



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 27 September 2012

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
27 September 2012

INDEX OF ITEMS DISCUSSED

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

Report No. 11.7.	2012 Councillor Workshops	3
Report No. 11.8.	Website redevelopment	3
Report No. 11.13.	Roadside Vegetation Management Plan for adoption	3
Report No. 11.18.	PLANNING – DA 10.2012.337.1 Alterations and additions to existing two storey dwelling at 164 Lighthouse Road Byron Bay	3
Report No. 11.22.	PLANNING - BSC ats Richards LEC 10112/2012	4
Report No. 11.23.	PLANNING - BSC ats SJ Connelly CCP Pty Ltd (Ventlink Pty Ltd) LEC 10868/2012	4
Report No. 11.28.	Waste Transportation and Disposal.....	4
Report No. 11.29.	New and Amended Council Policies for Water & Recycling Services	4
Report No. 12.1.	Report of the Access Advisory Committee Meeting held on 23 August 2012.....	5
Report No. 12.2.	Report of the Biodiversity and Sustainability Advisory Committee Meeting held on 17 August 2012	6
Report No. 12.3.	Report of the Tourism Advisory Committee Meeting held on 16 August 2012.....	6
Report No. 12.4.	Report of the Water, Waste and Sewer Advisory Committee Meeting held on 23 August 2012.....	8
Report No. 13.2.	Proposed Priority Deed for Byron Bay Community Association Inc - 69 Jonson Street Byron Bay	
Report No 11.19	PLANNING - S82A Review DA 10.2011.284.1 Secondary dwelling at Lilli Pilli Drive Byron Bay	8
Report No. 11.15.	PLANNING – DA 10.2012.149.1 Residential flat building comprising 5 dwellings (two storey) at 27-29 Station Street, Mullumbimby	9
Report No. 11.24.	PLANNING - BSC ats Wise LEC 10902/2012	9
Report No. 11.17.	PLANNING – DA 10.2011.508.1 Demolition of existing residential flat building and construction of new residential flat building containing 3 dwellings at 5 Mona Lane, Brunswick Heads	10
Report No. 11.1.	Election of Deputy Mayor.....	11
Report No. 11.2.	Confirmation and Determination of Councillor Representatives on Council's Special Purpose Committees and Other Committees	11
Report No. 11.21.	General Manager - Recruitment Arrangements	11
Mayoral Minute	Draft NSW Long Term Transport Master Plan.....	12
Petitions No. 8.1.	Opposed to the installation of CCTV in Byron Bay	12
Report No. 11.3.	Determination of Councillor Representatives on Advisory Committees.....	13
Report No. 11.4.	Determination of Councillors Representatives on Section 355 Management Committees.....	13

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
27 September 2012

Report No. 11.5.	Confirmation and Determination of Councillor Representatives on Project Reference Groups.....	14
Report No. 11.6.	Determination of Membership of Regional Committees with Councillor Representation.....	15
Report No. 11.9.	Supply of Water beyond Wilsons Creek Road Landslip	16
Report No. 11.10.	Local Government Association of NSW Annual Conference 2012	17
Report No. 11.11.	Establishment of Australia Day 2013 Project Reference Group	17
Report No. 11.12.	Investments – August 2012	17
Report No. 11.14.	PLANNING - Request for Nominations for the Joint Regional Planning Panel.....	18
Report No. 11.16.	PLANNING - State Environmental Planning Policy No 1 - Variations of development standards from 16 August to 14 September 2012.....	18
Report No. 11.20.	Witness King Tides 2012/13	18
Report No. 11.25.	Report of the Aboriginal (Heads of Agreement) PRG Meeting held on 20 August 2012.....	19
Report No. 11.26.	Tourism Advisory Committee Reformation	20
Report No. 11.27.	Regional Tourism Structural Reform and the Visitor Economy Taskforce Report	21
Report No. 13.1.	Councillor attendance at the NSW Coastal Conference 6-9 November 2012	22

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 SEPTEMBER 2012 (1 of 22)

**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY,
27 SEPTEMBER 2012 COMMENCING AT 10.40AM AND CONCLUDING AT 5.33PM**

E2012/10071

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, Cr C Cubis, Cr D Dey, Cr A Hunter,
Cr S Ibrahim, Cr P Spooner, Cr R Wanchap and Cr D Woods

Staff: Phil Warner (Acting General Manager)
Phil Holloway (Executive Manager Community Infrastructure)
Mark Arnold (Executive Manager Corporate Management)
Ray Darney (Executive Manager Environment and Planning)
Shannon McKelvey (Executive Manager Organisational Support)
Greg Ironfield (Acting Executive Manager Society and Culture)
Mila Jones/Joylene McNamara (Minute Taker)

The Mayor opened the meeting and acknowledged that the meeting was being held on Bundjalung Country.

Yvonne Stewart gave a Welcome to Country and a presentation to Council on the Bundjalung People.

The Mayor suspended standing orders to allow for the introduction by Councillors.

