



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 9 June 2016

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
9 June 2016

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 9 JUNE 2016 COMMENCING AT 9.05AM AND CONCLUDING AT 5.05PM
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I2016/610

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

Staff: Ken Gainger (General Manager)
Mark Arnold (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Lisa Brennan/David Royston-Jennings (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:

9.4 Affordable Housing

*David Brown addressed Council in favour of the recommendation.
John McKenna addressed Council regarding Affordable Housing.*

13.5 Byron Bay Town Centre Draft Masterplan – final report

David Brown addressed Council in favour of the recommendation.

13.10 PLANNING – Section 96 application 10.2011.191.3 Wedding Events, Broken Head

Tim Freedman and Che Devlin addressed Council in favour of the recommendation.

13.11 Infrastructure Works in the North of the Council Area funded from the Roundhouse land development

*Angela Dunlop addressed Council against the recommendation.
Tina Petroff addressed Council in favour of the recommendation.*

Submission No. 1 Main Beach Car Park

Ben Ormonde made a submission to Council regarding Main Beach Car Park.

Submission No. 2 802 Main Arm Road, Mullumbimby

Sally Wagg made a submission to Council regarding the proposed closure of the end of Durrumbul Road and associated complaints against 802 Main Arm Road, Mullumbimby.

Submission No. 3 Placemaking for Ocean Shores

Leah Kapral made a submission and presentation to Council regarding placemaking for Ocean Shores.

Question No. 1 Coomburra Crescent roadwork funding from Roundhouse sale

Margaret Keating addressed Council asking which section of Coomburra Crescent is being repaired. Tony Nash provided a brief answer at the meeting; the question was taken on notice by the Director Infrastructure Services.

Cr Richardson acknowledged the passing of Barbara Pinter from the Breast Cancer Group in Byron Bay, and provided condolences to her family on behalf of Council and acknowledged her huge contribution to the community.

The meeting adjourned at 10.15am and reconvened at 10.35am.

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 Ibrahim declared a pecuniary interest in Report 13.9. The nature of the interest being that he is the applicant of the development application contained in the report. Cr Ibrahim will leave the Chamber and not participate in debate or voting on the matter.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

16-268 Resolved that the minutes of the following meetings be confirmed:

- Ordinary Meeting held 19 May 2016
- Byron Shire Reserve Trust Committee held 19 May 2016 (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. 13.4 Local Government NSW - Membership Renewal 2016/17

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Sustainable Environment and Economy

- Report No. 13.5 Byron Bay Town Centre Draft Masterplan - final report
Report No. 13.6 PLANNING - Road Airspace - Audit of Roads Act Approvals
Report No. 13.7 Submission - Draft North Coast Regional Plan
Report No. 13.10 PLANNING - Section 96 application 10.2011.191.3 seeking to increase the maximum number of functions (wedding events) from 14 to 20 per year at 6/137 Broken Head Reserve Road, Broken Head

Infrastructure Services

- Report No. 13.11 Infrastructure Works in the North of the Council Area funded from the Roundhouse Land Development
Report No. 13.12 Draft North Byron flood Study Adoption

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Woods and seconded by Cr Richardson. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 16-269 and concluding with Resolution No. 16-290.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.1 **Mayoral and Councillor Fees 2016/2017**
File No: I2016/464

16-269 Resolved:

1. That Council fix the fee payable to each Councillor under Section 248 of the Local Government Act 1993 for the period 1 July 2016 to 30 June 2017 at \$18,840.
2. That Council fix the fee payable to the Mayor under section 249 of the Local Government Act 1993, for the period from 1 July 2016 to 30 June 2017 at \$41,090.
3. That Council in accordance with its current practice not determine a fee payable to the Deputy Mayor. (Woods/Richardson)

Report No. 13.2 **Council Investments May 2016**
File No: I2016/525

16-270 Resolved that the report listing Council's investments and overall cash position as at 24 May 2016 be noted. (Woods/Richardson)

Report No. 13.3 **Report of the Public Art Assessment Panel meeting 5 May 2016**
File No: I2016/471

16-271 Resolved:

1. That Council note the Minutes of the Public Art Assessment Panel held on 5 May 2016.
2. That with regard to public art on Byron Shire water and sewer infrastructure, that Council:
 - a. Appoint Kelly Reiffer to undertake the Sewer Infrastructure commission on the following sewer pump stations:

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Byron Bay	
3002	Tennyson Street
	Recycled Water station, Tennyson St
3006	Marine Parade, Wategos
3023	Bayshore Drive, Industrial Estate

