



Byron Shire Council



Minutes

Ordinary Meeting
Thursday, 28 February 2013

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
28 February 2013

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ORDINARY MEETING MINUTES

28 FEBRUARY 2013 (1 of 31)

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 28 FEBRUARY 2013 COMMENCING AT 10.38AM AND CONCLUDING AT 5.36PM
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#E2013/10637

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: Ken Gainger (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)
Phil Warner (Executive Manager Water and Recycling)
Joylene McNamara/Mila Jones (Minute Taker)

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

The Mayor adjourned the meeting at 10.38am for a morning tea break and reconvened at 10.55am.

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

There were no declarations of interest.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

13-38 Resolved that the Minutes of the Ordinary Meeting held on 14 February 2013 be confirmed.
(Woods/Cubis)

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:

EXECUTIVE MANAGERS' REPORTS

Community Infrastructure

12.3. Unconfirmed Report and Recommendations Wilsons Creek Project Reference Group meeting held 5 February 2013

Corporate Management

- 12.4. Revised Model Privacy Management Plan for Local Government
- 12.5. Budget Review - 1 October 2012 to 31 December 2012
- 12.8. Section 356 Donations - Refund of Application Fees and Road Closure Fees
- 12.12. 2013 National General Assembly of Local Government
- 12.13. Council Resolutions Review October to December 2012

Environment and Planning

- 12.14. Byron Shire Council Greenhouse Gas Emissions Status Report
- 12.15. PLANNING – 10.2012.360.1 Supplementary Report (res 12-958) subdivision two lots (SEPP 1) Goremans Road Eureka
- 12.16. PLANNING – 10.2011.149.1 Supplementary Report (res 12-761) Residential Flat Building 2 storey comprising five dwellings at 27-29 Station Street Mullumbimby
- 12.17. Feral Animal Management Plan
- 12.18. PLANNING - State Environmental Planning Policy No 1 - Variations of development standards from 15 September 2012 to 7 February 2013

Society and Culture

- 12.19. New Year's Eve 2012

COMMITTEE REPORTS

Community Infrastructure

- 13.3. Report of the Local Traffic Committee Meeting held on 6 February 2013
 - 13.3.11. Proposed 90 degree parking, Riverside Terrace, Brunswick Heads
 - 13.3.14. Potential relocation of Jonson Street taxi rank, Byron Bay

CONFIDENTIAL REPORTS

Corporate Management

- 14.1. CONFIDENTIAL Holiday let property in residential area - Recommendation for enforcement action

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. 13-39 and concluding with Resolution No. 13-84.

GENERAL MANAGER'S REPORT

Report No. 12.2. Operational Plan Review 2012/2013 for the period October to December 2012

File No: #E2013/7661

13-39 Resolved that Council receive and note the quarterly report and associated Annexures on the 2012-2013 Operational Plan Review for the period 1 October to 31 December 2012.
(Woods/Cameron)

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORTS

Report No. 12.6. Investments – December 2012 and January 2013

File No: #E2012/28310

- 13-40 Resolved** that Council receive and note the record of investments for the months of December 2012 and January 2013. (Woods/Cameron)
-

Report No. 12.7. Land and Environment Court Proceedings 40466 of 2012 – Byron Shire Council v Blaney – 21 Bay Vista Lane, Ewingsdale (“Holiday let matter”)

File No: #E2013/6512

- 13-41 Resolved** that this report be noted. (Woods/Cameron)
-

Report No. 12.9. Lease Road Reserve adjacent to Beach Hotel Byron Bay

File No: #E2012/19982

13-42 Resolved:

1. That notice of Council’s intention to grant a lease over the portion of road reserve adjoining the Beach Hotel on Jonson Street, Byron Bay be served on the adjoining landowners and advertised for a period of 28 days in accordance with the Roads Act 1993.
 2. That if no objections are received during the public consultation and advertising period, Council authorise the General Manager to enter into a lease with Byron Bay Beach Hotel Properties Pty Ltd, substantially in the form contained at Annexure 26(a) (#E2012/20010) for a portion of road reserve with the following minimum conditions:
 - a) Term of five (5) years
 - b) Commencement date 1 February 2012
 - c) Rent per annum \$1,050.00 excluding GST
 - d) Annual rent review in accordance with CPI All Groups (Sydney)
 - e) All costs relating to the establishment of the lease are paid by the Lessee
 3. That upon granting a lease, 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.
 4. That if submissions are received during the public exhibition period, that a further report to Council be considered prior to granting of a lease agreement. (Woods/Cameron)
-

Report No. 12.10. Licence - Community Garden Ocean Shores

File No: #E2012/26057

13-43 Resolved:

1. That Council grant a licence to Mullumbimby Community Gardens Inc over Shara Community Gardens being Community Land at Lot 2005 DP 808461, substantially in the form contained at Annexure 25 (#DM1255448) on the following terms:
-

- a) Commencement date 4 April 2012
 - b) Term of three (3) years
 - c) Nil licence fee
 - d) Insert new clause 19.6 "The Licensee acknowledges that any fencing on the site allows for pedestrian access through the site between Clifford Street and Shara Boulevarde.
2. That Council authorise the General Manager to execute and affix the Council Seal to the licence documentation in accordance with Regulation 400 of the Local Government (General) Regulations 2005. (Woods/Cameron)
-

Report No. 12.11. Lease part Brunswick Heads Memorial Hall

File No: #E2012/24065

13-44 Resolved:

1. That Council offer a lease for part Brunswick Heads Memorial Hall being shop space (west side) to Australian Red Cross Society c/- Brunswick Valley Red Cross substantially in the form at Annexure 24(b) (#E2012/24065) on the following terms:
 - a) Commencement Date 1 March 2013
 - b) Term five (5) years
 - c) Annual CPI rent review
 - d) Rental of \$1,791.00 per annum ex GST
 - e) All lease preparation costs are paid by the Lessee
 2. That Council offer a lease for part Brunswick Heads Memorial Hall being shop space (east side) to Australian Red Cross Society c/- Brunswick Valley Red Cross substantially in the form at Annexure 24(c) (#E2012/16371) on the following terms:
 - a) Commencement Date 1 March 2013
 - b) Term five (5) years
 - c) Annual CPI rent review
 - d) Rental of \$1,045.00 per annum ex GST
 - e) All lease preparation costs are paid by the Lessee
 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. (Woods/Cameron)
-

SOCIETY AND CULTURE – EXECUTIVE MANAGER’S REPORT

Report No. 12.20. Safer Community Compact - Update

File No: #E2013/6156

13-45 Resolved:

1. That Council note the final Safer Community Compact as endorsed by the NSW Attorney General and Minister for Justice.
 2. That Council apply for Crime Prevention Funding as available to progress the projects in the Safer Community Compact. (Woods/Cameron)
-

WATER AND RECYCLING - EXECUTIVE MANAGER'S REPORT

Report No. 12.21. Northern Rivers Water MoU

File No: #E2013/8289

- 13-46 Resolved** that Council join the MoU for resource sharing in water and sewerage operations across the NOROC member councils and authorise the General Manager to execute the document. (Woods/Cameron)

GENERAL MANAGER - COMMITTEE REPORTS

Report No. 13.1. Report of the Internal Audit Advisory Committee Meeting held on 13 December 2012

File No: #E2013/7356

- 13-47 Resolved** that Council note the minutes of the Internal Audit Advisory Committee Meeting held on 13 December 2012. (Woods/Cameron)

