



Byron Shire Council



Minutes

Ordinary Meeting
Thursday, 1 May 2014

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
1 May 2014

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**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY,
1 MAY 2014 COMMENCING AT 9.04AM AND CONCLUDING AT 2.22PM.**

#E2014/26604

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

Staff: Mark Arnold (Acting General Manager)
Phil Holloway (Director Infrastructure Services)
Ray Darney (Executive Manager Environment and Planning)
Joylene McNamara (Minute Taker)

The Mayor opened the meeting and acknowledged that the meeting is being held on Arakwal Country and that we pay our respects to the elders past and present and extend our respect to the Bundjalung clans whose lands and waters are part of the Shire.

Director Corporate and Community Services undertook the role of Acting General Manager in the absence of the General Manager.

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:

Report 13.6. PLANNING – State Environmental Planning Policy No. 1 – Variations to development standards 1 January to 31 March 2014

John Anderson addressed Council against the recommendation.

Report 13.7. PLANNING – 10 2013.584.1 Conversion and expansion of existing dwelling to create a transitional group home at 60B Kingsvale Road, Myocum

Jon Veranese addressed Council against the recommendation.
Kylie Beattie addressed Council in favour of the recommendation.

Report 13.9. PLANNING – 10 2013.559.1 Change of use from farm building to a road transport terminal at 31 Pinegroves Road Myocum

Cr Hunter left Chambers at 9.45am and returned at 10.01am.

John Anderson addressed Council regarding the recommendation.
Graham Meineke addressed Council against the recommendation.

Report 14.2.8. Concerns for road safety and speed Ewingsdale Road, Byron Bay

Nicqui Yazdi addressed Council in favour of the recommendation.

Submission No. 1 Lessons from History

John Anderson made a submission to Council regarding past Mayors and General Managers.

APOLOGIES

14-169 Resolved that the apology from Cr Spooner be accepted and a leave of absence granted.
(Woods/Richardson)

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 Hunter declared a pecuniary interest in Report 13.9. being the applicant for DA 10.2013.559.1.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

14-170 Resolved that the Minutes of the Ordinary Meeting held on 10 April 2014 be confirmed. (Dey/Woods)

The motion was put to the vote and declared carried.

The meeting adjourned at 10.10am for a morning break and reconvened at 10.30am.

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

- 13.2. Adoption of New Plan of Management for the BRSCC
- 13.4. Section 355 Management Committee – Payments to Members

Environment and Planning

- 13.7. PLANNING - 10.2013.584.1 Conversion and expansion of existing dwelling to Create a transitional group home at 60B Kingsvale Road Myocum
- 13.9. PLANNING – 10.2013.559.1 Change of use from farm building to a road transport terminal at 31 Pinegroves Road, Myocum

REPORTS OF COMMITTEES

Infrastructure Services

- 14.2. Report of the Local Traffic Committee Meeting held on 2 April 2014
 - 14.2.8. Concerns for road safety and speed, Ewingsdale Road, Byron Bay
 - 14.2.9. Request for No Stopping, Pine Avenue, Mullumbimby
 - 14.2.11 Federal village road safety submissions
 - 14.2.15 Highway directional signage, Byron Street, Bangalow 14.3.
- 14.3. Report of the Community Infrastructure Advisory Committee Meeting held 4 April 2014

The remaining Recommendations and Committee Recommendations were adopted as a whole, being moved by Cr Woods and seconded by Cr Cameron. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 14-171 and concluding with Resolution No. 14-190.

CORPORATE AND COMMUNITY SERVICES – STAFF REPORTS**Report No. 13.1. Refinance Sewerage Loan No 56****File No:** #E2014/23171**14-171 Resolved:**

1. That Council utilise the proceeds from the sale of the Sewerage Laboratory (\$603,000) and make a one off part principal repayment on existing loan No 56 at the end of the fixed interest period being 25 June 2014 and then refinance the remaining \$3,988,500 loan principal through an Expression of Interest (EOI) process.
2. That Council delegates authority to the General Manager to negotiate with financial institutions to acquire the refinanced loan listed in recommendation 1 above and accept the best offer made available to Council.
3. That Council authorise the affixing of the Council seal to all documents that may require it, in regards to the refinanced loan borrowing. (Woods/Cameron)

