



Byron Shire Council



Minutes

Ordinary Meeting
Thursday, 9 May 2013

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
9 May 2013

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BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

9 MAY 2013 (1 of 25)

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 9 MAY 2013 COMMENCING AT 10.35AM AND CONCLUDING AT 3.58PM
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E2013/26995

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

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 (Minute Taker)

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

APOLOGIES:

There was an apology received from Cr Woods.

- 13-205 Resolved** that the apology from Cr Woods be accepted and leave of absence granted.
(Richardson/Cameron)

The motion was put to the vote and declared carried.

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

- 13-206 Resolved** that the Minutes of the Ordinary Meeting held on 18 April 2013 be confirmed.
(Dey/Hunter)

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

Corporate Management

- 12.2. Crown Caravan Parks administered by the North Coast Accommodation Trust (NCAT) in Brunswick Heads

- 12.3. Revised Council Meeting Schedule for 2013
- 12.6. Financial Sustainability Project Plan 2013/2014
- 12.7. Infrastructure Renewal Reserve
- 12.8. Councillor appointment to the Byron Coast Area Management Committee and Arakwal National Park Management Committee

Environment and Planning

- 12.10. PLANNING – Draft Byron LEP 2012 Submissions Analysis –Residential Zones and Controls (Policy Matters)
- 12.11. PLANNING – Streamlining SEPP No 1 Variations determinations and reporting
- 12.12. PLANNING – Copyright issues in relation to development applications
- 12.13. PLANNING – Public Exhibition Report for Amendments to Byron Shire DCP 2010 – Chapter 1 Part F – Waste Minimisation and Management
- 12.14. PLANNING – (Supplementary Report) 10.2012.583.1 Increase number of occupants for place of assembly/public entertainment at 13-17 Centennial Circuit Byron Bay

Society and Culture

- 12.15. Management of the Multi Purpose Facility at Byron Regional Sport and Community Complex – Update on Negotiations and recommendation to commence a new selective tender process

Water and Recycling

- 12.17. Review of Bulky Waste Disposal Scheme
- 12.19. Section 64 Developer Charges Policy
- 12.20. Myocum Waste and Recycling Facility – Operation of Byron Shire Second Hand Shop

The remaining Recommendations and Committee Recommendations were adopted as a whole, being moved by Cr Richardson and seconded by Cr Cameron. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 13-207 and concluding with Resolution No. 13-233.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORTS

Report No. 12.1. Council Resolutions Review January to March 2013
File No: #E2013/23485

13-207 Resolved:

- 1. That Council receive and note the information provided in this report on outstanding Council resolutions.
- 2. That Council note the completed resolutions in Annexure 6(b) (#E2013/24444).
(Richardson/Cameron)

Report No. 12.4. Investments – March 2013
File No: #E2013/17233

- 13-208 Resolved** that Council receive and note the record of investments for the month of March 2013.
(Richardson/Cameron)

Report No. 12.5. Budget Review - 1 January 2013 to 31 March 2013

File No: #E2013/18257

13-209 Resolved:

1. That Council authorise the itemised budget variations as shown in Annexure 7(b) (#E2013/11950) which includes the following results in the 31 March 2013 Quarterly Review of the 2012/2013 Budget:
 - a) General Fund - \$288,100 increase in accumulated surplus
 - b) Water Fund - \$163,300 increase in reserves
 - c) Sewerage Fund - \$224,100 increase in reserves
 2. That Council adopt the revised working fund surplus of \$42,600 for the 2012/2013 financial year as at 31 March 2013. (Richardson/Cameron)
-

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORT

Report No. 12.9. NOROC Affordable Housing Strategy

File No: #E2013/10353

13-210 Resolved:

1. That Council note the draft Northern Rivers Regional Affordable Housing Strategy and proposed Memorandum of Understanding contained in Annexures 3(a), #E2013/10886 and 3(b), #E2013/10885.
 2. That the General Manager liaise with the NOROC councils in an effort to resolve the outstanding issues outlined in this report and report to Council on the outcome of those discussions. (Richardson/Cameron)
-

SOCIETY AND CULTURE – EXECUTIVE MANAGER’S REPORT

Report No. 12.16. Youth Council Minutes Report February to April 2013

File No: #E2013/25213

- 13-211 Resolved** that Council note the minutes from the 6 February, 6 March and 3 April 2013 Youth Council Meetings. (Richardson/Cameron)
-

WATER AND RECYCLING – EXECUTIVE MANAGER’S REPORTS

Report No. 12.18. Easements for Pipelines Brunswick Valley Sewage Treatment Plant

File No: #E2013/22716

13-212 Resolved:

1. That Council obtain easements for pipelines associated with Brunswick Valley Sewage Treatment Plant where these pipelines traverse Council owned properties, being Lot 4 DP 841856 (Horse Paddock at north end of Station Street) PN123455 and Lot 1 DP 129374 (Site of Brunswick Valley Sewage Treatment Plant) PN 98765.
 2. That the Council seal be affixed to all necessary documents that effect the creation of these easements. (Richardson/Cameron)
-

Report No. 12.21. Drinking Water Quality Plan

File No: #E2013/22856

13-213 Resolved that the Drinking Water Quality Management Plan be adopted. (Richardson/Cameron)

COMMUNITY INFRASTRUCTURE - COMMITTEE REPORT

Report No. 13.1. Report of the Local Traffic Committee Meeting held on 10 April 2013

File No: #E2013/21610

1. Proposed closure of road to traffic, Jones Road, Yelgun

File No: F161\02 #E2013/21610

13-214 Resolved:

1. That Council endorse the closure to traffic of that part of Jones Road, Yelgun, east of the access to Lot 1 DP394452.
 2. That the closure of Jones Road to traffic be affected by the erection of a lockable gate to be erected at the cost of the NPWS.
 3. That keys to the lockable gate be provided to all relevant emergency services including, but not necessarily limited to Council, Rural Fire Service, SES, VRA and Police, and appropriate residents of the eastern end of Jones Road.
 4. That in accordance with the Roads Act 1993, the proposal to close that part of Jones Road, Yelgun, east of the access to Lot 1 DP394452, be advertised in the local news paper for a period of 28 days. (Richardson/Cameron)
-

