



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 14 December 2017

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
14 December 2017

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**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY,
14 DECEMBER 2017 COMMENCING AT 9.07AM AND CONCLUDING AT 7.11PM**

I2017/1993

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)
James Brickley (Acting Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
David Royston Jennings/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:

10.1 No paid parking in Bangalow

Jo Millar, representing the Bangalow Chamber of Commerce, addressed Council in favour of the recommendation.

13.5 PLANNING – S96 10.2016.551.2 S96 for Design Amendments to Dwelling House at 70 Kingsley Street Byron Bay

Dinah Hornung addressed Council against the recommendation.

Donna Ehrenburg addressed Council in favour of the recommendation.

13.7 PLANNING – 26.2016.6.1 Planning Proposal – The Farm – Additional Permitted Uses

Johnston Hunter, representing The Farm, addressed Council in favour of the recommendation.

Matthew O'Reilly, representing Community Associations Byron Shire, addressed Council against the recommendation.

13.8 Emissions Reduction Strategy

Matthew O'Reilly, representing Community Associations Byron Shire, addressed Council against the recommendation.

13.9 Broken Head Reserve and Seven Mile Beach Road Management Issues

Johnny Abegg addressed Council against the recommendation.

13.10 Approval to Operate a Caravan and Camping Ground application under section 68 of the Local Government Act 1993 and Regulations 2005 for Ferry Reserve Holiday Park

John Dunn, representing the Brunswick Heads Progress Association, addressed Council against the recommendation.

Greg Asher, Executive Manager of Operations for Reflections Holiday Parks answered questions from Councillors on the matter.

13.12 Approval to Operate application under section 68 of the Local Government Act 1993 and Regulations 2005 for Massy Greene Holiday Park

John Dunn, representing the Brunswick Heads Progress Association, addressed Council against the recommendation.

Greg Asher, Executive Manager of Operations for Reflections Holiday Parks answered questions from Councillors on the matter.

13.11 Update on affordable housing partnership models

Matthew O'Reilly, representing Community Associations Byron Shire, addressed Council against the recommendation.

13.15 Council's Capacity to Influence a Plastic Free Byron

Jaiia Cerff addressed Council in favour of the recommendation.

13.18 Byron Bay Town Centre Bypass Implementation

John Anderson addressed Council against the recommendation.

13.19 Traffic Signals in Byron Shire Council Area

Ann Reed addressed Council against the recommendation.

15 Questions on Notice

John Anderson addressed Council on this agenda item.

Submission No. 1 Holiday Letting in Residential Areas

Matthew Hartley made a submission to Council regarding holiday letting in residential areas.

Submission No. 2 Saddle Road precinct rezoning Planning Proposal

Matthew O'Reilly made a submission to Council regarding the Saddle Road precinct rezoning Planning Proposal.

Submission No. 3 Questions on Notice

Patricia Warren made a submission to Council regarding Questions on Notice.

Question No. 1 Tyagarah Aerodrome

Matthew O'Reilly asked the following question:

I can find no record of Development Consent ever being applied for or granted relating to the operation of an aerodrome at Tyagarah. As the crown land for the aerodrome was leased to Byron Council in 1971 and construction of the aerodrome commenced after that can Council please provide evidence of development consent being granted to construct the aerodrome. Additionally, I can find no record of Byron Council ever going through the formal process to convert the Council owned land and the Crown owned land at Tyagarah aerodrome from Community Land to Operational Land. Given that the formal conversion from Community Land to Operational land is a requirement before land can be sub-divided and that if the land is still Community Land then a

Management Plan is required can Council please provide evidence that both Council and Crown owned land at Tyagarah Aerodrome is not Community Land.

The question was taken on notice.

Question No. 2 Brunswick Heads Paid Parking

Kim Rosen asked the following question:

Councils independent TPS Report recommended that any revised timed parking arrangements that are implemented be monitored and then reviewed to see how they work. Council agreed to trial Mullumbimby's new timed arrangements for a year, yet Bruns is going to be trialled for only 6 months.

Because of the seasonal nature for tourists to our village, it is essential that any data be collected over a full year period. If you only collect it over Bruns busiest periods (summer, Commonwealth Games and Easter), you run the risk of the data being skewed and therefore questionable.

The concern about another push for paid parking in such a short timeframe using dubious data is causing considerable stress for our business community.

