



**Byron Shire Council**



# **Minutes**

**Ordinary Meeting**

**Thursday, 10 December 2015**

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
10 December 2015

---

## INDEX OF ITEMS DISCUSSED

*The following items are listed in the order in which they were dealt with.*

Report No. 13.2	Report of the Public Art Assessment Panel meeting 5 November 2015.....	7
Report No. 13.3	Meeting Dates for Finance Advisory Committee for 2016 .....	7
Report No. 13.4	Financial Sustainability Plan 2015/16 .....	8
Report No. 13.6	Appointment to the Code of Conduct panel of Conduct Reviewers .....	8
Report No. 13.7	Crown Lands White Paper - Summary of Issues and Government Response .....	8
Report No. 13.8	Council Investments November 2015 .....	8
Report No. 13.10	PLANNING - Outcome of meeting (res 15-110) - 10.2014.417.1 - Demolition of existing residential flat building & construction of a new residential flat building and associated works at 43 Lawson Street Byron Bay .....	8
Report No. 13.11	Compliance Priorities Program - 2016 .....	9
Report No. 13.12	PLANNING - S96 10.2013.559.3 - To permit access for light vehicles on Saturdays, Sundays and Public Holidays between the hours of 7.00am to 6.00pm .....	9
Report No. 13.14	Report of the Planning Review Committee Meeting held on 12 November, 2015 .....	9
Report No. 13.16	Bay Lane - Temporary Closure.....	9
Report No. 13.20	PLANNING - Development Application 10.2015.505.1 - Alteration and additions to existing backpackers accommodation, including demolition of an existing dwelling and construction of a new three level building with basement carpark to increase capacity to 200 beds .....	10
Report No. 13.24	Extending Recycled Waste Water from West Byron STP to the Byron Foreshore .....	10
Report No. 13.25	Options for Extending Exeloo Toilets at Apex Park, Byron Bay.....	10
Report No. 13.26	Proposed Meeting Dates for Community Infrastructure Advisory Committee Meetings 2016.....	11
Report No. 13.27	Proposed Meeting Dates for Water, Waste and Sewer Advisory Committee Meetings 2016.....	11
Report No. 13.28	Proposed Meeting Dates for Transport Advisory Committee Meetings 2016 ..	11
Report No. 13.31	10.2013.562.1 North Byron Beach Resort Central Facilities ET Assessment.	11
Report No. 13.32	Tender 2015-0035 Station St Subdivision Works.....	11
Report No. 14.1	Report of the Internal Audit Advisory Committee Meeting held on 12 November 2015 .....	12
Report No. 14.2	Report of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 19 August 2015 .....	13
Report No. 14.3	Report of the North Byron Coastal Creeks Flood Risk Management Committee Meeting held on 28 October 2015.....	14
Report No. 14.4	Report of the Local Traffic Committee Meeting held on 25 November 2015 ..	14
6.1	Pay Parking and Resident Parking Permit Schemes, Byron Bay .....	14
6.2	Request for changes to "No Stopping" Market Street, Bangalow .....	15
6.3	Gilmore Crescent - Restricted Parking Area .....	15
6.5	Road Closures Byron Bay Blues Festival .....	16
6.6	Road Closures Falls Festival 2015/16 Traffic Management Plan .....	16
6.8	Road Closures Bangalow Christmas Eve Carnival.....	17

# BYRON SHIRE COUNCIL

## Ordinary Meeting Minutes 10 December 2015

---

6.9	Request for Give Way, Dandaloo Way and Reka Way, Ocean Shores.....	17
6.10	Request for restrictive parking and exemptions, RFS Station, Alcorn St, Suffolk Park.....	17
6.11	Approval of two mobility permit spaces, Middleton Street car park, Byron Bay .....	18
6.12	Proposed No Parking and time limits to Loading Zones, Bay Lane, Byron Bay .....	18
6.14	Proposed Massinger Street and Lawson Street roundabout, Byron Bay .....	18
6.15	Proposed Restricted Parking Area, Byron Bay Library .....	18
6.16	Request for No Stopping, Authorised Vehicles Excepted, rear of Australia Post, Deacon Street, Bangalow .....	18
Notice of Motion No. 9.3	Byron Central Hospital Staffing and Services.....	19
Report No. 13.15	PLANNING - Rural Land Use Strategy – Site Suitability Criteria & Mapping Methodology and related mapping.....	19
Report No. 13.18	Update on s68 applications for Approval to Operate - Brunswick Heads Holiday Parks .....	20
Report No. 13.23	Infrastructure Works in the North of the Council Area .....	21
Notice of Rescission Motion No. 9.1	Coastal Hazard Management Study Byron Bay Embayment (Resolution 15-593).....	22
Notice of Rescission Motion No. 9.2	Coastal Hazard Management Study Byron Bay Embayment (Resolution 15-595).....	23
Report No. 13.19	PLANNING - Tyagarah Airstrip Planning Proposal .....	24
Report No. 13.1	Section 355 Management Committee - Appointment.....	25
Report No. 13.5	Report of the Safe Summer in the Bay PRG meeting 12 November 2015 .....	26
Report No. 13.9	Byron Bay Paid Parking Scheme - Fee for Swipe Card .....	26
Report No. 13.13	Freedom Camping Trial - Byron Bay.....	26
Report No. 13.17	Byron Bay Town Centre Placemaking Seed Fund (PSF) .....	27
Report No. 13.21	PLANNING - Submissions Report - Planning Proposal for Secondary Dwellings in RU5 Village Zone.....	27
Report No. 13.22	PLANNING - Submissions Report - Planning Proposal to rezone land at Granuaille Crescent, Bangalow, to R2 Low Density Residential. ....	27
Report No. 13.29	Federal Drive, Goonengerry - Project Status Report.....	28
Report No. 13.30	Belongil Catchment Advisory Committee - Nominations for Community Representatives.....	29
Report No. 13.17	Byron Bay Town Centre Placemaking Seed Fund (PSF) .....	29
Report No. 13.33	Byron Bay Sewage Treatment Plant Capacity and the Belongil Fate of the Effluent .....	30
Report No. 14.4	Report of the Local Traffic Committee Meeting held on 25 November 2015 ..	30
6.4	Road Closures Byron Bay Triathlon.....	30
6.7	Road Closures New Years Eve Byron Bay.....	31
6.13	Request for speed humps, Seven Mile Beach Road, Byron Bay .....	32

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

10 December 2015

<b>MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 10 DECEMBER 2015 COMMENCING AT 9.04AM AND CONCLUDING AT 3.35PM</b>
---

12015/1499

**PRESENT:** Cr B Cameron, Cr C Cubis (arrived 9.48am), 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 Deputy 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:

### 9.3 Byron Central Hospital Staffing and Services

*Jonathan Milman (Health Services Union) and Elizabeth McCall (New South Wales Nurses & Midwives Association, Byron District Hospital branch) addressed Council in favour of the recommendation.*

### 13.12 PLANNING - S96 10.2013.559.3 - To permit access for light vehicles on Saturdays, Sundays and Public Holidays between the hours of 7.00am to 6.00pm

*Graham Mathews (Pinegroves Road Residents) and Ray Darney addressed Council against the recommendation.*

### 13.15 PLANNING - Rural Land Use Strategy Site Suitability Criteria & Mapping Methodology and related mapping

*Ray Darney addressed Council in favour of the recommendation.*

### 13.18 Update on s68 applications for Approval to Operate - Brunswick Heads Holiday Parks

*John Dunn (Brunswick Heads Progress Association) addressed Council against the recommendation.*

### 13.23 Infrastructure Works in the North of the Council Area

*Kathy Norley (SGB Community Association) and Margaret Keating addressed Council in favour of the recommendation.*

*The meeting adjourned at 10.00am and reconvened at 10.17am.*

---

## APOLOGIES

There were no apologies.

**REQUESTS FOR LEAVE OF ABSENCE**

There were no requests for leave of absence.

Cr Richardson was granted a leave of absence for this meeting at the meeting held on 19 November 2015.

