



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 21 November 2013

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
21 November 2013

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BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

21 NOVEMBER 2013 (1 of 22)

**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY,
21 NOVEMBER 2013 COMMENCING AT 10.45AM AND CONCLUDING AT 5.47PM**

#E2013/74449

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, 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)
Kylie Grainey/Joylene McNamara (Minute Taker)

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

APOLOGIES:

There was an apology received from Cr Cubis.

13-592 Resolved that the apology from Cr Cubis be accepted and leave of absence granted.
(Richardson/Woods)

The motion was put to the vote and declared carried.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

13-593 Resolved that the Minutes of the following meeting be confirmed:

- Ordinary Meeting of 31 October 2013. (Hunter/Wanchap)

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:

GENERAL MANAGER'S REPORTS

- 12.1. Byron Bay Town Centre and Foreshore Strategy
- 12.2. Draft Communications Policy

EXECUTIVE MANAGERS' REPORTS

Community Infrastructure

- 12.4. Park and Ride Trial – Byron Bay 26/12/13 to 6/1/14

Corporate Management

- 12.12. Draft Amended Code of Meeting Practice Policy
- 12.14. New Lease to Lilly Pilly Community Pre-School Inc over Council owned Community Land
- 12.15. Council Resolutions Review July to September 2013

Society and Culture

- 12.16. Report of the Youth Council May to August 2013
- 12.17. New Year's Eve Funding

Water and Recycling

- 12.18. Sewer Connection Forest Glades
- 12.19. Public Exhibition of Equivalent Tenement Policy

COMMITTEE REPORTS

General Manager

- 13.2. Report of the Communications Advisory Committee Meeting held on 29 October 2013

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. 13-594 and concluding with Resolution No. 13-605.

GENERAL MANAGER'S REPORT

Report No. 12.3. Draft Social Media Policy
File No: #E2013/70952

13-594 Resolved:

- 1. That the Draft Byron Shire Council Social Media Policy is adopted.
- 2. That the Communications Committee create and monitor social media and progressively report on the outcomes and opportunities.
- 3. That the Draft Social Media Procedures internal document is noted. (Woods/Hunter)

COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER’S REPORT

Report No. 12.5. Public Exhibition of Water and Sewer Developer Servicing Plans
File No: #E2013/71149

13-595 Resolved:

1. That Council adopt the Developer Servicing Plans as presented in Annexure 11(a) #E2013/58653 and Annexure 11(b) #E2013/58670.
2. That Council notify the adoption of the Developer Servicing Plans in the local newspaper.
3. That the Developer Servicing Plans commence operation from 25 November 2013.
(Woods/Hunter)

CORPORATE MANAGEMENT - EXECUTIVE MANAGER’S REPORTS

Report No. 12.6. Investments – October 2013
File No: #E2013/70052

- 13-596 Resolved** that the report listing Council’s investments and overall cash position as at 31 October 2013 be noted. (Woods/Hunter)

Report No. 12.7. Budget Review - 1 July 2013 to 30 September 2013
File No: #E2013/66600

13-597 Resolved:

1. That Council authorise the itemised budget variations as shown in Annexure 3(b) (#E2013/62942) which includes the following results in the 30 September 2013 Quarterly Review of the 2013/2014 Budget:
 - (a) General Fund - \$0 adjustment in the accumulated surplus
 - (b) Water Fund - \$60,000 decrease in reserves
 - (c) Sewerage Fund - \$50,000 decrease in reserves
2. That Council adopt the revised General Fund Accumulated Surplus/(Working Funds) surplus of \$1,094,500 for the 2013/2014 financial year as at 30 September 2013.
(Woods/Hunter)

Report No. 12.8. Year To Date Finance Report – October 2013
File No: #E2013/71781

- 13-598 Resolved** that the Year to Date Finance Report – October 2013 be received and noted. (Woods/Hunter)

Report No. 12.9. Presentation of 2012/2013 Financial Statements

File No: #E2013/70786

13-599 Resolved that the Audited Financial Statements and Auditors Reports for the 2012/2013 financial year be presented to the Public in accordance with Section 419(1) of the Local Government Act 1993. (Woods/Hunter)

Report No. 12.10. 2013-2014 Financial Assistance Grant

File No: #E2013/71703

13-600 Resolved:

1. That the report be received and noted.
2. That Council make a special submission to the NSW Local Government Grants Commission in relation to the distribution of the financial assistance grants for 2014/15. (Woods/Hunter)

Report No. 12.11. Section 355 Committee Member - Resignation

File No: #E2013/70918

13-601 Resolved:

1. That the report be noted.
2. That Council accept the resignation from Phoebe Havvatt and officially thank her for her contribution on the Byron Library Exhibition Space Section 355 Management Committee. (Woods/Hunter)

Report No. 12.13. Council Meeting Schedule for 2014

File No: #E2013/64891

13-602 Resolved:

