



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 19 September 2013

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
19 September 2013

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19 SEPTEMBER 2013 (1 of 24)

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 19 SEPTEMBER 2013 COMMENCING AT 10.30AM AND CONCLUDING AT 4.18PM

#E2013/58862

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

Staff: Ken Gainger (General Manager)
Phil Holloway (Executive Manager Community Infrastructure)
Mark Arnold (Executive Manager Corporate Management)
Ray Darney (Executive Manager Environment and Planning)
Shannon McKelvey (Executive Manager Organisational Support)
Phil Warner (Executive Manager Water and Recycling)
Joylene McNamara/Mila Jones (Minute Taker)

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

APOLOGIES: There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

13-458 Resolved that the Minutes of the following meetings be confirmed:

- Ordinary Meeting held on 29 August 2013
- Byron Shire Reserve Trust Committee Meeting held on 29 August 2013

The motion was put to the vote and declared carried.

(Hunter/Wanchap)

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

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

EXECUTIVE MANAGERS' REPORTS

Community Infrastructure

12.1. Intersection of Rifle Range Road and Lismore Road, Bangalow

Corporate Management

- 12.6. Former Telstra Depot Site – Expressions of Interest for Lease
- 12.7. Update on Ministerial correspondence relating to street camping
- 12.8. Proposed New Year's Eve 2013 Alcohol Prohibition for Byron Bay and Brunswick Heads
- 12.9. Election of Deputy Mayor

Environment and Planning

- 12.10. PLANNING – Planning proposal for an amendment to the draft LEP 2012 to permit additional uses at Lot 101 DP 1140936, Ewingsdale Road, Ewingsdale
- 12.11. PLANNING – Planning proposal for an amendment to the draft LEP 2012 to amend the zone boundaries in Tallowood Ridge to preserve existing Koala vegetation
- 12.12. PLANNING – Draft Byron LEP 2012 Submissions Finalisation Report 2
- 12.13. Solar Power Generation for Byron Shire Council

Society and Culture

- 12.14. Richmond Tweed Regional Library – Options for Service Delivery Reduction

COMMITTEE REPORTS

General Manager

- 13.1. Report of the Finance Advisory Committee Meeting held on 22 August 2013

Society and Culture

- 13.6. Report of the Community Summer Safety and Cultural Activities Committee Meetings held on 16 and 30 August 2013

Water and Recycling

- 13.7. Report of the Water, Waste and Sewer Advisory Committee Meeting held on 22 August 2013

CONFIDENTIAL REPORTS

Corporate Management

- 14.1. CONFIDENTIAL Tender – Internal Audit Services 2013-0024

The remaining Recommendations and Committee Recommendations were adopted as a whole, being moved by Cr Woods and seconded by Cr Hunter. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 13-459 and concluding with Resolution No. 13-477.

COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER'S REPORT

Report No. 12.2. 2013 Road Safety Black Spot Funding Program Submissions

File No: #E2013/55305

- 13-459 Resolved** that Council endorse the 2013 Road Safety Black Spot Funding Program submissions as detailed in this report (#E2013/55305). (Woods/Hunter)

CORPORATE MANAGEMENT AND COMMUNITY INFRASTRUCTURE - EXECUTIVE MANAGERS' REPORT

Report No. 12.3. Works Depot Mullumbimby – Owner's Consent to Lodge Development Application

File No: #E2013/32484

13-460 Resolved:

1. That Council:
 - a) support the development application as shown at Annexure 14 (#E2013/39859); and
 - b) authorise the General Manager to apply to the Crown Lands Division of NSW Trade and Investment for owner's consent to lodge the development application as shown at Annexure 14 (#E2013/39859).
2. That NSW Rural Fire Service pay the \$65.70 application fee to Crown Lands Division to make application for the granting of owner's consent to lodge the development application. (Woods/Hunter)

CORPORATE MANAGEMENT - EXECUTIVE MANAGER'S REPORTS

Report No. 12.4. Affix the Council Seal to Lease of part BRSCC

File No: #E2013/53624

- 13-461 Resolved** that Council's Seal be affixed to the lease of Part Lot 3 DP 706286 with AFL Queensland Ltd, substantially in the form at Annexure 12 (#E2013/53626), in accordance with Clause 400 of the Local Government (General) Regulations 2005. (Woods/Hunter)

Report No. 12.5. Change of company shareholders under sub-licence agreement Mojosurf Pty Ltd

File No: #E2013/54142

- 13-462 Resolved** that Council agrees to depart from Policy 5.52 'Commercial Activities on Coastal and Riparian Crown Reserves' and consent to the change in company shareholders of Mojosurf Pty Ltd to allow the company to retain its sub-licence under its current provisions for the remainder of its term expiring on 31 August 2017. (Woods/Hunter)

GENERAL MANAGER – COMMITTEE REPORT

Report No. 13.2. Report of the Tourism Advisory Committee Meeting held on 1 August 2013

File No: #E2013/55606

- 13-463 Resolved** that Council note the minutes of the Tourism Advisory Committee Meeting held on 1 August 2013. (Woods/Hunter)

COMMUNITY INFRASTRUCTURE - COMMITTEE REPORT

Report No. 13.3. Report of the Transport Advisory Committee Meeting held on 27 August 2013

File No: #E2013/56041

13-464 Resolved that Council note the Unconfirmed Report of the Transport Advisory Committee Meeting held 27 August 2013 (Annexure 17(a) #E2013/57765).

13-465 Resolved that in relation to Report No. 4.1 – Committee Membership and Election of Chair (Community Infrastructure E2013/53815), Council adopt:

Committee Recommendation TrAC 4.1.1

That Council appoint Cr Cameron as Chairperson of the Transport Advisory Committee.

