

Minutes Ordinary Meeting

Thursday, 22 May 2025



DISCLAIMER

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



BYRON
SHIRE
COUNCIL

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
22 May 2025

INDEX OF ITEMS DISCUSSED

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

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 22 MAY 2025 COMMENCING AT 3:02PM AND CONCLUDING AT 7:33PM.

I2025/708

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)
Esmeralda Davis (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Matt Meir (Legal Counsel)
Heather Sills (Manager Corporate Services)
Clair McGarry (Place Manager – Byron Bay) – Item 13.1
Malcolm Robertson (Manager Open Spaces and Facilities) – Item 13.1
Rebecca Richardson (Consultant - Urbanista) – Item 13.14
Chris Larkin (Manager Sustainable Development) – Item 13.10
Cameron Thiessen (Planner) – Item 13.12
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
13.1	Byron Bay Foreshore Concept Plans	For	Rusty Miller	Surfers	In Person
			Anthony Pangallo	Byron Bay Masterplan Advisory Group	Read by Staff
		Against	Jan Barham	Self	By Phone

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Submissions

Subject	Name	Representing Organisation	Submission Received in form of
Rooster dumping, hatching program	Julie O'Shea	Who Gives a Cluck	In Person
Pre-purchase of burial plots in the Byron Bay shire	Michelle Kelly and Bianca Durand	Self	In Person
Byron Shire 60 day STRA cap enforcement	David Wallace	Victims of Holiday Letting (VOHL)	In Person
Planning delay from Investigation Area 6 boundary ambiguity	Rob Janson	ACMWare	In Person

Question No. 1 Support for affordable housing

Rob Janson, on behalf of ACMWare, asked the following question:

Will this Council re-exhibit the updated strategy (Residential Strategy) to allow planning to commence for the Mullumbimby Eco Village and allow affordable housing to start, to plan it out, to get it to happen as soon as possible?

The Mayor took the question on notice.

Question No. 2 Mullumbimby Road Works

Kirsty Nugent asked the following question:

Did the infrastructure department approach land owners on either side of the works on Mullumbimby road to ascertain interest for use of their land to construct a side road to facilitate road works and reduce detour requirements there by impacting the amenity of fewer residents?

The Director Infrastructure Services responded:

Staff considered several options to maintain traffic flow and minimise impacts to residents and the wider community during the proposed Mullumbimby Road Upgrade, including temporary road widening.

However, this option was deemed unfeasible due to its environmental, drainage, potential liability, cost, and time implications to the project.

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The meeting adjourned at 3.46pm for a recess break and reconvened at 4.13pm.

APOLOGIES

PROCEDURAL MOTION

- 25-184 Resolved** that the apology from Cr Pugh be accepted and a leave of absence granted.
(Ndiaye)

The motion was put to the vote and carried unanimously.

APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

There were no applications to attend by audio-visual link.

REQUESTS FOR LEAVE OF ABSENCE

PROCEDURAL MOTION

- 25-185 Resolved** that Cr Hauge be granted a leave of absence from the 30 June 2025 Council meeting.

(Ndiaye/Dods)

The motion was put to the vote and carried unanimously.

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

- 25-186 Resolved** that the minutes of the Ordinary Meeting held 24 April 2025 be confirmed.
(Ndiaye/Dods)

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. 13.1 Byron Bay Foreshore Concept Plans

Corporate and Community Services

Report No. 13.2 Grants May 2025

Report No. 13.3 Mayor and Councillor Remuneration 2025/26

Report No. 13.5 Meeting Schedule 2025 - Timing of Meetings

Report No. 13.7 Council Resolutions Quarterly Review - Q3 - 1 February 2025 to 31 March 2025

Report No. 13.8 Policies for Review

Report No. 13.9 Appointment of Councillor Representative to Mullumbimby Showground Land Manager

Report No. 13.10 2024/25 Loan Borrowings

Sustainable Environment and Economy

Report No. 13.12 PLANNING - 26.2021.4.1 - Planning Proposal for 268 Ewingsdale Road Byron Bay