1. That Council adopts the following schedule of Ordinary Meetings for 2014:

Ordinary Meetings	
February – June	August – December
6 February 2014	7 August 2014
27 February 2014	28 August 2014
20 March 2014	18 September 2014
10 April 2014	9 October 2014
1 May 2014	30 October 2014
22 May 2014	20 November 2014
12 June 2014	11 December 2014

2. That the Ordinary Meetings commence at 10.30am and conclude no later than 6.00pm unless otherwise resolved by Council.
 3. That Council hold all Ordinary Meetings in the Council Chambers Mullumbimby.
(Woods/Hunter)
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GENERAL MANAGER - COMMITTEE REPORT

Report No. 13.1. Report of the Internal Audit Advisory Committee Meeting held on 17 October 2013

File No: #E2013/67682

13-603 Resolved:

1. That Council note the minutes of the Internal Audit Advisory Committee Meeting held on 17 October 2013.
2. That in relation to Report No. 4.1 – Accounts Payable Review (Corporate Management #E2013/59166) Council adopts:

Committee Recommendation IA 4.1.1

1. That the Internal Audit Report – Accounts Payable Review May 2013 be noted by Council along with the responses and actions detailed by Management.
2. That Management implement the recommendations made in the report identified at Annexure 1 (#E2013/59223).

13-604 Resolved that in relation to Report No. 4.2 – Asset Management Review: Key Asset Infrastructure (Corporate Management #E2013/64679) Council adopts:

Committee Recommendation IA 4.2.1

1. That the Internal Audit Report – Asset Management: Key Asset Infrastructure (Roads, Drainage and Buildings) Review (October 2013) be noted by Council including responses and actions detailed by Management.
2. That Management implement the recommendations suggested in the report identified at Annexure 2 (#E2013/64696).
3. That Management provide Councillors with a schematic of the integration of Authority modules ie Asset Management, Financial, Customer Request Register etc.
4. That Council receive information on private works charges and controls as mentioned in the Audit Committee report on page 13 of 19, Annexure 2 (#E2013/64696).

13-605 Resolved that in relation to Report No. 4.3 – Internal Audit Report – Audit Committee (Corporate Management #E2013/66943) Council adopts:

Committee Recommendation IA 4.3.1

That Council receive and note the Internal Audit Report – Audit Committee (October 2013) (Annexure 3 #E2013/67149) prepared by the Internal Auditor, Grant Thornton. (Woods/Hunter)

PROCEDURAL MOTION

- 13-606 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being 8.1, 8.2, 12.1, 12.14, 12.15, 12.18 next on the Agenda. (Woods/Dey)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 8.1. Addition of Fluoride

#E2013/69903

Moved: That Council write to Rous Water with an approval for the addition of Fluoride to the drinking water for Byron Shire. (Woods/Ibrahim)

PROCEDURAL MOTIONS

- 13-607 Resolved** that Cr Woods be granted a 3 minute extension to her speech. (Richardson/Hunter)

The motion was put to the vote and declared carried.

- 13-608 Resolved** that Cr Dey be granted a 3 minute extension to his speech. (Richardson/Cameron)

The motion was put to the vote and declared carried.

- 13-609 Resolved** that Cr Wanchap be granted a 3 minute extension to her speech. (Cameron/Spooner)

The motion was put to the vote and declared carried.

- 13-610 Resolved** that Cr Cameron be granted a 3 minute extension to his speech. (Richardson/Hunter)

The motion was put to the vote and declared carried.

*The motion (Woods/Ibrahim) was put to the vote and declared lost.
Crs Dey, Richardson, Cameron, Wanchap and Spooner voted against the motion.*

FORESHADOWED MOTION

- 13-611 Resolved** that Council write to NSW Health:

1. Outlining its support of NSW Health's endeavours to improve dental health across the State.
 2. Outlining its appreciation of the commitment by NSW Health to pay for the capital cost for fluoride dosing plants.
 3. Noting the NSW Health statistic that the fluoridation of drinking water likely increases the proportion of caries-free children by approximately 15%.
-

4. Request NSW Health use a proportion of the Ministerial Allocation for the capital costs of fluoridating to collaborate with Byron Shire undertaking a 5 year trial area for non mass fluoride measures to assist in improving dental health outcomes for children and that measures could include:
 - a) The subsidisation and provision of fluoride varnish/enamel
 - b) Increased pre and post natal dental health education programs targeting new parents
 - c) Reinstalling periodic dental health check up services to operate throughout the Shire's primary schools
 - d) The establishment of a second free dental health clinic to service residents most at risk.

