



# Byron Shire Council



## Minutes

Ordinary Meeting

Thursday, 20 December 2012

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
20 December 2012

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# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

20 DECEMBER 2012 (1 of 27)

<b>MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 20 DECEMBER 2012 COMMENCING AT 10.55AM AND CONCLUDING AT 5.37PM</b>
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E2012/25463

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)  
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)  
Warren Burgess (Manager Waste and Recycling)  
Joylene McNamara/Mila Jones (Minute Taker)

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

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 Woods declared a non-pecuniary interest in Notice of Motion 8.4. Crown Parks in Brunswick Heads. The nature of the interest is that she lives opposite the Terrace Reserve Caravan Park.*

*Cr Wanchap declared a pecuniary interest in Report 12.13. PLANNING S96 10.2000.348.6. Modify property access arrangements and creek crossing at 220-231 Fowlers Lane, Bangalow. The nature of the interest being that Cr Wanchap is an owner of one of the properties on that estate.*

*Cr Spooner declared a non-pecuniary interest in Report 12.10 Fletcher Street Cottage and Existing Library Building Byron Bay. The nature of the interest is that his current employer is the current leaseholder of the site.*

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## **TABLING OF PECUNIARY INTEREST RETURNS**

*The Mayor tabled returns from Crs Cubis, Dey, Hunter, Spooner, Ibrahim and Wanchap, in accordance with the Local Government Act 1993 Section 450A(2), Section 449(1) First Returns.*

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## **ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**12-976 Resolved** that the Minutes of the Ordinary Meeting of 6 December 2012 be confirmed with the following amendments:

- Page 18 of the minutes, at Resolution 12-955, change the seconder from "Richardson" to "Dey".
  - Page 19 of the minutes, at Resolution 12-957, change words to "voted in favour of the amendment" instead of "voted in favour of the motion". (Woods/Dey)
-

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

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**RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS**

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

**GENERAL MANAGER'S REPORTS**

- 12.1. 2013-2017 Delivery Program – Key Activities

**EXECUTIVE MANAGERS' REPORTS**

**Community Infrastructure**

- 12.4. Update - Manfred Street Interim Works

**Corporate Management**

- 12.5. Lease option exercise by NSW Police Force on Council owned operational land
- 12.6. Endorsement of Management Models for Bangalow A&I Hall and Mullumbimby Civic Memorial Hall
- 12.7. Bangalow Scout Hall land tenure issue

**Corporate Management/Water and Recycling**

- 12.10. Fletcher Street Cottage and Existing Library Building Byron Bay

**Environment and Planning**

- 12.11. Environmental Values on Rural Land Workshop 17 November 2012
- 12.13. PLANNING - S96 10.2000.348.6 Modify property access arrangements and creek crossing at 220-231 Fowlers Lane, Bangalow
- 12.14. PLANNING - 10.2012.445.1 Alterations/additions to existing dwelling (SEPP 1 objection) at 37 Leslie Street, Bangalow
- 12.17. PLANNING 10.2012.225.2 - S96 to delete Condition 16 of Consent for the Stormwater Disposal (Granny Flat) at 120 Parkway Drive Ewingsdale
- 12.19. PLANNING - 10.2012.407.1 Demolition of existing motel and construct three storey residential flat building at 45-47 Lawson Street Byron Bay
- 12.20. PLANNING - S96 5.1987.208.2 Modify the Design of Cabin 82 (Tourist Facility) Bayshore Drive Byron Bay

**Society and Culture**

- 12.21. Richmond Tweed Regional Library Business Model Consideration

**COMMITTEE REPORTS**

**Community Infrastructure**

- 13.1. Report of the Local Traffic Committee Meeting held on 28 November 2012
  - 13.1.1. Objections to proposed No Parking, Kingsley Lane, Byron Bay
  - 13.1.2. Update to Byron Bay New Year's Eve Road Closures
  - 13.1.7. Proposed change of parking limit from 4P to 2P, Byron Street, Byron Bay
  - 13.1.9. Late Item – proposed Loading Zone, Lawson Street, Byron Bay
  - 13.1.10. Late Item - Byron Bay Triathlon, Saturday 11 May 2013

**Society and Culture**

- 13.2. Report of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 7 November 2012
-

**Water and Recycling**

13.3. Report of the Water, Waste and Sewer Advisory Committee Meeting held on 29 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. 12-977 and concluding with Resolution No. 12-991.*

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**COMMUNITY INFRASTRUCTURE - EXECUTIVE MANAGER'S REPORTS**

**Report No. 12.2. 2012 Foamed Bitumen Program**

**File No:** #E2012/24684

**12-977 Resolved:**

1. That the quality of the works undertaken for the 2012 Foamed Bitumen Program in the areas of Ocean Shores and Broken Head Road be noted.
2. That the financial adjustments detailed in Table 2 of the report be approved to fund the actual costs of the 2012 Foamed Bitumen Program. (Woods/Cameron)

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**Report No. 12.3. Proposed Projects for Suffolk Park Section 94 Funds**

**File No:** #E2012/25677

**12-978 Resolved** that Council note the report in response to Resolution 12-949 of the Ordinary Council Meeting held 6 December 2012. (Woods/Cameron)

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**CORPORATE MANAGEMENT – EXECUTIVE MANAGER'S REPORTS**

**Report No. 12.8. Investments – November 2012**

**File No:** #E2012/20340

**12-979 Resolved** that Council receive and note the record of investments for the month of November 2012. (Woods/Cameron)

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**Report No. 12.9. Arrangements with State Emergency Service**

**File No:** #E2012/23184

**12-980 Resolved:**

1. That Council transfer the fleet function of the Byron Shire Council SES vehicles to the State Emergency Service.
2. That Council dispose of Plant Numbers 2308 and 2309 through transferring these two plant items to the State Emergency Service at no cost to the State Emergency Service.
3. That Council consider the allocation of the existing funding provided for SES Vehicle Running Costs in the preparation of the draft 2013/2014 Budget. (Woods/Cameron)

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ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

**Report No. 12.12. PLANNING - Supplementary report DA10.2011.380.1 Multiple Occupancy at Seven Mile Beach Road, Broken Head**

**File No:** #E2012/24879/81710

**12-981 Resolved** that the report be noted. (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.*

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**Report No. 12.15. PLANNING - Planning Proposal to rezone land at Lot 1 DP 857013, 95 Old Bangalow Road, Byron Bay to part 2(t) Tourist Area Zone and part 7(b) Coastal Habitat Zone**

