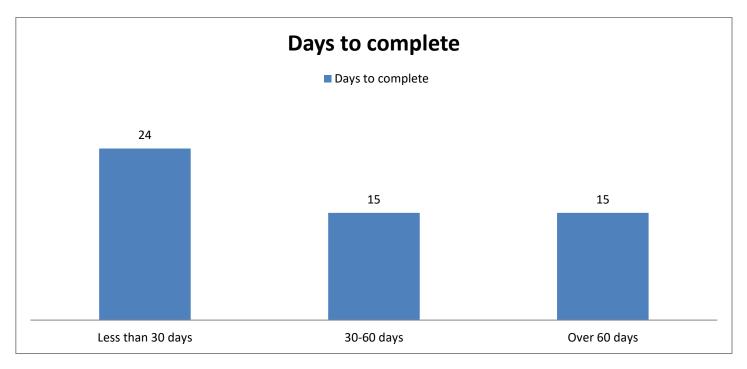
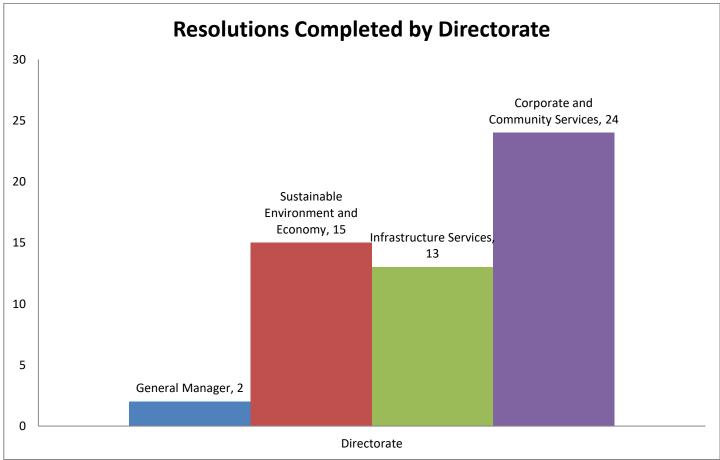
From: to

Total number resolutions completed in reporting period: 54





From: to

Res NoReport TitleMeeting DateCompleted Date20-016Tiny House Development Proposal
Report: I2019/214320/02/202031/03/2022Report: I2019/2143Directorate: Sustainable Environment and Economy

Officer: Burt, Shannon

Resolved that Council support:

- 1. The preparation of an amendment to the Byron Local Environmental Plan 2014 to facilitate Tiny House Development on Council owned and or managed land for the provision of supported housing for people experiencing (or at risk of) homelessness.
- 2. The Planning proposal being drafted on the basis of the definitions and draft local provision outlined in the report.
- 3. The Planning proposal once prepared by staff is submitted to the Department of Planning for a gateway determination to enable public exhibition.
- 4. Staff writing to the Planning and Local Government departments to request formation of a working group with Byron Council and others (including industry) to further examine the tiny house spectrum and recommend changes to the planning and local government legislation to enable this type of development more flexibly and permanently.

Mover: Sarah Ndiaye Seconder: Simon Richardson

Comments:

Completed by Scott, Noreen on behalf of Burt, Shannon (action officer) on 31 March 2022 at 3:12:21 PM - Letter from DPE 22/02/22

Res No	Report Title		Meeting Date	Completed Date
20-420	Proposed lease to Brunswick F Saving Club for redevelopment		27/08/2020	21/03/2022
	Report: 12020/1074	Directorate: Infra	structure Services	
		Officer: Lappin, E	mma	

Resolved:

- 1. That Council as the Crown Land Manager for Reserve R97139 authorise a lease to the Brunswick Surf Life Saving Club Incorporated for the redeveloped premises for:
 - a) a maximum term of 5 years;
 - b) at a starting annual rental \$3,000 p.a. with conditions permitting works approved by development consent 10.2018.486, as modified; and
 - c) subject to finalisation of other terms and conditions and Minister's consent.
 - d) with Council providing a subsidy up to \$2,500 to Brunswick Surf Life Saving Club to cover any additional costs associated with the annual lease
- 2. That Council as the Crown Land Manager for Reserve R97139 delegate to the General Manager authority to:
 - settle the final terms and conditions of the lease, other than the matters set out in 2(a), (b) and (c) above, to meet the requirements of Council and Department of Planning Industry and Environment Crown Lands or arising from discussions with Native Title Interest owners;
 - b) forward the lease to the Department of Planning, Industry and Environment for public exhibition and Minister's Consent; and
 - c) enter into a lease as authorised by the Minister.
- 3. That Council support car parking to be located within the Council Road Reserve, rather than on the Crown Public Recreation Reserve, subject to finalisation of the terms of the service agreement and the fee for service payable to Council by Brunswick Surf Life Saving Club towards upgrade of adjacent road reserve.
- 4. That Council note that Council is committed to continuing discussions with Native Title Interest owners in relation to this and other Crown Reserves in the Shire.

Mover: Paul Spooner Seconder: Alan Hunter

Comments:

Completed by Flower, Shelley on behalf of Lappin, Emma (action officer) on 21 March 2022 at 3:52:11 PM - Action closed out as per Emma Lappin's comments from 5 Oct 2021.

From: to

Res No	Report Title		Meeting Date	Completed Date
20-605	Update - Impacts of and me short term rental accommon Shire	•	19/11/2020	31/03/2022
	Report: 12020/1740	Directorate: Sustai	nable Environment a	and Economy

Resolved that Council:

- 1. Notes the update provided on the status of the planning proposal and state management options for short term rental accommodation in Byron Shire.
- 2. Agrees to amend the planning proposal to include precinct areas that permit non-hosted STRA for 365 days in those areas that have already been taken up almost exclusively for STRA, and 90 days for those areas that have not. These precinct areas are shown in the maps in Attachment 1(#E2020/89860) with the exception of the Brunswick Heads map, which is to be amended and replaced with a map that deletes the 365 day area from land west of Tweed Street.
- 3. Authorises staff to submit an amended planning proposal to the Department of Industry and Environment for Gateway determination that satisfies item 2.
- 4. Pending gateway determination, undertakes public exhibition of the planning proposal and consult with government agencies in accordance with the gateway determination; and
- 5. Receives a report outlining the public exhibition outcomes.

Mover: Cate Coorey Seconder: Basil Cameron

Comments:

Completed by Scott, Noreen on behalf of Grant, Ben (action officer) on 31 March 2022 at 3:16:45 PM - superseded by resolution 22-

Res No	Report Title	Meeting Date	Completed Date
20-611	PLANNING - 26.2017.4.1 Lot 22 - Proposed Amendments to the Exhibited Planning Proposal	19/11/2020	31/03/2022
	Report: 12020/1244 Directorate: Susta	inable Environment a	and Economy
	Officer: Daniels, S	teve	

Resolved that Council:

- 1. Prepare an amended planning proposal for (part) Lot 22 DP 1073165, 156 Stuart Street, Mullumbimby that reflects changes detailed in Table 2 of this report.
- Forward the amended planning proposal and supporting studies to the Minister for Planning requesting a Gateway determination.
- 3. Place the amended planning proposal, supporting studies and structure plan on public exhibition in accordance with the Gateway determination.
- 4. Carry out a community engagement program in addition to the Gateway exhibition requirements.
- 5. Receive a further report to consider:
 - a) The outcome of the public exhibition and community engagement program.
 - b) The preparation of an amended Plan of Management for Lot 22.
 - c) The preparation of Development Control Plan provisions for Lot 22.
 - d) The preparation of a holistic traffic and transport study for the Saltwater Creek Precinct.

Mover: Simon Richardson Seconder: Sarah Ndiaye

Comments:

Completed by Daniels, Steve (action officer) on 31 March 2022 at 3:54:04 PM - Lot 22 DPIE Peer Review Report received (E2022/29686), planning proposal to be resubmitted in accordance with peer review requirements.

From: to

Res No Report Title Meeting Date Completed Date

21-016 Security Services Tender Outcome 25/02/2021 19/01/2022
Report: I2020/1592 Directorate: Corporate and Community Services
Officer: Reilly, Len

Resolved:

- 1. That Council award Tender 2020-0009 Security Services to the preferred tenderer as identified in the Confidential Attachment (E2021/5095).
- 2. That Council's seal is affixed to the relevant documents.
- 3. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.

