



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 29 August 2013

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
29 August 2013

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ORDINARY MEETING MINUTES

29 AUGUST 2013 (1 of 30)

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| MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 29 AUGUST 2013 COMMENCING AT 10.45AM AND CONCLUDING AT 4.47PM |
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#E2013/54087

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)
Michael King (Executive Manager Community Infrastructure)
Mark Arnold (Executive Manager Corporate Management)
Ray Darney (Executive Manager Environment and Planning)
Shannon McKelvey (Executive Manager Organisational Support)
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: Cr Woods was previously granted a leave of absence for today's meeting, at the Ordinary Meeting held on 8 August 2013.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Spooner declared a non-pecuniary interest in Report 12.8. Markets Policy Review Project Reference Group. The nature of the interest is that his employer, Byron Bay Community Association conducts markets in the Byron Shire.

Cr Spooner declared a non-pecuniary interest in Report No. 12.24. Byron Bay Alcohol Action Plan. The nature of the interest is that he is the Licensee of the Byron Bay Community Centre.

Cr Wanchap declared a pecuniary interest in report 12.20. PLANNING – 10.2013.132.1 Culvert creek crossing and access approaches at 220 Fowlers Lane Bangalow. That nature of the interest is that she is a property owner within the community.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

13-402 Resolved that the Minutes of the Ordinary Meeting held on 8 August 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

Community Infrastructure

- 12.3. Proposed Road Name Change - Bangalow
- 12.4. Proposed Billinudgel Sports Fields
- 12.5. Old Federal Drive (Charltons Road Walkway) Land Slip

Corporate Management

- 12.8. Markets Policy Review Project Reference Group
- 12.13. Establishment of Australia Day 2014 Project Reference Group
- 12.14. Section 355 Committees – Fees and Charges

Environment and Planning

- 12.20. PLANNING – 10.2013.132.1 Culvert creek crossing and access approaches at 220 Fowlers Lane Bangalow
- 12.22. PLANNING – Draft Byron LEP 2012 Submissions Finalisation 1

Society and Culture

- 12.24. Byron Bay Alcohol Action Plan
- 12.25. Byron Regional Sport and Cultural Complex Management Review

Water and Recycling

- 12.27. Equivalent Tenement Policy on Consolidated Lots
- 12.28. Telstra Telecommunications Tower Bangalow Reservoir

COMMITTEE REPORTS

General Manager

- 13.1. Report of the Communications Advisory Committee Meeting held on 31 July 2013

CONFIDENTIAL REPORTS

Community Infrastructure

- 14.1. CONFIDENTIAL Extension of Bitumen Spray Sealing Contract 2010-00049

Water and Recycling

- 14.2. CONFIDENTIAL Tender Assessment Roundhouse Subdivision Works

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. 13-403 and concluding with Resolution No. 13-427.

GENERAL MANAGER'S REPORTS

Report No. 12.1. Organisation Structure

File No: #E2013/49081

13-403 Resolved:

1. That the Council endorse the proposed organisation structure as outlined in this report and included at Annexure 30(b) (#E2013/54694).
2. That the new organisation structure be implemented progressively by the General Manager over the current term of Council so as to avoid as much as possible (a) disruption to Council's operations; and (b) potentially significant transitional costs.
3. That four positions within the proposed organisation structure will be designated as Senior Staff positions, once created, namely each of the three Directors and the position of Executive Manager – Organisational Development.
4. That pending implementation of the proposed structure, the existing Senior Staff positions remain designated positions within the current organisational structure (until progressively transitioned).
5. That the General Manager provide periodic reports on the progressive implementation of the new organisation structure to the Council's Finance Advisory Committee in conjunction with reports regarding the implementation of the Council's Financial Sustainability Project Plan. (Richardson/Cameron)

Report No. 12.2. Operational Plan Review 2012/2013 as at June 2013

File No: #E2013/50739

- 13-404 Resolved** that Council receive and note the annual report and associated Annexure on the 2012-2013 Operational Plan Review for the period 1 July 2012 to 30 June 2013. (Richardson/Cameron)

CORPORATE MANAGEMENT – EXECUTIVE MANAGER'S REPORTS

Report No. 12.6. Strategic and Social Procurement

File No: #E2013/43934

13-405 Resolved:

1. That Council note the completion of resolution 12-830.
2. That Council supports the strategic and sustainable procurement initiative and notes that in accordance with Council's Financial Sustainability Project Plan, reports on social and strategic procurement initiatives will be progressively provided to the Finance Committee. (Richardson/Cameron)

Report No. 12.7. Suffolk Park Public School Site Licence – Exercise Option with Department of Education

File No: #E2013/45763

13-406 Resolved:

1. That Council authorise the General Manager to write to NSW Department of Education providing the required three (3) months notice to exercise the option for a further term to 31 December 2018 for part Lot 60 DP 817888 and seeking their advice in relation to securing tenure beyond 31 December 2018.
 2. That Council authorise the General Manager to enter into negotiations with the NSW Department of Education to secure a licence for the remainder of Lot 60 DP 817888 under similar terms and conditions to the existing licence.
 3. That Council authorise the General Manager to affix the Council Seal to the Licence of part Lot 60 DP 817888 at Beech Drive, Suffolk Park in accordance with Regulation 400 of the Local Government (General) Regulations 2005.
 4. That Council receive a further report once the outcome of negotiations are known in accordance with part 2 of this resolution in order to progress resolution (12-949).
(Richardson/Cameron)
-

Report No. 12.9. Council Resolutions Review April to June 2013

File No: #E2013/48964

13-407 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 9(b) (#E2013/49035).
(Richardson/Cameron)
-

Report No. 12.10. Carryovers for inclusion in 2013/2014 Budget

File No: #E2013/48168

- 13-408 Resolved** that the works and services, and the respective funding shown in Annexures 11(a) (#E2013/46142), 11(b) (#E2013/46142) and 11(c) (#E2013/46142) be carried over from the 2012/2013 Financial Year and that the carryover budget allocations be adopted as budget allocation revotes for inclusion in the 2013/2014 Budget Estimates. (Richardson/Cameron)
-

Report No. 12.11. Investments – July 2013

File No: #E2013/50014

- 13-409 Resolved** that the report listing Council's investments and overall cash position as at 31 July 2013 be noted. (Richardson/Cameron)
-

Report No. 12.12. Budget Review – 1 April 2013 to 30 June 2013

File No: #E2013/49872

13-410 Resolved:

1. That Council authorises the itemised budget variations as shown in Annexure 12(b) (#E2013/29025) which includes the following results in the 30 June 2013 Quarterly Review of the 2012/2013 Budget:
 - a) General Fund - \$394,600 increase in accumulated surplus
 - b) Water Fund - \$1,782,200 increase in reserves
 - c) Sewerage Fund - \$2,431,800 increase in reserves
 2. That Council adopt the revised estimated General Fund Accumulated Surplus (Working Funds) of \$1,060,500 for the 2012/2013 financial year. (Richardson/Cameron)
-

Report No. 12.15. Mayor and Councillors Payment of Expenses and Provision of Facilities Policy 1.1

File No: #E2013/48057

13-411 Resolved:

1. That in accordance with Section 253(5) of the Local Government Act 1993, Council gives public notice of its intention to adopt Policy Mayor and Councillors Payment of Expenses and Provision of Facilities as shown at Annexure 3 (#E2013/48106) and allow at least 28 days for the making of public submissions.
 2. That after close of the exhibition period:
 - a) Any submissions received, along with the Policy, be reported back to Council.OR
 - b) In the event that no submissions are received, the Policy will be adopted and a copy forwarded to the Director General in accordance with Section 253(4). (Richardson/Cameron)
-

Report No. 12.16. Review of Policy 5.39 Motor Vehicles on Beaches

File No: #E2013/48980

13-412 Resolved:

1. That Council consider the submissions received and the comments of the Disability access committee; and
 2. That Council amend the Draft Amended Policy Motor Vehicles on Beaches by the deletion of clause 7.1 and by the consequent renumbering of the subclauses thereafter and by replacing the word "residents" where it appears in amended clause 7.1 (formerly 7.2) and replacing it with the word "persons."
-

3. That Council adopt the Draft Amended Policy Motor Vehicles on Beaches, as amended (Annexure 15(a) #E2013/37569). (Richardson/Cameron)
-

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 12.17. Request for Closure of a temporary public road and the return to the original subdivider – 54 Jones Road Wooyung

File No: #E2013/44898 Parcel No 241929

13-413 Resolved:

1. That Council agrees to close the Temporary Public Road located on Lot 101 DP 1178907.
 2. That Council publish in the NSW Government Gazette the closing of the Temporary Public Road.
 3. That the applicant be advised that they are liable for all Council’s costs arising from the temporary road closure including all Department of Primary Industries - Catchments & Lands’ processing fees, all Registration and Land Titles fees, Legal costs, advertising cost, and any other costs to Council.
 4. That Council authorise the General Manager to sign and/or affix the Council Seal to all documentation, in relation to the closure of the Temporary Public Road being Lot 101 DP 1178907 and the transfer of Title to the original subdivider.
 5. That the applicant be advised that this parcel of land does not have a dwelling entitlement. (Richardson/Cameron)
-

Report No. 12.18. PLANNING – 10.2013.177.1 Alterations and additions to existing concrete works facility at 10 Ewingsdale Road Ewingsdale

File No: #A2013/10278 x Parcel No 21590

- 13-414 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2013.177.1 for alterations and additions to existing concrete works facility comprising the erection of a third silo and an increase in production capacity to a maximum of 60,000m³ per annum, be granted consent subject to the conditions listed in Annexure 4(b), #E2013/50532. (Richardson/Cameron)

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. 12.19. PLANNING – Two storey dwelling and secondary dwelling pool at 95 Coopers Shoot Road Coopers Shoot

File No: #A2013/14421 Parcel No 195470

- 13-415 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2013.258.1 for construction of a new part two-storey dwelling-
-

house, secondary dwelling and swimming pool be granted consent subject to the conditions listed in Annexure 13(b) #E2013/49212. (Richardson/Cameron)

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. 12.21. PLANNING – Adoption of exhibited amendments to S94 Byron Contributions Plan 2012 – Byron Bay Bypass

File No: #E2013/44239

13-416 Resolved:

1. That Council approve the draft section plan in the form in which it was publicly exhibited by the insertion of the tables as set out in Annexure 14(a) (#E2013/22944), 14(b) (#E2013/22943) and 14(c) (#E2013/22946) into the Byron Developer Contributions Plan 2012.
2. That a notice be placed in the local newspaper within 28 days of this resolution that advises of the adoption of the plan and that the amended contributions plan commences within 14 days of the notice. (Richardson/Cameron)

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.

ORGANISATIONAL SUPPORT – EXECUTIVE MANAGER’S REPORT

Report No. 12.23. Code of Conduct – Panel of Conduct Reviewers

File No: #E2013/49586

13-417 Resolved that Council enter into an arrangement with other NOROC member councils to share a Code of Conduct Review Panel consisting of following Reviewers:

| <u>Nominee</u> | <u>Organisation (if applicable)</u> |
|----------------------|-------------------------------------|
| Michael L Enders | |
| Peter Brown | |
| Bruce Clarke | Allygroup Consulting |
| Emma Broomfield | Locale Consulting |
| Sharon Lee | Complete Community Consulting P/L |
| Mitchell Morley | In Consult |
| Shane White | Pinnacle Integrity |
| Belinda Nolan | Pinnacle Integrity |
| Alison Cripps | Cripps Consulting |
| Brent James Stephens | Consult HR |
| Kathy Thane | Train Reaction P/L |
| Peter Mulhall | Investigation Associations Aust |
| Gary Faulks | |
| Lloyd Graham | |
| Peta Tumpey | Tress Cox Lawyers |

Kath Roach SINC Solutions
Joanne Browne
Greg Wright Wright Associates

(Richardson/Cameron)

WATER AND RECYCLING - EXECUTIVE MANAGER'S REPORT

Report No. 12.26. Review of Section 64 Charges

File No: #E2013/40609

13-418 Resolved:

1. That Council seek concurrence from the NSW Office of Water to amend the Developer Servicing Plans such that Option 4, charge the same for all Byron Shire areas, is applied for S64 development charges.
2. Subject to the approval of the NSW Office of Water, that the revised draft Development Servicing Plans for Water Supply and Sewerage be placed on public exhibition for 30 working days and undertake consultation in accordance with the Developer Charges Guidelines for Water Supply, Sewerage and Stormwater (December 2002).
3. That a report be prepared for Council addressing any comments received during the exhibition period and presenting the draft Development Servicing Plans for adoption by Council or, in the event that no submissions are received, adopt the documents as exhibited. (Richardson/Cameron)

COMMUNITY INFRASTRUCTURE - COMMITTEE REPORTS

Report No. 13.2. Report of the Local Traffic Committee Meeting held on 5 August 2013

File No: #E2013/48866

1. Byron Bay New Year's Eve road closures

File No: F161 #E2013/48329

13-419 Resolved that in relation to the Byron Bay New Year's Eve (31 December 2013) traffic management proposals the Local Traffic Committee:

1. support the temporary road closures subject to the:
 - a) provision of a town centre vehicular detour,
 - b) specific details of road closures being provided for Committee and Council endorsement prior to the event;
 - c) meeting of the requirements of the Roads Act 1993, including advanced advertising, for example commencing at least one month prior;
 - d) provision of a detailed traffic control plan with particular attention to end-of-queue management including the use of Woodford Lane and a stream-lined vehicle selection process to distinguish between vehicles permitted to pass road closure areas such as that proposed at the Byron Regional Sports and Cultural Centre roundabout 249 Ewingsdale Road.
2. requires the following to be complied with:
 - a) undertaken as per 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) written approval of Police separate to the LTC; and
 - f) held under current and appropriate levels of insurance and liability cover.
- (Richardson/Cameron)
-

2. Living Earth Festival street parade, Sunday 1 September 2013

File No: F161 #E2013/48329

13-420 Resolved:

- 1. That the temporary traffic arrangements proposed for the Living Earth Festival street parade for Sunday 1st September 2013 be endorsed, including the temporary road closure of:
 - a) Station Street, Mullumbimby between Burringbar Street and Fern Street, which is effective between 10am and 11am;
 - b) Burringbar Street, Mullumbimby between Station Street and Stuart Street which is effective between 10.15am and 11.30am;
 - c) Stuart Street, Mullumbimby between Burringbar Street and Fern Street, which is effective between 10.30am and 12noon
 - 2. That the organisers be responsible for implementing a Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation.
 - 3. That public liability insurance be in place for the sum of at least \$10 million.
 - 4. That the event be advertised in accordance with the Roads Act charged at cost to the organisers.
 - 5. That the event be notified on Council's website.
- (Richardson/Cameron)
-

3. Boomerang Festival, Tyagarah Tree Farm, 4 to 6 October 2013

File No: F161 #E2013/48329

- 13-421 Resolved** that the temporary traffic arrangements for the Boomerang Festival, as to be held at the Tyagarah Tree Farm from 4 to 6 October 2013, be endorsed 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; and
 - e) holding of current and appropriate levels of insurance and liability cover.
- (Richardson/Cameron)
-

4. Rainbow Cycle Challenge, Sunday 17 November 2013

File No: F161 #E2013/48329

- 13-422 Resolved** that the temporary traffic arrangements for the Rainbow Ride Cycle Challenge be endorsed for Sunday, 17 November 2013, including the road closure of William Flick Lane, Ewingsdale between 9am and 3pm, subject to the:
- a) concurrence of the NPWS and managers of the Byron Lighthouse
 - b) organisers implementing plans for signage, motor escort, advertising and other details as proposed in their submission
-

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- c) public liability insurance being current and not less than \$10 million
 - d) concurrence of the Police, independent of the Local Traffic Committee endorsement
 - e) advertising in accordance with the Roads Act 1993
 - f) event and road closure being notified on Council's website (Richardson/Cameron)
-

5. Christmas Eve Carnival street closure, Byron Street, Bangalow

File No: F161 #E2013/48329

13-423 Resolved:

1. That the temporary traffic arrangements for the Bangalow Christmas Eve Carnival, scheduled for Tuesday 24 December 2013 and includes the temporary closure of Byron Street between Granuaille Road and Market Street between the hours of 5.30pm and 10.00pm, be endorsed.
 2. That the organisers be responsible for implementing a Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation and be advised Council's fee for holding an on-road event will apply.
 3. That public liability insurance be in place for the sum of at least \$10 million.
 4. That the concurrence of the Police be sought by the organisers, independent of the Local Traffic Committee endorsement.
 5. That the event be advertised in accordance with the Roads Act charged at cost to the organisers.
 6. That the event be notified on Council's website.
 7. That in the event Council staff and materials are required for the event, costs be recorded and invoiced to the organisers as appropriate. (Richardson/Cameron)
-

6. Proposed Shirley Street bus or transit lane, Park and Ride, Byron Bay

File No: F161 #E2013/48329

- 13-424 Resolved** that Council note the issues listed above in Committee Comments and that the Local Traffic Committee supports the trial of the Bus Lane along Shirley Street, between Kendall Street and Lawson Street, subject to meeting Roads and Maritime Services requirements. (Richardson/Cameron)
-

7. Proposed signage, approach to Myocum Tip entry, The Manse Road

File No: F161 #E2013/48329

13-425 Resolved:

1. That Council note that Roads and Maritime Services approval is required for internally illuminated traffic control devices (flashing signs).
 2. That Council note that from those depicted, the Local Traffic Committee recommend the combined "Reduce Speed", "Trucks Turning" and "When Lights Flashing" sign for installing on The Manse Road approach to the Myocum Landfill.
-

Standard signs



W3-204-2



T1-259



W3-207-1



W5-205

Possible Variations?



(Richardson/Cameron)

8. No stopping zones, yellow line marking without signs now permissible

File No: F161 #E2013/48329

13-426 Resolved:

1. That Council note the changes to the Roads and Maritime Services Delineation Guide which, since November 2012, allows the use of yellow road edge line marking to convey and enforce No Stopping without the need for signage.
2. That the approach Council adopt in regard to displaying a No Stopping sign, be it signs, line marking or combination of both, be dictated by the subject site and conditions, noting that each new location will need Committee and Council approval before installing and therefore provide chance to advice on the methods believed most reasonable and practicable.

(Richardson/Cameron)

Report No. 13.3. Report of the Community Infrastructure Advisory Committee Meeting held on 1 August 2013

File No: #E2013/49414

13-427 Resolved that Council note the Unconfirmed Report (Annexure 16(a), #E2013/48773) of the Community Infrastructure Advisory Committee meeting held 1 August 2013.

(Richardson/Cameron)

PROCEDURAL MOTION

- 13-428 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being 12.3, 12.4, 12.5, 12.20, 12.24, 12.27 and 14.2, next on the Agenda. (Cubis/Dey)
The motion was put to the vote and declared carried.

ITEMS RESERVED FOR DEBATE

COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER’S REPORTS

Report No. 12.3. Proposed Road Name Change – Bangalow
File No: #E2013/48823

- 13-429 Resolved** that no action be taken in relation to the name change. (Ibrahim/Wanchap)
The motion was put to the vote and declared carried.

Report No. 12.4. Proposed Billinudgel Sports Fields
File No: #E2013/50127

Moved:

1. That Council withdraw from further negotiations of acquiring the land at Billinudgel, being the southern portion of Lot 3 DP1019171.
2. That Council not proceed any further with Resolution 13-132.
3. That Council determine a preferred alternate site for further investigation for the development of sports fields for the north of the Shire. (Cubis/Hunter)

AMENDMENT

Moved:

1. That Council appoint recreation consultants to undertake an evaluation of Lot 3 DP1019171, Lot 423 DP755687 and Lot 5 DP 880917, the North Byron Parklands site and Waterlily Park as possible sports field sites (to include community and sporting group consultation) and report the outcome back to Council within 3 months and preceded by a workshop with a firm recommendation based upon the advice received.
2. That this report is to compare possible costs, site constraints (including consideration of field levels that minimise import of fill) and level of provision of sports fields and courts and is to consider using more than one site to satisfy the total sporting needs of the area.
3. That Council establish a Shire wide sports association and user group to consider the needs and opportunities for the enhancement of sporting participation across the shire and that this group meets at least twice per year. (Richardson/Dey)

The amendment was put to the vote and declared carried however later recommitted and lost.

The amendment upon becoming the substantive motion was put to the vote and declared carried however later recommitted and lost.

PROCEDURAL MOTION

13-430 Resolved that the vote be recommitted. (Richardson/Cubis)

The motion was put to the vote and declared carried.