**File No:** #E2012/24835

**12-982 Resolved** that Council forward the planning proposal contained in Annexure 17 (#E2012/24993) to the Department of Planning and Infrastructure for a Gateway determination. (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.*

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**Report No. 12.16. Coastal Zone Management Plan for the Byron Bay Embayment - Update**

**File No:** #E2012/22481

**12-983 Resolved:**

1. That Council notes the progress on the Draft Coastal Zone Management Plan for the Byron Bay Embayment including the working draft report at Annexure 8(a) (#E2012/24321) which is applicable to the Byron Shire Coastline Hazard Study Update.
  2. That Council endorse the proposed variation to the Byron Shire Coastline Hazard Study Update, as documented at CONFIDENTIAL Annexure 8(b) (#E2012/24045) to incorporate 2012-13 photogrammetry should this data become available in early 2013 and that funds to subsidise the additional cost of \$7,500 associated with this variation are sought from the state government.
  3. That an additional \$34,500 of Council funds be allocated towards the preparation of the Draft Coastal Zone Management Plan for the Byron Bay Embayment and that Council amends the current 2012/2013 budget as per Table 4 of this report, noting that the total allocation of \$106,500 funds will be sourced from account 2605.005 (Coastal Management Plan Preparation), Environment and Planning Reserve, the Environmental Levy Reserve and grant revenue of \$67,000 from the Office of Environment and Heritage. (Woods/Cameron)
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**Report No. 12.18. PLANNING - Removal of easement to allow vehicular access to Bangalow Road Talofa**

**File No:** Parcel No 67470/241317 #E2012/17316

**12-984 Resolved:**

1. That Council authorises the cancellation of the "Restriction as to user 1 wide" from Lot 4 DP 259624 as detailed in this report.
2. That Council authorise the General Manager to sign and/or affix the Council Seal to all documentation in relation to the removal of "Restriction as to user" for Lot 4 DP 259624.  
(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.*

**COMMUNITY INFRASTRUCTURE - COMMITTEE REPORT**

**Report No. 13.1. Report of the Local Traffic Committee Meeting held on 28 November 2012**

#E2012/25617

13.1.3. Request for Speed Zone Review, Skinners Shoot Road, Byron Bay

File No: F161/#E2012/25617

- 12-985 Resolved** that Council and the Roads and Maritimes Services (RMS) undertake a road safety review of Skinners Shoot Road, Byron Bay and in due course report back recommendations (if any) to Council via the Local Traffic Committee. (Woods/Cameron)

13.1.4. Renewal of approved 4.6 metre high sugar cane truck routes

File No: F161/#E2012/25617

- 12-986 Resolved** that the wording of the Committee Recommendation is not adopted and instead, as per RMS advice, the following is endorsed by Council:

1. That Council approve, for a period of five (5) years from the date of gazettal, the operation of 4.6m high sugar cane transport vehicles in accordance with the following schedule:

#	Road name	Starting Point	Finishing Point	Locality
1	Wilfred Street	Pacific Highway (SH10)	Brunswick Street	Billinudgel
2	Brunswick Street	Wilfred Street	The Pocket Road	Billinudgel
3	The Pocket Road	Brunswick Street	Walkers Lane	Billinudgel to The Pocket
4	Willows Road	Middle Pocket Road	Southern end	Billinudgel
5	Middle Pocket Road	The Pocket Road	Chinamans Hill Road	Middle Pocket
6	Gulgan Road (MR689)	Pacific Highway (SH10) Brunswick Heads interchange	Pacific Highway (SH10) Tyagarah interchange	Mullumbimby



# BYRON SHIRE COUNCIL

#	Road name	Starting Point	Finishing Point	Locality
7	Mullumbimby Road	Gulgan Road (MR689)	Argyle Street	Mullumbimby
8	Argyle Street (MR463)	Mullumbimby Road (MR463)	Burringbar Street	Mullumbimby
9	Queen Street	Argyle Street (MR463)	Northern end	Mullumbimby
10	Burringbar Street	Argyle Street (MR463)	Dalley Street	Mullumbimby
11	Dalley Street	Tincogan Street	Jubilee Avenue	Mullumbimby
12	Tincogan Street	Dalley Street	Murwillumbah Road	Mullumbimby
13	Murwillumbah Road	Tincogan Street	Main Arm Road	Mullumbimby
14	Main Arm Road	Murwillumbah Road	The Pocket Road	Mullumbimby to Main Arm
15	Coopers Lane	Main Arm Road	750m south of Main Arm Road	Mullumbimby
16	Jubilee Avenue	Dalley Street	Coolamon Scenic Drive	Mullumbimby
17	Coolamon Scenic Drive	Jubilee Avenue	Myocum Road	Mullumbimby
18	Myocum Road	Coolamon Scenic Drive	Pacific Highway (SH10) Ewingsdale Interchange	Myocum to Ewingsdale
19	McAuleys Lane	Myocum Road	900m North east of Myocum Road	Myocum
20	Tyagarah Road	Myocum Road	Pacific Highway (SH10)	Myocum to Tyagarah
21	Kennedys Lane	Myocum Road	Pacific Highway (SH10)	Ewingsdale
22	Midgen Flat Road	Broken Head Road	1.5km west of Broken Head Road to the Cane Pad	Broken Head
23	Broken Head Road (MR545)	Midgen Flat Road	Byron/Ballina LGA boundary	Broken Head

2. That the approval relates to sugar cane cartage only, noting that:
- a) operators are to contact Council at least 10 business days prior to use and meet Council requirements; and
  - b) the approved 4.6 metre high vehicle areas and routes are assessed for their suitability however over time routes may be obstructed by vegetation or temporary works and therefore responsibility for due care and diligence remains with the individual driver to avoid any such obstruction. (Woods/Cameron)

13.1.5. Police request, No Stopping Authorised Vehicles Excepted, Byron Bay  
File No: F161 / #E2012/25617

**12-987 Resolved** that the existing No Stopping on the west side of Shirley Street, from north of the intersection with Butler and Lawson Streets be endorsed and signed as “*No Stopping Byron Shire Council Authorised Vehicles Excepted*”. (Woods/Cameron)

13.1.6. Proposed No Stopping, Sunrise Boulevard, Sunrise, Byron Bay  
File No: F161 / #E2012/25617

**12-988 Resolved** that No Stopping be signed from 10m on the approach side and 5m on the departure side of the existing speed hump between 5 and 7 Sunrise Boulevard, Sunrise, Byron Bay. (Woods/Cameron)

