



Byron Shire Council



Minutes

Ordinary Meeting
Thursday, 27 February 2014

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
27 February 2014

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**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY,
27 FEBRUARY 2014 COMMENCING AT 9.01AM AND CONCLUDING AT 5.20PM**

#E2014/10702

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

Staff: Ken Gainger (General Manager)
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)

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

PUBLIC ACCESS

Prior to dealing with the circulated reports and associated information, a Public Access Session was held and Council was addressed on the following:

Mayoral Minute No. 8.1. In-principle support for 'Future Feeders'

John Anderson addressed Council against the recommendation.

Notice of Motion No. 9.1. Noise monitoring of events at North Byron Parklands

John Anderson addressed Council against the recommendation.
Paul Arrowsmith, President of Yelgun Community Association, addressed Council regarding this report.

Notice of Motion No. 9.2. Upgrade beach access at Memorial Park, Brunswick Heads

Patricia Warren addressed Council against the recommendation.

Notice of Motion No. 9.3. South Beach Road, Brunswick Heads

Shane Pearce addressed Council in favour of the recommendation.

Correspondence and Petitions No. 10.1. Intention to revoke Buskers Permit No 76.2013.17

Peter Wilton addressed Council in favour of the recommendation.

Correspondence and Petitions No. 10.2. Acceptable conditions of use for Holiday Let Homes on Pacific Vista Drive

David Wallace addressed Council in favour of the recommendation.
John Anderson addressed Council against the recommendation.

Report No. 13.6. Reclassification of Community Land Suffolk Beachfront Holiday Park

Donald Maughan, President of the Suffolk Park Progress Association, addressed Council regarding this report.

Report No. 13.14. Belongil Interim Beach Access Stabilisation Works

Peter Westheimer addressed Council against the recommendation.

Report No. 13.16. Suffolk Park Sports Fields - Projects Funded by Section 94 Contributions

Donald Maughan addressed Council in favour of the recommendation.

Report No. 15.1. CONFIDENTIAL Unauthorised use of property at Tyagarah

John Anderson addressed Council regarding this report.

Submission No. 1 Byron Bay bypass alternative – railway corridor

Paul Jones, representing Grab the Rail and the Butler Street Community Network made a submission to Council regarding the use of the existing railway corridor as alternate route for the Byron Bay bypass.

Submission No. 2 Freedom of speech

John Anderson made a submission to Council regarding freedom of speech during Council meetings.

Submission No. 3 Holiday lets in Byron Shire

David Wallace made a submission to Council regarding the operation of Holiday Letting Policy in the city of Busselltown, Western Australia, application and precedent of this Policy on Byron Shire Council and the preparation of the draft Holiday Letting Strategy.

APOLOGIES

There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

14-28 Resolved that the Minutes of the Ordinary Meeting held on 6 February 2014 be confirmed.
(Woods/Dey)
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:

STAFF REPORTS

Corporate and Community Services

- 13.5. Budget Review - 1 October 2013 to 31 December 2013
- 13.6. Reclassification of Community Land Suffolk Beachfront Holiday Park
- 13.9. Illegal camping, rubbish and environmental damage - Crown Reserve at Cavvanbah Street, Byron Bay

Environment and Planning

- 13.11. Investigating the Re-Design of the Jonson Street Protection Works Final Report and Design and Coastal Update

Infrastructure Services

- 13.12. Renaming of Fire Station (Heritage) Park in Bangalow
- 13.13. Revised 2013/14 Plant Replacement Program
- 13.14. Belongil Interim Beach Access Stabilisation Works
- 13.16. Suffolk Park Sports Fields - Projects Funded by Section 94 Contributions

REPORTS OF COMMITTEES

Infrastructure Services

- 14.1. Report of the Local Traffic Committee Meeting Held on 5 February 2014
 - 14.1.5. Request to Hold A Street March, Byron Bay
 - 14.1.6. Proposal for No Parking, Coral Avenue, Mullumbimby

The remaining Recommendations and Committee Recommendations were adopted as a whole, being moved by Cr Woods and seconded by Cr Richardson. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 14-29 and concluding with Resolution No. 14-46.

