

Minutes Ordinary Meeting

Thursday, 26 October 2023



BYRON
SHIRE
COUNCIL

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
26 October 2023

INDEX OF ITEMS DISCUSSED

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BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 26 OCTOBER 2023 COMMENCING AT 9:05AM AND CONCLUDING AT 2:55PM

I2023/1621

PRESENT: Cr M Lyon (Mayor), Cr S Balson, Cr D Dey, Cr A Hunter, Cr S Ndiaye, Cr A Pugh, Cr M Swivel [Audio-Visual] 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)
Chris Soulsby (A/Manager Assets and Major Projects)
Ralph James (Legal Counsel)
Shannon McKelvey (Executive Officer) – Item 9.1
James Brickley (Manager Finance) – Item 13.8
James Flockton (Infrastructure Planning Coordinator) – Items 13.12, 14.5
Amber Evans Crane (Minute Taker)

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

PUBLIC ACCESS

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

Public Access

Report No and Title	Name	For/ Against	Representing Organisation	Submission Received via	
13.1	Bangalow Heritage House	Christobel Munson	Against	Bangalow Historical Society	In person

Cr Pugh joined the meeting at 9:27AM.

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Report No and Title		Name	For/ Against	Representing Organisation	Submission Received via
13.9	PLANNING - 26.2022.2.1 Gulgan North Planning Proposal - BILS Area 5	Stephen Connelly	For	Planners North	In person

Submissions

Subject	Name	Representing	Submission Received in form of
Residents' concerns regarding development of a Gym at 38 Tweed Street, Brunswick Heads	Olwyn Heathwood	Self	In person
Help finding a Mens Shed	Garry Eastburn	Byron Bay Mens Shed	In person
Proposed development areas Mullumbimby	Matthew Lambourne	Self	In person
Firefighting Water Tanks	John Anderson	Self	Read by staff

Cr Swivel left the meeting at 10:07AM and did not return.

PROCEDURAL MOTION

23-464 Resolved that Public Access be extended until 10:30am.

(Lyon)

The motion was put to the vote and carried unanimously.

Subject	Name	Representing	Submission Received in form of
Firefighting Water Tanks	John Anderson	Self	Read by staff

The meeting adjourned at 10:20AM for a short break and reconvened at 10:38AM.

APOLOGIES

Cr Coorey is an apology in accordance with her prior approved leave of absence (Res **23-374**).

PROCEDURAL MOTION

23-465 Resolved that the apology from Cr Swivel be accepted and a leave of absence granted for the 26 October 2023 Ordinary Council Meeting. (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

There were no requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

23-466 Resolved that the minutes of the Ordinary Meeting held 28 September 2023 be confirmed. (Lyon/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

General Manager

Report No. 13.1 Bangalow Heritage House

Corporate and Community Services

Report No. 13.3 Council Investments - 1 September to 30 September 2023

Report No. 13.6 Call for Nominations to Australian Coastal Councils Association (ACCA) Committee of Management

Report No. 13.8 Ocean Shores Art Expo - Request for Financial Assistance

Sustainable Environment and Economy

Report No. 13.9 PLANNING - 26.2022.2.1 Gulgan North Planning Proposal - BILS Area 5

Report No. 13.10 Update Resolution 23-056 Short Term Rental Accommodation Consent Conditions

Infrastructure Services

Report No. 13.11 Draft Single-use Packaging and Materials Policy

Report No. 13.12 Seven Mile Beach Road - Parking Management Options

REPORTS OF COMMITTEES

Sustainable Environment and Economy

Report No. 14.3 Report of the Biodiversity Advisory Committee Meeting held on 21 September 2023

Infrastructure Services

Report No. 14.5 Report of the Floodplain Management Advisory Committee Meeting held on 19 September 2023

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Lyon and seconded by Cr Ndiaye. Each recommendation is recorded with a separate resolution number commencing at Resolution No. **23-467** and concluding with Resolution No. **23-488**.