APOLOGIES: There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Spooner declared a pecuniary interest in Report 13.2 Proposed Priority Deed for Byron Bay Community Association Inc – 69 Jonson Street, Byron Bay. The nature of the interest being that Cr Spooner is the General Manager of the Community Centre.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

12-738 Resolved that the Minutes of the Ordinary Meeting of 30 August 2012 be confirmed.
(Woods/Richardson)

The motion was put to the vote and declared carried.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

The Mayor suspended standing orders to allow for items to be reserved for debate, being:

GENERAL MANAGER'S REPORTS

11.1. Election of Deputy Mayor

- 11.2. Confirmation and Determination of Councillor Representatives on Council's Special Purpose Committees and Other Committees
- 11.3. Determination of Councillor Representatives on Advisory Committees
- 11.4. Determination of Councillors Representatives on Section 355 Management Committees
- 11.5. Confirmation and Determination of Councillor Representatives on Project Reference Groups
- 11.6. Determination of Membership of Regional Committees with Councillor Representation

EXECUTIVE MANAGERS' REPORTS

Community Infrastructure

- 11.9. Supply of Water beyond Wilsons Creek Road Landslip

Corporate Management

- 11.10. Local Government Association of NSW Annual Conference 2012
- 11.11. Establishment of Australia Day 2013 Project Reference Group
- 11.12. Investments – August 2012

Environment and Planning

- 11.14. PLANNING - Request for Nominations for the Joint Regional Planning Panel
- 11.15. PLANNING - DA 10.2012.149.1 Residential flat building comprising 5 dwellings (two storey) at 27-29 Station Street, Mullumbimby
- 11.16. PLANNING - State Environmental Planning Policy No 1 - Variations of development standards from 16 August to 14 September 2012
- 11.17. PLANNING – DA 10.2011.508.1 Demolition of existing residential flat building and construction of new residential flat building containing 3 dwellings at 5 Mona Lane, Brunswick Heads
- 11.19. PLANNING - S82A Review DA 10.2011.284.1 Secondary dwelling at Lilli Pilli Drive Byron Bay
- 11.20. Witness King Tides 2012/13

Organisational Support

- 11.21. General Manager - Recruitment Arrangements
- 11.24. PLANNING - BSC ats Wise LEC 10902/2012

Society and Culture

- 11.25. Report of the Aboriginal (Heads of Agreement) PRG Meeting held on 20 August 2012
- 11.26. Tourism Advisory Committee Reformation
- 11.27. Regional Tourism Structural Reform and the Visitor Economy Taskforce Report

LATE REPORTS

Corporate Management

- 13.1. Councillor attendance at the NSW Coastal Conference 9-6 November 2012

The remaining Recommendations and Committee Recommendations were adopted as a whole, being moved by Cr Woods and seconded by Cr Cameron. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 12-739 and concluding with Resolution No. 12-758.

GENERAL MANAGER'S REPORTS

Report No. 11.7. 2012 Councillor Workshops

File No: #E2012/4630

12-739 Resolved:

1. That Councillors advise the Acting General Manager of their availability to attend the DLG Workshop in Lismore on 11 October 2012.
2. That the Acting General Manager co-ordinate workshop registration once Councillors' availability is determined. (Woods/Cameron)

Report No. 11.8. Website redevelopment

File No: #E2012/5776

12-740 Resolved:

1. That Council supports the redevelopment of the Byron Shire Council website and endorses the new website design concepts as provided at Annexure 11 (#E2012/6580).
2. That the redeveloped Byron Shire Council website be presented to Council prior to going 'live' to the community. (Woods/Cameron)

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER'S REPORTS

Report No. 11.13. Roadside Vegetation Management Plan for adoption

File No: #E2012/4917

- 12-741 Resolved** that Council adopt the Draft Roadside Vegetation Management Plan, as listed in Annexure 16, #E2012/786. (Woods/Cameron)

Report No. 11.18. PLANNING – DA 10.2012.337.1 Alterations and additions to existing two storey dwelling at 164 Lighthouse Road Byron Bay

File No: Parcel No 116970/#A2012/113

- 12-742 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application 10.2012.337.1, for alterations and additions to an existing two storey dwelling-house, be granted consent subject to the following conditions listed in Annexure 18(b) #E2012/5788. (Woods/Cameron)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.

No Councillors voted against the motion.

Report No. 11.22. PLANNING - BSC ats Richards LEC 10112/2012

File No: 209390 x 80.2012.3.1 x 10.2011.3.1 #E2012/5470

12-743 Resolved that Council note the report. (Woods/Cameron)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.

No Councillors voted against the motion.

Report No. 11.23. PLANNING - BSC ats SJ Connelly CCP Pty Ltd (Ventlink Pty Ltd) LEC 10868/2012

File No: #E2012/4790 x 80.2012.13.1

12-744 Resolved that Council:

1. Defend the appeal;
2. Confirm the General Manager is authorised to manage the litigation in accordance with the General Manager's general delegations. (Woods/Cameron)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.

No Councillors voted against the motion.

WATER AND RECYCLING – EXECUTIVE MANAGER'S REPORTS

Report No. 11.28. Waste Transportation and Disposal

File No: #E2012/6088

12-745 Resolved that Council endorse the calling for tenders for the transport and disposal of waste generated by the Byron Shire community in a joint tender with a number of other NOROC councils. (Woods/Cameron)

Report No. 11.29. New and Amended Council Policies for Water & Recycling Services

File No: #E2012/6359

12-746 Resolved that the following policies be placed on public exhibition and that if there are no submissions they be adopted:

- a) Pressure Sewer
 - b) Private Sewer Pump Station
 - c) Access to Bulk Water from Council Water Mains (Woods/Cameron)
-

COMMUNITY INFRASTRUCTURE - COMMITTEE REPORT

Report No. 12.1. Report of the Access Advisory Committee Meeting held on 23 August 2012

File No: #E2012/4624

12-747 Resolved that Council note the Unconfirmed Report (Annexure 3(a), E2012/5306) of Access Advisory Committee (AAC) meeting held on 23 August 2012. (Woods/Cameron)

