

# Minutes Ordinary Meeting

Thursday, 14 December 2023



**BYRON**  
SHIRE  
COUNCIL

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
14 December 2023

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**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 14 DECEMBER 2023 COMMENCING AT 9:07AM AND CONCLUDING AT 6:06PM**

I2023/1974

**PRESENT:** Cr M Lyon (Mayor), Cr S Balson (left at 5:33pm), Cr C Coorey (left at 6:04pm), Cr D Dey, Cr A Hunter, Cr S Ndiaye (left at 3:40pm), Cr A Pugh, Cr M Swivel and Cr P Westheimer

**Staff:** Mark Arnold (General Manager)  
Esmeralda Davis (Director Corporate and Community Services)  
Phil Holloway (Director Infrastructure Services)  
Shannon Burt (Director Sustainable Environment and Economy)  
Ralph James (Legal Counsel)  
Heather Sills (Manager Corporate Services)  
Samuel Frumpui (Manager Works)  
Sharyn French (Manager Environmental and Economic Planning)  
Cameron Clark (Manager Utilities) – Report 17.1  
Chris Larkin (Manager Sustainable Development) – Reports 13.2, 13.12, 13.10  
Steve Daniels (Planner) – Report 13.6  
Danielle Hanigan (Manager Resource Recovery) – Report 13.14  
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	Via
13.2 PLANNING - DA 10.2021.114.1 - Light Industrial Development, ("Fed Sheds") at 467 Federal Drive, Federal	For	Gavin Elterman	Self	In person
		Robert Wilcher	Key Point Law	In person
	Against	Dr Goetz Bickert	SCC Steering Group	In person
		Alan Goldstein	Federal Village Masterplan Implementation Group	In person
		Jeff Kahler	Federal School of the	In

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				Arts Association Inc	person
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**PROCEDURAL MOTION**

**23-610 Resolved** that Public Access be extended to 11:30am. (Lyon)

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

**Public Access continued:**

Report No and Title		For/ Against	Name	Representing Organisation	Via
13.6	Housing Options Paper Submissions Report	For	Peter Arnold	Saddle Road Landholders Group	Read by staff
			Wendy Bithell	Self	In person
			Ian Holmes	Bangalow Community Association	In person
		Against	Jo Pilgrim	Brunswick Heads Progress Association	In person
			Matthew Tree	Self	In person
			Kathryn McConnochie	Byron Environment Centre	Read by staff
			Dwayne Roberts	Ardill Payne and Partners	In person
			Serano Nicolai	Self	Read by staff
			Dale Emerson	Mullumbimby Residents Association	In person
			Sharmin Musca	Self	In person
Michael M Murray	Byron YIMBY's	In person			
13.10	PLANNING - DA 10.2022.248.1 – Multiple Occupancy Comprising 14 Dwelling Sites and Associated Infrastructure at 16 Whian Road, Eureka	For	Luke Houghton	Balanced Systems Planning Consultants	In person
		Against	Amanda Coutts	Self	In person

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In accordance with her declaration of interest, Cr Balson left the meeting for the public access item on report 13.12, the time being 10.55am.

## PROCEDURAL MOTION

- 23-611 Resolved** that Council authorises Sharon Shostak to undertake filming during Item 13.12 of the Public Access session at the Ordinary Meeting held on 14 December 2023.  
(Lyon/Swivel)

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

### **Public Access continued:**

Report No and Title		Name	For/ Against	Representing Organisation	Submission Received in form of
13.12	Wallum Subdivision DA 10.2021.575.1 - response to Council Resolution 23-454	Against	Aunty Ish	Gugiyin Balun Aboriginal Corporation	Audio recording
			Svea Pitman and Aunty Karen	Self	In person
			James Barrie	Save Wallum	In person
			Lawrence Miles	Minjungbal Tribal people	In person
			Dave Rawlins	Save Wallum	In person
13.13	Brunswick Heads Parking Study Outcomes	For	Jo Pilgrim	Brunswick Heads Progress Association	In person
		Against	Kim Rosen	Brunswick Heads Chamber of Commerce	In person
13.19	Council Land at Belongil	For	Anthony Pangallo	Self	Via Zoom

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## Questions

Due to the length of Public Access, all registered questions were taken on notice and not read to the meeting. The following questions were registered.

Name	Representing	Question
Robert Blackwell	Self	<p><b><i>Housing Options Paper</i></b></p> <p><i>Given that Council's stated number one aim to is to address and provide affordable and diverse housing options for the community, and given the undoubted and the ever present pressures on the planning department, what surety does Council have that each submission made to the recent Housing Options Paper were given full and diligent due consideration, given that the process seemed to be dominated by a number of larger somewhat already in progress concepts or applications and potentially newer or smaller projects were time squeezed or not given the same level of diligence and therefore a potential missed opportunity. Accordingly, what appeal process is in place for recently rejected submissions to the Housing Options Paper?</i></p>
Gary Haughton	Self	<p><b><i>Fed Sheds revised DA</i></b></p> <p><i>When is Council upgrading the Coachwood Court stormwater drainage system after the requested inspection and how can council not refuse the development as all overflowing stormwater is flowing into my property without any easement?</i></p>
Peter Garrard	Self	<p><b><i>Item 13.2 DA 10.2021.114.1 'Fed Sheds'</i></b></p> <p><i>Are councillors aware of the precedent that would be set if this development is approved? All rural village sites are unsewered, and the need for on-site treatment with appropriate buffers has helped to safeguard the low-density character of these rural areas. Approval of this development means that low cost rural sites throughout the shire will become targeted for inappropriate medium density development.</i></p>



