



Byron Shire Council



Minutes

Ordinary Meeting
Thursday, 14 March 2013

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
14 March 2013

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BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

14 MARCH 2013 (1 of 17)

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 14 MARCH 2013 COMMENCING AT 10.30AM AND CONCLUDING AT 5.07PM

#E2013/14705

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)
Mila Jones/Joylene McNamara (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 Cubis declared a non-pecuniary interest in Report No. 12.10. The nature of the interest being that he holds a commercial lease on 1 Boronia Place, Byron Bay and operates a business within the Estate.

The Mayor, Cr Richardson, declared a non-pecuniary interest in Report No. 12.14. The nature of the interest being a perceived conflict of interest in that I have a personal interest in the decision.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETING

13-115 Resolved that the Minutes of the Ordinary Meeting of 28 February 2013 be confirmed.
(Woods/Hunter)

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

12.1. Review of Town Centre Parking Options for Byron Bay

- 12.2. Bangalow Weir - Options Report
- 12.3. Proposed Sports Fields at Billinudgel

Community Infrastructure and Environment and Planning

- 12.4. Byron Bay bypass – second rail crossing site

Environment and Planning

- 12.8. PLANNING - 10.2012.319.1 Alterations and additions to existing dwelling at 74 Patterson Street Byron Bay
- 12.9. Recommendations from Koala Plan of Management Project Reference Group - November 2012 and February 2013 meetings
- 12.10. PLANNING – Draft Byron LEP 2012 – Submissions analysis and recommendations for Byron Arts and Industrial Estate
- 12.12 Request to lodge a planning proposal to amend the current residential zone boundary at Tallowood Ridge Estate, Mullumbimby for koalas
- 12.14 PLANNING – 10.2012.599.1 Fitout and use of existing tenance as a food shop and restaurant at 98-114 Jonson Street, Byron Bay

COMMITTEE REPORT

Society and Culture

- 13.2. Report of the Arakwal Memorandum of Understanding Advisory Committee Meeting held 21 February 2013
- 13.3 Report of the Water, Waste and Sewer Advisory Committee

The remaining Recommendations and Committee Recommendations were adopted as a whole, being moved by Cr Woods and seconded by Cr Richardson. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 13-116 and concluding with Resolution No. 13-122.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORTS

Report No. 12.5. In the Company of Heroes 1915-2015 - Travelling Exhibition
File No: #E2013/9113

13-116 Resolved:

- 1. That Council advise the Operation Pilgrimage Group that it gives its “in principle” support to the holding of the exhibition “In the Company of Heroes 1915-2015” in Byron Shire at the end of 2014.
- 2. That Council staff liaise with the Operation Pilgrimage Group with regard to a suitable venue to hold the exhibition and to determine the actual costs associated with the holding of the exhibition.
- 3. That the actual costs to hold the travelling exhibition and level of support to be provided by Council be reported to Council, for consideration by Council as a Section 356 donation, in the preparation of the draft 2014 - 2015 Budget. (Woods/Richardson)

Report No. 12.6. Finalisation of the Australia Day 2013 Project Reference Group
No: #E2013/11125

13-117 Resolved:

1. That Council notes the Australia Day 2013 Project Reference Group's report on the Australia Day 2013 activities.
2. That Council disband the Australia Day Project Reference Group effective 13 February 2013.
3. That Council write to all members of the Australia Day 2013 Project Reference Group advising of this resolution and to thank the participants for their assistance.
(Woods/Richardson)

Report No. 12.7. Commercial Surf School Sub-licence - Affixing the Council Seal
File No: #E2013/9322

- 13-118 Resolved** that the Council Seal be affixed to the sub-licence agreement with Byron Bay Surf School Pty Ltd in accordance with Regulation 400 of the Local Government (General) Regulations 2005.
(Woods/Richardson)

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 12.11. Byron Bay Erosion Protection Structures – Risk Assessment
File No: #E2013/10431

- 13-119 Resolved** that Council note the report Byron Bay Erosion Protection Structures – Risk Assessment (#E2013/13695) by WorleyParsons and notify relevant landowners of the availability of the report on Council’s website for their consideration.
(Woods/Richardson)

Report No. 12.13. PLANNING – 10.2013.30.1 Two-storey dwelling-house and detached workshop/carport outbuilding (SEPP 1) at 7 Bulgoon Crescent Ocean Shores

