



# Byron Shire Council



## Minutes

Ordinary Meeting

Thursday, 11 June 2015

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
11 June 2015

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# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

11 June 2015

<b>MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 11 JUNE 2015 COMMENCING AT 9.05AM AND CONCLUDING AT 2.02PM</b>
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I2015/493

**PRESENT:** Cr S Richardson (Mayor), Cr B Cameron, Cr C Cubis, 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.*

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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:

#### **13.11 Request for an Early Implementation Program to supplement Council's Rural Lands Strategy Initiative**

*David Hope addressed Council against the recommendation.*

#### **Submission No. 1 NCHP approved carpark in Torakina Reserve Brunswick Heads**

Leone Bolt made a submission to Council against the construction of a carpark on the Torakina Reserve, Brunswick Heads by the North Coast Holiday Park Trust.

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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

Cr Spooner declared a pecuniary interest in Report 13.3. The nature of the interest being that recommendation 6a)iii of the report awards a \$500 grant to his employer Byron Bay Community Association. Cr Spooner chose to leave the chambers, not participate in the debate and not vote.

In relation to reports 13.5 and 13.6 Crs Dey and Hunter tabled Forms of Special Disclosure of Pecuniary in accordance with section 451(4) and (5) of the Local Government Act 1993.

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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**

**15-246 Resolved** that the minutes of the Ordinary Meeting held 21 May 2015 be confirmed. (Dey/Woods)

*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****Sustainable Environment and Economy**

- Report No. 13.6 PLANNING - Submissions Report - Planning Proposal to allow Detached Dual Occupancies and Secondary Dwellings in the RU1 and RU2 zones
- Report No. 13.8 Waiving Developer Contributions - Secondary Dwellings
- Report No. 13.9 PLANNING - Submissions Report - Planning Proposal to rezone part of Lot 5 DP880917, Shara Boulevard, to RE1 Public Recreation
- Report No. 13.10 Report of the Planning Review Committee Meeting held on 19 May 2015
- Report No. 13.11 Request for an Early Implementation Program to supplement Council's Rural Lands Strategy Initiative

**Infrastructure Services**

- Report No. 13.13 Consideration of Urgent Road Reconstruction Works Booyong Road, Booyong

**CONFIDENTIAL REPORTS****Infrastructure Services**

- Report No. 16.3 CONFIDENTIAL - Tender Assessment - Mullumbimby Trunk Water Main Replacement 2014-0039

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. 15-247 and concluding with Resolution No. 15-273.

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**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

- Report No. 13.1 Section 355 Management Committees - resignations and appointments**
- File No:** I2015/406

**15-247 Resolved:**

1. That Council accept the resignation from Sergio Scudery on the South Golden Beach Section 355 Management Committee and officially thank him for his contribution on this committee.

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2. That with regard to the Byron Library Exhibition Space (managing the Lone Goat Gallery) Section 355 Management Committee Council:
  - a) Accept the resignation from Cr Paul Spooner and thank Cr Spooner for his past contribution on this Committee.
  - b) Endorse the appointment of the alternate delegate Cr Alan Hunter as Councillor's representative on this Committee. (Woods/Richardson)

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<b>Report No. 13.2</b>	<b>Report of the Safe Summer in the Bay PRG meeting 23 April 2015</b>
<b>File No:</b>	I2015/408

- 15-248 Resolved** that Council note the minutes of the Safe Summer in the Bay PRG meeting held on 23 April 2015. (Woods/Richardson)

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<b>Report No. 13.3</b>	<b>Report of the Public Art Assessment Panel meetings held 10 April and 7 May 2015</b>
<b>File No:</b>	I2015/409

**15-249 Resolved:**

1. That Council endorse the installation of the Unity Pole in Denning Park, east of the Byron Bay Surf Club adjacent to the pedestrian path overlooking the beach. Council also note that:
  - a) All installation costs will be borne by the proponents donating the artwork
  - b) That a vote of thanks be made to the organisers of the Uplift Festival where the Unity Pole was carved, and the artist for their generosity in donating this artwork to the Byron Shire community.
2. That Council:
  - a) Note two priority areas have been identified for future public art in the Shire – Ocean Shores and Suffolk Park.
  - b) Notify local groups in Ocean Shores and Suffolk Park that Council would be pleased to receive applications to donate or loan artwork to the community in these locations.
3. That Council make a donation of \$5,000 from the public art budget to the Mullumbimby Sculpture Walk for the following reasons:
  - a) Council has previously supported a Development Application for this project.
  - b) There is evidence of strong community support for the project.
  - c) A recent crowd funding exercise conducted by Creative Mullumbimby (supported by Creative Partnerships Australia with matched funds) has been very successful.
4. That Council allocate \$5,000 of public art budget from 2014/15 to be carried over to the 2015/16 budget to fund a significant public art project in Ocean Shores. Suggested sites to consider for public art include the main roundabouts at Ocean Shores, the Ocean Shores Community Centre, Water Lilly Park or the new Shara Boulevard Sports Fields.
5. That following on from an expression of interest process, Council award the commission of the artwork on the two electricity padmount substations as follows:

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- a) The Mullumbimby padmount to Karma Barnes and Inscribe Youth Street Arts Project (\$1,500)
  - b) The Byron Bay padmount to Stay Gold/ Nitsua team (\$1,500)
6. That the Public Art Assessment Panel recommend to Council that:
- a) The following three successful projects from the Public Art Small Grants Program applications be funded for \$500 each:
    - i. 'Simpsons Sofa' artwork (to be installed for the Brunswick Nature Sculpture Walk) subject to point 'c' below
    - ii. 'Fishtales' – ceramic fish mosaic (to be installed for the Brunswick Nature Sculpture Walk)
    - iii. 'Fletcher Street Entrance to the Byron Community Centre Murals' – Inscribe Youth Street Arts Project
  - b) That a further \$500 be awarded to the Brunswick Heads Memorial Seat project to assist them to provide proper formatted designs showing the resolved construction methods for the project.
  - c) The 'Simpsons Sofa' project will receive the funding described in 'a.i.' above subject to:
    - i. Satisfactory ongoing maintenance of the sculpture
    - ii. Final concept designs being submitted to the PAAP for a permanent art installation donated to Council. (Woods/Richardson)

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**Report No. 13.4**      **Council Investments May 2015**  
**File No:**              I2015/466

- 15-250 Resolved** that the report listing Council's investments and overall cash position as at 27 May 2015 be noted. (Woods/Richardson)
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### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.5**      **PLANNING - Amendments to Chapter D2 Development Control Plan DCP 2014**  
**File No:**              I2015/271

- 15-251 Resolved:**
- 1. That the proposed changes to Byron DCP 2014 Chapter D2 (Residential Accommodation and Ancillary Development in Rural Zones) in Attachment 1, be exhibited for a period of six weeks; and
  - 2. That, if no submissions are received in response to the public exhibition of Byron DCP 2014 Chapter D2 (Residential Accommodation and Ancillary Development in Rural Zones), Council approve the amended Chapter of the DCP, and that notice of the decision be published in local newspaper within 28 days after the close of the public exhibition (deemed approval date). (Woods/Richardson)

*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.*

*Nil voted against the motion.*

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**Report No. 13.7**      **PLANNING - Submissions Report - Planning Proposal to allow multiple occupancy development with consent at 226 Fowlers Lane, Bangalow (Lot 6 DP 261219)**  
**File No:**              I2015/415

**15-252 Resolved** that Council:

1. Forward the planning proposal to amend Byron LEP 2014, as exhibited and included in Attachments 1, 2 and 3 of this report, to NSW Parliamentary Counsel's Office requesting that a draft LEP instrument be prepared.
2. Liaise with Parliamentary Counsel's Office (PCO) as necessary to finalise the content of the draft LEP and to enable PCO to issue an Opinion that the plan can be made.
3. Make the draft LEP under delegated authority and forward the plan to the NSW Department of Planning and Environment for notification on the NSW Government legislation website.  
(Woods/Richardson)

*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.*

*Nil voted against the motion.*

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**Report No. 13.12**      **PLANNING - Reclassify land from operational to community at Lot 530 DP 238451 Orana Road, Ocean Shores**  
**File No:**              I2015/479

**15-253 Resolved** that the public land owned by Byron Shire Council and known as Lot 530 DP 238451 Orana Road, Ocean Shores is reclassified from "operational" to "community" under Part 2 of Chapter 6 of the Local Government Act 1993.  
(Woods/Richardson)

*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.*

*Nil voted against the motion.*

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## STAFF REPORTS - ORGANISATION DEVELOPMENT

**Report No. 13.14**      **Updated Work Health Safety Policy**  
**File No:**              I2015/428

**15-254 Resolved** that the Work Health Safety Policy (#E2015/32312) be adopted and replace existing Policy 12/016 Work Health Safety Policy.  
(Woods/Richardson)

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## REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

**Report No. 14.1**      **Report of the Finance Advisory Committee Meeting held on 14 May 2015**  
**File No:**              I2015/410

**15-255 Resolved** that Council note the minutes of the Finance Advisory Committee Meeting held on 14 May 2015.  
(Woods/Richardson)