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Name	Representing	Question
Alan Goldstein	Self	<p><b>Impacts on Federal Masterplan if FedSheds approved</b></p> <p><i>My one question comes about from the fact that exactly one year ago at this final Council meeting of the year Council, you, adopted and endorsed the Federal Village Masterplan, the first community led Masterplan in the Shire. Councillors and Council knows that this was a herculean effort by the community, and staff. If Councillors accept these amended DA plans, given one of the main Actions out of the Masterplan was Action 5 (slide), can Council or Councillors explain why and how the community and its representatives would continue to have faith that their efforts have any real substantive impact on their desire to be directly involved in the evolution of their village as expressed in their Masterplan?</i></p>
Ant Solomon	Self	<p><b>Item 13.2 'Fedsheds'</b></p> <p><i>In light of the unlawful use of industrial units as residential accommodation in the context of the current housing crisis how does the proponent propose to monitor and manage this potential outcome?</i></p>
Toni Appleton	Self	<p><b>Unreliable Supporting Document re Stormwater</b></p> <p><i>The developer's Stormwater expert 'Floodworks' modelling for the Stormwater Management Plan is based on 750 kL storage, while the revised DA only shows 600kL (240+240+120m3) and claims only 440 kL in the areas schedule. The modelling is based on these confusing assumptions and cannot be compliant. Council's expert missed this. Even using these inaccuracies, how can the 18m3 rain garden be sufficient mitigation during storm events when it will be full in under 2.5 minutes and how can we rely on that expert when this simple error, in favour of the developer's plans, is missed?</i></p>
Mary Mooney	Self	<p><b>Fed Sheds consent conditions</b></p> <p><i>The on-site sewerage system for this development only caters for 30 staff in 8 large industrial units &amp; in the original DA it stated that they could not be used for artisan food &amp; drink or subdivided and sublet. There is no retail allowed and no toilets for visitors. In the previous Council meeting, the proponent suggested that each unit had been specifically designed to enable sub-division of the space to allow smaller businesses, or sole traders, solo artists etc to operate. Can the Council please explain what is actually allowed &amp; how these constraints will be monitored and enforced?</i></p>
John Vaughan	Self	<p><b>Belongil land resolution: Resolving long outstanding boundary issues</b></p> <p><i>Has the Council's legal officer considered and advised on the fact that following the May 2002 appeal court decision at 87 and their conclusions that Lot 6 and part Lot 7 are effectively held in constructive Trust by Council for the Vaughans</i></p>



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Name	Representing	Question
Elizabeth Anne Campbell	Federal School of Arts Association Inc	<p><i>pending settlement of the effective propriety estoppel?</i></p> <p><b>Survival of Federal Halls</b></p> <p><i>As the Public Officer of the Federal School of Arts Association Inc which manages the Federal Halls without Council assistance, how does Council plan to support the Federal Halls if this development receives approval to go ahead in its present form?</i></p>
James Mayson	Self	<p><b>Community consultation</b></p> <p><i>In the enforced community consultation, the proponent offered a single concession to move the main building B, back 7 metres from the boundary in order to create a more open space - a sort of village square. Can the proponent please address what they have done with this single concession to the community?</i></p>
Geoffrey F Cotton	Self	<p><b>Budget implications of intersection designs</b></p> <p><i>What provisions will Council make in future budgets for the increased risk of being involved in lawsuits as a result of approving development applications that include new intersections, with council-controlled roads, that knowingly do not meet the required Austroads design specifications for safe sight distance and/or safe stopping distance and how much will these increased costs add to ratepayers' burden?</i></p>

*The meeting adjourned at 11.41am for a short break and reconvened at 12:10pm.*

**APOLOGIES**

There were no apologies.

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**APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK**

There were no applications to attend 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**

Cr Balson declared a significant non-pecuniary interest in Report 13.12. The nature of the interest being that she has relationships with those opposed to the matter. Cr Balson elected to leave in the Chamber and will not participate in discussion and the vote.

Cr Swivel declared a significant non-pecuniary interest in Report 13.1. The nature of the interest being that he has been in discussion with Social Futures about the lease of a unit at the site. Cr Swivel elected to leave in 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.

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**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**23-612 Resolved** that the minutes of the Ordinary Meeting held on 23 November 2023 be confirmed. (Westheimer/Lyon)

*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 PLANNING - DA 10.2021.114.1 - Light Industrial Development, ("Fed Sheds") at 467 Federal Drive, Federal

**Corporate and Community Services**

**Sustainable Environment and Economy**

Report No. 13.6 Housing Options Paper Submissions Report

Report No. 13.7 Update Resolution 22-685 Rural Land Use Strategy - Review Scoping Report

Report No. 13.9 Former Mullumbimby Hospital Site - Project Update

Report No. 13.10 PLANNING - DA 10.2022.248.1 – Multiple Occupancy Comprising 14 Dwelling Sites and Associated Infrastructure at 16 Whian Road, Eureka.

Report No. 13.12 Wallum Subdivision DA 10.2021.575.1 - Response to Council Resolution 23-454

**Infrastructure Services**

Report No. 13.13 Brunswick Heads Parking Study - Outcomes

Report No. 13.14 Single-use Packaging and Materials Policy

Report No. 13.15 s7.11 and s7.12 Contributions Plans Review Update

Report No. 13.19 Council Land at Belongil

**REPORTS OF COMMITTEES**

**Corporate and Community Services**

Report No. 14.1 Report of the Arts and Creative Industries Advisory Committee Meeting held on 19 October 2023

**LATE REPORTS**

Report No. 13.12 Wallum Subdivision DA 10.2021.575.1 - Response to Council Resolution 23-454

Report No. 17.1 Social Enterprise Commercial Laundry - Beacon Laundry - s64 Sewer Developer Contributions

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Lyon and seconded by Cr Balson. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 23-613 and concluding with Resolution No. 23-641.

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## STAFF REPORTS - GENERAL MANAGER

**Report No. 13.1**      **Proposed lease of former Byron hospital site**  
**File No:**              I2023/1768

**23-613**    **Resolved** that Council authorises the General Manager to negotiate and settle changes to the proposed lease to Social Futures Ltd regarding 10-12 Shirley Street, Byron Bay, subject to the following principles:

1. A 20-year term is required to help secure an “anchor subtenant” for the site.
  2. The penalty for the head tenant not meeting key performance indicators is termination of the lease rather than full commercial rent (at request of head tenant).  
(Lyon/Balson)
- 

## STAFF REPORTS – CORPORATE AND COMMUNITY SERVICES

**Report No. 13.3**      **Section 355 Guidelines Update**  
**File No:**              I2023/616

**23-614**    **Resolved** that Council endorses the updated Section 355 Guidelines at Attachment 1 (E2022/83249).  
(Lyon/Balson)

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**Report No. 13.4**      **Grants November 2023**  
**File No:**              I2023/1818

**23-615**    **Resolved** that Council notes the grant submissions report for the month of November 2023 (Attachment 1 #E2023/127134).  
(Lyon/Balson)

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**Report No. 13.5**      **Council Investments - 1 November 2023 to 30 November 2023**  
**File No:**              I2023/1955

**23-616**    **Resolved** that Council notes the report listing Council’s investments and overall cash position as of 30 November 2023.  
(Lyon/Balson)

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**STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.8      Flying-fox Camp Management Plan 2024-2029 for Council endorsement**

**File No:**                      I2023/1456

**23-617      Resolved** that Council:

1.      Endorses the public exhibition of the Flying-fox Camp Management Plan 2024-2029 for a minimum 5 weeks to allow for community feedback and submissions (Attachment 1 – E2023/124321) and Attachment 2 – E2023/124101).
  2.      Receives a submissions report following the public exhibition period. (Lyon/Balson)
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**Report No. 13.11      PLANNING - DA 10.2023.194.1 - Proposed demolition of existing dwelling (part of dual occupancy (detached)), associated swimming pool and outbuildings; and proposed new dwelling (part of dual occupancy (detached)), swimming pool, earthworks and landscaping – 150 Tandy's Lane Brunswick Heads.**