File No: Parcel No 5900x #A2013/2647

- 13-120 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application 10.2013.30.1, for a two-storey dwelling-house and detached workshop / carport outbuilding (SEPP 1), be granted consent subject to the conditions listed in Annexure 10(b) #E2013/11379.
(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.*

WATER AND RECYCLING – EXECUTIVE MANAGER’S REPORT

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Report No. 12.15. 2011/12 North East Waste Forum Annual Report

File No: #E2013/12284

13-121 Resolved that Council note the 2011/12 NEWF Annual report. (Woods/Richardson)

ENVIRONMENT AND PLANNING - COMMITTEE REPORT

Report No. 13.1. Report of the Planning Review Committee Meeting held on Wednesday 20 February 2013

File No: #E2013/10686

13-122 Resolved that the report be noted. (Woods/Richardson)

PROCEDURAL MOTION

13-123 Resolved that the order of business be changed to deal with items discussed during Public Access, those being 8.4, 8.5, 12.3, 12.10, 12.14 and 13.3 next on the Agenda. (Woods/Richardson)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 8.4. Mullumbimby Living Community Festival

#E2013/13433

13-124 Resolved:

1. That Council waive application fees and permits for the Mullumbimby Living Community Festival to be held in September 2013.
2. That these be funded as s356 donations from Job No 2341.16 and Job No 2341.9 to a maximum of \$900.
3. That the s356 donations be advertised.
4. That a further \$900 be funded from the Mayoral Allowance. (Cameron/Richardson)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.5. Support for Marriage Equality

#E2013/13275

13-125 Resolved:

1. That Council declares itself a supporter of marriage equality as a human right and advertises this support on its website front page and within its community bulletins.
 2. That upon the introduction of marriage equality legislation in the Australian Senate,
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Council write to all Senators and Federal parliamentary party leaders urging support for the legislation, in order to afford the same validity, legality, acknowledgement and respect to all couples who wish to formalise a love based union, regardless of sexual orientation.

3. That Council, though not legally enforceable, provide a *Byron Shire Certificate of Marriage*, upon request, for same sex marriage ceremonies within Byron Shire.
4. That the Mayor, or other Councillors, present the certificate at the ceremony if requested and if availability permits.
5. That the community be invited to contribute text and design for the certificate.
6. That Council provide a Registry of Marriage for same sex couples to record marriages within the Byron Shire.
7. That any costs for both the registry and certificate be borne by the recipients.
8. That Council:
 - a) Supports the creation of a "Love Garden", whereby a tree is planted in a public space to record and celebrate a same sex marriage within Byron Shire as a symbol of our community's expression for inclusion and support for marriage equality
 - b) Prepare a report outlining possible locations, costs, and procedures involved
9. That Council:
 - a) Creates a *Proclamation of Local Government Support for Marriage Equality* and writes to all Local Government Areas in Australia, inviting them to co-sign the proclamation
 - b) Invite the community to contribute text for the proclamation
 - c) Upon completion of the co-signing, forward the proclamation to the Prime Minister
10. That Council create a *Mayors for Marriage Equality* group and write to all Local Government Mayors in Australia, inviting them to join the group and to invite input into ways to formalise and develop this collaboration. (Richardson/Cameron)

AMENDMENT

Moved:

1. That Council put the proposed motion regarding marriage equality for Council and proposal for Council to provide a certificate of marriage on public exhibition for a minimum period of 30 days.
2. That the outcome of the public exhibition be reported back to Council prior to adoption. (Hunter/Woods)

The amendment was put to the vote and declared lost.

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

The motion (Richardson/Cameron) was put to the vote and declared carried.

Crs Cubis, Wanchap and Hunter voted against the motion.

ITEMS RESERVED FOR DEBATE

COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER’S REPORTS

Report No. 12.3. Proposed Sports Fields at Billinudgel

File No: #E2013/4972

Moved:

1. That Council authorise payment of the further \$5,000 holding fee for Lot 3 DP 1019171 as mentioned in items 16 and 17 on pages 38 and 39 of the agenda for 14 March 2013.
2. That Council hold a site inspection of the proposed Billinudgel Sports Fields with relevant staff members within the next month.
3. That a further report comes back to Council outlining any issues that arise from the site inspection and that, if no issues arise during the inspection, Council proceed with acquisition of the land. (Dey/Cameron)

13-126 Resolved that the matter rest on the table. (Dey/Cameron)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 12.10. PLANNING – Draft Byron LEP 2012 – Submissions analysis and recommendations for Byron Arts and Industrial Estate

File No: #E2013/8197

Cr Cubis declared a non-pecuniary interest in this report at the commencement of the meeting. Cr Cubis remained in the chambers and participated in the debate and voting on this matter.

