

# Minutes Ordinary (Planning) Meeting

Thursday, 8 June 2023



**BYRON**  
SHIRE  
COUNCIL

# BYRON SHIRE COUNCIL

Ordinary (Planning) Meeting Minutes  
8 June 2023

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# BYRON SHIRE COUNCIL

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8 June 2023

**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY (PLANNING) MEETING HELD ON THURSDAY, 8 JUNE 2023 COMMENCING AT 11:07AM AND CONCLUDING AT 3:22PM**

I2023/872

**PRESENT:** Cr M Lyon (Mayor), 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)  
Ralph James (Legal Counsel)  
Chris Larkin (Manager Sustainable Development)  
Greg Yopp (Planner) - Item 13.9  
Alex Caras (A/ Manager Environmental and Economic Planning) - Item 13.3  
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.*

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## PROCEDURAL MOTION

**23-232 Resolved** that a representative of the Australia Broadcasting Corporation be permitted to conduct audio-visual recording during non-confidential session of the 8 June 2023 Council Planning Meeting. (Lyon)

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

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## 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	Via	
10.1	Homelessness Crisis in the Byron Shire	Sarah-Jane McGrath	For	Self	In Person
13.1	PLANNING - 10.2022.36.1 - Tourist and Visitor Accommodation Comprising Six (6) Holiday Cabins and Associated Works at 72 Lawlers Lane Bangalow	Ralph Mamone	For	Self	In Person
		Cornelia Burless	Against	United Residents of Lawlers Lane	Read aloud by staff
13.4	PLANNING - 10.2014.417.3 S4.55 to Reconfigure Five (5) Apartments	Hannah Hopkinson	Against	MP Group	In Person
13.9	PLANNING - S4.55 Application No.10.2011.524.4 to modify Conditions 1 and 20(d) to expand the Building Envelope - at 388 Coopers Shoot Road Coopers Shoot.	Nanette Merriman	Against	Self	In Person
		Ellen Hayes	Against	Self	In Person
13.8	PLANNING - DA10.2014.753.1- Bluesfest - 35 Yarun Road, Tyagarah - Condition 53 - Small Events Noise limitations	Kath Morgan	Against	Self / Residents of Tyagarah	In Person

### Submissions

Subject	Name	Representing Organisation	Via
Reoccurring sink holes around storm drains in Bayside Brunswick Heads	Anne Radermacher	Self	In Person

*The meeting adjourned at 12.13pm for a recess break and reconvened at 12.32pm.*

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## APOLOGIES

Cr Ndiaye is an apology in accordance with her prior accepted leave of absence.  
(Resolution No. **23-049**)

Cr Balson is an apology in accordance with her prior accepted leave of absence.  
(Resolution No. **23-179**)

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## APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

There were no applications for attendance by audio-visual link.

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## REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

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## DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no Declarations of Interest.

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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

**23-233 Resolved** that the minutes of the Ordinary (Planning) Meeting held 11 May 2023 be confirmed. (Hunter/Westheimer)

*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**

**Sustainable Environment and Economy**

- Report No. 13.1 PLANNING - 10.2022.36.1 - Tourist and Visitor Accommodation Comprising Six (6) Holiday Cabins and Associated Works at 72 Lawlers Lane Bangalow
- Report No. 13.3 PLANNING - 26.2022.5.1 - Planning controls for rural tourist and visitor accommodation - LEP and DCP amendments submissions report
- Report No. 13.4 PLANNING - 10.2014.417.3 S4.55 to Reconfigure Five (5) Apartments inclusive of Dual Key Functionality for Two (2) of the Apartments, increasing Building Height to Accommodate Two (2) Roof Top Swimming Pools, associated Access and Structures, provision of Internal Access between Levels and Modification to Private Open Space at 43 Lawson Street BYRON BAY
- Report No. 13.5 PLANNING - 10.2014.417.4 S4.55 for Changes to Building Height to accommodate One (1) Roof Top Swimming Pool and associated Access and Structures, provision of Internal Access between Levels and Modification to Private Open Space 43 Lawson Street BYRON BAY
- Report No. 13.6 PLANNING - 26.2022.8.1 - Planning proposal to permit events at the Cavanbah Centre without the need to obtain development consent - Submissions Report
- Report No. 13.8 PLANNING - DA10.2014.753.1- Bluesfest - 35 Yarun Road, Tyagarah - Condition 53 - Small Events Noise limitations
- Report No. 13.9 PLANNING - S4.55 Application No. 10.2011.524.4 to modify Conditions 1 and 20(d) to expand the Building Envelope - at 388 Coopers Shoot Road Coopers Shoot.