Report No. 13.3. NSW Public Library Association Campaign**File No:** #E2014/23028**14-172 Resolved:**

1. That Council support the NSW Public Library Association's campaign for increased State funding to local government for public libraries.
2. That Council make representation to the local State Member in relation to the need for additional funding from the NSW State Government for the provision of public library services.
3. That Council write to the Hon. Troy Grant, Minister for the Arts, calling for the Government to implement the recommendations in the 2012 'Reforming Public Library Funding' submission from the Library Council of NSW.
4. That Council approve the distribution of NSW Public Library Association's campaign information in Council libraries.
5. That Council request the Richmond Tweed Regional Library to take a lead role in activating the NSW Public Library campaign locally. (Woods/Cameron)

Report No. 13.5. Bangalow Historical Society - request for refund of Construction Certificate Fees**File No:** #E2014/20550**14-173 Resolved:**

1. That Council refund the Bangalow Historical Society \$530 from Job No. 2341.9 for Construction Certificate (11.2011.28.1) fees paid for alterations and additions to Heritage House Bangalow.

2. That the donation be advertised in accordance with Section 356 of the Local Government Act 1993. (Woods/Cameron)

ENVIRONMENT AND PLANNING – STAFF REPORTS

Report No. 13.6. PLANNING - State Environmental Planning Policy No. 1 - Variations to development standards 1 January to 31 March 2014

File No: #E2014/22292

- 14-174 Resolved** that the report be noted. (Woods/Cameron)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

Report No. 13.8. New Brighton Beach Scraping

File No: #E2014/18741

14-175 Resolved:

1. That Council note the successful outcomes of the New Brighton beach scraping works as undertaken in 2013.
2. That Council note that, due to resource commitments, an application for funding for and the preparation of the draft coastal zone management plan for New Brighton, South Golden Beach and the remainder of the coastline excluding the Byron Bay Embayment will not be undertaken until 2015/16, and that this application will be matched by Council funds as per resolution 13-347.
3. That Council endorse, subject to funding, a program of beach scraping works at New Brighton in 2015/16 with the following objectives: to attempt to maintain, in the short term, a preferred dune profile and volume, beach accessibility and recreational amenity; noting that the proposed program will not remove the immediate coastline hazard threat to infrastructure and private property from a design storm event (100 year ARI), but is likely to modestly reduce the severity of this threat.
4. That funding for the program of beach scraping works at New Brighton in 2015/16, which is expected to cost approximately \$110,000, will be further investigated as part of the 2015/16 budget deliberations.
5. That Council investigates, as a high priority, the options available for the provision of alternative road access should The Esplanade be damaged/destroyed by coastal hazards. (Woods/Cameron)

INFRASTRUCTURE SERVICES – STAFF REPORT

Report No. 13.10. South Byron STP Infrastructure Demolition

File No: #E2014/21762

- 14-176 Resolved** that Council proceed with removal/demolition of the former South Byron STP infrastructure in accordance with the Detailed Remediation Action Plan and allocate a budget of \$900,000 from S64 sewer funds in the 2014/15 financial year. (Woods/Cameron)

ENVIRONMENT AND PLANNING - COMMITTEE REPORT

Report No. 14.1. Report of the Planning Review Committee Meeting held on 18 March 2014

File No: #E2014/17989

14-177 Resolved that the report be noted. (Woods/Cameron)

INFRASTRUCTURE SERVICES - COMMITTEE REPORTS

Report No. 14.2. Report of the Local Traffic Committee Meeting held on 2 April 2014

File No: #E2014/23286

14.2.1. Request for parking restrictions, Lighthouse Road, Byron Bay

14-178 Resolved:

1. That Council advise NPWS that guideposts are for vehicle guidance only (refer RMS Guidelines) and that they do not offer protection to pedestrians and should be replaced with a suitable barrier that will protect pedestrians from vehicle traffic.
 2. That Council request the NPWS as an interim measure to relocate any existing guideposts on the north side of the Cape Byron Lighthouse exit road which are located off road and instead place them between the road edge line and road edge so as to be consistent with the eastern section of the road (closest the Lighthouse), noting that RMS guidelines apply which assist with both the spacing between and locating of each.
 3. That Council, in regard to changes to parking, delineation and pedestrian access between 164 and 172 Lighthouse Road, Byron Bay, install:
 - a) No Stopping and a road edge line as shown in Figure 4; and
 - b) as per Figure 3, ask the Cape Byron Headland Trust to close the existing pedestrian access at Site A and reinstate such access at Site B. (Woods/Cameron)
-

