



Byron Shire Council



Minutes

Ordinary Meeting
Thursday, 28 August 2014

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
28 August 2014

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**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY,
28 AUGUST 2014 COMMENCING AT 9.03AM AND CONCLUDING AT 3.33PM**

#E2014/55977

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, Cr C Cubis (arrived 9.20am), Cr D Dey, Cr A Hunter, Cr S Ibrahim (arrived 9.55am), Cr P Spooner, Cr R Wanchap and Cr D Woods

Staff: Ken Gainger (General Manager)
Mark Arnold (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Ray Darney (Executive Manager Environment and Planning)
Shannon McKelvey (Executive Manager Organisation Development)
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.

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:

14.14. Community Garden Licence Mullum SEED – Public Exhibition

Jeannette Martin (representing Mullum Seed Inc) addressed Council in favour of the recommendation.

14.20. PLANNING – s96 10.2013.132.2 Delete condition 7(C) culvert creek crossing and access approaches at 220 Fowlers Lane Bangalow

Paul Richmond addressed Council in favour of the recommendation.

14.21. PLANNING 10.2014.248.1 creation of permanent public art sculpture walk at Brunswick Terrace, Mullumbimby

Suvira MacDonald addressed Council in favour of the recommendation.
June Grant addressed Council against the recommendation.

Submission No. 1 CCTV Grant

Morgan made a submission to Council regarding CCTV.

Submission No. 2 Council leasing public footpaths in Byron Bay

Morgan made a submission to Council regarding footpath sharing with the Hotel Great Northern.

Submission No. 3 LEP Zoning Byron Bay

Morgan made a submission to Council regarding 2(a) land zoning and usage in Byron Bay.

Submission No. 4 Usage of residential land Byron Bay

Morgan made a submission to Council regarding usage of residential land Byron Bay.

Submission No. 5 Annexing of road corridors

Morgan made a submission to Council regarding the general annexing of road corridors.

Submission No. 6 Roads, drainage and parking

Morgan made a submission to Council regarding roads, drainage and parking.

Submission No. 7 Council policies and practices

Morgan made a submission to Council regarding policies and practices.

The Meeting adjourned at 10.01am for a morning tea break and resumed at 10.20am.

APOLOGIES

There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Wanchap declared a pecuniary interest in Item 14.20, the nature of the interest being a part owner of a lot within that community and elected to leave the meeting during the discussion and abstained from voting.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

14-384 Resolved that the Minutes of the following meetings be confirmed:

- Ordinary Meeting held 7 August 2014. (Dey/Woods)

The motion was put to the vote and declared carried.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

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

Items referred from Ordinary Meeting 7 august 2014

STAFF REPORTS

- 13.13.10 Water Waste and Sewer Advisory Committee – Community Representative Nominations
 - 13.14.5. Report of the Transport Advisory Committee Meeting held on 24 June 2014
 - 13.14.6. Report of the Local Traffic Committee Meeting held on 25 June 2014
 - 5.7. Proposed Stop Sign, Intersection of Coolamon Scenic Drive and Coorabell Road
 - 5.10. Request for 15 minute parking limit, Park Street, Brunswick Heads
 - 8.2. Parking Study – Byron Bay
-

Items referred from this Ordinary Meeting 28 august 2014

STAFF REPORTS

General Manager

- 14.1. Future of County Councils

Corporate and Community Services

- 14.6. Council Resolutions Review April to June 2014
- 14.7. Year to Date Finance Report – July 2014
- 14.8. Free Camping in Byron Shire
- 14.10. Councillor Nominations for Byron Coast Area Management Committee, Arakwal National park Management Committee and Cape Byron Trust Board
- 14.15. Re-establishment of Alcohol Free Zones – Byron Bay, Mullumbimby, Suffolk Park, Ocean Shores and Brunswick Heads

Environment and Planning

- 14.16. PLANNING – Deferral of Section 94 contributions of approved DA 10.2014.157.1 at 18 Sunrise Boulevard Byron Bay
- 14.17. PLANNING – Proposal for an amendment to Byron LEP 2014 to rezone land and permit additional uses at Lot 10 DP748099, Byron Bay Road, Bangalow
- 14.20. PLANNING – s96 10.2013.132.2 Delete condition 7(c) culvert creek crossing and access approaches at 220 Fowlers Lane Bangalow
- 14.21. PLANNING – 10.2014.248.1 creation of permanent public art sculpture walk at Brunswick Terrace, Mullumbimby

Infrastructure Services

- 14.23. Bangalow Skatepark

REPORTS OF COMMITTEES

Infrastructure Services

- 15.1. Report of the Local Traffic Committee Meeting held on Wednesday 6 August 2014
15.1.5.3. Bangalow Road, Byron Bay “black spot” at Paterson and Cooper Streets

The remaining Recommendations and Committee Recommendations were adopted as a whole, being moved by Cr Woods and seconded by Cr Richardson. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 14-385 and concluding with Resolution No. 14-404.

