

Minutes Ordinary Meeting

Thursday, 12 December 2024



BYRON
SHIRE
COUNCIL

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
12 December 2024

INDEX OF ITEMS DISCUSSED

The following items are listed in the order in which they were dealt with.

Report No. 13.1	Acquisition of land - Tallowood estate, Mullumbimby.....	8
Report No. 13.2	Land transfer - Bangalow Bowling Club to Council - part Bangalow sportsfields.....	8
Report No. 13.4	Grants December 2024.....	8
Report No. 13.9	PLANNING - Report of the Planning Review Committee held 21 November 2024	9
Report No. 14.1	Report of the Local Traffic Committee Meeting held on 19 November 2024.....	9
Report No. 14.2	Report of the Local Traffic Committee Meeting held on 27 November 2024.....	11
Report No. 16.1	CONFIDENTIAL - Annual Review of General Manager's Performance Agreement.....	12
Report No. 13.7	Marshalls Creek Foreshore Remediation, New Brighton	13
Report No. 13.3	Community Engagement Strategy	13
Report No. 13.8	PLANNING - DA 10.2024.57.1 - 17 lot industrial subdivision including creation of a drainage lot, roadworks, bulk earthworks, vegetation removal and associated infrastructure – 288 Ewingsdale Road, Byron Bay.....	14
Notice of Motion No. 9.1	Senior Ecologist Position for Planning Matters.....	14
Report No. 13.8	PLANNING - DA 10.2024.57.1 - 17 lot industrial subdivision including creation of a drainage lot, roadworks, bulk earthworks, vegetation removal and associated infrastructure – 288 Ewingsdale Road, Byron Bay.....	15
Report No. 13.8	PLANNING - DA 10.2024.57.1 - 17 lot industrial subdivision including creation of a drainage lot, roadworks, bulk earthworks, vegetation removal and associated infrastructure – 288 Ewingsdale Road, Byron Bay.....	15
Notice of Motion No. 9.2	EOI to host 2025 North Coast Tourism Symposium and Tourism Awards	19
Notice of Motion No. 9.3	Support for Music and Arts in the Northern Rivers	19
Mayoral Minute No. 10.1	NSW Government Vibrancy Reforms - Special Entertainment Precinct Kickstart Grant Application	20
No. 10.2	Request for Report on Pathway Forward to Initiate a Koala Plan of Management for the Byron Shire Hinterland	21
No. 10.3	Determination of certain s4.55 Applications during the Council recess	21
Petition No. 11.1	Save Mullums Oldest House from Destruction and Keep it in Community Hands	22
Report No. 13.5	Appointment of Community Representatives to Advisory Committees	23
Report No. 13.5	Appointment of Community Representatives to Advisory Committees	24
Report No. 13.6	Appointment of Councillor Contacts for Section 355 Committees.....	25
Report No. 13.10	Council Submission on NSW Local Government Draft Filming Protocol.....	26

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes

12 December 2024

Report No. 13.11	Part Road Reserve closure and sale adjoining Lot 1 DP246414, 134 Lighthouse Road, Byron Bay, NSW 2481	27
Report No. 13.12	Cavanbah Centre Expansion	27

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 December 2024

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 12 DECEMBER 2024 COMMENCING AT 9.05AM AND CONCLUDING AT 1.27PM.

I2024/1643

PRESENT: Cr S Ndiaye (Mayor), Cr J Dods, Cr E Hauge, Cr D Kay, Cr M Lowe, Cr M Lyon, Cr J Swain, Cr D Warth

Staff: Mark Arnold (General Manager)
Phil Holloway (Director Infrastructure Services)
Chris Larkin (A/Director Sustainability and Environment)
James Brickley (Manager Finance)
Matt Meir (Legal Counsel)
Chloe Dowsett (Coastal and Biodiversity Coordinator) – item 13.3
Deborah Stafford (Manager Social and Cultural Planning) – item 13.5
Malcolm Robertson (Manager Open Spaces and Facilities) – item 13.12
Heather Sills (Manager Corporate Services)
Storm Townsend (Minute Taker)

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

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 Organisation	Submission Received in form of
9.1	Senior Ecologist Position for Planning Matters	For	Jan Barham	Self	Phone
13.3	2024-2028 Community Engagement strategy	Against	Dale Emerson	Mullumbimby Residents Association	In Person
			Jan Barham	Self	Phone

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 December 2024

Report No and Title		For/ Against	Name	Representing Organisation	Submission Received in form of
13.7	Marshalls Creek Foreshore Remediation, New Brighton	For	Kathy Norley	South Golden Beach Community association & New Brighton village association	In Person
13.8	DA 10.2024.57.1 - 17 lot industrial subdivision including creation of a drainage lot, roadworks, bulk earthworks, vegetation removal and associated 5 infrastructure – 288 Ewingsdale Road, Byron Bay	For	Fergus Bruce	Hannas Contracting Services Pty Ltd	Zoom
			Rob Van Iersel		In Person
		Against	Duncan Dey	Self	In Person