GENERAL MANAGER – STAFF REPORT

Report No. 13.1. Operational Plan Review 2013/2014 as at December 2013
File No: #E2014/4518

- 14-29 Resolved** that Council receive and note the annual report and associated Annexure on the 2013-2014 Operational Plan Review for the period 1 July 2013 to 31 December 2013.
(Woods/Richardson)

CORPORATE AND COMMUNITY SERVICES – STAFF REPORTS

Report No. 13.2. Council Resolutions Review October to December 2013

File No: #E2014/4473

14-30 Resolved:

1. That Council receive and note the information provided in this report on outstanding Council resolutions.
2. That Council note the completed resolutions in Annexure 6(b) (#E2014/8059).
(Woods/Richardson)

Report No. 13.3. Year to Date Finance Report – January 2014

File No: #E2014/8301

14-31 Resolved that the Year to Date Finance Report – January 2014 be received and noted.
(Woods/Richardson)

Report No. 13.4. Investments – January 2014

File No: #E2014/5659

14-32 Resolved that the report listing Council's investments and overall cash position as at 31 January 2014 be noted.
(Woods/Richardson)

Report No. 13.7. Finalisation of the Australia Day 2014 Project Reference Group

File No: #E2014/5760

14-33 Resolved:

1. That Council note this report on the Australia Day 2014 activities.
2. That Council disband the Australia Day Project Reference Group effective 10 February 2014.
3. That Council write to all members of the Australia Day 2014 Project Reference Group advising of this resolution and to thank the participants for their assistance.
(Woods/Richardson)

Report No. 13.8. Section 355 Committee – New Appointment

File No: #E2014/4988

14-34 Resolved:

1. That the report be noted.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 FEBRUARY 2014 (5 of 20)

2. That with regard to the Brunswick Valley Community Centre Section 355 Management Committee, Council appoint Gail Bridgman to the Committee for this term of Council ending September 2016.
 3. That Council advertise for further members for Brunswick Valley Community Centre, Brunswick Heads Memorial Hall and South Golden Beach Section 355 Management Committees. (Woods/Richardson)
-

Report No. 13.10. Report of the Youth Council Minutes October to December 2013
File No: #E2013/82616

14-35 Resolved:

1. That Council note the minutes from the 2 October, 6 November and 4 December 2013 Youth Council Meetings.
 2. That Council note and commend the Byron Shire Youth Council for its involvement in the delivery of the {enVision} Local Careers Expo.
 3. That Council endorse an annual local careers expo for young people, working with established partners and utilising the current budget to address this identified action in the Youth Strategy and Action Plan.
 4. That Council note and commend the Byron Youth Council on the delivery of the Mental Health Awareness days in local high schools. (Woods/Richardson)
-

INFRASTRUCTURE SERVICES - STAFF REPORT

Report No. 13.15. Affix Council Seal Agreement for Road Widening, Repentance Creek Road
File No: #E2014/5787

14-36 Resolved:

1. That Council affix the Council Seal to the Agreement for Road Widening, Repentance Creek Road for the Land Title for Lot 1 DP 360597 in accordance with Regulation 400 of the Local Government (General) Regulations 2005.
 2. That Council affix the Council Seal to the Agreement for Road Widening, Repentance Creek Road for the land Title for Lot 2 DP701229 in accordance with Regulation 400 of the Local Government (General) Regulations 2005. (Woods/Richardson)
-

INFRASTRUCTURE SERVICES - COMMITTEE REPORT

Report No. 14.1. Report of the Local Traffic Committee Meeting Held on 5 February 2014
File No: #E2014/7286

14.1.1. Pedestrian Facilities – Bangalow Road, Byron Bay

- 14-37 Resolved** that Council note the information in regards to the assessment for a marked (zebra) pedestrian crossing on Bangalow Road between Browning Street and Paterson Street and that
-

a further report will be presented to the Local Traffic Committee following the carrying out of pedestrian and vehicle traffic on that section of road. (Woods/Richardson)

14.1.2. Proposed Car Parking Improvements Adjacent to Captain Cook Car Park (NPWS) - Lighthouse Road, Byron Bay

14-38 Resolved:

1. That the shared path, beachwards from the existing bollards near the car park, and subject to meeting the design requirements of the NSW Bicycle Guidelines, be endorsed on Lighthouse Road at the Captain Cook Lookout, inclusive of:
 - a) design width
 - b) delineation
 - c) sign posting
 - d) suitable intersection treatments at the access points to the parking area
 2. That the construction of the car parking area shown in the plan be endorsed.
 3. That No Stopping be provided along the north western side (ie road side of the bollards) of Lighthouse Road, between the two access points to the Captain Cook Car Park.
 4. That a continuity line be provided across the intersection of Lee Lane.
 5. That double barrier lines be extended across the length of Lighthouse Road, between the two access points to the Captain Cook Car Park. (Woods/Richardson)
-

14.1.3. Bangalow Billy Cart Derby, Sunday 18 May 2014

14-39 Resolved:

1. That the Bangalow Billy Cart Derby, to be held Sunday 18 May 2014, which includes the temporary road closure of Byron Street, Bangalow between Granuaille Road and Market Street between the hours of 6am and 4pm, be endorsed.
 2. That the organisers be responsible for implementing an approved Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation and be advised Council's fee for holding an on-road event will apply.
 3. That public liability insurance be in place for the sum of at least \$20 million and a copy be provided to Council.
 4. That the concurrence of the Police be sought by the organisers, independent of the Local Traffic Committee endorsement.
 5. That the event be advertised in accordance with the Roads Act charged at cost to the organisers.
 6. That the event be notified on Council's website.
 7. That if Council staff and materials are required for the event, costs be recorded and invoiced to the organisers as appropriate. (Woods/Richardson)
-

14.1.4. Request for No Stopping Signs at RFS Mullumbimby

- 14-40 Resolved** that No Stopping signs be erected across the width of the Mullumbimby Rural Fire Service property at the rear lane. (Woods/Richardson)
-

14.1.7. Request to Extend School Bus Route, Federal and Eureka

- 14-41 Resolved** that Council note the Local Traffic Committee has no objection to the proposed extension of the school bus route by Bulzomi Bus Lines to use Federal Road, Federal to Eureka and the use of Goremans Road, Springvale Road and Eureka Road, Eureka. (Woods/Richardson)
-

14.1.8. Rescue Helicopter Fundraiser, Byron Bay to Ballina Chopper Walk

14-42 Resolved:

1. That Council endorse the Westpac Life Saver Rescue Helicopter fundraiser, Byron Bay to Ballina Chopper Walk, to be held Sunday 25 May 2014, subject to:
 - a) the use of an accredited designed and implemented Traffic Control Plan for the purpose of stop/go controls where required
 - b) the use of marshals along Marine Parade who, for the purpose of aiding and forming participants into walking groups, are to undertake their duties in accordance with a pre-event risk assessment and management plan, a copy of which is to be provided to Council prior to the event
 - c) public liability insurance be in place for the sum of at least \$20 million
 - d) the event be advertised in accordance with the Roads Act, with the advertising charged at cost to the organisers
 - e) the event being notified on Council's website
 - f) consideration of any submissions received
 - g) attainment (by the event proponent) of NPWS written acceptance of the event
 2. That the endorsement in Part 1 is also subject to the following in regard to the use of Seven Mile Beach Road, that is:
 - a) signage, which specifies the date, hours and nature of the event, be positioned at the entrance and exit of Seven Mile Beach Road one week prior to the event;
 - b) on the day of the event, at 500m intervals, and facing both directions of travel, signs advising of "Special Event - Charity Walk Ahead" (or similar) are installed prior, and removed after, the event occurs; and
 - c) a safety induction for participants advising of hazards be provided. (Woods/Richardson)
-

14.1.9. Late Item - Traffic Management, Mullum to Bruns Paddle, Sunday 25 May 2014

- 14-43 Resolved** that Council approve the temporary traffic control measures in Mullumbimby for the Mullum to Bruns Paddle, to be held on Sunday 25 May 2014, subject to the proponent's:
- a) use of an accredited designed and implemented Traffic Control Plan
 - b) holding public liability insurance for the sum of at least \$20 million
-

- c) the event being advertised in accordance with the Roads Act 1993
 - d) the event being notified on Council's website
 - e) consideration of any submissions received
 - f) letter box drop of residents advising of the event and traffic management
(Woods/Richardson)
-

14.1.10. Late Item - Proposed Stop and No Stopping, Pacific Street and River Street, New Brighton

14-44 Resolved:

- 1. That at the intersection with River Street, New Brighton, Council endorse the upgrade of Pacific Street from its current unsigned and non-line marked Give Way to a signed and line marked STOP intersection.
 - 2. That No Stopping be line marked on both sides of the road, commencing on The Esplanade 10m south of the existing centre double barrier line and concluding 10m south of Pacific Street.
 - 3. That the No Stopping line marking include no less than 10m into both sides of Pacific Street.
(Woods/Richardson)
-

14.1.11. Late Item – Road Closures, ANZAC Day Parades, 25 April 2014

14-45 Resolved:

- 1. That Council endorse the ANZAC Day Parades for 25 April 2014 for the Return Services League sub branches of Byron Bay, Mullumbimby, Bangalow and Brunswick Heads/Billinudgel.
 - 2. That Council implement the necessary temporary road closures and detours and place advertisements in the local newspaper as required by the Roads Act 1993.
(Woods/Richardson)
-

CORPORATE AND COMMUNITY SERVICES - CONFIDENTIAL REPORT

Report No. 15.1. CONFIDENTIAL Unauthorised use of property at Tyagarah
File No: #E2014/120

