

Minutes
Ordinary Meeting
Thursday, 27 April 2023



BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 April 2023

INDEX OF ITEMS DISCUSSED

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 27 APRIL 2023 COMMENCING AT 9:11AM AND CONCLUDING AT 5:22PM

I2023/597

PRESENT: Cr M Lyon (Mayor), Cr S Balson, Cr C Coorey (left at 4:00pm), Cr D Dey, Cr A Hunter, Cr S Ndiaye, Cr A Pugh (left at 2:27pm), Cr M Swivel (left at 4:40pm) 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)
Ralph James (Legal Counsel)
Liz Caddick (Biodiversity Team Leader) – Item 10.2
Phil Warner (Manager Assets and Major Projects) – Item 10.1
Sarah Nagel (Manager Public and Environmental Services) – Item 10.3
James Brickley (Manager Finance) – Item 13.3
Chloe Dowsett (Coast, Biodiversity, and Sustainability Coordinator) – Item 13.6
Malcom Robertson (Manager Open Spaces and Facilities) – Item 13.9
Amber Evans Crane / Storm Townsend (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:

Report No and Title	For/ Against	Name	Representing	Via
10.2 Dingo Protection and Wild Dog Pest Management Plan Revisal	For	Lionel Currie	Self	In person
		Phillip Browning	Self	In person
		Soledad Herrera	Northern Rivers Dingo Advocacy	In person
		Samantha Walsh	Dingo Den Animal Rescue	In person
13.7 PLANNING - 10.2020.651.1 Staged Affordable Housing Development comprising Nine (9) Boarding Houses, Community Building, Managers Residence and Strata	For	Norman & Gail Hunt	Self / Site Owners	In person

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Report No and Title	For/ Against	Name	Representing	Via

PROCEDURAL MOTION

23-112 Resolved that Public Access be extended until 10:30am (Lyon)

The motion was put to the vote and carried unanimously.

Report No and Title	Name	For/ Against	Representing Organisation	Via
13.10	Louise Doran	For	Self	In person
Byron Shire Rail with Trail (Update)				

The meeting adjourned at 10.23am and reconvened at 10.55am.

APOLOGIES

There were no apologies.

APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

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

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

- 23-113 Resolved** that the minutes of the Ordinary Meeting held on 23 March 2023 be confirmed.
(Westheimer/Swivel)
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

Corporate and Community Services

- Report No. 13.2 Grants March 2023
Report No. 13.3 Public Exhibition of draft 2023/24 Operational Plan, Budget, and Revenue Policy
Report No. 13.4 Review of Council Policies - 2022-2023
Report No. 13.5 Council Investments - 1 March 2023 to 31 March 2023

Sustainable Environment and Economy

- Report No. 13.6 Main Beach Shoreline Project - Project Overview and Outcomes of the Technical Assessment of Concept Options including Recommendations and Next Steps
Report No. 13.7 PLANNING - 10.2020.651.1 Staged Affordable Housing Development comprising Nine (9) Boarding Houses, Community Building, Managers Residence and Strata Subdivision to create Three (3) Lots and a Common Lot at 2 Bangalow Road, Byron Bay
Report No. 13.8 Outcome of Request for Proposal: Affordable Housing - 57 Station Street, Mullumbimby

Infrastructure Services

- Report No. 13.9 Heritage Park Mullumbimby - Draft Landscape Masterplan
Report No. 13.10 Byron Shire Rail with Trail (Update)

REPORTS OF COMMITTEES

Corporate and Community Services

- Report No. 14.1 Report of the Arts and Creative Industries Advisory Committee Meeting held on 16 March 2023

Sustainable Environment and Economy

- Report No. 14.2 Report of the Coast and ICOLL Advisory Committee Meeting held on 14 February 2023

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The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Lyon and seconded by Cr Hunter. Each recommendation is recorded with a separate resolution number commencing at Resolution No. **23-114** and concluding with Resolution No. **23-122**.