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. 23-234 and concluding with Resolution No. 23-235.

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## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.2**      **PLANNING - Variations to development standards - Quarter 1 2023**

**File No:**              I2023/604

**23-234**   **Resolved** that Council notes the Report on variations to development standards for the period January 2023 to March 2023. (Lyon/Hunter)

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**Report No. 13.7**      **PLANNING - Report of the Planning Review Committee held 4 May 2023**

**File No:**              I2023/726

**23-235**   **Resolved** that Council endorses the outcomes of the Planning Review Committee meeting held 4 May 2023. (Lyon/Hunter)

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## MAYORAL MINUTE

**Mayoral Minute No. 10.1 Homelessness Crisis in the Byron Shire**

**File No:**              I2023/797

**23-236**   **Resolved** that Council:

1.      Writes to the Hon. Rose Jackson MLC, Minister for Housing, Homelessness, and the North Coast to:
  - a.      request an Assertive Outreach Program for Byron Shire which matches the resource allocation for the Tweed Assertive Outreach Program
  - b.      request provision and expansion of supported emergency, crisis and temporary accommodation, transitional housing and social housing in Byron Shire, including adequate case management support.
  - c.      request project funds to support expansion of public amenities for people sleeping rough
  
2.      Acknowledges the feedback received by community members regarding a lack of facilities available to people sleeping rough in the Brunswick Heads area and investigates options available to address these needs in this locality and in other localities across the Shire. (Lyon)

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

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## PROCEDURAL MOTION

**23-237**   **Resolved** that Cr Lyon be granted a one minute extension to his speech. (Lyon)

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

**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.1      PLANNING - 10.2022.36.1 - Tourist and Visitor Accommodation  
Comprising Six (6) Holiday Cabins and Associated Works at 72  
Lawlers Lane Bangalow**

**File No:** I2023/115

**23-238 Resolved** that pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2022.36.1 for tourist and visitor accommodation comprising six (6) holiday cabins and associated works at 72 Lawlers Lane, Bangalow, be approved subject to the conditions of consent attached to this Report (Council Document #E2023/47447) and the following amendments:

1. The plans for approval to be marked up to reflect swimming pools are approved for cabins 1-6;
2. Delete condition 4 limiting the number of swimming pools;
3. Amend condition 5 to remove the limitation of the pools with the condition to read:
  5. Amendment to the plans  
The plans submitted for approval with the construction certificate application must be amended as follows:

Access and facilities for disabled

1. The application for a construction certificate is to include plans and specifications that indicate access and facilities for persons with access disabilities to at least one of the proposed cabins, as follows:
  - a. Access should be provided to and within the facilities in accordance with the provisions of the BCA and AS1428.1 – Design for Access and Mobility –General Requirements for Access – New Buildings; and
  - b. Parking should be provided in accordance with Australian Standard AS/NZS 2890.6:2009 Parking Facilities – Part 6: Off-street parking for people with disabilities.
4. Amend Condition 13 to reduce the amount of road sealing required to address dust and vehicle noise in relation to the closest properties hat are affected by the unsealed road with the condition to read:

13. Consent required for works within the road reserve

Consent from Council must be obtained for works within the road reserve pursuant to Section 138 of the *Roads Act 1993*. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve.