- 14-46 Resolved** that the General Manager be authorised to commence and maintain Class 4 proceedings in the Land and Environment Court seeking declarations and injunctions regarding the use of the property at 3822 Pacific Highway Tyagarah in accordance with the General Manager's general delegations.
(Woods/Richardson)
-

PROCEDURAL MOTION

- 14-47 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being 9.1, 9.2, 10.2, 13.6, 13.9, 13.14 and 13.16 next on the Agenda.
(Richardson/Woods)
- The motion was put to the vote and declared carried.*
-

NOTICES OF MOTION

Notice of Motion No. 9.1. Noise monitoring of events at North Byron Parklands

#E2014/7217

14-48 Resolved that Council:

1. Note the report from staff and the issues raised in public access.
2. Note the apparent inconsistencies in information provided in the report, the AMP and NMP and information provided to some members of the RWG regarding "additional clarification and criteria for operational noise parameters".
3. Recognises the role of Councillor and Community Members on the RWG and requests that these delegates report to Council following the 25 March meeting of the RWG with a view to Council considering undertaking independent noise monitoring.
4. That Council request a meeting with the relevant Dept of Planning Officer responsible for the management of the North Byron Festival Site, to discuss the issue regarding noise monitoring and the identified problems in relation to the noise complaints from the last Splendour in the Grass event; and
5. That Council staff request an update on any other issues raised by community members to ensure consistency with the Consent Conditions imposed at the time of determination.

(Richardson/Cameron)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.2. Upgrade beach access at Memorial Park, Brunswick Heads

#E2014/8575

14-49 Resolved that Council:

1. Upgrade the footpath access as located on the accompanying maps of Memorial Park, Brunswick Heads to at least the extent required to wheel a small kayak onto the beach there, but to prevent vehicles and road trailers, for access to the Brunswick River and allocate appropriate funding in the 2014/15 budget;
2. Seek funding of the full or partial cost of the works from Crown Lands, in support of their endeavours to return revenue from Holiday Parks to nearby public reserves; and
3. Seek funding from other sources such as Coastal and Estuary Management Grants, administered by the Office of Environment and Heritage under its Coastal and Estuary Management Programs.

(Dey/Richardson)

The motion was put to the vote and declared carried.

Correspondence and Petitions No. 10.2. Acceptable conditions of use for Holiday Let Homes on Pacific Vista Drive

#E2014/8636

14-50 Resolved:

1. That the petition regarding 'Acceptable conditions of use for Holiday Let Homes on Pacific Vista Drive' be noted.
-

2. That Council liaise further with the author of the petition to pin point the location of the properties in question to consider further action including writing to the land lords (and or their agents) of these properties advising them of the need to ensure they manage these properties responsibly having regards to the amenity of their neighbours, to commencing legal action for breaching Byron LEP 1988, the EPA Act 1979 and the POEO Act 1997.

(Richardson/Dey)

The motion was put to the vote and declared carried.

RESERVATIONS OF ITEMS FOR DEBATE

CORPORATE AND COMMUNITY SERVICES –STAFF REPORTS

Report No. 13.6. Reclassification of Community Land Suffolk Beachfront Holiday Park
File No: #E2013/77901

14-51 Resolved:

1. That Council commence the proceedings to reclassify part of but not all of Lot 100 DP 1023737, Alcorn Street, Suffolk Park, identified in blue on Annexure 13(a) (#E2013/77893) from Community Land to Operational Land.
2. That Council authorise the General Manager to begin the statutory process to consider reclassification of the land identified in Part 1 above from Community to Operational Land by preparing a planning proposal for the Minister of Planning's determination through the Gateway process.
3. That Council close outstanding resolutions 09-880 and 09-1117 relating to Suffolk Beachfront Holiday Park for the reasons identified in this report. (Dey/Woods)

The motion was put to the vote and declared carried.

Report No. 13.9. Illegal camping, rubbish and environmental damage - Crown Reserve at Cavvanbah Street, Byron Bay
File No: #E2014/4735

14-52 Resolved:

1. That Council note the contents of this report.
2. That Council support the joint agency enforcement actions in the reserve and the participation of Council Compliance Regulatory Services staff in these enforcement actions.
3. That Council consider in preparation of the draft 2014/15 Budget the allocation of resources for a management program for the reserve including enforcement (compliance action), bush restoration and regeneration and rubbish removal.
4. That Council consult with the Byron Bay Community Benefit Committee regarding available housing and support service options for the rough sleepers impacted by the joint agency enforcement actions in the reserve. (Spooner/Richardson)

The motion was put to the vote and declared carried.