5. Outlining Council's desire for measures to be accompanied by a full independent child dental health survey both at the commencement and conclusion of the trial, especially ascertaining whether the outcome of an increased proportion of caries-free children by approximately 15% is achieved by these other measures. (Richardson/Spooner)

*The motion was put to the vote and declared carried.
Cr Woods left the Chambers at 11.43am and returned 11.56am.*

Notice of Motion No. 8.2. Commitment to not fluoridate public water supplies

#E2013/71609

- 13-612 Resolved** that Byron Shire reaffirms its commitment as per previous resolutions to not fluoridate water supplies. (Wanchap/Dey)

The motion was put to the vote and declared carried.

Cr Wanchap left the Chambers at 11.46am and returned at 11.50am.

GENERAL MANAGER'S REPORT

Report No. 12.1. Byron Bay Town Centre and Foreshore Strategy

File No: #E2013/70985

13-613 Resolved:

1. That Council allocate \$250,000 from the following budget areas to develop a Byron Bay Town Centre and Foreshore Strategy:
 - a) \$50,000 Crown Paid Parking Beach Reserve R82000
 - b) \$50,000 Main Beach Reserve R82000
 - c) \$150,000 Byron Bay Town Centre Upgrade

 2. That Council endorse the Byron Bay Town Centre and Foreshore Strategy Scope of Works as outlined within this report with the following inclusions:
-

Access and Movement

- a) Highlight pedestrian and bicycle movement as the preferred mode of transport through the town centre by designing to encourage a pedestrian and bicycle culture. This means making the town centre attractive, accessible and safe for people to move around in.
- b) Activate laneways to encourage their use as alternative pedestrian **and bicycle** routes and provide provisions to create themed trails for visitors (which may include themed murals and pop up shops along the laneways).
- c) Create strong pedestrian and bicycle linkages between all nodes of activity by providing key infrastructure to assist this.

Economic Opportunities

- e) Recognising the value of marketing of Byron Shire villages and attractions to visitors of Byron Bay that reflect community aspirations and encourage an increase in length of stays and to support the Shire's other communities.

Other Considerations

- a) Vibrant Byron Strategy proposals to be considered in the formation of the Byron Bay Town Centre and Foreshore Strategy
- b) A link to reflect works that may be proposed at Jonson Street as they will effect the approach at the Main Beach precinct. (Hunter/Spooner)

The motion was put to the vote and declared carried.

Cr Richardson left the Chambers at 12.09pm and returned at 12.17pm.

Cr Wanchap left the Chambers at 12.18pm and returned at 12.22pm.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORTS

Report No. 12.14. New lease to Lilly Pilly Community Pre-School Inc over Council owned Community Land

File No: #E2013/473

13-614 Resolved:

- 1. That notice of Council’s intention to grant a lease over Community Land being Lot 70 DP 851902 known as Lilly Pilly Community Preschool be notified and exhibited in accordance with Section 47 of the Local Government Act for a period of 28 days.
- 2. That subject to no submissions being received, Council grant a lease to Lilly Pilly Community Pre-school Inc over Community Land being Lot 70 DP 851902, substantially in the form at Annexure 5(a) (#E2013/726) on the following terms:
 - a) Term of five (5) years commencing 1 December 2013;
 - b) Rent \$446.00 excluding GST per annum being current Crown minimum rent;
 - c) Rent rebate \$40,154.00 per annum (Calculated on basis of Market Rent \$40,600.00 excluding GST per annum less \$446.00 Crown minimum rent excluding GST per annum) ;

- d) Lease fee and rent rebate to be adjusted accordingly if Crown minimum rent increases prior to commencement date of the lease;
- e) Lessee to pay all lease preparation costs, services, expenses and maintenance;
- f) The General Manager be authorised to enter into discussions with the lessee regarding how the following repairs may be completed within the term of the proposed lease:
 - i. Refix timber trim at back left hand corner of building
 - ii. Reposition downpipe into stormwater drain
 - iii. Repaint external pergola timbers
 - iv. Monitor leak around window frame in Playroom 1 – may require re-sealing
 - v. Repair water damaged parquet flooring underneath the window
 - vi. Replace decayed external door jamb to kitchen
 - vii. Repair/repaint water damaged wall in front disabled toilet
 - viii. Refix loose door handle to disabled door lock
 - ix. Repair roof leak back left hand corner of building – repaint water damaged walls in room
 - x. Repaint old water stained wall in front room

Such repairs as listed above are to be completed during the term of the lease to the satisfaction of the Lessor.”

- g) Insert new clause 36 in lease:

“In addition to the general requirement to repair as per Clause 9, the Lessee will undertake the following repairs to ensure compliance with the Building Code of Australia (BCA):

 - i. Sanitary facilities are not accessible from the outdoor play area;
 - ii. Screening or partitioning of toilet facilities does not meet current BCA requirements – WC partition heights exceed BCA requirements part F.

Such repairs as listed above are to be completed during the term of the lease to the satisfaction of the Lessor.”

