

Minutes Ordinary Meeting

Thursday, 12 June 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
12 June 2025

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ORDINARY MEETING MINUTES

12 June 2025

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 12 JUNE 2025 COMMENCING AT 9:01AM AND CONCLUDING AT 6:29PM.

I/2025/859

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)
Chris Soulsby (Manager Assets and Major Projects)
Samuel Frumpui (Manager Works)
Sarah Nagel (Manager Public and Environmental Services)
Heather Sills (Manager Corporate Services)
Storm Townsend and Sarah McCabe (Minute Takers)

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

PUBLIC ACCESS

Prior to dealing with the circulated reports and associated information, a Public Access Session was held and Council was addressed on the following:

Public Access

Report No and Title		For/ Against	Name	Representing Organisation	Submission Received in form of
9.1	Saddle Road and Mullumbimby Road Works	For	Matthew O'Reilly	Self	In Person
9.2	Protection of the Environment	For	Mary Fox	Organic Landcare Incorp	In Person
9.4	Key Worker Housing at the Rear of the Byron CoLab Building (Former Byron Hospital)	For	Ray Arthur	Self	In Person

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Report No and Title		For/ Against	Name	Representing Organisation	Submission Received in form of
9.5	Unauthorised Camping in Brunswick Heads	Against	Genevieve Lee	One Roof Byron Inc- Homelessness Charity	In Person
			Chels Hood Withey	House You	In Person
9.8	Investigation of Traffic Calming Measures at Sporting Fields Shire- wide	For	Kate Walsh	Self	Read by Staff
9.10	Mullumbimby Tennis Courts Licence	For	Damian Kassabgi	North East Tennis (NET) Community	In Person
		Against	Hugh Morgan	Self	In Person

PROCEDURAL MOTION

25-221 Resolved that Public Access be extended for one hour. (Ndiaye/Hauge)

The motion was put to the vote and carried unanimously.

The meeting adjourned at 10.13am for a recess break and reconvened at 10.22am.

Report No and Title		For/ Against	Name	Representing Organisation	Submission Received in form of
12.8	Special Entertainment Precinct Planning Meeting with Minister Graham's Office	Against	Meddles Bekirofski	Self	In Person
13.1	Licencing for 18 Fletcher Street, Byron Bay (Fletcher St Cottage)	For	Louise O'Connell & Bruce Clarke	Byron Community Centre	In Person
13.6	Review of Council's Codes of Conduct	Against	Jan Barham	Self	Read by Staff

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Report No and Title		For/ Against	Name	Representing Organisation	Submission Received in form of
13.9	PLANNING - DA10.2024.168.1 - Additions to an Existing Multiple Occupancy approved under DA10.2022.181.1 consisting of 4 additional dwelling sites and Community Title Subdivision in two stages of 9 lots and 4 lots at 510 Goonengerry Rd Montecollum	For	Luke Houghton	Balanced Systems Planning Consultants	In Person

Cr Dods left the chambers at 10.42am in accordance with his Declaration of Interest.

Report No and Title		For/ Against	Name	Representing Organisation	Submission Received in form of
13.11	Planning Agreement - 53 McAuleys Lane Development Application 10.2023.454.1	For	Matthew O'Reilly	Self	In Person
			Dwayne Roberts	Ardill Payne and Partners	In Person
			John Callanan	Self	Read by Staff
		Against	Sharon McGrath	Self	In Person
			Richard Kowalski	Self	In Person

Cr Dods returned to the Chambers at 11.13am.

Report No and Title		For/ Against	Name	Representing Organisation	Submission Received in form of
13.16	Heritage buildings in Mullumbimby	For	Susan Essie Tsicalas	Brunswick Valley Historical Society Inc	In Person

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Report No and Title		For/ Against	Name	Representing Organisation	Submission Received in form of
13.17	PLANNING - 10.2024.155.1 Alterations and additions to existing multi-dwelling housing development comprising the construction of six (6) x one (1) bedroom dwellings, the construction of two (2) x two (2) bedroom dwellings, and the construction of additional car parking, resulting in a total of twenty (20) dwellings, at 1 Kendall Street, Byron Bay	For	Kate Singleton	Planners North	In Person

Cr Dods left the chambers at 11.19am in accordance with his Declaration of Interest.

Report No and Title		For/ Against	Name	Representing Organisation	Submission Received in form of
14.4	Report of the Local Traffic Committee Meeting held on 3 June 2025	Against	Sharon McGrath	Self	In Person

Cr Dods returned to the Chambers at 11.28am.

Submissions

Subject	Name	Representing Organisation	Submission Received in form of
A request for moratorium on any further development in Bayside Brunswick heads given the destructive effects of existing storm water drain and further pollution into the Simpson Creek due to lack of funding to upgrade system to meet functional engineering standards	Annie Radermacher	Bayside Brunswick Heads Residents	In Person

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Question No. 1 Bayside Brunswick Heads Moratorium

Annie Radermacher asked the following question:

Can a moratorium on any further development in Bayside Brunswick heads given the destructive effects of existing storm water drain and further pollution into the Simpson Creek due to lack of funding to upgrade system to meet functional engineering standards?

The Mayor took the question on notice.

Submissions continued

Subject	Name	Representing Organisation	Submission Received in form of
The importance of a culture of transparency and honesty in the age of AI	Rob Janson	Self	In Person

Cr Dods left the chambers at 11.32am in accordance with his Declaration of Interest.

Subject	Name	Representing Organisation	Submission Received in form of
Compulsory Acquisition	Jennifer MacLean	Self	In Person

Cr Dods returned to the chambers at 11.38am.

Subject	Name	Representing Organisation	Submission Received in form of
Suffolk Park Beachfront Caravan Park	Richard Dean	Self	In Person

Question No. 2 Suffolk Park Beachfront Caravan Park

Richard Dean asked the following question:

Why are decisions made by Council that directly affect residents of Suffolk Park Beachfront Holiday Park without any required consultation?

The General Manager took the question on notice.

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Question No. 4 Wildlife Corridors on Council land

Jan Barham asked the following question (as read by staff):

On the 24th April, I asked a question about the Wildlife Corridor mapping not being identified on councils land. The Directors response was that public land needs to be treated differently because additional legislation applies to public land that does not apply to private land and advises that more detail was in the December 2023 report.

My question was because that report hadn't provided the legislative detail and that's why I requested explanation.

So could the legislation detail please be provided so I'm able to understand why this is the case? If references are given, I will look it up.

The Mayor took the question on notice.

The meeting adjourned at 11.43am for a recess break and reconvened at 12.04pm.

APOLOGIES

There were no apologies.

APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

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

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Dods declared a non-pecuniary interest in Report 13.10. The nature of the interest being that Cr Dods declared a significant non-pecuniary interest in DA 10.2024.239 for a Gym at 38 Tweed St Brunswick Heads. A modification to this DA (10.2024.239.3) came before the May 1 2025 Planning Review Committee, for which Cr Dods declared the same interest. Cr Dods is declaring the interest again as this item relates to the adoption of the minutes from that meeting. Cr Dods elected to leave the Chamber and will not participate in discussion and the vote.