Mover: Simon Richardson Seconder: Alan Hunter

Comments:

Completed by Reilly, Len (action officer) on 19 January 2022 at 11:02:41 AM - Contract awarded to CAV Security

Res No	Report Title		Meeting Date	Completed Date
21-167	Road Access and Safety	Principles	22/04/2021	31/03/2022
	Report: 12021/282	Directorate:	Infrastructure Services	
		Officer: Prov	vis, Joshua	

Resolved that Council:

- Notes the Report.
- 2. Requests a further report to include discussion of access principles and issues (Res 20-741, 1a, 1b).
- 3. Acknowledges that:
 - a) 'alignment' of National and State policy with local policy statements does not lead to safe accessible outcomes.
 - b) Road Safety Audits cannot prescribe outcomes where funding criteria or on ground constraints limit options to address all safety issues identified by audits.
 - c) where road networks are constrained or unable to be adapted such as rural roads with no shoulder, the most equitable way to balance access and safety for all road users is to reduce speed limits.
 - d) Council represents the Byron Shire community and policy needs to support and advocate for our community.
- 4. Incorporates in the Policy framework the issues in 2 and 3 so as to more clearly state how principles can be applied for on ground outcomes.
- 5. Provides a further report to the next Ordinary meeting of Council in May with a revised proposal for a policy and implementation framework.

Mover: Basil Cameron Seconder: Cate Coorey

Comments:

Completed by Flockton, James on behalf of Provis, Joshua (action officer) on 31 March 2022 at 11:57:25 AM - Resolution actions now under the more current resolution 20-741

From: to

Res No	Report Title		Meeting Date	Completed Date
21-250	Brunswick Valley - Vallanc Roadmap	es Rd Vision and	24/06/2021	29/03/2022
	Report: 12021/750	Directorate: Infras Officer: Winter, Joseph		

Resolved:

- Adopts the 2021 Brunswick Valley Vallances Rd Vision and Roadmap (Attachment 1 E2021/60116) with an amendment to change the recommendation for the Natural Burial Ground to be a supported use at this location at Area A on map (E2021/84442)
- 2. Declares Area A as Byron Shire's first natural burial ground.
- 3. Requests staff to collaborate and guide members of the community-based Natural Burial Committee with their onsite investigations and other reports that may be required to support their development application for a natural burial ground on Area A for lodgement with Council.
- 4. Allocates the \$15,000 in the 2021/22 budget mentioned in the staff report to assist staff with enabling the ongoing governance of the Natural Burial Ground by the current Natural Burial Committee.
- 5. Proceeds with development of a scope for a plant nursery and environmental education facility at the Vallances Road site.
- 6. Receives a further report on the outcome of items 3,4 and 5 above.

Mover: Jeannette Martin Seconder: Michael Lyon

Comments:

Completed by Winter, Joshua (action officer) on 29 March 2022 at 12:01:22 PM - Refer to notes. Actions items have been noted and completed and staff are now working per Resolution 22-102.

From: to

Res No Report Title Meeting Date Completed Date

21-408 Financial Assistance - COVID-19 Pandemic and Byron Music Festival Report: 12021/1456 Directorate: Corporate and Community Services Officer: Brickley, James

Resolved that Council:

- Waives the footpath dining and goods display fees from Monday 9 August 2021 until Saturday 11 September inclusive, and a credit applied to the next quarterly invoice; and further:
 - a) Endorses the use of the Debt Management and Financial Hardship Assistance Policy 2019 to allow business owners to enter into suitable payment plans where businesses are unable to pay footpath dining/goods display license fees by the due date.
 - b) Delegates to the General Manager the Authority to waive footpath dining and goods display fees, should a future lockdown order be imposed under a Public Health Order on the Byron Shire Local Government area, for the period of the lockdown order, with a credit applied to the next quarterly invoice.
- 2. Waives Food Administration Fees from Monday 9 August 2021 until Saturday 11 September inclusive, and a credit applied to the next quarterly invoice; and further:
 - a) Endorses the use of the Debt Management and Financial Hardship Assistance Policy 2019 to allow business owners to enter into suitable payment plans where businesses are unable to pay Food Administration fees by the due date.
- 3. Sets the interest rate applicable to outstanding rates and charges arrears for all ratepayers to 0% for the period 1 October 2021 to 28 February 2022
- 4. Council recognises this unique event and the circumstances in which it took place and supports a reduction of fees as per option 2 in the agenda:

The reduction of fees includes the private rate for the event day only, and standard rate for the set up and pack down event days, when tickets were not required to enter the location. The Temporary Licence for Activity on Crown Reserve fees would then reduce from \$10,212 to \$4,086 (a reduction of \$6,126). This reduced fee combined with the other fees would equate to a total fee payable to Council of \$6,894.

Mover: Cate Coorey Seconder: Michael Lyon

Comments:

Completed by Brickley, James (action officer) on 21 January 2022 at 12:55:03 PM - Part 1 and 2 - Adjustments for footpath dining and food admin fees waiver period processed. Parts 1(a), 1(b) and 2(a) are subject to application and will be dealt with in accord to the resolution. Part 3 - 0% interest rate implemented as per the resolution. Part 4 - Approved refund provided to event organiser.

Res No	Report Title		Meeting Date	Completed Date
21-435	Draft Policy - Memorials in	Open Space	28/10/2021	24/01/2022
	Report: 12021/1636	Directorate: In	frastructure Services	

Officer: Robertson, Malcolm

Resolved that Council endorses the exhibition of the Draft Policy - Memorials in Open Space as shown in Attachment 1 (E2021/126759) for a period of 28 days and;

- a) should no submissions be received, the Draft Policy be adopted.
- should submissions be received, a further report to Council to be provided at the close of the exhibition period detailing the community response received and any recommended or necessary amendments.

Mover: Michael Lyon Seconder: Alan Hunter

Comments:

Completed by Robertson, Malcolm (action officer) on 24 January 2022 at 8:56:17 AM - Policy is now adopted.

From: to

Res No	Report Title		Meeting Date	Completed Date
21-498	Resolution 21-221 Multiple Workers Cottages & Resol CTs - pathway for seconda occupancies	ution 21-275 MOs and	04/11/2021	3/02/2022
	Report: 12021/1621	Directorate: Sustain Officer: Caras, Alex		and Economy

Resolved that Council:

- 1. Notes the staff update on Resolution 21-221 Multiple Occupancies and Rural Workers Cottages & Resolution 21-275 MOs and CTs pathway for secondary dwellings and dual occupancies.
- 2. Requests staff to prepare and submit a planning proposal to the Department of Planning Industry and Environment for Gateway Determination to amend clauses 4.1B and 4.2B Byron Local Environmental Plan 2014 to:
 - i. remove the restriction of one dwelling per neighbourhood lot and make any other necessary changes to permit dual occupancy and secondary dwellings on existing Multiple Occupancy and rural Community Title development; and
 - ii. update where relevant the assessment criteria for Multiple Occupancy and rural Community Title development.

Mover: Michael Lyon Seconder: Sarah Ndiaye

Comments:

Completed by Caras, Alex (action officer) on 03 February 2022 at 5:02:34 PM - Draft planning proposal prepared and submitted for Gateway Determination on 3/02/2022.

Res No	Report Title		Meeting Date	Completed Date
21-519	Request for Financial Assi of COVID-19	stance Due to Impacts	25/11/2021	30/03/2022
	Report: I2021/1816	Directorate: Corpo Officer: Wood , Isa	orate and Community abelle	Services

Resolved:

- 1. That Council provides \$7,300.00 to Bangalow A&I Hall to cover operational expenditure for the four-month period of November 2021 to February 2022.
- 2. That Council provides \$2,100.00 to the Bangalow Heritage Society to cover outgoings for a six-month period with this amount repayable to Council over a six month term upon commencement of café operations.

Mover: Michael Lyon Seconder: Alan Hunter

Comments:

Completed by Wood, Isabelle (action officer) on 30 March 2022 at 2:35:37 PM - All actions completed.

From: to

Res NoReport TitleMeeting DateCompleted Date21-529Report of the Water, Waste and Sewer Advisory
Committee Meeting held on 21 October 202125/11/202128/03/2022

Report: 12021/1699 **Directorate:** Infrastructure Services

Officer: Tomanek, Dominika

Resolved that Council notes the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 21 October 2021.

Mover: Michael Lyon Seconder: Alan Hunter

Comments:

Completed by Flower, Shelley on behalf of Tomanek, Dominika (action officer) on 28 March 2022 at 2:29:04 PM - Dominika is on maternity leave and I am acting in her role

Res NoReport TitleMeeting DateCompleted Date21-532Byron STP Condition 9 Additional Load - Quarterly Report25/11/202123/02/2022Report: I2021/1611Directorate: Infrastructure Services Officer: Baulch, Dean

Resolved that Council adopts the following Committee Recommendation:

Report No. 4.2 Byron STP Condition 9 Additional Load - Quarterly Report

File No: I2021/1611

Committee Recommendation 4.2.1

That Council:

a) notes the report.

b) reaffirms its commitment to reducing flows from the STP into Belongil Creek.