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 **Licence to Mullumbimby Sustainability Education and Enterprise Development Incorporated**

File No: I2023/326

23-114 **Resolved** that Council delegates to the General Manager the authority to grant to Mullumbimby Sustainability Education and Enterprise Development Incorporated the following licence:

- a) over the land only being part Folio 22/1073165,
 - b) term 5-years no holding over or renewal options,
 - c) base rent of \$490 (excluding GST) per annum and increased by Consumer Price Index All Groups Sydney annually thereafter,
 - d) for the purpose of an enterprise garden within the meaning of Councils Community Garden Policy 2022,
 - e) the Licensee to pay all outgoings and hold all insurances required to operate an enterprise garden,
 - f) the Licensee to obtain planning approval for all structures on the land, and
 - g) the Licensor to pay all annual fixed rates and charges. (Lyon/Hunter)
-

STAFF REPORTS – CORPORATE AND COMMUNITY SERVICES

Report No. 13.11 **Submissions - Fees and Charges - Use of car parking spaces for construction purposes**

File No: I2023/489

23-115 **Resolved** that Council considers the submissions made and adopts the amended fees for “Use of Council land/road reserve to enable construction work, events or temporary use” to commence from 1 May 2023. (Lyon/Hunter)

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.3 Report of the Housing and Affordability Advisory Committee Meeting held on 16 March 2023

File No: I2023/398

23-116 Resolved that Council notes the minutes of the Housing and Affordability Advisory Committee Meeting held on 16 March 2023. (Lyon/Hunter)

Report No. 14.4 Report of the Climate Change and Resource Recovery Advisory Committee Meeting held on 16 March 2023

File No: I2023/481

23-117 Resolved that Council notes the minutes of the Climate Change and Resource Recovery Advisory Committee Meeting held on 16 March 2023. (Lyon/Hunter)

REPORTS OF COMMITTEES – INFRASTRUCTURE SERVICES

Report No. 14.5 Report of the Water and Sewer Advisory Committee Meeting held on 30 March 2023

File No: I2023/536

23-118 Resolved that Council notes the minutes of the Water and Sewer Advisory Committee Meeting held on 30 March 2023. (Lyon/Hunter)

23-119 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.1 Review of Council's Onsite Sewage Management Strategy 2001 and Onsite Sewage Management Guidelines 2004

File No: I2023/251

Committee Recommendation 4.1.1

That Water and Sewer Advisory Committee:

1. Notes the draft Onsite Sewage Management Strategy and draft Onsite Sewage Management Guidelines; and
2. Request staff to convene a meeting with available committee members prior to reporting documents in point 1 to Council prior to exhibition. (Lyon/Hunter)

23-120 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.3 Mullumbimby Water Supply Strategy - Members' Motions

File No: I2023/345

Committee Recommendation 4.3.1

That the Committee advises Council to:

1. Thank Hydrosphere for preparing the report 'Mullumbimby Water Supply Strategy, final draft December 2021', which was discussed at the meeting of this Committee on 28 September 2022, and not adopt its recommendations.
2. Recognise that Mullumbimby's current water source at Lavertys Gap may not supply adequate volumes of water during drought for the supply area (Mullumbimby), but that an emergency supply is secured in the medium term via an option to draw on Rous Water.
3. Recognise that the current treatment system is near or has passed its use-by date.
4. Recognise that the weir at Lavertys Gap blocks fish passage and operates under a licence that does not require release of environmental flows to water the downstream environment.
5. Recognise that the weir is aging and in need of repair, and is heritage listed along with other connected water supply infrastructure (such as the race).
6. Seek from Rous Water a statement as to the Environmental / Social / Economic Impacts of the addition of the 2060 population of the Mullumbimby water supply network to the Rous water supply network.
7. Following the meeting with representatives of Rous, consider investigation of matters that will enable a strategy for Mullumbimby's long term water supply based on the following concept:
 - a) Lavertys Gap as the source during flows in excess of environmental requirements;
 - b) water stored off-stream between the source and Mullumbimby;
 - c) water treated at a new location between the storage and Mullumbimby;
 - d) water delivered to Mullumbimby and possibly beyond; and
 - e) maximising demand management, including the harvesting of roof water.
8. The investigation above to include:
 - a) the topography of the terrain between Lavertys Gap and Mullumbimby, to identify potential dam sites;
 - b) the hydrology of Wilsons Creek and its capacity to supply, including seasonality;
 - c) the impact of climate change on supply and on demand (using CC data and methodologies in the pilot phase for local water supply through DPE, and applied in Regional Water Strategies);
 - d) infrastructure needs including offtake, storage, treatment and linkages to the town's reservoirs;
 - e) environmental assessments for the creation and operation of that infrastructure, including greenhouse gas emissions;
 - f) assessment of the weir at Lavertys Gap including (i) structural integrity; (ii)

