



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 12 December 2013

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
12 December 2013

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12 DECEMBER 2013 (1 of 26)

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 12 DECEMBER 2013 COMMENCING AT 10.30AM AND CONCLUDING AT 5.50PM
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#E2013/80236

PRESENT: Cr S Richardson (Mayor) (arrived at 11.35am), 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) (arrived at 11.35am)
Mark Arnold (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Ray Darney (Executive Manager Environment and Planning)
Shannon McKelvey (Executive Manager Organisation Development)
Mila Jones (Minute Taker)

In the absence of the Mayor and the Deputy Mayor, Cr Woods was nominated and elected as the Chairperson. Cr Woods took the Chair at 10.30am.

Cr Woods opened the meeting and acknowledged that the meeting was being held on Bundjalung Country.

APOLOGIES: There was apology received from Cr Cameron.

13-635 Resolved that the apology from Cr Cameron be accepted and leave of absence granted. (Dey/Cubis)

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

Cr Spooner declared a non-pecuniary interest in Report 12.10. The nature of the interest being that he is employed by one of the nominee organisations, Byron Bay Community Association.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

13-636 Resolved that the Minutes of the following meetings be confirmed with an amendment:

- Ordinary Meeting held 21 November 2013
- Byron Shire Reserve Trust Committee Meeting held 21 November 2013

Page 8 of the Ordinary Meeting minutes be amended to add the word "coastal" between "reflect" and "works" in (b) of Other Considerations. (Dey/Wanchap)

The motion was put to the vote and declared carried.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

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

DIRECTORS' REPORTS

Corporate and Community Services

- 12.2 Draft Amended Policy – Section 356 Donations - Assistance for Festivals and Community Functions
- 12.4. Sub-lease for temporary tenure of part Mullumbimby Civic Hall
- 12.6. Finance Advisory Committee - Constitution and 2014 Meeting Dates
- 12.7. Draft On-site Sewage Management Community Engagement and Risk Communication Plan
- 12.9. Year to Date Finance Report – November 2013
- 12.10. Establishment of Markets Policy Review Project Reference Group
- 12.11. 2014 Compliance Priorities Program
- 12.12. Island Quarry Inc. request to waive rates under Section 356 Local Government Act 1993
- 12.14. Inaugural Byron Shire Sport Stakeholders Forum
- 12.15. Reclassification of Council owned land Manfred Street, Belongil

Infrastructure Services

- 12.20. Draft Policy Waste Disposal following a Natural Disaster or Significant Storm Event

COMMITTEE REPORTS

Infrastructure Services

- 13.2. Report of the Belongil Creek Floodplain Risk Management Committee Meeting held on 11 November 2013
- 13.3. Report of the Local Traffic Committee Meeting held on 18 November 2013
 - 13.3.2. Byron Bay Special Event Parking Area, 26 December – 6 January
- 13.4. Report of the Transport Advisory Committee Meeting held on 26 November 2013

The remaining Recommendations and Committee Recommendations were adopted as a whole, being moved by Cr Dey and seconded by Cr Cubis. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 13-637 and concluding with Resolution No. 13-667.

GENERAL MANAGER'S REPORT

Report No. 12.1. October 2012 to September 2013 Code of Conduct Annual Report
File No: #E2013/76275

13-637 Resolved that the report be noted.

(Dey/Cubis)

CORPORATE AND COMMUNITY SERVICES – DIRECTOR’S REPORTS

Report No. 12.3. Section 355 Committee Member - Resignation

File No: #E2013/75469

13-638 Resolved:

1. That the report be noted.
2. That Council accept the resignation from Ian Homfrey and officially thank him for his contribution on the Brunswick Valley Community Centre Section 355 Management Committee.
3. That Council advertises for further members for Brunswick Valley Community Centre and Brunswick Heads Memorial Hall Section 355 Management Committees. (Dey/Cubis)

Report No. 12.5. Investments – November 2013

File No: #E2013/75791

- 13-639 Resolved** that the report listing Council’s investments and overall cash position as at 30 November 2013 be noted. (Dey/Cubis)

Report No. 12.8. Draft Updated Long Term Financial Plan 2013-2023

File No: #E2013/75927

- 13-640 Resolved** that Council adopt the Draft Byron Shire Council Long Term Financial Plan 2013-2023. (Dey/Cubis)

Report No. 12.13. Byron Regional Sport and Cultural Complex (BRSCC) - Draft Plan of Management

File No: #E2013/74773

- 13-641 Resolved** that the draft Plan of Management for Byron Regional Sport and Cultural Complex (BRSCC) (#E2013/72849) be placed on public exhibition for a period of 28 days. (Dey/Cubis)

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORT

Report No. 12.16. PLANNING - State Environmental Planning Policy (SEPP) No 1 - Variations of development standards 1/7/2013 to 30/9/2013

File No: #E2013/77309

- 13-642 Resolved** that the report be noted. (Dey/Cubis)

INFRASTRUCTURE SERVICES – DIRECTOR’S REPORTS

Report No. 12.17. Fire Trail at Belongil, Options

File No: #E2013/71059

13-643 Resolved:

1. That Council close the road reserve, known as the Belongil Trail, and make application to the Crown Lands Department for the closure.
2. That should the road reserve upon closure remain the property of Council, transfer of the road reserve be made to the National Parks & Wildlife Service for no compensation.
3. That Council and the National Parks & Wildlife Service meet all their own respective costs associated with the road closure and transfer of the road reserve. (Dey/Cubis)

Report No. 12.18. Project Budget Report – Myocum Quarry Landfill

File No: #E2013/75411

- 13-644 Resolved** that Council approve the delegation to the General Manager to administer the contract for the consultancy to prepare the Myocum Quarry Landfill Environmental Impact Statement (EIS) and Preliminary Landfill Environmental Management Plan (LEMP) to a revised value of \$286,000. (Dey/Cubis)

Report No. 12.19. Myocum Landfill Gas Resource Recovery Project Issuance of Carbon Credit Units