INFRASTRUCTURE SERVICES – STAFF REPORTS

Report No. 13.14. Belongil Interim Beach Access Stabilisation Works

File No: #E2014/6280

- 14-53 Resolved** that Council note the progress on the Belongil Interim Beach Access Stabilisation Works. (Ibrahim/Woods)

AMENDMENT

Moved:

1. That Council note the progress on the Belongil Interim Beach Access Stabilisation Works.
2. That the budget shortfall for the Manfred Street works be made up from funds other than Council's Environmental Levy. (Dey/Richardson)

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

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

FORESHADOWED MOTION

- 14-54 Resolved** that Council negotiate a voluntary contribution from directly benefiting affected landowners to assist with the construction of the Belongil Interim Beach Access Stabilisation Works. This voluntary contribution to fund some or all of the calculated short fall for construction of the proposed interim works. This voluntary contribution affords the opportunity for directly benefiting landowners to donate in a meaningful and reasonable way to the project construction. (Spooner/Richardson)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

- 14-55 Resolved** that all the legal advice available (including the advice sought in February) be considered by Council prior to tenders being called (Step 22 in Table 1 of Report 13.14) for the proposed Belongil Interim Beach Stabilisation Works. (Dey/Richardson)

PROCEDURAL MOTION

- 14-56 Resolved** that Cr Richardson be granted a one minute extension to his speech. (Richardson/Cameron)

The motion was put to the vote and declared carried.

*The motion (Dey/Richardson) was put to the vote and declared carried.
Crs Cubis, Woods and Hunter voted against the motion.*

The meeting adjourned at 1.42pm for lunch and reconvened at 2.26pm.

Report No. 13.16. Suffolk Park Sports Fields - Projects Funded by Section 94 Contributions

File No: #E2013/78697

Moved:

1. That Council endorse the following works, as previously considered by Council in Resolution 12-949, Part 2, under expenditure from Open Space Section 94 funds for Suffolk Park:
 - a) two shade structures and seating on the eastern side of the sports field, using the kit form shelter similar in style to those used at Mullumbimby, providing funds of \$15,000 each and orienting the structures to minimise noise impacts on neighbouring residences
 - b) extension of the skate park, in accordance with the sketch plans provided by the Suffolk Park Progress Association, providing funds up to \$30,000
 - c) modifications to the amenities building, with new change rooms and canteen, subject to plans being developed and approved by council's infrastructure services division and quotes indicating the works can be built within budget, providing funds of \$100,000
 - d) additional shade trees along the eastern side of the sports field be provided, using similar species to existing trees on the land, providing funds of \$5,000
2. That Council endorse further works under section 94 expenditure, as requested by the Suffolk Park Progress Association and local Soccer Club, as follows:
 - a) Three seats and one picnic table around the lake to the north (as shown in Fig 1 of this report), with funds provided up to \$4,000
 - b) A child protection fence around the existing playground to the north western corner of the car park (near Beech Drive) with funds provided up to \$2,000
 - c) A drinking fountain/bottle filling station adjacent to the playground, with funds provided of \$3,000.
 - d) A shelter adjacent to the new children's playground at the eastern end (adjacent to the basketball court) with funds of \$7,000
3. That a suitably qualified consultant be engaged to assist Council to develop sound attenuation measures to reduce impacts on residences adjacent to the skate park and tennis courts, with funds provided up to \$20,000 from the 2014/15 Parks Operational budget.
4. That funds of \$50,000 be allocated in the 2014/2015 budget from the open space s94 funds for measures that may be recommended by the sound consultant.
5. That Council engage with the youth of Suffolk Park, the Suffolk Park Progress Association and local residents consider measures to reduce the adverse impacts of the use of the skate park on the adjacent amenities and on residences in the area.
6. That the cricket wicket be removed from the soccer field at a cost of \$1,500, with funds provided from the 2014/15 Parks Operational budget.
7. That a new mini-sports field (works valued at \$25,000) be incorporated into the amendments to the 2012 section 94 Plan to be reported back to Council. (Dey/Richardson)

PROCEDURAL MOTION

14-57 Resolved that Cr Cubis be granted a two minute extension to his speech. (Woods/Richardson)

The motion was put to the vote and declared carried.

AMENDMENT

Moved:

1. That Council engage a suitable consultant and report back to Council on:
 - a) sound attenuation
 - b) use of underutilised areas of the amenities and the tennis court, and ways to improve the whole facility.
 2. That Council allocate up to \$25,000. (Cubis/Woods)
-

PROCEDURAL MOTION

14-58 Resolved that Cr Dey be granted a one minute extension to his speech. (Richardson/Cubis)

The motion was put to the vote and declared carried.

The amendment was put to the vote and declared lost.

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

The motion was put to the vote and declared lost.

Crs Woods, Richardson, Cameron, Wanchap and Spooner voted against the motion.