STAFF REPORTS - GENERAL MANAGER

Report No. 13.2 **Proposed lease extension - Council and TAFE NSW - Bayshore Drive, Byron Bay**

File No: I2023/1469

- 23-467** **Resolved** that Council consents to the proposed extension of the future TAFE NSW lease of Council land at Bayshore Drive, Byron Bay, from 20 years to 30 years and delegates to the General Manager the authority to sign all documents necessary to give effect to the extension. (Lyon/Ndiaye)
-

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.4 **Annual Report 2022/23**

File No: I2023/1537

- 23-468** **Resolved** that Council notes the Annual Report 2022/23 at Attachment 1 (#E2023/84193) to this report, and its submission to the Minister for Local Government. (Lyon/Ndiaye)
-

Report No. 13.5 **Draft 2022/2023 Financial Statements**

File No: I2023/1583

- 23-469** **Resolved:**
1. That Council adopts the Draft 2022/2023 Financial Statements incorporating the General Purpose Financial Statements (#E2023/106411) and Special Purpose Financial Statements (#E2023/106410).
 2. That Council approves the signing of the "Statement by Councillors and Management" in accordance with Section 413(2)(c) of the Local Government Act 1993 and Section 215 of the Local Government (General) Regulation 2021 in relation to the 2022/2023 Draft Financial Statements.
 3. That the Audited Financial Statements and Auditors Report be presented to the public at the Ordinary Meeting of Council scheduled for 23 November 2023 in accordance with Section 418(1) of the Local Government Act 1993. (Lyon/Ndiaye)
-

Report No. 13.7 **Grants September 2023**

File No: I2023/1568

- 23-470** **Resolved** that Council notes the grant submissions report for the month of September 2023 (Attachment 1 #E2023/106117). (Lyon/Ndiaye)
-

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.1 **Report of the Heritage Advisory Committee Meeting held on 31 August 2023**

File No: I2023/1444

23-471 **Resolved** that Council notes the minutes of the Heritage Advisory Committee Meeting held on 31 August 2023. (Lyon/Ndiaye)

Report No. 14.2 **Report of the Housing and Affordability Advisory Committee Meeting held on 21 September 2023**

File No: I2023/1458

23-472 **Resolved** that Council notes the minutes of the Housing and Affordability Advisory Committee Meeting held on 21 September 2023. (Lyon/Ndiaye)

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.4 **Report of the Local Traffic Committee Meeting held on 19 September 2023**

File No: I2023/1450

23-473 **Resolved** that Council notes the minutes of the Local Traffic Committee Meeting held on 19 September 2023. (Lyon/Ndiaye)

23-474 **Resolved** that Council adopts the following Committee Recommendation:

Report No. 6.1 New Road Barriers for Riverside Crescent, Brunswick Heads
File No: I2023/1074

Committee Recommendation 6.1.1:

That the Local Traffic Committee approves installation of semi-permanent fixed signage and precast concrete islands to replace the temporary water filled barriers on the north bound leg of Riverside Crescent roundabout in Brunswick Heads. (Lyon/Ndiaye).

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23-475 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.2 No stopping signage for sewage pump station access (Shire- wide)
File No: I2023/1371

Committee Recommendation 6.2.1:

That the Local Traffic Committee endorses the installation of parking restrictions at the two locations figures 1 & 2 being;

1. Location 1: Kingsford Drive, Brunswick Heads between property number 23 & 25.
2. Location 2: Kingsford Drive, Brunswick Heads opposite property number 87.

(Lyon/Ndiaye).

23-476 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.3 Bayshore Dr / Ewingsdale Rd Roundabout Linemarking Improvements
File No: I2023/1372

Committee Recommendation 6.3.1:

That the Local Traffic Committee endorses the proposed spiral treatment at the roundabout intersection of Ewingsdale Road / Bayshore Drive, Byron Bay. (Lyon/Ndiaye).

Report No. 14.6 Report of the Infrastructure Advisory Committee Meeting held on 21 September 2023

File No: I2023/1463

23-477 Resolved that Council notes the minutes of the Infrastructure Advisory Committee Meeting held on 21 September 2023. (Lyon/Ndiaye).

23-478 Resolved that Council adopts the following Committee Recommendation:

Report No. 4.1 Shire Wide Pedestrian Crossing Upgrades
File No: I2023/1142

Committee Recommendation 4.1.1:

That Council endorses the proposed upgrade program for Byron Shire zebra crossings, subject to funding availability. (Lyon/Ndiaye).

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Report No. 14.7 Report of the Local Traffic Committee Meeting held on 15 August 2023

File No: I2023/1225

23-479 Resolved that Council notes the minutes of the Local Traffic Committee Meeting held on 15 August 2023. (Lyon/Ndiaye).