2. Approval for Loading Zone, Lawson Street, Byron Bay

File No: F161\02 #E2013/21610

13-215 Resolved that Council endorse the Local Traffic Committee approval 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. (Richardson/Cameron)
-

3. Proposed regulatory signage, Bayshore Drive, A & I Estate, Byron Bay

File No: F161\02 #E2013/21610

13-216 Resolved that in regard to the Bayshore Village development proposal of Lot 3, DP 1004514, and subject to the applicable Australian Standards and RMS technical direction being met (namely TDT 2011/01a - Pedestrian Refuges), Council approve the following upon Bayshore Drive, Byron Bay, that is:

1. immediately north of Sunrise Boulevard, the installation of a pedestrian refuge; and
 2. between Ewingsdale Road and Grevillea Street;
 - a) the centre line be moved westward and replaced with a double barrier line;
 - b) installation of two southbound traffic lanes dedicated for left and right turn movement at Ewingsdale Road;
 - c) No Stopping along the east side kerb and west side kerb; and
 - d) relocation of the west side bus zone to north of Grevillea Street. (Richardson/Cameron)
-

4. Westpac Life Saver Rescue Helicopter Ballina to Byron Bay Charity Walk
File No: F161\02 #E2013/21610

13-217 Resolved:

1. That Council endorse the Westpac Life Saver Rescue Helicopter organised Ballina to Byron Bay Charity Walk as to be held Sunday 19 May 2013, subject to the:
 - 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;
 - d) consideration of any submissions received;
 - e) proponent's timely lodgement of current and appropriate levels of insurance and liability cover; and
 - f) attainment (by the event proponent) of NPWS written acceptance of the event.
 2. That the endorsement in Part 1 is also subject to the following in regard to the use of Seven Mile Beach Road, that is:
 - a) signage, which specifies the date, hours and nature of the event, be positioned at the entrance and exit of Seven Mile Beach Road one week prior to the event;
 - b) on the day of the event, at 500m intervals, and facing both directions of travel, signs advising of "Special Event - Charity Walk Ahead" (or similar) are installed prior and removed after the event occurs; and
 - c) a safety induction for participants advising of hazards be provided.
- (Richardson/Cameron)

5. Traffic Management, Mullum to Bruns Paddle, Sunday 26 May 2013
File No: F161\02 #E2013/21610

- 13-218 Resolved** that Council approve the temporary traffic control measures in Mullumbimby for the Mullum to Bruns Paddle to be held on Sunday 26 May 2013, 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) letter box drop of residents advising of the event and the proposed traffic management;
 - 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.
- (Richardson/Cameron)

6. Proposed No Parking 1am to 6am, Carlyle Street, Byron Bay
File No: F161\02 #E2013/21610

13-219 Resolved:

1. That Council note the Committee does not recommend installation of No Parking along Carlyle Street, Byron Bay at this time for the purpose of addressing in-vehicle street camping.
 2. Council notes that Council's compliance officers will erect No Camping signage in Carlyle Street, Byron Bay.
- (Richardson/Cameron)

7. Request for accessible car parking bay, 123 Dalley Street, Mullumbimby
File No: F161\02 #E2013/21610

- 13-220 Resolved** that an accessible (disabled) car parking bay be signed and marked at the frontage of 123 Dalley Street, Mullumbimby immediately south of the property driveway.
- (Richardson/Cameron)

8. Temporary Traffic and Parking Controls, Splendour music festival, Yelgun

File No: F161\02 #E2013/21610

- 13-221 Resolved** that the temporary traffic management and regulatory changes within the series of Traffic Control Plans related to the Splendour in the Grass Music Festival between Friday 26 to Sunday 28 July 2013 be endorsed subject to:
- a) their design and implementation being undertaken as specified, ie between 24 and 30 July 2013 inclusive and by those with appropriate RMS accreditation and the holding of current and appropriate levels of insurance and liability cover
 - b) meeting of the advertising requirements of the Roads Act 1993
 - c) event being notified on Council's website
 - d) consideration of any submissions received
 - e) a communications protocol being developed in conjunction with RMS, Police and any other identified stakeholder and explained to those involved in the implementation of traffic management
 - f) the holding of an event debrief within the month following the festival which includes but not limited to Council, RMS and Police
 - g) written approval of both the RMS and Police separate to LTC; and
 - h) No Parking be signed and implemented on Jones Road, Yelgun Road and Billinudgel Road.
(Richardson/Cameron)

9. Proposal for HML vehicles, waste transportation, Myocum Landfill

File No: F161\02 #E2013/21610

- 13-222 Resolved:**
1. That Council note that the Local Traffic Committee has no objections to the proposal to use HML vehicles for the purposes of waste transfer from Council's landfill facility at Myocum via The Manse Road, Myocum Road and Tyagarah Road.
 2. That a unit rate of \$0.10 per tonne per km apply to all tonnage carried by vehicles transferring waste from Myocum landfill via The Manse Road, Myocum Road and Tyagarah Road with funds being reserved for the maintenance of these roads.
 3. That improvements to the Myocum Landfill and The Manse Road intersection, including sightlines, be investigated with options, costs and funding sources be reported back to Council.
 4. That Council request an RMS speed zone review and ball bank assessment of the proposed route via The Manse Road, Myocum Road and Tyagarah Road.
(Richardson/Cameron)

10. Loading Zone, Byron Street, Bangalow

File No: F161\02 #E2013/21610

- 13-223 Resolved:**
1. That the existing Loading Zone on the south side of Byron Street, Bangalow, immediately west of Station Street remain at this time.
 2. That a kerb blister be designed and installed in accordance with appropriate RMS guidelines and technical directions.
(Richardson/Cameron)

