

# Minutes Ordinary (Planning) Meeting

Thursday, 8 May 2025



**BYRON**  
SHIRE  
COUNCIL

## 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

Ordinary (Planning) Meeting Minutes  
8 May 2025

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# BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

8 May 2025

**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY (PLANNING) MEETING HELD ON THURSDAY, 8 MAY 2025 COMMENCING AT 3:00PM AND CONCLUDING AT 5:47PM.**

I2025/623

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

**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)  
Chris Larkin (Manager Sustainable Development)  
Heather Sills (Manager Corporate Services)  
Samuel Frumpui (Manager Works)  
James Brickley (Manager Finance)  
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	Name	For/ Against	Representing Organisation	Submission Received in form of
13.1 Community Strategic Plan 2025 - 2035 (CSP)	Jan Barham	For	Self	Phone
13.2 Draft Delivery Program 2025 - 2029 and 2025/26 Operational Plan, Budget, and Revenue Policy	Luke McConell	For	Broken Head Reserve Road Residents	Read by staff

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13.3	Pay Parking Scheme Distribution Methodology	Leone Bolt	For	Brunswick Heads Progress Association	In Person
13.7	PLANNING - Development Application 10.2024.428.1 – Torrens Title subdivision of 8 concept approved lots into 10 lots resulting in the total increasing from 47 to 49 lots across the 2 consents, and modification to the consent to DA10.2015.795.1 in relation to stormwater management and size of concept approved lots 40, 45, 46 and 47 – 35 Bayside Way Brunswick Heads	Stephen Connolly	For	Planners North	In Person
		Annie Radermacher	Against	Self	In Person
13.8	Review of Pay Parking Permit and Fees and Charges	Leone Bolt	For	Brunswick Heads Progress Association	In Person
		Brunswick Heads Chamber of Commerce Representative	Against	Brunswick Heads Chamber of Commerce	Read by staff
		Jan Barham		Broken Head Reserve Road Residents	Phone
13.9	Bangalow Road, Cooper Street and Paterson Street Intersection, Byron Bay - Traffic and Safety Assessment	Kelly Lorkin	For	Self	Read by staff

# BYRON SHIRE COUNCIL

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## Submissions

Subject	Name	Representing Organisation	Submission Received in form of
Community Opposition to development at 30 Chinbible Ave Mullumbimby	Kate Walsh	Residents Against 30 Chinbible Ave Development	In Person
Procedures Council is using to conduct emergency vegetation works without a review of environmental factors	Matthew O'Reilly	Saddle Ridge Local Area Management & Planning Association	In Person
Saddle Road Master Planning relating to Mullumbimby Road Works	Kirsty Nugent	Saddle Ridge Local Area Management & Planning Association	In Person

### Question No. 1 Plans for The Saddle Road: Detour and Beyond

Rosemary Whelan on behalf of Saddle Ridge Local Area Management Planning Association asked the following question:

*Could Mr Holloway explain why he failed to respond to numerous requests from the Saddle Ridge Local Area Management Planning Association in Nov/Dec 2023 for a meeting to discuss plans for The Saddle Road and why he has failed to reply to my email of 29 April on the same topic.*

The Director Infrastructure Services responded:

*Council received an email request from Rosemary Whelan on 7 November 2023 requesting a meeting with the Saddle Ridge Local Area Management Planning Association.*

*It was my understanding at the time, that as Council's Planning Team were having ongoing meetings with the association, that any dialogue would be channelled through the Planning Team.*

*I apologise that I did not directly advise you of this at the time.*

*In relation to the email received on 29 April 2025, a number of emails and enquiries had been received during that week in relation to concerns raised with works undertaken and proposed works on Saddle Road.*

*Staff are proposing to hold a community meeting in the next few weeks in relation to the road and a response will be provided by staff in the coming days to your email of 29 April.*

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*A date for the meeting has not yet been confirmed.*

## **Question No. 2 Development at 30 Chinbible Ave Mullumbimby**

Kate Walsh on behalf of Residents Against 30 Chinbible Ave Development asked the following question:

*What position are Councillors directing staff to take—or what position are staff independently adopting—on this development, and to what extent have community concerns been meaningfully incorporated, and why has this not been clearly communicated to the community? Many residents feel unheard and believe Council has effectively let this proposal slip through to the Land and Environment Court to avoid making a decision themselves, despite overwhelming local opposition that has caused a significant amount of stress, particularly for the elderly residents in the area.*

Legal Counsel responded:

*As Ms Walsh knows, there were two appeals in relation to this land.*

*One of those has been determined. The judgment for that was handed down last week – that has been resolved by grant between the parties. That subdivision development has been upheld.*

*On the second one, Council's position is that the housing development should be refused and ultimately, the Court will work that out when the Hearing happens in late September.*

The Mayor questioned Legal Counsel:

*Where there any changes to what was proposed in the first Hearing on the subdivision development?*

Legal Counsel responded:

*The parties had Conciliation on that back in February. There were changes on account of the position of Council's flood expert. Those were incorporated, the parties agreed and the Consent was issued by the Court.*

## **Question No. 3 Clifford Street Intersection**

Joti Jaffray asked the following question (as read by staff):

*Please update on the progress of the grant variation for pedestrian safety.*

*Could you also update the 'Clifford Street / Broken Head intersection' webpage on the website as it is still listed as 'Clifford Street traffic lights'. Given there is significant community investment and it was previously agreed that the page would be updated I would also like to request the updated Metis report and responses from my previous 'questions on notice' and this response to grant variation be added to the webpage.*

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The Manager Works responded:

*A variation has been submitted about three weeks ago. Assessment takes about one to three months before we hear the final outcome whether it's successful or not.*

The Mayor questioned Manager Works:

*And on the website updating and the other questions as part of that?*

Manager Works responded:

*Yes, correct. That's being processed.*

## **Question No. 4 Mullumbimby Road Works relating to The Saddle Road**

Kirsty Nugent asked the following question:

*Has council looked at any other traffic diversion alternatives to The Saddle Rd for the Mullumbimby Road works? If so, what are they? (We know you can't use McAuleys Lane) and will you look at a revised staging plan to reduce the 5-month long detour down The Saddle Rd.*

The Manager Works responded:

*That would be three months impact on there, not the full five months. The five months is talking about the whole project duration. So just three months it would be impacted on The Saddle Road.*

## **Question No. 5 Proposed Bioenergy Plant Construction**

John Lazarus asked the following question (as provided to staff):

*Council's proposed Bioenergy Plant construction, of a Methane Gas fired, Greenhouse Gas polluting, Electricity Plant, (with its Greenhouse Gas pollution to be "offset" by a bookkeeping arrangement), was on Council's last 2024/2025 Operational Plan, and was promoted by the Mayor just prior to the last CI election, but is now not on the 2025/2026 Operational Plan in this Meetings Agenda, and separately Council is now asking for tenders to manage curb side Green Waste.*

*As this Project appears to now be abandoned, what is the full financial cost to date of the Bioenergy Plant proposal? Including the cost of the projects dedicated staff wages and superannuation, and the cost of their overseas trips to Europe and the US to inspect operating Plants, and to meet with the proposed Plant construction company in Germany (noting that we have Bio Energy Plants here, such as on the Qld tip where Council presently sends its Green waste, and noting that the proposed Plant construction company has an office in Sydney).*

The Mayor took the Question on Notice.



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*The meeting adjourned at 3.54pm for a lunch break and reconvened at 4.06pm.*

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## 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 Dods declared a non-pecuniary interest in Report 13.5. The nature of the interest being that Part of this Status Report gives an update on the assessment of DA 2023.454.1 - Community Title Subdivision at 53 McAuleys Ln Myocum. Cr Dods was engaged during the DA preparation for this application. Cr Dods considers the interest in this particular item to be not significant because: a) It is a public status report; b) It only requires Councillors to note the report; c) The relevant DA is being determined by the NRPP (not Council), and; d) The nature of this item relates to the Status Report, not the respective DA. Cr Dods elected to remain in the Chamber and will participate in discussion and the vote.

Cr Dods declared a non-pecuniary interest in Report 13.7. The nature of the interest being that Cr Dods has a periodic, minor business relationship with Planners North (PN), who have worked as the planner for this DA. Cr Dods relationship with PN is infrequent and not particularly close as defined by Clause 5.9 (b) of the Code of Conduct for Councillors Policy. Cr Dods elected to remain in the Chamber and will participate in discussion and the vote.

