



# Byron Shire Council



## Minutes

**Ordinary Meeting**  
**Thursday, 12 June 2014**

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
12 June 2014

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**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY,  
12 JUNE 2014 COMMENCING AT 9.00AM AND CONCLUDING AT 6.10PM**

#E2014/37020

**PRESENT:** Cr S Richardson (Mayor), Cr B Cameron, Cr C Cubis (arrived at 9.54am), Cr D Dey, Cr A Hunter, Cr S Ibrahim, 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 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.*

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**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:

**9.1. Request for deferment of suitability assessment of the rezoning of West Byron Urban Release Area**

Suzie Deyris and Catherine Coorey (representing Byron Residents' Group) addressed Council in favour of the recommendation.  
Anthony Smith addressed Council against the recommendation.

**9.6. North Byron Parklands RWG**

Paul Arrowsmith addressed Council in favour of the recommendation.  
Matt Morris, GM North Byron Parklands and John Anderson addressed Council against the recommendation.

**9.7. Rail Future for Byron Shire**

Louise Doran (representing TOOT) addressed Council in favour of the recommendation.

**9.8. Liquor License Application ALDI Byron Bay**

John Anderson addressed Council against the recommendation.

**9.9. Gasfield Free Northern Rivers**

Olga Tresz and Holley Somerville-Knott addressed Council in favour of the recommendation.

*Cr Cubis arrived at 9.54am.*

**9.11. NOROC and Future Rail**

Steve Martin, Northern Rivers Rail Trail Association, addressed Council against the recommendation.

**13.3. Adoption of 2013/2017 Delivery Program (including Operational Plan), Statement of Revenue Policy, 2014/2015 Budget and 2014/2015 Fees and Charges**

Rod Palmer (representing residents of Settlement Road) and Tonny Van't Riet (representing Tweed/Byron Life Education) addressed Council against the recommendation.

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PROCEDURAL MOTION

**14-247 Resolved** that public access be extended until all requests have been heard.(Richardson/Dey)

*The motion was put to the vote and declared carried.*

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**Submission No. 1 Telecommunications for Festivals in Byron Shire**

Kathy Norley made a submission to Council regarding the capacity of the telecommunication facilities and networks for festivals in Byron Shire.

**Submission No. 2 North Byron Parklands re Conditions of Consent**

Kathy Norley made a submission to Council regarding conditions of consent for the North Byron Parklands and the reporting of recording of complaints received and the action taken to address each complaint.

*The meeting adjourned at 10.30am for a break and reconvened at 10.47am.*

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**APOLOGIES**

An apology was received from Cr Spooner.

**14-248 Resolved** that the apology from Cr Spooner be accepted and leave of absence granted.  
(Richardson/Woods)

*The motion was put to the vote and declared carried.*

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**REQUESTS FOR LEAVE OF ABSENCE**

There were no requests for leave of absence.

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**DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**

*Crs Hunter and Dey declared a special disclosure of interest under sections 451(4) and (5) in Notice of Motion 9.10. The Councillors will remain in the Chambers for the discussion and participate in the vote.*

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**TABLING OF PECUNIARY INTEREST RETURNS**

*There were no Pecuniary Interest Returns tabled.*

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**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**14-249 Resolved** that the Minutes of the following meetings be confirmed with an amendment to the Ordinary Meeting Minutes on page 9, at point 3 in resolution 14-226, take out the second "that":

- Ordinary Meeting held on 22 May 2014
- Reserve Trust Committee Meeting held on 22 May 2014 (Woods/Dey)

*The motion was put to the vote and declared carried.*

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**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**

**General Manager and Corporate and Community Services**

13.2. New Year's Eve in Byron Bay 2014

**Corporate and Community Services**

13.3. Adoption of 2013/2017 Delivery Program (including Operational Plan), Statement of Revenue Policy, 2014/2015 budget and 2014/2015 Fees and Charges

13.7 Mayor and Councillor Fees 2014/2015

**Environment and Planning**

13.8. PLANNING 10.2013.562.1 North Byron Beach Resort central facilities buildings at Bayshore Drive Byron Bay

13.10. PLANNING s96 10.2011.413.2 Removal of agricultural spray buffer requirements at 59 Lismore Road Bangalow

**Infrastructure Services**

13.11. Precinct Plan for South Beach Road, Brunswick Heads

**REPORTS OF COMMITTEES**

**Environment and Planning**

14.3. Report of the Biodiversity and Sustainability Advisory Committee Meeting held on 8 May 2014

**Infrastructure Services**

14.5. Report of the Water, Waste and Sewer Advisory Committee Meeting held on 20 May 2014

**CONFIDENTIAL REPORTS**

**Corporate and Community Services**

15.2. CONFIDENTIAL Byron Shire Council Holiday Parks Contract Management

**LATE REPORT**

**Corporate and Community Services**

16.1. Local Government NSW Annual Conference 2014

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*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. 14-250 and concluding with Resolution No. 14-268.*

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**GENERAL MANAGER – STAFF REPORT**

**Report No. 13.1. Bay Lane Enhancement - Project Update**  
**File No: #E2014/33049**

**14-250 Resolved:**

1. That Council note that permission was not granted by the private car park owners of Bay Lane to utilise their car park for the purpose of a one-off trial event to enhance Bay Lane (as per the direction of Council Resolution (14-97).
  2. That Council conduct a one-off trial event along Bay Lane from the Jonson Street entrance to the Private Car Park entrance and pilot this event in conjunction with the 2014 Byron Bay Surf Festival.
  3. That Council allocate \$9,000 from the Footpath Dining Reserve to contribute towards funding for a one-off trial event.
  4. That a survey be conducted during the trial of footpath patrons and of local businesses within 14 days following the event and results be reported to Council.
  5. That a report of the details of the intended event be provided to Council for endorsement.  
(Woods/Cameron)
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**CORPORATE AND COMMUNITY SERVICES – DIRECTOR’S REPORTS**

**Report No. 13.4. Making of the Rate 2014/2015**  
**File No: #E2014/34622**

**14-251 Resolved** that in accordance with Sections 533, 534, 535 and 566 of the Local Government Act, Council makes the following rates and annual charges for 2014/2015:

1. Residential - Ordinary Rate

A Residential Ordinary Rate of 0.283 cents in the dollar on the land value of all land categorised as residential, with a minimum rate of \$667.50 per rateable assessment. Exception to this will be in respect to vacant land wholly contained within zones 5(b), 7(a) and 7(f1) of the Byron Local Environmental Plan 1988 (as amended), which meets the definition of vacant coastal hazard and flood liable land as per section 548 of the Act. In this case the minimum rate amount shall be \$366.50 per rateable assessment.

2. Business (Other) - Ordinary Rate

A Business (Other) Ordinary Rate of 0.4245 cents in the dollar on the land value of all land categorised as business outside the ‘centre of activity’ known as Byron Bay Business Centre, with a minimum rate of \$667.50 per rateable assessment.

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3. Business (Byron Bay Business Centre) - Ordinary Rate

A Business (Byron Bay Business Centre) Ordinary Rate of 0.566 cents in the dollar on the land value of all land categorised as business within the boundary of the 'centre of activity' known as Byron Bay Business Centre, with a minimum rate of \$667.50 per rateable assessment.