Question No. 1 Speed Cameras on Broken Head Road

Linda Sparrow representing Bangalow Koalas asked the following question (as read by staff):

After the death of Mojo and the implementation of koala related traffic calming measures such as speed signs, VMS boards, road paint and speed activated happy/sad faces, we are aware that there have been some very high speeds recorded there, some over 100km in an 80 zone for example. What would it take to get speed cameras on Broken Head Road, given that may be the only thing that will slow some drivers down?

The Director Infrastructure Services provided the following response:

The installation of fixed speed cameras and/or mobile speed cameras is at the discretion of TfNSW and NSW Police.

Community members can make suggestions directly through the Service NSW web page at [Suggest a speed camera location | Service NSW](https://www.service.nsw.gov.au/referral/suggest-a-speed-camera-location) (<https://www.service.nsw.gov.au/referral/suggest-a-speed-camera-location>).

The information provided through this site is considered with crash data and other road safety information to assist in prioritisation of sites.

The meeting adjourned at 10.08am and reconvened at 10.40am.

APOLOGIES

PROCEDURAL MOTION

- 24-582 Resolved** that the apology from Cr Pugh be accepted and a leave of absence granted.
(Ndiaye/Lyon)

The motion was put to the vote and carried unanimously.

APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

No applications were received to attend by audio-visual link.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no Declarations of Interest tabled.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 24-583 Resolved** that the minutes of the Ordinary Meeting held 28 November 2024 be confirmed.
(Dods/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

General Manager

Report No. 13.3 Community Engagement Strategy

Corporate and Community Services

Report No. 13.5 Appointment of Community Representatives to Advisory Committees

Report No. 13.6 Appointment of Councillor Contacts for Section 355 Committees

Sustainable Environment and Economy

Report No. 13.7 Marshalls Creek Foreshore Remediation, New Brighton

Report No. 13.8 PLANNING - DA 10.2024.57.1 - 17 lot industrial subdivision including creation of a drainage lot, roadworks, bulk earthworks, vegetation removal and associated infrastructure – 288 Ewingsdale Road, Byron Bay

Report No. 13.10 Council Submission on NSW Local Government Draft Filming Protocol

Infrastructure Services

Report No. 13.11 Part Road Reserve closure and sale adjoining Lot 1 DP246414, 134 Lighthouse Road, Byron Bay, NSW 2481

Report No. 13.12 Cavanbah Centre Expansion

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Ndiaye and seconded by Cr Hauge. Each recommendation is recorded with a separate resolution number commencing at Resolution No. **24-584** and concluding with Resolution No. **24-596**.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 December 2024

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 **Acquisition of land - Tallowood estate, Mullumbimby**
File No: I2024/1546

24-584 **Resolved** that Council:

1. Acquires that part of lot 240 in DP 1297346 owned by Gainsplay Pty Ltd for the purpose of sewer infrastructure; and
2. Gives public notice of the following proposed resolution:

That part lot 240 in DP 1297346 be classified "operational" under the Local Government Act 1993. (Ndiaye/Hauge)

Report No. 13.2 **Land transfer - Bangalow Bowling Club to Council - part Bangalow sportsfields**
File No: I2024/1578

24-585 **Resolved** that Council:

1. Acquires part 9 in DP 748099 comprising the tennis courts at Bangalow for the purpose of sports grounds; and
2. Gives public notice of the following proposed resolution:

That part lot 9 in DP 748099 be classified "community land" under the Local Government Act 1993. (Ndiaye/Hauge)

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.4 **Grants December 2024**
File No: I2024/1510

24-586 **Resolved** that Council notes the Grant Submissions Report for the month of December 2024 (Attachment 1 #E2024/139170). (Ndiaye/Hauge)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 December 2024

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.9 **PLANNING - Report of the Planning Review Committee held 21 November 2024**
File No: I2024/1596

24-587 **Resolved** that Council endorses the outcomes of the Planning Review Committee meeting held 21 November 2024. (Ndiaye/Hauge)

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.1 **Report of the Local Traffic Committee Meeting held on 19 November 2024**
File No: I2024/1601

24-588 **Resolved** that Council notes the minutes of the Local Traffic Committee Meeting held on 19 November 2024. (Ndiaye/Hauge)

24-589 **Resolved** that Council adopts the following Committee recommendation:

Report No. 6.1 119-123 Jonson Street, Byron Bay - new line marking and signage
File No: I2024/1369

