



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 26 February 2015

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
26 February 2015

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**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY,
26 FEBRUARY 2015 COMMENCING AT 9.02AM AND CONCLUDING AT 4.35PM**

I2015/94

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

Staff: Ken Gainger (General Manager)
Mark Arnold (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
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.

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 Zone B1 Planning Proposal

Morgan addressed Council against the recommendation.

9.2 Byron Bay STP – State of Effluent

Morgan and Tony Flick addressed Council in favour of the recommendation.

**9.3 Two Lanes In-bound Shirley Street and direct access Lawson Street north car park
Byron Bay Resolution 15-021 Ordinary Meeting 5 February 2015**

Phillip Frazer, Morgan and Warren Simmons addressed Council in favour of the rescission motion.

13.1 Results of Park and Ride, SEPA and Butler Street Reserve 2014/15

Tim Eischler addressed Council regarding this report.

13.2 Review of Outstanding Council Resolutions

Peter Wegner addressed Council against the recommendation.

**13.15 PLANNING DA 10.2014.593.1 Multi dwelling housing (14 dwellings) 51-53 Rajah Road,
Ocean Shores**

*Tina Petroff, Ocean Shores Tidy Town Committee, addressed Council regarding this report.
Helen Graveson, Ocean Shores Community Centre, and a representative from the Ocean Shores Community Association, addressed Council against the recommendation.*

Submission No. 1 Apex Park Byron Bay – including the toilets

Morgan made a submission to Council regarding the toilets at Apex Park and their effect on the view.

Submission No. 2 Core Values and Tourism

Ruth Winton-Brown and Suzie Rosedale made a submission to Council regarding the number of tourists and day trippers into Byron Bay and its effect on local amenity.

Submission No. 3 Planning for Byron Bay

Catherine Coorey, Byron Residents' Group made a submission to Council regarding planning of West Byron and requesting Council to advocate on behalf of the town.

Submission No. 4 Community Consultation

Donald Maughan and Lissa Coote made a submission to Council regarding the Council's commitment to community consultation on planning matters.

Submission No. 5 Master Plan

Robyn Winter-Blick and Paul Davies made a submission to Council regarding Council's Master Plan, specifically a traffic management plan, infrastructure and ad-hoc solutions to traffic problems.

The meeting adjourned at 10.15am and reconvened at 10.30am.

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 Spooner declared a pecuniary interest in Report 13.5. The nature of the interest being that he is an employee of the Byron Community Centre which manages Soul Street and First Sun in partnership with Council. Cr Spooner will leave the chambers, not participate in the debate and not vote.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

15-036 Resolved that the minutes of the following meetings be confirmed:

- Byron Shire Reserve Trust Committee Meeting held 5 February 2015
- Ordinary Meeting held 5 February 2015 (Woods/Richardson)

The motion was put to the vote and declared carried.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

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

STAFF REPORTS**General Manager**

Report No. 13.1 Results of Park and Ride, SEPA and Butler Street Reserve 2014/15

Corporate and Community Services

Report No. 13.2 Review of Outstanding Council Resolutions

Report No. 13.3 Mullumbimby Golf Club - Assistance with Rates

Report No. 13.4 Operational Plan Review 2014/15 as at December 2014

Report No. 13.5 New Years Eve 2014 outcomes and recommendations

Report No. 13.7 Vacancy on Public Art Assessment Panel

Sustainable Environment and Economy

Report No. 13.11 Review of Section 64 Charges

Report No. 13.12 PLANNING - State Environmental Planning Policy No. 1 - Variations to development standards - 1 October to 31 December 2014

Report No. 13.13 Vegetation mapping review

Report No. 13.15 PLANNING DA 10.2014.593.1 Multi dwelling housing (14 dwellings)
51-53 Rajah Road, Ocean Shores

Report No. 13.16 Coastal Zone Management Plan Byron Bay Embayment

Infrastructure Services

Report No. 13.17 Steam Weeding Trial

REPORTS OF COMMITTEES**Infrastructure Services**

Report No. 14.1 Report of the Local Traffic Committee Meeting held on 6 February 2015

The remaining Recommendations and Committee Recommendation 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. 15-037 and concluding with Resolution No. 15-043.