Mover: Michael Lyon Seconder: Alan Hunter

Comments:

Completed by Baulch, Dean (action officer) on 23 February 2022 at 2:20:34 PM - It's a note. No action required by staff

From: to

Res No	Report Title		Meeting Date	Completed Date
21-547	Belongil Creek Entrance Operate on the EOS Review Resolution 21-298		25/11/2021	15/03/2022
	Report: 12021/1107 Directorate: Sustai		inable Environment a	and Economy

Resolved that Council:

- 1. Notes the outcomes of the preliminary review of the Belongil Entrance Opening Strategy (2019).
- Notes that berm scraping has generally proven unsuccessful and will no longer be used as an option for entrance management at Belongil.
- 3. Notes that the current breach/water level management controls are workable but will need to rise in parallel with rise in ocean levels. Maintaining levels below a certain height will become increasingly hard to achieve in the future (when the entrance is both open and closed) due to sea level rise.
- 4. Endorses changes to the excavation depth for mechanical opening from 0.2m below water level to up to 0.5m below water level
- 5. Notes that pilot channel of 3m wide across the beach berm does not include the width required for batter slopes of the channel, it is the channels base width.
- 6. Notes the outcomes of the preliminary assessment into Melaleuca Forest dieback within an area of the Belongil catchment and staff pursue a research project to:
 - a) confirm how long the dieback has been occurring
 - b) carry out soil and groundwater testing and monitoring to understand operating conditions
 - c) confirm the extent of wetland recruitment in the catchment 6. Notes the outcomes of the preliminary assessment into Melaleuca Forrest dieback within an area of the Belongil catchment within former farming and grazing lands
 - d) complete a catchment assessment to confirm that dieback in not occurring elsewhere in the catchment
 - e) consider options for improved drain management and additional flooding to prevent prolonged drawdown of the water table
- 7. Notes that if items 1 to 4 recommended above are supported by Council, staff will amend the EOS and implement the changes effective immediately.

Mover: Alan Hunter Seconder: Jan Hackett

Comments:

Completed by Dowsett, Chloe (action officer) on 15 March 2022 at 10:41:48 AM - Resolution closed. All items of Res incorporated and changes being implemented by staff.

From: to

Res NoReport TitleMeeting DateCompleted Date21-551Moving Byron (Transport Strategy)25/11/202131/03/2022Report: I2021/1773Directorate: Infrastructure Services

Officer: Flockton, James

Resolved that Council:

- Adopts the Draft version of the Moving Byron Strategy (Attachments 1,2 &3) for the purpose of Public Exhibition with the follow amendments and invites submissions from the public.
 - a) Addition of a foreword from the TIAC Chair to acknowledge the contributions of community representatives and stakeholders in the development of Moving Byron.
 - b) Review of formatting and content of column 4 (stakeholders) of the Action Plan (Attachment 2) to ensure correct alignment and to complete the stakeholder list on page one.
 - c) inclusion of additional photographs representative of the key themes.
 - d) Include Case Study 4 at A5 of Attachment 3.
 - e) Attachment 1 be named 'Moving Byron 2022-2042: Integrated Transport Strategy'.
- 2. Places the "Draft Moving Byron strategy" on Public Exhibition for a minimum of 28 days and the outcomes of the consultation be reported to Council for further consideration;
- 3. Undertakes consultation during the exhibition period with other government agencies and key stakeholders identified within the Draft Moving Byron Strategy to obtain their support, feedback and comments;
- 4. Receives a report on resourcing requirements in relation to the Draft Moving Byron Action Plan: and
- 5. Thanks members of the Transport and Infrastructure Advisory Committee (TIAC) for the extensive time and effort put into preparing the Draft Moving Byron Strategy.

Mover: Basil Cameron Seconder: Cate Coorey

Comments:

Completed by Flockton, James (action officer) on 31 March 2022 at 11:52:14 AM - Moving Byron public exhibition well underway and all actions are now complete.

Res No	Report Title		Meeting Date	Completed Date
22-001	EV charging station in Station St	et	03/02/2022	28/03/2022
	Report: 12022/1	rectorate: Corp	orate and Community	Services
	•	ficer: Reilly, Le	en	

Resolved:

- 1. That Council reconfirm its commitment to reducing carbon emissions and confirms its support for Electric Vehicles over those driven by fossil fuels.
- That the following issues at the EV charging station in Council's carpark be remedied as soon as a funding source is determined:
 - a) pigeon poo splattering EV's due to pigeons roosting in the roof structure over the parking bays with EV chargers; and
 - b) rainwater falling on the charging equipment and on people using it.
- 3. That Council receive a report within a month on funding options for remedying these issues.
- 4. That the Mayor be delegated to determine the option from that report between it being written and being considered by Council, should he so wish, to expedite the matter and to save time spent on it.
- 5. That Council receive a report in April 2022 on the resolution of the issues.

Mover: Duncan Dey Seconder: Sarah Ndiaye

Comments:

Completed by Reilly, Len (action officer) on 28 March 2022 at 2:19:54 PM - a) Quote approved to install bird netting under the structure which will prevent Pigeons from roosting. Works to start in May 2022.

From: to

Res No Report Title Meeting Date Completed Date

22-002 Notice of Motion to LGNSW Special Conference - O3/02/2022 4/02/2022

Report: I2022/2 Directorate: Corporate and Community Services

Officer: Adams, Vanessa

Resolved that Council submits a Notice of Motion to the LGNSW Special Conference:

That Local Government NSW works with councils to develop template governance tools to enhance transparency and performance reporting including:

- A dashboard summary reporting tool tracking progress against objectives as set out in key planning documents community strategic plan, financial plan and budget, residential land use and other strategies etc; and
- b) A consolidated State Government relationship reporting tool tracking all 'live' issues and projects between an LGA and State Government across all portfolio areas including grant applications, policy / project proposals, state government- initiated projects etc.

Mover: Mark Swivel Seconder: Sarah Ndiaye

Comments:

Completed by Adams, Vanessa (action officer) on 04 February 2022 at 5:04:19 PM - Sent to LGNSW 4 Feb

Res No	Report Title	Meeting Date	Completed Date
22-003	Notice of Motion to LGNSW Special Conference - Stamp Duty Recycling for Housing Investment	03/02/2022	13/03/2022
	Report: I2022/3 Directorate: Sustain Officer: Burt, Shan	inable Environment a non	and Economy

Resolved that Council submits the following Notice of Motion to the LGNSW Special Conference 2022:

- 1. That Local Government NSW lobbies the NSW Government to secure the 'recycling' of transfer duty and land tax revenue into Local Government Areas experiencing house price inflation and homelessness, housing shortage and rental stress to invest in new housing stock for essential workers, lower income and vulnerable members of the community.
- That Local Government NSW lobbies the NSW Government to use 'stamp duty recycling' as a mechanism for equalising the social housing stock across the state so that Local Government Areas that are behind the state average can catch up over the next decade.

Mover: Mark Swivel Seconder: Sarah Ndiaye

Comments:

Completed by Burt, Shannon (action officer) on 13 March 2022 at 1:25:07 PM - Motion submitted to LG conference.

From: to

Res No Report Title Completed Date Meeting Date Notice of Motion to LGNSW Special Conference -22-004 03/02/2022 4/02/2022 First Nations Voice to Council

> Report: 12022/4 **Directorate:** Corporate and Community Services

> > Officer: Adams, Vanessa

Resolved that Council submits the following Notice of Motion to the LGNSW Special Conference 2022:

That Local Government NSW develops an advisory body model for a First Nations Voice to Council for local indigenous communities based on the vision in the Uluru Statement From The Heart; with the structure, terms of reference and membership for the First Nations Voice to Council to be determined by consultation with local indigenous community stakeholders including Local Aboriginal Land Councils, native title holders and elders in conjunction with Local Councils.

Mover: Mark Swivel Seconder: Sarah Ndiaye

Comments:

Completed by Adams, Vanessa (action officer) on 04 February 2022 at 5:05:14 PM - Sent to LGNSW 4 Feb

Res No Report Title Meeting Date Completed Date Housing and Affordability Advisory Committee for 22-005 03/02/2022 13/03/2022 **Byron Shire Report: 12022/5 Directorate:** Sustainable Environment and Economy

Officer: Burt, Shannon

Resolved that Council creates a Housing and Affordability Advisory Committee for Byron Shire to provide advice, share relevant information, advocate for, and help fast track progress on affordable housing opportunities.

