

Minutes Ordinary Meeting

Thursday, 28 March 2024



DISCLAIMER

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



BYRON
SHIRE
COUNCIL

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
28 March 2024

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BYRON SHIRE COUNCIL

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 28 MARCH 2024 COMMENCING AT 9:08AM AND CONCLUDING AT 5:41PM

I2024/458

PRESENT: Cr M Lyon (Mayor), Cr S Balson, Cr C Coorey, Cr D Dey, Cr A Hunter, Cr S Ndiaye, Cr A Pugh, Cr M Swivel 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)
Matt Meir (Legal Counsel)
Heather Sills (Manager Corporate Services)
Stephanie McMurray (Place Liaison Officer) – item 13.6
Chris Larkin (Manager Sustainable Development) – items 13.10 & 13.8
James Flockton (Infrastructure Planning Coordinator) – item 13.12
Chris Soulsby (A/ Manager Assets and Major Projects)
Jess Cutter (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	Against	Kori Nemme	Self	Speech read by staff
13.6	For	Ian Holmes	Bangalow Community Association	In person
13.7	For	Ann Uldridge	Women's Village Collective	In person
		Dale Emerson	MRA	In person
	Against	Chels Hood Withey	House You	Pre-recorded video
		Anando Heffley	Tallowood Village Group and	Online/Zoom

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Report No and Title	For/ Against	Name	Representing	Via
			Azalea St Residents Group	
13.9	For	Ian Holmes	Bangalow Community Association	In person
		Colin Roden	Self	In person
13.10	For	Brandon Saul	Creative Capital	In person

PROCEDURAL MOTION

24-090 Resolved that Public Access be extended to 11.00am.

(Lyon)

The motion was put to the vote and carried unanimously.

Public Access continued:

Report No and Title	For/ Against	Name	Representing	Via
13.12	For	Leone Bolt	Brunswick Heads Progress Association	In person

The meeting adjourned at 10:50am for a short break and returned at 11.20am

APOLOGIES

There were no apologies.

APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

PROCEDURAL MOTION

- 24-091 Resolved** that Cr Coorey and Cr Pugh be permitted to attend the meeting held on 28 March 2024 by audio-visual link for caring responsibilities. (Lyon/Balson)

The motion was put to the vote and carried unanimously.

REQUESTS FOR LEAVE OF ABSENCE

PROCEDURAL MOTION

- 24-092 Resolved** that Cr Swivel be granted a leave of absence from the 18 April Ordinary Council Meeting (Lyon)

The motion was put to the vote and carried unanimously.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Balson declared a non-pecuniary interest in Report 13.2. The nature of the interest being that her child attends the service. Cr Balson elected to remain in the Chamber and will participate in discussion and the vote.

Cr Balson also declared non-pecuniary interest in Report 13.10. The nature of the interest being her remote and past professional relationships, past advocacy and consultation on the need for affordable housing for women in the community through her professional role in the sector. Cr Balson elected to remain in the Chamber and will participate in discussion and the vote.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 24-093 Resolved** that the minutes of the Ordinary Meeting held 22 on February 2024 be confirmed. (Westheimer/Ndiaye)

The motion was put to the vote and carried unanimously.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

The Mayor suspended standing orders to allow for items to be reserved for debate, being:

STAFF REPORTS

Corporate and Community Services

- Report No. 13.2 Service Review - Outside School Hours Care (OSHC)
Report No. 13.3 National General Assembly of Local Government 2024

Sustainable Environment and Economy

- Report No. 13.6 Place Planning Collective Update
Report No. 13.7 PLANNING - Post Exhibition Submissions Report - Planning Proposal - 26.2023.2.1 - Former Mullumbimby Hospital Site
Report No. 13.8 PLANNING - 10.2020.109.4 - Section 4.55 to Stage 9 for Removal of Existing Exotic and Native Trees to Allow for Construction of Approved Roads and Earthworks, Relocation of Inter-allotment Drainage and Sewer Services and Easement Modifications and Deletion of Local Open Space and Recreation S7.11 Contributions - 86 Tuckeroo Avenue Mullumbimby
Report No. 13.10 PLANNING - DA 10.2023.266.1 Permanent Group Home, Ancillary Building and Associated Works at 66 The Saddle Road BRUNSWICK HEADS 2483
Report No. 13.11 Status report on Development Applications (DAs) with bodies like the Northern Regional Planning Panel (NRPP)

Infrastructure Services

- Report No. 13.12 Brunswick Heads Pay Parking - Implementation

REPORTS OF COMMITTEES

Corporate and Community Services

- Report No. 14.1 Report of the Arts and Creative Industries Advisory Committee Meeting held on 29 February 2024