STAFF REPORTS – CORPORATE AND COMMUNITY SERVICES

Report No. 13.6 Affix the Council Seal

File No: I2015/32

15-037 Resolved that Council's Seal be affixed to the lease between Byron Shire Council and Golden Breed Corporation Pty Ltd, for 10 Lawson Street Byron Bay, (Folio Identifier B/372589 - PR 42820) in accordance with clause 400 of the Local Government (General) Regulation 2005.
(Woods/Richardson)

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Report No. 13.8 **Investments - January 2015**
File No: I2015/38

- 15-038 Resolved** that the report listing Council's investments and overall cash position as at 31 January 2015 be noted. (Woods/Richardson)

Report No. 13.9 **Budget Review - 1 October 2014 to 31 December 2014**
File No: I2015/41

15-039 Resolved:

1. That Council authorise the itemised budget variations as shown in Attachment 2 (#E2015/8370) which includes the following results in the 31 December 2014 Quarterly Review of the 2014/2015 Budget:
 - a) General Fund - \$0 adjustment in the accumulated surplus
 - b) Water Fund - \$1,562,900 increase in reserves
 - c) Sewerage Fund - \$656,100 increase in reserves
2. That That Council adopt the revised General Fund Accumulated Surplus/(Working Funds) surplus of \$1,956,550 for the 2014/2015 financial year as at 31 December 2014. (Woods/Richardson)

Report No. 13.10 **Council Resolutions Review October to December 2014**
File No: I2015/43

15-040 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 Attachment 2 (#E2015/8738). (Woods/Richardson)

STAFF REPORT – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.14 **Report of the Planning Review Committee Meeting held on 3 February, 2015**
File No: I2015/42

- 15-041 Resolved** that the report be noted. (Woods/Richardson)

STAFF REPORT – ORGANISATION DEVELOPMENT

Report No. 13.18 **Renaming the Byron Regional Sport and Cultural Complex**
File No: I2015/47

15-042 Resolved:

1. That Council notes the minutes of Communications Committee Meeting held on 6 June and that no name was selected from the Community Competition to rename the Byron Regional Sport and Cultural Complex.
 2. That the Byron Regional Sport and Cultural Complex be renamed the 'Cavanbah Sports Centre' and that the name is placed on public exhibition for 28 days.
 3. If no objections are received on the proposed new name, that 'Cavanbah Sports Centre' be adopted.
 4. That under delegation the General Manager organise a small thank you gift to the five community members who suggested the word 'Cavanbah' be used for the new name of the Byron Regional Sport and Cultural Complex. (Woods/Richardson)
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CONFIDENTIAL REPORT – INFRASTRUCTURE SERVICES

Report No. 16.1 **CONFIDENTIAL - Tender 2014-0032 – Design and Construction of**
File No: **Landslip Repairs at Upper Wilsons Creek**
I2015/57

15-043 Resolved:

1. That Council award Tender 2014-0032 –Design and Construction of Landslip Repair Works at Upper Wilsons Creek to Warner Company for \$1,272,040.00 including GST.
 2. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Woods/Richardson)
-

PROCEDURAL MOTION

- 15-044 Resolved** that Council change the order of business to deal with Reports 9.2, 9.3, 13.2, 13.15 next on the Agenda. (Richardson/Woods)

The motion was put to the vote and declared carried.

NOTICES OF MOTION AND RESCISSION

Notice of Motion No. 9.2 **Byron Bay STP - State of Effluent**
File No: I2015/58

15-045 Resolved that Council:

1. Negotiate with affected rural landowners to form an Agreement on jointly managing the

STAFF REPORT - GENERAL MANAGER**Report No. 13.2 Review of Outstanding Council Resolutions****File No:** I2014/22**15-048 Resolved:**

1. That Council receive and note the information provided in this report on outstanding Council resolutions.
2. That no further action be taken in respect of the following Council resolutions and that the resolutions be closed:

Resolution No. 09-1125

Resolution No. 11-219

Resolution No. 11-548

Resolution No. 12-25

Resolution No. 12-29

Resolution No. 12-265

Resolution No. 12-324

Resolution No. 12-511

Resolution No. 12-779

Resolution No. 14-230

(Woods/Cubis)

The motion was put to the vote and declared carried.