11. Proposed 40km/h High Pedestrian Activity Area, Brunswick Heads and Bangalow
File No: F161\02 #E2013/21610

13-224 Resolved:

1. That Council note the Local Traffic Committee advice in regard the proposal for a 40 km per hour High Pedestrian Activity Area including that:
 - a) on Byron Street, Bangalow, the scheme apply the east side of the Lismore and Granuaille Road roundabout to the Byron Street and Station Street intersection, noting that all treatments be developed at grade
 - b) within Brunswick Heads, Option 3 be supported which would encompass the town centre as bounded by Fingal Street, The Terrace, Mullumbimbi Street and Park Street.
 2. That on the basis of Council acceptance of the Local Traffic Committee advice, staff continue to develop concepts and design for the purpose of undertaking broader community consultation which, along with cost estimates, be reported back to Council in due course.
 3. That as need be Council staff
 - a) report this matter back to RMS and the Local Traffic Committee;
 - b) lodge a funding submission with the RMS. (Richardson/Cameron)
-

12. Late Item – changes to bus zone, Ocean Shores Public School, Shara Boulevard

13-225 Resolved:

1. That Council endorse the adjustment to the school bus zone at the frontage of Ocean Shores Public School as located on the west side of Shara Boulevard, Ocean Shores as follows, namely that commencing from the:
 - a) intersection with the drive-way on the north side of the school, No Stopping be signed and apply for a 10m length south;
 - b) south end of the new No Stopping and continuing for a length 40m south, the school Bus Zone apply; and
 - c) south end of the relocated school Bus Zone and continuing south to the existing kerb extension (ie an approximate length of 40m) No Parking along with supplementary Kiss and Ride signage be installed and apply.
 2. That in regard to the Children's Crossing, Council undertake the necessary investigations to support (or not) its provision and report the matter back to the Local Traffic Committee if found to be warranted. (Richardson/Cameron)
-

ENVIRONMENT AND PLANNING - COMMITTEE REPORT

Report No. 13.2. Report of the Planning Review Committee Meeting held on 17 April 2013

File No: #E2013/23622

13-226 Resolved that the report be noted. (Richardson/Cameron)

SOCIETY AND CULTURE - COMMITTEE REPORTS

Report No. 13.3. Report of the Tourism Advisory Committee Meeting held on 4 April 2013

File No: #E2013/23966

13-227 Resolved that in relation to Report 6.1 Communication Plans for the implementation of the Byron Shire identity, Council adopt:

Committee Recommendation TAC 6.1.1

1. That the Byron Shire Identity Communication Plan for Visitors (#E2013/10940) be adopted with the following amendment:
 - a) In Annexure 1(a), on page 14 of 15 and page 6 of 15, Objective 1 – change the wording to ensure ‘Byron’ is the parent brand for Byron Shire and acknowledge that ‘Don’t Spoil Us, We’ll Spoil You’ is the tag line.
2. That the Byron Shire Identity Communication Plan for Residents be adopted (#E2013/10943).
3. That the Tourism Advisory Committee prepares a list of organisations and groups for the Byron Shire identity community engagement schedule. (Richardson/Cameron)

13-228 Resolved that in relation to Report 6.2 Tourism Levy and Governance Framework, Council adopt:

Committee Recommendation TAC 6.2.1

1. That the Special Rate/Variation (Tourism Levy) funding option be deferred until the 2014/15 financial year due to Council’s adjusting focus and exploration of other possible revenue sources during 2013.
 2. That the other tourism funding options and the Governance Framework be progressed. (Richardson/Cameron)
-

Report No. 13.4. Report of the Arakwal Memorandum of Understanding (MoU) Advisory Committee Meeting held on 10 April 2013

File No: #E2013/23870

13-229 Resolved that Council note the minutes from the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 10 April 2013. (Richardson/Cameron)

13-230 Resolved that in relation to Report No. 4.1 Arakwal Memorandum of Understanding, Council adopt:

Committee Recommendation AMoU 4.1.1

1. That the Arakwal Memorandum of Understanding Advisory Committee recommend to Council the adoption of the revised Memorandum of Understanding (#E2013/25031).
2. That the Arakwal Memorandum of Understanding Advisory Committee recommend to Council that the Memorandum of Understanding be formally signed off by Council during NAIDOC Week 2013.
3. That the Arakwal Memorandum of Understanding Advisory Committee nominates the priority projects to be delivered from the Memorandum of Understanding and commences work on the Implementation Plan for these projects for the next twelve month period. These priority projects include:
 - 3.1 That Council hold a workshop with Arakwal and other relevant stakeholders to develop a working definition of Caring for Country applicable to all areas of Council.
 - 3.2 Participation in Governance - 2.2.2 *Consultation processes for development applications and other matters in regards to land management of public lands.* Development of clear processes in regard to Arakwal engagement in development applications and other planning mechanisms on Arakwal lands in the Byron Shire.
 - 3.3 Cultural and Economic Development – 3.2.1 *Indigenous Employment Strategies.* Council to develop and implement an Indigenous Employment Strategy.
 - 3.4 Caring for Country – 4.2.4 *Cultural Awareness Training.* Cultural Awareness Training. Cultural Awareness induction for all staff and Councillors through Arakwal website and specifically tailored training packages for relevant staff to include Native Title and other relevant land management issues.
 - 3.5 Native Title. That Council consider the ongoing responsibilities and potential impacts of Native Title processes including, confirming Council as a party to the determination application and Council's role as a party to the Native Title Determination Application NSD6020/01 Byron Bay Bundjalung People 3 (NC01/8).
(Richardson/Cameron)

13-231 Resolved that in relation to Report No. 4.2 Bundjalung of Byron Bay ILUA 2 – Sandhills Transfer, Council adopt:

Committee Recommendation AMoU 4.2.1

1. That the Arakwal Memorandum of Understanding Advisory Committee notes the history of the Sandhills land transfer under the Bundjalung of Byron Bay Indigenous Land Use Agreement 2.
2. That the Arakwal Memorandum of Understanding Advisory Committee recommends that Council develop a Plan of Intended Use for the 1.65 hectares land identified for transfer from the Sandhills estate for civic and community purposes.
3. That the draft Byron Shire Local Environment Plan 2012 be adapted to reflect the proposed uses for this parcel of land for civic and community uses.
4. That Council be aware that the Bundjalung of Byron Bay Arakwal people's position on this matter has not changed. Arakwal continue to support the transfer of this land to Council and have raised this matter within the legal processes of the finalisation of Indigenous

Land Use Agreement 2. Arakwal have sighted this matter as an outstanding issue yet to be resolved. (Richardson/Cameron)

13-232 Resolved that in relation to Report No. 4.3 Bundjalung of Byron Bay Beach Access, Council adopt:

Committee Recommendation AMoU 4.3.1

1. That Council note the consultation of Arakwal in the development of the Draft Vehicle Access Policy.
2. That Arakwal members apply for a letter from the Arakwal board for access permission for a specific reason. This letter is to be printed on Arakwal letterhead and displayed when accessing the beach with a motor vehicle. Letters will also specify timeframes and conditions of access.
3. That Council note the development of an identification card by the Arakwal Board for Arakwal family members. In time, this card will identify which Arakwal members have access and the conditions of the access. (Richardson/Cameron)

13-233 Resolved that the Section 355 Committee for the Byron Bay Library Community and Exhibition Space be advised of the following:

Management Recommendation AMoU

That the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) have advised:

- Their understanding of the space was that it was to be open for community use.
- Uses included exhibitions, meetings, conferences and other activities.
- They have not been consulted on any changes to the uses of the space.
- The proposed name 'Lone Goat Gallery' is not culturally appropriate as goats caused much environmental degradation to many special places to Arakwal people.
- The name 'Sheoaks' room was suggested as an alternative as it reflects the environmental integrity and identity of the area. (Richardson/Cameron)

PROCEDURAL MOTION

13-234 Resolved that the order of business be changed to deal with items discussed during Public Access, those being 8.3, 12.2, 12.6, 12.7, 12.10, 12.3, 12.11 and 12.14 next on the Agenda. (Cubis/Cameron)

The motion was put to the vote and declared carried.

ITEMS RESERVED FOR DEBATE

NOTICE OF MOTION

Notice of Motion No. 8.3. Elite Surf and Community Coaching Sub-licence Category #E2013/25526

13-235 Resolved that Council amend the current policy - Commercial Activities on Coastal and Riparian Crown Reserves, to include the following:

- a) That Council recommends the inclusion of a new category, Elite Surf and Community Coaching, to be included as a sub-licence category in tenders within Council's Commercial Activities on Coastal and Riparian Crown Reserves.
- b) That details within the category be developed, using Ballina Council and other Council equivalent policies and guidelines, along with appropriate Byron Shire considerations.
- c) That these recommendations be forwarded to Cape Byron Marine Park and National Parks and Wildlife Service for support and approval.
- d) That subject to approval by Cape Byron Marine Park and National Parks and Wildlife Service:
 - i) a tender process be undertaken for a temporary licence for the duration of the current tender period.
 - ii) That Council determine a mandatory fee based on market value. (Richardson/Spooner)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER'S REPORTS

**Report No. 12.2. Crown Caravan Parks administered by the North Coast
Accommodation Trust (NCAT) in Brunswick Heads**

File No: #E2013/26094

Moved:

1. That Council note Report 12.2 in relation to Massey Greene and the Terrace Reserve Caravan Parks.
2. That Council approve the application for Massey Greene Caravan Park for a period of six (6) months from the date of this Resolution, subject to compliance with the provisions of Section 68, Part F2 of the Local Government Act 1993; Local Government (General) Regulation 2005 and Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, in accordance with Annexure 9(a) (#A2013/8382) hereof.
3. That Council approve the applications for Terrace Reserve Caravan Park for a period of six (6) months from the date of this Resolution, subject to compliance with the provisions of Section 68, Part F2 of the Local Government Act 1993; Local Government (General) Regulation 2005 and Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, in accordance with Annexure 9(b) (#A2013/8378) hereof.
4. That Council advise the Department of Premier and Cabinet, NCAT, and local MP Don Page (also Minister for Local Government) that a six (6) month renewal option may be taken up by the Applicant but with park activities strictly within boundaries as defined in Council's Resolutions 13-25, 12-995 and 12-627.
5. That for both Caravan Parks mentioned above, NCAT prepare draft Plans of Management and have the exhibition completed by 9 May 2014.
6. That Council delegate to a team (comprising the General Manager, Mayor and Deputy Mayor) to continue negotiations with the parties named in 4 above, to:

- (i) achieve those boundaries and
- (ii) progress matters in relation to Ferry Reserve Caravan Park

7. That the team report to Council quarterly or more often as it sees fit on matters (i) and (ii) in part 6 above. (Dey/Cameron)

13-236 Resolved that Cr Dey be granted a two minute extension to his speech. (Richardson/Cameron)

The motion was put to the vote and declared carried.