14.2.2. Request for parking restrictions, east end of McGregor Street, Suffolk Park

14-179 Resolved that Council install No Parking on the north side only of McGregor Street, Suffolk Park between Alcorn Street and the existing No Stopping within the cul-de-sac at the entrance to Tuckeroo Beach Estate. (Woods/Cameron)

14.2.3. Request for parking restrictions, west end of Shirley Lane, Byron Bay

14-180 Resolved that No Parking be installed on the south side of Shirley Lane, Byron Bay between Dryden Street and the west end of the lane. (Woods/Cameron)

14.2.4. Request for parking restrictions, 9 - 19 Massinger Street, Byron Bay

14-181 Resolved that Council install No Stopping line marking for 5m north of the driveway at 9-19 Massinger Street, Byron Bay. (Woods/Cameron)

14.2.5. Locations for part-time taxi ranks, Byron Bay

- 14-182 Resolved** that the existing No Parking 6pm to 4am Friday and Saturday as signed at the frontage of numbers 2 and 115 Jonson Street, Byron Bay be changed to a Taxi Zone for the same duration and that parallel parking apply at all times. (Woods/Cameron)
-

14.2.6. Request for town centre Loading Zone, Byron Bay

- 14-183 Resolved** the Council install a permanent Loading Zone parallel to the east-side of Jonson Street, Byron Bay immediately north of Marvell Street. (Woods/Cameron)
-

14.2.7. Bus Zone, Byron Regional Sports and Cultural Complex, Ewingsdale Road

- 14-184 Resolved** that in the undercover vehicle area at the frontage of the Byron Regional Sports and Cultural Complex (BRSCC), Ewingsdale Road, Council removes the bus set down signage and installs standard regulatory Bus Zone signage (R5-20). (Woods/Cameron)
-

14.2.10. Request for extension of 50kph speed limit, Main Arm Road, Mullumbimby

14-185 Resolved:

1. That Council note RMS have further inspected the speed zone on Main Arm Road, Mullumbimby west of Coral Ave concluding the speed zone, including the school zone, are in their most logical location.
 2. That Council consider further advisory signage, such as dual 50 AHEAD B-size signs on the western side of left curve between 80-100m in approach to the 50 zone. (Woods/Cameron)
-

14.2.12. Request for parking restrictions, South Beach Lane, Brunswick Heads

14-186 Resolved:

1. That on the eastern side of South Beach Lane, Brunswick Heads, No Parking be installed.
 2. That on the western side of South Beach Lane, Brunswick Heads, the following be installed and signed:
 - a) To the north of 18 South Beach Lane, 90 degree angled parking; and
 - b) To the south of 18 South Beach Lane, parallel parking. (Woods/Cameron)
-

14.2.13. Requirements to make a permanent bus lane, Shirley Street, Byron Bay

- 14-187 Resolved** that Council, in support of a permanent inbound bus lane on the northern (kerb) side of Shirley Street, Byron Bay between Kendall Street and the Lawson Street and Butler Street roundabout, seek RMS:
-

- a) advice in regard to the requirements for approval, including potential for a trial period and/or flexibility (if any) in gaining approval;
 - b) assistance in developing the project from concept to realisation; and
 - c) funding to help deliver the project, or failing that, their advice on appropriate funding source(s). (Woods/Cameron)
-

14.2.14. Proposed changes to McGougans Lane, Mullumbimby

- 14-188 Resolved** that Council consult with those that reside and work adjacent to McGougans Lane, in Mullumbimby between Burringbar Street and Tincogan Street regarding the proposed measures to further inform a report back to the Committee and Council. (Woods/Cameron)
-