STAFF REPORT – SUSTAINABLE ENVIRONMENT AND ECONOMY**Report No. 13.15 PLANNING DA 10.2014.593.1 Multi dwelling housing (14 dwellings)****51-53 Rajah Road, Ocean Shores****File No:** I2015/46

- 15-049 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application no. 10.2014.593.1 for Multi Dwelling Housing [fourteen (14) dwellings], be granted consent subject to the following conditions listed in Attachment 1. (Spooner/Dey)

*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.*

NOTICE OF MOTION**Notice of Motion No. 9.1 Zone B1 Planning Proposal****File No:** I2015/54**15-050 Resolved:**

1. That Council reviews permitted land uses in B1 Neighbourhood Centre zones (including Suffolk Park) in the Byron LEP 2014 to include 'recreational facilities (indoor)', and any other additional uses considered appropriate.

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2. That any proposed amendments be included in the next 'housekeeping' Planning Proposal adjustments to the Byron 2014 LEP. (Ibrahim/Woods)

AMENDMENT

Moved:

1. That Council reviews permitted land uses in B1 Neighbourhood Centre zones (including Suffolk Park) in the Byron LEP 2014 and considers including 'recreational facilities (indoor)', and any other additional uses considered appropriate.
2. That any proposed amendments be included in the next 'housekeeping' Planning Proposal adjustments to the Byron 2014 LEP. (Dey/Richardson)

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

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

PETITIONS

1. Petition against the construction of the Telstra Tower in Ocean Shores

The Mayor tabled a petition which contains 753 signatures and states:

"We, the residents of Flinders Way, Banool Circuit, Gira Place, Shara Boulevard, Palmer Avenue, Player Parade and surrounding areas, Ocean Shores, NSW 2483, object strongly against the construction of a planned Telstra Tower on council owned land, zoned currently DM (deferred matter) and situated east of Flinders Way in bushland. The action requested of council is to disallow the construction of the Telstra Tower on their land..."

SUBMISSIONS AND GRANTS

There were no submissions and grants tabled.

DELEGATES' REPORTS

1. Service Level Agreement Committee (Rural Fire Service) meeting 6 February

Cr Dey advised Council of the following:

I'm our delegate on the RFS's Service Level Agreement committee. One important current issue is land tenure for the brigade at Goonengerry. Land ownership is shared and some of the owners have said that they want the fire brigade off the property within 12 months. There may or may not have been formal agreements made. The first step will be to find out. Another will be for RFS to determine whether to keep this brigade, or merge it with Federal. 12 months out is a good time to start looking at alternatives rather than 10 minutes before crunch time.

2. Richmond Tweed Regional Library meeting 13 February 2015

Cr Dey advised Council of the following:

I'm our alternate delegate here. RTRL has similar problems to many local authorities in preparing budgets because they can't get input estimates from shire and state bodies. This makes their budgeting exercise really difficult, in the same way as ours. The Regional Library is also promoting a fund raising campaign.

3. Rous Water meeting 18 February

Cr Dey advised Council of the following:

Councillor Woods and I are delegates on Rous. Two items split the 8 Councillors 4 to 4. One was a proposal to put a 100 kilowatt solar system at Nightcap Water Treatment Plant (WTP) and a 50 kilowatt system at the Emigrant Creek WTP. The project was deferred for staff to make further investigations of the business case, namely to look at alternative investments, with pay back periods shorter than the 8 and 13 years proposed. I was unimpressed to see these matters debated only on the basis of their business cases rather than considering their environmental benefits such as carbon reduction. And pay back is certain, it's just a question of how long. I hope this will come back to Rous at its next meeting. Similarly the casting vote was used to remove funding from an erosion control project, proposed on macadamia farms in combination with their Association.

4. Mullumbimby Civic Hall Board meeting 17 February 2015

Cr Dey advised Council of the following:

I'm an alternate delegate on the Board managing Mullumbimby Civic Hall. The board felt that one of the issues limiting their promotion of the venue had been the re-building of the Neighbourhood Centre building, just outside the Hall. This took about 12 months and its landscaping has also been delayed. Hopefully that will be resolved in the next few months. The board's quite serious about trying to turn around the finances of the Hall.