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. 24-094 and concluding with Resolution No. 24-125.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.1 Grants February 2024
File No: I2023/1937

24-094 Resolved that Council notes the grant submissions report for the month of February 2024 (Attachment 1 #E2024/22133). (Lyon/Balson)

Report No. 13.4 Council Investments - 1 February 2024 to 29 February 2024
File No: I2024/344

24-095 Resolved that Council notes the report listing Council's investments and overall cash position as of 29 February 2024. (Lyon/Balson)

Report No. 13.5 Proposed change to 2024 Council Meeting Schedule
File No: I2024/362

24-096 Resolved:

1. That Meeting Schedule 2024 be amended to move the Ordinary (Planning) Meeting scheduled for Thursday 9 May 2024 to Thursday 16 May 2024.
 2. That the Advisory Committee Meetings currently scheduled to be held on Thursday 16 May 2024 be moved to Thursday 9 May 2024:

9:00am Climate Change and Resource Recovery
11:30am Audit, Risk, and Improvement Committee
2:00pm Finance Advisory Committee
4:30pm Biodiversity Advisory Committee
 3. That Mayor Michael Lyon be authorised to attend the LGNSW Rural and Regional Summit on Thursday 9 May 2024. (Lyon/Balson)
-

STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.9 Bangalow Streetscape Materials Design Guide - Submissions Report
File No: I2024/325

24-097 Resolved that Council adopts the Bangalow Streetscape Materials Design Guide (Attachment 1, E2023/95853) and proposed accompanying amendment to the Byron Development Control Plan 2014, Part E, Chapter E2 Bangalow (Attachment 2, E2023/109098). (Lyon/Balson)

STAFF REPORTS – INFRASTRUCTURE SERVICES

Report No. 13.13 Sandhills Wetland Construction 2023-1904

File No: I2024/66

24-098 Resolved:

1. That Council declines to accept any of the tender submissions.
2. That Council enters into negotiations with the suppliers identified on in part 3 of the Evaluation Panel Recommendations Report (Attachment 1 E2024/8435) with a view to entering into a contract in relation to the subject matter of the tender.
3. That Council notes that:
 - a) The reason for declining to invite fresh tenders is that outstanding approvals have created a delay in the program.
 - b) The reason for determining to enter into negotiations with those suppliers is that these tenders have been evaluated as best value for money tenders and there is a genuine prospect of negotiating an agreed contract with a program reflecting the delay due to the outstanding approvals.
4. That Council delegates to the General Manager to enter into a negotiated contract within the approved/funded project budget
5. That Council makes public its decision, in accordance with Clause 179(a) of the Local Government Regulation 2021. (Lyon/Balson)

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Report No. 13.14 **Part Road Reserve Closure and sale adjoining Lot 1 DP 841372, 305 Main Arm Road, Main Arm, NSW 2482**

File No: I2024/314

24-099 **Resolved:**

1. That Council endorses the closure of Part Road Reserve adjoining Lot 1 DP 841372 as detailed in the report.
2. That Council accepts the valuation as per *Attachment 1 E2024/20508*, that has been agreed upon by the landowners.
3. That the applicant pays all remaining costs associated with the part road closure and consolidation.
 - a) Council application fees
 - b) Council's surveyor's fees and survey, valuation, and legal costs
 - c) All registration fees
 - d) Legal costs
4. The allotments created by the part road closure to be consolidated into existing Parcel No 195760 Lot 1 DP 841372.
5. That Council authorises the General Manager to execute all documents necessary to affect the road closure, sale, transfer, and consolidation of the part closed road.

(Lyon/Balson)

Report No. 13.15 **Environmental Impact Statement Sandhills Stormwater Management System Project**

File No: I2024/389

- 24-100** **Resolved** that Council, under Part 5 of the *Environmental Planning and Assessment Act 1979*, approves the activity of the construction of the Sandhills Wetlands project.

(Lyon/Balson)

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.2 **Report of the Finance Advisory Committee Meeting held on 15 February 2024**

File No: I2024/252

24-101 **Resolved** that Council notes the minutes of the Finance Advisory Committee Meeting held on 15 February 2024. (Lyon/Balson)

24-102 **Resolved** that Council adopts the following Committee Recommendations:

Report No. 3.1 Budget Review - 1 October 2023 to 31 December 2023

File No: I2024/60

Committee Recommendation 3.1.1

That Council:

1. Authorises the itemised budget variations as shown in Attachment 2 (#E2024/4306) which include the following results in the 31 December 2023 Quarterly Review of the 2023/2024 Budget:
 - a) General Fund – \$1,200 increase to the Estimated Unrestricted Cash Result
 - b) General Fund - \$2,772,500 increase in reserves
 - c) Water Fund - \$282,400 increase in reserves
 - d) Sewerage Fund - \$3,614,200 increase in reserves
2. Adopts the revised General Fund Estimated Unrestricted Cash Deficit of \$250,000 for the 2023/2024 financial year as at 31 December 2023. (Lyon/Balson)

**Report No. 14.3 Report of the Audit, Risk and Improvement Committee
Meeting held on 15 February 2024**

File No: I2024/345

24-103 Resolved that Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 15 February 2024. (Lyon/Balson)

24-104 Resolved that Council adopts the following Committee Recommendation:

Report No. 5.1 Internal Audit Report Quarter 2 2023-2024

File No: I2024/50

Committee Recommendation 5.1.1

That Council:

1. Notes the Internal Audit Recommendations Status Report for Quarter 2 2023-2024 and the Internal Auditors Summary (Attachment 1 E2024/6429)
2. Notes the Internal Audit Status Update from the internal auditors (Attachment 2 E2024/7397).
3. Endorses the closure of five internal audit recommendations from Quarter 2 2023-2024 as listed in Table 1 of this report (a summary from Attachment 1). (Lyon/Balson)

24-105 Resolved that Council adopts the following Committee Recommendations:

Report No. 5.2 Service Review - Outside School Hours Care

File No: I2024/40

Committee Recommendation 5.2.1

That, based on the risks and benefits outlined in this report, the Audit Risk and Improvement Committee recommends to Council that it:

- a) notifies the NSW Department of Education that it wishes to relinquish the current licences for Byron Bay and Brunswick Heads Outside School Hours Care and support a tender for a new provider to commence as soon as possible, aiming for no later than 1 July 2024.
- b) continues to deliver services until a new provider is selected and operational, and work with them to support an effective transition.
- c) requests staff to develop and implement a transition plan which includes communication of Council's decision to relevant stakeholders, including staff, families and the schools. (Lyon/Balson)

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24-106 Resolved that Council adopts the following Committee Recommendation:

Report No. 5.3 2023 Year End Management Letter

File No: I2024/77

Committee Recommendation 5.3.1

That the comments provided by Management in response to issues raised in the 2023 Year End Audit Management Letter (#E2024/6693) be noted by Council and the Audit, Risk and Improvement Committee. (Lyon/Balson)

24-107 Resolved that Council adopts the following Committee Recommendation:

Business Arising 8.1 Water and Sewerage Mains in the Mullumbimby CBD

Committee Recommendation 8.1:

The Committee requests:

1. A report be returned to the Audit Risk and Improvement Committee on investigations into the inflow and outflow meter at the Brunswick Valley STP; and
2. An independent peer review report at the completion of the Inflow and Infiltration Program be provided to the Audit Risk and Improvement Committee.

(Lyon/Balson)

REPORTS OF COMMITTEES – SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 14.4 Report of the Climate Change and Resource Recovery
Advisory Committee Meeting held on 15 February 2024**

File No: I2024/281

24-108 Resolved that Council notes the minutes of the Climate Change and Resource Recovery Advisory Committee Meeting held on 15 February 2024. (Lyon/Balson)

**Report No. 14.5 Report of the Biodiversity Advisory Committee Meeting held
on 29 February 2024**

File No: I2024/330

24-109 Resolved that Council notes the minutes of the Biodiversity Advisory Committee Meeting held on 29 February 2024. (Lyon/Balson)

REPORTS OF COMMITTEES – INFRASTRUCTURE SERVICES

Report No. 14.6 Report of the Infrastructure Advisory Committee Meeting held on 29 February 2024

File No: I2024/337

24-110 Resolved that Council notes the minutes of the Infrastructure Advisory Committee Meeting held on 29 February 2024. (Lyon/Balson)

24-111 Resolved that Council adopts the following Committee Recommendation:

Report No. 4.3 Deficient Inspection Budget- Australian Defence Force Modular Steel Bridge

File No: I2024/200

Committee Recommendation 4.3.1

That Council notes and takes into consideration funding considerations for the 2024/25 Budget for Australian Defence Force bridge inspections to ensure the safety of road users and the longevity of the structures:

- a) scheduled monthly, six-monthly, yearly and five yearly inspections
- b) live structural health monitoring investigation
- c) allowable cycle loading to determine expected design life. (Lyon/Balson)

Report No. 14.7 Report of the Local Traffic Committee Meeting held on 12 December 2023

File No: I2024/359

24-112 Resolved that Council notes the minutes of the Local Traffic Committee Meeting held on 12 December 2023. (Lyon/Balson)

