

**Minutes
Ordinary Meeting
Thursday, 25 May 2023**



BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
25 May 2023

INDEX OF ITEMS DISCUSSED

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

Report No. 13.3	Budget Review - 1 January 2023 to 31 March 2023	9
Report No. 13.4	Council Investments - 1 April 2023 to 30 April 2023	9
Report No. 13.5	Grants March 2023	9
Report No. 13.8	Compliance Priorities Program Report 2022.....	9
Report No. 13.10	Former South Byron Sewage Treatment Plant – Project Update.....	10
Report No. 14.2	Report of the Business and Industry Advisory Committee Meeting held on 30 March 2023	10
Report No. 14.3	Report of the Heritage Advisory Committee Meeting held on 20 April 2023.....	11
Report No. 14.4	Report of the Biodiversity Advisory Committee Meeting held on 20 April 2023.....	11
Notice of Motion No. 9.2	School/community tree-planting program on Council owned or managed land	12
Report No. 13.9	Compliance Resourcing and Priorities	13
Notice of Motion No. 9.1	Nature Repair Market Bill	14
Notice of Motion No. 9.3	Setting the Shire’s minimum rate.....	14
Notice of Motion No. 9.4	CONFIDENTIAL - Council-owned land in Belongil	15
Notice of Motion No. 9.4	CONFIDENTIAL - Council-owned land in Belongil	15
Notice of Motion No. 9.4	CONFIDENTIAL - Council-owned land in Belongil	15
Mayoral Minute No. 14.1	South Beach Lane parking	16
Petition No. 11.1	Illegal camping in Brunswick Heads.....	17
Report No. 13.1	2022/23 Operational Plan Report - Q3 - March 2023.....	18
Report No. 13.2	Council Resolutions Quarterly Review - Q3 - 1 January to 31 March 2023.....	18
Report No. 13.6	Mayor and Councillor Remuneration 2023/24.....	18
Report No. 13.7	Proposed Wildlife Protection Area - 'Old New Brighton Road, Ocean Shores'	19
Report No. 13.11	Implications of excising the dog exercise area from Heritage Park, Mullumbimby.....	19
Report No. 13.12	Bioenergy Facility Project - OLG PPP Assessment	19
Report No. 14.1	Report of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 21 April 2023	20
Report No. 14.5	Report of the Infrastructure Advisory Committee Meeting held on 20 April 2023.....	20
Report No. 14.1	Report of the Local Traffic Committee Meeting held on 16 May 2023 ..	21
Report No. 13.6	Mayor and Councillor Remuneration 2023/24	25

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 May 2023

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 25 MAY 2023 COMMENCING AT 9:05AM AND CONCLUDING AT 4:36PM.

I2023/772

PRESENT: Cr M Lyon (Mayor), Cr D Dey, Cr A Hunter, Cr S Ndiaye, 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)
Ralph James (Legal Counsel)
Heather Sills (Manager Corporate Services)
Malcom Robertson (Manager Open Spaces and Facilities) – Items 9.2, 13.11
Sarah Nagel (Manager Compliance) – Items 13.9, 10.1, 13.1, 13.7, 13.11
James Brickley (Manager Finance) – Item 9.3
Judd Cornwall (Traffic and Transport Engineer) – Item 10.1
Cameron Clark (Manager Utilities) – Item 13.12
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.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 May 2023

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	Representing	Submission Received via
9.2	For	Ray Moynihan	Regeneration	In Person
11.1	For	David Boulton Sam Boulton (speaker) Claire Boulton (speaker)	Self	In Person
		Warren Shaw	Self	In Person
13.9	For	Alison Drover	Self	In Person
		Leone Bolt	Brunswick Heads Progress Association	Read out by staff
	Against	Mark Bathie	Self	In Person
		Angela Dunlop	South Golden Beach Community Association	In Person

PROCEDURAL MOTION

23-178 Resolved that Public Access be extended until 10:30AM.