STAFF REPORT – GENERAL MANAGER

Report No. 13.1 Results of Park and Ride, SEPA and Butler Street Reserve 2014/15
File No: I2015/30

15-051 Resolved:

1. That Council note the report and recommendations regarding the results and analysis of Park and Ride 2014/15.
2. Given the expectation that both our volunteer base and partnership income will increase over the next 2 years of the trial, Council adjust its expenditure to be \$50,000 in 2015/16 and \$30,000 in 2016/17 and that no funds are to be committed until after the workshop in point 3 below.
3. That a workshop be held with Councillors and staff in order to thoroughly examine costs and benefits associated with the park and ride program and a report brought to Council for determination before the end of June. (Cameron/Richardson)

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

PROCEDURAL MOTIONS

15-052 Resolved that Cr Ibrahim be granted a three minute extension to his speech. (Richardson/Woods)

The motion was put to the vote and declared carried.

15-053 Resolved that Cr Richardson be granted a three minute extension to his speech.

(Woods/Cameron)

The motion was put to the vote and declared carried.

15-054 Resolved that Cr Spooner be granted a one minute extension to his speech.

(Richardson/Cameron)

The motion was put to the vote and declared carried.

The meeting adjourned at 12.50pm for lunch and reconvened at 1.35pm.

PROCEDURAL MOTION

15-055 Resolved that Council change the order of business to deal with Report 13.17 next on the Agenda.

(Richardson/Wanchap)

The motion was put to the vote and declared carried.

STAFF REPORT - INFRASTRUCTURE SERVICES

Report No. 13.17 Steam Weeding Trial

File No: I2015/48

15-056 Resolved:

1. That steam weeding be endorsed as a method to supplement other means and replace chemical means for the eradication of weeds and other unwanted vegetation near children's playgrounds, public seating, garden beds and urban gutters and other high use public areas and also as a cleaning method on hard surfaces in these areas.
2. That the provision of a budget to facilitate the progressive integration of steam weeding into Council's ongoing weed control programs and to allow steam to be used as the primary method to weed children's playgrounds, public seating, garden beds and urban gutters and other high use public areas and also as a cleaning method on hard surfaces in these areas be considered as part of the process for the development of the 2015/16 Budget.
3. That Council consider the use of recycled water from the sewage treatment plant in its steam weeding operations.
4. That Council consult FNCW for possible funding/grant opportunities to assist with the implementation of steam weeding. (Richardson/Wanchap)

AMENDMENT

Moved:

1. That steam weeding be endorsed as a method to supplement other means for the eradication of weeds and other unwanted vegetation near children's playgrounds.

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2. That the provision of a budget to facilitate the further investigation of steam weeding into Council's ongoing weed control programs and to consider steam to be used as the primary method to weed pavements, garden beds and gutters outside shops in the retail precinct of each town and village and considered in the development of the 2015/16 Budget.
3. That Council consider the use of recycled water from the sewage treatment plant in its steam weeding operations.
4. That Council consult FNCW for possible funding/grant opportunities to assist with the implementation of steam weeding. (Hunter/Woods)

The amendment was put to the vote and declared lost.

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

The motion was put to the vote and declared carried.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.3 **Mullumbimby Golf Club - Assistance with Rates**
File No: I2014/74

15-057 Resolved:

1. That the report be noted.
2. That the Crown land leased to the Mullumbimby Golf Club, not be included in Council's Policy Section 356 Donations – Rates, Water and Sewer Charges for the following reasons:
 - a) It does not meet the Policy Statement being a "public hall, community centre or charitable organisation".
 - b) It is not considered to meet the Policy criteria for Eligibility for Inclusion as the golf course is not a community centre, public hall or facility that is available for use and/or provides a charitable service to the general community. (Ibrahim/Woods)

The motion was put to the vote and declared carried.

Report No. 13.4 **Operational Plan Review 2014/15 as at December 2014**
File No: I2015/13

15-058 Resolved:

1. That Council receive and note the 6 month progress report and associated attachment (E2015/9555) on the 2014/15 Operational Plan Review for the period 1 July 2014 to 31 December 2014.
2. That this item be added to a Strategic Planning Workshop at the earliest opportunity. (Woods/Richardson)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

- 15-059 Resolved** that progress on cycleways (item 4.13 on Agenda Page 119; Delivery Program reference number 48) be reported to the next meeting of Council's Transport Advisory Committee. (Dey/Richardson)

The motion was put to the vote and declared carried.

Report No. 13.5 **New Years Eve 2014 outcomes and recommendations**
File No: I2015/15

Cr Spooner previously declared a pecuniary interest in this item and left the chambers and did not participate in the vote.