4. Farmland - Ordinary Rate

A Farmland Ordinary Rate of 0.2086 cents in the dollar on the land value of all land categorised as farmland, with a minimum rate of \$667.50 per rateable assessment. Exception to this will be in respect to vacant land wholly contained within zones 5(b), 7(a) and 7(f1) of the Byron Local Environmental Plan 1988 (as amended) which meets the definition of vacant coastal hazard and flood liable land as per section 548 of the Act. In this case the minimum amount shall be \$366.50 per rateable assessment.

5. Other Annual Charges Applicable for 2014/2015

(a) Domestic Waste Management Annual Charges

In accordance with Section 496 of the Act, a charge, to be known as the Domestic Waste Management Charge, for the provision of a weekly waste service is to apply to all rateable residential land within the defined collection area. This charge, depending on the number of services and bin capacity, is to be levied for the removal of domestic waste and recyclable materials on and during the normal collection day and hours. This is subject to the right of the Council to seek to vary such charge during the year, if in the opinion of the Council such action is warranted in view of any variation in the cost of rendering the service. The following charges for 2014/2015 will apply:

<b>Urban Domestic Waste Collection - Annual Charges</b>	
<b>Size of Service</b>	<b>Annual Charge</b>
Per service – weekly collection of 80 Litre Bin*	\$171.00
Per service – weekly collection of 140 Litre Bin* (Standard Service)	\$303.00
Per Service – weekly collection of 240 Litre Bin*	\$424.00
Per Multi Unit Dwelling (Weekly Collection of 240 Litre waste and 240 litre recycling bin shared at the rate of one bin per two units*)	\$286.00
Per Service - Additional Domestic Recycling Bin Collected fortnightly	\$83.00

\* All services include a 240 litre recycle bin which is collected fortnightly except in the case of residential strata units which may share waste services and have a weekly 240 litre recycle bin service.

(b) Domestic Waste Management Annual Charge – Vacant Land

In accordance with Section 496 of the Act, a charge of \$22.00, to be known as the Domestic Waste Management Charge – Vacant Land is to apply for 2014/2015 to all vacant residential rateable land contained within the defined collection area.

(c) Rural Waste Management Annual Charge (Residential Properties)

In accordance with Section 496 of the Act, a charge, to be known as the Rural Waste Management Charge, for the provision of a fortnightly waste service is to apply for 2014/2015 to all rateable residential land within the rural service collection area. This charge, depending on the number of services, is to be levied for the removal of domestic

waste and recyclable materials on and during the normal collection day and hours. This is subject to the right of the Council to seek to vary such charge during the year, if in the opinion of the Council; such action is warranted in view of any variation in the cost of rendering the service.

An annual charge of \$286.00, to be known as the Rural Waste Management Charge will be charged per service to residential properties in the rural service collection area that provides for fortnightly collection of 240 litre waste bin and 240 litre recycling bin.

(d) Rural Waste Availability Charge (Residential Properties)

In accordance with Section 496 of the Act, an annual charge of \$22.00, to be known as the Rural Waste Availability Charge will apply for 2014/2015 to residential properties in the rural service collection area that choose not to have a Council Rural Domestic Waste service but have a dwelling situated on the property. Rural property owners paying the Rural Waste Availability Charge have the option to commence services if their circumstances change.

Vacant land and properties that are unable to be serviced will not incur this service availability charge.

(e) Rural Waste Management Annual Charge (Non-Residential Properties)

In accordance with Section 501 of the Act, a charge, to be known as the Rural Waste Management Charge, for the provision of a fortnightly waste service is to apply for 2014/2015 to all non-residential land within the rural service collection area. This charge, depending on the number of services, is to be levied for the removal of waste and recyclable materials on and during the normal collection day and hours. This is subject to the right of the Council to seek to vary such charge during the year, if in the opinion of the Council; such action is warranted in view of any variation in the cost of rendering the service.

An annual charge of \$396.00, to be known as the Rural Non-Domestic Waste Management Charge will be charged per service to non-residential properties in the rural service collection area that provides for fortnightly collection of 240 litre waste bin and 240 litre recycling bin.

(f) Commercial Waste Management Annual Charges (Urban Collection Area)

In accordance with Section 501 of the Act, charges to be known as Commercial Waste Management Charges are applied to commercial and non-residential properties for the provision of garbage services to properties within the defined collection area. Charges depending on bin capacity, frequency of service and number of services are to be levied for the removal of waste and nominated recyclable materials on and during the normal collection day and hours.

The following charges for 2014/2015 will apply:

<b>Commercial Waste Management Annual Charges</b>	
<b>Type of Service</b>	<b>Annual Charge</b>
Per Service - Weekly collection of 140 litre waste bin	\$385.00
Per Service - Weekly collection of 140 litre waste bin and 240 litre recycling bin	\$385.00
Per Service - Weekly collection of 240 litre waste bin	\$440.00
Per Service – Weekly collection of 240 litre waste bin and 240 litre recycling bin	\$440.00



<b>Commercial Waste Management Annual Charges</b>	
<b>Type of Service</b>	<b>Annual Charge</b>
Per Service – Additional Weekly collection of 240 litre recycling bin	\$99.00
Per Service – Twice Weekly collection of 140 litre waste bin and 240 litre recycling bin	\$748.00
Per Service – Twice Weekly collection of 240 litre waste bin	\$770.00
Per Service – Twice Weekly collection of 240 litre waste bin and 240 litre recycling bin	\$770.00

(g) Water Fixed Annual Charge

In accordance with Section 501 of the Act, a charge to be known as Water Fixed Charge, will apply for 2014/2015 to all properties to which a water supply is available. The amount of the charge will be dependant on the meter connection size and the number of services existing on the property as detailed below.

20mm	\$155.00
25mm	\$241.50
32mm	\$395.60
40mm	\$618.00
50mm	\$965.70
65mm	\$1,632.00
80mm	\$2,472.00
100mm	\$3,862.50

Where water supply is available to Strata Units a charge equivalent to a 20mm Water Fixed Charge will apply to each unit. This charge is variable by meter size should a water meter be connected.

A minimum charge of \$77.50 will apply to each parcel of rateable land (including vacant land) which does not have a water service connection but to which a water service is available in accordance with the provisions of Section 552(1)(b) of the Local Government Act 1993.

Where a meter connected to a property is being used for Fire Services a charge of \$206.15 will apply regardless of the meter connection size.

(h) Water Usage Charges

In accordance with Section 502 of the Act, all Residential properties in 2014/2015 will be charged a Water Usage Charge for the use of the Water Supply Service on a quarterly basis based as per the usage recorded through the water meter or meters servicing the property. The charge will be based on an inclining block tariff with the first incline up to 450kls per reading year being charged at \$2.32 per kilolitre and any usage above 450kls per reading year being charged at \$3.48 per kilolitre.

Non-Residential properties will be charged \$2.53 per kilolitre for all water used as recorded through the water meter or meters servicing the property.

(i) Sewerage Fixed Annual Charge

In accordance with Section 501 of the Act, a charge of \$780.00, to be known as Sewerage Service Fixed Charge, will apply to all single dwelling residential properties in 2014/2015.

Where the sewerage service supply is available to Strata Units a charge equivalent to a 20mm Sewerage Service Fixed Charge will apply to each unit. This charge is variable by meter size should a separate water meter be connected.

A minimum charge of \$390.00 will apply to each parcel of rateable land (including vacant land) which does not have a sewerage service connection but to which a sewerage service is available in accordance with the provisions of Section 552(3)(a) of the Local Government Act 1993.