File No: #E2013/56310

13-645 Resolved:

1. That Council engage the services of a specialised carbon trading broker to facilitate the sale of its allocation of Australian Carbon Credit Units (ACCUs); and
2. That the revenue generated from the sale of Council’s current balance of ACCUs initially be allocated to the Other Waste reserve fund; and
3. That following a detailed review of the position of the waste reserves, a further report be submitted to Council regarding the viability of establishing a Greenhouse Gas Emissions Reduction Fund, using revenue from the sale of ACCUs as seed funding. (Dey/Cubis)

INFRASTRUCTURE SERVICES – DIRECTOR’S REPORT

Report No. 12.21. Regional Waste Initiative

File No: #E2013/75171

- 13-646 Resolved** that Council enter into a MoU with regional Councils to progress the investigation of a regional waste governance model associated with a regional management facility. (Dey/Cubis)

ENVIRONMENT AND PLANNING - COMMITTEE REPORT

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

File No: #E2013/76105

13-647 Resolved that the report be noted. (Dey/Cubis)

INFRASTRUCTURE SERVICES - COMMITTEE REPORT

Report No. 13.3. Report of the Local Traffic Committee Meeting held on 18 November 2013

#E2013/75012

1. Byron Bay New Year's Eve Road Closures

13-648 Resolved that Council not adopt Committee Recommendation 1: 'Byron Bay New Year's Eve Road Closures', but instead adopt:

That Council notes the item 'Byron Bay New Year's Eve Road Closures' was dealt with at the Ordinary Meeting held 21 November 2013 (resolutions 13-625 and 13-631). (Dey/Cubis)

3. Request for further 'No Parking', Mullumbimbi Lane, Brunswick Heads

13-649 Resolved that within Lane 3, Brunswick Heads (aka Mullumbimbi Lane) which runs parallel to Mullumbimbi Street and Fingal Street and between Park Street and The Terrace, the following occur:

1. from Park Street, No Stopping be signed and line marked through to the rear property boundary of 3 and 7 Park Street, resulting in an approximately 45m length of No Stopping within the Lane
2. from The Terrace, No Stopping be signed and line marked through to the rear property boundary of 4 and 6-10 The Terrace, resulting in an approximately 30m length of No Stopping within the Lane
3. from the rear property boundary of 3 and 7 Park Street No Parking be signed through to the rear property boundary of 4 and 6-10 The Terrace, thereby resulting in an approximately 90m length of No Parking on both sides of the lane (Dey/Cubis)

4. Objections to Proposed 'No Parking', Kingsley Lane, Byron Bay

13-650 Resolved that Council not support parking restrictions within Kingsley Lane, Byron Bay at this time and the matter be reconsidered and referred when and as warranted. (Dey/Cubis)

5. Request for No Parking, Keats Street, Byron Bay

13-651 Resolved that Council sign No Parking on Keats Street, Byron Bay, west of the property driveway of 7 Keats Street, to apply to both sides of the road. (Dey/Cubis)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 DECEMBER 2013 (6 of 26)

6. Request Over Night Parking Restrictions, Byron Street Car Park, Byron Bay

13-652 Resolved:

1. That Council sign No Parking 1am to 6am in the Byron Street car park, located between Byron Street and Fletcher Lane, Byron Bay.
2. That staff investigate other Council car parks for potential need for similar signage. (Dey/Cubis)
7. Request for Accessible Parking Bay, Bangalow Sports Field Car Park

13-653 Resolved that the Committee endorse the installation of a single accessible (disabled) car parking bay at the Bangalow sport field car park, Byron Bay Road, Bangalow, the location of which is to be determined following a site inspection that identifies the most appropriate site in regard to meeting relevant standards and guidelines. (Dey/Cubis)

8. Request to Remove Parking Restriction, Market Street, Bangalow Public School

13-654 Resolved that the existing short length of No Stopping on the west side of Market Street, Bangalow, located opposite George Street, be changed to the same restriction that applies adjacent; ie No Parking – Market Days Only. (Dey/Cubis)

9. Request for Parking Restrictions, Old Bangalow Road, Byron Bay

13-655 Resolved:

1. That Council endorse No Stopping signs and line marking to be installed on the Old Bangalow Road and Bangalow Road intersection, Byron Bay as follows:
 - a) on the north side of Old Bangalow Road, from 45m west of Bangalow Road through to 20m north of the intersection
 - b) on the south side of Old Bangalow Road, from the east side of the driveway at 142 Bangalow Road through to 10m south of driveway at 150 Bangalow Road
2. That Council undertake a detailed design in regard to the following and provide back to the Local Traffic Committee for endorsement and comment:
 - a) upon Old Bangalow Road, providing a split median refuge and right and left turn lanes out
 - b) upon Bangalow Road, a short, right-turn out merge lane (Dey/Cubis)

10. Proposed Changes to Tweed Street Line Marking, Brunswick Heads

13-656 Resolved that Council design and line mark turning lanes from Tweed Street, Brunswick Heads to adjacent side streets and lanes to satisfy the traffic volumes and road environment in accordance with AUSTROAD Guidelines and Australian Standards. (Dey/Cubis)

11. Request for Parking Restriction, Feros Village Frontage, Marvell Street, Byron Bay

13-657 Resolved that the request for parking restrictions at the Feros Village Frontage, Marvell Street, Byron Bay be further investigated and reported back to the Local Traffic Committee as found necessary. (Dey/Cubis)

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ORDINARY MEETING MINUTES

12 DECEMBER 2013 (7 of 26)

12. Request to extend 2P time limit area, Mullumbimbi Street, Brunswick Heads

- 13-658 Resolved** that Council extend the existing 2P time limit restrictions on the south side of Mullumbimbi Street, Brunswick Heads so the same time limit and hours of operation apply for the length between Park Street and the west side of property boundary at 38 Mullumbimbi Street. (Dey/Cubis)

