



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 28 April 2016

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
28 April 2016

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 28 APRIL 2016 COMMENCING AT 9.03AM AND CONCLUDING AT 3.45PM

I2016/401

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, Cr C Cubis (arrived at 10.22am) , Cr D Dey, Cr A Hunter, Cr S Ibrahim, Cr P Spooner, Cr R Wanchap and Cr D Woods

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

The Mayor opened the meeting and acknowledged that the meeting is being held on Arakwal Country and that we pay our respects to the elders past and present and extend our respect to the Bundjalung clans whose lands and waters are part of the Shire.

PUBLIC ACCESS

Prior to dealing with the circulated reports and associated information, a Public Access Session was held and Council was addressed on the following:

9.1 Wicked Van Slogans

Paul McCarthy addressed Council in favour of the recommendation.

9.2 Community Markets on Roadways

Techa Beaumont addressed Council in favour of the recommendation.

13.3 Lone Goat Gallery Strategic Plan

Jay Pearse, Rose McKinley addressed Council in favour of the recommendation.

13.8 Planning - 26.2013.2.1 Ewingsdale Seniors Housing and Commercial Uses Planning Proposal

Colin McJannett and Joseph Vescio addressed Council against the recommendation.

The meeting adjourned at 9.35am and reconvened at 9.49am.

APOLOGIES

There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Spooner declared a non-pecuniary interest in Item 9.2. The nature of the interest being that my employer Byron Bay Community Association operates markets in Byron Bay. Cr Spooner elected to leave the meeting, not participate in the debate and not vote. He will not return until the matter is resolved.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 16-189 Resolved** that the minutes of the Ordinary Meeting held 7 April 2016 be confirmed.
(Woods/Hunter)

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 Public Exhibition - Draft 2016/17 Operational Plan, including Statement of Revenue Policy

Report No. 13.3 Lone Goat Gallery Strategic Plan

Sustainable Environment and Economy

Report No. 13.7 Economic Development Strategy - Enterprising Byron 2025

Report No. 13.8 PLANNING - 26.2013.2.1 - Ewingsdale Seniors Housing and Commercial Uses Planning Proposal

Infrastructure Services

Report No. 13.10 Adoption of Draft North Byron Flood Study

REPORTS OF COMMITTEES**Infrastructure Services**

Report No. 14.1 Report of the Local Traffic Committee Meeting held on 6 April 2016

6.13 Proposed Electric Vehicle charging stations and dedicated parking sites, Byron Bay

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Woods and seconded by Cr Richardson. Cr Cubis was not present during reservation of items for debate and therefore was not present for the vote. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 16-190 and concluding with Resolution No. 16-210.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.2 **Investments March 2016**
File No: I2016/229

- 16-190 Resolved** that the report listing Council's investments and overall cash position as at 31 March 2016 be noted. (Woods/Richardson)
-

Report No. 13.4 **Draft Safer Community Compact 2016-2019**
File No: I2016/274

- 16-191 Resolved** that Council endorse the Draft Safer Community Compact 2016-2019 in order that:
1. Council can refer the Draft Safer Community Compact 2016-2019 to the NSW Attorney General's Department for endorsement
 2. Council will then be eligible to apply for NSW Crime Prevention funding on an annual basis. (Woods/Richardson)
-

Report No. 13.5 **Section 355 Committee - Senior Citizen's Hall, Byron Bay**
File No: I2016/314

- 16-192 Resolved:**
1. That Council approves the formation of a Section 355 Committee to manage the operation and maintenance of the Senior Citizen's Hall, Byron Bay.
 2. That Council advertise for Expressions of Interest from the community to form the Section 355 Committee.
 3. That the Section 355 Committee be delegated the authority to:
 - a) Manage the operation and maintenance of the Senior Citizen's Hall, Byron Bay
 - b) To collect income and incur expenditure, within approved budget allocations and Council policies and procedures, for the maintenance and operation of the building (Woods/Richardson)
-

STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.6 **Report of the Planning Review Committee Meeting held on 31 March 2016**
File No: I2016/295

- 16-193 Resolved** that the report be noted. (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.
No Crs voted against the motion.*

STAFF REPORTS – INFRASTRUCTURE SERVICES

Report No. 13.9 **24.2015.81.1 - Myocum Road - Barlows Dairy Cattle Walkway**
File No: I2016/154

16-194 Resolved:

1. That Council adopt the preferred option to rehabilitate 450m of Myocum Road with the construction of a cattle laneway on private property at 385 Myocum Road.
2. That Council seeks an agreement with the owner of 385 Myocum Road, (including private landowner cost contribution) to implement Option 1 as detailed in this report (I2016/154) for a cattle laneway to be constructed on private property in conjunction with the road rehabilitation works. (Woods/Richardson)

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.1 **Report of the Local Traffic Committee Meeting held on 6 April 2016**
File No: I2016/386

16-195 Resolved that Council note the minutes of the Local Traffic Committee Meeting held on 6 April 2016. (Woods/Richardson)

16-196 Resolved that Council adopt the following Committee and Management Recommendation:

Report No. 6.1 Proposed parking restrictions, Mullumbimbi Lane, Brunswick Heads
File No: I2015/586

That commencing at Park Street, Brunswick Heads, and continuing west for a length of 45m, the north side of Mullumbimbi Lane be signed as 'No Parking' Monday to Friday between 8.30am and 1pm and the south side be signed as 'No Stopping'. Signage to be installed in RMS Technical Direction 2002/12c. (Woods/Richardson)

16-197 Resolved that Council adopt the following Committee and Management Recommendation(s):

Report No. 6.2 Proposed traffic changes, Clifford Street, Suffolk Park
File No: I2016/265

1. That 'No Parking' be signed on the west side of Broken Head Road, Suffolk Park from 50m south to 90m north of Clifford Street.
2. That subject to the NSW Transport contracted public transport service provider concurrence (i.e. Blanchs'), the bus stop and shelter on the south side of Clifford Street east of Broken Head Road be relocated further east.
3. That subject to meeting RMS requirements, a speed reducing treatment (eg entry statement) be implemented on Broken Head Road south of Clifford Street, Suffolk Park.
4. That RMS assess the warrant for a fixed speed camera on Broken Head Road south of Clifford Street, Suffolk Park.