- 3. That Council:
 - a) subsidise the rent of \$40,154.00 to Lilly Pilly Community Pre-school Inc by a Section 356 Donation from Council to be provided for in the 2013/14 Budget, and adjusted at the next quarterly budget review; and
 - b) advertise the Section 356 Donation proposed to be made.
- 4. That Council authorise the General Manager to affix the Council Seal to the Lease of Lot 70 DP 851902 in accordance with Regulation 400 of the Local Government (General) Regulations 2005.
- 5. That if submissions are received they are the subject of a further report to Council.
- 6. That Council’s reasons for not calling a competitive process for the lease are noted as follows:
 - a) Lilly Pilly Community Pre-school Inc is a community based not for profit organisation;
 - b) the land is zoned 2 (a) residential;
 - c) the land is Community Land categorised as ‘community facilities; and

- d) historical information confirms the land was dedicated to Council for the purposes of a preschool;
- e) Council's Policy No. 3.44 Children's Services provides that Council "support several community preschools in the shire by providing land and/or buildings for the delivery of services for children aged 3 – 5 years. Council's involvement includes acting as Trustee of Crown Land, lease of operational and community land at nominal cost to the organisations, and the lease and maintenance of buildings. Services include Lilly Pilly Preschool at Brunswick Heads." (Spooner/Wanchap)

The motion was put to the vote and declared carried.

Report No. 12.15. Council Resolutions Review July to September 2013

File No: #E2013/70847

13-615 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 2(b) (#E2013/70860).
- 3. That Council resolve that no further action be taken in respect of the following Council resolutions and that these resolutions be closed:

09-881	09-973 (Part 3)	10-161
10-491	10-894 (Part 3)	11-1061
10-1103	11-31	11-58
11-147	11-627 (Part 5)	

(Richardson/Cameron)

The motion was put to the vote and declared carried.

WATER AND RECYCLING - EXECUTIVE MANAGER'S REPORT

Report No. 12.18. Sewer Connection Forest Glades

File No: #E2013/71251

13-616 Resolved that Council approve the connection of Forest Glades, Suffolk Park to sewer subject to the following conditions:

- 1. Applicable Section 64 sewer charges will be at \$8,208 per ET
- 2. Paid off over a four year period and be secured as follows:
 - a) That Council enter into a formal agreement with the Community Association (CA) prior to the physical connection occurring.
 - b) That the CA be required to enter into the agreement within six months.
 - c) Once the CA has collected 75% of the total S64 charges, the agreement is finalised such that four equal payments are made over four years but the CA provide a bank guarantee over the balance of the 75% that they hold in cash in the bank.
 - d) Include in the formal agreement that in the event the CA fails to pay the debt in accordance with the repayment schedule, a flow restriction device will be installed in the water supply until such time as the debt is paid.

This agreement reflects the unique circumstances of Forest Glades including:

- a) increasing difficulty and cost of ongoing maintenance and operation of the on-site sewage management system
- b) the potential environmental impacts of failure of the existing system
- c) limited number of historic private systems of this size operating in the Shire
(Ibrahim/Woods)

The motion was put to the vote and declared carried.

MAYORAL MINUTE

Mayoral Minute No. 7.1. Request for financial assistance - 2014 Byron Bay Film Festival
#E2013/75516

13-617 Resolved:

- 1. That the Byron Bay Film Festival receives \$600 from 'S356 Donations to Assist Festival and Community Functions' to assist with funding the Moonlight Cinema Screening at the 2014 Byron Bay Film Festival.
- 2. That Council reaffirm its commitment to only fund fledgling events and encourage financial independence for events and festivals. (Richardson)

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

NOTICES OF MOTION

Notice of Motion No. 8.3. Byron Bay Late-Night Taxi Rank
#E2013/70534

Moved: That Council receive a report on relocating the taxi rank in Jonson Street to the current long-haul bus stop, for late night taxi services (after 9pm) noting that:

- a) One late bus service may need to be relocated to accommodate the move;
- b) Jonson Street may become a pedestrian area in the not-too-distant future; and
- c) Space for a minibus may be needed at the taxi rank for minibuses to provide larger volume taxi services. (Dey/Richardson)

The motion was put to the vote and declared lost.
Crs Ibrahim, Woods Cameron and Wanchap and Hunter voted against the motion.