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- means of creating fish passage; and (iii) how this proposal enhances its heritage and preservation; and
- g) economic assessment. (Lyon/Hunter)
-

Report No. 14.6 Report of the Moving Byron Advisory Committee Meeting held on 30 March 2023

File No: I2023/537

- 23-121 Resolved** that Council notes the minutes of the Moving Byron Advisory Committee Meeting held on 30 March 2023. (Lyon/Hunter)

- 23-122 Resolved** that Council adopts the following Committee Recommendations:

Report No. 4.1 Discussion Items

File No: I2023/431

Committee Recommendation 4.1.1

1. That Council supports the Moving Byron Committee continuing discussions with Transport for New South Wales on the Integrated Transport Management Plan.
 2. That the Committee endorses the choice of Mullumbimby CBD to the Industrial Estate and Suffolk Park from Clifford Street to Bangalow Road (High school) for assessment via the Heathy Streets Framework for completion by TfNSW within this financial year. (Lyon/Hunter)
-

PROCEDURAL MOTION

- 23-123 Resolved** that Council change the order of business to deal with Reports 10.2, 13.7 and 13.10 next on the Agenda. (Lyon)

The motion was put to the vote and carried unanimously.

NOTICES OF MOTION

**Notice of Motion No. 10.2 Dingo Protection and Wild Dog Pest Management
Plan revisal**

File No: I2023/544

23-124 Resolved that Council:

1. Recognises that dingoes are native animals with an important ecological role, and are worthy of protection and care;
2. Acknowledges the deep connection between dingoes and Aboriginal Australians, and endeavours to respect this connection in relevant actions of the Council;
3. Recognises that the term 'wild dogs' is frequently and incorrectly used to describe dingoes or dingo-hybrids;
4.
 - a) Notes that Council currently does not bait other than for rodents in community halls.
 - b) Discusses this matter at the next available Councillor Workshop including:
 - i) Possibilities for actively providing information to re-educate residents of the Byron Shire Council about the value, importance and mistreatment of dingoes and importance of responsible domestic pet ownership;
 - ii) Including the active engagement with stakeholders about new research into effective, non-lethal tools and practices to manage coexistence with dingoes on private property;
 - iii) Revising and amending the Byron Shire Council's Wild Dog Pest Management Plan to reflect updated language, strategies and education policies accordingly.
 - iv) Considers writing a letter on behalf of the Council to the Hon. Penny Sharpe MLC, Minister for the Environment and Heritage, to call for dingoes to be a protected animal under the Biodiversity Conservation Act 2016 (NSW), with all other relevant policies and management plans updated to reflect this protected status, to ensure this protected status is reflected in the implementation of the Biosecurity Act 2015 (NSW), and to ban the use of 1080 as an inhumane and indiscriminate poison.
 - v) Considers writing a letter on behalf of the Council to the Hon. Tanya Plibersek MP, Federal Minister for Environment and Water, to call for dingoes to be included in the list of threatened species protected by the Environment Protection and Biodiversity Conservation Act 1999 (Cth), or to be included in a special list of non-threatened species to be protected by the Environment Protection and Biodiversity Conservation Act 1999 (Cth).
 - c) Receives a report in late June following the Councillor Workshop in (b) above on the ways to avoid trapping, baiting, shooting and otherwise killing dingoes whilst still controlling other animals that are pests and/or are creating environmental damage. (Balson/Lyon)

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PROCEDURAL MOTIONS

23-125 Resolved that Cr Balson be granted a two minute extension to her speech. (Lyon)

The motion was put to the vote and carried unanimously.

23-126 Resolved that Council move into Committee to allow for free debate. (Lyon)

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

23-127 Resolved: That Council move out of Committee and resume the Ordinary Meeting.(Lyon)

The motion was put to the vote and carried unanimously.