13.1.8. Blues Festival roundabout, Tanners Lane and Yarin Lane, Tyagarah

File No: F161/#E2012/25617

**12-989 Resolved** that in regard to the engineering design plan series of Job Number 04269 and numbered 1 to 17 as completed by Greg Alderson and Associates and dated 22 November 2012, the Local Traffic Committee recommend as follows:

- a) the design plans be reviewed and resubmitted to the Committee prior to the Committee's 6 February 2013 meeting;
  - b) that the revised plans consider and provide access for the properties east of the roundabout, preferably via consolidating their access with an eastern (fourth) leg onto the new roundabout;
  - c) that the completion of the highway off-ramp is not viewed as dependent upon construction of the roundabout, noting that temporary traffic controls can be used in lieu of a constructed roundabout for the 2013 Blues Festival event if need be; and
  - d) that the proposed traffic controls at the intersection of the new Highway festival off-ramp and Yarin Lane, be endorsed. (Woods/Cameron)
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**COMMUNITY INFRASTRUCTURE - CONFIDENTIAL REPORT**

**Report No. 14.1. CONFIDENTIAL Tender Assessment - Design and Construct Bangalow Skatepark 2012-0009**

**File No:** #E2012/24971

**12-990 Resolved:**

1. That the Tender Design and Construct Bangalow Skatepark 2012-0009 be awarded to Concrete Skateparks for the value of \$180,500, including GST.
  2. 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.
  3. That the Bangalow Skatepark budget (job number 4835.110) be increased by \$40,000 from Section 94, Open Space Bangalow Local Parks. (Woods/Cameron)
- 

**WATER AND RECYCLING - CONFIDENTIAL REPORT**

**Report No. 14.2. CONFIDENTIAL Waste Transport and Disposal Tender**

**File No:** #E2012/21655

**12-991 Resolved:**

1. That in accordance with Section 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders.
  2. That in accordance with Section 178(3)(e) of the Local Government (General) Regulation 2005, Council enter into negotiations with Veolia Environmental Services with a view to entering into a contract in relation to the subject matter of the tenders.
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3. That in accordance with Section 178(4)(a) of the Local Government (General) Regulation 2005, Council has declined to invite fresh tenders or applications because of the following reasons:
  - a) The need to retain a contingency amount of capacity within the Myocum Landfill is critical to ongoing management of waste generated by the Byron Shire Community;
  - b) The lengthy time frames to prepare a new set of tender documents would have a detrimental impact on the contingency capacity of the Myocum Landfill;
  - c) The costs to prepare a new set of tender documents are currently not budgeted;
  - d) The tenders received by Council for the Contract are considered to be the currently available options open to Council and by calling fresh tenders Council would not be provided with any new or fresh tenders from the market; and
  - e) The tender most advantageous to Council is not able to be accepted because of the conditional nature of the tender which would necessitate negotiations being entered into before their tender was accepted.
4. That in accordance with Section 178(4)(b) of the Local Government (General) Regulation 2005, Council has determined to enter into negotiations with Veolia Environmental Services because of the following reasons:
  - a) Veolia Environmental Services tender provides significant value for money to Council as it has the opportunity to save Council between \$245,000 and \$845,000 per annum over the other 2 tenders;
  - b) Variations/departures proposed by Veolia Environmental Services are considered to 'substantially alter the original tender', and therefore cannot be considered further through the tender assessment process, even though their rates represent significant value for money to Council;
  - c) Council raised issues with the other participating Councils prior to finalising of the RFT documents around the issues of levies , rise and fall and other issues, which were not included in the RFT documents, which are consistent with a number of Veolia Environmental Services departures; and
  - d) The departures from the Contract requested by Veolia Environmental Services are considered to be such that they do not alter the value for money that the Veolia Environmental Service's tender represents.
5. That in accordance with Section 377 of the Local Government Act 1993, Council delegate, to the General Manager, the authority to negotiate and enter into a contract with Veolia Environmental Services, whilst ensuring that Council's risks are minimised and that the contract remains value for money to Council.
6. That the report (and Annexure) of the closed part of the meeting remain confidential until a contract has been negotiated and awarded. (Woods/Cameron)

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PROCEDURAL MOTION

- 12-992 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being Reports 12.13, 12.17, 8.4 12.21 12.10, 12.11, 12.19, 12.20, 13.1.9 and 12.14, next on the Agenda. (Woods/Cameron)

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

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ITEMS RESERVED FOR DEBATE

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

**Report No. 12.13. PLANNING - S96 10.2000.348.6 Modify property access arrangements and creek crossing at 220-231 Fowlers Lane, Bangalow**

**File No:** Parcel No 25080x238772x25090 #A2012/2493

*Cr Wanchap left the Chambers at 11.15am in regard to her earlier declared pecuniary interest in this matter.*

- 12-993 Resolved** that pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, development application 10.2000.348.6 for S96 to:

1. Modify property access arrangements and creek crossing (subdivision community title 11 lots and 1 neighbourhood lot), be refused for the reasons listed in Annexure 6(b) #E2012/23156.
2. That staff have a discussion or meeting with the affected parties to attempt to work out a resolution on the crossing as approved in DA10.2000.348. (Hunter/Spooner)

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

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

*No Councillors voted against the motion.*

*Cr Wanchap returned to Chambers at 11.48am.*

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**Report No. 12.17. PLANNING 10.2012.225.2 - S96 to delete condition 16 of Consent for the stormwater disposal (granny flat) at 120 Parkway Drive Ewingsdale**

**File No:** Parcel No 69720/ #A2012/6354

- 12-994 Resolved:**

1. That pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, development application 10.2012.225.2 for S96 to delete condition (16) for stormwater disposal [granny flat (secondary dwelling)], be approved.
  2. That prior to the occupation certificate being issued that the matter of the vegetation screen be addressed.
-

3. That the stormwater diversion works be put on Council's programme for investigation in the New Year. (Woods/Cubis)

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

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

*Crs Dey, Cameron and Wanchap voted against the motion.*

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**NOTICE OF MOTION**

**Notice of Motion No. 8.4. Crown Parks in Brunswick Heads**

#E2012/24972

*Cr Woods left the Chambers as previously declared in her pecuniary interest.*

**12-995 Resolved** that Council inform itself and the Division of Local Government on some Caravan Park licence boundaries by defining them:

1. as lines on survey plans as follows:

a) at The Terrace:

- i) a western boundary at the western side of Lot 50, the 4,110m<sup>2</sup> area outlined in red on page 5 of 8 of Annexure 1(d) to our papers of 6 December (note: this licence boundary allocates to the Park about 12.5m of the 30m wide road reserve of Brunswick Terrace);
- ii) a northern boundary east of the 318m<sup>2</sup> area outlined in red on page 8 of 8 of Annexure 1(d) to our papers of 6 December is a line parallel to Fingal Street and 3.0m south of the centre of the footbridge where its timber ends at Fingal Street;
- iii) a southern boundary through the centres of sites P190, P191 and U146 indicated on page 6 of 8 of Annexure 1(d) to our papers of 6 December plus a Christmas and Easter overflow to 10m south of the southern edge of the bitumen track within the Park and square (90°) to Brunswick Terrace.

b) at Massey Green:

- i) an eastern boundary on the north-south join between Lot 409 and Lot 20 and extended south to the Old Pacific Highway;
- ii) a southern boundary on the southern edge of Lot20;
- iii) a western boundary as defined in our Resolution 12-947 of 6 December, on the picket fence.

c) at Ferry Reserve:

- i) a western boundary on the western boundaries of Lot 101 and Lot 10 (see page 3 of 4 of Annexure 1(e) to our papers of 6 December);
- ii) a northern boundary 1m north of the northern kerb of what used to be Riverside Drive in Lot 10 plus a Christmas and Easter overflow to 10m south of the top of bank (dashed line surveyed on page 2 of 4 of Annexure 1(e) to our papers of 6 December);
- iii) an eastern boundary including the internal access drive shaded blue on page 2 of 4 of Annexure 1(e) to our papers of 6 December and excluding the road that used to be the Pacific Highway and its footpath;

- iv) an extension north of that boundary as shown on the Plan overleaf (copied from page 2 of 4 of Annexure 1(e)) with seasonal variation.
2. and as varying with the following two seasons where included in the survey definitions in Point 1 above. The variation is permitted at times designated as continuous public school holiday in NSW or QLD over Christmas and Easter. (Dey/Ibrahim)

*The motion was put to the vote and declared carried.  
Crs Richardson, Spooner and Cameron voted against the motion.  
Cr Woods was not present for the vote.*

FORESHADOWED MOTION

Moved: That Council confirm that it has considered the implications of the conditions of approval imposed by Resolution 12-947 on the current operation of the Holiday Parks and that following that consideration amends 12-947 part 3b to read:

Requires that, within two years, Park Management ensures all caravan park infrastructure, including permanent and short term sites are relocated, with a minimum 10m building setback from the riverbank in new Plans of Management, at NCHP's expense. Alternate accommodation is to be provided for long term residents whose vans cannot be relocated or fails to comply with current legislation. New Plans of Management are to retain 30% sites for permanent residents in all caravan parks. (Richardson/Spooner)

- 12-996 Resolved** that the Foreshadowed Motion (Richardson/Spooner) rest on the table. (Richardson/Spooner)

*The procedural motion was put to the vote and declared carried.  
Cr Woods was not present for the vote.*

AMENDMENT

Moved: That Council confirm that it has considered the implications of the conditions of approval imposed by Resolution 12-947 on the current operation of the Holiday Parks and that following that consideration amends 12-947 part 3b to read:

Requires that, within FIVE years, Park Management ensures all caravan park infrastructure, including permanent and short term sites are relocated, with a minimum 10m building setback from the riverbank in new Plans of Management, at NCHP's expense. Alternate accommodation is to be provided for long term residents whose vans cannot be relocated or fails to comply with current legislation. New Plans of Management are to retain 30% sites for permanent residents in all caravan parks. (Dey/Wanchap)

- 12-997 Resolved** that the procedural Amendment (Dey/Wanchap) rest on the table. (Richardson/Cameron)

*The motion was put to the vote and declared carried.  
Cr Woods was not present for the vote.*

*Cr Woods returned to the meeting.*

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**SOCIETY AND CULTURE - EXECUTIVE MANAGER'S REPORT**

**Report No. 12.21. Richmond Tweed Regional Library Business Model Consideration**  
**File No: #E2012/22962**

**12-998 Resolved:**

1. That Council supports the Richmond Tweed Regional Library (RTRL) Committee's recommendation to develop a Richmond Tweed Regional Library Partnership model agreement with the basis of the agreement to be:
  - a) An operating model that is supportive of the Library Act 1939 Section 12(a)
  - b) Complies with Local Government Act 1993 and Library Act 1939, and
  - c) The role of the RTRL Committee be strengthened, and
  - d) Appropriate delegations from member Councils be provided, and
  - e) Contemporary governance practices applied, and
  - f) Issues raised with the budgeting, member Council contributions, staffing, member Council withdrawal and financial reporting are to be reviewed.
  - g) The RTRL Partnership Model agreement be developed by the member council General Managers and reported back to the RTRL Committee.
2. That the progress of the development of the RTRL Partnership Model be reported to Council. (Richardson/Dey)

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

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**CORPORATE MANAGEMENT AND WATER AND RECYCLING - EXECUTIVE MANAGERS' REPORT**

**Report No. 12.10. Fletcher Street Cottage and Existing Library Building Byron Bay**  
**File No: #E2012/23250**

**12-999 Resolved:**

1. That Council, in accordance with resolution 11-1071 and noting the important role of the Fletcher Street Cottage in providing services to meet the needs of the homeless and addressing Byron Shire Council's adopted Homelessness Policy and Protocol, not seek expressions of interest for a new lease over the Fletcher Street Cottage and Existing Library Building.
2. That Council enter into lease negotiations with the Salvation Army based on Market Rental Valuations contained at Annexures 12(a) (#E2012/3469) and 12(d) (#DM1249740), to ensure best value for money outcomes.
3. That Council provides in principal support to the Salvation Army taking over the lease arrangement of the Fletcher Street Cottage, subject to:
  - a) written agreement from Byron Bay Community Centre Inc; and
  - b) a financial commitment to the annual market lease rental value of \$39,600 (GST inclusive) per annum to ensure an appropriate return to the Water Fund on this Water Fund Asset.
4. That Council receive a further report on the outcomes of 3 above.