12-748 Resolved that in relation to Report No. 4.1 – Wheel Chair friendly footpath access, Feros Village, Bangalow, Council not adopt Committee Recommendation AAC 4.1.1 and instead adopt:

Management Recommendation AAC 4.1.1

1. That Council note resolution 12-705.
2. That Council build a 1.5m wide concrete footpath from the pedestrian refuge along the northern side of Bangalow Road (adjacent to house #15) in a westerly direction to connect to the access driveway of the Bangalow Sports Fields.
3. That Council fund the works described in 1 and 2 above from the Section 94 Plan for Bangalow under Civic and Urban Improvements.
4. That in a future review of the adopted Bike Plan, consideration be given to amending the Plan to change the proposed project #38, being an extension of the bikeway along the northern side of Bangalow Road from Snows Bridge to the Bowling Club, to an on-road facility connecting to the access ramps to the Pacific Highway. (Woods/Cameron)

12-749 Resolved that in relation to Report 4.2 – Society & Culture update on BSC Aged and Disability activities, Council note:

Committee Recommendation AAC 4.2.1

1. That the Northern Rivers Spinal Cord Injuries Australia Regional International Day for People with a Disability celebrations will be held at the Byron Regional Sports and Cultural Complex (BRSCC) on Wednesday 28 November 2012.
2. That the launch of Byron Shire's new Free Wheeler Beach Chair and the Revised Mobility Map take place on this day.
3. That information on the Companion Card and Master Locksmith Key be made available on this day.
4. That Council's Access Advisory Committee, Councillors and staff be invited to participate at an information booth to seek feedback on access issues in Byron Shire from people with a disability, their carers and disability service providers. (Woods/Cameron)

12-750 Resolved that in relation to Report No. 4.2 – Society & Culture Update on BSC Aged and Disability Activities, Council not adopt Committee Recommendation AAC 4.2.2 and instead adopt:

Management Recommendation 4.2.2

1. That Council allocate \$1,000 from Society and Culture Mobility Maps budget to Northern Rivers Spinal Cord Injuries Australia, towards the costs of hiring the Byron Regional Sport and Cultural Complex including indoor, outdoor and kitchen areas.
2. That Council advertise the donations proposed to be made, in accordance with Section 356 of the Local government Act 1993. (Woods/Cameron)

12-751 Resolved that in relation to Report 4.3 – Accessibility training for new Councillors, Council endorse:

Committee Recommendation AAC 4.3.1

That a one day workshop addressing 'Access and Inclusion for All' be included in the formal Councillor Induction Program to be conducted by representatives of the Committee prior to February 2013. (Woods/Cameron)

ENVIRONMENT AND PLANNING – COMMITTEE REPORT

Report No. 12.2. Report of the Biodiversity and Sustainability Advisory Committee Meeting held on 17 August 2012

File No: #E2012/7014

12-752 Resolved that Council note the minutes of the Biodiversity and Sustainability Advisory Committee meeting held on 17 August 2012. (Woods/Cameron)

SOCIETY AND CULTURE – COMMITTEE REPORT

Report No. 12.3. Report of the Tourism Advisory Committee Meeting held on 16 August 2012

File No: #E2012/3404

12-753 Resolved that in relation to Report No. 5.1: Visitor Trails Project - Report of the Visitor Trails PRG, Council adopt:

Management Recommendation TAC 5.1.1

1. That Council adopt the Visitor Trails Project, as detailed in the draft Project Plan for the Visitor Trails Development Project attached at Annexure 4(c) #DM1248327, including:
 - a) Development of a map highlighting the top 'must see and do' experiences available in the Shire. The style and details of the proposed map are listed in the Draft Project Plan.
 - b) Development of five visitor trails, also featured on the map, and possibly with separate brochures/information available, including:
 - i) creative arts trail
 - ii) food and produce trail
 - iii) short walks/town walks/nature trail
 - iv) hinterland trail
 - v) second-hand trail

- c) Call for expressions of interest (EOIs) to:
 - i) make the mud map
 - ii) graphic design the map brochure
 - iii) print the brochure

with a preference that EOIs put forward a coordinated approach to these three items.

- d) Call for EOIs should include a media release and distribution through Byron social media.
 - e) Call for expressions of interest for business advertisers.
 - f) The budget allocation for the Visitor Trails project in 2012/13 is \$9,000.
2. That Council collaborate with Northern Rivers Tourism on their Interactive Trails project.
(Woods/Cameron)

12-754 Resolved that in relation to Report No. 5.2: Visitor Services Strategies - Report of the Visitor Services PRG, Council adopt:

Committee Recommendation TAC 5.2.1

That Council:

- a) adopt the Byron Shire Visitor Services Strategy developed by The Stafford Group (#DM1230889) but not adopt the Action Plan included in the document.
- b) adopt the Visitor Services Strategy Action Plan for the Byron Shire as developed by the Visitor Services Project Reference Group included in Annexure 4(d) #DM1249235.
- c) continue to work with the partners and stakeholders identified in the Visitor Services Strategy Action Plan for the Byron Shire in implementing the Action Plan.
- d) use the \$5,000 allocated in the 2012/13 budget to implement the Visitor Services Strategy to conduct an Accredited Visitor Centre (AVIC) training course in the Shire for Visitor Centre staff and volunteers.
(Woods/Cameron)

12-755 Resolved that in relation to Report No. 5.3: Byron Shire Identity Project Stage 2, Council adopt:

Management Recommendation TAC 5.3.1

- 1. That Council establish a web 'landing page' communicating the new identity and community core values, a visual representation of the identity that can be used by third parties, and a photography competition to engage the community and expand the portfolio of available images.
- 2. That any subsequent Tourism Advisory Committee give immediate priority to continue the development of the issue of identity in the context of:
 - a) The type and nature of the destination that Byron Shire wants to be, based on identity, character and core values
 - b) Its themes
 - c) Its brand
 - d) The reinforcement of the tourism vision of Byron Shire being the "ultimate green tourism destination on the planet" as per Resolution No. 10-759. (Woods/Cameron)

- 12-756 Resolved** that in relation to Report No. 5.4: Tourism Management Plan - Review and Forward Planning by the Tourism Advisory Committee, Council adopt:

Committee Recommendation TAC 5.4.1

1. That Council note and consider the recommendations in the Review of the Tourism Management Plan as attached in Annexure 4(e) (#E2012/910).
2. That Council acknowledge the priorities for tourism management in the 2012/13 Community Strategic Plan and the Tourism Management Plan when considering the recommendations of the review referred to in point 1 above. (Woods/Cameron)

WATER AND RECYCLING – COMMITTEE REPORT

Report No. 12.4. Report of the Water, Waste and Sewer Advisory Committee Meeting held on 23 August 2012

File No: #E2012/5881

- 12-757 Resolved** that Council note the minutes of the Water, Waste and Sewer Advisory Committee held on 23 August 2012. (Woods/Cameron)

LATE REPORT – CORPORATE MANAGEMENT

Report No. 13.2. Proposed Priority Deed for Byron Bay Community Association Inc - 69 Jonson Street Byron Bay

File No: #E2012/7616

- 12-758 Resolved** that Council authorise the Mayor and General Manager to execute the Priority Deed (Annexure 8(b) #E2012/8374) by National Australia Bank as Mortgagee for Byron Bay Community Association Inc. – 69 Jonson Street Byron Bay and for the General Manager to affix the Council Seal to the Priority Deed in accordance with Clause 400 of the Local Government (General) Regulation 2005. (Woods/Cameron)

PROCEDURAL MOTION

- 12-759 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being 11.19, 11.15, 11.24, 11.17, 11.1, 11.2, 11.21, next on the Agenda. (Woods/Richardson)

The motion was put to the vote and declared carried.

ITEMS RESERVED FOR DEBATE

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 11.19. PLANNING - S82A Review DA 10.2011.284.1 Secondary dwelling at Lilli Pilli Drive Byron Bay

File No: Parcel No 209840 #DM1229307

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 SEPTEMBER 2012 (9 of 22)

12-760 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, the Section 82A Review of development application 10.2011.284.1 for a secondary dwelling, be granted consent subject to conditions listed in Annexure 12(b) #E2012/4655 with the following amendment:

1. Insertion of a new Condition 13 as follows:

"Additional koala habitat trees be planted along the northern boundary." (Wanchap/Dey)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.

No Councillors voted against the motion.

Report No. 11.15. PLANNING – DA 10.2012.149.1 Residential flat building comprising 5 dwellings (two storey) at 27-29 Station Street, Mullumbimby

File No: Parcel No 85950x85960x145600x145680 #DM1218502

Moved: That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2012.149.1, for a Residential flat building containing of five (5) dwellings, be refused for the reasons listed in Annexure 25(c) #E2012/6835.

(Wanchap/Dey)

AMENDMENT

Moved: That development application 10.2012.149.1 be deferred for staff to negotiate with the applicants to resolve concerns relating to privacy issues. (Woods/Ibrahim)

The amendment was put to the vote and declared lost.

Crs Cubis, Woods and Hunter voted in favour of the amendment.

Crs Ibrahim, Dey, Richardson, Cameron, Wanchap and Spooner voted against the amendment.

FORESHADOWED AMENDMENT

12-761 Resolved that development application 10.2012.149.1 be deferred for staff to negotiate with the applicants to resolve concerns relating to bulk, scale and privacy issues. (Cameron/Spooner)

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

Crs Ibrahim, Richardson, Cameron, Wanchap, Spooner voted in favour of the amendment.

Crs Dey, Cubis, Woods and Hunter voted against the amendment.

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

Crs Ibrahim, Richardson, Cameron, Wanchap and Spooner voted in favour of the motion.

Crs Dey, Cubis, Woods and Hunter voted against the motion.

ORGANISATIONAL SUPPORT – EXECUTIVE MANAGER'S REPORT

Report No. 11.24. PLANNING - BSC ats Wise LEC 10902/2012

File No: 218530 x 80.2012.14.1/#E2012/5687

12-762 Resolved that Council:

1. Authorise the Acting General Manager to offer consent conditions and if accepted to finalise the appeal by way of consent orders.
2. If the consent conditions are not accepted Council authorise the Acting General Manager to defend the appeal. (Woods/Richardson)

The motion was put to the vote and declared carried.

Crs Ibrahim, Cubis, Woods, Richardson, Wanchap, Spooner and Hunter voted in favour of the motion.

Crs Dey and Cameron voted against the motion.

