



# Byron Shire Council



## Minutes

Ordinary Meeting  
Thursday, 30 October 2014

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
30 October 2014

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

#E2014/71012

**PRESENT:** Cr S Richardson (Mayor) (left at 5.30pm), Cr B Cameron, Cr C Cubis (left at 6.00pm), Cr D Dey, Cr A Hunter, Cr S Ibrahim, Cr P Spooner, Cr R Wanchap and Cr D Woods (left at 6.00pm)

**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. CZMP b4 rocks**

Morgan addressed Council in favour of the recommendation.

**10.1 PLANNING - Public Exhibition Report on Planning Proposal for Seniors Housing and Commercial uses at Ewingsdale**

Damian Antico (Ewingsdale Progress Association), Colin McJannett (Ewingsdale Progress Association) and Kirsty Nugent (Ewingsdale Progress Association) addressed Council in favour of the rescission motion.

Leigh Belbeck (Belbeck Investments Pty Ltd) addressed Council against the rescission motion.

**11.2 Shade coth at the Tallowood Ridge Playground**

Nicolette Jackson (Tallowood Ridge Community Group) addressed Council in favour of the recommendation.

**14.8 Enforcement of Dog and Cat Free Estates**

Angela Dunlop addressed Council against the recommendation.

**14.9 PLANNING – Draft Short Term Holiday Accommodation (Holiday Letting) Strategy**

David Wallace (Victims of Holiday Letting) addressed Council in favour of the recommendation. John Gudgeon (HLO Byron), Doug Luke (Victims of Holiday Letting) addressed Council against the recommendation.

**14.13 PLANNING – DA 10.2013.587.1 redevelopment of existing shopping centre at 98-114 Jonson Street Byron Bay**

Brad Lane (Darryl Anderson Consulting) and Noel Robinson (NRA) addressed Council in favour of the recommendation.

Jason Young (Holiday Village Backpackers) addressed Council against the recommendation.

**14.15 Installation of Boating Pontoon at Brunswick Heads Boat Ramp**

Rex Fisher (Brunswick Heads Marine Rescue) addressed Council in favour of the recommendation.

**14.16 Belongil Beach Access Interim Stabilisation Works Update**

John Vaughan addressed Council in favour of the recommendation.  
Karl Goodsell (Positive Change for Marine Life) addressed Council against the recommendation.

**Submission No. 1 Council Reports**

Kathy Norley made a submission to Council regarding her concern that council reports do not include background information included for Councillors.

**Submission No. 2 Byron Bay Pool Lease**

Mark Simms and Ralph Mamone made a submission to Council regarding management of the Byron Bay Pool, requesting consideration of a long term commercial lease rather than the short term lease currently offered.

**Submission No. 3 Public Transport for Byron Shire**

Morgan made a submission to Council regarding public transport for Byron Shire; rail corridor status and possible usage. Morgan requested that Council lobby the state government for the construction of an O-Bahn which combines the best of rail and bus transport as used in Adelaide.

*The meeting adjourned at 10.37am for a break and reconvened at 10.59am.*

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**APOLOGIES**

There were no apologies.

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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**

There were no declarations of interest.

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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**

**14-504 Resolved** that the Minutes of the following meetings be confirmed:

- Ordinary Meeting held 9 October 2014
- Byron Shire Reserve Trust Committee Meeting held 9 October 2014 (Woods/Hunter)

*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

- 14.1. Park and Ride Program 2014

##### Corporate and Community Services

- 14.3. Councillor Representative for the Byron Shire Sports Stakeholder Forum  
14.5. Draft 2013/2014 Financial Statements  
14.8. Enforcement of Dog and Cat Free Estates

##### Environment and Planning

- 14.9. PLANNING – Draft Short Term Holiday Accommodation (Holiday Letting) Strategy  
14.10. PLANNING – 10.2014.404.1 Subdivision 6 lots at 70-90 Station Street Mullumbimby  
14.11. Coastal Zone Management Plan Byron Bay Embayment  
14.13. PLANNING – DA 10.2013.587.1 Redevelopment of existing shopping centre at 98-114 Jonson Street Byron Bay

##### Infrastructure Services

- 14.14. Special Event Parking Area and Butler Street Reserve as Temporary Car Park Site, 2/12/14 – 04/01/15  
14.16. Belongil Beach Access Interim Stabilisation Works Update

#### REPORTS OF COMMITTEES

##### Infrastructure Services

- 15.1. Report of the Transport Advisory Committee Meeting held 23 September 2014  
15.3. Report of the Local Traffic Committee Meeting held 1 October 2014  
5.11. Request for No Parking, Towers Drive, Mullumbimby  
6.4. Late Item – Clifford Street – Broken Head Road intersection, Suffolk Park

#### CONFIDENTIAL REPORTS

##### Corporate and Community Services

- 16.1. CONFIDENTIAL Tender Assessment South Golden Beach Hall Alterations and Additions Tender 2014-0023
-



*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. 14-505 and concluding with Resolution No. 14-531.*

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**CORPORATE AND COMMUNITY SERVICES – STAFF REPORTS**

**Report No. 14.2. Report of the Safe Summer in the Bay PRG meeting held on 26 September 2014**

**File No:** #E2014/64404

**14-505 Resolved** that Council note the minutes of the Safe Summer in the Bay PRG meeting held on 26 September 2014. (Woods/Richardson)

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**Report No. 14.4. Draft Policy Volunteering with Council**

**File No:** #E2014/65334

**14-506 Resolved:**

1. That the draft Volunteering with Council Policy as shown at Annexure 1 (#E2014/65378) be placed on public exhibition for a minimum period of 28 days.
  2. That in the event:
    - a) that any submissions are received on the draft Volunteering with Council Policy it be reported back to Council prior to adoption.

OR

  - b) that no submissions are received on the draft Volunteering with Council Policy it be adopted and incorporated into Council's Policy Register.
  3. That after adoption of the Volunteering with Council Policy, the Policy Care of Public Land by the Community be deleted from Council's Policy Register. (Woods/Richardson)
- 

**Report No. 14.6. Investments – September 2014**

**File No:** #E2014/63670

**14-507 Resolved** that the report listing Council's investments and overall cash position as at 30 September 2014 be noted. (Woods/Richardson)

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**Report No. 14.7. Year to Date Finance Report – September 2014**

**File No:** #E2014/66062

**14-508 Resolved** that the Year to Date Finance Report – September 2014 be received and noted. (Woods/Richardson)

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ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

**Report No. 14.12. PLANNING - Planning proposal - Minor corrections and amendments to Byron LEP 2014**

**File No:** #E2014/66629

**14-509 Resolved:**

1. That a minor corrections and amendments planning proposal be prepared that seeks to amend Byron LEP in the manner set out in Table 1 of this report (#E2014/66629).
2. That the General Manager (or delegate of his choice) be delegated the authority to include additional non-policy amendments in the planning proposal (not already identified in this report) for minor corrections and amendments to Byron LEP 2014.
3. That the General Manager (or delegate of his choice) be delegated the authority to assume the role of the ‘relevant planning authority’ pursuant to the *Environmental Planning & Assessment Act 1979* in relation to preparation and finalisation (whether Council has delegated authority to make the plan or not) of any other planning proposals consisting of non-policy matters such as corrections and consequential and/or minor amendments; and that Council be advised of any such amendments made under delegated authority.