Mover: Sarah Ndiaye Seconder: Cate Coorey

Comments:

Completed by Burt, Shannon (action officer) on 13 March 2022 at 1:24:12 PM - Superseded by Res 22-042.

Res No	Report Title	Meeting Date	Completed Date
22-013	Election to the Australian coastal Council Association's Committee of Management	03/02/2022	13/03/2022
	Report: Directorate: Susta Officer: Burt, Shar	ainable Environment a nnon	nd Economy

Resolved:

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

DUNCAN DEY, Byron Shire Council

KAREN RENKEMA-LANG, Kiama Municipal Council

(Dey/Ndiaye)

The amendment was put to the vote and declared carried.

Cr Lyon, Pugh, and Hunter voted against the amendment.

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

Mover: Seconder:

Comments:

Completed by Burt, Shannon (action officer) on 13 March 2022 at 1:20:03 PM - Candidates were put forward to ACCA by due date. NFA.

From: to

Res NoReport TitleMeeting DateCompleted Date22-014Oath or Affirmation of Office03/02/20227/02/2022

Report: I2021/1953 Directorate: Corporate and Community Services

Officer: Sills. Heather

Resolved that it be noted that the following Councillors took either the Oath of Office or Affirmation of Office, before the General Manager, prior to the first Ordinary Meeting of the new Council on 3 February 2022:

Cr Michael Lyon, Cr Cate Coorey, Cr Duncan Dey, Cr Mark Swivel, Cr Sarah Ndiaye, Cr Peter Westheimer, Cr Salma Balson, Cr Asren Pugh, Cr Alan Hunter

Mover: Michael Lyon Seconder: Alan Hunter

Comments:

Completed by Sills, Heather (action officer) on 07 February 2022 at 10:02:03 AM - No further action required.

Res No Report Title Meeting Date Completed Date

22-015 Election of Deputy Mayor - 2022 03/02/2022 7/02/2022

Report: I2021/984 Directorate: Corporate and Community Services
Officer: Sills, Heather

Resolved:

- 1. That Council elects a Deputy Mayor for the period from 3 February 2022 until the first meeting of Council in September 2022.
- 2. That the method of election of the Deputy Mayor be by way of ordinary ballot.

Mover: Duncan Dey Seconder: Michael Lyon

Comments:

Completed by Sills, Heather (action officer) on 07 February 2022 at 10:02:20 AM - No further action required.

Res No	Report Title	Meeting	Date	Completed Date
22-018	Review of Council Delegations	03/02/2022		9/02/2022
	Report: 12021/1844	Directorate: Corporate and Comi	munity :	Services
		Officer: Jones, Mila		

Resolved that Council:

- 1. Notes that Council is required to review its delegations within the first 12 months of an election;
- 2. Defers this item until a later meeting, and
- 3. Resolves that the issue of delegations be placed on the first available Strategic Planning Workshop.

Mover: Cate Coorey Seconder: Asren Pugh

Comments:

Completed by Jones, Mila (action officer) on 09 February 2022 at 8:40:35 AM - This report is now the subject of a SPW presentation and will be reported back to Council following the SPW.

From: to

Res No Report Title Meeting Date Due Date Meeting Schedule 2022 - Council Meetings and Strategic 22-019 03/02/2022 7/03/2022 Planning Workshops **Report:** I2021/1839 **Directorate:** Corporate and Community Services

Officer: Sills, Heather

Resolved:

1. That Council endorses the meeting frequency and cycle to generally follow the monthly pattern of:

1st Thursday - Strategic Planning Workshop & Planning Review Committee

2nd Thursday - Planning Meeting 3rd Thursday - Committee meetings 4th Thursday - Ordinary Meeting

5th Thursday (where applicable) - Committee meetings

- 2. That Council continues to support a recess in January and July each year, where no meetings are scheduled.
- 3. That Council adopts the following schedule of Ordinary and Planning Meetings and Strategic Planning Workshops (SPW) for 2022:

Date	Meeting/Workshop (Thursday)
10-Feb-22	SPW
24-Feb-22	Ordinary
03-Mar-22	SPW
10-Mar-22	Planning
24-Mar-22	Ordinary
07-Apr-22	SPW
14-Apr-22	Planning
28-Apr-22	Ordinary
05-May-22	SPW
12-May-22	Planning
26-May-22	Ordinary
02-Jun-22	SPW
09-Jun-22	Planning
23-Jun-22	Ordinary
30-Jun-22	Extraordinary
JULY	RECESS
04-Aug-22	SPW
11-Aug-22	Planning
25-Aug-22	Ordinary
01-Sep-22	SPW
08-Sep-22	Planning
22-Sep-22	Ordinary
06-Oct-22	SPW
13-Oct-22	Planning
27-Oct-22	Ordinary
03-Nov-22	SPW
10-Nov-22	Planning

From: to

24-Nov-22	Ordinary
1-Dec-22	SPW
08-Dec-22	Planning
15-Dec-22	Ordinary

- 4. That the Ordinary Meetings be held in the Council Chambers, Mullumbimby with a start time of 9.00am.
- 5. That the Planning Meetings be held in the Council Chambers, Mullumbimby with a start time of 11.00am, following site inspections which are held at 9.00am on the day of the Planning Meeting.

Mover: Michael Lyon Seconder: Sarah Ndiaye

Comments:

Meeting schedule endorsed. Dates published on Council's website.

Res No	Report Title	Meeting Date	Completed Date
22-023	Countback for Casual Vacancy within the first 18 months of Term	03/02/2022	7/02/2022
	Report: 12021/983 Directorate: Corpo Officer: Sills, Heat	orate and Community her	Services

Resolved that Council endorses the use of the countback method in the event that a casual vacancy in the office of a councillor occurs within the first 18 months of the current term of office.

Mover: Michael Lyon Seconder: Sarah Ndiaye

Comments:

Completed by Sills, Heather (action officer) on 07 February 2022 at 10:02:41 AM - Noted. No further action required at this time.

Res No	Report Title	Meeting Date	Completed Date
22-025	Election of Representatives for Rous County Council	03/02/2022	24/02/2022
	Report: I2021/1962 Directorate: Col Officer: Sills, He	rporate and Community eather	Services

Resolved:

- 1. That Council determines by Preferential Ballot its first delegate to Rous County Council.
- 2. That Council determines by Preferential Ballot its second delegate to Rous County Council.

Mover: Michael Lyon Seconder: Sarah Ndiaye

Comments:

Completed by Sills, Heather (action officer) on 24 February 2022 at 8:30:59 PM - Rous County Council were notified that Crs Lyon and Ndiaye were elected. Councillors attended the first meeting on Wednesday, 16 February 2022.

From: to

Res No Completed Date Report Title Meeting Date Advisory Committee Structure and Determination 22-026 03/02/2022 28/03/2022 of Councillor Representatives Report: 12021/1947 **Directorate:** Corporate and Community Services Officer: Bradbury, Richard

Resolved:

That Council:

- Notes the following committees are proposed to continue in their current form and appoints Councillor representatives:
 - Arakwal Memorandum of Understanding Advisory Committee 3 Councillors

Crs Ndiaye, Coorey, Pugh – Alternate Cr Balson

- Local Traffic Committee 1 Councillor Cr Lyon
- 2. Notes the proposed revised structure and objectives of the following committees and appoints Councillor representatives:
 - Biodiversity Advisory Committee 3 Councillors
 - Crs Ndiaye, Balson, Westheimer
 - Climate Change and Resource Recovery Advisory Committee 3 Councillors b) Crs Ndiave, Swivel, Pugh
 - Finance Advisory Committee 4 Councillors c) Crs Swivel, Balson, Pugh, Hunter
 - Infrastructure Advisory Committee 3 Councillors d) Crs Lyon, Swivel, Dey
 - Moving Byron Advisory Committee 4 Councillors e) Crs Coorey, Swivel, Dey, Westheimer
 - f) Water and Sewer Advisory Committee - 4 Councillors Crs Lyon, Ndiaye, Coorey, Dey
 - Heritage Advisory Committee 2 Councillors g)
 - Crs Swivel, Balson
 - Strategic Business Advisory Committee 3 Councillors h) Crs Lyon, Pugh, Hunter
 - i) Coastal and ICOLL Advisory Committee - 2 Councillors Crs Dey, Coorey - Alternate Ndiaye
 - Floodplain Management Advisory Committee 3 Councillors j) Crs Lyon, Coorey, Dey
- 3. Establishes the Communications Panel and appoints 2 Councillors as representatives.

Crs Ndiaye, Coorey - with Cr Balson as an alternate

Establishes the General Manager's Performance Review Panel and appoints the Mayor and three Councillors as 4. representatives.