The meeting adjourned at 2.02pm to open the Byron Shire Reserve Trust Committee Meeting and reconvened at 2.16pm. Resolutions 13-618 to 13-620 were used during that meeting.
(Woods/Richardson)

Notice of Motion No. 8.4. Weed and Pest Management Measures

#E2013/72216

13-621 Resolved:

1. That Council develop a Shire Wide Integrated Weed/Pest Management Policy for Council owned and managed lands, and a Shire Wide Integrated Weed/Pest Management Strategic Action Plan for Council owned and managed lands in consultation with Council staff, community and experts in the field.
2. That the following are included within the vision of the Integrated Weed/Pest Management Policy:
 - a) An aspiration to reach the goal of ceasing the use of all non organic chemical based herbicides and the repetitive use of all non organic chemical pesticides, in highly frequented, public use areas, within 5 years.
 - b) Consideration that non organic chemical herbicides are the least preferred, though currently are, at times essential management option, and the process of managing weeds and controlling vegetation should be undertaken in a way that minimises adverse effects.
 - c) Promotion of the concept of best practice weed management, taking an integrated approach to the control of weeds and vegetation, and uses methods that have the least potential to adversely affect human health and the environment while achieving the desired outcome.
 - d) A statement outlining desired outcomes of the Policy.
3. That an *Integrated Weed/Pest Management Strategic Action Plan* considers:
 - a) A non organic chemical use audit for weed control, including an outline of where it is used, the types used and the current budget of use.
 - b) Increasing native plantings as a method of weed control.
 - c) An updated report every two years outlining progress of the goal of ceasing the use of all non organic chemical based herbicides and the repetitive use of non organic chemical pesticides, within 5 years, impediments to this target and possible options that have arisen and that this report compares the relative environmental costs & benefits.
 - d) Within a review, the investigation of different possible management options, within different areas and ecosystems and a prioritisation of areas to be targeted.
 - e) Possible cooperation with Universities for selecting waterway sites to monitor and test the impacts of using non organic chemicals, possibly as a research project as a case study.
 - f) Investigation of further opportunities to make significant reductions in non- organic chemical use, for example, rate incentives for organic farmers and subsidising responsible non organic chemical use training for farmers.

- g) Investigation of using one park or open space within the Shire as a 'trial park' to engage community support and test non chemical methods.
4. That as part of the development of the *Integrated Weed/Pest Management Strategic Action Plan*:
- a) A report be brought to council, within two months, considering the immediate cessation of mowing and brush cutting of all roundabouts in the Shire and incremental replacement with site appropriate maintenance free landscaping and that the report includes budget implications.
 - b) A report be brought to council considering the implementation of an integrated weed/pest management program in all high use Council owned or managed public spaces, including parks, gardens, bus stops, schools, shopping areas, around signs and along natural water courses and drains within 6 months and that the report includes budget implications and an assessment of the applicability of non-chemical methods.
5. That Council writes to the NPWS:
- a) Requesting assurances that no aerial spraying or broad scale ground based spraying residue can contaminate Council or private land adjacent to NPWS controlled land, nor will have any adverse impacts on native flora and fauna or human health in these areas.
 - b) Requesting they engage with the community to grow a community, ecological and non-chemical weed management group to assist with NPWS efforts to manage weeds in areas it is possible to do so.
6. That the funding for the proposed actions outlined, where not available in the 2013/14 budget, be considered for inclusion in the 2014/15 budget. (Richardson/Wanchap)

The motion was put to the vote and declared carried.

Cr Cameron voted against the motion.

Notice of Motion No. 8.5. Byron Bay voluntary visitor contribution

#E2013/72039

13-622 Resolved:

- 1. That Council commence a trial voluntary visitor contribution at the First Sun and Suffolk Park caravan parks.
- 2. That staff ensure this requirement is outlined within the scope of future park management contracts.
- 3. That the trial period begins from 1 July, 2014, coinciding with new park management contracts and an evaluation be provided after the Summer holiday period, 2015.
- 4. That staff provide a report addressing the following aspects:
 - a) Creation of a *Beautify Byron Fund*, in which to receive funds raised and to provide a prioritised list of projects where the funds raised could be spent.
 - b) The development of a marketing and promotional strategy to facilitate the voluntary contribution project.

- c) Inviting other businesses within Byron Bay to also take part in the voluntary contribution scheme, including being part of a governing body to oversee the Fund.
- d) Financial implications. (Richardson/Dey)

The motion was put to the vote and declared carried.

PETITIONS

1. Blanches Weekend 637 Night bus service

Cr Richardson tabled a petition containing 506 signatures which states:

"....request the reintroduction of the Blanches 637 Weekend Night Bus Service which was cancelled about 5 years ago.... We request a full time security person on board to protect both drivers and passengers....."

13-623 Resolved that Council:

- 1. Note the petition.
- 2. Note that a presentation will be made by Mr Homan at the TrAC meeting on 26 November.
- 3. Support in principle the return of an evening bus service between Byron Bay and Suffolk Park.
- 4. Request further advice from TrAC regarding improved bus services within Ocean Shores, Byron Bay and Suffolk Park. (Cameron/Richardson)

The motion was put to the vote and declared carried.

2. Non-Chemical Means of Weed Control in Byron Shire

Cr Richardson tabled a petition containing 59 signatures which states:

".....request Byron Shire Council replace its use of glyphosate products with non-chemical weed control...."