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**15-256 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 5.1 2014/15 Financial Sustainability Project Plan - Update on the Action Implementation Plan as at 31 March 2015**

File No: I2015/394

Committee Recommendation FAC 5.1.1

That the update report to 31 March 2015 on the 2014/2015 Financial Sustainability Project Plan Action Implementation Plan be received and noted. (Woods/Richardson)

**15-257 Resolved** that Council adopt the following Committee Recommendations:

**Report No. 5.2 Budget Review - 1 January 2015 to 31 March 2015**

File No: I2015/395

Committee Recommendation FAC 5.2.1

1. That Council note that it authorised the itemised budget variations as shown in Attachment 2 (#E2015/29355) which includes the following estimated results in the 31 March 2015 Quarterly Review of the 2014/2015 Budget:
  - a) General Fund - \$1,000 increase in the accumulated surplus
  - b) General Fund - \$1,241,600 decrease in reserves
  - c) General Fund - \$1,240,600 decrease in the estimated cash position
  - d) Water Fund - \$283,500 decrease in reserves
  - e) Sewerage Fund - \$4,900 decrease in reservesat its Ordinary meeting held on 21 May 2015.
2. That Council note that it adopted the revised estimated General Fund Accumulated Surplus/(Working Funds) surplus of \$1,957,550 for the 2014/2015 financial year as at 31 March 2015 at its Ordinary meeting held on 21 May 2015. (Woods/Richardson)

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**Report No. 14.2 Report of the Internal Audit Advisory Committee Meeting held on 14 May 2015**

**File No:** I2015/411

**15-258 Resolved** that Council note the minutes of the Internal Audit Advisory Committee Meeting held on 14 May 2015. (Woods/Richardson)

**15-259 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 5.1 Internal Audit Report - Billing and Collections**

File No: I2015/379

Committee Recommendation IAC 5.1.1

1. That the Internal Audit Report – Billing and Collections February 2015 be noted by Council along with responses and actions detailed by Management.
2. That Management implement the recommendations suggested in the report identified at Attachment 1 (E2015/26863). (Woods/Richardson)

# BYRON SHIRE COUNCIL

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**15-260 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 5.2 Internal Audit Report May 2015**

File No: I2015/388

Committee Recommendation IAC 5.2.1

That Council receive and note the Internal Audit Report – Audit Committee (May 2015) (#E2015/29416) prepared by the Internal Auditor, Grant Thornton. (Woods/Richardson)

**15-261 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 6.1 2014/2015 Audit Strategy**

File No: I2015/368

Committee Recommendation 6.1.1

1. That Council note the Final Audit Strategy prepared by Thomas Noble and Russell for Byron Shire Council for the year ending 30 June 2015 as outlined in Attachment 1 (E2015/26523).
2. That the report and attachment 1 of the closed part of the meeting remain confidential. (Woods/Richardson)

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**Report No. 14.3 Report of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 14 May 2015**  
**File No:** I2015/471

**15-262 Resolved** that Council note the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 14 May 2015. (Woods/Richardson)

**15-263 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 5.1 South Byron Sewerage Treatment Plant Update – 14 May 2015**

File No: I2015/351

Committee Recommendation 5.1.1

1. That the Arakwal MoU Advisory Committee note the progress on the demolishing of the South Byron Sewerage Treatment Plant.
2. That further consultation with Arakwal be required for Stage 2 of the project. (Woods/Richardson)

**15-264 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 5.2 Byron Bay Bypass Aboriginal Consultation Report 14 May 2015**

File No: I2015/361

Committee Recommendation 5.2.1

1. That the Arakwal MoU Advisory Committee note the Aboriginal Consultation Process involved in the Byron Bay Bypass project to date.
2. That the Arakwal MoU Advisory Committee provide any further comments to Council staff regarding the Byron Bay Bypass Project.

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3. That the Arakwal MoU Advisory Committee request consultation concerning replanting, beautification and revegetation along the road alignment. (Woods/Richardson)

**15-265 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 5.3 Ti Tree Lake Aboriginal Place Project Report – 14 May 2015**

File No: I2015/372

Committee Recommendation 5.3.1

1. That the Arakwal Memorandum of Understanding Committee (MoU) note the report on the Ti Tree (Taylor's) Lake Aboriginal Place Plan of Management.
2. That the Arakwal Memorandum of Understanding Committee (MoU) endorse the Council's participation in the Ti Tree (Taylor's) Lake Aboriginal Place Plan of Management project. (Woods/Richardson)

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### REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**Report No. 14.4 Report of the Water, Waste and Sewer Advisory Committee Meeting held on 7 May 2015**

**File No:** I2015/463

**15-266 Resolved** that Council note the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 7 May 2015. (Woods/Richardson)

