

# Minutes Ordinary Meeting

Thursday, 23 November 2023



**BYRON**  
SHIRE  
COUNCIL

DISCLAIMER: These minutes are DRAFT minutes and will remain as such until they are confirmed as a correct record at a subsequent meeting.

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
23 November 2023

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# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

23 November 2023

### MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 23 NOVEMBER 2023 COMMENCING AT 9:04AM AND CONCLUDING AT 3.02PM

I/2023/1823

**PRESENT:** Cr M Lyon (Mayor), Cr S Balson, 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)  
Ralph James (Legal Counsel)  
Judd Cornwall (Traffic Engineer) – Item 11.1  
Deanna Savage (Road and Property Officer) – Item 13.19  
Samuel Frumpui (Manager Works) – Item 13.22  
Heather Sills (Manager Corporate Services) – Item 17.1  
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		Name	For/ Against	Representing	Via
	YouthSay Presentation	Youth representative s		Mullumbimby High School	In person
10.1	Mayoral Minute	Trenton Jamieson	For	Self	In person
13.15	Modification Demolition of the existing backpackers hostel and construction of Mixed Use development comprising Retail Premises and Serviced Apartments at 116 Jonson Street Byron Bay	Michael Grassi	For	Podia	In person
		Kate Singleton		Planners North	In person

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

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### Submissions

Subject	Name	Representing	Via
NFA & House You: Sunday 19 November Community Engagement Findings	Sarah-Jane McGrath & Chels Hood Withey	No Fixed Address & House You	In person
Council investment in companies that profit from Israel's illegal occupation of Palestine	Duncan Shipley-Smith	Byron Friends of Palestine	In person

### PROCEDURAL MOTIONS

**23-529 Resolved** that Public Access be extended to 11am. (Lyon)

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

**23-530 Resolved** that the late request to make a submission by James Barrie, representing Save Wallum, be permitted. (Lyon)

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

### Submissions cont.

Subject	Name	Representing	Via
Mullumbimby's future water supply	Ben Fawcett	Self	In person
Floodplain Management Advisory Committee	Matthew Lambourne	Self	In person
Wallum	James Barrie	Save Wallum	In person

### Special presentation

Item 13.6	Name	Representing Organisation	Via
Presentation of Financial Statement to Council	Adam Bradfield	Thomas Noble Russell	In person

*The meeting adjourned at 11:20AM for a short break and reconvened at 11:38AM.  
Cr Ndiaye did not return.*

## APOLOGIES

### PROCEDURAL MOTIONS

- 23-531** **Resolved** that the apology from Cr Coorey be accepted and a leave of absence granted from the 23 November 2023 Ordinary Council Meeting. (Lyon)

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

- 23-532** **Resolved** that the apology from Cr Ndiaye be accepted and a leave of absence granted from the 23 November 2023 Ordinary Council Meeting. (Lyon)

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

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## APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

There were no requests 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

The General Manager declared a pecuniary interest in Report 16.1. The nature of the interest being that the General Manager is the subject of the Review and Report. The General Manager elected to leave the Chamber and will not participate in the discussion.

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## TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

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## ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 23-533** **Resolved** that the minutes of Ordinary Meeting held 26 October 2023 be confirmed. (Westheimer/Hunter)

*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**

**General Manager**

Report No. 13.2 Lease for treehouse artwork on Massinger Street Byron Bay

**Corporate and Community Services**

Report No. 13.3 Meeting Schedule 2024 - Council Meetings, Committee Meetings, and Councillor Workshops

Report No. 13.7 Council Resolutions Quarterly Review - Q1 - 1 July to 30 September 2023

Report No. 13.12 Recommendation for award of Tender for Event Management Services Soul Street New Year's Eve 2024-2026

**Infrastructure Services**

Report No. 13.16 Part Road Reserve Closure and sale adjoining Lot 4 & 5 DP 246401, 154 & 156 Lighthouse Road, Byron Bay NSW