13-127 Resolved:

1. That Council apply the B7 Business Park zone and IN2 Light Industrial zone to the Byron Arts and Industrial Estate as proposed on the map titled 'BAIE Option 4 - Apply a 'reduced' B7 Business Park Zone, with remainder in IN2 Light Industrial Zone'.
2. That the following additional land uses be inserted in the draft Byron LEP 2012 land use table for the B7 Business Park zone as permitted with consent:
 - *Entertainment facilities;*
 - *Function centres;*
 - *Information and education facilities; and*
 - *Places of public worship.*
3. That the following additional land uses be inserted in the draft Byron LEP 2012 land use table for the IN2 Light Industrial zone as permitted with consent:
 - *Entertainment facilities;*
 - *Function centres;*
 - *Restricted premises;*
 - *Agricultural Produce Industries*
 - *Community facilities;*
 - *Places of public worship;*
 - *Public administration building;*

- *Bulky goods premises;*
 - *Boat building and repair facilities;*
 - *Markets;*
 - *Education establishments;*
 - *Information and Education facilities;*
 - *Vehicle body repair workshops; and*
 - *Storage premises.*
4. That *Self storage units* be removed from *Permitted with consent* in the draft Byron LEP 2012 land use table for the IN2 Light Industrial zone, as the parent definition *Storage premises* is instead listed as permitted with consent.
 5. That *sex services premises* be inserted as prohibited in the draft Byron LEP 2012 land use table for the B7 Business Park zone and instead be inserted as permitted with consent under the land use table for the IN2 General Industrial zone.
 6. That 'business premises' be inserted as prohibited in the IN2 Light Industrial zone.
 7. That the floor space ratio for the entire BAIE be amended from 0.75 to 0.9 on the Floor Space Ratio Map.
 8. That a formal economic and employment strategy be prepared shortly after the LEP gazettal so that future growth areas for general and heavy industries can be identified for planning purposes.
 9. That the adopted 'BAIE - Option 4' map (E2013/16325) and corresponding land use matrix (E2013/15991) be made available for public viewing on Council's website.
 10. That the following objective be inserted into the IN2 Light Industrial Zone of draft Byron LEP 2012:

"To provide for creative industrial uses such as artisan and cultural industries."

11. That the option to excise the Byron Arts and Industrial Estate from the current Draft LEP be considered by Council before the Draft LEP is sent to the Dept of Planning.
(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.

Report No. 12.14. PLANNING – 10.2012.599.1 Fitout and use of existing tenancy as a food shop and restaurant at 98-114 Jonson Street, Byron Bay

File No: Parcel Nos 116180x116190x34840x177890 #A2012/12177

The Mayor, Cr Richardson, declared a non-pecuniary interest, in this report at the commencement of the meeting. The Mayor left the meeting at 12.02pm and took no part in the debate or voting on this matter. The Deputy Mayor took the Chair.

Moved: That Council defer this matter to hold a discussion with Council staff, the applicants and Councillors and to review the differences regarding parking allocation.

(Woods/Hunter)

The motion was put to the vote and declared lost.

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

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*Crs Ibrahim, Dey, Cubis, Cameron and Wanchap voted against the motion.
Cr Richardson was not present for the vote.*

FORESHADOWED MOTION

- 13-128 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application 10.2012.599.1 for the fitout and use of an existing tenancy as a food shop and restaurant with business identification signage be refused for the reasons listed in Annexure 5(b) #E2013/12101. (Ibrahim/Cubis)

*The motion was put to the vote and declared carried.
Crs Ibrahim, Dey, Cubis, Cameron, Wanchap and Spooner voted in favour of the motion.
Crs Woods and Hunter voted against the motion.
Cr Richardson was not present for the vote.*

*The Mayor returned to the Meeting at 12.29pm.
The meeting adjourned for lunch at 12.29pm and reconvened at 1.10pm.*

PROCEDURAL MOTION

- 13-129 Resolved** that the order of business be changed to deal with Report No. 12.2 next on the agenda. (Woods/Richardson)

The motion was put to the vote and declared carried.

COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER’S REPORT

Report No. 12.2. Bangalow Weir - Options Report
File No: #E2013/8451

13-130 Resolved:

1. That Councillors and appropriate staff members be invited to inspect the site at a convenient time prior to a public meeting.
2. That a public meeting with the Bangalow community is held within a month to present this latest report and that Council receive a report on the meeting. (Wanchap/Ibrahim)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 13-131 Resolved** that Report No. 12.3. be lifted off the table. (Woods/Richardson)

The motion was put to the vote and declared carried.

Report No. 12.3. Proposed Sports Fields at Billinudgel
continued
File No: #E2013/4972

13-132 Resolved:

1. That Council hold a site inspection for Councillors of the proposed Billinudgel Sports Fields with relevant staff members as soon as possible.
2. That the General Manager be delegated authority:
 - a) to negotiate a 6-month "Option to Purchase" agreement on terms and conditions acceptable to Council, including an appropriate non-refundable deposit. If negotiations are not successful, the matter be reported back to Council.
 - b) If negotiations are successful, to commission independent consultants to prepare a full assessment of the property regarding its suitability for long-term development and use as recreation/sporting facility.
3. That the consultant's assessment include:
 - a) geotechnical evaluation;
 - b) a site specific flood plain management assessment;
 - c) suitable layouts (including staged options) of essential facilities including amenities building, required sporting infrastructure, access roads and car-parking;
 - d) assessment of the costs of providing the recommended infrastructure
 - e) details of earthworks and drainage works required to render playing fields suitable for use;
4. That a workshop, including a presentation by the consultant, be held prior to the consultant's report being considered by Council.
5. That the costs be funded from available s94 funds. (Dey/Cameron)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

Moved:

1. That Council write a letter to National Parks and Wildlife Service (NPWS) requesting consideration for the return of Lot 107 to Byron Shire at a price equivalent to the original sale price plus CPI increases.
2. That an alternative option be to exchange suitable land.
3. That a report on the answer from NPWS be provided to councillors upon receipt.
4. That residents be invited to write to NPWS asking if they could have a sportsfield on Lot 107. (Woods/Cubis)

The motion was put to the vote and declared lost.

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

WATER AND RECYCLING - COMMITTEE REPORT

Report No. 13.3. Report of the Water, Waste and Sewer Advisory Committee

File No: #E2013/12279

13-133 Resolved:

1. That Council note the minutes of the Water, Waste and Sewer Advisory Committee meeting held on 21 February 2013.
2. That Council note and support the following recommendations of the Water, Waste and Sewer Advisory Committee:
 - i) That the Water Waste and Sewer Advisory Committee meeting scheduled for 15 August 2013 be changed to 29 August 2013 (relates to Committee Recommendation WW&S 4.1).
 - ii) That the Water, Waste and Sewer Advisory Committee note the STP Flow and Reuse Data report (relates to Committee Recommendation WW&S 4.2).
3. That Council note expressions of interest in relation to the Myocum Landfill Gas Resource Recovery Project (as per Council resolution 11-1036) are no longer required and that procurement of separable components of the Landfill Gas Management System will be undertaken using internal resources (relates to Committee Recommendation WW&S 4.5).
4. That Council note the Advisory Committee received information provided on the progress of the Myocum Quarry Landfill Environmental Impact Statement and Preliminary Landfill Environmental Management Plan (relates to Committee Recommendation WW&S 4.6).

(Richardson/Dey)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

13-134 Resolved:

1. That Council remove consideration of residential swimming pools from the Water & Sewer Equivalent Tenement Policy and accept applications for a refund of S64 charges collected for residential swimming pools since the adoption of that Policy in 2012 (relates to Committee Recommendation WW&S 4.3).
2. That Council reconsider the 2013/14 Fees and Charges for properties with waterless composting toilets within its Fees and Charges process and with regard to Policy 5.59 (relates to Committee Recommendation WW&S 4.3).
3. That the Water and Sewer S64 Development Charging Plans be amended to include a clause on deferred and periodic payments as per the S94 Plan and that lessees be encouraged to investigate s64 charges before taking up a lease, and be encouraged to ask landlords to contribute (relates to Committee Recommendation WW&S 4.3).
4. That Council receive a report on the option of implementing a policy mechanism for lessee change of use development applications that would allow delayed timing for obtaining a certificate of compliance pursuant to legislation and ensure that any consent would lapse if the certificate is not obtained within the timeframe. (Dey/Richardson)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