13-466 Resolved that in relation to Report No. 4.1 – Committee Membership and Election of Chair (Community Infrastructure E2013/53815), Council adopt:

Committee Recommendation TrAC 4.1.2

- a) That Council, in regard to membership and service of the Transport Advisory Committee:
- i) write and thank the following for their efforts and involvement:
 - Kate Geary and Linda Wirf of the Northern Rivers Social Development Council
 - Melissa Armstrong, community member representative
 - ii) endorse the nomination of Philip Preston as a member
 - iii) advertise for a further two (2) community members
 - iv) that Section 3 Membership is updated as follows:
Membership is to include:
 - 4 councillors
 - between 2 and 5 community representatives
 - General Manager (or delegate)
- b) That the following changes be made to the Constitution of the Committee:
- i) Purpose to be changed to read “The Transport Policy”
 - ii) Quorum to be changed to read “A quorum is achieved when:
 - half the number of non-staff members are present (half numbers rounded up)
 - half the number of Councillors are present (half numbers also rounded up)
 - the General Manager, or delegate, is present
 - iii) Heading number 8 to be removed
 - iv) Section 9 to be removed
 - v) Section 10 – be changed to read “...through the Chair”
 - vi) Change the word ‘group’ to ‘Committee’
 - vii) Remove ‘all’ from the beginning of 16.1 and 16.2

13-467 Resolved that in relation to Report 4.2 – Trial Holiday Park and Ride Service, Byron Bay 2013/14 (Community Infrastructure E2013/50037), Council adopt:

Committee Recommendation TrAC 4.2.1

That Council:

- a) note the estimated operational cost of providing a park and ride service over twelve (12) days commencing from 26 December 2013

- b) note the need for communication and marketing
- c) acknowledge the potential for revenue to subsidise the service
- d) note the upcoming stakeholder meeting in relation to part 4 of resolution 13-243
- e) note the potential to use the rail corridor for park and ride that avoids conflict for traffic on Shirley Street
- f) note that the Committee recommends a coupon only parking system, as per New Year's Eve, for the 12 day duration of the park and ride period
- g) investigate the option of using Butler Street Reserve for 'early bird parking' on the days it is available
- h) authorise staff to investigate and report back to Council quotations for delivery of a park and ride service and identifying a budget source

13-468 Resolved that in relation to Report 4.3 – NRSDC Funding Request toward a Regional Transport Guide and Status of the Regional Rail Taskforce (Community Infrastructure E2013/54088), Council adopt:

Committee Recommendation TrAC 4.3.1

- a) That Council provide \$2,000 for the NRSDC Northern Rivers Transport Guide project as detailed in their submission dated 2 July 2013 (E2013/41466).
- b) That the \$2,000 Council contribution be provided from the \$5,000 available and allocated to the Regional Rail Taskforce, with the \$3,000 balance made available and used as necessary to undertake Council Resolution 13-243.

13-469 Resolved that in relation to Report 4.4.1 – Byron Bay Pedestrian Projects and Audits (Community Infrastructure E2013/54100), Council not adopt Committee Recommendation 4.4.1, but instead adopt:

Management Recommendation TrAC 4.4.1

- a) That Council not proceed with the traffic modelling as proposed by Part 2(a) of Resolution 10-834, which was to investigate the potential banning of right-turn movements from Lawson Street into the First Sun caravan park, Byron Bay.
- b) That Council undertake cyclist and pedestrian counts of Byron Bay town centre to further inform:
 - i) the resolved and funded 2013/14 review of Council's Pedestrian Access and Mobility Plan (PAMP), with priority given to Lawson Street, between Butler Street and Jonson Street, and Jonson Street, between Bay Street and Marvell Street
 - ii) the necessary investigations regarding the proposal for providing direct vehicular access from Lawson Street into the Lawson Street north car park
 - iii) the proposed development of a pedestrian precinct and / or shared zone in Jonson Street, Byron Bay, between Bay Street and Lawson Street and / or Lawson Street and Byron Street
 - iv) the enhancement of the existing shared zone in Bay Lane and the potential of including Jonson Street, from Bay Lane to Bay Street, and Bay Street, between Jonson Street and Fletcher Street
- c) That in the event Council's August 2013 funding submission for the development of a Byron Bay Master Plan is successful, the following projects not be undertaken and instead referred for further consideration in regard to the master plan project, that is:
 - i) the development of concepts and designs for projects detailed in above items 2(c) and 2(d); and
 - ii) construction of the 2013/14 programmed works at the intersection of Bay and Jonson Street, Byron Bay as per Council design plan 2065, noting that the budget for this project will be used as Council's contribution toward the master plan.

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- d) That in the event Council's August 2013 funding submission for the development of a Byron Bay Master Plan is unsuccessful, staff provide a report back to the Committee by March 2014 which details concepts and designs for projects described in above items 2(c) and 2(d) plus also detail:
- i) in accordance with 10-834 part 2(b), materials for purposes of consultation; and
 - ii) the integration, delivery and/or modification of the proposed works at the intersection of Bay and Jonson Street, Byron Bay as per Council design plan 2065

13-470 Resolved that in relation to Report 4.5 – Byron Bay Bypass Update and Preliminary Design (Community Infrastructure E2013/54416), Council not adopt Committee Recommendation 4.5.1, but instead adopt the following:

Management Recommendation TrAC 4.5.1

That staff investigate and report back on an alternative alignment closer to the rail corridor for the proposed Byron Bay bypass.

13-471 Resolved that in relation to Report 4.6 – Byron Bay Town Centre Parking Study (Community Infrastructure E2013/54450), Council adopt:

Committee Recommendation TrAC 4.6.1

That Council notes the progress report on the Byron Bay town centre parking study, including the engagement of TTM Consulting (Gold Coast) to undertake the study. (Woods/Hunter)

ENVIRONMENT AND PLANNING - COMMITTEE REPORT

Report No. 13.4. Report of the Planning Review Committee Meeting held on 21 August 2013

File No: #E2013/53978

13-472 Resolved that the report be noted. (Woods/Hunter)

SOCIETY AND CULTURE - COMMITTEE REPORT

Report No. 13.5. Report of the Arakwal Memorandum of Understanding (MoU) Advisory Committee Meeting held on 15 August 2013

File No: #E2013/52762

13-473 Resolved that Council note the minutes from the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 15 August 2013.

13-474 Resolved that in relation to Report No. 4.1 Draft Arakwal Memorandum of Understanding Implementation Plan 2013/14, Council adopt:

Management Recommendation AMoU 4.1.1

1. That Council endorse the revised Implementation Plan 2013/14 (#E2013/40871).
2. That a presentation be held, as part of a Strategic Planning workshop in 2013, with Councillors, Council staff, a member from the Arakwal MoU Advisory Committee and Natalie Rotumah from Native Title Services Corporation (NTSCorp) to discuss Native Title in Byron Shire.