13. Request for Loading Zone, Park Street, Brunswick Heads

- 13-659 Resolved** that Council notes the request for a Loading Zone on the west side of Park Street, Brunswick Heads between Lane 3 and Mullumbimbi Street and endorse that it be considered as part of the broader Brunswick Heads town centre parking study. (Dey/Cubis)

14. Proposed Street Parade, 18 December 2013, Jonson Street, Byron Bay

13-660 Resolved:

1. That the street parade on Jonson Street, Byron Bay, from Railway Park to Apex Park and back, commencing from 6.30pm on Wednesday, 18 December 2013 be approved for the purpose raising awareness of the White Ribbon Foundation.
2. That the approval and temporary road closure to conduct the parade be subject to the following conditions:
 - a) That the event be held under Police escort, if not organisers will be responsible for implementing a Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation
 - b) That public liability insurance be in place for the sum of at least \$20 million
 - c) That the concurrence of NSW Police be obtained by the organisers, independent of the Local Traffic Committee endorsement
 - d) That the event be advertised in accordance with the Roads Act, with the advertising charged at cost to the organisers
 - e) That the event be notified on Council's website
 - f) That if Council staff and materials are required for the event, costs be recorded and invoiced to the organisers as appropriate (Dey/Cubis)

15. Proposed Road Closure, Christmas-New Year, Burringbar Street, Mullumbimby

- 13-661 Resolved** that Council note that the organisers of the 'My Sister's Kitchen' Community Block Party, have not lodged details in regard to their proposed Christmas / New Year event and therefore Local Traffic Committee endorsement cannot be provided at this time. (Dey/Cubis)

16. Proposed road closures, Saturday 10 May 2014, Byron Bay Triathlon

13-662 Resolved:

1. That endorsement be given for the 2014 Byron Bay Triathlon to occur on Saturday, 10 May 2014.

2. That Council approves the temporary road closures within Byron Bay for undertaking the 2014 Byron Bay Triathlon as follows, with each to be in effect no earlier than 12 noon and removed no later than 5pm:
 - a) Bay Street, between Fletcher Street and Middleton Street
 - b) Middleton Street, between Bay Street and Marvell Street
 - c) Marvell Street, between Middleton Street and Tennyson Street
 - d) Tennyson Street, between Marvell Street and Browning Street
 - e) Bangalow Road, between Browning Street and Broken Head Road
 - f) Broken Head Road, from Bangalow Road to the Ballina LGA boundary
 - g) Lawson Street, between Middleton Street and Massinger Street

3. That the approvals provided in Part 1 and Part 2 are provided subject to the proponent's:
 - a) use of an accredited designed and implemented Traffic Control Plan
 - b) meeting of the advertising requirements of the Roads Act 1993
 - c) letter box drop of properties affected by the road closures, advising of the event and the proposed traffic management and road closures
 - d) event being notified on Council's website
 - e) Council's consideration of any submissions received
 - f) timely lodgement of current and appropriate levels of insurance and liability cover

4. That the use of Butler Street Reserve, Byron Bay for the purpose of event car parking is subject to Council licence and agreement and the timely provision of a Parking Management Plan.

5. That the approvals within Part 1 to 4 relate to Byron Shire and that the holding of the event remains subject to the:
 - a) result of Council's advertised submission period
 - b) written approval from Police
 - c) written approval from Ballina Shire Council (Dey/Cubis)

17. Request for Reduced Speed Limit, Coolamon Scenic Drive, Mullumbimby to Pacific Highway

13-663 Resolved that Council notes the RMS have undertaken to carry out a speed review on Coolamon Scenic Drive, from Mullumbimby to the Pacific Highway at St Helena. (Dey/Cubis)

18. Proposed Higher Mass Limit Vehicle access to Booyong abattoir

13-664 Resolved:

1. That Council note that the Local Traffic Committee raises no objection from a traffic and safety perspective to the proposed HML route via Pearce Road and Booyong Road, Booyong for the purpose of accessing the Northern Co-operative Meat Company's Booyong abattoir.

2. That Council, in noting the Local Traffic Committee advice, does not object to the use of Higher Mass Limit (HML) vehicles as proposed and detailed in the RMS letter received (as per Annexure 9). (Dey/Cubis)

Report No. 13.5. Report of the Water, Waste & Sewer Advisory Committee held on 14 November 2013

File No: #E2013/75490

13-665 Resolved:

1. That Council note the minutes of the Water, Waste and Sewer Advisory Committee held on 14 November 2013.
 2. That Council adopt the following items as recommended by the Water, Waste and Sewer Advisory Committee:

Committee Recommendation WW&S 4.1 - Myocum Landfill and Transfer Station Operational Update
 - a) That Council note the information provided in this report on the Myocum Landfill and Transfer Station Operational Update.
 - b) That the option of free self-haul green waste disposal at Myocum Recovery Centre be considered in the 2014-15 waste pricing model. (Dey/Cubis)
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CORPORATE AND COMMUNITY SERVICES - CONFIDENTIAL REPORT

Report No. 14.1. CONFIDENTIAL Tender – Provision of Banking Services

File No: #E2013/78153

13-666 Resolved:

1. That Council award Tender – Provision of Banking Services to the Commonwealth Bank of Australia in accordance with the tender documents and their tender submission for the period 1 January 2014 to 31 December 2018.
 2. 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.
 3. That the report and annexures of the closed part of the meeting remain confidential until 31 December 2018. (Dey/Cubis)
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LATE REPORT – CORPORATE AND COMMUNITY SERVICES

Report No. 15.1. Use of Council managed land in Brunswick Heads for car parking

File No: #E2013/80288

13-667 Resolved:

1. That Council approve the request from the Brunswick Valley Woodchop & Entertainment Committee Inc. on behalf of Brunswick Heads Public School for the use Memorial Park Brunswick Heads for car parking during two (2) events to be held in nearby Banner Park
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ORDINARY MEETING MINUTES

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(Crown Reserve R82999 managed by Crown Holiday Parks Trust) on the evenings of Wednesday 18 December 2013 (Twilight Markets) and Saturday 12 January 2014 (Woodchop Carnival Fireworks), subject to the following conditions:

- Access to site should be limited to the chained gate in the south eastern section of the park.
 - If substantial rainfall event should occur and there is a risk of damage to the park access be denied.
 - Marshalling of vehicles to be undertaken by Brunswick Public School as per recommendation and not Council staff.
 - Key to be supplied to School before events and collected after the events.
2. That Council delegate under Section 377 of the Local Government Act 1993 to the General Manager the authority to determine any proposal or application to use parks and reserves in Brunswick Heads, managed by Council, for car parking for or in conjunction with a community event, and that this Resolution replace Part 1 of Resolution 06-804.
(Dey/Cubis)

PROCEDURAL MOTION

- 13-668 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being 8.1 and 9.1 with 13.3.2 after lunch next on the Agenda. (Cubis/Woods)

The motion was put to the vote and declared carried.

NOTICE OF MOTION

Notice of Motion No. 8.1. Light Rail
#E2013/78359

13-669 Resolved:

1. That Council support in principle the introduction and operation of a light rail service open to the public and operating between Byron Bay and the North Byron Beach Resort.
2. That Council congratulate the Resort operators for pursuing this initiative. (Woods/Dey)

The motion was put to the vote and declared carried.

PETITIONS

Correspondence and Petitions No. 9.1. Blanches Weekend 637 Night Bus Service
#E2013/77369

- 13-670 Resolved** that the petition regarding Blanches Weekend 637 Night Bus Service be noted.
(Dey/Spooner)

The motion was put to the vote and declared carried.

PROCEDURAL MOTIONS

- 13-671 Resolved** that the order of business be changed to deal with Notice of Motion 8.2 later in the meeting. (Woods/Dey)

The motion was put to the vote and declared carried.

- 13-672 Resolved** that the order of business be changed to deal with the Mayoral Minute later in the meeting. (Woods/Cubis)

The motion was put to the vote and declared carried.

PETITIONS

Correspondence and Petitions No. 9.2. Fluoridation

#E2013/77552

- 13-673 Resolved** that the petitions regarding Fluoridation be noted. (Dey/Wanchap)

The motion was put to the vote and declared carried.

Correspondence and Petitions No. 9.3. Non-Chemical means of weed control in Byron Shire

#E2013/77449

13-674 Resolved:

1. That the petition regarding 'Non-Chemical means of weed control in Byron Shire' be noted.
2. That this petition be referred to the review process in accordance with Resolution 13-621. (Wanchap/Dey)

The motion was put to the vote and declared carried.

PETITIONS TABLED

1. In Support of Respectful Campers Staying in Motorhomes and Vehicles Without Harassment

Cr Woods tabled a petition containing 39 signatures which states:

"Affordable accommodation in the Northern Rivers is rare and ordinarily rent is extremely high. The harassment by police and Council Ranger unjustly discriminates against those who are least able to protect themselves and puts extra erroneous pressure on the homeless.

We believe that campers who are otherwise respectful of other limitations such as; restrictions on rubbish and noise requirements and who avoid residential areas should be allowed to park and sleep in their vehicles."

2. Reconsider the Beach Vehicle Policy regarding 4 wheel drive vehicles

Cr Woods tabled a petition containing 14 signatures which states:

“Reconsider the beach vehicle policy in place and change it back to its original wording and regulations regarding 4wd rules on beaches in Byron Shire and that our previous rules.”

SUBMISSIONS AND GRANTS

There were no submissions or grants tabled.

DELEGATES' REPORTS

1. Coastal Koala Plan of Management PRG

Cr Dey advised:

The Project Reference Group for the Plan of Management for the Shire's Coastal Koalas participated in Council's Workshop with music festival stakeholders on 22 November, in accordance with our three-part Resolution 13-534 of 10 October 2013. The PRG then met on 9 December.

Agreement on revised wording for the Draft KPoM was reached several times and finally confirmed on 9 December. The third-party review required by the Resolution is thus not required. I understand Council will receive a report to our Extraordinary Meeting on 19 December recommending exhibition of the revised Draft.

CORPORATE AND COMMUNITY SERVICES – DIRECTOR'S REPORTS

Report No. 12.2. Draft Amended Policy – Section 356 Donations - Assistance for Festivals and Community Functions

File No: #E2013/74092

13-675 Resolved that the matter rest on the table.

(Woods/Ibrahim)

The motion was put to the vote and declared carried.

Report No. 12.4. Sub-lease for temporary tenure of part Mullumbimby Civic Hall

File No: #E2013/74284

Moved:

1. That Council not grant a sub-lease (substantially in the form at Annexure 17(a)) over that part of the Mullumbimby Civic Hall being part of Dedication 540006 for council chambers, to Mullumbimby and District Neighbourhood Centre Inc (subject to Ministerial consent) on the following terms and conditions:

- a) Term of 12 months;
- b) Rent equivalent to Crown minimum rent (currently \$451.00 per annum ex GST);
- c) Permitted use – distance education by Southern Cross Distance Education.

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2. That Council authorise the General Manager to affix the Council Seal to the Sub-lease of part Lot 8 Section 8 DP 758725 in accordance with Regulation 400 of the Local Government (General) Regulations 2005.
3. That Council continue the week to week lease as currently stands and that Council renegotiate the lease agreement at a suitable location. (Cubis/Woods)

AMENDMENT

The vote on this resolution was recommitted later in the meeting and was lost. Refer to new resolution 13-691.

13-676 Resolved:

1. *That Council grant a sub-lease (substantially in the form at Annexure 17(a)) over that part of the Mullumbimby Civic Hall being part of Dedication 540006 for council chambers, to Mullumbimby and District Neighbourhood Centre Inc (subject to Ministerial consent) on the following terms and conditions:*
 - a) *Term of 6 months;*
 - b) *Rent equivalent to Crown minimum rent (currently \$451.00 per annum ex GST);*
 - c) *Permitted use – distance education by Southern Cross Distance Education.*
2. *That Council authorise the General Manager to affix the Council Seal to the Sub-lease of part Lot 8 Section 8 DP 758725 in accordance with Regulation 400 of the Local Government (General) Regulations 2005.*
3. *That a condition be included that the lessee during the period of the lease be open to communicate with the civic hall board of management for usage of the room if required for short term bookings. (Spooner/Wanchap)*

The amendment was put to the vote and declared carried.