---

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

Cr Spooner declared a pecuniary interest in Report 13.5. The nature of the interest being that his employer Byron Community Centre currently manages the Soul Street New Year's Eve event and First Sun New Year's Day events. He elected to leave the meeting, not participate in the debate and not vote.

Cr Hunter declared a pecuniary interest in Report 13.12. The nature of the interest being that he is the owner of the subject site and the s96 applicant. He elected to leave the meeting, not participate in the debate and not vote.

Cr Spooner declared a non-pecuniary interest in Report 13.20. The nature of the interest being that he is a nearby resident. He elected to stay in the meeting, participate in the debate and vote.

Cr Wanchap declared a non-pecuniary interest in Report 13.20. The nature of the interest being that she is a director owner of a similar property at 5-7 Byron Street, Byron Bay – the Byron Central Apartments. She elected to stay in the meeting, participate in the debate and vote.

Cr Ibrahim declared a pecuniary interest in Report 13.22. The nature of the interest being that he owns 4 Ferguson Court Bangalow which is in very close proximity to the subject site. A change in zone may have a detrimental effect on the value and amenity of his property. He elected to leave the meeting, not participate in the debate and not vote.

Ken Gainger, General Manager, declared a non-pecuniary interest in report 13.22. The nature of the interest being that he is a nearby resident and a submitter to the proposal. He elected to stay in the meeting and not participate in the debate.

Cr Cameron declared a non-pecuniary interest in Report 13.29. The nature of the interest being that he is a nearby property owner. He elected to stay in the meeting, participate in the debate and vote.

Crs Hunter, Wanchap, Dey and Cameron declared special disclosures of pecuniary interest under sections 451(4) and (5) of the Local Government Act 1993 for Report 13.15.

---

**TABLING OF PECUNIARY INTEREST RETURNS**

In accordance with the Local Government Act 1993 Section 450A(2), Section 449(1) pecuniary interest returns are tabled, being received from the following staff for the reporting period 1 July 2013 to 30 June 2014:

Rod Teale, Workshop and Stores Superintendent  
Peter Rees, Manager Operations Water

**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**15-603 Resolved** that the minutes of the following meetings be confirmed:

- Ordinary Meeting held 19 November 2015 (Woods/Dey)

*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****Corporate and Community Services**

- Report No. 13.1 Section 355 Management Committee - Appointment  
Report No. 13.5 Report of the Safe Summer in the Bay PRG meeting 12 November 2015  
Report No. 13.9 Byron Bay Paid Parking Scheme - Fee for Swipe Card

**Sustainable Environment and Economy**

- Report No. 13.13 Freedom Camping Trial - Byron Bay  
Report No. 13.15 PLANNING - Rural Land Use Strategy – Site Suitability Criteria & Mapping Methodology and related mapping  
Report No. 13.17 Byron Bay Town Centre Placemaking Seed Fund (PSF)  
Report No. 13.18 Update on s68 applications for Approval to Operate - Brunswick Heads Holiday Parks  
Report No. 13.19 PLANNING - Tyagarah Airstrip Planning Proposal  
Report No. 13.21 PLANNING - Submissions Report - Planning Proposal for Secondary Dwellings in RU5 Village Zone  
Report No. 13.22 PLANNING - Submissions Report - Planning Proposal to rezone land at Granuaille Crescent, Bangalow, to R2 Low Density Residential.

**Infrastructure Services**

- Report No. 13.23 Infrastructure Works in the North of the Council Area  
Report No. 13.29 Federal Drive, Goonengerry - Project Status Report  
Report No. 13.30 Belongil Catchment Advisory Committee - Nominations for Community Representatives  
Report No. 13.33 Byron Bay Sewage Treatment Plant Capacity and the Belongil Fate of the Effluent

**REPORTS OF COMMITTEES****Infrastructure Services**

- 6.4 Road Closures Byron Bay Triathlon  
6.7 Road Closures New Year's Eve Byron Bay  
6.13 Request for speed humps, Seven Mile Beach Road, Byron Bay

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Woods and seconded by Cr Wanchap. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 15-604 and concluding with Resolution No. 15-647.

---

**STAFF REPORTS – CORPORATE AND COMMUNITY SERVICES**

**Report No. 13.2      Report of the Public Art Assessment Panel meeting 5 November 2015**

**File No:**                    I2015/1390

**15-604 Resolved:**

1. That Council amend the DCP Chapter D8 'Public Art' to include under 'Prescriptive Measures' point 2 "*In lieu of providing Public Art, the applicant could enter into a Voluntary Planning Agreement with Council to provide an equivalent financial contribution for the installation of Public Art in a suitable location.*"
2. That Council to commission public artwork as per the 'Briefs' provided on the following water and sewer infrastructure in the Byron Shire, to be funded from water and sewer budgets:
  - a) Brief 1: Water Infrastructure
    - Paterson's Hill Water Tank
    - Wategos Water Tank
  - b) Brief 2: Sewer Infrastructure
    - Several sewerage pump stations (selected locations listed in the report, limited by budget allocation for the 2015/16 financial year)
3. That Council accept the temporary loan of 'The Beast Within' by Allan Horstmanhoff and allow the sculpture to remain in situ following the Brunswick Nature Sculpture Walk event in October 2015 for up to twelve months.
4. That Council accept the temporary loan of 'Beautiful Nature' by Jules Hunt and allow the sculpture to remain in situ following the Brunswick Nature Sculpture Walk event in October 2015 for up to twelve months.
5. A. That the Public Art Assessment Panel note the presentation provided by 'Creative Road' and recommend to Council to support the concept of the beautification proposal for Lawson Lane as one of the initial projects arising from the Byron Bay Town Centre Masterplan for reasons listed below:
  - a) It meets many of the objectives of the Public Art Policy and will have excellent outcomes to further public art in the Shire
  - b) It has the potential to be the 'lighthouse' project that will provide a benchmark for future public art projects
  - c) There are opportunities to provide mentorship for young local artistsB. The Public Art Assessment Panel recommend that Council be a key stakeholder in the development and implementation of this proposal.
6. That Council support the Brunswick Heads Ten Seat Project by making a donation of \$2,000 to the Tweed Street Taskforce being \$1,000 for the 'Youth Seat' and \$1,000 for the 'Fishing Seat' pending full and final concept designs for both seats. (Woods/Wanchap)

---

**Report No. 13.3      Meeting Dates for Finance Advisory Committee for 2016**

**File No:**                    I2015/1397

- 15-605 Resolved** that the following dates be adopted for the Finance Advisory Committee's meetings for 2016 and that the meetings commence at 2.00pm.

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

10 December 2015

- Thursday, 18 February 2016
- Thursday, 12 May 2016
- Thursday, 18 August 2016
- Thursday, 10 November 2016

(Woods/Wanchap)

---

**Report No. 13.4      Financial Sustainability Plan 2015/16**  
**File No:              I2015/1398**

- 15-606 Resolved** that Council adopt the Draft Financial Sustainability Plan 2015/2016 (#E2015/71097).  
(Woods/Wanchap)

---

**Report No. 13.6      Appointment to the Code of Conduct panel of Conduct Reviewers**  
**File No:              I2015/1402**

- 15-607 Resolved** that Nicolas Harrison be appointed to the Code of Conduct panel of Conduct Reviewers.  
(Woods/Wanchap)

---

**Report No. 13.7      Crown Lands White Paper - Summary of Issues and Government Response**  
**File No:              I2015/1468**

- 15-608 Resolved** that Council note this report. (Woods/Wanchap)

---

**Report No. 13.8      Council Investments November 2015**  
**File No:              I2015/1474**

- 15-609 Resolved** that the report listing Council's investments and overall cash position as at 24 November 2015 be noted. (Woods/Wanchap)

---

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.10      PLANNING - Outcome of meeting (res 15-110) - 10.2014.417.1 - Demolition of existing residential flat building & construction of a new residential flat building and associated works at 43 Lawson Street Byron Bay**  
**File No:              I2015/267**

- 15-610 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2012.474.1 for the demolition of an existing building and construction of a residential flat building, be granted consent subject to the conditions contained in Attachment 3 (E2015/76157). (Woods/Wanchap)