Report No. 13.13 PLANNING - Submissions report - Amendments to Byron Shire DCP 2014 Chapter C2: Areas Affected by Flood

Report No. 13.14 Draft Affordable Housing Contribution Policy, Affordable Housing Contribution Scheme Procedure, Affordable Housing Planning Agreement Procedure and Affordable Housing Contribution Distribution Plan 2025

CONFIDENTIAL REPORTS

General Manager

Report No. 16.1 CONFIDENTIAL - Court proceedings over DA for 17-lot industrial subdivision - 288 Ewingsdale Road, Byron Bay

LATE REPORTS

Report No. 17.1 Call for nominations for appointment to the Cape Byron Marine Park Advisory Committee

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Swain and seconded by Cr Lyon. Each recommendation is recorded with a separate resolution number commencing at Resolution No. **25-187** and concluding with Resolution No. **25-197**.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.4 Budget Review - 1 January to 31 March 2025
File No: I2025/441

25-187 Resolved that Council:

1. Authorises the itemised budget variations as shown in Attachment 2 (#E2025/43407) which include the following results in the 31 March 2025 Quarterly Review of the 2024/2025 Budget:
 - a) General Fund – \$0 movement to the Estimated Unrestricted Cash Result
 - b) General Fund - \$1,093,000 decrease in reserves
 - c) Water Fund - \$495,000 increase in reserves
 - d) Sewerage Fund - \$948,200 increase in reserves
 2. Adopts the revised General Fund Estimated Unrestricted Cash Surplus of \$400,000 for the 2024/2025 financial year as at 31 March 2025. (Swain/Lyon)
-

Report No. 13.6 2024/25 Operational Plan Progress Report - Quarter 3 - March 2025
File No: I2025/468

25-188 Resolved that Council:

1. Notes the 2024/25 Operational Plan Quarter 3 Report for the period ending 31 March 2025 (Attachment 1 #E2025/41786).
 2. Adopts the proposed amendments to the Operational Plan 2024/25 outlined in Attachment 2 (#E2025/17650). (Swain/Lyon)
-

Report No. 13.11 Council Investments - 1 April 2025 to 30 April 2025
File No: I2025/695

25-189 Resolved that Council notes the report listing Council's investments and overall cash position as of 30 April 2025. (Swain/Lyon)

REPORTS OF COMMITTEES –CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 Report of the Arts Advisory Committee Meeting held on 17 April 2025
File No: I2025/552

25-190 Resolved that Council notes the minutes of the Arts Advisory Committee Meeting held on 17 April 2025. (Swain/Lyon)

25-191 Resolved:

Report No. 4.1 Resignation of Arts Advisory Committee Member
File No: I2025/340

Committee Recommendation 4.1.1

That:

1. Council accepts the resignation of Marisa Snow from the Arts Advisory Committee effective 13 March 2025 due to temporary employment with Byron Shire Council; and
2. Should the vacancy not be filled prior to the cessation of Marisa Snow's employment with Byron Shire Council, that upon the receipt of an acceptable nomination from Marisa Snow, Marisa Snow be reappointed to the Arts Advisory Committee without the requirement to:
 - a) Be re-endorsed by Council; and
 - b) Undertake a further induction process.

(Swain/Lyon)

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.2 Report of the Water and Sewer Advisory Committee Meeting held on 17 April 2025
File No: I2025/631

25-192 Resolved that Council notes the minutes of the Water and Sewer Advisory Committee Meeting held on 17 April 2025. (Swain/Lyon)

25-193 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.1 Integrated Planning and Reporting
File No: I2025/481

Committee Recommendation 4.1.1

That the Water and Sewer Advisory Committee:

1. Notes Council's Integrated Planning and Reporting Framework;
2. Notes Council's priorities as identified by Councillors for the 2025 – 2029 and Delivery Program. (Swain/Lyon)

25-194 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.2 Mullumbimby water supply strategy - High-level project plan
File No: I2025/395