The motion (Balson/Lyon) was put to the vote and carried unanimously.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.7 PLANNING - 10.2020.651.1 Staged Affordable Housing Development comprising Nine (9) Boarding Houses, Community Building, Managers Residence and Strata Subdivision to create Three (3) Lots and a Common Lot at 2 Bangalow Road, Byron Bay

File No: I2022/475

23-128 Resolved that, pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2020.651.1 for staged affordable housing development comprising nine (9) boarding houses, community building, managers residence and strata subdivision to create three (3) lots and a common lot, be approved subject to the recommended conditions in Attachment 1 (E2023/35369) with the following addition of conditions in an appropriate order in the consent:

- Use of the boarding houses
The boarding houses are not to be holiday let or used as tourist and visitor accommodation or as short-term rental accommodation. (Lyon/Ndiaye)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.10 Byron Shire Rail with Trail (Update)
File No: I2023/215

Moved that Council:

1. Closes Resolutions 20-572, 21-234 and 21-389, with the remaining actions being duplicated within the outstanding Resolutions 20-127, 22-224, 22-409 and 22-412.
2. Focus on a Rail with Trail option from Byron Bay to Mullumbimby whilst pursuing a Rail Trail for the Bangalow Station West and Mullumbimby North sections, working with the three other LGAs along the rail corridor in the context of the Northern Rivers Rail Trail (NRRT) and other levels of Government. (Pugh/Lyon)

PROCEDURAL MOTIONS

23-129 Resolved that Cr Pugh be granted a two minute extension to his speech. (Lyon)
The motion was put to the vote and carried unanimously.

23-130 Resolved that this matter rest on the table. (Lyon)
The motion was put to the vote and carried unanimously.

The meeting adjourned at 12:45pm for a lunch break and reconvened at 1:25pm.

23-131 Resolved that Report No. 13.10 be lifted from the table. (Lyon)
The motion was put to the vote and carried unanimously.

23-132 Resolved that Cr Dey be granted a two minute extension to his speech. (Westheimer/Ndiaye)
The motion was put to the vote and carried unanimously.

AMENDMENT

Moved that Council:

1. Closes Resolutions 20-572, 21-234 and 21-389, and continues work on the basis of the following outstanding Resolutions:
 - a. 20-127,
 - b. 22-224,
 - c. 22-409, and
 - d. 22-412.
2. Notes that an extension has been sought for the Transport NSW Grant for the Bangalow shared path project. (Dey/Westheimer)

*The amendment was put to the vote and declared lost.
Cr� Hunter, Pugh, Lyon, Swivel, and Balson voted against the amendment.*

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PROCEDURAL MOTION

23-133 Resolved that Cr Swivel be granted a one minute extension to his speech. (Lyon/Pugh)

The motion was put to the vote and carried unanimously.

The motion (Pugh/Lyon) was put to the vote and declared lost.

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

Cr Pugh left the meeting at 2.27pm and did not to return.

23-134 Resolved:

1. That Council supports an extension being sought for the Transport NSW Grant for the Bangalow shared path project.
2. That the matter Byron Shire Rail with Trail (Update) be deferred until the 22 June Ordinary Council Meeting. (Ndiaye/Balson)

The motion was put to the vote and carried.

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

Cr Pugh was not present for the vote.

MAYORAL MINUTE

There was no Mayoral Minute.

NOTICES OF MOTION

Notice of Motion No. 10.1 LGNSW Water Management Conference 2023

File No: I2023/539

23-135 Resolved that Council:

1. Recognises the value of Councillors attending conferences to expand and update their knowledge in fields relevant to Council's activities.
2. Supports the registration, travel and accommodation for Cr Dey to attend the Water Management Conference 2023
3. Registers those Councillors this week prior to the end of the early-bird fee offer on 28 April 2023. (Dey/Balson)

The motion was put to the vote and carried.

Crs Hunter and Swivel voted against the motion.

Cr Pugh was not present for the vote.

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Notice of Motion No. 10.3 Legrope enforcement on Byron Shire beaches
File No: I2023/552

23-136 Resolved that Council:

1. Notes that the *Local Government Act 1993*, S.633(4)(c) could empower a local council to require the use of leg ropes on surfboards as 'water-based recreational equipment'.
2. Notes that Section 633(1) and S.633(4)(c) of the Local Government Act makes it an offence for a person in a place listed in the section to act contrary to a notice installed by Council.
3. Seeks to address issues of community safety in the surf by:
 - a) installing notices at the formed entrances to the beaches, and
 - b) the notices would advise relevant board riders that they must use a leg rope in the surf.
4. The proposed notices would:
 - a) apply to a person in the sea adjacent to Council's area (section 633(1));
 - b) be installed by Council on its own land, or seek the relevant landowner's consent (e.g., on land managed by the National Parks and Wildlife Service) in accordance with section 633(3); and
 - c) relate to the use of surfboards in the surf (633(4)(c) and 633(5))
 - d) advise that breaches of the notice attract a fine
5. Begins the new signage or signage amendments at the Shire's busiest surfing beaches as a priority.
6. Writes to the local MP Tamara Smith and relevant state authorities, including Crown Lands, Marine Parks, National Parks, asking for them to take relevant actions to support the requirement to wear leg-ropes while in the surf with a surfboard.
7. Prepares an unpaid community education campaign around this issue.
8. Prepares a broader ranging unpaid media campaign that could reach beyond Byron Shire to potential visitors, particularly focussing on surfing and traveller audiences.