Premises connected to Councils Sewer System through a sewer pod will incur an annual Fixed Charge of \$755.00.

The 2014/2015 Sewerage Service Fixed Charge for Non-Residential properties (including Non-rateable properties) will be proportional to the size of the water supply service connection to the property.

The amount of the charge will be dependant on the meter connection size and the number of services existing on the property as detailed below.

20mm	\$780.00
25mm	\$1,219.60
32mm	\$1,998.10
40mm	\$3,122.00
50mm	\$4,878.20
65mm	\$8,244.10
80mm	\$12,488.00
100mm	\$19,512.50

Where a meter larger than a 20mm water meter is connected to a property, categorised as Residential, which has multiple occupancies (ie not a single dwelling house) the Sewerage Service Fixed Charge will be applied as per the meter connection size and the number of services existing on the property as per the Sewerage Service Fixed charges for Non-Residential properties.

Where the sewerage service supply is available to a Non-Residential Strata Unit a charge equivalent to a 20mm Sewerage Service Fixed Charge will apply to each unit. This charge is variable by meter size should a separate water meter be connected.

A minimum charge of \$390.00 will apply to each parcel of non-residential rateable land which does not have a sewerage service connection but to which a sewerage service is available in accordance with the provisions of Section 552(3) (a) of the Local Government Act 1993.

Non-residential properties connected to Councils Sewer System through a sewer pod will incur an annual Fixed Charge of \$755.00.

#### (j) Sewer Usage Charges

In accordance with Section 502 of the Act, a Sewer Usage Charge of \$1.73 per kilolitre of water used will be charged for 2014/2015 for Residential properties.

Non-residential properties having differing sewer discharge factors (SDF) will be charged for 2014/2015 by applying the individual SDF to a Non-Residential Sewer Usage Charge of \$2.31 per kilolitre of water (as measured by the water meter connection to the property).

(k) Liquid Trade Waste Fixed Charge

In accordance with Section 501 of the Act, Council will charge a Liquid Trade Waste Fixed Charge against properties connected to Council's sewerage system based on the level of impact dischargers have on the system. The Liquid Trade Waste Annual Charge is charged on properties which discharge liquid trade waste but are not required to apply for Council approval.

Other Liquid Trade Waste Fixed charges are based on the level of impact dischargers have on the sewerage system and the requirement of pre-treatment equipment (such as grease traps) to be installed on the property. The Liquid Trade Waste charges for 2014/2015 are detailed below.

Liquid Trade Waste – Annual Charge	\$ 30.00
Liquid Trade Waste – Category 1	\$150.00
Liquid Trade Waste – Category 2	\$250.00
Liquid Trade Waste – Category 2S	\$250.00
Liquid Trade Waste – Category 3	\$420.00
(Large Industrial & Commercial Premises)	

(l) Liquid Trade Waste User Charges

In accordance with Section 502 of the Act, properties assessed as discharging Liquid Trade Waste to Councils sewer system will be charged a Liquid Trade Waste Usage Charge by applying the individual Liquid Trade Waste Factor (LTWDF) against the liquid trade waste usage charge for 2014/2015 of \$2.20 per kilolitre of water (as measured by the water meter connection to the property).

\*\*\*Properties that are technically non-complying dischargers into Council's sewer system will be levied a trade waste usage charge of \$14.00 per kilolitre of water (as measured by the water meter connection to the property).

(m) Stormwater Management Charge

In accordance with Section 496A of the Act, Council will charge a 'Stormwater Management Charge' against rateable properties for which the service is available. Council has identified the residential and business properties that are within Council's urban stormwater catchment areas that will be levied this charge for the 2014/2015 financial year.

i. Properties categorised as Residential (Not being Strata Titled)

A flat charge of \$25.00 for a Stormwater Management Service Charge is to be charged against each eligible assessment categorised as Residential within the urban stormwater catchment.

ii. Properties categorised as Residential (Strata Titled)

A flat charge of \$12.50 for a Stormwater Management Service Charge is to be levied against each eligible residential strata unit within the urban stormwater catchment.

iii. Properties categorised as Business (Not being Strata Titled)

A Stormwater Management Service Charge is to be charged against each eligible assessment (not being strata titled) categorised as business within the urban stormwater catchment area based on the total area of the assessment. A charge of \$25.00 for every

350 square metres or part of 350 square metres will apply, with a minimum charge of \$25.00 to apply for those properties with an area of less than 350 square metres.

iv. Properties categorised as Business (Strata Units)

A Stormwater Management Service Charge against each eligible business strata unit within the urban stormwater catchment area based on one of the following two scenarios:

Scenario 1 – Business Strata Units Only

If the strata complex contains only business properties (i.e. not mixed development) the charge per strata unit will be calculated by using a charge of \$25.00 per 350m<sup>2</sup> of the land area occupied by the strata scheme (or part thereof), proportioned by the unit entitlement of each lot in the strata scheme. In the event that this approach results in charge of less than \$5.00 per unit, a minimum charge of \$5.00 will be levied on each strata unit.

Scenario 2 – Business & Residential Strata Units (Mixed Development)

If the strata complex contains mixed development (i.e. properties rated as both business and residential) the dominant category of the strata scheme must be determined and charges will apply for Business strata unit or Residential Strata units as previously adopted. In the event that a mixed development is 50% residential and 50% business, council has the discretion to determine whether to charge the property as a residential or business property.

v. Urban Land Exempt from the Stormwater Management Service Charge

The same exemptions that apply to non-rateable properties for other rates and charges also apply in respect of the stormwater management service charge pursuant to the Local Government Act. In addition, the following properties are also exempted from this charge under the provisions:

- Rateable land owned by the Crown
- Rateable land under a lease for private purposes granted under the Housing Act 2001 or the Aboriginal Housing Act 1998
- Vacant Land

6. In accordance with section 566 of the Act, that Council adopts the maximum rate of interest as determined by the Division of Local Government in Circular 14-06 dated 21 March 2014 of 8.5% for 2014/2015 on overdue rates and charges. (Woods/Cameron)

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**Report No. 13.5. Investments – May 2014**

**File No:** #E2014/33935

- 14-252 Resolved** that the report listing Council's investments and overall cash position as at 31 May 2014 be noted. (Woods/Cameron)

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**Report No. 13.6. Year To Date Finance Report – May 2014**

**File No:** #E2014/35280

- 14-253 Resolved** that the Year To Date Finance Report – May 2014 be received and noted. (Woods/Cameron)

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**ENVIRONMENT AND PLANNING –STAFF REPORT**

**Report No. 13.9. PLANNING – 10.2013.600.1 Reconfigure approved private education facility (Linnaeus) at 951 Broken Head Road Broken Head**

**File No:** Parcel No 238081 #A2013/30720

**14-254 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2013.600.1 for reconfiguration of private educational accommodation by deletion of 10 camp sites and replacement with 6 accommodation units, be granted consent subject to the conditions listed in Annexure 5(b) #E2014/32755.