24-113 Resolved that Council adopts the following Committee Recommendations:

Report No. 6.1 McGettigans Ln/Ewingsdale Dr - Intersection Safety Improvements

File No: I2023/1542

Committee Recommendation 6.1.1

That the Local Traffic Committee support the interim safety improvement treatments proposed at the intersection of Ewingsdale Road / McGettigans Lane. (Lyon/Balson)

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24-114 Resolved that Council adopts the following Committee Recommendations:

Report No. 6.2 Potential Pay Parking Scheme - Brunswick Heads

File No: I2023/1947

Committee Recommendation 6.2.1

That the Local Traffic Committee:

1. Endorses the proposed of Brunswick Heads pay parking regime in principle (only as scenario 4 (extended boundary) contained within this report.
2. Notes that the implementation of this regime is still subject to Council approval.
(Lyon/Balson)

24-115 Resolved that Council adopts the following Committee Recommendations:

Report No. 6.3 Somerset Street, Byron Bay - Permit Holder Exception

File No: I2023/1948

Committee Recommendation 6.3.1

That the Local Traffic Committee endorses the permit holder exception for the current "No Parking" area on the northern side of Somerset Street, Byron Bay (between Butler Street and Wordsworth Street).
(Lyon/Balson)

24-116 Resolved that Council adopts the following Committee Recommendations:

Report No. 7.1 Jubilee Avenue, School Traffic Operations - Potential Improvements

File No: I2023/1867

Committee Recommendation 7.1.1

That the Local Traffic Committee endorses the safety upgrade treatments for the School Bus Turnaround and the Pedestrian Crossing adjacent to the Mullumbimby High School (figures 6 and 7) in principle for further discussions with the Department of Education.
(Lyon/Balson)

Report No. 14.8 Report of the Local Traffic Committee Meeting held on 12 March 2024

File No: I2024/381

24-117 Resolved that Council notes the minutes of the Local Traffic Committee Meeting held on 12 March 2024. (Lyon/Balson)

24-118 Resolved that Council adopts the following Committee Recommendations:

Report No. 6.1 375 Coorabell Road Intersection Upgrade

File No: I2024/261

Committee Recommendation 6.1.1

That the Local Traffic Committee supports the signage and line markings associated with the Coorabell Road intersection works, as shown in Attachment 1 (E2024/18185), with the duplication of a Give Way sign on the right and a Give Way Ahead added on the approach to the intersection. (Lyon/Balson)

24-119 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.2 Bayshore Drive Upgrade

File No: I2024/262

Committee Recommendation 6.2.1

That the Local Traffic Committee supports the signage, line markings, bus stops and traffic control devices associated with the Bayshore Drive works as shown in Attachment 1 (E2023/127977), with the addition of 2P parking signs on the eastern/depot side of Bayshore Drive and all signs on the western side indicating "Front to Kerb" parking. (Lyon/Balson)

24-120 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.3 Council Depot Bayshore Drive - Permit Holders Only Parking Signage For Staff Parking

File No: I2024/351

Committee Recommendation 6.3.1

That the Local Traffic Committee endorse the permit holder only exception for Depot Staff and Visitors at Council Depot on Bayshore Drive, noting that these signs are at the entry of the carpark, R5-81, in the carpark, R5-82, at the exit of the carpark, R5-83. (Lyon/Balson)

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24-121 Resolved that Council adopt the following Committee Recommendation:

Report No. 7.1 Belongil - Kendall Street to Childe Street Local Traffic Management
File No: I2024/226

Committee Recommendation 7.1.1

That the Local Traffic Committee endorse the line-marking traffic management treatments proposed in attachment three (E2024/20677) of this report for installation.

(Lyon/Balson)

24-122 Resolved that Council adopt the following Committee Recommendation:

Report No. 7.2 Police Station Street Parking- Bangalow
File No: I2024/276

Committee Recommendation 7.2.1

That the Local Traffic Committee support the installation of signage and line marking required to provide two on street car parking spaces allowing police to have parking available on Byron Street.

(Lyon/Balson)

24-123 Resolved that Council adopt the following Committee Recommendation:

Report No. 7.3 Bangalow Weir Parklands - Illegal Camping
File No: I2024/279

Committee Recommendation 7.3.1

That the Local Traffic Committee support the installation of no camping and no parking signs (between 1am-6am) within the Bangalow Weir Parklands Carpark to allow enforcement officers to fine/move on illegal camping.

(Lyon/Balson)

24-124 Resolved that Council adopt the following Committee Recommendation:

Report No. 7.4 Burringbar Street Draft Concept Design
File No: I2024/323

Committee Recommendation 7.4.1

That the Local Traffic Committee note the Draft Concept Design (E2024/16870) and Street Sections for Burringbar Street and provide advice.