14.2.16. Splendour in the Grass 2014 traffic management plan

- 14-189 Resolved** that the temporary traffic management and regulatory changes within the series of Traffic Control Plans related to the Splendour in the Grass Music Festival to be held Friday 25th to Sunday 27th July 2014 inclusive be endorsed subject to:
- a) their design and implementation being undertaken on dates, times and locations as specified on the plans (or any approved amendments) and by those with appropriate RMS accreditation and the holding of current and appropriate levels of insurance and liability cover;
 - b) meeting of the advertising requirements of the Roads Act 1993;
 - c) event being notified on Council's website;
 - d) consideration of any submissions received;
 - e) a communications protocol being developed in conjunction with RMS, Police and any other identified stakeholder and explained to those involved in the implementation of traffic management;
 - f) the holding of an event debrief within the month following the festival which includes but not limited to Council, RMS and Police;
 - g) written approval of both the RMS and Police separate to LTC; and
 - h) No Parking be signed and implemented on Jones Road, Yelgun Road and Billinudgel Road. (Woods/Cameron)
-

14.2.17. Late Item - Bus Route – Coorabell School

- 14-190 Resolved** that Council hold no objection to the proposal of Mr Ken Wetzler (school bus operator) to extend the existing school bus route from Myocum Road, Myocum to include The Manse Road and Kingsvale Road on the basis:
- a) a safe point for passenger pick up and set down is located and utilised; and b) that the bus is able to undertake a safe, forward moving turning circle and at no point is required to reverse when undertaking the service on this route. (Woods/Cameron)
-

PROCEDURAL MOTION

- 14-191 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being Reports 13.7, 13.9, 14.2.8, next on the Agenda. (Dey/Richardson)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING - STAFF REPORT

Report No. 13.7. PLANNING - 10.2013.584.1 Conversion and expansion of existing dwelling to Create a transitional group home at 60B Kingsvale Road Myocum

File No: 239840 #A2013/30296

14-192 Resolved:

1. That the consent conditions listed in Annexure 5(b) #E2014/23462 be amended as follows:
 - a) condition 49 to refer to “*staff*” only and not “*employees*”
 - b) the word “*all*” be removed from condition 50
 - c) conditions 34 and 44 be meshed together
 - d) a new condition added near condition 34:

“that the home (proposed as Nungkari Treatment Centre) allow clients to book out of the centre at any time (ie not to return) and that potential clients restricted by a ‘Community Treatment Order’ for acute mental health conditions or under the ‘Magistrates Early Referral Into Treatment (MERIT) or similar, as well as those on bail or parole be excluded from the property.”
2. That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2013.584.1 for conversion and expansion of existing dwelling to create a transitional group home including new carpark and disabled access provisions, be granted consent subject to the conditions listed in Annexure 5(b) #E2014/23462 as amended. (Woods/Cubis)

AMENDMENT

Moved:

1. That the consent conditions listed in Annexure 5(b) #E2014/23462 be amended as follows:
 - a) condition 49 to refer to “*staff*” only and not “*employees*”
 - b) the word “*all*” be removed from condition 50
 - c) conditions 34 and 44 be meshed together
 - d) a new condition added near condition 34:

“that the home (proposed as Nungkari Treatment Centre) allow clients to book out of the centre at any time (ie not to return) and that potential clients restricted by a ‘Community Treatment Order’ for acute mental health conditions or under the ‘Magistrates Early Referral Into Treatment (MERIT) or similar, as well as those on bail or parole be excluded from the property.”
 2. That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2013.584.1 for conversion and expansion of existing dwelling to create a transitional group home including new carpark and disabled access provisions, be granted consent subject to the conditions listed in Annexure 5(b) #E2014/23462 as amended.
 3. That the approval is for a period of 3 years only and that a new application shall be submitted by the applicant at the expiration of the time period. (Ibrahim/Wanchap)
-

14-193 Resolved that Cr Wanchap be granted a two minute extension to her speech.
(Woods/Richardson)

The motion was put to the vote and declared carried.

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

*The motion was put to the vote and declared carried.
Crs Ibrahim, Dey, Cubis, Woods, Richardson, Cameron and Hunter voted in favour of the motion.
Cr Wanchap voted against the motion.*

Report No. 13.9. PLANNING – 10.2013.559.1 Change of use from farm building to a road transport terminal at 31 Pinegroves Road, Myocum

File No: 237962 #E2014/14370

Cr Hunter left the Chambers at 11.20am having declared a pecuniary interest in this matter and took no part in the debate or the voting.