Report No. 13.19 Part Road Reserve Closure and sale adjoining Lot 7 DP 548466 and Lot 1 DP 44807, 89 Massinger Street, Byron Bay NSW

Report No. 13.21 Selective Tender Assessment on Expression of Interest to Construct Sandhills Wetlands

Report No. 13.22 Tender 2023-1897 EPAR04 Bridge Guardrail and Fences

**CONFIDENTIAL REPORTS**

**General Manager**

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

**LATE REPORTS**

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Lyon and seconded by Cr Westheimer. Each recommendation is recorded with a separate resolution number commencing at Resolution No. **23-534** and concluding with Resolution No. **23-554**.



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STAFF REPORTS - GENERAL MANAGER

**Report No. 13.1**      **Sub-licence to Zephyr Equine Pty Ltd (A.C.N 638 961 850) for access through Crown Land.**

**File No:**                I2023/1387

**23-534**    **Resolved** that Council authorises the General Manager, under delegation, to grant a sub-licence to Zephyr Equine Pty Ltd (A.C.N. 638 961 850) on the following conditions:

- a) term of 12-months,
- b) rent to be set by Councils Fees and Charges,
- c) access through Lot 407 DP 729057 being Crown Reserve R755695,
- d) the sub- licensee to hold a concurrent permit with Cape Byron Marine Park for the term of the sub-licence,
- e) the sub- licensee must take all steps necessary to ensure that all horse droppings are removed from the sub-licensed area during and at the end of each access session,
- f) the sub- licensee to hold public liability insurance cover for a minimum value of \$20million,
- g) the sub- licensee to handle all horses in a public area in a safe manner,
- h) the sub- licensee not to exceed the number of horses permitted by the Cape Byron Marine Park Permit in any guided horse tour, and
- i) the sub- licensee must comply with recommendations in the Report to the General Manager dated 24 October 2023, subject 'Monitoring Report of Access track at North Beach under temporary sub-licence (under RI564194) - 13 and 23 October 2023. (Lyon/Westheimer)

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**Report No. 13.4**      **Delegation to the General Manager - Tender Submissions**

**File No:**                I2023/1561

**23-535**    **Resolved** that Council endorses an amendment to the General Manager's delegation DEG002a to include the decline of tenders so that it reads as follows:

*DEG002a - Acceptance or decline of tenders other than to provide services currently provided by members of staff of the council (s377(1)i of LGA)*

*Acceptance or decline of tenders is limited to:*

- a) *Capital works specifically itemised in a budget approved by Council (as long as the tendered amount falls within the approved budget); or*
- b) *Renewal of existing contracts; or*
- c) *Tenders less than \$500,000 (ex GST) in value; and*
- d) *Compliance with LG Regulation* (Lyon/Westheimer).

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

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### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 13.5      Submission to Local Government Remuneration Tribunal - Mayor and Councillor Remuneration - 2024/25 Fees**

**File No:** I2023/1653

- 23-536      Resolved** that Council endorses the submission to the Local Government Remuneration Tribunal on the fees payable to Mayors and Councillors in 2024/25 as provided in Attachment 3 (E2023/111132). (Lyon/Westheimer)

**Report No. 13.6      Presentation of 2022-2023 Financial Statements**

**File No:** I2023/1664

- 23-537      Resolved** that the Audited Financial Statements and Auditors Report for the 2022-2023 financial year be presented to the public in accordance with Section 419(1) of the Local Government Act 1993. (Lyon/Westheimer)

**Report No. 13.8      2023/24 Operational Plan Report - Q1 - September 2023**

**File No:** I2023/1675

- 23-538      Resolved:**
1. That Council notes the 2023/24 Operational Plan Quarter 1 Report for the period ending 30 September 2023 (Attachment 1 #E2023/113915).
  2. That Council adopts the proposed amendments to the Operational Plan 2023/24 outlined in Attachment 2 (#E2023/84864). (Lyon/Westheimer)