Given all of the above, wouldn't it be only fair for the trial period for the new timed parking arrangements in Brunswick Heads to be extended to one year also? Can Council please do this?

Cr Cameron provided a response at the meeting.

Question No. 3 Byron Bypass

John Anderson asked the following question:

To what extent were you, the Mayor, and/or Shannon McKelvey involved in the decision to finance the Butler Street Bypass defend to the tune of well over \$500k to date, and, if you weren't actually involved, to what extent were you at least aware of the ongoing proposed expenditures after the appeal was served on Council?

The question was taken on notice.

Question No. 4 Brunswick Valley STP

Patricia Warren asked the following question:

What are the daily inflow and rainfall figures for Brunswick Valley STP at EPA Monitoring Point 5 from 31.5.17 to date and why is this data no longer on line for all STPs?

The Director Infrastructure Services took the question on notice.

The meeting adjourned at 11.01am and reconvened at 11.25am.

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-significant, non-pecuniary interest in Report 8.2. The nature of the interest being that his employer Byron Bay Community Association has a market license for the Park. Cr Spooner elected to remain in the Chamber and will participate in discussion and the vote.

Cr Spooner declared a non-significant, non-pecuniary interest in Report 8.4. The nature of the interest being that his employer Byron Bay Community Association has a lease over the Old Girl Guides Hall. Cr Spooner elected to remain in the Chamber and will participate in discussion and the vote.

Cr Lyon declared a non-significant, non-pecuniary interest in Report 13.7. The nature of the interest being that he manages a competing business. Cr Lyon elected to remain in the Chamber and will participate in discussion and the vote.

Cr Spooner declared a non-pecuniary interest in the proposed Local Traffic Committee urgency motion, specifically in relation to the Soul Street matter. The nature of the interest being that his employer receives funding for this event. Cr Spooner elected to remain in the Chamber, participate in discussion and the vote.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

17-637 Resolved that the minutes of the following meetings be confirmed:

- Ordinary Meeting held 23 November 2017
- Extraordinary Meeting held 28 November 2017 (Spooner/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

Sustainable Environment and Economy

Report No. 13.5 PLANNING - S96 10.2016.551.2 S96 for Design Amendments to Dwelling House at 70 Kingsley Street Byron Bay

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- Report No. 13.7 PLANNING - 26.2016.6.1 - Planning Proposal - The Farm - Additional Permitted Uses
- Report No. 13.8 Emissions Reduction Strategy
- Report No. 13.9 Broken Head Reserve and Seven Mile Beach Road Management Issues
- Report No. 13.10 Approval to Operate a Caravan and Camping Ground application under section 68 of the Local Government Act 1993 and Regulations 2005 for Ferry Reserve Holiday Park
- Report No. 13.12 Approval to Operate application under section 68 of the Local Government Act 1993 and Regulations 2005 for Massy Greene Holiday Park

Infrastructure Services

- Report No. 13.14 Byron Bay Pay Parking Time Limit Review
- Report No. 13.15 Council's Capacity to Influence a Plastic Free Byron
- Report No. 13.16 Current and Future Capacity of Bangalow STP - Response to Resolution 17-502
- Report No. 13.17 Byron Properties Redevelopment Expression of Interest
- Report No. 13.18 Byron Bay town centre bypass implementation
- Report No. 13.19 Traffic Signals in Byron Shire Council Area

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Richardson and seconded by Cr Hunter. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 17-638 and concluding with Resolution No. 17-658.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.1 Council Investments 1 November to 24 November 2017
File No: I2017/1848

- 17-638 Resolved** that the report listing Council's investments and overall cash position as at 24 November 2017 be noted. (Richardson/Hunter)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.2 Byron Shire Council's Emissions Reporting 2015/16 and 2016/17
File No: I2017/1544

- 17-639 Resolved:**
1. That Council note this report.
 2. That the calculation of sewage treatment plant fugitive emissions be outsourced using Water and Sewer funds to create an excel model using the NGER methodology that can be used for future reporting years. (Richardson/Hunter)

Report No. 13.3 Update Resolution 17-386 Byron Energy Action Tank
File No: I2017/1838

- 17-640 Resolved** that Council:
1. Note the report.