13-135 Resolved:

1. That Council note the "Lavertys Gap Catchment Action Plan OSMSs Risk Assessment Report" of November 2011 and append the following comments to it (relates to Committee Recommendation WW&S 4.4 and previous Resolution 11-1044 about On-site Sewage System Assessments):
 - a) there is no direct link between E. Coli readings and OSMS pollution. Bio-marker monitoring would be necessary to connect pathogen pollution to human origins such as OSMS outputs.
 - b) while negative feedback was not lodged up to November 2011, neither was positive feedback.
2. That Council (also relates to Committee Recommendation WW&S 4.4 and Resolution 11-1044):
 - a) adopt a Rates Notice fee approach process to collecting and administrating Approvals to Operate ("ATO") an On-site Sewerage Management System ("OSMS") to replace the current process for the renewal of ATOs and base the rate notice charge on number of OSMSs (or number of bedrooms) on the property.
 - b) develop a revised fee structure for Approvals to Operate an OSMS in support of the adoption of the Rates Notice fee approach process during the development of the 2013/14 draft Revenue Policy and Fees and Charges and base it on a tiered range of fees according to pollution risk such as high / medium / low with corresponding frequency of inspections.
 - c) establish a restricted fund from the fees collected for the purpose of funding OSMS related programs and activities, which would include the maintenance of a proactive OSMS education and assessment program.
 - d) develop a 2013/14 OSMS education and compliance program and that the program (i) be reported to Water, Waste and Sewer Advisory Committee, and (ii) reflect access situations in some areas where access is limited by road-slips.
3. That the General Manager consider expanding the scope of OSMS assessments to include other pollution sources such as poor table-drainage on private and public roadways, blocked or inadequate culverts, agricultural activities, unsewered dwellings, other matters that may lead to water quality degradation (also relates to Committee Recommendation WW&S 4.4 and Resolution 11-1044).
4. That the General Manager be asked to consider, as part of the review of the organisational structure, the effects of the current organisational structure whereby assessment of existing systems is divorced from assessment of new system proposals (also relates to Committee Recommendation WW&S 4.4 and Resolution 11-1044).

(Dey/Richardson)

The motion was put to the vote and declared carried.

MAYORAL MINUTE

Mayoral Minute No. 7.1. Mayoral Report - Naming of Byron Library Exhibition Space
#E2013/14355

13-136 Resolved:

1. That the Byron Library Exhibition Space be proposed to be renamed "Lone Goat Gallery".

2. That the name change be advertised for a period of 28 days and the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) be consulted about the name change.
3. That any submissions received be reported back to Council for consideration by Council for adoption or otherwise of the name. In the event that no submissions are received the name be adopted after the close of exhibition.
4. In the event the name is adopted, an application be prepared for submission to the Geographic Names Board for approval and registration of the name.
5. If adopted the Logo design of the name and placement of signs on the Library be reported to Council prior to implementation. (Richardson)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

**Notice of Motion No. 8.1. DA 10.2012.583.1 Byron Entertainment Centre,
13-17 Centennial Circuit, Byron Bay**

#E2013/12336

Moved:

1. That the Applicant be asked to provide additional information including a Social Impact Assessment (SIA) prepared under Chapter 21 of DCP 2010 and that the scope of the SIA include it assessing:
 - a) impacts of the proposed events especially those running till 6am;
 - b) where patrons would be expected to travel from and to (eg. whether to local booked accommodation or not) and their effects on noise, road safety and local amenity, if any;
 - c) the demographics of patrons to whom advertising for events after midnight will be targeted;
 - d) impacts by comparison with those documented for similar venues and events in this region (north-east NSW and south-east Queensland).
2. That the Application be referred to NSW Police and other relevant authorities for comment on what social impacts they would expect from the proposal. (Dey/Richardson)

The motion was put to the vote and declared lost.

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

Notice of Motion No. 8.2. LEP 2013

#E2013/13190

Cr Woods withdrew this Notice of Motion.

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Notice of Motion No. 8.3. Resolution Cost Report

#E2013/13316

Moved: That Council receive a staff report on the cost of resolutions brought before it in the past 12 months. (Cubis/Woods)

The motion was put to the vote and declared lost.