**Report No. 13.9      Budget Review - 1 July 2023 to 30 September 2023**

**File No:** I2023/1718

- 23-539      Resolved:**
1. That Council authorises the itemised budget variations as shown in Attachment 2 (#E2023/115792) which include the following results in the 30 September 2023 Quarterly Review of the 2023/2024 Budget:
    - a) General Fund – \$0 movement to the Estimated Unrestricted Cash Result
    - b) General Fund - \$1,701,000 decrease in reserves
    - c) Water Fund - \$1,083,200 increase in reserves
    - d) Sewerage Fund - \$473,300 decrease in reserves
  2. That Council adopts the revised General Fund Estimated Unrestricted Cash Deficit of \$250,000 for the 2023/2024 financial year as at 30 September 2023. (Lyon/Westheimer)

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

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**Report No. 13.10     Mandatory Notification Data Breach Scheme and Associated Policy**

**File No:** I2023/1736

- 23-540     Resolved** that Council adopts the draft Data Breach Policy at Attachment 1 (E2023/108480). (Lyon/Westheimer)

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**Report No. 13.11     Council Investments - 1 October to 31 October 2023**

**File No:** I2023/1746

- 23-541     Resolved** that Council notes the Report listing Council's investments and overall cash position as of 31 October 2023. (Lyon/Westheimer)

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**Report No. 13.13     Grants October 2023**

**File No:** I2023/1800

- 23-542     Resolved** that Council notes the grant submissions report for the month of October 2023 (Attachment 1 #E2023/118262). (Lyon/Westheimer)

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## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.14     Bypassed Town Signage- Bangalow and Brunswick Heads**

**File No:** I2023/1379

- 23-543     Resolved** that Council:
1. Notes the Bypassed Town Signage Consultation report, January 2021 (Attachment 1 E2021/27467).
  2. Endorses the attached proposed Bangalow and Brunswick Heads Bypassed Town Signage Images (Attachment 2 E2023/112930).
  3. Notes that a separate report will be prepared for the Mullumbimby Bypassed Town Signage Image.
  4. Informs Transport for NSW of its decision. (Lyon/Westheimer)

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

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**Report No. 13.15**     **PLANNING - DA 10.2021.291.4 - Modification Demolition of the existing backpackers hostel and construction of Mixed Use development comprising Retail Premises and Serviced Apartments at 116 Jonson Street Byron Bay**  
**File No:**                I2023/1651

**23-544**     **Resolved** that pursuant to Section 4.55 of the Environmental Planning & Assessment Act 1979, that Application No. 10.2021.291.4, for Modification - Demolition of the existing backpackers hostel and construction of Mixed-Use development comprising Retail Premises and Serviced Apartments, be approved by modifying Development consent number 10.2021.291.2 as indicated at Attachment 2 of this Report.1.  
(Lyon/Westheimer)

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## STAFF REPORTS - INFRASTRUCTURE SERVICES

**Report No. 13.17**     **Part Road Reserve Closure and sale adjoining Lot 2 DP 1003768, 55 Coolamon Scenic Drive, Coorabell NSW**  
**File No:**                I2023/1468

**23-545**     **Resolved:**

1. That Council endorses the closure of part road reserve adjoining Lot 2 DP 1003768 as detailed in the report.
2. That Council accepts the valuation as per *Attachment 1 E2023/108893*, that has been agreed upon by the landowner.
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 227640 Lot 2 DP 1003768.
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/Westheimer)

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

23 November 2023

**Report No. 13.18**     **Part Road Reserve Closure and sale adjoining Lot 8 DP 840653, 865 Broken Head Road, Broken Head NSW**  
**File No:**                I2023/1479

### 23-546 Resolved:

1. That Council endorses the closure of part road reserve adjoining Lot 8 DP 840653 as detailed in the report.
2. That Council accepts the valuation as per *Attachment 1 E2023/112021*, 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 200460 Lot 8 DP 840653.
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/Westheimer)