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

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

*No Councillors voted against the motion.*

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INFRASTRUCTURE SERVICES – STAFF REPORTS

**Report No. 14.15. Installation of Boating Pontoon at Brunswick Heads Boat Ramp**

**File No:** #E2014/62167

- 14-510 Resolved** that funds up to \$19,000 be allocated from the Sportsfield Upgrade fund for installation of a floating pontoon at Sonny Coles boat ramp at Brunswick Heads.  
(Woods/Richardson)

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INFRASTRUCTURE SERVICES – COMMITTEE REPORTS

**Report No. 15.2. Report of the Water, Waste and Sewer Advisory Committee Meeting held 25 September 2014**

**File No:** #E2014/67492

**14-511 Resolved:**

1. That Council note the minutes of the Water, Waste and Sewer Advisory Committee Meeting held 25 September 2014.



2. That in relation to Report No. 4.1 – Byron Bay STP - Hydraulic Capacity and Nutrient Performance (#E2014/61942), Council adopt:

Committee Recommendation WWS 4.1

That the Committee note the report, noting that the results tabled on page five indicate that Council may have exceeded its NH<sub>3</sub>-N limit at the Byron Bay STP on at least one occasion. (Woods/Richardson)

- 14-512 Resolved** that in relation to Report No. 4.2 - Review of the 2009 Waste Disposal Strategy (#E2014/61346), Council adopt:

Committee Recommendation WWS 4.2

That the Committee note the report on the Review of the 2009 Waste Disposal Strategy. (Woods/Richardson)

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**Report No. 15.3. Report of the Local Traffic Committee Meeting held 1 October 2014**  
#E2014/65197

**3.1 Request for Extending 50kph Speed Limit West on Lismore Road, Bangalow**

- 14-513 Resolved** that Council note that, following recent RMS advice, the location of the transition 50/80kph on Lismore Road near Rifle Range Road in Bangalow will remain unchanged. (Woods/Richardson)
- 

**5.1 Park and Ride, Bus Lane and Special Event Parking Area (SEPA), Byron Bay**

**14-514 Resolved:**

1. That the Local Traffic Committee supports Council's temporary traffic management initiatives for Byron Bay for the seven (7) days from Monday, 29 December 2014 to Sunday, 4 January 2015 inclusive, and approves for the same period the:
    - a) conversion of the parking lane on the north side of Shirley Street, Byron Bay between Kendall Street and Wordsworth Street into a bus lane
    - b) declaration of a 2P Special Event Parking Area (SEPA) which applies to all road-related areas east of the Belongil Bridge on Ewingsdale Road and north of Seaview Street, Byron Bay as per the Schedule of Streets at Table 5.1.1
    - c) extension of existing signed time limits through to 12midnight
  2. That the above approval remain subject to Council endorsement prior to implementation and is subject to the following requirements:
    - a) advertising as required by the Roads Act plus the publication of a SEPA map, effect streets and explanatory notes in a local newspaper and on Council's website;
    - b) the letterbox drop of Shirley Street properties prior to the commencement of the bus lane;
    - c) that the signage and its installation are done as per any relevant NSW requirement, be it legislation, regulation or guidelines such as those published, for example, by Transport for NSW (TfNSW) or RMS; and
    - d) that Council write and advise the Tweed-Byron Police command, local Byron Bay police station and the RMS Regional Office of these temporary changes. (Woods/Richardson)
-

**5.2 New Year's Eve, Byron Bay Road Closures and Traffic Management**

**14-515 Resolved:**

1. That the Local Traffic Committee supports Council's temporary traffic management initiatives for Byron Bay New Year's Eve and approves:
    - a) the road closure of Jonson Street, Byron Bay between Lawson Street through to the car park entry at Railway Park (north of Marvell Street) from 1pm on 31 December 2014 and its removal by no later than 7am 1 January 2015;
    - b) the removal of on-street parking on Bay Street, between Jonson Street and Middleton Street, effective from 6am on 31 December 2014 and removed by no later than 7am 1 January 2015, noting earlier removal is acceptable and be considered given the 'First Sun' activities planned for the foreshore.
  
  2. That the above approval remain subject to Council endorsement prior to implementation and is subject to the following requirements:
    - a) traffic management plan (TMP) and implementation is done by those with the appropriate NSW (RMS) accreditation;
    - b) advertising undertaken as required by the Roads Act plus the publication of a map and explanatory notes in a local newspaper and on Council's website;
    - c) the letterbox drop of properties adjacent and prior to the Jonson Street closure and Bay Street parking changes;
    - d) that all parties involved in Council's NYE events hold , or least covered by, appropriate and relevant levels of insurance and public liability cover as required by Council; and
    - e) that Council write and advise the Tweed-Byron Police command and RMS Regional Office of these temporary changes once finalised.
  
  3. That Council also consider the benefit of removing on-street parking in Middleton Street, between Bay Street and Lawson Street on New Year's Eve which can be done as part of the aforementioned Traffic Management Plan (TMP). (Woods/Richardson)
- 

**5.3 s138 Approval for Driveway Crossover, Ambulance Station, 54 Ewingsdale Road**

**14-516 Resolved:**

1. That Council, in noting the concerns raised within this report (at Item 5.3, file #E2014/65197), support the Local Traffic Committee recommendation as follows.
  
  2. That RMS concurrence for the Ambulance Station Crossover (driveway) at 54 Ewingsdale Road (Lot 100, DP 1140936) be granted, subject to the land owner providing written agreement within one month of notice being served upon them (or their nominated agent) that they:
    - a) will within three (3) months of the date of that agreement provide a Basic Right (BAR) turn treatment and a rural property access standard for left turn in and out as per AustRoads Guide to Road Design
    - b) agree the median proposed as part of the Byron Central Hospital DA not occur and instead submit a proposal for an automatic gate placed across the driveway that opens on demand and restricts use to Ambulance and other emergency vehicles only
    - c) accept all other vehicle access to the hospital and ambulance sites be via the proposed roundabout west of the subject site
-

- d) have arranged for the vegetation to be cleared from the subject site to provide intersection sight distances as required by the relevant Australian Standards and /or AustRoads Guides. (Woods/Richardson)
- 

#### **5.4 Ewingsdale Road Safety Review - Update and Immediate Actions**

**14-517 Resolved** that in regard to the Ewingsdale Road safety review resolved upon by Council (Res 14-195), Council note the onsite review has been undertaken and a series of recommendations are being developed, with the priority being addressed as follows:

- a) endorse the black spot nomination for a roundabout at the intersection with McGettigans Lane;
  - b) more immediately, develop a detailed design for providing cost estimates and securing funding to improve the intersection including:
    - i) extending the hold line
    - ii) providing for cyclists including diversion and fencing of the existing shared path
    - iii) transition from on to off road for cyclists continuing from east to west of the intersection, noting the concept depicted in Figure 5.4.1
  - c) note Part 2 of 14-195 is being met by Council's 2014/15 funding of the shared path at the frontage of Island Quarry (IQ) opposite the sports complex (BRSCC) and will be put forward to the RMS for a funding contribution;
  - d) develop further and submit for 2015/16 RMS cycleway funding the concept depicted in Figure 5.4.2, which is estimated to cost \$35,000 to provide:
    - i) fencing
    - ii) advanced signage
    - iii) improved and new line marking
    - iv) pavement and
    - v) street lighting required to improve crossover safety
    - vi) consider the transition for cyclists continuing west
  - e) request RMS to extend the Ewingsdale Road 60km/hr speed limit from its existing location at 100m west, to a new location 100m east, of Banksia Drive, Byron Bay. (Woods/Richardson)
- 

#### **5.5 Street Parade, Mullumbimby Music Festival, Sunday 23 November 2014**

**14-518 Resolved:**

1. That the Mullumbimby Music Festival Street Parade scheduled for Sunday, 23 November 2014 be endorsed, including the temporary road closure of:
    - a) Dalley Street, Mullumbimby between Tincogan Street and Burringbar Street which is effective between 11am and 12noon
    - b) Burringbar Street, Mullumbimby between Station Street and Dalley Street which is effective between 10.45am and 11.15am
    - c) Lane 7, between Dalley Street and east of the Fire Station driveway, and Lane 2, from Lane 7 to Tincogan Street, with both in effect from 4pm Thursday 20 November 2014 through to 8am Monday 24 November 2014
  2. That the temporary road closure be subject to the following conditions:
    - a) That the organisers be responsible for implementing a Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation and be advised Council's fee for holding an on-road event will apply
    - b) That each bus stop required by the event shuttle bus be established in accordance with a Traffic Control Plan when and as necessary
    - c) That public liability insurance be in place for the sum of at least \$20 million
-

- d) That the concurrence of NSW Police and NSW Fire be obtained by the organisers, independent of the Local Traffic Committee endorsement
  - e) That the event be advertised in accordance with the Roads Act, charged at cost to the organisers
  - f) That the event be notified on Council's website
  - g) That if Council staff and materials are required for the event, costs be recorded and invoiced to the organisers as appropriate
3. That Council advise the applicant that a minimum of three months notice is necessary in future years. (Woods/Richardson)
- 

**5.6 Request for School Crossing, Ocean Shores and Byron Bay Public Schools**

**14-519 Resolved** that Council note Local Traffic Committee support for developing Children's Crossings on Middleton Street, Byron Bay south of Carlyle Street and on Shara Boulevard, Ocean Shores north of Kallaroo Circuit, subject to the following:

- a) the RMS warrant being met (pedestrian and vehicle counts)
- b) the respective Principals of Byron Bay Public School and Ocean Shores Public School entering into appropriate agreements with the RMS.

**14-520 Resolved** that RMS funding be sought for the two children's crossings described, with preference funding enables their implementation prior to the commencement of the 2015 school year. (Woods/Richardson)

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**5.7 Request for 'No Stopping' south side of Leslie Street, Bangalow**

**14-521 Resolved** that written notification is provided to all tenants and owners adjacent to the subject site of the proposal, which is to sign and enforce No Parking which applies each Sunday and on the north side only of Leslie Street / Rankin Drive, Bangalow from Granuaille Road to Bannister Court. (Woods/Richardson)

**14-522 Resolved** that this consultation period provides 28 days for any submissions and also includes:

- a) the Bangalow Sunday markets and Chamber of Commerce;
  - b) a public notice within Council's public notice section of The Echo newspaper;
  - c) an alternative option whereby the markets are responsible for installing temporary No Parking signage each market day; and
  - d) a report back to Council. (Woods/Richardson)
- 

**5.8 Twilight Markets 2014 Road Closure, Mullumbimbi Street, Brunswick Heads**

**14-523 Resolved:**

- 1. That the temporary road closure of Mullumbimbi Street between Park Street and The Terrace, Brunswick Heads from 12 noon to 12 midnight on Wednesday, 17 December 2014 be approved for the holding of the annual Twilight Markets.
  - 2. That the temporary road closure be subject to the following conditions, that:
    - a) the temporary traffic arrangements and road closure be undertaken as per a Traffic Control Plan as designed and implemented by those with appropriate accreditation
-

- and includes the provision of two temporary accessible (disabled) parking bays outside the Brunswick Heads Hotel from 7am to 12noon;
- b) public liability insurance be in place for the sum of at least \$20 million;
  - c) the concurrence of NSW Police be obtained by the organisers, independent of the Local Traffic Committee endorsement;
  - d) the event be advertised in accordance with the Roads Act, charged at cost to the organisers;
  - e) the event be notified on Council's website;
  - f) the applicable Council fee for lodgement of a road event application be recouped from Council's donation toward the event; and
  - g) if Council staff and materials are required for the event and exceed Council's funding contribution, the organisers be invoiced as appropriate.
3. That on the east side of Park Street, Brunswick Heads between Mullumbimbi Street and Fawcett Street, Council endorse the provision of two (2) accessible (disabled) parking bays, which are signed only (with no pavement marking provided) and effective December and January each year. (Woods/Richardson)
- 

**5.9 Endorsement of 15-minute Parking Limit, Park Street, Brunswick Heads**

**14-524 Resolved:**

1. That the Local Traffic Committee endorse a single 15-minute time limit bay on the west side of Park Street, Brunswick Heads which as depicted is located immediately north of the lane between Fingal Street and Mullumbimbi Street, and to be signed and effective Monday to Saturday inclusive between 9am and 5pm,.
  2. That Council note the Committee endorsement, as sought by Resolution 14-414.
  3. That Council remove the redundant driveway and its adjacent unauthorised pavement marking and provide kerb and gutter to tie in with the existing street infrastructure on the west side of Park Street, Brunswick Heads between Fingal Street and Mullumbimbi Street, as indicated. (Woods/Richardson)
- 

**5.10 Declaration of Bike Lane and a Shared Path, Bangalow Road, Byron Bay**

**14-525 Resolved:**

1. That the new path constructed on the west side of Bangalow Road, Byron Bay between Cumbebin Place and Cooper Street, be endorsed and signed as a shared pedestrian and cycle path.
  2. That the northbound bike lane on the western side of Bangalow Road, which connects from south of Cumbebin Place to the shared path, be endorsed and implemented as per amended design plan 2066.
  3. That any further changes to the works, as completed September 2014 at the subject site, be considered and referred to the Committee as necessary, noting variations to any approved works will require concurrence of the RMS in their role as the responsible and representative agent for the Federal black spot funding program. (Woods/Richardson)
-