Committee Recommendation 6.1.1

That Council supports the new signage, line markings and traffic control devices associated with the 119-123 Jonson St, Byron Bay development as shown in Attachment 1 (E2024/121173). (Ndiaye/Hauge)

24-590 **Resolved** that Council adopts the following Committee recommendation:

Report No. 6.2 Slessor Lane, Brunswick Heads - No Stopping area
File No: I2024/1373

Committee Recommendation 6.2.1

That Council supports installation of yellow line marking and "No Stopping" signage on Slessor Lane where it meets Tweed Street, Brunswick Heads (refer to attachment Figure 2). (Ndiaye/Hauge)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 December 2024

24-591 Resolved that Council adopts the following Committee recommendation:

Report No. 6.3 Mullumbimby Road Upgrade

File No: I2024/1439

Committee Recommendation 6.3.1

That Council supports the signage, line markings and traffic control devices associated with the Mullumbimby Road works generally in accordance with Attachment 1 (E2024/130657) and Attachment 2 (E2024/130677).

(Ndiaye/Hauge)

24-592 Resolved that Council adopts the following Committee recommendation:

Report No. 6.4 Lighthouse Road - Shared path - 'Get NSW Active' Grant Application

File No: I2024/1459

That Council endorses the detail design of the Lighthouse Road footpath extension project, as per drawings (E2024/126445) in attachment 1 subject to further enhancements to emphasise place planning elements and review from regional Transport representative.

(Ndiaye/Hauge)

24-593 Resolved that Council adopts the following Committee recommendation:

Report No. 6.5 Byron Street shared path – Bangalow - 'Get NSW Active' Grant Application

File No: I2024/1499

That Council endorses the detail design of the Byron Street footpath extension project, as per drawings (E2024/129370) in attachment 1 consideration of regional Transport.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 December 2024

Report No. 14.2 Report of the Local Traffic Committee Meeting held on 27 November 2024

File No: I2024/1604

24-594 Resolved that Council notes the minutes of the Local Traffic Committee Meeting held on 27 November 2024. (Ndiaye/Hauge)

24-595 Resolved that Council adopts the following Committee recommendations:

Report No. 6.1 Soul Street New Years Eve 2024 Traffic Management

File No: I2024/1374

1. That Council support Soul Street NYE to be held on 31 December 2024.
2. That Council's 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 from to Lawson Street to be unrestricted at all times.
3. The event organiser (Council) 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.

(Ndiaye/Hauge)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 December 2024

CONFIDENTIAL REPORTS - GENERAL MANAGER

Report No. 16.1 **CONFIDENTIAL - Annual Review of General Manager's Performance Agreement**
File No: I2024/1349

24-596 **Resolved** that Council:

1. Endorses the 2024/2025 Performance Agreement (E2024/140965) for the General Manager; and
2. Appoints Cr _____ as the fourth member of the General Manager's Performance Review Panel. (Ndiaye/Hauge)

The motions were put to the vote and carried unanimously.

PROCEDURAL MOTION

24-597 **Resolved:**

That Council change the order of business to deal with Reports 13.7, 13.3, 13.8 and 9.1 next on the Agenda.

(Ndiaye/Dods)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.7 Marshalls Creek Foreshore Remediation, New Brighton
File No: I2024/1129

24-598 Resolved that Council:

1. Acknowledges the complexity of land tenure, environmental and planning considerations in play in relation to Marshalls Creek Foreshore Remediation, New Brighton;
2. Requests Legal Services Team to investigate options and prepare a report on the potential 'acquisition' of Lots 1, 2 and 3 in DP121484, River Street, New Brighton by Council. The report to include details of the legal requirements and process, planning process, and costs associated with any potential land acquisition option;
3. Receives the report on the land acquisition options from 2 above in the first half of 2025, and prior to making any further decision on this matter;
4. Requests Crown Lands to undertake a survey of the area to identify the location of the current creek bank; and
5. Notes that DPIRD-Fisheries are engaging a consultant to identify planning pathways and approvals advice, and to develop detailed designs for foreshore remediation works in close consultation with key stakeholders including Tweed Byron Local Aboriginal Land Council and Aboriginal Cultural Heritage knowledge holders, Marine Parks, NPWS and Council.
6. Undertakes emergency remediation measures to address the significant and accelerating erosion and associated risk to environmental health and public safety.
7. Requests an urgent meeting with Crown Lands, Fisheries and Marine Parks and Tweed Byron Local Aboriginal Land Council to advocate for the project and escalate interest in the project and next steps.
8. Implements as a matter of urgency options that Council may be able to undertake within our responsibility (e.g. bollarding, parking restrictions, signage, communications). (Hauge/Ndiaye)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - GENERAL MANAGER

Report No. 13.3 Community Engagement Strategy
File No: I2024/1595

24-599 Resolved that Council defers the adoption of the Community Engagement Strategy pending a councillor workshop in February. (Warth/Hauge)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.8 **PLANNING - DA 10.2024.57.1 - 17 lot industrial subdivision including creation of a drainage lot, roadworks, bulk earthworks, vegetation removal and associated infrastructure – 288 Ewingsdale Road, Byron Bay**
File No: I2024/1430

PROCEDURAL MOTION

24-600 **Resolved** that this matter rest on the table. (Ndiaye/Warth)
The motion was put to the vote and carried unanimously.