- b. Note that the Water Infrastructure project will be delayed with a further report to be provided to the next scheduled PAAP meeting on 18 August 2016.
3. That with regard to priority public art locations in Ocean Shores and Suffolk Park, that Council:
- a. Note the submission document tabled at the meeting on 5 May 2016 (Attachment 2 - #E2016/31580);
 - b. Provide in principal support for public art in various locations in Ocean Shores;
 - c. Recommend that the locations identified be the subject of further investigations by the appropriate Council staff with regards to land ownership and requirements.
4. That with regard to the public art proposal from Brunswick Nature Sculpture Walk, Council:
- a. not support the purchase of the permanent sculpture “Oh My Cod” by David Walsh at this time, but to defer consideration until the completion of a regional analysis for purchasing and commissioning public art is completed.
 - b. write to Brunswick Nature Sculpture Walk with a suggestion to apply for Council’s next round of Events and Festivals Sponsorship Funding for the proposed 2018 event.
5. That Council not proceed with the Gillie and Marc offer to work with Byron Shire Council for the reasons outlined below:
- a. the artwork is not by a local artist
 - b. the costs of materials and shipping the artwork to/from Sydney are not within the scope of the public art budget
 - c. maintenance of a bronze sculpture would be significant and not within Council’s current resources.
6. That with regard to the Public Art Small Grants Program 2016:
- a. Council support the submission from Chloe Rowland for the ‘Bangalow Wall’ community project with a small grant of \$1,000.
 - b. That the successful applicant be notified in writing and provided with a project/ grant acquittal and reporting mechanism for submission at the conclusion of the project.
(Woods/Richardson)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.8 **Report of the Planning Review Committee Meeting held on 12 May 2016**
File No: I2016/490

16-272 Resolved that the report be noted. (Woods/Richardson)

Report No. 13.9 **PLANNING - 10.2016.135.1 Alterations and Additions to existing dwelling house including new swimming pool and secondary dwelling at 4 Ferguson Court Bangalow**
File No: I2016/499

16-273 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2016.135.1 for alterations and additions to the existing dwelling, a new pool, and a secondary dwelling be granted consent subject to the conditions in Attachment 2 #/E2016/32557. (Woods/Richardson)

Cr Ibrahim declared a pecuniary interest in this report at the start of the meeting, but did not leave the Chamber as the report was part of the block vote and was not individually debated.

REPORT OF COMMITTEE – CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 **Report of the Finance Advisory Committee Meeting held on 12 May 2016**
File No: I2016/524

16-274 Resolved that Council note the minutes of the Finance Advisory Committee Meeting held on 12 May 2016. (Woods/Richardson)

16-275 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.1 2015/16 Financial Sustainability Project Plan - Update on the Action Implementation Plan as at 31 March 2016
File No: I2016/299

Committee Recommendation 5.1.1

That the update report to 31 March 2016 on the 2015/2016 Financial Sustainability Project Plan Action Implementation Plan (E2016/20541) be received and noted by Council. (Woods/Richardson)

16-276 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.2 Draft 2016/2017 Budget
File No: I2016/449

Committee Recommendation 5.2.1

That Council note that the Finance Advisory Committee having considered the Draft 2016/2017 Budget as adopted by Council for public exhibition, requested that the following

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items be listed for consideration at the Council Strategic Planning Workshop to be held on 26 May 2016, in accordance with Part 4(d) of resolution 16-221.

- Mullumbimby Masterplan Funding 2016/17
- Byron Bay STP Expansion (\$500,000)
- Ocean Shores STP Upgrade (\$620,000) (Woods/Richardson)

16-277 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.3 Budget Review - 1 January 2016 to 31 March 2016
File No: I2016/460

Committee Recommendation 5.3.1

1. That Council note that it authorised the itemised budget variations as shown in Attachment 2 (#E2016/28781) which includes the following results in the 31 March 2016 Quarterly Review of the 2015/2016 Budget:
 - a) General Fund - \$0 adjustment in the accumulated surplus/working funds
 - b) General Fund - \$4,184,500 increase in reserves
 - c) Water Fund - \$2,116,000 increase in reserves
 - d) Sewerage Fund - \$4,794,100 increase in reservesat its Ordinary meeting held on 19 May 2016.
2. That Council note that it authorised the revised General Fund Accumulated Surplus/(Working Funds) of \$919,100 for the 2015/2016 financial year as at 31 March 2016 at its Ordinary meeting held on 19 May 2016. (Woods/Richardson)

Report No. 14.2 Report of the Internal Audit Advisory Committee Meeting held on 12 May 2016

File No: I2016/527

16-278 Resolved that Council note the minutes of the Internal Audit Advisory Committee Meeting held on 12 May 2016. (Woods/Richardson)

16-279 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.1 RMS DRIVES System Compliance Audit 2016
File No: I2016/213

Committee Recommendation 5.1.1

1. That the Independent Compliance Audit Report – Compliance with the Roads and Maritime Services of NSW DRIVES Terms of Access Agreement be noted by Council, including the responses and actions detailed by Management.
2. That Management implement the recommendations detailed in the report and also identified at Attachment 1 (E2016/14855). (Woods/Richardson)

16-280 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.2 Internal Audit Report - Development Assessments Review

File No: I2016/450

Committee Recommendation 5.2.1

1. That the Internal Audit Report – Development Assessments Review - February 2016 at Attachment 1(#E2016/28082) be noted by Council along with responses and actions detailed by Management.
2. That Management implement the recommendations made in the report identified at Attachment 1 (#E2016/28082). (Woods/Richardson)

16-281 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.3 Internal Audit Report May 2016
File No: I2016/461