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

PROCEDURAL MOTION

13-676 Resolved that Report 12.2 be lifted off the table. (Dey/Cubis)

The motion was put to the vote and declared carried.

CORPORATE AND COMMUNITY SERVICES – DIRECTOR'S REPORTS

**Report No. 12.2. Draft Amended Policy – Section 356 Donations - Assistance for
continued Festivals and Community Functions**
File No: #E2013/74092

13-677 Resolved:

1. That the Draft Amended Policy Section 356 Donations - Assistance for Festivals and Community Functions (Annexure 2 #E2013/74076) be further amended as follows:

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- a) add Objective 1.5 To enable donations to be made under Section 356 of the Local Government Act 1993.
 - b) numeration rather than bullets in section 2.8.
 - c) split section 2.8.2 into two sections.
 - d) split the altered paragraph starting "Up to ..." into two paragraphs.
 - e) alter the wording of the second of these to read "Council's preference is that donations will not continue beyond three consecutive years, in order to ..."
2. That the Draft thus amended be placed on public exhibition for a minimum of 28 days.
 3. That in the event that any submissions are received during the exhibition period on the draft Policy, that it be reported back to Council prior to adoption.
 4. That in the event that there are no submissions received during the exhibition period, then the Draft Amended Policy be adopted and incorporated into Council's Policy Register.
(Dey/Wanchap)

AMENDMENT

Moved:

1. That the Draft Amended Policy Section 356 Donations - Assistance for Festivals and Community Functions (Annexure 2 #E2013/74076) be further amended as follows:
 - a) add Objective 1.5 To enable donations to be made under Section 356 of the Local Government Act 1993.
 - b) numeration rather than bullets in section 2.8.
 - c) split section 2.8.2 into two sections.
 - d) split the altered paragraph starting "Up to ..." into two paragraphs.
 - e) alter the wording of the second of these to read "Donations will not continue beyond three consecutive years, in order to ..."
2. That the Draft thus amended be placed on public exhibition for a minimum of 28 days.
3. That in the event that any submissions are received during the exhibition period on the draft Policy, that it be reported back to Council prior to adoption.
4. That in the event that there are no submissions received during the exhibition period, then the Draft Amended Policy be adopted and incorporated into Council's Policy Register.
(Ibrahim/Cubis)

The Mayor and General Manager arrived at 11.35am.

The amendment was put to the vote and declared lost.

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

The motion was put to the vote and declared carried.

The Mayor took the Chair.

PROCEDURAL MOTION

- 13-678 Resolved** that the order of business be changed to deal with the Mayoral Minute and Item 8.2 next on the agenda. (Woods/Richardson)

The motion was put to the vote and declared carried.

MAYORAL MINUTE

1. Parking signage during 26 December 2013 to 6 January 2014

Moved: That Council endorse the installation and enforcement of No Stopping signs on both the north and south sides of Ewingsdale Road between Belongil Bridge and the Byron Sport and Cultural Complex roundabout during the traffic control period (currently 26 December 2013 to 6 January 2014) inclusive subject to the endorsement of the Local Traffic Committee. (Richardson)

13-679 Resolved that this matter rest on the table. (Woods/Spooner)

The motion was put to the vote and declared carried.

NOTICE OF MOTION

Notice of Motion No. 8.2. In principle support of the Byron Precinct for global solutions #E2013/78923

13-680 Resolved:

1. That Council provide in principle (non-financial) support for an educational and research precinct on Lot 12 Bayshore Drive, Byron Bay to be reviewed by December 2014.
2. That Council make it clear for potential investors in the project that development proposals for the precinct will be considered as always on their merits - the support outlined above does not pre-empt approval.
3. That Council notify the broader community and potential funding agents of this support via a press release and other media. (Richardson/Dey)

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

The meeting adjourned at 12.35 for lunch and reconvened at 1.20pm.

CORPORATE AND COMMUNITY SERVICES – DIRECTOR’S REPORT

Report No. 12.6. Finance Advisory Committee - Constitution and 2014 Meeting Dates
File No: #E2013/75667

13-681 Resolved:

1. That the following dates be adopted for the Finance Advisory Committee's meetings for 2014 and that the meetings commence at 2.00pm.

Thursday 20 February 2014
Thursday 15 May 2014
Thursday 21 August 2014
Thursday 13 November 2014

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2. That Council accept the resignation from Cr Wanchap from the Committee and appoint Cr Cubis in her stead.

3. That the Finance Committee Constitution (#E2012/25425) be amended as follows:

“4. *Membership*

Membership is to include:

- *Six Councillors, being Cr Cameron, Cr Woods, Cr Dey, Cr Ibrahim, Cr Cubis and Cr Hunter*

Members were appointed by the Council at its Ordinary Meeting of 12 December 2013”

“6. *Quorum*

A quorum is to constitute half plus one the number of voting members on the Committee, eg with six or seven voting members on the Committee, the quorum shall be four.”

“9. *Voting*

Each member of the Committee is to have one vote. If the vote is tied on any particular matter it will be referred to Council for determination.”

(Dey/Richardson)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

13-682 Resolved that the order of business be changed to deal with 13.3.2 and then lift the Mayoral Minute next on the agenda. (Woods/Cubis)

The motion was put to the vote and declared carried.

INFRASTRUCTURE SERVICES – COMMITTEE REPORT

Report No. 13.3. Report of the Local Traffic Committee Meeting held on 18 November 2013

#E2013/75012

2. Byron Bay Special Event Parking Area, 26 December – 6 January

13-683 Resolved that the meeting move into committee. (Ibrahim/Richardson)

The motion was put to the vote and declared carried.