NOTICES OF MOTION

Notice of Motion No. 9.1 Senior Ecologist Position for Planning Matters
File No: I2024/1485

24-601 **Resolved** that Council receives clarification at a Councillor Workshop on the current methods and effectiveness of ecological oversight on planning applications including:

1. Options for the establishment of a Senior Ecologist position within the Planning Directorate to enhance ecological oversight on planning applications;
2. The allocation of funds in the 2024/25 budget to support the establishment of this position, with the goal of recruitment and commencement in the early part of the new financial year; and
3. Options for short-term funding during the upcoming quarterly review to engage an ecologist on a part-time or temporary basis until the permanent role is established.
4. A comparison over the last four years on the expenditure on external ecologist services. (Ndiaye/Kay)

PROCEDURAL MOTION

24-602 **Resolved** that Cr Ndiaye be granted a two minute extension to her speech. (Ndiaye/Hauge)
The motion was put to the vote and carried unanimously.
The motion (item 9.1) was put to the vote and carried unanimously.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

PROCEDURAL MOTION

- 24-603 Resolved** that Report No. 13.8 be lifted from the table. (Ndiaye/Dods)
The motion was put to the vote and carried unanimously.

Report No. 13.8 PLANNING - DA 10.2024.57.1 - 17 lot industrial subdivision including creation of a drainage lot, roadworks, bulk earthworks, vegetation removal and associated infrastructure – 288 Ewingsdale Road, Byron Bay
File No: I2024/1430

PROCEDURAL MOTION

- 24-604 Resolved** that this matter rest on the table and the meeting adjourn for a short break. (Ndiaye)
The motion was put to the vote and carried unanimously.

The meeting adjourned at 11.23am and reconvened at 11.32am.

PROCEDURAL MOTION

- 24-605 Resolved** that Report No. 13.8 be lifted from the table. (Ndiaye/Dods)
The motion was put to the vote and carried unanimously.

Report No. 13.8 PLANNING - DA 10.2024.57.1 - 17 lot industrial subdivision including creation of a drainage lot, roadworks, bulk earthworks, vegetation removal and associated infrastructure – 288 Ewingsdale Road, Byron Bay
File No: I2024/1430

- 24-606 Resolved** that pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2024.57.1 for 17 lot industrial subdivision including creation of a drainage lot, roadworks, bulk earthworks, vegetation removal and associated infrastructure, be granted consent subject to the conditions of consent in Document # E2024/145203 and the following conditions of consent .

Amend Conditions 21 and 22 to read:

21(d) (iii) That the concrete median required in Condition 21 (d) (iii) be a vegetated median, where possible within the road reserve, in keeping with the existing approaches to the Bayshore Dr Roundabout.

22. Stormwater Management Plan

a) Stormwater Drainage

Stormwater is to be collected and discharged in accordance with Council's standards, currently Northern Rivers Local Government Development Design

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 December 2024

& Construction Manuals. A full and detailed stormwater management plan for the site must be provided for Council's records at the time of lodging detailed engineering plans for Subdivision Works Certificate approval. The drawings and management plan must be accompanied by a Design Submission Checklist as set out in APPENDIX C of the Northern Rivers Local Government Handbook of Stormwater Drainage Design, which must be signed by a suitably qualified Civil Engineer or Registered Surveyor.

The drawings and management plan are to include, but not be limited to, the following items:

- i) Catchment plan (included in the drawing set);
 - ii) Hydrological and hydraulic calculations based on the methods outlined in the Queensland Urban Design Manual (QUDM) and Australian Rainfall & Runoff (AR&R) 1987. A summary of the calculations must be included on the drawings consistent with the Sample Drawings of the Northern Rivers Local Government Development & Design Manuals.
 - iii) Stormwater detention/retention, designed so that the peak flow from the proposed development for the 5, 10, 20, 50 and 100 year ARI events, for durations from 5 minutes to 3 hours, does not exceed the existing peak flow from the site i.e. post-development flows must not exceed pre-development flows.
 - iv) Stormwater management structures/facilities that minimise impact on Council's maintenance program. All maintenance activities must be specified in a maintenance plan (and associated maintenance inspection forms) to be developed as part of the design procedure and included in the stormwater management plan.
 - v) Rain Gardens combined with other WSUD treatments such as swales combined with the street tree landscaping arrangements to ensure stormwater is managed to meet subclause (b) below to be included in the stormwater plans for approval.
- b) Stormwater Quality
- Stormwater quality must be suitable for discharge in accordance with Council's standards, currently Chapter B3 Services of Development Control Plan 2014 and Northern Rivers Local Government Development Design & Construction Manuals. The proposed water quality management devices and treatment train must have minimum impact on Council's maintenance program. All maintenance activities including the provision of maintenance access must be specified in a maintenance plan (and associated maintenance inspection forms) to be developed as part of the design procedure and submitted with the Subdivision Works Certificate documentation.
- c) Stormwater Outlets
- An energy dissipating pit with a suitably installed locked grated outlet to all pipes or any other drainage structures. Grates must be of galvanised weldlock construction.
- d) Access to Stormwater Structures

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 December 2024

Satisfactory access to all drainage discharge points and filter controls for maintenance purposes.

e) Maintenance Strategy of Bioretention Basin and ancillary devices

A documented maintenance strategy plan for lifecycle of Bioretention Basin and ancillary devices, acceptable to Council, is to be provided and approved.

Insert the following additional conditions of consent:

8A Amendment to the plans – pedestrian/cycle linkages

Prior to the issue of a subdivision works certificate, amended plans are to be submitted to and approved by Council, incorporating the following additional pedestrian and cycle linkages:

a. Extension of shared pathway in Ewingsdale Road

The shared concrete path along Ewingsdale Road shall be extended by approximately 50m to the west to provide pedestrian/cycle connectivity to the adjacent land at Lot 181 DP 755695 (former Sunnybrand site). The shared pathway extension shall include a crossing with refuge over the site access and shall terminate at the existing eastern driveway of the adjoining site.

b. Eastern pedestrian/cycle link

A shared concrete pathway at least [2.5m] wide is to be provided along the north-western boundary of proposed Lots 5 and 6, providing access from the public footpath within the proposed subdivision to the adjoining land to the east, being Lot 59 DP 1299678. The shared pathway shall continue across Lot 59 and connect with the shared public pathway on the western corner of Harvest Boulevard and Ewingsdale Road.

The eastern pedestrian/cycle link shall be contained within a corridor of land at least 3m wide that is to be dedicated to Council.

c. Southern pedestrian/cycle link

A shared concrete pathway at least [2.5m] wide is to be provided through Lot 9, providing access from the public footpath within the proposed subdivision to the adjoining land to the south, being Lot 2 DP 818403 (which forms part of Stages 11 and 12 of "Site R&D" under development consent 10.2017.661.1).

The southern pedestrian/cycle link shall be contained within a corridor of land at least 3m wide that is to be dedicated to Council.

All shared pathways shall be designed in accordance with Council's adopted engineering standards with suitable crossfall and grades to provide an appropriate transition onto adjacent land.

Amended subdivision and engineering plans reflecting the above changes shall be submitted to Council's Director of Planning (or delegate) for approval prior to the issue of a subdivision works certificate. Following endorsement by Council, the amended plans must also be submitted for approval as part of the subdivision works certificate.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 December 2024

8B Amendment to the plans – realignment of Lot 9 boundaries

Prior to the issue of a subdivision works certificate, an amended subdivision plan is to be submitted to and approved by Council including the following design changes:

- a. The boundaries of Lot 9 are to be realigned so that the dogleg in the north-west corner of the Lot is removed and included as part of the public road reserve. The proposed boundary of Lot 9 is to run parallel with the proposed road reserve alignment in an east-west direction. The intention of this condition is to allow for a future logical road network connection to the adjoining land at Lot 181 DP 755695.

69A Dedication of shared pathways

All shared pathways providing pedestrian and cycle connections to adjoining land shall be dedicated to Council. Details of shared path dedication is to be included with subdivision certificate.

70A Restriction on use - keeping of cats and dogs for protection of native fauna Species.

Documentary evidence is to be provided with the application for a Subdivision Certificate that a restriction on user, pursuant to the provisions of s88B of the Conveyancing Act 1919 has been registered on the title of the land. The keeping of cats and dogs on the subject property is to be managed to ensure protection of native fauna species. The restriction on user must restrict, except as otherwise permissible by law, all of the following within the area covered by the restriction on user.

- a. Keeping of cats and dogs in any part of the property is to be managed at all times by:
 - i. The erection and maintenance of dog-proof fencing within each lot.
 - ii. Dogs may only be permitted outside private fenced areas of each unit if they are on a leash and suitably controlled under the supervision of a responsible person; and
 - iii. The keeping of cats within all units unless cats are confined to suitable enclosures at all times.