(Lyon/Balson)

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24-125 Resolved that Council adopt the following Committee Recommendations:

Report No. 8.1 Mullum Laneways 2024 - Kaleido Mullumbimby

File No: I2024/135

Committee Recommendation 8.1.1

1. That the Local Traffic Committee recommends that Council support Mullum Lane Ways Festival to be held 5 May 2024 10am to 10.00pm.
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 appropriate variable message signage 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.
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;
 - g) not place any signage on the road related area of the Pacific Highway.
 - h) road blockades are to use Anti-Terrorism Level devices.
4. That provisions are made for safe access for heavy vehicles at the intersections of Stuart Street/Burringbar Street, and Stuart Street/Tincogan Street. (Lyon/Balson)

PROCEDURAL MOTION

24-126 Resolved that Council change the order of business to deal with Reports 13.2, 13.6, 13.7, 13.10, and 13.12 next on the Agenda. (Lyon)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.2 Service Review - Outside School Hours Care (OSHC)
File No: I2023/1177

Moved:

1. That Council notes:
 - a) the importance of Outside School Hours Care in delivering educational outcomes and care for primary school aged children
 - b) that operating within this sector requires specialist skills, knowledge and experience to effectively balance quality educational outcomes with strong governance and management that ensures service viability and sustainability
 - c) that direct provision of children's services by councils in NSW has reduced significantly over time, and Byron Shire Council is one of only 13 Regional Councils with extensive involvement in childcare service delivery currently
 - d) that the availability of external providers in this sector suggests a competitive market is available for the NSW Department of Education to select a provider from, to deliver OSHC services at Byron Bay and Brunswick Heads
 - e) the financial information provided in this report which demonstrates Council has been heavily subsidising the OSHC services for the past five years and is likely to continue to need to do so, unless a significant reduction in costs and/or increased income can be realised

2. That, based on the risks and benefits outlined in this report, Council:
 - a) notifies the NSW Department of Education that it wishes to relinquish the current licences for Byron Bay and Brunswick Heads Outside School Hours Care and support a tender for a new provider to commence as soon as possible, aiming for no later than 1 July 2024
 - b) continues to deliver services until a new provider is selected and operational, and work with them to support an effective transition
 - c) requests that the Department of Education consult with stakeholders prior to staff development and implementation of a transition plan which includes engagement with stakeholders, including staff, families, school principals and parent committees. (Balson/Ndiaye)

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AMENDMENT

24-127 Resolved:

1. That Council notes:
 - a) the importance of Outside School Hours Care in delivering educational outcomes and care for primary school aged children
 - b) that operating within this sector requires specialist skills, knowledge and experience to effectively balance quality educational outcomes with strong governance and management that ensures service viability and sustainability
 - c) that direct provision of children's services by councils in NSW has reduced significantly over time, and Byron Shire Council is one of only 13 Regional Councils with extensive involvement in childcare service delivery currently
 - d) that the availability of external providers in this sector suggests a competitive market is available for the NSW Department of Education to select a provider from, to deliver OSHC services at Byron Bay and Brunswick Heads
 - e) the financial information provided in this report which demonstrates Council has been heavily subsidising the OSHC services for the past five years and is likely to continue to need to do so, unless a significant reduction in costs and/or increased income can be realised
2. That, based on the risks and benefits outlined in this report, Council:
 - a) notifies the NSW Department of Education that it wishes to relinquish the current licences for Byron Bay and Brunswick Heads Outside School Hours Care and support a tender for a new provider to commence as soon as possible, aiming for no later than 1 July 2024
 - b) continues to deliver services until a new provider is selected and operational, and work with them to support an effective transition
 - c) requests staff to develop and implement a transition plan which includes communication of Council's decision to relevant stakeholders, including staff, families, schools. (Westheimer/Lyon)

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

*The amendment upon becoming the substantive motion was put to the vote and declared carried.
Crs Balson and Ndiaye voted against the motion.*

STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.6 **Place Planning Collective Update**
File No: I2024/139

24-128 **Resolved** that Council:

1. Thanks the community members on the Place Planning Collective for their time and contributions made to date.
2. Notes the Place Plan priority actions (and their status) identified by the Place Planning Collective representatives as per Attachment 1 (E2024/14120).
3. Endorses an Expression of Interest process for Place Planning Collective community members in line with the Place Planning Collective Charter.
4. Notes the updates recommended in Attachment 2 (E2024/11598) to the Place Planning Collective Charter and further updates it as follows –

Section 2, Para 1:

The Collective will be made up of up to twenty community members, including up to three for each location where there is a completed Masterplan or Place Plan or where one is on preparation, and up to four appointed Councillors. Other Councillors may attend meetings as guests.