Committee Recommendation 5.3.1

That Council receive and note the Internal Audit Report – Audit Committee (May 2016) (#E2016/29083) prepared by the Internal Auditor, Grant Thornton. (Woods/Richardson)

16-282 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.1 2015/2016 Audit Strategy
File No: I2016/402

Committee Recommendation 6.1.1

1. That Council note the Final Audit Strategy prepared by Thomas Noble and Russell for Byron Shire Council for the year ending 30 June 2016 as outlined in Attachment 1 (E2016/26821).
2. That the report and Attachment 1 of the closed part of the meeting remain confidential .(Woods/Richardson)

16-283 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.2 Annual Internal Audit Plan 2016/17
File No: I2016/462

Committee Recommendation 6.2.1

1. That Council adopt the “Annual Internal Audit Plan 2016/17” at Attachment 1 (#E2016/29089) prepared by Grant Thornton subject to a review of the progress of the BCP/DCP in mid November.
2. That the report and Attachment 1 remain confidential. (Woods/Richardson)

REPORT OF COMMITTEE – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.3 **Report of the Heritage Advisory Committee Meeting held on 8 April 2016**

File No: I2016/407

16-284 Resolved that Council note the minutes of the Heritage Advisory Committee Meeting held on 8 April 2016. (Woods/Richardson)

16-285 Resolved that Council adopt the following Committee Recommendation:

Committee Recommendation 5.1.1

That the Heritage Advisory Committee:

1. Note that changes to the Draft Byron Heritage Strategy 2016-2019 were discussed.
2. That an Amended Draft Byron Shire Heritage Strategy will be circulated back to the Heritage Advisory Committee for review, and any further changes to be emailed to the Director of Sustainable Environment and Economy prior to the next Heritage Advisory Committee meeting.
3. That the Heritage Advisory Committee members put forward their 5 priorities for implementation from the Draft Byron Heritage Strategy for discussion at the next Heritage Advisory Committee. (Woods/Richardson)

CONFIDENTIAL REPORT – GENERAL MANAGER

Report No. 16.1 **CONFIDENTIAL - Status of Senior Staff Contracts**

File No: I2016/552

16-286 Resolved that the report be noted. (Woods/Richardson)

CONFIDENTIAL REPORTS – INFRASTRUCTURE SERVICES

Report No. 16.2 **CONFIDENTIAL - Design & Construction Tender for Water Supply Reservoirs at Byron Bay and Bangalow**

File No: I2016/397

16-287 Resolved:

1. That Council award the Lump Sum Price Design and Construct Contract 2015-0042 Coopers Shoot and Bangalow Water Supply Reservoirs to Leed Engineering and Construction Pty Ltd for the value of \$4,005,000.00 (exclusive of GST).
2. That the project's combined total budget be increased by \$3,369,000 for the 2016/2017 financial year with funding provided from available Section 64 Developer Contributions held within the Water Fund.
3. That Council delegate to the General Manager the authority to administer this contract to the contract value plus the contingency value nominated in this report.

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4. That Council authorise the affixing of the Council seal to all documents that may require it, in regards to the Contract.
5. That Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.
6. That the report remains confidential until the contract is finalised. (Woods/Richardson)

Report No. 16.3 **CONFIDENTIAL - T2016-0006 Tender - Supply and Delivery of Premixed Concrete**

File No: I2016/500

16-288 Resolved:

1. That Council award the tender for the Supply and Delivery of Premixed Concrete T2016-0006 to Holcim Australia P/L for 1/07/2016 to 30/06/2018 in accordance with their tender and the contract documents.
2. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Woods/Richardson)

Report No. 16.4 **CONFIDENTIAL - 24.2015.81.1 - Myocum Road - Barlows Dairy Cattle Laneway - Agreement**

File No: I2016/498

- 16-289 Resolved** that the agreement between Council and the property owner at 385 Myocum Road be endorsed as per the details in this report for the construction of the cattle laneway and associated works at this property to allow the construction of the preferred option for the road renewal of 450m of Myocum Road and a Deed of Agreement be prepared for these works. (Woods/Richardson)

Report No. 16.5 **CONFIDENTIAL - Tender for the Supply of Quarry Product T2016-0005**

File No: I2016/533

16-290 Resolved:

1. That Council accept the following panel of tenderers to form the "Approved Supplier List" for the Supply of Gravel Products to Byron Shire Council in accordance with their tenders and the contract documents:
 - a. Boral Limited
 - b. Brunswick Valley Quarry
 - c. Holcim Australia Pty Ltd
 - d. J&M Bashforth & Sons Pty Ltd
 - e. Lismore City Council trading as Northern Rivers Quarries and Asphalt
 - f. Smith Plant Pty Ltd

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2. That Council makes public its decision in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Woods/Richardson)
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PROCEDURAL MOTION

- 16-291 Resolved** that Council change the order of business to deal with Reports 9.4, 13.5, 13.10 and 13.11 next on the Agenda. (Richardson/Woods)

The motion was put to the vote and declared carried.

NOTICE OF MOTION

Notice of Motion No. 9.4 Affordable Housing
File No: I2016/584

- 16-292 Resolved** that Council, in the development of the Byron Shire Residential Strategy, give consideration to how different planning instruments and policies may be used to encourage the construction and/or provision of affordable housing within the Byron Shire.