The s88B Instrument must contain a provision identifying Byron Shire Council as the only person or authority having the power to revoke, vary or modify the restriction on user. (Dods/Hauge)

The motion was put to the vote and carried unanimously.

PROCEDURAL MOTION

24-607 Resolved that Cr Dods be granted a two minute extension to his speech. (Dods/Ndiaye)

The motion was put to the vote and carried unanimously.

The motion (13.8) was put to the vote and carried unanimously.

NOTICES OF MOTION

Notice of Motion No. 9.2 EOI to host 2025 North Coast Tourism Symposium and Tourism Awards

File No: I2024/1594

24-608 Resolved that:

1. Council submits an Expression Of Interest application to Destination North Coast to host the 2025 North Coast Tourism Symposium and Tourism Awards; and
2. A budget of \$20,000 plus GST be allocated to meet the Council's host financial contribution, if successful, through the next Quarterly Budget Review.
(Ndiaye/Lowe).

PROCEDURAL MOTION

24-609 Resolved that Cr Ndiaye be granted a two minute extension to her speech.
(Ndiaye/Dods)

The motion was put to the vote and carried unanimously.

The motion (9.2) was put to the vote and carried unanimously.

Notice of Motion No. 9.3 Support for Music and Arts in the Northern Rivers

File No: I2024/1597

24-610 Resolved that Council:

1. Notes the critical role that music and creative arts play in the vibrancy, diversity, and resilience of the Northern Rivers, providing many pathways to diverse and interesting employment and played a critical role during recovery from disasters and pandemics;
2. Calls on Southern Cross University to reconsider its recent decision to discontinue its undergraduate programs in art and design, contemporary music and digital media from 2025;
3. Writes to the relevant Federal Ministers urging them to restore equity to the cost of Arts Degrees to ensure that young people can pursue in a career in music and the creative arts without undue financial burden; and
4. Writes to relevant State Ministers to take urgent action to increase funding and other support for regional arts and music events, noting the negative impact that the cancellation of large music events such as Bluesfest and Splendour in the Grass will have on Byron Shire's local economy.
(Ndiaye/Swain)

The motion was put to the vote and carried unanimously.

MAYORAL MINUTE

Mayoral Minute No. 10.1 NSW Government Vibrancy Reforms - Special Entertainment Precinct Kickstart Grant Application

File No: I2024/1609

24-611 Resolved that Council:

1. Notes the purpose of the Special Entertainment Precinct Kickstart Grant Program is to encourage local councils to take up and implement Special Entertainment Precincts across NSW and support the creation of sustainable and successful permanent Special Entertainment Precincts.
2. In recognition of 1, approves the establishment of a Special Entertainment Precinct on the land zoned E1 Local Centre and part Rail Corridor Land zoned SP2 Special Infrastructure under the Byron Local Environmental Plan 2014, [being zoned land as best identified and bounded by Bay Street, Rail Corridor/Jonson Street, Browning Street, Middleton Lane and Street, and the southern leg of Ruskin Lane, Byron Bay].
3. To support 2, submits an application under the NSW Government's Special Entertainment Precinct Kickstart Grant Program for the development of a Special Entertainment Precinct. This funding to be used for activities directly related to establishing a Special Entertainment Precinct, such as for strategic planning activities, preparing acoustic criteria and/or undertaking community engagement.
4. Supports the development of a Night Time Economy Strategy in response to Sub-Strategy 03: An Activated Centre to encourage day and night time uses to ensure diversity and regular street activation; and Sub Strategy 01: A Connected Event Network to allow for events to grow flexibly in a diverse range of spaces, with a smooth, and simple approvals process accessible to a wide range of cultural and age groups in the Byron Bay Town Centre Masterplan.
5. Further acknowledges the nighttime economy as a priority for Byron Bay town centre in the final versions of the draft Business Industry and Visitation Strategy and Events Strategy documents. (Ndiaye)

The motion was put to the vote and carried unanimously.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 December 2024

Mayoral Minute No. 10.2 Request for Report on Pathway Forward to Initiate a Koala Plan of Management for the Byron Shire Hinterland

File No: I2024/1673

24-612 Resolved that Council requests a Councillor Workshop in the new year and that a report be prepared outlining the pathway forward for the initiation of a Koala Plan of Management for the Byron Shire Hinterland (KPoM) by the end of the first half of 2025. The report should:

- a) Identify the process for initiating the development of a KPoM for the Hinterland including key milestones, resources required, and a timeline for the delivery of this long-term strategy.
- b) Explore available funding opportunities and consider potential grants or external funding that could be accessed to support the development of the plan and any associated implementation costs.
- c) Assess the impact on staff capacity and productivity, recognising that such an initiative will require significant resources, and outline recommendations for managing this within current staffing levels or recommending any additional resources that may be required. (Ndiaye)

The motion was put to the vote and carried unanimously.