Section 2, Paragraphs 4 & 5:

In appointing Collective members, Council will seek to maximise diversity of interests and skills, and to achieve a mixed representation of the Shire's community. Members will be appointed to fill identified skill or representational gaps within the Collective. Community associations will be asked to nominate representatives of the association.

Members will be appointed for a two-year term and existing members will be invited to re-apply at the end of their first term. Membership renewal will ideally be staggered so that historical knowledge is shared and retained.

5. Endorses the Charter as updated via Part 4 of this Resolution. (Dey/Ndiaye)

The motion was put to the vote and carried unanimously.

Report No. 13.7 **PLANNING - Post Exhibition Submissions Report - Planning Proposal - 26.2023.2.1 - Former Mullumbimby Hospital Site**
File No: I2024/242

24-129 **Resolved** that Council:

1. Adopts the Planning Proposal in Attachment 1 (E2024/21635) with amendments as highlighted in the document.
2. Forwards the amended Planning Proposal to the NSW Department of Planning Housing and Infrastructure requesting finalisation.
3. Ensures the needs of the Byron Shire community are prioritised in the delivery of future housing and community outcomes on the site, including and not limited to:
 - a) maximising affordable housing outcomes for both renting and ownership
 - b) the intention for as much land as possible to be held in perpetuity for the community needs of Mullumbimby and Byron Shire residents.
4. Notes the issues raised by the community regarding the provision of adequate footpaths, bike paths, and connectivity.
5. Invites the NSW State Government and the Federal Government to facilitate social, public, and affordable housing on the site. (Balson/Coorey)

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..

Report No. 13.10 PLANNING - DA 10.2023.266.1 Permanent Group Home, Ancillary Building and Associated Works at 66 The Saddle Road BRUNSWICK HEADS 2483

File No: I2024/363

24-130 Resolved that pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2023.266.1 for a permanent group home, ancillary building and associated works at 66 The Saddle Road, Brunswick Heads, be granted consent subject to the conditions in Attachment 2 (E2024/24695) subject to the following amendment:

Condition 28 be amended to read

28. Certificate of Compliance from Rous County Council– s307 Water Management Act 2000

Should the proposed group home be connected to the reticulated water supply from Rous Water:

- a) Details to be included in the construction certificate application and plans including plumbing connections; and
- b) A Certificate of Compliance under Section 307 of the Water Management Act 2000 must be obtained from Rous County Council confirming that all Developer Charges payable to Rous County Council have been provided to Rous County Council and all required water supply works have been completed. Where staging of the Construction Certificate occurs, a separate s307 Compliance Certificate must be obtained for each stage.

To obtain a Certificate of Compliance, please contact Rous County Council on 0266233800. You will be required to provide your stamped approved plans for assessment of developer charges payable and any water supply works to be undertaken. Rous County Council will issue you an assessment letter with required payment instructions and works instructions (where applicable). Once payment received and works complete (where applicable) a Certificate of Compliance will be issued.

Note: Rous County Council is the Bulk Water Supply provider for the location of the subject development. If the applicant chooses to connect to Rous, then they must organise the provision of a water service to the development with Rous County Council and provide a Certificate of Compliance from Rous County Council to this Council. Rous Water advises there will be development contributions payable of 2.31ET (which equates to \$23,873.85 per 2023/24 fees and charges). (Dey/Lyon)

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..

The meeting adjourned at 12.50pm and returned at 1.40pm.

STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.12 Brunswick Heads Pay Parking - Implementation
File No: I2024/373

24-131 Resolved that Council:

1. Endorses for inclusion in the draft 2024/25 Fees and Charges, a fee of \$5 per hour for the Brunswick Heads Pay Parking scheme and reiterates its earlier commitment (Resolution 23-652) to reducing the resident permit fee from \$55 to \$0 when the Brunswick Heads scheme becomes operational.
2. Supports Brunswick Heads Pay Parking scheme using a combination of existing cash meters and Pay by Plate cashless parking meters and other options such as phone apps
3. Receives further reports:
 - a) discussing how the funds generated from the Brunswick Heads Pay Parking scheme could be distributed in Brunswick Heads and the Shire.
 - b) advising of different software options to improve the usability and efficiency of the permit application process
4. Receives a further report on discussions with relevant Brunswick Heads community groups on:
 - a) impacts on of likely overflow from avoidance of parking charges
 - b) impacts on possible revenue from various options on permits and exemptions
 - c) unsealed parking areas (Hunter/Lyon)