Committee Recommendation 4.2.1

1. That the Water and Sewer Advisory Committee notes the proposed project design
2. That the Committee provides feedback to staff on how to improve the project design, in alignment with:
 - a) The aim of the project i.e. provide evidence-based recommendations for Council to decide on a long-term water supply strategy for Mullumbimby
 - b) The need to provide best-value to ratepayers via sustainable and efficient water services provision
3. That Council keeps the WSAC informed of subsequent changes to the project design, including between WSAC meetings.
4. That Council considers in the project the investigations previously sought by the WSAC, and recorded in its Minutes for the meeting of 19 July 2024. (Swain/Lyon)

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**Report No. 14.3 Report of the Transport and Infrastructure Advisory
Committee Meeting held on 17 April 2025**

File No: I2025/632

- 25-195 Resolved** that Council notes the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 17 April 2025. (Swain/Lyon)
-

**Report No. 14.4 Report of the Local Traffic Committee Meeting held on 6 May
2025**

File No: I2025/663

- 25-196 Resolved** that Council notes the minutes of the Local Traffic Committee Meeting held on 6 May 2025. (Swain/Lyon)

- 25-197 Resolved** that Council adopts the following Committee Recommendations:

Report No. 6.1 Byron Writers Festival 2025

File No: I2025/366

Committee Recommendation:

1. That the Local Traffic Committee supports the traffic management associated with the Writers Festival in Bangalow from the 8 August 2025 to 10 August 2025.
2. That the Local Traffic Committee supports the TCP to be approved for a two year period (2025/2026) subject to Council's assessment of smooth operation of the TMP for 2025 with little to no negative feedback.
3. That the Local Traffic Committee support is subject to:
 - a) separate approvals by NSW Police and TfNSW being obtained;
 - b) implementation of the 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;
 - c) 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;
 - d) the event be notified on Council's web page and social media with the event organiser supplying Council with the relevant information;
4. The event organiser to:
 - a) inform the community and businesses that are directly impacted (e.g. within road closure zones) via written information which is delivered to

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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.
(Swain/Lyon)

The motions (25-187 to 25-197) were put to the vote and carried unanimously.

PROCEDURAL MOTION

25-198 Resolved that Council change the order of business to deal with Reports 13.1, 13.14, 13.10, 13.12 and 13.13 next on the Agenda. (Ndiaye/Hauge)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 **Byron Bay Foreshore Concept Plans**
File No: I2025/621

25-199 **Resolved** that Council:

1. Adopts the Byron foreshore concept plan included in Attachment 1 (E2025/46396).
2. Continues to engage with key stakeholders, including the Byron Bay Surf Lifesaving Club and the Byron Masterplan Guidance Group, throughout the detailed design process of each component.
3. Awaits the outcome of the preferred modification option for the coastal protection structure as part of Stage 3 CMP preparation, before continuing community discussions and design workshops to develop a concept plan for the foreshore precinct parking.
4. Notes the proposed actions within the priority actions table, and:
 - a) Places the design for new Apex Park amenities on public exhibition for feedback and reports outcomes back to Council;
 - b) Prioritises the design of a new play space for Apex Park;
 - c) Endorses staff beginning succession and additional planting along the foreshore in areas that won't be impacted by future construction;
 - d) Endorses the design for kayak storage;
 - e) Shares the community's feedback related to the Beach Café relocation with Crown Lands and encourages further community consultation through the Crown's planning and approval process.
 - f) Notes preference to minimise aesthetic impact of pathways, considering provision of equal access for both current and future use, emergency beach access and surf club activities, and requests review of pedestrian movement across the site to better inform pathway detail design. (Dods/Ndiaye)

PROCEDURAL MOTION

25-200 **Resolved** that Cr Dods be granted a two minute extension to his speech. (Ndiaye/Lowe)

The motion was put to the vote and carried unanimously.