**5.12 Falls Festival Traffic Management Plan**

**14-526 Resolved** that the temporary traffic management and regulatory changes within the series of Traffic Control Plans as related to the Falls Festival as to be held at the North Byron Parklands site Yelgun between 31 December 2014 and 2 January 2015 inclusive be accepted subject to:

- a) their design and implementation being undertaken as specified on each plan and by those with appropriate RMS accreditation and the holding of current and appropriate levels of insurance and liability cover;
  - b) meeting of the advertising requirements of the Roads Act 1993;
  - c) event being notified on Council's website;
  - d) consideration of any submissions received;
  - e) a communications protocol being developed in conjunction with RMS, Police and any other identified stakeholder and explained to those involved in the implementation of traffic management including monitoring and ability to implement contingency plans as and when directed;
  - f) that the monitoring include efforts to determine vehicle volumes that arrive and depart the festival site to and from the south and north;
  - g) the holding of an event debrief within the month following the festival which includes but not limited to Council, RMS and Police; and
  - h) written approval of both the RMS and Police separate to Byron Shire Local Traffic Committee.  
(Woods/Richardson)
- 

**5.13 Blues Festival Traffic Management Plan**

**14-527 Resolved:**

- 1. That the temporary traffic arrangements for the Blues Festival as held from Thursday 2 April to Monday 6 April 2015 inclusive be endorsed.
  - 2. That the proponent's series of Traffic Control Plans as related to the 2015 Blues Festival be accepted, including the installation and enforcement of No Camping and No Stopping signs at:
    - a) Gulgah Road, from Mullumbimby Road intersection to the Pacific Highway interchange at Tyagarah
    - b) Foxs Lane, Tyagarah
    - c) Tanner Lane and Yarin Lane, Tyagarah and
    - d) Grays Lane, Tyagarah
  - 3. That Part 1 and Part 2 remain subject to the proponent's:
    - a) use of an accredited designed and implemented Traffic Control Plan
    - b) meeting of the advertising requirements of the Roads Act 1993
    - c) event being notified on Council's website
    - d) consideration of any submissions received; and
    - e) holding of current and appropriate levels of insurance and liability cover.  
(Woods/Richardson)
-



**6.1 Pedestrian Improvements – Ocean Shores Shopping Centre/Community Centre**

**14-528 Resolved** that the concept of a pedestrian refuge on Rajah Road south of the Community Centre car park entrance and north of the shopping centre car park entrance, be shared with the proponent from the business roundtable meeting for comment.

**14-529 Resolved** that Council note this report item has also been provided to the management committee of the Ocean Shores Community Centre (OSCC) following receipt of their correspondence on this same matter. (Woods/Richardson)

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**6.2 Rifle Range Road – Safety for Students at the Bus Stop**

**14-530 Resolved** that Council note the Local Traffic Committee support of Resolution 14-238 and that the design plans once finalised will be provided to the Committee for endorsement, comment or otherwise. (Woods/Richardson)

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**6.3 Request for Speed Review, Mafeking Road and village, Goonengerry**

**14-531 Resolved:**

1. That Council seek an RMS speed review as follows:
    - a) Mafeking Road, Goonengerry for its full length between Repentance Creek Road and Federal Drive; and
    - b) Federal Drive through and on approach the village of Goonengerry.
  2. That these speeds reviews consider and specifically respond to the matters raised by in this report (Item 6.3, file E2014/65197). (Woods/Richardson)
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PROCEDURAL MOTION

**14-532 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being 9.1, 10.1, 11.2, 14.8, 14.9, 14.13, 14.16 next on the Agenda. (Woods/Richardson)

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

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**NOTICE OF MOTION**

**Notice of Motion No. 9.1. CZMP b4 rocks**

#E2014/68207

Moved: That Council:

1. Acknowledge:
    - i) the withdrawal on 1 October by NSW Office of Environment & Heritage of the State's funding for Interim Rock works at Belongil, and;
-

- ii) the advice from OEH that further consideration of the works should happen within the context of the Coastal Zone Management Plan for the Byron Bay Embayment, currently under preparation.
  2. Suspend its project for Interim Beach Access Stabilisation Works at Belongil and prioritise instead the finalisation of its CZMP for the Byron Bay Embayment and;
  3. Consider the utility of the proposed works within the context of that Plan. (Dey/Richardson)
- 

PROCEDURAL MOTIONS

**14-533 Resolved** that Cr Cameron be granted a two minute extension to his speech.  
(Richardson/Spooner)  
*The motion was put to the vote and declared carried.*

**14-534 Resolved** that Cr Ibrahim be granted a one minute extension to his speech. (Richardson/Dey)  
*The motion was put to the vote and declared carried.*

**14-535 Resolved** that Cr Richardson be granted a two minute extension to his speech.  
(Woods/Cameron)  
*The motion was put to the vote and declared carried.*

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

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**NOTICE OF RESCISSION MOTION**

**Notice of Rescission Motion No.10.1. PLANNING - Public Exhibition Report on Planning Proposal for Seniors Housing and Commercial uses at Ewingsdale**

#E2014/68729

**14-536 Resolved** that Council rescind Resolution 14-492 from its Ordinary meeting held on 9 October 2014 which reads as follows:

*14-492 Resolved:*

1. *That the planning proposal contained in Annexure 8(a) #E2014/39455, be amended where necessary to reflect the following insertion into Schedule 1 of the LEP 2014: 'Use of certain land at Ewingsdale Road, Ewingsdale:*
  - 1) *This clause applies to land at Ewingsdale Road, Ewingsdale, being Lot 101 DP 1140936.*
  - 2) *Development for the purposes of Seniors Housing, Medical Centre, Business Premises, Restaurants or Cafes, and Shops is permitted with development consent.*
  - 3) *All commercial uses listed in subclause (2) are restricted to the land identified as 'Area A' on the Additional Permitted Uses Map and limited to a combined maximum total floor area of 1200m<sup>2</sup>.*

- 4) *Medical centre uses listed in subclause (2) are restricted to the land identified as 'Area A' on the Additional Permitted Uses Map and limited to a maximum total floor area of 1800m<sup>2</sup>.*
2. *That Council forward the amended planning proposal, as adopted by Council in item 1 above, to the Department of Planning & Environment for legal drafting of the LEP amendment and finalisation.*
3. *That a Development Control Plan for the site (Lot 101 DP 1140936) be prepared by the applicant for Council's consideration prior to the lodgement of a development application to adequately address the following issues at a minimum:*
- a) *Suitable buffer areas between the existing adjacent residential areas and the proposed development;*
  - b) *Suitable buffer areas between the existing concrete batching plant/electricity substation and the proposed development; and*
  - c) *Transport networks for pedestrians/buggies within and between the subject land and the Hospital to be identified.*
  - d) *That height restrictions on the subject site be generally restricted to two levels and not on residential boundaries.*
  - e) *That vehicular access to the subject site not be granted through Avocado Crescent and Parkway Drive and the access to the site be provided in the Development Control Plan.*
4. *That an updated 'Demand Model' traffic study be prepared in accordance with the requirements detailed in the response from the RMS (Annexure 8(c) #E2014/62782) prior to lodgement of a development application for the subject site.*  
(Dey/Richardson)
- 

