

Minutes Ordinary Meeting

Thursday, 24 August 2023



DISCLAIMER

These minutes are DRAFT minutes and will remain unconfirmed until they are confirmed as a correct record at a subsequent meeting



BYRON
SHIRE
COUNCIL

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes

24 August 2023

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 24 AUGUST 2023 COMMENCING AT 9:06AM AND CONCLUDING AT 6:21PM.

I2023/1235

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

Staff: Mark Arnold (General Manager)
Esmeralda Davis (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Heather Sills (Manager Corporate Services)
Liz Caddick (Biodiversity Team Leader) – Item 13.18
James Flockton (Infrastructure Planning Coordinator) – Item 13.23
Chris Soulsby (Acting Manager Major Projects and Assets) – Item 13.23
Cameron Clark (Manager Utilities) – Item 14.4
Amber Evans Crane (Minute Taker)

The Mayor opened the meeting and acknowledged that the meeting is being held on Arakwal Country and that we pay our respects to the elders past and present and extend our respect to the Bundjalung clans whose lands and waters are part of the Shire.

PUBLIC ACCESS

Prior to dealing with the circulated reports and associated information, a Public Access Session was held and Council was addressed on the following:

Public Access

Report No and Title	For/ Against	Name	Representing	Submission Received via
10.1	For	Maree Eddings	Self	In person
13.2	Against	Kurt Tutt	Go Sea Kayak Byron Bay	In person
		Alice Livingston	Cape Byron Kayaks	In person
13.18	For	Dr Mike Davis	Self	In person
	Against	Dr Louise Boronyak	Humane Society International Australia	Zoom
		Soledad Herrera	Northern Rivers Dingo Advocacy	In person

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PROCEDURAL MOTION

23-320 Resolved that Public Access be extended until 11:30am.
The motion was put to the vote and carried unanimously.

(Lyon)

Report No and Title		For/ Against	Name	Representing	Submission Received via
13.23	Northern and Western Rail Corridor Reports	For	Jay Kempnich	Common People Brewing Co	In person
			Clare Hopkins	Self	In person
			Bangalow Public School SRC students	Bangalow Public School	Recording
			Sol Ibrahim	Northern Rivers Rail Trail	In Person
		Against	Wendy Bithell	Self	In person
			Lydia Kindred	Northern Rivers Rail Ltd	In person
			Nigel Peter Kirwan	Prema Capital & Mitren Rail	Zoom
			Stephen Joyce	Northern Regional Rail Company	Recording
14.4	Report of the Water and Sewer Advisory Committee Meeting held on 15 June 2023 (Water Supply to Mullumbimby)	Against	Ben Fawcett	Self	In person
			Elia Hauge	Self	In person

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Question No. 1 Agenda Item 13.28 Staff Response

Mark Tidswell asked the following question:

Why this required 'detailed environmental monitoring plan (EMP) has never been implemented? And what is the expected EMP implementation date?

The Mayor took the question on notice.

Question No. 2 Code of Conduct and the Federal Village Masterplan Steering Group

George Palmer asked the following question:

Has Byron Shire Council imposed "pedestrian permeability" access rights over private properties anywhere else in the Shire? Has Byron Shire Council adequately considered the risks to its credibility and reputation should it continue to endorse this Group?

The Mayor took the question on notice.

Question No. 3 Dunoon Dam

Nanette Nicholson asked the following question:

Are councillors aware that the Dunoon Dam is

(a) still a very real possibility,

(b) is being actively pursued by Rous County Council, and

(c) that connecting Mullumbimby permanently to Rous would contribute further to this possibility?

Cr Dey answered that he was very aware that Dunoon Dam is still a very real possibility, that it's being actively pursued by Rous, that six of the eight Councillors are committed to it at Rous, and that connecting Mullumbimby to the Rous system ups the demand and makes the building of Dunoon Dam more likely.

Cr Lyon responded that he agrees with Cr Dey that it's a very real possibility. It is being actively pursued and considered as part of an investigation. But, we have heard in the committee from Rous and that the Rous staff position that whether or not Byron Shire Council maintains Lavertys Gap and that supply to Mullumbimby, their position is it will make no difference to what their decision making will be in the future and that's what we heard in the Committee.

Question No. 4 Connection of Rous Water

Dale Emmerson asked the following question:

Does the council staff suggestion to "permanently connect" to Rous mean that "only" water from RCC would be used for Mullumbimby once this "permanent" connection is made? or would Laverty gap water supply be able to be used and RCC water used in the event that Laverty's gap water did not meet demand?

The Mayor took the question on notice.