ITEM REFERRED FROM ORDINARY MEETING HELD 7 AUGUST 2014

Report No. 13.5. Year to Date Finance Report – June 2014
File No: #E2014/47032

- 14-385 Resolved that the Year to Date Finance Report – June 2014 be received and noted.
(Woods/Richardson)

CORPORATE AND COMMUNITY SERVICES – STAFF REPORTS

Report No. 14.2. Operational Plan Review 2013/2014 as at June 2014
File No: #E2014/39127

- 14-386 Resolved that Council receive and note the annual report and associated Annexure on the 2013-2014 Operational Plan Review for the period 1 January 2014 to 30 June 2014.

(Woods/Richardson)

Report No. 14.3. Investments – July 2014

File No: #E2014/51052

- 14-387 Resolved** that the report listing Council's investments and overall cash position as at 31 July 2014 be noted. (Woods/Richardson)
-

Report No. 14.4. Section 355 Management Committees/Boards - changes to membership

File No: #E2014/51148

14-388 Resolved:

1. That the report be noted.
 2. That with regard to the Mullumbimby Civic Memorial Hall Board of Management Council accepts the resignation received from Martin Jones and officially thank him for his contribution on this Board.
 3. That with regard to the Cook Pioneer Centre Section 355 Management Committee Council appoint Bruce Buckthorpe to the Section 355 Committee for this term of Council ending September 2016. (Woods/Richardson)
-

Report No. 14.5. Carryovers for inclusion in 2014/2015 Budget

File No: #E2014/47036

- 14-389 Resolved** that the works and services, and the respective funding shown in Annexures 4(a) (#E2014/51598), 4(b) (#E2014/51609) and 4(c) (#E2014/51610) be carried over from the 2013/2014 Financial Year and that the carryover budget allocations be adopted as budget allocation revotes for inclusion in the 2014/2015 Budget Estimates. (Woods/Richardson)
-

Report No. 14.9. Report of the Youth Council Meetings held February to July 2014

File No: #E2014/46579

14-390 Resolved:

1. That Council note the minutes and meeting notes from the Youth Council meetings held 5 February, 15 February, 5 March, 7 May and 2 July 2014.
 2. That Council note the discussions and suggestions on the need for youth activities and a youth space in the North of the Shire as a priority youth project.
 3. That Council endorses Youth Council allocating \$1,000 to the Inscribe Youth Arts project from the Youth Council budget to further support the delivery of youth activities in the North of the Shire. (Woods/Richardson)
-

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

28 AUGUST 2014 (5 of 19)

Report No. 14.11. Public Art Proposal - donation of Judy Cassab Paintings

File No: #E2014/52367

14-391 Resolved:

1. That Council accept the four paint works of Judy Cassab's as a donation to the Byron Bay Library under the Deductible Gift Recipient Status of the Library.
 2. That the works be added to Council's Public Art Register. (Woods/Richardson)
-

Report No. 14.12. Budget Review - 1 April 2014 to 30 June 2014

File No: #E2014/51205

14-392 Resolved:

1. That Council authorises the itemised budget variations as shown in Annexure 5(b) (#E2014/53773) which includes the following results in the 30 June 2014 Quarterly Review of the 2013/2014 Budget:
 - (a) General Fund - \$11,800 increase in accumulated surplus
 - (b) Water Fund - \$1,272,200 increase in reserves.
 - (c) Sewerage Fund - \$1,482,300 increase in reserves.
 2. That Council adopt the revised estimated General Fund Accumulated Surplus (Working Funds) of \$1,248,000 for the 2013/2014 financial year. (Woods/Richardson)
-

Report No. 14.13. Amendment to Adopted Fees and Charges 2014/15

File No: #E2014/56319

14-393 Resolved:

1. That the revised Fees and Charges 2014/15 contained in Annexures 10(a) to 10(h) be placed on public exhibition for a period of 28 days.
 2. That subject to no submissions being received on any proposed fee(s) subject of this report then they be adopted by Council.
 3. That if submissions are received for any proposed fee(s) then they be the subject of a further report to Council prior to Council adopting the fee(s) so the submissions can be considered. (Woods/Richardson)
-

Report No. 14.14. Community Garden Licence Mullum SEED – Public Exhibition

File No: #E2014/51875

14-394 Resolved:

1. That Council grant a Licence over Part Lot 22 DP 1073165 substantially in the form at Annexure 19(a) (#E2014/32875) on the following terms:
 - a) Term of six (6) months commencing 1 September 2014
-

- b) Rent \$454.00 pa ex GST
2. That Council, on expiry of the six (6) month term, grant a further Licence over part Lot 22 DP 1073165 substantially in the form at 19(a) (#E2014/32875) for a 4½ year term, subject to resolution of the structural compliance issues to the satisfaction of the General Manager.
 3. That Council, provide approval under the Licence agreement, to the reconstruction of the proposed office/first aid building, as shown in the concept drawings at Annexure 19(c) (#E2014/51574), within the Licence area, and subject to the Licensee obtaining the relevant planning and construction approvals.
 4. That all Licence preparation costs and fees are paid by Mullum SEED in accordance with the adopted fees and charges and Community Garden's Policy.
 5. That all compliance (regulatory and licence) inspection fees are paid by Mullum SEED in accordance with the adopted fees and charges. (Woods/Richardson)
-

Report No. 14.18. Community Garden Policy – Public Exhibition

Executive Manager: Environment and Planning
File No: #E2014/28682

- 14-395 Resolved** that Council adopt the amended Community Gardens Policy as contained at Annexure 14, (#E2014/32380). (Woods/Richardson)
-

ENVIRONMENT AND PLANNING - STAFF REPORT

Report No. 14.19. PLANNING - State Environmental Planning Policy No. 1 - Variations to development standards 1 April 2014 to 30 June 2014
File No: #E2014/51210

- 14-396 Resolved** that the report be noted. (Woods/Richardson)
-

INFRASTRUCTURE SERVICES - STAFF REPORTS

Report No. 14.22. Belongil Creek Risk Management Study and Plan
File No: #E2014/53954

14-397 Resolved:

1. That the Draft Belongil Creek Floodplain Risk Management Study and Plan be placed on public exhibition for a period of 28 days and any submissions be reported back to Council.
 2. That a public information session be held to coincide with the exhibition period. (Woods/Richardson)
-

INFRASTRUCTURE SERVICES – COMMITTEE REPORT

Report No. 15.1. Report of the Local Traffic Committee Meeting held on Wednesday 6 August 2014
File No: #E2014/51721

15.1.3.1 Transport for NSW School Zone flashing lights program – RMS Update

File No: F161\03/#E2014/50908

- 14-398 Resolved** that Council note the RMS advice regarding the installation of flashing lights at all school zones within Byron Shire is expected to be completed during 2015. (Woods/Richardson)
-

15.1.3.2 Byron Bay Parking Study – RMS advice to date

File No: F161\03/#E2014/50908

- 14-399 Resolved** that Council refer any adopted pay parking or resident parking scheme to both the Local Traffic Committee and RMS for concurrence prior to implementation. (Woods/Richardson)
-

15.1.5.1 Rainbow Ride Cycle Challenge, Sunday 26 October 2014

File No: F161\03/#E2014/50908

- 14-400 Resolved** that the temporary traffic arrangements for the Rainbow Ride Cycle Challenge be endorsed for Sunday 26 October 2014, including the road closure of William Flick Lane, Ewingsdale between 9am and 3pm, subject to the:

- a) concurrence of the NPWS and managers of the Byron Lighthouse;
 - b) organisers implementing plans for signage, motor escort, advertising and other details as proposed in their submission;
 - c) public liability insurance being current and not less than \$20 million;
 - d) concurrence of the Police, independent of the Local Traffic Committee endorsement;
 - e) advertising in accordance with the Roads Act 1993;
 - f) event and road closure being notified on Council's website; and
 - g) proponent providing Council a copy of written acceptance of the road closure from the relevant RMS manager or their nominated representative overseeing the Pacific Highway upgrade. (Woods/Richardson)
-

15.1.5.2 Proposed road closure, Bay Lane activation project, Byron Bay

File No: F161\03 / #E2014/50908

- 14-401 Resolved** that the temporary road closure of Bay Lane, Byron Bay be endorsed to occur no earlier than 10am on Friday 24 October 2014 and be removed no later than 10am Monday 27 October 2014 subject to:

- a) an accredited designed and implemented Traffic Control Plan being agreed upon by relevant stakeholders and specifies the hours of closure and access;
 - b) details being advertised prior in accordance with Roads Act requirements;
 - c) public liability insurance being current and not less than \$20 million;
 - d) concurrence of the Police, independent of the Local Traffic Committee endorsement;
 - e) the event and road closure being notified on Council's website; and
 - f) in the event of changes outside these dates and hours and/or stakeholder agreement not being reached the matter be referred back to the Local Traffic Committee meeting scheduled prior to the event. (Woods/Richardson)
-