COMMITTEE MEETING

13-684 Resolved that Council move out of Committee and resume the Ordinary Meeting. (Woods/Richardson)

The motion was put to the vote and declared carried.

Moved:

1. That, subject to the Local Traffic Committee's endorsement, Council resolve to alter the dates for the SEPA to be from 30 December 2013 to 1 January 2014 (inclusive).
2. That, should the Local Traffic Committee not endorse the proposal in 1. above, then the matter be returned to Council at the Extraordinary Meeting on 19 December 2013 for determination. (Ibrahim/Wanchap)

AMENDMENT

13-685 Resolved:

1. That Council notes the item 'Byron Bay Special Event Parking Area, 26 December – 6 January' was dealt with at the Ordinary Meeting held 21 November 2013.
2. That, subject to the Local Traffic Committee's endorsement, Council alter the dates for the SEPA to be from 26 December 2013 to 1 January 2014 (inclusive).
3. That, should the Local Traffic Committee not endorse the proposal in 2. above, then the existing SEPA scheme continue.
4. That the Mayor be given delegated authority to curtail the SEPA scheme at his discretion. (Dey/Spooner)

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

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

MAYORAL MINUTE

1. Parking signage during 30 December 2013 to 1 January 2014

- 13-686 Resolved** that Council endorse the installation and enforcement of No Stopping signs on both the north and south sides of Ewingsdale Road between Belongil Bridge and the Byron Sport and Cultural Complex roundabout between the dates 30 December 2013 to 1 January 2014 inclusive subject to the endorsement of the Local Traffic Committee. (Richardson)

The motion was put to the vote and declared carried.

*The meeting adjourned at 3.10pm to open the Byron Shire Reserve Trust Committee Meeting and reconvened at 3.15pm. Resolutions **13-687** and **13-688** were used for the Byron Shire Reserve Trust Committee Meeting.*

PROCEDURAL MOTION

- 13-689 Resolved** that the vote on Report No. 12.4 be recommitted. (Cubis/Woods)

The motion was put to the vote and declared carried.

CORPORATE AND COMMUNITY SERVICES – DIRECTOR’S REPORTS

Report No. 12.4. Sub-lease for temporary tenure of part Mullumbimby Civic Hall
File No: #E2013/74284

Moved:

1. That Council grant a sub-lease (substantially in the form at Annexure 17(a)) over that part of the Mullumbimby Civic Hall being part of Dedication 540006 for council chambers, to Mullumbimby and District Neighbourhood Centre Inc (subject to Ministerial consent) on the following terms and conditions:
 - a) Term of 6 months;
 - b) Rent equivalent to Crown minimum rent (currently \$451.00 per annum ex GST);
 - c) Permitted use – distance education by Southern Cross Distance Education.
2. That Council authorise the General Manager to affix the Council Seal to the Sub-lease of part Lot 8 Section 8 DP 758725 in accordance with Regulation 400 of the Local Government (General) Regulations 2005.
3. That a condition be included that the lessee during the period of the lease be open to communicate with the civic hall board of management for usage of the room if required for short term bookings. (Spooner/Wanchap)

The motion was put to the vote and declared lost.

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

FORESHADOWED MOTION

13-690 Resolved that this matter be included in the Agenda of the Extraordinary Meeting of 19 December 2013 and that the current casual booking arrangements continue. (Cubis/Woods)

The motion was put to the vote and declared carried.

Report No. 12.7. Draft On-site Sewage Management Community Engagement and Risk Communication Plan

File No: #E2013/71132

13-691 Resolved:

1. That Council note this report (number 12.7 of 12 December 2013).
2. That the draft Community Engagement and Risk Communication Program for On-site Sewage Management (Annexure 5a) be amended as follows:
 - (i) introduction (italics near the top of Page 1 of 7) to read: The primary role of this Community Engagement and Risk Communication Program is to empower owners and operators of On-site Sewage Management Systems (OSMSs) to protect the environment, including public health. It is also required to support the regulatory function of Council’s Environmental Health Officers when communicating with the

owners of OSMSs in a manner that is pre-emptive, transparent, positive, engaging and easy to understand.

- (ii) the first row of the table on Page 1 be expanded into two rows to read as follow:
Topic: Community Engagement and Risk Communication Program for On-site Sewage Management
Council References 1. Byron Shire Council On-site Sewage Management Strategy;
2. Byron Shire Council Enforcement Policy (Policy 11/005)
 - (iii) the word "wastewater" be replaced with "on-site sewage" in Key Messages 8 on Page 3 and with "sewage" in Key Message 9.
 - (iv) in the row Task 3 on Page 5 of 7, the cell in column Note have an addition "... review of this and neighbouring Council's existing OSMS ...".
3. That Council endorse the CE&RC Program as amended above.
 4. That a report on the CE&RC Program be presented to the Water, Waste and Sewer Advisory Committee at least twice per year.
 5. That Council approve funding of \$85,000 for the CE&RC Program from the allocated budget. (Dey/Wanchap)

The motion was put to the vote and declared carried.

Report No. 12.9. Year to Date Finance Report – November 2013

File No: #E2013/76711

- 13-692 Resolved** that the Year to Date Finance Report – November 2013 be received and noted. (Hunter/Woods)

The motion was put to the vote and declared carried.

Report No. 12.10. Establishment of Markets Policy Review Project Reference Group

File No: #E2013/75345

Cr Spooner left the meeting at 3.37pm in accordance with his earlier declared non-pecuniary interest in this matter and took no part in the debate or the voting on this matter.