The meeting adjourned at 12.25pm for lunch and reconvened at 1.07pm.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORT

Report No. 11.17. PLANNING – DA 10.2011.508.1 Demolition of existing residential flat building and construction of new residential flat building containing 3 dwellings at 5 Mona Lane, Brunswick Heads

File No: #DM1169740 x 53440

12-763 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2011.508.1 for demolition of existing residential flat building and erection of a new residential flat building containing 3 dwellings, be granted consent subject to the conditions listed in Annexure 13(c) #E2012/4640 with the following amendments:

* New Condition 7

Under Parameters of Consent

No rear access via the Reserve is permitted during the demolition and construction of this proposal due to the proximity of the Brunswick River adjacent.

* New Condition 8

Fencing beyond rear fencing line of the building to the reserve shall only be of light weight open nature matching the adjacent fences in the area.

* New Condition between existing conditions 20 and 21

Privacy Screens

1.8 metre high privacy screens are to be located along the side elevations of the rear decks so as to direct viewing and outlook to the rear.

* And then renumber the remaining conditions. (Richardson/Woods)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.

No Councillors voted against the motion.

GENERAL MANAGER'S REPORTS

Report No. 11.1. Election of Deputy Mayor

File No: #E2012/2308

12-764 Resolved:

1. That Council elect a Deputy Mayor for the ensuing period until the September 2013 Ordinary meeting.
2. That the method of election of the Deputy Mayor be by way of ordinary ballot.
(Spooner/Richardson)

The motion was put to the vote and declared carried.

Nominations were received for Crs Woods and Cameron. The Returning Officer called for any further nominations. There were no further nominations.

The votes were counted and Cr Woods was elected Deputy Mayor.

Report No. 11.2. Confirmation and Determination of Councillor Representatives on Council's Special Purpose Committees and Other Committees

File No: #E2012/1529

12-765 Resolved:

1. That Council confirm the Special Purpose and Other Committees' structure as contained in the report.
2. That Council appoint Cr Dey as its representative and Cr Cubis as the alternate delegate to the Local Traffic Committee.
(Spooner/Richardson)

The motion was put to the vote and declared carried.

Report No. 11.21. General Manager - Recruitment Arrangements

File No: #E2012/6302

12-766 Resolved:

1. That Council reconstitute the Councillor recruitment panel by appointing the Mayor and five Councillors; Crs Ibrahim, Dey, Woods, Cameron and Wanchap. The quorum be set at three.
2. That the Councillor recruitment panel, with the support of the recruitment agency, consider the initial shortlisting report, determine applicants for first round interviews, conduct first round interviews and undertake shortlisting to determine list of final round interviewees.
(Dey/Woods)

The motion was put to the vote and declared carried.

MAYORAL MINUTE

1. Draft NSW Long Term Transport Master Plan

12-767 Resolved:

1. That at the 25 October 2012 Ordinary Meeting of Council, staff present a draft submission for Council consideration regarding the NSW Government's Draft NSW Long Term Transport Master Plan noting submissions are due by 26 October 2012.
2. That Councillors be invited to provide staff with comments and suggestions for the draft submission. (Richardson)

The motion was put to the vote and declared carried.

PETITIONS

Correspondence and Petitions No. 8.1. Opposed to the installation of CCTV in Byron Bay

#E2012/4120

12-768 Resolved:

1. That the petition regarding opposing the installation of CCTV in Byron Bay be noted.
2. That the petition be referred to the Acting Executive Manager Society and Culture for information. (Richardson/Woods)

The motion was put to the vote and declared carried.

SUBMISSIONS AND GRANTS

There were no submissions or grants tabled.

DELEGATES' REPORTS

1. North Byron Parklands Working Group

Cr Diane Woods attended the North Byron Parklands Working Group and commented as follows:

We were actually delegates at the first meeting at the North Byron Parkland yesterday, and I just wanted to speak to that and say that it was a very very conciliatory meeting and I got to congratulate the proponents up there for the work they're doing, particularly environmental work and proposed work they intend to keep on doing. It was a real eye-opener I think for some, and it's really good to see that they've got quite a nice working relationship with some of the people who are the main objectors up there.

GENERAL MANAGER'S REPORT

Report No. 11.3. Determination of Councillor Representatives on Advisory Committees

File No: #E2012/1488

12-769 Resolved:

1. That Council note this report.
2. That Council appoint its Councillors' representatives to the following Advisory Committees:
 - a) Access Advisory Committee – Crs Woods, Wanchap, Cubis
 - b) Belongil Creek Flood Risk Management Committee – Crs Cubis, Woods, Richardson
 - c) Biodiversity and Sustainability Advisory Committee – Crs Richardson, Wanchap, Ibrahim
 - d) Finance Advisory Committee – Crs Ibrahim, Dey, Woods, Cameron, Wanchap, Hunter
 - e) Internal Audit Committee – Crs Woods, Richardson, Cameron
 - f) North Byron Coastal Creeks Flood Risk Management Committee – Crs Dey, Richardson
 - g) Transport Advisory Committee – Crs Dey, Cubis, Cameron, Richardson
 - h) Water, Waste and Sewer Advisory Committee – Crs Richardson, Dey, Wanchap
3. That where appropriate, the Committees' Constitutions be amended to reflect any difference in number of representatives.
4. That Council be provided with a report regarding the formation of a Communications Advisory Committee, incorporating the Terms of Reference for the Committee.

(Spooner/Woods)

The motion was put to the vote and declared carried.