15.1.5.4 Ewingsdale Road, Byron Bay 'black spot' at Banksia Drive

File No: F161\03/#E2014/50908

14-402 Resolved that Council, in accepting the 2014/15 state government road safety funding for the 'black spot' on Ewingsdale Road, Byron Bay at the intersection of Banksia Drive, note the Local Traffic Committee endorsement of undertaking Council design plan 2263 and in particular the works include:

- a) Banksia Drive, at the intersection with Ewingsdale Road, being upgraded from a Give Way to a STOP sign, if sight distance is limiting;
- b) GIVE WAY signage and line marking is not required on the left-in slip lane and continuity (C1) lines be painted;
- c) both the left-in turn bay and right-out merge lane;
- d) physical measures to demarcate and separate the intersection as shown, with the exception of the centre of road marking/median lines on Ewingsdale Road being removed; and
- e) consideration of merge arrows being installed in Ewingsdale Road east of the intersection. (Woods/Richardson)

15.1.6.1 Ambulance Station, Ewingsdale Road, Ewingsdale

File No: F161\03 / #E2014/50908

14-403 Resolved that no further action is to be taken until further advice is provided by Council regarding the DA consent conditions. (Woods/Richardson)

INFRASTRUCTURE SERVICES – CONFIDENTIAL REPORT

Report No. 16.1. CONFIDENTIAL Tender Evaluation 2013-0040 Underbore DN140 Water Main at Lighthouse Road, Byron Bay

File No: #E2014/52264

14-404 Resolved:

1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the CONFIDENTIAL Tender 2013-0040: Underbore DN140 water main from Wategos Reservoir, Byron Bay - are to be treated as confidential as they relate to matters specified in s10A(2)(c) and s10A(2)(d) of the Local Government Act 1993.
2. That Council award the Lump Sum Price Tender - Tender 2013-0040 – Underbore DN140 water main at Lighthouse Road, Byron Bays to TechDrill Civil & Mining Pty Ltd for the value of \$200,075.70 (inclusive of GST).
2. That Council delegate to the General Manager the authority to administer this contract.
3. That Council authorise the affixing of the Council seal to all documents that may require it, in regards to the Contract.
4. That Council makes public it decision including the name and amount of the successful tenderer in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.
5. That the report remains confidential until the contract is finalised. (Woods/Richardson)

*All Councillors voted in favour of the motion.
Cr Ibrahim was not present for the vote.*

PROCEDURAL MOTION

- 14-405 Resolved** that the order of business be changed to deal with Item 14.21 next on the Agenda.
(Richardson/Woods)
The motion was put to the vote and declared carried.
-

ENVIRONMENT AND PLANNING - STAFF REPORT

Report No. 14.21. PLANNING – 10.2014.248.1 creation of permanent public art sculpture walk at Brunswick Terrace, Mullumbimby
File No: #A2014/11960x Parcel No 238816

- 14-406 Resolved** that the matter rest on the table. (Woods/Dey)
The motion was put to the vote and declared carried.
Crs Ibrahim, Dey, Cubis, Woods, Wanchap and Hunter voted in favour of the motion.
Crs Richardson, Cameron and Spooner voted against the motion.
-

MAYORAL MINUTE

Mayoral Minute No. 8.1. Opposition to the Proposed Anti Democratic Expansion of Corporate Voting in Local Council Elections

- 14-407 Resolved** that Council:
- (a) Opposes the changes proposed in the City of Sydney Amendment (Elections) Bill 2014 that would allow corporations two votes, compared to resident's one vote, in Local Council elections.
 - (b) Notes that Clause 11 of the Bill also contains a provision that allows the government to impose these electoral rules in all other Local Government Areas in NSW by way of regulation.
 - (c) Calls on all elected representatives in the NSW Parliament to oppose this amendment and commit to the basic democratic principle of 'one-person one-vote' in local government elections.
 - (d) Requests the Mayor to write to the Premier, the Minister for Local Government, the leader of the Opposition and the parliamentary representatives from the Greens, the Shooters & Fishers and the Christian Democrats Parties advising them of this resolution and Council's concerns.
 - (e) Notes the absence of any consultation with LGNSW and requests the Minister for Local Government opposes this legislation and seeks its withdrawal until such time as appropriate consultation with LGNSW occurred.
 - (f) Writes to the Independent Commission Against Corruption, supporting requests by the Hon. Alex Greenwich, Member for Sydney, for it to investigate the background behind the drafting of the Bill. (Richardson)

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

NOTICE OF MOTION

Notice of Motion No. 9.1. Meeting to Consider Organic Waste Disposal Options
#E2014/53256

(Cr Richardson withdrew his Notice of Motion.)