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The meeting adjourned at 11:48am for a short break and reconvened at 12.09pm.

APOLOGIES

There were no apologies.

APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

PROCEDURAL MOTION

- 23-321** **Resolved** that Cr Swivel be permitted to attend the meeting held on 24 August 2023 by audio-visual link due to work related travel. (Lyon/Westheimer)

The motion was put to the vote and carried unanimously.

REQUESTS FOR LEAVE OF ABSENCE

PROCEDURAL MOTION

- 23-322** **Resolved** that Cr Pugh be granted a leave of absence from the 14 September 2023 Council Planning Meeting (Lyon)

The motion was put to the vote and carried unanimously.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Swivel declared a pecuniary interest in Report 10.1. The nature of the interest being that he had provided advice to residents and families. Cr Swivel elected to leave the Chamber and will not participate in discussion and the vote.

Cr Ndiaye declared a pecuniary interest in Report 9.1. Cr Ndiaye elected to leave the Chamber and will not participate in discussion and the vote.

Cr Lyon declared a significant non-pecuniary interest in Report 13.4. The nature of the interest being that he is on the Executive of the Pocket P & C. Cr Lyon elected to leave the Chamber and will not participate in discussion and the vote.

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TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 23-323 Resolved** that the minutes of the Ordinary Meeting held 22 June 2023 be confirmed.
(Westheimer/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

General Manager

Report No. 13.2 Policy Commercial Activities on Coastal and Riparian Crown Reserves review

Corporate and Community Services

Report No. 13.3 Local Government NSW Annual Conference 2023

Report No. 13.6 Carryovers for Inclusion in the 2023-2024 Budget

Report No. 13.8 Council Resolutions Quarterly Review - Q4 - 1 April to 30 June 2023

Report No. 13.11 Revised Delivery Program 2022-26

Report No. 13.12 Reinstate footpath usage fees for use of Council land/road reserve to enable construction work events or temporary use

Report No. 13.14 Establishment of Alcohol Free Zones

Sustainable Environment and Economy

Report No. 13.16 Summary of Community Feedback on Byron Bay Triathlon 2023

Report No. 13.18 Dingo and Wild Dog Control in Byron Shire

Report No. 13.20 Appointment of Replacement Community Member to the Climate Change and Resource Recovery Advisory Committee

Infrastructure Services

Report No. 13.22 Levels of Service to Heritage Park Arboretum

Report No. 13.23 Northern and Western Rail Corridor Reports

Report No. 13.25 Bangalow Sports Fields Plan of Management and Landscape Masterplan

Report No. 13.26 Tender: Bangalow Sportsfield Lighting

Report No. 13.27 Mullumbimby Heritage Park Landscape Masterplan

Report No. 13.28 Update on the Additional Flow Path project - Response to Council Resolutions 23-108 and 23-277

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REPORTS OF COMMITTEES

Corporate and Community Services

Sustainable Environment and Economy

Report No. 14.3 Report of the Climate Change and Resource Recovery Advisory Committee Meeting held on 29 June 2023

Infrastructure Services

Report No. 14.4 Report of the Water and Sewer Advisory Committee Meeting held on 15 June 2023

CONFIDENTIAL REPORTS

General Manager

Report No. 16.1 CONFIDENTIAL - Lease to Catholic Healthcare Limited over proposed Lot 50 in unregistered plan of subdivision (presently part Folio 188/728535) request for further holding over.

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Ndiaye and seconded by Cr Coorey. Cr Lyon left the meeting and did not vote in accordance with his declared conflict of interest. Each recommendation is recorded with a separate resolution number commencing at Resolution No. **23-324** and concluding with Resolution No. **23-346**.

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 **Agistment licence to Leela Plantations Pty Ltd (A.C.N 064 533 777)**

File No: I2023/1088

23-324 Resolved that Council, delegates the General Manager, to enter into an Agistment Licence with Leela Plantations Pty Ltd (A.C.N 064 533 777) on the following terms and conditions

- a) over part Folio 15/1178892, 1 Dingo Lane Myocum,
 - b) term of twelve-months with ongoing holding over as a monthly tenant,
 - c) base rent to start at \$6,240 (exclusive GST) per annum with base rent increased annually thereafter on each anniversary by Consumer Price Index All Groups Sydney ('CPI')
 - d) purpose for the grazing no more than 40 head of cattle and five horses, with horses to be grazed in the 'Top Paddock' on the land.
 - e) Licensee to pay:
 - i) all outgoings payable to occupy the land for the purpose,
 - ii) public liability insurance cover,
 - iii) carry out improvements to existing fencing, weed control and other on the land as negotiated with the Licensor prior to commencement of the Agistment Licence.
 - f) that if Council commences work on the 5MW Solar Farm Project on the Land, the licence to terminate. (Ndiaye/Coorey)
-

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.4 Community Initiatives Program 2023-2024 Recommendations for Funding

File No: I2023/1037

23-325 Resolved that Council approves the recommended projects for the Community Initiatives Program as per Confidential Attachment 1 (E2023/79113), listed below and notes projects not recommended for funding.