FORESHADOWED MOTION

14-59 Resolved:

1. That Council endorse the following works, as previously considered by Council in Resolution 12-949, part 2, under expenditure from Open Space Section 94 funds for Suffolk Park:
 - a) two shade structures and seating on the eastern side of the sports field, using the kit form shelter similar in style to those used at Mullumbimby, providing funds up to \$15,000 each
 - b) extension of the skate park, in accordance with the sketch plans provided by the Suffolk Park Progress Association, providing funds up to \$30,000
 - c) modifications to the amenities building, with new change rooms and canteen, subject to plans being developed and approved by council's infrastructure services division and quotes indicating the works can be built within budget, providing funds of \$100,000
 - d) additional shade trees along the eastern side of the sports field be provided, using similar species to existing trees on the land, providing funds up to \$5,000
-

2. That Council endorse further works under section 94 expenditure, as requested by the Suffolk Park Progress Association and local Soccer Club, as follows:
 - a) Three seats and one picnic table around the lake to the north (as shown in Fig 1 of this report), with funds provided up to \$4,000
 - b) A child protection fence around the existing playground to the north western corner of the car park (near Beech Drive) with funds provided up to \$2,000
 - c) a shelter adjacent to the new children's playground at the eastern end (adjacent to the basketball court) with funds up to \$7,000
3. That Council engage with young people of Suffolk Park, the Suffolk Park Progress Association and local residents to give consideration to possible measures to reduce the adverse impacts of the use of the skate park on residences in the area.
4. That removal of the cricket wicket in the soccer field is at a cost of \$1,500, with funds provided from the 2014/15 Parks Operational budget.
5. That a new mini-sports field (works valued at \$25,000) be incorporated into the amendments to the 2012 section 94 Plan to be reported back to Council.

(Richardson/Spooner)

AMENDMENT

Moved:

1. That Council endorse the following works, as previously considered by Council in Resolution 12-949, part 2, under expenditure from Open Space Section 94 funds for Suffolk Park:
 - a) two shade structures and seating on the eastern side of the sports field, using the kit form shelter similar in style to those used at Mullumbimby, providing funds up to \$15,000 each
 - b) extension of the skate park, in accordance with the sketch plans provided by the Suffolk Park Progress Association, providing funds up to \$30,000
 - c) modifications to the amenities building, with new change rooms and canteen, subject to plans being developed and approved by council's infrastructure services division and quotes indicating the works can be built within budget, providing funds of \$100,000
 - d) additional shade trees along the eastern side of the sports field be provided, using similar species to existing trees on the land, providing funds up to \$5,000
2. That Council endorse further works under section 94 expenditure, as requested by the Suffolk Park Progress Association and local Soccer Club, as follows:
 - a) Three seats and one picnic table around the lake to the north (as shown in Fig 1 of this report), with funds provided up to \$4,000
 - b) A child protection fence around the existing playground to the north western corner of the car park (near Beech Drive) with funds provided up to \$2,000
 - c) a shelter adjacent to the new children's playground at the eastern end (adjacent to the basketball court) with funds up to \$7,000
3. That a suitably qualified consultant be engaged to assist Council to develop sound attenuation measures for the benefit of residences adjacent to the skate park and tennis courts, with funds provided up to \$20,000 from the 2014/15 Parks Operational budget.
4. That Council engage with young people of Suffolk Park, the Suffolk Park Progress Association and local residents to give consideration to possible measures to reduce the adverse impacts of the use of the skate park on residences in the area.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

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5. That removal of the cricket wicket in the soccer field is at a cost of \$1,500, with funds provided from the 2014/15 Parks Operational budget.
 6. That a new mini-sports field (works valued at \$25,000) be incorporated into the amendments to the 2012 section 94 Plan to be reported back to Council. (Ibrahim/Dey)
-

PROCEDURAL MOTION

- 14-60 Resolved** that the motion be put. (Cameron)

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

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

*The motion (Richardson/Spooner) was put to the vote and declared carried.
Crs Ibrahim and Dey voted against the motion.*

MAYORAL MINUTE

Mayoral Minute No. 8.1. In-principle support for 'Future Feeders'

#E2014/96181

- 14-61 Resolved** that Council provide in-principle support for the 'Future Feeders' initiative and endorse its principles. (Richardson)

The motion was put to the vote and declared carried.

NOTICE OF MOTION

Notice of Motion No. 9.3. South Beach Road, Brunswick Heads

#E2014/9935

- 14-62 Resolved** that Council receive a report on the development of a precinct plan for the lands on South Beach Road Brunswick Heads, south of the walk bridge. (Woods/Cubis)

The motion was put to the vote and declared carried.