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3. That the above presentation be included as Strategic Action 5.1.iii in the Arakwal Memorandum of Understanding Implementation Plan 2013/14.
4. That the Priority Projects listed at Section 3.3 occur within 12 months from the date of adoption of the Plan.

13-475 Resolved that in relation to Other Business 6.1 Acknowledgement of NAIDOC Week celebrations and transfer of signed copy of MoU to Arakwal Corporation, Council adopt:

Committee Recommendation AMoU 6.1.1

That all Councillors and staff receive a copy of the signed MoU.

13-476 Resolved that in relation to Other Business 6.3 Welcome to Country signs, Council adopt:

Committee Recommendation AMoU 6.3.1

That the Welcome to Country signs be erected at the following locations:

- a) Ewingsdale Road - opposite new Hospital site, close to McGettigan's Lane
- b) Western Shire boundary - near Welcome to Shire sign (requires approval from RMS)
- c) Broken Head Road – 800m south of the Broken Head Reserve Road turnoff

13-477 Resolved that in relation to Other Business 6.6 Redress for clothes optional declaration at Tyagarah Beach, Council adopt:

Committee Recommendation AMoU 6.6.1

That the process for validating Aboriginal heritage statements be addressed as an item at a Strategic Planning workshop as in Committee Recommendation AMoU 4.1.1 above.

(Woods/Hunter)

PROCEDURAL MOTION

13-478 Resolved that the order of business be changed to deal with items discussed during Public Access, those being 12.14 and 12.6, next on the Agenda. (Woods/Cubis)

The motion was put to the vote and declared carried.

ITEMS RESERVED FOR DEBATE

SOCIETY AND CULTURE - MANAGER'S REPORT

Report No. 12.14. Richmond Tweed Regional Library – Options for Service Delivery Reduction

File No: #E2013/52820

13-479 Resolved:

1. That Council receive and note the 'Byron Shire Library Budget Considerations' report from the Richmond Tweed Regional Library (RTRL) Manager at Annexure 2 (#E2013/55232).
2. That Council adopt the following service level reductions to library services in the shire for 2013/14, as provided in the RTRL report, to realise cost savings of \$65,500:

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- i) The RTRL reserve funds and budget savings for the Byron area library operations be accepted (\$25,800).
 - ii) The Byron Shire resources purchasing allocation be reduced by \$20,000.
 - iii) Opening hours be decreased by one hour Monday to Friday in all three library branches (\$19,775).
3. That Council write to the NSW government,
- a) outlining Council's concern over the State Governments diminishing library funding, (from a funding contribution of 23.6% in 1980-81 to just 7.5% in 2010-11) and the lack of growth of the prescribed state subsidy to each Local Government Area, remaining at \$1.85 per capita since 1998 as over this time there have been increases in service costs, wage increases for staff and additional superannuation costs.
 - b) requesting an increase to the base funding provided by the State Government to local government to meet community needs for library services.
4. That Council request a report on policies regarding commercial competitive rates and charging for ancillary services. (Richardson/Spooner)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

- 13-480 Resolved** that Byron Shire Council recommend to the RTRL that it consider a charge to non residents of \$2.00 per session for use of Wi-fi for a trial period of 12 months. (Ibrahim/Wanchap)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORT

Report No. 12.6. Former Telstra Depot Site – Expressions of Interest for Lease
File No: #E2012/10107

13-481 Resolved:

1. That Council sell by public tender or auction, the former Telstra depot site being Lot 1 DP 435267, subject to the gazettal of the proposed rezoning under the draft shire-wide LEP and that the sale by public tender or auction not begin prior to June 2014.
2. That Council formally decline any offers from prospective purchasers, advising them that any sale will be by public tender or auction.
3. That should the sale proceed by public tender, the tender assessment criteria include community benefit that considers issues such as the long-term value of development contributions and rates.
4. That pursuant to Section 10A(2)(c), Annexures 11(a) to 11(h) (#S2013/3704, E2013/17532, E2013/18171, E2013/17207, E2013/1728, E2013/46946, E2013/40401 and E2013/52038) remain confidential as disclosure of the confidential information could confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. (Cameron/Richardson)

AMENDMENT

Moved:

1. That Council resolve to sell the former Telstra depot site being Lot 1 DP 435267, subject to the proposed rezoning under the draft shire-wide LEP.
2. That Council formally decline any offers from purchasers, advising them that any sale will be via open public tender or auction.
3. That Council authorise the affixing of the Council seal to any documents required to give effect to this resolution.
4. That pursuant to Section 10A(2)(c), Annexures 11(a) to 11(h) (#S2013/3704, E2013/17532, E2013/18171, E2013/17207, E2013/1728, E2013/46946, E2013/40401 and E2013/52038) remain confidential as disclosure of the confidential information could confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. (Woods/Cubis)

The amendment was put to the vote and declared lost.

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

The motion was put to the vote and declared carried.

MAYORAL MINUTE

There was no Mayoral Minute.

NOTICES OF MOTION

Notice of Motion No. 8.1. Councillor attendance at 2014 Australian Coastal Conference and NSW Coastal Conference

#E2013/54410

13-482 Resolved:

1. That Council appoint Crs Ibrahim, Dey, Cubis, Wanchap and Woods as delegates to attend the 2014 Australian Coastal Conference to be held at Ballina from 24-26 March 2014.
2. That Council appoint Crs Woods and Wanchap as delegates to attend the 22nd NSW Coastal Conference to be held at Port Macquarie from 12 to 15 November 2013. (Richardson/Cubis)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.2. Street Banners

#E2013/57256

13-483 Resolved:

1. That Council amend Prescriptive Measures, from within Part L6.3 (Element – Street Banners) of the DCP 2002 by;

- a) Removing the words, "limited to non-profit making bodies."
 - b) Amending the words, "Advertising is limited to the name and date of the event. No sponsor information or promotion is to be included on the banner," to read, "Advertising is limited to the name and date of the event. Sponsor information or promotion on the banner should be kept to a minimum."
2. That Council amend its street banner booking information for community groups accordingly.
 3. That Council prepare both a commercial rate and community rate.
 4. That Council place the proposed amendment and change of fees and charges on public exhibition for 28 days. If no submissions are received, that these changes are adopted.
 5. That Council review the current street banner specifications to ensure most up to date technologies are being utilised, to facilitate increasing community uptake on the facility through reducing costs.
 6. That Council develop a Street Banners Policy, considering currently existing policies such as those of the City of Sydney, Cessnock City Council, Clarence Valley Council, Randwick City Council and Richmond Valley Council.
 7. That this policy also considers expanding the number of banners and possible locations.
(Richardson/Woods)

The motion was put to the vote and declared carried.