**File No:**                      I2023/1869

**23-618      Resolved** Pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2023.194.1 for proposed demolition of an existing dwelling, (part of dual occupancy (detached)) associated swimming pool and outbuildings and proposed new dwelling (part of dual occupancy (detached)), swimming pool, earthworks, and landscaping, be granted consent subject to the conditions of approval in Attachment 1 (#E2023/123622). (Lyon/Balson)

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

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

*Nil voted against the motion.*

**STAFF REPORTS – INFRASTRUCTURE SERVICES**

**Report No. 13.16    Approval for Supplier of Automated Flooded Road Signage**  
**File No:**                    I2023/1922

**23-619    Resolved** that Council:

1. Approves the engagement of the preferred supplier, as outlined in Confidential Attachment 1 (E2023/120221), to deliver Automated Flooded Road Signage; and
  2. Notes this is approved despite Council's resolution (17-585) not to engage with contractors who have had previous involvement with the Carmichael Mine considering the involvement was to help improve environmental outcomes unrelated to this scope of services and considering they do not have any current connections to the mine. (Lyon/Balson)
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**Report No. 13.17    Tender - Suffolk Beachfront Holiday Park Long Term Precinct Dwelling Installations**  
**File No:**                    I2023/1493

**23-620    Resolved:**

1. That Council awards Tender Suffolk Beachfront Holiday Park Long-term Precinct Dwelling Installations to CIRCL Group Pty Ltd identified in the tender evaluation report (Confidential Attachment #E2023/94304).
  2. That Council 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. (Lyon/Balson)
- 

**Report No. 13.18    Byron Bay Drainage Upgrade - Concept Design Approval**  
**File No:**                    I2023/1229

**23-621    Resolved** that Council:

1. Endorses the commencement of the detail design stage for the Byron Bay Drainage Upgrade as per Attachment 2 to 5 of the Report.
2. Notes that the Byron Bay Drainage Upgrade detail design will be prepared to support the gravity network being built first as a stand alone system that can operate without pump stations and levees, allowing these to be added as part of the Shirley Street upgrade. (Lyon/Balson)

**REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES**

**Report No. 14.2 Report of the Audit, Risk and Improvement Committee  
Meeting held on 16 November 2023**

**File No:** I2023/1859

**23-622 Resolved** that Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 16 November 2023. (Lyon/Balson)

**23-623 Resolved** that Council adopts the following Committee Recommendations:

Report No. 5.1 Internal Audit Report Quarter 1 2023-2024  
File No: I2023/1617

Committee Recommendation 5.1.1

That the Audit, Risk and Improvement Committee:

1. Notes the Internal Auditors Summary of Internal Audit Recommendations for Quarter 1 2023-2024 at Attachment 1 (E2023/113666) and their Internal Audit Status Update October 2023 at Attachment 5 (E2023/113667).
2. Recommends to Council that it endorses the recommendations from the Executive Team to close off five internal audit recommendations from Quarter 1 2023-2024 as listed in Table 1 of this report (a summary from Attachment 1).
3. Notes the preliminary report of the Internal Audit of Property Services (Community Buildings) (Attachment 2 E2023/109245) and endorses that a final version be presented to the Committee Meeting in May 2024; and
4. Recommends to Council that it endorses that Management implement the recommendations made in the Internal Audits of:
  - a) Developer Contributions (Attachment 3 E2023/109247)
  - b) Disaster Recovery Planning (Attachment 4 E2023/111230)

(Lyon/Balson)

**23-624 Resolved** that Council adopts the following Committee Recommendation:

Report No. 7.3 Update information regarding proposed Caravan Parks internal audit  
File No: I2023/1628

Committee Recommendation 7.3.1

That Council considers conducting a service review on caravan parks incorporating the comments from the Committee in the scope of the review. (Lyon/Balson)

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**Report No. 14.3**      **Report of the Audit, Risk and Improvement Committee  
Meeting held on 19 October 2023**

**File No:**                      I2023/1860

**23-625**      **Resolved** that Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 19 October 2023. (Lyon/Balson)

**23-626**      **Resolved** that Council adopts the following Committee Recommendations:

Report No. 4.2 Draft 2022/2023 Financial Statements  
File No: I2023/1574

Committee Recommendation 4.2.1

1. That the Audit, Risk and Improvement Committee notes the Audit Engagement Closing Report for the year ended 30 June 2023 provided by the Audit Office of NSW.
2. That the Audit, Risk and Improvement Committee recommends to Council:
  - (a) That Council adopts the Draft 2022/2023 Financial Statements incorporating the General Purpose Financial Statements (#E2023/106411) and Special Purpose Financial Statements (#E2023/106410).
  - (b) 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.
  - (c) 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/Balson)

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**REPORTS OF COMMITTEES – SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 14.4**      **Report of the Biodiversity Advisory Committee Meeting held on 16 November 2023**

**File No:**                      I2023/1913

**23-627**      **Resolved** that Council notes the minutes of the Biodiversity Advisory Committee Meeting held on 16 November 2023. (Lyon/Balson)

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**Report No. 14.5**      **Report of the Housing and Affordability Advisory Committee Meeting held on 16 November 2023**

**File No:**                      I2023/1914

**23-628**      **Resolved** that Council notes the minutes of the Housing and Affordability Advisory Committee Meeting held on 16 November 2023. (Lyon/Balson)

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**Report No. 14.6**      **Report of the Coast and ICOLL Advisory Committee Meeting held on 21 November 2023**

**File No:**                      I2023/1916

**23-629**      **Resolved** that Council notes the minutes of the Coast and ICOLL Advisory Committee Meeting held on 21 November 2023. (Lyon/Balson)

**23-630**      **Resolved** that Council adopts the following Committee Recommendations:

Report No. 4.1 Future Discussion Items for Coast and ICOLL Advisory Committee  
File No: I2023/1233

Committee Recommendation 4.1.1

1. That Council notes that the Coastal Hazard Assessment (CHA) will now be ready in early 2024.
2. That the Coast and ICOLL Advisory Committee notes the report and that the next Future Discussion Items report be amended to parameters of the CHA. (Lyon/Balson)

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**REPORTS OF COMMITTEES – INFRASTRUCTURE SERVICES**

**Report No. 14.7      Report of the Water and Sewer Advisory Committee Meeting held on 16 November 2023**

**File No:**                    I2023/1873

**23-631      Resolved** that Council notes the minutes of the Water and Sewer Advisory Committee Meeting held on 16 November 2023. (Lyon/Balson)