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Cr Hauge declared a non-pecuniary interest in Report 13.10. The nature of the interest being that she was engaged as a consultant in her previous employment on 38 Tweed Street. Cr Hauge elected to leave the Chamber and will not participate in discussion and the vote.

Cr Warth declared a pecuniary interest in Report 13.10. The nature of the interest being that he received campaign funding from the part owner. Cr Warth elected to leave the Chamber and will not participate in discussion and the vote.

Cr Lyon declared a pecuniary interest in Report 13.10. The nature of the interest being that one of his election donors is an associate of the developer. Cr Lyon elected to leave the Chamber and will not participate in discussion and the vote.

Cr Dods declared a pecuniary interest in Report 13.11. The nature of the interest being that a relative of Cr Dods, as defined by the Code of Conduct, is a part-owner of the development relating to this Voluntary Planning Agreement. As this VPA relates directly to the recommended approval of the DA (to be determined by the NRPP on June 18), Cr Dods considers the item to be Pecuniary. Cr Dods was also engaged in his personal professional capacity as a design consultant during the DA preparation for this application. Cr Dods elected to leave in the Chamber and will not participate in discussion and the vote.

Cr Dods declared a non-pecuniary interest in Report 13.12. 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 professionally engaged during the DA preparation for this application. Cr Dods considers the interest in this particular item to be significant but non-pecuniary 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. e) The report notes the DA is finally due for determination by the NRPP on June 18, making it a significant interest. f) A relative of Cr Dods, as defined by the Code of Conduct, is a part-owner of the land in question; and g) The matter is non-pecuniary, as there will be no financial gain or loss to the relative regardless of whether this report is noted not. Cr Dods elected to leave the Chamber and will not participate in discussion and the vote.

Cr Dods declared a non-pecuniary interest in Report 13.17. The nature of the interest being that Cr Dods has a past, minor business relationship with Planners North (PN), who is 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.

Cr Dods declared a non-pecuniary interest in Report 14.4. The nature of the interest being that Cr Dods declared a non-pecuniary interest in item 6.5 of the Local Traffic Committee held on June 3, and recused himself from the meeting for that item. The item related to the intersection of Saddle Rd and Mullumbimby Rd, and partially related to the intersection with McAuleys Ln, which is impacted by DA10.2023.454.1, on which Cr Dods was engaged in a private capacity as a design consultant. Cr Dods is declaring the interest again as this item relates to the adoption of the minutes from that LTC meeting. Cr Dods elected to leave the Chamber and will not participate in discussion and the vote.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

25-222 Resolved that the minutes of the following meetings be confirmed:

- Ordinary Planning Meeting held 8 May 2025; and
- Ordinary Meeting held 22 May 2025

(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 Licencing for 18 Fletcher Street, Byron Bay (Fletcher St Cottage)

Corporate and Community Services

Report No. 13.7 Tweed Street Pod Village - future use options

Sustainable Environment and Economy

Report No. 13.11 Planning Agreement - 53 McAuleys Lane Development Application 10.2023.454.1

Report No. 13.14 2023-24 Annual Inventory of Council's Greenhouse Gas Emissions

Report No. 13.15 Byron Bay Urban Design Housing Density Study

Report No. 13.16 Heritage buildings in Mullumbimby

Report No. 13.17 PLANNING - 10.2024.155.1 Alterations and additions to existing multi-dwelling housing development comprising the construction of six (6) x one (1) bedroom dwellings, the construction of two (2) x two (2) bedroom dwellings, and the construction of additional car parking, resulting in a total of twenty (20) dwellings, at 1 Kendall Street, Byron Bay

Infrastructure Services

Report No. 13.20 Mullumbimby Pool Heating Tender

Report No. 13.21 Potential renaming of Gilmore Crescent to Tennyson Street, Byron Bay

REPORTS OF COMMITTEES

Corporate and Community Services

Report No. 14.1 Report of the Finance Advisory Committee Meeting held on 15 May 2025

Sustainable Environment and Economy

Report No. 14.3 Report of the Biodiversity and Agriculture Advisory Committee Meeting held on 13 May 2025

Infrastructure Services

Report No. 14.4 Report of the Local Traffic Committee Meeting held on 3 June 2025

6.1 Intersection upgrade at 189 Federal Drive

6.2 Tallwood Stage 9 - RFS requirements for No Stopping on non perimeter roads

6.3 South Beach Road Upgrade - Signs & Lines

6.4 Parking changes in Fawcett Street, Brunswick Heads

6.5 Mullumbimby Road Upgrade - The Saddle Road Intersection

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- 7.1 Technical advice regarding proposed upgrade works on Shelly Drive and road safety issues at the access point of 103 Paterson Street, Byron Bay
- 8.1 GM Delegations - Works Carried Out

CONFIDENTIAL REPORTS

Infrastructure Services

Report No. 16.2 CONFIDENTIAL - Tender Report - Byron Drainage Upgrade Town Centre Construction

Crs Dods, Hauge, Lyon and Warth left the chambers at 12.13pm in accordance with their Declarations of Interest.

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Kay and seconded by Cr Swain. Each recommendation is recorded with a separate resolution number commencing at Resolution No. **25-223** and concluding with Resolution No. **25-239**.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.2 Council Investments - 1 May 2025 to 31 May 2025
File No: I2025/840

25-223 Resolved that Council notes the report listing Council's investments and overall cash position as of 31 May 2025. (Kay/Swain)

Report No. 13.3 Grants June 2025
File No: I2025/142

25-224 Resolved that Council notes the Grant Submissions Report for the month of May 2025 (Attachment 1 #E2025/51462). (Kay/Swain)

Report No. 13.4 Section 355 Guidelines Update
File No: I2025/530

25-225 Resolved that Council endorses the updated Section 355 Guidelines at Attachment 1 (E2025/53773). (Kay/Swain)

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Report No. 13.5 Adoption of a Code of Meeting Practice
File No: I2025/710

25-226 Resolved that Council:

1. Notes that the Code of Meeting Practice (#E2025/52682) incorporates both the mandatory and non-mandatory provisions of the prescribed Model Code of Meeting Practice for Local Councils in NSW.
 2. Places the Code of Meeting Practice on public exhibition for a period of 28 days and invites submissions for a period of 42 days (those periods running partly concurrently) and that:
 - a) Should no submissions be received, the Code of Meeting Practice be adopted, or
 - b) Should any submissions be received, those submissions be reported to Council prior to adoption. (Kay/Swain)
-

Report No. 13.6 Review of Council's Codes of Conduct
File No: I2025/711

25-227 Resolved that Council, having reviewed its Codes of Conduct included at Attachment 1 (#E2025/54378), Attachment 3 (#E2025/54382) and Attachment 4 (#E2025/54384) and the related Procedures for the Administration of the Code of Conduct included at Attachment 2 (#E2025/54380), adopts these Codes and Procedures with no adjustments. (Kay/Swain)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.8 Update Resolution 24-235 Byron LGA Conservation Trust
File No: I2025/525

25-228 Resolved that Council:

1. Notes the staff comments regarding Resolution 24-235 and decides not to pursue the formation of a corporation or entity under Section 358 of the Local Government Act for a Byron LGA Conservation Trust.
2. Supports the investigation of other established conservation trust models from NSW and other states for a Byron LGA Conservation Trust.
3. Refers the investigation in point 2 to the Biodiversity and Agricultural Advisory Committee. The Committee will consider forming a working group (with relevant key stakeholders) to progress this investigation, identify the best and most practical option, and decide whether to pursue a Byron LGA Conservation Trust.