- 13-48 Resolved** that in relation to Report No. 4.1 – Meeting Dates for Internal Audit Committee for 2013 (Corporate Management #E2012/21803), Council adopts:

Committee Recommendation IA 4.1.1

That Council adopt the following dates for the Internal Audit Committee meetings for 2013:

Thursday 21 March 2013

Thursday 20 June 2013

Thursday 17 October 2013

Thursday 12 December 2013

(Woods/Cameron)

- 13-49 Resolved** that in relation to Report No. 4.2 – Byron Shire Council Internal Audit Report – Business Continuation Planning and Disaster Recovery Plan Review – August 2012 (Corporate Management #E2012/19611), Council adopts:

Committee Recommendation IA 4.2.1

1. That the Internal Audit Report – Business Continuation Planning and Disaster Recovery Plan August 2012 be noted by Council along with the responses and actions detailed by Management.
2. That Management implement the recommendations suggested in the report identified at Annexure 1 (#E2012/14764).
3. That Council receive a report on the implementation of the recommendations contained in the Internal Audit Review on the Business Continuity Plan and Disaster Recovery Plan in April 2013 following the commencement of the General Manager. (Woods/Cameron)

- 13-50 Resolved** that in relation to Report No. 4.3 – Internal Audit Report – Audit Committee (General Manager #E2012/25014), Council adopts:

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

28 FEBRUARY 2013 (6 of 31)

Committee Recommendation IA 4.3.1

That Council receive and note the Internal Audit Report Audit Committee (December 2012) (Annexure 4 #E2012/25102) prepared by the Internal Auditor, Grant Thornton.

(Woods/Cameron)

- 13-51 Resolved** that in relation to Report No. 4.4 – Byron Regional Sport and Cultural Complex Completion Project (Community Infrastructure #E2012/23043), Council notes:

Committee Recommendation IA 4.4.1

That the Internal Audit Committee notes the acceptance of the completion report for the Byron Regional Sport and Cultural Complex by the Department of Regional Australia, Local Government, Arts and Sport.

(Woods/Cameron)

- 13-52 Resolved** that in relation to Report No. 4.5 – Byron Shire Council Internal Audit Report – Waste Management Review August 2012 (Water and Recycling #E2012/24146), Council adopts:

Committee Recommendation IA 4.5.1

1. That the Waste Management Review August 2012 be noted by Council along with the responses and actions detailed by Management.
2. That Management implement the recommendations suggested in the report identified at Annexure 3 (#E2012/24776).
3. That an Administration fee be considered by Council for underpayments and non payments of charges.
4. That advice be provided to the committee on the original contracts for Compliance Testing - Tweed Laboratory and Waste and Water Management Consultants - Alan Watson Associates.
5. That the Committee recommend that the daily back up of the weighbridge data be undertaken.

(Woods/Cameron)

Report No. 13.2. Report of the Communications Advisory Committee Meeting held on 31 January 2013

File No: #E2013/10389

- 13-53 Resolved** that Council note the minutes of the Communications Advisory Committee Meeting held on 31 January 2013 (#E2013/4468).

(Woods/Cameron)

- 13-54 Resolved** that in relation to Report No. 3.1. - Election of Chairperson and Draft Communications Advisory Committee Constitution, Council adopt:

Committee Recommendation CC 3.1

- a) That Cr Simon Richardson be appointed Chairperson of the Communications Advisory Committee.
- b) That the Draft Communications Advisory Committee Constitution (#E2012/9934) be adopted.

(Woods/Cameron)

- 13-55 Resolved** that in relation to Report No. 3.2. - Draft Communications Policy, Council adopt:

Committee Recommendation CC 3.2

That the Draft Communications Policy (#E2012/24263) be deferred for further review by the Committee. (Woods/Cameron)

13-56 Resolved that in relation to Report No. 3.3. - Draft Social Media Policy, Council adopt:

Committee Recommendation CC 3.3

That the Draft Social Media Policy (#DM1139940) be deferred for further review by the Committee. (Woods/Cameron)

13-57 Resolved that in relation to Report No. 3.4. - Bang the Table – web-based community engagement, Council adopt:

Committee Recommendation CC 3.4

- a) That Council supports online community engagement and notes the successful usage of Bang the Table during the draft LEP public exhibition period.
- b) That similar online community engagement platforms be presented to the Committee for consideration along with Bang the Table. (Woods/Cameron)

COMMUNITY INFRASTRUCTURE - COMMITTEE REPORTS

Report No. 13.3. Report of the Local Traffic Committee Meeting held on 6 February 2013

File No: #E2013/6866

1. Road Closures, ANZAC Day Parades, 25 April 2013

File No: F161 #E2013/6866

13-58 Resolved:

1. That Council endorse the ANZAC Day Parades for 25 April 2013 for the Return Services League sub branches of Byron Bay, Mullumbimby, Bangalow and Brunswick Heads/Billinudgel.
2. That Council implement the necessary temporary road closures and detours and place advertisements in the local newspaper as required by the Roads Act 1993. (Woods/Cameron)

2. Road closure, Bangalow Billy Cart Derby, Sunday 19 May 2013

File No: F161 #E2013/6866

13-59 Resolved:

1. That the Bangalow Billy Cart Derby to be held Sunday 19 May 2013, and includes the temporary road closures of Byron Street, Bangalow between Granuaille Road and Market Street between the hours of 6am and 4pm, be endorsed.
2. That the organisers be responsible for implementing an approved Traffic Control Plan, including the use of signed detours, as designed and implemented by those with

appropriate accreditation and be advised Council's fee for holding an on-road event will apply.

3. That public liability insurance be in place for the sum of at least \$10 million and a copy be provided to Council.
4. That the concurrence of the Police be sought by the organisers, independent of the Local Traffic Committee endorsement.
5. That the event be advertised in accordance with the Roads Act charged at cost to the organisers.
6. That the event be notified on Council's website.
7. That if Council staff and materials are required for the event, costs be recorded and invoiced to the organisers as appropriate. (Woods/Cameron)

3. Road Closure, Bikes and Kites Festival, Sunday 24 March 2013
File No: F161 #E2013/6866

13-60 Resolved that Council not adopt the Committee Recommendation but instead adopts Management Recommendation:

1. That the Bikes and Kites Festival to be held Sunday 24 March 2013, and includes the temporary road closures of The Terrace, Brunswick Heads between Fingal Street and the south side of the River Inn motel driveway, be endorsed.
2. That the organisers be responsible for implementing an approved Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation and be advised Council's fee for holding an on-road event will apply.
3. That public liability insurance be in place for the sum of at least \$10 million and a copy be provided to Council.
4. That the concurrence of the Police be sought by the organisers, independent of the Local Traffic Committee endorsement.
5. That the event be advertised in accordance with the Roads Act charged at cost to the organisers.
6. That the event be notified on Council's website.
7. That if Council staff and materials are required for the event, costs be recorded and invoiced to the organisers as appropriate.
8. That Council endorse the use of Memorial Park in Brunswick Heads for overflow parking for the Kites and Bikes Festival on 24 March 2013 subject to the following conditions:
 - a) The event organiser will provide to Council a parking management plan from an appropriately qualified person prior to event; and
 - b) The event organiser will ensure that an appropriately qualified person guides vehicles upon entry to and exit from the Reserve; and
 - c) Council reserves the right to immediately withdraw approval to allow vehicles on the Reserve if officers of Council or NSW Police Service believe that safe practices are not being adhered to; and
 - d) The event organiser shall ensure vehicles are not permitted to traverse or stand in the proposed parking area if it has been raining within a 12-hour period; and