23-480 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.1 Gilmore Crescent, Byron Bay - Regulatory Signage, new carpark.
File No: I2023/907

Committee Recommendation 6.1.1:

That this report be noted as it was considered at the previous Local Traffic Committee held on 21 July 2023. (Lyon/Ndiaye).

23-481 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.2 Bayshore Drive - Parking Signage Exception For Permit Holders.
File No: I2023/909

Committee Recommendation 6.2.1:

That the Local Traffic Committee endorse the permit holder exception from 1am – 6am on Bayshore Drive, between Wallum Place and the railway tracks to the north. (Lyon/Ndiaye).

23-482 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.3 544 Coolamon Scenic Drive - Regulatory Signage & Line Marking for upgrade driveway crossovers - Road Safety Audit
File No: I2023/1125

Committee Recommendation 6.3.1

That the Local Traffic Committee endorse the proposed regulatory signage and line marking within Coolamon Scenic Drive, Coorabell as per attachment 1 (#E2023/63902). (Lyon/Ndiaye)

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23-483 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.4 No Parking Area - Booyun Street, Car Park (CWA and Brunswick Heads Public School)

File No: I2023/1139

Committee Recommendation 6.4.1

That the Local Traffic Committee supports the No Parking restrictions shown in figure 1, contained within this report. (Lyon/Ndiaye).

23-484 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.5 Proposed BAR type intersection on Bangalow Road

File No: I2023/1188

Committee Recommendation 6.5.1

That the Local Traffic Committee support the line markings associated with the Bangalow Road intersection works, as shown in Attachment 1 (E2023/81016). (Lyon/Ndiaye).

23-485 Resolved that Council adopts the following Committee Recommendation:

Report No. 6.6 South Beach Road, Parking Area

File No: I2023/1198

Committee Recommendation 6.6.1

That the Local Traffic Committee endorse the proposed No Parking Area scheme for South Beach Road and South Beach Lane, Brunswick Heads. (Lyon/Ndiaye).

23-486 Resolved that Council adopts the following Committee Recommendations:

Report No. 7.1 Road Safety Improvements to Warrambool Road and Coomburra Crescent Intersection Ocean Shores

File No: I2023/780

Committee Recommendation 7.1.1

That the Local Traffic Committee support:

1. The concept for further development and reporting to future committee meeting.
 2. Council seeking funding for these changes. (Lyon/Ndiaye).
-

CONFIDENTIAL REPORTS - GENERAL MANAGER

Report No. 16.1 **CONFIDENTIAL - Negotiations to dispose of and acquire land interests**

File No: I2023/1534

- 23-487** **Resolved** that Council resolves to acquire and dispose of interests in land and deal with that land as detailed in the confidential report on pages 155 to 156 of the Agenda.
(Lyon/Ndiaye).
-

Report No. 16.2 **CONFIDENTIAL - Proposed sale of part lot 12 Bayshore Drive**

File No: I2023/1488

- 23-488** **Resolved** that Council enter a contract for sale regarding the land the subject of this report for a sale price of not less than \$1,930.00 per square metre for the land's "developable area".
(Lyon/Ndiaye).
-

PROCEDURAL MOTION

- 23-489** **Resolved** that Council changes the order of business to deal with Reports 13.9, 13.1 and 12.1 next on the Agenda.
(Lyon/Westheimer)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.9 **PLANNING - 26.2022.2.1 Gulgan North Planning Proposal - BILS Area 5**
File No: I2023/142

23-490 **Resolved** that Council:

1. Notes the current deficit of available zoned and fit for purpose 'Business and Industrial Land' in Byron Shire, and that the Planning Proposal for Area 5 Gulgan North partly addresses this.
2. Notes that the Planning Proposal provides for a mix of uses compatible to the site opportunity and constraints, including a new sub land use category of 'Work-Live' dwelling.
3. Accepts the applicant's letter of offer to enter into a Planning Agreement (Attachment 10 E2023/102502) with Council as part of this planning proposal and require that a draft Planning Agreement be prepared in accordance with the letter of offer.
4. Amends the Planning Proposal land use zone mapping to accord with Figure 5 of this report.
5. Amends the Planning Proposal to identify the subject land on a Local Clauses Map, with that portion of the subject land proposed to be zoned E3 Productivity Support identified as a 'Work-Live precinct'.
6. Prior to requesting a Gateway determination:
 - a) requires the proponent to submit an updated Cultural Heritage Assessment,
 - b) forwards the draft planning proposal and relevant studies to Transport for NSW to obtain an 'in-principle' agreement to a speed zone reduction at the approach to the proposed roundabout,
 - c) forwards the draft planning proposal and relevant to studies to the Biodiversity Conservation Division of the NSW DPE for comment and any necessary changes to the Planning Proposal
7. Pending completion of '6, finalise and forward the planning proposal and supporting documents for the land known as Area 5 Gulgan North (informed by the Byron Shire Business and Industrial Lands Strategy) to the Department of Planning and Environment for the purpose of obtaining a Gateway Determination, and that Council exhibit the Planning Proposal in accordance with the Gateway Requirements.