Brunswick Valley Historical Society Museum - \$5,000

Christmas Cheer in the Bay - \$5,000

Humans of Bruns - \$2,500

Japanese Community Byron Bay – \$5,000

Mullum SEED - \$5,000

raise the heart - \$5,000

Shedding Community Workshop Inc - \$5,000

Spaghetti Circus Inc - \$4,927.50

The Foundation for Creative Intelligence - \$5,000

The Pocket Public School P&C - \$5,000

Trustee for the Byron Bay Community Benefit Fund \$5,000

(Ndiaye/Coorey)

Report No. 13.5 Council Investments - 1 June 2023 to 30 June 2023

File No: I2023/1050

23-326 Resolved that Council notes the Report listing Council's investments and overall cash position as of 30 June 2023. (Ndiaye/Coorey)

Report No. 13.7 Delivery Program 6-monthly Report and Operational Plan 2022/23 Quarter 4 Report - to 30 June 2023

File No: I2023/1164

23-327 Resolved that Council notes the Delivery Program 6-monthly Report and 2022/23 Operational Plan Fourth Quarter Report for the period ending 30 June 2023 (Attachment 1 #E2023/78996). (Ndiaye/Coorey)

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Report No. 13.9 Council Investments - 1 July 2023 to 31 July 2023
File No: I2023/1134

- 23-328 Resolved** that Council notes the Report listing Council's investments and overall cash position as of 31 July 2023. (Ndiaye/Coorey)
-

Report No. 13.10 Budget Review - 1 April to 30 June 2023
File No: I2023/1138

- 23-329 Resolved** that Council:
1. Authorises the itemised budget variations as shown in Attachment 2 (#E2023/80644) which include the following results in the 30 June 2023 Quarterly Review of the 2022/2023 Budget:
 - a) General Fund – \$0 movement to the Estimated Unrestricted Cash Result
 - b) General Fund - \$14,926,000 increase in reserves
 - c) Water Fund - \$2,135,500 increase in reserves
 - d) Sewerage Fund - \$2,736,700 increase in reserves
 2. Adopts the revised General Fund Estimated Unrestricted Cash Result of \$0 for the 2022/2023 financial year as at 30 June 2023 (Ndiaye/Coorey)
-

Report No. 13.13 Grants July 2023
File No: I2023/1150

- 23-330 Resolved** that Council notes the grant submissions report for the month of July 2023 (Attachment 1 #E2023/79045), and year end 2023 report (Attachment 2 #2023/80734). (Ndiaye/Coorey)
-

Report No. 13.15 2023/24 Loan Borrowing Program
File No: I2023/1195

- 23-331 Resolved** that Council:
1. Authorises the 2023/2024 loan borrowing program of \$11,687,000 for the following purposes outlined in this report.
 2. Delegates to the General Manager to undertake loan borrowings for the purposes outlined in recommendation 1 and accept loan borrowing terms on behalf of Council that represents the best financial outcome amongst other loan offer(s) received.
 2. Authorises the affixing of the Council seal to all documents that may require it, in regard to the 2023/24 loan borrowing program. (Ndiaye/Coorey)
-

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.17 Car share: (1) Expression of Interest evaluation results, and (2) 2022/23 community usage

File No: I2023/778

23-332 Resolved that Council:

1. Grants Popcar the right to occupy Council's 14 existing car share parking bays in the Shire for a period of three years (1 October 2023 – 30 September 2026) as per the expression of interest evaluation panel recommendation.
2. Endorses another competitive expression of interest being run in 2025/26, to determine the provider from 2026 – 2029.
3. Notes the update on community usage of car share service Popcar for 2022/23.
(Ndiaye/Coorey)

Report No. 13.19 Review of Council's Onsite Sewage Management Strategy 2001 and Onsite Sewage Management Guidelines 2004

File No: I2023/1112

23-333 Resolved that Council:

1. Supports the public exhibition of the draft Onsite Sewage Management Strategy for a minimum 6 weeks to allow for community feedback and submissions and:
 - a) should there be no submissions received the draft Onsite Sewage Management Strategy be endorsed; or
 - b) should submissions be received the draft Onsite Sewage Management Strategy be reported back to Council noting the submissions and any amendments made as a result of the feedback received.
2. Supports the public exhibition of the draft Onsite Sewage Management Guidelines for a minimum 6 weeks to allow for community feedback and submissions and:
 - a) should there be no submissions received the draft Onsite Sewage Management Guidelines be endorsed; or
 - b) should submissions be received the draft Onsite Sewage Management Guidelines be reported back to Council noting the submissions and any amendments made as a result of the feedback received. (Ndiaye/Coorey)

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.21 Adoption of the Byron Design Guide
File No: I2023/538

23-334 Resolved that:

1. Council notes the community feedback received from the public exhibition of the draft Byron Design Guide.
 2. The Byron Design Guide be included in the next round of 'house-keeping' amendments for Byron Shire Development Control Plan 2014 as a reference document only in Chapter E10 Byron Bay Town Centre to assist with the assessment of development applications where public domain considerations and design excellence provisions apply.
 3. The Byron Design Guide is adopted as the operational guiding document for Council's Open Spaces and Works teams to provide guidance for streetscape upgrades in the Byron town centre. (Ndiaye/Coorey)
-

Report No. 13.24 Tender: 2023-1590 Provision of Mowing and Ground Maintenance Services

File No: I2023/886

23-335 Resolved that Council:

1. Awards Tender 2023-1590 – Provision of Mowing and Ground Maintenance Services to Aruma Services, Leaf it to us, and Property and Infrastructure Group.
 2. Makes public its decision, including the name and amount of the successful tenderers, in accordance with Clause 179(b) of the Local Government (General) Regulation 2021. (Ndiaye/Coorey)
-

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 **Report of the Arts and Creative Industries Advisory Committee Meeting held on 29 June 2023**

File No: I2023/1052

23-336 **Resolved** that Council notes the minutes of the Arts and Creative Industries Advisory Committee Meeting held on 29 June 2023. (Ndiaye/Coorey)

23-337 **Resolved** that Council adopts the following Committee Recommendations:

Report No. 4.1 Basketball Court Art Project Proposal received from Laith McGregor & Art Courts Australia

File No: I2022/1901

Committee Recommendation 4.1.1

1. That the Committee supports the proposal progressing including consultation with relevant stakeholders.
2. That the Committee recommends consideration of a broader review of the basketball and netball court areas for inclusion into an integrated activation plan. (Ndiaye/Coorey)

23-338 **Resolved** that Council adopts the following Committee Recommendations:

Report No. 4.2 Jonson and Lawson Street Roundabout Mosaic Artworks

File No: I2023/557

Committee Recommendation 4.2.1

1. That the Committee acknowledges that the location of the artwork no longer complies with road safety standards and the cost/benefit of repairing the work is prohibitive.
2. That the Committee recommends examining the possibility of salvaging some of the existing artwork.
3. That the Committee recommends commissioning a new artwork in a more suitable location. (Ndiaye/Coorey)

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.2 Report of the Business and Industry Advisory Committee Meeting held on 15 June 2023

File No: I2023/1041

23-339 Resolved that Council:

1. Notes the minutes of the Business and Industry Advisory Committee Meeting held on 15 June 2023.
2. Adopts the Business and Industry Advisory Constitution, Attachment 2, E2023/78915, updated at Point 7, Quorum. (Ndiaye/Coorey)

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.5 Report of the Local Traffic Committee Meeting held on 21 July 2023

File No: I2023/1135

23-340 Resolved that Council notes the minutes of the Local Traffic Committee Meeting held on 21 July 2023. (Ndiaye/Coorey)

23-341 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.3 Gilmore Crescent - Parking restrictions and pedestrian facilities

File No: I2023/1070

Committee Recommendation 6.3

That the Local Traffic Committee endorse the proposed parking restrictions within Gilmore Crescent and the pedestrian refuge facility and associated no stopping restrictions on Lawson Street as per attachments 1 (E2023/58247) and attachment 2 (E2023/71557). (Ndiaye/Coorey)

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23-342 Resolved that Council notes the following Recommendations which have been approved by the General Manager:

Report No. 6.2 Toni Childs - Filming Road Closure Secondary Proposal

File No: I2023/1067

1. That the Local Traffic Committee (LTC) support the Toni Childs Music Video Production to be held on Monday 7 August 2023.
2. That (LTC) support in Part 1 is subject to:
 - a) the event organiser providing council with an updated Traffic Management Plan and Traffic Guidance Scheme/s for the film shoot;
 - b) 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;
 - c) the impact of the film shoot be advertised, and charged at cost to the organisers, via a notice in the local weekly paper and Variable Message Signage near the site, a minimum of one week prior to the operational impacts taking effect, noting it must include the film shoot name, specifics of any traffic impacts or road closures and times, alternative route arrangements, Production Team, a personal contact name and a telephone number for all event related enquiries or complaints;
 - d) the film shoot be notified on Council's web page with the event organiser supplying Council with the relevant information.
3. The Production Team 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 film shoot;
 - c) liaising with bus, taxi and waste operators and ensuring arrangements are made for provision of services during conduct of the film shoot;
 - d) consulting with emergency services and any identified issues be addressed;
 - e) holding \$20m public liability insurance cover which is valid for the film shoot;
 - f) paying Council's Road Event Application Fee prior to the film shoot;
 - g) not place any signage on the road related area of the Pacific Highway.
 - h) apply/receive consent by the relevant road authority under section 138 of the NSW road act (1993) and pay any associated fees and charges within this process.

(Ndiaye/Coorey)

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23-343 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.1 Pedestrian Refuge, Parking and Channelised Right (CHR) Treatment on Bayside Way

File No: I2023/951

Committee Recommendation 6.1.1

That Council supports the regulatory signage, line markings and other traffic facilities associated with the new works on Bayside Way, as shown in Attachment 1 (E2023/61852). (Ndiaye/Coorey)

23-344 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.4 Wordsworth Street / Shirley Street - Parking and intersection upgrades.

File No: I2023/1071

Committee Recommendation 6.4.1

That the Local Traffic Committee endorse:

- a) the treatments at the intersection of Shirley Street to improve safety and capacity
- b) the updated parking restrictions within Wordsworth Street

Detailed plans for these improvements are shown in attachment 1, Construction drawings Wordsworth Street and Shirley Street (E2023/38317). (Ndiaye/Coorey)

Report No. 14.6 Report of the Moving Byron Advisory Committee Meeting held on 15 June 2023

File No: I2023/1161

23-345 Resolved that Council notes the minutes of the Moving Byron Advisory Committee Meeting held on 15 June 2023. (Ndiaye/Coorey)

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23-346 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.1 Bike Plan and Pedestrian Access and Movement Plan Progress Update

File No: I2023/629

Committee Recommendation 4.1.1

1. That the Moving Byron Advisory Committee notes the ongoing work by Council staff in reviewing the Bike Plan and Pedestrian Access and Movement Plan and the development of a combined Active Travel Plan
 2. That the review considers the following:-
 - a) Inclusion of all types of trips, not just trips to work;
 - b) Impacts of E-Bikes and mobility devices;
 - c) Connecting Byron to Brunswick (IT005) and Ocean Shores to Pottsville; and
 - d) Connections to proposed land release areas (Ndiaye/Coorey)
-

Cr Lyon returned to the meeting.

PROCEDURAL MOTION

23-347 Resolved that Council change the order of business to deal with Reports 10.1, 13.2, 13.18, 13.23, and 14.4 next on the Agenda. (Lyon)

Cr Swivel left the meeting at 12:22pm in accordance with his declared conflict of interest.

MAYORAL MINUTE

Mayoral Minute No. 10.1 Feros Aged Care Village Byron Bay

File No: I2023/1174

23-348 Resolved that Council:

- a) Responds to the letter from the Hon. Steven Kamper MP, Minister for Lands, confirming Council supports Crown Lands running an Expression of Interest process to test interest from potential aged care providers for Feros Village.
- b) Authorises the General Manager to allocate resources to support Crown Lands with their EOI process as needed.
- c) Notes this resolution compliments, and does not replace, Council Resolution 23-306. (Lyon)

*The motion was put to the vote and carried unanimously.
Cr Swivel was absent for the vote.*

*Cr Swivel returned to the meeting at 12:33pm
Cr Swivel left the meeting at 12:40pm.*

STAFF REPORTS - GENERAL MANAGER

Report No. 13.2 Policy Commercial Activities on Coastal and Riparian Crown Reserves review

File No: I2023/1057

- 23-349 Resolved** that Council defers the decision for one month to enable transition arrangements for the current operators to be worked through and incorporated into the draft Policy. (Hunter/Lyon)

PROCEDURAL MOTION

- 23-350 Resolved** that Cr Balson be granted a two minute extension to her speech. (Lyon)

*The motion was put to the vote and carried.
Cr Swivel was absent for the vote.*

*The motion (Hunter/ Lyon) was put to the vote and carried.
Cr Dey voted against the motion.
Cr Swivel was absent for the vote.*

Cr Swivel returned to the meeting at 1:30pm.