- e) No vehicles are to be allowed on to the Reserve if any surface water is present on the Reserve following rain; and
- f) The event organiser will keep the Reserve clean and tidy, all papers, and other rubbish shall be collected and removed. The event organiser shall immediately repair and make good, damage occasioned by the use of vehicles on the Reserve for the purposes of parking.
- g) The event organiser will lock the barrier at the end of the day to prevent unauthorised access. (Woods/Cameron)

4. Lane closures, Mullumbimby Civic Hall, Spirit Festival 1 to 3 March 2013

File No: F161 #E2013/6866

13-61 Resolved:

- 1. That the temporary Mullumbimby road closures associated with the 2013 Spirit Festival be endorsed and apply to Lane 7, between Dalley Street and east of the Fire Station driveway, and Lane 2, from Lane 7 to Tincogan Street, from 3pm Thursday 28 February 2013 through to 10am Monday 4 March 2013.
- 2. That the organisers be responsible for implementing an approved Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation.
- 3. That public liability insurance be in place for the sum of at least \$10 million and a copy be provided to Council.
- 4. That the concurrence of NSW Police and management of Mullumbimby Fire Station and Mullumbimby Rural Fire Brigade be sought by the organisers, independent of the Local Traffic Committee endorsement.
- 5. That the event be advertised in accordance with the Roads Act charged at cost to the organisers.
- 6. That the event be notified on Council's website.
- 7. That if Council staff and materials are required for the event, costs be recorded and invoiced to the organisers as appropriate. (Woods/Cameron)

5. No change of parking limit from 4P to 2P, Byron Street, Byron Bay

File No: F161 #E2013/6866

- 13-62 Resolved** that the Committee note Council resolution 12-1017 retains the existing 4P parking to the kerb side parking in Byron Street, Byron Bay between Fletcher Street and Middleton Street. (Woods/Cameron)

6. Deferral of recommended No Parking 6am-8am, Kingsley Lane, Byron Bay

File No: F161 #E2013/6866

- 13-63 Resolved** that in accordance with Resolution 12-1015 the Local Traffic Committee receive a further report by August 2013 regarding potential parking changes within Kingsley Lane, Byron Bay. (Woods/Cameron)

7. Proposed No Parking signage, Mullumbimbi Lane, Brunswick Heads

File No: F161 #E2013/6866

BYRON SHIRE COUNCIL

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28 FEBRUARY 2013 (10 of 31)

13-64 Resolved that No Parking be installed on the south side of Mullumbimbi Lane, Brunswick Heads between Park Street and The Terrace. (Woods/Cameron)

8. Proposed No Stopping, Lawson Street kerb ramp, Clarkes Beach Reserve
File No: F161 #E2013/6866

13-65 Resolved that the Committee recommend that in relation to the Lawson Street, Byron Bay kerb ramp, located opposite the north end of Cowper Street, Council:

- a) install No Stopping commencing from 20m west through to 5m east of the kerb ramp; and
- b) investigate the warrants for, and consider installation of, a pedestrian refuge and/or kerb blisters, with a report back to the Committee and Council provided when and as necessary. (Woods/Cameron)

9. Request for Bus Zone, surf club frontage, Bay Street, Byron Bay
File No: F161 #E2013/6866

13-66 Resolved that Council not adopt the Committee Recommendation but instead adopts Management Recommendation:

1. That, in efforts to provide a drop off and set down bus stop location on the north side of Bay Street, Byron Bay, which is to be adjacent to the frontage of the surf club, Council endorse the installation of:
 - a) No Parking, commencing from 10 metres west of the indented angle car parking provided on the north side of Bay Street, west of Fletcher Street, and continuing for a length of 15 metres; and
 - b) a single bus J-Pole plus information casing, which is provided toward the eastern end of the No Parking length.
2. That, given the site is not part of the public transport network, the J-Pole, prior to installation and remaining with relevant guidelines, is to be made distinct, be it via design, colour, information and/or size. (Woods/Cameron)

10. Request to operate B-Double vehicle, Ewingsdale Road, Byron Bay
File No: F161 #E2013/6866

13-67 Resolved:

1. That Council note the previous assessment, as undertaken in 2010, was accepted by the Local Traffic Committee.
2. That Council note that the Local Traffic Committee endorse the proposal subject to public consultation.
3. That Council, in accordance with the regulations, advertise the proposed B-Double route of approximately 2.6km in length between the Pacific Highway and 268 Ewingsdale Road, Byron Bay.
4. That following the advertising period and upon:
 - a) no objections received, the approval be granted; or
 - b) objections received, a report back to the Committee is provided. (Woods/Cameron)

12. Road closures, Byron Bay Triathlon, Saturday 11 May 2013

File No: F161 #E2013/6866

13-68 Resolved:

1. That endorsement be given for the 2013 Byron Bay Triathlon to occur on Saturday 11 May 2013.
2. That Council approve the temporary road closures within Byron Bay for undertaking the 2013 Byron Bay Triathlon as follows, with each to be in effect no earlier than 12 noon and removed no later than 5pm:
 - a) Bay Street, between Fletcher Street and Middleton Street
 - b) Middleton Street, between Bay Street and Marvell Street
 - c) Marvell Street, between Middleton Street and Tennyson Street
 - d) Tennyson Street, between Marvell Street and Browning Street
 - e) Bangalow Road, between Browning Street and Broken Head Road
 - f) Broken Head Road, from Bangalow Road to the Ballina LGA boundary
 - g) Lawson Street, between Middleton Street and Massinger Street
3. That the approvals provided in Part 1 and Part 2 are provided subject to the proponent's:
 - a) use of an accredited designed and implemented Traffic Control Plan
 - b) meeting of the advertising requirements of the Roads Act 1993
 - c) the letter box drop of properties affected by the road closures advising of the event and the proposed traffic management and road closures
 - d) event being notified on Council's website
 - e) consideration of any submissions received; and
 - f) timely lodgement of current and appropriate levels of insurance and liability cover.
4. That the use of Butler Street Reserve, Byron Bay for the purpose of event car parking is subject to Council licence and agreement and the timely provision of a Parking Management Plan.
5. That the approvals within Part 1 to 4 relate to Byron Shire and that the holding of the event remains subject to the:
 - a) Result of Council's advertised submission period
 - b) Written approval from Police; and
 - c) Written approval from Ballina Shire Council. (Woods/Cameron)

13. Blues Festival 2013 Traffic Control Plan and temporary parking limits

File No: F161 #E2013/6866

13-69 Resolved:

1. That the Blues Festival to occur from 28 March to 1 April 2013 be endorsed.
2. That Council accept the proponent's series of Traffic Control Plans as related to the 2013 Blues Festival, noting their effect and implementation occurs between 27 March to 2 April 2013 inclusive and permits the installation and enforcement of No Camping and No Stopping signs at:
 - a) Gulgan Road, from Mullumbimby Road intersection to the Pacific Highway interchange at Tyagarah
 - b) Foxs Lane, Tyagarah

- c) Tanner Lane and Yarin Lane, Tyagarah and
- d) Grays Lane, Tyagarah

3. That Part 1 and Part 2 remain subject to the proponent's:

- a) use of an accredited designed and implemented Traffic Control Plan
- b) meeting of the advertising requirements of the Roads Act 1993
- c) event being notified on Council's website
- e) consideration of any submissions received; and
- f) holding of current and appropriate levels of insurance and liability cover.