The motion (25-199) was put to the vote and carried unanimously.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.14 **Draft Affordable Housing Contribution Policy, Affordable Housing Contribution Scheme Procedure, Affordable Housing Planning Agreement Procedure and Affordable Housing Contribution Distribution Plan 2025**

File No: I2025/526

25-201 **Resolved** that Council:

1. Acknowledges continued high housing costs both for purchase and rental have increased the difficulties for low and moderate-income households to access housing they can afford in Byron Shire.
2. Notes the Council initiatives to help deliver affordable housing for our community including the collection of contributions from landowners when their land is upzoned.
3. Endorses the draft Affordable Housing Contribution Policy, Affordable Housing Contribution Scheme Procedure, Affordable Housing Planning Agreement Procedure and Affordable Housing Contribution Distribution Plan (Attachments 1-4 #E2025/47836, #E2025/47838, #E2025/47837, #E2025/47839) for public exhibition for a period of 6 weeks.
4. Notes that an expression of interest calling for accredited community housing providers to join our community housing provider register will run concurrent with the public exhibition period in item 3.
5. Receives a report on the outcomes of items 3 and 4 following the public exhibition and expression of interest period. (Lyon/Ndiaye)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.10 2024/25 Loan Borrowings
File No: I2025/646

25-202 Resolved that:

1. Pursuant to Section 10A(2)(d)i of the Local Government Act, 1993, Council resolves to move into Confidential Session to discuss the report 2024/25 Loan Borrowings.
2. The reasons for closing the meeting to the public to consider this item be that the report contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
3. On balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as the discussion may involve the proposed sale of council land. (Lyon/Dods)

The motion was put to the vote and carried unanimously.

25-203 Resolved that Council:

1. Authorises the borrowing of \$3,500,000 in new loan borrowings for the 2024/25 financial year for the purposes of roundabout construction at Lot 12 Bayshore Drive Byron Bay;
2. Delegates to the General Manager to accept a loan finance offer based on terms most favourable to Council on the basis of a three year interest only loan maturing no later than 30 June 2028;
3. Authorises the affixing of the Council Seal to all documents that may require it if applicable;
4. Allocates \$5,145,000 from the Sewerage Capital Works Reserve to fund the full repayment of Loan No 59 that occurred on 4 December 2024 in lieu of refinancing as per Resolution 24-523, for reasons outlined in the report; and
5. Closes Resolution 24-523 regarding the refinance of Sewerage Loan No 59. (Lyon/Ndiaye)

PROCEDURAL MOTIONS

25-204 Resolved that Cr Lyon be granted a one minute extension to his speech. (Ndiaye)

The motion was put to the vote and carried unanimously.

25-205 Resolved that the meeting move out of confidential session. (Hauge/Lyon)

The motion was put to the vote and carried unanimously.

The motion (25-203) was put to the vote and carried unanimously.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.12 PLANNING - 26.2021.4.1 - Planning Proposal for 268
Ewingsdale Road Byron Bay
File No: I2025/388**

25-206 Resolved that Council:

1. Proceeds with the Planning Proposal (Attachment 1 #E2025/32579) to amend Byron LEP 2014 to rezone the subject land from RU2 Rural Landscape to E4 General Industrial, C2 Environmental Conservation and C3 Environmental Management, and apply other relevant planning controls;
2. Accepts the applicant's letter of offer to enter into a Planning Agreement (Attachment 11 #E2025/42998) with Council as part of this Planning Proposal;
3. Requires that a draft Planning Agreement be prepared in accordance with the letter of offer and exhibited concurrently with the Planning Proposal;
4. Prior to requesting a Gateway determination, requires confirmation from Bundjalung of Byron Bay Aboriginal Corporation "BOBBAC" (previously Arakwal Corporation) that it supports the rezoning of land over which it holds Native Title and requires the proponent submit documentation to confirm status of the negotiations relating to the purchase of Lot 7022 from Crown Lands;
5. Pending submission of documentation in item 4, finalises and forwards the Planning Proposal and supporting documentation, to the NSW Department of Planning, Housing and Infrastructure for the purpose of obtaining a Gateway determination;
6. Pending a positive Gateway determination and completion of further supporting information, undertakes public exhibition of the planning proposal in accordance with the determination requirements;
7. Notes that legal drafting of the draft Planning Agreement will be prepared and exhibited alongside the Planning Proposal; and
8. Considers a Submissions Report post-exhibition that includes any recommended changes to the Planning Proposal for final adoption. (Dods/Lowe)

The motion was put to the vote and declared carried.