(Kay/Swain)

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Report No. 13.9 **PLANNING - DA10.2024.168.1 - Additions to an Existing Multiple Occupancy approved under DA10.2022.181.1 consisting of 4 additional dwelling sites and Community Title Subdivision in two stages of 9 lots and 4 lots at 510 Goonengerry Rd Montecollum**

File No: I2025/495

- 25-229** **Resolved** pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2024.168.1 for an expanded Multiple Occupancy comprising 13 dwelling sites and subsequent Community Title Subdivision in two stages comprising 9 residential lots and 4 residential lots and associated works be approved subject to the Conditions in Attachment 1 E2025/42244. (Kay/Swain)

Report No. 13.10 **PLANNING - Report of the Planning Review Committee held 1 May 2025**

File No: I2025/642

- 25-230** **Resolved** that Council endorses the outcomes of the Planning Review Committee meeting held on 1 May 2025. (Kay/Swain)

Report No. 13.12 **Status report on Development Applications (DAs) with bodies like the Northern Regional Planning Panel (NRPP)**

File No: I2025/671

- 25-231** **Resolved** that Council notes the status report on Development Applications (DAs) with bodies like the Northern Regional Planning Panel (NRPP). (Kay/Swain)

Report No. 13.13 **Amendment to DCP Chapter E10 Byron Bay Town Centre to clarify use and interpretation of controls in relation to car share spaces**

File No: I2025/681

- 25-232** **Resolved** that Council:
1. Proceeds with the public exhibition of the Byron Development Control Plan 2014 amendments to Chapter E10 Byron Bay Town Centre to include the proposed new measures for car share schemes detailed in the report;
 2. Receives a further report on the amendments that receive submissions following the public exhibition period; and
 3. Notes that should there be no submissions received (to certain or any amendments), that the amendment to the DCP be adopted as of the close of the statutory public exhibition period date and notified accordingly. (Kay/Swain)

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Report No. 13.18 PLANNING - Determination of certain s4.55 Applications during the Council recess

File No: I2025/762

25-233 Resolved that Council:

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

Report No. 13.19 NSW Housing Delivery Authority - State Significant Development Declarations

File No: I2025/839

25-234 Resolved that Council:

1. Notes the status report on State Significant Development declarations made by the Minister for Planning and Open Spaces in response to the Housing Delivery Authority recommendation; and
2. Notes that further updates on 1 will be provided as required. (Kay/Swain)

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.2 Report of the Audit, Risk and Improvement Committee Meeting held on 13 May 2025

File No: I2025/828

25-235 Resolved that Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 13 May 2025. (Kay/Swain)

25-236 Resolved that Council adopts the following Committee Recommendation:

Report No. 5.1 2024-2025 External Audit Engagement Plan

File No: I2025/270

Committee Recommendation 5.1.1

That Council notes the External Audit Engagement Plan prepared by the Audit Office of New South Wales for the year ended 30 June 2025 as outlined in Confidential Attachment 1 (#E2025/23957). (Kay/Swain)

25-237 Resolved that Council adopts the following Committee Recommendation:

**Report No. 5.2 Internal Audit Report Q3 2024-2025 & Draft Section 10.7
Certificate Internal Audit Report**

File No: I2025/546

Committee Recommendation 5.2.1

That Council:

1. Notes the Internal Audit Status Report – May 2025 and the Internal Audit Recommendations Report for Quarter 3 2024-2025.
2. Endorses the recommendations from the Executive Team to close off 8 internal audit recommendations from Q3, as listed in Table 1 of this report.
3. Endorses the modified recommendations and agreed management actions made in the draft Section 10.7 Certificates internal audit report noting the findings for recommendation 2 is low risk and management is accepting that risk.
4. Notes the Committee requested Internal Auditors include Management comments in the body of the draft Internal Audit Reports, including evaluation of the level of risk.
5. Notes the Committee requested future reports be separated for ease of reference:
 - a) Quarterly Report – Status of Internal Audit Recommendations; and
 - b) Internal Audit Report. (Kay/Swain)

25-238 Resolved that Council adopts the following Committee Recommendation:

Report No. 5.3 Internal Audit Plans

File No: I2025/545

Committee Recommendation 5.3.1

That Council:

1. Endorses the revised Internal Audit Plans for 2024/25 and 2025/26; and
2. Endorses the revised 4-year Internal Audit Plan for 2024 - 2028. (Kay/Swain)

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.1 **CONFIDENTIAL - Negotiations to dispose of and acquire land interests for EPAR Works for AGRN1012 2022 NSW Severe Weather and Flooding Event**
File No: I2025/339

- 25-239** **Resolved** that Council resolves to acquire and dispose of interests in land, and authorise the opening and closing of roads, within the parameters detailed in the summary section of Confidential Report (I2025/339). (Kay/Swain)

*The motions (**Res 25-223 to 25-239**) were put to the vote and carried unanimously. Crs Ndiaye, Pugh, Swain, Kay and Lowe voted in favour of the motions. Nil voted against the motions. Crs Dods, Lyon, Hauge and Warth were not present for the vote.*

Crs Dods, Hauge, Lyon and Warth returned to the chambers at 12.14pm.

PROCEDURAL MOTION

- 25-240** **Resolved** that Council change the order of business to deal with Reports 9.1, 9.2, 9.4, 9.5, 9.8, 9.10, 13.1, 13.11, 13.16 and 13.17 next on the Agenda. (Ndiaye/Dods)
The motion was put to the vote and carried unanimously.

NOTICES OF MOTION

Notice of Motion No. 9.1 Saddle Road and Mullumbimby Road Works
File No: I2025/669

- 25-241** **Resolved** that Council:
1. Investigates measures for reducing or removing through traffic along the Saddle Road following completion of the Mullumbimby Road works, including consideration of the Saddle Road's role in emergencies and evacuation;
 2. Prioritises repurposing Saddle Road as a pedestrian and bicycle pathway as part of future planning for the development of the 'Saddle Road Precinct', including Gulgan Village, as Council's preferred long-term use for the existing corridor; and
 3. Conducts thorough consultation, including a survey of land owners along the Saddle Road, about their preferred option. (Ndiaye/Dods)
- The motion was put to the vote and carried unanimously.*

Notice of Motion No. 9.2 Protection of the Environment

File No: I2025/660

25-242 Resolved that Council:

1. Acknowledges the Community Strategic Plan (CSP) under Community Objective 3: *Nurtured Environment*, which commits to 'nurturing and enhancing our natural environment,' as well as the Biodiversity Conservation Strategy (BCS), and continues to ensure whole-of-Council support for these essential commitments.
2. Ensures Council's works programs and procedures are aligned with the CSP and BCS by prioritising the protection of identified High Conservation Value (HCV) areas, including Endangered Ecological Communities (EEC), significant vegetation, habitats, and wildlife corridors, and by clarifying the importance of these environmental features when Council is undertaking works.
3. Operates with procedures that minimise or mitigate environmental impacts of capital, emergency, and maintenance works.
4. Where there are unavoidable impacts on biodiversity and the NSW Government Biodiversity Offsets Scheme is proposed to be used this will require a report to Council for endorsement.
5. Develops a Compensatory Planting policy for when there are unavoidable impacts on biodiversity and refer to Biodiversity Committee to receive advice on draft policy and then report to Council.
6. Receives a presentation from staff at a Councillor workshop on the current processes for approval of Council's works. The presentation is to cover:
 - a) Council's Project Delivery Procedure 2022
 - b) Approvals pathways and environmental assessment for capital works and maintenance;
 - c) Exempt development such as maintenance and emergency works where vegetation management is required;
 - d) Development without consent (Part 5 Activities under the Environmental Planning and Assessment Act 1979) and the requirements for environmental assessment in a Review of Environmental Factors (REF);
 - e) Development with consent works where a DA is required. (Ndiaye/Kay)

The motion was put to the vote and carried unanimously.

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Notice of Motion No. 9.4 Key Worker Housing at the Rear of the Byron CoLab Building (Former Byron Hospital)

File No: I2025/810

25-243 Resolved that Council:

1. Takes the necessary next steps to pursue the adaptive reuse of the rear of the Byron CoLab building (formerly the Byron District Hospital site) for up to 19 co-living style rooms for key workers, with shared facilities, that prioritises NSW Health and emergency service workers;
2. Engages the appropriate areas within Council and works, in collaboration with Social Futures, to undertake a full feasibility study (including design) into point 1 above;
3. Seeks funding and support from all sources including both the NSW State and Federal Governments to enable the delivery of this project; and
4. Advocates for the inclusion of Byron Shire in State and Federal housing investment programs, with particular emphasis on addressing the absence of any public, social, affordable, Aboriginal or key worker housing currently in the pipeline for the Shire. (Ndiaye/Pugh)

The motion was put to the vote and carried unanimously.

The meeting adjourned at 12.34pm for a lunch break and reconvened at 1.40pm.

Notice of Motion No. 9.5 Unauthorised Camping in Brunswick Heads

File No: I2025/811

PROCEDURAL MOTION

25-244 Resolved: that this matter rest on the table. (Ndiaye/Lowe)

The motion was put to the vote and carried unanimously.

Notice of Motion No. 9.8 Investigation of Traffic Calming Measures at Sporting Fields Shire-wide

File No: I2025/814

25-245 Resolved that Council:

1. Receives a report on options for implementing traffic calming and safety measures at the Pine Avenue sporting field precinct;
2. Investigates a suite of traffic calming strategies that may include:
 - a) Enhanced line marking and signage and Wombat crossings - (raised road platforms)
 - b) Temporary or permanent bollards to separate pedestrian and vehicle areas
 - c) Reduced speed zones during peak times (e.g. weekend sport, evening training)
 - d) Flashing lights or electronic signs similar to school zones
 - e) 'Slow down – children playing' or high pedestrian activity warnings;
 - f) Reconfiguring parking arrangement
 - g) Better Light options
3. Considers the recent escalation of hazards in relation to ebike use in the new safety measures.
4. Engages with local sporting clubs, field users, and residents to identify high-risk areas and develop location-specific recommendations;
5. Identifies funding sources or inclusion in Council's forward planning for traffic safety infrastructure; and
6. Where user groups and community members identify a need at other sports fields in the Shire, safety measures also be considered. (Ndiaye/Warth)

The motion was put to the vote and carried unanimously.

Notice of Motion No. 9.10 Mullumbimby Tennis Courts Licence

File No: I2025/837

25-246 Resolved that Council:

1. Notes the details on the process leading to the award of licences for management of the Mullumbimby Tennis Facility; and
2. Notes the details of the Council Policies that supported this process. (Lyon/Dods)

The motion was put to the vote and carried unanimously.

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PROCEDURAL MOTION

25-247 Resolved that the Mayoral Minute be rested on the table. (Ndiaye/Lowe)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 **Licencing for 18 Fletcher Street, Byron Bay (Fletcher St Cottage)**

File No: I2025/448

25-248 Resolved that Council:

1. Authorises the General Manager to negotiate and grant a licence on terms consistent with this report to the Byron Bay Community Association Incorporated (BCC) to occupy the building at 18 Fletcher Street, Byron Bay (Cottage) for the purpose of providing the 'homelessness services hub';
2. Supports offering a headline licence term of 15 years, with an exit clause at 10 years benefiting Council; this is intended to meet the requirements of funding bodies that often require longer tenure arrangements to support grant eligibility;
3. Notes that if a licence is agreed, it would start immediately after the BCC's current licence to occupy the Cottage ends on 7 May 2026;
4. Notes that the Cottage's annual, market rent is valued at about \$60,000, which the BCC will not pay under the proposed licence; and
5. Notes that the forgone annual rent will be covered via a dividend or community service obligation contribution by Council's water fund. (Dods/Ndiaye)

The motion was put to the vote and carried unanimously.

PROCEDURAL MOTION

25-249 Resolved that Cr Ndiaye be granted a one minute extension to her speech. (Ndiaye)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.11 Planning Agreement - 53 McAuleys Lane Development
Application 10.2023.454.1
File No: I2025/540

PROCEDURAL MOTION

25-250 Resolved that this matter rest on the table. (Ndiaye/Lowe)
The motion was put to the vote and carried unanimously.

Report No. 13.16 Heritage buildings in Mullumbimby
File No: I2025/743

25-251 Resolved that Council:

1. Continues to negotiate with TfNSW, the terms and conditions for the transfer of the management responsibility for the old station master's house to Council, conditional to Council not being responsible the cost and management of remediating the site; and
2. Continues to work with TfNSW to identify a suitable solution for the Mullumbimby train station site, including options such as the adaptive reuse of the site, to support potential funding requests (e.g. grants). (Ndiaye/Dods)

The motion was put to the vote and carried unanimously.

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Report No. 13.17 PLANNING - 10.2024.155.1 Alterations and additions to existing multi-dwelling housing development comprising the construction of six (6) x one (1) bedroom dwellings, the construction of two (2) x two (2) bedroom dwellings, and the construction of additional car parking, resulting in a total of twenty (20) dwellings, at 1 Kendall Street, Byron Bay
File No: I2025/755

25-252 Resolved that Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, Development Application No. 10.2024.155.1 for alterations and additions to an existing multi dwelling housing development comprising the construction of six (6) x one (1) bedroom dwellings; the construction of two (2) x two (2) bedroom dwellings, and the construction of additional car parking resulting in a total of twenty (20) dwellings, be granted consent subject to the Conditions in Attachment 1 (E2025/56004) and the following amended and additional Conditions.

Amend Condition 24 to read:

24 Car parking layout, vehicle circulation and access plans required

The application for a Construction Certificate is to include plans and specification that indicate access, parking and manoeuvring details in accordance with the plans approved by this consent.