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.18 **Dingo and Wild Dog Control in Byron Shire**
File No: I2023/920

23-351 **Resolved** that Council:

1. Reviews the 2018-2023 Byron Shire Pest Animal Management Plan early in 2024 and that this review includes:
 - a) Community engagement to identify community priorities and impacts on land managed by primary producers, traditional owners, rural lifestyle landholders, local community members and Land for Wildlife
 - b) Engagement with researchers including those using updated DNA methods and non-lethal management practices to collate data relevant to the Byron Shire local environment to inform best practice pest animal management
2. Works with Local Land Services, independent scientists, traditional owners, and animal protection organisations to develop the best-informed Pest-Predator Management Plan for Byron Shire which will prioritise non-lethal pest management options.
3. Requests that the previously DNA tested samples from Local Land Services be shared with UNSW scientist Dr Kylie Cairns to run updated DNA testing.
4. Receives a report by March 2024 (prior to the 2024 trapping season) on the use of non-trapping investigative methods, monitoring and if necessary, cage traps, which can be used to successfully monitor and trap dingoes, roaming dogs, foxes and cats if used properly.
5. Explores opportunities and funding to work alongside above stakeholders to create awareness and education campaigns about Dingoes, as part of the Pest Animal Management Plan review.
6. Notes that there is a National Inaugural First Nations Dingo Forum 15-16 September 2023, hosted by GIRRINGUN Aboriginal Corporation, in relation to the cultural significance of the Dingo to First Nations People. The forum will review current methods of management, review legislation, and provide first nations perspectives.
7. Considers sending a delegate/s to the above events and for the findings to be considered as part of ongoing inclusion and consideration into the Byron Shire Pest Animal Management Plan in 2024.
8. Notes this resolution does not replace, Council Resolution on 27 April 2023 (23-124) (Balson/Pugh)

The meeting adjourned at 1.36pm for a lunch break and reconvened at 2.23pm.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

24 August 2023

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.23 Northern and Western Rail Corridor Reports
File No: I2023/786

Moved that Council:

1. Notes the 2023 Burchill's reports on the Western and Northern Rail Corridors
2. Defers any decision on the rail corridor north of Mullumbimby and west of Bangalow until the final reports of the degradation studies currently being undertaken by Northern Regional Railway Company and Northern Rivers Railway Ltd are released
3. Continues to support the provision of a safe cycling and pedestrian path linking east and west Bangalow and
4. Seeks design options for that path that avoid restrictions on future use of the rail corridor for public transport.
5. Continues to support Council's adopted Moving Byron strategy and its key aims for transport in the Shire and
6. Considers the results of the degradation studies as indicators of what future public transport services will be feasible in the rail corridor. (Westheimer/ Coorey)

PROCEDURAL MOTIONS

- 23-352 Resolved** that Cr Westheimer be granted a two minute extension to his speech.
The motion was put to the vote and carried unanimously. (Lyon)
- 23-353 Resolved** that Cr Coorey be granted a two minute extension to her speech.
The motion was put to the vote and carried unanimously. (Lyon)
- 23-354 Resolved** that Cr Pugh be granted a two minute extension to his speech.
The motion was put to the vote and carried unanimously. (Lyon)
- 23-355 Resolved** that Cr Dey be granted a two minute extension to his speech.
The motion was put to the vote and carried unanimously. (Lyon)
- 23-356 Resolved** that Cr Swivel be granted a two minute extension to his speech.
The motion was put to the vote and carried unanimously. (Lyon)
- 23-357 Resolved** that Cr Lyon be granted a two minute extension to his speech.
The motion was put to the vote and carried unanimously. (Lyon)
- 23-358 Resolved** that Cr Ndiaye be granted a two minute extension to her speech.
The motion was put to the vote and carried unanimously. (Lyon)
- 23-359 Resolved** that Cr Westheimer be granted a one minute extension to his speech.
The motion was put to the vote and carried unanimously. (Lyon)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

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

The meeting adjourned for a short break at 4:00pm and reconvened at 4:11pm.

FORESHADOWED MOTION

23-360 Resolved that Council:

1. Proceeds with the planning, approval process, and preparation of an application for funding to implement on formation rail trails from Mullumbimby to Crabbes Creek and from the old Byron Bay station, through Bangalow to Booyong.
2. Seeks a lease over as much of the corridor as possible that would help:
 - a. ensure the corridor remains in public hands
 - b. enable investigation of options for diverse housing within the corridor
 - c. enable the activation of unused space, infrastructure and buildings for community use
 - d. allow council to receive income for trail maintenance
 - e. allow environmental rehabilitation, including wildlife corridors
 - f. other options for public transport
3. Receives an update and a report on points one and two once the Northern Regional Railway Company degradation study has been provided to Council
4. Reiterates Council's ongoing support for Multi Use of the Rail Corridor between Byron Bay and Mullumbimby (Pugh/Lyon)

PROCEDURAL MOTION

23-361 Resolved that Cr Coorey be granted a one minute extension to her speech. (Lyon)

The motion was put to the vote and carried unanimously.