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

Cr Lowe voted against the motion.

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Report No. 13.13 PLANNING - Submissions report - Amendments to Byron Shire DCP 2014 Chapter C2: Areas Affected by Flood

File No: I2025/456

25-207 Resolved that Council:

1. Adopts the amended DCP 2014 Chapter 2: Areas Affected by Flood as contained in Attachment 1 (E2025/38635);
2. Amends the DCP Part A to reflect updated flood-related terminology consistent with DCP 2014 Chapter 2: Areas Affected by Flood; and
3. Publishes the adopted Chapter C2 on its website as required by the Environmental Planning and Assessment Act and Regulation. (Hauge/Ndiaye)

The motion was put to the vote and declared carried.

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

Nil voted against the motion.

NOTICES OF MOTION

Notice of Motion No. 9.1 Mayor's Discretionary Allowance

File No: I2025/627

25-208 Resolved that Council:

1. Notes the following donation from the Mayor's Discretionary Allowance 2024/2025:
 - a) Mullumbimby and District Neighbourhood Centre - \$1,500
2. Advertises the donation in accordance with Section 356 of the Local Government Act 1993. (Ndiaye/Hauge)

The motion was put to the vote and carried unanimously.

MAYORAL MINUTE

No Mayoral Minute was presented.

PETITIONS

No Petitions were tabled at the meeting.

DELEGATES' REPORTS

Cr Dods provided a Delegates Report on his attendance at the World Volunteers morning tea.

Cr Ndiaye provided a Delegates Report on her attendance at the Rous meeting.

Cr Ndiaye provided a Delegates Report on her attendance, with Cr Dods, with staff from Minister Graham's office in relation to the Special Entertainment Precinct and the Nighttime Economies.

Cr Ndiaye provided a Delegates Report on her meeting with staff from AirBNB on the 60 day STRA cap.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.2 **Grants May 2025**
File No: I2025/141

- 25-209** **Resolved** that Council notes the Grant Submissions Report for the month of April 2025 (Attachment 1 #E2025/44539). (Ndiaye/Dods)
- The motion was put to the vote and carried unanimously.*

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Report No. 13.3 **Mayor and Councillor Remuneration 2025/26**
File No: I2025/404

Moved that Council:

1. Fixes the fee payable to each Councillor under section 248 of the *Local Government Act 1993* for the period 1 July 2025 to 30 June 2026 at \$27,860;
2. Fixes the fee payable to the Mayor under section 249 of the *Local Government Act 1993*, for the period from 1 July 2025 to 30 June 2026 at \$68,800;
3. Determines a fee payable to the deputy mayor of \$10,000; and
4. Reconsiders the fee payable to the Deputy Mayor at the time of the Deputy Mayoral election in September 2025. (Lyon/Warth)

PROCEDURAL MOTION

25-210 **Resolved** that Cr Ndiaye be granted a one minute extension to her speech. (Ndiaye/Lowe)

The motion was put to the vote and carried unanimously.

The motion (Lyon/Warth) was put to the vote and declared lost.

Cr Lyon voted in favour of the motion.

Crs Ndiaye, Dods, Swain, Warth, Kay, Hauge and Lowe voted against the motion.

FORESHADOWED MOTION

25-211 **Resolved** that Council:

1. Fixes the fee payable to each Councillor under section 248 of the *Local Government Act 1993* for the period 1 July 2025 to 30 June 2026 at \$27,860;
2. Fixes the fee payable to the Mayor under section 249 of the *Local Government Act 1993*, for the period from 1 July 2025 to 30 June 2026 at \$68,800;
3. Does not determine a fee payable to the Deputy Mayor, in accordance with current practice.
4. Continues to lobby for a separate category for payment to the Deputy Mayor role. (Ndiaye/Dods)

The motion was put to the vote and carried unanimously.