3. Fluoridation

Cr Wanchap tabled 2 petitions containing 2,543 signatures (in total) which state:

a) Rejection of Fluoridation of Water Supply

"We the undersigned citizens, residents and visitors to the above Shires advise that we do not want the community's drinking water to be fluoridated."

b) Fluoride

"We the people of Byron Shire strongly object to having our water poisoned with Fluoride"

SUBMISSIONS AND GRANTS

There were no submissions or grants tabled.

DELEGATES' REPORTS

11.1. Climate Change workshop, LGNSW, 6 November, Ballina

Cr Dey advised the following:

a) *Sharon Cadwallader (Ballina Shire Councillor)*

The Hugo Report discusses measuring temporary populations such as holiday makers on the eastern seaboard (not measured by ABS). It found about 10% of residences unoccupied at any one time, and rising.

b) *Professor Andy Pittman, UNSW, one of the 259 authors of the recent IPCC Report. The IPCC report received 54,677 review comments by 1,089 experts. The reports key messages are made in 19 Headlines (facts, on less than 2 pages) such as:*
the atmosphere and oceans of the planet have warmed;
amounts of snow and ice have diminished;
sea level has risen 150mm since 1900 (global average rise);
about 1022 Joules of energy has been absorbed by oceans;
the cause is CO2. Levels have risen from 320ppm to almost 400ppm;
ocean pH is dropping (ie more acid) due to ocean surface CO2 rising and in about 2030 to 2040 phytoplankton will be unable to form backbones, due to acidity;
cumulative carbon determines warming.

c) *Laurie from Insurance Council of Australia:*

- household insurance premiums are based on costs of the Risk 45%, Capital (reinsurance), Business Costs, Profit margin, and Tax. Future sea level rise is not included in that risk, because it is reassessed annually;*
- there is a "property assessment and exposure" program. It would greatly benefit from accurate mapping of risks such as flooding.*

d) *Jenny Scott, Ku-ring-gai Council*

- Climate Wise Communities (CWC) are aware of multi-hazards in their area. IE the combined risks posed eg bushfire, storm, heat, drought in that LGA.*

Cr Hunter added the following:

I missed Andy's presentation and that of Sharon Cadwallader, but I didn't miss much. The little bit that I missed on Andy's was more of the same in terms of the climate change and the examples etc. The only difference I have personally with that is the reasons – their seems to be a leap in faith in connecting some of the dots, but that is my own view. There is one thing I came out of that workshop with was that it doesn't matter whether I agree or disagree, its embedded into the insurances and soon will be a requirement by law to have taken that into account. Whether we agree who is causing it or we don't – doesn't matter. I think we all agree that climate change is on us and whatever the cause, we are going to have to realise our responsibilities as a council, as individuals and to make the necessary adjustments in our due diligence in whatever form that takes. So, I can't come away from that with a realisation that I'd stepped up or across, or over or down somewhere I wasn't before I went there. Andy had mentioned in summary, he had found that the most difficult people to talk into being a believer about climate change were farmers..... It was a valuable day for me.

11.2. Rous Water – Extraordinary meeting 13 November 2013

Cr Dey advised the following:

Considered and resolved upon was the issue of accepting or not, a % payout on failed banking investments (confidential session).

11.3. Rous Water – Ordinary meeting 20 November 2013

Cr Dey advised the following:

Workshops were held on:

- a. *Catchment Management Plan for the water-supply catchment at Emigrant Creek;*
- b. *transfer of assets to Ballina Shire Council in their urban release areas north of Ballina – as reservoirs are established further upstream than before, the pressure mains downstream of those new locations should go to the local water authority;*
- c. *Ballina Heights dual reticulation, for the supply of reclaimed water. That water displaces the need for new supplies as well as protecting the estuary and ocean from sewage discharges.*

Meeting items included: Restructuring the organisation; funding agreements with Ballina Council over the reclaimed water scheme; cost assessment and debt recovery from the litigant in the court cases over fluoride (court outcomes made in 2013).

After the meeting, we were told that Rous resolved several years ago that all costs for operation of fluoride dosing (spent in whichever Shire and due to whichever dosing configuration) would be spread evenly across all the Shires. IE there would be no shire-specific charge differentials. We know from previous information that capital costs are covered by grants already held by Rous.

Cr Woods also added the following:

The dual reticulation for 7,500 homes is for all greenfield sites and it reduces the marine discharge by 60% and the requirement for potable water by between 30 and 40%. The total cost in distribution is \$57 million, but whilst I said it would be great that all Shires in our region adopted this as a strategy, the cost is astronomical and it would be grant funding that we would be looking for which is most unlikely. They are also looking at retro-fitting the existing houses in the near future which I think would be a really good thing to do as well.

Cr Woods advised a written report in relation to the 22nd NSW Coastal Conference held at Port Macquarie will be forwarded for the Agenda for Ordinary Meeting to be held 12 December 2013.