(Woods/Cameron)

15. Intersection of Gulgan Road and Mullumbimby Road (Uncle Tom's)

File No: F161 #E2013/6866

13-70 Resolved that Council note the in-principle support of the Local Traffic Committee for Council Design Plan 2148 as it relates to the Gulgan Road and Mullumbimby Road intersection.

(Woods/Cameron)

16. Request Keep Clear marking, Ewingsdale Road at Kendall Street, Byron Bay

File No: F161 #E2013/6866

13-71 Resolved that the Committee recommend Council install a single, west facing 'Do Not Queue Across Intersection' sign above the existing Keep Left sign as located on the Shirley Street median, immediately east of Kendall Street, Byron Bay.

(Woods/Cameron)

17. Proposed Committee Meeting Dates for 2013

File No: F161 #E2013/6866

13-72 Resolved that Council note the 2013 meeting dates of the Local Traffic Committee as being from 10.30am Wednesday on:

- a) 6 February 2013
- b) 10 April 2013
- c) 5 June 2013
- d) 31 July 2013
- e) 2 October 2013
- f) 27 November 2013

(Woods/Cameron)

18. Late Item - Proposed Bus or Transit Lane, Shirley Street, Byron Bay

File No: F161 #E2013/6866

13-73 Resolved that Council and Roads and Maritime Services (RMS) collaborate in investigating the requirements for a transit lane or bus lane on Shirley Street. Investigation will consider available guidelines, including warrants, and review similar systems elsewhere. Findings will be reported to Council through the Local Traffic Committee.

(Woods/Cameron)

Report No. 13.4. Report of the Access Advisory Committee Meeting held on 7 February 2013

File No: #E2013/6939

13-74 Resolved that Council note the Unconfirmed Report (Annexure 17(a), #E2013/8856) of Access Advisory Committee (AAC) meeting held on 7 February 2013.

(Woods/Cameron)

13-75 Resolved that in relation to Agenda Item 3 – Councillor Introductions, Council adopt:

Committee recommendation AAC 3.1.1

1. That Council note the resignation of Faye Druett from the Access Advisory Committee.
2. That Council officially thank Faye for her contribution on this Committee.
3. That Council advertise for a further member on the Access Advisory committee.
(Woods/Cameron)

13-76 Resolved that in relation to Report No. 5.3 – Results of the 2012 mobility map audit, Council adopt:

Committee recommendation AAC 5.3.1

1. That Council note the results of the commenced, but incomplete, mobility audit.
2. That Council re-direct the unspent allocation of section 94 funds, as reserved for pedestrian projects from the funds collected and held prior the 1993 Contributions Plan, toward undertaking a review and update of the 2007 document entitled Pedestrian and Access Mobility Plan (PAMP).
3. That any review of the 2007 PAMP and its projects consider the mobility map audit that has commenced.
4. That priority be given to the refurbishment of those access points that have been identified as unsuitable during the audit, commencing most immediately with the sites to be nominated by members of the Access Committee and provided to staff in time for inclusion in the report to Council.
5. That the mobility map be amended to remove kerb ramp symbols that are deemed unsuitable during the audit.
6. That the Ocean Shores shopping centre, Community Club, MLAK toilet, Waterlily Park and Country Club be included in the mobility map.
7. That that the new mobility map identify new accessible locations, e.g. Byron Bay Library.
8. That a draft of the new mobility map be emailed to Committee members for feedback prior to the next meeting of the Access Advisory Committee.
(Woods/Cameron)

13-77 Resolved that in accordance with Part 4 of the Access Committee Recommendation AAC 5.3.1, Council note the following Management Recommendation:

Management Recommendation AAC 5.3.1

That the access points nominated by members of the Access Committee as needing refurbishment are as follows, noting that sites a) to f) are within Council endorsement 12-969 for PAMP projects to be delivered as funding permits during 2012/13 and 2013/14:

- a) Fingal Street, west side of Park Street intersection, Brunswick Heads;
- b) South Beach Road, at The Terrace, Brunswick Heads
- c) Mullumbimbi Street, west side of Park Street intersection, Brunswick Heads
- d) south side Burringbar Street, Mullumbimby including at Stuart Street
- e) Station Lane, at Byron Street intersection, Bangalow

- f) kerb ramp and crossing, eastside Jonson Street, at Marvell Street
- g) Byron Street, Bangalow, kerb ramp and access to public toilet west of hotel
- h) continuation of a paved surface on South Beach Rd, from the bridge to South Beach Lane, Brunswick Heads
- i) ramp over spoon drain, at pedestrian crossing, Fingal Street, Brunswick Heads
- j) kerb ramp and refuge, Booyun Street, east side of Tweed Street, Brunswick Heads
- k) kerb ramp and crossing, westside Jonson Street, from Railway Park to coach stop
- l) kerb ramp and crossing, eastside Jonson Street, at Carlyle Street (Woods/Cameron)

13-78 Resolved that in relation to Report 5.4 – Proposed Loading Zone Lawson Street, Byron Bay, Council adopt:

Committee Recommendation AAC 5.4.1

That the endorsement of the Local Traffic Committee be sought for the following:

- a) that the existing accessible parking bay on the north side of Lawson Street, Byron Bay, immediately east of Jonson Street, be changed to a loading zone
- b) a new accessible parking bay be installed on the south side of Lawson Street, Byron Bay located immediately east of the first driveway found to the east of Jonson Street (Woods/Cameron)

13-79 Resolved that in relation to Report 5.5 – Sun Bistro, Bayshore Drive, Byron Bay, Council adopt:

Committee Recommendation AAC 5.5.1

1. That Council note the Access Advisory Committee noted the access arrangements for the Sun Bistro, Bayshore Drive, Byron Bay.
2. That two more accessible car parking spaces be provided.
3. That appropriate kerb side infrastructure be in place at the bus stop.
4. That all entry and exit points, internal and external, be wheelchair accessible.
5. That Australian Standards signage to feature Braille, pictures and words for accessible toilets.

(Woods/Cameron)

13-80 Resolved that in relation to item raised in Other Business – Accessibility issues at Mullumbimby pool, Council adopt:

Committee Recommendation AAC 7.1.1

That staff investigate and report back to the Access Advisory Committee on the following:

- a) options for an accessible car park space on the flat off road parking area adjacent to the Mullumbimby pool
- b) the existing accessible parking bay on Jubilee Avenue in front of Mullumbimby pool, in regard to relevant standards and guidelines, noting that issues with camber have been raised
- c) advice on the status of the proposed purchase of a pool hoist, including model and manufacturer, for approval by the Committee. (Woods/Cameron)

SOCIETY AND CULTURE - COMMITTEE REPORT

Report No. 13.5. Report of the Tourism Advisory Committee meeting held on 7 February 2013

File No: #E2013/7875

12-81 Resolved that in relation to Report 4.3: Tourism Advisory Committee Constitution, Council adopt the Committee's recommendation as follows:

Committee Recommendation 4.3.1

1. That Council adopt the Tourism Advisory Committee Constitution (E2012/22125) with the following change:
 - a) Insertion of a new dot point under the Membership clause which reads "Council may appoint an alternate for any Committee member position as recommended by the Tourism Advisory Committee."
2. That Council note that Committee members will provide suggested alternate Committee members by Friday 15 February for approval by Council. (Woods/Cameron)

13-82 Resolved that in relation to Report 4.4: Tourism Advisory Committee Forward Agenda, Council adopt the Committee's recommendation as follows:

Committee Recommendation 4.4.1

1. That Council note the progress made against the strategies and actions to date of the Tourism Management Plan (#E2013/4796 - 1234392).
2. That Council note the Tourism Management Plan priorities for implementation during 2013, as follows:
 - a) Byron Shire Identity – implementation phase, incorporating Tourism Education and Communications Program
 - b) Tourism Levy and Governance Model
 - c) Implementation of the Visitor Services Strategy (local and regional)
 - d) Visitor Trails
 - e) Volunteer Tourism Project
 - f) Sustainable Environment and Business Accreditation Program
 - g) Infrastructure Development
 - h) Festivals and Events (Woods/Cameron)

13-83 Resolved that in relation to Report 4.5: Byron Shire Identity Implementation – Appointment of a Project Reference Group, Council adopt the Committee's recommendation as follows:

Committee Recommendation 4.5.1

That Council note that the Tourism Advisory Committee (TAC) appointed Kim Rosen, Crs Richardson, Cameron and Wanchap, Jim Beatson, Martin Walsh, Ed Ahern, David Piesse and Kristina Drapes to the Byron Shire Identity Implementation Project Reference Group to progress strategies 5 and 10 of the Tourism Management Plan, to:

'Provide ongoing local education and communication to ensure visitors, local businesses, local government and the community understand tourism and community values' and

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'Coordinate the development of an agreed brand and marketing activities and assist the Shires' destination to further develop their brands and marketing strategies in cooperation with local businesses and tourism organisations'. (Woods/Cameron)

- 13-84 Resolved** that in relation to Report 4.6: Earthcheck Sustainable Communities Program, Council adopt the Committee's recommendation as follows:

Committee Recommendation 4.6.1

1. That Council note that the Tourism Advisory Committee received a presentation and noted the potential benefits of the program.
2. That the Tourism Advisory Committee recommends to Council that the Tourism Officer liaise with other Council staff to identify existing data collection for sustainability measures, and potential costs and benefits across Council of this program.
3. That a report be brought back to the Tourism Advisory Committee for consideration. (Woods/Cameron)

PROCEDURAL MOTION

- 13-85 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being 7.1,12.16, 8.6, 8.7, 12.13, 13.3.14 and 8.5, next on the Agenda. (Woods/Cameron)
- The motion was put to the vote and declared carried.*

PROCEDURAL MOTION

- 13-86 Resolved** that Council change the order of business to deal with Report 12.1 next on the Agenda. (Woods/Cameron)
- The motion was put to the vote and declared carried.

ITEMS RESERVED FOR DEBATE

GENERAL MANAGER'S REPORT

Report No. 12.1. Regional Development Australia - Northern Rivers – Briefing to Council
File No: #E2013/4908

- 13-87 Resolved** that Council suspend standing orders and move into committee to receive a 30 minute briefing from Regional Development Australia - Northern Rivers. (Richardson/Cubis)
- The motion was put to the vote and declared carried.*

Lyn de Weaver, Deputy Chair of the Australian Northern Rivers Committee introduced Member for Richmond, The Hon Justine Elliot MP, Chief Executive Officer of Regional Development Australia (RDA), Katrina Luckie, and local Board Member of RDA, Max Boyd.

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Katrina Luckie narrated a slide presentation to Council which was followed by questions from Councillors.

Mayor Richardson left the Chambers at 11.25am and returned at 11.45am. Cr Woods, as Deputy Mayor, assumed Chair of meeting.

13-88 Resolved:

1. That at the completion of the briefing and informal discussions, Council move out of committee and back into the Ordinary Meeting.
2. That the RDA be invited to provide a report outlining reasons for the unsuccessful attempt for rounds 3 and 4 funding. (Woods/Cameron)

The motion was put to the vote and declared carried.

MAYORAL MINUTE

Mayoral Minute No. 7.1. Addition to Coastal Update

#E2013/10463

13-89 Resolved that complimentary to the matters identified in Resolution 13-21 Council confirm:

1. The report will only relate to the Border, Don and Manfred Streets, beach access sites at Belongil, not the coastline, and is to include information on potential funding sources, preconditions that might arise and any other issues that may need to be considered, eg any positive issues as well as potential barriers.
2. That Council note that:
 - i) the request for a report does not alter landowners' rights or obligations to lodge their own development applications for any type of interim or permanent protection works they want and,
 - ii) landowners should not delay their own actions on the matter.
3. The consideration of these issues is additional to the work required for preparation of the Coastal Zone Management for the Byron Bay Embayment (CZMP (BBE)) and the outcome of that process cannot be predetermined or influenced by any interim decisions of Council. (Richardson)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER'S REPORTS

**Report 12.16 PLANNING - 10.2011.149.1 Supplementary Report (res 12-761)
Residential Flat Building 2 storey comprising five dwellings at 27-29
Station Street Mullumbimby**

File No: Parcel No 85950x85960x145600x145680 #A2012/10180

13-90 Resolved 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 dwellings, be refused for the following reasons.

1. Inconsistent with draft heritage precinct including as defined in draft LEP as exhibited.
2. Impacts on privacy including visual, noise and balconies that overlook other residential lots in Station Street.
3. Bulk and scale out of character within existing neighbourhood.
4. Over-shadowing of neighbouring properties limiting solar access and inhibiting fresh air circulation.
5. Residential flat buildings of more than one storey inconsistent with Byron LEP 1988 (2a Residential zone).
6. Proposal to divert water runoff into table drains in rear lanes in a precinct that is low lying and where runoff often backs up.
7. Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal is inconsistent with the provisions of Byron Development Control Plan 2010, Chapter 11, Section 3.2 New buildings in established areas.
8. Pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the built form and environmental impacts of the proposed development are considered to be contrary to the public interest. (Cameron/Richardson)

Point of Order

Cr Woods moved a point of order that her amendment was not the opposite of the motion. The Mayor ruled against the point of order.

Motion of Dissent

Cr Woods moved a Motion of Dissent.

13-91 Resolved that the amendment was not the opposite of the motion.

The Motion of Dissent was put to the vote and declared carried.

Crs Richardson, Cameron, Wanchap and Spooner voted against the motion of dissent.

AMENDMENT

Moved: That the matter be deferred to arrange for mediation with the applicants being invited to a meeting with staff and councillors to discuss the application. (Woods/Ibrahim)

The amendment was put to the vote and declared lost.

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

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

The motion was put to the vote and declared carried.

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

Crs Cubis, Woods and Hunter voted against the motion.

The meeting adjourned at 12.50pm for a lunch break and reconvened at 1.20pm.

NOTICES OF MOTION

Notice of Motion No. 8.6. Arts Byron Shire Forum

#E2013/9253

13-92 Resolved:

1. That Council convene a one day forum for art practitioners and organisations in the Byron Shire to facilitate the formation of a local arts network to be called Arts Byron Shire.
2. That the outcomes of the forum to be reported to Council. (Spooner/Richardson)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.7. Lobbying For Disaster Declaration at Upper Coopers Creek

#E2013/9508

13-93 Resolved:

1. That Council lobby appropriate Australian government Ministers including the Prime Minister and the Minister for Emergency Management (Mark Dreyfus) alerting them to the dire access situation for residents of Upper Coopers Creek and Upper Wilsons Creek and any other similarly affected areas and asking them to have the area "declared" as a Disaster in the Australian government's terms, to generate action on the care arrangements for those residents (including Australian Government Disaster Recovery Programme - AGDRP).
2. That Council thank the Member for Richmond (Justine Elliot) for her attention so far to these issues and her response received 28 February and ask her to continue lobbying as per her letter.
3. That Council note that a local area was covered under the AGDRP at Tumbulgum, for the same flood event.
4. That Council include within that lobbying:
 - (i) copies of the 18-page Accounts of hardship prepared by Councillor Dey, and
 - (ii) a description prepared by Staff of the many other recent road-slips in the hinterland of the Shire that also need attention and similar support.
5. That Council notify local, state and national media of the situation and of Council's request to the Australian government. (Dey/Richardson)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORT

Report No. 12.13. Council Resolutions Review October to December 2012

File No: #E2012/28226

13-94 Resolved:

1. That Council receive and note the information provided in this report on outstanding Council resolutions.
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2. That Council note the completed resolutions in Annexure 2(b) (#E2013/9087).
3. That Council hold a workshop in respect of the following resolutions:

09-880	09-881	09-973 (Part 3)
09-1117	10-161	10-491
10-894 (Part 3)	11-1061	10-1103
11-31	11-58	11-147
11-627 (Part 5)	12-524	11-987
12-647		

4. That Council note that the following resolutions are currently unfunded or unresourced, but are recommended for retention due to potential capacity to be resourced in the near future:

11-548	11-929	11-1076
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5. That prior to the workshop, that a letter be sent to the Hon. Don Page, requesting confirmation of points raised within Hansard minutes of 28 March 2012 Local Government Amendment Bill 2011, particularly the statements from the Hon. JAN BARHAM and the Hon. MATTHEW MASON-COX concerning Suffolk Park caravan park.
(Dey/Richardson)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

- 13-95 Resolved** that Council prepare a lease to Telstra regarding the watertower site at Suffolk Park and a report made back to Council.
(Woods/Cameron)

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

COMMUNITY INFRASTRUCTURE - COMMITTEE REPORT

Report No. 13.3. Report of the Local Traffic Committee Meeting held on 6 February 2013

File No: #E2013/6866

14. Potential relocation of Jonson Street taxi rank, Byron Bay
File No: F161 #E2013/6866

13-96 Resolved:

1. That Council convene key stakeholder's forum (including a representative of the local access committee, the Byron taxi service and Byron United) to review the location of the taxi rank in Jonson street and to consider a new location in the broader context of safety and amenity of the Byron Bay Town Centre and that this meeting take place within one month.
2. That any proposal from the key stakeholder's forum to relocate or change the main taxi rank or to provide additional taxi ranks across the town centre, be reported back to Council for further consideration.
(Woods/Cameron)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 8.5. Cringe the Binge

#E2013/9279

13-97 Resolved:

1. Council makes a commitment to develop a working partnership with Byron Youth Service, to support the development of 'Cringe the Binge' as an innovative campaign that addresses both youth and community safety policy objectives at the local government level.
2. Council makes a commitment to working with Byron Youth Service, and other local stakeholders, towards the development of Byron Bay as the first 'Cringe the Binge' town in Australia.
3. Council as part of a grant application including lighting and transport components makes an application for funding available through the NSW Department of Attorney General and Justice Crime Prevention Grants program in support of the 'Cringe the Binge' initiative. This application would aim to:
 - a) reduce the identified incidence of the two priority crimes within the Byron Shire:
 - Assault – Non-Domestic Violence (alcohol-related); and
 - Theft
 - b) address the following elements of the Byron Shire Safer Community Compact 2012-16:
 - 8.2 Community Connect (Target Offence – Assault Non-DV with a focus on alcohol-related)
 - 8.3 Party Smart (Target Offence – Assault Non-DV with a focus on alcohol-related)
 - 8.4 Fun Fests (Target Offence – Assault Non-DV & Theft)
 - 8.7 Working Together (Target Offence – Theft) (Spooner/Richardson)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.1. Donation from Mayor's Discretionary Allowance - Support for 'Positive Change for Marine Life' event 16 February 2013

#E2013/6601

13-98 Resolved:

1. That Council note the donation of \$500 from the Mayor's Discretionary Allowance to the organisation 'Positive Change for Marine Life' towards Phase II of the 'Honour the Ocean' marine debris campaign for their event to be held on Saturday 16 February 2013.
2. That Council advertise the donation in accordance with Section 356 of the Local Government Act 1993. (Richardson/Wanchap)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.2. Pop-Up Shop proposal in the former Byron Bay Library by Arts Northern Rivers

#E2013/8866

13-99 Resolved:

1. That Council endorse the establishment of a 'Pop-Up Shop' by Arts Northern Rivers in the former Byron Bay Library as detailed in the proposal attached for a six week period from March 13 to May 6 2013.
2. That Council set a non-commercial rental rate of \$250/week to be paid.

(Richardson/Spooner)

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

Notice of Motion No. 8.3. White Paper Planning Law Reform

#E2013/8850

13-100 Resolved:

1. That Council notes the potential widespread impact on our local community of the proposed planning law reform being undertaken by the NSW government.
2. That Council writes to the State Planning Minister, Premier and Local member requesting there be at least 6 months of public consultation on the planning reform White Paper when it is released early this year;
3. That Council commits to holding one or more community consultation workshops on the White Paper once it is released to:
 - a) Assist the community to understand the NSW Government planning reforms
 - b) Discuss the implications of these reforms for our Local Government Area
 - c) Consult with the community on how to cooperate in the new environment for the benefit of our local area
 - d) Gain feedback on what the Council needs to know to support their community
 - e) Obtain resident views for the Council response to the White Paper and Draft Legislation
4. That Council request the State Planning Minister, Premier and Local member that a planning officer make a presentation to Councillors and staff. (Wanchap/Richardson)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.4. Coal Seam Gas in Byron Shire

#E2013/10012

13-101 Resolved:

1. That Council write to Dart Energy and request they relinquish their Petroleum Exploration Licence claims on Byron Shire Lands or to enter into a Memorandum of Understanding
-

that they will not explore or drill for Coal Seam Gas in Byron Shire for the life of the licence.

2. That Council write to the NSW Aboriginal Land Council and ask them to relinquish their application for a petroleum exploration licence or if granted, they also commit to no exploration in the Byron Shire. (Woods/Cubis)

The motion was put to the vote and declared carried.

PETITIONS

There were no petitions tabled.

SUBMISSIONS AND GRANTS

There were no submissions or grants tabled.

DELEGATES' REPORTS

1. North Byron Parklands

Cr Woods advised that:

We had our second meeting yesterday at the North Byron Parklands building and what we discussed yesterday was the flora and fauna updates and that was consent conditions 219 and 20 and consent condition 2 on illegal camping, littering and security. There was interesting discussion on the flora and fauna updates and I'm not your typical greenies or tree huggers but one of the things I did pick up was that one of the things that they were requested to do in the consent conditions was the monitoring of fauna in the Billinudgel Nature Reserve. And the professor that was there actually was the one that was preparing the fauna observations of and interestingly enough had left out altogether Billinudgel Nature Reserve. So, I think Chris, who was there, she put forward some issues regarding the fauna monitoring and it was really good what she had to say and she was saying that they weren't going far enough and so I raised the issue of the Reserve and it seems like they're going to do it. They're going to have to do it actually to comply with the conditions.

They're doing a lot of really good work there. Their communication with the surrounding residents and the public is extraordinarily good and I don't ever recall Blues and Roots doing similar, so I don't think they could do any more than they're doing to try and keep in touch with the community and to alert them to what's happening.

Security wise, I asked them if they were going to have extra security around and they said they are, they're liaising with the Police. The Police were there yesterday. Hundreds of security officers and paid Police, RFS and SES are also involved. They're having an independent or complete triage unit there.