**15-267 Resolved** that Council adopts the following Committee recommendation:

**Report No. 5.1 Presentation by Manager Utilities Update on Various Topics**

File No: I2015/369

Committee Recommendation 5.1.1

That the presentation to the Water, Waste and Sewer Advisory Committee be noted. (Woods/Richardson)

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**Report No. 14.5 Report of the Community Infrastructure Advisory Committee Meeting held on 7 May 2015**

**File No:** I2015/464

**15-268 Resolved** that Council note the minutes of the Community Infrastructure Advisory Committee Meeting held on 7 May 2015. (Woods/Richardson)

**15-269 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 5.1 Update Report on Landslips**

File No: I2015/288

Committee Recommendation 5.1.1

That the Community Infrastructure Advisory Committee note the information provided in the update report on landslips. (Woods/Richardson)

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**15-270 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 5.2 Rural Road Designs at Federal Drive and Bangalow Road**

File No: I2015/348

Committee Recommendation 5.2.1

1. That the information provided about rural road designs at Federal Drive and Bangalow Road be noted.
2. That Council now move ahead with investigating land acquisition options for the designs.
3. That the design elements be progressed for consideration of project approval by Council.  
(Woods/Richardson)

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### CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

**Report No. 16.1 CONFIDENTIAL - Tender - Hire of Plant and Equipment Contract**

**2015-0007**

**File No:** I2015/416

**15-271 Resolved:**

1. That Council award Contract 2015-0007 for the Hire of Plant and Equipment to all Tenderers as a Panel Contract in accordance with the contract documents and the rates and information supplied in their tenders.
2. That Council makes public its decision, including the name of the successful tenderers, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.  
(Woods/Richardson)

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**Report No. 16.2 CONFIDENTIAL - Tender - Truck Haulage Hire Contract 2015 - 0006**

**File No:** I2015/417

**15-272 Resolved:**

1. That Council award Contract 2015 - 006 for Truck Haulage Hire to all Tenderers as a Panel Contract in accordance with the contract documents and the rates and information supplied in their tenders.
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)

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### LATE REPORT

**Report No. 17.1 CONFIDENTIAL - Sale of Land for Unpaid Rates**

**File No:** I2015/485

**15-273 Resolved:**

1. That the land parcels numbered 1 through 16 in this Report be removed from the proposed

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- sale on 18 July 2015.
2. That the offer of \$5,000.00 in full discharge the rates and charges outstanding on Rate Assessment 1165232 be determined to be a satisfactory arrangement and thereby accepted with the balance of outstanding rates and charges (\$2,879.16 at 11 June 2015) be written off.
  3. That the rates and charges for Rate Assessment 1165307 (\$5,587.19 at 11 June 2015) and Rate Assessment 183905 (\$5,587.19 at 11 June 2015) be written off as these properties should be non-rateable. (Woods/Richardson)
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### MAYORAL MINUTE

#### No. 8.1 Report on the Current and Proposed Resident Paid Parking Coupon

Moved: That council receive a report no later than 16 July 2015 meeting providing information pertinent to the current and proposed resident parking coupon system, and that the report, includes but is not limited to:

- a) A financial snapshot of what the current resident parking coupon system costs per coupon
- b) A financial projection of earnings from a resident parking coupon system with an increased charge of \$100
- c) A financial projection of earnings from a resident parking coupon system with an increased charge of \$50
- d) The infrastructure, maintenance and other costs, if any, involved to provide a self selecting sliding scale coupon system
- e) What types and levels of concession is currently provided and the proposed types and levels of concession in any future resident parking coupon system
- f) What payment options are possible e.g, quarterly instalments with rates
- g) An overview of levels of resident parking coupon system charged by other similar coastal, tourist impacted councils, and that for councils who do not charge residents for parking coupons, a comparison of their level of rate charge.
- h) The potential implications of utilising Butler Street reserve for all day parking, and providing a reduced resident parking coupon rate for residents.
- i) An overview of what level of special rate levy would be required to equate to the difference in income from a \$25, \$50, and \$100 resident parking coupon system.
- j) Implications on businesses and residents maintaining numerous vehicles.

(Richardson)

### PROCEDURAL MOTIONS

**15-274 Resolved** that Cr Wanchap be granted a two minute extension to her speech. (Woods/Cubis)

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

**15-275 Resolved** that this matter rest on the table. (Richardson/Woods)

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

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### PRESENTATION

#### Signing of the Refugee Welcome Zone Declaration

The Mayor introduced guest speakers Leandro Mendes, Support Worker (Outreach) North Coast Settlement Service, Michael Douglas, President of Sanctuary Northern Rivers, Sarah from Sierra Leone and new citizen of Australia, and a representative from Mullumbimby Loves Refugees.