(Lyon)

The motion was put to the vote and carried unanimously.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 May 2023

Submissions

Subject	Name	Representing	Submission Received via
Services for the homeless in the Byron Shire area	Sarah-Jane McGrath	Self	In Person
NSW best practices for installation of aircon condenser to help eliminate problems of noise complaints	Annette Radermacher	Self	In Person
Seeking reassurance that public toilets in Mullumbimby will continue to be available if affordable housing development proceeds	Marie Oliver	Self	In Person

Question No. 1 Illegal camping in Brunswick Heads

Tom Nursey submitted the following question:

The ongoing issue of illegal Van Camping in Brunswick Heads has spiraled out of control. Residents and visitors are fed up. We have had people from Vans knocking on our door at night asking if they can use the toilet, we navigate through toilet paper and faeces on our way to the beach. This is not a homeless issue to which we are very empathetic. It is, despite councils continued protestations, people living 'the van life' -usually in expensive fully kitted out camper vans. The irony is they are often staying 50 metres from approved camping grounds. The illegal camping occurs along south beach road, both surfside and river side, along banner park, Mona Lane, the carpark between the school and CWA hall and a plethora of other places. This does not occur in Byron Bay. They would be run out of town. It is high time that Council stepped up, co-ordinated and implemented a strategy to return the quality of life to the residents and paying visitors to Brunswick Heads. Why isn't a simple residents parking scheme introduced to the town as occurs in a multitude of other urban councils?

The Mayor took the question on notice.

The meeting adjourned at 10.20am for a short break and reconvened at 10.49am.

APOLOGIES

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

PROCEDURAL MOTION

- 23-179 Resolved** that the apology from Cr Balson be accepted and a leave of absence granted until July 2023. (Lyon)
The motion was put to the vote and carried unanimously.

APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

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

REQUESTS FOR LEAVE OF ABSENCE

Note the leave of absence for Cr Balson in Resolution 23-179.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of pecuniary/non-pecuniary interest.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

23-180 Resolved that the minutes of the Ordinary Meeting held 27 April 2023 be confirmed with the typographical error corrected in Notice of Motion 10.1. (Lyon/Hunter)

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. 13.1 2022/23 Operational Plan Report - Q3 - March 2023

Report No. 13.2 Council Resolutions Quarterly Review - Q3 - 1 January to 31 March 2023

Report No. 13.6 Mayor and Councillor Remuneration 2023/24

Sustainable Environment and Economy

Report No. 13.7 Proposed Wildlife Protection Area - 'Old New Brighton Road, Ocean Shores'

Report No. 13.9 Compliance Resourcing and Priorities

Infrastructure Services

Report No. 13.11 Implications of excising the dog exercise area from Heritage Park, Mullumbimby

Report No. 13.12 Bioenergy Facility Project - OLG PPP Assessment

REPORTS OF COMMITTEES

Corporate and Community Services

Report No. 14.1 Report of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 21 April 2023

Infrastructure Services

Report No. 14.5 Report of the Infrastructure Advisory Committee Meeting held on 20 April 2023

LATE REPORTS

Report No. 16.1 Report of the Local Traffic Committee Meeting held on 16 May 2023

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. **23-181** and concluding with Resolution No. **23-190** .

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.3 Budget Review - 1 January 2023 to 31 March 2023
File No: I2023/680

23-181 Resolved that Council:

1. Authorises the itemised budget variations as shown in Attachment 2 (#E2023/45418) which include the following results in the 31 March 2023 Quarterly Review of the 2022/2023 Budget:
 - a) General Fund – \$205,000 increase to the Estimated Unrestricted Cash Result
 - b) General Fund - \$8,342,800 increase in reserves
 - c) Water Fund - \$658,900 increase in reserves
 - d) Sewerage Fund - \$227,400 increase in reserves
2. Adopts the revised General Fund Estimated Unrestricted Cash Result of \$0 for the 2022/2023 financial year as at 31 March 2023 (Lyon/Hunter)

Report No. 13.4 Council Investments - 1 April 2023 to 30 April 2023
File No: I2023/689

23-182 Resolved that Council notes the report listing Council's investments and overall cash position as of 30 April 2023. (Lyon/Hunter)

Report No. 13.5 Grants March 2023
File No: I2023/742

23-183 Resolved that Council notes the Report and Attachment 1 (#E2023/47683) for Byron Shire Council's Grant submissions as at 30 April 2023. (Lyon/Hunter)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.8 Compliance Priorities Program Report 2022
File No: I2023/57

23-184 Resolved that Council notes the report on activities and achievements of staff undertaken to meet the Compliance Priorities Program 2022. (Lyon/Hunter)

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.10 **Former South Byron Sewage Treatment Plant - Project Update**
File No: I2022/860

23-185 **Resolved** that Council:

1. Notes the completion of the remediation of the land-based portion of the former South Byron Sewage Treatment Plant site, culminating in the receipt of the Site Audit Statement and Site Audit Report from the EPA accredited Contaminated Site Auditor;
 2. Adopts Preferred Option 3 of the Options Assessment and Design Report (Australian Wetlands Consulting, Attachment 2) for the retained South Byron Sewage Treatment Ponds; and
 3. Allocates \$600,000 from the Sewerage Fund Capital Works Reserve to be included in the Draft 2023/24 Budget to complete the detailed design and works phase of the South Byron Sewage Treatment Pond Rectification project.
 4. Considers the future land use of the South Byron Sewage Treatment Plant at a future Councillor Workshop (Lyon/Hunter)
-

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.2 **Report of the Business and Industry Advisory Committee**
Meeting held on 30 March 2023
File No: I2023/506

23-186 **Resolved** that Council adopts the following Committee Recommendations:

1. That Council notes the minutes of the Business and Industry Advisory Committee Meeting held on 30 March 2023.
 2. That Council adopts the following Committee Recommendations from report No. 3.1:
 - a) Notes that the Business and Industry Advisory Committee will continue to invite representatives of business organisations to participate in workshops on the development of the Business, Industry and Visitor Economy Strategy (BIVE) and that the inclusion of four business representatives on the Committee be reconsidered after the BIVE is developed.
 - b) Amends the Constitution of the Business and Industry Advisory Committee accordingly. (Lyon/Hunter)
-

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 May 2023

Report No. 14.3 **Report of the Heritage Advisory Committee Meeting held on 20 April 2023**

File No: I2023/695

23-187 **Resolved** that Council notes the minutes of the Heritage Advisory Committee Meeting held on 20 April 2023. (Lyon/Hunter)

23-188 **Resolved** that Council adopts the following Committee recommendations:

Report No. 4.3 Community Member Presentation - Proposal for a Federal Heritage Conservation Area and New listed items

File No: I2023/297

Committee Recommendation 4.3.1

That the Heritage Advisory Committee:

1. Thank Jenna Reed Burn for her presentation, and work on the Preliminary Federal Village Heritage Assessment, and notes its recommendations for listings in Schedule 5 of the Byron Local Environmental Plan 2014.
2. Supports further consultation occurring with residents and owners of the properties proposed to be listed as individual items, contributory items, and in the Heritage Conservation Area generally, prior to reporting any planning proposal with any new listings recommended to Council (Lyon/Hunter)

23-189 **Resolved** that Council adopts the following Committee recommendation:

Report No. 4.4 Other Business

Committee Recommendation 4.4.1

That Council appoints Councillor Lyon to the Committee and that Councillor Balson be released from the Committee. (Lyon/Hunter)

Report No. 14.4 **Report of the Biodiversity Advisory Committee Meeting held on 20 April 2023**

File No: I2023/696

23-190 **Resolved** that Council notes the minutes of the Biodiversity Advisory Committee Meeting held on 20 April 2023. (Lyon/Hunter)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 May 2023

PROCEDURAL MOTION

- 23-191 Resolved** that Council change the order of business to deal with Reports 9.2 and 13.9 next on the Agenda. (Lyon)

The motion was put to the vote and carried unanimously.

NOTICES OF MOTION

Notice of Motion No. 9.2 School/community tree-planting program on Council owned or managed land

File No: 12023/732

- 23-192 Resolved** that Council:

1. Receives a report identifying a parcel or parcels of land up to 1Ha managed or owned by Byron Shire Council such as:
 - a) The Vallances Rd STP along the river and in the flood prone areas of the site.
 - b) Riverside Drive in Mullumbimby
 - c) Any other suitable land, particularly riparian land.

to enable a pilot tree-planting project by the local "Regeneration" group to facilitate environmental awareness amongst schoolchildren

2. Investigates funding opportunities or existing resources for this small-scale project
3. Receives a report on the outcomes of this pilot project in relation to Council's capacity for such projects (Lyon/Ndiaye)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.9 Compliance Resourcing and Priorities
File No: I2023/713

23-193 Resolved that Council:

1. Notes the report on compliance resourcing and priorities as per Resolution 23-139;
2. Adopts Option 1 as the preferred compliance resourcing option;
3. Adopts the proposed 'Environment and Safety Priorities Program' for 2023 as provided below to support the adopted compliance resourcing approach:

Council's Public & Environmental Services prioritises its response to all matters in accordance with the following categories:

1. *High risk activities which require an urgent and immediate response. (high risk activities are defined as activities that places people's lives at immediate risk or that cause or are likely to cause a significant risk of environmental harm or pollution); and*
 2. *Other activities* which require a routine response during strategic/regular duties.
4. Supports an ongoing media and communications campaign to support the adopted Environment and Safety Priorities Program 2023 (Lyon/Ndiaye)

PROCEDURAL MOTION

23-194 Resolved that Cr Lyon be granted a two minute extension to his speech. (Lyon/Ndiaye)

The motion was put to the vote and carried unanimously.