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**Report No. 13.20**     **Part Road Reserve Closure and sale adjoining 198 & 200 Middle Rocket Rd being Lot 1 DP 1059516, and Lots 1 & 2 DP 1258568 and Lot 10 DP 717102.**  
**File No:**                I2023/1482

### 23-547 Resolved:

1. That Council endorses the closure of part road reserve adjoining Lot 1 DP 1059516, and Lots 1 & 2 DP 1258568 and Lot 10 DP 717102 as detailed in the report.
2. That Council accepts the valuation as per *Attachment 1 E2023/101401*, that has been agreed upon by the landowner.
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 239069 Lot 1 DP 1059516, Parcel No 270023 & 270024 Lot 1 & 2 DP 1258568, Parcel No 4300 Lot 10 DP 717102.
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/Westheimer)

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

23 November 2023

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**Report No. 13.23**      **Possible change of road name Hottentot Crescent,  
Mullumbimby**  
**File No:**                      I2023/1755

- 23-548**      **Resolved** that Council commences the name change process for Hottentot Crescent,  
Mullumbimby. (Lyon/Westheimer).

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### REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 14.1**      **Report of the Climate Change and Resource Recovery  
Advisory Committee Meeting held on 21 September 2023**  
**File No:**                      I2023/1460

- 23-549**      **Resolved** that Council notes the minutes of the Climate Change and Resource  
Recovery Advisory Committee Meeting held on 21 September 2023. (Lyon/Westheimer)

- 
- 23-550**      **Resolved** that Council adopts the following Management Recommendation:
- Report No. 4.1 Investigating Bangalow Heritage House as an eco-house demonstration  
site  
File No: I2023/1122
- Management Recommendation
- That Council notes the report. (Lyon/Westheimer).

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**Report No. 14.2**      **Report of the Coast and ICOLL Advisory Committee Meeting  
held on 15 August 2023**  
**File No:**                      I2023/1631

- 23-551**      **Resolved** that Council notes the minutes of the Coast and ICOLL Advisory Committee  
Meeting held on 15 August 2023. (Lyon/Westheimer)
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REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**Report No. 14.3      Report of the Local Traffic Committee Meeting held on 17 October 2023**

**File No:** I2023/1609

- 23-552      Resolved** that Council notes the minutes of the Local Traffic Committee Meeting held on 17 October 2023. (Lyon/Westheimer)

- 
- 23-553      Resolved** that Council adopts the following Committee Recommendation:

Report No. 6.1 Upgrade intersection works of Tweed Street and Bayside Way and LATM traffic control devices for New Roads within the Subdivision.  
File No: I2023/1461

Committee Recommendation 6.1.1

That the Local Traffic Committee defers the decision the signage, line markings and traffic control devices associated with the Bayside Way intersection works, and traffic calming signage and devices as shown in Attachment 1 (E2023/99209) to a later meeting. (Lyon/Westheimer)

- 
- 23-554      Resolved** that Council adopts the following Committee Recommendation:

Report No. 6.2 No Stopping zone at intersection of Old Bangalow Road and Bangalow Road, Byron Bay  
File No: I2023/1533

Committee Recommendation 6.2.1

That the Local Traffic Committee support the extension of the No Stopping restriction on the south side of Old Bangalow Road from The Roadhouse Café car park to the railway line. (Lyon/Westheimer).

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PROCEDURAL MOTION

- 23-555      Resolved** that Council changes the order of business to deal with Report 10.1 next on the Agenda. (Lyon)

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

*Cr Dey gave notice that he wished to lodge an urgency motion.*

### MAYORAL MINUTE

**No. 10.1**                      **Alleged anti-social behaviour and crime in South Golden Beach**  
**File No:**                      I2023/1856

**23-556**    **Resolved** that Council:

1. Notes residents' concerns about alleged anti-social behaviour and crime in South Golden Beach.
2. Requests and supports NSW Police to facilitate a public meeting with residents of South Golden Beach and other relevant stakeholders, including youth, to discuss their concerns and consider how to respond to the issues.
3. Investigates the cost and merits of the installation of CCTV and improved lighting at appropriate locations to assist in reducing crime and increasing community safety.
4. Discusses this issue at a Councillor workshop following the meeting including consideration of appropriate interventions which can be supported by Council for youth in the North of the Shire. (Lyon)