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

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

*No Councillors voted against the motion.*



# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

10 December 2015

---

**Report No. 13.11**      **Compliance Priorities Program - 2016**  
**File No:**                I2015/1225

**15-611 Resolved:**

1. That Council note the report.
2. That Council adopt the proposed Compliance Priorities Program for 2016 as provided in attachment 1 (E2015/76485). (Woods/Wanchap)

---

**Report No. 13.12**      **PLANNING - S96 10.2013.559.3 - To permit access for light vehicles on Saturdays, Sundays and Public Holidays between the hours of 7.00am to 6.00pm**  
**File No:**                I2015/1312

*Cr Hunter declared a pecuniary interest in this matter earlier during the meeting.*

**15-612 Resolved** that pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, development application 10.2013.559.3 to amend condition 16 to alter the operating hours, be refused for the following reasons:

1. The existing condition is a valid condition that has been imposed for a planning purpose, relates to the development and is reasonable.
2. Amending the condition as requested may exacerbate impacts to the amenity of the residents of Pinegroves Road.
3. There is a public interest benefit in maintaining this condition for the remainder of the two year time limited approval so that its effectiveness can be evaluated. (Woods/Wanchap)

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

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

*No Councillors voted against the motion.*

*Cr Hunter did not vote.*

---

**Report No. 13.14**      **Report of the Planning Review Committee Meeting held on 12 November 2015**  
**File No:**                I2015/1393

**15-613 Resolved** that the report be noted. (Woods/Wanchap)

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

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

*No Councillors voted against the motion.*

---

**Report No. 13.16**      **Bay Lane - Temporary Closure**  
**File No:**                I2015/1401

**15-614 Resolved:**

1. That Council place the temporary closure of Bay Lane on hold until construction of the Main Beach Backpackers is complete late 2016, due to restricted access at the Fletcher Street end of Bay Lane.

2. That Council recommend that investigation commence to transform Bay Lane into a shared zone to align with the preliminary recommendations of the Byron Bay Town Centre Masterplan.
3. That Council allocate a budget up to \$20,000 from Section 94A funds (Civic Improvements in Byron Bay town centre) to prepare a pavement treatment to the laneway, which increases pedestrian safety and beautifies the space.
4. That Council investigate the feasibility and stakeholder support to increase the footpath widths in Bay Lane to allow for Footpath Dining and increase pedestrian safety.  
(Woods/Wanchap)

---

**Report No. 13.20**      **PLANNING - Development Application 10.2015.505.1 - Alteration and additions to existing backpackers accommodation, including demolition of an existing dwelling and construction of a new three level building with basement carpark to increase capacity to 200 beds**  
**File No:**                      I2015/1440

*Crs Spooner declared a pecuniary interest in this matter and elected not to vote. Cr Wanchap declared a non-pecuniary interest in this matter and elected to vote.*

- 15-615 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application no. 10.2015.505.1 for Alteration and additions to existing backpackers accommodation including demolition of an existing dwelling and construction of a new three level building with basement carpark to increase accommodation to 200 beds, be granted consent subject to the conditions contained in Attachment 1 (E2015/75911).                      (Woods/Wanchap)

*The motion was put to the vote and declared carried.  
Crs Ibrahim, Dey, Cubis, Woods, Cameron and Hunter voted in favour of the motion.  
No Councillors voted against the motion.  
Cr Spooner did not vote.*

---

**STAFF REPORTS – INFRASTRUCTURE SERVICES**

**Report No. 13.24**      **Extending Recycled Waste Water from West Byron STP to the Byron Foreshore**  
**File No:**                      I2015/1364

- 15-616 Resolved** that Council approve the Byron Bay Urban Recycled Water Scheme Expansion project with a budget of \$1,350,000 allocated equally from the water and sewer funds to commence in 2016 calendar year.                      (Woods/Wanchap)

---

**Report No. 13.25**      **Options for Extending Exeloo Toilets at Apex Park, Byron Bay**  
**File No:**                      I2015/1365

- 15-617 Resolved:**
1. That Council approve the purchase of a second Exeloo toilet block for Apex Park (Byron Bay), as a Reserve Trust Asset up to the value of \$300,000.
  2. That the purchase be funded from the Crown Paid Parking Reserve.                      (Woods/Wanchap)

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

10 December 2015

---

**Report No. 13.26 Proposed Meeting Dates for Community Infrastructure Advisory Committee Meetings 2016**

**File No:** I2015/1372

**15-618 Resolved** that the following dates be adopted for the Community Infrastructure Advisory Committee's meetings for 2016 and that the meetings commence at 2.00pm.

- Thursday, 3 March 2016
- Thursday, 2 June 2016
- Thursday, 20 October 2016
- Thursday, 1 December 2016 (Woods/Wanchap)

---

**Report No. 13.27 Proposed Meeting Dates for Water, Waste and Sewer Advisory Committee Meetings 2016**

**File No:** I2015/1373

**15-619 Resolved** that the following dates be adopted for the Water, Waste and Sewer Advisory Committee's meetings for 2016 and that the meetings commence at 9.00am.

- Thursday, 3 March 2016
- Thursday, 2 June 2016
- Thursday, 20 October 2016
- Thursday, 1 December 2016 (Woods/Wanchap)

---

**Report No. 13.28 Proposed Meeting Dates for Transport Advisory Committee Meetings 2016**

**File No:** I2015/1374

**15-620 Resolved** that the following dates be adopted for the Transport Advisory Committee's meetings for 2016 and that the meetings commence at 9.00am.

- Thursday, 10 March 2016
- Tuesday, 14 June 2016
- Tuesday, 16 August 2016
- Thursday, 3 November 2016 (Woods/Wanchap)

---

**Report No. 13.31 10.2013.562.1 North Byron Beach Resort Central Facilities ET Assessment**

**File No:** I2015/1423

**15-621 Resolved** that a s306 Water Management Act order be issued to the developers based on Council's current ET assessment. (Woods/Wanchap)

---

**Report No. 13.32 Tender 2015-0035 Station St Subdivision Works**

**File No:** I2015/1475

**15-622 Resolved:**

1. That Council decline to accept any of the tenders in accordance with the provisions of Local Government (General) Regulation 2005 - Reg 178 (1) (b).
2. That Council cancel the proposal for the contract in accordance with the provisions of Local Government (General) Regulation 2005 - Reg 178 (3) (a).

3. That Council notify tenderers and make public its decision in accordance with the provisions of Local Government (General) Regulation 2005 - Reg 179 (a) and (b). (Woods/Wanchap)
- 

**REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES**

**Report No. 14.1 Report of the Internal Audit Advisory Committee Meeting held on 12 November 2015**

**File No:** I2015/1396

- 15-623 Resolved** that Council note the minutes of the Internal Audit Advisory Committee Meeting held on 12 November 2015. (Woods/Wanchap)

- 15-624 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 5.1 Internal Audit Report November 2015**

File No: I2015/1248

Committee Recommendation 5.1.1

That Council receive and note the Internal Audit Report – Audit Committee (November 2015) (#E2015/71201) prepared by the Internal Auditor, Grant Thornton. (Woods/Wanchap)

- 15-625 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 5.2 Meeting Dates for Internal Audit Committee for 2016**

File No: I2015/1301

Committee Recommendation 5.2.1

That the following dates for the Internal Audit Committee meetings for 2016 be adopted, with all meetings commencing at 11.00am:

- Thursday, 18 February 2016
- Thursday, 12 May 2016
- Thursday, 18 August 2016
- Thursday, 20 October 2016
- Thursday, 10 November 2016 (Woods/Wanchap)

- 15-626 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 5.3 Internal Audit Report - Inventory Control Review**

File No: I2015/1356

Committee Recommendation 5.3.1

1. That Management review the comments for Actions 3 and 5 and prepare a further report for the next meeting of the Internal Audit Advisory Committee on these Actions from the Inventory Control Review.
2. That, subject to point 1 above, the Internal Audit Report – Inventory Control Review - September 2015, along with responses and actions detailed by Management be noted by Council. (Woods/Wanchap)

**Report No. 14.2 Report of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 19 August 2015**

**File No:** I2015/1421

**15-627 Resolved** that Council note the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 19 August 2015. (Woods/Wanchap)