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## TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

- 25-167 Resolved** that the minutes of the Ordinary (Planning) Meeting held 10 April 2025 be confirmed. (Ndiaye/Dods)  
*The motion was put to the vote and carried unanimously.*
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**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. 13.1 Community Strategic Plan 2025 - 2035 (CSP)
- Report No. 13.3 Pay Parking Scheme Distribution Methodology

**Sustainable Environment and Economy**

- Report No. 13.7 PLANNING - Development Application 10.2024.428.1 – Torrens Title subdivision of 8 concept approved lots into 10 lots resulting in the total increasing from 47 to 49 lots across the 2 consents, and modification to the consent to DA10.2015.795.1 in relation to stormwater management and size of concept approved lots 40, 45, 46 and 47 – 35 Bayside Way Brunswick Heads

**Infrastructure Services**

- Report No. 13.8 Review of Pay Parking Permits and Fees and Charges
- Report No. 13.9 Bangalow Road, Cooper Street and Paterson Street Intersection, Byron Bay - Traffic and Safety Assessment

**REPORTS OF COMMITTEES**

**CONFIDENTIAL REPORTS**

**LATE REPORTS**

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Dods and seconded by Cr Kay. Each recommendation is recorded with a separate resolution number commencing at Resolution No. **25-168** and concluding with Resolution No. **25-171**.

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**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**No. 13.2**                      **Draft Delivery Program 2025-2029 and 2025/26 Operational Plan, Budget, and Revenue Policy**

**File No:**                      I2025/500

**25-168**   **Resolved** that Council places the following draft documents on public exhibition until 8 June 2025:

1.      Delivery Program 2025 – 2029 (Attachment 1 #E2025/28134)
  2.      Operational Plan 2025/26 (Attachment 3 #E2025/41579) and associated Draft 2025/26 Budget Estimates (Attachment 4 #E2025/42943), Draft 2024/25 Statement of Revenue Policy including Fees and Charges (Attachment 5 #E2025/42947). (Dods/Kay)
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**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.4**            **PLANNING - Report of the Planning Review Committee held 3 April 2025**

**File No:**                      I2025/454

**25-169**   **Resolved** that Council endorses the outcomes of the Planning Review Committee meeting held on 3 April 2025. (Dods/Kay)

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**Report No. 13.5**            **Status report on Development Applications (DAs) with bodies like the Northern Regional Planning Panel (NRPP)**

**File No:**                      I2025/485

**25-170**   **Resolved** that Council notes the status report on Development Applications (DAs) with bodies like the Northern Regional Planning Panel (NRPP). (Dods/Kay)

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**Report No. 13.6**            **2025 Regional & Remote Music Summit Partnership Proposal**

**File No:**                      I2025/548

**25-171**   **Resolved** that Council:

1.      Welcomes the opportunity to host the 2025 Regional & Remote Music Summit to be held in Byron Bay 23-25 July 2025.
  2.      Agrees to become a Presenting Partner of the 2025 Regional and Remote Music Summit.
  3.      Requests staff to identify a budget of \$15,000 to meet the Council's financial contribution as a Presenting Partner through the next Quarterly Budget Review. (Dods/Kay)
-

# BYRON SHIRE COUNCIL

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*The motions (Res 25-168 to 25-171) were put to the vote and carried unanimously. Crs Lyon, Ndiaye, Pugh, Dods, Swain, Warth, Kay, Hauge and Lowe voted in favour of the motions.*

*Nil voted against the motions.*

## PROCEDURAL MOTION

**25-172 Resolved** that Council change the order of business to deal with Reports 10.1, 13.8, 13.3, 13.1, 13.7 and 13.9 next on the Agenda. (Ndiaye/Lowe)

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

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## MAYORAL MINUTE

### Mayoral Minute No. 10.1 Saddle Road and Mullumbimby Road Works

File No: I2025/659

**25-173 Resolved** that Council considers:

1. Ensuring that heavy vehicle detours during the Mullumbimby Road works are directed via Myocum Road, and not along Saddle Road or Coolamon Scenic Drive.
2. Including signage in the Traffic Control Plan to inform motorists of the preferred detour via Myocum Road and Coolamon Scenic Drive in order to reduce traffic delays, particularly at:
  - a) The Ocean Shores and Ewingsdale Pacific Highway (M1) offramps; and
  - b) At key locations within Mullumbimby.
3. Requesting that appropriate temporary signage be installed to reduce the speed limit on Saddle Road to 40 km/h for the duration of the detour period during the roadworks.
4. Requesting the implementation of temporary traffic calming measures such as chicanes or speed humps along Saddle Road for the duration of its use as a detour, ensuring they are not placed within 100 metres of residential properties
5. Making the final approved documents for the Mullumbimby Road upgrade and Saddle Road detour publicly available as open access documents in accordance with requirements of the *Government Information (Public Access) Act 2009*, with the intention of releasing as much relevant information as possible, having regard to any applicable legal, privacy, and public interest considerations.
6. Exploring options for the design of box culverts at the Everitts Creek crossing on Mullumbimby Road to meet the standards of *Landcom (2004) Managing Urban Stormwater: Soils and Construction Volumes 1 and 2 ("The Blue Book")* and the Northern Rivers Local Government's Development Design Specification D7, taking into account the approximately 67-hectare feeder catchment.
7. Acknowledging that, given the absence of approved funding for a roundabout at Uncle Tom's (Gulgan Road and Mullumbimby Road), the right-turn into and out of Saddle Road remains in place at this stage. (Ndiaye)

