move out of confidential session. (Lyon)

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

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*The meeting adjourned at 11:45AM for a recess break and reconvened at 12:00PM.*



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- b) the value of a broader Policy that goes beyond what the DCP can achieve in limiting Fill on Floodplains;

and that the support of appropriate planning staff would be greatly appreciated in such considerations.

2. To resolve that the 2014 Byron Shire Council Development Control Plan should be updated as a priority each and every time a Floodplain Risk Management Study is created or updated within the Shire or across our Shire boundaries (eg the Tweed – Byron Coastal Creeks Flood Study of 2010).
3. To update the 2020 North Byron Floodplain Risk Management Study as soon as possible to reflect the February 2022 flood event.
4. To update the 2020 North Byron Floodplain Risk Management Plan as soon as possible to reflect changes caused by the February 2022 flood event. (Dey/Lyon)

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

**23-092 Resolved** that Council adopts the following Committee Recommendation:

**Report No. 4.2 Modelling of Various Flow Scenarios at South Golden Beach**

File No: I2023/89

Committee Recommendation 4.2.1

That Council includes in the information it will disseminate under AGRN1012 -Local Government Recovery Grant Program results of a basic review of extracting water from the floodplain north of New Brighton. (Dey/Lyon)

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

**23-093 Resolved** that Council adopts the following Committee Recommendations:

**Report No. 4.3 Hydrology Inputs to the North Byron 2020 Flood Model**

File No: I2023/88

Committee Recommendation 4.3.1

That Council:

1. Notes that all catchment inflows are included in the Council adopted North Byron Flood Risk Management Study; and
2. Includes in the information it will disseminate under Local Government AGRN1012 - Recovery Grant Program results discussed by WMA in Attachment 1 of this report. (Dey/Lyon)

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

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**23-094 Resolved** that Council adopts the following Committee Recommendations:

**Report No. 4.4 Byron Shire Post 2022 Flood Analysis Update**

File No: I2023/67

Committee Recommendation 4.4.1

That Council:

1. Notes the report to the Floodplain Management Advisory Committee; and
2. Circulates the 2022 Flood Analysis Reports as soon as they are available and then call an extraordinary Committee meeting to consider the reports. (Dey/Lyon)

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

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## QUESTIONS WITH NOTICE

**Question With Notice No. 15.1 Stormwater drainage from Prince Street**

**File No:** I2023/335

Cr Dey asks the following question:

*The following photos were taken on 7 March 2023 and show recent works within the rail corridor in and just north of Mullumbimby. They also show a significant body of water ponding where it never has before, plus what appears to be a roadway to the Brunswick River. Residents of Prince Street have informed Council lately of drain not working in their precinct.*

1. *Has Council been consulted about or given any permissions for these works?*
2. *Has Council considered or would Council please consider the implications of these works as influencing urban stormwater drainage from the precinct around Prince Street, and does Council recognise problems with that system over recent weeks? Problems could be due to these works.*
3. *Does the state authority undertaking these works ever consult with Council and, if so, why is this consultation not reported to the public or at least to Council?*
4. *Does Council consider that significant works on low-lying flat terrain (in this case, a floodplain) require more scrutiny than similar works that are not located on such tricky terrain?*

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Photo 1:

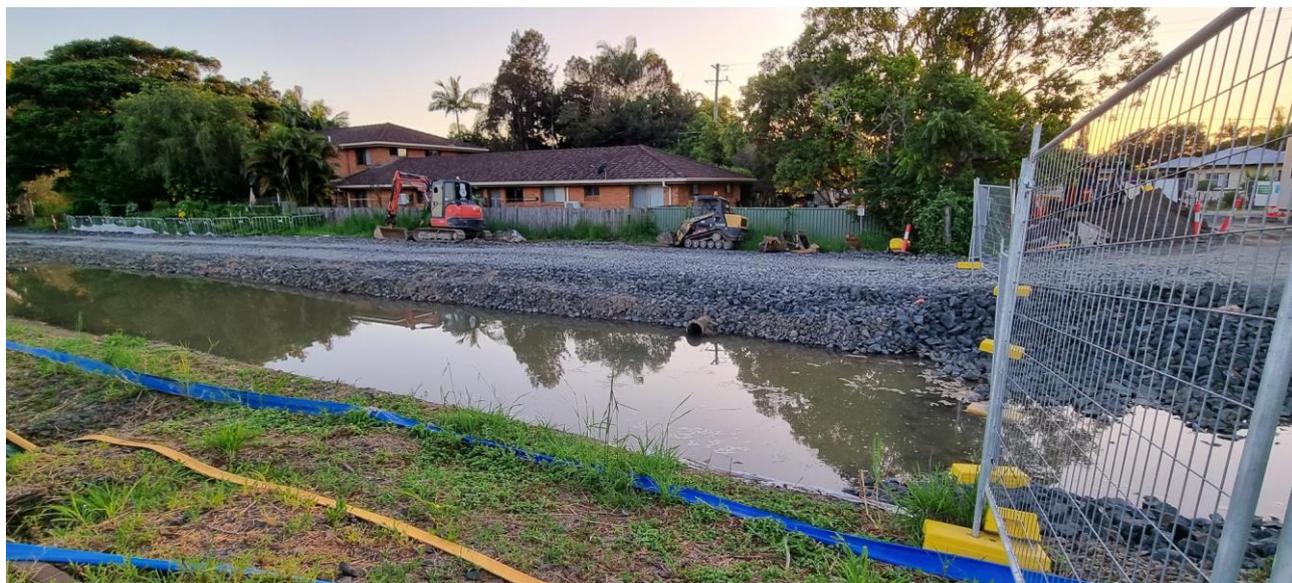


Photo 2:



Photo 3:



Photo 4:



Photo 5:



Photo 6:



**Response Director Phillip Holloway Infrastructure Services:**

1. The carrying out of stormwater drainage work requires Council approval under Section 68 of the Local Government Act 1993. However, such works on behalf of the Crown is exempt from requiring Section 68 approval.