PROCEDURAL MOTIONS

**14-537 Resolved** that Cr Ibrahim be granted a two minute extension to his speech. (Woods/Richardson)

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

**14-538 Resolved** that Cr Richardson be granted a one minute extension to his speech.  
(Woods/Cameron)

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

**14-539 Resolved** that Cr Richardson be granted a one minute extension to his speech. (Woods/Dey)

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

**14-540 Resolved** that Cr Hunter be granted a two minute extension to his speech. (Richardson/Woods)

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

**14-541 Resolved** that Cr Wanchap be granted a two minute extension to her speech. (Woods/Richardson)

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

Moved: A motion of no confidence in the Chair. (Cubis/Woods)

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

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

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

**14-542 Resolved:**

1. That the planning proposal for the Land being Lot 101 DP 1140936 Ewingsdale Road at Ewingsdale be exhibited for a period of 28 days by Council staff subject to the Dept of Environment and Planning granting an extension of 6 months to the LEP amendment.
2. That if extension is not granted, the matter be reported to council as soon as possible.
3. That at least two community information sessions be held during the first half of the exhibition period, convened by Council Planners with information presented by them.
4. That Council then consider previous and new submissions on the matter.
5. That the matter then be reported again to Council, for determination of the Planning Proposal. (Dey/Richardson)

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

*The meeting adjourned for lunch at 1.15pm and reconvened at 1.49pm.*

*Cr Cubis was not present at the resumption of the meeting*

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**PETITION**

**Correspondence and Petitions No. 11.2. Shade cloth at the Tallwood Ridge Playground**  
**File No: #E2014/65200**

**14-543 Resolved:**

1. That the petition regarding provision of shade cloths at Tallwood Ridge Playground be noted.
2. That the petition be referred to the Director Infrastructure Services.
3. That Council support the erection of shade sails at the site in combination with a longer-term plan for planting and other landscaping, with assistance being sought from the neighbourhood with planting and landscaping.
4. That Council receive a report on amending the s94 Contributions Plan to incorporate a shade sail at the site. (Dey/Woods)

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

---

**Report No. 14.8. Enforcement of Dog and Cat Free Estates**

**File No:** #E2014/66521

**14-544 Resolved:**

1. That Council investigate and enforce complaints on a case by case basis utilising:
  - (i) the provisions of the Companion Animals Act and the provisions of Policy 5.30 "Local Orders for the Keeping of Animals", and
  - (ii) the EPA Act for breaches of development consent.
2. That Council undertake a letterbox drop to all owners and occupiers of premises and any real estate agents within the vicinity, within the Shire's three dog and cat free estates, advising them of:
  - a) the existence of Policy 5.30 and of the full range of penalties and enforcement options including those within the Local Government Act,
  - b) of the requirement to register dogs and cats on the Companion Animals Register (if they have not already done so),
  - c) that the dogs and/or cats are not to leave the private residences and that Council will be pro-actively patrolling the estate and will take action against owners that allow their dogs and/or cats to be on the public land, and
  - d) so that keeping a dog and/or cat in the dog and cat free estate will be subject to enforcement action after a 60 day concession period for owners to make other arrangements for their animals.
3. That Policy 5.30 be reviewed and that the outcome of the review be reported to Council within 6 months.
4. That the review consider, but not be limited to:
  - a) the wording clauses 2.1b, 2.2, 3.1 and 4.2;
  - b) inclusion after clause 4.3 of a clause specifically relating to estates where cats and/or dogs are prohibited;
  - c) inclusion of a map for the Fern Beach estate; and
  - d) inclusion of references to other developments within the Shire where Council has included cat and dog prohibitions in Development Consent Conditions.

(Dey/Cameron)

*Cr Cubis returned to the meeting at 2.00pm.*

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

*Cr Wanchap voted against the motion.*

*The meeting adjourned at 2.29pm in order to open the Byron Shire Reserve Trust Committee Meeting and reconvened at 2.30pm. Resolution numbers **14-545** and **14-546** were used during that meeting.*

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**ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER'S REPORTS**

**Report No. 14.9. PLANNING - Draft Short Term Holiday Accommodation (Holiday Letting) Strategy**

**File No:** #E2014/63821

Moved:

1. That the following amendments be made to the Draft Short Term Holiday Accommodation Strategy prior to public exhibition:
-

- a) Amend Complying Development provisions to provide for four bedroom dwelling houses and amend the maximum number of occupants to 10 with the number of occupants 16 years or over restricted to 2 per bedroom up to a maximum of 8 occupants for 4 bedrooms.
  - b) Amend Development Assessment provisions to provide for 5 or more bedroom dwelling houses.
  - c) Include a new provision that a logbook be kept by the owner/manager to record number of quests and dates of stay
  - d) Delete all references to: 'between the hours of 10pm and 8am' in the context of 'the land owner or appointed property manager must be contactable 24 hours 7 days a week and to be able to respond within 30 minutes between the hours of 10pm and 8am'
  - e) Change all references to 'there must not have been 2 substantiated complaints' to 'there must be no more than 2 substantiated complaints'
  - f) Include information on what is meant by a 'substantiated complaint'
  - g) Clarify that renting of a holiday home from 1 up to 90 days will require approval to operate and be registered with Council
  - h) Include exempt provisions for 1 bedroom Bed and Breakfast (eg. 'airbnb' and 'riparide') that require them to be registered with Council and limits the number of staying adults to two
  - i) Include additional information on the sign required on the front of the holiday home advising of the land owners or property managers details including telephone number to enable complaints to be made, to advise that the property is 'Registered with Byron Shire Council'
2. That the draft Short Term Holiday Accommodation Strategy be placed on exhibition for a minimum period of 28 days and that midway through the exhibition period a meeting be held with the attendees of the Discussion Paper Workshop.
  3. That following exhibition, the draft Short Term Holiday Accommodation Strategy be reviewed having regard to any submissions received (and amended if required) and reported back to Council for adoption. (Woods/Cubis)

AMENDMENT

**14-547 Resolved:**

1. That the following amendments be made to the Draft Short Term Holiday Accommodation Strategy prior to public exhibition:
  - a) Include a new provision that a logbook be kept by the owner/manager to record number of quests and dates of stay
  - b) Delete all references to: 'between the hours of 10pm and 8am' in the context of 'the land owner or appointed property manager must be contactable 24 hours 7 days a week and to be able to respond within 30 minutes between the hours of 10pm and 8am'
  - c) Change all references to 'there must not have been 2 substantiated complaints' to 'there must be no more than 2 substantiated complaints'
  - d) Include information on what is meant by a 'substantiated complaint'