5. That Council provides in principal support to the Salvation Army expanding their services into 10 Lawson Street, Byron Bay (existing library building), subject to considering a further report:
- a) on the financial implications of the scope and cost of works required for the change of use consent and building modifications; and
  - b) their ability and willingness to meet the market rental value of \$160,900 (GST inclusive) per annum to ensure an appropriate return to the Water Fund on this Water Fund Asset. (Spooner/Richardson)

*Cr Dey left the chambers at 12.50pm.*

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

*Cr Dey was not present for the vote.*

*Cr Dey returned to the chambers at 12.54pm.*

FORESHADOWED MOTION

Moved: That Council receive a report on all options including potential for subdivision and income from the Lot B DP372589. (Woods/Cubis)

*The motion was put to the vote and declared lost.*

*Crs Ibrahim, Dey, Cubis, Richardson, Cameron, Wanchap, Spooner and Hunter voted against the motion.*

*The meeting adjourned at 12.55pm for a lunch break and reconvened at 1.40pm.*

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**NOTICE OF MOTION**

**Notice of Motion No. 8.4. Crown Parks in Brunswick Heads**

***continued***

E2012/24972

**12-1000 Resolved** to lift the Foreshadowed Motion and Amendment from the table.(Richardson/Spooner)

*The procedural motion was put to the vote and declared carried.*

*The foreshadowed motion and the amendment were then withdrawn.*

---

**ENVIRONMENT AND PLANNING - EXECUTIVE MANAGER'S REPORTS**

**Report No. 12.11. Environmental Values on Rural Land Workshop 17 November 2012**

**File No:** #E2012/22519

**12-1001 Resolved:**

- 1. That Council note the ideas generated by attendees at the Environmental Values on Rural Land Workshop held 17 November 2012, as contained in Annexure 9 (#E2012/21240).
- 2. That this report and the workshop outcomes be made available to the Department of Planning and Infrastructure to assist them with their review of E2 and E3 environmental zones and environmental overlays in North Coast LEPs.



3. That the terms of reference of the Departmental review and its timeframe be circulated to Councillors as a memo.
4. That the department review be made available to Councillors as soon as received and that staff hold a workshop with Councillors following completion of the Department's review to consider options for finalising environmental zones and overlays in the draft Byron Local Environmental Plan.
5. That Council involve representatives from the rural and environmental organisations that attended this workshop in future discussions/consultation activities with Council as Council further considers the findings of the Ministerial Review and how this will inform the draft Byron Local Environmental Plan. (Dey/Cameron)

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

---

**Report No. 12.19. PLANNING - 10.2012.407.1 Demolition of existing motel and construct three storey residential flat building at 45-47 Lawson Street Byron Bay**

**File No:** Parcel No 239084 #A2012/2908

**12-1002 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2012.407.1 for demolition of existing motel and construction and strata subdivision of a three (3) storey residential flat building comprising 9 apartments and associated tree removal, carparking and landscaping, be granted consent subject to conditions listed in Annexure 14(f) #E2012/25284 with changes to Annexure 14 (f) 9 to read:

“Amended plans with a maximum height (excluding lift wells) of 16.05m AHD”  
(Wanchap/Richardson)

AMENDMENT

Moved: That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2012.407.1 for demolition of existing motel and construction and strata subdivision of a three (3) storey residential flat building comprising 9 apartments and associated tree removal, carparking and landscaping, be granted consent subject to conditions listed in Annexure 14(f) #E2012/25284.  
(Dey/Woods)

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

*Crs Dey, Cameron and Wanchap voted in favour of the amendment.*

*Crs Ibrahim, Cubis, Woods, Richardson, Spooner and Hunter voted against the amendment.*

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

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

*Cr Cameron voted against the motion.*

*The meeting adjourned at 1.55pm to open the Reserve Trust Committee Meeting and reconvened at 2.00pm. Resolution No 12-1003 was used during that meeting.*

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**Report No. 12.20. PLANNING - S96 5.1987.208.2 Modify the Design of Cabin 82 (Tourist Facility) Bayshore Drive Byron Bay**

**File No:** Parcel No 134370 #A2012/5109

**12-1004 Resolved:**

1. That pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, application 5.1987.208.2 for S96 to modify the design of cabin 82 (tourist facility) be approved by modifying development consent 5.1987.208.1 as listed below:
  - A. The following condition is to be added to the development consent under the heading "the following conditions will be required to be complied with prior to the release of any building applications":
    8. The external appearance of Cabin No. 26 (as shown on the approved site plan) is amended in accordance with Dwg. No. 01, prepared by Troppo Architects Blue, dated 20/09/2010.
2. That Council request the landholder of this and adjoining Lots to consult with the community and Council, regarding plans for the full property, to indicate their intentions for development and to compare those with DCP2010 Chapter 18 and to consider requests from the community, including:
  - a) the application of contemporary environmental standards
  - b) consideration of the changed environmental values of the site since the 1987 approval. (Dey/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.*

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**COMMUNITY INFRASTRUCTURE - COMMITTEE REPORT**

**Report No. 13.1. Report of the Local Traffic Committee Meeting held on 28 November 2012**

#E2012/25617

13.1.9. Late Item – proposed Loading Zone, Lawson Street, Byron Bay

Moved:

1. That Council change the No Stopping length on the north side of Lawson Street, Byron Bay immediately east of Jonson Street, to a Loading Zone.
2. That the existing disabled parking bay be timed from 10am each day permitting a loading zone to crossover into the disabled bay prior to 10:00am. (Ibrahim/Woods)

AMENDMENT

**12-1005 Resolved:**

1. That Council change the No Stopping length on the north side of Lawson Street, Byron Bay immediately east of Jonson Street, to a Loading Zone.
2. That following the installation of the Loading Zone, Council assess any impacts upon the existing disabled bay, with any decision regarding potential changes (if any) be first consulted upon with Council's Access Advisory Committee before being reported back to the Local Traffic Committee. (Cameron/Dey)

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

*The amendment upon becoming the substantive motion was put to the vote and declared carried.  
Crs Ibrahim and Wanchap voted against the motion.*

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**ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER'S REPORT**

**Report No. 12.14. PLANNING - 10.2012.445.1 Alterations/additions to existing dwelling (SEPP 1 objection) at 37 Leslie Street, Bangalow**

**File No:** Parcel No 238384 #A2012/5073

Moved:

1. That Council defer determination of DA 10.2012.445.1 to receive a report to Council, with draft reasons for refusal which include:
  - a. floor space ratio; and
  - b. other reasons as outlined in the submission objecting to the application
2. That the report provide a history of the development. (Dey/Cameron)

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

FORESHADOWED MOTION

**12-1006 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application 10.2012.445.1 for alterations and additions to an existing dwelling-house be granted consent subject to the conditions listed in Annexure 5(b) #E2012/23101. (Woods/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.*