PETITIONS

There were no petitions tabled.

SUBMISSIONS AND GRANTS

There were no submissions or grants tabled.

DELEGATES' REPORTS

(Give these a Heading Style 7 to include in the Index)

1. Byron Bay Liquor Accord

Cr Spooner advised he attended the Byron Bay Liquor Accord meeting held yesterday. The police gave some feedback on how things are tracking in Byron Bay and it looks positive and looking forward to the next statistical reports around issues like violence, alcohol related violence on the streets because it seems like the venues have been working hard and we are trending possibly towards the next report to have all venues at either medium to low risk which hasn't happened for a number of years in Byron Bay. I think everyone is to be congratulated on the work they have put in over the last year to 18 months for this and hopefully that will continue in that direction.

There was also a discussion around Schoolies week. Because licensed venues were being asked to support schoolies week in terms of donations, it was raised through the discussion at the meeting that in fact schoolies week does not work for venues. There is a theory out there that a lot of schoolies go to venues when they're in town but it doesn't seem to be the case at all. The venues are in fact, having high costs during that period because they have security and having to check whereas they are getting a low yield. It was suggested that in terms of support for schoolies it really should be discussions with the accommodation network in town to be supporting things like the schoolies Hub and hopefully the Hub Co-ordinator will pick that one up and I thought that was good information to bring back.

ITEMS DEFERRED FROM ORDINARY MEETING 7 AUGUST 2014

Report No.13.13.10. Water, Waste and Sewer Advisory Committee - Community Representative Nominations

File No: #E2014/46358

14-408 Resolved:

1. That Council appoint replacement community representatives from the three nominations for membership of the Water Waste and Sewer Advisory Committee.
 2. That Council formally thank any unsuccessful applicants for their expressions of interest in membership of the Water Waste and Sewer Advisory Committee.
-

3. That council accept the nominations from Luke McConell, David Fligelman, and Leah Kapral.

(Richardson/Spooner)

The motion was put to the vote and declared carried.

Report No. 13.14.5. Report of the Transport Advisory Committee Meeting held on 24 June 2014

File No: #E2014/41551

14-409 Resolved:

1. That Council note the minutes of the Transport Advisory Committee Meeting held on 24 June 2014.
2. That in relation to Report No. 4.1 - Proposed Bike Plan Project Prioritisation (#E2014/40547), Council adopt:

Committee Recommendation TrAC 4.1

1. That Council note the work being undertaken by the Transport Advisory Committee in regard to reviewing the bike plan.
2. That the Bike Plan be reviewed with the following strategic considerations:
 - a) Support commuters on key strategic routes, including:
 - i) inter-town routes Suffolk - Byron, Byron – Sunrise/Ewingsdale and Mullumbimby – Brunswick Heads.
 - ii) intra-town routes Tallowood to Mullumbimby town centre and Bangalow outskirts to Bangalow town centre
 - b) the need for flexibility to allow for changing priorities as grant funding or Section 94 – Infrastructure Renewal funding opportunities arise.
 - c) clear performance indicators to be included.
3. That in relation to Item. 6.1 - Proposal for Road Safety Officer, Council adopt:

Committee Recommendation TrAC 6.1

That the Committee note the release of the Northern Rivers Regional Transport Plan (December 2013) by the NSW Government and that it cites the town of Byron Bay and includes consideration of Park and Ride, festival-related transport, holiday period night rider service and responsive on-demand transport (car pooling, hitchhiking).

4. That the potential use of Railway corridor lands be incorporated into consideration of the bike plan.
5. That resolution (10-142) of 11 March 2010 continue to be considered within the bike plan review. (Ibrahim/Cubis)

The motion was put to the vote and declared carried.

14-410 Resolved to lift report 14.21 from the table.

(Cameron/Dey)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – STAFF REPORT

Report No. 14.21. PLANNING – 10.2014.248.1 creation of permanent public art sculpture walk at Brunswick Terrace, Mullumbimby

File No: #A2014/11960x Parcel No 238816
(continued)

14-411 Resolved to deal with this item at 1.30pm after lunch break.

(Woods/Cubis)

The motion was put to the vote and declared carried.