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

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**STAFF REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 13.8**      **Review of Pay Parking Permits and Fees and Charges**  
**File No:**              I2025/497

**25-174 Resolved:**

1. That the draft 2025/26 fees and charges be exhibited with the inclusion of the following fees associated with pay parking permits:
  - a) Removal of the statement that *“Council has resolved that each rateable property in the Byron Shire can access two free Shire resident parking permits, subject to terms and conditions, upon commencement of the proposed Brunswick Heads paid parking scheme.”*
  - b) The *“Shire resident parking permit”* fee be set at \$55
  - c) A new fee type called *“Non-resident ratepayer parking permit”* be included with the fee set at \$110
  - d) A new fee type called *“Border community parking permit”* be available to residents that live in a locality that borders the Byron Shire, with the fee set at \$110
2. That eligibility for pensioner parking permits include “concession card holders”, including all Centrelink Concession Card and Student Cards issued by accredited education institutions.
3. In relation to Traffic Area Permits:
  - a) Amend the Evidence Required, to read *“Must be a long-term resident (not a guest at hotel, hostel, holiday unit) with limited off- street parking or no adjacent unrestricted street parking*
  - b) And delete the reference to off -street parking, being *‘If they have 2+ spaces, they are not eligible.’*
4. The parking permit terms and conditions be amended to reflect the proposed changes, effective from 1 July 2025. (Dods/Ndiaye)

**PROCEDURAL MOTIONS**

- 25-175 Resolved** that Cr Dods be granted a one minute extension to his speech. (Ndiaye/Lowe)  
*The motion was put to the vote and carried unanimously.*
- 25-176 Resolved** that Cr Pugh be granted a two minute extension to his speech. (Ndiaye/Kay)  
*The motion was put to the vote and carried unanimously.*

## BYRON SHIRE COUNCIL

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**25-177 Resolved** that Cr Lyon be granted a two minute extension to his speech.  
(Ndiaye/Lowe)

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

**25-178 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 (Res 25-174) was put to the vote and declared carried.*

*Crs Lowe, Kay, Hauge, Ndiaye, Dods voted for the motion.*

*Crs Lyon, Warth, Swain and Pugh voted against the motion.*

*Cr Nidaye left the Chambers at 4.58pm and did not return.*

*Cr Dods assumed the Chair.*

*Cr Lyon left the Chambers at 4.58pm.*

*The meeting adjourned at 4.59pm for a short break and reconvened at 5.03pm.*

### PROCEDURAL MOTION

**25-179 Resolved** that Cr Lyon be permitted to attend the meeting held on 8 May 2025 by audio-visual link.  
(Dods/Hauge)

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

*Cr Lyon was not present for the vote.*

*Cr Lyon returned to the meeting at 5:10pm via audio-visual link.*

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**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 13.3      Pay Parking Scheme Distribution Methodology**  
**File No:                I2025/559**

**25-180    Resolved that:**

1. Funds generated from Brunswick Heads Pay Parking, after deducting costs for operating the scheme, be allocated to the Infrastructure Renewal Reserve – Brunswick Heads for works in Brunswick Heads village.
2. Following the full reimbursement of establishment costs to the Pay Parking Meter Replacement Reserve, that funding for works in Brunswick Heads township be funded from the Infrastructure Renewal Reserve Brunswick Heads and no longer from the Infrastructure Renewal Reserve – Non Byron as of 1 July 2026.
3. A review be undertaken as to the apportionment of revenue split between Council and Crown for both the Byron Bay and Brunswick Heads schemes before final adoption of the 2025/2026 Budget in June 2025.
4. Funding for the shortfall to cover the Transport Interchange/Rail Corridor expenditure, including provisions for future works, should be incorporated into the distribution formula for the Byron Scheme, and:
  - a) This adjustment should be made before distributing the remaining revenue to the three related Infrastructure Renewal Reserves.
  - b) Any unspent funds at the end of the financial year be maintained in the Rails Carpark Reserve.
5. A review of the methodology for pay parking revenue allocation be undertaken and reported to Council before the end of the current term of Council (September 2028).
6. Council receives a report on apportioning the revenue and scheme administration cost from Parking Permits between Brunswick Heads and Byron Bay schemes.  
(Warth/Dods)