(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.*

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**CORPORATE AND COMMUNITY SERVICES - COMMITTEE REPORTS**

**Report No. 14.1. Report of the Finance Advisory Committee Meeting held on 15 May 2014**

**File No:** #E2014/32129

**14-255 Resolved:**

1. That Council note the minutes of the Finance Advisory Committee Meeting held on 15 May 2014.
2. That in relation to Report No 4.1 – 2013/14 Financial Sustainability Project Plan – Update on the Action Implementation Plan to 31 March 2014, Council adopt:

Committee Recommendation FAC 4.1.1

That the status update report to 31 March 2014 on the 2013/2014 Financial Sustainability Project Plan Acton Implementation Plan be received and noted. (Woods/Cameron)

**14-256 Resolved** that in relation to Report No 4.2 – Review of Policy 12/008 Section 356 Donations – Rates, Water and Sewerage Charges, Council adopt:

Committee Recommendation FAC 4.2.1

1. That the Council include the following parameters for the review of Policy 12/008 Section 356 Donations – Rates, Water and Sewerage Charges:
    - a) The critical nature/uniqueness of the facility within its locality;
    - b) The level of utilisation both current and prospective;
    - c) The sustainability of the facility, e.g. future maintenance costs;
    - d) The cost effectiveness of current operations.
  2. That the review consider a two step approach as follows:
-

Step 1: A hierarchy of facilities be established to determine overall community benefit and possible level of subsidy for each type of facility.

Step 2: Expand criteria as per Item 1 above, as those that must be considered by Council when making a decision regarding subsidy.

3. That the review consider:

- a) a phased transition on the level of support;
- b) a regular review of entitlements be performed every 3 years;
- c) encouraging financial independence. (Woods/Cameron)

**14-257 Resolved** that in relation to Report No 4.3 – Update on BRSCC Management Model, Council adopt:

Committee Recommendation FAC 4.3.1

That Council receive and note this report on the development and implementation of the direct management model and the business plan for the Byron Regional Sport and Cultural Complex (BRSCC). (Woods/Cameron)

**14-258 Resolved** that in relation to Report No 4.4 – Financial Management Options – Waste Management, Council adopt:

Committee Recommendation FAC 4.4.1

That the report on Financial Management Options – Waste Management be noted by Council. (Woods/Cameron)

**14-259 Resolved** that in relation to Report No 4.5 – Budget Review 1 January 2014 to 31 March 2014, Council adopt:

Committee Recommendation FAC 4.5.1

That Council adopt the Budget Review 1 January 2014 to 31 March 2014 as presented to the Finance Advisory Committee meeting held on 15 May 2014. (Woods/Cameron)

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**Report No. 14.2. Report of the Public Art Assessment Panel meeting held on 15 May 2014**

**File No:** #E2014/33059

**14-260 Resolved:**

- 1. That Council note the minutes from the Public Art Assessment Panel meeting held on 15 May 2014.
- 2. That in relation to Business Arising – the Unity Pole, Council:

Panel Recommendation 5.1

Support locating the Unity Pole in Denning Park in the space that the ‘Theatre of Trees’ sculpture occupied for some time due to this location having a history of community gathering and therefore suits the purpose of the Unity Pole sculpture. (Woods/Cameron)



**14-261 Resolved** that in relation to Item 6.1 Crab Riders Sculpture, Council:

Panel Recommendation 6.1

Decline the loan of 'Crab Riders' for a period of two years, for the following reasons:

- a) the artwork is not by a local artist
- b) the costs of shipping the artwork from/to Sydney are not within the scope of the public art budget
- c) maintenance of the sculpture would be significant and not within Council's current resources. (Woods/Cameron)

**14-262 Resolved** that in relation to Item 6.2 Inscribe Youth Street Art Project, Council:

Panel Recommendation 6.2

- 1. Provide in principle support for the Inscribe Youth Street Art Program.
- 2. Individual youth street art projects as part of this program are undertaken in collaboration with Council staff (the Youth Activities Officer, the Community Policy Officer and the Superintendent Parks) on the following aspects:
  - a) identifying suitable locations
  - b) ensuring concept designs do not include any offensive images or material
  - c) consideration of materials in terms of longevity, maintenance and risk aspects
  - d) that the finished artworks be presented to the Public Art Assessment Panel when completed for endorsement of entry into Council's Public Art Register. (Woods/Cameron)

**14-263 Resolved** that in relation to Item 6.4 the Proposed Public Art Small Grants Program, Council adopt:

Panel Recommendation 6.4

A Public Art Small Grants program and allocate \$1,000 out of the 2014/15 public art budget towards the program. (Woods/Cameron)

**14-264 Resolved** that in relation to Item 6.5 PAAP Vision and Plans, Council:

Panel Recommendation 6.5

Carryover any unexpended funds from the public art budget in 2013/14 to the 2014/15 public art budget. (Woods/Cameron)

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**ENVIRONMENT AND PLANNING – COMMITTEE REPORT**

**Report No. 14.4. Report of the Planning Review Committee Meeting held on 20 May 2014**

**File No:** #E2014/32853

**14-265 Resolved** that the report be noted. (Woods/Cameron)

**GENERAL MANAGER - CONFIDENTIAL REPORT**

**Report No. 15.1. CONFIDENTIAL Byron Bay Town Centre Masterplan - Stage 1 of the Selective Tender Process**

**File No:** #E2014/32824

**14-266 Resolved:**

1. That Council accept the recommendations of the tender evaluation panel and invite the list of organisations below to the select tender stage of the Byron Bay Town Centre Masterplan:
    - a) Conybeare Morrison International Pty Ltd;
    - b) Deicke Richards Architects Pty Ltd;
    - c) Hello City – Meter Pty Ltd;
    - d) Lat27 Pty Ltd;
    - e) McGregor Coxall;
    - f) Place Design Group;
    - g) Site Office Pty Ltd;
    - h) Urbis Pty Ltd.
  2. That the report of the closed part of the meeting remain confidential until the contract is finalised.
  3. That Annexure 9(a) (#E2014/32872) of the closed part of the meeting remain confidential indefinitely. (Woods/Cameron)
- 

**INFRASTRUCTURE SERVICES - CONFIDENTIAL REPORTS**

**Report No. 15.3. CONFIDENTIAL Tender Assessment - Supplying and Laying Asphalt 2014-0005**

**File No:** #E2014/33261

**14-267 Resolved:**

1. That Council award the Contract for Supply and Laying of Asphalt to Clark Asphalt Pty Ltd.
  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. (Woods/Cameron)
- 

**Report No. 15.4. CONFIDENTIAL Tender Assessment - Bitumen Spray Sealing 2014-0006**

**File No:** E2014/33017

**14-268 Resolved:**

1. That Council award the Panel Contract for Bitumen Spray Sealing Services in order of preference to NSW Spray Sealing Pty Ltd and Bitupave Ltd t/a Boral Asphalt.
-

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. (Woods/Cameron)
- 

PROCEDURAL MOTION

- 14-269 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being 9.1, 9.6, 9.7, 9.11, 9.8, 9.9 and 13.3 next on the Agenda. (Richardson/Woods)

*The motion was put to the vote and declared carried.*

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**NOTICES OF MOTION**

**Notice of Motion No. 9.1. Request for deferment of suitability assessment of the rezoning of the West Byron Urban Release Area**

#E2014/33434

Moved: That Council:

In light of the appointment of a new Minister of Planning, the Hon. Pru Goward; the imminence of an outcome on the Rezoning application made to the State by proponents (not by Council); and noting the deep concern of the broad community regarding the adequacy of the planning processes as part of the assessment of suitability for rezoning the West Byron Urban Release Area, I move that Council request the Minister of Planning to defer the assessment of suitability for rezoning the West Byron Urban Release Area until:

1. A comprehensive traffic study is undertaken that follows RMS (formerly RTA) guidelines and accounts for the all impacts of the traffic generated by the full 1,100 homes and all the traffic generated by the proposed retail and light industrial businesses, given that the proponents' study considered traffic movements of only 856 homes and only counted the employees but not any of the clients of those businesses.
  2. A site-specific Acid Sulfate Soils Study has been produced and considered in accordance with the Department of Planning Acid Sulfate Soils Planning Guidelines. This is fundamental to assessing the site's suitability for the proposed urban, business and light industrial zoning and would assess the likely impacts of the proposed development and associated drainage works on the health of the Belongil estuary.
  3. The Byron Coast Comprehensive Koala Plan of Management (KPoM) is completed and the zoning and development control requirements of the Draft be taken into account as the proposed rezoning will significantly affect the core Koala habitat and buffers identified in the plan. The Draft KPoM was exhibited on the 11 February 2014 and is in the process of being finalised by Byron Shire Council.
  4. The Local Growth Management Strategy (LGMS) is completed and the West Byron Urban Release suitability assessment is considered in the context of the LGMS that Byron Shire Council has resolved to prepare this year, in order to follow the principles of the Department of Planning's Settlement Planning Guidelines, and to ensure the zoning meets the requirements of the DoP's 2007 Far North Coast Regional Strategy's dwelling targets.
  5. A baseline assessment of the Belongil creek/estuary is completed to more accurately measure future impacts.
-

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6. All environmental and ecological aspects, when determining the suitability for rezoning, are considered upfront, as Minister Stokes recently stated was important.

(Richardson/Dey)

## AMENDMENT

**14-270 Resolved** that due to concerns raised by members of the local community, Council will write to the Planning Minister the Hon Pru Goward requesting that prior to making a decision regarding the rezoning of the West Byron Urban Release Area, the following matters will have been addressed to her satisfaction;

1. The traffic study has followed RMS guidelines, and reasonably considered all the likely impacts of the traffic generated by the proposed residential and commercial developments.
2. The Acid Sulfate Soils Study has been produced and considered in accordance with the Department of Planning's Acid Sulfate Soils Planning Guidelines.
3. That all Koala habitat on the site has been identified in accordance with SEPP 44 procedures, and that it will be protected from damage and disturbance.
4. That all other environmental and ecological aspects have been considered in the rezoning.

Furthermore, Council will seek funding for a baseline assessment of the Belongil creek/estuary from appropriate Government departments, including from Minister Goward's.

(Ibrahim/Wanchap)

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## PROCEDURAL MOTIONS

**14-271 Resolved** that Cr Ibrahim be granted a two minute extension to his speech. (Woods/Dey)

*The motion was put to the vote and declared carried.*

**14-272 Resolved** that Cr Wanchap be granted a two minute extension to her speech.

(Richardson/Woods)

*The motion was put to the vote and declared carried.*

---

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

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

*Cr Richardson voted against the motion.*

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## **Notice of Motion No. 9.6. North Byron Parklands RWG**

#E2014/34957

**14-273 Resolved:**

1. 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.

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2. That, if Council receives other complaints, it seeks responses from responsible bodies and reports back to Council, for example, for complaints about telecommunications Council request an update from service providers eg Telstra.
3. That the Delegates Report (North Byron Parklands – Regulatory Working Group) provided to Council on 22 May 2014 be submitted to the Department of Planning and Environment (DoPE) in discussions referred to in items 4 and 5 of Resolution 14-48.
4. That Council receive a report on the outcome of discussions with DoPE.
5. That Council advise the Department of the inadequacy of the telecommunications, predominantly mobile, and other, during major festivals and other events.  
(Cameron/Wanchap)

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

## FORESHADOWED MOTION

- 14-274 Resolved** that Council provide a link on their website which will advise the community what contact number(s) will be available in the event of any complaints. (Woods/Dey)

*The Mayor left the Chambers at 11.53am and the Deputy Mayor took the Chair. The Mayor returned to the Chair at 11.55am.*

*The motion was put to the vote and declared carried.*

---

## **Notice of Motion No. 9.7. Rail Future for Byron Shire** #E2014/34924

### **14-275 Resolved:**

1. That Council note the recent history of rail in Byron Shire and the inadequacy of public transport within the Shire and across the Northern Rivers.
2. That Council acknowledge the potential for rail on the Casino-Murwillumbah line to provide significantly improved public transport and tourist services.
3. That Council write to the Transport Minister Hon. Gladys Berejiklian and the Premier Mike Baird to advise that Byron Shires supports:
  - a) investment in the Casino-Murwillumbah line for rail as part of a multi-modal corridor with significant benefits for the community, Council and the tourism industry.
  - b) an immediate investment in the Byron Shire section of the Casino-Murwillumbah line for light rail for the line with significant benefits for the community, Council and the tourism industry.  
(Cameron/Richardson)

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

## FORESHADOWED MOTION

### **14-276 Resolved:**

1. That Council acknowledges that light rail services and the rail trail can co-exist as part of a multi-modal corridor on the Casino to Murwillumbah line and Council supports government
-

investment in light rail public transport services within its Shire and beyond, wherever they are needed.

2. That Council supports the development of a rail trail along the corridor of the Casino to Murwillumbah rail line:
  - a) As a way of ensuring the land remains in public ownership.
  - b) To create a significant opportunity to enhance the economy of the entire region, encouraging visitors to travel beyond the coast to discover the other facets of the Northern Rivers.
  - c) To provide residents of towns and villages living near the rail trail safe and convenient cycle and walk ways within and between communities.
3. That Council acknowledges that funding to develop and maintain the rail trail will need to be provided through State and Federal Government funding, as well as private sponsorship where appropriate. (Ibrahim/Woods)

AMENDMENT

Moved:

1. That Council acknowledges that light rail services and the rail trail can co-exist as part of a multi-modal corridor on the Casino to Murwillumbah line and Council supports government investment in light rail public transport services within its Shire and beyond, wherever they are needed.
2. That Council supports the development of a rail trail along the corridor of the Casino to Murwillumbah rail line, as long as it is not at the expense of rail.
3. That Council acknowledges that funding to develop and maintain the rail trail will need to be provided through State and Federal Government funding, as well as private sponsorship where appropriate. (Dey/Cameron)

*The amendment was put to the vote and declared lost.*

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

*The motion was put to the vote and declared carried.*

*Cr Cameron voted against the motion.*

*The meeting adjourned at 12.56pm for lunch and reconvened at 1.35pm.*

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PROCEDURAL MOTION

- 14-277 Resolved** that Council change the order of business to discuss a matter of urgency next on the agenda. (Hunter/Richardson)

*The motion was put to the vote and declared carried.*

The Mayor considered the matter arising in relation to giving condolences and ruled it a matter of great urgency.