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

### NOTICES OF MOTION

**Notice of Motion No. 9.1 Water & sewer capacities and future needs**  
**File No:**                      I2023/1757

Moved that Council:

1. Places on the agenda of the next meeting of Council's Water and Sewer Advisory Committee, a discussion item about *water and sewer infrastructure that would be required to support housing supply in and around Mullumbimby and Brunswick Heads*, with that supply being Council's Housing Options as adopted in December 2023;
2. Places on the Agenda for a future Water and Sewer Advisory Committee meeting, a discussion item about *the health of the Brunswick River Estuary and its capacity to receive STP effluent above that already approved when the Brunswick Valley STP was approved two decades ago*; and
3. Includes with that item (i) reference to existing Estuary Management Plans, (ii) a description of what factors trigger an investigation of the Estuary's capacity to receive extra effluent, and (iii) a description of what factors (eg liquid loading, nutrients, pharmaceuticals, endocrine disruptors, other contaminants) would be considered in such an investigation. (Dey)

*Notice of Motion Item 9.2 fell away for want of a seconder.*



# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

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*Cr Lyon withdrew Notice of Motion Item 9.2 'Belongil Creek'.*

### PETITIONS

**Petition No. 11.1**      **Petition to extend the 2 hour parking limit at 124 to 128 Dalley St Mullumbimby and provide a disabled parking spot**  
**File No:**                      I2023/1645

**23-557 Resolved:**

1. That the Petition at Attachment 1 (E2023/110253) regarding extending the 2-hour parking limit on 124 Dalley Street to 128 Dalley Street and providing a disabled parking spot be noted.
2. That the petition be referred to the Director Infrastructure Services.
3. That Council investigates further disabled parking options adjacent to pharmacies and doctors' surgeries at identified locations in Mullumbimby and Brunswick Heads. (Balson/Lyon)

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

### DELEGATES' REPORTS

There were no delegates' reports.

### STAFF REPORTS - GENERAL MANAGER

**Report No. 13.2**      **Lease for treehouse artwork on Massinger Street Byron Bay**  
**File No:**                      I2023/1641

**23-558 Resolved:**

1. That Council does not offer a future lease in accordance with s153(1) of the Roads Act 1993 over the treehouse artwork on the public road reserve adjoining 77 Massinger Street Byron Bay.
2. That Council thanks the leaseholder for removing the structure from the road reserve and advises that no further structures should be erected there. (Dey/Balson)

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

**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 13.3      Meeting Schedule 2024 - Council Meetings, Committee Meetings, and Councillor Workshops**

**File No:** I2023/1073

**23-  
559**

**Resolved:**

1. That Council endorses the meeting frequency and cycle to generally follow the monthly pattern of:
  - 1st Thursday – Councillor Workshop & Planning Review Committee
  - 2nd Thursday - Planning Meeting
  - 3rd Tuesday – Committee meetings
  - 3rd Thursday - Committee meetings
  - 4th Thursday - Ordinary Meeting
  - 5th Thursday (where applicable) – Committee meetings or Councillor Workshop
2. That Council adopts the 2024 Meeting Schedule (Attachment 1, E2023/111478, as amended below) with Ordinary and Planning Council Meetings to be held on the following dates:

Date	Meeting
8-Feb-24	Planning
22-Feb-24	Ordinary
14-Mar-24	Planning
28-Mar-24	Ordinary
18-Apr-24	Planning & Ordinary
09-May-24	Planning
23-May-24	Ordinary
13-Jun-24	Planning
27-Jun-24	Ordinary
1-Aug-24	Planning
15-Aug-24	Ordinary
5-Sep-24	Planning & Ordinary
14-Sep-24	ELECTION
10-Oct-24	Extraordinary
24-Oct-24	Ordinary
14-Nov-24	Planning
28-Nov-24	Ordinary
5-Dec-24	Planning