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**MAYORAL MINUTE**

*There was no Mayoral Minute.*

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**NOTICES OF MOTION**

**Notice of Motion No. 8.1. Byron Eco Park**

#E2012/24748

- 12-1007 Resolved** that Council convene a workshop for Councillors and appropriate staff to explore with the owner of Byron ECO Park the Park's proposed development and operation with minutes being taken and provided to participants. (Spooner/Richardson)

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

---

**Notice of Motion No. 8.2. Outstanding Resolutions**

#E2012/21918

**12-1008 Resolved:**

1. That Council rescind Resolution 05-239 being:

*"Resolved that Council receive a staff report detailing the expected life of Myocum Quarry and remaining reserves and reserves of comparable resources in the Shire."*

and Parts 2 and 3 of Resolution 05-765 being:

- "2. That Council investigate with the Geographical Names Board, the requirements to include the geographical name – 'Bundjalung Country', or seek clarification regarding the use of an abbreviated version 'Bundjalung Ctry', on all Byron Shire addresses.*
- 3. That a staff report on point 2 above be reported back to Council."*
2. That the General Manager be requested to review the outstanding resolutions from the previous Council for the period from 2008-2012 and to provide Council with a report detailing any outstanding Resolutions:
- a) that are no longer relevant or that have been superseded either by other Resolutions, Legislative change or other matters.
- b) that can not be implemented due to resources not being available, allocated or allocated to other adopted projects, services, activities or works. (Woods/Cubis)

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

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**Notice of Motion No. 8.3. Constitutional Recognition**

#E2012/22629

**12-1009 Resolved** that Council reinforce its support for the constitutional recognition of Councils by sending a submission that supports:

1. Financial recognition.
2. The Federal Government having power to provide funding directly to Local Government where it is in the national interest.
3. Needing certainty of funding for programs such as Roads to Recovery, an amendment to the constitution so that it would read:

*“Parliament may grant financial assistance to any state or Local Government body formed by or under a Law of State or Territory.”*

4. The need for cross-party support as an essential pre-condition if a referendum is to have the best chance of success.
5. That a referendum is held at the time that maximises the best chance of success for a public funded national education and awareness campaign to inform the public about the Constitution, about how to change it, and about the question being asked before the referendum. This is to enable a voter to be able to vote on facts rather than misinformation. (Woods/Cameron)

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

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**PETITIONS**

The Mayor tabled the following petitions which state:

1. Pine Avenue Mullumbimby (containing 270 signatures)

*“We the undersigned residents who use Pine Avenue in Mullumbimby, ask Byron Shire Council to reseal the south end of Pine Avenue (up to the north side of Garden Avenue)...”*

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2. Fair and Equitable Resolution of DA 10.2012.227.1 (containing 54 signatures)

*“We, concerned citizens, who urge our leaders to act now for Safety, Environmental, Community and Privacy matters to be resolved in a fair and equitable manner...”*

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**SUBMISSIONS AND GRANTS**

*There were no submissions or grants tabled.*

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**DELEGATES' REPORTS****1. Rous Water**

Cr Dey advised that Rous Water met yesterday and advised that there are a couple of issues that will probably come back to this Council. One is the issue about leakage in the water mains. Rous is currently doing a future water strategy and included in that future water strategy is still an option to build a new dam at Dunoon and it's based on our systems needing a certain amount of water. About 10% of what the system currently uses, he thinks is water that is lost in places unknown because we don't know where it goes: out of the mains, out of the pipes, some of it possibly through poor monitoring and there may still be the odd connection here, and there that doesn't have a meter at all. What happens is, if you can recover that 10% loss you take the time for building the dam out from about 2030 to about 2050. So, there's a huge recovery of funding or of payments that would otherwise need to be made by water users. Loss and leakage is an issue for Rous and that issue will be sent to the water using authorities including ours to be looked at, and that raises the idea of asset management of the water mains as one of the elements involved in losses as the mains get older, they lose more water and that needs to be done as well.

**2. Mullumbimby Showground Trust**

Cr Dey advised that there is a couple of issues there, one is the Farmers Market and there has been a huge wrangle with the Farmers Market over their licensing. Hopefully it's going to be resolved in the next couple of weeks.

The other issue that's going around there is the intention to lodge a DA for camping at the showground at Mullumbimby and that DA will probably get lodged next year.

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**GENERAL MANAGER'S REPORT**

**Report No. 12.1.      2013-2017 Delivery Program – Key Activities**

**File No:                #E2012/22785**

*The Acting General Manager left the chambers at 3.15pm and the Executive Manager Organisational Support took his chair.*

**12-1010 Resolved:**

1. That Council endorse the amendments, additions and deletions to the key activities as listed in Annexure 21 (#E2012/19389) including the following amendments:
  - a) CM 1.5.2 on page 2 to read: Develop employees as per the Workforce Plan.
  - b) SC 2.3.1 on page 9 to read: Provide quality before and after school care, and parent support programs for families in the Shire.
  - c) EN 1.4.1 on page 12 to read: Implement the Brunswick River Estuary Management Plan.
  - d) EN 1.4.3 on page 12 to read: Develop the North Byron Coastal Creeks Flood Study.
  - e) CI 4.1.1. on page 22 to read: Develop a process for the prioritisation of new infrastructure that results from *Community Outcome CI Planning for the future*.
  - f) CI 1.1.3 on page 16: the words "Local" and "Public" to be changed to lower case.

2. That Council include the endorsed amended key activities in the draft 2013-2017 Delivery Program.
3. That Council include a Councillor Workshop on Thursday 21 February 2013 in the adopted Schedule for the development of the 2013-2017 Delivery Program and 2013/14 Operational Plan, for the purpose of reviewing the first draft of the Council Actions for the 2013/14 Operational Plan. (Dey/Woods)

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

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**COMMUNITY INFRASTRUCTURE and ENVIRONMENT AND PLANNING - EXECUTIVE  
MANAGER'S REPORT**

**Report No. 12.4. Update - Manfred Street Interim Works**

**File No: #E2012/22414**

**12-1011 Resolved:**

1. That Council note that monitoring and maintenance activities have been implemented with respect to the Manfred Street interim works.
2. That Council note the advice provided at Annexure 7(b) (#E2012/25172) with respect to repairing and maintaining the Manfred Street interim works but that outstanding issues remain with respect to progressing and/or implementing the prescribed works as described in this report.
3. That Council engage an appropriately qualified expert to review the report and design at Annexure 7(b) (#E2012/25172).
4. That appropriate signage be placed along the wall structure advising of any potential risks. (Ibrahim/Woods)