**23-632      Resolved** that Council adopts the following Committee Recommendations:

Report No. 4.2 Ocean Shores STP Transfer to Bruns Valley Workshop Presentation  
File No: I2023/1753

Committee Recommendation 4.2.1

That Council:

1. Notes the presentation; -
2. Recommends that: -
  - a) Council notifies the NSW EPA in response to their letter requesting Councils strategic direction being - Option 4R - Partial transfer to BVSTP, with wet weather Storage and minor upgrade; retain OSSTP (capacity limited, with load shedding and minor upgrade).
  - b) Council staff start project initiation stage for Option 4R - Partial transfer to BVSTP, with wet weather Storage and minor upgrade; retain OSSTP (capacity limited, with load shedding and minor upgrade). (Lyon/Balson)

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**Report No. 14.8      Report of the Local Traffic Committee Meeting held on 21 November 2023**

**File No:**                    I2023/1876

**23-633      Resolved** that Council notes the minutes of the Local Traffic Committee Meeting held on 21 November 2023. (Lyon/Balson)

**23-634      Resolved** that Council adopts the following Committee recommendation:

Report No. 6.1 Event Parking - Main Beach Car Park  
File No: I2023/1714

Committee Recommendation 6.1.1

That the Local Traffic Committee support the implementation of temporary no parking restrictions (for event volunteer/operator parking) in the area referred to in this report, for the 2023 schoolies event and any future events as required. (Lyon/Balson)

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**23-635 Resolved** that Council adopts the following Committee Recommendation:

Report No. 6.2 Temporary Event Parking - Middleton Street Carpark, Byron Bay  
File No: I2023/1722

Committee Recommendation 6.2.1

That the Local Traffic Committee endorses the use of the temporary/variable parking restrictions contained within this report, for event parking use in the Middleton Street, Car Park as required. (Lyon/Balson)

**23-636 Resolved** that Council adopts the following Committee Recommendation:

Report No. 6.3 Extend Existing Two Hour Parking Restrictions - Dalley Street,  
Mullumbimby  
File No: I2023/1743

Committee Recommendation 6.3.1

That the Local Traffic Committee support the extension of the current two hour parking restrictions on the eastern side of Dalley Street, Mullumbimby, south to the boundary of property numbers 124 and 126. (Lyon/Balson)

**23-637 Resolved** that Council adopts the following Committee Recommendation:

Report No. 7.1 Coolamon Scenic Drive - Slow Vehicle Pull Over Area  
File No: I2023/1733

Committee Recommendation 7.1.1

That the Local Traffic Committee support Councils decision to not support requests to formalise a narrow pullover area for heavy vehicles unless a dedicated compliant overtaking arrangement can be achieved. (Lyon/Balson)

**23-638 Resolved** that Council adopts the following Committee Recommendation:

Report No. 7.2 Give Way Control at Clover Hill Circuit, Bangalow  
File No: I2023/1748

Committee Recommendation 7.2.1

That the Local Traffic Committee support installation of give way signage and line marking at the intersection of Clover Hill Circuit and Ballina Road, Bangalow. (Lyon/Balson)

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

14 December 2023

**23-639 Resolved** that Council adopts the following Committee Recommendations:

Report No. 8.1 Event - Byron Triathlon (11/05/2024) and Mothers Day Run  
(12/05/2024)

File No: I2023/1663

## Committee Recommendation 8.1.1

1. That the Local Traffic Committee support the Byron Bay Triathlon to be held on Saturday 11 May 2024 and the Mothers Day Run to be held on Sunday 12 May 2024.
2. That Council support in Part 1 is subject to:
  - a) separate approvals by NSW Police and TfNSW being obtained;
  - b) the event organiser provide council with an updated Traffic Management Plan and Traffic Guidance Scheme/s for the 2023 event;
  - c) development and implementation of a Traffic Management Plan and Traffic Guidance Scheme/s by those with appropriate TfNSW accreditation and the holding of current and appropriate levels of insurance and liability cover;
  - d) the impact of the event be advertised, and charged at cost to the organisers, via a notice in the local weekly paper and Variable Message Signage (VMS) a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;
  - e) the event be notified on Council's web page with the event organiser supplying Council with the relevant information;
  - f) Access from main beach car park to Fletcher St is to be unrestricted at all times.
  - g) Access to Lawson St between Fletcher St and Middleton St to be permitted at all times.
3. The event organiser to:
  - a) inform the community and businesses that are directly impacted (e.g. within road closure zones) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
  - b) arranging for private property access and egress affected by the event;
  - c) liaising with bus, taxi and waste operators and ensuring arrangements are made for provision of services during conduct of the event;
  - d) consulting with emergency services and any identified issues be addressed;
  - e) holding \$20m public liability insurance cover which is valid for the event;
  - f) paying Council's Road Event Application Fee prior to the event. (Lyon/Balson)

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

14 December 2023

**23-640 Resolved** that Council adopts the following Committee Recommendations:

Report No. 9.1 Soul Street New Years Eve - 31 December 2023  
File No: I2023/1269

## Committee Recommendation 9.1.1

1. That the Local Traffic Committee support the New Year's Eve Soul Street event to be held on 31 December 2023.
2. That Council support in Part 1 is subject to:
  - a) separate approvals by NSW Police and TfNSW being obtained;
  - b) the event organiser providing council with an updated Traffic Management Plan and Traffic Guidance Scheme/s for the event;
  - c) development and implementation of a Traffic Management Plan and Traffic Guidance Scheme/s by those with appropriate TfNSW accreditation and the holding of current and appropriate levels of insurance and liability cover;
  - d) the impact of the event be advertised, and charged at cost to the organisers, via a notice in the local weekly paper and Variable Message Signage (VMS) a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;
  - e) the event be notified on Council's web page and social media with the event organiser supplying Council with the relevant information;
  - f) access to Lawson Street is to be unrestricted at all times.
3. The event organiser to:
  - a) inform the community and businesses that are directly impacted (e.g. within road closure zones) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
  - b) arranging for private property access and egress affected by the event;
  - c) liaising with bus, taxi and waste operators and ensuring arrangements are made for provision of services during conduct of the event;
  - d) consulting with emergency services and any identified issues be addressed;
  - e) holding \$20m public liability insurance cover which is valid for the event;
  - f) not place any signage on the road related area of the Pacific Highway.  
(Lyon/Balson)

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

14 December 2023

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## CONFIDENTIAL REPORTS - GENERAL MANAGER