AMENDMENT

13-237 Resolved:

1. That Council note this report.
2. That Council approve the application for Massey Greene Caravan Park for a period of twelve (12) months from the date of this Resolution, subject to compliance with the provisions of Section 68, Part F2 of the Local Government Act 1993; Local Government (General) Regulation 2005 and Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, in accordance with Annexure 9(a) (#A2013/8382) hereof.
3. That Council approve the applications for Terrace Reserve Caravan Park for a period of twelve (12) months from the date of this Resolution, subject to compliance with the provisions of Section 68, Part F2 of the Local Government Act 1993; Local Government (General) Regulation 2005 and Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, in accordance with Annexure 9(b) (#A2013/8378) hereof.
4. That the NCAT prepare and exhibit a draft Plan of Management, for Massey Greene Caravan Park and Terrace Reserve Caravan Park within 6 months from the date of this resolution.
5. That prior to the draft Plan of Management, Council delegate authority to the General Manager, Mayor and Deputy Mayor to review the draft Plan of Management and continue negotiations with the other affected parties to find agreement on maps and to define operational boundaries.
6. Council reiterates its support for those boundaries as defined in Council's Resolution 13-25, 12-995 and 12-627. (Richardson/Ibrahim)

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

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

Report No. 12.6. Financial Sustainability Project Plan 2013/2014
File No: #E2013/26393

13-238 Resolved that Council adopt the Financial Sustainability Project Plan 2013/2014 as at Annexure 14 (#E2013/23493). (Cameron/Richardson)

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

Report No. 12.7. Infrastructure Renewal Reserve

File No: #E2013/26109

13-239 Resolved:

1. That Council adopt the following terms of operation for the Infrastructure Renewal Reserve:

"Purpose

This reserve was created to restrict funds to fund General Fund infrastructure renewal works other than for Waste Management Infrastructure.

Source of funds

The funds restricted in the reserve will be sourced from:

- a) *sale proceeds generated from the development and/or sale of land, that are in excess of the development and/or sale costs.*
- b) *revenue generated from the development of land and/or property that are in excess of the annual operational costs.*
- c) *revenue derived from new and recurrent sources as determined by Council from time to time.*
- d) *interest generated annually from the investment of the funds held in the reserve.*

Projects funded

The reserve will be used to fund infrastructure renewal projects that meet the following criteria:

- a) *infrastructure renewal projects identified in the Asset Management Plan and meet the criteria determined in the Asset Management Plan for funding as a priority renewal project.*
 - b) *projects that meet the criteria in a) above, for projects funded and are included in the Capital Works Schedule adopted by Council, as a component of the annual Operational Plan.*
 - c) *development of land and/or property assets for the purpose of generating revenues as a funding source for the Reserve.*
 - d) *projects prior to being endorsed by Council are to be subject to an assessment under the Capital Expenditure Guidelines issued by the Division of Local Government, and any other applicable Guidelines issued by the Division, where the projects meet the applicable criteria."*
2. That Council transfer the funds held in the Infrastructure Reserve as at 30 June 2013 (\$83,500) to the Infrastructure Renewal Reserve and that the Infrastructure Reserve be retired.
 3. That Council via an internal loan on an interest free basis transfer up to \$916,500 to the Infrastructure Renewal Fund from existing internal reserves being Quarry Reserve \$600,000, \$156,500 from the Plant Reserve and \$160,000 from the Information Technology Reserve to enable priority infrastructure works in the north of the Shire to be brought forward.

4. That the loans from the internal reserves identified in recommendation 3 be progressively repaid as a priority from revenue derived from sources feeding the Infrastructure Renewal Reserve, e.g. funds from the sale proceeds from allotments in the Roundhouse subdivision. (Cameron/Richardson)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORT

Report No. 12.10. PLANNING – Draft Byron LEP 2012 Submissions Analysis – Residential Zones and Controls (Policy Matters)

File No: #E2013/24531

13-240 Resolved that in relation to the draft Byron LEP 2012 Council resolves to adopt the following recommendations:

Recommendations – Part A Development Standards

1. Amend the Floor Space Ratio map for the R2 Low Density Residential zone in Draft Byron LEP 2012 from 0.4:1 to 0.5:1.
2. Amend the Floor Space Ratio Map within the proposed R2 zone in the western part of the Bayside Brunswick estate (to the north of the area marked ‘deferred matter’) so that it correctly aligns with the cadastral boundaries of all affected land.
3. Retain the exhibited objective at clause 4.4 (1)(b) of draft Byron LEP 2012 except for a minor word change for clarification and interpretation as follows:

“To enable a diversity of housing types by encouraging low scale medium density housing in suitable locations.”
4. Amend the Floor Space Ratio Map for the block of land shown in Figure 1 of the discussion paper (E2013/19990) contained in Annexure 12(a) on page 16 of 66 to this report from 0.4:1 to 0.8:1.
5. Amend the Floor Space Ratio Map for land zoned R3 Medium Density Residential by increasing the minimum FSR from 0.4:1 to 0.6:1.
6. That the Minimum Lot Size Map as exhibited be amended to identify a 300 square metre minimum lot size for the land shown as ‘indicative medium density’ on ‘Map 6 – Area 7 Structure Plan Bangalow urban release areas’ in Chapter 22 of Byron DCP 2010.
7. Amend the 600 square metre Minimum Lot Size Map as exhibited for the western side of the Bayside Brunswick estate (north of the area identified as ‘deferred matter’) so that it correctly aligns with the proposed R2 zone boundary.
8. That Council consider a reduction in the minimum lot size for dual occupancy development in residential zones as part of the preparation of a Shire-wide residential strategy after Draft LEP 2012 has been finalised.
9. That a reduction in the minimum lot size for *multi dwelling housing* and *residential flat buildings* in residential zones and better differentiation of development controls between the R2 and R3 zones be investigated as part of a Shire-wide residential strategy after Draft LEP 2012 has been finalised.

10. That the table to clause '4.1B Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings' of Draft Byron LEP 2012 be amended to identify: (i) a 1000 square metre minimum lot size for *multi dwelling housing and residential flat buildings* in the R2 zone; and (ii) a 800 square metre minimum lot size for *multi dwelling housing and residential flat buildings* in the R3 zone.