*The Acting General Manager returned to the meeting at 3.30pm.*

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

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**CORPORATE MANAGEMENT- EXECUTIVE MANAGER'S REPORTS**

**Report No. 12.5. Lease option exercise by NSW Police Force on Council owned operational land**

**File No: #E2012/14279**

**12-1012 Resolved:**

1. That Council authorise the General Manager to enter into a lease with NSW Police Force, in the form contained at Annexure 11(b) (#E2012/20792) for part of Lot 1453 DP 575235 being Warrambool Road Ocean Shores with the following minimum conditions:
  - a) Term of five (5) years
  - b) Commencement date 1 March 2013
  - c) Termination date 28 February 2018
  - d) Rent per annum \$434.00 ex GST
  - e) Lessee to pay all lease preparation costs

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

20 DECEMBER 2012 (21 of 27)

2. That Council authorise the General Manager to enter into a lease with NSW Police Force, in the form contained at Annexure 11(c) (#E2012/20804) for part of Lot 1 DP 342369 being Reservoir Road Mullumbimby with the following minimum conditions:
  - a) Term of five (5) years
  - b) Commencement date 1 March 2013
  - c) Termination date 28 February 2018
  - d) Rent per annum \$434.00 ex GST
  - e) Lessee to pay all lease preparation costs
3. That Council authorise the General Manager to affix the Council Seal to the lease documentation in accordance with Regulation 400 of the Local Government (General) Regulations 2005. (Richardson/Woods)

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

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**Report No. 12.6.      Endorsement of Management Models for Bangalow A&I Hall and Mullumbimby Civic Memorial Hall**

**File No:**                #E2012/20702

## **12-1013 Resolved:**

1. That Council note the management model for the Bangalow A&I Hall and the Mullumbimby Civic Memorial Hall be operated by a Board of Management with a paid Venue Coordinator.
2. That Council adopt the Delegation of Authority under Section 377 of the Local Government Act 1993, as shown in Annexure 4(a) (#E2012/21024) for each Board of Management.
3. That the amended Board of Management Guidelines as shown at Annexure 4(b) (#E2012/21055) be adopted.
4. That with regard to the Bangalow A&I Hall Council:
  - i) officially thank its existing board members for their contribution to this facility.
  - ii) call for expressions of interest for nomination to the Board of Management for a 4 year term in line with Council.
  - iii) call for expressions of interest for a paid Venue Coordinator as set out in the EOI (shown at Annexure 4(c)) with Fees for Services at a rate of \$25.00 per hour with a maximum of \$500 per week for a 4 year term in line with Council.
  - iv) advise the Bangalow A&I Hall Board of Management they are to continue to meet the costs, from the commercial revenues generated from the facility, as follows:
    - a) annual insurances;
    - b) reactive maintenance;
    - c) preventative and long term maintenance; and
    - d) the paid Venue Coordinator.
5. That with regard to the Mullumbimby Civic Memorial Hall Council:



# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

20 DECEMBER 2012 (22 of 27)

- i) officially thank its existing board members for their contribution to this facility.
- ii) call for expressions of interest for nomination to the Board of Management for a 4 year term in line with Council.
- iii) call for expressions of interest for a paid Venue Coordinator as set out in the EOI (shown at Annexure 4(c)) with Fees for Services being at a rate of \$25.00 per hour with a maximum of \$250 per week.
- iv) advise the Mullumbimby Civic Memorial Hall Board of Management they are to continue to meet the costs, from the commercial revenues generated from the facility, as follows:
  - a) annual insurances;
  - b) reactive maintenance;
  - c) preventative and long term maintenance; and
  - d) the paid Venue Coordinator.
- v) review annually the Venue Coordinator's Fees for Services and income generated from the hall and if any changes are recommended it be reported to Council for approval.
- vi) assist the Board with recruitment of a pool of volunteers to assist the Venue Coordinator with its role. (Richardson/Dey)

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

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**Report No. 12.7.      Bangalow Scout Hall land tenure issue**  
**File No:                #E2012/23650**

**12-1014 Resolved:**

- 1. That Council note the contents of this report.
- 2. That notice of Council's intention to grant a lease over Community Land being part Lot 1 DP 366810 known as Bangalow Scout Hall be notified and exhibited in accordance with Section 47 of the Local Government Act for a period of 28 days.
- 3. That subject to no submissions being received, Council grant a temporary licence to Scouts Australia NSW for part Lot 1 DP 366810 being Council owned Community Land, substantially in the form at Annexure 10(a) (#E2012/23625).
- 4. That resolution of the land tenure problem of these buildings include consideration of boundary adjustment options, including the option expressed in red on the attached survey (copy from Annexure 10(b)) (#E2012/28199) and in consultation with the Department of Crown Lands. (Dey/Cubis)

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

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COMMUNITY INFRASTRUCTURE - COMMITTEE REPORT

**Report No. 13.1. Report of the Local Traffic Committee Meeting held on  
28 November 2012**

#E2012/25617

13.1.1. Objections to proposed No Parking, Kingsley Lane, Byron Bay  
File No: F161 / #E2012/25617

- 12-1015 Resolved** that Council refer this issue back to the Local Traffic Committee asking them to defer this matter for six months and then reconsider installing No Parking Monday 6.00am to 8.00am only on the north side of Kingsley Lane, Byron Bay between Tennyson Street and Massinger Street. (Dey/Wanchap)

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

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13.1.2. Update to Byron Bay New Year's Eve Road Closures  
File No: F161 / #E2012/25617

**12-1016 Resolved:**

1. That the following temporary road closures, effective from 6am on 31 December 2012 for the purposes of New Year's Eve activities in Byron Bay, be endorsed:
  - a) Jonson Street, between Lawson Street and Bay Street;
  - b) Bay Street, between Fletcher Street and Jonson Street; and
  - c) Bay Lane, between Fletcher Street and Jonson Street.
2. That the temporary road closures be advertised in accordance with the requirements of the Roads Act. (Cubis/Woods)

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

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13.1.7. Proposed change of parking limit from 4P to 2P, Byron Street, Byron Bay  
File No: F161/#E2012/25617

- 12-1017 Resolved** that Council refer this matter back to the Local Traffic Committee to retain the 4P parking limit. (Ibrahim/Woods)

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

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13.1.10. Late Item - Byron Bay Triathlon, Saturday 11 May 2013

- 12-1018 Resolved** that Council support the Byron Bay Triathlon 2013 event based on the 2012 route and the organisers be invited to an Local Traffic Committee meeting to discuss any alternate proposals for 2014 and beyond. (Ibrahim/Cubis)

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

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**SOCIETY AND CULTURE - COMMITTEE REPORT**

**Report No. 13.2. Report of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 7 November 2012**

**File No:** #E2012/23202

**12-1019 Resolved** that Council note the minutes from the Arakwal Memorandum of Understanding Advisory Committee meeting of 7 November 2012.