**Report No. 16.1**      **CONFIDENTIAL - Annual Review of General Manager's Performance Agreement**

**File No:**                      I2023/1863

**23-641**      **Resolved** that Council endorses the 2023/2024 Performance Agreement (E2023/114737) for the General Manager. (Lyon/Balson)

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## PROCEDURAL MOTION

**23-642**      **Resolved** that Council change the order of business to deal with Reports 17.1, 13.2, 13.12, 13.13, 13.6, 13.19 next on the Agenda. (Lyon/Ndiaye)

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

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## DEFERRED REPORTS

**Report No. 17.1**      **Social Enterprise Commercial Laundry - Beacon Laundry - s64 Sewer Developer Contributions**

**File No:**                      I2023/1976

**23-643**      **Resolved:**

1. That Council provides Beacon Laundry with a deferral of all sewer development contributions above \$200,000 for the approved development 10.2023.363.1 at 2/6 Dudgeons Lane Bangalow and that the remaining \$200,000 be payable in 10 equal annual payments of \$20,000.
2. That this deferral is subject to Beacon Laundry:
  - a) Not exceeding the approved Sewer ET load of 86.13 ETs
  - b) Maintaining its charitable tax status
  - c) There being no change in ownership of the business or operations unless a new s307 certificate is issued for any new owner
3. That the first payment be payable in the 2024/2025 financial year.
4. That should this prove to be a large financial burden the proponent be invited to provide robust financial evidence in support of an amended payment plan.
5. That Council continues discussions with Beacon Laundry to minimise their wastewater discharge and to utilise the methane and effluent from the Bangalow STP for their operations and support lobbying for any legislative change required.
6. That Council supports Beacon Laundry exploring any state, federal or other philanthropic funding (Pugh/Lyon)



# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

14 December 2023

## AMENDMENT

1. That Council provides Beacon Laundry with a deferral of all sewer development contributions above \$300,000 for the approved development 10.2023.363.1 at 2/6 Dudgeons Lane Bangalow and that the remaining \$300,000 be payable in 15 equal annual payments of \$20,000.
2. That this deferral is subject to Beacon Laundry:
  - a) Not exceeding the approved Sewer ET load of 86.13 ETs
  - b) Maintaining its charitable tax status
  - c) There being no change in ownership of the business or operations unless a new s307 certificate is issued for any new owner
3. That the first payment be payable in the 2024/2025 financial year.
4. That should this prove to be a large financial burden the proponent be invited to provide robust financial evidence in support of an amended payment plan.
5. That Council continues discussions with Beacon Laundry to minimise their wastewater discharge and to utilise the methane and effluent from the Bangalow STP for their operations and support lobbying for any legislative change required.
6. That Council supports Beacon Laundry exploring any state, federal or other philanthropic funding. (Dey/Coorey)

*Cr Ndiaye left the meeting at 12:18pm.*

*The amendment was put to the vote and declared lost.*

*Crs Hunter, Pugh, Balson, Westheimer and Lyon voted against the amendment.*

*Cr Ndiaye was absent for the vote.*

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

*Crs Westheimer voted against the motion.*

*Cr Ndiaye was absent for the vote.*

*The meeting adjourned at 1.02pm for a lunch break and reconvened at 1:46pm.*

*Cr Ndiaye returned to the meeting at this time.*

**STAFF REPORTS - GENERAL MANAGER**

**Report No. 13.2**      **PLANNING - DA 10.2021.114.1 - Light Industrial Development, ("Fed Sheds") at 467 Federal Drive, Federal**  
**File No:**                      I2023/1796

Moved:

1. That the decision on DA 10.2021.114.1 be deferred to the earliest possible Council Meeting in February 2024.
2. That Council receives an updated report from expert witnesses prior to this meeting that addresses the concerns raised at the 14 December 2023 Ordinary Council Meeting, including but not limited to:
  - a) 2 metre on-site sewage buffer to boundaries, including where ground slope is 16%
  - b) the impact of increased stormwater volumes leaving the site
  - c) existing flood problems downstream of the site and in Coachwood Court, to not be made worse by the increased stormwater volume
  - d) consideration of year 2050 and 2100 scenarios of increased rainfall
  - e) the proposed stormwater "raingarden" discharging over the property boundary onto a neighbouring property, without an easement
  - f) building setback distances
  - g) access to toilets for visitors, deliveries, and clients
  - h) parking
3. That Council authorises the General Manager to continue negotiations with the applicant to resolve this matter by consent. (Swivel/Westheimer)

PROCEDURAL MOTIONS

**23-644 Resolved** that Cr Swivel be granted a one minute extension to his speech. (Lyon)

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

**23-645 Resolved** that the motion be put. (Lyon)

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

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

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

14 December 2023

## FORESHADOWED MOTION

- 23-646 Resolved** that the General Manager be authorised to enter into a s34 Conciliation Agreement approving development application 10.2021.114.1, subject to appropriate conditions to be finalised under delegation, including consideration of:
- a) A further reduction in building footprint
  - b) An increase in the on-site sewage buffer to boundaries, including where ground slope is 16%
  - c) The impact of increased stormwater volumes leaving the site
  - d) Existing flood problems downstream of the site and in Coachwood Court, to not be made worse by the increased stormwater volume, including year 2050 and 2100 scenarios of increased rainfall
  - e) The proposed stormwater “raingarden” discharging over the property boundary onto a neighbouring property, without an easement
  - f) Building setback distances
  - g) Access to toilets for visitors, deliveries, and clients
  - h) Parking
- (Ndiaye/Hunter)

## PROCEDURAL MOTION

- 23-647 Resolved** that the motion be put. (Ndiaye/Lyon)

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

*The motion (Ndiaye/Hunter) was put to the vote and carried.  
Crs Coorey, Dey, Swivel, Ndiaye, Lyon, Balson, Pugh and Hunter voted in favour of the motion.  
Cr Westheimer voted against the motion.*

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**STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.12 Wallum Subdivision DA 10.2021.575.1 - Response to Council Resolution 23-454**

**File No:** I2023/1965

*Cr Balson left the meeting at 2:53pm in accordance with her declared interest in this item.*

Moved that Council:

1. Notes the Report "Wallum Subdivision DA 10.2021.575.1 - Response to Council Resolution 23-454".
2. Notes that Amended Management Plans have been submitted for approval under Conditions 6, 7, 8 and 9.
3. Notes that the site known as Wallum Estate contains nationally listed threatened species and that MNES "Significant impact guidelines 1.1" about referral under the Federal Environmental Protection of Biodiversity Conservation Act states in its section titled "Urban development" on Page 33 of 36:

*Proposed urban development for a housing subdivision or an industrial estate on an area which contains nationally listed threatened species or ecological communities, or immediately adjacent to the Great Barrier Reef Marine Park, is likely to be significant under the EPBC Act and should be referred to the minister.*