Report No. 11.4. Determination of Councillors Representatives on Section 355 Management Committees

File No: #E2012/1281

12-770 Resolved:

1. That Council confirm the establishment of the following 9 Committees under Section 355(b) of the Local Government Act 1993:
-

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 SEPTEMBER 2012 (14 of 22)

- i) Bangalow Parks (Bangalow Showground) Section 355 Management Committee – Cr Ibrahim, alternate is Cr Richardson
 - ii) Brunswick Heads Memorial Hall Section 355 Management Committee – Cr Woods, alternate is Cr Cameron
 - iii) Brunswick Valley Community Centre Section 355 Management Committee – Cr Woods, alternate is Cr Dey
 - iv) Cook Pioneer centre Mullumbimby Section 355 Management Committee – Cr Hunter, alternate is Cr Dey
 - v) Durrumbul Community Hall Section 355 Management Committee – Crs Dey and Cameron
 - vi) Heritage House and Tennis Court Bangalow Section 355 Management Committee – Cr Cameron, alternate is Cr Ibrahim
 - vii) Ocean Shores Community centre Section 355 Management Committee – Cr Woods, alternate is Cr Cubis
 - viii) South Golden Beach Community Centre Section 355 Management Committee – Cr Cameron, alternate is Cr Richardson
 - ix) Suffolk Park Community Hall Section 355 Management Committee – Cr Wanchap, alternate is Cr Ibrahim
 - x) Library Exhibition Space Section 355 Committee – Crs Richardson and Ibrahim
2. That Council adopt the Delegation of Authority under Section 377 of the Local Government Act 1993, as shown in Annexure 14 (#2012/1425) for each Section 355 Management Committee.
 3. That Council determine its Councillor Representative and if required Alternate Delegate on each Section 355 Management Committees confirmed in 1(a) above.
 4. That Council determine the Councillor Representative(s) on the Boards of Management for the:
 - i) Bangalow A&I Hall – Crs Ibrahim and Cameron, alternate is Cr Cubis
 - ii) Mullumbimby Civic Memorial Hall – Cr Richardson (Spoooner/Richardson)

The motion was put to the vote and declared carried.

Report No. 11.5. Confirmation and Determination of Councillor Representatives on Project Reference Groups

File No: #E2012/4393

12-771 Resolved:

1. That Council note this report.

2. That Crs Dey and Richardson be appointed as the Councillor representatives to the Koala Plan of Management Project Reference Group. (Spooner/Richardson)

The motion was put to the vote and declared carried.

Report No. 11.6. Determination of Membership of Regional Committees with Councillor Representation

File No: #DM1254365

Cr Spooner advised that he has submitted a disclosure of interest to the General Manager in relation to his employment with the Byron Community Association. He will leave the chambers during the debate and vote for the councillor representatives on the Community Centre Committee.

12-772 Resolved that the following Councillors be endorsed as representatives on the following regional committees.

Rous Water (Rous County Council) – nominations were received for Crs Richardson, Woods, Dey and Cameron.

A preferential vote resulted in Crs Dey and Woods as being elected.

Far North Coast Weeds County Council – nominations were received for Crs Hunter and Cameron.

A preferential vote resulted in Cr Cameron being elected.

Arakwal National Park Management Committee – Cr Wanchap

Byron Coast Area Management Committee – Cr Wanchap

Arts Northern Rivers Board of Directors – Cr Spooner, alternate is Cr Richardson

Bangalow Pool Trust Joint Working Group – Crs Richardson and Ibrahim

Byron Bay Liquor Accord – Crs Spooner and Dey

Byron United Members Meeting – Crs Richardson, Cubis, Ibrahim and Spooner

Cape Byron Headland Trust Management Board – Cr Cameron

Chamber of Commerce Bangalow – Crs Ibrahim and Hunter

Chamber of Commerce Brunswick Heads – Cr Woods

Community Safety Precinct Committee – Cr Richardson, alternate is Cr Woods

Far North Coast Bush Fire Management Committee – Cr Dey

Local Emergency Management Committee – Cr Cameron, alternate is Cr Cubis

Mullumbimby Showground Trust – Cr Woods, alternate is Cr Dey

North Byron Parklands Regulatory Working Group – Crs Cameron, Woods and Ibrahim

NOROC – Cr Richardson, alternate is Cr Woods

Ocean Shores Tidy Towns Committee – Cr Woods

Richmond-Tweed Regional Library Committee – Crs Wanchap and Richardson

Visitor Industry Association (VIA) Byron Interim Board – Crs Cubis and Richardson

Zone Service Level Agreement Liaison Committee – Cr Dey (Spooner/Richardson)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

12-773 Resolved that Council determine its representatives to the Australian Coastal Alliance as Crs Richardson, Ibrahim and Cameron. (Richardson/Cameron)

The motion was put to the vote and declared carried.

Cr Spooner left the chambers at 2.53pm in accordance with his previously stated pecuniary interest declaration.

12-774 Resolved that Council determine its representative as Cr Ibrahim and Cr Cubis as the alternate on the Byron Bay Community and Cultural Centre Management Committee. (Cameron/Richardson)

The motion was put to the vote and declared carried.

Cr Spooner returned to Chambers at 2.55pm.

COMMUNITY INFRASTRUCTURE - EXECUTIVE MANAGER'S REPORT

Report No. 11.9. Supply of Water beyond Wilsons Creek Road Landslip
File No: #E2012/5823

12-775 Resolved:

1. That Council notes it is the responsibility of residents in rural areas, including those past the landslip on Wilsons Creek Road, to arrange for and pay all costs associated with the delivery of water to their properties.
2. That Council staff continue to assist the residents past the landslip on Wilsons Creek Road with the technical assessment, advice and other related management matters associated with vehicles travelling over the landslip while the load limit is in place.
3. That Council endorses the contents of this report.
4. That a media release be issued to advise the community of Council's decision regarding this matter.
5. That the Mayor make representation to the Premier on the Wilsons Creek landslip matter as a point of urgency due to the current dry season and impending bushfire season.