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5. That the Local Traffic Committee have no in-principle objection to entering the car park driveway furthest from Broken Head Road and exiting the car park closest to Broken Head Road.
(Woods/Richardson)

16-198 Resolved that Council adopt the following Committee and Management Recommendation(s):

Report No. 6.3 Event road closure, Bangalow Billy cart derby, Sunday 15 May, 2016
File No: I2016/266

1. That the Bangalow Billy Cart Derby, to be held Sunday 15 May 2016, which includes the temporary road closure of Byron Street, Bangalow between Granuaille Road and Market Street between the hours of 6am and 4pm, be endorsed.
2. That the approval provided in Part 1 is subject to:
 - a) NSW Police approval being obtained
 - b) Local Traffic Committee advice being 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 temporary traffic control devices erected for the event must comply with Roads & Maritime Services Guide to Traffic Control at Worksites Manual, not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event; 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
 - c) The event organiser:
 - i) advertising 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 a 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) evidence of holding \$20m public liability insurance cover which is valid for the event being provided
- viii) payment of Council's Road Event application fee prior to the event.
(Woods/Richardson)

16-199 Resolved that Council adopt the following Committee and Management Recommendation(s):

Report No. 6.4 Traffic Management for Mullum2Bruns Paddle, Sunday 22 May 2016

File No: I2016/153

1. That Council approve the temporary traffic control measures in Mullumbimby for the Mullum to Bruns Paddle, to be held on Sunday 22 May 2016.
2. That the approval provided in Part 1 is subject to:
 - a) NSW Police approval being obtained
 - b) Local Traffic Committee advice being 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 temporary traffic control devices erected for the event must comply with Roads & Maritime Services Guide to Traffic Control at Worksites Manual, not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event
 - 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
 - c) The event organiser:
 - i) advertising 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 (e.g. 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

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- vi) consulting with emergency services and any identified issues be addressed
- vii) providing proof of holding \$20m public liability insurance cover which is valid for the event
- viii) payment of Council's Road Event application fee prior to the event.
(Woods/Richardson)

16-200 Resolved that Council does not adopt Committee Recommendation(s) 6.5 as shown in the attachment to this report, but instead adopts the Management Recommendation(s) as follows:

Report No. 6.5 ANZAC Day Parades 2016 - Traffic Management

File No: I2015/584

That Council note this item was tabled as a matter of urgency at the 7 April 2016 Ordinary Meeting and resolved in support of the 2016 ANZAC Day parades as per the recommendation of the Local Traffic Committee.
(Woods/Richardson)

16-201 Resolved that Council adopt the following Committee and Management Recommendation:

Report No. 6.6 Request for No Stopping, Byron Bay Courthouse

File No: I2016/267

That subject to owner consent, 'No Stopping' apply both sides of the vehicle access road which is on the grounds of the Byron Bay courthouse and provides access between Middleton Street and the courthouse car park. Signage and Line marking to be installed in RMS Technical Direction 2002/12c and /or RMS Delineation Guidelines section 13.
(Woods/Richardson)

16-202 Resolved that Council adopt the following Committee and Management Recommendation(s):

Report No. 6.7 Changes to parking restrictions, Gilmore Crescent, Byron Bay

File No: I2016/278

1. That Council's 6-month review of the pay parking meter registration scheme includes consideration of extending such a scheme into Gilmore Crescent, Byron Bay that is within the public road reserve as shown by the orange line in the 6 April 2016 Local Traffic Committee report to Council (file I2016/302).
2. That upon endorsement of the Roads and Maritime Services (RMS) and the land owner or their delegated authority, the constructed access road and related areas that exist beyond the public road reserve of Gilmore Crescent and that are upon the Sandhills crown reserve be signed as depicted in this report (I2016/302) such that :
 - a) the red solid line being 'No Parking', applicable all times
 - b) the red dashed line being 'No Parking 1am – 6am'
 - c) the yellow line being 'No Stopping' unless currently signed otherwise, e.g. permissive parking
 - d) the removal of the Loading Zone (blue line) and with the exception of the retention of the mobility permit parking bay apply:
 - i) a 15-minute time limit Monday to Friday 8am-10am and 3pm-6pm

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- ii) 'No Parking 1am-6am'
- iii) no time limit outside these times
- e) the green solid line is to be 'No Parking – Monday -Friday 6am-6pm Permit Holders Excepted' and 'No Parking 1am-6am'
- f) the green dashed line being 'No Parking - 6am-6pm Permit Holders Excepted' and 'No Parking 1am-6am' (Woods/Richardson)

16-203 Resolved that Council adopt the following Committee and Management Recommendation:

Report No. 6.8 Request for No Stopping - 6-8 Browning Street, Byron Bay

File No: I2016/287

'No Parking' apply at the frontage of 6 - 8 Browning Street, Byron Bay for the time and day of waste services only (currently 6.00 – 8.00 am Tuesday) subject to confirmation that collection of bins on Browning Street was the approved method under the DA consent conditions.

(Woods/Richardson)

16-204 Resolved that Council adopt the following Committee and Management Recommendation:

Report No. 6.9 Request for parking restrictions, Osprey Court, Byron Bay

File No: I2016/288

That 'No Parking' be signed from the driveway of number 3 Osprey Court, Byron Bay to number 5 Osprey Court, Byron Bay. (Woods/Richardson)

16-205 Resolved: that Council adopt the following Committee and Management Recommendation:

Report No. 6.10 Removal of 30-minute time limit, bus zone, Jonson Street, Byron Bay

File No: I2016/289

That on the grounds of non-compliance and misuse the 30-minute time limit, introduced as per Council resolution 11-040, be removed from the existing Bus Zone signage on the west-side of Jonson Street, Byron Bay as located immediately north of Marvell Street. (Woods/Richardson)

16-206 Resolved that Council adopt the following Committee and Management Recommendation(s):

Report No. 6.11 Byron Bay to Ballina Coastal Charity Walk - Westpac Life Saver Rescue fundraiser, Sunday 15 May 2016

File No: I2016/291

1. That Council endorses the Westpac Life Saver Rescue Helicopter fundraiser, Byron Bay to Ballina Chopper Walk, to be held Sunday 15 May 2016, subject to:
 - a) the use of an accredited designed and implemented Traffic Control Plan for the purpose of stop / go controls where required
 - b) the use of marshals along Marine Parade who, for the purpose of aiding and forming participants into walking groups, are to undertake their duties in accordance with a pre-event risk assessment and management plan, a copy of which is to be provided to Council prior to the event
 - c) public liability insurance be in place for the sum of at least \$20 million

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- d) attainment (by the event proponent) of NPWS written acceptance of the event
- 2. That the endorsement in Part 1 is also subject to the following in regard to the use of Seven Mile Beach Road, that is:
 - a) signage, which specifies the date, hours and nature of the event, be positioned at the entrance and exit of Seven Mile Beach Road one week prior to the event
 - b) on the day of the event, at 500m intervals, and facing both directions of travel, signs advising of 'Special Event - Charity Walk Ahead' (or similar) are installed prior, and removed after, the event occurs
 - c) a safety induction for participants advising of hazards be provided
(Woods/Richardson)

16-207 Resolved that Council adopt the following Committee and Management Recommendation:

Report No. 6.12 Request for No Stopping, service road, 44-52 Massinger Street, Byron Bay

File No: I2016/293

That the east side of the service road between the properties of 44 and 52 Massinger Street, Byron Bay be signed as 'No Stopping', as per RMS Technical Direction 2002/12c.