15-060 Resolved:

1. That Council note the overview of NYE 2014 Report and feedback from surveys and stakeholders presented in this report.
2. That Council note the continued commitment to the partnership with the Byron Bay Community Centre to manage the NYE events (as demonstrated by the five year DA submitted in 2014).
3. That Council note that the New Year's Eve public holiday in 2015 will fall on a Friday, making a long-weekend at this crucial time of year.
4. That Council adopt a similar approach for New Year as for 2014 with the following key strategies, noting recommendations throughout this report to 'tweak' the strategies further:
 1. A family friendly main street event, incorporating activities specifically for youth
 2. An event for 18 – 40+ (outside the town centre)
 3. A new year's morning event
 4. Policing support
 5. Alcohol minimisation campaign
 6. Team of volunteers, including strengthening partnerships with educational institutions to provide experience opportunities for students
 7. Coordinated sponsorship/ fundraising program
 8. Establish a Project Reference Group (PRG)
 9. Council NYE Program Support
 - a. Provide a point of contact for event managers and other stakeholders
 - b. Communications and media
 - c. Traffic, compliance, waste and infrastructure services management
5. That subject to a workshop with Councillors at which they will be presented with a full and comprehensive breakdown of last year's costings, that Council in the preparation and development of the 2015/16 Budget and Long Term Financial Plan, consider the provision of a budget of \$400,000 over the next four years (2015 – 2018 inclusive, until the completion of the current DA) to continue the proven strategies outlined in point 4 over the next four years.
6. That Council re-establish the Safe Summer in the Bay Project Reference Group with the same members:
 - a) including two additional members from the creative industries, being from the event organisers; and
 - b) that the Terms of Reference for the PRG be changed to reflect this update to the membership of the committee. (Wanchap/Ibrahim)

The motion was put to the vote and declared carried.

Cr Richardson voted against the motion.

Cr Spooner was not present for the vote.

Cr Spooner returned to the meeting at 2.58pm.

The meeting adjourned at 2.58pm for a break and reconvened at 3.14pm.

Report No. 13.7 Vacancy on Public Art Assessment Panel
File No: I2015/33

Moved: That Council select Nominee 2 as the replacement community representative to fill the current vacancy on the Public Art Assessment Panel. (Spooner/Richardson)

AMENDMENT

15-061 Resolved:

1. That the Constitution be amended to allow for one additional community representatives.
2. That Council select Nominees 2 and 4 as the replacement community representatives to fill the current vacancy on the Public Art Assessment Panel. (Woods/Cubis)

The amendment was put to the vote and declared carried.

Crs Dey, Richardson and Spooner voted against the amendment.

The amendment upon becoming the substantive motion was put to the vote and declared carried.
Crs Dey, Richardson and Spooner voted against the motion.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.11 Review of Section 64 Charges
File No: I2015/35

15-062 Resolved:

1. That the General Manager initiate a review of the Local Water Utility's:
 - a) Strategic Business Plan; and
 - b) Total Asset Management Plan; and
 - c) Financial Plan; and
 - d) Development Servicing Plans (DSPs)
2. That the review have consideration for:
 - a) NSW Best-Practice Management of Water Supply and Sewerage Framework; and
 - b) the relevant 'Developer Charges Guidelines for Water Supply, Sewerage and Stormwater' as determined by the NSW Office of Water; and
 - c) the quantum of the charges set by the DSPs be benchmarked against adjoining Council areas and if the charges are significantly higher than the adjoining Council's charges, that the options of cross subsidisation be considered for inclusion into the DSPs.

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3. That staff further investigate the mechanisms and options for the transfer of ET entitlements between different parcels of land within the Shire and that staff seek additional legal advice on this issue. If the legal advice indicates that transfer is permissible then:
 - a) staff develop a model governance system to keep track of the entitlements; and
 - b) staff investigate the level of demand amongst the business community for transferable entitlements; and
 - c) staff undertake a cost benefit analysis of the cost of administering a transfer system with the benefit to the business community.
4. That the outcomes of the review be brought to a Strategic Planning Workshop.

(Woods/Cubis)

The motion was put to the vote and declared carried.

Report No. 13.12 **PLANNING - State Environmental Planning Policy No. 1 - Variations to development standards - 1 October to 31 December 2014**
File No: I2015/44

- 15-063 Resolved** that the report be noted. (Cubis/Woods)

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.