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2. Enter into further discussions about the BE19 accreditation scheme with Zero Emissions Byron with a mind to developing a Memorandum of Understanding to define how this scheme could apply to Council led projects and the cost and resourcing implications of this scheme to each project.
3. Receive a further report early 2018 once item 2 occurs and a draft Memorandum of Understanding is developed with Zero Emissions Byron on the BE19 accreditation scheme.
(Richardson/Hunter)

Report No. 13.4 **Update on the CZMP for the Eastern Precincts of the Byron Bay Embayment and other coastal projects**

File No: I2017/1675

17-641 Resolved:

1. That Council note the report.
2. That Council acknowledge that the preparation of the CZMP Eastern Precincts BBE is the highest priority project.
3. That Council applies to OEH for a grant to fund 50% of the project costs for the Jonson Street Protection Works pre-construction stage.
4. That Council consider an allocation of \$150,000 (50% of the project costs) for the Jonson Street Protection Works pre-construction stage over the 2018/19 and 2019/20 financial years.
5. That a report to Council be prepared in the New Year outlining a project plan to develop a CMP for the Western Precincts of the BBE.
6. That the first stages of the CMP Western Precincts BBE and the CMP Northern Precincts (New Brighton & South Golden Beach) are developed in parallel. (Richardson/Hunter)

Report No. 13.6 **Bangalow Village Plan and Our Mullumbimby Masterplan - summary of process outcomes to date**

File No: I2017/1794

17-642 Resolved:

1. That Council note:
 - a) the summary of ideas and actions identified through the Bangalow Village Plan and the Our Mullumbimby Masterplan Guidance Group workshop process to date contained in Attachments 1 (E2017/106824) and 2 (E2017/107156) to this report.
 - b) the updated indicative project plans for Bangalow Village Plan and Our Mullumbimby Masterplan tabled in this report.
2. That Council thank and acknowledge both Bangalow Village Plan and Our Mullumbimby Masterplan Guidance Group members for the time, effort and commitment they have given to the place planning process thus far. (Richardson/Hunter)

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Report No. 13.11 **Update on affordable housing partnership models**
File No: I2017/1896

17-643 Resolved that Council:

1. Note the potential frameworks being developed to support affordable housing partnerships.
2. Request a workshop be held in early 2018 to develop key principles for affordable housing models. (Richardson/Hunter)

Report No. 13.13 **PLANNING - S96 10.2013.577.3 Minor Alterations and Additions to Men's Shed at 26 Station Street Bangalow**
File No: I2017/1908

17-644 Resolved that pursuant to Section 96 of the *Environmental Planning & Assessment Act 1979*, Application No. 10.2013.577.3, for minor alterations and additions to Men's Shed, be approved by modifying Development Consent number 10.2013.577.1 as indicated in Attachment 2 (E2017/110488). (Richardson/Hunter)

The motion was put to the vote and declared carried.

Crs Coorey, Martin, Lyon, Ndiaye, Richardson, Cameron, Hackett, Spooner and Hunter voted in favour of the motion.

No Councillors voted against the motion.

COMMITTEE REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 **Report of the Finance Advisory Committee Meeting held on 16 November 2017**
File No: I2017/1804

17-645 Resolved that Council note the minutes of the Finance Advisory Committee Meeting held on 16 November 2017. (Richardson/Hunter)

17-646 Resolved that Council adopt the following Committee Recommendation:

Report No. 4.1 Notice of Motion - Distribution of Paid Parking Income for the Benefit of Rural Communities

File No: I2017/1737

Committee Recommendation 4.1.1

That the Finance Advisory Committee receive a report detailing expenditure on rural roads (maintenance and capital) over the last three to five years identifying funding sources to inform the 2018/19 Budget Estimates. (Richardson/Hunter)

17-647 Resolved that Council adopt the following Committee Recommendation:

Report No. 4.2 Draft Financial Sustainability Plan 2017/2018

File No: I2017/1719

Committee Recommendation 4.2.1

That Council adopt the Draft Financial Sustainability Plan 2017/2018 (#E2017/104429) with the

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following amendments:

- a) remove the entire dot point reference to Manfred Street, Belongil on page 10
- b) remove the entire second row in the table on page 12 regarding '5.2 Manfred Street'.
(Richardson/Hunter)

17-648 Resolved that Council adopt the following Committee Recommendation:

Report No. 4.3 Unrestricted Cash and Reserves at 30 June 2017

File No: I2017/1720

Committee Recommendation 4.3.1

1. That the Reserve Balances as outlined in Attachment 1 (#E2017/103622) at 30 June 2017 be noted.
2. That the Unrestricted Cash Balance of \$1,145,200 as at 30 June 2017 be noted.
(Richardson/Hunter)

17-649 Resolved that Council adopt the following Committee Recommendation:

Report No. 4.4 Quarterly Update - Implementation of Special Rate Variation (SRV)

File No: I2017/1731

Committee Recommendation 4.4.1

That the Finance Advisory Committee note the quarterly update on the Special Rate Variation implementation as at 30 September 2017.
(Richardson/Hunter)

17-650 Resolved that Council adopt the following Committee Recommendation:

Report No. 4.5 Council Budget Review - 1 July 2017 to 30 September 2017

File No: I2017/1736

Committee Recommendation 4.5.1

1. That Council note that the itemised budget variations as shown in Attachment 2 (#E2017/104035) which includes the following results in the 30 September 2017 Quarterly Review of the 2017/2018 Budget:

- a) General Fund – \$161,900 decrease to the Estimated Unrestricted Cash Result
- b) General Fund - \$1,651,500 increase in reserves
- c) Water Fund - \$110,000 decrease in reserves
- d) Sewerage Fund - \$15,000 decrease in reserves

were adopted by Council at its Ordinary meeting held on 23 November 2017.

2. That Council noted that the revised General Fund Estimated Unrestricted Cash Result of \$940,600 for the 2017/2018 financial year as at 30 September 2017 were adopted by Council at its Ordinary meeting held on 23 November 2017.
3. That the Finance Advisory Committee receive a reconciliation in relation to projects in Byron Bay (Master Plan/Railway Precinct, etc) reconciling the drawing on Section 94 funds earmarked and the Infrastructure Renewal Reserve from the proceeds of Pay Parking revenue.
(Richardson/Hunter)

COMMITTEE REPORTS - INFRASTRUCTURE SERVICES

Report No. 14.2 **Report of the Transport and Infrastructure Advisory Committee Meeting held on 16 November 2017**
File No: I2017/1812

17-651 Resolved that Council note the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 16 November 2017. (Richardson/Hunter)

17-652 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 4.1 Presentation of draft Transport Asset Management Plan - Customer Levels of Service
File No: I2017/1763

Committee Recommendation 4.1.1

1. That the Committee notes the presentation of the Customer Levels of Service for Transport Infrastructure.
2. That the next extraordinary meeting will be held in early 2018 to consider presentation in further details and draft Communication Strategy.
3. That the Committee be provided a copy of the draft presentation and committee members will provide feedback prior to the extraordinary meeting. (Richardson/Hunter)

17-653 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 4.2 Update on the 2017/18 Local Roads Capital Works Program
File No: I2017/657

Committee Recommendation 4.2.1

1. That Council notes the actions taken to implement the 2017/18 Local Roads Capital Works Program.
2. The Committee notes that staff review the appropriateness of line marking the "esses" near Coorabell school. (Richardson/Hunter)

17-654 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 4.3 2017/18 - 2020/21 Local Roads Capital Works Program
File No: I2017/1140

Committee Recommendation 4.3.1

1. That the Committee notes the information on the Council website about the approved 2017/18 Local Roads Capital Works Program and the indicative programs for 2018/19 to 2020/21.
2. That the further advice and comments be sought from the Committee at the first meeting in 2018. (Richardson/Hunter)

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17-655 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 4.4 Pedestrian Crossing - Lawson Street Byron Bay

File No: I2017/1550

Committee Recommendation 4.4.1

That the Committee notes the report.