The Mayor then signed the Refugee Welcome Zone Declaration and thanked staff for their work on this matter.

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**PROCEDURAL MOTION**

**15-276 Resolved** that the Mayoral Minute be lifted from the table. (Richardson/Cubis)

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

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**MAYORAL MINUTE**

**No. 8.1 Report on the Current and Proposed Resident Paid Parking Coupon**  
*continued*

**15-277 Resolved** that Council receive a report no later than 16 July 2015 meeting providing information pertinent to the current and proposed resident parking coupon system, and that the report, includes but is not limited to:

- a) A financial snapshot of what the current resident parking coupon system costs per coupon
- b) A financial projection of earnings from a resident parking coupon system with an increased charge of \$100
- c) A financial projection of earnings from a resident parking coupon system with an increased charge of \$50
- d) The infrastructure, maintenance and other costs, if any, involved to provide a self selecting sliding scale coupon system
- e) What types and levels of concession is currently provided and the proposed types and levels of concession in any future resident parking coupon system
- f) What payment options are possible e.g, quarterly instalments with rates
- g) An overview of levels of resident parking coupon system charged by other similar coastal, tourist impacted councils, and that for councils who do not charge residents for parking coupons, a comparison of their level of rate charge.
- h) The potential implications of utilising Butler Street reserve for all day parking, and providing a reduced resident parking coupon rate for residents.
- i) An overview of what level of special rate levy would be required to equate to the difference in income from a \$25, \$50, and \$100 resident parking coupon system.
- j) Implications on businesses and residents maintaining numerous vehicles. (Richardson)

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

*The meeting adjourned at 10.53am for a break and reconvened at 11.24am.*

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**NOTICES OF MOTION**

**Notice of Motion No. 9.1 Mayor's Discretionary Allowance - 2014/15**  
**File No:** I2015/412

**15-278 Resolved:**

- 1. That Council note the following donations from the Mayor's Discretionary Allowance 2014/15:
  - a) \$500 - S.H.I.F.T. Project Byron Inc.
  - b) \$500 – Federal Community Children's Centre Inc.

- c) \$350 – Community Forum - Zero Net Emissions
  - d) \$650 – Byron Youth Service
2. That Council advertise the donations in accordance with Section 356 of the Local Government Act 1993. (Richardson/Spooner)

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

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### PETITIONS

There were not petitions tabled.

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### SUBMISSIONS AND GRANTS

There were no submissions or grants.

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### DELEGATES' REPORTS

1. Marsden's Law Group Conference

Cr Ibrahim advised Council:

Mr Ralph James, Legal Services Co-ordinator and I attended the Marsden's Law Group Planning and Environment Law Conference on Friday 5 June 2015. There were some expert and interesting speakers. First of all, Ian Sinclair spoke with a renowned planner and consultant, talking particularly about the conflicts that are increasingly occurring between the demand for residential land and land used for farming and he was speaking about Sydney but it is somewhat relevant to us that Councils really need to be very careful about how those two conflicts are managed because in his view, we are rapidly consuming farmland and he was particularly talking about farmland for the growing of vegetables, soft foods that need to feed Australians – more than 80% of the vegetables that we eat come from vegetable farm gardens market gardens that are quite close to expanding residential areas. He was saying, Councils really need to get a hold on how they are going to ensure we don't lose that land because once it's gone – you don't get it back.

In terms of Fit for the Future, I had a very interesting conversation with Graham Sansom, Professor University of Technology and the author of the original research paper and report that went to government from which the Fit for the Future policy was established. So we had a one on one, but to begin with, what he spoke about was the miss-match between the report that he provided to government and what the government did with that. In terms of the seven point measures for whether you are fit or not. What they recommended to government was a suite of changes to the way that Councils are funded. Structural changes to the way Council gets its money so that Council's can in fact do something about getting fit. He was somewhat disappointed that what we got from it was none of that structural change that was required but what we got was this arbitrary decision – you are either fit or you are not. It is expected that many, many Councils will be declared unfit without any idea about what that really means for those Councils and what the consequences for them will be. However, I did have a private conversation with him and I said to him, one of the things that surprised me was that when we did our measures, one of the measures that came forward as indicating that we were well ahead of what was the minimum requirement was our capacity to repay loans. I said to him, why is that? Why did that come out because that surprised me? He said that what his actual intention was and one of his firm beliefs was, is that Councils should borrow money.