ITEMS REFERRED FROM ORDINARY MEETING HELD 7 AUGUST 2014

13.14.6.5.7 Proposed Stop Sign, Intersection of Coolamon Scenic Drive and Coorabell Road

File No: F161\03 #E2014/37505

14-412 Resolved:

1. That Council install Stop signage and delineation at the intersection of Coolamon Scenic Drive and Coorabell Road.
2. That Council install one or two advance warning signs of the Stop requirement at the intersection.
3. That for continuity in relation to the review of the speed zone for Coolamon Scenic Drive, Council request RMS to review the speed zone for Coorabell Road (from Scarrabelotti's lookout to Federal). (Dey/Richardson)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

14-413 Resolved that Council consider installing at the intersection of Coolamon Scenic Drive and Coorabell Road, a gradient "15%" or "steep descent" warning sign with or near the advance Stop warning signs and that these signs be closer to the point of danger than current signs which are as far removed as the hill crest. (Dey/Ibrahim)

The motion was put to the vote and declared carried.

13.14.6.5.10 Request for 15-minute parking limit, Park Street, Brunswick Heads

File No: F161\03 #E2014/37505

14-414 Resolved that Council grant the request for a 15-minute time limit for at least one car space on the west side of Park Street, Brunswick Heads between Mullumbimbi Lane (aka Lane 3) and Mullumbimbi Street, subject to LTC concurrence. (Woods/Hunter)

AMENDMENT

Moved:

- a) note the request for a 15-minute time limit for at least one car space on the west side of Park Street, Brunswick Heads between Mullumbimbi Lane (aka Lane 3) and Mullumbimbi Street
- b) note it is not standard practice to allocate 15-minute parking limits at the frontage of newsagencies or other business; and
- c) refer the request back to the Local Traffic Committee for consideration of approval prior to the broader Brunswick Heads town centre parking study.
- d) if LTC concurrence is given, notify the intention to create this space in council's notices
(Dey/Richardson)

The amendment was put to the vote and declared lost.

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

The motion (Woods/Hunter) was put to the vote and declared carried.

Crs Dey and Cameron voted against the motion.

13.14.6.8.2 Parking Study – Byron Bay

- 14-415 Resolved** that Council note the intention of the Local Traffic Committee to hold a dedicated session on the Byron Bay Parking Study immediately following their scheduled meeting of 6 August 2014.
(Ibrahim/Cameron)

The motion was put to the vote and declared carried.

GENERAL MANAGER'S REPORT

Report No. 14.1. Future of County Councils

File No: #E2014/54679

14-416 Resolved:

1. That Council write to Rous County Council, Far North Coast County Council and each of the six constituent Councils requesting that the roles and effectiveness of each County Council be evaluated as follows:
 - a) to ascertain the County Councils' abilities to meet current and future performance requirements;
 - b) based on agreed terms of reference;
 - c) as applies under the current three County Council model and as would apply under the merged model.
2. That Cr Dey be asked to take the Motion above or similar as a NoM to Rous' September meeting.
(Dey/Cameron)

The motion was put to the vote and declared carried.

Crs Cubis and Woods voted against the motion.

CORPORATE AND COMMUNITY SERVICES –STAFF REPORTS

Report No. 14.6. Council Resolutions Review April to June 2014

File No: #E2014/50043

14-417 Resolved:

1. That Council receive and note the information provided in this report on outstanding Council resolutions.
2. That Council note the completed resolutions in Annexure 17(b) (#E2014/53125).
3. That staff conduct a review of outstanding resolutions to determine:
 - (a) Which ones currently fit within other resolutions
 - (b) Which ones cannot be resourced
 - (c) Report to Council resolutions able to be closed

(Woods/Dey)

The motion was put to the vote and declared carried.

Report No. 14.7. Year to Date Finance Report – July 2014

File No: #E2014/52510

14-418 Resolved that the Year to Date Finance Report – July 2014 be received and noted.

(Hunter/Woods)

The motion was put to the vote and declared carried.

The meeting adjourned for lunch at 12.25pm and returned at 1.15pm.

Report No. 14.8. Free Camping in Byron Shire

File No: #E2014/48990

Moved:

That in regard to managing freedom camping in Byron Shire:

1. Council supports Option 2 in the report to develop a freedom camping in Byron management strategy that minimises the potential negative environmental/social effects of free camping and compliments Byron's friendly and welcoming tourism brand.
2. The management strategy include the primary objectives and communication and education strategy as listed in the report and the research to be undertaken includes only points 6, 7, and 8 as listed in the report.
3. Canvas the views of the North Coast Destination Network Freedom Traveller Taskforce.

(Cameron/Dey)

AMENDMENT

14-419 Resolved that in regard to managing freedom camping in Byron Shire:

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

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1. Council authorise participation in the North Coast Destination Network Freedom Traveller Taskforce and if costs of participation are requested that this be reported to Council prior to commitment with a source of funds identified.
2. Council supports Option 2 in the report, to develop a freedom camping in Byron management strategy that minimises the potential negative environmental/social effects of free camping and compliments Byron's friendly and welcoming tourism brand.
3. The management strategy include the primary objectives and communication and education strategy as listed in the report and the research to be undertaken includes only points 6, 7, and 8 as listed in the report. (Spooner/Ibrahim)

The amendment was put to the vote and declared carried.