4. Notes the document "Wallum Development Site" [#E2023/131707] presented by Save Wallum Inc and authored by several respected & qualified ecologists with working knowledge of the site, and that it states at its Point 3:  
the proposed development will have significant impacts on no less than nine (9) species listed under the EPBC Act, or their habitat, and one (1) Endangered Ecological community. These species are the koala (Endangered), the south-eastern glossy-black cockatoo ( Vulnerable), Wallum sedge frog (Vulnerable), Mitchell's Rainforest snail (Critically endangered), Long-nosed potoroo (Vulnerable), Regent Honeyeater (Critically endangered), Swift parrot (Critically endangered), Grey-headed flying fox (Vulnerable), Australasian bittern (Endangered) and Coastal Swamp Sclerophyll forest of NSW and SE Queensland (Endangered). Several of these species and ecosystems are also listed under NSW threatened species legislation.
5. Defers the Report 'Wallum Subdivision DA 10.2021.575.1 - Response to Council Resolution 23-454' (I2023/1946) until the first meeting in February 2024 to enable Councillors time to fully engage and understand the late report that has been provided. (Ndiaye/Dey)

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

14 December 2023

## PROCEDURAL MOTIONS

- 23-648 Resolved** that Cr Ndiaye be granted a two minute extension to her speech. (Ndiaye/Lyon)  
*The motion was put to the vote and carried unanimously.*
- 23-649 Resolved** that Council move into Committee to allow for free debate. (Ndiaye/Lyon)  
*The motion was put to the vote and carried.*
- 23-650 Resolved** that Council move out of Committee and resume the Ordinary Meeting. (Lyon)  
*The motion was put to the vote and carried unanimously.*

## AMENDMENT

- 23-651 Resolved** that Council defers Report 'Wallum Subdivision DA 10.2021.575.1 - Response to Council Resolution 23-454' (I2023/1946) until the first meeting in February 2024 to enable Councillors time to fully engage and understand the late report that has been provided.. (Pugh/Swivel)  
*The motion was put to the vote and carried unanimously.*  
*Cr Balson was not present for the vote.*

*The amendment was put to the vote and declared carried.*  
*Crs Ndiaye and Dey voted against the amendment.*  
*Cr Balson was absent for the vote.*

*The amendment upon becoming the substantive motion was put to the vote and declared carried.*  
*Cr Lyon voted against the motion.*

Cr Balson returned to the Chambers at 3:34pm.

Cr Ndiaye left the meeting at 3:40pm and did not return.

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**STAFF REPORTS – INFRASTRUCTURE SERVICES**

**Report No. 13.13 Brunswick Heads Parking Study - Outcomes**  
**File No: I2023/984**

Moved that Council defers the Report 'Brunswick Heads Parking Study - Outcomes'(I2023/984) until February 2024 to enable further consultation (Hunter/Swivel)

*The motion was to put to the vote and declared lost.*

*Crs Pugh, Balson, Westheimer, Lyon, Dey, and Coorey voted against the motion.  
Cr Ndiaye was not present for the vote.*

**FORESHADOWED MOTION**

**23-652 Resolved that Council:**

1. Notes the consultant's report provided in Attachment 1 (E2023/1203356);
2. Endorses the implementation of Brunswick Heads pay parking regime scenario 4 (extended boundary) contained within this report as recommended by staff and Bitzios Consulting.
3. Endorses the use of parking sensors on a trial basis within the core commercial centre of town on:
  - a) the eastern side of Park Street, between Fingal Street and Mullumbimbi Street,
  - b) the northern side of Fingal Street, between Park Street and Brunswick Tce,
  - c) the western side of Brunswick Tce, between Fingal Street and Mullumbimbi Street
  - d) the southern side of Mullumbimbi Street, between Park Street and Brunswick Tce.
4. Receives further reports:
  - a) detailing the implementation, resourcing and funding plan to deliver and operate the Brunswick Heads pay parking scheme.
  - b) considering an increase in the residential parking scheme area across a larger part of Brunswick Heads due to potential impacts of an overflow from those wanting to avoid pay parking charges in the scheme area
  - c) on the impact on potential revenue across the whole scheme of enabling a system whereby residents with cars registered in the NRJO area (Tweed, Ballina, Lismore, Kyogle, Richmond Valley and Clarence LGAs) were to receive a 50% discount on the hourly rate
  - d) On the impact of hourly rates of \$3, \$4 and \$5
5. Updates the fees and charges to change the 'Shire Resident or Ratepayer Exemption, or Resident Interim Parking Permit' from \$55 to \$0 at the time that the scheme becomes operational in Brunswick Heads. (Lyon/Pugh)

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

14 December 2023

## PROCEDURAL MOTION

**23-653 Resolved** that Cr Lyon be granted a two minute extension to his speech (Lyon)

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

*The motion (Lyon/ Pugh) was put to the vote and declared carried.  
Crs Hunter and Swivel voted against the motion.*

*The meeting adjourned at 4:13pm for a short break and reconvened at 4.22pm.*

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## STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.6      Housing Options Paper Submissions Report**  
**File No:                I2023/1949**

**23-654 Resolved** that Council:

1. Adopts the Housing Options Paper including existing mapped lands and updates a) to d) and Recommendations below to enable staff to complete the 2020 Residential Strategy Refresh:
  - a) New Dwelling Yield Assumptions
  - b) Certain New Lands for inclusion
  - c) Updates to policy and associated actions in 2020 Residential Strategy to address the issues raised during the public comment period where relevant to the 2020 Residential Strategy Refresh
  - d) The changes needed to the body, content, format and name of the 2020 Residential Strategy to refresh it.
  
2. Supports the inclusion of new sites/lands in the 2024 Residential Strategy, namely:
  - a) as identified in Tables 1 and 2 of this report (sites supported) and Attachment 16 (E2023/127137); and
  - b) Lot 2 DP1275809 and Lot 438 DP729107 Bangalow Road, Byron Bay.

These lands are to be notified on Council web page and letters to adjoining owners for the period December 2023 – January 2024.

3. Does not support inclusion of sites/lands in the 2024 Residential Strategy identified in Tables 1 and 2 of this report and Attachment 17 (E2023/126871).
  
4. Acknowledges the sites/lands, identified in Table 3 of this report, inside the North Coast Regional Plan 2041 urban growth boundary that do not need to rely upon the 2024 Residential Strategy and that these can proceed to an owner-initiated planning proposal at the landowner's discretion.
  
5. Supports the inclusion of sites/lands identified in the Resilient Lands Strategy in the 2024 Residential Strategy and associated actions to confirm a collaborative approach to the planning and development of these sites with State Agencies,



# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

14 December 2023

Landowners and other stakeholders involved at the relevant time.