Moved:

1. That annexure 4(c) #E2014/23021 be amended by:
 - (a) removing reasons 5 and 6
 - (b) adding a reason stating that the site distance for heavy vehicles leaving Pinegroves Road is inadequate as it meets Tyagarah Road.

2. That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2013.559.1 for Change of use for a farm building to road transport terminal, be refused for the reason listed in Annexure 4(c) #E2014/23021 as amended above. (Dey/Cameron)

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

FORESHADOWED MOTION

14-194 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2013.559.1 for Change of use for a farm building to road transport terminal, be granted consent subject to appropriate mitigation measures and standard conditions listed in Annexure 4(b) #E2014/23019 with the following changes:

- a) Date Consent Ceases - this consent ceases two (2) years after the commencement of operations and
- b) Replace condition 13 with "a maximum number of 10 non-articulated vehicle movements per week with a maximum unladen weight of 4 tonnes"
- c) Vary condition 16 – Hours of operation to 7:00am to 6:00pm Monday to Friday only.
(Woods/Cubis)

*The foreshadowed motion was put to the vote and declared carried.
Cr Ibrahim, Dey, Cubis, Woods, Richardson, Cameron and Wanchap voted in favour of the motion.
No Councillors voted against the motion.
Cr Hunter returned to Chambers at 12.05pm.*

INFRASTRUCTURE SERVICES - COMMITTEE REPORT

Report No. 14.2. Report of the Local Traffic Committee Meeting held on 2 April 2014
File No: #E2014/23286

14.2.8. Concerns for road safety and speed, Ewingsdale Road, Byron Bay

14-195 Resolved:

1. That the McGettigans Lane intersection with Ewingsdale Road, Byron Bay be:
 - a) reviewed and considered for 2014 black spot submission; and
 - b) more immediately, an investigation be undertaken into extending the hold-line and reported back to the Local Traffic Committee.
2. That Council complete the off-road shared path along Ewingsdale Road with priority given to the missing link opposite the BRSCC and that RMS funds be sought.
3. That a road safety review be undertaken by Council and RMS of Ewingsdale Road which, along with any recommendations and possible funding, be reported back to Council and consider:
 - a) factors including speed limit, road function, sign posting, street and cycle way lighting, delineation, intersections and access points; and
 - b) road crossing locations, and in particular the cycle crossing east of Sunrise Boulevard including a night time assessment of visibility and sight lines and an assessment of cyclists behaviour.
 - c) a proposal for a 60km zone between sites 2 and 6 and the instalment of flashing lights at the Ewingsdale Road crossing at Belongil Creek.
 - d) relocating that cycle crossing in (b) and (c) above westwards (Woods/Richardson)

The motion was put to the vote and declared carried.

MAYORAL MINUTE

There was no Mayoral minute.

NOTICE OF MOTION

Notice of Motion No. 9.1. Resident Homeless Card
#E2014/24621

- 14-196 Resolved** that Notice of Motion 9.1. be deferred to Ordinary Meeting 22 May 2014 in the absence of Cr Spooner. (Woods/Richardson)

The motion was put to the vote and declared carried.

PETITIONS

There were no petitions tabled.

SUBMISSIONS AND GRANTS

There were no submissions or grants tabled.

DELEGATES' REPORTS**1. Mullumbimby Showground Plan of Management**

Cr Woods advised Council of the following:

Cr Woods attended a breakfast recently and the specific purpose was to corner Mr Stoner, on the Mullumbimby Showground issue, our Plan of Management, which they have had since September/October 2013 and said that the Plan of Management needs to be adopted because we have applied for approximately \$2 million grant funding for the showground to do some major improvements. Mr Stoner said he had signed a few documents the day before and wasn't sure what they were and he would find out and let me know.

He made his speech and at the end of it he said, "by the way Di, I signed your Plan of Management yesterday". That is allowing us now as a committee, to go forward and we have our, not quite \$2million dollar application, for an equestrian centre and we have just received \$40,000 grant funding to do upgrading to our electrical works.