**15-628 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 5.1 Arakwal MoU Implementation Plan 2015 -16**

File No: I2015/373

Committee Recommendation 5.1

That the Arakwal MoU Advisory Committee endorse the 2015/16 Arakwal MoU Implementation Plan (E2015/50307). (Woods/Wanchap)

**15-629 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 5.2 Ti Tree Lake Plan of Management**

File No: I2015/816

Committee Recommendation 5.2

1. That the Arakwal MoU Advisory Committee note the progress report on the Ti Tree Lake Plan of Management.
2. That Council write to the Office of Environment and Heritage and National Parks and Wildlife Service providing a copy of the progress report (E2015/50137). (Woods/Wanchap)

**15-630 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 5.3 Bundjalung of Byron Bay, Arakwal People Cemetery Provisions**

File No: I2015/817

Committee Recommendation 5.3

That the Arakwal MoU Committee seek information from Council staff on the processes required and the scope of works for the Bundjalung of Byron Bay, Arakwal People to have an identified area in the Byron Bay Cemetery for further consideration. (Woods/Wanchap)

**15-631 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 5.4 NAIDOC Week Byron Shire 2015**

File No: I2015/819

Committee Recommendation 5.4

That the committee note the success of the Byron Shire NAIDOC Week 2015 Program and the increase in the community partnerships involved in the delivery of the program of events. (Woods/Wanchap)

---

**REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES**

**Report No. 14.3**      **Report of the North Byron Coastal Creeks Flood Risk Management Committee Meeting held on 28 October 2015**

**File No:**              I2015/1350

**15-632** **Resolved** that Council note the minutes of the North Byron Coastal Creeks Flood Risk Management Committee Meeting held on 28 October 2015. (Attachment 1)      (Woods/Wanchap)

**15-633** **Resolved:**

1. That Council adopt the following Committee and Management Recommendation(s):

**Report No. 5.1**      **North Byron Coastal Creeks Flood Study - Calibration Report**

File No: I2015/1214

- a) That the name of the Project be changed to North Byron Shire, and that this document be named North Byron Shire Flood Study.
  - b) That Council accept as satisfactory the calibration report provided by BMT WBM (Attachment 2) and ask BMT WBM to proceed with preparation of design flood event modelling.
  - c) That BMT WBM finalise the DRAFT North Byron Coastal Creeks Flood Study and staff present this to Council for review and placement on public exhibition as per Council policy.
2. That the recommended amendments detailed in memo E2015/76375 be made to the DRAFT North Byron Flood Study prior to it being placed on public exhibition.
  3. That the DRAFT North Byron Flood Study as detailed at the website provided within this report (<http://it.bmtwbm.com.au/nbsfs/>) be placed on public exhibition for 42 days, in early 2016. (Woods/Wanchap)

---

**Report No. 14.4**      **Report of the Local Traffic Committee Meeting held on 25 November 2015**

**File No:**              I2015/1486

**15-634** **Resolved** that Council note the minutes of the Local Traffic Committee Meeting held on 25 November 2015. (Woods/Wanchap)

**15-635** **Resolved** that Council adopt the following Committee and Management Recommendation(s):

**Report No. 6.1**      **Pay Parking and Resident Parking Permit Schemes, Byron Bay**

File No: I2015/1394

1. That Council note the Roads and Maritime Services (RMS) concurrence for both the Pay Parking and Resident Parking Permit Schemes, including the type of parking meter, type of scheme (being a Metered Registration Pay Parking Scheme) and its installation on roads parts of the classified regional road network.
2. That Council notes that the Local Traffic Committee endorses Council's 8 October 2015 Resolution 15-519 for the time limits to apply in both Pay Parking and the Resident Parking Permit Schemes.

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

10 December 2015

3. That the sign-posting as proposed in this report (I2015/1394) be endorsed and implemented in accordance with relevant standards and requirements.
4. That the physical Resident Parking Permit and the Resident Visitor Permit must contain the details as stipulated in the RMS Permit Parking guidelines, however the matter of colour, design, cost and distribution is a matter for Council.
5. That the pay by plate Metered Registration pay parking scheme as adopted by Council will require the input of the vehicle licence plate each and every time a vehicle is parked and that:
  - a) those with an electronic permit (known as the pay parking exemption) will not be required to print and display a parking ticket; and
  - b) those without such exemption will each time they park be required to print and display a parking ticket. (Woods/Wanchap)

**15-636 Resolved** that Council adopt the following Committee Recommendation:

## **Report No. 6.2 Request for changes to "No Stopping" Market Street, Bangalow**

File No: I2015/576

1. That Council endorses No Parking on the west side of Market Street, Bangalow between Byron Street and its northern end, and that it be effective all days between 8am and 6pm.
2. That in support of the Bangalow Public School and Showground Trust proposal Council endorses and sign the parking and traffic arrangements upon the Bangalow Showground as depicted in this report (I2015/576) which are as follows:
  - a) as per pink and blue lines, install "One Way – School Days Only" signage;
  - b) as per orange box, sign area as "School Staff Parking - School Days Only"; and
  - c) also along the blue line, sign as "No Parking – School Days Only" and that it be supplemented with "Kiss and Ride" signage.
3. That the use of the "Kiss and Ride" be subject to the:
  - a) confirmation of the School support for the initiative, which may include a brief communication strategy for promotion of efficient use (i.e. distribution of Roads and Maritime Services (RMS) educational material available from the Centre for Road Safety Website; Parent/carer letters; School Newsletter etc);
  - b) identification of volunteers and/or teachers approved by the School community, including demonstrated understanding of liability in respect to volunteers and students. Please note that the School must also develop policies and procedures to administer the initiative); and
  - c) details of proposed operation times and roster of volunteers and/or teachers. (Woods/Wanchap)

**15-637 Resolved** that Council adopt the following Committee and Management Recommendation(s):

## **Report No. 6.3 Gilmore Crescent - Restricted Parking Area**

File No: I2015/1407

1. That the start and end of the 'Restricted Parking Area – Permits Excepted' be implemented respectively via installation of RMS signs R5-541 and R5-542 at the car park entry and egress at the frontage of the Sandhill's Child Care Centre, Gilmore Crescent, Byron Bay.
2. That adjacent to the signage erected according to Part 1, a supplementary sign indicating how permits are obtained be installed.

3. That Council note the Local Traffic Committee advice that the signage within Part 1 can be enforced under NSW Road Rule 168-1.
4. That the grassed turning-circle located north-east of the Child Care Centre be signed as "No Parking" and it extend south along the western kerb line and eastern edge of the road as depicted at Figure 1 of this report (file I2015/1407).
5. That the use of bollards to reinforce the "No Parking" recommended is a matter for Council and their use does not need Local Traffic Committee endorsement. (Woods/Wanchap)

**15-638 Resolved** that Council adopt the following Committee and Management Recommendations:

**Report No. 6.5 Road Closures Byron Bay Blues Festival**

File No: I2015/1409

1. That the 2016 Blues Festival organisers submit a Traffic Impact Assessment and Traffic Control Plan prior to the February 2016 Local Traffic Committee meeting.
2. That in regard to other proposed events at the Tyagarah Blues Festival site, the proponent undertakes a Traffic Impact Assessment report in regard to events with 1,000 people or more and provides it and the corresponding Traffic Management Plan(s) to the Local Traffic Committee for review.
3. That event proposals are submitted to Council with supporting and relevant detail so as to provide sufficient time for assessment, amendments and meeting of approval conditions imposed, including those by and of other authorities, such as Roads and Maritime Services and Police. (Woods/Wanchap)

**15-639 Resolved** that Council adopt the following Committee and Management Recommendation(s):

**Report No. 6.6 Road Closures Falls Festival 2015/16 Traffic Management Plan**

File No: I2015/1410

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 2015 and 2 January 2016 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) the approved event size being sufficient (20,000 patrons) to trigger use of the south carpark as per the DA Condition for its use;
- f) the temporary "No Stopping" where applied, including on Brunswick Valley Way (between Shara Boulevard and Tweed Valley Way) and on Tweed Valley Way (between Brunswick Valley Way and Wooyong Road), is implemented prior to the event and in accordance with relevant state requirements and Australian Standards;
- g) a communications protocol developed and maintained by those involved in the implementation of traffic management including monitoring and ability to implement contingency plans as and when directed;
- h) monitoring of vehicle volumes that arrive and depart the festival site and on the local road network;
- i) inclusion in the brief for the 2015/16 event's Traffic Evaluation Report of consideration that



# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

10 December 2015

- the 2106/17 event will not have Sunday as its departure day, as was the case in 2015/16;
- j) the holding of an event debrief within the month following the festival which includes but not limited to Council, RMS and Police; and
  - k) written approval of both the RMS and Police separate to Byron Shire Local Traffic Committee, including approval of Roads and Maritime Services is obtained including a Road Occupancy Licence where an event is on a state road or where the event may impact the state road network (Woods/Wanchap)

**15-640 Resolved** that Council adopt the following Committee and Management Recommendation(s):

**Report No. 6.8 Road Closures Bangalow Christmas Eve Carnival**

File No: I2015/1412

1. That the temporary traffic arrangements for the Bangalow Christmas Eve Carnival, scheduled for 24 December 2015 and includes the temporary closure of Byron Street between Granuaille Road and Market Street between the hours of 5.00pm and 10.00pm, be endorsed.
2. 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.
3. That public liability insurance be in place for the sum of at least \$20 million.
4. That the concurrence of the Police and RMS be sought by the organisers, independent of the Local Traffic Committee endorsement, including, approval of Roads and Maritime Services is obtained by way of a Road Occupancy License as event is on a state road or may impact the state road network.
5. That the event be advertised in accordance with the NSW Roads Act and charged at cost to the organisers.
6. That the event be notified on Council's website.
7. That it be noted Council does not provide traffic control services for such events and that RMS accredited persons can only do so. (Woods/Wanchap)

**15-641 Resolved** that Council adopt the following Committee and Management Recommendation(s):

**Report No. 6.9 Request for Give Way, Dandaloo Way and Reka Way, Ocean Shores**

File No: I2015/1414

That a Give Way treatment be signed and marked on Reka Way, Ocean Shores at the intersection with Dandaloo Way. (Woods/Wanchap)

**15-642 Resolved** that Council adopt the following Committee and Management Recommendation(s):

**Report No. 6.10 Request for restrictive parking and exemptions, RFS Station, Alcorn St, Suffolk Park**

File No: I2015/1415

1. That 'No Parking – Byron Shire Council Authorised Vehicles Excepted' be signed on Alcorn Street, Suffolk Park commencing from 5 metres north of the RFS station driveway and continuing south to the speed hump.
2. That recognising which vehicles are an exception to the rule is a matter for Council and

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

10 December 2015

RFS, noting a visual permit displayed on the vehicle dashboard will assist with enforcement and is recommended. (Woods/Wanchap)

**15-643 Resolved** that Council adopt the following Committee and Management Recommendation(s):

**Report No. 6.11 Approval of two mobility permit spaces, Middleton Street car park, Byron Bay**

File No: I2015/1416

That Council endorses the installation and signage of two mobility permit parking spaces in the Middleton Street car park, Byron Bay at spaces as marked on Council's design plan 1641 numbered 15 and 30, subject to compliance with relevant standards. (Woods/Wanchap)

**15-644 Resolved** that Council adopt the following Committee and Management Recommendation(s):

**Report No. 6.12 Proposed No Parking and time limits to Loading Zones, Bay Lane, Byron Bay**

File No: I2015/1417

That subject to concurrence of adjacent shops, including the Beach Hotel opposite, Council endorses restricting 15m of the western end of the Loading Zone to being operational between 6am-10am only with 15-minute time limit to apply during such times and that No Parking applies at all other times within the same 15 metre length. (Woods/Wanchap)

**15-645 Resolved** that Council adopt the following Committee and Management Recommendation(s):

**Report No. 6.14 Proposed Massinger Street and Lawson Street roundabout, Byron Bay**

File No: I2015/1419

That Council endorses the traffic and parking regulatory aspects of Council design plan no. 2211 for the construction of a roundabout at the intersection of Massinger Street, Lawson Street and Lighthouse Road, Byron Bay. (Woods/Wanchap)

**15-646 Resolved** that Council adopt the following Committee and Management Recommendation(s):

**Report No. 6.15 Proposed Restricted Parking Area, Byron Bay Library**

File No: I2015/1424

1. That the start and end of the 'Restricted Parking Area – Permits Excepted' be implemented respectively via installation of RMS signs R5-541 and R5-542 at the Byron Bay Library car park entry and egress located on Lawson Street, Byron Bay.
2. That adjacent to the signage erected according to Part 1, a supplementary sign indicating how permits are obtained be installed, ie 'Permits issued at Library'.
3. That Council note the Local Traffic Committee advice that the signage within Part 1 can be enforced under NSW Road Rule 168-1. (Woods/Wanchap)

**15-647 Resolved** that Council adopt the following Committee and Management Recommendation(s):

**Report No. 6.16 Request for No Stopping, Authorised Vehicles Excepted, rear of Australia Post, Deacon Street, Bangalow**

File No: I2015/1431

1. That Council endorses the installation of 'No Stopping – Council Authorised Vehicles Excepted', signage at the rear of the Australia Post property in Deacon Street, Bangalow

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

10 December 2015

and the same restriction continue westward to also cover Council land which provides pedestrian access through to the main street.

2. This exception applies to Australia Post delivery vehicles only. (Woods/Wanchap)
- 

## PROCEDURAL MOTION

- 15-648 Resolved** that Council change the order of business to deal with Reports 9.3, 13.15, 13.18 and 13.23 next on the Agenda. (Cubis/Ibrahim)

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

---

## MAYORAL MINUTE

There was no Mayoral Minute.

---

## NOTICE OF MOTION

**Notice of Motion No. 9.3 Byron Central Hospital Staffing and Services**  
**File No:** I2015/1478

**15-649 Resolved:**

1. That Council Lobby both the Hon. Jillian Skinner, NSW Health Minister and Hon. Walt Secord, NSW Shadow Minister for Health to express Council's concerns regarding a number of key issues surrounding the opening of the Byron Central Hospital in 2016.
2. That Council's concerns include:
  - a) The proposed reduction in local health jobs with the opening of the Byron Central Hospital.
  - b) The potential loss of local health services including:
    - Surgical services
    - Allied Health Services
    - Speech and Occupational Therapies
    - Rehabilitation Services
  - c) Express concern over the lack of planning to provide:
    - Transportation services to and from the hospital
    - Support for local community organisations to deal with an increased number of people living with mental health issues in our community. (Spooner/Dey)

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

---

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.15 PLANNING - Rural Land Use Strategy – Site Suitability Criteria & Mapping Methodology and related mapping**  
**File No:** I2015/1400

*Crs Hunter, Wanchap, Dey and Cameron declared special disclosures of pecuniary interest under sections 451(4) and (5) of the Local Government Act 1993.*

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

10 December 2015

Moved:

1. That Council amend the Site Suitability Criteria and Mapping Methodology (as revised) to use a slope of 20% rather than the 32% discussed to date.
2. That Council not put the current documents on exhibition but return the issue to a councillor workshop to be held at the end of January or start of February 2016.
3. That Council note that updated 'HCV' and 'Extreme Bushfire' mapping will be presented in conjunction with the draft Strategy to Council in February 2016 for adoption. (Dey/Cameron)

## AMENDMENT

### **15-650 Resolved:**

1. That Council adopt the Site Suitability Criteria and Mapping Methodology (as revised) and corresponding mapping contained in Attachment 1 (E2015/70996) to this report and amend the list on Table 1 Other Excluded Zones of page 381 of the full agenda by adding zones RU1 and SP1 to the list of zones, as a key document to inform preparation of the draft Rural Land Use Strategy.
2. That Council note that updated 'HCV' and 'Extreme Bushfire' mapping will be presented in conjunction with the draft Strategy to Council in February 2016 for adoption.
3. That Table 3 (page 384 of the agenda) be retitled to "Service Catchment and Road Infrastructure for Rural Living and Lifestyle Opportunities".
4. That in Table 1 page 380 of the full agenda titled "Constrained land under the primary production land" criteria dot point 1 be amended to read "land zoned RU1 primary production in LEP 2014 containing high value agricultural land". (Ibrahim/Wanchap)