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Such plans are to be in accordance with Council's current Design & Construction Manuals and are to provide for the following works:

Driveway	A driveway in accordance with Type 1 of Transport for NSW – Typical Rural Property Access Northern Region Version 2 dated 19/05/2020.
Road pavement, sealing and drainage	Extension and upgrading of the sealed road, road pavement and drainage in Lawlers lane from 150 metres to the north east of the existing driveway to the property to 20m past the proposed development driveway and including any necessary relocation of services. The extension and upgrading works must be in accordance with Table 1.27 of D1 Geometric Road Design of the Northern Rivers Local Government Design and Construction Guidelines to meet the maximum traffic volume specified in the table.

(Hunter/Lyon)

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

*Crs Coorey, Hunter, Lyon, Dey, Swivel, Westheimer and Pugh voted in favour of the motion.*

*Nil voted against the motion..*

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**Report No. 13.4 PLANNING - 10.2014.417.3 S4.55 to Reconfigure Five (5) Apartments inclusive of Dual Key Functionality for Two (2) of the Apartments, increasing Building Height to Accommodate Two (2) Roof Top Swimming Pools, associated Access and Structures, provision of Internal Access between Levels and Modification to Private Open Space at 43 Lawson Street BYRON BAY**

**File No:** I2023/485

**23-239 Resolved** that pursuant to Section 4.55 of the Environmental Planning & Assessment Act 1979, that Application No. 10.2014.417.3 for S4.55 to Reconfigure Five (5) Apartments inclusive of Dual Key Functionality for Two (2) of the Apartments, increasing Building Height to Accommodate Two (2) Roof Top Swimming Pools, associated Access and Structures, provision of Internal Access between Levels and Modification to Private Open Space, be refused as follows:

1. Pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development does not comply with Section 2.11 of State Environmental Planning Policy - Resilience and Hazards.
2. Pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development does not comply with Clause 4.3 Height of building under Byron Local Environmental Plan 2014.

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3. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development does not comply with Chapter C3 Byron Development Control Plan 2014.
4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development does not comply with Chapter D1 of Byron Development Control Plan 2014.
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development does not comply with Chapter E5 of Byron Development Control Plan 2014.
6. Pursuant to Section 4.15 (1) (a) (iv) the application for the proposed modification of an approved residential flat building does not comply with section 102 of the Environmental Planning and Assessment Regulation 2021.
7. Pursuant to Section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979 the proposed development is likely to result in adverse environmental impacts on both the natural and built environments, and social impacts in the locality and the occupants of that environment.
8. Pursuant to Section 4.15(1)(d) of the Environmental Planning & Assessment Act 1979 the proposed development is not in the public interest with regards for relevant matters for consideration raised in properly made submissions received by Council.
9. Pursuant to Section 4.15(1)(e) of the EP&A Act 1979 the proposed development is not in the public interest for the reasons outlined above. (Lyon/Dey)

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

*Crs Coorey, Hunter, Lyon, Dey, Swivel, Westheimer and Pugh voted in favour of the motion.*

*Nil voted against the motion..*

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**Report No. 13.9 PLANNING - S4.55 Application No. 10.2011.524.4 to modify Conditions 1 and 20(d) to expand the Building Envelope - at 388 Coopers Shoot Road Coopers Shoot.**

**File No:** I2023/781

Moved that pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979, that Application No. 10.2011.524.4 to modify Conditions 1 & 20(d) to expand the Building Envelope, be approved by modifying development consent number 10.2011.524.1 as amended by 10.2011.524.2 as follows:

Amend Condition 1 and 20(d) to read:

- 1) Development is to be in accordance with approved plans.

The development is to be in accordance with plans listed below:

Plan No.	Description	Prepared by	Dated
DWG11078A Sheet 1 of 1 Rev 1	Appendix 2 – Survey Map Showing Subdivision. Title: Plan showing contours and detail	Kennedy Surveying Pty Ltd	11/10/2011

Except as modified by the following plan only in relation to the amended building.