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

23 November 2023

12-Dec-24	Ordinary
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3. That Ordinary Council Meetings commence at 9.00am, and Planning Council Meetings commence at 11.00am.
4. That Ordinary and Planning Council Meetings are held in the Council Chambers.  
(Westheimer/Lyon)

### PROCEDURAL MOTIONS

**23-560 Resolved** that Council moves into Committee to allow for free debate. (Lyon/Balson)  
*The motion was put to the vote and carried unanimously.*

**23-561 Resolved** that Council moves out of Committee and resumes the Ordinary Meeting. (Lyon)  
*The motion was put to the vote and carried unanimously.*

*The motion (Westheimer/Lyon) was put to the vote and carried unanimously*

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**Report No. 13.7 Council Resolutions Quarterly Review - Q1 - 1 July to 30 September 2023**  
**File No:** I2023/1666

**23-562 Resolved** that Council:

1. Notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2023/103371).
2. Notes the completed Resolutions in Attachment 2 (#E2023/103361) except for the following two Resolutions: 23-346, 23-393.
3. Transfers those two Resolutions to “active Resolutions” status, as some elements of each remain active. (Dey/Lyon)

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

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**Report No. 13.12 Recommendation for award of Tender for Event Management Services Soul Street New Year's Eve 2024-2026**  
**File No:** I2023/1774

**23-563 Resolved** that Council:

1. Awards the tender to Experience Rova PTY LTD at a total price of \$100,000 ex GST per annum as identified by the Evaluation Panel in the confidential Tender Evaluation Report (E2023/110723) at Attachment 1.
2. Publicises the decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2021. (Lyon/Balson)

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

23 November 2023

### PROCEDURAL MOTIONS

**23-564 Resolved** that Council move into Committee to allow for free debate. (Dey/Lyon)  
*The motion was put to the vote and carried unanimously.*

**23-565 Resolved** that Council move out of Committee and resume the Ordinary Meeting. (Lyon)  
*The motion was put to the vote and carried unanimously.*

*The motion (Item 13.12) was put to the vote and carried unanimously.*

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### STAFF REPORTS - INFRASTRUCTURE SERVICES

**Report No. 13.16 Part Road Reserve Closure and sale adjoining Lot 4 & 5 DP 246401, 154 & 156 Lighthouse Road, Byron Bay NSW**  
**File No:** I2023/1451

**23-566 Resolved** that Council defers the item regarding Part Road Reserve Closure and sale adjoining Lot 4 & 5 DP 246401, 154 & 156 Lighthouse Road, Byron Bay NSW until the 7 December Planning Meeting to enable a site inspection to take place. (Dey/Lyon)  
*The motion was put to the vote and carried unanimously.*

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**Report No. 13.19 Part Road Reserve Closure and sale adjoining Lot 7 DP 548466 and Lot 1 DP 44807, 89 Massinger Street, Byron Bay NSW**  
**File No:** I2023/1481

**23-567 Resolved:**

1. That Council endorses the closure of part road reserve adjoining Lot 7 DP 548466 & Lot 1 DP 44807 as detailed in the report.
2. That Council accepts the valuation as per *Attachment 1 E2023/108560*, that has been agreed upon by the landowner.
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 120610 Lot 7 DP 548466 and Parcel No 120620 Lot 1 DP 44807.
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.  
(Dey/Lyon)

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

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

23 November 2023

### Report No. 13.21 Selective Tender Assessment on Expression of Interest to Construct Sandhills Wetlands

File No: I2023/1622

#### PROCEDURAL MOTION

#### 23-568 Resolved:

1. That pursuant to Section 10A(2)(d)(i) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely, Selective Tender Assessment on Expression of Interest to Construct Sandhills Wetlands.
2. That the reasons for closing the meeting to the public to consider this item be that it may prejudice the commercial position of the person who supplied the information.
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential information could prejudice the commercial position of the person who supplied it.  
(Dey/Lyon)