Report No. 13.13 **Vegetation mapping review**
File No: I2015/28

- 15-064 Resolved:**

1. That the Byron coast vegetation mapping 2015 be placed on public exhibition for a period of 42 days.
2. That staff initiate discussions with the Office of Environment and Heritage and Department of Planning and Environment seeking their support and financial assistance to finalise the review of the vegetation mapping for the remainder of the Shire. (Ibrahim/Woods)

The motion was put to the vote and declared carried.

Report No. 13.16 **Coastal Zone Management Plan Byron Bay Embayment**
File No: I2015/75

- 15-065 Resolved:**

1. That Council note staff have written to the NSW Coastal Panel to request an urgent meeting to discuss the implications of advice provided by the Office of Environment and Heritage on the draft Coastal Hazard Management Study Byron Bay Embayment.
2. That a response be sought from the authors of the cost benefit analysis to the comments made by the Office of Environment and Heritage regarding the two assumptions discussed in this report. (Ibrahim/Woods)

AMENDMENT

Moved:

1. That Council note staff have written to the NSW Coastal Panel to request an urgent meeting to discuss the implications of advice provided by the Office of Environment and Heritage on the draft Coastal Hazard Management Study (CHMS) Byron Bay Embayment.
2. That Council seek a peer review of the cost benefit analysis within the draft CHMS, and include the non market value factors such as environmental, cultural and wildlife.

(Cameron/Dey)

The amendment was put to the vote and declared lost.

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

The motion was put to the vote and declared carried.

Crs Richardson, Cameron and Spooner voted against the motion.

REPORT OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.1 Report of the Local Traffic Committee Meeting held on 6 February 2015

File No: I2015/74

- 15-066 Resolved** that Council note the minutes of the Local Traffic Committee Meeting held on 6 February 2015, that the following recommendations be adopted (and given separate resolution numbers 15-067 to 15-080), and that Committee Recommendations 5.5.1 and 5.6.1 not be adopted. (Ibrahim/Woods)

- 15-067 Resolved** that Council adopt the following Committee Recommendation:

Report No 5.1 – Extension of School Bus Route, Fowlers Lane, Bangalow

File No. I2014/56

Committee Recommendation 5.1.1

That Council hold no objection to the proposal of Mr Brian Bowden (school bus operator Bangalow bus lines) to extend the existing school bus route along Fowlers Lane, Bangalow from the Pacific Highway to the end on the basis the driver is able to:

- a) utilise a safe point for passenger pick up and set down
- b) undertake a safe turn around with a forward movement turn only
- c) that the Planning Department of Council be informed as it may relate to the works proposed for the creek crossing (Ibrahim/Woods)

- 15-068 Resolved** that Council adopt the following Committee Recommendation:

Report 5.2 – ANZAC Day Parades – 2015

File No. I2014/56

Committee Recommendation 5.2.1

1. That Council endorses the ANZAC Day Parades for 25 April 2015 for the Return Services League sub branches of Byron Bay, Mullumbimby, Bangalow and Brunswick Heads / Billinudgel.

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2. That Council implements the necessary temporary road closures and detours and places advertisements in the local newspaper as required by the Roads Act 1993. (Ibrahim/Woods)

15-069 Resolved that Council adopt the following Committee Recommendation:

Report 5.3 - Request for Disabled User Limitation Parking Bay, 6 Marvell Street, Byron Bay
File No. I2014/56

Committee Recommendation 5.3.1

1. That Council not install an accessible (disabled) parking bay on Marvell Street, Byron Bay between Jonson Street and Middleton Street at this time.
2. That the Committee supports in principle the need for reduced time limits as requested, however acknowledges that consultation with tenants/land owners will take place as part of the Byron Bay parking study. (Ibrahim/Woods).