(Coorey/Swivel)

PROCEDURAL MOTION

23-137 Resolved that Cr Coorey be granted a two minute extension to her speech. (Lyon)

The motion was put to the vote and carried unanimously.

Cr Pugh was not present for the vote.

The motion (Coorey/Swivel) was put to the vote and carried unanimously.

Cr Pugh was not present for the vote.

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PETITIONS

There were no petitions tabled at the meeting.

DELEGATES' REPORTS

There were no delegates' reports.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.2 **Grants March 2023**
File No: I2023/488

- 23-138** **Resolved** that Council notes the Report and Attachment 1 (#E2023/36688) for Byron Shire Council's Grant submissions as at 31 March 2023. (Westheimer/Lyon)
- The motion was put to the vote and carried unanimously.
Cr Pugh was not present for the vote.*

Report No. 13.3 **Public Exhibition of draft 2023/24 Operational Plan, Budget,
and Revenue Policy**
File No: I2023/555

- 23-139** **Resolved** that the Draft Operational Plan 2023/24 (Attachment 1 #E2023/32929) and associated Draft 2023/24 Budget Estimates (Attachment 2 #E2023/37453), Draft 2023/24 Statement of Revenue Policy including Fees and Charges (Attachment 3 #E2023/37451) be placed on public exhibition for a period of 28 days. (Lyon/Westheimer)

PROCEDURAL MOTION

- 23-140** **Resolved** that Cr Lyon be granted a two minute extension to his speech. (Lyon/Balson)
- The motion was put to the vote and carried unanimously.
Cr Pugh was not present for the vote.*

*The motion (Lyon/Westheimer) was put to the vote and carried unanimously.
Cr Pugh was not present for the vote.*

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Report No. 13.4 **Review of Council Policies - 2022-2023**
File No: I2023/412

23-141 Resolved:

1. That the following policies be placed on public exhibition for the reasons stated alongside it for 28 days to allow for submissions:
 - a) Disposal of Assets Policy 2023 – as updated and shown in track changes at Attachment 1 (E2023/32428)
 - b) Strategic Partnerships Policy 2023 – as updated and shown in track changes at Attachment 2 (E2023/32764) and associated Unsolicited Proposals Guidelines at Attachment 3 (E2023/23342)
 - c) Urban Recycled Water Connections Policy 2019 – to be repealed
 - d) Water Conservation Policy 2019 – to be repealed
2. That:
 - a) should there be no submissions received for a policy, then the updated or repealed policy is endorsed from the date after the close of the exhibition period; and,
 - b) should submissions be received for a policy, they be reported to Council along with recommendations for any amendments considered appropriate.
3. That Council consult neighbouring Councils, including Clarence Valley Council, and LGNSW and seek legal advice, on how to create and operate a Land Acquisition Register.
4. That Council then consider further updating the draft Land Acquisition and Disposal Policy 2023 at Attachment 4 (E2023/32441) to mention such a Register.
5. That the final draft Land Acquisition and Disposal Policy 2023 be placed on public exhibition for 28 days to allow for submissions and that:
 - a) should there be no submissions received for a policy, then the updated or repealed policy is endorsed from the date after the close of the exhibition period; and,
 - b) should submissions be received for a policy, they be reported to Council along with recommendations for any amendments considered appropriate. (Dey/Lyon)

The motion was put to the vote and carried unanimously.

Cr Pugh was not present for the vote.