Crs Dey, Hunter, Ndiaye

- 5. Establishes the following Advisory Committees and appoints Councillor representatives:
 - a) Housing and Affordability Advisory Committee 3 Councillors

Crs Ndiaye, Balson, Dey

b) Arts and Creative Industries Advisory Committee - 3 Councillors

Crs Ndiaye, Balson, Westheimer - Coorey alternate

- 6. That Council establishes an Audit, Risk, and Improvement Committee and:
 - appoints 2 Councillors Cr Swivel, Hunter a)
 - adopts the draft Audit Risk and Improvement Committee Constitution at Attachment 3 (E2021/148820) which begins b) to align with the Office of Local Government Guidelines expected to be implemented from 1 July 2022.
- Notes the Advisory Committee Constitution template at Attachment 1 (E2021/150446) to be used in the development of 7. Advisory Committee Constitutions once established.
- 8. Notes that calls for nominations for community representatives for each committee will be reported back to Council at the March Ordinary Meeting for appointment.
- Writes to the former committee and panel members advising them of the changes to Council's committee structure, officially 9. thanking them for their contribution to date, and inviting a nomination on the new committee.
- 10. Endorses the proposed Committee Meeting schedule as provided at Attachment 2 (E2021/155310) with amendments to capture the changes to the committee structure.
- That a review of the committees be undertaken in 12 months' time.

Mover: Michael Lyon Seconder: Duncan Dey

Comments:

Completed by Bradbury, Richard (action officer) on 28 March 2022 at 1:20:58 PM - Committee memberships and structures established in InfoCouncil and all actions completed

From: to

Res No	Report Title	Meeting Date	Completed Date
22-029	Establishment and Delegation to Section 355 Committees	03/02/2022	30/03/2022
	Report: 12021/1123 Directorate: Cor Officer: Wood , 1	porate and Community sabelle	Services

Resolved:

c)

- 1. That Council grants an extension of term to the existing s355 Committees of one month due to the delay in the first Council meeting of the new term and that staff write to advise existing committee members accordingly.
- 2. That Council confirms the establishment of the following eight Committees under Section 355(b) of the Local Government Act 1993
 - a) Bangalow Parks (Bangalow Showground) Section 355 Management Committee
 - b) Brunswick Heads Memorial Hall Section 355 Management Committee
 - Brunswick Valley Community Centre Section 355 Management Committee
 - d) Durrumbul Community Hall Section 355 Management Committee
 - e) Ocean Shores Community Centre Section 355 Management Committee
 - f) South Golden Beach Community Centre Section 355 Management Committee
 - g) Suffolk Park Community Hall Section 355 Management Committee
 - h) Marvel Hall Section 355 Management Committee
- That Council confirms the establishment of the following two Boards of Management under Section 355(b) of the Local Government Act 1993:
 - a) Bangalow A&I Hall
 - b) Mullumbimby Civic Memorial Hall
- 4. That Council revokes the Section 377 Delegation of Authority to the Lone Goat Gallery Voluntary Management Board, disbands the committee and dissolves the Lone Goat Gallery Section 355 Committee. A letter of thanks to be sent to all Committee Members.
- That Council adopts the Delegation of Authority under Section 377 of the Local Government Act 1993, as shown in Attachment 1 (#E2016/66109) for each Section 355 Management Committee and Board of Management confirmed in 1 and 2 above.
- 6. That Council endorses the *Halls and Venues Guidelines for Section 355 Committees and Boards* (attachment 2, E2021/154643), with the following amendments:
 - a) That 'objectives' be included to outline what was previously known as the 'terms of reference'.
 - b) Other than the initial appointments, removal of the requirements for Section 355 and Board of Management Committee resignations and appointments to be formally endorsed by Council resolution, and that function to be delegated to the General Manager under Section 377 of the Local Government Act 1993.
 - c) That designated Councillor contacts are determined for each Committee in place of Councillor appointments to board positions on Section 355 and Board of Management Committees.
- 7. That Council determines a Councillor contact for each of the following Section 355 Management Committees or Boards of Management confirmed in 1 and 2 above.
 - a) Bangalow Parks (Bangalow Showground) Section 355 Management Committee Cr Pugh
 - b) Brunswick Valley Community Centre Section 355 Management Committee Cr Dey
 - c) Brunswick Heads Memorial Hall Section 355 Management Committee Cr Coorey
 - d) Durrumbul Community Hall Section 355 Management Committee Cr Dey
 - e) Ocean Shores Community Centre Section 355 Management Committee Cr Lyon
 - f) South Golden Beach Community Centre Section 355 Management Committee Cr Lyon
 - g) Suffolk Park Community Hall Section 355 Management Committee Cr Swivel
 - h) Bangalow A&I Hall Board of Management Cr Pugh
 - i) Mullumbimby Civic Memorial Hall Board of Management Cr Westheimer
 - j) Marvell Hall 355 Management Committee Cr Swivel

Mover: Michael Lyon Seconder: Sarah Ndiaye

Comments:

Completed by Wood, Isabelle (action officer) on 30 March 2022 at 3:20:59 PM - All actions completed.

From: to

Res NoReport TitleMeeting DateCompleted Date22-031Local Government NSW Special Conference03/02/20227/02/2022

Officer: Bradbury, Richard

Resolved:

That Council authorises Cr Lyon, Cr Swivel, and Cr Balson to attend the Local Government NSW Special conference as voting members and Cr Ndiaye to attend as a non-voting member from 28 February to 2 March 2022

Mover: Michael Lyon Seconder: Sarah Ndiaye

Comments:

Completed by Bradbury, Richard (action officer) on 07 February 2022 at 2:09:20 PM - Councillors Lyon, Swivel and Balson are registered as voting delegates at the LGNSW Special Conference 2022 (E2022/10670)

Res No	Report Title	Meeting Date	Completed Date
22-032	Environmental Planning and Assessment (Statement of Expectations) Order 2021	03/02/2022	7/02/2022
	Report: I2021/1967		

Resolved that Council:

- Notes that Council received in mid-December 2021 an Environmental Planning and Assessment (Statement of Expectations)
 Order 2021 signed by state Minister Stokes on 26 November 2021 and setting out the "Minster's Expectations" in relation to
 (1) Development Assessment, (2) Planning Proposals, and (3) Strategic Planning Obligations.
- 2. Notes that Order 2021 imposes new and separate performance benchmarks for development assessment, planning proposals and strategic planning.
- 3. Notes that Order 2021 states that "if a Council is found not to be meeting these expectations, the Minister can take these matters into consideration as part of determining if it is appropriate to appoint a planning administrator or regional panel to exercise a council's functions".
- 4. Recognises that Byron Shire determines almost three times as many DA's per 1000 residents as the average of NSW Councils (25.8 versus 9.4 based on LGPEP data for 2020).
- 5. Recognises that 38% more applications were determined by each Full Time Equivalent staff member at Byron than the NSW average (36 versus 26).
- 6. Commends staff and the Director SEE on the Council's performance on development assessment, planning proposals and strategic planning given numerous legislative changes and challenges resulting from the COVID-19 pandemic during the past 18 months.

Mover: Duncan Dey Seconder: Sarah Ndiaye

Comments:

Completed by Burt, Shannon (action officer) on 07 February 2022 at 2:26:50 PM - No further action by staff is required by this resolution.

From: to

Res No Report Title Meeting Date Completed Date

22-036 Lease to Huron Bay Pty Ltd (A.C.N) 24/02/2022 8/03/2022

Report: I2021/1952 Directorate: General Manager
Officer: Telford. Paula

Resolved that Council authorises the General Manager, under delegation, to enter into a Head Lease with Huron Bay Pty Ltd (A.C.N. 654 298 405) on the following terms:

- a) over Lot 6 DP836887 Staceys Way Tyagarah,
- b) term five-years,
- base rent to be set by an independent market valuation (yet to be received) with rent annually increased thereafter by Consumer Price Index All Groups Sydney,
- d) for the purpose of storage of aircraft,
- e) the Lessor to consent to the Lessee sub-leasing part of the leased land to T & L West for the same term and purpose as the Head Lease.
- f) the Lessor acknowledges that the Lessee and T & L West own all improvements on the Land,
- g) Lessee must, at its cost, be responsible for the following:
 - i) all outgoings payable in respect of the Land,
 - ii) all maintenance of improvements on the Land including but not limited to all buildings, road access and or carpark constructed on the Land,
 - iii) providing a minimum \$20 million public risk insurance cover noting Byron Shire Council as an interested party, and
 - iv) hold all consents, approvals, and others authorisation for storage of aircraft on the Land.
- h) Lessee must, at its cost, removal all improvements from the Land and return the Land as vacant possession to the Lessor on the day the Head Lease ends, unless a new lease is negotiated to commence on the day after the end of the Head Lease.
- i) The Lessee to enter into an Access Licence for the Tyagarah Airfield upon acceptance of a Head Lease over the Land.

