



Byron Shire Council



Minutes

Extraordinary Meeting

Thursday, 2 November 2017

BYRON SHIRE COUNCIL

Extraordinary Meeting Minutes
2 November 2017

INDEX OF ITEMS DISCUSSED

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

Notice of Motion No. 4.1	Affordable Housing	3
Notice of Motion No. 4.2	Supporting community resilience in flood planning.....	4
Report No. 5.1	Byron Shire Council Submissions and Grants as at 27 September 2017.....	5
Report No. 6.1	Appointment of new alternate Councillor representative to Richmond Tweed Regional Library Committee.....	8
Report No. 6.2	Council Investments September 2017	8
Report No. 6.3	PLANNING - Review of further subdivision potential in the Ewingsdale and Mullumbimby 'R5 Large Lot Residential Zone'.....	8
Report No. 6.4	Update on Resolution 17-263 Short Term Rental Accommodation Enforcement Options	9
Report No. 6.5	Proposed Strategic Business Panel.....	9
Report No. 6.6	Update on Resolution 17-283 Innovative Business Incubation Program.....	10
Report No. 6.7	Settlement Road Proposed Actions	11
Report No. 7.1	Report of the Local Traffic Committee Meeting held on 19 September 2017 .	11
7.1	Shared Zone - Seven Mile Beach Road, Broken Head	11
Report No. 8.1	CONFIDENTIAL - Council Tender for the Multi Use of Byron Shire Rail Corridor	12
Urgency No.1	Works at Railway Park, Byron Bay	13

BYRON SHIRE COUNCIL

EXTRAORDINARY MEETING MINUTES

2 November 2017

MINUTES OF THE BYRON SHIRE COUNCIL EXTRAORDINARY MEETING HELD ON THURSDAY, 2 NOVEMBER 2017 COMMENCING AT 2.36PM AND CONCLUDING AT 6.30PM

I2017/1677

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, Cr C Coorey, Cr J Hackett, Cr A Hunter, Cr M Lyon, Cr J Martin, Cr S Ndiaye and Cr P Spooner

Staff: Mark Arnold (Acting General Manager)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
James Brickley (Manager Finance)
Ralph James (Legal Counsel)
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.

APOLOGIES

There were no apologies.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

NOTICES OF MOTION

Notice of Motion No. 4.1 Affordable Housing
File No: I2017/1491

17-535 Resolved that Council:

1. Tables an affordable housing addendum to its Supporting Partnerships Policy, focused on providing a clear framework to support partnerships based on providing affordable housing outcomes.
2. Provides a report to Council's December Ordinary meeting that:
 - i. identifies preferred coordinating entities, structures and delivery arrangements which can deliver on Council's intent in a coordinated way, that is flexible enough to adapt to the varying affordability needs of our community.
 - ii. identifies ways to harness a range of community, private and Government resources and ensuring that benefits are retained for the community and that the principles of public accountability, community partnership, affordability in perpetuity and sustainability are embedded in the arrangement. (Ndiaye/Lyon)

The motion was put to the vote and declared carried.

BYRON SHIRE COUNCIL

EXTRAORDINARY MEETING MINUTES

2 November 2017

PROCEDURAL MOTION

17-536 Resolved that Cr Ndiaye be granted a two minute extension to her speech. (Richardson/Cameron)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

17-537 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.

Notice of Motion No. 3.2 Supporting community resilience in flood planning
File No: I2017/1498

17-538 Resolved that Council:

1. Note Res 17-130.
2. Invite the State Emergency Service (SES) to provide a briefing to Council on current efforts to establish 'Community Action Teams' (CATs) as part of forward planning and responsiveness to flood events in local communities.
3. Determine and provide support to potential CAT formation within the Byron Shire in conjunction with the SES and local communities.
4. Develop a response plan as to how Council will respond to flood events with particular focus on the coordination of information and resources required by the community during and in the immediate aftermath of a flood.
5. Implement a communications strategy to ensure widespread community understanding of Council's role during and in response to a flood event.
6. Consider funding and resources necessary to support these initiatives and provide a report to Council by the end of 2017. (Cameron/Richardson)

The motion was put to the vote and declared carried.