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Report No. 13.5 **Council Investments - 1 March 2023 to 31 March 2023**
File No: I2023/512

23-142 Resolved that:

1. Council notes the report listing Council's investments and overall cash position as of 31 March 2023.
2. Councillors receive a briefing at the next available Councillor Workshop to better understand the potential for more ethical investment and other options with Council's investments. (Balson/Dey)

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

*Cr Swivel left the meeting at 3:45pm.
Cr Coorey left the meeting at 4:00pm and did not return.*

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.6 **Main Beach Shoreline Project - Project Overview and Outcomes of the Technical Assessment of Concept Options including Recommendations and Next Steps**
File No: I2023/308

PROCEDURAL MOTIONS

23-143 Resolved:

1. That pursuant to Section 10A(2)(g) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely Main Beach Shoreline Project - Project Overview and Outcomes of the Technical Assessment of Concept Options including Recommendations and Next Steps.
2. That the reasons for closing the meeting to the public to consider this item be that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
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 disclose advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. (Ndiaye/Westheimer)

*The motion was put to the vote and carried unanimously.
Crs Pugh, Coorey and Swivel were not present for the vote.*

Cr Swivel returned to the meeting at 4:07pm.

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23-144 Resolved that Council move into Committee to allow for free debate. (Ndiaye/Lyon)

*The motion was put to the vote and carried unanimously.
Crs Pugh and Coorey were not present for the vote.*

23-145 Resolved that Council move out of Committee and resume the Ordinary Meeting. (Lyon)

*The motion was put to the vote and carried unanimously.
Crs Pugh and Coorey were not present for the vote.*

Report No. 13.6 Main Beach Shoreline Project - Project Overview and Outcomes of the Technical Assessment of Concept Options including Recommendations and Next Steps

File No: I2023/308

23-146 Resolved that Council:

1. Notes the findings and outcomes of the Technical Assessment Report, *Numerical modelling and geomorphic assessment of concept options, Bluecoast Consulting Engineers (April 2023)* as presented in Attachment 1.
2. Endorses the elimination of Option 6 (protective structure moved landward by 30m) from the shortlisted options based on the key findings of the Technical Assessment Report.
3. Notes the three shortlisted design options to progress to evaluation and determination of the preferred option for modification of the coastal protection works through stage 3 of CMP preparation are:
 - a) Option 2 - berm rock revetment and pathway;
 - b) Option 5 - protective structure moved landward by 10m; and
 - c) Option 7 - existing structure upgraded to contemporary standards.
4. Notes that the Technical Assessment Report will be provided on the project webpage.
5. Notes that a presentation will be provided to the Coast and ICOLL Advisory Committee at the 16 May 2023 meeting. (Lyon/Westheimer)

*The motion was put to the vote and carried.
Cr Dey voted against the motion.
Crs Pugh and Coorey were not present for the vote.*

PROCEDURAL MOTION

23-147 Resolved that the meeting move out of confidential session. (Lyon/Westheimer)

*The motion was put to the vote and carried unanimously.
Crs Pugh and Coorey were not present for the vote.*

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Cr Swivel left the Meeting at 4:40pm and did not return.

Report No. 13.8 **Outcome of Request for Proposal: Affordable Housing - 57 Station Street, Mullumbimby**

File No: I2023/515

23-148 **Resolved** that Council:

1. Declines to award the Tender for a Community Housing Provider to deliver the Affordable Housing project at 57 Station Street Mullumbimby as per the attached Evaluation Report at Confidential Attachment E2023/37998, noting the significant changes to the market since this process was commenced which has been pivotal in the recommendation.
2. Notes that a further briefing to discuss future options in relation to this project will be provided to Councillors with a representative from Landcom at the May Councillor Workshop.
3. Notes that, following the Councillor Workshop briefing, a further report will be provided to Council with a recommendation for next steps regarding the Affordable Housing project at 57 Station Street Mullumbimby. (Hunter/Lyon)

*The motion was put to the vote and carried unanimously.
Crs Pugh, Coorey, and Swivel were not present for the vote.*

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.9 **Heritage Park Mullumbimby - Draft Landscape Masterplan**

File No: I2022/1272

23-149 **Resolved** that Council:

1. Amends the draft Landscape Masterplan for Heritage Park, Mullumbimby (Draft C, E2023/34326) to edit out certain abbreviations;
2. Approves the amended draft Landscape Masterplan for public exhibition for a minimum of 28 days; and
3. Receives a further report on the outcomes from the consultation process.
4. Requests staff to provide a report within 28 days on the implications of excising the dog exercise area from heritage park.
5. Requests a staff report on providing a higher level of regular maintenance to the Maslen Arboretum. (Westheimer/Lyon)

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PROCEDURAL MOTION

23-150 Resolved that Cr Westheimer be granted a two minute extension to his speech. (Lyon)