15-070 Resolved that Council adopt the following Committee Recommendation:

Report 5.4 - Request for 2P Time Limit and Council Enforcement, Shopping Plaza, Byron Bay
File No. I2014/56

Committee Recommendation 5.4.1

1. That Council approves a 2P time limit which is effective 9am to 6pm each day and it applies where signed in the car park located at 90-96 Jonson Street, Byron Bay (Lot 5, DP 619224).
2. That Council suggests to the owner that 15 minute pick up / drop off zones and 'parents with prams' bays, as well as disabled parking bays be considered in line with current parking standards.
3. That any proposed regulatory changes in the car park while under lease to, or subject to agreement with Council, will need referral to the Local Traffic Committee for approval. (Ibrahim/Woods)

15-071 Resolved that Council adopt the following Committee Recommendation:

Report 5.7 - Proposal for 2P limit, Shirley Street, Byron Bay, east of Milton Street
File No. I2014/56

Committee Recommendation 5.7.1

1. That, prior to consultation taking place with tenants/land owners, Council consider what time limit is desirable for Shirley Street, Byron Bay.
2. That Council notes the Committee favours for Shirley Street 2P east of Milton Street, and 4P to Kendall Street,
3. That the consultation be undertaken with consideration of the broader parking study being undertaken and used to further inform it. (Ibrahim/Woods)

15-072 Resolved that Council adopt the following Committee Recommendation:

**Report 5.8 – Request for Centre Line Marking, Coolamon Scenic Drive, South of
Goonengerry Road**

File No. I2014/56

Committee Recommendation 5.8.1

That a review of delineation measures, such as guide posts, advisory curve markers, speeds, and line centre marking etc be undertaken and implemented as found warranted on Coolamon Scenic Drive, between Goonengerry Road and the Pacific Highway. (Ibrahim/Woods)

15-073 Resolved that Council adopt the following Committee Recommendation:

Report 5.9 – Change Give Way to STOP, Cowper Street, Byron Bay at Ruskin Street

File No. I2014/56

Committee Recommendation 5.9.1

That Council replace the Give Way with STOP signs at the intersection of Cowper Street, Byron Bay with Ruskin Street subject to RMS requirements being met. (Ibrahim/Woods)

15-074 Resolved that Council adopt the following Committee Recommendation:

Report 5.10 – Request for Time Limits and Review, Middleton Street, Byron Bay

File No. I2014/56

Committee Recommendation 5.10.1

That the report and request for time changes on Middleton Street and Marvell Street, Byron Bay be noted and referred to the Byron Bay parking study for further investigation and be reported to the Local Traffic Committee and Council when and as required. (Ibrahim/Woods)

15-075 Resolved that Council adopt the following Committee Recommendation:

Report 5.11 - Event Road Closure, Bangalow Billy Cart Derby, Sunday 17 May, 2015

File No. I2014/56

Committee Recommendation 5.11.1

1. That the Bangalow Billy Cart Derby, to be held Sunday 17 May 2015, which includes the temporary road closure of Byron Street, Bangalow between Granuaille Road and Market Street between the hours of 6am and 4pm, be endorsed.
2. That the organisers be responsible for implementing an approved Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation and be advised Council's fee for holding an on-road event will apply.
3. That public liability insurance be in place for the sum of at least \$20 million and a copy be provided to Council.
4. That the concurrence of the Police be sought by the organisers, independent of the Local Traffic Committee endorsement.
5. That the event be advertised in accordance with the Roads Act charged at cost to the organisers.

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6. That the event be notified on Council's website.
7. That if Council staff and materials are required for the event, costs be recorded and invoiced to the organisers as appropriate. (Ibrahim/Woods)

15-076 Resolved that Council adopt the following Committee Recommendation:

Report 5.12 – Event Road Closures, Byron Bay Triathlon, Saturday, 9 May 2015

File No. I2014/56

Committee Recommendation 5.12.1

1. That endorsement be given for the 2014 Byron Bay Triathlon to occur on Saturday, 9 May 2015.
2. That Council approves the temporary road closures within Byron Bay for undertaking the 2014 Byron Bay Triathlon as follows, with each to be in effect no earlier than 12 noon and removed no later than 4pm:
 - a) Bay Street, between Fletcher Street and Middleton Street
 - b) Middleton Street, between Bay Street and Marvell Street
 - c) Marvell Street, between Middleton Street and Tennyson Street
 - d) Tennyson Street, between Marvell Street and Browning Street
 - e) Bangalow Road, between Browning Street and Broken Head Road
 - f) Broken Head Road, from Bangalow Road to the Ballina LGA boundary
 - g) Lawson Street, between Middleton Street and Massinger Street
3. That the approvals provided in Part 1 and Part 2 are provided 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) letter box drop of properties affected by the road closures, advising of the event and the proposed traffic management and road closures
 - d) event being notified on Council's website
 - e) Council's consideration of any submissions received
 - f) timely lodgement of current and appropriate levels of insurance and liability cover
4. That the use of Butler Street Reserve, Byron Bay for the purpose of event car parking is subject to Council licence and agreement and the timely provision of a Parking Management Plan.
5. That the approvals within Part 1 to 4 relate to Byron Shire and that the holding of the event remains subject to the:
 - a) result of Council's advertised submission period
 - b) written approval from Police
 - c) written approval from Ballina Shire Council (Ibrahim/Woods)