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

FORESHADOWED MOTION

13-137 Resolved that staff provide Council with an estimate of the staff hours for the preparation of each report when delivered to Council up to 30 June 2013. (Ibrahim/Spooner)

The motion was put to the vote and declared carried.

Crs Cubis, Woods, Richardson, Cameron voted against the motion.

PETITIONS

Cr Richardson tabled a petition containing 94 signatures which stated:

"We, the students of Main Arm Upper Public School, along with the parents, school staff and concerned citizens of the Byron Shire, petition the Byron Shire Council to upgrade the causeways of Upper Main Arm Road and Palmwoods".....

SUBMISSIONS AND GRANTS

There were no submissions or grants tabled.

DELEGATES' REPORTS

There were no delegates reports tabled.

COMMUNITY INFRASTRUCTURE - EXECUTIVE MANAGER'S REPORT

Report No. 12.1. Review of Town Centre Parking Options for Byron Bay

File No: #E2013/12757

13-138 Resolved that in relation to the review of town centre parking options for Byron Bay, Council:

1. Seek quotations for the development of a Town Centre Parking and Traffic Demand Management Plan that includes:
 - a) review of parking management options including Paid Parking, Permit Parking Schemes, time limits and permissible technology
 - b) summary of financial implication to implement and manage such a scheme
2. That Council authorise the allocation of up to \$50,000 in the 2013/14 Delivery program funded from pre 1993 section 94 Contributions Plan to undertake any necessary works associated with development of the plan.

3. That staff use the previous Veitch Lister Consulting (VLC) work and other relevant data as the basis for a further staff report which updates the data and recommendations.
4. That consultation with the community, local traders and other key stakeholders be undertaken after the tabling of the draft plan is provided to Council and prior to wider exhibition.
5. That a plan be developed and brought to Council for consideration by 30 August 2013.
(Spooner/Ibrahim)

The motion was put to the vote and declared carried.

COMMUNITY INFRASTRUCTURE AND ENVIRONMENT AND PLANNING – EXECUTIVE MANAGERS' REPORT

Report No. 12.4. Byron Bay bypass – second rail crossing site

File No: #E2013/8408

13-139 Resolved:

1. That Council confirm its commitment to a bypass to Browning Street and this supersedes Res 12-199; and
2. That Council place an amendment to the Byron Developer Contributions Plan 2012 on public exhibition for a period of 28 days. The amendment is to consist of the tables as set out in Annexure 11(a); and
3. That Council write to the Hon. Don Page requesting State Government funding to organise the necessary engineering, geotechnical, land and ecological investigations and survey so as to complete a fully designed and costed engineering plan for the construction of the bypass.
4. That Council delegate authority to the Mayor and General Manager to enter into negotiations with the developer of West Byron to prepare a Voluntary Planning Agreement (VPA) and that these negotiations incorporate the bypass and park and ride road infrastructure into the VPA.
5. That Council allocate a budget of \$50,000 from the existing section 94 funds held for Urban Roads as a potential contribution to the bypass. (Richardson/Spooner)

The motion was put to the vote and declared carried.

Crs Woods, Cameron and Hunter voted against the motion.

FORESHADOWED MOTION

13-140 Resolved that an integrated approach is undertaken toward improving traffic and parking management and planning for the Byron Bay town centre, Council:

1. Note the previous adopted Resolution 13-140 as per Report 12.4. and Resolution 13-139 as per Report 12.1.
2. In regard to a park and ride service, request staff to:
 - a) undertake investigations and provide an options report back to Council prior to the July 2013 recess regarding the potential role, demand, influence, cost,

revenue and requirements (regulatory and otherwise) of Council, or a private operator, providing such a service during December 2013 and January 2014; and

- b) include rail and cycle options in the investigations
- c) convene a staff and Councillor workshop to be held prior to the options report being tabled to Council. (Richardson/Dey)

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

The meeting adjourned at 4.15 pm for an afternoon break and reconvened at 4.40pm.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 12.8. PLANNING - 10.2012.319.1 Alterations and additions to existing dwelling at 74 Patterson Street Byron Bay

File No: Parcel No 70450 #DM1255170

- 13-141 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2012.319.1 for alteration/additions to existing dwelling, 1.8m front fence and tree removal (1) tree be granted consent subject to the conditions listed in Annexure 2(b) #E2013/10703. (Ibrahim/Cubis)