(Ibrahim/Woods)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORTS

Report No. 11.10. Local Government Association of NSW Annual Conference 2012

File No: #E2012/2714

12-776 Resolved that Council authorise the following Councillors to attend the Local Government Association of NSW Annual Conference 2012 to be held in Dubbo NSW from 28 to 30 October 2012:

- Cr Cameron, Cr Richardson and Cr Hunter to attend as the voting delegates.
(Cameron/Richardson)

The motion was put to the vote and declared carried.

Report No. 11.11. Establishment of Australia Day 2013 Project Reference Group

File No: #E2012/2329

12-777 Resolved:

1. That the objectives for the Australia Day 2013 Project Reference Group, as outlined in this report on pages 75 and 76 be adopted.
2. That the Constitution for the Australia Day PRG (#E2012/2338) shown at Annexure 1 be adopted.
3. That Council invite the following organisations to nominate representatives to be a member on the Australia Day PRG.
 - Rural Fire Service, Suffolk Park
 - Bangalow Historical Society
 - Rotary Club of Byron Bay
 - Quota International of Brunswick Heads
 - Brunswick Mullumbimby Lions Club
 - Ocean Shores Community Association
 - Brunswick Valley Historical Society
 - Sisters for Reconciliation
 - Byron Youth Council(Spooner/Richardson)

The motion was put to the vote and declared carried.

Report No. 11.12. Investments – August 2012

File No: #E2012/3911

12-778 Resolved that Council:

1. Receive and note the record of investments for the month of August 2012.
 2. Invite its investment advisors to provide a short presentation at the next available Ordinary meeting.
(Dey/Cameron)
-

The motion was put to the vote and declared carried.

The meeting adjourned at 3.40pm for an afternoon tea break and reconvened at 4.02pm.

FORESHADOWED MOTION

- 12-779 Resolved** that Council review its Investment Policy (#12/009) with a view to include consideration of "Ethical Investment". (Dey/Richardson)

*The motion was put to the vote and declared carried.
Crs Cubis, Woods and Hunter voted against the motion.*

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 11.14. PLANNING - Request for Nominations for the Joint Regional Planning Panel

File No: #DM1249597

12-780 Resolved:

1. That Council nominate Cr Woods to the Joint Regional Planning Panel.
2. That Council nominate the Manager Land and Natural Environment to the Joint Regional Planning Panel. (Wanchap/Dey)

*The motion was put to the vote and declared carried.
Crs Ibrahim, Cubis, Woods, Richardson, Cameron, Spooner and Hunter voted in favour of the motion.
Crs Dey and Wanchap voted against the motion.*

Report No. 11.16. PLANNING - State Environmental Planning Policy No 1 - Variations of development standards from 16 August to 14 September 2012

File No: #E2012/3977/71250

12-781 Resolved:

1. That the report be noted.
2. That a report be provided as to how the streamlining of State Environmental Planning Policy No 1 variation, reporting can occur. (Ibrahim/Richardson)

*The motion was put to the vote and declared carried.
Crs Ibrahim, Dey, Cubis, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.
No councillors voted against the motion.*

Report No. 11.20. Witness King Tides 2012/13

File No: #E2012/1187

12-782 Resolved:

1. That Byron Shire Council participate in and support the Witness King Tides project for 2012/13, including providing a funding contribution of \$1,000 to Greencross Australia, the organisation that is managing the project.
2. That the \$1,000 funding contribution towards the Witness King Tides project is sourced from unallocated carryover from the environmental levy account.
3. That this initiative be mentioned on our website and Council notices and press release to the two local newspapers. (Dey/Richardson)

*The motion was put to the vote and declared carried.
Crs Ibrahim, Cubis, Woods and Hunter voted against the motion.*

SOCIETY AND CULTURE – EXECUTIVE MANAGER’S REPORTS

Report No. 11.25. Report of the Aboriginal (Heads of Agreement) PRG Meeting held on 20 August 2012
File No: #E2012/4827

12-783 Resolved that Council note the report of the Aboriginal Heads of Agreement Project Reference Group (PRG) meeting held on 20 August 2012 (#E2012/1826). (Spooner/Richardson)

12-784 Resolved that in relation to Agenda Item 5.1 Draft Constitution of the Arakwal Memorandum of Understanding (MoU) Advisory Committee, Council adopt:

PRG Recommendation AHoA 5.1.1

That Council adopt the draft Constitution of the Arakwal Memorandum of Understanding (MoU) Advisory Committee (#DM1241935) with the following amendments:

- i. Change the title from Constitution to Terms of Reference
- ii. Under the heading Objectives add, from the 1998 Aboriginal Heads of Agreement:

“The Council acknowledges that Aboriginal people are the original inhabitants of the Byron Shire area and that according to their continuing law, traditions and customs it remains their traditional country. The Council also acknowledges and respects the Corporation’s right to speak for its country in accordance with its laws, traditions and customs.

The Parties commit themselves to seek together ways in which Aboriginals Interests can be advanced where decisions are to be made about their traditional country.

The Parties commit themselves to work together to ensure that this is done in a way that advances the interests of the whole community and promotes harmonious community interests.”