Despite this exemption, NSW Public Works applied for Section 68 approval for stormwater drainage works. In December 2022 Council staff requested further information required to determine the application however this information has not been provided to date.

2. Council's drainage maintenance teams have been active around the area and have

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cleaned pits, pipes and channels on Council owned infrastructure. NSW Public Works have committed to maintaining their infrastructure. NSW Public Works have indicated that some of the works shown in the pictures are temporary works and will be improved. Council have not been supplied any drainage details apart from the Flood Impact Assessment.

3. NSW Public Works have reported to Council on the Flood Impact Assessment of the Mullumbimby site.
4. Yes.

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**Question With Notice No. 15.2 Building Back Better at Williams Bridge**  
**File No:** I2023/340

Cr Dey asks the following question:

*As reported in my Delegate Report earlier in this Agenda, I represented Council at a NSW Local Government Summit in Sydney on 20 February 2023. One of the topics of the Summit was Building Back Better. It occurs to me that we have not yet done that at Williams Bridge, on Main Arm Road where it crosses over the Brunswick River.*

*On 28 February 2022 both approach embankments of the concrete bridge were eroded away due to hydraulic afflux through the restricted waterway opening beneath the bridge. Afflux was sufficient that water preferred to “pipe” through the embankments than to wait in the “hydraulic queue” and go under the bridge.*

*Once the washouts were complete, a more natural hydraulic gradient was reached and further erosion avoided. That post-collapse hydraulic format reflects what nature would choose for the waterway opening.*

*In March and April 2022 the embankments were built back rapidly and important access restored. The actual bridge deck had remained in place on its piers. Road users in Main Arm were very grateful.*

*Sadly, that emergency build put back exactly what had washed out. From the River’s perspective, about half the waterway that would be available beneath the bridge, if its embankments were vertical, is occupied by sloping embankments instead. The rectangular waterway opening that we see under many government bridges is V-shaped under Williams Bridge.*

*The earthen embankments are armoured with rocks even bigger than the originals. The new hydraulic format is the same as the original 1960’s build. A repeat flood would likely have the same result as in 2022.*

1. *Has Council notified State authorities that Williams Bridge needs further attention, and likely needs replacement with a bridge that offers the River a far greater waterway area?*
2. *Has Council considered that the same phenomenon could cut access during a*

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*repeat "2022" flood at Sherrys Bridge a few kilometres downstream on Main Arm Road, if the approach road there is raised as planned to stop floods overtopping it and all water is thus sent to the Bridge instead?*

## **Response Director Infrastructure Services:**

1. Council have not notified the State because the bridge is not considered to need further works or replacement. A level 2 bridge inspection was completed in February 2023, this resulted in a condition level of 3, which is fair and acceptable. Council has bridges with lower condition ratings.

The report did not raise concerns with the abutment or scour protection works. At the time of repair the post flood recovery team advised that the scour protection was returned to a similar batter and location to previous. The 2022 level 1 bridge inspection report that was completed days before the 2022 flood event shows a somewhat similar waterway area to what exists on site today.

The 2022 bridge inspection noted '*Area at base of batter Abutment A previously formed has early scour. Repair required to be completed, as rise in waterway will grow scour under existing.*' Therefore days prior to the flood the bridge was noted to have abutments that were at risk of damage with a rise in water level.

There was not time to action a repair before the flood. Council's annual bridge repair budget for such works is limited at \$100,000. This year these funds are being used to fund urgent works on the Belongil Creek footbridge because they are an immediate hazard to users. \$100,000 per year is not sufficient to reach desirable repairs such as scour protection repairs each year.

Further modelling would be required to ascertain if a greater water way area is required in this location however, this is not considered a priority given the bridges location and Council's other flood mitigation priorities. Loss of scour protection is not considered a trigger for this to be investigated given the notes in the 2022 bridge inspection report.

2. Council has been designing and modelling a proposal to raise Main Arm Road upstream of Sherry's bridge. Sherry's Bridge is within the flood model and part of any flood impact assessment for the proposed works. Should a proposed design increase flood velocity at the bridge an investigation into scour protection improvements would be completed.

This project is currently on hold due to funding constraints.

Further, a level 2 bridge inspection was completed on Sherry's Bridge in February 2023. This resulted in a condition level of 3. The inspection notes some scour protection damage that needs attention to abutment B. Staff are already investigating repair and solutions to this as part of the flood recovery program.

This does raise the risk of greater scour protection damage in the next flood.

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*There being no further business the meeting concluded at 12.29PM.*

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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 27 April 2023.



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Mayor Michael Lyon

DRAFT