(Richardson/Hunter)

CONFIDENTIAL REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 16.1

CONFIDENTIAL - Tender 2017-0005 Tree Works Recommendation

File No:

I2017/1785

17-656 Resolved:

1. That Council award Tender 2017-0005 Tree Services to the following tenderers:
 - Asplundh Tree Expert
 - Byron Bay Tree Services
 - Choppy Chop Tree Services
 - Hart Tree Lopping
 - Powerclear
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. (Richardson/Hunter)

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.2

CONFIDENTIAL - Contract 2017-0038 - Purchase and Removal of Scrap Metal form the Byron Resource Recovery Centre and Byron Shire Council Depot

File No:

I2017/1790

17-657 Resolved:

1. That Council award Tender Purchase and Removal of Scrap Metal form the Byron Resource Recovery Centre and Byron Shire Council Depot to Liberty OneSteel Recycling Pty Ltd.
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.
Note: The evaluation of this tender was finalised prior to the Byron Shire Council Ordinary Meeting, held on Thursday 23 November 2017, where Notice of Motion No 9.2 'Adani Contracts' was carried. (Ric

Report No. 16.3

CONFIDENTIAL - North Byron Floodplain Risk Management Study and Plan - Tender Approval

File No:

I2017/1155

17-658 Resolved:

1. That Council award Tender North Byron Floodplain Risk Management Study and Plan (2017-

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0055) to WMA Water.

2. That Council's seal be affixed to the relevant documents.
3. 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. (Richardson/Hunter)

PROCEDURAL MOTION

- 17-659 Resolved** that Council change the order of business to deal with Reports 10.1, 13.5, 13.7, 13.8, 13.9, 13.10, 13.12, 13.15 and 13.19 next on the Agenda. (Richardson/Hunter)

The motion was put to the vote and declared carried.

PETITONS

Petition No. 10.1 No Paid Parking in Bangalow
File No: I2017/1909

17-660 Resolved:

1. That the petition regarding no paid parking in Bangalow be noted.
2. That Council now resolve on the local traffic committee advice regarding paid parking in bangalow as follows:
 - a) In relation to Local Traffic Committee (LTC) recommendation 6.4 of 31 October 2017 and comments received from Members at the LTC of 13 December 2017 Council endorse the implementation of the changes to the parking time limits in the Bangalow town centre, as depicted in the proposed parking times in Figure 1, being 1P throughout Byron Street and part of Station Street, with 2P in the remainder of Station Street for a trial period of twelve months and that parking time limits be reviewed on a needs basis during the trial.
 - b) Closely monitor parking demands, durations and infringements in the Bangalow Town Centre area with the objective to quantify the appropriateness of time limit duration and track trends in the level of infringement, and
 - c) Assess compliance with the revised time limits and associated infringements in the management of parking turnover in conjunction with any future consideration by Council of the implementation of a pay parking scheme in bangalow.
 - d) This resolution rescinds and replaces Res 17-356
 - e) That any advice forwarded to RMS and NSW Police in accordance with the appeal procedures in the Delegation as a result of this resolution include a notification that the NSW Police Member was not present at the LTC meeting of 31 October 2017 and consequently raised objection to the proposal as did the local MP member of the committee at the LTC meeting of 13 December 2017. (Cameron/Spooner)

PROCEDURAL MOTIONS

- 17-661 Resolved** that Cr Richardson be granted a two minute extension to his speech. (Ndiaye/Lyon)

The motion was put to the vote and declared carried.

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17-662 Resolved that Cr Hunter be granted a two minute extension to his speech.
(Richardson/Cameron)
The motion was put to the vote and declared carried.

17-663 Resolved that Cr Spooner be granted a two minute extension to his speech. (Richardson/Ndiaye)
The motion was put to the vote and declared carried.

17-664 Resolved that Cr Cameron be granted a two minute extension to his speech.
(Richardson/Coorey)
The motion was put to the vote and declared carried.

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

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.5 **PLANNING - S96 10.2016.551.2 S96 for Design Amendments to Dwelling House at 70 Kingsley Street Byron Bay**
File No: I2017/1792

17-665 Resolved:

1. That pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, that Application No. 10.2016.551.2, for S96 for design amendments to dwelling house, be partially approved by modifying Development Consent Number 10.2016.551.1 subject to the conditions listed in Attachment 2 (E2017/108605) with consent condition 14 deleted from the consent conditions.
2. That Council complete a review on heritage conservation areas or precincts in Byron Bay.
(Richardson/Ndiaye)

AMENDMENT

Moved:

1. That pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, that Application No. 10.2016.551.2, for S96 for design amendments to dwelling house, be partially approved by modifying Development Consent Number 10.2016.551.1 subject to the conditions listed in Attachment 2 (E2017/108605).
2. That Council complete a review on heritage conservation areas or precincts in Byron Bay.
(Hackett/Cameron)

PROCEDURAL MOTIONS

17-666 Resolved that Cr Hackett be granted a two minute extension to her speech.
(Richardson/Cameron)

The motion was put to the vote and declared carried.