AMENDMENT

Moved: That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2012.319.1 for alteration/additions to existing dwelling, front fence and tree removal (1 tree) be granted consent subject to the conditions listed in Annexure 2(b) #E2013/10703 except that Condition 8 is altered to read "The maximum height of the front fence and gate shall be 1.2m". (Dey/Richardson)

*The amendment was put to the vote and declared lost.
Crs Ibrahim, Cubis, Woods, Wanchap, Spooner and Hunter voted against the amendment.*

*The motion (Ibrahim/Cubis) was put to the vote and declared carried.
All councillors voted in favour of the motion.*

Report No. 12.9. Recommendations from Koala Plan of Management Project Reference Group - November 2012 and February 2013 meetings

File No: #E2013/9007

13-142 Resolved:

1. That Council write to the Department of Planning and Infrastructure (DoPI) to advise about the ground-truthing and updated mapping carried out as part of the Koala Plan of Management (KPoM) development which confirms the quality and importance of the koala habitat on the West Byron land release site and the need to ensure future rezoning accounts for these values in regards to koala conservation (relates to a recommendation from KPoM PRG meeting of 13 November 2012).

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2. That an addendum which includes the updated mapping following ground-truthing be added to the Byron Coast Koala Habitat Study (relates to a recommendation from KPoM PRG meeting of 13 November 2012).
3. That Council develop a community engagement program to communicate the draft Byron Coast Comprehensive Koala Plan of Management to the community and to receive feedback.
4. That the community engagement program include (as a minimum) the facilitation of a targeted workshop with effected landholders, the distribution of resources, a strategy for engaging the media and an anticipated timeline for each activity (relates to a recommendation from KPoM PRG meeting of 12 February 2013).(Dey/Richardson)

The motion was put to the vote and declared carried.

Report No. 12.12. Request to lodge a planning proposal to amend the current residential zone boundary at Tallowood Ridge Estate, Mullumbimby for koalas

File No: #E2013/10855

Moved: That Council invite the developer of Tallowood Ridge Estate, Mullumbimby (Lot 36 DP 1169053) to lodge a planning proposal for Council's consideration to amend Council's Local Environmental Plan to adjust the residential zone boundary and, in doing so, ask the developer to take into account Council's preference not to have residential lots in the "area of concern" indicated (figure on Page 98 of Agenda for 14 March) due to it being between two areas of core Koala habitat. (Dey/Cameron)

AMENDMENT

- 13-143 Resolved** that Council invite the developer of Tallowood Ridge Estate, Mullumbimby (Lot 36 DP1169053) to lodge a planning proposal for Council's consideration to amend Council's Local Environmental Plan to adjust the residential zone boundary. (Woods/Cubis)

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

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

All Councillors voted in favour of the motion.

SOCIETY AND CULTURE - COMMITTEE REPORT

Report No. 13.2. Report of the Arakwal Memorandum of Understanding Advisory Committee Meeting held 21 February 2013

File No: #E2013/11989

13-144 Resolved:

1. That Council note the minutes from the Arakwal Memorandum of Understanding Advisory Committee meeting of 21 February 2013.
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2. That in relation to Report No. 4.1 Arakwal Memorandum of Understanding Progress, Council adopt:

Committee Recommendation AMoU 4.1

1. That the Arakwal Memorandum of Understanding Advisory Committee recommends to Council the adoption of changes made to content of the Arakwal Memorandum of Understanding (#E2013/10938).
 2. That the Arakwal Memorandum of Understanding Advisory Committee develop a working definition of Caring for Country by convening a workshop to develop a working definition. Participants at the workshop to include Councillors, relevant Council staff, Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) Board of Management and Native Title legal staff.
 3. That the Arakwal Memorandum of Understanding Advisory Committee continue to develop the Memorandum of Understanding with an implementation plan with measurable outcomes.
3. That in relation to Report No. 4.2 Bundjalung Country Signage Report, Council adopt:

Committee Recommendation AMoU 4.2

That the Arakwal Memorandum of Understanding Advisory Committee recommend to Council that Bundjalung Country signage be installed at the following locations:

1. Pacific Highway entrance to Byron Bay (#E2013/8718)
2. Broken Head Road near the caravan park (#E2013/8715)
3. Western Shire boundary at Clunes (#E2013/8727) (Woods/Richardson)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 5.07pm.

I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council's Ordinary Meeting on 18 April 2013.

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Mayor Simon Richardson