PETITIONS

The Mayor tabled a petition containing 4412 signatures which states:

"We, the undersigned, petition the Mayor and Councillors of Byron Shire Council to:

1: Resolve Brunswick Heads' parking issues by reducing the time limits and increasing enforcement (as recommended by the TPS Parking Management Strategy), along with changes to the layout as suggested by the key community groups and community members in the consultation period.

2: DEFER any consideration of paid parking in Brunswick Heads until these recommended changes are implemented and fully trialed (as recommended by the TPS Parking Management Strategy) AND until appropriate impact studies are done to ascertain the possible negative impacts

of paid parking in the Brunswick Heads CBD area to the well-being of the Brunswick Heads village”.

SUBMISSIONS AND GRANTS

Report No. 5.1 **Byron Shire Council Submissions and Grants as at 27 September 2017**

File No: I2017/1362

Moved that Council:

1. Note the report.
2. Not proceed with any grant applications for the Cavanbah Centre Swimming Pool until a workshop has been held. (Coorey/Ndiaye)

AMENDMENT

17-539 Resolved that Council:

1. Note the report.
2. Not proceed with any grant applications for the Cavanbah Centre Swimming Pool. (Richardson/Cameron)

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

The amendment upon becoming the substantive motion was put to the vote and declared carried.
Cr Ndiaye voted against the motion.

PROCEDURAL MOTION

17-540 Resolved that Council change the order of business to deal with Delegates Reports next on the Agenda. (Richardson/Cameron)

The motion was put to the vote and declared carried.

DELEGATES REPORTS

1. Byron Bay Liquor Accord

Cr Spooner advised Council:

I just wanted to make you aware of a couple of discussions I've had with the Byron Bay Liquor Accord. You may be aware that there has been some relaxing of conditions in terms that Accords operate under. Specifically in Sydney but also in Byron it has been, we've never had State imposed restrictions but there has been voluntary terms on the Accord for the last two or three years and that's worked quite well. There have been some discussions around relaxing those terms and that's been undertaken with the police because it's felt that Byron's become a bit in opposition to other areas, as we're so tight compared to other areas that it's being noticed. It's a reasonable discussion to have, but one of the things I wanted to raise was around the issue seems to be locally that is licensees not being a member of the Accord and what role can Council play to

encourage that. Now I did want to just check because I was unclear at the meeting, I know that there was discussion some time ago that if there was any new liquor license applications that we could through our planning regulations have as a condition that they become a member of the Accord. Now I'd like to ask that question, if that is in place, because if it is then I'd like to properly move on that. I think Byron's a particularly different scenario to other locations in that we don't have a lot of options for people to go to outside of Byron, so it's really important that all the players in the Byron night scene are supportive of the Accord and there's a level playing field amongst the alcohol businesses. So, it's a question to staff I suppose whether there is anything like that in place at the moment and if there isn't is it possible to do that? I'll have a further conversation with staff about those details later.

2. 2017 Regional Homelessness Summit in Ballina

Cr Martin advised Council:

Homelessness NSW organized the 2017 Regional Homelessness Summit which took place on October 19-20 in Ballina. Supported by Social Futures, Northern Rivers Housing Forum, and On Track Community Programs, the 2 day forum coincided with National Anti-Poverty Week and featured presentations, panels and workshop exploring best practice responses to addressing and prevent homelessness in our region.

Unfortunately I could not attend on the Thursday and so missed hearing presentations on Aboriginal Homelessness, Homelessness and the Law and Working with the Private Rental Market. However Friday was even more interesting.

Through a short film, "You can ask that – Stories of Youth Homelessness in the Northern Rivers", we learnt that through Social Futures "Connecting Home" program, 80 kids have accessed services – 40% boys 60% girls and that there is no a youth refuge from this side of Coffs Harbour to Tweed Heads.

Byron Public Act Theatre group gave a very polished repeat performance of the powerful play we had also experienced in February this at the Byron Shire council's Housing Summit "Another day in Paradise".

This passionate group of locals, most who have been or still are homeless, gave a heartfelt and realistic account of how people can end up homeless for all sorts of reasons –holiday letting, marriage breakdown, unemployment and underemployment and more.