- 14-278 Resolved** that the business be dealt with at the meeting. (Hunter/Richardson)

*The motion was put to the vote and declared carried.*



URGENCY MOTION

**Condolences to Cr Spooner and his family**

- 14-279 Resolved** that Council pass on condolences from Councillors and staff to Cr Spooner and family on his recent loss and acknowledge that our thoughts are with him. (Hunter/Cameron)

*The motion was put to the vote and declared carried.*

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**Notice of Motion No. 9.11. NOROC and Future Rail**

#E2014/34715

*This Notice of Motion lapsed as there was no seconder to Cr Dey's motion.*

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PROCEDURAL MOTION

- 14-280 Resolved** that the order of business be changed to deal with Notice of Motion No. 9.9 next on the Agenda. (Richardson/Woods)

*The motion was put to the vote and declared carried.*

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**Notice of Motion No. 9.9. Gasfield Free Northern Rivers**

#E2014/34828

**14-281 Resolved:**

1. That Council write to NSW Premier Mike Baird; to NSW Minister for Planning, Pru Goward; to NSW Minister for Regional Infrastructure & Services, Andrew Stoner; to NSW Minister for Resources & Energy, Anthony Roberts; and to Ballina MP, Don Page; with copies to all NSW government MPs and to Councillors of the NOROC Councils plus Clarence Valley Council; calling on them to:
  - a) review and consider revoking all Petroleum Exploration Licenses (PELs) and Petroleum Special Prospecting Application (PSPAPP 55) in the Northern Rivers region;
  - b) declare the region Gasfield Free; and
  - c) amend the Petroleum (Onshore) Act 1991 to make risks or harm to the environment grounds for the suspension or cancellation of a petroleum title.
2. That Council write to the Aboriginal Land Council involved in PSPAPP 55 asking them to withdraw the application. (Dey/Ibrahim)

*The motion was put to the vote and declared carried.*

---

**Notice of Motion No. 9.8. Liquor License Application ALDI Byron Bay**

#E2014/34776

**14-282 Resolved:**

1. That Council lodge a submission to ILGA objecting to the proposed Packaged (Bottleshop) Liquor Licence for Aldi supermarket in Byron Bay.
-

2. That the submission include points such as:
  - a) that such a Licence would:
    - (i) alarm a community already deeply concerned about alcohol issues in the Byron Bay CBD;
    - (ii) increase the availability of alcohol, especially cheap alcohol;
    - (iii) reaffirm the culture of drinking, including by extension that of drinking to excess; and
    - (iv) add to associated problems of violence in Byron Bay.
  - b) that this particular outlet due to its proximity to Jonson Street and heavily discounted nature is similar to that of the Dan Murphy application previously refused.
  - c) that, if the licence were issued, strict regulations/conditions should be imposed and regular monitoring to ensure compliance.
3. That Council write separately to the Office of Liquor Gaming and Racing (OLGR) pointing out that the Byron Bay Alcohol Action Plan is mute on the issue of new Liquor Licences and should deal with it as a new clause (in Section 3 Licensed Premises) within the Plan.

(Dey/Richardson)

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

*The meeting adjourned 2.26pm to open the Byron Shire Reserve Trust Committee Meeting and reconvened at 2.34pm. Resolution Nos **14-283** and **14-284** were used during that meeting.*

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### CORPORATE AND COMMUNITY SERVICES – STAFF REPORT

**Report No. 13.3. Adoption of 2013/2017 Delivery Program (including Operational Plan), Statement of Revenue Policy, 2014/2015 Budget and 2014/2015 Fees and Charges**

**File No:** #E2014/27004

**14-285 Resolved** that Council having considered the submissions received during the public exhibition period for the 2014/15 Integrated Planning documents, including the Draft 2013/2017 Delivery Program (including Operational Plan), Statement of Revenue Policy, 2014/2015 Budget and 2014/2015 Fees and Charges;

1. That Council adopt the 2013/2017 Delivery Program, including the 2014/2015 Operational Plan (Annexure 1(a) #E2014/35961) with the following amendment:
  - a) to insert a new item 1.4 for budget program Economic Development and Tourism being an action to read 'Support community and industry to implement the Tourism Management Plan 2008-2018'.
2. That Council adopt the 2014/15 Budget, including the budget adjustments indicated in the report and as detailed in Table 6 of this report, with the following additional amendments:
  - a) increase the Community Development & Assistance: Aboriginal/Torres Strait Islander Projects (2331.53) budget allocation from \$2,000 to \$8,000;
  - b) increase the Disability Access and Inclusion Plan: Disability & Access Projects budget allocation (2363.3) from \$0 to \$3,000;
  - c) increase the Cultural Plan: Public Art Policy Implementation budget allocation from \$5,300 to \$15,000;

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- d) add a new line item of \$3,000 for a donation to Tweed/Byron Life Education;
  - e) that the additional expenditure be funded by a reduction of \$21,700 to the forecast surplus from \$38,550 to \$16,850.
3. That Council adopt the fees and charges for 2014/2015 as shown in Annexure 1(b) (#E2014/36163), with the following amendments:

- a) That the following fees and charges replace the 2014/15 Durrumbul Hall fees and charges:

Description	2014/15 \$	GSTIncl.
<b>Durrumbul Hall Community Centre</b>		
Casual hire (class, <20 people) per/hour	10.00	Y
Casual hire (class 20-50 people) per/hour	14.00	Y
Cleaning fee – large casual hire	70.00	Y
Community group Event (3.00pm to close)	250.00	Y
Public Event (commercial) (3.00pm to close)	370.00	Y
Bond – casual hire	100.00	N
Bond – small events	250.00	N
Bond – large events	500.00	N

- b) That the following fees and charges replace the 2014/15 Suffolk Park Hall fees and charges:

Description	2013/14 \$			2014/15 \$		
	Stand	Reg	Comm	Stand	Reg	Comm
<b>Suffolk Park Community Hall</b>						
<b>Day (between 8am and 5pm)</b>						
Per Hour	22.00	16.00	10.00	25.00	18.00	12.00
Per Session Half Day (4 hours)	N/A	N/A	N/A	N/A	N/A	N/A
Individual Fee /hour	15.00	10.00	8.00	16.00	12.00	10.00
<b>Hall – After hours (between 5pm and 10pm)</b>						
Per hour	30.00	18.00	12.00	35.00	18.00	12.00
AA and NA Meetings Per Hour		10.00			10.00	
<b>Special Function fee (per hr, kitchen incl)</b>	35.00	By neg	By neg	40.00	By neg	By neg
<b>Bond for Functions</b>						
Daytime event	300	300	300	300	300	300
Day/night event	500	500	500	500	500	500
<b>Meeting Room (day or night)</b>						
Per hour	5.00	N/A	5.00	5.00	N/A	5.00
<b>Key Deposit</b>	50.00	50.00	50.00	50.00	50.00	50.00
<b>Replacement of Lost Key</b>	50.00	50.00	50.00	50.00	50.00	50.00
<b>Cancellation Fee</b>						
Less than 2 weeks notice (half of the total fee)	100%	100%	100%	100%	100%	100%
2-4 weeks notice given	30%	30%	30%	30%	30%	30%
After 4 weeks notice given	20%	20%	20%	20%	20%	20%
<b>Extraordinary cleaning</b> (incl. Removal of garbage)	At cost	At cost	At cost	At cost	At cost	At cost
<b>Deposits</b>						
Regular User 1 month in advance	New	New	New	New	New	New
Occasional booking – 50% of total charged non-refundable if cancelled with less than 2 weeks notice.						

- c) That a new charge be listed under Vacation Care - Late booking fee (per child per day) \$10.00.
4. That Council adopt the 2014/2015 Statement of Revenue Policy including the fees and charges (Annexure 1(b) #E2014/36163), as amended.