PETITIONS

Correspondence and Petitions No. 10.1. Intention to revoke Buskers Permit No 76.2013.17

#E2014/8628

- 14-63 Resolved** that the petition regarding 'Intention to revoke Buskers Permit No. 76.2013.17' be noted. (Richardson/Woods)
-

The motion was put to the vote and declared carried.

Correspondence and Petitions No. 10.3. Council Car Parks in Byron Bay

#E2014/8680

14-64 Resolved that the petition regarding 'Council car parks in Byron Bay' be noted.

(Richardson/Cubis)

The motion was put to the vote and declared carried.

SUBMISSIONS AND GRANTS

"Light the Dark" - National Vigil

Cr Dey made a submission to Council about the "Light the Dark" vigil held in Mullumbimby on Sunday afternoon for Reza Berati, the 23 year old from Iran who lost his life on Manus Island.

DELEGATES' REPORTS

1. Rous Water Meeting

Cr Dey advised Council of the following.

Rous met on Wednesday 19 February. The business was fairly lightweight, there were lots of tenders - for pipelines, telemetry, water supply and reservoirs. A couple of things that are relevant to our Shire are:

- a) filling stations where the water tankers can charge their trucks to deliver water to people that have run out and for other purposes. There are 11 Rous filling stations within the four Shires. Two of them are in our Shire, at Bangalow and Tyagarah. All 11 are to be upgraded.
- b) Rocky Creek Dam was down to 71 percent of its capacity. When it gets to 70 percent, which it would be by today, Rous will start the process of getting ready for water restrictions. The first level of restrictions kick in when the dam gets down to 60 percent. I don't think they made an estimate of when that is, but it will probably be during March if we don't get rain.

2. Liquor Accord

Cr Dey advised Council of the following.

Byron Bay Liquor Accord met yesterday 27 February. The Police reported that the statistics they collect are showing a continuing fall, by comparison with previous periods. For example, this New Year's Eve had less alcohol related crime than last year. The general trend through summer is in a downward direction for crime statistics in relation to alcohol.

3. NOROC Meeting

The Mayor advised that there was a regional transport plan which was delivered and I was actually one of the more positive voices because within that plan it did start to articulate things like park and ride and other transport options to deal with peak season tourist traffic. Up until

then, as we know, with coastal towns, the visitor impact is virtually never mentioned whereas this one at least does mention it.

There was no timeframe given, no money allocated, no action plan commencement date other than "there will be one", and NOROC in general were significantly outraged that it was an incredibly weak and flimsy document. It was very scant on any sort of evidential data, it was as atrocious as I think all the member councils expected it to be and it was incredibly disappointing. The whole regional transport action plan process has been flawed from day one. It's come later than we were told and we knew by the consultation that it was going to be very very light weight and it was.

CORPORATE AND COMMUNITY SERVICES –STAFF REPORT

Report No. 13.5. Budget Review - 1 October 2013 to 31 December 2013

File No: #E2014/847

14-65 Resolved:

1. That Council authorise the itemised budget variations as shown in Annexure 7(b) (#E2014/8989) which includes the following results in the 31 December 2013 Quarterly Review of the 2013/2014 Budget:
 - a) General Fund - \$0 adjustment in the accumulated surplus
 - b) Water Fund - \$223,400 increase in reserves
 - c) Sewerage Fund - \$796,200 increase 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 31 December 2013.

(Cubis/Cameron)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – STAFF REPORT

Report No. 13.11. Investigating the Re-Design of the Jonson Street Protection Works Final Report and Design and Coastal Update

File No: #E2013/70353

14-66 Resolved:

1. That with respect to the report "Investigating the Redesign of Jonson Street Protection Works", as contained in Annexure 12, #E2014/8731, Council:
 - a) Re-confirm its commitment to protecting the Byron Bay town centre through the provision of coastal protection works at Jonson Street, Byron Bay.
 - b) Adopt the final report, including the recommended alternative option of upgrading the rock revetment protection works with stepped concrete seawall and removing the spur groynes.
 - c) Include as actions in the implementation schedule of the draft Coastal Zone Management Plan for the Byron Bay Embayment the following:

- (i) refining the consultant's recommended design to incorporate a viewing and meeting platform area along the proposed rock revetment protection works;
 - (ii) investigating funding sources to enable the detailed design approval, construction and ongoing maintenance of the proposed works.
2. That Council note the progression of major coastal projects from November 2013 to February 2014. (Spooner/Woods)

AMENDMENT

Moved:

1. That with respect to the report "Investigating the Redesign of Jonson Street Protection Works", as contained in Annexure 12, #E2014/8731, Council:
 - a) Re-confirm its commitment to protecting the Byron Bay town centre through the provision of coastal protection works at Jonson Street, Byron Bay.
 - b) Adopt the final report, including the recommended preferred option of upgrading the rock revetment protection works and removing the spur groynes.
 - c) Include as actions in the implementation schedule of the draft Coastal Zone Management Plan for the Byron Bay Embayment the following:
 - (i) refining the consultant's recommended design;
 - (ii) investigating funding sources to enable the detailed design approval, construction and ongoing maintenance of the proposed works.
2. That Council note the progression of major coastal projects from November 2013 to February 2014. (Ibrahim/Cubis)

The amendment was put to the vote and declared lost.