6. Notifies State agencies of the decision of Council and agrees to continue to work with them on their submissions.
7. Notes that staff will update the 2020 Residential Strategy as per the report and recommendations adopted in 1.
8. Notes that a Final updated 2024 Residential Strategy will be presented to Council February 2024 for approval to submit to the Department of Planning and Environment.
9. Notes its submission needs to be made before 31 March 2024 to meet Department of Planning and Environment requirements as per Resolutions 23-165 and 23-315.
10. Agrees to receive further updates on a number of recent and related housing resolutions mentioned in the report at future meetings of Council.
11. Requests further consideration by the Department of Planning of the area bounded by Ewingsdale Road to Grays Lane (which includes Buckleys Road) East of the M1 for an extension to the existing urban growth boundary including in the next review of the North Coast Regional Plan 2027.
12. Includes a section in the 2024 Residential Strategy highlighting the area in 11 as a potential future investigation area for inclusion in the 2024 Residential Strategy review (normally 5 years). Noting that the current North Coast Regional Plan also needs to be amended in its next review 2027 to identify the area in 11 within an urban growth area first. Requirements for this include: no other suitable land is available for housing, and movement has been made towards achieving required infill targets within existing urban growth area boundaries.
13. Requests staff to include a mid-point review (2026/27) of the 2024 Residential Strategy actions to enable an informed submission to be made to the Department of Planning about point 12. (Lyon/Swivel)

## PROCEDURAL MOTIONS

**23-655 Resolved** that Cr Lyon be granted a one minute extension to his speech. (Lyon)

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

**23-656 Resolved** that Cr Coorey be granted a two minute extension to her speech. (Lyon)

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

**23-657 Resolved** that Cr Dey be granted a two minute extension to his speech. (Westheimer)

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

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

14 December 2023

## AMENDMENT

Moved that Council:

1. Adopts the Housing Options Paper including existing mapped lands and updates a) to d) and Recommendations below to enable staff to complete the 2020 Residential Strategy Refresh:
  - a) New Dwelling Yield Assumptions
  - b) Certain New Lands for inclusion
  - c) Updates to policy and associated actions in 2020 Residential Strategy to address the issues raised during the public comment period where relevant to the 2020 Residential Strategy Refresh
  - d) The changes needed to the body, content, format and name of the 2020 Residential Strategy to refresh it.
2. Supports the inclusion of new sites/lands in the 2024 Residential Strategy, namely:
  - a) as identified in Tables 1 and 2 of this report (sites supported) and Attachment 16 (E2023/127137); and
  - b) Lot 2 DP1275809 and Lot 438 DP729107 Bangalow Road, Byron Bay.

These lands are to be notified on Council web page and letters to adjoining owners for the period December 2023 – January 2024.
3. Does not support inclusion of sites/lands in the 2024 Residential Strategy identified in Tables 1 and 2 of this report and Attachment 17 (E2023/126871).
4. Acknowledges the sites/lands, identified in Table 3 of this report, inside the North Coast Regional Plan 2041 urban growth boundary that do not need to rely upon the 2024 Residential Strategy and that these can proceed to an owner-initiated planning proposal at the landowner's discretion.
5. Supports the inclusion of sites/lands identified in the Resilient Lands Strategy in the 2024 Residential Strategy and associated actions to confirm a collaborative approach to the planning and development of these sites with State Agencies, Landowners and other stakeholders involved at the relevant time.
6. Notifies State agencies of the decision of Council and agrees to continue to work with them on their submissions.
7. Notes that staff will update the 2020 Residential Strategy as per the report and recommendations adopted in 1.
8. Notes that a Final updated 2024 Residential Strategy will be presented to Council February 2024 for approval to submit to the Department of Planning and Environment.
9. Notes its submission needs to be made before 31 March 2024 to meet Department of Planning and Environment requirements as per Resolutions 23-165 and 23-315.
10. Agrees to receive further updates on a number of recent and related housing resolutions mentioned in the report at future meetings of Council.
11. Requests further consideration by the Department of Planning of 29 Buckleys Road Tyagarah as a possible location of future low cost housing supply acknowledging that this could be part of the update of the North Coast Regional Plan 2041 and that no development occur until the extension of a solar train and the provision by the landowner of infrastructure. (Coorey/Balson)

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

14 December 2023

## PROCEDURAL MOTION

**23-658 Resolved** that the amendment be put. (Lyon)

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

*The amendment was put to the vote and declared a tie.  
Crs Coorey, Dey, Westheimer and Balson voted in favour of the motion.  
Crs Swivel, Lyon, Pugh and Hunter voted against the motion.  
The Mayor used his casting vote and declared the motion lost.*

*Cr Balson left the Chambers at 5:33PM and did not return.*

## PROCEDURAL MOTIONS

**23-659 Resolved** that the motion be put. (Lyon)

*The motion was put to the vote and lost.  
Crs Westheimer, Dey, and Coorey voted against the motion.*

**23-660 Resolved** that Cr Lyon be granted a one minute extension to his speech. (Lyon/Westheimer)

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

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

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**Report No. 13.19 Council Land at Belongil**  
**File No:** 12023/827

**23-661 Resolved** that Council defers the report 'Council Land at Belongil' to the February meeting of Council to enable staff to:

1. Undertake an assessment of the vegetation on Lot 6 Section 3 in DP 1623 and/or Lot 7 Section in DP 1623 and Lot B DP 371044. The assessment of the vegetation being required to identify if any threatened species or threatened ecological communities exist on the subject parcels of land that may impact the future use of the land for operational purposes.
2. Advise as to any easements or other such restrictions on the above lots and provide clarification on the legal status of:
  - a) ownership of Lot 7 Section in DP 1623
  - b) access to the current tenants to assist in negotiating settlement (Lyon/Swivel)

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

**MAYORAL MINUTE**

**No. 10.1 Resilient Homes Program**

**23-662 Resolved** that Council:

1. Endorses the letter written by the Byron Flood Emergency Action Group regarding the Resilient Homes Program.
2. Writes to the NSW Premier and the Prime Minister in support of the requests made in the letter above. (Lyon)

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

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**PETITIONS**

**Petition No. 11.1**      **Petition expressing objection to the Proposed Development of Tyagarah Sanctuary at 29 Buckleys Road Tyagarah**

**File No:**                      I2023/1870

**23-663 Resolved:**

1. That the petition regarding opposition to the proposed development of 'Tyagarah Sanctuary' at 29 Buckleys Rd, Tyagarah be noted.
2. That the petition be referred to the Director Sustainable Environment and Economy. (Lyon/Westheimer)

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

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**DELEGATES' REPORTS**

There were no verbal delegates' reports. Written delegates' reports can be found in the Agenda for this meeting (14 December 2023).