- a) This consideration to be undertaken for the following reasons:
- i) To enable council to adopt relevant policies that will encourage the construction and provision of affordable housing in the shire;
 - ii) To acknowledge that council is in the best position to influence the construction and provision of affordable housing from a planning perspective rather than as a housing provider;
 - iii) To acknowledge that the promotion of affordable housing in Byron Shire should not solely rely on the use of the Affordable Housing SEPP.
 - iv) To identify measures that could promote affordable housing in the Byron Shire Residential Strategy.
 - v) To recognise that any measures highlighted in the Byron Shire Residential Strategy aimed at promoting affordable housing could inform and lead to future amendments being made to the Byron Shire LEP.
- b) Consideration of specific planning instruments and policy actions to encourage affordable housing to include:
- i) Establishing an affordable housing target to provide the incentive to implement, measure and monitor the provision of affordable housing within the Byron Shire.
 - ii) Measures that encourage the promotion of the efficient supply of well-located diverse housing;
 - iii) Incentives that promote the provision of affordable housing enabled through the LEP and other planning policies;
 - iv) Requirements for the development of affordable housing in appropriate locations with the use of mandatory provisions;

- v) A review of Section 94 concessions to identify and consider support for affordable housing developments such as:
 - an agreed rental to achieve an affordability concession; e.g. 80% market value
 - identified affordable housing to have an appointed community housing manager to monitor any agreed upon affordability provisions;
 - the development of a council maintained affordability register to provide data on affordability developments and to measure if any agreed upon targets for affordability in the Shire are being achieved.

- vi) A review of the timing of Section 64 and Section 94 charges to encourage affordable housing initiatives (e.g. payment of charges delayed until an occupation certificate is granted).

- vii) A review of the potential for allowing manufactured housing in infill development to encourage affordability purchases. e.g. enabling purchase of a house while leasing the land on which it stands.

viii) That a review of land suitable for housing stock be investigated and reported to Council.
(Spooner/Richardson)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

16-293 Resolved that Cr Spooner be granted a one minute extension to his speech.
(Richardson/Cameron)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.5 Byron Bay Town Centre Draft Masterplan - final report
File No: 12016/395

16-294 Resolved:

1. That Council note the attached Byron Bay Town Centre Draft Masterplan Exhibition Comments Summary and Response Report.

2. That Council endorse the amendments detailed in the Byron Bay Town Centre Draft Masterplan Amendments Log to the plan for final endorsement including changes to:
 - a) Catalyst Site 3 – Main Beach Short Term Priorities summary
 - b) Catalyst Site 3 – 3. Swimming Pool Review
 - c) Catalyst Site 3 – 4. Main Beach Car Park
 - d) Catalyst Site 6 – Byron Recreation Ground Short Term Priorities summary as detailed below in the "Proposed adjustments to the Byron Bay Town Centre Masterplan". These amendments to be included in a final Masterplan document.

3. That Council endorse the additional recommendations within the report relating to Communications, Governance and Immediate Key Project Consultation.

Proposed adjustments to the Byron Bay Town Centre Masterplan include:

5.4 Main Beach

Short Term Priorities [2016-2021]

Main Beach should be celebrated as a natural foreshore environment that supports both active and passive recreational uses, strengthening Main Beach's role as Byron Bay's most popular asset. Recognising the Byron Bay Pool facility has both a long history of community support and a memorial dedication; it is considered important to understand the current user needs and broader community aspirations. The importance of the foreshore car park area to locals has been expressed throughout the Master plan processes. Byron's surf culture and connection to this space is recognised as is the strong community desire to create a more visually appealing space. A redesigned foreshore parkland, integrating car parking, a new Main Beach boardwalk, extended Apex Park and Jonson Street shared link will enhance the iconic views towards Byron Bay's hinterland and preserve the vistas from the Main Beach Area. Ongoing community consultation will be integral in the process of determining the best balance of uses for the space. In collaboration with Crown Lands the existing surf lifesaving club should be upgraded into a modern facility, whilst the current and future demands for swimming and aquatic facilities require the pool facilities to be upgraded.

3. Swimming Pool Upgrade

The community's swimming and aquatic needs require the swimming pool to be upgraded into a year round, modern facility taking into account all current and future uses in the context of costs associated with the maintenance and upgrade of this critical infrastructure. The swimming pool should continue to adequately support pool users as well as offering some commercial capacity such as a restaurant, beachside café and community space. It is important that the upgraded facility operate all year and appropriately addresses the adjoining parkland space. All specific user groups and stakeholders to be engaged in the upgrade process.

4. Main Beach Car Park

The importance of the car park to locals as a meeting point has been expressed through the master plan process. Through an inclusive community engagement process the Main Beach car park should be redesigned to enable a more people friendly foreshore environment, including vehicular access, car spaces, a new boardwalk, coastal works and a larger recreational space. Alternate parking surfaces could be introduced to better integrate the car park facility into the parklands. The car park should become a flexible space that has the capability to change its function dependent on varying demand and usage throughout the day and week.