Matt Morris gave a progress update. I asked what their contingencies were in the event of these predicted days of 40 days of rain during Autumn and there is no contingency. The only thing that might happen, they may have to look for reverting back to an old site but they'd have plenty of lead time in that otherwise the actual event will be cancelled.

I think any one of us who would have gone to that meeting would have been impressed and certainly there's nothing been missed out by all and by Chris. So, that's all that I need to tell you at this stage.

Cr Woods advised that they are addressing [the eastern end of Jones road – the unsealed section]... Not quite sure whether the actual Jones Road itself, we're talking eastern end, that road's going to be closed up during the event and it will have a gate or a person actually there and the only people who will be able to go in and out of that road will be residents. They are actually doing some work on Jones Road, they've got a detour at one section. It's in pretty poor condition, the same as Gray's Lane I guess, but there was one particular section that was extremely good so I guess the question needs to be asked if they will continue to do that all the way along, it would be really good.

2. Joint Regional Planning Panel

Cr Wanchap advised that:

Cr Woods, myself and Sharyn attended the Joint Regional Planning Panel in Ballina last week and it was very interesting. A lot of information came out. I guess I'm a little concerned as I looked around the room that there were some twenty men and just three women and I felt that it was a little imbalanced and also I'm concerned that these are the people who will be making decisions on shopping centres in Grafton and maybe swimming pools in Casino and they'll also be making decisions about large developments that we'll be having here without any real knowledge about what Byron Shire is like, as I have no knowledge of what Grafton is like. So, I can see that the picture is going to be difficult to navigate these panels especially as they did say that we were not supposed to engage in conversation with any of the developers and if we do, we'd be asked to leave the room and we wouldn't be able to vote so it's completely different to the way we do DAs here. We actually go and meet the proponents and the people who are against it and develop our own ideas but in this case we aren't supposed to even speak to any of these developers, we've just got to come in cold and have a look at it and make a decision.

Cr Wanchap then asked for Cr Woods' understanding on the matter.

Cr Woods advised that it was not quite her understanding and stated:

I think their pecuniary or non-pecuniary interest works the same as ours in that as a group we can talk to them and have a discussion with them as a group but we're not meant to be one-on-one and make friends with them; that sort of thing. It's the same as here.

3. Cook Pioneer Hall

Cr Hunter advised that he had a concern about a \$5,000 account and the amount of funding that Council is providing.

4. Rous Council

Cr Dey advised that:

There had been two meetings. There was a meeting of the Rous Council on 20 February, no major business probably the only thing of interest was that one of Rous' big activities is looking at options for the future and they're examining a curve which shows water needs going up, or the water demand, and the supply going down. When they cross, things run out. So one of the options that is being put back on the table is an option of raising the Rocky Creek Dam – the existing Dam – which had been rejected previously. It's back on the books.

There was also a workshop on 27 February, which was yesterday, in Lismore and that was one of three workshops that the Rous Councillors are going through and that was to derive the objectives and the criteria by which the various supply options will be examined which is going to happen during this year. So that's a "watch this space".

The only other news was that at the meeting on the 20th, issues were raised looking at Rous' provision of water. There's quite a large amount of water that gets lost in the system before it reaches a consumer, so broken pipes, all sorts of things and through the prompting of Rous Council I've put that matter on our Agenda for the Water, Waste and Sewer Committee which will come up next month or so.

COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER'S REPORT

Report No. 12.3. Unconfirmed Report and Recommendations Wilsons Creek Project Reference Group meeting held 5 February 2013

File No: #E2013/6835

13-102 Resolved:

1. That Council note the Unconfirmed Report (Annexure 16(a) #E2013/8101) of Wilsons Creek Project Reference Group (PRG) meeting held on 5 February 2013.
2. That in relation to Agenda item 6.3 - Additional concepts Assessment - grout curtain and micropile foundation, Council note its previous resolution 13-36 of 14 February covering this matter. (Dey/Cameron)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER'S REPORTS

Report No. 12.4. Revised Model Privacy Management Plan for Local Government

File No: #E2013/4643

13-103 Resolved:

1. That Council place the Byron Shire Council Privacy Management Plan – January 2013 attached at Annexure 6 (#E2013/4623) on public exhibition for 28 days.
2. That if there are no submissions, the Byron Shire Council Privacy Management Plan be adopted and that Council forward a copy of the adopted Byron Shire Council Privacy Management Plan to the Privacy Commissioner.
3. That any submissions be reported to Council. (Dey/Spooner)

AMENDMENT

Moved:

1. That Council, in accordance with the Privacy and Personal Information Protection Act 1998, adopt the Byron Shire Council Privacy Management Plan – January 2013 attached at Annexure 6 (#E2013/4623).

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2. That Council forward a copy of the adopted Byron Shire Council Privacy Management Plan to the Privacy Commissioner. (Cubis/Woods)

The amendment was put to the vote and declared lost.

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

The motion was put to the vote and declared carried.

Crs Cubis and Woods voted against the motion.

Report No. 12.5. Budget Review - 1 October 2012 to 31 December 2012

File No: #E2013/392

13-104 Resolved:

1. That Council authorise the itemised budget variations as shown in Annexure 3(b) (#E2012/5023) which includes the following results in the 31 December 2012 Quarterly Review of the 2012/2013 Budget:
 - (a) General Fund - \$163,500 decrease in accumulated surplus
 - (b) Water Fund - \$6,400 decrease in reserves
 - (c) Sewerage Fund - \$119,700 decrease in reserves
2. That Council authorise the variation from a working fund surplus of \$38,000 to a deficit of \$310,000 and adopt the revised working fund deficit of \$310,000 for the 2012/13 financial year as at 31 December 2012.
3. That Council receive a report on 28 March 2013 on options for avoiding the "unsatisfactory financial position" muted by Council's financial manager for the end of the financial year (at Line 50 at page 39 of Report 12.5). (Hunter/Woods)

The motion was put to the vote and declared carried.

Report No. 12.8. Section 356 Donations - Refund of Application Fees and Road Closure Fees

File No: #E2013/8295

13-105 Resolved:

1. That Council refund the Peace Day Organisers \$296 for application and advertising fees to hold the Peace Day March 2012 which was cancelled under Council's Policy Assistance for Festivals and Community Function Job No. 2341.16.
2. That Council refund the Byron Youth Service for their application fee for Trade Waste Approval totalling \$220 under Council's Policy Section 356 Donations – Refund of Application Fees to Community Groups Job No. 2341.9.
3. That Council advertise the Section 356 Donations made. (Woods/Cubis)

The motion was put to the vote and declared carried.

Report No. 12.12. 2013 National General Assembly of Local Government

File No: #E2013/8738

13-106 Resolved:

1. That Council note that any motions for the National General Assembly will need to be submitted as a Notice of Motion for endorsement by Council, either before or at the Ordinary meeting scheduled on 11 April 2013.
2. That the Mayor be delegated to authorise up to two Councillors to attend the 2013 National General Assembly of Local Government to be held at the National Convention Centre in Canberra from 16 to 19 June 2013.
3. That the Mayor determine which Councillor will be the voting delegate.
4. That Councillors are advised nominations must be in prior to 22 April 2013 and that a reminder be sent to Councillors regarding this deadline. (Richardson/Dey)

The motion was put to the vote and declared carried.