Plan No.	Description	Prepared by	Dated
Contour, View Line & Building envelope Plan Sheet 03 Revision A	Plans Marked “Recommended Building Envelope Version 2”	Town Planning Studio Pty Ltd	01/04/2023

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

## 20) Building Envelope

- d) The building envelope for Lot 1 DP 1283631 shall be located in accordance with Condition 1 of this consent to ensure that views from the dwelling on Lot 1 DP 572897 to the south-west are retained. (Dey/Coorey)

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## PROCEDURAL MOTION

**23-240 Resolved** that this matter rest on the table. (Lyon)

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

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*The meeting adjourned at 1.35pm for a lunch break and reconvened at 2.22pm.*

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*The motion (Dey/Coorey) was put to the vote and declared lost.  
Cr Dey and Coorey voted for the amendment.  
Cr Hunter, Pugh, Westheimer, Lyon and Swivel voted against the amendment.*

## PROCEDURAL MOTION

**23-241 Resolved** that item 13.9 "PLANNING - S4.55 Application No. 10.2011.524.4 to modify Conditions 1 and 20(d) to expand the Building Envelope - at 388 Coopers Shoot Road Coopers Shoot " be recommitted. (Lyon/Hunter)

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

**23-242 Resolved** that pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979, that Application No. 10.2011.524.4 to modify Conditions 1 & 20(d) to expand the Building Envelope, be approved by modifying development consent number 10.2011.524.1 as amended by 10.2011.524.2 as follows:

Amend Condition 1 and 20(d) to read:

1) Development is to be in accordance with approved plans.

The development is to be in accordance with plans listed below:

Plan No.	Description	Prepared by	Dated
DWG11078A Sheet 1 of 1 Rev 1	Appendix 2 – Survey Map Showing Subdivision. Title: Plan showing contours and detail	Kennedy Surveying Pty Ltd	11/10/2011

Except as modified by the following plan only in relation to the amended building.

Plan No.	Description	Prepared by	Dated
Contour, View Line & Building envelope Plan Sheet 03 Revision A	Plan marked in red indicating approved Amended Building Envelope	Town Planning Studio Pty Ltd	01/04/2023

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The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

## 20) Building Envelope

- d) The building envelope for Lot 1 DP 1283631 shall be located in accordance with Condition 1 of this consent to ensure that views from the dwelling on Lot 1 DP 572897 to the south-west are retained. (Lyon/Westheimer)

*The Motion (Lyon/Westheimer) was put to the vote and declared carried.*

*Crs Lyon, Swivel, Coorey, Westheimer, Pugh, and Hunter voted for the motion.*

*Cr Dey voted against the motion.*

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**Report No. 13.8**      **PLANNING - DA10.2014.753.1- Bluesfest - 35 Yarun Road, Tyagarah - Condition 53 - Small Events Noise limitations**  
**File No:**              12023/746

## 23-243 Resolved that Council:

1. Not support an increase in amplified music to 100 days per annum as per Condition 53 of Development Consent 10.2014.753.1 (as amended).
2. Notify the applicant to satisfy Condition 53, a further five small trial events are to be noise tested and monitored and surrounding land owners are to be notified under Condition 73 of such events prior to these additional events and further detail to be submitted back to Council for consideration with recommendations in support from the RWG. (Dey/Coorey)

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

*Crs Coorey, Lyon, Dey, Swivel, Westheimer and Pugh voted in favour of the motion.*

*Cr Hunter voted against the motion.*

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## PETITIONS

There were no petitions presented.

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## DELEGATES' REPORTS

Cr Westheimer provided a Delegate's Report on his attendance at Jarjumirr Park, the new skate park located in Byron Bay, with the Master Plan Group.