(Woods/Richardson)

16-208 Resolved that Council adopt the following Committee and Management Recommendation(s):

Report No. 6.14 Splendour in the Grass

File No: I2016/306

That the temporary traffic management and regulatory changes within the series of Traffic Control Plans related to the Splendour in the Grass Music Festival to be held Friday 22nd to Sunday 24th July 2016 inclusive be endorsed subject to the following:

- a) NSW Police approval being obtained
- b) Local Traffic Committee advice being 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 temporary traffic control devices erected for the event must comply with Roads & Maritime Services Guide to Traffic Control at Worksites Manual, not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event; 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
- c) The event organiser:

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- i) advertising 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 a 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) evidence of holding \$20m public liability insurance cover which is valid for the event being provided;
- viii) a communications protocol being developed in conjunction with RMS, Police and any other identified stakeholder and explained to those involved in the implementation of traffic management; and
- ix) the holding of an event debrief within the month following the festival which includes but not limited to Council, RMS and Police. (Woods/Richardson)

16-209 Resolved: that Council adopt the following Committee and Management Recommendation:

Report No. 7.1 New roundabout and speed zone, Tweed Valley Way, Yelgun

File No: I2016/290

That Council writes to the RMS requesting a speed zone review on the roundabout design for the new dual lane roundabout at Tweed Valley Way, Yelgun. (Woods/Richardson)

16-210 Resolved: that Council adopt the following Committee and Management Recommendation:

Report No. 8.1 Byron Bay Bypass - DA 10.2016.77.1

File No: I2016/292

That detailed design plans for line marking and regulatory signage as proposed for the Byron Bay town centre bypass be provided to the Local Traffic Committee, whose endorsement of such plans are required prior to their implementation. (Woods/Richardson)

PROCEDURAL MOTION

16-211 Resolved that Council change the order of business to deal with Items 9.1, 9.2, 13.3 and 13.8 next on the Agenda. (Richardson/Woods)

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

NOTICES OF MOTION

Notice of Motion No. 9.1 Wicked Van Slogans

File No: I2016/371

16-212 Resolved that Council:

1. reaffirms our community's commitment to respect for all residents and visitors and that indecent, sexist, racist, homophobic, misogynist and other offensive language and images displayed publicly are inconsistent with this principle.
2. opposes the use of misogynist and racially vilifying advertising slogans on camper vans that utilise public spaces within the Byron Shire as it clearly contravenes its Community Strategic Plan, Community Outcome "EC2" being, "A sustainable tourism industry that respects and promotes our natural environment and community values".
3. write to the Australian Human Rights Commission seeking their guidance as to whether:

Misogynist and sexually explicit signs contravene the Sex Discrimination Act and recommendation 10, 'To strengthen protection from sexual harassment', of the Commission's 2010, Gender Equality Blueprint 2010.
Racially vilifying signs contravene the Racial Discrimination Act, Section 18C
4. approach the Local Area Commander of NSW Police requesting him to take action under the Summary Offences Act 1988 and the Crimes Act 1900 (578C) to regulate offensive language and the offence of published indecent article, and request action be taken regarding such language on Wicked Vans.
5. write to the Premier of NSW Mike Baird supporting calls to get the offensive slogans off the vans, or the vans off the road and to increase powers to remove offensive slogans from hire vans;
6. send a copy of that letter to the Premier of Queensland Annastacia Palaszczuk; and
7. investigate ways in which Council can support such a ban on the slogans (or the vans) by any of the following means, or by other means that can be found:
 - a) erecting signs at significant Shire transit points saying "vans with offensive slogans are not welcome in Byron Shire";
 - b) excluding vans with offensive slogans from using Council caravan parks.
 - c) treating slogans as part of a company's advertising and thus acting accordingly if said advertising is considered offensive.
 - d) Review the definition of signage and advertising within the Byron DCP to seek further strengthening of ensuring appropriate and inoffensive advertising (Dey/Richardson)

The motion was put to the vote and declared carried.

Cr Cubis was not present for the vote.

FORESHADOWED MOTION

16-213 Resolved that Council:

1. lodge the Motion plus accompanying reasoning and background as below (about wicked van slogans) for the Agenda at the Australian Local Government Association national conference in June 2016.
2. ask its delegates to support the motion and to vote for its adoption at the Conference, or for amendments of it that seek the same outcome.

Motion

That the National General Assembly call on the Federal Government to introduce legislation making it unlawful for a person to engage in offensive behaviour based on another person's gender identity, sexual orientation or related grounds.

Why is this a national issue and why should this be debated at the NGA? (100 words)

Violence against women has finally become part of Australia's national conversation. From domestic violence victim Rosie Batty named Australian of the Year in 2015, to the recent Victorian Royal Commission into Family Violence, the community is now publicly acknowledging the scourge of domestic violence.

However, there is still much to be done. Too many women will miss out on the prosperous future the NGA seeks to achieve unless all government levels work together to improve community attitudes to women. As the Prime Minister noted last year, every act of domestic violence begins with an attitude of disrespect toward women.

Background information and supporting arguments (300 words)

The motion should be supported because:

- Byron Shire Council has recently seen examples of vehicles in public places which display slogans that arguably offend reasonable standards of decency. These slogans, found chiefly on Wicked-brand camper vans, frequently belittle, mock or objectify women.
- However, there is little protection for women under the current law to prevent these vehicles from displaying demeaning material.
- The attitudes toward women underlying the slogans – disrespect – often springs from an assumption of gender inequality, or a belief that men should dominate relationships. Yet this assumption – the cause of domestic violence with the strongest level of evidentiary support – is still not cited by enough community members as a reason for violence against women. This lack of awareness manifests itself in public images where men dominate women.
- The effect of these assumptions and attitudes when it manifests as violence toward women destroys communities and prosperity. Physical and emotional violence affects members of all cultures, ages and socio-economic groups. Domestic violence is the leading cause of death and injury in women under 45, with more than one woman murdered by her current or former partner every week.
- Violence against women and their children, including both domestic and non-domestic violence, cost the Australian economy \$13.6 billion annually. Domestic violence also creates complex economic issues for women and their children, and many experience financial risk or poverty as a result. Domestic violence affects women's prosperity in key areas of life: debts, bills and banking, accommodation, legal issues, health, transport, migration, employment, social security and child support.
- New laws – similar to current laws which prevent race hatred – should be introduced to prevent offensive conduct which targets a person's gender identity. This would fill a gap in the law and empower women to stand up to offensive public displays.