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

NOTICES OF MOTION

Notice of Motion No. 9.1 Nature Repair Market Bill

File No: I2023/650

23-195 Resolved that Council:

1. Notes that the Senate referred the provisions of the Nature Repair Market Bill 2023 and the Nature Repair Market (Consequential Amendments) Bill 2023 to the Environment and Communications Legislation Committee for inquiry and report by 1 August 2023 and that submissions are open until 1 June 2023.
2. Makes a submission in support of the Nature Repair Bill, with input from members of the Biodiversity Advisory Committee. (Westheimer/Ndiaye)

*The motion was put to the vote and carried.
Crs Hunter and Pugh voted against the Motion.*

Cr Swivel left the Chambers at 12:04pm.

Notice of Motion No. 9.3 Setting the Shire's minimum rate

File No: I2023/724

23-196 Resolved that Council:

1. Notes the presentation on Pages 52 and 53 of 163 of Council's Agenda for 27 April 2023 where the impacts of changing the Shire's minimum rate are reported, using scenarios (i) with the published minimum rate of \$1,014 and (ii) with last year's minimum of \$969.
2. Considers, before adopting the Shire's Integrated Planning documents for the 2023/2024 financial year including the Statement of Revenue Policy but after considering public submissions (both likely on 22 June), setting the Shire's minimum rate for the 2023/2024 financial year at \$1,000.
3. Considers, when preparing such documents for future years including 2024/2025 using that same minimum. (Dey/Pugh)

*The motion was put to the vote and carried.
Crs Hunter and Westheimer voted against the Motion
Cr Swivel was absent for the vote.*

Cr Swivel returned to the Chambers at 12:08pm.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 May 2023

Notice of Motion No. 9.4 CONFIDENTIAL - Council-owned land in Belongil

File No: I2023/733

Notice of Motion No. 9.5 CONFIDENTIAL – Boundary adjustment at Belongil

File No: I2023/728

PROCEDURAL MOTION

23-197 Resolved:

1. That pursuant to Section 10A(2)(a) of the Local Government Act, 1993, Council resolves to move into Confidential Session to discuss the reports Council-owned land in Belongil and Boundary adjustment at Belongil.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) personnel matters concerning particular individuals (other than councillors)
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:

Refers to an individual's property (Lyon)
The motion was put to the vote and carried unanimously.

PROCEDURAL MOTION

- 23-198 Resolved that Council move into Committee to allow for free debate. (Lyon)
The motion was put to the vote and carried unanimously.
-

Notice of Motion No. 9.4 CONFIDENTIAL - Council-owned land in Belongil

File No: I2023/733

- 23-199 Resolved that Council receives a report regarding 3 lots it owns at Belongil, namely 6/3/1623, 7/3/1623 and B/371044 on:

1. Vegetation types;
2. Other constraints such as easements, encroachments or the land classification;
3. The planning pathways available to Council should it wish to place removable cabins for the purposes of tourist and visitor accommodation, or to create a public recreation space on any part or all of the 3 lots. (Lyon/Pugh)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 May 2023

PROCEDURAL MOTION

23-200 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 (Lyon/Pugh) was put to the vote and carried unanimously.

Cr Dey withdrew Notice of Motion 9.5, 'Boundary adjustment at Belongil'.

PROCEDURAL MOTION

23-201 Resolved that the meeting move out of confidential session. (Lyon)

The motion was put to the vote and carried unanimously.