The access, parking and manoeuvring for the site is to comply with the requirements of AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking and AS 2890.2 – 2010 - Parking facilities, Part 2: Off-street commercial vehicle facilities. Plans are to include, but not be limited to, the following items:

a) pavement design, comprising:

A permeable pavement such as “Atlantis Gravel Cell”, “Grasscrete” or other similar treatments for the open internal driveway areas

An all-weather surface such as concrete, pavers or other similar treatments for the undercover parking areas

b) site conditions affecting the access.

c) existing and design levels.

d) longitudinal section from the road centreline to the car space(s).

e) cross sections every 15 metres.

f) drainage details.

g) turning paths; and

h) line marking and signage.

The engineering plans and specifications are to be designed by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

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Insert new conditions 24A and 80 as follows:

24A Amended Plans for the Garages

Amended plans to be submitted with the construction certificate for approval which remove the garage doors from Units 13, 14, 15, 16 and 17 and to be used as open car parking spaces rather than an enclosed garages.

80. Resident parking and use of Parking Spaces

Residents to park onsite at all times in the approved car spaces. The approved car spaces are not to be enclosed and or used for storage, home business, home occupation, home industry or as commercial premises at any time.

(Dods/Hauge)

The motion was put to the vote and carried unanimously.

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

Nil voted against the motion.

NOTICES OF MOTION

PROCEDURAL MOTION

25-253 Resolved that Report No. 9.5 be lifted from the table. (Ndiaye/Dods)

The motion was put to the vote and carried unanimously.

Notice of Motion No. 9.5 Unauthorised Camping in Brunswick Heads

File No: I2025/811

25-254 Resolved that Council:

1. Acknowledges the ongoing issues with unauthorised camping/parking and 'van-living' in Brunswick Heads and the impact this has on residents, businesses, and visitors to the area, particularly at the present time in the Fawcett Street/Mona Lane precinct and at the boat ramp/harbour;
2. Notes this is a separate issue to community members experiencing homelessness and living in their vehicles, and that Council is working towards an emergency housing village to help to address this issue, and that compliance staff will continue to exercise compassion to locals genuinely experiencing homelessness;
3. Makes a public declaration that Council intends to take all steps within its power to deal with this issue and the impacts it has on the amenity of the area;
4. Acknowledges that Council powers are severely limited in dealing with these issues and that Council requires the cooperation of other land managers and State Government agencies to effectively respond;
5. Seeks urgent support from all State Government agencies that own or manage land in Brunswick Heads, including Crown Lands, NPWS, Transport for NSW and

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Reflections to work collaboratively to identify and implement enforcement approaches with appropriate resourcing to patrol the areas;

6. Receives a report on further options to discourage unauthorised camping/parking in Brunswick Heads, including looking at closing hotspot streets to parking for a longer time than the current 1am-6am, other than to those with residential permits;
7. Thanks NSW Police for their recent commitment to support Council's attempts to address these issues;
8. Staff work collaboratively with the Police Local Area Command requesting greater Police presence in known van packing hotspots, and greater enforcement of non-compliances that are the responsibility of Police;
9. Notes that resolving of this issue in one area will likely lead to other areas of the Shire becoming the next hotspot, and to this end be ready to implement appropriate signage in areas that require it in future;
10. Receives an update on the progress of enforcement in Brunswick Heads in 3 months' time; and
11. Seeks a report on options, costs and potential funding sources for additional compliance measures or requirements. (Lyon/Pugh)

The motion was put to the vote and carried unanimously.

PROCEDURAL MOTION

25-255 Resolved that Cr Lyon be granted a two minute extension to his speech. (Ndiaye)

The motion was put to the vote and carried unanimously.

25-256 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.

Cr Hauge left the Chambers at 3.17pm was not present for the vote.

*The motion (25-253) was put to the vote and carried unanimously
Cr Hauge was not present for the vote.*

Cr Hauge returned to the Chambers at 3:19pm.

The meeting adjourned at 3:19pm for a short break and reconvened at 3.23pm.

Cr Dods did not return to the Chambers.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

PROCEDURAL MOTION

25-257 Resolved that Report No. 13.11 be lifted from the table. (Ndiaye/Lyon)

The motion was put to the vote and carried unanimously.

Cr Dods was not present for the vote.

**Report No. 13.11 Planning Agreement - 53 McAuleys Lane Development
Application 10.2023.454.1**

File No: I2025/540

Cr Dods left the meeting during the discussion of this item in accordance with his earlier declared Conflict of Interest.

Moved that Council:

1. Defers consideration of the draft Planning Agreement in Attachment 2 (E2025/35741), associated with Development Application 10.2023.454.1 for the subdivision of land at 53 McAuleys Lane, Myocum; and
 2. Obtains independent legal advice on the draft Planning Agreement, with particular focus on legal compliance and risks relating to Clause 29 (Council Acquisition of Land); and
 3. Requests that the independent legal advice be provided to Council as a report at the next practicable Council meeting; and
 4. Subject to receiving the legal advice, negotiates a revised Planning Agreement that addresses any legal compliance issues relating to Clause 29 and provides clearer terms regarding developer contributions outlined in Clause 6; and
 5. Requests the Northern Regional Planning Panel (NRPP) defer consideration of Development Application 10.2023.454.1 pending Council's finalisation of a revised Planning Agreement that addresses the identified legal and procedural concerns.
- (Hauge/Lyon)

PROCEDURAL MOTION

25-258 Resolved that Cr Hauge be granted a two minute extension to her speech. (Ndiaye/Lowe)

The motion was put to the vote and carried unanimously.

25-259 Resolved:

1. That pursuant to Section 10A(2)(g) refer to relevant part of Act below) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely Planning Agreement - 53 McAuleys Lane Development

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Application 10.2023.454.1.

2. That the reasons for closing the meeting to the public to consider this item be that advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
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 purpose is to obtain legal advice.

(Ndiaye/Kay)

The motion was put to the vote and carried unanimously.

25-260 Resolved that the meeting move out of confidential session.

(Ndiaye/Hauge)

The motion was put to the vote and carried unanimously.

*The motion (Hauge/Lyon) was put to the vote and declared lost.
Crs Lyon, Hauge, Kay and Lowe voted in favour of the motion.
Crs Ndiaye, Warth, Swain and Pugh voted against the motion.
The Mayor used her casting vote and declared the motion lost.
Cr Dods was not present for the vote.*

FORESHADOWED MOTION

25-261 Resolved that Council:

1. Grants delegation to the General Manager to execute the Planning Agreement in Attachment 2 (E2025/35741), associated with Development Application 10.2023.454.1 for the subdivision of land at 53 McAuleys Lane, Myocum subject to including the following amendments to the planning agreement:

Insert a new clause 6.5 as follows:

- 6.5. The development contribution referenced in clause 29.9 is not to be deducted from the s7.11 contributions to be levied on the development consent for the development.