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

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

PROCEDURAL MOTION

23-362 Resolved that Council change the order of business to deal with Reports 14.4, 13.3, 13.6, 13.12, 13.14, 13.16, 13.26, 13.25, and 13.27 next on the Agenda and the remaining in order if time permits. (Lyon)

The motion was put to the vote and carried unanimously.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.4 Report of the Water and Sewer Advisory Committee Meeting held on 15 June 2023

File No: I2023/1038

Moved that Council notes the minutes of the Water and Sewer Advisory Committee Meeting held on 15 June 2023. (Dey/Coorey)

Moved that Council adopts the Committee Recommendations 4.1 as shown in the minutes attachment to this report, namely:

Report No. 4.1 Byron Shire Council Future Water Strategy

File No: I2023/899

Committee Recommendation:

That the Committee advise Council, further to its Resolution 23-120 of 27 April 2023:

1. To note that the workshop with Rous County Council (RCC) representatives was held on 18 May 2023.
2. To proceed with the investigation as outlined in parts 7 and 8 of the Council Resolution 23-120.
3. To inform the public via a press release or similar, that Council is looking into the capacity of Lavertys Gap to provide Mullumbimby's future water supply.

(Dey/Coorey)

*The motion (Dey/Coorey) was put to the vote and carried.
Crs Pugh, Lyon, Ndiaye, and Swivel voted against the motion*

PROCEDURAL MOTION

23-363 Resolved that the vote *on the motion (Dey/Coorey)* be recounted. (Lyon)

*The motion (Dey/Coorey) was put to the vote and lost.
Crs Hunter, Pugh, Lyon, Ndiaye, and Swivel voted against the motion.*

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

24 August 2023

FORESHADOWED MOTION

23-364 Resolved that Council notes the minutes of the Water and Sewer Advisory Committee Meeting held on 15 June 2023. (Lyon/Ndiaye)

23-365 Resolved:

Report No. 4.1 Byron Shire Council Future Water Strategy

File No: I2023/899

1. That Council defers Report No. 4.1 Byron Shire Council Future Water Strategy until Councillors have discussed the matter with Rous County Council at the first available workshop.
2. That Council notes that this issue is of significant importance and will consult and inform the community in a meaningful way before making a decision. (Lyon/Ndiaye)

Cr Balson left the meeting at 5:45pm.

*The foreshadowed motion (Lyon/Ndiaye) was put to the vote and declared carried.
Crs Dey, Coorey and Westheimer voted against the motion.
Cr Balson was absent for the vote.*

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.3 Local Government NSW Annual Conference 2023

File No: I2023/1035

23-366 Resolved that Council:

1. Authorises the attendance of Crs Ndiaye, Pugh, and Lyon as voting delegates and Cr Balson as a non-voting delegate at the Local Government NSW Annual Conference 2023, to be held from 12 to 14 November 2023.
2. Notes that LGNSW members are encouraged to submit motions by Friday 15 September 2023.
3. Submits the motion that:
“That LGNSW advocates to the Local Government Remuneration Tribunal to formally recognise Deputy Mayors as a distinct category within the local government remuneration framework.” (Ndiaye/Lyon)

*The motion was put to the vote and carried unanimously.
Cr Balson was absent for the vote.*

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

24 August 2023

Report No. 13.6 **Carryovers for Inclusion in the 2023-2024 Budget**
File No: I2023/1107

- 23-367 Resolved** that Council approves the works and services (with respective funding) shown in Attachment 1 (#E2023/80387) to be carried over from the 2022/2023 financial year and that the carryover budget allocations be adopted as budget revotes for inclusion in the 2023/2024 Budget Estimates. (Lyon/Dey)
- The motion was put to the vote and carried unanimously.*
Cr Balson was absent for the vote.