13-693 Resolved:

1. That Council appoint David Piesse and Rob Tuckett as community representatives for the Markets Policy Review Project Reference Group.
 2. That Council appoint Anthony Hotson, Andrew McOscar and Mignon Frances as the three Markets Stall Holder representatives for the Markets Policy Review Project Reference Group.
 3. That Council appoint Jeff Pritchard, Joy Slater, David Sweet, Kaye Shadbolt, Alison Godfrey and Susan Tsicalas as the six Market Manager representatives for the Markets Policy Review Project Reference Group.
-

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4. That the Constitution be amended to reflect the increased number of Market Manager representatives.
5. That the representatives be advised of their appointment to this PRG and be provided with a copy of the amended adopted Constitution.
6. That Council authorise amendments to the adopted Constitution substantially in the form of Annexure 6(d) (#E2013/75487). (Ibrahim/Richardson)

*The motion was put to the vote and declared carried.
Cr Spooner was not present for the vote.
Cr Spooner returned to the meeting at 3.43pm.*

Report No. 12.11. 2014 Compliance Priorities Program
File No: #E2013/73779

13-694 Resolved:

1. That this report be noted.
2. That the proposed 2014 Compliance Priorities Program (Annexure 3 #E2013/74416) be amended to remove the word "any" and pluralise the necessary wording from Priority 1.1.
3. That the Program thus amended be adopted.
4. That in future compliance reports Council gets an indication of approximate recovery of fines. (Woods/Richardson)

The motion was put to the vote and declared carried.

Report No. 12.12. Island Quarry Inc. request to waive rates under Section 356 Local Government Act 1993
File No: #E2013/72613

Moved:

1. That Council deny Island Quarry Inc's request for a donation to cover rates.
2. That Council may reconsider the request after a Plan of Management is received and accepted and other requests from staff have been adequately addressed. (Cubis/Woods)

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

FORESHADOWED MOTION

Moved: That Council, under Policy 12/008 Section 356 Donations – Rates, Water and Sewerage Charges, donate 100% of the General Rates and fixed Water and Sewer Charges currently outstanding for iQ Reserve, Ewingsdale Road, Byron Bay 2481 (Assessment No. 1101963) and Station Street Railway Station and include these properties under Policy 12/008 Section 356 Donations – Rates, Water and Sewerage Charges. (Ibrahim/Wanchap)

AMENDMENT

- 13-695 Resolved** that Council, under Policy 12/008 Section 356 Donations – Rates, Water and Sewerage Charges, donate 100% of the General Rates and fixed Water and Sewer Charges currently outstanding for iQ Reserve, Ewingsdale Road, Byron Bay 2481 (Assessment No. 1101963) and include this property under Policy 12/008 Section 356 Donations – Rates, Water and Sewerage Charges. (Dey/Woods)

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

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

FORESHADOWED MOTION

- 13-696 Resolved** that a review of Policy 12/008 be undertaken by staff and be brought back to Council as a report. (Woods/Dey)

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

FORESHADOWED MOTION

Moved:

1. That Council write to Crown Lands and request clarity on the use and management of Island Quarry.
2. That Council request the Island Quarry property manager provide a vision or business plan to indicate how they will soon be able to pay rates.
3. That Council ask the Island Quarry property manager to provide answers to outstanding questions. (Woods/Cubis)

*The motion was put to the vote and declared tied.
Crs Ibrahim, Richardson, Wanchap and Spooner voted against the motion.
The Mayor used his casting vote and declared the motion lost.*

The meeting adjourned at 4.57pm for a break and reconvened at 5.12pm.

Report No. 12.14. Inaugural Byron Shire Sport Stakeholders Forum

File No: #E2013/74838

13-697 Resolved:

1. That Council receive and note the outcomes reported from the Inaugural Byron Shire Sports Stakeholder Forum.
2. That Council adopt the following objectives of the Byron Shire Sport Stakeholders Forum:

- a) To bring together all of the major and emerging sporting groups currently using or have a need to use Council's sports fields and facilities on a regular basis.
 - b) To provide a means of improving and facilitating closer co-operation and collaboration between sporting codes who are active within the Byron LGA.
 - c) To improve the level of understanding between the clubs and associations as to the competing demands for limited indoor/outdoor recreation spaces within the Byron LGA.
 - d) To collect data and information regarding the growth of each of the sporting codes and their likely future development needs.
 - e) To utilise information regarding the future growth and development needs of the clubs to help inform future Council decision making and forward infrastructure planning, including the potential development of a Shire strategic plan for sport facilities development/improvements.
 - f) To provide a forum for actively engaging with the principal users of Council sports fields on ground/facility development proposals and any issues arising from the use of Council facilities.
 - g) To build a spirit of co-operation and mutual respect between clubs/codes and between clubs/codes and the Council.
 - h) Through closer co-operation, facilitate and promote shared ground/facilities development proposals for government funding utilising seed funding/funding from sporting associations/codes and/or the Council.
3. That Council adopt the following Structure - Composition and Conduct of the Forum:
- a) The Forum would be chaired by a councillor appointed by the Council.
 - b) The Forum would include up to three councillors including the Chair.
 - c) The Forums would be attended by the General Manager (or his delegate), the Director, Infrastructure Services, and the relevant Manager.
 - d) The Forum would meet every 3 months at the BRSCC.
 - e) Notes summarising issues raised and decisions taken at each Forum would be tabled at Council meetings.
 - f) Participation in the Forums would be open to all sporting groups that currently use or have a need to use Council sports fields/facilities, primarily (although not exclusively) by virtue of them having a significant membership residing within the Byron LGA.
 - g) The number of participants would be a maximum of two per club or based upon such other formula which ensures equity and fairness of representation.
 - h) The Forum would operate on the basis of consensus and information exchange rather than on the basis of any binding vote.
 - i) The feedback from the Forum will facilitate more informed decision making by the Council in relation to the allocation of sporting facilities and the future development of sporting facilities within the Byron LGA.
4. That Council appoint Cr Richardson as the Chair for the Byron Sport Stakeholders' Forum and Crs Cubis and Ibrahim as delegates as per the Structure - Composition and Conduct of the Forum.

5. That Council notes the following meeting dates for the Byron Sport Stakeholders Forums for 2014:

17 February 2014
19 May 2014
18 August 2014
17 November 2014

(Dey/Ibrahim)

The motion was put to the vote and declared carried.