(Dey/Hunter)

Cr Cubis arrived at 10.22am.

The motion was put to the vote and declared carried.

Notice of Motion No. 9.2 Community Markets on Roadways
File No: I2016/374

Cr Spooner left the meeting at 10.27am in accordance with his earlier declared non-pecuniary interest in this matter.

Moved:

1. That Council investigate reducing its fees associated with community-based projects that involve road closures, such as for the monthly Peddle and Hawk Acacia Street Market in the Arts & Industry Estate of Byron Bay.
2. That council note, in relation to the approved monthly Peddle & Hawk markets in Acacia Street Byron A&I Estate, that the proponents are actively addressing all matters required for an occupation certificate (for example, at each market, a licensed electrician will install and sign off on compliance of all electrics to AS3002 and a fire safety certifier known to council will be install and sign off on the market and all stalls meeting fire safety standards).
3. That occupation certificate fees relating to Peddle & Hawk market be waived and inspection fees be charged instead to cover council costs (currently \$150/hour, as for other monthly markets in the Shire).
4. That DA and Road Event fees for applications after the three event trial (March 2016 plus two more) be waived in as much as those applications will present the same matters as were assessed in the DA and Road Event applications approved as the three event trial.

(Dey/Ibrahim)

PROCEDURAL MOTION

16-214 Resolved that this matter rest on the table until after the lunch break. (Dey/Richardson)

The motion was put to the vote and declared carried.

Cr Spooner was not present for the vote.

Cr Spooner returned to the meeting at 10.35am.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.3 Lone Goat Gallery Strategic Plan
File No: I2016/273

16-215 Resolved:

1. That Council acknowledge the work of the Byron Library Exhibition Space Section 355 Management Committee since their commencement, and the achievements of the Lone Goat Gallery.
2. That Council support the Lone Goat Gallery – Strategic Plan 2016-2019 and the Committee in the implementation of the Plan.
3. That Council support the appointment and funding of a part-time Gallery coordinator to implement the critical priorities in the Lone Goat Gallery Strategic Plan 2016-2019 and staff provide a report to the Council at the Extraordinary meeting to be held on 29 June 2016

outlining possible funding sources.

4. That Council staff work with the Byron Library Exhibition Space Section 355 Management Committee to identify potential additional sustainable/recurrent funding sources for the engagement of a Gallery Coordinator. (Hunter/Woods)

The motion was put to the vote and declared carried.

STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.8 **PLANNING - 26.2013.2.1 - Ewingsdale Seniors Housing and Commercial Uses Planning Proposal**

File No: I2016/315

Moved:

1. That Council proceed with the making of the LEP Amendment for Lot 101 DP1140936, Ewingsdale, with the proponents and the Council to finalise a Draft Voluntary Planning Agreement for the payment of funds to Council for the McGettigans Lane roundabout with a reduction in the section 94 developer contributions payable to council against the contribution made by the proponent under the VPA.
2. That the proposed wording for the amendment to Schedule 1 of Byron LEP 2014 be as follows:

Use of certain land at Ewingsdale Road, Ewingsdale:

This clause applies to land at Ewingsdale Road, Ewingsdale being Lot 101 / DP 1140936.

- a. Development for the purposes of Seniors Housing, Medical Centre, Business Premises, Restaurants or Cafes and Shops is permitted with development consent.
- b. All commercial uses listed in sub-clause (2) are limited to a combined maximum total floor area of 3,000m².
- c. include an FSR of 0.3:1 and an FSR map for the site, excluding the commercial precinct on the eastern portion of the site,
- d. That Council forward the planning proposal to the Secretary of the Department of Planning and Environment for legal drafting of the LEP amendment and finalization by the Minister.
- e. That the draft DCP be amended in consultation with Council staff and be placed on public exhibition as soon as practicable thereafter following the making of the LEP amendment. (Woods/Wanchap)

The motion was put to the vote and declared lost.

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

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

PROCEDURAL MOTIONS

- 16-216 Resolved** that Cr Wanchap be granted a two minute extension to her speech. (Woods/Richardson)

The motion was put to the vote and declared carried.

16-217 Resolved that Cr Cubis be granted a two minute extension to his speech. (Richardson/Woods)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

16-218 Resolved:

1. That Council request the Minister not to proceed with the planning proposal for Lot 101 DP1140936 in accordance with section 58(4) of the Environmental Planning and Assessment Act 1979.
2. The reasons for not proceeding with the planning proposal are:
 - a) The *Ewingsdale Retirement Facility Development Control Plan Traffic Study Report* requires significant changes to the planning proposal with regard to location of commercial areas, site access/egress, and the necessity for the construction of a major roundabout, in order to manage overall traffic impacts. These issues pose significant traffic management issues for local residents and the general public; and
 - b) Due to current budgeted expenditure Council will not have sufficient developer contributions in the foreseeable future to build the required road infrastructure and roundabout at this location; and
 - c) The planning proposal if it proceeds without the required road infrastructure will have significant adverse impacts on Main Road 545 (Ewingsdale Road).
 - d) Changes to the location of commercial and residential precincts within the development due to the above-mentioned traffic issues are not compatible with the landscape constraints of the eastern portion of site; and
 - e) The proponents have made significant changes to the proposal as exhibited, including a visitor accommodation precinct and an additional commercial area. These have not been exhibited. These changes intensify the impact of the development well beyond the original proposal as put to Council.
 - f) Council is not satisfied that the site can adequately accommodate these additional uses; and
 - g) Public submissions have been overwhelmingly opposed to the proposed development on the grounds of traffic impacts within a highly constrained area, and a large medium density development adjacent to a rural residential zone; and
 - h) The planning proposal has not been identified in an approved Local Growth Management Strategy or the Far North Coast Regional Strategy or Draft North Coast Regional Plan. (Cameron/Richardson)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Richardson, Cameron and Spooner voted in favour of the motion.

Crs Cubis, Woods, Wanchap and Hunter voted against the motion.