Mover: Michael Lyon Seconder: Alan Hunter

Comments:

Completed by Telford, Paula (action officer) on 08 March 2022 at 11:12:13 AM - Letter with offer of 5-year licence in accordance with resolution 22-036 to Huron Bay Pty Ltd (E2022/18678). Offer accepted (E2022/19448).

Res No	Report Title	Meeting Date	Completed Date
22-037	Council Investments - 1 November 2021 to 3 November 2021	0 24/02/2022	27/03/2022
	Report: 12021/1922	Corporate and Community	Services

Officer: Brickley, James

that Occupit notes the named listing Occupiting the description of the second s

Resolved that Council notes the report listing Council's investments and overall cash position as at 30 November 2021.

Mover: Michael Lyon Seconder: Alan Hunter

Comments:

Completed by Brickley, James (action officer) on 27 March 2022 at 4:07:35 PM - No Further action required.

From: to

Res NoReport TitleMeeting DateCompleted Date22-038Council Investments - 1 December 2021 to 31
December 202124/02/202227/03/2022

Officer: Brickley, James

Resolved that Council notes the report listing Council's investments and overall cash position as at 31 December 2021.

Mover: Michael Lyon Seconder: Alan Hunter

Comments:

Completed by Brickley, James (action officer) on 27 March 2022 at 4:07:50 PM - No further action required.

Res No	Report Title	Meeting Date	Completed Date
22-039	Council Investments - 1 January 2022 to January 2022	24/02/2022	27/03/2022
	•	rate: Corporate and Community	Services

Officer: Brickley, James

Resolved that Council notes the report listing Council's investments and overall cash position as at 31 January 2022.

Mover: Michael Lyon Seconder: Alan Hunter

Comments:

Completed by Brickley, James (action officer) on 27 March 2022 at 4:08:05 PM - No further action required.

Res No	Report Title		Meeting Date	Completed Date
22-040	Budget Review - 1 Octob 2021	per 2021 to 31 December	24/02/2022	27/03/2022
	Report: 12022/33	Directorate: Corpo Officer: Brickley, Ja	rate and Community ames	Services

Resolved:

- That Council authorises the itemised budget variations as shown in Attachment 2 (#E2022/11334) which include the following results in the 31 December 2021 Quarterly Review of the 2021/2022 Budget:
 - a) General Fund \$308,400 decrease to the Estimated Unrestricted Cash Result
 - b) General Fund \$2,752,400 increase in reserves
 - c) Water Fund \$21,100 increase in reserves
 - d) Sewerage Fund \$8,200 increase in reserves
- 2. That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$481,000 for the 2021/2022 financial year as at 31 December 2021.

Mover: Michael Lyon Seconder: Alan Hunter

Comments:

Completed by Brickley, James (action officer) on 27 March 2022 at 4:09:08 PM - Budget revotes for December 2021 Quarter approved by Council updated to Authority System as per resolution.

From: to

Res No Report Title Meeting Date Due Date Delivery Program 6-monthly Report and 2021/22 22-041 24/02/2022 28/03/2022 Operational Q2 Report - to 31 December 2021 Report: 12022/93 **Directorate:** Corporate and Community Services

Officer: Sills, Heather

Resolved that Council notes the Delivery Program 6-monthly Report and 2021/22 Operational Plan second Quarter Report for the period ending 31 December 2021 (Attachment 1 #E2022/10336).

Seconder: Alan Hunter Mover: Michael Lyon

Comments:

Noted. Report published on Council's website.

Res No	Report Title	Meeting Date	Completed Date
22-044	Council Resolutions Quarterly Review - Q2 - 1 October to 31 December 2021	24/02/2022	29/03/2022
	Report: 12022/44 Directorate: Infra Officer: Winter, J	structure Services oshua	

Resolved:

- 1. That Council notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2021/155913).
- That Council notes the completed Resolutions in Attachment 2 (#E2021/155914) except for Resolutions 20-720 (Tallowood 2. PoM) and 21-547 (Belongil dieback research).
- 3. That Council endorses the closure of the following superseded Resolutions: 20-203 (Linnaeus Estate, this Res now superseded by Res 21-495); 20-727 (Mullumbimby Skate Bowl, this Res now superseded by Res 21-501): 21-273 (Emergency Housing, this Res now superseded by Res 21-496); and 21-275 (MO's & CT's pathways, this Res now superseded by Res 21-498).
- 4. That, in relation to Resolution 21-250 of 24 June 2021 about Vallances Road (PDF page 211 in Attachment 1), Council considers in March:
 - expediting the Byron Shire Natural Burial Ground and Nature Reserve project, as described in Resolution 21-250 and likely in other Resolutions of Council;
 - creating a Project Reference Group for that purpose composed of Councillors and people connected to the project b) Council officers, community representatives from the Natural Burial Committee;
 - hosting a meeting of the PRG with the purpose of defining a pathway forward for the project.

Mover: Duncan Dey Seconder: Sarah Ndiaye

Comments:

Completed by Winter, Joshua (action officer) on 29 March 2022 at 11:59:39 AM - Actions are completed as per notes.

From: to

 Res No
 Report Title
 Meeting Date
 Completed Date

 22-048
 Grants January 2022
 24/02/2022
 31/03/2022

Report: 12022/48 Directorate: Corporate and Community Services

Officer: Johnston, Donna

Resolved that Council notes the report and Attachment 1 (#E2022/9955) for Byron Shire Council's grant submissions as of 31 January 2022.

Mover: Duncan Dey Seconder: Michael Lyon

Comments:

Completed by Johnston, Donna (action officer) on 31 March 2022 at 9:13:33 AM - Note resolution

Res No	Report Title	Meeting Date	Completed Date
22-051	Grant of 5-year licence over Mullumbimby Community Hall (former Mullumbimby Scout Hall) to preferred respondent	24/02/2022	8/03/2022
	Report: I2021/1954 Directorate: Generate: Officer: Telford, Pa	U	

Resolved:

- 1. That Council notes that no submissions were received from public notice of a proposed five-year licence over the Mullumbimby Community Hall advertised between 4 January and 2 February 2022.
- 2. That Council awards a five-year licence over the Mullumbimby Community Hall to the Mullum District Neighbourhood Centre with the following terms:
 - a) part Folio 321/755692 being the building known as the Mullumbimby Community Hall,
 - b) The garage building adjoining the Premises is included in this Licence and the Licensee must use the garage building only for the purpose of storage.
 - c) term of five-years,
 - d) purpose of a community building as defined by the Byron Local Environmental Plan 1988,
 - e) base rent to be set at \$490 per annum exclusive of GST and increased thereafter annually by Consumer Price Index All Groups Sydney,
 - f) Council to subsidise rent to the value of \$16,790 (exclusive GST),
 - g) Council to subsidise fixed rates and charges payable in accordance with Policy Section 256 Donations Rates and Charges 2021,
 - h) Licensee to pay all other outgoings and must provide public liability insurance to the minimum value of \$20 million noting Byron Shire Council as an interested party.
 - The Licensee provides access to and space within the Mullumbimby Community Hall for the Library of Stuff managed by Mullum Cares Inc.
- 3. That Council makes public its decision, including the name of the successful Respondent.
- That Council thanks the Mullumbimby Scout Group for its contribution and long-term commitment to the Mullumbimby community.

Mover: Michael Lyon Seconder: Sarah Ndiaye

Comments:

Completed by Telford, Paula (action officer) on 08 March 2022 at 11:14:49 AM - Letter offer of 5-year licence in accordance with resolution 22-051 (E2022/12344). Accepted and licence signed (E2022/5720).

From: to

Res No	Report Title	Meeting Dat	e Completed Date	
22-057	Main Beach and Dening Park, By Reserve R82000 - clarification of pending adoption of a Plan of Ma	future uses 24/02/2022	31/03/2022	
	•	Directorate: Sustainable Environment and Economy Officer: Gilmore, Jess		

Resolved that Council resolve that:

- 1. Pending adoption of a new Plan of Management, Council as Crown Land Manager will not issue temporary licences for use of the Main Beach Reserve for activities that:
 - (a) are inconsistent with the gazetted purpose of Public Recreation,
 - (b) are of an enclosed commercial nature (except as referred to in part 2)
 - (c) involve liquor licencing, and/or
 - (d) exclude members of the public from free use of the Reserve.
- 2. Council will continue to manage Low-Impact Commercial Recreation Activities on Main Beach Reserve consistent with Licence RI564194 and Council's adopted Policy Commercial Activities on Coastal and Riparian Crown Reserves.