MAYORAL MINUTE

Mayoral Minute No. 10.1 South Beach Lane parking

File No: I2023/801

23-202 Resolved:

1. That South Beach Lane in Brunswick Heads have all parking removed, with consideration given to the bollards being shifted to be in line with the ones at the start and end of the lane and that this decision be reviewed in three months from implementation.
2. That the General Manager be delegated to implement any Local Traffic Committee recommendations in relation to regulatory signage. (Lyon)

PROCEDURAL MOTION

23-203 Resolved that Cr Ndiaye be granted a two minute extension to her speech. (Lyon)

The motion was put to the vote and carried unanimously.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 May 2023

AMENDMENT

Moved that Council receives a Report in June on changes to parking restrictions in Brunswick Heads aimed at limiting overnight camping in the areas of (a) South Beach Road, South Beach Lane; and (b) Fawcett Street and Mona Lane and that this Report consider:

1. Change 4P to 2P (9am to 6pm);
2. Extend No Parking timing to 8pm – 6am;
3. Expediting paid parking for Brunswick Heads.

(Dey/Ndiaye)

The amendment was put to the vote and declared lost.

Crs Hunter, Pugh, Swivel and Lyon voted against the amendment.

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

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

The meeting adjourned at 1.24pm for a lunch break and reconvened at 2.03pm.

PETITIONS

Petition No. 11.1 Illegal camping in Brunswick Heads
File No: I2023/623

23-204 Resolved that Council:

1. Notes the petition in Attachment 1 (E2023/42363) regarding illegal camping in Brunswick Heads.
2. Refers the matter to the Director Infrastructure Services and Director Sustainable Environment and Economy for consideration along with other parking and illegal camping matters in Brunswick Heads. (Lyon/Hunter)

The motion was put to the vote and carried unanimously.

DELEGATES' REPORTS

Cr Pugh gave a delegate's report on the Richmond Tweed Regional Library.

Cr Swivel gave a delegate's report on the Heritage Advisory Committee.

Cr Lyon gave a delegate's report on the Northern Rivers Joint Organisation.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.1 2022/23 Operational Plan Report - Q3 - March 2023
File No: I2023/439

23-205 Resolved that Council:

1. Notes the 2022/23 Operational Plan Quarter 1 Report for the period ending 31 March 2023 (Attachment 1 # E2023/44246).
2. Adopts the proposed amendments to the Operational Plan 2022/23 outlined in Attachment 2 (#E2023/35475). (Westheimer/Lyon)

The motion was put to the vote and carried unanimously.

Report No. 13.2 Council Resolutions Quarterly Review - Q3 - 1 January to 31
March 2023
File No: I2023/440

23-206 Resolved that Council:

1. Notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2023/33527).
2. Notes the completed Resolutions in Attachment 2 (#E2023/33528). (Westheimer/Lyon)

The motion was put to the vote and carried unanimously.

Report No. 13.6 Mayor and Councillor Remuneration 2023/24
File No: I2023/734

PROCEDURAL MOTIONS

23-207 Resolved that Cr Ndiaye be granted a two-minute extension to her speech. (Lyon)

The motion was put to the vote and carried unanimously.

23-208 Resolved that this matter (Report 13.6) rest on the table. (Ndiaye/Lyon)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.7 **Proposed Wildlife Protection Area - 'Old New Brighton Road, Ocean Shores'**

File No: I2023/625

23-209 **Resolved** that Council implements the proposed Wildlife Protection Area – ‘Old New Brighton Road, Ocean Shores’ (Lyon/Dey)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.11 **Implications of excising the dog exercise area from Heritage Park, Mullumbimby**

File No: I2023/674

23-210 **Resolved** that Council:

1. Notes the implications of excising the Heritage Park off-lead exercise area detailed in this Report.
2. Once the Lot 22 exercise area is operational then Council considers the future use of the Off-Lead dog area within Heritage Park (Westheimer/Lyon)

The motion was put to the vote and carried unanimously.

Report No. 13.12 **Bioenergy Facility Project - OLG PPP Assessment**

File No: I2023/316

23-211 **Resolved** that Council, noting the requirements in section 11.2.2 of the OLG *Public Private Partnership Guidelines* about Council resolutions for Public Private Partnerships (PPPs), resolves to:

- a) Agree with and adopt the outcomes and deliverables for the Bioenergy Facility Project as described in this Report at section 4 and in DA 10.2021.364.1 (refer E2021/88382; E2022/41826; E2022/50991).
- b) Authorise the General Manager to submit a proposal for the Bioenergy Facility Project to the Office of Local Government for “Initial Assessment” as a Public Private Partnership as defined in s.400B of the Local Government Act 1993 (the Act)
- c) Instruct the General Manager to provide to Council, as necessary, status updates on the BEF project and the NSW OLG “Initial Assessment,” whether a PPP remains the preferred execution model for the BEF Project, or whether alternative execution models have evolved with changing circumstances. (Swivel/Ndiaye)

The motion was put to the vote and carried unanimously.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 May 2023

PROCEDURAL MOTIONS

23-212 Resolved that Cr Swivel be granted a two-minute extension to his speech. (Lyon)

The motion was put to the vote and carried unanimously.