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

*The amendment upon becoming the substantive motion was put to the vote and declared  
Crs Dey and Cameron voted against the motion.*

---

**Report No. 13.18      Update on s68 applications for Approval to Operate - Brunswick  
Heads Holiday Parks**

**File No:**                    I2015/1406

### **15-651 Resolved:**

1. That Council note the report.
2. That Council develop a Memorandum of Understanding with NSW Crown Holiday Parks Trust to guide future interaction and relationship between Council and the Trust in performing respective roles relating to Crown Reserves in Brunswick Heads
3. That Council invite the NSW Crown Holiday Parks Trust to submit applications for Section 68 Approval with consideration given to the boundaries as stated in resolutions:

12/627 of August 2012

12/995 of 20 December 2012

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

10 December 2015

13/25 of 14 February 2013  
13/237 of 9 May 2013  
15/323 of 16 July 2015

Special Conditions to include:

- Use of the foreshore Area at Ferry Reserve Caravan Park for soft camping only at peak holiday periods i.e. Christmas, Easter, and School Holidays only. Soft camping to be tents and or camper trailers.
  - Use of the South End of The Terrace Reserve Caravan Park for soft camping only at peak holiday periods i.e. Christmas, Easter, and School Holidays only. Soft camping to be tents and or camper trailers. (camper trailers to be limited by weight)
4. That Council giving consideration to the parks not currently having a licence to operate, agree to the parks continuing operating to account for bookings already taken, a new application for a Section 68 Approval be forwarded to Council for the Commercial Areas of operation i.e. The Holiday Parks within 3 months.
  5. That, should NSW Crown Holiday Parks Trust need more time to review/change the Plans of Management for the recreational areas, the Trust is to advise Council of the period required to complete the changes and subsequently submit the application.
  6. That Council forward this resolution to the relevant Minister for comment and or advice.  
(Woods/Wanchap)

## PROCEDURAL MOTION

**15-652 Resolved** that Cr Woods be granted a two minute extension to her speech. (Cubis/Wanchap)

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

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

---

## STAFF REPORTS - INFRASTRUCTURE SERVICES

**Report No. 13.23**      **Infrastructure Works in the North of the Council Area**  
**File No:**              I2015/1117

**15-653 Resolved:**

1. That in relation to the proposed projects to be funded from proceeds of the Roundhouse Subdivision, Council:
  - a) Refer the list of projects to a Councillor workshop to allow Councillors to fully review the proposed projects, with the view to determine a short list of 10 to 15 projects.
  - b) That the preferred short list of projects be consulted with the Community in early 2016 seeking feedback (post January school holidays).
  - c) That following consultation, a further report is tabled, on preferred projects for approval.
2. That Council confirm the reconstruction of Kolora Way, Ocean Shores (from Shara Boulevard) to occur in the 2015/16 Financial Year, with the works being funded from the Roundhouse Sales Proceeds to the value of \$466,700. (Woods/Ibrahim)

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

**NOTICES OF RESCISSION MOTION**

**Notice of Rescission Motion No. 9.1**      **Coastal Hazard Management Study Byron Bay Embayment (Resolution 15-593)**  
**File No:**    I2015/1469

**15-654 Resolved** that Council rescind Resolution Nos. 15-593 from its Ordinary meeting held on 19 November 2015 which reads as follows:

*15-593 Resolved:*

1. *That Council notes:*
  - a) *version 5 "Coastal Hazard Management Study Byron Bay Embayment" submitted in November 2015 by Council's consultants at the Water Research Laboratory of the University of NSW and the incompleteness of Stage 3 investigations for Sand Nourishment.*
  - b) *Office of Environment and Heritage comments in its letter of 18/8/15 (E2015/53385; page 458 of today's Agenda) including the need for further investigations if an "adaptive management approach" is adopted, especially the need to investigate the Dedication of an appropriate long-term sand nourishment source.*
  - c) *Office of Environment and Heritage comments in its letter of 28/10/15 (E2015/72885; page 463 of today's Agenda) on the Cost Benefit Analysis where OEH found after correcting errors and assumptions that the ranking of options changed and that Planned Retreat has become the top performing option.*
  - d) *DPI Crown Lands comments of 16/10/15 (E2015/72888; page 468 of today's Agenda).*
  - e) *Rob Stokes Minister of Planning letter of 19/10/15 on the Draft Coastal Zone Management Plan (S2015/13004; page 476 of today's Agenda) including that Council cannot expend state grant funds for this CZMP after December 2015.*
2. *That Council also notes that as a result of Office of Environment and Heritage comments on 28/10/15 about the Cost Benefit Analysis (CBA; Appendix N of WRL's "Coastal Hazard Management Study Byron Bay Embayment") a workshop will be convened with the objective of reviewing and revising the CBA in a collaborative fashion and that a further Council report will detail the outcome of that workshop, which will include the WRL consultants and their sub-consultants Griffith Centre for Coastal Management plus OEH, Council staff and Councillors. (Cameron/Richardson) (Woods/Ibrahim)*

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

**15-655 Resolved:**

1. That Council notes the Coastal Hazard Management Study Byron Bay Embayment November 2015, as prepared by the consultants at the Water Research Laboratory, University of NSW.
2. That Council notes that as a result of the Office of Environment and Heritage (OEH) comments on the Cost Benefit Analysis (CBA) at Appendix N of the Coastal Hazard Management Study Byron Bay Embayment, November 2015, a workshop was held with the

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

10 December 2015

consultants, Water Research Laboratory and Griffith Centre for Coastal Management (sub consultant), OEH and Council staff, with the objective of reviewing and revising the CBA, where necessary, in a collaborative fashion, and that a further Council report will detail the outcome of this workshop. (Woods/Ibrahim)

## AMENDMENT

Moved:

1. That Council note the Coastal Hazard Management Study Byron Bay Embayment November 2015, as prepared by the consultants at the Water Research Laboratory, University of NSW.
2. That Council note Office of Environment and Heritage comments in its letter of 28/10/15 (E2015/72885) on the Cost Benefit Analysis where OEH found after correcting errors and assumptions that the ranking of options changed and that Planned Retreat has become the top performing option.
3. That Council note that as a result of the Office of Environment and Heritage (OEH) comments on the Cost Benefit Analysis (CBA) at Appendix N of the Coastal Hazard Management Study Byron Bay Embayment, November 2015, a workshop was held with the consultants, Water Research Laboratory and Griffith Centre for Coastal Management (sub consultant), OEH and Council staff, with the objective of reviewing and revising the CBA, where necessary, in a collaborative fashion, and that a further Council report will detail the outcome of this workshop. (Dey/Cameron)

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

---

### **Notice of Rescission Motion No. 9.2**

### **Coastal Hazard Management Study Byron Bay Embayment (Resolution 15-595)**

**File No:**

12015/1470

**15-656 Resolved** that Council rescind Resolution Nos. 15-595 from its Ordinary meeting held on 19 November 2015 which reads as follows:

*15-595 Resolved:*

1. *That Council commission an independent report from a qualified practitioner with experience in coastal morphology that provides a review and explanation of Planned Retreat methodology and options that may be considered in a Coastal Zone Management Plan (CZMP) specifically written to assist community understanding of Planned Retreat options and methodology prior to and during consultation for and consideration of a CZMP and associated documents.*
2. *That Council undertake appropriate analysis of sand transfer/nourishment methodology, including source of sand, frequency of transfer and costs prior to exhibition of the draft CZMP.*
3. *That funding for points 1 and 2 above be drawn from the Risk Management Reserve (5013.209) up to \$40,000. (Cameron/Richardson) (Woods/Wanchap)*

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

10 December 2015

## PROCEDURAL MOTION

**15-657 Resolved** that Cr Ibrahim be granted a one minute extension to his speech. (Cubis/Woods)

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

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

## POINT OF ORDER

Cr Dey raised a point of order that the following foreshadowed motion be allowed:

1. *That Council commission an independent report from a qualified practitioner with experience in coastal morphology that provides a review and explanation of Planned Retreat methodology and options that may be considered in a Coastal Zone Management Plan (CZMP) specifically written to assist community understanding of Planned Retreat options and methodology prior to and during consultation for and consideration of a CZMP and associated documents.*
2. *That funding for points 1 above be drawn from the Risk Management Reserve (5013.209) up to \$20,000.*

The Deputy Mayor overruled the point of order.