Cr Cameron voted against the motion.

PETITIONS

1. The rail trail from Casino to Murwillumbah NSW petition

Cr Ibrahim tabled a petition containing 1003 signatures which states:

"...The undersigned petitioners therefore ask the Byron Shire Council:

- *To support the preparation by Transport for NSW for an economic and feasibility study of the Northern Rivers Rail Trail.*
- *To authorise a council staff representative to participate in dealings and forums with Northern Rivers Rail Trail Association and each of the Tweed, Lismore and Richmond Councils in exploring the feasibility of the Northern Rivers Rail Trail..."*

Correspondence and Petitions No. 9.1. Support the development of a free public Skate Park in Byron Bay

#E2013/51142

13-484 Resolved:

1. That the petition regarding supporting the development of a free public skatepark in Byron Bay be noted.
2. That the petition be referred to the Executive Manager Community Infrastructure for information.

3. That the petition be considered as part of the Byron Bay Town Centre and Foreshore Master Plan.
4. That Council advise the petitioners of its actions.
5. That a report be brought to Council outlining possible locations on council owned or managed land in Byron Bay including BRSCC, Byron recreational grounds or the foreshore. (Richardson/Cubis)

The motion was put to the vote and declared carried.

SUBMISSIONS AND GRANTS

There were no submissions or grants tabled.

DELEGATES' REPORTS

11.1 LGNSW Water Management Conference

Cr Dey advised the following:

As a Rous Councillor, I attended the Water Management Conference in Terrigal on 8 – 10 September. There were some impressive water experts including Professor Tony Wong, CEO of the CRC for Water Sensitive Cities. One of the interesting points he raised was the idea that, if you do stormwater harvesting in urban areas, rather than trying to store it on scarce urban land, simply use it immediately to grow vegetation in the streets and open areas. That vegetation then shades the ground thus reducing evaporation and reducing heat in cities (heat mitigation is now a recognised concern for urban areas). A later paper revealed that the City of Sydney is definitely going ahead with that. They have made a commitment to add 50% more shading in the City of Sydney LGA (26 square kilometres in the middle of Sydney). There were some really interesting ideas like presented. When they come from a CRC, they'll be ideas that become policies in all sorts of places like ours. Another point was that the advantage to a water supply authority of having a diversity of sources of water. In other words if a water supply authority has dams and bores and various other sources, it has a more robust system than one with just a single source. The Australian Water Recycling Centre of Excellence investigates the technology and guidelines (and probably grants) for recycling including for town water supply. Another benefit of recycling water is that it satisfies demand with used water thus reducing the need to go out and capture fresh water.

11.2. Rous Water Meeting 16 September 2013

Cr Dey advised the following:

The new Chair for a year of Rous Water is Cr Sue Meehan from Ballina. The new Deputy Chair is from Byron Shire Council, Cr Diane Woods. Two other items that came up and one was the appointing of Conduct Reviewers. Rous appointed a list of 14 Reviewers, based on the recommendations of the same evaluation panel as recommended the list for Byron Shire (appointed 29 August) but excluding the 4 additional Reviewers suggested by the NOROC GMs. The other item was consideration of a draft rezoning application for land at Bexhill (Lismore City Council area). Rous' supply line runs through Bexhill and it already supplies the village, direct from the line rather than off a local reservoir. The applicant for the rezoning has land east of the main road through Bexhill and Rous would prefer to supply the expanded village from a reservoir. This gives security during blackouts. As for any major upgrade of

infrastructure, Rous has to consider who else might come along seeking supply. There is a large area zoned Rural Residential west of the main road.

I moved that Rous practice organisational Demand Management and not supply such Rural Residential properties. Every new connection to Rous brings forward the day when new water sources are needed. My motion was unsuccessful. Rous preferred a reservoir site that will also service the rural dwellings.

Cr Woods added the following:

We also did a tour of some of the facilities on Monday and the rain got us so we didn't get everywhere but it was really interesting to see the treatment plant at Lismore and it was really interesting to look at the amount of chemicals that are currently going into our water so we can drink it. One of the things that was incredibly funny was, at the moment there is a really bad algae break - forget what it's called. We looked at the water in all of the ponds that is being retreated I guess and being sent out to us to drink and this stuff was sitting on top and I thought – god are we really drinking that. To actually treat it, they are using a chemical alum hydrochlorite – I think its called and they have had to “up it” to 2,000 litres a day to assist in making our water drinkable, so I have the list of all the other chemicals they used so when we start arguing what we should put in our water and not – if you read the chemicals and read the breakdown, one of them has arsenic in it, so it's very interesting and I found that incredibly enlightening to have a look at that facility.

11.3 Biodiversity and Sustainability Committee

Cr Wanchap advised the following:

The Biodiversity and Sustainability Committee meetings have been going well and have had quite a few meetings, about 5 in the time and I see a report that is coming to Council from our Sustainability Officer and its brilliant and I really commend all the members of this committee and how they have stayed focused. Its been great to see the letters and emails coming backwards and forwards with opinions and considerations of what these members consider – its been a great support for us as councillors, the information that has been coming back – I haven't always agreed with it and I had to be warned by the Mayor that I was being a little hot headed at one stage, which I did pull my head in and thought, yep – steady Rose – Rome wasn't built in a day – so I would just like to commend this report when it comes up.