The meeting adjourned at 6.20pm for a dinner break and reconvened at 7.07pm.

Cr Hauge left the Chambers at 6.20pm and did not return.

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Report No. 13.5
File No:

Meeting Schedule 2025 - Timing of Meetings
I2025/643

25-212 Resolved that:

1. Council Planning and Ordinary Meetings be scheduled to commence at 3pm for the remainder of 2025.
2. In the preparation of the 2026 schedule, consideration be given to a three weekly meeting frequency. (Ndiaye/Swain)

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

Report No. 13.7
File No:

Council Resolutions Quarterly Review - Q3 - 1 February 2025 to 31 March 2025
I2025/469

25-213 Resolved that Council:

1. Notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2025/34607).
2. Notes the completed Council Resolutions in Attachment 2 (#E2025/35477). (Ndiaye/Dods)

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

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Report No. 13.8 **Policies for Review**
File No: I2025/628

25-214 Resolved that Council:

1. Repeals the Commercial and Other Activities on Public Land and Roads Policy.
2. Places the Communications and Social Media Policy (E2024/92716) on public exhibition for a period of 28 days, and that:
 - a) Should submissions be received, the Policy be reported back to Council to consider submissions prior to adoption of the Policy.
 - b) Should no submissions be received the Policy be adopted
3. Adopts the Child Safe Policy (E2025/48027).
4. Discusses options for developing a culturally appropriate cemeteries policy at an upcoming councillor workshop.
5. That the next Policy Review Report in August 2025 include a status update on the currency of all adopted Policies. (Lowe/Ndiaye)

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

Report No. 13.9 **Appointment of Councillor Representative to Mullumbimby Showground Land Manager**
File No: I2025/641

25-215 Resolved that Council:

1. Notes Cr Swain has resigned as Council's representative on the Mullumbimby Showground Land Manager.
2. Appoints Cr Lyon to replace Cr Swain to represent Council on the Mullumbimby Showground Land Manager. (Swain/Lyon)

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

PROCEDURAL MOTION

25-216 Resolved that Council change the order of business to deal with Report 17.1 next on the Agenda. (Ndiaye/Dods)

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

LATE REPORTS

Report No. 17.1 **Call for nominations for appointment to the Cape Byron Marine Park Advisory Committee**

File No: I2025/722

25-217 **Resolved** that Council nominates Cr Warth to represent Council on the Cape Byron Marine Park Advisory Committee. (Warth/Ndiaye)

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

CONFIDENTIAL REPORTS - GENERAL MANAGER

Report No. 16.1 **CONFIDENTIAL - Court proceedings over DA for 17-lot industrial subdivision - 288 Ewingsdale Road, Byron Bay**

File No: I2025/626

25-218 **Resolved** that:

1. Pursuant to Section 10A(2)(g) of the Local Government Act, 1993, Council resolves to move into Confidential Session to discuss the report Court proceedings over DA for 17-lot industrial subdivision - 288 Ewingsdale Road, Byron Bay.
2. The reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
3. 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 discusses a confidential and without prejudice conciliation conference as part of ongoing Land and Environment Court proceedings. (Ndiaye/Dods)

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

25-219 **Resolved** that the General Manager is delegated the authority to enter a Conciliation Agreement to resolve the Land and Environment Court proceedings of Hannas Contracting Services Pty Ltd vs Byron Shire Council on terms consistent with this report. (Dods/Ndiaye)

The motion was put to the vote and carried unanimously.

PROCEDURAL MOTION

25-220 **Resolved** that the meeting move out of confidential session. (Ndiaye/Lowe)

The motion was put to the vote and carried unanimously.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

22 May 2025

There being no further business the meeting concluded at 7.33pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 12 June 2025.

.....
Mayor Sarah Ndiaye

DRAFT