Moved: Motion of dissent in the ruling of the Deputy Mayor not to allow the Foreshadowed Motion. (Dey)

*The motion of dissent was put to the vote and declared lost.  
Cr Ibrahim, Cubis, Woods, Cameron, Wanchap, Spooner and Hunter voted against the motion.*

*The meeting adjourned at 12.27pm for lunch and reconvened at 1.15pm.  
Crs Cameron and Cubis were not in the chamber at the return of the meeting.*

---

## PROCEDURAL MOTION

**15-658 Resolved** that Council change the order of business to deal with Report 13.19 next on the Agenda and that Cr Hunter to be Chair for Report 13.5. (Woods/Spooner)  
*The motion was put to the vote and declared carried.*

---

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.19**      **PLANNING - Tyagarah Airstrip Planning Proposal**  
**File No:**              12015/1435

**15-659 Resolved:**

1. That Part 1 Objectives and Intended Outcomes in the Planning Proposal be amended in paragraph 2 as follows:
  - a) After "(joy flights...)" insert the words "as well as commercial uses".
2. That Council proceed with the planning proposal in Attachment 1 as amended in point 1 above, and send it to the Department of Planning and Environment for a Gateway determination.



3. That Council request the Department of Planning and Environment to delegate to Council the preparation and making of the LEP Amendment. (Ibrahim/Woods)

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

*Cr Cameron returned to the meeting at 1.25pm.*

---

### PETITIONS

#### 1. Help – Stop the closure of O'Mearas Bridge

The Deputy Mayor tabled a petition containing 173 signatures which states:

*“Connecting the Federal village with Bangalow & beyond”*

---

### SUBMISSIONS AND GRANTS

There were no submissions or grants.

---

### DELEGATES' REPORTS

**Delegate's Report No. 12.1 NSW Coastal Conference (Forster 11-13 November 2015)**  
**File No: I2015/1479**

*See the agenda for Cr Dey's delegate's report on this Conference.*

---

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 13.1 Section 355 Management Committee - Appointment**  
**File No: I2015/1385**

- 15-660 Resolved** that Council appoint Maureen Lightfoot to the Byron Library Exhibition Space (managing the Lone Goat Gallery) Section 355 Management Committee for this term of Council ending September 2016. (Dey/Woods)

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

#### FORESHADOWED MOTION

- 15-661 Resolved** that, with regard to the Mullumbimby Civic Hall s355 board of management, Council:
- accept the resignation of Andrea Danvers and officially thank her for her contribution, especially as Treasurer on the board:
  - call for expressions of interest for replacement member(s) to join the Board, asking in particular for accounting/Treasurer skills. (Dey/Woods)

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

**Report No. 13.5**      **Report of the Safe Summer in the Bay PRG meeting 12 November 2015**

**File No:**              I2015/1399

*Cr Spooner left the Chamber at 1.26pm in accordance with his earlier declared pecuniary interest in this matter. Cr Hunter took the Chair.*

**15-662 Resolved:**

1. That Council note minutes of the Safe Summer in the Bay PRG meeting 12 November 2015
2. That council investigate sourcing festoon lanterns for use at this year's Soul Street New Year's Eve event and that a budget of \$6,000 be allocated from the \$10,000 set aside for Park and Ride towards the purchase of them. (Wanchap/Woods)

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

*Cr Spooner returned to the meeting at 1.32pm and resumed the Chair.*

---

**Report No. 13.9**      **Byron Bay Paid Parking Scheme - Fee for Swipe Card**

**File No:**              I2015/1483

**15-663 Resolved:**

1. That Council advertise the fee for the provision and or replacement of a swipe card at \$27.50 (GST inclusive) per card for use with the Byron Bay Paid Parking Scheme for a period of twenty eight days allowing for public submissions.
2. That should there be no public submissions received by the close of the public exhibition period then Council adopt the proposed fee subject of this report. (Dey/Woods)

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

---

**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.13**      **Freedom Camping Trial - Byron Bay**

**File No:**              I2015/1389

**15-664 Resolved:**

1. That Council do not proceed with the Freedom Camping Site Trials at Main Beach Carpark and the Cavanbah Centre, due to prohibitive infrastructure costs, legal constraints and incompatibility with the current land use guidelines at each site.
2. That Council undertake the following actions:
  - a) Authorise staff to continue discussions with the private sector and other potential stakeholders to progress proposals and expressions of interest from operators to explore capacity for the Freedom Camping and RV markets on appropriate sites.
  - b) Continue to work with the North Coast Destination Network Freedom Camping Taskforce on a regional solution. (Ibrahim/Wanchap)

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

10 December 2015

*Cr Cubis returned to the meeting at 1.43pm.*

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

---

**Report No. 13.17**      **Byron Bay Town Centre Placemaking Seed Fund (PSF)**  
**File No:**              I2015/1405

Moved:

1. That Council endorse the creation of the Byron Bay Town Centre Placemaking Seed Fund as a collaborative platform to initiate the revitalisation, beatification and activation of the Town Centre as a component of the Byron Bay Town Centre Masterplan exhibition and implementation program.
2. That Council receive a further report detailing potential funding options noting that considerable s94 and Special Rate Variation funds have been set aside for the Town Centre Masterplan.
3. That Council resolve that the final decision regarding successful applicants be made by the General Manager under delegated authority. (Cameron/Woods)

## PROCEDURAL MOTION

**15-665 Resolved** that this matter rest on the table. (Cameron/Woods)

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

---

**Report No. 13.21**      **PLANNING - Submissions Report - Planning Proposal for Secondary Dwellings in RU5 Village Zone**  
**File No:**              I2015/1441

**15-666 Resolved:**

1. That Council 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. That Council 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. That Council 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/Ibrahim)

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

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

*Crs Dey and Cameron voted against the motion.*

---

**Report No. 13.22**      **PLANNING - Submissions Report - Planning Proposal to rezone land at Granuaille Crescent, Bangalow, to R2 Low Density Residential.**  
**File No:**              I2015/1471

*Cr Ibrahim left the chambers at 1.57pm in accordance with his previously declared pecuniary interest in this matter. The General Manager declared a pecuniary interest in this matter and did not participate in the debate.*

**15-667 Resolved:**

1. That Council 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. That Council 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. That Council 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/Woods)

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

*Cr Ibrahim returned to the meeting at 1.59pm.*

---

**STAFF REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 13.29      Federal Drive, Goonengerry - Project Status Report**  
**File No:                I2015/1391**

*Cr Cameron declared a non-pecuniary interest in this matter earlier in the meeting. He elected to stay in the meeting, participate in debate and the vote.*

**15-668 Resolved:**

1. That Council notes the status of the planning and preconstruction activities for the Federal Drive, Goonengerry Road reconstruction project.
2. That Council authorises:
  - a) The land acquisition and/or boundary adjustments through negotiation with adjoining property owners.
  - b) Affixing the Council seal by the General Manager to all necessary documents that affect the acquisitions and/or boundary adjustments.
3. That a status report on this project be presented to the Community Infrastructure Advisory Committee meeting proposed to be held on 3 March 2016. (Cameron/Dey)

**PROCEDURAL MOTION**

**15-669 Resolved** that Cr Cameron be granted a two minute extension to his speech. (Woods/Spooner)

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

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

*The meeting adjourned at 2.07pm in order to open the Byron Shire Reserve Trust Committee Meeting.*

*The Ordinary meeting reconvened at 2.45pm. Resolution No 15-670 was used during the Byron Shire Reserve Trust Committee Meeting.*