*The motion was put to the vote and carried.
Crrs Ndiaye, Swivel, and Coorey voted against the motion.*

MAYORAL MINUTE

Mayoral Minute No. 10.1 Cost Shifting onto Local Government

File No: I2024/138

24-132 Resolved that:

1. Council receives and notes the findings of the Local Government New South Wales (LGNSW) Cost Shifting report for the 2021/2022 financial year.
2. A copy of the cost shifting report be placed on Council's website so that our community can access it.
3. Council writes to the Premier, the NSW Treasurer, and the NSW Minister for Local Government seeking that they urgently address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.
4. Council uses media and social media to encourage the community to make representation to the current state and federal inquiries regarding local government funding, along the same lines. (Lyon)

The motion was put to the vote and carried unanimously.

PETITIONS

Petition No. 11.1 Traffic Impacts of Proposed Development at Lot 14, 58-60 Bangalow Road

File No: I2024/317

24-133 Resolved:

1. That the petition regarding the Traffic Impacts of Proposed Development at Lot 14, 58-60 Bangalow Road be noted.
2. That the petition be referred to the Director Infrastructure Services.
3. That Council ask the NSW Minister for Roads, John Graham and the Minister for Regional Roads, Jenny Aitchison:
 - a) to reclassify the full route within Byron Shire (MR545 from Ewingsdale to the Ballina Shire boundary) from Regional Road to State Road,
 - b) to allocate budget for upgrades of intersections along the route. (Dey/Pugh)

Cr Balson left the meeting at 3.03pm and returned at 3.13pm.

The motion was put to the vote and carried unanimously.

Cr Balson was not present for the vote.

DELEGATES' REPORTS

Cr Lyon provided a Delegate's Report on his attendance at the recent Country Mayor's Association meeting, and other meetings attended.

Cr Westheimer provided comments on the meeting with Minister Ron Hoenig.

Cr Ndiaye and Cr Lyon attended the opening of the new amenities at Linda Vidler Park.

Several Councillors attended the opening of the Arakwal Offices.

The Mullumbimby Chamber of Commerce held an event at the Paddock Project that was attended by Councillors.

Cr Balson attended the Harmony Day event.

Cr Dey and Cr Ndiaye attended a National Parks and Wildlife Service meeting regarding the clothing optional beach.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.3 National General Assembly of Local Government 2024
File No: I2024/187

24-134 Resolved that Council:

1. Authorises Councillor Lyon and Councillor Ndiaye to attend, with Councillor Ndiaye as the voting delegate, the 2024 National General Assembly of Local Government incorporating the Regional Cooperation and Development Forum, to be held at the National Convention Centre in Canberra from 2 - 4 July 2024.
2. Considers endorsement of any motions for submission to the National General Assembly by the lodgement deadline with ALGA of Tuesday 30 April 2024.

(Lyon/Ndiaye)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.8 **PLANNING - 10.2020.109.4 - Section 4.55 to Stage 9 for Removal of Existing Exotic and Native Trees to Allow for Construction of Approved Roads and Earthworks, Relocation of Inter-allotment Drainage and Sewer Services and Easement Modifications and Deletion of Local Open Space and Recreation S7.11 Contributions - 86 Tuckeroo Avenue Mullumbimby**

File No: I2024/250

24-135 **Resolved** that determination of Development Application No. 10.2020.109.4 be deferred until 18 April 2024 to enable the following outstanding matters to be addressed:

- a) More information on the feasibility of the C3 portion of Lot 282 providing two dwellings
- b) Consultation with the local group who wish the land to go into public ownership
- c) Further information on the impacts on native wildlife habitat.

(Ndiaye/Lyon)

PROCEDURAL MOTION

24-136 **Resolved** that Cr Ndiaye be granted a two minute extension to her speech. (Lyon)

The motion was put to the vote and carried unanimously.

The motion (Ndiaye/Lyon) 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.

Report No. 13.11 **Status report on Development Applications (DAs) with bodies like the Northern Regional Planning Panel (NRPP)**

File No: I2024/366

24-137 **Resolved** that Council notes the status report on Development Applications (DAs) with bodies like the Northern Regional Planning Panel (NRPP). (Coorey/Ndiaye)

The motion was put to the vote and carried unanimously.