Report No. 12.15. Reclassification of Council owned land Manfred Street, Belongil

File No: #E2013/69087

Moved: That the report be noted.

(Spooner/Richardson)

AMENDMENT

13-698 Resolved:

1. That Council commence the proceedings to reclassify the following parcels of land from Community Land to Operational Land:

Lot B DP 371044
Lot 7 Section 3 DP 1623
Lot 6 Section 3 DP 1623
Lot 2 Section 3 DP 1623

2. That Council authorise the General Manager to begin the statutory process to consider reclassification of the parcels of land identified in part 1 from Community to Operational Land by preparing a planning proposal for the Minister of Planning's determination through the Gateway process. (Woods/Ibrahim)

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

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

Crs Dey, Richardson and Spooner voted against the motion.

Cr Cubis left the meeting at 5.32pm and did not return.

INFRASTRUCTURE SERVICES – DIRECTOR'S REPORTS

Report No. 12.20. Draft Policy - Waste Disposal following a Natural Disaster or Significant Storm Event

File No: #E2013/75163

13-699 Resolved:

1. That the draft Waste Disposal following a Natural Disaster or Significant Storm Event Policy, be placed on public exhibition for a period of 28 days with the following amendment:
-

Include a new section between 3.2 and 3.3 which states:

"That staff will charge the usual fee for any waste not deemed to be as a direct result of a natural disaster or significant storm event."

2. That in the event that any submissions are received on the draft Policy it be reported back to Council prior to adoption.
3. That in the event that no submissions are received on the draft Policy it be adopted and incorporated into Council's Policy Register.
4. That, in accordance with Section 377 of the Local Government Act 1993, Council delegate to the General Manager the power to waive gate fees at the Myocum Resource Recovery Centre, in accordance with the provision of the Waste Disposal following a Natural Disaster or Significant Storm Event Policy. (Ibrahim/Woods)

The motion was put to the vote and declared carried.

INFRASTRUCTURE SERVICES - COMMITTEE REPORTS

Report No. 13.2. Report of the Belongil Creek Floodplain Risk Management Committee Meeting held on 11 November 2013

File No: #E2013/75292

13-700 Resolved that Council note the minutes of the Belongil Creek Floodplain Risk Management Committee (BCFRMC) meeting held on 11 November 2013 (Annexure10(b) E2013/76768). (Ibrahim/Woods)

13-701 Resolved that in relation to Report 4.1. - Flood Modification Measure – Railway Bridge Modelling (Community Infrastructure #E2013/71895), Council adopt:

Committee Recommendation BCFRMC 4.1.1

- a) That Council does not adopt the widening (span) of the railway bridge over Belongil Creek as a potential mitigation measure, and note the following reasons:
 - i) the mitigation measure has a limited beneficial impact on flood risk within the catchment
 - ii) future sea level rise will increase the risk for storm tide inundation within Byron Bay
- b) That Council note widening of the railway bridge may increase the vulnerability of Byron Bay to these risks.
- c) That Council notes that the cost benefit analysis does not support the widening of the bridge. (Ibrahim/Woods)

13-702 Resolved that in relation to Report 4.2 - Belongil Floodplain Risk Management Study Draft Summary (Community Infrastructure #E2013/71909), Council not adopt Committee Recommendation BCFRMC 4.2.1, but instead adopt:

Management Recommendation BCFRMC 4.2.1

- a) That Council adopt the Draft Belongil Creek Floodplain Risk Management Study Report as detailed in Annexure 2 (Annexure 10(c) #E2013/76783 of this report to Council) and use the contents to develop the Draft Belongil Creek Floodplain Management Plan.

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- b) That the Byron Drainage Strategy previously referred to as the 'Alternative Byron Drainage Strategy' will now be referred to as the 'Preferred Byron Drainage Strategy'.
- c) That Council notes the location of a permanent Creek mouth for Belongil Creek won't have an impact on hydraulic loads.
- d) That separate to the floodplain risk management process staff investigates the following issues
 - i) The social and environmental impact of the migration of the Belongil Creek Mouth and possible locations of a permanent Creek mouth be investigated.
 - ii) The bank erosion that is threatening built infrastructure adjacent to Childe Street/Manfred Street be investigated. (Ibrahim/Woods)

The motions were put to the vote and declared carried.

Report No. 13.4. Report of the Transport Advisory Committee Meeting held on 26 November 2013

File No: #E2013/78043

13-703 Resolved that Council note the minutes of the Transport Advisory Committee Meeting held 26 November 2013. (Spooner/Richardson)

13-704 Resolved that in relation to item 6.1 - Late Night Bus Service, Council adopt: (Spooner/Richardson)

Committee Recommendation 6.1

That in relation to the Late Night Bus Service and in response to resolution 13-623:

- a) Council acknowledges the value of the existence of the Late Night Bus Service
- b) staff seek further information about data collection and monitoring of the service
- c) staff seek information from the RMS on the publicity budget and plans
- d) the Committee recommends to Council that further support for a permanent night time bus service be sought
- e) Council continue discussions with operators and the community to develop permanent, late night bus services within Byron Shire (Spooner/Richardson)

13-705 Resolved that in relation to item 6.2 - Bikeway Options for Suffolk Park, Council adopt:

Committee Recommendation 6.2

That in relation to bikeway options for Suffolk Park:

- a) the Committee thanks staff for the update provided
- b) that at the next available meeting of the Committee staff report on the available budget for bikeways in particular and transport in general
- c) the indicative design from Byron Bay to Suffolk Park be considered and presented to the Transport Advisory Committee early in 2014
- d) that a report be provided to the Transport Advisory Committee providing an update on progress on the existing adopted Bike Plan
- e) that a workshop be held to review the adopted Bike Plan (Spooner/Richardson)

The motions were put to the vote and declared carried.

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There being no further business the meeting concluded at 5.50pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 6 February 2014.

.....
Mayor Simon Richardson