Recommendations – Part B Residential zones (R2, R3 & R5)

11. That the draft Byron LEP 2012 apply an R3 Medium Density Residential Zone to the lots north of Pandanus Court as illustrated in Figure 3 of the discussion paper (E2013/19990) contained in Annexure 12(a) to this report.
12. That *recreation facilities (indoor)* be inserted as permitted with consent in the R5 Large Lot Residential Zone of draft Byron LEP 2012.
13. That the following land uses be inserted as permissible with consent in the R5 Large Lot Residential Zone of draft Byron LEP 2012: *neighbourhood shops*.
14. The *horticulture* be inserted as permissible without consent in the R5 Large Lot Residential Zone of draft Byron LEP 2012.

Recommendations – Part C Specific issues & miscellaneous

15. That DCP provisions be developed to clarify the application of clause 6.5 in relation to the triggers and/or thresholds for assessment (e.g. locational factors, types of development). (Ibrahim/Richardson)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORT

Report No. 12.3. Revised Council Meeting Schedule for 2013

File No: #E2013/26690

13-241 Resolved:

1. That Council adopts a three weekly meeting cycle for ordinary Council meetings commencing in August 2013 in accordance with the following revised schedule of Ordinary Meetings:
 - 8 August 2013
 - 29 August 2013
 - 19 September 2013
 - 10 October 2013
 - 31 October 2013
 - 21 November 2013
 - 12 December 2013
 - First meeting for 2014 on Thursday 6 February
2. That Ordinary Meeting Agendas be delivered to Councillors at noon, nine days prior to each Ordinary Meeting from August 2013.

3. That the Strategic Planning Committee be abolished and be replaced with regular Strategic Planning Workshops which commence from 30 May 2013, to be held whenever possible on Thursdays.
4. That the options under resolutions such as part 4 of Resolution 13-197 that were due to go to the Strategic Planning Committee come to such a workshop instead.
5. That staff review the criteria/guidelines for the consideration of the Council which guide the Planning Review Committee which Development Applications are to be determined directly by the Council.
6. That Council limit staff administrative support for each PRG to the first three meetings.
(Dey/Richardson)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 12.11. PLANNING - Streamlining SEPP No 1 Variations determinations and reporting
File No: #E2012/12896

13-242 Resolved:

1. That Council review development assessment delegations after the state government has finalised it's current Planning Reform and Local Government Reviews and adopted any changes to policies and/or legislation.
2. That SEPP1 variations relating to minor rural boundary adjustments be determined by delegated authority.
(Spooner/Richardson)

The motion was put to the vote and declared carried.

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

Report No. 12.14. PLANNING – (Supplementary Report) 10.2012.583.1 Increase number of occupants for place of assembly/public entertainment at 13-17 Centennial Circuit Byron Bay
File No: #E2013/26844

NOTE: The vote on the resolution below was later recommitted at resolution 13-254 which resulted in this resolution being lost.

*Resolved that a decision on this matter be deferred and that a workshop be convened to resolve outstanding issues with Councillors, staff and the applicants within 14 days.
(Hunter/Wanchap)*

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

MAYORAL MINUTE

Rail Corridor

13-243 Resolved that Council:

1. Write to the Minister of Transport and the Minister of Local Government, outlining areas of omission within the report and that these omissions include:
 - a) A lack of consideration of light rail on its own
 - b) No consideration of the use of rail as a tourist attraction and experience
 - c) Patronage figures being based on very flawed methodology
 - d) Ignoring all road maintenance costs
 - e) Ignoring any costs relating to the upgrade of the Lismore-Bangalow road
 - f) Ignoring climate change and any changes to oil availability
2. Requests information from the Minister of Transport as to the responsibility of *John Holland* to maintain or manage the rail line and infrastructure or maintain records as to the condition of infrastructure.
3. Writes to the Minister of the North Coast and the Minister for Tourism seeking support for a consideration of using the rail line as a light rail tourist initiative that:
 - a) provide a tourist experience for visitors to the Northern Rivers
 - b) assist in traffic management issues particularly within coastal areas such as Byron Bay
 - c) promotes the development of a regional public transport system by linking local bus services across the Northern Rivers region
 - d) that most likely will operate on weekends and holidays
4. Facilitate a meeting with potential user groups to consider Byron Shire options. That these groups include, but not be restricted to:
 - a) Australian Railways Historical Society
 - b) Weekly and Monthly Market managers
 - c) Youth representatives
 - d) Festival land owners/event organisers
 - e) Public and Community Transport advocates (Richardson)

13-244 Resolved that Cr Richardson be granted a two minute extension to his speech. (Cameron/Dey)

The motion was put to the vote and declared carried.

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

The meeting adjourned at 12.30pm for lunch and reconvened at 1.20pm.

Cr Wanchap was not present at the resumption of the meeting.

NOTICES OF MOTION

Notice of Motion No. 8.1. Support for Byron Bay Writers Festival 2013 and event sponsorship

#E2013/21674

13-245 Resolved:

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

9 MAY 2013 (18 of 25)

1. That Council offer support to the Byron Bay Writers' Festival 2013, become an Event Sponsor and provide promotional material for display.
2. That the support involve the use of Council signage and associated materials for traffic management and staff assistance in placing those materials in position with respect to the Traffic Management Plan and identified as a donation of \$1,500.
3. That Council advertise this sponsorship support as a S356 donation.
(Richardson/Cameron)

Cr Wanchap returned to the meeting at 1.23pm.

The motion was put to the vote and declared carried.

Notice of Motion No. 8.2. North Coast Energy Forum – Lismore, 31 May 2013

#E2013/24970

13-246 Resolved that Council cover the registration and travel costs for the following Councillors to attend the North Coast Energy Forum to be held in Lismore on 31 May 2013:

- Duncan Dey
 - Paul Spooner
 - Rose Wanchap
- (Dey/Cameron)

The motion was put to the vote and declared carried.

PETITIONS

1. Broken Head – Move Bus stop to front of Beaches of Byron

The Mayor tabled a petition containing containing 38 signatures which states:

"We, the undersigned, are concerned citizens and residents of Beaches of Byron who urge our leaders to act now to move the Bus Stop to the front of Beaches of Byron 5-37 Broken Head Rd on the Eastern side of road."