13-431 Resolved:

1. That Council appoint recreation consultants to undertake an evaluation of Lot 3 DP1019171, Lot 423 DP755687 and Lot 5 DP 880917, the North Byron Parklands site and Waterlily Park as possible sports field sites (to include community and sporting group consultation) and report the outcome back to Council within 3 months and preceded by a workshop with a firm recommendation based upon the advice received.
2. That this report is to compare possible costs, site constraints (including consideration of field levels that minimise import of fill) and level of provision of sports fields and courts and is to consider using more than one site to satisfy the total sporting needs of the area.
3. That Council establish a Shire wide sports association and user group to consider the needs and opportunities for the enhancement of sporting participation across the shire and that this group meets at least twice per year. (Cubis/Richardson)

The motion was put to the vote and declared carried.

Report No. 12.5. Old Federal Drive (Charltons Road Walkway) Land Slip

File No: #E2013/48821

13-432 Resolved:

1. That Council carries out necessary maintenance to a limit of \$10,000.00 for the relevant section of the dish drain on the old Federal Drive road reserve between Lot 10 DP 1039847 and Lot 2 DP 612301 and the funding be sourced from the Community Infrastructure Reserve resolution 13-361 (part 4).
2. That Council seek all necessary funding from relevant sources for remedial works to and above the slip area to stabilise the soil, redirect water and where necessary revegetate the area on and above the reserve.
3. That the culvert on Federal Drive above the slip area remain as it is and undergo routine maintenance as the demand arises, in keeping with any other rural culvert.
4. That the old Federal Drive road reserve be formally closed and, if there are no submissions against, it be offered to the adjacent land holders to incorporate the area into their land.
5. That Council initiate the road closure process as per usual requirements. (Hunter/Richardson)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORT

Report No. 12.20. PLANNING – 10.2013.132.1 Culvert creek crossing and access approaches at 220 Fowlers Lane Bangalow

File No: #A2013/8738 Parcel No 25080

Cr Wanchap left the Chambers at 11.35am in accordance with her earlier stated pecuniary interest in this matter.

Moved: That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application 10.2013.132.1 for construction of a culvert creek crossing and access approaches, be refused for the following reasons:

1. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed modifications to the required creek crossing arrangements are not in accordance with Council's current adopted engineering standards and are inconsistent with Clause 24 of Byron Local Environmental Plan 1988.
2. Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the site is prone to flooding and is not suitable for the proposed modified design.
3. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, it is not in the public interest to support the proposed modifications. (Dey/Richardson)

The motion was put to the vote and declared lost.

Crs Dey, Richardson and Cameron voted in favour of the motion.

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

FORESHADOWED MOTION

13-433 Resolved:

1. That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application 10.2013.132.1 for construction of a culvert creek crossing and access approaches, be granted consent subject to conditions listed in Annexure 17(b) #E2013/49771 and lapse 9 months after the consent is granted.
2. That should the culvert creek crossing and access construction works under DA 10.2013.132 not be commenced within 3 months of the date of this resolution and completed within 6 months from commencement that Council serve an order to complete the creek crossing as required by DA 10.2000.348 (as amended). (Hunter/Ibrahim)

The motion was put to the vote and declared carried.

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

Crs Dey, Richardson and Cameron voted against the motion.

Cr Wanchap returned to the Chambers at 12.15pm.

FORESHADOWED MOTION

- 13-434 Resolved** that Council's DCP and any other guide on such matters be reviewed to consider relaxation of requirements in upper catchment road crossings such as these. (Dey/Richardson)

The motion was put to the vote and declared carried.

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

Cr Cubis voted against the motion.

SOCIETY AND CULTURE - EXECUTIVE MANAGER'S REPORT

Report No. 12.24. Byron Bay Alcohol Action Plan

File No: #E2013/42751

13-435 Resolved:

1. That Council note the Byron Bay Alcohol Action Plan developed by the NSW Office of Liquor Gaming and Racing in collaboration with stakeholders in Byron Bay.
2. In recognition of the fact that Byron Bay is currently one of the highest areas in NSW for alcohol related street violence and where the number of young women being sexually assaulted is double the state average Council supports the following initiatives:
 - i) The adoption of the 'Byron Bay Liquor Accord' constitution and terms. In particular, Council is supportive of the 6 months trial terms adopted on the 21 March 2013 aimed at meeting the Accords objective to prevent or reduce alcohol related harm, crime or antisocial behaviour in the immediate vicinity or around the licensed premises in the Byron Bay area.
 - ii) The formation of community groups including 'Last Drinks at 12' to reduce alcohol related violence, sexual assault, antisocial behaviour and youth binge drinking through engaging the Byron Bay community in discussions surrounding the availability, promotion and supply of alcohol.
3. That Council consider options as to the establishment of a Byron Bay Precinct Liquor Accord.
4. That Council recommends to the Independent Liquor and Gaming Authority:
 - i) To undertake a review into the granting and conditions applying to any Extended Trading Liquor Licences in Byron Bay with the purpose to determine what is in the community's best interests in regards to such licences. This is recommended in recognition of the fact that the overwhelming number of harmful incidents occur during the time that Extended Trading Licences apply ; and
 - ii) To put in place a freeze on the granting of any new Extended Trading Liquor Licences in Byron Bay while the proposed review into licensing hours is undertaken.
5. Within Council's submissions to the Office of Liquor, Gaming and Racing's review of the Liquor Act 2007, Gaming and Liquor Administration Act 2007, Council clearly outlines its support for:
 - a) The introduction of NSW-wide systems for reporting and managing individual patrons, ie NSW-wide lockouts and to support cross border initiatives also.
 - b) OLGR developing a Consultation Strategy in partnership with the community to ensure that it meets community expectations and needs and that this include: improved notification of the existence and details of applications; web publication of full application details (all relevant documents and information) which will increase available information but also make it easier for people to make online submissions and encouraging and resourcing local hearings/sittings for all applications which are of significance to the local community.
 - c) The empowerment of Local Government to set, in partnership with their

communities, parameters and development controls for liquor licensing in their Local and Regional Strategic Plans- including the location of and the numbers and types of liquor licensed premises which would be permissible and setting development controls such as size of premises, patron numbers, trading hours etc.

- d) The Introduction of a time-limited liquor license approval (eg 5 years) with a requirement for re-issue being a strong compliance history as this could be a great motivator to encourage self-regulation and compliance.
- e) The introduction of a stricter "user-pays" approach where higher risk venues, particularly non-compliant premises (and patrons) become responsible for meeting enforcement costs and flow on costs to the community such as emergency and health services costs.
- f) Empowering OLGR to prescribe requirements for regulation on a collaborative local level (where self-regulation and voluntary collaboration has demonstrated that it is not working,) for example, giving OLGR the powers to: make membership of Liquor Accords mandatory; setting and imposing Liquor Accord membership fees and directing how those fees are to be expended on a local basis for example on:
 - i) security services;
 - ii) late night transport options;
 - iii) lighting;
 - iv) cleaning, rubbish and graffiti removal and property damage repair

(Spooner/Cameron)

The motion was put to the vote and declared carried.

The meeting adjourned at 1.00pm for lunch and reconvened at 1.50pm.

WATER AND RECYCLING – EXECUTIVE MANAGER’S REPORT

Report No. 12.27. Equivalent Tenement Policy on Consolidated Lots

File No: #E2013/42153

13-436 Resolved:

1. That Clause 4.7 of the ET policy pertaining to consolidated lots is amended as:

"4.7 Consolidated Lots

Lots which are consolidated as one property for rating purposes (paying a single sewer and/or water access charge) are still considered to carry one ET entitlement per each Lot of developable size (within the planning definition)."