Catalyst Site 6 - Byron Recreation Grounds

Short Term Priorities [2016-2021]

The Byron Recreation Ground should retain its role as a local sporting, recreation and community resource that is used for a range of compatible activities for all ages, with a focus on children and youth. The Cavanbah Sports Centre should remain Council's focus for facilities for higher grade competitive sports. The Byron Recreation Ground should be strongly linked to the Town Centre, Sandhills Scrubland Walk and foreshore reserves, local schools and adjoining residential areas. The community should continue to play a vital role in planning for future improvements and use. (Spooner/Richardson)

The motion was put to the vote and declared carried.

Cr Hunter voted against the motion

PROCEDURAL MOTION

16-295 Resolved that Cr Woods be granted a one minute extension to her speech.(Richardson/Spooner)

The motion was put to the vote and declared carried.

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PROCEDURAL MOTION

16-296 Resolved that Cr Richardson be granted a one minute extension to his speech.

(Woods/Cameron)

The motion was put to the vote and declared carried.

Report No. 13.10 PLANNING - Section 96 application 10.2011.191.3 seeking to increase the maximum number of functions (wedding events) from 14 to 20 per year at 6/137 Broken Head Reserve Road, Broken Head
File No: 12016/521

16-297 Resolved that pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, that application no. 10.2011.191.3 to Increase the maximum number of functions from 14 to 20 per year, be approved by modifying development consent 10.2011.191.1 as follows:

(i) Modify the description of the approved development to state as follows:

Use of part of the tourist premises for up to 20 functions annually - Limited to a maximum of 70 guests per function

(ii) Condition No.1 be modified to state as follows:

1) Development is to be in accordance with approved documents and plans

The development is to be in accordance with plans listed below:

Plan No	Description	Prepared by	Dated
BCA	Fire safety and other considerations report	Mark Norris and Associates	9 May 2011
111093_Rep_Rev4	Noise Impact Assessment	Benbow	22 September 2011

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken. The development is limited to the use of part of the tourist premises, being only Lot 6 SP81554 for up to 20 functions annually with a maximum of 70 guests per function.

(iii) Condition No.19 be modified to state as follows:

19) Maximum number of functions per year

Use of the subject allotment is limited to 20 functions per calendar year (1 January to 31 December).

(iv) Condition No.27 be modified to state as follows:

27) Restricted hours of operation

The hours of operation are limited to between 8am and 9pm for the 20 functions per year.

(Ibrahim/Spooner)

The motion was put to the vote and declared carried.

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

Cr Cameron voted against the motion.

STAFF REPORT – INFRASTRUCTURE SERVICES

Report No. 13.11 Infrastructure Works in the North of the Council Area funded from the Roundhouse Land Development

File No: I2016/515

16-298 Resolved:

1. That after considering the results of the community consultation, the following projects be funded in 2016/17 budget, utilising the proceeds generated by the sale of the Roundhouse subdivision:

1) Playgrounds and Open Spaces:

a)	Waterlily Park Playscape	\$100,000
b)	Devines Hill board walk and amenity improvements	\$112,000
c)	Youth oriented recreation facilities for South Golden Beach	\$118,000

2) Road Renewals:

a)	Beach Avenue, South Golden Beach (full length)	\$307,200
b)	The Esplanade, New Brighton (full length)	\$216,000
c)	Orana Road, Ocean Shores (full length)	\$1,040,024
d)	River Street, New Brighton (full length)	\$466,800
e)	Coomburra Crescent, Ocean Shores (part length)	\$503,276
f)	any savings from projects (a) to (d), to be allocated to project (e), Coomburra Crescent, Ocean Shores.	

2. That Council staff report on available Section 94 funds for cycleways and additional external funding sources.

3. That planning for all road renewals consider inclusion of on-road bike paths.

(Woods/Cameron)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

16-299 Resolved that Council give in principle support to the newly formed Ocean Shores Reference Group, in assisting Council for the preparation of a Master Plan/Placemaking Plan, and that future funding opportunities be investigated. (Woods/Cubis)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

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16-300 Resolved:

1. That any existing bikeway plans for the north of the shire be reviewed at a workshop.
2. That staff prepare an application to the State Government through the Walking and Cycling funding for bikeways in the Shire, with particular emphasis on the north of the Shire, as listed in the 2008 Strategy as updated or reconsidered by Council's Transport Advisory Committee.
(Wanchap/Woods)

The motion was put to the vote and declared carried.

The meeting adjourned for lunch at 12.49pm and reconvened at 1.41pm.

PROCEDURAL MOTION

- 16-301 Resolved** that Council change the order of business to deal with the Confidential Mayoral Minute last on the agenda. (Woods/Cameron)

The motion was put to the vote and declared carried

MAYORAL MINUTE

Mayoral Minute No. 8.1 Support for Shark Spotters Trial Program
File No: I2016/595

16-302 Resolved that Council:

1. Support the shark spotters trial program as outlined in the Shark Spotting Feasibility Study Scope Wategos Beach, Byron Bay, NSW, to be undertaken by the Sea Shepherd organisation.
2. Note that the cost is to be shared by Council and Tamara Smith, MLA.
3. Write to Tamara Smith, thanking her for her support.
4. Write to NPWS and Surf Life Saving Australia, seeking any concurrence or support required.
5. Write to Niall Blair MLC, Minister of Primary Industries, informing him of the trial.
6. Identify and allocate funds from the Open Space division of Council.