Amend clause 29 by deleting 29.2 and 29.3; and replace 29.4 with the following:

29.4. If Council provides written notice to the Developer of:

- (a) Council entering into a binding agreement with the owner of the Acquisition Land for the acquisition of the Acquisition Land; or
- (b) Council compulsorily acquiring the Acquisition Land;

the Developer must pay to Council the Acquisition Costs within 21 days of the relevant written notice, provided that the Acquisition Costs are the subject of a valid tax invoice addressed to the Developer.

2. Encourages the Developer to engage directly with the landholder to negotiate the purchase of the acquisition land.

(Warth/Pugh)

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*The motion (**Res 25-260**) was put to the vote and declared carried.
Crs Lyon, Ndiaye, Warth, Swain and Pugh voted in favour of the motion.
Crs Hauge, Kay and Lowe voted against the motion.
Cr Dods was not present for the vote.*

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.4 Report of the Local Traffic Committee Meeting held on 3 June 2025

File No: I2025/836

- 25-262 Resolved** that Council notes the minutes of the Local Traffic Committee Meeting held on 3 June 2025. (Ndiaye/Swain)

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

- 25-263 Resolved** that Council adopts the following Committee Recommendation:

Report No. 6.1 Intersection upgrade at 189 Federal Drive

File No: I2025/682

That the Local Traffic Committee endorses the proposed intersection plan as nominated in Attachment 1 (E2025/51169). (Ndiaye/Swain)

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

- 25-264 Resolved** that Council adopts the following Committee Recommendation:

Report No. 6.2 Tallwood Stage 9 - RFS requirements for No Stopping on non perimeter roads

File No: I2025/683

That the Local Traffic Committee endorses the proposed lines and signs layout as nominated in Attachment 1 (E2025/49387). (Ndiaye/Swain)

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

- 25-265 Resolved** that Council adopts the following Committee Recommendations:

Report No. 6.3 South Beach Road Upgrade - Signs & Lines

File No: I2025/742

That the Local Traffic Committee:

1. Supports the signage, line markings and traffic control devices associated with the South Beach Road works in accordance with sheets 1-3 of the signs

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and line marking pages within Attachment 1 (E2024/148246); and

2. Considers traffic calming measures at the high pedestrian activity nodes/areas. (Ndiaye/Swain)

The motion was put to the vote and carried unanimously.

Cr Dods was not present for the vote.

25-266 Resolved that Council adopts the following Committee Recommendations:

Report No. 6.4 Parking changes in Fawcett Street, Brunswick Heads

File No: I2025/807

That the Local Traffic Committee supports the following:

1. The expansion of Brunswick Heads Pay Parking scheme to include the southern side of Fawcett Street (Park Street to Tweed Street), Brunswick Heads; and
2. Changes the parking time limit on the southern side of Fawcett Street (Park Street to Tweed Street) to 4PP, including.
 - a) 4PP 9am-5pm with permit holders excepted.
 - b) No Parking 1-6am with permit holders excepted. (Ndiaye/Swain)

The motion was put to the vote and carried unanimously.

Cr Dods was not present for the vote.

25-267 Resolved that Council adopts the following Committee Recommendations:

Report No. 6.5 Mullumbimby Road Upgrade - The Saddle Road Intersection

File No: I2025/809

That the Local Traffic Committee:

1. Notes the advice from TfNSW (Technical Place & Movement Partner) and supports the alteration of previously approved signs and lines drawings within the LTC meeting held 19 November 2024 (RES24-591) for the removal of: -
 - a) the left only signage for property 110 Mullumbimby Road & The Saddle Road intersection with Mullumbimby Road; and
 - b) the chevron line marking and replace with enhanced centre line BB2 line marking.
2. Supports Option A as outlined within the report. (Ndiaye/Swain)

The motion was put to the vote and carried unanimously.

Cr Dods was not present for the vote.

The meeting adjourned at 4.33pm for a recess break and reconvened at 4.56pm.

Cr Dods returned to the Chambers at 4.56pm.

NOTICES OF MOTION

Notice of Motion No. 9.3 Integrating Weed Management into EPAR Recovery Works and Catchment Collaboration

File No: I2025/808

25-268 Resolved that Council:

1. Assesses the Essential Public Asset Restorations (EPARs) works undertaken to date, including land slips, road reconstructions, crossings and culverts, to identify opportunities to improve weed management protocols during and following the reconstruction phase;
2. Works collaboratively with Rous County Council and NSW Reconstruction Authority to improve weed management outcomes including:
 - a) Exploring options for additional funding streams, including State and Federal Grants and inclusion in natural resource management programs; and
 - b) Development of recommendations and initiatives for consideration to support integrated weed control and ecological restoration during and beyond the flood recovery process; and
3. Request staff bring a report to Council on this issue before the end of the year (2025). (Ndiaye/Lowe)

The motion was put to the vote and carried unanimously.

Notice of Motion No. 9.6 Strategic Water Infrastructure Opportunity

File No: I2025/812

25-269 Resolved that Council:

1. Notes there is a current off-market opportunity to purchase the land identified in Attachment 1 (#E2025/56288), a key strategic site relating to the future of Mullumbimby's water supply;
2. Reaffirms its commitment to a staged investigation into integrated water supply options, as per Resolution 24-477, and commences initial assessments (e.g. technical, financial, environmental, and economic) for Task 2 of the staged investigations, taking into consideration the off-market land acquisition opportunity and its potential as a site for an off-stream storage and/or a new water treatment plant.
3. Reassesses the cost estimates from the previously commissioned water infrastructure study based on a scenario where this land is assumed to be the site for a new off-stream storage reservoir and water treatment plant;
4. Ensures that updated cost estimates include:
 - a) Land acquisition, noting the subject site is currently for sale off-market
 - b) Construction of a new water treatment plant on the site
 - c) Construction of a new off-stream storage reservoir to the south of the property, noting the suitable topography for such a facility;
5. Notes that the existing water main to Mullumbimby currently bisects the site, providing an opportunity for efficient integration with future infrastructure; and
6. Requests that the above be reported back to Council, or presented in a workshop format, in a timely manner, acknowledging the time-sensitive nature of the off-market property availability. (Ndiaye/Dods)

The motion was put to the vote and carried unanimously.

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

Crs Pugh and Swain voted against the motion.

Notice of Motion No. 9.7 Proposal for a 30km Speed Zone in the South Beach Road Precinct, Brunswick Heads

File No: I2025/813

25-270 Resolved that Council:

1. Receives a report on options for creating a 30km/h speed zone within the South Beach Road Precinct in Brunswick Heads; and
2. Supports in principle the creation of a shared zone from the southern edge of the South Beach Rd Bridge to the Torakina Carpark, and a shared zone or raised safety platform/crossing at CH320 where the footbridge path crosses South Beach Rd, and that both shared zones apply universal design principles to maximise accessibility, and;
3. Investigates enhanced accessible, pedestrian and cyclist connections and safety measures that relate to 1 and 2. (Ndiaye/Dods)

The motion was put to the vote and carried unanimously.