2. That the amended ET policy is placed on public exhibition for 30 working days.
3. That a report is prepared for a Council addressing any comments received during the exhibition period and presenting the amended ET Policy for adoption by Council or, in the event that no submissions are received, adopt the document as exhibited.

(Dey/ Ibrahim)

The motion was put to the vote and declared carried.

WATER AND RECYCLING - CONFIDENTIAL REPORT

Report No. 14.2 CONFIDENTIAL Tender Assessment Roundhouse Subdivision Works

File No: #E2013/49829

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

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13-437 Resolved that the matter rest on the table.

(Richardson/Cameron)

The motion was put to the vote and declared carried.

The meeting adjourned at 2.00pm to open the Byron Shire Reserve Trust Committee Meeting. Resolution Nos 13-438 to 13-441 were used for the Byron Shire Reserve Trust Committee Meeting. The Ordinary Meeting reconvened at 2.06pm.

MAYORAL MINUTE

There was no Mayoral Minute.

NOTICE OF MOTION

Notice of Motion No. 8.1. Consideration of night-time enhancement of Bay Lane, Byron Bay

#E2013/51760

13-442 Resolved:

1. That Council liaise with businesses and property owners along Bay Lane to ascertain interest and consider challenges in the after hours closure of Bay Lane, Byron Bay.
2. That the proposed closure would extend from Jonson Street, to the Beach Hotel accommodation car parking entrance.
3. That a report is brought to Council outlining outcomes of discussions. (Richardson/Cubis)

The motion was put to the vote and declared carried.

PETITIONS

There were no petitions tabled.

SUBMISSIONS AND GRANTS

There were no submissions or grants tabled.

DELEGATES' REPORTS

1. 2013 National Local Government Best Practice and Financial Management Conference, 14-15 August 2013

Introduction

Crs Chris Cubis and Alan Hunter attended the joint conference representing Byron Shire Council to gain a better understanding of how industry standards and best practice is affecting the performance of Local Government Authorities around the country. It is our intention to provide a more detailed report to the General Manager once we receive all the conference presentation papers in the next couple of weeks. The conference participants were made up of a mixture of councillors, general manager's and senior staff.

Financial Sustainability

Meeting the challenges

- Financial performance continually changing due to changing population, regulation, community expectations, human resource and commercial needs
- Sustainability, lean thinking, how to make do with less
- Financial sustainability, integrating forecasting knowledge between departments particularly finance/engineering.
- More concise forecasting that are understandable and assist decision making and service levels
- Forecasting, budgets, audits, and depreciation as a useable financial tool rather than as part of a state requirement
- Reassessing service levels compared to budget and seeking public comment on the options available

Key success factors

- Disciplined financial forecasting as a planning tool
- Critical linkage between land use planners and finance department
- Finance planners need to model various alternatives for best results
- Regular financial reviews of both costs and revenue
- Strong communication linkages throughout the organisation
- Revenue required to at least meet cost of LG services
- Adequate cash reserves
- Strong asset management plans
- Committed to infrastructure renewal and maintenance
- Matching service level to financial capabilities
- Priority list of projects, deferring the least important
- Cooperation between councils on raising loan capital, purchasing and use of plant
- Develop good financial models prior to decisions not the other way round
- Staff moral and leadership, use of software and technology to improve communication, integrating decision making with public feedback, and budget forecast.

Key Financial Performance Indicators

- Qld Treasury Corporation assists local government with cost index
- Need a cross section of indicators to monitor trends in liquidity and service performance
- Communication within the organization and with the ratepayers is very important
- Dashboard indicators available for any community important issues
- Percentage of unrestricted funds available
- Regular financial reporting to Councillors has been made a lot easier

Best Practice in Local Government

A goal without a plan is just a wish. Trying hard is not good enough.

Strengthening Organisational Culture and Performance

- Important to set correct culture in Council first
- Fun, Innovation, Trust, Compassion, Openness and Respect
- Aim for a culture of continued improvement
- Corporate planning and performance management (CPM)

Key Success Factors

- Strong leadership team
- Clearly defined objectives
- KISS
- Team, well skilled and highly motivated staff
- Timing, simple but robust and clearly mapped out processes
- Tool, integrated IT solution to capture Council's requirements

- Regular report cards (dashboards) strong communication
- Disciplined financial management focused on business plan

Key Performance Indicators

- Project outcomes
- Meeting community expectations
- Level of community engagement
- Staff performance and absentee
- Bench marking with industry standards
- Set Council standards for expectations and collective behaviour
- Programmed outcomes x time x cost

2. Rous Water

Cr Dey advised the following:

Following a Notice of Motion to Rous Water, it is to develop a Reconciliation Action Plan focused on employing the same ratio of Aboriginal people as lives in the Lismore area. No other major news.

Cr Richardson asked how many people Rous employ. Cr Dey responded approximately 12 or 5%.

3. Coast Area Management Committee

Cr Wanchap advised that the Hon Robyn Parker has accepted her nomination from Byron Shire Council for the Coast Area Management Committee. Thank you everyone for supporting my application to be accepted on that Committee.

PROCEDURAL MOTION

13-443 Resolved that Council change the order of business to deal with Reports 14.1 next on the Agenda. (Richardson/Ibrahim)

The motion was put to the vote and declared carried.

COMMUNITY INFRASTRUCTURE - CONFIDENTIAL REPORT

Report No. 14.1. CONFIDENTIAL Extension of Bitumen Spray Sealing Contract 2010-00049

File No: #E2013/29427

13-444 Resolved:

1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Extension of Bitumen Spray Sealing Contract 2010-00049 are to be treated as confidential as they relate to matters specified in s10A(2)(c) and s10A(2)(d) of the Local Government Act 1993.
2. That due to the following extenuating circumstances Council extend the Bitumen Spray Sealing Contract 2010-00049 to RPQ Spray Seal Pty Ltd to 30 June 2014
 - a) Recent natural disasters and the resulting state of the road networks

- b) requirement to complete the financial years related capital works programs
- c) the current contract expires in the middle of the resealing program
- d) efficiencies that can be achieved by aligning contract to neighbouring councils' contract periods. (Dey/Richardson)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

13-445 Resolved that Report 14.2 be lifted from the table. (Richardson/Cameron)

The motion was put to the vote and declared carried.