Mover: Cate Coorey Seconder: Duncan Dey

Comments:

Completed by Scott, Noreen on behalf of Gilmore, Jess (action officer) on 31 March 2022 at 3:24:14 PM - 1 noted, 2 - noted

Res No	Report Title	Meeting Date	Completed Date
22-066	PLANNING - Report of the Planning Review Committee held 10 February 2021	10/03/2022	31/03/2022
	Report: I2022/120 Directorate: Sustainable Environment and Economy Officer: Larkin, Chris		ind Economy

Resolved that Council endorses the outcomes of the Planning Review Committee meeting held on 10 February 2022.

Crs Lyon, Balson, Coorey, Dey, Hunter, Ndiaye, Pugh, Swivel and Westheimer voted in favour of the motion. No Councillors voted against the motion.

Mover: Alan Hunter Seconder: Michael Lyon

Comments:

Completed by Scott, Noreen on behalf of Larkin, Chris (action officer) on 31 March 2022 at 11:46:44 AM - noted

From: to

Res No	Report Title	Meeting Date	Completed Date	
22-068	PLANNING - DA 10.2021.450.1 - Rec of Bangalow Public School	development 10/03/2022	31/03/2022	
	•	Directorate: Sustainable Environment and Economy Officer: Grant, Ben		

Resolved that pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2021.450.1 for redevelopment of Bangalow Public School, removal of eight demountable and permanent classroom buildings, alterations and additions to the historic classroom building facing Byron Street, construction of a new two storey classroom building containing eight home-base rooms plus tree removal, landscaping, and ancillary works, be granted consent subject to the conditions of approval shown at Attachment 1 (E2022/19524) and the following notes to be included at the end of the consent:

Notes:

Replacement of aluminium windows on Block A

Consideration shall be given to replacing the aluminium windows on the western annexe of Block A with timber sash windows or similar that are like the historic windows used throughout the building as part of the renovation of the building.

Toilets

Consideration shall be given to the provision of a unisex/non-binary toilet for students as part of the redevelopment of the school.

Traffic and Safety

Consideration shall be given to collaborating with Council on traffic and safety around the school that is generated by school activities.

Crs Lyon, Balson, Coorey, Dey, Hunter, Ndiaye, Pugh, Swivel and Westheimer voted in favour of the motion. No Councillors voted against the motion.

Mover: Sarah Ndiaye Seconder: Michael Lyon

Comments:

Completed by Scott, Noreen on behalf of Grant, Ben (action officer) on 31 March 2022 at 11:47:45 AM - Notice of Determination issued 16/3 E2022/24367

From: to

Res No	Report Title		Meeting Date	Completed Date
22-069	PLANNING - DA10.2021.5. Swimming Pool and Chang Dwelling into Central Facilit Accommodation Bedrooms Tourist Facility. Report: I2022/140	le of Use of Existing ties Building Including for Existing Rural	10/03/2022 ninable Environment a	31/03/2022 and Economy

Resolved that pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2021.5.1 for new dwelling house, swimming pool, cabana, shed and change of use of existing dwelling into a central facility building including 5 individual bedroom accommodations for the existing rural tourist facility, be refused for the following reasons:

- 1. The proposed development is inconsistent with the objectives of the RU1 Primary Production zone because the proposed development is not small scale and may have an adverse impact on the scenic quality of the locality. The location of the new dwelling also has the potential to fragment remaining agricultural land on the property.
- 2. The proposed development does not comply with the requirements of Byron LEP 2014 Clause 6.8, because it is not small scale and low impact, and is not complementary to the rural and environmental attributes of the land and its surrounds.
- 3. The proposed development is inconsistent with the provisions for rural tourist and visitor accommodation in Part D3.3.4 of Byron DCP 2014. In particular:
 - a) The proposed central facility and accommodation building has a floor area greater than 60m² and contains more than two bedrooms.
 - b) The development is to be low scale and designed and located to be compatible with the surrounding rural environment and of minimal environmental impact.
- 4. The proposed development is inconsistent with the provisions for tourist accommodation in rural zones in Part D3.2.3 of Byron DCP 2014. In particular:
 - The central facility and accommodation are non-compliant with the guidelines in Chapter 7 of the Byron Rural Settlement Strategy 1998 because the building has a floor area greater than 60m² and contains more than two bedrooms
 - b) The proposal is not considered to be low scale and is inconsistent with the relevant Aims, Guiding Principles Best Practice Guidelines and Performance Standards contained in the Byron Rural Settlement Strategy 1998.
 - c) The location of the new dwelling could adversely affect the conduct and productivity of agricultural operations on the
- 5. The proposed new dwelling house is likely to adversely impact scenic qualities of the locality due to its location at the peak of a hill at the northern end of the property. A Visual Impact Assessment has not been provided in accordance with Chapter C3 of Byron DCP 2014.
- 6. The characterisation and use of the existing dwelling as a part central facility building is not considered to be genuine and is not adequately demonstrated in the application.
- 7. Insufficient information has been provided to demonstrate the proposed development will not have an adverse impact on threatened species, ecological communities and their habitats including impacts on the local koala population.
- 8. The proposed development is not considered to be in the public interest for the following reasons:
 - a) The proposed development is inconsistent with the provisions of Byron LEP 2014 and Byron DCP 2014 which have been the subject of extensive community consultation. Approving the application in such circumstances is likely to set an undesirable precedent.
 - Numerous public submissions were received objecting to the proposed development, and the issues raised in submission have not been adequately addressed or deemed capable of being addressed through conditions of consent.
 - c) The proposed development is inconsistent with Council resolution 20-691 which aims to limit such developments to four accommodation buildings and eight bedrooms only.

Mover: Cate Coorey Seconder: Asren Pugh

Comments:

Completed by Scott, Noreen on behalf of Grant, Ben (action officer) on 31 March 2022 at 11:48:47 AM - Notice of refusal issued 16/3/22 E2022/24017

From: to

Res No Report Title Meeting Date Completed Date

Report of the Local Traffic Committee Meeting held

Application 100 Applicati

on 15 February 2022

Officer: Wilcox, Michelle

10/03/2022

28/03/2022

27/03/2022

Resolved that this matter be deferred to the 24 March 2022 Ordinary meeting.

Mover: Michael Lyon Seconder: Sarah Ndiaye

Comments:

22-071

Completed by Wilcox, Michelle (action officer) on 28 March 2022 at 4:07:23 PM - Noted

Res NoReport TitleMeeting DateCompleted Date22-074Grants February 202224/03/202231/03/2022

22-074 Grants February 2022 24/03/2022 31/03/2022 **Report:** I2022/204 **Directorate:** Corporate and Community Services

Directorate: Corporate and Community Services **Officer:** Johnston, Donna

Resolved that Council notes the report and Attachment 1 (#E2022/20597) for Byron Shire Council's grant submissions as of 28

February 2022.

Mover: Michael Lyon Seconder: Sarah Ndiaye

Comments:

Completed by Johnston, Donna (action officer) on 31 March 2022 at 9:13:50 AM - Noted resolution

Res No Report Title Meeting Date Completed Date

Council Investments - 1 February 2022 to 28

22-075 Council investments - 1 February 2022 to 28 24/03/2022 February 2022

Officer: Brickley, James

Resolved that Council notes the report listing Council's investments and overall cash position as at 28 February 2022.

Mover: Michael Lyon Seconder: Sarah Ndiaye

Comments:

Completed by Brickley, James (action officer) on 27 March 2022 at 4:08:21 PM - No further action required.

From: to

Res No	Report Title	Meeting Date	Completed Date	
22-076	Financial Assistance - Feb/March 2022 Floo Event	d 24/03/2022	27/03/2022	
	•	Directorate: Corporate and Community Services Officer: Brickley, James		

Resolved:

- 1. That Council provide financial assistance to ratepayers and the community for the period 1 March 2022 to 30 June 2022 for the following:
 - a) Suspension of interest charges on overdue rates and charges by continuing to set the interest rate to 0%.
 - b) Suspension of any debt recovery activity for all debts due to Council except for issuing a reminder notice.
 - c) Not charging the fee for dishonoured direct debits (currently \$23.00 per dishonour).
 - d) Continuing to work with ratepayers in the establishment of payment arrangements upon application.
- 2. That Council consider any extension of the measures in recommendation 1(a), 1(b), and 1(c) as part of adopting the 2022/2023 Revenue Policy.