Cr Cubis left the Chambers at 02:00 PM.

(Richardson)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 9.1 Small Steps to Healthier Rural Roadsides
File No: I2016/459

16-303 Resolved:

1. That Council develop a Rural Infrastructure Protection Strategy (RIPS) as an adjunct to the

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Byron Shire Integrated Weed Management Strategy with the following Vision.

Rural roadsides and infrastructure managed to progressively increase self sustaining native vegetation, reduce chemical and slashing weed control and support the community to care for roadside vegetation.

2. That objectives of a RIPS include:
 - a) Reduced chemical control of vegetation.
 - b) Greater protection of HCV and expansion of biodiversity.
 - c) Enhanced support for residents and community groups to participate in roadside management.
 - d) Improved work practices to support these objectives.
 - e) Expanded use of GIS to map roadsides and manage.
3. That the following actions be considered as part of a RIPS:
 - a) Mobile, on site and updatable GIS for all roadside managers.
 - b) Provide funding to build community capacity to be able to undertake 'certified' tasks such as 'stop, go' traffic controllers to support safe working environments for volunteers.
 - c) Allowing residents caring for road frontage to opt out of roadside vegetation management.
 - d) Measures to improve co-ordination with Far North Coast Weeds (FNCW).
 - e) Program to support volunteer residents and community groups to develop local roadside management plans.
4. That the approach to developing RIPS be adaptive building on existing plans, actions and funds and that it be based on a review of the Roadside Vegetation Management Plan (RVMP) to incorporate the above objectives, develop an action and funding plan.
5. That Council receive a report at the 4 August meeting:
 - a) setting out a pathway to complete and implement a RIPS.
 - b) providing advice on actions in the RVMP that are currently funded.
 - c) identifying actions in the RVMP that could be adapted and or funded to meet the RIPS objectives.
 - d) preliminary assessment of clause 3 actions.

Cr Cubis returned to the Chambers at 02:04 PM.

(Cameron/Richardson)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

16-304 Resolved that Cr Cameron be granted a two minute extension to his speech.

(Richardson/Wanchap)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.2 **Rezone land fronting the northern side of Ewingsdale Road**
File No: I2016/523

16-305 Resolved that Council:

1. Receive a report on zoning land fronting Ewingsdale Road from the Pacific Motorway exit round-a-bout to Kendall Street, Byron Bay to SP2 Infrastructure to allow for future road

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widening including:-

- a. The road widening to accommodate for at least 2 lanes of traffic in each direction;
 - b. cycle way on either side;
 - c. allow for services;
 - d. landscaping and acoustic treatments where required; and
 - e. Consideration be given to provide enough room for intersection upgrades;
2. Seek funding for preparation of a concept design to accommodate the works set out in point 1. (Hunter/Woods)

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

Notice of Motion No. 9.3 Mullumbimby Vision (Master) Plan
File No: I2016/551

- 16-306 Resolved** that Council undertake a community survey in June in the form of three Questions as agreed at the Project Reference Group meeting of 23 May to be available on Council's website, via survey monkey and in hard copy distributed in public businesses such as shops in Mullumbimby and in Council's foyer. (Dey/Woods)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.5 Poll 10 September on Coastal Plan Options
File No: I2016/586

Moved: That Council:

- a) enter into a Council poll arrangement with the Electoral Commissioner to administer a Poll at the election scheduled for 10 September 2016 on options that voters would prefer to see for management of the Coastal Zone at Belongil;
- b) develop a Poll question along the lines of "Do you support the removal of rock walls from the present 1.1km length of beach at Belongil?"; and
- c) develop an Information Package that outlines the advantages and disadvantages of the removal option as well as the CZMP-proposed reinforcement option.

Crs Ibrahim, Cubis, Woods, Wanchap and Hunter voted against the motion. (Dey/Richardson)

PROCEDURAL MOTION

- 16-307 Resolved** that Cr Ibrahim be granted a two minute extension to his speech. (Woods/Wanchap)

The motion was put to the vote and declared carried.

PETITIONS

1. Byron Shire Rural Land Use Strategy

The Mayor tabled a petition containing 117 signatures which states:

"We, the undersigned strongly object the plans outlined in the Byron Shire Rural Land Use Strategy for the following reasons:

- 1. The potential 740 new dwellings proposed for Main Arm, the Pocket and Middle Pocket would ruin our rural and social amenity.*
- 2. Our areas are of significant environmental values with prime farmland that needs to be preserved.*
- 3. Our areas are flood liable and periodically isolated from towns and unsuitable for new large scale housing developments*
- 4. Our areas are too far from towns and inconsistent with State's directive to locate rural subdivisions close to towns.*
- 5. It will be cost prohibitive and economically unsustainable to repair the roads and make them flood proof.*
- 6. It will allow development on land up to a 33% slope that will result in erosion, landslip and wastewater treatment problems.*
- 7. Our landscape is very hilly, heavily forested with high bushfire risks making it inappropriate for this type of development.*
- 8. The 59 new possible dwellings already approved for Main Arm, plus secondary dwellings, is already enough for our areas."*

2. Speed bump needed in Blackwood Crescent, Bangalow

The Mayor tabled a petition containing 26 signatures which states:

Speed bump needed in Blackwood Crescent, Bangalow.