23-213 Resolved that Cr Pugh be granted a two-minute extension to his speech. (Lyon)

The motion was put to the vote and carried unanimously.

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

**Report No. 14.1 Report of the Arakwal Memorandum of Understanding
Advisory Committee Meeting held on 21 April 2023**

File No: I2023/679

23-214 Resolved that Council notes the Minutes of the Arakwal Memorandum of Understanding
Advisory Committee Meeting held on 21 April 2023. (Pugh/Lyon)

The motion was put to the vote and carried unanimously.

23-215 Resolved that Council adopts the following Committee Recommendations:

Report No. 3.1 Arakwal MOU review

File No: I2023/569

Committee Recommendation 3.1.1

That the Arakwal MoU Advisory Committee:

1. Notes the Arakwal MoU draft review attachment (#E2019/90906).
2. Provides input to the draft review and discusses next steps and possible options.
3. Notes the Committee will hold an Extra Ordinary Meeting on 19 May 2023 to
continue the Arakwal MoU review. (Pugh/Lyon)

The motion was put to the vote and carried unanimously.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**Report No. 14.5 Report of the Infrastructure Advisory Committee Meeting held
on 20 April 2023**

File No: I2023/603

23-216 Resolved that Council notes the minutes of the Infrastructure Advisory Committee
Meeting held on 20 April 2023. (Hunter/Lyon)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 May 2023

23-217 Resolved that Council adopts the following recommendations:

Report No. 4.2 New Brighton Parking Options Investigation

File No: I2023/472

Recommendation 4.2.1

1. That staff continue to develop designs to improve car parks in the area including North Head Carpark, The Esplanade North and provide way finding signage in the area to direct beach goers to the beach facility.
2. That Council investigates closing all but 6 car parking spaces in The Esplanade South and providing further parking in Esplanade North, North Head Rd, Riversea Lane, Dolphin Lane and New Brighton for foot traffic beach access.
3. That a further report is brought back to Council within 3 months of this date.
4. That Council considers the eventual outcome of the dune continuing to move west onto the Esplanade and this aspect be referred to the CMP. (Hunter/Lyon)

23-218 Resolved that Council adopts the following Committee Recommendation:

Report No. 4.3 Myocum Quarry Update

File No: I2022/1341

Committee Recommendation 4.3.1

That Council notes the contents of the report and support the rehabilitation of Lots 1 (DP591441) and 4 (DP1052900). (Hunter/Lyon)

Resolutions **23-216** to **23-218** were put to the vote and declared carried unanimously.

LATE REPORTS

Report No. 16.1 **Report of the Local Traffic Committee Meeting held on 16 May 2023**

File No: I2023/770

23-219 Resolved that Council notes the minutes of the Local Traffic Committee Meeting held on 16 May 2023. (Lyon/Dey)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 May 2023

23-220 Resolved that Council adopts the following Committee Recommendations:

Report No. 6.1 Brunswick Valley Way - Traffic Control Devices for Driveway Access
File No: I2023/589

Committee Recommendation 6.1.1

That Council authorises the implementation of the regulatory signs, markings and traffic control devices on Brunswick Valley Way, as shown in Attachment 1 (E2023/40027), subject to the following:

- a) Separate approval must be obtained from TfNSW for the relocation of the existing transition from 50/80 km/h speed limit northward so that the proposed intersection will be within the 50km/h zone.
- b) Separate approval must be obtained from TfNSW for a Road Occupancy Licence (ROL) for the work within Brunswick Valley Way.
- c) The environmental impacts of the road works which are ancillary to this development, such as removal of trees, will require further assessment and separate approvals.
(Lyon/Dey)

23-221 Resolved that Council adopts the following Committee Recommendations:

Report No. 6.2 Bayshore Lane - One Way restriction
File No: I2023/599

Committee Recommendation 6.2.1

That the Local Traffic Committee endorse the implementation of one-way traffic within Bayshore Lane, Byron Bay (northbound) if community and stakeholder engagement does not raise any reasons not to proceed. (Lyon/Dey) .