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8. Notes that a draft Development Control Plan to support the Planning Proposal will be prepared to manage building design and general site requirements including public transport, active transport, location of any bus stops and integration with any intersection upgrade and be exhibited alongside the Planning Proposal.
9. Notes that legal drafting of the draft Planning Agreement will be prepared and exhibited alongside the Planning Proposal. (Westheimer/Lyon)

The motion was put to the vote and carried unanimously.

Crs Dey, Ndiaye, Lyon, Westheimer, Balson, Pugh and Hunter voted in favour of the motion.

Nil voted against the motion.

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 **Bangalow Heritage House**
File No: I2023/1370

23-491 **Resolved** that Council:

1. Defers consideration of this matter until no later than December 2023 so that Council can engage with the Bangalow Historical Society about the matters raised during public access regarding the future use of Bangalow Heritage House.
2. Appoints Councillor Pugh as a councillor representative and Councillor Dey as an alternative to be involved in these discussions. (Dey/Ndiaye)

Cr Ndiaye left the Chambers at 11:24AM.

The motion was put to the vote and carried.

Cr Ndiaye was not present for the vote.

Cr Ndiaye returned to the Chambers at 11:26AM.

DELEGATES' REPORTS

Delegate's Report No. 12.1 **National Inaugural First Nations Dingo Forum**
File No: I2023/1560

Cr Balson gave a Delegate's Report on the National Inaugural First Nations Dingo Forum.

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NOTICES OF MOTION

Notice of Motion No. 9.1 Aboriginal Housing on Country

File No: I2023/1545

PROCEDURAL MOTIONS:

23-492 Resolved that Cr Pugh be granted a two minute extension to his speech. (Lyon)

The motion was put to the vote and carried unanimously.

23-493 Resolved that Cr Ndiaye be granted a two minute extension to her speech. (Lyon)

The motion was put to the vote and carried unanimously.

Cr Ndiaye left the Chambers at 12:20PM.

23-494 Resolved that this matter (Notice of Motion 9.1) rest on the table. (Lyon)

The motion was put to the vote and carried.

Cr Dey voted against the motion.

Cr Ndiaye was not present for the vote.

Notice of Motion No. 9.2 Voting delegate review LGNSW Annual Conference 2023

File No: I2023/1557

PROCEDURAL MOTION

23-495 Resolved that this matter (Notice of Motion 9.2) rest on the table. (Dey/Lyon)

The motion was put to the vote and carried.

Cr Ndiaye was not present for the vote..

MAYORAL MINUTE

There was no Mayoral Minute.

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PETITIONS

Petition No. 11.1 **Petition for the Repair of Large and Dangerous Potholes at 394 Ewingsdale Road Byron Bay**

File No: I2023/1538

23-496 **Resolved:**

1. That the petition at Attachment 1 (E2023/103078) regarding the repair of large and dangerous potholes at 394 Ewingsdale Road Byron Bay be noted.
2. That the petition be referred to the Director Infrastructure Services. (Dey/Lyon)

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

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.3 **Council Investments - 1 September to 30 September 2023**

File No: I2023/1535

23-497 **Resolved** that Council notes the Report listing Council's investments and overall cash position as of 30 September 2023.

(Pugh/Westheimer)

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

Cr Ndiaye returned to the Chambers at 12:30PM.

Report No. 13.8 **Ocean Shores Art Expo - Request for Financial Assistance**

File No: I2023/1584

23-498 **Resolved** that Council pays the hire fees for the Ocean Shores Community Centre by Ocean Shores Art Expo on 3 to 6 November 2023. (Dey/Lyon)

The motion was put to the vote and carried unanimously.