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

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# BYRON SHIRE COUNCIL

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**Report No. 13.1**      **Community Strategic Plan 2025 - 2035 (CSP)**  
**File No:**              I2025/465

**25-181**    **Resolved** that Council:

1.    Notes the submissions to the draft Community Strategic Plan 2035 received during the public exhibition period and responses outlined in Attachment 2 (E2025/39366).
2.    Endorses the Community Strategic Plan 2035 at Attachment 1 (E2025/39499) with the following amendments:
  - a)    Amend p45 Strategy 3.1 to read  
*Partner to nurture and enhance biodiversity, ecosystems and ecology and deliver nature positive outcomes*
  - b)    Amend P50 Ethical Growth Strategy 4.2 Progress Indicator to read  
*Housing supply, including public and social housing*
3.    Notes that any changes to the Outcomes Measurement Framework will be reflected in the Community Strategic Plan 2035. (Hauge/Kay)

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

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## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.7**      **PLANNING - Development Application 10.2024.428.1 – Torrens Title subdivision of 8 concept approved lots into 10 lots resulting in the total increasing from 47 to 49 lots across the 2 consents, and modification to the consent to DA10.2015.795.1 in relation to stormwater management and size of concept approved lots 40, 45, 46 and 47 – 35 Bayside Way Brunswick Heads**

**File No:**              I2025/560

**25-182**    **Resolved** that pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2024.428.1 for Torrens Title subdivision of 8 concept approved lots into 10 lots resulting in the total increasing from 47 to 49 lots across the 2 consents, and modification to the consent to DA10.2015.795.1 in relation to stormwater management and size of concept approved lots 40, 45, 46 and 47, be granted consent subject to the conditions in Attachment 1 (E2025/38008) and condition 72 (e) being amended to read:

- e)    Restriction on the keeping of cats and dogs  
Each stage of subdivision shall include the creation of a restriction on title of the lots created that prohibits the keeping of cats and dogs on the land other than “assistance animals” as defined by the *Companion Animals Act 1998*.  
The restriction is to burden and benefit each residential allotment.  
(Dods/Lyon)

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



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**STAFF REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 13.9**      **Bangalow Road, Cooper Street and Paterson Street  
Intersection, Byron Bay - Traffic and Safety Assessment**  
**File No:**                      I2025/608

**25-183**      **Resolved** that Council:

1.      Notes community feedback received on the report on intersection options for Cooper St, Patterson St, and Bangalow Rd intersection.
2.      Staff undertakes community consultation on the short term treatment options for the intersections including:
  - Stopping right turns into Cooper Street
  - Stopping right turns into Paterson Street
  - Stopping right turns out of Cooper Street
  - Stopping right turns out of Paterson Street
3.      Staff considers community feedback on preferred options for future intersection upgrades and report back to Council.
4.      Continues to work with Transport for NSW on the reclassification of the MR545 road network from Regional Road to State Road.
5.      Seeks funding for traffic study of the MR545 road network from Byron Bay to Suffolk Park to determine required upgrades for future growth.
6.      Seeks funding for intersection design options report which compares long term treatments, including roundabouts, for traffic impacts, safety, cost and design life.  
(Pugh/Swain)

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

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**PETITIONS**

There were no Petitions tabled at the meeting.

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**DELEGATES' REPORTS**

**Delegate's Report No. 12.1**      **Country Mayors Association of NSW - General Meeting  
28th March 2025 Communiqué**

**File No:**                      I2025/539

As per the Agenda.

# BYRON SHIRE COUNCIL

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**Delegate's Report No. 12.2 Mayor Meeting Diary Summary October- December 2024**

**File No:** I2025/547

As per the Agenda.

Cr Lowe provided a Delegates Report on Cr Lowe, Cr Kay and Cr Ndiaye's meeting with the "Coota Girls".

Cr Dods provided a Delegates Report on his walkaround with Cr Ndiaye in Byron Bay to view the business affected by the drainage works.

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*There being no further business the meeting concluded at 5.47pm.*

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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 14 August 2025.

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Mayor Sarah Ndiaye