COMMUNITY INFRASTRUCTURE - EXECUTIVE MANAGER'S REPORT

Report No. 12.1. Intersection of Rifle Range Road and Lismore Road, Bangalow

File No: #E2013/38619

13-485 Resolved:

1. That Council write to the Department of Education and State Transport requesting investigation and consideration of changing school bus routes so that school buses use Keith and Leslie Street to enter and leave the Rifle Range precinct instead of on Lismore road.
2. That Council write to Roads and Maritime Services requesting consideration of installing a pedestrian crossing with flashing lights on Lismore road at the intersection with Rifle range road for school bus times.
3. That Council write to RMS if necessary informing it that ponding leading to road damage (including potholes) in the sag-point under the railway bridge over Rifle Range Road are exacerbated by poor exit conditions from its culvert under Lismore Road and asking RMS

to examine ways of removing the material downstream of the outlet so as to prevent tailwater in the pipe. (Richardson/Woods)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

- 13-486 Resolved** that other improvements for the intersection with the retention of the rail bridge and the outcomes of Resolution 13-485 be reported to Council (eg a right turn lane off Lismore Road). (Dey/Richardson)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORT

Report No. 12.7. Update on Ministerial correspondence relating to street camping
File No: #E2013/48584

- 13-487 Resolved** that Council note the contents of this report. (Cubis/Woods)

The motion was put to the vote and declared carried.

The meeting adjourned at 12.35pm for a lunch break and reconvened at 1.17pm.

PROCEDURAL MOTION

- 13-488 Resolved** that the order of business be changed to deal with 12.13 next on the agenda (Richardson/Spooner)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORT

Report No. 12.13. Solar Power Generation for Byron Shire Council
File No: #E2013/44653

- 13-489 Resolved:**

1. That Council proceed to investigating funding options of installing solar power generation on Council infrastructure including both Council self funded and Community funded options and receive a report on the viability of scheduling works for the 2013-14 financial year.
2. That Council conduct a Councillor workshop on the implications of surrendering versus selling renewable energy certificates generated from installing solar. (Wanchap/Richardson)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORTS

Report No. 12.8. Proposed New Year's Eve 2013 Alcohol Prohibition for Byron Bay and Brunswick Heads

File No: #E2013/48395

13-490 Resolved:

1. That Council prohibit alcohol within the designated areas in Byron Bay and Brunswick Head as shown in Attachments A , B and C Location Plans for New Year's Eve 2013-2014, for a period of 24 hours between 6.00am on Tuesday 31 December 2013 to 6.00am Wednesday 1 January 2014.
2. That Council undertake the necessary public exhibition, advertising, and installation of temporary signs (along the lines of Attachment D) and consultation to apply to the carrying and consumption of alcohol prohibition for the New Year's Eve period. (Spooner/Ibrahim)

The motion was put to the vote and declared carried.

Report No. 12.9. Election of Deputy Mayor

File No: #E2013/43159

13-491 Resolved:

1. That Council elect a Deputy Mayor for the ensuing period until the September 2014 Ordinary Meeting.
2. That the method of election of the Deputy Mayor be by way of ordinary ballot. (Woods/Richardson)

The motion was put to the vote and declared carried.

The Returning Officer notified Council that one nomination for the position of Deputy Mayor had been received from Cr Cameron. As there was no further nominations, Cr Cameron was declared elected as Deputy Mayor for the ensuing year.

ENVIRONMENT AND PLANNING - EXECUTIVE MANAGER’S REPORTS

Report No. 12.10. PLANNING – Planning Proposal for an amendment to the draft LEP 2012 to permit additional uses at Lot 101 DP 1140936, Ewingsdale Road, Ewingsdale

File No: #E2013/54976 x 26.2013.2.1

Moved:

1. That the planning proposal contained in Annexure 10(d) #E2013/41264, be amended where necessary to reflect the following insertion into Schedule 1 of the draft LEP 2012:

“Use of certain land at Ewingsdale Road, Ewingsdale

- 1) This clause applies to land at Ewingsdale Road, Ewingsdale, being Lot 101 DP 1140936.
 - 2) Development for the purposes of Seniors Housing, Medical Centre, Business Premises, Restaurants or Cafes, and Shops is permitted with development consent.
 - 3) Development for the purposes of Medical Centre, Business Premises, Restaurants or Cafes, and Shops is restricted to the land identified as "Area A" on the Additional Permitted Uses Map is permitted with Development Consent.
 - 4) Development for the purposes of Business Premises, Restaurants or Cafes, and Shops is limited to a combined maximum gross floor area of 3000m²."
2. That Council forward the amended planning proposal and associated annexures from the original planning proposal to the Department of Planning and Infrastructure for a Gateway determination.
3. That should the Department of Planning & Infrastructure issue a positive Gateway Determination, the following matters need to be addressed prior to the planning proposal being placed on public exhibition:
- a) A Master Plan/Development Control Plan needs to be prepared to adequately address the following issues at a minimum:
 - i) Suitable buffer areas between the existing concrete batching plant/Electricity Station and the subject land to be adequately assessed and provided; and
 - ii) Transport networks for pedestrians/buggies within and between the subject land and the hospital to be identified.
 - b) Updated Traffic studies to be prepared to address Council's MR545 Traffic Study; impact generated by proposed Byron Hospital and recently approved redirection of Woodford Lane; and consideration of vehicular access from Avocado Crescent into the subject land.
 - c) SEPP 55 site contamination assessment.
 - d) The sewerage management choice be clarified, ie whether on-site or by pump station to Byron STP.
 - e) Heritage assessment of "Buildings and surrounds" known as the Higgins Homestead located on the eastern parcel and listed as an item of environmental heritage in the Byron LEP 1988 and Schedule 5 of the Draft Byron LEP 2012.
 - f) Noise impact assessment due to proximity of future Pacific Highway alignment.
(Woods/Hunter)

AMENDMENT

13-492 Resolved:

1. That the planning proposal contained in Annexure 10(d) #E2013/41264, be amended where necessary to reflect the following insertion into Schedule 1 of the draft LEP 2012:

"Use of certain land at Ewingsdale Road, Ewingsdale

 - 1) This clause applies to land at Ewingsdale Road, Ewingsdale, being Lot 101 DP 1140936.
 - 2) Development for the purposes of Seniors Housing, Medical Centre, Business Premises, Restaurants or Cafes, and Shops is permitted with development consent.
 - 3) All commercial uses listed in subclause (2) are restricted to the land identified as "Area A" on the Additional Permitted Uses Map and limited to a combined maximum total floor area of 3000m²."