5. That as no moneys have been set aside for general community Section 356 Donations in the 2014/15 Budget, any requests received for donations or sponsorships that fall under Council Policy 3.13 Donations to Community Organisations, Other Groups and Persons be advised that there are no moneys available this financial year.
6. That Council consider in its budget process for 2015/16, a design component for that part of Settlement Road that has newly become Council's responsibility, and that:
  - a) the design be produced as the basis on which landholders and residents can cooperatively fund or seek external funding for a rebuild of that road to bring it to a minimum standard after which it could be part of Council's ongoing road maintenance network.
  - b) a report on the outcomes of the design process, including options for the potential funding of works be reported to Council by February 2015.
7. That Council note that it will be considering a report on the draft s94 plan that will include information on Skinners Shoot Road funding options at the Extraordinary Meeting on 26 June 2014. (Cameron/Richardson)

*The motion was put to the vote and declared carried.*

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### MAYORAL MINUTE

#### 1. Commercial Activities on Coastal and Riparian Crown Reserves

**14-286 Resolved** that Council note:

1. That staff have begun a review of Policy 5.52 - Commercial Activities on Coastal and Riparian Crown Reserves, especially considering the approval of issuing a temporary licence for corporate functions, including the temporary suspension of alcohol restrictions.
2. That in the interim, any applications requiring a temporary suspension of alcohol restrictions and temporary licence applications that are not expressly referred to in the Policy will be considered at a meeting of Council.
3. That Council acknowledge that the Clarkes Beach Café function was approved by Council and was conducted in accordance with that approval. (Richardson)

#### AMENDMENT

Moved:

1. That staff begin a review of policy 5.52 Commercial Activities on Coastal and Riparian Crown Reserves in conjunction with the completion of the Byron Bay Markets Policy and the Byron Bay Masterplan
  2. That Council receive a report from staff that considers, as an interim measure, clarifying the requirements for these types of applications and reviews the fees and charges applied.
  3. That Council acknowledge that the Clarkes Beach Café function was approved by Council and was conducted in accordance with that approval. (Woods/Cubis)
-

PROCEDURAL MOTION

- 14-287 Resolved** that the motion be put. (Dey)

*The motion was put to the vote and declared carried.*

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

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

---

PROCEDURAL MOTION

- 14-288 Resolved** that the order of business be changed to deal with Report No. 13.8 next on the agenda and that Notices of Motion 9.2 and 9.5 be deferred until the next Ordinary Meeting. (Dey/Wanchap)

*The motion was put to the vote and declared carried.*

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**ENVIRONMENT AND PLANNING – STAFF REPORT**

**Report No. 13.8. PLANNING 10.2013.562.1 North Byron Beach Resort central facilities buildings at Bayshore Drive Byron Bay**

**File No:** Parcel No 109870 #A2013/29105

- 14-289 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application 10.2013.562.1 for North Byron Beach Resort Central Facilities Buildings, be granted consent subject to the conditions listed in Annexure 4(b) #E2014/34222. (Ibrahim/Woods)

*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.*

FORESHADOWED MOTION

- 14-290 Resolved** that Council hold a further meeting with the applicant of development application 10.2013.562.1 to discuss their concerns regarding the calculation of Equivalent Tenement charges and that Councillors be advised of the meeting date and time. (Ibrahim/Woods)

*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.*

*The meeting adjourned at 4.03pm for a break and reconvened at 4.22pm.*

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NOTICES OF MOTION

**Notice of Motion No. 9.2. Trans Pacific Partnership**

#E2014/34684

*In accordance with resolution 14-288, this Notice of Motion will be dealt with at the Ordinary Meeting on 7 August 2014.*

---

**Notice of Motion No. 9.3. Funding for Bangalow Waterfront environmental works**

#E2014/34692

**14-291 Resolved** that Council allocate \$60,000 to assist in the remediation of the Bangalow Waterfront area/Byron Creek environmental works, to be funded from the following sources:

1. Unallocated environmental levy budget 2013/2014 financial year that has not been expended (job no 2606.018) \$7,600
2. Community infrastructure maintenance program budget 2013/2014 financial year that has not been expended (job no 2606.019) \$38,000
3. Community infrastructure maintenance program budget 2014/2015 financial year \$14,400 of the proposed \$40,100 allocation (job no 2606.019) (Richardson/Dey)

*The motion was put to the vote and declared carried.*

---

**Notice of Motion No. 9.4. Coolamon Scenic Drive look out local design competition and implementation of construction process**

#E2014/34695

**14-292 Resolved:**

1. That Council initiate a local design and naming competition for the look out at the intersection of Coolamon Scenic Drive and the current Pacific Highway and provision of area information.
2. That the RMS be identified as a collaborative and funding partner.
3. That the adjoining landowner be invited to liaise with RMS and Council and clarification reached on boundaries.
4. That clarity on the following matters be sought from the RMS:
  - a) Overall budget
  - b) Required timeframe for completion
  - c) Any pertinent information required to inform the competition process
5. That within the information provision component of the design completion, Council ensure the inclusion of features and details of the Hinterland Way. (Richardson/Cubis)

*The motion was put to the vote and declared carried.*

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**Notice of Motion No. 9.5. Affordable Housing**

#E2014/34698

*In accordance with resolution 14-288, this Notice of Motion will be dealt with at the Ordinary Meeting on 7 August 2014.*

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**Notice of Motion No. 9.10. Land Uses in RU Zones**

#E2014/34939

*Crs Hunter and Dey lodged a Schedule 3A – Form of special disclosure of pecuniary interest in this matter. The completed forms were tabled at the meeting. Both Councillors remained in the Chambers for the discussion and participated in the vote.*

Moved:

1. That when preparing the Amendment to the LEP 2014 to consider Dual Occupancy within Rural Zones, Council also reconsider the landuses that it added into rural zones RU1 and RU2 during the LEP drafting process and include consideration of:
  - i) excluding *warehouse or distribution centre* from rural zones, and
  - ii) adding such landuses into appropriate Industrial Zones if not already there.
2. That, prior to preparing any amendment, a workshop be held to review uses within rural zones, including *transitional group homes*. (Dey/Richardson)

*The motion was put to the vote and declared lost.*

*Crs Ibrahim, Cubis, Woods, Cameron and Hunter voted against the motion.*

---

**Notice of Motion No. 9.12. Cancellation of 2014/15 Park and Ride**

#E2014/34800

Moved:

1. That Council cancel the Park and Ride program for the 2014/15 holiday period.
2. That staff report on consideration of the following initiatives in lieu of hiring bus services for Park and Ride:
  - a) keeping the special event parking provisions
  - b) opening up the Butler Street reserve to paid day parking
  - c) consider the option of having similar paid day parking at the Tennyson Street reserve/sports fields
  - d) the proceeds of this parking should be held in trust for use on the following:
    - i) upgrades to the Tennyson Street fields and amenities
    - ii) improvements to Butler Street reserve on its abutment to the impending Bypass
    - iii) improvements to Butler Street reserve and its interaction with the impending Byron Master Plan (Cubis/Woods)

*The motion was put to the vote and declared tied.*

*Crs Dey, Richardson, Cameron and Wanchap voted against the motion.*

*The Mayor used his casting vote and declared the motion lost.*

---

FORESHADOWED MOTION

**14-293 Resolved** that Council:

1. Allocates \$120,000 over three years to the park and ride project.
  2. After each year, receives a report illustrating measurable outcomes and data concerning usage, (both local and visitor), traffic and town parking effects, tourism benefits, sponsorship and investment levels, effects on local businesses, levels of satisfaction of users and any other measure considered beneficial and possible.
  3. As part of this report, forward projections and KPIs are also included for the following year.
  4. Prepares a project plan as soon as possible with projections for each year and that this plan be separate from SEPA provisions (which will be subject to separate planning).
  5. Invite Councillors to join a working party to help develop the project plan. (Richardson/Dey)
- 