NOTICES OF MOTION

Notice of Motion No. 9.3 Erect Signage on Ewingsdale Road
File No: I2016/375

16-219 Resolved that Council in order to support and encourage increased economic activity, clear access to, and promotion of the Arts & Industry Estate:

1. Consult with Arts & Industry Estate businesses on their current business signage and directional signage requirements.

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2. Develop in consultation with all stakeholders whole of estate promotional signage and design options
3. Consult with RMS and TASAC regarding points 1 and 2 if required.
4. A report with an action plan be brought back to Council. (Hunter/Woods)

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

PETITIONS

Petition No. 10.1 **Non-chemical means of weed control in Byron Shire**
File No: I2016/231

16-220 Resolved:

1. That the petition regarding non-chemical means of weed control in Byron Shire be noted.
2. That the petition be referred to the Director Infrastructure Services. (Richardson/Woods)

The motion was put to the vote and declared carried.

MAYORAL MINUTE

There was no Mayoral Minute.

SUBMISSIONS AND GRANTS

There were no submissions or grants.

DELEGATES' REPORTS

1. Mullumbimby Chamber of Commerce Meeting 12 April 2016

Cr Cameron advised Council:

I attended the Mullumbimby Chamber of Commerce on 12 April and the following items were discussed.

Mullumbimby Masterplan Development and associated Project Reference Group of Council meetings with Chamber and community representatives.

Establishment by Council of a Heritage Advisory Committee and development of a draft Byron Shire Heritage Strategy.

Information provided on upcoming s356 community donations process.

Shop local campaign - The Chamber had a presentation from a local independent filmmaker regarding preparing collateral material for a shop local campaign. This is an important aspect of a local economic development strategy for Mullumbimby.

The Sculpture Walk, which is a joint project of Mullumbimby Chamber of Commerce and Creative Mullumbimby, is to be opened on **April 30 At 11 am**. Further works are to be developed in consultation with local residents. Community and Councillors are encouraged to attend for this great community initiative.

A photo competition under the title 'What makes Mullumbimby magical runs from 30 April until 17 July 2016. Entries from young and old welcome to apply with cash prizes for winners.

Staff giraffe award for members and their staff who stick their neck out to go the extra mile goes this month to Mitch Ward from Mitre 10.

After the success of last year's 'Biggest Little Dinner', the Chamber is planning to run a similar expanded event on **3 September**. Some concerns were raised regarding the cost and timeframes for a Traffic Control Plan. The chamber to work with Council's Events Officer.

A presentation by Magical Mullumbimby Toastmasters was very informative and the group is clearly an important resource for the local community. The group meets regularly at the Presbyterian Church in Mullumbimby.

The chamber is to be congratulated on the range of activities and its commitment to supporting Mullumbimby businesses and community.

2. Rous Water Meeting 20 April 2016

Cr Dey advised Council:

The Minister visited and we thought that he would be announcing something in relation to the merger of the three counties which is Far North Coast Weeds with Rous Water and the Richmond County Council Flood Authority but he actually opened by saying "I haven't done anything, I haven't read anything and I'm here to listen" so it was the meeting you have when you're not having a meeting.

Other news was that new developer service plans will go on public exhibition. Rous Water own plans that sets the Section 64 Contribution to water supply that developments in our Shire pay and then we pay on top of, our people pay on top of that for our local section. So, when that's on exhibition that would be worth our staff looking at it and possibly making comments and contributing to that process. Also, just to note there'll only be one service plan, there previously were two. The two previously were one for users of the bulk water after it was supplied to the Shire and the other one was for retail customers of Rous themselves and that second one will be falling away. There only will be one plan in the future.

The third item was that we had another go at trying to get Rous to go a little bit solar and with help from Cr Woods, thank you very much, there were some initiatives that went forward to look again at putting solar installations on Rous Water facilities to set aside some money in the upcoming budget to investigate and in some cases pursue those initiatives and agreement to pursue a green house gas reduction strategy. All those things I hope would become levers off which Rous could start to reduce their consumption of electricity which as I've said previously they spend about a million dollars a year on coal fired electricity and very little on any other form but anyway it's a step forward, a small step.

3. ANZAC Day Services

Cr Hunter advised Council

I just wanted to let Councillors know I laid a wreath at the service in Mullumbimby on Monday and another one in Bangalow and I thought they were fantastic. They were really well done. I don't know whether you had the same experience in Byron but whoever organised it, whoever did it, highly commendable, very proud of them. I particularly enjoy marching with my little grandson in Bangalow and I put the wreath down there and it was his job to put it down. He had to treat it with a lot of respect and so on, so anyway it was good.

Cr Richardson advised Council

I'll echo that, I laid the wreath at the Byron dawn service and later on I attended the march. Yes, the dawn service was incredibly well frequented, it blows me out really how many hundreds of people that were there and again I echo the sentiment of support for our staff, the wreaths they did were native flowers which were quite beautiful and as a result the RSL can actually use them throughout the buildings as flowers rather than wreaths; which don't have a great deal of use other than that moment. So, I had my little girl putting the wreath down too.

I would just add as a reminder to Councillors just how much our attendance at these events mean to our community. There's been quite a few recently, we had a Rural Land Use Strategy and it was great to see Cr Cameron there. The community do note and do appreciate when Councillors go to events and go to openings even if we're official delegates or we're just Councillors that people are aware of. They do really care that we are at those events and organisations, so please never think that groups particularly like the RSL and some of those others don't really appreciate it because they truly do. As an example, tomorrow night there's a great exhibition of the Red Ink Art Cooperative at the Lone Goat Gallery. These are young artists who have got physical challenges, they are stoked when Councillors and people like that come because it really gives them that sense of importance and gravitas. So if you're in Byron tomorrow night at 6 o'clock I'm sure they would love to see you there too.

The meeting adjourned at 12.32pm for lunch and reconvened at 1.17pm.