Cr Cameron voted against the amendment.

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

Cr Cameron voted against the motion.

14-420 Resolved to lift Item 14.21 from the table.

(Woods/Dey)

The motion was put to the vote and declared carried.

Cr Richardson left the Chambers at 2.18pm and returned at 2.23pm.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER'S REPORTS

Report No. 14.21. PLANNING – 10.2014.248.1 creation of permanent public art sculpture walk at Brunswick Terrace, Mullumbimby

File No: #A2014/11960x Parcel No 238816

(continued)

14-421 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2014.248.1 for creation of a sculpture walk, be granted consent subject to the conditions in Annexure 7(b) #E2014/52543. (Spooner/Cameron)

AMENDMENT

Moved:

That Pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2014.248.1 for creation of a sculpture walk, be granted consent subject to the conditions in Annexure 7(b)#E2014/52543 amended as follows:

Amend condition No 1 to read:

Development is to be in accordance with approved plans.

The development is to be in accordance with plans listed below and any subsequent conditions:

Plan No.	Description	Prepared by	Dated:
Part 1	Palm Park Sculpture Walk	Social Habitat	February 2014

- a) Pursuant to Section 80A(1)(d) Sculpture 1 is limited to a 5 year period after which extensions of 10 years may be granted subject to adequate maintenance over the period. Details to be submitted to Council for review prior to extending.

- b) Community and public consultation including immediate neighbours to occur for Art and Sculpture installations for sites 2-13 with details to be submitted to Council prior to the issue of owners consent from Council for those works being installed. Such consultation is to start after the installation on Site 1 has been completed and invites submissions for at least 28 days.
- c) Each installation on Sites 2-13 will be subject to the same time limits as described in (a) above for Site 1 pursuant to Section 80A(1)(d).
- d) In the event that the Art and Sculpture installations are found at the end of their times of review for extensions to be poorly maintained, a danger to the public, unsafe, or creating a hazard or nuisance to pedestrians and cyclists, the works to be removed pursuant to Section 80A(1)(e) by the applicants. (Dey/Woods)

The amendment was put to the vote and declared lost.

Crs Dey and Woods voted in favour of the amendment.

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

The motion (Spooner/Cameron) was put to the vote and declared carried.

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

Crs Dey and Woods voted against the motion.

The meeting adjourned at 2.30pm to open the Byron Shire Reserve Trust Committee Meeting and reconvened at 2.38pm. Resolution ~~14-422~~ was used during that meeting.

Cr Ibrahim left the Chambers at 2.38pm and did not return.

CORPORATE AND COMMUNITY SERVICES –STAFF REPORTS

Report No. 14.10. Councillor Nominations for Byron Coast Area Management Committee, Arakwal National Park Management Committee and Cape Byron Trust Board

File No: #E2014/53454

14-423 Resolved:

- 1. That the report be noted.
- 2. That Council nominate two nominees to the Byron Coast Area Management Committee being Cr Rose Wanchap and Cr Paul Spooner.
- 3. That Council nominate two nominees to the Arakwal National Park Management Committee being Cr Rose Wanchap and Cr Paul Spooner.
- 4. That Council nominate one nominee to the Cape Byron Trust Board being Cr Basil Cameron. (Woods/Cubis)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – STAFF REPORTS

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

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Report No. 14.15. Re-establishment of Alcohol Free Zones - Byron Bay, Mullumbimby, Suffolk Park, Ocean Shores and Brunswick Heads

File No: #E2014/50152

14-424 Resolved:

1. That Council authorise the General Manager to undertake the process as outlined in Sections 644 – 644C of the Local Government Act 1993, to re-establish the existing alcohol free zones in Byron Bay, Suffolk Park, Ocean Shores/New Brighton, Mullumbimby and Brunswick Heads for a period of four years commencing the 14 December 2014.
2. That should Council receive no objections to the proposed re-establishment to the alcohol free zones in Byron Bay, Suffolk Park, Ocean Shores / New Brighton, Mullumbimby and Brunswick Heads, that the alcohol free zones be re-established for a period of four years.
3. That any proposed alcohol-free zone be suspended for approved footway restaurants (both present and future), where the operator requests suspension of the Alcohol-Free Zone to allow alcohol to be consumed with the footway restaurant, whilst the restaurant is in operation. (Cubis/Richardson)

The motion was put to the vote and declared carried.