- iii. Under the heading Objectives add

“This committee meets to fulfil Council’s legal obligations under the Native Title Act and facilitate an avenue for the traditional owners as recognised under the Native Title Act (1993) the Bundjalung of Byron Bay, Arakwal People to participate in governance on matters relating to their ancestral homelands.”

iv. Under the heading Objectives add:

“To meet as required to develop a Memorandum of Understanding between the Byron Shire Council and the Bundjalung of Byron Bay (Arakwal) people and deliver and review identified actions, governance, processes and projects.”

v. Under Section 14 Invited Guests add:

“Requests for attendance at the Arakwal Memorandum of Understanding (MoU) Advisory Committee meetings must be made in writing to the convenor two weeks prior to the meeting date and presented to the Committee for consideration.” (Spooner/Richardson)

12-785 Resolved that in relation to Agenda Item 5.2 Update on the Draft Framework for Memorandum of Understanding between Byron Shire Council and the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), Council adopt:

PRG Recommendation AHoA 5.2.1

That Council note the progress on the development of the Arakwal Memorandum of Understanding (DM1242584) and make changes to the final sentence in the Background to the Bining Totem section to read:

‘The commitment for partnership is the inspiration for the commissioning of this beautiful artwork’.

That the Aboriginal (Heads of Agreement) Project Reference Group recommend that Council note further development of the content of the Arakwal Memorandum of Understanding will continue, and be reported to the Arakwal Memorandum of Understanding (MoU) Advisory Committee. (Spooner/Richardson)

12-786 Resolved that in relation to Agenda Item 5.3 Review of the 1998 Aboriginal Heads of Agreement, Council adopt:

Management Recommendation

That the Aboriginal (Heads of Agreement) Project Reference Group provide advice on the questions from Council Resolution 12-339 to assist in finalising the review of the 1998 Aboriginal Heads of Agreement and that the advice will be provided to management for inclusion in a further report to Council. (Spooner/Richardson)

12-787 Resolved that Council appoint Crs Spooner and Richardson as representatives for the Arakwal Memorandum of Understanding Advisory Committee. (Spooner/Richardson)

The motion was put to the vote and declared carried.

Report No. 11.26. Tourism Advisory Committee Reformation
File No: #E2012/4399

12-788 Resolved:

1. That Council reform the Tourism Advisory Committee to lead and implement the strategies and actions of the Byron Shire Tourism Management Plan and advise Council on tourism matters.

2. That the draft Revised Constitution for the Tourism Advisory Committee at Annexure 5(a) #E2012/4395 be adopted.
3. That the Aboriginal member of the Tourism Advisory Committee be invited from Bundjalung of Byron Bay Aboriginal Corporation (Arakwal).
4. That a 'call for expressions of interest' to form the Tourism Advisory Committee be advertised seeking applications for the four industry members, the three community members and one member from a local environmental organisation.
5. That Council elect Crs Cameron, Richardson and Ibrahim to be members of the Tourism Advisory Committee for the term of Council 2012-2016. (Woods/Cameron)

The motion was put to the vote and declared carried.

Report No. 11.27. Regional Tourism Structural Reform and the Visitor Economy Taskforce Report

File No: #E2012/3196

Moved:

1. That Council note the Visitor Economy Taskforce Final Report and the formation of the North Coast Destination Network (regional tourism organisation).
2. That Byron Shire Council become a member of the newly formed North Coast Destination Network and the \$5,000 annual membership fee be sourced as follows:
 - a) \$400 from the existing 2012/13 tourism budget
 - b) \$4,600 from the Economic Development – Project 2 – Priority Issues budget.
3. That Council's membership be reviewed annually
4. That the delegate on the Regional Reference Group (Northern Rivers) be Cr Cameron and Cr Richardson as alternate delegate.
5. That Council reaffirm that funding for tourism infrastructure is a priority. (Cameron/Woods)

AMENDMENT

12-789 Resolved:

1. That Council note the Visitor Economy Taskforce Final Report and the formation of the North Coast Destination Network (regional tourism organisation).
 2. That Byron Shire Council become a member of the newly formed North Coast Destination Network and the \$5,000 membership fee be sourced as follows:
 - a) \$400 from the existing 2012/13 tourism budget
 - b) \$4,600 from the Economic Development – Project 2 – Priority Issues budget.
 3. That Council's membership be reviewed annually.
-

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 SEPTEMBER 2012 (22 of 22)

4. That the delegate on the Regional Reference Group (Northern Rivers) be Cr Richardson and Cr Cameron as alternate delegate.
5. That Council reaffirm that funding for tourism infrastructure is a priority. (Richardson/Dey)

*The amendment was put to the vote and declared carried.
Crs Ibrahim, Dey and Cameron voted against the amendment.*

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

LATE REPORT - CORPORATE MANAGEMENT

Report No. 13.1. Councillor attendance at the NSW Coastal Conference 6-9 November 2012

File No: #E2012/7720

- 12-790 Resolved** that Council appoint Crs Dey and Hunter as delegates to attend the 21st NSW Coastal Conference between 6 - 9 November 2012 and if a councillor withdraws, a staff member be appointed as a replacement. (Richardson/Woods)

The motion was put to the vote and declared carried.

URGENCY MOTION

Moved: That Council discuss an urgency motion. The nature of the urgency being that the current LEP is on Public Exhibition until 23 November 2012. (Woods/Cubis)

*The motion was put to the vote and declared lost.
Crs Dey, Richardson, Cameron, Wanchap and Spooner voted against the motion.*

There being no further business the meeting concluded at 5.33pm.

I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council's Ordinary Meeting on 25 October 2012.

.....
Mayor Simon Richardson