**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.3**      **PLANNING - 26.2022.5.1 - Planning controls for rural tourist and visitor accommodation - LEP and DCP amendments submissions report**

**File No:**                I2023/332

**23-244 Resolved** that Council

1. Adopts the amended planning proposal as attached to this report (Attachment 1 – #E2023/46789) to introduce a minimum lot size for rural tourist accommodation, and forwards this to the Department of Planning and Environment for finalisation.
2. Supports the following amendments to Byron DCP 2014 Part A and Chapter D3: Tourist Accommodation, to be further exhibited and then reported to Council:
  - a) Part A (Attachment 2 – #E2023/50568) - Amend Rural Tourist Accommodation definition to reflect proposed changes
  - b) Chapter D3 (Attachment 3 – #E2022/34439) – Reinstate updated Table D3.1 ‘Density of Rural Tourist Accommodation’ within the Prescriptive Measures of D3.3.4
  - c) Chapter D3 – Add an additional Table to regulate for farm stay accommodation densities within the Prescriptive Measures of D3.3.4.                (Westheimer/Lyon)

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

*Crs Coorey, Hunter, Lyon, Dey, Swivel, Westheimer and Pugh voted in favour of the motion.*

*Nil voted against the motion.*

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**Report No. 13.5**      **PLANNING - 10.2014.417.4 S4.55 for Changes to Building Height to accommodate One (1) Roof Top Swimming Pool and associated Access and Structures, provision of Internal Access between Levels and Modification to Private Open Space 43 Lawson Street BYRON BAY**

**File No:**                      I2023/486

**23-245 Resolved** pursuant to Section 4.55 of the Environmental Planning & Assessment Act 1979, that Application No. 10.2014.417.4, for S4.55 for Changes to Building Height to accommodate One (1) Roof Top Swimming Pool and associated Access and Structures, provision of Internal Access between Levels and Modification to Private Open Space, be refused as follows:

1. Pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development does not comply with Section 2.11 of State Environmental Planning Policy - Resilience and Hazards.
2. Pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development does not comply with Clause 4.3 Height of building under Byron Local Environmental Plan 2014.
3. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development does not comply with Chapter C3 Byron Development Control Plan 2014.
4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development does not comply with Chapter D1 of Byron Development Control Plan 2014.
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development does not comply with Chapter E5 of Byron Development Control Plan 2014.
6. Pursuant to Section 4.15 (1) (a) (iv) the application for the proposed modification of an approved residential flat building does not comply with section 102 of the Environmental Planning and Assessment Regulation 2021.
7. Pursuant to Section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979 the proposed development is likely to result in adverse environmental impacts on both the natural and built environments, and social impacts in the locality and the occupants of that environment.
8. Pursuant to Section 4.15(1)(d) of the Environmental Planning & Assessment Act 1979 the proposed development is not in the public interest with regards for relevant matters for consideration raised in properly made submissions received by Council.
9. Pursuant to Section 4.15(1)(e) of the EP&A Act 1979 the proposed development is not in the public interest for the reasons outlined above. (Dey/Lyon)

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

*Crs Coorey, Hunter, Lyon, Dey, Swivel, Westheimer and Pugh voted in favour of the*

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*motion.*

*Nil voted against the motion.*

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**Report No. 13.6**      **PLANNING - 26.2022.8.1 - Planning proposal to permit events at the Cavanbah Centre without the need to obtain development consent - Submissions Report**

**File No:**                      I2023/600

**23-246 Resolved** that Council:

1. Adopts the amended planning proposal as attached to this report (Attachment 1 - #E2023/1080) for an amendment to Byron Local Environmental Plan 2014 to permit events on certain Council owned land at 249 Ewingsdale Road, Ewingsdale (Cavanbah Centre), and forwards this to the Department of Planning, Industry and Environment for finalisation.
2. Once the Local Environmental Plan amendment has been notified then Council issues a Media release. (Swivel/Westheimer)

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

*Crs Coorey, Hunter, Lyon, Dey, Swivel, Westheimer and Pugh voted in favour of the motion.*