Report No. 14.16. PLANNING – Deferral of Section 94 contributions of approved DA 10.204.157.1 at 18 Sunrise Boulevard, Byron Bay

File No: #E2014/51513

- 14-425 Resolved** that Council approve the deferral of the section 94 contributions for DA 10.204.157.1 subject to the development being permanently used for the provision of affordable housing as defined by clause 6 of State Environmental Planning Policy (Affordable Rental Housing) 2009. (Dey/Spooner)

The motion was put to the vote and declared carried.

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

Cr Ibrahim was not present for the vote.

Report No. 14.17. PLANNING – Proposal for an amendment to Byron Local Environmental Plan 2014 to rezone land and permit additional uses at Lot 10 DP 748099, Byron Bay Road, Bangalow

File No: #E2014/46148

14-426 Resolved:

1. That Council forward the planning proposal contained in Annexure 2(a), #E2014/51076, to the Department of Planning and Infrastructure for a Gateway determination; and
2. That Council advise the Department that it seeks to have relevant plan making functions delegated given that the proposal is of local planning significance only. (Richardson/Hunter)

The motion was put to the vote and declared carried.

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

Cr Cameron voted against the motion.

Cr Ibrahim was not present for the vote.

Cr Wanchap left the meeting in accordance with her declaration of interest in Item 14.20.

Report No. 14.20. PLANNING – S96 10.2013.132.2 Delete condition 7(c) culvert creek crossing and access approaches at 220 Fowlers Lane Bangalow

File No: #A2014/13217x 25080

14-427 Resolved:

1. That pursuant to Section 96 of the Environmental Planning and Assessment Act 1979, that Section 96 application 10.2013.132.2 be approved as follows:
 - a) That the development application 10.2013.132.1 be altered to provide a lapsing date of 30 September, 2014.
 - b) That pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, that Section 96 Application 10.2013.132.2, to delete Condition 7(c) be refused because It is not in the public interest to modify the development consent by deleting the requirement for the provision of a turning area within the road reserve.
 - c) THE FOLLOWING CONDITION IS TO BE ADDED TO THE DEVELOPMENT CONSENT UNDER THE HEADING "Parameters of this Consent"
 - "4A. That the s138 Road Act Approval to be carried by Council include a requirement for the culvert and roadworks to be completed by 27 February 2015."
2. That in the event that the applicant fails to provide a Controlled Activity Approval from the office of water, payment of the Long Service Levy, and written evidence of a satisfactory contract agreement for the construction of all the works by the 30 September 2014, Council is to receive a report, soon after, on the compliance process. (Hunter/Cubis)

The motion was put to the vote and declared carried.

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

Cr Ibrahim was not present for the vote.

Cr Wanchap returned to the meeting.

INFRASTRUCTURE SERVICES – STAFF REPORT

Report No. 14.23. Bangalow Skatepark

File No: #E2014/51938

- 14-428 Resolved** that Council allocate a total of \$20,000 to the Bangalow Skate Park including \$6,600 from the S94 Funds – Open Space (Bangalow Catchment), and \$13,400 from the Risk Management Reserve for the purpose of carrying out safety improvements. (Hunter/Woods)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

14-429 Resolved that Council's standard form of contracts be reviewed to ensure that they include staged payments conditional upon delivery of works, a minimum final payment amount of at least 10% of the total contract value (but can be higher where considered necessary due to the risk, contract value or nature of work/services) and capacity for Council to dispute payments at any stage and withhold final payment where Council is of the opinion that the works/services are incomplete or unsatisfactory. (Hunter/Woods)

The motion was put to the vote and declared carried.

INFRASTRUCTURE SERVICES – COMMITTEE REPORT

Report No. 15.1. Report of the Local Traffic Committee Meeting held on Wednesday 6 August 2014

File No: #E2014/51721

15.1.5.3 Bangalow Road, Byron Bay 'black spot' at Paterson Street and Cooper Street
File No: F161\03 / #E2014/50908

14-430 Resolved that Council, in accepting the 2014/15 Federal Government road safety funding for the 'black spot' on Bangalow Road, Byron Bay at the intersections of Paterson Street and Cooper Street, endorse the undertaking of Council design plan 2066 on the following grounds, namely that:

- a) the shared path and bike lane not be undertaken as part of this project and defer it, and address the concerns raised, as part of Council's relevant bikeway project;
- b) No Parking and No Stopping be signed as shown, to be confirmed; advisory signage be provided for and prior to the separated right-turn bays; and signage to advise of local traffic only and/or no beach access be erected. (Cameron/Richardson)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 3.33pm.

I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council's Ordinary Meeting on 18 September 2014.

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Mayor Simon Richardson