- e) Clarify that renting of a holiday home from 1 up to 90 days (outside of the school holidays) will require approval to operate and be registered with Council
  - f) Include exempt provisions for 1 bedroom Bed and Breakfast (eg. 'airbnb' and 'riparide') that require them to be registered with Council and limits the number of staying adults to two
  - g) Include additional information on the sign required on the front of the holiday home advising of the land owners or property managers details including telephone number to enable complaints to be made, to advise that the property is 'Registered with Byron Shire Council'
2. That the draft Short Term Holiday Accommodation Strategy be placed on exhibition for a minimum period of 28 days and that midway through the exhibition period a meeting be held with the attendees of the Discussion Paper Workshop.
3. That following exhibition, the draft Short Term Holiday Accommodation Strategy be reviewed having regard to any submissions received (and amended if required) and reported back to Council for adoption. (Richardson/Cameron)

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

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

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**Report No. 14.13. PLANNING – DA 10.2013.587.1 redevelopment of existing shopping centre at 98-114 Jonson Street Byron Bay**

**File No:** #A2014/30145 x 116180, 116190, 34840, 177890

*Cr Cubis left the meeting in accordance with his declaration of non-pecuniary interest in this matter. The reason for the interest is due to a perceived interest in this development in relation to his business in Byron Bay.*

*The original motion was withdrawn due to lack of a seconder.*

**FORESHADOWED MOTION**

Moved: That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2013.587.1 for redevelopment of existing shopping centre to create a ground floor supermarket, first floor retail shops, restaurants, bowling alley (recreation facility), art gallery (commercial premises), cinema complex (place of assembly), two levels of basement car parking, terrace over Jonson Street road reserve, associated works and subdivision of four (4) allotments into two (2), be granted consent subject to conditions listed in Annexure 10(b) #E2014/68351 and insert new condition as follows:

Insert new Condition No.15A which states:

15A - Maximum roof height adjacent to southern boundary

The maximum overall roof height of the building above the fire escape corridor located immediately to the south of Cinemas 2-5 is to be lowered to RL 12.0m. Amended plans are to be provided and approved prior to issue of the Construction Certificate.

(Richardson/Dey)

AMENDMENT

**14-548 Resolved** that development application 10.2013.587.1 for redevelopment of existing shopping centre to create a ground floor supermarket, first floor retail shops, restaurants, bowling alley 20 (recreation facility), art gallery (commercial premises), cinema complex (place of assembly), two levels of basement car parking, terrace over Jonson Street road reserve, associated works and subdivision of four (4) allotments into two (2), be deferred to allow for further discussions with the proponent to reduce the overshadowing and height of proposed building, and for the following reasons:

- a) The proposed height of the building does not comply with Clause 40(2)(a)(ii) of the Byron LEP 1988 and associated overshadowing of neighbouring properties.
- b) Size of proposed building is inconsistent with Element D2.2 -Scale and Appearance.
- c) Does not meet the requirements of H6.1 Element Landscaping of Commercial Developments. (Ibrahim/Cameron)

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

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

*Crs Dey and Richardson voted against the motion.  
Cr Cubis was not present for the vote.*

*Cr Cubis returned to the meeting at 3.30pm.*

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**INFRASTRUCTURE SERVICES – STAFF REPORTS**

**Report No. 14.16. Update on Proposed Belongil Beach Access Interim Stabilisation Works**

**File No:** #E2014/66280

Moved:

1. That Council note the proposed Belongil Beach Access Interim Stabilisation Report (E2014/66280).
2. That Council not fund the works from the following Council sources:
  - Infrastructure Renewal Reserve
  - Existing 2014/2015 Budget Coastal Rectification Works (Job no. 3285.058)
  - Infrastructure Services Carryover Reserve (natural disaster landslips)
  - Existing 2014/2015 Budget Beach Protection Works (Job no. 3285.001)
  - Employee Leave Entitlements Reserve (Dey/Cameron)

AMENDMENT

**14-549 Resolved:**

1. That Council note the proposed Belongil Beach Access Interim Stabilisation Report (E2014/66280).
2. That Council approves the construction the proposed Interim Beach Access Stabilisation (“IBAS”) Works at Manfred Street, Belongil subject to:

- a) the following documents being received and signed by all the owners of Lots 11-14 Section 3 DP 1623 Byron Bay:
    - i) s88b Instrument, plans and associated documents; and
    - ii) Deed of Agreement for Access and Grant of Easement; by no later than 5:00pm Monday 3 November 2014; and
  - b) the design plans meeting the design brief requirements.
3. That Council approve funding the Manfred Street IBAS in accordance with Scenario 2 of Confidential Annexure 18(g).
  4. In the event that the requirements of 2. above are not satisfied, the construction of the proposed IBAS works at Manfred street be deferred, and that focus shift to Don Street site and Council approve the funding for Don Street IBAS in accordance with Scenario 3 of Confidential Annexure 18(g).
  5. That Council authorise the affixing of the seal to s88B Instruments granting easements and all other documents required for the purposes of implementing IBAS at any of the Manfred, Don or Border Street Belongil sites. (Ibrahim/Woods)

PROCEDURAL MOTION

**14-550 Resolved:**

1. That pursuant to Section 10A(2)(c) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss this report titled Update on Proposed Belongil Beach Access Interim Stabilisation Works.
2. That the reasons for closing part of the meeting to the public to consider this item are that:
  - a) Confidential Annexure 18(g) contains information that could if disclosed confer a commercial advantage on a person with who the Council is negotiating; and
  - b) on balance, it is considered that receipt and discussion of the information in open Council would be contrary to the public interest, as disclosure of the confidential information could prejudice Council's position in negotiations. (Spooner/Woods)

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

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**CONFIDENTIAL SESSION**

**14-551 Resolved** that Council move into committee. (Woods/Richardson)

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

**14-552 Resolved** that council move out of committee (Richardson/woods)

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

**14-553 Resolved** that the meeting move out of confidential session. (Woods/Wanchap)

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

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*Crs Spooner, Hunter, Wanchap, Cameron and Dey left the meeting at 4.09pm. The meeting adjourned at 4.11pm for a 10 minute break and reconvened at 4.16pm. Crs Hunter, Wanchap, Dey and Cubis returned to the meeting at this time. Cr Spooner returned to the meeting at 4.19pm.*

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

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

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

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### FORESHADOWED MOTION

- 14-554 Resolved** that, as soon as funding arrangements with the benefitting neighbours are in place for the interim works at Belongil, Councillors be advised and the Confidential Annexure referred to in Part 3 Resolution 14-549 be released to the public. (Dey/Richardson)

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

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### MAYORAL MINUTE

*There was no Mayoral Minute.*

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### PETITION

#### Ewingsdale Aged-Care Facility and Shopping Centre – Lot 101 Ewingsdale

The Mayor tabled a petition containing 106 signatures which states:

*“We the community want rural not urban.”*

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#### **Correspondence and Petitions No. 11.1. Save Busker Dave**