Those Councils can now borrow money at less than the inflation rate in terms of inflationary cost of infrastructure renewal and maintenance and that it is in fact a sensible financial decision to borrow money and replace infrastructure than to continue to repair it, ad infinitum at ever-increasing costs. He said that he believes that the government wants to encourage ultimately Councils to look at this option of “a stitch in time – saves nine” and getting some of the infrastructure backlog and the depreciation backlog off their books and that they will make loans available to Councils at very, very competitive rates.

Minister Rob Stokes spoke and that was very revealing and informative. To be clear, he said that there is no review of the Act under consideration. The review that has been done before has really been shelved. He does believe that within the existing legislative regime, there are opportunities to increase the number of code and complying developments and therefore affect some of the proposed changes from the review by expanding the list of complying and code developments which is I think, quite revealing, but, no re-write. He spoke about his objectives for his term. He is concerned that we have an incremental planning system that is very ad-hoc. He is espousing four key objectives:

- Opportunity – for giving people choices for work, home and leisure
- Outcomes – this is why we have a system. Outcomes need to be supported by the community but the system must be understandable to the general public and to those participating
- Openness – people need to know the process of decision making to give reasons for decisions, and
- Order –He says it’s very important through change that we have a system that identifies inherent conflicts in land use – objectives and we need to be predictable so that people know what is coming and what will be permitted, so that the local community should be more focussed on the strategic outcomes rather than outcomes at the individual DA stage.

## 2. Byron Central Hospital Forum

Cr Dey advised Council that he attended on 3 June 2015, the forum on the Byron Central Hospital and the presentations were interesting. The first question that was asked from the floor was “what about the sewerage?” The people presenting gave answers that included the fact that they were still negotiating that with Council and as we have had discussions, I gather they have the right to have free sewerage but they may be able to be talked into contributing to some of the cost of us providing it. What it highlighted to me was that they are most of the way through building an \$88 million project and they are the only developer in the shire that can go ahead and build their project without having organised their sewerage. For me, that’s the big mistake of when a government authority grants its own approval.

## 3. Bangalow Progress Association

Cr Dey advised Council:

On 4 June, 2015 I attended a meeting of the Bangalow Progress Association who were discussing the conflicts that occur on Granadilla Road which is the road from the north into Bangalow. They have major concerns, I think their biggest concern is trucks rumbling down the road at 3 o’clock in the morning at excessive speeds with excessive noise and the truck drivers choice as to whether to use the air brakes or not and wake the whole suburb. I hope that they will bring some ideas forward – it’s partly a traffic issue – it will come to the local traffic committee – that’s obviously a burning issue for them.

**4. Mullumbimby Civic Hall**

Cr Dey advised Council:

On 10 June 2015, I attended the Mullumbimby Civic Hall Board had a meeting and failed on quorum but a lot of good information came through and Council will be appointing a manager starting on 1 July 2015 to get the hall back on its feet financially and probably about half of that manager's task will be the promotion of the hall as a venue, which is a great thing.

**5. Wilson's Creek Public School**

Cr Dey advised Council:

I reported to the last meeting about issues at Wilson's Creek Public School where the kiddies have to be ushered across Wilson's Creek Road to get to their bus and there are quite a few people travelling out of Wilson's Creek especially who would like to drive through that school zone at great speed. Things have changed since then, at that stage when I spoke, we were thinking that we would need to train lollypop people to help the kids cross the road. Since then, and this is wonderful, our engineers, Phil Holloway and Simon Bennett have discovered that the RMS has suddenly found some excess money that has to be spent before the end of the month and so an actual bus-bay will get built, I gather this month. This is a huge win and will be the topic of a letter that I send to the paper saying what a success it is. My absolute praise for Simon for getting that through.

Phil Holloway added that Council received \$200,000 from RMS for the construction of a bus bay at Wilson's Creek and works commenced on Tuesday this week.

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**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.6      PLANNING - Submissions Report - Planning Proposal to allow Detached Dual Occupancies and Secondary Dwellings in the RU1 and RU2 zones**

**File No:**                I2015/203

*Crs Dey and Hunter declared a special disclosure of pecuniary interest under sections 451 (4) and (5) under the Local Government Act 1993.*

Moved:

That Council:

1. Amend the proposal to set the minimum area for Detached Dual Occupancy and Secondary Dwellings in RU1 and RU2 Zones (v3 Final of April 2015) to 1 hectare.
2. Forward the amended planning proposal to amend Byron LEP 2014, as exhibited and included in Attachment 1 of this report, to NSW Parliamentary Counsel's Office requesting that a draft LEP instrument be prepared.
3. Liaise with Parliamentary Counsel's Office (PCO) as necessary to finalise the content of the draft LEP and to enable PCO to issue an Opinion that the plan can be made.
4. Make the draft LEP under delegated authority and forward the plan to the NSW Department of Planning and Environment for notification on the NSW Government legislation website.  
(Dey/Hunter)