PROCEDURAL MOTION

**14-294 Resolved** that Cr Richardson be granted a two minute extension to his speech.

(Cameron/Wanchap)

*The motion was put to the vote and declared carried.*

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

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PROCEDURAL MOTION

**14-295 Resolved** that the order of business be changed to deal with Reports 15.2. and 13.10 next on the Agenda.

(Richardson/Ibrahim)

*The motion was put to the vote and declared carried.*

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**CORPORATE AND COMMUNITY SERVICES - CONFIDENTIAL REPORT**

**Report No. 15.2.      CONFIDENTIAL Byron Shire Council Holiday Parks Contract Management**

**File No:**                #E2014/35696

**14-296 Resolved:**

1. That pursuant to Section 10A(2)(c) and Section 10A(2)(d) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely Byron Shire Council Holiday Park Contract Management.
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# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 JUNE 2014 (27 of 30)

2. That the reasons for closing the meeting to the public to consider this item be that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential information could compromise the commercial position of the existing Holiday Park Managers, could adversely affect Council's ability to contract with the Holiday Park Managers or could affect Council's ability to attract competitive tenders in the event a future tender is invited.
4. In accordance with Sections 10A(4) of the *Local Government Act 1993*, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed. (Woods/Richardson)

*The motion was put to the vote and declared carried.*

## CONFIDENTIAL SESSION

### 14-297 Resolved:

1. That Council extend the existing management contracts for Suffolk Park Holiday Park and First Sun Holiday Park under the same terms and conditions therein from the period 1 July 2014 to 30 September 2014, subject to the receipt of the written agreement from the existing Holiday Park Managers, whilst the current tender process is finalised.
2. That the report of the closed part of the meeting remain confidential. (Woods/Richardson)

*The motion was put to the vote and declared carried.*

### 14-298 Resolved that the meeting move out of confidential session. (Woods/Richardson)

*The motion was put to the vote and declared carried.*

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## ENVIRONMENT AND PLANNING – STAFF REPORT

**Report No. 13.10. PLANNING – S96 10.2011.413.2 Removal of agricultural spray buffer requirements at 59 Lismore Road Bangalow**

**File No:** Parcel No 213520 #A2014/4242

### 14-299 Resolved that pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, that application 10.2011.413.2 to remove all agricultural spray buffer requirements, be approved by modifying development consent 10.2011.413.1 as listed in Annexure 8 #E2014/32939. (Dey/Richardson)

*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.*

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## PETITIONS

### 1. Proposed rezoning/development of West Byron

*The Mayor tabled a petition containing 2,430 signatures which states:*

*"When you consider the motion that asks for a deferral of the rezoning, please consider the many people listed here who are not happy about a large suburb being built at West Byron.*

*Please remember we are only seeking your support in deferring the rezoning of West Byron."*

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**GENERAL MANAGER AND CORPORATE AND COMMUNITY SERVICES – STAFF REPORT**

**Report No. 13.2.      New Year's Eve in Byron Bay 2014**

**File No:**                      #E2014/27038

**14-300 Resolved:**

1. That Council adopt the draft Plan for New Year's Eve in Byron Bay 2014 (#E2014/26557).
2. That Council allocate the budget, as detailed in the financial implications section of this report, to undertake the key strategies from the draft Plan for New Year's Eve
3. That Council call for Expressions of Interest for two types of submissions by 30 June 2014:
  - a) Submissions to operate and manage the key events such as Soul Street NYE, First Sun NYD, a Youth Event, and a Greeter Guardians program.
  - b) Submissions to have other events included in the 'Safe Summer in the Bay' program, which are operated and managed by third parties.
4. That Council adopt the draft Terms of Reference for the Safe Summer in the Bay Project Reference Group (#E2014/27091).
5. That Council nominate Crs Richardson and Woods (with Crs Ibrahim and Dey as alternates) to the Safe Summer in the Bay PRG as follows:.
6. That Council write to Police, Byron Bay Liquor Accord, VIA Byron/Byron United, Arts Northern Rivers and Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), Byron Youth Service and the Byron Community Centre, inviting them to nominate a delegate to the Safe Summer in the Bay PRG.
7. That Council call for nominations from two community members to participate in the Safe Summer in the Bay Project Reference Group (PRG).
8. That the General Manager and the Mayor have delegated authority to select the community representatives following the closure of the community nomination period.

(Richardson/Dey)

*The motion was put to the vote and declared carried.*

**14-301 Resolved** that the meeting be extended past 6.00pm until 6.10pm.

(Richardson/Dey)

*The motion was put to the vote and declared carried.*

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**CORPORATE AND COMMUNITY SERVICES - LATE REPORT**

**Report No. 16.1. Local Government NSW Annual Conference 2014**

**File No:** #E2014/37502

**14-302 Resolved:**

1. That Council authorise the following Councillors to attend the Local Government NSW Annual Conference 2014 to be held in Coffs Harbour NSW from 19-21 October 2014:
  - Cr Dey and Cr Woods to attend as the voting delegates.
2. That, at the Extraordinary Meeting on 26 June 2014, Council endorse the issues or motions that are to be provided to LGNSW by 1 August 2014. (Dey/Wanchap)

*Cr Cubis left the meeting at 6.03pm and did not return.*

*The motion was put to the vote and declared carried.*

**PROCEDURAL MOTION**

- 14-303 Resolved** that Reports 14.3 and 14.5 be deferred to the Extraordinary Meeting to be held on 26 June 2014 and that Report No 13.11 be deferred to the next Ordinary Meeting to be held on 7 August 2014. (Richardson/Woods)

*The motion was put to the vote and declared carried.*

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**CORPORATE AND COMMUNITY SERVICES – STAFF REPORT**

**Report No. 13.7. Mayoral and Councillor Fees 2014/2015**

**File No:** #E2014/31217

Moved:

1. That Council fix the fee payable to each Councillor under section 248 of the Local Government Act 1993, for the period from 1 July 2014 to 30 June 2015 at \$17,930.
  2. That Council fix the additional fee payable to the Mayor under section 249 of the Local Government Act 1993, for the period from 1 July 2014 to 30 June 2015 at \$39,110.
  3. That Council, in accordance with its current practice, not fix an additional fee payable to the Deputy Mayor.
  4. That Council, when the Mayor authorises the Deputy Mayor to act in the role of Mayor for a period of time (during leave or absence for some other reason), pay the Deputy Mayor an additional fee being 50% of the Mayoral additional fee, this 50% being deducted from the Mayor's additional fee. (Dey/Wanchap)
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AMENDMENT

**14-304 Resolved:**

1. That Council fix the fee payable to each Councillor under section 248 of the Local Government Act 1993, for the period from 1 July 2014 to 30 June 2015 at \$17,930.
2. That Council fix the fee payable to the Mayor under section 249 of the Local Government Act 1993, for the period from 1 July 2014 to 30 June 2015 at \$39,110.
3. That Council in accordance with its current practice not determine a fee payable to the Deputy Mayor. (Woods/Cameron)

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

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

*NOTE: In accordance with S448 (k) of the Local Government Act no councillor was required to declare an interest in item 13.7.*

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*There being no further business the meeting concluded at 6.10pm.*

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I hereby certify that these are the true and correct Minutes of this Meeting  
as confirmed at Council's Ordinary Meeting on 7 August 2014.

.....  
Mayor Simon Richardson