**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.7      Update Resolution 22-685 Rural Land Use Strategy -  
Review Scoping Report**

**File No:**                    I2023/1837

**23-664      Resolved** that Council:

1.    Notes the progress made by staff in relation to items 1, 3 and 4 of Resolution 22-685 as discussed in this report.
2.    Supports staff progressing two outstanding actions from the current RLUS that are in urgent need of expediting prior to a lengthy whole of Strategy review, being:
  - (i)    Review of remaining land in the 7D Scenic/Escarpment Zone
  - (ii)   Investigate a strategic framework for resolving dwelling entitlement issues
3.    Supports a corresponding 2024/25 budget allocation bid for the above actions in order of priority as follows:
  - (i)    \$100,000 (Review of remaining 7D Scenic/Escarpment Zone areas)
  - (ii)   \$20,000 (Preparation of a strategic framework for resolving dwelling entitlement issues) (Coorey/Lyon)

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

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**Report No. 13.9      Former Mullumbimby Hospital Site - Project Update**

**File No:**                    I2023/1554

**23-665      Resolved** that Council:

1.    Notes the update on Resolution 23-298 relating to the Former Mullumbimby Hospital Site Planning Proposal and Enquiry by Design as provided in this report.
2.    Expresses their sincere appreciation to the stakeholders who attended the 2-day Enquiry by Design process.
3.    Notes that further reports to Council will be provided in early 2024 on the Planning Proposal's exhibition and on the governance structure for the site and other key matters. (Lyon/Westheimer)

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

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**Report No. 13.10**    **PLANNING - DA 10.2022.248.1 – Multiple Occupancy  
Comprising 14 Dwelling Sites and Associated Infrastructure at  
16 Whian Road, Eureka.**  
**File No:**                    I2023/1673

**23-666**    **Resolved that:**

1. Pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2022.248.1 for Multiple Occupancy consisting of Fourteen (14) Dwelling Sites, Associated Infrastructure, Land Management and Environmental Enhancement including Removal of Three (3) 15 Trees, be granted consent subject to the conditions of approval detailed in Attachment 1 #E2023/118779, subject to the additional condition under condition 12 be inserted as follows:

*j)     Earthworks*

*Depth of cut and height of fill for works at each of the house sites is limited to 1 metre from natural (December 2023) ground level.*

2. The Eureka Village Landscape Conservation Area under Byron LEP 2014 be reviewed by staff (with a view to reducing or removing it by separate LEP amendment). New DCP provisions be drafted to otherwise give clear direction and guidance to future development in this area. A further report on both to be submitted to Council before the end of the 2023/24 financial year.

(Dey/Westheimer)

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

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

*Nil voted against the motion.*

*Crs Balson and Ndiaye were not present for the vote.*

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**STAFF REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 13.14**    **Single-use Packaging and Materials Policy**  
**File No:**                    I2023/1649

**23-667**    **Resolved that Council:**

1. Notes the submissions received during the public exhibition period as outlined in Attachment 1 (E2023/124753)
2. Adopts the Single-use Packaging and Materials Policy 2023 with amendment as per Attachment 2 (E2023/124762)
3. Includes Key Performance Indicators for each of the policy objectives to be included in the Action Plan. (Hunter/Coorey)

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

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

14 December 2023

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## PROCEDURAL MOTION

**23-668 Resolved** that the meeting be extended until 6.30pm. (Lyon)

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

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**Report No. 13.15 s7.11 and s7.12 Contributions Plans Review Update**  
**File No:** I2023/1836

**23-669 Resolved:**

1. That Council allocates a budget of \$150,000 from the developer contributions plan administration reserve to engage a consultant to prepare a new contributions plan based on the final updated version of the Residential Strategy to be adopted by Council in February 2024.
2. The new contribution plans will address the below issues:
  - a) whether the separate s7.12 policy is working as envisaged, and in the best interests of our community, since development contributions were split into s7.11 and s7.12.
  - b) whether the s7.12 policy and its current levels of contribution are 'fit for the future' given the current and predicted influx of DAs for larger developments in the Byron Shire's non-residential areas.
  - c) whether the s7.12 policy adequately covers the range of civic infrastructure facing increasing demands from non-residential development.
  - d) whether the current s7.12 policy's failure to collect contributions for the road network be amended as non-residential development generates further demands on roads. (Westheimer/Lyon)

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

*Cr Coorey left the meeting at 6:04pm and did not return.*

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## **REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES**

**Report No. 14.1 Report of the Arts and Creative Industries Advisory  
Committee Meeting held on 19 October 2023**  
**File No:** I2023/1850

**23-670 Resolved** that Council notes the minutes of the Arts and Creative Industries Advisory Committee Meeting held on 19 October 2023. (Westheimer/Lyon)

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

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# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

14 December 2023

**23-671 Resolved** that Council adopts the following Committee Recommendations:

Report No. 4.2 Decommissioning of artwork "Catch a Falling Fish" from Federal Park  
File No: I2023/1449

Committee Recommendation 4.2.1

That Council:

1. Decommissions the public artwork 'Catch a Falling Fish' by Suvira McDonald and thanks the artist for their creative contribution.
2. Requests the Federal Community Centre Committee provides notice of an alternate proposal for the support structure within four months. In the absence of such a proposal, the Committee recommends its removal. (Westheimer/Lyon)

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

**23-672 Resolved** that Council does not adopt Committee Recommendation 4.3 as shown in the attachment to this report, but instead adopts the Management Recommendation as follows:

Report No. 4.3 Public Art Proposal for Brunswick Nature Sculpture Walk  
File No: I2023/1473

Management Recommendation 4.3.1

That Council:

1. Removes the requirement for the Brunswick Nature Sculpture Walk prize to be awarded to a work that is permanently acquired.
2. Requests further information from Brunswick Nature Sculpture Walk and artist Hiromi Tango to inform a subsequent report to the Arts and Creative Industries Advisory Committee regarding the proposed installation. (Westheimer/Lyon)

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

**23-673 Resolved** that Council adopts the following Committee Recommendation:

Report No. 4.4 Amendments to Public Art Development Control Plan  
File No: I2023/1564

Committee Recommendation 4.4.1

That the Art and Creative Industries Committee notes the report and receives further information to the proposed amended DCP for comment by email prior to it being reported to Council. (Westheimer/Lyon)

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

**BYRON SHIRE COUNCIL**

ORDINARY MEETING MINUTES

14 December 2023

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*There being no further business the meeting concluded at 6.06pm.*

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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 22 February 2024.



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Mayor Michael Lyon