WATER AND RECYCLING - CONFIDENTIAL REPORT

Report No. 14.2 **CONFIDENTIAL Tender Assessment Roundhouse Subdivision Works**

continued

File No: #E2013/49829

13-446 Resolved:

1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Tender - Construction of an 11 Lot Urban Subdivision at Orana Road, Ocean Shores 2013-0023 are to be treated as confidential as they relate to matters specified in s10A(2)(c) and s10A(2)(d) of the Local Government Act 1993.
2. That Council award the Lump Sum Price Tender – Tender 2013-0023 – Construction of an 11 Lot Urban Subdivision at Orana Road, Ocean Shores to J&M Bashforth & Sons for the value of \$831,824.40 (inclusive of GST).
3. That Council delegate to the General Manager the authority to administer this contract to the contract value plus the contingency value nominated in this report.
4. That Council authorise the affixing of the Council seal to all documents that may require it, in regards to the Contract.
5. That Council approve the increase in the project budget to \$1,453,006 to be funded from the proceeds of sales.
6. That Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.
7. That the report of the closed part of the meeting remains confidential until the contract is finalised. (Cubis/Dey)

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

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORTS

Report No. 12.8. Markets Policy Review Project Reference Group

File No: #E2013/45051

13-447 Resolved:

1. That Council establish the Markets Policy Review Project Reference Group comprising Councillors Ibrahim, Richardson, Cubis, Cameron and Spooner, 3 interested community representatives, 3 market manager representatives, 3 market stall holder representatives and staff nominees of the General Manager.
2. That Council authorise the Project Reference Group to undertake a review of the Market Policy in accordance with the constitution contained at Annexure 1(a) (#E2012/9824) with a report due to Council in February 2014.
3. That Council authorise the Project Reference Group to seek additional non-voting members to the committee in an attempt to source relevant community expertise to assist in the review of the Market Policy and/or recommendations to Council.
4. That Council adopt the draft constitution at Annexure 1(a) (#E2012/9824) for the Project Reference Group as amended by part 1 and part 2 of above.
5. That the legal advice from Marsdens dated 17 May 2013 and identified as #E2013/35928 be made publicly available. (Ibrahim/Dey)

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

Report No. 12.13. Establishment of Australia Day 2014 Project Reference Group

File No: #E2013/48666

13-448 Resolved:

1. That Council participate in the Australia Day Council Ambassador Program for 2014 Australia Day Activities.
2. That the objectives for the Australia Day 2014 Project Reference Group, as outlined in this report, be adopted.
3. That the Constitution for the Australia Day PRG (#E2013/48668) shown at Annexure 7 be adopted.
4. That Council advertise seeking organisations to nominate representatives to be a member on the Australia Day PRG and to invite the following organisations to nominate representatives to be a member on the Australia Day PRG.
 - Byron Bay Rural Fire Brigade, Suffolk Park
 - Bangalow Historical Society
 - Rotary Club of Byron Bay
 - Quota International of Brunswick Valley Inc

- Brunswick Mullumbimby Lions Club
- Ocean Shores Community Association
- Brunswick Valley Historical Society
- Sisters for Reconciliation
- Youth Council

(Cubis/Richardson)

The motion was put to the vote and declared carried.

Report No. 12.14. Section 355 Committees - Fees and Charges

File No: #E2013/48465

13-449 Resolved:

1. That Council adopt the 22% commission on all art work sold whilst holding an exhibition in the Lone Goat Gallery.
2. That council recommends to the Section 355 committee the creation of a website using funds raised from the commissions collected to promote local artists and create a link from and to Councils website.
3. That Council note the anomalies in the fees being charged and endorse the subsidy being provided by the Ocean Shores Community Centre Section 355 to existing regular clients of the Centre for the 2013/2014 financial year.
 - a) The anomalies in fees and subsidy being provided being:
 - Seniors Computer Club - \$12.50 per hour for meeting room (adopted fee \$16 per hour)
 - Self Defence Instructor - \$27 per hour for hall (adopted fee \$33 per hour)
 - Quilting Group - \$30 per week for meeting room (adopted fee \$16 per hour)
 - Northern Rivers Family Care Centre - \$22 one day per month (adopted fee \$90 per day)
 - b) That the Section 355 Committee advise these clients of the anomaly with these fees and that they will be reviewed by the Committee in the preparation of the Draft 2014/15 Fees and Charges for consideration by Council and with the adopted fees and charges for the financial year commencing 1 July 2014. (Wanchap/Dey)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 12.22. PLANNING – Draft Byron LEP 2012 Submissions Finalisation 1

File No: #E2013/47042

13-450 Resolved that the meeting move into committee.

(Dey/Ibrahim)

The motion was put to the vote and declared carried.

COMMITTEE MEETING

13-451 **Resolved** that the committee meeting move back into the Ordinary Meeting. (Richardson/Dey)

The motion was put to the vote and declared carried.

13-452 **Resolved** that in relation to the draft Byron LEP 2012 Council adopts the following recommendations:

Discussion Paper recommendations

1. Amend Schedule 2 (Exempt Development) to change the heading "Cemetery" to "Burials on private land".
2. Amend clause 6.1 Earthworks of draft Byron LEP 2012 by deleting subclauses (1)(b) and (2)(b).
3. Amend clause 4.1AA *Minimum subdivision lot size for community title* schemes to delete "SP3 Tourist" from application of subclause (2).

Government Agency submissions recommendations

4. Amend the draft Land Zoning Maps so that waterways that form the boundary between Byron Shire and Lismore City, namely Coopers Creek and Wilsons River, are zoned as 'W1 Natural Waterways'.
5. Amend Schedule 2 Exempt development under the current heading 'Strata subdivision of an existing building' as follows:
 - Add new subclause: "(4) Does not apply to development that requires a Bushfire Safety Authority under Section 100B of the Rural Fires Act 1997"
 - Add "IN2" to subclause (1)
 - Change the heading to "Strata subdivision of a lawfully erected building"
6. Amend the draft LEP to replace "Roads and Traffic Authority" with "Roads and Maritime Services" wherever it occurs.
7. Amend the draft Land Zoning Map where applicable to ensure that all land Gazetted as National Park or Nature Reserve, and that is owned by National Parks and Wildlife Service, is zoned E1 National Parks and Nature Reserves.

Staff matters recommendations

8. Amend draft Floor Space Ratio Map to:
 - 0.5:1 for Lot 12 DP 601851 (42 Massinger St, Byron Bay)
 - 0.6:1 for SP 30458 (34 Lawson St, Byron Bay)
 - 0.75:1 for Lot C DP 368311 (58 Stuart Street, Mullumbimby).
 9. Amend draft Minimum Lot Size Map to:
 - 600m² for Lot 12 DP 601851 (42 Massinger St, Byron Bay) and
 - 600m² for SP 30458 (34 Lawson St, Byron Bay)
 - 200m² for Lot C DP368311 (58 Stuart Street, Mullumbimby).
-

10. Amend draft Floor Space Ratio Map to 0.5:1 for any land within a business zone with an FSR (as proposed in the publicly exhibited version of draft LEP 2012) of 0.4:1.
11. Amend draft Clause 4.1AA *Minimum subdivision lot size for community title schemes* by adding new subclause (3A)(d) as follows:

'(d) there is no more than one dwelling erected on each neighbourhood lot.'
12. That the following provision be inserted into Schedule 2 Exempt Development:

General Signage by a public authority
 - (1) *Erected by or for the Council or a Public Authority for public or commercial purposes for providing space for display of general signs on the road reserve or other public land*
 - (2) *Maximum combined area of 3 m²*
 - (3) *Freestanding or co-located on public infrastructure*
 - (4) *Must be structurally adequate*
 - (5) *Must be located so that it does not:*
 - *interfere with the effectiveness of, or adversely affect, a traffic control device, or*
 - *obscure a driver's view of a road hazard, or*
 - *attempt to imitate a traffic control device, or*
 - *become a dangerous obstruction.*
13. Insert new clause 4.1B *Minimum subdivision lot size for boundary adjustment subdivision (boundary adjustments) in certain rural zones*, as contained in Annexure 2(c) (#E2013/50508); retain clause 4.1C as is and re-number the existing clause 4.1B to become clause 4.1D.
14. Amend draft Land Zoning maps to ensure that land no longer needed by NSW Roads & Maritime for the Pacific Highway re-alignment is zoned according to Council's methodology and/or consistent with surrounding land, along with any consequential amendments required to the related Minimum Lot Size map or other maps applying to the land.
15. Amend draft Land Zoning Map so that the whole of Lot 12 DP 1182245 (28 Melaleuca Drive, Mullumbimby) is zoned R5 Large Lot Residential, and
16. Amend draft Floor Space Ratio (FSR) Map so that the whole of Lot 12 DP 1182245 (28 Melaleuca Drive, Mullumbimby) has no FSR, and
17. Amend draft Minimum Lot Size (MLS) Map so that the whole of Lot 12 DP 1182245 (28 Melaleuca Drive, Mullumbimby) has a MLS of 8000m².
18. Amend the R5 zone boundary on Lot 4 DP 632110 (85 Armstrong Lane, Broken Head) to include proposed lots 1, 2 and 3 in the R5 Large Lot Residential zone in accordance with DA consent 10.2012.191.1, with the proposed E3 area to remain unaltered and the remainder of the property be zoned RU1 as shown in Map 1 at Annexure 2(c).
19. Amend the draft Minimum Lot Size Map to provide for a 2.5 hectare minimum lot size on the amended area of R5 zoned land on Lot 4 DP 632110 (85 Armstrong Lane, Broken Head) and a 40 hectare minimum lot size on the amended area of RU1 zoned land on the same lot.

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20. Amend property description for proposed Heritage Item I119 (House – 11A Argyle Street, Mullumbimby) in Schedule 5 of the draft LEP to read: Lots 11 & 12 Section 1 DP4721; and amend corresponding draft LEP Heritage Map so that Lot 13 Section 1 DP 4721 is no longer identified as a draft heritage item.
21. Amend draft LEP maps to accord with 'Standard Technical Requirements for LEP Maps November 2012 Version 2.0'.
22. Insert definitions for '*people who are socially disadvantaged*' and '*people with a disability*' consistent with the Standard Instrument (Local Environmental Plans) Order
23. Insert definition for '*forestry*' consistent with the Standard Instrument (Local Environmental Plans) Order
24. Insert definition for '*small bar*' and amend the existing definition of '*food and drink premise*'s consistent with the Standard Instrument (Local Environmental Plans) Order.
25. Amend the draft Land Zoning Map so that all of Lot 106 DP 1001878 (Pacific Hwy, Wooyung) is zoned E1 National Parks and Nature Reserves.
26. Amend the draft Land Zoning Map so that Lots 90 and 91 DP 755712 (Escarpment Rd, Wilsons Creek) are zoned E1 National Parks and Nature Reserves.
27. Amend the draft LEP 2012 Land Zoning Map to rezone Lots 37 & 38 DP 1164347 and part of Lots 34, 35 & 36 DP 1164347 (Pacific Highway, Brunswick Heads) from R3 Medium Density Residential zone to RU2 Rural Landscape zone as illustrated in Map 2 at Annexure 2(c).
28. Amend the draft LEP 2012 Land Zoning Map to rezone the portion of Lot 4 DP 506740 (Seven Mile Beach Rd, Broken Head) on the eastern side of Seven Mile Beach Road from E1 National Parks and Nature Reserves zone to E2 Environmental Conservation zone.
29. Amend the draft LEP 2012 Land Zoning map to rezone Lot 1 DP 857013 (95 Old Bangalow Road, Byron Bay) to part SP3 Tourist and E2 Environmental Conservation consistent with the extent of the proposed 2(t) and 7(b) Zones respectively nominated under Draft Byron LEP 1988 Amendment No. 153.
30. Amend the corresponding draft Minimum Lot Size maps in relation to Lot 1 DP 857013 (95 Old Bangalow Road, Byron Bay) to reflect the following:
 - SP3 Zoned Land – 1 Hectare
 - E2 Zoned Land – 40 hectares
31. Amend the draft LEP 2012 Land Zoning Map so that the RU2 Rural Landscape zone boundary lines up with the eastern property boundary of Lot 1 DP 616011 (131 Rifle Range Rd, Bangalow).
32. Amend draft LEP 2012 Land Zoning Map (002B) so that Lot 1 DP 577722 and Lot 2 DP 635195 remain entirely zoned E2 Environmental Conservation.
33. Amend draft LEP 2012 Heritage Map (002) so that Lot 2 DP 635195 is correctly identified as draft heritage item I186.
34. Amend property description for draft Heritage Item I125 in Schedule 5 of the draft LEP to read: Lot 11 DP 1185626; and amend corresponding draft LEP Heritage Map (002BA) so that Lot 11 DP 118562 is identified as draft heritage item I125.

35. Amend property description for draft Heritage Item I025 in Schedule 5 of the draft LEP to also include: Lot 7405 DP 1180630; and amend corresponding draft LEP Heritage Map (003CBA) so that Lot 7405 DP 1180630 is also identified as draft heritage item I025
36. Amend the draft LEP 2012 Land Zoning Map so that all of Lot 162 DP 1187436 (Brunswick Heads) is zoned E1 National Parks and Nature Reserves.
37. Amend the draft LEP 2012 Land Zoning Map so that all of Lot 161 DP 1187435 (Brunswick Heads) is zoned E1 National Parks and Nature Reserves.
(Cameron/Richardson)

The motion was put to the vote and declared carried.

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

FORESHADOWED MOTION

Moved: That in relation to the draft Byron LEP 2012 Council inserts the following item in Schedule 2 Exempt development of draft Byron LEP 2012:

Earthworks ancillary to development

- 1) Must be ancillary to development that is exempt, permitted without consent or to development for which consent has been given.
- 2) Must be located at least 900mm from each lot boundary, and
- 3) Must not require cut or fill more than 600mm below or above ground level (existing)
- 4) Must not redirect the flow of surface water onto an adjoining property.
- 5) Must be located at least 1m from any registered easement, sewer main or water main.
- 6) if the fill is imported to the site - only contain natural materials and must be free of building and other demolition waste.
- 7) if it is carried out in a heritage conservation area or a draft heritage conservation area - be located in the rear yard.
- 8) Must be located at least 40 metres from a waterway (excluding artificial waterbody).
- 9) Must not be located on land affected by acid sulfate soils (classes 1 or 2) as mapped on the Acid Sulfate Soils Map.
(Cameron/Richardson)

AMENDMENT

13-453 Resolved that in relation to the draft Byron LEP 2012 Council inserts the following item in Schedule 2 Exempt development of draft Byron LEP 2012:

Earthworks ancillary to development

- 1) Must be ancillary to development that is exempt, permitted without consent or to development for which consent has been given.
- 2) Must be located at least 900mm from each lot boundary, and
- 3) Must not require cut or fill more than 900mm below or above ground level (existing)
- 4) Must not redirect the flow of surface water onto an adjoining property.
- 5) Must be located at least 1m from any registered easement, sewer main or water main.
- 6) if the fill is imported to the site - only contain natural materials and must be free of building and other demolition waste.
- 7) if it is carried out in a heritage conservation area or a draft heritage conservation area - be located in the rear yard.
- 8) Must be located at least 40 metres from a waterway (excluding artificial waterbody).
- 9) Must not be located on land affected by acid sulfate soils (classes 1 or 2) as mapped on the Acid Sulfate Soils Map.
(Ibrahim/Cubis)

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

FORESHADOWED MOTION

13-454 Resolved that in relation to the draft Byron LEP 2012 Council adopts the following recommendation:

- Amend draft Minimum Lot Size Map for land zoned RU5 in Main Arm Village on the southern side of Main Arm Road to reflect a minimum lot size of 4000m². (Dey/Wanchap)

AMENDMENT

Moved: That in relation to the draft Byron LEP 2012 Council adopts the following recommendation:

- Amend draft Minimum Lot Size Map for land zoned RU5 in Main Arm Village on the southern side of Main Arm Road to reflect a minimum lot size of 2000 m². (Ibrahim/Cubis)

*The amendment was put to the vote and declared tied.
Crs Dey, Richardson, Cameron and Wanchap voted against the amendment.
The Mayor used his casting vote and declared the amendment lost.*

*The motion was put to the vote and declared tied.
Crs Ibrahim, Cubis, Spooner and Hunter voted against the motion.
The Mayor used his casting vote and declared the motion carried.*

SOCIETY AND CULTURE – EXECUTIVE MANAGER’S REPORT

Report No. 12.25. Byron Regional Sport and Cultural Complex Management Review
File No: #E2013/49547

Moved:

1. That the expression of interest and select tender process recommended in resolution 13-251 be abandoned in favour of the development of a new direct management model for the Byron Regional Sport and Cultural Complex (BRSCC) Multi Purpose Facility.
2. That Council authorise the General Manager to expeditiously develop a new direct management model and business plan based on improvements to the current interim management arrangements, and with consideration of the recommendations in the SGL Consultants Australia ‘Byron Regional Sport and Cultural Complex Management Review’ (#E2013/50498).
3. That the General Manager provide regular progress reports on the development and implementation of the new direct management model and business plan for the Multi Purpose Facility at the BRSCC to Council’s Finance Advisory Committee.
4. That the proposed Section 355 Management Committee for the BRSCC be dissolved and a new BRSCC Advisory Committee be formed, with a revised constitution being prepared and reported to Council.

5. That the new direct management model include management of the entire site (both the multi purpose facility and the outdoor facilities and fields) as well as leasing options of specific sites (e.g. the commercial kitchen) at the BRSCC Multi Purpose Facility for both sporting, cultural and commercial uses.
6. That Council extend the current interim management arrangements at the BRSCC Multi Purpose Facility until the new direct management model is implemented.
7. That staff report to the Council (and the Finance Advisory Committee) during the normal quarterly budget review cycle on any further transitional budget impacts beyond those already anticipated and adopted. (Cameron/Richardson)

AMENDMENT

13-455 Resolved:

1. That the expression of interest and select tender process recommended in resolution 13-251 be abandoned in favour of the development of a new direct management model for the Byron Regional Sport and Cultural Complex (BRSCC) Multi Purpose Facility.
2. That Council authorise the General Manager to expeditiously develop a new direct management model and business plan based on improvements to the current interim management arrangements, and with consideration of the recommendations in the SGL Consultants Australia 'Byron Regional Sport and Cultural Complex Management Review' (#E2013/50498).
3. That the General Manager provide regular progress reports on the development and implementation of the new direct management model and business plan for the Multi Purpose Facility at the BRSCC to Council's Finance Advisory Committee.
4. That the proposed Section 355 Management Committee for the BRSCC be dissolved and a new BRSCC Advisory Committee be formed, with a revised constitution being prepared and reported to Council.
5. That the new direct management model include management of the entire site (both the multi purpose facility and the outdoor facilities and fields) as well as leasing options of specific sites (e.g. the commercial kitchen) at the BRSCC Multi Purpose Facility for both sporting, cultural and commercial uses (with consideration of the needs of local sporting groups to have access to a canteen and that other users may require the use of the commercial kitchen).
6. That Council extend the current interim management arrangements at the BRSCC Multi Purpose Facility until the new direct management model is implemented.
7. That staff report to the Council (and the Finance Advisory Committee) during the normal quarterly budget review cycle on any further transitional budget impacts beyond those already anticipated and adopted. (Cubis/Hunter)

The amendment was put to the vote and declared carried.

No councillors 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.

WATER AND RECYCLING – EXECUTIVE MANAGER’S REPORT

Report No. 12.28. Telstra Telecommunications Tower Bangalow Reservoir
File No: #E2013/49590

13-456 Resolved that in relation to the request from Telstra for owners’ consent to submit a development application for the purpose of a mobile phone telecommunications tower on Lot 102 DP 1155344 (which is Council owned land located at Rankin Drive, Bangalow), Council liaise with Telstra to consider other potential sites (e.g. further away from residences).
(Richardson/Cameron)

AMENDMENT

Moved: That Council allow Telstra to submit a development application for the purpose of a mobile phone telecommunications tower on Lot 102 DP 1155344 which is Council owned land located at Rankin Drive, Bangalow and authorise the General Manager to sign the owner’s consent.
(Ibrahim/Cubis)

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

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

GENERAL MANAGER - COMMITTEE REPORT

Report No. 13.1. Report of the Communications Advisory Committee Meeting held on 31 July 2013
File No: #E2013/48995

Moved:

Committee Recommendation 4.1.1

1. That the Draft *Be Prepared: Coastal Hazards Community Education and Engagement Plan* is endorsed.
2. That the General Manager, as the delegated authority, appoint a Council officer as the main point of contact for the community during an emergency or hazard event.
3. That an emergency response matrix be prepared and include the roles of all emergency response agencies.

In relation to Committee Recommendation 4.3.1

That (i) a new style guide be prepared based on the existing logo; (ii) the Committee be asked to consider logos more reflective of the nature of the Byron Shire community (ie less corporate, more rainbow, and possibly reflecting the lighthouse).
(Dey/Hunter)

AMENDMENT

13-457 Resolved:

Committee Recommendation 4.1.1

1. That the Draft *Be Prepared: Coastal Hazards Community Education and Engagement Plan* is endorsed.

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2. That the General Manager, as the delegated authority, appoint a Council officer as the main point of contact for the community during an emergency or hazard event.
3. That an emergency response matrix be prepared and include the roles of all emergency response agencies.

Committee Recommendation 4.3.1

That a new style guide be prepared based on the refreshed logo as per below:



(Richardson/Spooner)

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

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

There being no further business the meeting concluded at 4.47pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 19 September 2013.

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Mayor Simon Richardson