This was followed by another impassioned, strong woman giving her account of how she felt that in fleeing domestic violence, she ended up in an even worse situation being homeless and with the pressures of trying to deal with Centrelink, real estate agents, housing and medical services and government bureaucracy . With support she is now back on track and working the Social Futures to help others.

A panel consisting of:

- Paul Murphy, General Manager of the Winsome Hotel which Houses 18 men over 45 yo and also runs the Lismore Soup Kitchen,
- Paula Coghill, Boolangal Local Aboriginal Land Council,
- Phillip Wykeham, Legal Aid NSW,.
- Sarah Walker OTCP,
- Angela Matthew, North Coast Community Housing

Together they spoke about the every increasing problem of homelessness, the value of the Housing First Initiative but how this can fail unless the support and follow up services are

prioritized.

There were three concurrent afternoon presentations focusing on Domestic Violence and dealing with 12-15 year old children however Genevieve Lee and Sol Farina representing One Roof Byron and I chose "Good Practice Guidelines Assertive Outreach to Rough Sleepers". We learnt the importance of helping people to heal themselves and minimize the "Rescuer" mentality.

One Roof Byron are currently liaising with the Police, Ambulance and local service providers, recruiting stakeholders and gaining support for a much need the primitive camp ground in Mullumbimby Sarah Ford BSc's Community Development Manager has undertaken data collection of our local situation and tells us that we have 97 rough sleepers in the Byron Shire. I personally know there are people sleeping in shop front alcoves, under the verandahs of the Mullum Civic Centre, in the rotunda at the Community Garden, at the railway station in Byron, the foreshore at Bruns and Byron, under Federation Bridge and of course, the ever increasing number of individuals and families forced to live in cars.

One Roof recognizes that Byron Shire currently has an urgent and worsening situation and proposes to trial a program for a year to ease the impact on our community. While One Roof understands living in tents in a campground does not fit the standard community services preferred Housing First option, for many homeless people the security of primitive camping ground linked to community services will be first stage in engaging and supporting them to finding better options. And it's a low cost and achievable outcome that will benefit a great number of people.

The 2017 Regional Homelessness Summit was an excellent networking opportunity where One Roof gained information and a great deal of support and encouragement to continue with their good work. I was very pleased to be there with them.

3. Affordable Housing Conference, Brisbane

Cr Ndiaye advised Council:

Since the last meeting I attended an affordable housing conference in Brisbane. One thing that I got from it what would be great for us was would be to have some sort of concrete data try and ascertain exactly where the need is. We're all aware there's a need but having some really clear ideas and to give us some goals to aim for would be really helpful. Also, some of the frameworks that can be used to established some key identifiers have been really successful in some of the other programs. One other exciting thing that I saw was some developments in modular housing. There's some really exciting stuff happening in that space. A lot of the stuff that comes to these forums is really about cities so it's not always that applicable but seeing what achievements and successes different people have had around the country is really inspiring. It keeps that passion burning to try and get some really good outcomes for this area for our community.

4. Economics of Happiness Conference, South Korea

Cr Richardson advised Council:

I was lucky enough to be invited to speak at an Economics of Happiness Conference in South Korea. I had an interesting conversation with the Mayor of the area I visited. People go to this place to see how the old Koreans lived and they hire traditional costumes, get photos taken of them being traditional, but interestingly there's a lot of Byron context because we had a lot of conversations about how do we get cars out of this area, I want to make it car free, but I have to say South Koreans are as committed to their cars as Australians are, having the same sort of conflicts. It goes to show sometimes you need to get out the bubble to show that a lot of people are facing the same issues that we are. They were interested in hearing solutions from us, so I talked a lot about paid parking and how locals actually now love it although they hated it at the start. They

took that on board and it was fascinating to see the similarities but also the fact that compared with other places under pressure I think we've got a lot of heartbeat in this community still.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 6.1 **Appointment of new alternate Councillor representative to Richmond Tweed Regional Library Committee**

File No: I2016/3

17-541 **Resolved** that Council appoint Cr Richardson as the alternate representative to the Richmond Tweed Regional Library Committee. (Ndiaye/Coorey)

The motion was put to the vote and declared carried.