Report No. 13.12 **Reinstate footpath usage fees for use of Council land/road reserve to enable construction work events or temporary use**
File No: I2023/1145

23-368 Resolved:

1. That Council endorses the reinstatement of the following fees and they be placed on public exhibition for a period of 28 days in accordance with s610F of the Local Government Act 1993.
Application fee - \$215
(Eg. Hoarding, scaffolding, fencing, works zones, other temporary structures or traffic control device/s)
Inspection fee - \$215
per hour (minimum 2 inspections with application – further inspections to be paid as required, eg. change to work zone)
Urgency fee - \$215
Where use is required within 10 working days of the application being lodged.
Low Impact Occupation of Council Land - \$1.00 per m2 / day
Where pedestrian, cyclist and vehicular traffic are not disrupted, includes public reserves.
Footpath / verge closure - \$3.00 per m2 / day
 - *Where the footpath / verge area is closed to pedestrians and/or cyclists.*
 - *Where an elevated gantry is installed, fees will be charged for the set up and takedown down then charged at a low impact Occupation rate for the period of occupation.***Road Closure (full and partial) \$13.00 per m2 / day**
Where the traffic lanes are closed to traffic.
2. That any submissions received are reported to Council prior to adoption of the proposed fees.
3. That if no submissions are received during the public notice period Council adopts the fees. (Lyon/Ndiaye)
The motion was put to the vote and carried unanimously.
Cr Balson was absent for the vote.

BYRON SHIRE COUNCIL

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Report No. 13.14 **Establishment of Alcohol Free Zones**
File No: I2023/1158

23-369 Resolved:

1. That in accordance with section 644B of the Local Government Act 1993, Council adopts the proposal to establish alcohol free zones in those parts of Byron Bay, Mullumbimby, Brunswick Heads, Ocean Shores, New Brighton and Suffolk Park, as are set out in the proposal, for a period of four years commencing 1 September 2023.
2. That operation of an established alcohol-free zone be suspended for approved footway restaurants (both present and future), where the operator requests suspension of the Alcohol-Free Zone to allow alcohol to be consumed with the footway restaurant, during the restaurant's hours of operation. (Coorey/Dey)

*The motion was put to the vote and carried unanimously.
Cr Balson was absent for the vote*

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.16 **Summary of Community Feedback on Byron Bay Triathlon**
2023
File No: I2023/543

23-370 Resolved that Council reconfirms key elements of Resolution 22-101 by:

1. Noting the importance of the Byron Triathlon event to the local community and businesses, as well as the Australian sporting community in general.
2. Supporting the 2024 Byron Triathlon and future events using a similar route to the 2023 event; and that this route is endorsed by Council, on the basis that the route is supported by the Local Traffic Committee.
3. Communicating its position to the local community via media release. (Lyon/Dey)

*The motion was put to the vote and carried unanimously
Cr Balson was absent for the vote.*

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.26 Tender: Bangalow Sportsfield Lighting
File No: I2023/926

23-371 Resolved that Council:

1. Awards Tender RFT2023-1783 Bangalow Sports Field Lighting Upgrade to Green Energy QLD.
2. Makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2021.
3. Increases the capital expenditure budget (GL 4835.297) for this project by \$412,500 funded from the remaining grant funding for this project.
4. Engages with the organisers of the Bangalow Summer 6s to support the continuation of this competition during the project, including identifying alternative sites. (Pugh/Ndiaye)

*The motion was put to the vote and carried unanimously.
Cr Balson was absent for the vote.*

The remaining reports were deferred to the 14 September Council Planning Meeting:

Report No. 13.25 Bangalow Sports Fields Plan of Management and Landscape Masterplan
File No: I2023/830

Report No. 13.27 Mullumbimby Heritage Park Landscape Masterplan
File No: I2023/1083

NOTICES OF MOTION

Notice of Motion No. 9.1 Murwillumbah Rd Mullumbimby
File No: I2023/1185

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.8 Council Resolutions Quarterly Review - Q4 - 1 April to 30 June 2023
File No: I2023/1127

Report No. 13.11 Revised Delivery Program 2022-26
File No: I2023/1141

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STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.20 **Appointment of Replacement Community Member to the Climate Change and Resource Recovery Advisory Committee**
File No: I2023/1118

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.22 **Levels of Service to Heritage Park Arboretum**
File No: I2023/768

Report No. 13.28 **Update on the Additional Flow Path project - Response to Council Resolutions 23-108 and 23-277**
File No: I2023/1160

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.3 **Report of the Climate Change and Resource Recovery Advisory Committee Meeting held on 29 June 2023**
File No: I2023/1042

CONFIDENTIAL REPORTS - GENERAL MANAGER

Report No. 16.1 **CONFIDENTIAL - Lease to Catholic Healthcare Limited over proposed Lot 50 in unregistered plan of subdivision (presently part Folio 188/728535) request for further holding over.**
File No: I2023/1111

There being no further business the meeting concluded at 6:21pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 28 September 2023.

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Mayor Michael Lyon