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

**Report No. 14.1 Report of the Arts and Creative Industries Advisory
Committee Meeting held on 29 February 2024**

File No: I2024/336

24-138 Resolved that Council notes the minutes of the Arts and Creative Industries Advisory Committee Meeting held on 29 February 2024. (Westheimer/Ndiaye)

24-139 Resolved that Council adopts the following Committee Recommendation:

**Report No. 3.1 Adoption of Minutes of the Arts and Creative Industries Advisory
Committee Meeting held 19 October 2024**

File No: I2024/68

Committee Recommendation 3.1.1

That the minutes of the Arts and Creative Industries Advisory Committee Meeting held on 19 October 2023 be confirmed. (Westheimer/Ndiaye)

24-140 Resolved that Council adopts the following Committee Recommendations:

**Report No. 4.1 DCP Public Art Plan Referral, 119 - 123 Jonson Street DA
2023.235.1**

File No: I2024/58

Committee Recommendation 4.1.1

That the Arts and Creative Industries Advisory Committee:

1. Supports the proposed public art proposal for the development at 119-123 Jonson Street, Byron Bay DA 2023.235.1; and
 2. Provides feedback to Council's Assessment Officer that:
 - a. There were a variety of opinions expressed by the Committee.
 - b. There was a high level of support for the materials, location and scale.
 - c. There was an appreciation for the landscaping and seating.
 - d. There was a general desire for a more contemporary or courageous piece.
 - e. There was some feedback around the potential objectification and controversy around the subject.
 - f. Recommend they explore the potential for increased curtilage.
- (Westheimer/Ndiaye)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

28 March 2024

24-141 Resolved that Council adopts the following Committee and Management Recommendation as follows:

Report No. 4.2 Updated Proposal: Brunswick Nature Sculpture Walk Triennial Event and Award 2024

File No: I2024/204

Management Recommendation

That Council supports a financial contribution for the Brunswick Nature Sculpture Walk Triennial Event and Award 2024, funded from the existing Public Art Budget, for:

1. \$10,000: Council-sponsored Award;
2. \$5,000: contribution to rental fees for 10-day installation of Hiromi Tango's artwork; and
3. \$5,000: for community workshops. (Westheimer/Ndiaye)

24-142 Resolved that Council adopts the following Committee Recommendation:

Report No. 4.3 Byron Clock Tower - Public Art Proposal

File No: I2024/132

Committee Recommendation 4.3.1

That the Committee does not support the proposal for public art on the Byron Bay clock tower and makes a recommendation to staff to review its maintenance plan.

(Westheimer/Ndiaye)

The motions (24-138 to 24-142) were put to the vote and carried unanimously.

Cr Balson left the meeting at 4.26pm and did not return.

MAYORAL MINUTE

No. 10.2 Update on negotiations with Clarence Property

- 24-143 Resolved** that Council notes the report and commits to supporting a negotiated outcome that maximises environmental outcomes, minimises the development footprint, and improves housing diversity. (Lyon)

PROCEDURAL MOTIONS

- 24-144 Resolved** that Cr Lyon be granted a two minute extension to his speech. (Lyon/Westheimer)

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

Cr Westheimer left the meeting at 4.38pm and did not return.

- 24-145 Resolved** that Council move into Committee to allow for free debate. (Lyon)

*The motion was put to the vote and carried unanimously.
Crs Balson and Westheimer were not present for the vote.*

- 24-146 Resolved** that Council move out of Committee and resume the Ordinary Meeting. (Lyon)

*The motion was put to the vote and carried unanimously.
Crs Balson and Westheimer were not present for the vote.*

The meeting adjourned for 5.02pm. The meeting resumed at 5.12pm.

AMENDMENT

Moved that Council notes the report and supports outcomes that reduce the environmental impacts of this project. (Dey/Ndiaye)

*The amendment was put to the vote and declared lost.
Crs Hunter, Lyon, Swivel, Coorey, Pugh voted against the amendment.
Crs Balson and Westheimer were not present for the vote.*

*The motion (Lyon) was put to the vote and carried unanimously.
Crs Balson and Westheimer were not present for the vote.*

URGENCY MOTIONS

No. 1 Matter of Urgency - 2024 Australian Coastal Councils Conference

24-147 Resolved: that the business '2024 Australian Coastal Councils Conference' be considered urgent and dealt with at the meeting due to the discounted early bird registration closing 5 April 2024. (Coorey/Lyon)

*The motion was put to the vote and carried unanimously.
Crs Balson and Westheimer were not present for the vote.*

The Mayor ruled that the item is urgent.

24-148 Resolved that Council authorises Councillor Coorey to attend the 2024 Australian Coastal Councils Conference, to be held in McLaren Vale, South Australia from Wednesday 29 May to Friday 31 May 2024. (Coorey/Lyon)

*The motion was put to the vote and carried.
Cr Dey voted against the motion.
Crs Balson and Westheimer were not present for the vote.*

There being no further business the meeting concluded at 5:41pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 18 April 2024.

.....
Mayor Michael Lyon