2. That Council forward the amended planning proposal and associated annexures from the original planning proposal to the Department of Planning and Infrastructure for a Gateway determination.
3. That should the Department of Planning & Infrastructure issue a positive Gateway Determination, the following matters need to be addressed prior to the planning proposal being placed on public exhibition:
 - a) A Master Plan/Development Control Plan needs to be prepared to adequately address the following issues at a minimum:
 - i) Suitable buffer areas between the existing concrete batching plant/Electricity Station and the subject land to be adequately assessed and provided; and
 - ii) Transport networks for pedestrians/buggies within and between the subject land and the hospital to be identified.
 - b) Updated Traffic studies to be prepared to address Council's MR545 Traffic Study; impact generated by proposed Byron Hospital and recently approved redirection of Woodford Lane; and consideration of vehicular access from Avocado Crescent into the subject land.
 - c) SEPP 55 site contamination assessment.
 - d) The sewerage management choice be clarified, ie whether on-site or by pump station to Byron STP.
 - e) Heritage assessment of "Buildings and surrounds" known as the Higgins Homestead located on the eastern parcel and listed as an item of environmental heritage in the Byron LEP 1988 and Schedule 5 of the Draft Byron LEP 2012.
 - f) Noise impact assessment due to proximity of future Pacific Highway alignment.
(Richardson/Dey)

The amendment was put to the vote and declared carried.

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

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

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

Report No. 12.11. PLANNING – Planning proposal for an amendment to the draft LEP 2012 to amend the zone boundaries in Tallowood Ridge to preserve existing Koala vegetation

File No: #E2013/55420 x 26.2013.3.1 x 242028

13-493 Resolved:

1. That Council ask the proponent to amend plans submitted to Council (in draft LEP 2012 format) to address the steeper slopes on the western portion of the subject land showing:
 - a) Land Zoning,
 - b) Minimum Lot Size, and
 - c) Floor Space Ratio.

BYRON SHIRE COUNCIL

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2. That, if the amendments from point 1 above are considered adequate, Council forward the amended planning proposal to the Department of Planning and Infrastructure for a Gateway determination.
3. That should the Department of Planning & Infrastructure issue a positive Gateway Determination, prior to the planning proposal being placed on public exhibition a Development Control Plan or Concept Plan for the new residential areas needs to be prepared to adequately address the following issues (at a minimum):
 - i) Buffer areas between existing rural/residential lots,
 - ii) Buffer areas to existing drainage lines, and
 - iii) Riparian areas along boundaries for potential koala habitat regeneration.

(Dey/Wanchap)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

PROCEDURAL MOTION

- 13-494 Resolved** that Council change the order of business to deal with Report No. 12.12. at the end of the meeting. (Woods/Ibrahim)

The motion was put to the vote and declared carried.

GENERAL MANAGER - COMMITTEE REPORT

Report No. 13.1. Report of the Finance Advisory Committee Meeting held on 22 August 2013

File No: #E2013/54831

- 13-495 Resolved** that Council note the minutes of the Finance Audit Advisory Committee Meeting held on 22 August 2013.

- 13-496 Resolved** that in relation to Report No. 4.1 – 2013/14 Financial Sustainability Project Plan – Update on the Action Implementation Plan period to 31 July 2013 (Corporate Management #E2013/45039), that Council receives and notes:

Committee Recommendation FAC 4.1.1

The status update report on the 2013/14 Financial Sustainability Project Plan Acton Implementation Plan.

- 13-497 Resolved** that in relation to Report No. 4.3 – Proposed Monthly Financial Reporting (Corporate Management #E2013/49651), that Council receive:

Committee Recommendation FAC 4.3.1

A Monthly Finance Report, with the monthly financial reporting to incorporate the template at Annexure 2 (#E2013/49588) for a trial period of twelve months. (Hunter/Cubis)

The motions were put to the vote and declared carried.

SOCIETY AND CULTURE – COMMITTEE REPORT

Report No. 13.6. Report of the Community Summer Safety and Cultural Activities Committee Meetings held on 16 and 30 August 2013

File No: #E2013/54131

13-498 Resolved:

1. That Council note the minutes of the Community Summer Safety and Cultural Activities Committee for the meetings held on 16 and 30 August 2013.
2. That Council adopt the following recommendations for the 'Safe Summer in the Bay' program:
 - i) The program for summer safety and cultural activities be branded "Safe Summer in the Bay"
 - ii) New Year's Eve family friendly activities concentrate around Railway Park and the road closure precinct in Jonson Street, instead of Apex Park, and conclude by 10.00pm.
 - iii) Creative lighting be utilised in and around Railway Park, and the Jonson Street pedestrian precinct, from 1 December.
 - iv) The town entry 'sticker's for residents, ratepayers and workers, be free, and that there be a \$20 fee for everyone else.
 - v) One free sticker be provided to resident/ratepayers on presentation of a recognised formal identification with a Byron Shire address.
 - vi) The cost of parking at park and ride points be \$30 on New Year's Eve.
 - vii) The Jonson Street Family Friendly Activities be called 'Soul Street NYE'.
 - viii) Council note the generosity of the Falls Festival organisers in their support of the following on New Year's Eve 2013:
 - a) financial support for the Youth Event planned to be held at the Byron Bay Youth Activity Centre
 - b) financial support for the Family Friendly Cultural Activities in town for New Years Eve and New Years Day
 - c) collaboration on a program brochure/information distribution
 - ix) Council note that the Community Summer Safety and Cultural Activities Committee members have volunteered time and energy for fundraising and sponsorship activities to increase the funds available to implement plans for New Year's Eve and New Year's Day.
 - x) Council note that the current budget allocation for 2013/14 financial year towards New Year's Eve activities is \$45,500.
 - xi) Council endorse the following activities noting approximate costs totally \$45,500:

- a) Provide extra toilet facilities and increased toilet facility cleaning in town (approximate cost \$17,500)
 - b) Provide additional clean up of the town and parks (approximate cost \$22,000 including additional waste disposal)
 - c) Provide extra bins in town and waste management (approximate cost \$4,000)
 - d) That extra communications devices be provided for the night (approximate cost \$1,000)
 - e) That extra lighting be provided at Apex Park and Railway Park (approximate cost \$2,000)
 - f) That extra life saving services be provided on Main Beach (already contained in Council agreement with Surf Life Saving NSW)
- xii) Council implement the following traffic management measures on New Year's Eve with the purpose of reducing the numbers of people in Byron Bay to within the town's capacity, noting the cost to implement will be approximately \$70,000, and refer to the Local Traffic Committee:
- a) Road closed at roundabout at Byron Regional Sport & Cultural Complex (BRSCC) and at Bangalow Rd/ Broken Head Road intersection from 10am to midnight 31/12/13.
 - b) charge for park and ride on New Year's Eve to be \$30. Council note that this may be split 50/50 with a local organisation to manage parking, for example, the Byron Bay High School may manage the parking at Byron Bay High School, SES may manage the parking at Byron Regional Sport and Cultural Complex.
 - c) That park and ride services on New Year's Eve run through to 2am 1/1/14 to allow the clearing of patrons from town after midnight; and that some park and ride services will include the Byron Bay Youth Activities Centre as a pick up/drop off point.
 - d) Close off Jonson Street north of entrance to The Railway carpark (at public amenities), at Byron Street, at Lawson Street and a dummy barrier at entrance lane way to Lawson Street South car park (this will be the emergency vehicle access).
 - e) Close to further vehicles entering Jonson Street at 6am 31/12/13, reopen road at 6am 1/1/14.
 - f) Taxi rank to be temporarily moved for the night to south of the bus stop (where existing 'overflow' taxi rank is).
 - g) undertake media liaison, media releases and advertising of road closures through local and national media and via social media channels where possible
- xiii) That Council place the proposed fees and charges for 'Park and Ride' on New Year's Eve of \$30 and the 'sticker/town entry' system of \$20 on public exhibition for 28 days with submissions reported to Council for consideration. If no submissions are received that the fees and charges are adopted.
3. That Council seek external funding of \$70,000, and that a report be brought to Council with the results. (Spooner/Richardson)

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

The meeting adjourned at 2.22pm to open the Byron Shire Reserve Trust Committee Meeting and reconvened at 2.40pm. Resolutions 13-499 to 13-501 were used during that meeting.

WATER AND RECYCLING - COMMITTEE REPORT

Report No. 13.7. Report of the Water, Waste and Sewer Advisory Committee Meeting held on 22 August 2013

File No: #E2013/56220

13-502 Resolved that Council note the minutes of the Water, Waste and Sewer Advisory Committee held on 22 August 2013.

13-503 Resolved that Council adopt the following items as recommended by the Water, Waste and Sewer Advisory Committee:

Committee Recommendation WW&S 4.2 - Recycling of Speciality Waste Streams

1. That Council:
 - a) implement a free CFL drop off point for the public at Myocum landfill via collaborative arrangements with North East Waste and to be funded via budget allocated for the implementation of the Waste Management Strategy 2012-2015;
 - b) continue to explore the introduction of a drop off point at the Council's front counter (Station St, Mullumbimby) and other locations throughout the shire for CFL recycling; and
 - c) receive a further report through the WWS Committee on the implications of a drop off service for commercial operators (in the context of the new federal FluoroCycle scheme) and any associated charges.
2. That Council approve the call for Requests for Quote from the market for the provision of a dry cell battery recycling service to be implemented using budget funds allocated for the implementation of the Waste Management Strategy 2012-2015.
3. That Council:
 - a) allocate \$35,000 from the Waste and Recycling Reserve Fund for the purchase of infrastructure to implement Expanded Polystyrene (EPS) compaction operations at the Myocum transfer station; and
 - b) enter into a commercial arrangement for the sale of the processed EPS product.

Committee Recommendation WW&S 5.1 - Committee Constitution

1. That Section 4. Quorum be changed to read as follows:

"A quorum is reached when at least half the non-staff members are present and must include at least one councillor. The General Manager or delegate must also be present".
 2. That in Section 14. Miscellaneous all instances where the word "group" appears (as in "group members"), this be replaced with the word "Committee".
 3. That Council adopt the revised Constitution for the Water Waste and Sewer Advisory Committee (#E2013/50240).
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13-504 Resolved that Council note the following items as recommended by the Water, Waste and Sewer Advisory Committee:

Committee Recommendation WW&S 4.3 - Update – Myocum Landfill Gas Resource Recovery Project

1. That Council note:
 - a) the achievement of having it's Landfill gas extraction & flaring project recognised as a carbon offsets project under the Federal Government's Carbon Farming initiative; and
 - b) Byron Shire Council is the first regional council in Australia and the second council in Australia to achieve this recognition.
2. That Council receive a report on the options and opportunities associated with the utilisation of the Australian Carbon Credit Units allocated to Council.

Committee Recommendation WW&S 4.5 - Review of Council Resolution 11-640 regarding non-accredited waterless compost toilets

That Council continue to use the existing provisions under Clause 41(2) of the Local Government (General) Regulation 2005 to assess any future applications for non-accredited systems. (Dey/Richardson)

The motions were put to the vote and declared carried.

CORPORATE MANAGEMENT - CONFIDENTIAL REPORT

Report No. 14.1. CONFIDENTIAL Tender - Internal Audit Services 2013-0024
File No: #E2013/55382

13-505 Resolved:

1. That pursuant to Section 11(3) of the Local Government Act, 1993, the Annexures to the report, Tender - Internal Audit Services 2013-0024 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 Tender 2013-0024 for the provision of Internal Audit Services to Grant Thornton in accordance with the tender documents and their tender submission for the period 1 July 2013 to 30 June 2017.
3. 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.
4. That the report and annexures remain confidential until 30 June 2017. (Dey/Woods)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

13-506 Resolved that the order of business be changed to discuss three matters of urgency next on the agenda. (Woods/Cubis)

The motion was put to the vote and declared carried.

Matter of urgency No. 1 – Briefing sessions on the effects of Fluoride in the Byron Water Supply

The Mayor considered the matter arising in relation to briefing sessions on the effects of fluoride in the Byron water supply and ruled it a matter of great urgency.