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

The motion was put to the vote and declared carried.

INFRASTRUCTURE SERVICES – STAFF REPORTS

Report No. 13.12. Renaming of Fire Station (Heritage) Park in Bangalow

File No: #E2013/77295

14-67 Resolved:

1. That Council endorse progressing to consultation with the family of Michael Malloy and advertising for public input for a period of 28 days, for the proposed renaming of Fire Station Park, Bangalow, to Michael Malloy Park.
2. That subject to there being no objections raised by the family of Michael Malloy or the public during the advertising period, the name Michael Malloy Park be formalised with the Geographical Names Board and a suitable sign be erected at the park.
3. That Council receive a further report should there be any objections raised to the proposed renaming of the park, to give consideration to such objections. (Ibrahim/Woods)

The motion was put to the vote and declared carried.

Report No. 13.13. Revised 2013/14 Plant Replacement Program

File No: #E2014/4178

Moved: That Council defer consideration of this report and appoint two Councillors being Crs Hunter and Woods to work with staff to review the plant replacement program and report findings back to Council prior to the Ordinary Meeting in March.

(Hunter/Richardson)

AMENDMENT

- 14-68 Resolved** that the revised 2013/14 Plant Replacement Program as detailed in Table 2 of this report be approved with Council allocating an additional \$70,000 from the Plant Reserve.

(Ibrahim/Cubis)

The amendment was put to the vote and declared carried.

Crs Woods, Richardson and Hunter voted against the amendment.

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

INFRASTRUCTURE SERVICES - COMMITTEE REPORT

Report No. 14.1. Report of the Local Traffic Committee Meeting Held on 5 February 2014

File No: #E2014/7286

14.1.5. Request to Hold a Street March, Byron Bay

14-69 Resolved:

1. That the Byron Bay street march "*March in March*", starting at Apex Park and travelling along Jonson Street to Railway Park, from 11am and concluding by 12noon on Sunday, 16 March 2014 be approved.
2. That the approval to conduct the road event be subject to the following conditions:
 - a) That Traffic Control and Escort be provided by the Police
 - b) That public liability insurance be in place for the sum of at least \$20 million
 - c) That the approval be advertised in Council's notices in the Byron Shire Echo
 - d) That the event be notified on Council's website (Cameron/Dey)

AMENDMENT

Moved:

1. That the Byron Bay street march "*March in March*", starting at Apex Park and travelling along Jonson Street to Railway Park, from 11am and concluding by 12noon on Sunday, 16 March 2014 be approved.
2. That the approval to conduct the road event be subject to the following conditions:
 - a) That Traffic Control and Escort be provided by the Police
 - b) That public liability insurance be in place for the sum of at least \$20 million
 - c) That the approval be advertised in accordance with the Roads Act, with the advertising charged at cost to the organisers. (Woods/Cubis)

The amendment was put to the vote and declared lost.

Crs Dey, Richardson, Cameron, Wanchap and Spooner voted against the amendment.

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

14.1.6. Proposal for No Parking, Coral Avenue, Mullumbimby

14-70 Resolved:

1. That No Parking be signed on the southern (ie showground) side of Coral Avenue, Mullumbimby for the length between Main Arm Road and the creek crossing (approximately 440m length).
2. That staff:
 - a) liaise with the Showground Trust and the Farmers' Market organisers about other possible efforts to address the problem identified, including the potential of closing the pedestrian access to the markets from Coral Avenue; and
 - b) where practical, feasible and where authority, budget and delegation permits, implement any agreed action and outcome from such liaison, otherwise report matters back to LTC and/or Council when and as necessary. (Woods/Cubis)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

Moved: That the Local Traffic Committee consider that on the Mullumbimby Farmers' Market day being Fridays, the section of road in Coral Avenue on the opposite side to Point 1 of the previous resolution be closed to parking in the hours of 7.00am to 2.00pm. (Woods/Cubis)

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

There being no further business the meeting concluded at 5.20pm.

I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council's Ordinary Meeting on 20 March 2014.

.....
Mayor Simon Richardson