15-077 Resolved that Council adopt the following Committee Recommendation:

Report 5.13 – Traffic Management, Mullum to Bruns Paddle, Sunday 24 May 2015

File No. I2014/56

Committee Recommendation 5.13.1

That Council approve the temporary traffic control measures in Mullumbimby for the Mullum to Bruns Paddle, to be held on Sunday 24 May 2015, subject to the proponent's:

- a) use of an accredited designed and implemented Traffic Control Plan
- b) holding public liability insurance for the sum of at least \$20 million
- c) the event being advertised in accordance with the Roads Act 1993
- d) the event being notified on Council's website
- e) consideration of any submissions received
- f) letter box drop of residents advising of the event and traffic management (Ibrahim/Woods)

15-078 Resolved that Council adopt the following Committee Recommendation:

Report 5.14 - Little Black Dress Cycling Event

File No. I2014/56

Committee Recommendation 5.14.1

That Council note the proposed Little Black Dress Classic on-road cycling event, being held to raise money for the Jodie Lee Foundation / Bowel Cancer Research between 22nd March and 29th March 2015 and holds no objections to the event being held in Byron Shire as proposed, subject to the following:

- a) concurrence of the NSW Police and Roads and Maritime Services and their conditions and requirements being met
- b) organisers implement risk management and assessment prior and during the event including provision of lead and rear motor escort to contain the cycling group at all times
- c) public liability insurance being current and not less than \$20 million
- d) advertising in accordance with the Roads Act 1993
- e) event being notified on Council's website; and
- f) proponent accepting Council is not held liable for defects, hazards and conditions upon the route travelled (Ibrahim/Woods)

15-079 Resolved that Council adopt the following Committee Recommendation:

Report 6.1 – Wilson Creek Public School Bus Bay

File No. I2014/56

Committee Recommendation 6.1.1

1. That a new design be developed which allows the school bus and students to board and embark on the school side of Wilsons Creek Road.
2. That staff pursue the possibility of a smaller bus being used and if not possible under the current contract, than it should be part of new contract.
3. That Council notes the new proposed design allows improved safety and will cost less than the previously approved design.
4. That Council notes the potential for 100% funding from the RMS if the design meets their requirements and can be commenced prior to June 2015. (Ibrahim/Woods)

15-080 Resolved that Council adopt the following Committee Recommendation:

Report 6.2 Late item – Rescue Helicopter Fundraiser, Byron Bay to Ballina Chopper Walk, 2015

File No. I2014/56

Committee Recommendation 6.2.1

1. That Council endorse the Westpac Life Saver Rescue Helicopter fundraiser, Byron Bay to

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Ballina Chopper Walk, to be held Sunday 24 May 2015, subject to:

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

(Ibrahim/Woods).

AMENDMENT

Moved: That the Committee Recommendations listed in the Report of the Local Traffic Committee Meeting held on 6 February 2015 be adopted as a whole. (Dey/Spooner)

The amendment was put to the vote and declared lost.

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

The motions (resolutions 15-066 to 15-080) were put to the vote and declared carried.

Crs Richardson and Cameron voted against the motion.

Cr Cubis left the meeting at 4.25pm and did not return.

URGENCY MOTION

Urgency Motion No. 1 Councillor attendance to the 2015 Australian Coastal Councils Conference

The Mayor determined that the matter of attendance at the 2015 Australian Coastal Councils be dealt with at this meeting as a matter of urgency.

15-081 Resolved:

1. That Council support Cr Richardson attending the 2015 Australian Coastal Councils Conference, to be held at RACV Cape Schanck Resort on the Mornington Peninsula, Victoria, from Wednesday 11 to Friday 13 March 2015.
2. The urgency of this matter is due to the Conference being held prior to the next Ordinary meeting. (Richardson/Woods)

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

There being no further business the meeting concluded at 4.35pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 19 March 2015.

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Mayor Simon Richardson