**AMENDMENT****15-279 Resolved** that Council:

1. Forward the planning proposal to amend Byron LEP 2014, as exhibited and included in Attachment 1 of this report, to NSW Parliamentary Counsel's Office requesting that a draft LEP instrument be prepared.
2. Liaise with Parliamentary Counsel's Office (PCO) as necessary to finalise the content of the draft LEP and to enable PCO to issue an Opinion that the plan can be made.
3. Make the draft LEP under delegated authority and forward the plan to the NSW Department of Planning and Environment for notification on the NSW Government legislation website.  
(Ibrahim/Woods)

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

*Crs Ibrahim, Woods, Cubis, Richardson, Wanchap and Spooner voted in favour of the amendment.*

*Crs Dey, Cameron and Hunter voted against the amendment.*

*The amendment upon becoming the substantive motion was put to the vote and declared carried.  
Cr Ibrahim, Cubis, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.*

*Cr Dey voted against the motion.*

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**Report No. 13.8**  
**File No:**

**Waiving Developer Contributions - Secondary Dwellings**  
**I2015/419**

**15-280 Resolved:**

1. That staff prepare a draft Section 94 Contributions Plan that factors in the following matters:
  - a) Increased population growth due to secondary dwellings;
  - b) Increased population growth due to secondary dwellings and detached dual occupancies in rural zones;
  - c) Retain the existing growth predictions for the greenfield release areas (West Byron, Tallowood, Bayside and subdivisions in Bangalow);
  - d) Change the allocation of the number of persons per dwelling from a mean of 2.4 per dwelling to 0.8 persons per bedroom;
  - e) Retain the existing catchments to ensure that funds collected in a catchment are spent in that catchment;
  - f) Investigate the use of a single shire wide apportionment rate due to dispersed growth caused by secondary dwellings and detached dual occupancies in rural areas.
2. That a workshop be held with Councillors to review the draft Section 94 Contributions Plan and to consider the following matters:
  - a) Factoring in a charge for each additional bedroom in a dwelling above 3 three bedrooms up to the limit of the \$20,000 cap;
  - b) Removing the waiving of contributions for secondary dwellings;
  - c) Factoring in a 25% discount on the per bedroom charge for 1 and 2 bedroom dwellings;
  - d) The 25% discount for 1 and 2 bedroom dwellings is to be funded by a corresponding increase in the charge for dwellings with more than 3 bedrooms;
  - e) Planning impediments and possible opportunities regarding dual occupancies and

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secondary dwellings in urban areas

3. That information on the approaches by other nearby councils also be presented to the workshop.
4. That the draft Section 94 Contributions Plan be reported back to Council following the workshop.
5. That Council note that figures shown at table 5 on page 159 of the Agenda should be as follows: the rate proposed for 3 bedrooms should be \$12,297; the \$16,908.67 rate should commence at 4 bedrooms; and, \$20,000 for 5 bedrooms. (Ibrahim/Woods)

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

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**Report No. 13.9**      **PLANNING - Submissions Report - Planning Proposal to rezone part of Lot 5 DP880917, Shara Boulevard, to RE1 Public Recreation**  
**File No:**              I2015/420

**15-281 Resolved** that Council:

1. Forward the planning proposal to amend Byron LEP 2014, as exhibited and included in Attachments 1, 2 and 3 of this report, to NSW Parliamentary Counsel's Office requesting that a draft LEP instrument be prepared.
2. Liaise with Parliamentary Counsel's Office (PCO) as necessary to finalise the content of the draft LEP and to enable PCO to issue an Opinion that the plan can be made.
3. If changes to satisfy the PCO's suggestions are substantial, they be notified to Councillors (by memo for example).
4. Make the draft LEP under delegated authority and forward the plan to the NSW Department of Planning and Environment for notification on the NSW Government legislation website.
5. Note that Page 6 of the GeoLink report (attachment 1; ie Page 175 of the Agenda) cites a full flood analysis is still necessary, on the basis of a tailwater ocean level of 3.1m AHD. (Dey/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.*

*Nil voted against the motion.*

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**Report No. 13.10**      **Report of the Planning Review Committee Meeting held on 19 May 2015**  
**File No:**              I2015/423

Moved:

1. That Development Application 10.2014.760.1, Shearwater Preschool, be reported to Council.
2. That the rest of the report be noted. (Cameron/Richardson)

### PROCEDURAL MOTION

**15-282 Resolved** that this matter rest on the table. (Woods/Cubis)

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

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*The meeting adjourned at 12.25pm for lunch and reconvene at 1.06pm. Cr Dey was not present at the resumption of the meeting.*