SUBMISSIONS AND GRANTS

There were no submissions or grants tabled.

DELEGATES' REPORTS

Delegates Report No. 11.1. Australian Coastal Conference 2013

#E2013/22029

13-247 Resolved that the report be noted. (Richardson/Wanchap)

The motion was put to the vote and declared carried.

11.2. Winter Whales

Cr Cubis advised the following:

I attended the Winter Whales as a volunteer and it was an amazing event with very little impact on the community and lots of involvement for the kids. It raised approximately \$60,000 with about 1,800 participants. All funds go to local charities including breast cancer, the ambulance station etc and I think Council waived some fees for this and that's all they get, they get plenty of bang for their buck. They get the money back well and truly from parking fines, because they got one from me. I think this brings in a lot of people – I would be happy for Council to support these things just to get themselves across all of the community. Well done.

Cr Richardson agreed it was a great event with low impact, supporting tourism and certainly booming.

Cr Cubis added:

If you compared this to the Byron Triathlon that was run on the weekend which was corporate run which holds up the main road through Byron Bay for 3 and ¼ hours stopping all traffic as I understand it, and I'm not sure what we get out of it – yes, if people come to town, I don't mind it but these start off as charity functions and some of them have moved on.

11.3. Independent Local Government Review

Cr Richardson advised the following:

Ken Gainger and I met with Graham Samson, the Chair of the Independent Local Government Review about amalgamation (or not) so to speak and it was really great to have his ear, for about 2 hours. He took on board all the points that we were raising. He acknowledged the compromise on rate pegging was hard to justify and certainly said we weren't orphans in what we were saying, and that he heard this consistently. I think he also confirmed our interpretation of the county council model and that it is certainly not looking to be a fourth layer of government. For us, it was just as much as promoting Byron in front of him that was really important. Ken Gainger added one of the interesting things is that he came with a proposition for the councils in the Northern Rivers to get together to help to shape one or more models of the sort of county council sort of option and I think all the council's except Ballina, which he was yet to visit but has since, had all supported us getting round the table and trying to work out a model that would work for us within this region. He was saying that if he could get some decent models out of that from us – that he would be happy to put that forward as the panel's recommendation in the final report which I think would be a great outcome for us – to be able to influence those outcomes directly.

11.4. Byron Bay Liquor Accord

Cr Spooner advised the following:

I attended the Byron Bay Liquor Accord which recently held their Annual General Meeting and given the public discussion since New Years Eve, I think it was a fairly significant meeting for them to have. One of the interesting things which is a good move forward, is they have actually adopted a formal constitution which they have never had before so that gives it more structure. A new executive has been formed from the licensees who are currently members. There is a drive to try and get more licensees under the "tent". Currently I think there is only 15 licensees (or around that figure anyway) at the meeting. I am sure that is going to go up given the encouragement of the ones who are currently there. The trial period, the action plan that OLGA has suggested, has been put in place and started – that is to run for the next six months and will be reviewed by September in terms of how things are tracking with that. There are encouraging

signs around the participation so far. There are a couple of new people – Hannah Spalding is still the Chair and has been carrying it since last year, so she has stepped up again.

Cr Hunter asked a question of the total license holders, how big a percentage is the 15? Cr Spooner replied:

I believe there is 72 license holders. All the major players are involved, the late night traders and they're the significant ones in the public discussions, so you're talking about restaurants and that is one of the issues that people are struggling with because the issues for a licensee who is open to 3 o'clock in the morning are quite different to a small restaurant that has a glass of wine for most people.

11.5. Mullumbimby Showground Trust

Cr Dey advised the following:

The Trust has been preparing a Plan of Management (PoM) for the showground. It is a 10 hectare property on the western side of Mullumbimby. The PoM started in about March and it is at a sufficient stage of drafting that there will be an exhibition of it this Saturday, 11 May, out at the showground starting at 3pm so that people can look at this early draft and make comments and that should then be finalised and the draft officially out in about May. Cr Woods is the normal delegate and I fill in when she's not available which was the case on Monday.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER'S REPORT

Report No. 12.8. Councillor appointment to the Byron Coast Area Management Committee and Arakwal National Park Management Committee

File No: #E2013/22628

Moved: That Council forward the following Councillor nominees to the Office of Environment and Heritage being:

1. Cr Rose Wanchap
2. Cr Paul Spooner

to allow the Minister for the Environment to determine the appointment of a Council representative to the Byron Coast Area Management Committee and the Arakwal National Park Management Committee. (Spooner/Richardson)

AMENDMENT

13-248 Resolved that Council reiterates its original nomination of Cr Wanchap. (Dey/Cubis)

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

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

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER'S REPORTS

Report No. 12.12. PLANNING – Copyright issues in relation to development applications

File No: #DM1215976

13-249 Resolved:

1. That Council review DCP 2010 Chapter 17 to ensure that this chapter is up to date with legislative changes; allows for advertising/notification to those parties that are most likely to be effected; and to allow for 'view only' access to development application plans on Council's website to facilitate a transparent process for advertised and neighbour notification of developments.
2. That Council permit copies of plans by homeowners for the purpose of preparation of planning applications or construction work on proof of ownership of that property, provided copyright is not breached.
3. That Council write to the Office of Information Commissioner and the Local Government Act Review Taskforce outlining the difficulties contained within current copyright restriction and request a reexamination of this legislation.
4. That Council encourage people lodging Development Applications to arrange licences over the intellectual property and/or copyright waivers on Development Application materials that are submitted to Council. (Ibrahim/Cubis)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

Report No. 12.13. PLANNING – Public Exhibition Report for Amendments to Byron Shire DCP 2010 – Chapter 1 Part F – Waste Minimisation and Management

File No: #E2013/13882

13-250 Resolved:

1. That Council adopt the amendment to Byron Shire Development Control Plan 2010, Chapter 1 Part F - Waste Minimisation and Management, Annexure 4, #E2013/13987.
2. That Council give public notice of its decision to adopt the amendment in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000 and that the date it comes into effect is the first available date that the public notice can be published, after the amendments are made.
3. That a copy of the amendment to Byron Shire Development Control Plan 2010 – Chapter 1 Part F - Waste Minimisation and Management, be provided to the Department of Planning to forward to the Director General in accordance with Section 25AB of the Environmental Planning and Assessment Regulation 2000.
4. That Waste Minimisation and Management Plans generally be submitted prior to the issuing of a Construction Certificate. (Ibrahim/Cubis)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, 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. 12.15. Management of the Multi Purpose Facility at Byron Regional Sport and Community Complex – Update on Negotiations and recommendation to commence a new selective tender process

File No: #E2013/15788

13-251 Resolved:

1. That Council terminate the negotiations with the PCYC NSW for management of the Byron Regional Sport and Cultural Complex (BRSCC) Multi Purpose Facility.
2. That Council write to the PCYC and the Minister of Police and Emergency Services to withdraw Council's expression of interest to establish a PCYC for Byron, with reasons, and to thank them for their consideration of Council's application.
3. That Council extend the current direct management interim management arrangements until 30 September 2013 and establish a budget of \$148,475 from General Fund to cover the continuation of the interim management arrangements.
4. That Council, pursuant to Clause 166(b) of the Local Government (General) Regulation 2005, commence a selective tender process, by which invitations to tender are made following a public advertisement asking for expressions of interests from suitably qualified and experienced leisure/recreational facility managers/management organisations for management of all and/or different parts of the Multi Purpose Facility.
5. That the Expression of Interest and selective tender processes:
 - a) be developed under delegation based on the original tender specifications but with variation to the term (up to 3 + 3 years), the footprint, options to optimise community use and inclusion of new performance criteria for example performance measures for exercising option renewal as well as profit incentives and profit sharing arrangements etc;
 - b) include different options, as required, for management and operations of the Multi Purpose Facility and the outside hardcourts eg management as a whole and options where areas are excised (eg the commercial kitchen) potentially for separate management/contracts.
6. That the outcome of the calling of tenders be reported to Council for determination under Clause 178 of the Local Government (General) Regulations. (Cubis/Richardson)

The motion was put to the vote and declared carried.

WATER AND RECYCLING - EXECUTIVE MANAGER'S REPORTS

Report No. 12.17. Review of Bulky Waste Disposal Scheme

File No: #E2013/17753

13-252 Resolved:

1. That Council continue with the current bulky waste disposal scheme with some minor changes to the voucher system for residents.
2. That Council invite the community to submit ideas and submissions to facilitate a safe and efficient bulky waste disposal scheme and that these submissions be reported to the Water, Waste and Sewer Advisory Committee for comment.

3. That staff prepare a report outlining alternative schemes currently in place around Australia including voucher access options and that this report also be provided to the Water, Waste and Sewer Advisory Committee for comment. (Richardson/Cameron)

The motion was put to the vote and declared carried.

Report No. 12.19. Section 64 Developer Charges Policy
File No: #E2013/23733

13-253 Resolved:

1. That Council change the Local Approvals Policy to allow a condition of DA consent such that a proponent who is a lessee seeking a change of use approval, is granted a period of time of up to four years in which to obtain a section 307 certificate and pay the associated section 64 water and sewer charges by instalments (this provision does not apply to section 64 Rous Water charges).
2. That the effectiveness and performance of this payment option be reviewed two years after it comes into effect.
3. That a report be brought to the Water, Waste and Sewer Advisory Committee meeting scheduled for 29 August on:
 - a) current Section 64 charges in the Shire;
 - b) the basis for them including a copy of Rous Water's Policy on this; and
 - c) a comparison of equivalent charges in neighbouring shires. (Richardson/Dey)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 13-254 Resolved** that the vote on Report 12.14 be recommitted. (Wanchap/Ibrahim)

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

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER'S REPORT

Report No. 12.14. PLANNING – (Supplementary Report) 10.2012.583.1 Increase number of occupants for place of assembly/public entertainment at 13-17 Centennial Circuit Byron Bay
continued
File No: #E2013/26844

Recommitted vote

Moved: That a decision on this matter be deferred and that a workshop be convened to resolve outstanding issues with Councillors, staff and the applicants within 14 days.

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

13-255 Resolved:

1. That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2012.583.1 for increase number of occupants for place of assembly/public entertainment, be granted approval subject to restriction on hours of operation, numbers of patrons, and conditions of consent in Annexure 10(d) (#E2013/26324) with the following changes to the conditions:
 - (a) in condition 2(b) reduce the number of "place of assembly occasional special events" for 400 persons to a maximum of 52 events per calendar year;
 - (b) changes to conditions in relation to development contributions to reflect the change in 1(a).
2. That if the current Class 1 Appeal in relation to 10.2012.583.1 continues, a workshop be convened with Councillors, staff and the applicants and the outcome of the workshop, including any proposals to amend conditions of approval and mechanisms to do that, be reported to Council in June. (Wanchap/Cubis)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, 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

Report No. 12.20. Myocum Waste and Recycling Facility – Operation of Byron Shire Second Hand Shop

File No: #E2013/18293

13-256 Resolved:

1. That Council authorise the General Manager to call for Expressions of Interest for the operation of the Byron Shire Second Hand Shop by either a commercial or social enterprise, pursuant to clauses 166 and 168 of the *Local Government (General) Regulation 2005*.
2. That following the Expressions of Interest process a Recommendation Report be submitted to Council for consideration and final determination of the next stages of the Project and that this report include an assessment of operating the shop as a commercial activity by Council permanent staff. (Ibrahim/Richardson)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 3.58pm.

I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council’s Ordinary Meeting on 13 June 2013.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

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Mayor Simon Richardson