Notice of Motion No. 9.9 Status Report on Development Applications (DAs) before the Land and Environment Court

File No: I2025/816

25-271 Resolved that:

1. Council receives a monthly status report to each Ordinary (Planning) Meeting on all Development Applications (DAs) currently the subject of legal proceedings before the Land and Environment Court;
2. The status report includes the following details, where available:
 - a) DA number and property address
 - b) Description of the development
 - c) Summary of the key issues in the proceedings
 - d) Current stage or status of the matter
 - e) Any scheduled hearing dates
 - f) Outcomes or determinations (as they occur); and
3. This reporting commences from the next available Planning Meeting. (Ndiaye/Hauge)

The motion was put to the vote and carried unanimously.

MAYORAL MINUTE

No. 10.1 Deputy Mayor Recognition

25-272 Resolved that Council:

1. Acknowledges the significant contribution, responsibilities, and time commitment involved in the role of Deputy Mayor, particularly when supporting or representing the Mayor across a wide range of functions and obligations.
2. Notes that current legislative and financial constraints prevent an additional allowance from being paid to the Deputy Mayor position beyond the councillor fee.
3. Requests staff to prepare a report exploring feasible options to appropriately support and recognise the Deputy Mayor's additional workload. This report should include (but not be limited to) consideration of:
 - a) Additional budget allocation for conference attendance and professional development opportunities;
 - b) Access to Council vehicles where appropriate for official duties;
 - c) Administrative or staff support for duties directly related to the Deputy Mayor function;
 - d) Increased representation in public communications and Council-led media to reflect the Deputy Mayor's role;
 - e) Any other mechanisms or in-kind support available within current Council policies or structures that could enhance the capacity and effectiveness of the Deputy Mayor in their role.
4. Receives this report no later than September 2025 to allow for consideration in future budget or operational planning cycles. (Ndiaye)

The motion was put to the vote and carried unanimously.

PETITIONS

There were no petitions tabled.

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DELEGATES' REPORTS

**Delegate's Report No. 12.1 2022 Northern Rivers Flood Emergency Awards
Presentation Ceremony – Tweed/Byron Police District**
File No: I2025/832

**Delegate's Report No. 12.2 Country Mayors Association – General Meeting -
Friday 9 May 2025**
File No: I2025/738

Delegate's Report No. 12.3 The Remix Byron Event
File No: I2025/737

**Delegate's Report No. 12.4 Richmond Tweed Regional Library Meeting held 14
May 2025**
File No: I2025/739

Delegate's Report No. 12.5 Visit to The Buttery – 50th Anniversary Celebration
File No: I2025/731

Delegate's Report No. 12.6 Byron Town Centre Drainage Works
File No: I2025/733

**Delegate's Report No. 12.7 Delivery Program and Operational Plan (DP/OP)
Information Session**
File No: I2025/818

**Delegate's Report No. 12.8 Special Entertainment Precinct Planning Meeting with
Minister Graham's Office**
File No: I2025/801

**Delegate's Report No. 12.9 Short-Term Rental Accommodation (STRA) and
Housing Affordability**
File No: I2025/802

Delegate's Report No. 12.10 Byron Bay 24-Hour Economy Roundtable
File No: I2025/819

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Delegate's Report No. 12.11 Supporting Spontaneous Volunteers Meeting
File No: I2025/821

Delegate's Report No. 12.12 Rous County Council - Summary of main items of business 16 April 2025
File No: I2025/834

Cr Dods provided a verbal Delegates Report on his attendance at the Furry Friends Festival in Bangalow on 7 June 2025.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.7 Tweed Street Pod Village - future use options
File No: I2025/717

25-273 Resolved that Council:

1. Delegates to the General Manager authority to undertake the following actions in relation to 125 Tweed Street (Lot 1, DP 560486):
 - a) Collaborate with relevant government agencies and continue discussions about the future use of this site to deliver housing outcomes, which may include social, affordable, transitional and/or temporary accommodation, post June 2027.
 - b) Investigate and progress the required statutory pathways to enable continued use of the site for the purposes of residential accommodation.
 - c) Subject to b) initiate a market sounding process, such as an Expression of Interest, with Community Housing Providers for the management of the site, which includes (but is not limited to) proposals that outline financial feasibility and identification of a suitable tenancy mix for the site.
 - d) Undertake community consultation to enable feedback on the proposed future housing uses of the site.
 - e) Subject to c) and d) negotiate the transfer of the asset at nil cost to Council, taking into consideration potential end of life and decommissioning costs.
 - f) Subject to e) conduct a selective tender process to appoint a Community Housing Provider to manage the site, including tenancy arrangements.
2. Requests staff to provide updates to Councillors on key milestones of this project.
3. Requests staff seek funding opportunities to resource the associated project management costs, where they exceed existing resource allocation. (Ndiaye/Kay)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.14 2023-24 Annual Inventory of Council's Greenhouse Gas Emissions

File No: I2025/702

25-274 Resolved that Council:

1. Notes the 2023/24 Annual Emissions Inventory (Attachment 1 – E2025/49804);
2. Acknowledges that the Net Zero Emissions Strategy is being reviewed and will guide targeted climate action for Byron Shire Council;
3. Given construction emissions are up 95% and contribute 56.7% of council's total emissions, provides a report to CRRAC on reducing embodied carbon as part of the Net Zero Strategy development;
4. Given that electricity contributes to 41% of emissions associated with the construction sector, advocates for the adoption of renewable energy across Council's supply chain;
5. Acknowledges that as 85% of council's emissions are Scope 3, a just transition of the national and global economy to end fossil fuel reliance is essential to Byron Shire's climate response; and
6. Writes to the State Minister for Environment and Climate Change, Penny Sharpe, and the Federal Ministers for the Environment, Murray Watt, and Climate Change, Chris Bowen, outlining the significance of Scope 3 emissions in council's emissions profile, asking for support to reduce Scope 3 emissions, and advocating for a moratorium on new fossil fuel project approvals as a critical component of Australia's climate response. (Hauge/Ndiaye)

PROCEDURAL MOTION

25-275 Resolved that Cr Hauge be granted a one minute extension to her speech. (Ndiaye/Swain)

The motion was put to the vote and carried unanimously.

The motion (25-274) was put to the vote and carried unanimously.

Report No. 13.15 Byron Bay Urban Design Housing Density Study
File No: I2025/734

25-276 Resolved that Council:

1. Acknowledges the work completed on the Byron Bay Urban Design Housing Density Study to meet the requirements of the NSW Government's Regional Housing Strategic Planning Program;
2. Notes that staff will upload relevant documents associated with Stage 1 Housing Density Study (Attachment 1 – E2025/56242) and Stage 2 Housing Needs Assessment (Attachment 2 – E2025/54767) and Stage 2 Affordable Housing Viability Assessment (Attachment 3 – E2025/54752) of the Byron Bay Urban Design Housing Density Study to the project web page;
3. Notes that based on the results of the Affordable Housing Viability Assessment (Attachment 3 – E2025/54752) for the Study area, insufficient surpluses were generated by the housing typologies preferred by Council to support a standard Affordable Housing Contribution Scheme;
4. In response to 3 and the Housing Needs Assessment (Attachment 2 – E2025/54767), requests staff to prepare and report on a nonstandard Affordable Housing Contribution Scheme (for the Study area or a revised Area to support a Scheme) to inform a Planning Proposal to be reported to Council; and
5. Notes that the final Stage 3 Review and Amend Local Environmental Plan and Development Control Plan controls in the Study Area will be progressed during FY2025/26 with further reports to Council. (Dods/Ndiaye)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.20 Mullumbimby Pool Heating Tender
File No: I2025/703

25-277 Resolved that Council:

1. Awards Tender Mullumbimby Pool Heating to the preferred supplier identified in the tender evaluation report #E2025/47679.
2. 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.
3. Includes \$250,000 from developer contributions Open Space - Mullumbimby to the Draft 2025/26 Budget Estimates to be adopted at the 30 June 2025 Extraordinary Council Meeting to complete these works. (Swain/Ndiaye)

The motion was put to the vote and carried unanimously.