GENERAL MANAGER'S REPORT

Report No. 12.2. Draft Communications Policy

File No: #E2013/70951

13-624 Resolved:

- 1. That the Draft Byron Shire Council Communication Policy is adopted.
- 2. That the Community Public Participation Policy is revised and is based on the Public Participation Spectrum developed by the International Association for Public Participation (IAP2) which outlines five levels of public participation including Inform, Consult, Involve, Collaborate and Empowerment. (Cameron/Richardson)

The motion was put to the vote and declared carried.

COMMUNITY INFRASTRUCTURE - EXECUTIVE MANAGER'S REPORT

Report No. 12.4. Park and Ride trial – Byron Bay 26/12/13 to 6/1/14 inclusive
File No: #E2013/70604

13-625 Resolved that in relation to the trial of a Byron Bay Park and Ride service from 26 December 2013 to 6 January 2014 inclusive, Council:

1. Note the report and the issues described, including the financial implications of the project.
2. Adopt Option A with consideration of a 10am to 10pm bus service including potential use of Butler Street Reserve for early bird parking.
3. Provide a \$125,600 budget for the Park and Ride trial with funding from the Paid Parking Reserve – Council with this amount to be repaid through savings identified over the remaining 2013/2014 Quarterly Budget Reviews.
4. Authorise staff to implement and manage the project, including the ability to adjust operational aspects and engage third party services as and when required.
5. Consider a voluntary town access fee for early bird parking.
6. That an evaluation report be provided at the conclusion of the trial. (Richardson/Dey)

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

PROCEDURAL MOTIONS

13-626 Resolved to move into Committee to allow for free debate. (Dey/Spooner)

The motion was put to the vote and declared carried.

13-627 Resolved to move out of Committee. (Richardson/Cameron)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

13-628 Resolved:

1. That Council endorse a Byron Bay Special Event Parking Area (SEPA) from 26 December 2013 to 6 January 2014 inclusive which applies a 2P parking time limit to all road and road related areas between:
 - a) Ewingsdale Road, east from Belongil Bridge
 - b) Bangalow Road, from the west side of Old Bangalow Road;
 - c) Broken Head Road, from the shared path entrance at the STP site approximately 220m south side of Bangalow Road.
2. That Council, in regard to the Special Event Parking Area (SEPA), and in noting its time limit does not take effect if other parking laws apply, endorses that:

- a) existing restrictions, where they apply by law, regulation and/or signage, such as No Parking and No Stopping, or differing time limits, such as 1P or 4P, take precedent and effect; and
 - b) any vehicle which is legally parked within areas where no time limit applies and displays a valid Resident Parking Coupon, as affixed to the vehicle in accordance with the instructions as printed upon the coupon, be declared a Permit Holder for the purpose of parking within, yet exempt from the time limit declared by, the SEPA.
3. That advertising, along with signage at the entry and exit points and throughout the Special Event Parking Area (SEPA), be undertaken in accordance with relevant state guidelines and legislation.
 4. That Council, in endorsing the Resident Parking Coupon for the purpose of a Permit Holder within the Byron Bay Special Event Parking Area (SEPA) from 26 December 2013 to 6 January 2014 inclusive, provide 2 coupons free of charge per household. (Dey/Richardson)

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

The meeting adjourned at 4.40pm for an afternoon break and reconvened at 4.49pm.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORT

Report No. 12.12. Draft Amended Code of Meeting Practice Policy

File No: #E2013/68831

13-629 Resolved:

1. That Council amend the Code of Meeting Practice Policy #E2013/51360 as exhibited (Annexure 4) with the following amendments:
 - i) Add a new Clause headed “Reservation of Items” which states: "If a Councillor, having reserved an item, is not present when the item is to be dealt with then another Councillor may claim the item and Council may thus deal with it."
 - ii) In Schedule B at Page 13 of 41 (Annexure 4, Page 19 of 47), amend the procedures for the Planning Review Committee as follows:
 - (a) Change paragraph 1 to read:

"Meetings are to be held regularly within the three-weekly meeting cycle of Council."
 - (b) Change paragraph 3 to read:

"The purpose of the Committee is to view, prior to determination, those development applications which have been nominated by Councillors or staff and could be determined under delegated authority. Having viewed the applications, the Committee will decide if the development application would be more appropriately determined by the elected Council."
 - (c) Change paragraph 5 to read:

"The decision of the Committee is to be that the application is or is not to be dealt with under delegated authority. No directions are to be given, formally or

informally, as to the evaluation of the development application. Where the Committee determines that an application is to be dealt with under delegated authority that application may be determined at any time after the Committee meeting."