Mayoral Minute No. 10.3 Determination of certain s4.55 Applications during the Council recess

24-613 Resolved that Council:

1. Delegates to the General Manager the determination of s4.55 modification applications that are to address errors, anomalies, redundancies, or minor changes to Development Applications that were approved by Council, and result in minimal change to design or impact to that originally approved.
2. Receives a report back at the first available meeting with details of any DA approvals made under this delegation. (Ndiaye)

The motion was put to the vote and carried unanimously.

PETITIONS

Petition No. 11.1 **Save Mullums Oldest House from Destruction and Keep it in Community Hands**
File No: I2024/1585

24-614 **Resolved** that that Petition:

1. Regarding 'Save Mullums Oldest House from Destruction and Keep it in Community Hands' be noted; and
 2. Be referred to the Director Sustainable Environment and Economy. (Lyon/Hauge)
- The motion was put to the vote and carried unanimously.*

DELEGATES' REPORTS

Crs Swain and Kay provided a Delegate's Report on their attendance at the Arts Northern Rivers Board Meeting in Lismore.

Cr Kay provided a Delegate's Report on her attendance, with Cr Lyon, at a Suffolk Park community meeting in relation to crime in the area.

Cr Swain provided a Delegate's Report on her attendance at a Brunswick Heads community meeting with NSW Police and Brunswick Heads Progress Association regarding crime in Brunswick Heads.

Crs Ndiaye and Hauge provided a Delegate's Report on their attendance at a Rous County Council tour of a water treatment plant.

Cr Ndiaye provided a Delegate's Report on her attendance at the Mullumbimby Civic Hall at an Arts event.

Cr Warth provided a Delegate's Report on moving forward with options for Mullumbimby water supply.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.5 **Appointment of Community Representatives to Advisory Committees**
File No: I2024/1556

PROCEDURAL MOTIONS

24-615 **Resolved** that:

1. Pursuant to Section 10A(2)(a) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely Appointment of Community Representatives to Advisory Committees.
2. The reasons for closing the meeting to the public to consider this item be that it contains:
 - (a) personnel matters concerning particular individuals (other than councillors).
3. On balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest due to the personnel matter.
(Ndiaye/Dods)

The motion was put to the vote and carried unanimously.

24-616 **Resolved** that Council move into Committee to allow for free debate. (Ndiaye)

The motion was put to the vote and carried unanimously.

24-617 **Resolved** that Council move out of Committee and resume the Ordinary Meeting. (Ndiaye)

The motion was put to the vote and carried unanimously.

24-618 **Resolved** that the meeting move out of confidential session. (Ndiaye/Lyon)

The motion was put to the vote and carried unanimously.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 December 2024

Report No. 13.5 Appointment of Community Representatives to Advisory Committees

File No: I2024/1556

24-619 Resolved that:

1. Council adopts the schedule of Advisory Committee Meetings shown in Attachment 1 (#E2024/114176), with meetings generally held in the Conference Room, Mullumbimby.
2. Community representatives be appointed to each respective Advisory Committee for the 2024-2028 term ending September 2028, as follows:
 - a) That Council appoints the following community representatives to the Arts Advisory Committee:
 - Ed Horne
 - Marisa Snow
 - Sara Yael Cowan
 - Samantha Collyer Moss
 - Philip Channells
 - Oriel Paterson
 - reserves one position for a representative from Arts Northern Rivers and appoints Jane Fuller
 - reserves one position for an Aboriginal Arts Representative (to be appointed at a future date)
 - b) That Council appoints the following community representatives to the Biodiversity and Agriculture Advisory Committee:
 - Lindsay Murray
 - Annette McKinley
 - Hedley Grantham
 - James Jackson
 - James Barrie
 - Peter Westheimer
 - c) That Council appoints the following community representatives to the Climate Change and Resource Recovery Advisory Committee:
 - Bronwyn Elliott
 - Madeleine Green
 - Ken McLean
 - Anne Stuart – Zero Emission Byron (ZEB)
 - d) That Council appoints the following community representatives to the Coast and ICOLL Advisory Committee:
 - Anne Leitch
 - Mark Tidswell
 - Lucy Jepson
 - James Norton
 - e) That Council appoints the following community representatives to the Floodplain Risk Management Advisory Committee:

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 December 2024

- Matthew Lambourne
 - Robert Crossley
 - Duncan Dey
 - Catherine Lane
- f) That Council appoints the following community representatives to the Transport and Infrastructure Advisory Committee:
- Anthony Stante
 - David Michie
 - Anne Villeseche
 - Katherine O'Regan
 - Bruce Clarke
 - Anthony Pangallo
- g) That Council appoints the following community representatives to the Water and Sewer Advisory Committee:
- Duncan Dey
 - Ben Fawcett
 - Further nominations be sought for the remaining position/s
3. All appointed Advisory Committee members:
- a) be notified of their appointment to the committee; and
 - b) complete induction, Code of Conduct, and confidentiality requirements.
4. Any unsuccessful nominees be notified. (Hauge/Ndiaye)
- The motion was put to the vote and carried unanimously.*

Report No. 13.6 Appointment of Councillor Contacts for Section 355
Committees
File No: I2024/1607

- 24-620 Resolved** that Council appoints the following Councillor Contacts for each Section 355 Committee:
- 1. Bangalow A&I Hall – Cr Pugh and Cr Hauge
 - 2. Bangalow Showgrounds – Cr Pugh
 - 3. Brunswick Heads Memorial Hall – Cr Dods
 - 4. Durrumbul Hall (Main Arm) – Cr Hauge
 - 5. Marvell Hall (Byron Bay) – Cr Kay
 - 6. Mullumbimby Civic Memorial Hall – Cr Lyon
 - 7. Ocean Shores Community Centre – Cr Swain
 - 8. South Golden Beach Hall – Cr Swain
 - 9. Suffolk Park Community Hall – Cr Lowe (Swain/Ndiaye)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 December 2024

PROCEDURAL MOTIONS

24-621 Resolved that Council move into Committee to allow for free debate. (Ndiaye/Hauge)
The motion was put to the vote and carried unanimously.

24-622 Resolved that Council move out of Committee and resume the Ordinary Meeting.
(Ndiaye/Hauge)
The motion was put to the vote and carried unanimously.

The motion (13.6) was put to the vote and carried unanimously.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.10 Council Submission on NSW Local Government Draft Filming Protocol
File No: I2024/1533

24-623 Resolved that Council:

1. Notes the time it has taken for a review of the NSW Local Government Filming Protocol 2009, and the short period of consultation given to Local Government to provide feedback on the review;
2. Notes that despite requests to have a more proactive and direct consultation about the Filming Protocol 2009 with Screen NSW and Office of Local Government (as evidenced by previous resolutions) that this consultation period is by submission only;
3. Requests staff to make a submission on the basis of the review of the draft Filming Protocol in Attachment 1 (E2024/137762); and
4. Requests a meeting with Screen NSW and the Office of Local Government, to discuss the issues of concern raised in the submission, and the potential pathway for Council (alone or as part of the Northern Region) to have its own film protocol.
(Ndiaye/Dods)

The motion was put to the vote and carried unanimously.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 December 2024

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.11 **Part Road Reserve closure and sale adjoining Lot 1 DP246414, 134 Lighthouse Road, Byron Bay, NSW 2481**
File No: I2024/1586

24-624 **Resolved** that Council:

1. Enters discussions with the landowner of Lot 1 DP246414 (134 Lighthouse Road) about leasing that part of Lee Lane's Road Reserve as shown on images 3 and 4 in Report 13.11 to today's meeting.
2. Considers in 2025 creating Policy to make leasing the usual option for dealing with encroachments, including consideration of the Encroachment Policy that Council followed up to 2016. (Lowe/Hauge)

The motion was put to the vote and carried.

Crs Ndiaye, Swain, Warth, Kay, Hauge and Lowe voted in favour of the motion.

Crs Lyon and Dods voted against the motion.

Report No. 13.12 **Cavanbah Centre Expansion**
File No: I2024/1539

24-625 **Resolved** that in relation to the options relating to a possible Cavanbah Centre expansion, Council:

1. Discontinues the exploration of the addition of a hydrotherapy pool at the site due to identified impacts on existing users and facilities;
2. Considers a 2025/26 budget allocation of \$100,000 to allow detail design and costing of two additional internal courts at the Cavanbah Centre; and
3. Consider a 2025/26 budget allocation of \$20,000 for a strategic planning review of the Cavanbah Centre with specific focus on user needs assessment, facility capacity, sustainability, multifunctionality, and enhanced spectator experiences, investigation of pedestrian and cycle links to the BAIE and Lot 12, and investigation of potential all day parking to the eastern periphery of the Cavanbah Centre grounds to service all-day workers in the BAIE. (Dods/Ndiaye)

The motion was put to the vote and carried unanimously.

There being no further business the meeting concluded at 1.27pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 27 February 2025.

.....
Mayor Sarah Ndiaye