Report No. 6.2 **Council Investments September 2017**

File No: I2017/1355

17-542 **Resolved** that the report listing Council's investments and overall cash position as at 30 September 2017 be noted. (Ndiaye/Spooner)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 6.3 **PLANNING - Review of further subdivision potential in the Ewingsdale and Mullumbimby 'R5 Large Lot Residential Zone'**

File No: I2017/1253

Moved:

1. That Council note the report of the preliminary subdivision potential in the Ewingsdale and Mullumbimby Left Bank Road R5.
2. That staff prepare a draft amendment for the 2014 LEP allowing smaller lot subdivision within the Ewingsdale R5 residential zones and present it to Council prior to the end of 2017, to provide an opportunity for any amendments and putting it on exhibition for public consultation.
3. Council recognise that the intersection of Ewingsdale Road and McGettigans Lane will require upgrading and that the Section 94 Roads Plan be amended to allow for future growth in Ewingsdale.
4. That staff consult with affected residents in the R5 zone at Left Bank Road (Mullumbimby) to determine key issues associated with, and whether there is a sufficient level of support for, amending Byron LEP 2014 to allow smaller lot subdivision within this estate. (Hunter/Ndiaye)

AMENDMENT

17-543 **Resolved:**

1. That Council note the results of the preliminary subdivision analysis for the R5 zones at

BYRON SHIRE COUNCIL

Ewingsdale and Left Bank Road, as contained in this report;

2. That further investigations to determine re-subdivision potential of the R5 zone at Ewingsdale be deferred until Council has considered the findings of the Ewingsdale Road / McGettigans Lane intersection review in a further report; and
3. That staff consult with affected residents in the R5 zone at Left Bank Road (Mullumbimby) to determine key issues associated with, and whether there is a sufficient level of support for, amending Byron LEP 2014 to allow smaller lot subdivision within this estate.
(Cameron/Coorey)

The amendment was put to the vote and declared carried.

Crs Ndiaye, Richardson, Spooner and Hunter voted against the amendment.

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

PROCEDURAL MOTION

- 17-544 Resolved** that Cr Ndiaye be granted a 30 second extension to her speech. (Richardson/Coorey)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 17-545 Resolved** that Cr Richardson be granted a one minute extension to his speech.
(Cameron/Spooner)

The motion was put to the vote and declared carried.

Report No. 6.4 Update on Resolution 17-263 Short Term Rental Accommodation Enforcement Options

File No: I2017/1445

- 17-546 Resolved** that Council note the report. (Coorey/Richardson)

The motion was put to the vote and declared carried.

Report No. 6.5 Proposed Strategic Business Panel

File No: I2017/1486

Moved that Council:

1. Agree to retain the Business Roundtable in its current format.
2. Merge the Sustainable Economy Panel into a new Strategic Business Panel (name to be confirmed).
3. Adopt the concept of a new Strategic Business Panel and that the model, terms of reference and membership be discussed at an Strategic Planning Workshop.
4. Hold the first meeting of the new Strategic Business Panel in February 2018 if not able to meet beforehand.
(Cameron/Lyon)

AMENDMENT

BYRON SHIRE COUNCIL

EXTRAORDINARY MEETING MINUTES

2 November 2017

17-547 Resolved:

1. That Council agree to retain the Business Roundtable in its current format.
2. That Council merge the Sustainable Economy Panel into a new Strategic Business Panel (name to be confirmed).
3. That Council agree to the overarching concept of a new Strategic Business Panel, so that the model and terms of reference and membership can be drafted with the existing nominated Councillors Richardson, Spooner, Hunter and the outcomes of this concept planning be brought to the next available Strategic Planning Workshop.
4. That the first meeting of the new Strategic Business Panel be scheduled for February 2018 if not able to meet beforehand. (Ndiaye/Spooner)

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

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

Report No. 6.6	Update on Resolution 17-283 Innovative Business Incubation Program
File No:	I2017/1487

17-548 Resolved:

1. That Council support the progression of a Byron Innovation Incubation Program including the models and list of potential sites identified in the report for further investigation.
2. That part of this work include:
 - i. scope the 'types' of businesses that would fit this model and research their needs
 - ii. Develop the financial business case for the models.
 - iii. Develop project plan and budget to deliver the BIIP.
3. That staff present a further report to Council on point 2 above in early 2018.
4. That upon the establishment of the Strategic Business Panel, this program be listed for their consideration, advice and input.
5. That a report be brought to the next meeting of Council on the trial incubation project at First Sun Caravan Park. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 6.7 **Settlement Road Proposed Actions**
File No: I2017/1316

17-549 Resolved:

1. That the Engineering report recommendation is clarified so that preliminary or first stage road work - including work required to be completed by Lot 3 as a Community Title DA consent condition - can commence even if the funds for latter stage work are not yet confirmed.
2. SRAG proposes the formalisation of a road community/council working group to meet quarterly to ensure an efficient and mutually satisfactory resolution to the long-standing road hazard. This working group would comprise a representative from SRAG, Djambul Community, Byron Council Engineering, and Byron Council councillor or director.
3. That the RFS standard is accepted as the only realistic option to progress road improvement steps and reduce the hazard faced by road users. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 7.1 **Report of the Local Traffic Committee Meeting held on 19 September 2017**
File No: I2017/1434

17-550 Resolved that Council adopt the following Committee Recommendation:

Report No. 7.1 Shared Zone - Seven Mile Beach Road, Broken Head
File No: I2017/1079

Committee Recommendation 7.1.1

1. That the concerns of the local residents and their request for a shared zone within Seven Mile Beach Road, Broken Head be noted.
2. That Council does not support any further consideration or review into the request for a shared zone within Seven Mile Beach Road, Broken Head. (Ndiaye/Richardson)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

17-551 Resolved that staff provide a report on the current issues facing the Seven Mile Beach community and the Broken Head nature reserve and indicative costings and considerations of various responses. (Ndiaye/Richardson)

The motion was put to the vote and declared carried.

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 8.1 **CONFIDENTIAL - Council Tender for the Multi Use of Byron Shire Rail Corridor**
File No: I2017/1264

17-552 Resolved:

1. That pursuant to Section 10A(2)(c) and (d)i of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the report Council Tender for the Multi Use of Byron Shire Rail Corridor.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
 - b) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

Disclosure would reveal commercial information supplied by potential Consultants which could prejudice Council entering into a Contract. (Cameron/Richardson)

The motion was put to the vote and declared carried.

17-553 Resolved that consideration of this matter be deferred until the next Ordinary Meeting of Council and that the matter be considered if possible at a Strategic Planning Workshop prior to this. (Cameron/Richardson)

The motion was put to the vote and declared carried.

URGENCY

PROCEDURAL MOTION

17-554 Resolved that the following be considered as a matter of urgency. The reason for urgency is that there are impending beautification and enhancement works within Railway Park. (Richardson/Cameron)

The motion was put to the vote and declared carried.

Urgency No. 1 **Matter of Urgency - Works at Railway Park, Byron Bay**

17-555 Resolved that Council:

1. Withdraw the relocation notice to the BEC from the rotunda inside Railway Park.
2. Receive a report at the next Ordinary meeting, outlining the decision making process to undertake the works and the process in obtaining all relevant approvals and requirements prior to works (including tree removal), and this review be completed and reported back to Council, with any forthcoming recommendations.
3. Do not undertake any further infrastructure or landscaping works in Railway Park until formal

BYRON SHIRE COUNCIL

EXTRAORDINARY MEETING MINUTES

2 November 2017

adoption of a railway square beautification plan at an Ordinary Council Meeting.

(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Cr Hunter voted against the motion.

FORESHADOWED MOTION

17-556 Resolved that a report be received by Council outlining the history, basis and conditions under which the Byron Environment Centre occupies the Rotunda in Railway Park. (Spooner/Lyon)

The motion was put to the vote and declared carried.

Crs Coorey, Ndiaye and Richardson voted against the motion.

There being no further business the meeting concluded at 6.30pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 23 November 2017.

.....
Mayor Simon Richardson