**12-1020 Resolved** that in relation to Report No. 6.1 Arakwal Memorandum of Understanding Overview, Council adopt:

Committee Recommendation AMoU 6.1.1

That Council note the overview and progress of the development of the MoU.

**12-1021 Resolved** that in relation to Report No. 6.2 Bundjalung Country Stationery Update, Council adopt:

Committee Recommendation AMoU 6.2.1

That Council adopt the full colour version of the Bundjalung Country Letterhead (E2012/15946) for Council use.

**12-1022 Resolved** that in relation to Report No. 6.3 Bundjalung Country Signage Update, Council adopt:

Committee Recommendation AMoU 6.3.1

a) That additional Bundjalung Country signage be located at various locations in the Shire.

Committee Recommendation AMoU 6.3.2

b) That a further report nominating sites be presented to the Arakwal Memorandum of Understanding Advisory Committee. (Spooner/Cameron)

*The motions were put to the vote and declared carried.*

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**WATER AND RECYCLING – COMMITTEE REPORT**

**Report No. 13.3. Report of the Water, Waste and Sewer Advisory Committee meeting on 29 November 2012**

**File No:** #E2012/23925

**12-1023 Resolved** that Council note the minutes of the Water, Waste and Sewer Advisory Committee held 29 November 2012.

**12-1024 Resolved** that Council does not adopt the Water, Waste and Sewer Advisory Committee Recommendation 4.1 and instead adopts Management Recommendation 4.1:

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That the proposed 2013 meeting dates for the Water, Waste and Sewer Advisory Committee be referred back to the Committee due to the conflict with the proposed dates for the Arakwal (MoU) Advisory Committee meetings.

**12-1025 Resolved** that Council adopt the following items as recommended by the Water, Waste and Sewer Advisory Committee:

i) Committee Recommendation - Outstanding Resolution 11-1044

That, in relation to Resolution 11-1044 section 2.4 resolved on 17 November 2011, the Water Waste and Sewer Advisory Committee recommend to Council that the associated report include a timeframe that reflects both the lack of access past the slip and load limit on Wilson's Creek Road and the hardship associated with the slip.

ii) Committee Recommendation WW&S 4.2 - Byron Bay Reuse Data

a) implement the top 4 schemes in that order in 2012-13 at an estimated cost of \$30,000;

b) liaise with the private organisations to assist them to apply for funding from Rous Water (contact the Demand Management Coordinator);

c) implement the scheme for recycled water to be used for toilet flushing in the Railway Park Toilets when they are refurbished (cost estimate \$20,000 to be revised on the basis of implementing this simultaneously with the refurbishment);

d) fund the above costs from the Water Fund; and

e) consider others on the list and further projects for 2013-14.

iii) Committee Recommendation WW&S 4.4 - Myocum Waste and Recycling Centre Engagement and Communication Strategy 2012-2015

2. That the Water Waste and Sewer Advisory Committee recommend to Council the Myocum Waste and Recycling Centre Engagement and Communication Strategy 2012-2015 (including amendments in point 1) be adopted.

iv) Committee Recommendation WW&S 4.5 - Domestic Kerbside Waste Stream Audit 2012

2. That Council endorse the Domestic Kerbside Waste Stream Audit 2012 report for submission to the Environment Protection Authority to fulfil the requirements of the Waste and Sustainability Improvements Program. (Dey/Woods)

*Cr Cubis left the chambers at 4.47pm.*

*The motions were put to the vote and declared carried.*

*Cr Cubis was not present for the vote.*

*Cr Cubis returned to the meeting at 4.48pm.*

**URGENCY MOTIONS**

1. Draft LEP Submissions

*The Chairperson ruled that this matter is urgent.*

**12-1026 Resolved** that Council discuss the receipt of submissions relating to the 2012 Draft LEP as a matter of urgency. The urgency being that the close of submissions date is Monday 24 December 2012 at 4.00pm and this is the last Council meeting prior to close of submissions.  
(Hunter/Woods)

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

**12-1027 Resolved:**

1. That Council respond to all submissions received in relation to the Draft LEP by post or email and
  - a) acknowledge that Council has received the submission
  - b) be informed of their reference number
  - c) briefly explain the next step and dates in the process and the points at which they can be again be involved.
2. That Council advise, prior to the end of March 2013, the addressee (or signatories) individually by email or post of the decisions and recommendation in relation to the issues they raised in their submissions.
3. That Councillors receive a brief from management as soon as practical on the total numbers of submissions received from each source and the issues raised.(Hunter/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.*

2. Wilsons Creek road repair

*The Chairperson ruled that this matter is urgent.*

**12-1028 Resolved** that Council transact the Wilsons Creek road repair tendering process as a matter of urgency. The urgency being that the basis of the design is expected on 18 January 2013 for construction of the road repair.  
(Dey/Wanchap)

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

**12-1029 Resolved** that Council proceed to an open tendering method, in accordance with Local Government Tender Regulations and subject to relevant approvals being in place, on the basis of the design expected on 18 January 2013 for construction of the road repair. (Dey/Wanchap)

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

BYRON SHIRE COUNCIL

3. Public Exhibition of DA 10.2012.555

*The Chairperson ruled that this matter is urgent.*

**12-1030 Resolved** that Council transact the matter of extension of the public exhibition period for DA 10.2012.555, 9 Station Street Bangalow to Thursday 31 January 2013, as a matter of urgency. The urgency being that public exhibition has begun and there is no meetings between now and the current closing date. (Richardson/Dey)

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

**12-1031 Resolved** that Council exhibit DA 10.2012.555, 9 Station Street Bangalow at a higher category, extending the period to Thursday 31 January 2013, due to the size and extent of the development being beyond that which would normally be expected for the category of development. (Richardson/Dey)

*Crs Ibrahim, Dey, Cubis, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.  
No Councillors voted against the motion.*

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*There being no further business the meeting concluded at 5.37pm.*

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I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council's Ordinary Meeting on 14 February 2013.

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Mayor Simon Richardson