Report No. 13.21 Potential renaming of Gilmore Crescent to Tennyson Street, Byron Bay
File No: I2025/728

25-278 Resolved that Council:

1. Supports the naming of the unnamed section of road south of Gilmore Crescent, Byron Bay, to be named Gilmore Crescent, in recognition of Dame Mary Gilmore.
2. Requests staff to commence the usual public exhibition process, with invitations to make submissions to also be provided to Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) and Tweed Byron Local Aboriginal Land Council.
3. If no objections are received during the public exhibition, adopts the renaming of the unnamed section to Gilmore Crescent and it be notified to the Geographical Names Board (GNB) accordingly. (Lowe/Ndiaye)

The motion was put to the vote and carried unanimously.

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 **Report of the Finance Advisory Committee Meeting held on 15 May 2025**
File No: I2025/723

25-279 **Resolved** that Council notes the minutes of the Finance Advisory Committee Meeting held on 15 May 2025. (Dods/Ndiaye)

The motion was put to the vote and carried unanimously.

25-280 **Resolved** that Council adopts the following Committee recommendations:

Report No. 4.1 Budget Review - 1 January to 31 March 2025
File No: I2025/570

Committee Recommendation 4.1.1

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. (Dods/Ndiaye)

The motion was put to the vote and carried unanimously.

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.3 **Report of the Biodiversity and Agriculture Advisory Committee Meeting held on 13 May 2025**
File No: I2025/798

25-281 **Resolved** that Council notes the minutes of the Biodiversity and Agriculture Advisory Committee Meeting held on 13 May 2025. (Warth/Ndiaye)

The motion was put to the vote and carried unanimously.

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25-282 Resolved that Council adopts the following Committee recommendations:

Report No. 4.1 2023 Koala Activity Monitoring

File No: I2025/312

Committee Recommendation 4.1.1

That the Biodiversity and Agricultural Advisory Committee notes the Koala Activity Monitoring Report 2023 (Attachment 1 #E2024/12210). (Warth/Ndiaye)

The motion was put to the vote and carried unanimously.

25-283 Resolved that Council adopts the following Committee recommendations:

Report No. 4.2 Biodiversity and Agriculture Projects and Operations Update

File No: I2025/239

Committee Recommendation 4.2.1

That the Biodiversity and Agricultural Advisory Committee:

1. Notes the update on current projects and programmes being undertaken by Council staff.
2. Requests staff to arrange a discussion with key stakeholders about fire ant management at a future Committee meeting. (Warth/Ndiaye)

The motion was put to the vote and carried unanimously.

25-284 Resolved that Council adopts the following Committee recommendations:

Report No. 4.3 Brunswick Valley Landcare Support Officer quarterly reports, October-December 2024 and January-March 2025.

File No: I2025/318

Committee Recommendation 4.3.1

That the Biodiversity and Agricultural Advisory Committee notes the reports (Attachments 1 and 2 E2025/27132 and E2025/36131). (Warth/Ndiaye)

The motion was put to the vote and carried unanimously.

25-285 Resolved that Council adopts the following Committee recommendations:

**Report No. 4.4 Wallum Heath on Pleistocene Threatened Ecological
Community Listing Working Group**

File No: I2025/327

Committee Recommendation 4.4.1

That the Biodiversity and Agriculture Advisory Committee:

1. Confirms the promulgation of the Wallum Heath on Pleistocene Working Group.
2. Agrees to Cr Ndiaye as Chair and James Barrie as lead.
3. Notes that staff involvement is not required and provided at the discretion of the Director Sustainable Environment and Economy.
4. Agrees to Cr Ndiaye, James Barrie and Dave Rawlins meeting prior to the next Biodiversity and Agriculture Advisory Committee meeting to:
 - a) Confirm how meetings are to be recorded.
 - b) Confirm working group membership.
 - c) Confirm frequency and location of meetings.
5. Notes interest from Annette McKinley, Cr Lowe, Cr Warth, Peter Westheimer and Hedley Grantham to participate in the working group. (Warth/Ndiaye)

The motion was put to the vote and carried unanimously.

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

PROCEDURAL MOTION

25-286 Resolved:

1. That pursuant to Section 10A(2)(c), (d)i and (d)ii of the Local Government Act, 1993, Council resolves to move into Confidential Session to discuss the report Tender Report - Byron Drainage Upgrade Town Centre Construction.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
 - b) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it
 - c) information that would, if disclosed, confer a commercial advantage on a competitor of the council
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 discussion will regard tender report detailing commercially sensitive information supplied by Tenderers.
(Dods/Ndiaye)

The motion was put to the vote and carried unanimously.

**Report No. 16.2 CONFIDENTIAL - Tender Report - Byron Drainage Upgrade
Town Centre Construction**

File No: I2025/817

25-287 Resolved that:

1. In accordance with Local Government (General) Regulation 2021 Clause 178(1)(b) Council declines to accept any of the tender submissions;
2. In accordance with Local Government (General) Regulation 2021 Clause 178(3)(e) Council authorises the General manager to enter into negotiations with tenderers identified in part 3 of the Evaluation Panel Recommendations Report (Attachment 1 E2025/55711);
3. Subject to the negotiations in point 2, the General Manager be delegated to enter into a contract with a preferred tenderer up to the value of the budget identified in the report for the full scope of works identified in the area bounded in red and the alternative works bounded in yellow on the plan in the report.
4. Should there be insufficient funds to deliver the full scope of the alternative works in the area bounded in yellow on the plan in the report (and point 3 of this

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resolution), then the General Manager may enter into a contract for the works in the area bounded in red and the options for descoping the alternative works matter shall be reported back to Council for consideration.

5. That Council notes that:

- a) The reason for declining to invite fresh tenders is due to programming timeframes.
- b) The reason for determining to enter into negotiations with those suppliers is that a selective tender process was followed and these submissions were evaluated as best value for money and there is a genuine prospect of negotiating an agreed contract with a program reflecting the available budget.

(Dods/Ndiaye)

The motion was put to the vote and carried unanimously.

PROCEDURAL MOTION

25-288 Resolved that the meeting move out of confidential session.

(Ndiaye/Dods)

The motion was put to the vote and carried unanimously.

There being no further business the meeting concluded at 6.29pm.

I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council's Ordinary Meeting on 28 August 2025.

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Mayor Sarah Ndiaye