SUBMISSIONS AND GRANTS

There were no submissions or grants.

DELEGATES' REPORTS

1. Marsden's Law Group Local Government and Planning Law Conference 3 June 2016

Councillor Ibrahim advised Council:

I thank Council for making it possible for me to attend the Marsden's Law Group Local Government and Planning Law Conference on Friday 3 June. We were honoured to receive one hour lecture from the Honourable Paul Toole, Minister for Local Government. He explained to us the wisdom and importance of the Local Government reforms that he had undertaken. He gave us some examples of councils, rural councils generally though I must say, remote rural councils, which have benefitted from amalgamations and the added capacity that those councils will have to provide goods and services for their respective rate payers and residents. He noted this is only the beginning of the reform process and that there would be other reforms along the way. He encouraged councils to get on board and work towards supporting the reform process which he said was long overdue and that Governments of both persuasions had been talking about Local Government reform for the last 50 years but no one had the guts to do anything about it but this government is doing it. He also noted that staff positions have been protected for 3 years and he thought the criticisms around staff losses were unfair. He also pointed out that in terms of representation, it was only going to be 12 months in which the current councillors in those amalgamated councils couldn't play a regulatory role although he had formed advisory groups that those Councillors could sit on and noted that in September 2017 there will be general elections so there will only be a 12 month period under administration so that was interesting but we weren't allowed to ask questions so it was short and sweet. Other than that, I think one of the important presentations we received and a lot of it is about new development, new housing in the greater Sydney area. The plans that are occurring there and finally it seemed that there is a recognition now at the top end of the planning area that if you don't have rapid transport, rapid public transport, then you will never solve Sydney's problems and that the rapid public transport has to go in first before you create green field sites and then wait for the transport to happen later so we will see how that happens but otherwise it was an enjoyable session.

2. Renewfest, Mullumbimby Showground

Councillor Woods advised Council:

I just want to mention, Cr Dey may remember the name of the event that is going to be held at Mullumbimby Showground on 18th to do with renewable energy. Renewfest, that's it and I think there's a poster on the stand in there and in my lunch break, I just signed off on the lease for the event to take place and I think it's going to be very, very well attended and a very interesting event. So for those that are interested in renewable energy and all its associated benefits, I urge you to go to the showground and have a really good look at the good work that's being done there and participate in the event.

STAFF REPORT - CORPORATE AND COMMUNITY SERVICES

Report No. 13.4

Local Government NSW - Membership Renewal 2016/17

File No:

12016/587

Moved: That Council not renew its membership with Local Government NSW and review this issue as part of the budget considerations of 2017/18. (Richardson/Dey)

The motion was put to the vote and declared lost.

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

FORESHADOWED MOTION

16-308 Resolved that Council maintain its membership with Local Government NSW.

(Ibrahim/Cubis)

The motion was put to the vote and declared carried.

Crs Dey, Richardson and Spooner voted against the motion

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.6

PLANNING - Road Airspace - Audit of Roads Act Approvals

File No:

12016/385

16-309 Resolved:

1. That pursuant to Section 10A(2)(c) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the report PLANNING - Road Airspace - Audit of Roads Act Approvals.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

(Richardson/Woods)

The motion was put to the vote and declared carried.

CONFIDENTIAL SESSION

16-310 Resolved that this report be deferred until further information be received on how this matter is dealt with by other Local Councils and that a workshop be held to further inform Councillors on process for implementation.

(Woods/Ibrahim)

AMENDMENT

Moved:

1. That amendments to the Airspace Policy and Fees and Charges be progressed to accord with the Roads Act approval process for road airspace commercial occupation.
2. That initiatives, including consultation with stakeholders, be progressed to regulate road airspace occupation and levy appropriate commercial rental, whilst ensuring community benefit is taken into account in accordance with the Airspace Policy. (Dey/Richardson)

The amendment was put to the vote and declared lost.

Crs Dey and Richardson voted in favour of the amendment.

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

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The motion (Woods/Ibrahim) 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.

PROCEDURAL MOTION

16-311 Resolved that the meeting move out of confidential session. (Woods/Dey)

The motion was put to the vote and declared carried.