13-507 Resolved that the business be dealt with at the meeting. (Richardson/Woods)

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

13-508 Resolved:

1. That Council hold a non-public workshop within the next four weeks with Councillors, specialists and staff including an hour for a pro-fluoride presentation, one hour for an anti-fluoride presentation and an hour for questions.
2. That Dr Kerry Chant be invited to coordinate the pro-fluoride presentation and Jo Immig coordinate the anti-fluoride presentation.
3. That the information provided to the workshop be reported to the next Ordinary meeting. (Woods/Cubis)

AMENDMENT

Moved: That the motion be deferred for a Notice of Motion to the Ordinary Meeting being held on 10 October 2013. (Spooner/Wanchap)

*The amendment was put to the vote and declared lost.
Crs Ibrahim, Woods, Richardson, Cameron and Hunter voted against the amendment.*

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

Matter of urgency No. 2 – Rescission Motion Draft Byron LEP 2012 Submissions Finalisation 1 (Resolution 13-454)

The Mayor considered the matter arising in relation to the rescission motion and ruled that it was not a matter of great urgency.

Matter of Urgency No. 3. – Temporary extension of licence to Cape Byron Kayaks

The Mayor considered the matter arising in relation to a temporary extension of license to Cape Byron Kayaks and ruled it a matter of great urgency.

13-509 Resolved that the business be dealt with at the meeting. (Cubis/Richardson)

The motion was put to the vote and declared carried.

13-510 Resolved that Cape Byron Kayaks be granted temporary extension of their licence to run one additional promotional tour on each day being the 24th and 26th of this month. (Cubis/Richardson)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORT

Report No. 12.12. PLANNING – Draft Byron LEP 2012 Submissions Finalisation Report 2

File No: #E2013/49342

13-511 Resolved:

1. That Lot 6 DP 792431, 214 Balraith Lane Ewingsdale be considered in the preparation of the Byron Rural Settlement Strategy (as per Part 25(b) of resolution 13-384) and / or included on a map of possible strategic growth opportunities for further consideration when developing evidenced based plans to inform the Local Plan.
 2. That in relation to point 11. of resolution 13-240 on 9 May 2013, a zoning of B4 Mixed Use be applied to land located at Lot 10 DP 805193, 2-6 Old Pacific Highway, Brunswick Heads to accommodate the existing motel on the site.
 3. That Council delegate authority to the Executive Manager – Environment & Planning to make (non-policy) amendments to the Draft LEP instrument and maps resulting from: minor adjustments to cadastral boundaries; consequential amendments to the Standard LEP, mapping guidelines or draft LEP provisions; or to correct minor errors or omissions; and that Council be advised of the amendments made under delegated authority.
 4. That for reasons set out in Annexure 6(b) to this report, Council defer all draft LEP 2012 provisions and mapping relating to the following matters:
 - a) land known as the 'West Byron Bay Urban Release Area' that is subject of a Transitional Major Project (formerly Part 3A State significant rezoning proposal),
 - b) land at the Bayside Brunswick Residential Estate that is subject of a Transitional Major Project (formerly Part 3A State significant development application);
 - c) land identified as 'Deferred Matter' located generally in the coastal zone in the exhibited draft LEP, and
 - d) all proposed E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living zones, and
 - e) clause 6.12 Riparian land and watercourses, clause 6.13 Development near the E2 or E1 zone, clause 6.14 Biodiversity (Terrestrial), 'Watercourse Map' and 'Terrestrial Biodiversity Map'.
 5. That the Draft Byron LEP 2012 be amended to make 'caravan parks' permissible with consent in R3 Medium Density Residential zones.
 6. That a floor space ratio of 0.6:1 and a minimum lot size of 450m² be applied to the part of Lot 100 DP 1070724 (35 Bayside Way, Brunswick Heads) proposed to be zoned R3 Medium density residential in the draft LEP.
 7. That the Draft LEP Land Zoning Map be corrected to include the full extent of land identified as State Significant Farmland as RU1 Primary Production zone (as per Council's adopted zoning methodology) on Lot 101 DP 1156821 and Lot 100 DP 1151011, as shown in Map 2 of Annexure 6(d) of this report.
 8. That Council consider any modifications to the RU1 and RU2 zoning methodology as part of the development of future evidence-based planning strategies as part of the Local Plan.
 9. It is recommended that Schedule 5 of Draft Byron LEP 2012 and/or the draft Heritage Map be amended by:
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- a) Deleting Heritage Item I178 (*Lot 1 DP 1143266*);
 - b) Amending Heritage Item I172 to reflect only the Shield Tree on Lot 2 DP859951;
and
 - c) Amending property description of Heritage Item I098 from Lot 1 DP 923903 to Lot 1 DP 1173905, to reflect the most current information on Council's property system; and amending the corresponding item description to read: "Zalmonah house' (including interior finishes)".
10. That Council write to landowners of the draft LEP heritage properties inspected on 23/08/13 to advise of the assessment outcomes.
 11. That Council considers the matters raised in submissions are not of such significance as to warrant a public hearing and that to hold a hearing in relation to matters that are subject to a separate Ministerial review would be premature given that these will be deferred from the final LEP.
 12. That Council concludes that the changes to the Draft Plan are not of such significance to warrant a re-exhibition of the Draft Plan and directs staff to finalise the draft Byron LEP for final adoption by Council and submission to the Department.
 13. That Council include the RU1/RU2 mapping amendments arising from applying the adopted 'RU1' zoning methodology in the report to Council on 31 October 2013.
 14. That the matters specified in Recommendation '4.' above be identified as 'Deferred Matter' in any re-exhibited version of the draft LEP.
 15. That staff prepare and implement a communication strategy to convey to the residents, ratepayers, submitters and general public that the draft LEP has been finalised in accordance with the resolutions of Council, including an outline of key changes made and next steps from here.
 16. Insert Lot 6 DP 261219 (226 Fowlers Lane, Possum Creek), Lot 2 DP 600576 (111 Fowlers Lane, Possum Creek), Lot 3 DP786274 (Settlement Road), Lot 12 DP 755712 (240 Charltons Road), Lot 3 DP 732638 (Englises Road), Lot 11 DP 1039847 (74 Charltons Road), and Lot 16 DP 255603 (Coopers South Lane) on the draft LEP Multiple Occupancy and Community Title map as 'Multiple Occupancy'.
 17. That a late report be brought to Council at the Ordinary Meeting on 10 October 2013 regarding the possible zoning of the Former Telstra site in Lot 1 DP 435267 Station Street Mullumbimby to B4. (Ibrahim/Dey)

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.

Cr Woods voted against the motion.

There being no further business the meeting concluded at 4.18pm.

I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council's Ordinary Meeting on 10 October 2013.

.....
Mayor Simon Richardson