**File No:** #E2014/65267

#### **14-555 Resolved:**

1. That the petition regarding Save Busker Dave be noted.
2. That the petition be referred to the Manager Governance. (Richardson/Dey)

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

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### SUBMISSIONS AND GRANTS

*There were no submissions or grants tabled.*

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**DELEGATES' REPORTS**

*There were no delegate's reports however Cr Hunter took this opportunity to thank Councillors and staff for their kind thoughts during the recent loss of a family member.*

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**GENERAL MANAGER – STAFF REPORT**

**Report No. 14.1. Park and Ride Program 2014**

**File No:** #E2014/65249

**14-556 Resolved** that Council note the report on the program update of Park and Ride 2014.  
(Cubis/Richardson)

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

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**CORPORATE AND COMMUNITY SERVICES –STAFF REPORTS**

**Report No. 14.3. Councillor representative for the Byron Shire Sports Stakeholder Forum**

**File No:** #E2014/65292

**14-557 Resolved** that the report be received and noted and a third Councillor representative not be appointed.  
(Cubis/Richardson)

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

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**Report No. 14.5. Draft 2013/2014 Financial Statements**

**File No:** #E2014/ 68905

**14-558 Resolved:**

1. That Council receive a presentation from Council's External Auditor, Thomas Noble and Russell, in November.
  2. That Council adopt the Draft 2013/2014 Financial Statements incorporating the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules.
  3. That Council approve the signing of the "Statement by Councillors and Management" in accordance with Section 413(2)(c) of the Local Government Act 1993 and Clause 215 of the Local Government (General) Regulation 2005 in relation to the 2013/2014 Draft Financial Statements.
  4. That Council exhibit the Financial Statements and Auditor's Report and call for public submissions on those documents with submissions closing on 28 November 2014 in accordance with Section 420 of the Local Government Act 1993.
-

5. That the Audited Financial Statements and Auditors Report be presented to the public at the Ordinary Meeting of Council scheduled for 20 November 2014 in accordance with Section 418(1) of the Local Government Act 1993. (Hunter/Woods)

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

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**Report No. 14.10. PLANNING – 10.2014.404.1 Subdivision 6 lots at 70-90 Station Street Mullumbimby**

**File No:** #A2014/19450 Parcel No 203540 x 237892

- 14-559 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application no. 10.2014.404.1 for Subdivision to create six (6) urban lots with associated infrastructure and tree removal, be granted consent subject to the recommended conditions listed in Annexure 9(b) #E2014/67012 and subject to the large tree being retained. (Cubis/Woods)

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

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**Report No. 14.11. Coastal Zone Management Plan Byron Bay Embayment**

**File No:** #E2014/62483

Moved:

1. That Council:
    - a) Note the preliminary findings and feedback provided at the 21 August 2014 coastal workshop and the progression of the management study phase of the draft Coastal Zone Management Plan Byron Bay Embayment.
    - b) Note that for the purpose of finalising the Coastal Hazard Management Study Byron Bay Embayment, additional tasks will need to be undertaken and an additional amount of \$36,000 will be required to fund these tasks.
    - c) Note that staff have submitted a request to vary the state government grant '2012-13-CM-0024 Coastal Zone Management Plan Byron Bay Embayment – update and preparation' and this includes a request for additional funds of \$18,000 which are being matched by BSC funds of \$18,000.
    - d) Note that staff have written to the Minister for the Environment requesting an extension to the submission date of the draft Coastal Zone Management Plan Byron Bay Embayment, from 31 December 2014 to 30 June 2015.
  2. That Council approve the transfer of \$6,000 from the Land and Natural Environment Reserve to account 2605.083 CZMP Byron Bay Embayment.
  3. That, in light of the recent State Government refusal to support establishing revetment walls in the Greater Taree City Council CZMP:
    - a) write to the Minister for the Environment, requesting a meeting as soon as possible and that the meeting is available to all Councillors
    - b) write to the relevant government authorities requesting information and clarity as to any precedatory effect this decision may have on Byron Shire Council's CZMP (Richardson/Spooner)
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AMENDMENT

**14-560 Resolved:**

1. That Council note:
  - a) The preliminary findings and feedback provided at the 21 August 2014 coastal workshop and the progression of the management study phase of the draft Coastal Zone Management Plan Byron Bay Embayment.
  - b) That for the purpose of finalising the Coastal Hazard Management Study Byron Bay Embayment, additional tasks will need to be undertaken and an additional amount of \$36,000 will be required to fund these tasks.
  - c) That staff have submitted a request to vary the state government grant '2012-13-CM-0024 Coastal Zone Management Plan Byron Bay Embayment – update and preparation' and this includes a request for additional funds of \$18,000 which are being matched by BSC funds of \$18,000.
  - d) That staff have written to the Minister for the Environment requesting an extension to the submission date of the draft Coastal Zone Management Plan Byron Bay Embayment, from 31 December 2014 to 30 June 2015.
2. That Council approve the transfer of \$6,000 from the Land and Natural Environment Reserve to account 2605.083 CZMP Byron Bay Embayment. (Cubis/Woods)

*The Mayor left the meeting at 5.30pm and did not return. The Deputy Mayor took the Chair for the remainder of the meeting.*

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

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**INFRASTRUCTURE SERVICES – STAFF REPORTS**

**Report No. 14.14. Special Event Parking Area and Butler Street Reserve as Temporary Car Park Site, 02/12/14 – 04/01/15**

**File No:** #E2014/67104

**14-561 Resolved:**

1. That Council provide \$14,000 from Paid Parking Reserve to fund the 2014/15 implementation of both the:
  - a) Special Event Parking Area (SEPA)
  - b) Use of Butler Street Reserve as a temporary free car park for a period of six (6) days, subject to a resolution from the Reserve Trust Committee confirming its support for Council to apply and enter into a short term 34A licence with Crown Lands including:
    - i) Authorise the completion and lodgement of the Application for Short Term Licence over Crown Land with NSW Trade and Investment Crown Lands Division for the use of part Butler Street Reserve as car park; and

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- ii) Authorise the General Manager to execute and affix the Seal to the Licence Agreement with Crown Lands (if required) for part Butler Street Reserve in accordance with Local Government (General) Regulations 2005.
2. That these funds be reimbursed from the revenue that is raised from parking infringements issued during the time both are operational.
3. That the following SEPA exemptions apply:
  - i) to residents (and their guests), workers and accommodation providers within the SEPA only
  - ii) to the distribution of the exemption permit is limited to collection from Council either at Mullumbimby office or BRSSC
  - iii) and that collection of the permit be by or before 24 December 2014 and from 27 December to 4 January 2015, inclusive, from either of the two park and ride sites at BRSSC or the surf club (Spooner/Dey)

## AMENDMENT

Moved: That this matter be deferred and returned to Council at the next Ordinary Meeting, after a Councillor Workshop. (Ibrahim/Woods)