17-667 Resolved that Cr Cameron be granted a two minute extension to his speech.(Richardson/Ndiaye)
The motion was put to the vote and declared carried.

The amendment was put to the vote and declared lost.

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Crs Hunter, Hackett and Cameron voted in favour of the amendment.

Crs Coorey, Martin, Lyon, Ndiaye, Richardson and Spooner voted against the amendment.

The motion was put to the vote and declared carried.

Crs Coorey, Martin, Lyon, Ndiaye, Richardson, Cameron, Spooner and Hunter voted in favour of the motion.

Cr Hackett voted against the motion.

The meeting adjourned at 12.50pm for lunch and reconvened at 1.44pm.

Report No. 13.7 **PLANNING - 26.2016.6.1 - Planning Proposal - The Farm - Additional Permitted Uses**

File No: I2017/1823

In accordance with his earlier declared interest in this matter Cr Lyon remained in the Chamber and participated in discussion and the vote.

Moved that Council:

1. Agree to initiate the planning proposal to amend Byron LEP 2014 (Attachment 1 #E2017/103796) for the reasons outlined in this report, *augmented by the addition of a retail outlet and a florist as additional permitted uses, provided that those outlets sell produce and products from the northern rivers region only.*
2. Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination.
3. Agree that staff can proceed to public exhibition of the planning proposal and government agency consultation based on the Gateway determination issued by the NSW Department of Planning and Environment, and report back to Council as part of post-exhibition reporting.
(Ndiaye/Spooner)

PROCEDURAL MOTIONS

17-668 Resolved that Cr Ndiaye be granted a two minute extension to her speech. (Richardson/Hunter)

The motion was put to the vote and declared carried.

17-669 Resolved that Cr Hackett be granted a one minute extension to her speech.
(Richardson/Cameron)

The motion was put to the vote and declared carried.

17-670 Resolved that Cr Hackett be granted a one minute extension to her speech.

The motion was put to the vote and declared carried.

AMENDMENT

17-671 Resolved that Council:

1. Agree to initiate the planning proposal to amend Byron LEP 2014 (Attachment 1 #E2017/103796) for the reasons outlined in this report.

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2. Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination.
3. Agree that staff can proceed to public exhibition of the planning proposal and government agency consultation based on the Gateway determination issued by the NSW Department of Planning and Environment, and report back to Council as part of post-exhibition reporting. (Lyon/Cameron)

PROCEDURAL MOTIONS

17-672 Resolved that Cr Richardson be granted a two minute extension to his speech. (Ndiaye/Cameron)

The motion was put to the vote and declared carried.

17-673 Resolved that Cr Spooner be granted a two minute extension to his speech. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

17-674 Resolved that Cr Cameron be granted a two minute extension to his speech. (Lyon/Richardson)

The motion was put to the vote and declared carried.

17-675 Resolved that Cr Ndiaye be granted a one/two minute extension to his/her speech. (Richardson/Coorey)

The motion was put to the vote and declared carried.

The amendment was put to the vote and declared carried.

Crs Coorey, Martin, Lyon, Cameron and Hackett voted in favour of the amendment.

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 Coorey, Martin, Lyon, Cameron and Hackett voted in favour of the motion.

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

Report No. 13.8 Emissions Reduction Strategy
File No: I2017/1824

17-676 Resolved that Council note this report. (Ndiaye/Richardson)

The motion was put to the vote and declared carried.

Report No. 13.9 Broken Head Reserve and Seven Mile Beach Road Management Issues
File No: I2017/1839

17-677 Resolved:

1. That Council note the report and the Actions that are currently being implemented by staff, State agencies, Police and residents to address the management issues in the Broken Head Reserve area and its beaches.
2. That Council endorse the Action Plan for wider community consultation with the following adjustments:

- Action 2 include Shire resident permit option and delete consideration of car park closure
- Action 6 Immediately remove the no stopping signs and boulders at the southern end of Seven Mile Beach Road. Create a proper turning circle and car parking area. Install no parking from 9.00pm-5.00am signs
- Action 9 review the placement and number of No Stopping signs along the length of the road.
- Action 12 change 'neighbourhood watch program' to 'Broken Head Custodians Group'
3. That the provision of a budget of \$20,000 for concept infrastructure planning investigations and surveys for road upgrades and investigation of traffic calming options be considered as part of the December 2017 Infrastructure Services Financial Quarterly Review.
 4. That a further report is presented to Council early 2018 on this consultation and any other management issues that arise over the summer holiday period.
 5. That Council note that responses from both the Police and NPWS requesting support in these matters, as outlined in Actions 4 and 5 have still not been forthcoming and that Council write again, requesting an urgent response. (Spooner/Ndiaye)

PROCEDURAL MOTION

17-678 Resolved that Cr Richardson be granted a two minute extension to his speech. (Ndiaye/Martin)

The motion was put to the vote and declared carried.

The motion (Spooner/Ndiaye) was put to the vote and declared carried.

Report No. 13.10 Approval to Operate a Caravan and Camping Ground application under section 68 of the Local Government Act 1993 and Regulations 2005 for Ferry Reserve Holiday Park

File No: 12017/1889

Moved:

1. The application for a three year Approval to Operate is refused.
2. The applicant is asked to resubmit a three year application for an Approval to Operate within six months of receiving approved amended POM for Ferry and that such application is consistent with Resolution 17-184 of 25 May 2017 wherein it was stated that Council:
 - "1. *Notes the following Concept Plans for the purposes of the public exhibition of the Crown Reserve Plans of Management;*
 - a) *Revised Concept Plan for Ferry Reserve Holiday Park as shown at Attachment 1.*
 - b) *Revised Concept Plan for Massy Greene Holiday Parks as shown at Attachment 2.*
 2.
 - a) *Supports NSWCHPT in seeking Ministerial approval to exhibit the proposed changes to the PoM for Ferry Reserve as per 1a hereof and it notes that it shows proposed road layout, formalised public access to the Boat Ramp and 10 meter setback from the Brunswick River.*
 - b) *Supports NSWCHPT in seeking Ministerial approval to exhibit the proposed changes to the PoM for Massy Green as per 1b hereof and notes that it shows proposed road layout, formalised public car parking, open public space in lot 7005 including a children's play area and public access to light craft ramp and 10 meter setback from the Brunswick River.*

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3. a) *Impose a condition on any Approval to Operate issued by Council in respect of the applications in 1a and 1b that the operation of the caravan park/camping ground and any building or work associated with its operation must comply with all applicable standards imposed by the Local Government (Manufacture Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005, and;*
b) *where there is any non-compliance with the Local Government (Manufacture Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005 NSWCHPT commit to doing all acts and things necessary to resolve the non-compliance issues as part of the development and works programme of the relevant Holiday Park in accordance with the timing schedule and staging plan known as SCHEDULE OF COMPLIANCE WORKS AND ACTIVITIES which will form part of the Approval to Operate.*
 4. *In order to enable the development and works program set out in the SCHEDULE OF COMPLIANCE WORKS AND ACTIVITIES as per 3b and included as a condition in any Approval to Operate, the Approval to Operate be issued for a period of three (3) years."*
3. Council advise the applicant of its intention to issue an Approval to Operate upon receipt of approved amended POM and schedule of capital works to bring the holiday park into compliance.
 4. Council requests the applicant that in the interim the existing foreshore setback from the top of the riverbank of the Brunswick River at Ferry is to be maintained as unfettered public walkways free of any spill over areas from the caravan parks' clientele. (Coorey/Cameron)

PROCEDURAL MOTION

17-679 Resolved that Cr Coorey be granted a two minute extension to her speech.

(Richardson/Cameron)

The motion was put to the vote and declared carried.

AMENDMENT

17-680 Resolved that Council grant approval under Chapter 7 of the Local Government Act, 1993 and the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 1995 to operate a caravan park or camping ground on the property known as the Ferry Reserve Holiday Park subject to the conditions in the Staff Compliance Assessment Report (Attachment 4 E2017/108747). (Ndiaye/Richardson)

The amendment was put to the vote and declared carried.

Crs Coorey, Cameron and Hackett voted against the amendment.