Mover: Michael Lyon Seconder: Sarah Ndiaye

Comments:

Completed by Brickley, James (action officer) on 27 March 2022 at 4:14:59 PM - As per resolution, interest has been turned off for rates and water modules. Debt recovery action suspended except for issuing a reminder notice. Dishonour fees not to be charged. No further action required.

From: to

Res No	Report Title	Meeting Date	Completed Date	
22-078	Compliance Priorities Program Report 202	1 24/03/2022	28/03/2022	
	Report: 12022/52 Directorat	Directorate: Sustainable Environment and Economy		
	Officer: N	Officer: Nagel, Sarah		

Resolved:

- 1. That Council notes the report on the Compliance Priorities Program 2021.
- 2. That Council adopts the proposed Compliance Priorities Program for 2022 as provided below:
 - Very High Priorities:
 - 1.1 Developments, actions, works, activities or uses that places people's lives at immediate risk or that cause or are likely to cause a significant risk of environmental harm or pollution;
 - 1.2 Significant environmental and public health incidents:
 - 1.3 Dangerous and/or menacing dogs;
 - 1.4 Livestock on public roads:
 - 1.5 Traffic, parking and unapproved camping activity. Camping enforcement, with an emphasis on environmentally sensitive areas;
 - 1.6 Asbestos containing material ("ACM") being illegally dumped on public land (waste compliance).
 - 2. High Priorities
 - 2.1 Unauthorised events, wedding receptions, parties, 'doof and rave' parties where significant environmental harm or risk to people's lives;
 - 2.2 Breaches of the NSW Fair Trading's 'Code of Conduct for the Short-Term Rental Accommodation Industry' where the breach falls within the jurisdiction of Council's enforcement powers;
 - 2.3 Responses to complaints about recurring noise disturbance, public nuisance from premises, maintenance of alcohol free zones;
 - 2.4 Uncontrolled dogs and/or cats including those kept on land where Policy or Development consent prohibits it.
 - 3. Medium Priorities
 - Development or activities without consent, or non-compliance with consent, permit or licence conditions where these appear to pose no immediate threat to life, property, public health or the environment;
 - 3.2 Non-compliant signage (07-550, 06-204).
 - Routine Priorities
 - 4.1 Companion animals with a high emphasis on high visibility enforcement and public education (15-465);
 - 4.2 Seasonal public health issues and community preparedness including issuing a minimum of two media releases;
 - 4.3 Tourist and visitor accommodation swimming pool safety, including legislative requirements;
 - 4.4 Onsite sewage management systems (including CERC project):
 - 4.5 Food Safety Inspections;
 - 4.6 Awareness of current public health requirements

Mover: Michael Lyon Seconder: Sarah Ndiaye

Comments:

Completed by Nagel, Sarah (action officer) on 28 March 2022 at 1:47:47 PM - 1. The report is noted

Res No	Report Title		Meeting Date	Completed Date
22-079	Report of the Local Traffic Com on 15 February 2022	nmittee Meeting held	24/03/2022	28/03/2022
	Report: 12022/211	Directorate: Infrastr	ucture Services	
Officer: Wilcox, Michelle				
Resolved that Council notes the minutes of the Local Traffic Committee Meeting held on 15 February 2022 (12022/124) and agrees				

with and approves the following Committee Recommendations:

Mover: Michael Lyon Seconder: Sarah Ndiaye

Comments:

Completed by Wilcox, Michelle (action officer) on 28 March 2022 at 4:13:35 PM - Noted

From: to

Res No Report Title Meeting Date Completed Date

Ewingsdale Road Shared Path - Linemarking and

Ewingsdale Road Shared Path - Linemarking and

22-080 Ewingsu Signage

Report: 12022/35 Directorate: Infrastructure Services

Officer: Wilcox, Michelle

24/03/2022

28/03/2022

Resolved that Council adopts the following committee recommendations:

Report No. 6.1 Ewingsdale Road Shared Path - Linemarking and Signage

File No: I2022/35

Committee Recommendation 6.1.1

That the Local Traffic Committee endorse the attached detailed plans in terms of signage and linemarking for the Ewingsdale Road Shared Path (Attachment 1 E2022/8110) including amendments agreed.

Mover: Michael Lyon Seconder: Sarah Ndiaye

Comments:

Completed by Wilcox, Michelle (action officer) on 28 March 2022 at 4:08:13 PM - 1. Noted

Res NoReport TitleMeeting DateCompleted Date22-081Pocket Road Upgrade Stage 2 - Linemarking24/03/202228/03/2022

Report: 12022/40 Directorate: Infrastructure Services

Officer: Wilcox, Michelle

Resolved that Council adopts the following committee recommendation:

Report No. 6.2 Pocket Road Upgrade Stage 2 - Linemarking

File No: I2022/40

Committee Recommendation 6.2.1

That the Local Traffic Committee endorse the detailed plans in terms of line marking for the Pocket Road Upgrade Stage 2 as per Attachment 1 (E2022/7060) including amendments agreed.

Mover: Michael Lyon Seconder: Sarah Ndiaye

Comments:

Completed by Wilcox, Michelle (action officer) on 28 March 2022 at 4:09:11 PM - Noted and passed onto Kirk Weallans

From: to

Res No Report Title Completed Date Meeting Date 22-083 Event – Byron Coast Charity Walk – 30 April 2022 24/03/2022 31/03/2022 Report: 12022/67

Directorate: Sustainable Environment and Economy

Officer: Gilmore, Jess

Resolved that Council adopts the following committee recommendations:

Report No. 6.3 Event - Byron Coast Charity Walk - 30 April 2022

File No: I2022/67

Committee Recommendation 6.3.1

- 1. That Council support the Westpac Life Saver Rescue Helicopter fundraiser, Byron Coast Charity Walk, to be held Saturday 30 April 2022 from 5.00am - 5.00pm.
- That Council support in Part 1 is subject to: 2.
 - The development of a Traffic Guidance Scheme (TGS) and Traffic Management Plan(s) for the 2022 event by those with relevant and current TfNSW accreditation. The TGS(s) and Traffic Management Plan is to include, but is not limited to, the following:
 - Signage, which specifies the date, hours and nature of the event, be positioned at the entrance and exit of Seven Mile b) Beach Road one week prior to the event:
 - c) On the day of the event, at 500m intervals on Seven Mile Beach Road, and facing both directions of travel, signs advising of "Special Event - Charity Walk Ahead" (or similar) are installed prior, and removed after, the event occurs;
 - A safety induction for participants advising of hazards be provided. d)
 - Implementation of the Traffic Management Plan and Traffic Guidance Scheme/s as designed by those with e) appropriate accreditation and implemented by people with appropriate accreditation, including traffic controllers.
 - Any concerns expressed by members of the public to be addressed by council or relevant authority before the event; f)
- 3. The event organiser at to:
 - Advertise the impact of the event, via a Variable Message Sign on site (event & date only) and notice in the local weekly paper, 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;
 - Arrange for the event to be notified on Council's webpage a minimum one week prior to the TGS being implemented;
 - Undertake consultation with affected community and businesses including adequate response/action to any raised c) concerns.
 - d) Undertake consultation with emergency services and any identified issues addressed.
 - Holding \$20m public liability insurance cover which is valid for the event. e)
 - f) Paying Council's Road Event Application Fee prior to the event.
 - Obtain NSW police approval before the event.

Mover: Michael Lyon Seconder: Sarah Ndiaye

Comments:

Completed by Gilmore, Jess (action officer) on 31 March 2022 at 3:59:27 PM - Event has been cancelled for 2022 due to flood

From: to

Res NoReport TitleMeeting DateCompleted Date22-087Brunswick Heads - Parking Limit Review
Report: I2022/10324/03/2022
Directorate: Infrastructure Services28/03/2022

Officer: Wilcox, Michelle

Resolved that Council adopts the following committee recommendations:

Report No. 6.8 Brunswick Heads - Parking Limit Review

File No: I2022/103

Committee Recommendation 6.8.1

That the Local Traffic Committee endorse the following parked time amendments to Attachment 1 (E2021/50167) as part of the Brunswick Heads Parking Limit Review:

- a) Mullumbimbi Street (Tweed to Park northern side only); remain all day parking
- b) Fingal Street (Tweed to 25 Fingal); remain all day parking
- c) South Beach Road (full length); all day parking (western side only), 4 hours parking (beach side), Torkina Carpark 4 hours

Mover: Michael Lyon Seconder: Sarah Ndiaye

Comments:

Completed by Wilcox, Michelle (action officer) on 28 March 2022 at 4:01:03 PM - Noted - Project Manager Kirk Weallans and Tony Lucas advised