Cr Dey and myself are really excited about what can happen now at the Mullumbimby Showground. There are all kinds of things being touted; night-time movies perhaps, night-time markets, puppet shows – I would like to see this Showground become a real talking point for Mullumbimby, so I am really looking forward to it.

2. Byron Bay Liquor Accord

I attended the Byron Bay Liquor Accord meeting and AGM of 30 April. The Police reported to the meeting that statistics on alcohol related violence in Byron Bay show improvement. The March 2014 figure of 8 is far lower than 21 in 2012. Other comparisons were more level. BOSCAR statistics appear 3 months after the period they cover.

The Police continue to ask for public CCTV and improved lighting. I pointed out that, while in the UK CCTV systems are Council operated, other agencies could take on this role in Byron Bay. Council supports CCTV being there.

The Police report also that 1 in 400 Random Breath Tests yields an offender while 1 in 25 "lick tests" (for other drugs) does. The point was made that the complexity of such tests may mean they are not administered as randomly as RBTs.

The Office of Liquor, Gaming and Racing (OLGR) advised their report evaluating the Accord's 12-month trial Terms of Trading would be published 3 months after the trial period, ie in August 2014. They will then step back from Byron Bay and monitor.

OLGR's monitoring of the trial included 40 days of inspections during the 12-month period. It raised the following issues:

- 'pre-fuelling' and street violence remain a problem;
- buskers sometimes cause footpath congestion;
- lighting problems including many not working on beach-front.

I have since checked with staff. There was a technical system failure on the beach-front and this has been repaired.

The AGM reappointed the same Executive: Chair = Hannah Spalding; Secretary = Emma; Vice-chair = Lauren; Treasurer = Darren. Membership was raised to \$1,000 for venues with Primary Service of Alcohol (PSA) and \$500 for those without. The Accord would support legislation requiring licensed venues to be members.

BBLA "Terms" were adopted by the Accord under s134 of the Liquor Act 2007 and licensee members asked to sign up. The 20 Terms include one of refusing entry to persons wearing OMG clothing, jewellery or accessories.

CORPORATE AND COMMUNITY SERVICES – STAFF REPORTS

Report No. 13.2. Adoption of New Plan of Management for the Byron Regional Sport and Cultural Complex

File No: #E2014/22932

- 14-197 Resolved** that Council adopt the new Plan of Management for the Byron Regional Sport and Cultural Complex (#E2014/22994). (Cameron/Richardson)

The motion was put to the vote and declared carried.

Report No. 13.4. Section 355 Management Committee - Payments to Members

File No: #E2014/21962

- 14-198 Resolved** that the payments to members of Ocean Shores Community Centre Section 355 Management Committee be retained at the current level until a broader review is undertaken. (Richardson/Dey)

The motion was put to the vote and declared carried.

Crs Cubis, Woods and Wanchap voted against the motion.

FORESHADOWED MOTION

- 14-199 Resolved** that a broad review be undertaken of payments to Booking Officers, Treasurers and agents/members of Committees managing halls in the Shire so that rates and workloads can be compared across the Shire and that the review include a roundtable meeting with committee representatives. (Dey/Richardson)

The motion was put to the vote and declared carried.

Crs Cubis and Woods voted against the motion.

The meeting adjourned at 1.05pm for a lunch break and reconvened at 1.50pm.

INFRASTRUCTURE SERVICES - COMMITTEE REPORTS

Report No. 14.2. Report of the Local Traffic Committee Meeting held on 2 April 2014

File No: #E2014/23286

14.2.9. Request for No Stopping, Pine Avenue, Mullumbimby

- 14-200 Resolved** that staff undertake and report back investigations that address factors raised by the Local Traffic Committee in relation to Pine Avenue, Mullumbimby at the intersection with Main Arm Road. (Dey/Richardson)

The motion was put to the vote and declared carried.