Report No. 13.6 **Call for Nominations to Australian Coastal Councils Association (ACCA) Committee of Management**

File No: I2023/1575

23-499 **Resolved** that Council nominates Cr Dey to stand as a NSW representative on the Australian Coastal Councils Committee of Management. (Ndiaye/Pugh)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.10 Update Resolution 23-056 Short Term Rental Accommodation Consent Conditions

File No: I2023/1137

23-500 Resolved that Council notes the update provided on Resolution 23-056 Short Term Rental Accommodation Consent Conditions and receives a report every 3 months on the status of items 1 and 2 of that resolution as shown below:

1. *Enforces consent conditions which prohibit the use of a property as short term rental accommodation.*
2. *Continues to prohibit the use of short-term rental of housing in new approvals, including but not limited to secondary dwellings, standard homes in the residential areas and business zones of the Shire.* (Westheimer/Lyon)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.11 Draft Single-use Packaging and Materials Policy

File No: I2023/1452

23-501 Resolved that:

1. The Draft Single-use Packaging and Materials Policy (Attachment 1 E2023/32923) be placed on public exhibition for a minimum of 28 days.
2.
 - a) Should there be no submissions, the Draft Single-use Packaging and Materials Policy is endorsed from the date after the close of the exhibition period and;
 - b) Should submissions be received, the Draft Single-use Packaging and Materials Policy be reported back to Council noting the submissions and any amendments made as a result of the feedback received.
3.
 - a) Council writes to the NSW government to lobby that they expand the list of banned single-use plastics under the *Plastic Reduction and Circular Economy Act 2021* in a timely manner.
 - b) Council distributes the adopted Policy to other Councils within the region for their information.
 - c) Council promotes the most up to date information as to which items go in which bin, through various channels including Council's website. (Ndiaye/Dey)

The motion was put to the vote and carried unanimously.

Report No. 13.12 **Seven Mile Beach Road - Parking Management Options**
File No: I2023/1556

23-502 **Resolved** that Council does not implement Pay Parking or Parking Wayfinding for Seven Mile Beach Road until such time as the technological challenges can be overcome.
(Lyon/Ndiaye)

The motion was put to the vote and carried unanimously.

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.3 **Report of the Biodiversity Advisory Committee Meeting held on 21 September 2023**
File No: I2023/1459

23-503 **Resolved** that Council notes the minutes of the Biodiversity Advisory Committee Meeting held on 21 September 2023.
(Lyon/Ndiaye)

The motion was put to the vote and carried unanimously.

23-504 **Resolved** that Council adopts the following Committee Recommendations:

Report No. 4.1 Identifying Open Forest Ecosystems for Ecological Restoration
File No: I2023/386

Committee Recommendation

1. That Council welcomes the report and notes the importance of restoring eco-cultural burning practices.
2. That Open Ecosystem Restoration Potential mapping is added to Council's online mapping tool.
3. That Council explores the option of comparative mapping between the open forest mapping and Council's bush fire prone land mapping. (Lyon/Ndiaye)

The motion was put to the vote and carried unanimously.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**Report No. 14.5 Report of the Floodplain Management Advisory Committee
Meeting held on 19 September 2023**

File No: I2023/1454

Moved that Council notes the minutes of the Floodplain Management Advisory Committee Meeting held on 19 September 2023. (Hunter/Pugh)

Moved that Council does not adopt Committee Recommendation 4.2 as shown in the attachment to this report, but instead adopts the Management Recommendation as follows:

Report No. 4.2 Byron Bay Drainage Upgrade - Project Update
File No: I2023/980

Committee Recommendation 4.2.1

That the Council notes the update on the Byron Drainage Upgrade Strategy and recommend that a scenario be examined with gravity system with flood gates instead of pumps.

Management Recommendation

That the Council notes the update on the Byron Drainage Upgrade Strategy. (Hunter/Pugh)

Cr Lyon left the meeting at 1:07PM, during which time Cr Ndiaye acted as the chair. Cr Lyon returned at 1:10PM and resumed the chair.

*The motions (Hunter/Pugh) were put to the vote and declared lost.
Crs Balson, Westheimer, Ndiaye, and Dey voted against the motion.*

FORESHADOWED MOTION:

**Report No. 14.5 Report of the Floodplain Management Advisory Committee
Meeting held on 19 September 2023**

File No: I2023/1454

PROCEDURAL MOTION

23-505 Resolved that this matter (Report 14.5) rest on the table. (Ndiaye/Lyon)

The motion was put to the vote and carried unanimously.

The meeting adjourned at 1.32pm for a lunch break and reconvened at 2.24pm.