*The amendment was put to the vote and declared lost.  
Crs Dey, Cameron, Wanchap, Hunter and Spooner voted against the amendment.*

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

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## PROCEDURAL MOTION

**14-562 Resolved** that the meeting be extended past 6.00pm in order to complete the business by 6.20pm. (Dey/Hunter)

*Crs Cubis and Woods left the meeting at 6.00pm and did not return.*

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

**14-563 Resolved** that the order of business be changed to deal with Report No. 16.1 next on the Agenda. (Hunter/Cameron)

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

## **CORPORATE AND COMMUNITY SERVICES – CONFIDENTIAL REPORT**

**Report No. 16.1. CONFIDENTIAL Tender Assessment South Golden Beach Hall Alterations and Additions Tender 2014-0023**

**File No:** #E2014/67345

**14-564 Resolved:**

1. That pursuant to Section 11(3) of the Local Government Act, 1993, the Annexure to the report, Tender Assessment - 2014-0023 be treated as confidential as it relates to matters specified in s10A(2)(c) and s10A(2)(d) of the Local Government Act 1993.

2. That in accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders submitted for the Alterations and Additions to the South Golden Beach Community Hall (Tender No. 2014-0023).
  3. That in accordance with Clause 178(3)(e) of the Local Government (General) Regulation 2005, Council:
    - a) delegate to the General Manager the authority to enter into without obligation, negotiations with a person with a view to entering into a contract(s) in relation to the subject matter of Tender 2014-0023).
    - b) note the reasons for entering direct negotiations include:
      - (i) Council has pursued an open competitive process without success;
      - (ii) Council has offered the Tender for the Alterations and Additions to the South Golden Beach Community Hall in open competitive process, and it is unlikely a further tender process would derive a different result to the first tender outcome.
      - (iii) Inviting fresh applications in accordance with Clause 167, 168 or 169 of the Local Government (General) Regulation 2005 based on the same or different details is not considered an option, as Council only received three tenders in the first process, and after testing the market, all Tender submissions received were assessed as non compliant.
      - (iv) Inviting fresh applications in accordance with Clause 168 and Clause 169 of the Local Government (General) Regulation 2005 from persons interested in tendering for a proposed contract of the same kind, is not considered an option, due to the pricing of the Tender submissions received.
  4. That Council makes public its decision in accordance with Regulation 179(b) of the Local Government (General) Regulation 2005.
  5. That in accordance with the provisions of Local Government (General) Regulation 2005 Clause 178(3)(e) Council enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender. (Dey/Cameron)
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**INFRASTRUCTURE SERVICES – COMMITTEE REPORTS**

**Report No. 15.1.      Report of the Transport Advisory Committee Meeting held  
23 September 2014**  
**File No:**                #E2014/67424

**14-565 Resolved:**

1. That Council note the minutes of the Transport Advisory Committee Meeting held on 23 September 2014.
  2. That in relation to Report No. 4.1 – Proposed Pedestrian and Cycleway projects for RMS funding 2015-16 (#E2014/61678), Council adopt:
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Committee Recommendation TrAC 4.1

- a) That Council support the nomination of the following projects for RMS cycleway and pedestrian funding, which if successful will be delivered in 2015/16 and require 50% contribution from Council:
    - i) a predominantly on-road cycleway along Bangalow Road, Byron Bay from Browning Street to Old Bangalow Road, which is to be consulted upon, constructed and costed as per Council design plan number 2045 and is undertaken as stage one of a three staged Suffolk Park-Byron Bay cycleway
    - ii) stage one of a three staged project for shared path on New Brighton Road, Ocean Shores extending approximately 130m north of the existing shared path at Redgate Road
    - iii) improved path on east side of Tweed Street, Brunswick Heads connecting to new kerb ramps at Fingal Street; and
    - iv) removal of steps on Ashton Street, Bangalow at Byron Street and replacing with new path and ramp
  - b) That Council nominate the shared path on Lismore Road, Bangalow, from Reading Bridge to Rifle Range Road for RMS cycleway and pedestrian planning funding for 2015/16, with the view of applying for construction funding for 2016/17 (based on 100% contribution from RMS).
  - c) That the projects be nominated to meet RMS 30 September 2014 deadline, on the proviso they remain subject to a further report to Council in 2014 seeking Council endorsement and providing costings for the 2015/16 budget
  - d) That the other projects listed within this report (#E2014/61678) be further developed for future funding consideration and report to Council, namely those in Table 2 and stages two and three of the Suffolk Park-Byron Bay cycleway project
3. That, in relation to NSW Transport CPTIGS Funding Round, Council:
- a) note that the application for funding for the 2014/15 CPTIGS funding for the Beaches Caravan Park (5 – 37 Broken Head Road) was unsuccessful.
  - b) complete the map project which was the reason for non-success; and
  - c) resubmit an application for the 2014/2015 round of CPTIGS funding.
4. That in relation to item 6.2 Local Government Safety Infrastructure Program 2015/16 Funding – Road Safety, Council:
- a) adopt the Committee recommendation TrAC 6.2, that is Council note that the applications for the Local Government Safety Infrastructure Program 2015/16 Funding are due 31/10/14 and that staff will report eligible projects to Council for concurrence; and
  - b) support the Management Recommendation that, as based on the staff review provided in this report (E2014/67424) submit the following for 100% funding, that is:
    - i) \$3m for the construction of a roundabout on Ewingsdale Road at Bayshore Drive, Byron Bay;
    - ii) \$3m for the construction of a roundabout at Kendall Street and the modification of the roundabout at Butler Street/Lawson Street to accommodate the creation of a second inbound lane on Shirley Street between both; and

- iii) \$30,000 for delineation improvements on Coolamon Scenic Drive, Ocean Shores for an approximate 2km length from Mudges Road southward.  
(Dey/Cameron)

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

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**Report No. 15.3. Report of the Local Traffic Committee Meeting held 1 October 2014**  
#E2014/65197

**5.11 Request for No Parking, Towers Drive, Mullumbimby**

- 14-566 Resolved** that this issue be resubmitted to the Local Traffic Committee, for consideration of an inside curve (western side) option for No Stopping (line marking) on that section of Towers Drive Mullumbimby.  
(Dey/Wanchap)

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

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**6.4 Late Item – Clifford Street - Broken Head Rd intersection, Suffolk Park**

- 14-567 Resolved** that in regard to the intersection of Clifford Street and Broken Head Road, Suffolk Park, Council:

- a) note the Local Traffic Committee advice that a convex mirror is not supported and 30 that alternative options will be considered by the Committee as they are tabled; and
- b) invite residents to submit options to improve road safety at the intersection, for consideration by Council officers and presentation to the Local Traffic Committee.
- c) endorse the 'black spot' funding submission for a roundabout, which if successful will provide funds for delivery in 2015/16 and if not receive a report to address the road safety problems identified.  
(Cameron/Dey)

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

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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 20 November 2014.

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Mayor Simon Richardson