*The motion was put to the vote and carried unanimously.
Crs Pugh, Coorey, and Swivel were not present for the vote.*

AMENDMENT

Moved that Council:

1. Amends the draft Landscape Masterplan for Heritage Park, Mullumbimby (Draft C, E2023/34326) to edit out certain abbreviations;
2. Approves the amended draft Landscape Masterplan for public exhibition for a minimum of 28 days; and
3. Receives a further report on the outcomes from the consultation process.
4. Requests a staff report on providing a higher level of regular maintenance to the Maslen Arboretum. (Balson/Ndiaye)

*The amendment was put to the vote and declared a tie.
Crs Ndiaye, Balson, and Hunter voted for the amendment.
Crs Westheimer, Dey, and Lyon voted against the amendment.
Crs Pugh, Coorey, and Swivel were not present for the vote.
The Mayor used his casting vote and declared the amendment lost.*

*The motion (Westheimer/Lyon) was put to the vote and declared carried.
Crs Ndiaye and Balson voted against the motion.
Crs Pugh, Coorey, and Swivel were not present for the vote.*

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REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 **Report of the Arts and Creative Industries Advisory Committee Meeting held on 16 March 2023**

File No: I2023/415

23-151 **Resolved** that Council notes the minutes of the Arts and Creative Industries Advisory Committee Meeting held on 16 March 2023. (Ndiaye/Westheimer)

23-152 **Resolved** that Council adopts the following Committee Recommendations:

Report No. 4.1 Events Strategy - Initial engagement

File No: I2023/70

Committee Recommendation 4.1.1

1. The Arts and Creative Industry Advisory Committee notes the report and supports the development of the Events Strategy.
2. The Arts and Creative Industry Advisory Committee puts forward any additional stakeholders they would like to be considered for further consultation during the Events Strategy development. (Ndiaye/Westheimer)

The motion (22-151 and 23-152) were put to the vote and carried unanimously. Crs Pugh, Coorey, and Swivel were not present for the vote.

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.2 **Report of the Coast and ICOLL Advisory Committee Meeting held on 14 February 2023**

File No: I2023/248

23-153 **Resolved** that Council notes the minutes of the Coast and ICOLL Advisory Committee Meeting held on 14 February 2023. (Dey/Lyon)

23-154 **Resolved** that Council adopts the following Committee Recommendations:

Report No. 3.1 Adoption of Minutes from 20 October 2022 meeting

File No: I2023/40

Committee Recommendation 3.1.1

1. That the draft minutes be amended with the addition of a part 2 under report 4.2 saying that members of the Committee will be briefed on parameters used in the Coastal Hazard Assessment.
2. That the amended minutes of the Coast and ICOLL Advisory Committee Meeting held on 20 October 2022 be confirmed.

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3. That Council informs the Committee at its next meeting that members will be:
 - a) provided the Coastal Hazard Assessment Study for the Byron Shire Coastline once complete;
 - b) offered the opportunity to attend a Key Stakeholder Presentation on the outcomes of the Coastal Hazard. (Dey/Lyon)

23-155 Resolved that Council adopts the following Committee Recommendation:

Report No. 4.2 Main and Clarkes Beach Dune Recovery Project - Summary Report
File No: I2023/2

Committee Recommendation 4.2.1

That Council also notes the completion and the outcomes of the Main and Clarkes Beach Dune Recovery Project as summarized in the Attachment to this report. (Dey/Lyon)

23-156 Resolved that Council adopts the following Committee Recommendation:

Report No. 4.3 Update on the development of Coastal Management Programs (CMPs) for the Byron Shire Coastline
File No: I2023/1

Committee Recommendation 4.3.1

1. That Council also notes the update of the development of CMPs and CMP projects for the Byron Shire coastline and next steps.
2. That the Stage 2 'Main Beach Shoreline Project – Technical Assessment of the Concept Options' be shared with Committee members once complete and feedback sought at the following Advisory Committee meeting.
3. That the Coastal Hazard Assessment for the Byron Shire Coastline be shared with Committee members once complete and feedback sought at the following Advisory Committee meeting. (Dey/Lyon)

*The motions (23-153 to 23-156) were put to the vote and carried unanimously.
Crs Pugh, Coorey, and Swivel were not present for the vote.*

There being no further business the meeting concluded at 5.22pm.

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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 25 May 2023



.....
Mayor Michael Lyon