14.2.11. Federal village road safety submissions

14-201 Resolved:

1. That a Bus Zone be signed and line marked both sides of Albert Street, Federal to apply on School Days between the hours 7:30am to 9am and 3pm to 4:30pm.
2. That Council investigate the standard design for angle parking and report back on any required amendments, within the road corridor, to the parking as required to meet standards.
3. That double barrier lines be put in place on Binna Burra Road from the intersection with Coorabell Road past the Federal Community Children's Centre, subject to measurements of the road widths enabling the provision of such lines.
4. That the RMS be requested to consider an extension of the 50kph Speed Zone along Binna Burra Road to incorporate the intersection of Rosella Road.
5. That sight distances be investigated to and from the driveway entrance to the Federal Community Children's Centre.
6. That in regards to the request for installation of a convex mirror opposite the driveway to the FVCC, a formal check in accordance with RMS guidelines be carried out and the results referred back to the LTC. (Richardson/Cameron)

*The motion was put to the vote and declared carried.
Crs Cubis and Hunter were not present for the vote.*

14.2.15. Highway directional signage, Byron Street, Bangalow

- 14-202 Resolved** that the concern for the location of the highway directional signage as located on Byron Street, Bangalow east of Station Street be noted and monitored with any changes that require Committee consideration be reported back as required. (Dey/Woods)

*The motion was put to the vote and declared carried.
Crs Cubis and Hunter were not present for the vote.*

Report No. 14.3. Report of the Community Infrastructure Advisory Committee Meeting held 4 April 2014
File No: #E2014/23963

14-203 Resolved:

1. That Council notes the Minutes of the Community Infrastructure Advisory Committee meeting held on 4 April 2014.
 2. That Council note that the Community Infrastructure Advisory Committee is to meet on the following dates and times (Committee Recommendation CIAC 4.1.1):
 - Friday, 6 June 2014, 10.00am,
 - Thursday, 11 September 2014, 2.00pm,
 - Thursday, 4 December 2014, 11.00am.
-

3. That, in relation to Report No. 4.2 – Asset Management Plan 2011 Version 3 – Review (Infrastructure Services #E2014/20740), Council note (Committee Recommendation CIAC 4.2.1):
 - a) that, in relation to ‘Byron Shire Council Asset Management Plan (General Fund)’ the Committee will receive a further report on the review of the Asset Management Plan.
 - b) that the Committee supports the ongoing review.
4. That, in relation to Report No. 4.3 – Asset Management Policy (Infrastructure Services #E2014/20755), Council note (Committee Recommendation CIAC 4.3.1):
 - a) that staff will circulate a revised draft policy to Committee members prior to the next CIAC meeting and that Committee members will provide comments to the Chair, Cr Cameron.
 - b) that the Committee will review Policy 07/104 – Asset Management Policy, including the following amendments:
 - i) at 1.1 insert the words “...Council’s infrastructure assets to achieve best value outcomes for the community...”
 - ii) at 1.2 insert the words “Assets are managed in accordance with community consultation, prioritisation and balancing aspirations” (subject to entirety 10 of policy).
 - iii) include the role of advisory committees in the “Monitor and Review Loop” of Figure 1 of the Corporate Asset Management Framework. (Dey/Richardson)

*The motion was put to the vote and declared carried.
Crs Cubis and Hunter were not present for the vote.*

FORESHADOWED MOTION

- 14-204 Resolved** that in relation to Report No. 4.4 – Draft 2014/15 Capital Works Budget (Infrastructure Services #E2014/20763), Council consider the importance of ensuring sufficient capital funding for renewal (the retention of asset capability) and for enhancement (the improvement of level of service) of rural roads when they are the sole access for a community (Committee Recommendation CIAC 4.4.1). (Dey/Cameron)

*The motion was put to the vote and declared carried.
Cr Cubis was not present for the vote.
Cr Hunter returned to Chambers at 1.55pm.*

FORESHADOWED MOTION

14-205 Resolved:

1. That Council note the information provided in Report 4.5. as below.
2. That, in relation to Report No. 4.5 – Landslips Update Report (Infrastructure Services #E2014/20747), Council:
 - a) lobby State and Federal Governments generally for the restoration process under Natural Disaster Funding to be modified to ensure that communities are not isolated or affected for extended periods of time as they were for 2.5 years due to the road-slip adjacent to Wilson’s Creek Public School (Committee Recommendation CIAC 4.5.1 of 4 April 2014); and
 - b) lodge a submission to the Productivity Commission inquiry announced by Joe Hockey on 28 April (<http://www.pc.gov.au/projects/inquiry/disaster-funding/terms-of-reference>) into “the efficacy of current national natural disaster funding arrangements” with the submission to:
 - i) support Disaster Funding and illustrate the benefits to the Shire’s communities;