Report No. 13.7 Submission - Draft North Coast Regional Plan
File No: I2016/400

16-312 Resolved that Council note the contents of this report and endorse the preliminary submission on the NSW Draft North Coast Regional Plan (Attachment '1') as its final submission subject to the following matters being included as part of the submission in context as relevant:

- a) references to Coal Seam Gas being a resource be removed. Community surveys have made it clear that there will be no license to extract CSG.
- b) the need for public transport be highlighted and that form of transport be prioritised over private motor vehicles.
- c) the need to preserve and later enhance the current Murwillumbah to Casino rail corridor for rail and / or other uses, due to its linear integrity.
- d) recognise the limitations of planning and funding allocated on the basis of per capita residents and the need to base planning on tourist numbers as well.
- e) reorientate the Plan to give higher planning priority to existing defects like the transport needs of current residents (Goal 5) rather than to land release (Goals 2 and 3).
- f) Goal 5 being less orientated towards the Pacific Highway and (i) deals with the Highway's impacts and (ii) enhance local roads instead.
- g) Goal 3 having an additional initiative to create and promote affordable housing.
(Dey/Richardson)

AMENDMENT

Moved: That Council note the contents of this report and endorse the preliminary submission on the NSW Draft North Coast Regional Plan (Attachment '1') as its final submission in context as relevant provided that:

- a) references to Coal Seam Gas being a resource be removed. Community surveys have been overwhelmingly opposed to Coal Seam Gas extraction.
- b) Goal 3 have an additional initiative to create and promote affordable housing.
(Ibrahim/Wanchap)

The amendment was put to the vote and declared lost.

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

The motion was put to the vote and declared carried.

Cr Cameron voted against the motion.

STAFF REPORT - INFRASTRUCTURE SERVICES

Report No. 13.12 Draft North Byron flood Study Adoption

File No: I2016/597

16-313 Resolved:

1. That Council adopt the Draft North Byron Flood Study (Council document numbers E2016/21992 and E2016/21942), including the proposed amendments detailed within this report.

Amend Figure J-5 in Volume 2 of the North Byron Flood Study by including the following note in the LEGEND.

Note: Comparison of modelled and measured peak flood levels in the west Mullumbimby area suggests that the model may over predict flood levels by 0.2m to 0.3m (9.1 Volume 1 General Issues and Uncertainty).

2. That staff proceed to complete the actions detailed within the conclusion as funding and staffing levels permit.
3. That as part of the next stage of Flood Plan Review Cycle staff consider options/benefits or impacts of re-establishing previous ocean outfalls. (Ibrahim/Richardson)

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

PROCEDURAL MOTION

- 16-314 Resolved** that Cr Dey be granted a two minute extension to his speech. (Richardson/Woods)

The motion was put to the vote and declared carried.

URGENCY MOTIONS

Urgency Motion No. 17.1 Matter of Urgency - Support for Mullumbimby Hospital Auxiliary

- 16-315 Resolved** that Council consider, as a matter of urgency, the matter of support for the Mullumbimby Hospital Auxiliary Quilters Exhibition and Fundraiser

The urgency being that Council consideration must occur prior to the event and there is no meeting of Council until 29 June.. (Cameron/Woods)

The motion was put to the vote and declared carried.

- 16-316 Resolved** that Council support the Mullumbimby Hospital Auxiliary Quilters Exhibition and Fundraiser on 25 June at the Anglican Church Hall Mullumbimby by providing the use of a Council gazebo for the day and to include the event in Community Calendar, e-news and media. (Cameron/Woods)

The motion was put to the vote and declared carried.

Urgency Motion No. 17.2 Matter of Urgency - Support for the Byron Bay Writers Festival Partnership Proposal

16-317 Resolved that Council consider, as a matter of urgency, the matter of support for the Byron Bay Writers Festival Partnership Proposal.

The urgency being if Council don't consider this proposal at this meeting the opportunity will pass.
(Spooner/Cameron)

The motion was put to the vote and declared carried.

16-318 Resolved that Council support the Byron Bay Writers Festival Partnership Proposal Option C for \$5,000.

This partnership recognises the great achievements and ongoing success of the Byron Bay Writers Festival in its 20th anniversary year.

This sponsorship proposal to be funded from the following budgets: \$2,500 - Event Sponsorship (ledger account 2014.4) and \$2,500 to be sourced from the Water and Resource Recovery funds.
(Spooner/Richardson)

The motion was put to the vote and declared carried.

CONFIDENTIAL - MAYORAL MINUTE

Ken Gainger, Phil Holloway, Shannon Burt and David Royston-Jennings left the meeting and did not return.

Mayoral Minute No. 8.2 Reappointment of General Manager

16-319 Resolved:

1. That pursuant to Section 10A(2)(a) of the Local Government Act 1993, Council resolve into Confidential Session to discuss the report Reappointment of General Manager.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) Personnel matters concerning particular individuals (other than councillors)
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:
 - a) Relates to General Manager (Richardson/Dey)

The motion was put to the vote and declared carried.

16-320 Resolved that Council:

1. Reappoint Ken Gainger as General Manager subject to negotiation of a further contract.
2. Grant delegated authority to the Mayor to enter into contract negotiations on Council's behalf for a further contract, at the current rate of remuneration and indexation.

If negotiations are not successful, receive a report on the outcome of negotiations at an

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3. Authorise the execution of the General Manager's contract in accordance with the Local Government Act 1993. (Richardson/Dey)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 16-321 Resolved** that the meeting move out of Confidential Session. (Woods/Cameron)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 5.05pm.

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

.....
Mayor Simon Richardson