PETITIONS (CONTINUED)

The Mayor tabled the following petitions:

	Title of Petitions	No. of Signatures
1.	Byron Bay Draft Town Centre Master Plan Submission #S2016/4474 "We support the Upgrade & Development of the Byron Bay War Memorial Swimming Pool in its CURRENT LOCATION"	111
2.	Please retain our Main Beach car park #S2016/4538 "We, the undersigned, are concerned citizens who urge our leaders to act now to Retain Main Beach Car Park"	632

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.1 **Public Exhibition - Draft 2016/17 Operational Plan, including Statement of Revenue Policy**

File No: I2016/38

16-221 Resolved:

1. That Council adopt for exhibition the Draft 2016/2017 Operational Plan (including the draft Statement of Revenue Policy, comprising Budget Estimates, Rates and Charges, Borrowings and Fees and Charges).
2. That the Draft 2016/2017 Operational Plan (including the draft Statement of Revenue Policy, comprising Budget Estimates, Rates and Charges, Borrowings and Fees and Charges) be placed on public exhibition for a period of 28 Days.
3. That Councillors hold a workshop, at the Strategic Planning Workshop 26 May 2016 on the 2016/17 draft budget before it is reported to Council at 29 June 2016 meeting as part of the Report on the Operation Plan and Revenue Policy.
4. As a part of this workshop councillors receive a staff briefing on the following matters:
 - a) The operation and management of the Cavanbah Centre:
 - i) The original business plan covering the ongoing operation and management of the facility
 - ii) A financial analysis of the operational costs of running the centre since it opened
 - iii) An analysis of the projected utilisation rates compared to actual utilisation rates for the centre since it opened
 - iv) Any management plans to address the accumulated budget deficit experienced by the centre
 - b) Market fees
 - c) operational management of Vallances Road Sewage Treatment Plant including intended demolition costs
 - d) Any items that may be referred from the Finance Advisory Committee Meeting on 12 May 2016 (Richardson/Spooner)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 16-222 Resolved** that Cr Spooner be granted a two minute extension to his speech. (Richardson/Cameron)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.7 **Economic Development Strategy - Enterprising Byron 2025**
File No: I2016/305

16-223 Resolved:

1. That Council endorse the Byron Shire Economic Development Strategy – Enterprising Byron 2025, for further consultation and development. This would include a web based survey for community, announcements in the press and further engagement with the following targeted stakeholders:
 - a) local Chambers of Commerce and local Progress Associations or community groups per location
 - b) a selection of business and industry leaders
 - c) State Government agencies and other regional stakeholders
 - d) Councillors and the Sustainable Economy Committee
 - e) youth groups and the unemployed

2. That Council note that further consultation feedback from community and stakeholders will be incorporated into the final Byron Shire Economic Development Strategy – Enterprising Byron 2025 to be reported back to Council in June. (Dey/Richardson)

AMENDMENT

Moved:

1. That Council endorse the Byron Shire Economic Development Strategy – Enterprising Byron 2025, for further consultation and development. This would include a web based survey for community members and their local associations, announcements in the press and further engagement with the following targeted stakeholders:
 - a) local Chambers of Commerce
 - b) a selection of business and industry leaders
 - c) State Government agencies and other regional stakeholders
 - d) Councillors and the Sustainable Economy Committee
 - e) youth groups and the unemployed

2. That Council note that further consultation feedback from community and stakeholders will be incorporated into the final Byron Shire Economic Development Strategy – Enterprising Byron 2025 to be reported back to Council in June. (Cubis/Woods)

The amendment was put to the vote and declared lost.

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

The motion was put to the vote and declared carried.

Cr Cubis voted against the motion.

PROCEDURAL MOTION

- 16-224 Resolved** that Item 9.2 be lifted from the table. (Richardson/Dey)

The motion was put to the vote and declared carried.

NOTICE OF MOTION

Notice of Motion No. 9.2 Community Markets on Roadways

File No: I2016/374

continued

Cr Spooner left the meeting at 2.15pm in accordance with his earlier declared non-pecuniary interest in this matter.

16-225 Resolved that Council:

1. waive any Development Application and Road Event fees for the remaining two Peddle & Hawk trial markets due to:
 - a) its commitment to its Community Strategic Plan - Community Outcomes EC1 (a diverse economic base and support for local businesses) and EC3 (the development of a diverse range of arts and creative industries);
 - b) the benefits for promoting the Arts and Industry Estate as a shopping destination for visitors; and
 - c) the current inequity with other markets that do not pay these fees.
2. waive Development Application and Road Event fees for the new application/s required after the three event trial (March 2016 plus two more) subject to those applications presenting the same matters as were assessed in the Development Application and Road Event applications approved for the three event trial.
3. waive Occupation Certificate fees relating to Peddle & Hawk market and instead charge applicable registration and inspection fees for commercial events in Council's Fees and Charges to cover council costs, for a period of up to two years.
4. make up any financial shortfall from Council's Economic Development budget.
5. note, in relation to the approved monthly Peddle & Hawk markets in Acacia Street Byron A&I Estate, that the proponents are actively addressing all matters required as conditions of the development consent including requirements for an occupation certificate (for example, at each market, a licensed electrician will install and sign off on compliance of all electrics to AS3002 and a fire safety certifier known to council will be install and sign off on the market and all stalls meeting fire safety standards).
6. investigate reducing its fees associated with community-based projects that involve road closures, such as for the monthly Peddle and Hawk Acacia Street Market in the Arts & Industry Estate of Byron Bay. (Dey/Richardson)

The motion was put to the vote and declared carried.

Crs Woods and Hunter voted against the motion.

Cr Spooner was not present for the vote.

Cr Spooner returned to the meeting at 2.46pm.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.10 Adoption of Draft North Byron Flood Study
File No: I2016/264

16-226 Resolved that Council defer adoption of the North Byron Flood Study until a workshop is held for Councillors. Matters to be discussed include:

1. Comparison between previous flood mapping and new mapping
2. Comparison between new mapping and actual 5, 10 and 20 year flood events
3. Consequences of new mapping on planning assessments and approvals
4. Consequences of new mapping on potential and approved residential subdivisions
5. Consequences of new mapping on the insurability of affected properties
6. Other questions raised by Councillors and public prior to the workshop (Ibrahim/Woods)

AMENDMENT

Moved: That Council adopt the Draft North Byron Flood Study (Council document numbers E2016/21992 and E2016/21942) and staff proceed to complete all actions detailed within the conclusion as funding and staffing levels permit. (Dey/Richardson)

PROCEDURAL MOTION

16-227 Resolved that Cr Ibrahim be granted a two minute extension to his speech. (Woods/Richardson)

The motion was put to the vote and declared carried.

*The amendment (Dey/Richardson) 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, Richardson, Cameron and Spooner voted against the motion.*

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.1 Report of the Local Traffic Committee Meeting held on 6 April 2016

File No: I2016/386

16-228 Resolved that Council adopt the following Committee and Management Recommendation:

**Report No. 6.13 Proposed Electric Vehicle charging stations and dedicated parking sites,
Byron Bay**

File No: I2016/294

1. That Council notes that currently no regulatory signage exists for dedicating parking for an electric vehicle.
2. That Council write to a)the Premier, Mike Baird; b) the Minister for Roads, Maritime and

Freight, Duncan Gay; c) the Minister for Transport and Infrastructure, Andrew Constance; d) the Secretary of Transport NSW Tim Reardon; and e) the Chief Executive of RMS, Peter Duncan asking them to expedite creation of regulatory signage along the lines of "No Parking - electrically powered vehicles excepted whilst charging" and explaining to them that Council is currently investigating with Essential Energy on-road sites to best facilitate EV charging at locations in Byron Bay including at Main Beach, the Library and Railway Park. (Dey/Hunter)

The motion was put to the vote and declared carried.