---

**Report No. 13.30**      **Belongil Catchment Advisory Committee - Nominations for  
Community Representatives**

**File No:**                      I2015/1420

**15-671 Resolved:**

1. That Council appoint all six community members who applied to be representatives on the Belongil Catchment Advisory Committee.
2. That Council appoint Councillors Dey, Hunter and Richardson to the Committee.
3. That Council arrange a meeting for end of January or beginning of February 2016, advise all members of the date and time, and prepare an Agenda that kicks off the processes attributed to the Committee via its terms of reference. (Hunter/Dey)

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

PROCEDURAL MOTION

**15-672 Resolved** that Report No. 13.17 be lifted from the table. (Woods/Spooner)

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

---

**STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.17**      **Byron Bay Town Centre Placemaking Seed Fund (PSF)**

*continued*

**File No:**                      I2015/1405

**15-673 Resolved:**

1. That Council endorse the creation of the Byron Bay Town Centre Placemaking Seed Fund as a collaborative platform to initiate the revitalisation, beautification and activation of the Town Centre as a component of the Byron Bay Town Centre Masterplan exhibition and implementation program.
2. That Council allocate a budget for the Byron Bay Town Centre Placemaking Seed Fund being:
  - a) \$30,000 from the Footpath Dining Reserve.
  - b) \$30,000 total from Section 94A Funds within either of the following facility categories:
    - i) Civic Improvements in the Byron Bay Town Centre
    - ii) Public Art in town centres
3. That Council resolve that the final decision regarding successful applicants be made by the General Manager, under delegated authority and in consultation with the Mayor.
4. That the president of the Byron Bay Chamber of Commerce or their delegate be invited to participate in the Byron Bay Town Centre Placemaking Seed Fund Assessment Panel. (Dey/Spooner)

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

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

---

**Report No. 13.33**      **Byron Bay Sewage Treatment Plant Capacity and the Belongil Fate of the Effluent**  
**File No:**              I2015/1477

**15-674 Resolved:**

1. That Council commence an investigation into the Belongil Fate of Effluent Flow Path and consult with the newly formed Belongil Catchment Advisory Committee and Water, Waste and Sewer Advisory Committee on the aims and scope of the project.
2. That the project be reported regularly to that Committee and to the Water, Waste and Sewer Advisory Committee.
3. That Council allocate \$350,000 from the Sewer Fund section 64 reserves to undertake the Belongil Fate of the Effluent Flow Path project over 12 months from early 2016.  
(Dey/Hunter)

*Cr Cameron left the Chambers at 3.09pm and did not return to the meeting.*

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

---

**REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES**

**Report No. 14.4**      **Report of the Local Traffic Committee Meeting held on 25 November 2015**  
**File No:**              I2015/1486

**15-675 Resolved** that Council adopt the following Committee and Management Recommendation(s):

**Report No. 6.4 Road Closures Byron Bay Triathlon**  
File No: I2015/1408

1. That approval of the temporary road closures within Byron Bay for undertaking the 7 May 2016 Byron Bay Triathlon apply to the following, subject to each being implemented 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
2. That the approval provided in Part 1 is subject to:
  - a) NSW Police approval being obtained;
  - b) Local Traffic Committee advice is sought for the event Traffic Management Plan (including Risk Management Plan and Traffic Control Plan/s) prior to implementation of traffic control devices including road closures, noting that:
    - i) conformance with approved Traffic Management Plan and associated Traffic Control Plans which shall be implemented and controlled by Roads & Maritime Services accredited persons;
    - ii) all signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event;

# BYRON SHIRE COUNCIL

- and
- iii) temporary Speed Zone Authorisation is obtained from the roads authority for any reduced speed limit/s required as part of the traffic control for the event; and that where local Council is the roads authority, notification of any reduced speed limit should be forwarded to Roads and Maritime Service and NSW Police.
- iv) approval of Roads and Maritime Services is obtained by way of a Road Occupancy License where event is on a state road or where the event may impact the state road network.
- c) That the event organiser:
  - i) advertise the impact of the event via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;
  - ii) providing copy of the advert for Council's web page
  - iii) informing community and business that are directly impacted (eg adjacent to the event) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised
  - iv) arranging for private property access and egress affected by the event
  - v) liaising with bus and taxi operators and ensuring arrangements are made for provision of services during conduct of the event
  - vi) consulting with emergency services and any identified issues be addressed
  - vii) holding \$20 million public liability insurance cover which is valid for the event
  - viii) payment of Council's Road Event application fee prior to the event
- d) That for any event involving on-road cycling, the event organiser must:
  - i) obtain the endorsement of Bicycle NSW or the relevant peak-body that is representative of the approved activity ; and
  - ii) ensure it is conducted and sign-posted in accordance with the Roads & Maritime Services Guidelines for Bicycle Road Races (Dey/Woods)

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

## FORESHADOWED MOTION

**15-676 Resolved** that Council liaise with Tweed Council to consider:

- a) the capacity of our Shires to host the current or projected number of on-road events per year; and
- b) the attractions of NSW roads for on-road events such as this, generating from South-east Queensland. (Dey/Woods)

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

*Cr Ibrahim voted against the motion.*

**15-677 Resolved** the following:

### **Report No. 6.7 Road Closures New Year's Eve Byron Bay**

File No: I2015/1411

1. That Council notes the Local Traffic Committee supports Council's temporary traffic management initiatives for Byron Bay New Year's Eve and endorses 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 12 noon on 31 December 2015 and its removal by no later than 7am on the 1 January 2016.

# BYRON SHIRE COUNCIL

2. That the above approval remain subject to Council endorsement of the event prior to implementation and is subject to the following requirements:
- traffic control plans are designed and implemented by those with the appropriate NSW (RMS) accreditation;
  - advertising is 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;
  - the letterbox drop of properties adjacent and prior to the Jonson Street closure and Bay Street, Marvell Street and Byron Street parking changes; and
  - 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.
- (Cubis/Dey)

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

## FORESHADOWED MOTION

- 15-678 Resolved** that Council staff be advised to make the process commence sooner in 2016 so that road closures are advertised at least 2 months earlier than any of the previous three years.
- (Dey/Cubis)

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

*Cr Ibrahim voted against the motion.*

- 15-679 Resolved** that Council adopt the following Committee Recommendation(s):

### **Report No. 6.13 Request for speed humps, Seven Mile Beach Road, Byron Bay**

File No: I2015/1418

That Council notes that the Local Traffic Committee does not endorse the use of speed humps on the proposed sealed section of Seven Mile Beach Road, Broken Head in a default rural speed limit area, and that a reduced speed limit is not appropriate.

(Dey/Woods)

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

## FORESHADOWED MOTION

- 15-680 Resolved** that Council:

- place No Stopping signage along Seven Mile Beach Road, Broken Head extending from the end of current signage to near entrance #142 where appropriate (eg limited road width and restricted sight lines).
  - ask the Local Traffic Committee to endorse that signage prior to implementation.
  - install advisory signage on Seven Mile Beach Road as appropriate.
- (Dey/Spooner)

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

---

## PROCEDURAL MOTION

- 15-681 Resolved** that an urgency motion be introduced regarding the 2015/16 Bridge Program. The urgency is that two more months of the 2015/16 Bridge Program will have transpired if we leave this until the February Council meeting.
- (Dey/Hunter)

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



The Deputy Mayor ruled the matter to be of great urgency.

**No. 1 Matter of Urgency - 2015/16 Bridge Program**

**15-682 Resolved** that Council:

1. Undertake a needs analysis of road bridges requiring replacement and refurbishments in order to determine priorities.
2. Investigate further funding options for road bridge replacement and refurbishments.
3. Write to the Local State MP requesting advice and assistance regarding urgent road bridge replacements.
4. Receive a report in relation to points 1 to 3 by March 2016, to inform Council's 2016/17 budget process.
5. Consider putting up a motion for increased funding for road bridge replacement and refurbishments to the 2016 LGNSW Conference.
6. Undertake further inspections of road bridges that have or could soon have load limits, in order to understand community priorities for replacement and repairs. (Dey/Hunter)

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

---

*There being no further business the meeting concluded at 3.35pm.*

---

I hereby certify that these are the true and correct Minutes of this Meeting  
as confirmed at Council's Ordinary Meeting on 4 February 2016.

.....  
Mayor Simon Richardson