### PROCEDURAL MOTION

**15-283 Resolved** that Report No. 13.10 be lifted from the table. (Richardson/Woods)

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

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**Report No. 13.10      Report of the Planning Review Committee Meeting held on 19 May 2015**

**File No:**                I2015/423  
*Continued*

**15-284 Resolved** that the report be noted. (Cameron/Richardson)

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

*Cr Dey was not present for the vote.*

*Cr Dey returned to the chambers at 1.07pm.*

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**Report No. 13.11      Request for an Early Implementation Program to supplement Council's Rural Lands Strategy Initiative**

**File No:**                I2015/460

**15-285 Resolved** that Council not support the "Early Implementation Program to supplement Council's Rural Land Use Strategy Initiative and instead consider these properties in the Byron Rural Land Use Strategy now under preparation. (Wanchap/Woods)

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

### FORESHADOWED MOTION

**15-286 Resolved:**

1. That an amount of \$50,000 be made available to support staff in the progression of the Rural Land Use Strategy, in particular Stage 2 Rural Land Use Opportunities and Constraints Mapping phase and that a report be brought back to Council with the outcomes of stage 2 including site selection criteria and their application.
2. That the project plan and time frames be amended to ensure that the RLUS is completed for adoption by 30 June 2016. (Woods/Ibrahim)

### AMENDMENT

Moved: That an amount of \$50,000 be made available to support staff in the progression of the Rural Land Use Strategy, in particular Stage 2 Rural Land Use Opportunities and Constraints Mapping phase and that a report be brought back to Council with the outcomes of stage 2 including site selection criteria and their application. (Dey/Richardson)

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

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

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

*Cr Dey voted against the motion.*

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**STAFF REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 13.13**      **Consideration of Urgent Road Reconstruction Works Booyong Road, Booyong**  
**File No:**                I2015/385

Moved:

1. That a 1.4km failed, sealed section of Booyong Road, Booyong (between Stewarts Road and Booyong Bridge) be changed to an unsealed gravel road at a total cost of \$36,000, noting that:
  - a) the gravel taken from Left Bank Road/Azalea Street reconstruction will be used to construct a 130mm gravel pavement on this section of Booyong Road.
  - b) the funds required to construct the gravel road and table drains on this section of Booyong Road will be funded from the existing Rural Roads maintenance budget, and Disaster Funding approved for table drains restoration.
  - c) the temporary gravel road will remain in place until funding is provided for a full reconstruction of this section of Booyong Road.
2. That Council commit to rehabilitating and sealing within three years and consider in drafting its Operational Plan and budget documents from 2016/17 the inclusion of those works (1.4km in Booyong Road). (Dey/Richardson)

**AMENDMENT**

- 15-287 Resolved** that a 1.4km failed, sealed section of Booyong Road, Booyong (between Stewarts Road and Booyong Bridge) be changed to an unsealed gravel road at a total cost of \$36,000, noting that:
- a) the gravel taken from Left Bank Road / Azalea Street reconstruction will be used to construct a 130mm gravel pavement on this section of Booyong Road.
  - b) the funds required to construct the gravel road and table drains on this section of Booyong Road will be funded from the existing Rural Roads maintenance budget, and Disaster Funding approved for table drains restoration.
  - c) the temporary gravel road will remain in place until funding is provided for a full reconstruction of this section of Booyong Road. (Cubis/Ibrahim)

*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.*

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**CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 16.3**      **CONFIDENTIAL - Tender Assessment - Mullumbimby Trunk Water Main Replacement 2014-0039**  
**File No:**                I2015/429

**15-288 Resolved:**

1. That pursuant to Section 10A(2)(c), (d)i, (d)ii and (d)iii of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the report Tender Assessment -

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Mullumbimby Trunk Water Main Replacement 2014-0039.

2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
  - a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
  - b) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it
  - c) information that would, if disclosed, confer a commercial advantage on a competitor of the council
  - d) information that would, if disclosed, reveal a trade secret
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential information could compromise the commercial position of the tenderers, could adversely affect Council's ability to contract with preferred tenderers or could affect Council's ability to attract competitive tenders in the event that fresh tenders are invited. (Dey/Woods)

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

### 15-289 Resolved:

1. That Council award Tender 2014-0039 Mullumbimby Trunk Water Main Replacement to CivilTeam Engineering Construction for the amount of \$1,264,505.54 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. (Dey/Woods)

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

### PROCEDURAL MOTION

**15-290 Resolved** that the meeting move out of confidential session. (Woods/Richardson)

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

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*There being no further business the meeting concluded at 2.02pm.*

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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 16 July 2015.



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Mayor Simon Richardson