*Nil voted against the motion.*



**MAYORAL MINUTE**

**Mayoral Minute No. 10.2 Recognition of Awards received by Council**

**Resolved** that Council note:

23-247

1. Byron Shire Council has won two Awards at the 2023 LG Professionals NSW Awards taking out:
  - a) the Community Partnerships Award – for the compassion, care and innovation shown at the Mullum Flood Recovery Centre. The Centre was set up at the Mullumbimby Civic Hall, provided people with support, information, resources and access to state, federal and other agencies and organisations working in the recovery area. The Award recognises the amazing work of not just Council but everyone involved including the Mullumbimby and District Neighbourhood Centre whose staff and volunteers make an incredible difference to our community every day.
  - b) The Environmental Leadership Award – for Council’s Main and Clarkes Beach Dune Recovery project. This award recognises dedication to sustainability as evidenced by the implementation of corporate process improvements, projects or initiatives that demonstrate significant real or potential benefit to the environment. A few months ago, we brought in heavy equipment to move sand from the tidal zone up the beach to artificially rebuild the badly eroded sand dunes. This mimics the work done by nature, but much more quickly. The impact on the dunes has been very positive with native vegetation growing, wildlife returning and the dune system continuing to rebuild.
2. Council’s Suffolk Beachfront Holiday Park, a Council business managed in partnership by staff, Park Managers Darrell and Michelle Lamb and Belgravia Leisure, has recently won:
  - a) National Caravan Industry – ReviewPro People’s Choice Caravan Park of the Year (Silver Award). This is based on ReviewPro “Global Review Index”, calculating an online reputation score based on data taken from all major online travel agencies and review sites.
  - b) Tripadvisor Travellers Choice award. This recognises businesses that can earn consistently great reviews over a 12-month period. Winners need to consistently demonstrate a commitment to hospitality excellence. Travellers Choice Awards are given to the top 10% of listings on Trip Advisor internationally.
3. The Awards recognise the innovation and work of staff and important community partners who are integral to delivering great outcomes in the Shire. (Lyon)

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

**QUESTIONS WITH NOTICE**

**Question With Notice No. 14.1 Disruptive roadworks Murwillumbah Road  
Mullumbimby**  
**File No:** I2023/804

Cr Dey asks the following question:

*On 23 February 2023, Council resolved via Resolution **23-034** to remember an earlier Resolution **22-741** adopting “policy” not to conduct disruptive roadworks during heavy traffic times on various important non-motorway routes in the Shire. Council also recommitted to the two routes named in December (listed as 1 and 2 below) and then added a third route (listed as 3 below):*

- 1) Ewingsdale Road, during daylight hours;*
- 2) Bangalow / Broken Head Roads, during morning and afternoon peak hours; and*
- 3) Mullumbimby from Jubilee Avenue to the Showground, on Mullumbimby Farmers Market mornings.*

*Council also recommitted to:*

- a) writing to all relevant authorities, such as Essential Energy, requesting that they adhere to the same policies for work within the road corridor; and*
- b) noting that emergency road works are exempt from the above policies.*

*Work began in about March 2023 on the pedestrian crossing on Murwillumbah Road. The location sits on route 3 named in Resolution **23-034**.*

*The work later expanded to a full re-sheeting the roadway, from Federation Bridge north to beyond Main Arm Road. Traffic closures included on Friday 19 May causing long queues (on a Farmers Market morning).*

- 1. why did Resolution **23-034** have no impact on these disruptive roadworks?*
- 2. can the disruption be avoided on subsequent Fridays?*

**Response Director Infrastructure Services:**

Council’s Construction Team were aware of the above resolutions and had made plans not to work on Friday mornings as part of the planned works.

The team were very conscious of the Council resolution, but unfortunately had to work on Friday 19 May 2023 due to emergency works following a watermain being struck by machinery the day before. The team were making the site safe for the weekend.

The team worked hard to maintain two lanes of traffic for the majority of the day whilst making the area safe for the weekend.

# BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

8 June 2023

The watermain was struck because in that location the watermain only had 200mm of cover below road level. It was deeper in other areas investigated as part of the project planning. 600mm cover is generally considered minimum cover for most utilities.

It is understood by staff that emergency works are exempt under both resolutions (Res **22-741** and Res **23-034**).

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*There being no further business the meeting concluded at 3.22pm.*

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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 10 August 2023.



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Mayor Michael Lyon