QUESTIONS WITH NOTICE

Question With Notice No. 15.1 Herbicide Use - Remainder of Answers to QWN
File No: I2016/312

Cr Dey asked the following question, part of which was answered at the Ordinary Meeting held 7 April 2016:

- 1. What is the format in which Council records the volumes of herbicides it uses within the Shire?*
- 2. Is such data broken down into types or brands of herbicide?*
- 3. Does the data include the sectors of Council using the herbicide or the geographical areas of application?*
- 4. Can Council please supply annual data or for another time period for the most recent 5 years of record?*
- 5. What other public authorities or agencies use herbicides within the Shire (eg RMS, railways, NPWS)?*
- 6. Do those authorities publish their annual usage and is that information available on a Shire area basis?*

Response Director Infrastructure Services:

Due to the timeframe required to complete answers to the Question with Notice, staff were not available to finalise a response to all the questions in time for the collation of the meeting agenda of 7 April 2016, so undertook to supply the remaining answers at the Ordinary Meeting scheduled for 28 April 2016.

The answers to questions 1, 2, and 3 may be viewed at <http://www.byron.nsw.gov.au/meetings>

The remaining answers follow.

- 4. Register attached – may not be an exhaustive list, as other parts of Council may have undertaken herbicide application, for example building assets.*
- 5. Staff have reviewed Government Agencies that have assets within our Shire that are likely to have used or use herbicides within the Shire. Agencies include:*
 - [Essential Energy](#) (Electricity Distribution network)*
 - TransGrid (High Voltage Transmission assets)*
 - Rous Water*

- [Rural Fire Service, NSW](#)
- [Roads and Maritime Services](#)
- [National Parks and Wildlife Service](#)
- Far North Coast Weeds
- Department of Transport (Rail Corp)
- [Department of Education](#)
- [State Emergency Service NSW](#)
- [Fire & Rescue NSW](#)
- [Ambulance Service of NSW](#)
- [Telecommunications Authority](#)
- [Police Force, NSW](#)
- [NSW Public Works](#)
- [Aboriginal Land Council, NSW](#)
- North Coast Holiday Parks
- Crown Lands

6. The [Pesticides Regulation 2009](#) makes it compulsory for all people who use pesticides for commercial or occupational purposes to make a record of their pesticide use. This includes farmers, market gardeners, parkland and greenkeepers, nursery operators, pest control operators, ground rig operators, landlords, landscape gardeners, local councils and government agencies, and other people who use pesticides as part of their job.

Attached is a fact sheet of public authority notification requirements. The regulation only goes so far as to regulate record keeping in accordance with the attached fact sheet, there is no current obligation to publish annual usage. Staff have not identified published government agency annual usage data.

Question With Notice No. 15.2 O'Mearas Bridge, Binna Burra / Federal
File No: I2016/319

At Council's Ordinary Meeting held on 25 February 2016, Cr Cubis asked the following question which was taken on notice:

Who is responsible?

- *How was the bridge allowed to reach this state?*
- *As rate payers we expect the Council will maintain these assets. Who is responsible and accountable for this? Where does the buck stop?*
- *We don't believe the current infrastructure asset management and process is adequate.*
- *Where is the sinking fund? The proactive forward planning?*
- *What steps are you putting in place to ensure this doesn't happen again to other assets that are critical to the continued progress and development of the shire?*

What is the solution?

- *We understand the recent grant application for Federal Funding to replace the bridge was unsuccessful. Other local councils were successful with Kyogle receiving \$2.2 million in funding.*
- *Does the Council even need Federal Funding – can't Council commit to paying for the bridge itself?*

- *Is the remediation work to be included in the 2016 -17 budget? If not why not?*
- *Has consideration been given for Council to borrow the whole cost of the Bridge to complete the works?*
- *Is the Council able to commit to a timetable for the remediation work to be completed?*
- *The consultation process into placing a load limit on the Bridge was woefully inadequate and residents were badly affected with just a week's notice.*

Response Director Infrastructure Services:

Who is responsible?

- *How was the bridge allowed to reach this state?*

O'Meara's Bridge has reached the end of its unimpeded service life.

Previous councils over a number of years had progressively reduced expenditure on renewal and maintenance of infrastructure. Over the past 3 years this council has reversed this trend and significantly increased expenditure on infrastructure.

Previous maintenance has extended the life of the bridge but many of the major timber components can no longer be maintained.

Council has recognised that there has been an absence of dedicated Asset Management Planning linked to a Long Term Financial Plan and has now developed a Financial Sustainability Plan (FSP) for the Shire where one of the purposes of the plan is to address the significant infrastructure backlog across the shire through improved financial and infrastructure planning.

Based on this work Council has submitted a Council Improvement Plan (CIP) to the NSW State Government and have now been declared Fit For the Future. This is an indication of the positive turnaround in the last 3 years of Council's financial status which includes a significant plan to address asset management and the backlog over the next 10 years.

- *As rate payers we expect the Council will maintain these assets. Who is responsible and accountable for this? Where does the buck stop?*

Byron Shire Council is responsible for the management of O'Mearas Bridge.

- *We don't believe the current infrastructure asset management and process is adequate.*

Council is now using the International Infrastructure Management Manual to guide its approach to asset management and has conducted inspections of the bridge network with a view to prioritizing renewal and maintenance works.

- *Where is the sinking fund? The proactive forward planning?*

With the development of the FSP Council has:-

- *grown recurrent revenue;*
- *developed operating efficiencies;*
- *introduced more cost efficient procurement;*
- *rationalised the property port folio;*
- *developed partnerships; and*
- *increased asset maintenance expenditure.*

For example Council was able to provide \$500,000 in 2015/16 to the Bridge Reserve to be

dedicated to bridge renewals.

- *What steps are you putting in place to ensure this doesn't happen again to other assets that are critical to the continued progress and development of the shire?*

Under Council's Asset Management Plan, Council is increasing inspections of assets, prioritising works and reviewing methods of the way we look after all assets across the shire.

Council has established a reserve to fund bridge replacements and is deploying an innovative approach to replace this bridge using surplus Australia Defence Force (ADF) steel bridges. Council as part of its 2015/16 budget has recently purchased 2 ADF bridges to use for bridge replacements.