- (d) Change paragraph 6 to read:

"Councillors are to advise the General Manager or nominated delegate of development applications they wish to discuss at the next Planning Review Committee by 12 noon 3 days prior to the meeting. Notwithstanding the above, Councillors are encouraged to advise as early as possible"

- (e) Change paragraph 7 to read:

"The agenda is to be prepared and distributed to Councillors at least 2 working days before the meeting. Late items may be included in exceptional circumstances."

- (f) Change paragraph 10 to read:

"Any development application called to Planning Review Committee, which is outside the Executive Manager's/General Manager's delegation, will not be placed on the agenda, as the elected Council will determine such applications anyway. The Councillor calling the application will be notified where this occurs."

- (g) Change paragraph 11 to read:

"Councillors are to receive a weekly list of development applications once their level of exhibition has been determined and advised of the exhibition period."

- (h) Change paragraph 12 to read:

"Councillors are to advise the General Manager or nominated delegate if they will attend the Planning Review Committee so that it can be established whether a quorum will be present."

- (i) Change paragraph 13 to read:

"Unless a quorum has been established by 30 minutes after the scheduled start of the meeting, the meeting will be cancelled."

2. That Council adopt the so-amended Code, with a commencement date of 1 January 2014.
(Dey/Richardson)

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

SOCIETY AND CULTURE - MANAGER'S REPORTS

Report No. 12.16. Report of the Youth Council May to August 2013
File No: #E2013/48038

13-630 Resolved:

1. That Council note the minutes from the 1 May, 12 June and 7 August 2013 Youth Council Meetings.
2. That Council note the suggested actions from the Youth Council 'Youth Employment Projects 2012/2013 Report'.
3. That Council note the Youth Council recommendation to develop a small grant fund to assist local young people of low socio-economic background in the purchase of musical instruments.
4. That Council staff review and consider the Youth Council recommendations and develop implementation strategies from the existing Youth Services budget. (Dey/Richardson)

The motion was put to the vote and declared carried.

Report No. 12.17. New Year's Eve Funding

File No: #E2013/70810

13-631 Resolved:

1. That Council allocate up to \$112,000 from the Paid Parking Reserve – Council to proceed with management initiatives for New Year's Eve in Byron Bay.
2. That Byron Street, Byron Bay between Jonson Street and Fletcher Street be included as part of the town centre road closures as to occur from 6am.
3. That the General Manager identify opportunities to replenish the Paid Parking Reserve to an equivalent amount through either additional revenue or expenditure savings during the balance of 2013/14 and report on outcomes at future quarterly budget reviews.

(Spooner/Dey)

The motion was put to the vote and declared carried.

Cr Woods voted against the motion.

WATER AND RECYCLING - EXECUTIVE MANAGER'S REPORT

Report No. 12.19. Public Exhibition of Equivalent Tenement Policy

File No: #E2013/67144

13-632 Resolved:

1. That Council adopt the Equivalent Tenement Policy as presented in Annexure 10(a) (#E2013/57161).
2. That Council notify the adoption of the Equivalent Tenement Policy in the local newspaper.
3. That the Equivalent Tenement Policy commence operation from 25 November 2013.
4. That the Policy and the submissions at Annexure 10(b) be referred to the next meeting of the Water, Waste & Sewer Advisory Committee to reconsider the bedroom to ET rates in the Policy's Appendix A, and that Councillors who are not members of the Committee also be invited to attend. (Dey/Woods)

The motion was put to the vote and declared carried.

GENERAL MANAGER - COMMITTEE REPORT

Report No. 13.2. Report of the Communications Advisory Committee Meeting held on 29 October 2013

File No: #E2013/72497

13-633 Resolved:

1. That Council note the minutes of the Communications Advisory Committee Meeting held on 29 October 2013.
2. That in relation to Report No. 3.1 – Draft Communications Policy, Council adopts:

Committee Recommendation CA 3.1

1. That the Draft Communication Policy is amended at item 12 as per the following:

CONSTITUENTS, COMMUNITY AND BUSINESS

Council recognises that its constituents, community and business organisations are vital partners in providing two-way communication. When appropriate, Council will seek to proactively engage with these groups via:

- Representation on Project References Groups, Advisory Committees, Section 355 Committees, Special Purpose Committees.
 - Invitations to relevant Council convened meetings and workshops.
 - Invitations to provide input and submissions either directly or online
2. That the Community Public Participation Policy is revised and is based on the Public Participation Spectrum developed by the International Association for Public Participation (IAP2) which outlines five levels of public participation including Inform, Consult, Involve, Collaborate and Empowerment. (Dey/Richardson)

13-634 Resolved That in relation to Report No. 3.2 – Draft Social Media Policy, Council adopts:

Committee Recommendation CA 3.2

1. That the Communications Committee create and monitor social media and progressively report on the outcomes and opportunities.
2. That the Draft Social Media Procedures internal document is noted. (Dey/Richardson)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 5.47pm.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

21 NOVEMBER 2013 (22 of 22)

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 12 December 2013.

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Mayor Simon Richardson