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PROCEDURAL MOTION

23-506 Resolved that Report No. 14.5 be lifted from the table. (Lyon)

The motion was put to the vote and carried unanimously.

Report No. 14.5 Report of the Floodplain Management Advisory Committee Meeting held on 19 September 2023

File No: I2023/1454

23-507 Resolved that Council notes the minutes of the Floodplain Management Advisory Committee Meeting held on 19 September 2023. (Dey/Westheimer)

23-508 Resolved that Council adopts Committee Recommendation 4.2 as shown in the attachment to this report:

Report No. 4.2 Byron Bay Drainage Upgrade - Project Update

File No: I2023/980

Committee Recommendation 4.2.1

That the Council notes the update on the Byron Drainage Upgrade Strategy and recommend that a scenario be examined with gravity system with flood gates instead of pumps (Dey/Westheimer)

The motion was put to the vote and carried unanimously.

The motions (Resolution 23-507 and 23-508) were put to the vote and carried. Crs Hunter, Pugh, and Lyon against the motion.

Notice of Motion No. 9.1 Aboriginal Housing on Country

File No: I2023/1545

23-509 Resolved that Council:

1. Recognises:
 - a) The inherent right of Aboriginal and Torres Strait Islander People to live on Country.
 - b) The importance of living on Country to the physical, social and cultural well-being of Aboriginal People.
 - c) That the housing crisis is disproportionately impacting Aboriginal People and has made living on Country even more difficult. This has been further exacerbated by the significant number of Arakwal, Widjabul Wia-bal and

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Minjungbal People impacted by the floods in Byron and neighbouring shires including Lismore, Tweed, and Ballina.

- d) The expressed issues that stem from not living on Country including impacts on the ability of Aboriginal People to participate in consultation and governance functions, to create and enjoy their own art and cultural activities, the subsequent limitations on health service delivery and the limitations on the ability to also work on Country.
 - e) The work that Native Title Bodies Corporate and Local Aboriginal Land Councils do to deliver housing for their members and the broader Aboriginal community, which in the Byron Shire includes Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) and Widjabul Wia-bal Corporation, and the Tweed Byron, Ngulingah and Jali Local Aboriginal Land Councils.
 - f) That there are a variety of ways to deliver housing to facilitate living on Country beyond social housing.
2. Make strong representations to the NSW Reconstruction Authority that the land they have identified within Byron Shire under the Resilient Lands Program includes Aboriginal owned housing for Aboriginal people.
 3. Will engage, separately and together, the Byron Shire's Native Title Corporations, Local Aboriginal Land Councils, and other relevant stakeholders to ensure the development of Aboriginal and Torres Strait Islander Housing on Country by:
 - a) wherever council has the power to, ensuring that the areas identified under the Resilient Lands Strategy within the Byron Shire includes Aboriginal owned housing for Aboriginal people
 - b) embedding the delivery of Aboriginal owned housing for Aboriginal people within the objectives and actions of Council's Residential Strategies, including the refresh currently on exhibition, and that Council receives a report on what will be included on the various Residential Strategies.
 - c) creating opportunities in the Byron Shire, and across the region, for housing on Country including for example:
 - through the Strategies of the representative Aboriginal organisations and their existing projects and programs
 - on Council or State owned land, including possible transfer of title
 - through Council's Affordable Housing Contributions Scheme
 - through collective lobbying, negotiation and advocacy with NSW and Federal Governments
 - d) using Indigenous Land Use Agreements and Aboriginal Land Agreements where appropriate
 - e) potentially offsetting past and future Native Title compensation liability
 - f) engaging with any other appropriate matters.
 4. Ensuring wherever possible, that Aboriginal housing provided through these initiatives prioritises housing Native Title holders and their descendants (as they are known and recognised by the relevant Native Title organisation) to live on Country

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

26 October 2023

as the recognised First Nations peoples of the Byron Shire.

(Pugh/Balson)

The motion was put to the vote and carried.

Crs Hunter and Lyon voted against the motion.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

26 October 2023

Notice of Motion No. 9.2 Voting delegate review LGNSW Annual Conference 2023

File No: I2023/1557

23-510 Resolved that Cr Balson attend the LGNSW Annual Conference 2023 replacing Cr Ndiaye as a voting delegate. (Balson/Ndiaye)

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

There being no further business the meeting concluded at 2:55PM.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 23 November 2023.



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Mayor Michael Lyon