It is expected this approach will be significantly more cost effective than the equivalent concrete bridge replacement.

What is the solution?

- *We understand the recent grant application for Federal Funding to replace the bridge was unsuccessful. Other local councils were successful with Kyogle receiving \$2.2 million in funding.*

Correct, Council will continue to apply for funding where appropriate and lobby both State and Federal Governments for additional funding. Grant funding is subject to meeting required criteria and funding available is limited. Council has also recently employed a Grants Officer to enable Council to focus on preparing more successful grant applications.

- *Does the Council even need Federal Funding – can't Council commit to paying for the bridge itself?*

Council has a significant infrastructure backlog and additional funding from all levels of government is of great value to the community as more works can be undertaken earlier. Council as part of its FSP has identified that grant funding is an important component of assisting the Council in meeting its objectives. The need for on-going grant funding reflects similar needs by councils across Australia.

- *Is the remediation work to be included in the 2016 -17 budget? If not why not?*

On 7 April Council resolved to allocate one of two ADF steel bridges to be used in this location.

Work has commenced on the detailed investigations required to successfully implement the bridge replacement.

Subject to the outcome of the investigations, it is expected that detailed design, environmental assessment and project approval will be completed in 2016/17. Funding has been allocated in the draft 2016/17 capital works budget and associated forward estimates to complete the replacement of O'Meara's Bridge.

The budget will be subject to community consultation in May 2016 and is expected to be adopted in late June 2016.

- *Has consideration been given for Council to borrow the whole cost of the Bridge to complete the works?*

Council already has a significant loan portfolio and the current plan is to utilise existing general

funds or grant funds for the project. Council cannot finance additional debt at this time.

- *Is the Council able to commit to a timetable for the remediation work to be completed?*

It is expected that the investigations, detailed design, environmental assessment and project approval will be completed in 2016/17 and construction completed in 2017/18 subject to budget confirmation. Council has already purchased an ADF bridge for the purpose.

- *The consultation process into placing a load limit on the Bridge was woefully inadequate and residents were badly affected with just a week's notice.*

During the implementation of this project, the community will be kept informed of progress and engaged on any relevant issues. Council is committed to active engagement with the local community and would consider establishing a Project Reference Group including local community representatives to monitor and contribute to progressing this project.

Question With Notice No. 15.3 Consent Conditions for Byron Sewage Treatment Plant (STP)

File No: 12016/372

Cr Dey asks the following question:

Condition 9(iii) appears to have been imposed on the operation of the STP by Council's Resolution 02-1329 of 9 December 2002 (with Cr Dey voting against):

9. Additional load at West Byron STP will not be accepted until:

- (i) the transfer of 100% of the sewage flows from South Byron catchment;*
- (ii) West Byron STP satisfactorily meeting all applicable performance requirements as specified in the plant's Environment Protection Licence and in this approval;*
- (iii) availability of sufficient reuse capacity to accommodate 100% of the volume of treated effluent generated by the additional load; and*
- (iv) availability of treatment capacity as defined in Approval Condition 6 above.*

Was this Condition enforced when approvals were sought and granted for such developments as the rezoning at West Byron and the new Hospital on Ewingsdale Road?

If it is not, then should it have been?

I ask because this relates to the growth in Dry Weather Flows from the STP (ie discharge from the outlet of the wetland system). When the STP upgrade was approved by Council and the State, most STP effluent was to have been re-used. This is a great principle but only minor uptake of the offer of effluent for re-use has occurred. Re-use quantities may have in fact gone backwards.

Response Director Infrastructure Services:

Council resolved to lift the sewage moratorium at its meeting held on the 11 April 2006 with resolution 06-159 in consideration of NOM 3.1.

06-159 Resolved:

- 1. That Council lift the moratorium in accordance with the recommendation from the Byron Bay Wastewater Steering Committee Meeting of 27 March "That the Committee endorses the recommendation of the Director Water and Recycling Management Services that when there is three months of continuous compliant data and the new*

Department of Environment and Conservation licence is in place, this will be reported to Council recommending the lifting of the sewer moratorium.”

- 2. That Council inform the public by separate major advertisement in all local papers, by display on the council website and at the front desk of Council and further, that Council write to various interested State Government departments to inform them of this decision forthwith. (Staples/Lazarus)*

The 3 months of continuous compliant data was reported to the Council meeting on the 27/6/2006 and the moratorium was subsequently lifted with resolution 06-420.

06-420 Resolved *that the West Byron STP has capacity to receive additional load. (Staples/Tucker)*

Council's Utilities section is currently preparing designs and specifications to extend the reuse scheme to include Main Beach, Byron Bay including the connection to toilet facilities and options to connect to private premises. These works are planned to commence in May 2016.

Response from Acting Director Sustainable Environment and Economy:

The Hospital site was approved under the SEPP Infrastructure by the State Government and this condition was not considered by the Department of Planning. The Department did consider that there was adequate capacity at the STP to cater for the demand generated by the Hospital. .

The West Byron rezoning was also determined by the Department of Planning and the Department did consider that there was adequate capacity at the STP.

Question With Notice No. 15.4 Temporary Toilets at Main Beach, Byron Bay
File No: I2016/373

Cr Dey asks the following question:

When will the very temporary blue toilets on the ocean side of the temporary stainless steel toilets in the park west of the surf club at Main Beach Byron Bay be removed? Council and the public were told these toilets would remain only for the summer season. They have now been there through Easter.

Response Director Infrastructure Services:

The temporary blue toilets will be removed after the current school holidays and Anzac day long weekend.

From a customer service viewpoint, the second block of toilets is required during the peak loading periods of Easter and school holidays.

There was a 6 week period after the summer holiday period before Easter when the temporary block could have been removed however the cost of removal and re-establishment meant it was cost effective to leave the temporary block in place for the period.

PROCEDURAL MOTION

- 16-229 Resolved** that the matter of Exeloos at main Beach park be discussed as a matter of urgency, the urgency being that staff are ready to install a new block of toilets on Monday 2 May 2016.
(Dey/Richardson)

The Mayor ruled the matter to be of urgency.

The motion was put to the vote and declared carried.

URGENCY MOTION

1. Exeloos at Main Beach Park

Moved:

1. That work cease immediately on placing toilets seaward of the existing 3-cubicle Exeloo in the park at Main Beach.
2. That site options for any new loos be reported to Council for its consideration, such sites being not seaward of the existing Exeloos. (Dey/Richardson)

The motion was put to the vote and declared lost.

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

There being no further business the meeting concluded at 3.45pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 19 May 2016.

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Mayor Simon Richardson