23-222 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.3 Blindmouth Road Upgrade
File No: I2023/634

Committee Recommendation 6.3.1

That Council supports the regulatory signage and line markings associated with the Blindmouth Road upgrade works, as shown in Attachment 1 (E2023/42149). (Lyon/Dey)

23-223 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.4 New Intersection on Tweed Valley Way
File No: I2023/687

Committee Recommendation 6.4.1

That Council supports the regulatory signage and line markings associated with the New

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 May 2023

Intersection on Tweed Valley Way, as shown in Attachment 1 (E2023/43452), including conditions flagged by Transport for NSW. (Lyon/Dey)

23-224 Resolved that Council does not adopt Committee Recommendations 6.5 as shown in the attachment to this report, but instead adopts the Management Recommendations as follows, subject to the TfNSW comments provided in the Minutes document attached:

Report No. 6.5 Byron Writers Festival 2023

File No: I2023/688

Management Recommendations

1. That Council supports the Writers Festival in Bangalow from the 11th to 13th August 2023.
2. That Council support in Part 1 is subject to:
 - a) separate approvals by NSW Police and TfNSW being obtained;
 - b) the event organiser providing council with a Traffic Management Plan and Traffic Guidance Scheme/s for the 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 and Variable Message Signage (VMS) 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 and social media 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) arranging for private property access and egress affected by the event;
 - c) liaising with bus, taxi and waste operators and ensuring arrangements are made for provision of services during conduct of the event;
 - d) consulting with emergency services and any identified issues be addressed;
 - e) holding \$20m public liability insurance cover which is valid for the event;
 - f) not place any signage on the road related area of the Pacific Highway.

(Lyon/Dey)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 May 2023

23-225 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.6 Trial Electric Vehicle Chargers Byron Bay

File No: I2023/731

Committee Recommendation 6.6.1

That the Local Traffic Committee endorse parking restrictions to support two Electric Vehicle car parking spaces in Byron Bay Town Central, two of the five locations within Attachment 1 (E2023/46707) as part of the Essential Energy EVX pole mounted charger trial. (Lyon/Dey)

23-226 Resolved that Council adopts the following Committee Recommendation:

Report No. 7.1 No Overtaking - Coolamon Scenic Dr

File No: I2023/631

Committee Recommendation 7.1.1

That the Local Traffic Committee recommend that no change be made to the current overtaking restrictions on Coolamon Scenic Drive. (Lyon/Dey)

23-227 Resolved that Council adopts the following Recommendations:

Report No. 8.1 Toni Childs Music Video Shoot Byron Bay August 2023

File No: I2023/174

Recommendation 8.1.1

That Council receives a report to the 22 June 2023 Ordinary Council Meeting on:

- a) the impacts of street closure on Monday 7 August 2023 for the Toni Childs Music Video Production on businesses in this locality for this length of time and the precedent that this may set.
- b) Council's obligations under filming legislation.
- c) Options for a more streamlined process in the future (Lyon/Dey)

Resolutions 23-219 to 23-227 were put to the vote and carried unanimously.

PROCEDURAL MOTION

23-228 Resolved that Report No. 13.6 be lifted from the table. (Lyon)

The motion was put to the vote and carried unanimously.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

25 May 2023

Report No. 13.6 **Mayor and Councillor Remuneration 2023/24**
File No: I2023/734

23-229 Resolved that Council:

1. Fixes the fee payable to each Councillor under section 248 of the *Local Government Act 1993* for the period 1 July 2023 to 30 June 2024 at \$26,070.
2. Fixes the fee payable to the Mayor under section 249 of the *Local Government Act 1993*, for the period from 1 July 2023 to 30 June 2024 at \$64,390.
3. Not determine a fee payable to the Deputy Mayor, in accordance with current practice, and:
 - a) Prepare a submission for the LGNSW Conference requesting that Deputy Mayors are recognised as a separate category in remuneration
 - b) Continue to make submissions to the Remuneration Tribunal for a specific allowance for Deputy Mayors. (Ndiaye/Westheimer)

PROCEDURAL MOTIONS

23-230 Resolved that Council move into Committee to allow for free debate. (Ndiaye/Lyon)
The motion was put to the vote and carried unanimously.

23-231 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 (Ndiaye/ Westheimer) was put to the vote and carried.
Cr Dey voted against the motion.*

There being no further business the meeting concluded at 4:36PM.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 22 June 2023.



.....
Mayor Michael Lyon