The meeting adjourned at 3.34pm for a break and reconvened at 3.55pm.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 12.14. Byron Shire Council Greenhouse Gas Emissions Status Report

File No: #E2013/3943

Moved:

1. That Council note the streetlight and fleet sectors are on track to meet the 30% emissions reduction target by 2020 based on 2003/04 levels but that the general electricity sector is currently trending away from the target due in part to the commissioning of new assets.
 2. That Council note the work of Fleet Services in reducing emissions by 14% based on the 2003-04 baseline data over the past two financial years representing savings of 78 kL of fuel and \$32,000 per annum (based on current fuel prices) and continue support for such emission reduction measures.
 3. That Council target emissions reduction strategies in the general electricity sector by seeking quotations for a detailed investigation into energy saving opportunities with the view to implementing energy saving initiatives within the areas of sewage treatment plants, waste water pumping infrastructure and swimming pools.
 4. That Council target emissions reduction strategies in the general electricity sector by undertaking a review by staff of energy saving opportunities for the Administration Centre and caravan parks.
 5. That innovative solutions and new approaches to implementing and funding energy efficiency and renewable energy measures be workshopped with the Sustainability and Biodiversity Committee for reporting to Council.
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6. That Council should obtain quotes from solar industry experts as to the feasibility and cost of installing solar panels on some or all of Council owned buildings.
7. That the Sustainability and Biodiversity Advisory Committee examine whether the emissions target of 30% by the year 2020 is still relevant due to the commissioning of new assets.
8. That an additional \$2,000 be considered in the development of the 2013/14 budget to allow for the continuation of the Plant Footprint and Environmental Benchmarking.
9. That Council support sustainable energy initiatives such as the development of a locally owned and operated electricity retailer, for ventures such as buying solar generated electricity from Durrumbul Hall and selling at Council's Admin Building. (Wanchap/Dey)

AMENDMENT

13-107 Resolved:

1. That Council note the streetlight and fleet sectors are on track to meet the 30% emissions reduction target by 2020 based on 2003/04 levels but that the general electricity sector is currently trending away from the target due in part to the commissioning of new assets.
2. That Council note the work of Fleet Services in reducing emissions by 14% based on the 2003-04 baseline data over the past two financial years representing savings of 78 kL of fuel and \$32,000 per annum (based on current fuel prices) and continue support for such emission reduction measures.
3. That Council target emissions reduction strategies in the general electricity sector by seeking quotations for a detailed investigation into energy saving opportunities with the view to implementing energy saving initiatives within the areas of sewage treatment plants, waste water pumping infrastructure and swimming pools.
4. That Council target emissions reduction strategies in the general electricity sector by undertaking a review by staff of energy saving opportunities for the Administration Centre and caravan parks.
5. That innovative solutions and new approaches to implementing and funding energy efficiency and renewable energy measures be workshopped with the Sustainability and Biodiversity Committee for reporting to Council.
6. That the Sustainability and Biodiversity Advisory Committee examine whether the emissions target of 30% by the year 2020 is still relevant due to the commissioning of new assets.
7. That an additional \$2,000 be considered in the development of the 2013/14 budget to allow for the continuation of the Plant Footprint and Environmental Benchmarking.
8. That Council consider sustainable energy initiatives such as the development of a locally owned and operated electricity retailer, for ventures for example such as buying solar generated electricity from Durrumbul Hall and selling to Council. (Richardson/Cubis)

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

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

Report No. 12.15. PLANNING – 10.2012.360.1 Supplementary Report (res 12-958) subdivision two lots (SEPP 1) Goremans Road Eureka

File No: Parcel No 239124 #E2013/6795

Moved: That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2012.360.1 for a subdivision to create two lots be determined in accordance with the recommendation included in the Report 12.17 Annexure 10(b) #E2012/20289 presented to the Ordinary Meeting on 6 December 2012. (Cameron/Cubis)

The motion was put to the vote and declared lost.

Crs Cameron and Spooner voted in favour of the motion.

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

FORESHADOWED MOTION

13-108 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2012.360.1 for a subdivision to create two lots be approved with the consent conditions outlined in Annexure 18(b) (#E2012/20289) and that the following be added to condition 14(a):

"The building envelope shall not be closer than 100 metres to the western boundary."
(Richardson/Hunter)

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.

Report No. 12.17. Feral Animal Management Plan

File No: #E2013/7867

13-109 Resolved that Council adopt the draft Feral Animal Management Plan 2013 – 2015 shown at Annexure 20 (#E2012/25377) with the following additions:

1. Promote Council's program to Lismore City, Tweed and Ballina Shires to encourage them to adopt a similar program.
2. Consider providing new incentives for landholders to participate with Council, such as acknowledgement, recognition and awards.
3. Encourage LHPA (DPI Land Services) to share their data and actions in Byron Shire with Council and landholders. (Cameron/Richardson)

The motion was put to the vote and declared carried.

Report No. 12.18. PLANNING - State Environmental Planning Policy No 1 - Variations of development standards from 15 September 2012 to 7 February 2013

File No: #E2013/7556

13-110 Resolved that the report be noted. (Ibrahim/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.

SOCIETY AND CULTURE - EXECUTIVE MANAGER'S REPORT

Report No. 12.19. New Year's Eve 2012

File No: #E2013/4503

13-111 Resolved:

1. That Council note the feedback from staff, the community and other stakeholders, including Police and St John's Ambulance, regarding New Year's Eve 2012.
2. That Council establish a 'Community Summer Safety & Cultural Activities Committee' similar to the successful Schoolies Safety Response Working Group, including key stakeholders and community representatives.
3. That this Committee is to facilitate the formulation of a safety focused New Year's Eve strategy and summer holiday period based on community inclusive cultural activities and events in the Byron Shire. (Spooner/Richardson)

The motion was put to the vote and declared carried.

COMMUNITY INFRASTRUCTURE - COMMITTEE REPORT

Report No. 13.3. Report of the Local Traffic Committee Meeting held on 6 February 2013

File No: #E2013/6866

11. Proposed 90 degree parking, Riverside Crescent, Brunswick Heads

File No: F161 #E2013/6866

- 13-112 Resolved** that Council, subject to concurrence of the adjacent Crown Land Reserve Trust manager and to compatibility with license conditions on the adjacent caravan park, install and sign No Camping and 90 degree parking, which is restricted to vehicles under 6m long, within an area that is defined by bollards (or fencing) installed parallel to, and 6m from, the north facing road edge of Riverside Crescent, Brunswick Heads. (Dey/Richardson)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT - CONFIDENTIAL REPORT

Report No. 14.1. CONFIDENTIAL Holiday let property in residential area - Recommendation for enforcement action

File No: #E2013/3875

13-113 Resolved:

1. That pursuant to Section 10A(2) (g) (advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege) of the Local Government Act, 1993, Council resolve into

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

28 FEBRUARY 2013 (31 of 31)

Confidential Session to discuss the following report, namely Compliance enforcement action in respect of a specific "holiday let" property.

2. That the reasons for closing the meeting to the public to consider this item be that the material before the meeting contains advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as the material before the meeting contains advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. (Woods/Richardson)

The motion was put to the vote and declared carried.

CONFIDENTIAL SESSION

- 13-114 Resolved** that Council defer authorisation of proceedings until after results of a workshop that is to be convened with HLO, representatives of letting agents, Councillors and staff to discuss options for regulation of holiday letting. (Cubis/Woods)

AMENDMENT

Moved: That a workshop be convened with Councillors and staff to discuss options for regulation of holiday letting. (Dey/Wanchap)

The amendment was put to the vote and declared lost.

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

The motion was put to the vote and declared carried.

Crs Dey, Richardson and Cameron voted against the motion.

There being no further business the meeting concluded at 5.36pm.

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

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Mayor Simon Richardson