- ii) outline the process followed for the Shire's dozen or so landslips (particularly that adjacent to Wilson's Creek Public School); and
- iii) request a revision of the system so that it restores access sooner in future events. (Dey/Cameron)

*The motion was put to the vote and declared carried.
Cr Cubis was not present for the vote.*

COUNCILLOR QUESTION WITH NOTICE

Councillor Question With Notice No. 15.1. Ambulatory boundaries

#E2014/25300

Cr Duncan Dey asks the following question regarding Ambulatory Boundaries, thesis by John Corkill and the media article Rights of landowners fighting coastal erosion 'on shaky ground' (Councillors see email of 3 April 2014 10:55:37 am AEDT; www.echo.net.au/2014/04/90821/).

1. *Would this ambulatory boundary issue impact Council properties, including those at Belongil?*
2. *What process is needed to ascertain the veracity of Corkill's advice?*
3. *Can Council seek legal advice on the matter or is that what would come from the NSW Registrar-General if he or she sought a case ruling from the NSW Supreme Court?*

Response Director Infrastructure Services:

1. *Mr Corkill is seeking to refer a 'stated case' to the NSW Supreme Court which would seek clarification regarding the effect of the ambulatory Mean High Water Mark (MHWM) boundary on coastal land titles. The clarification he says he would be seeking is whether 'fixed' or survey defined boundaries persist despite the gradual shoreward movement of the ambulatory MHWM boundary.*

At face value, the matter of boundaries, property ownership and title adjacent the coastline is of significant interest for Council particularly when undertaking on-ground works at the coastline such as beach accesses, protection works, beach scraping etc. However, staff have no information on how this matter may have influenced legislation, policy and planning frameworks or legal decisions regarding coastal erosion and coastal zone management in the past. The other consideration is how a judicial decision might affect legislation and policy planning frameworks in future and in turn, what impacts that might have on council projects, processes and policy etc.

2. *This is a matter for Mr Corkill, it is not Council's role to determine the veracity of his research. The process being pursued by Mr Corkill is to have this matter referred to and heard in the NSW Supreme Court.*
3. *Staff do not intend to seek legal advice on the matter as it is a matter beyond Council's control. There are many issues of legal interest relevant to Council's operations that Council does not obtain legal advice on. If legal advice were required, there would be no use in getting it until after the matter has been determined by the NSW Attorney-General or Supreme Court ie after a decision on the matter has been made.*

Cr Cubis returned to Chambers at 2.20pm.

URGENCY MOTION

The Mayor considered the matter arising in relation to temporary traffic arrangements for the Mt Warning NRS classic on-road bicycle race and ruled it a matter of great urgency.

14-206 Resolved that the business be dealt with at the meeting. (Dey/Richardson)

The motion was put to the vote and declared carried.

Matter of urgency – Temporary traffic arrangements for the Mt Warning NRS classic on-road bicycle race be endorsed for Thursday 15 May 2014

14-207 Resolved:

1. That the temporary traffic arrangements for the Mt Warning National Road Series (NRS) classic on-road bicycle race be endorsed for Thursday 15 May 2014 subject to the following conditions:
 - a) that NSW Police are involved and that lead, support and rear vehicles are provided;
 - b) that the organisers implement plans for signage, motor escort, advertising and other details as proposed in their submission;
 - c) that RMS guidelines for conducting on-road racing be adhered to;
 - d) that public liability insurance is current, for not less than \$20 million;
 - e) that the route is advertised adequately in the Byron Shire Echo of Tuesday 6 May and in the Byron Shire News of Thursday 8 May; and
2. That Council notifies the public of the event and route on its website.
3. That Council advise the race organisers to apply to Council no later than 3 months before events, if seeking to hold such an event in future years. (Dey/Woods)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 2.22pm.

I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council's Ordinary Meeting on 22 May 2014.

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Mayor Simon Richardson