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

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#### 23-569 Resolved that Council invites the following entities to tender for Contract 2023-1904 Sandhills Wetland Construction:

- Durack Civil
- Rugendyke & Bashforth
- Synergy Resource Management
- Winslow iLH Australia

(Pugh/Lyon)

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

#### PROCEDURAL MOTIONS

#### 23-570 Resolved that the meeting move out of confidential session. (Lyon)

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

#### 23-571 Resolved:

1. That pursuant to Section 10A(2)(d)(i) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely, Tender 2023-1897 EPAR04 Bridge Guardrail and Fences.
2. That the reasons for closing the meeting to the public to consider this item be that it may prejudice the commercial position of the person who supplied the information.
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential information could prejudice the commercial position of the person who supplied it.  
(Lyon)

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

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

23 November 2023

**Report No. 13.22**      **Tender 2023-1897 EPAR04 Bridge Guardrail and Fences**  
**File No:**                      I2023/1734

### 23-572 Resolved:

1. That Council awards Tender Contract 2023-1897 EPAR04 Bridge Guardrail and Fences to Road Safety Barriers Pty Ltd for the sum of \$316,592.32 (incl. GST) and grants the General Manager delegated authority to approve variations.
2. That Council authorises the Mayor and General Manager to affix the Council Seal to the relevant documents.
3. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2021. (Dey/Lyon)

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

### PROCEDURAL MOTION

### 23-573 Resolved that the meeting move out of confidential session. (Lyon)

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

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## STAFF REPORTS – CORPORATE AND COMMUNITY SERVICES

**No. 17.1**                      **Election of NSW Representatives to Australian Coastal Councils Association (ACCA) Committee**

**File No:**                      I2023/1832

Moved that the following two candidates be supported for election to the Australian Coastal Council Association's Committee of Management to represent NSW:

- a) DUNCAN DEY, Byron Shire Council
- b) NEIL REILLY, Kiama Municipal Council (Dey/Westheimer)

### 23-574 Resolved that the following two candidates be supported for election to the Australian Coastal Council Association's Committee of Management to represent NSW:

- a) DUNCAN DEY, Byron Shire Council
- b) SHARON CADWALLADER, Ballina Shire Council (Lyon/Hunter)

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

*Crs Dey and Westheimer voted against the amendment.*

*The amendment upon becoming the substantive motion was put to the vote and declared carried unanimously.*

**CONFIDENTIAL REPORTS - GENERAL MANAGER**

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

**File No:** I2023/1750

**23-575      Resolved:**

1. That pursuant to Section 10A(2)(a) of the Local Government Act, 1993, Council resolves to move into Confidential Session to discuss the report Annual Review of General Manager's Performance Agreement.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
  - a) personnel matters concerning particular individuals (other than councillors)
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

The report contains confidential information about performance (Lyon)

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

**23-576      Resolved:**

1. That Council notes the findings and endorses recommendations from the performance review panel with respect to the annual performance review for the General Manager contained in Attachment 1 (E2023/99864).
2. That Council defers the 2023/2024 Performance Agreement for the General Manager contained in document (E2023/114737) to December, to enable further consideration. (Dey/Lyon)

**PROCEDURAL MOTION**

**23-577      Resolved** that the meeting move out of confidential session. (Lyon)

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

*The motion (Dey/Lyon) was put to the vote and carried unanimously.*

**Matter of Urgency - Wallum slashing**

Moved that the matter regarding Wallum slashing be considered urgent and dealt with at the meeting. (Dey)

The Chairperson ruled the matter was not urgent.

*There being no further business the meeting concluded at 3:02PM.*

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

23 November 2023

I hereby certify that these are the true and correct Minutes of this Meeting  
as confirmed at Council's Ordinary Meeting on 14 December 2023.

.....  
Mayor Michael Lyon

DRAFT