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

Report No. 13.12 Approval to Operate application under section 68 of the Local Government Act 1993 and Regulations 2005 for Massey Greene Holiday Park

File No: I2017/1897

17-681 Resolved that Council grant approval under Chapter 7 of the Local Government Act, 1993 and the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 1995 to operate a caravan park or camping ground on the property known as the Massey Greene

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Holiday park subject to the conditions in the Staff Compliance Assessment Report (Attachment 4 E2017/108745). (Ndiaye/Lyon)

*The motion was put to the vote and declared carried.
Crs Coorey and Hackett voted against the motion.*

PROCEDURAL MOTION

17-682 Resolved that Council change the order of business to deal with Report 10.2 next on the Agenda. (Richardson/Cameron)

The motion was put to the vote and declared carried.

PETITION

Petition No. 10.2 Brunswick Parking Management Strategy
File No: I2017/1910

Moved: That the petition objecting to Paid Parking in Brunswick Heads be noted and that the review period be extended from 6 months to 9 months. (Richardson/Ndiaye)

AMENDMENT

17-683 Resolved that the petition objecting to Paid Parking in Brunswick Heads be noted and that Council endorse the recommendation of the Local Traffic Committee Meeting held on 13 December 2017 as below:

1. That the Local Traffic Committee endorse Council Resolutions 17-587 and 17-636, providing concurrence for:
 - a) Item 2, which is to implement the changes to the parking time limits in the Brunswick Heads Town Centre, as depicted in the proposed parking times in Figure 1 of this report, with the minor amendments identified in Table 1.
2. That the Local Traffic Committee recommend the proposed parking limits be reviewed on a needs basis.
3. That the review period be extended from 6 months to 12 months. (Cameron/Spooner)

*The amendment was put to the vote and declared carried.
Crs Martin, Lyon, Ndiaye and Richardson voted against the amendment.*

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

The meeting adjourned at 4.15pm and reconvened at 4.40pm.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.15 Council's Capacity to Influence a Plastic Free Byron
File No: I2017/1676

17-684 Resolved:

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1. That Council implement the following initiatives to achieve the objective of reduction in single use of plastic bags and packaging with the intent of implementing a voluntary ban of single use plastic bags and packaging in the *Byron Shire by Plastic Free July 2018*:
 - a) Engage with Boomerang Alliance to implement the Communities Taking Control program of education and assistance for businesses and the community to reduce single use plastic bags and packaging;
 - b) Develop and implement a targeted program that creates and promotes more public water stations across the Shire to reduce the need for single use water bottles; and
 - c) Lobby State and federal politicians via distribution of the attached letter to NSW Premier Gladys Berejiklian, NSW Environment Minister Gabrielle Upton, NSW MLC for Ballina, Tamara Smith, NSW Member for the Northern Rivers, Benjamin Franklin and the Federal Member for Richmond, Justine Elliot.
2. That the above program is funded via the funding streams identified within this report.
3. That Council consider what role the container deposit scheme can have in furthering this cause and some possible workarounds while the State government struggle to achieve their outcomes.
4. That a letter be sent to the State and Federal politicians as listed in 1c) requesting support for Byron Shire container deposit scheme locations to be identified and their creation expedited in Byron Shire. (Ndiaye/Lyon)

The motion was put to the vote and declared carried.

Report No. 13.19 **Traffic Signals in Byron Shire Council Area**
File No: I2017/1891

17-685 Resolved:

1. That various traffic control solutions across the Shire be developed using a merit based approach that considers the relevant constraints and context for each site.
2. That a range of technical and other guides be considered as possible guides for design of intersection and transport infrastructure in order that possible innovative solutions can be considered.
3. That an options report be presented to Council, where roundabout or traffic signals are being considered, which reviews all facets of the design process for each intersection traffic control measure, including the recommended solution for the intersection and the reasons why it should be used.
4. That the planned Ewingsdale Road/Bayshore Drive roundabout project proceed utilising the available grant funds.
5. That further investigation be undertaken for alternative solutions to a roundabout at Clifford Street/Broken Head Road, including traffic lights.
6. That the modelling for the updated MR545 study include options for traffic signals and other innovative solutions that may become apparent. (Cameron/Hackett)

The motion was put to the vote and declared carried.

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PROCEDURAL MOTION

17-686 Resolved that Council change the order of business to deal with Report 13.18 next on the Agenda.

(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 13.18 **Byron Bay town centre bypass implementation**
File No: I2017/1789

Moved:

1. That work not commence on implementing the Byron Bay town centre bypass.
2. That Councillors be provided with the answer to the questions regarding costings posed by John Anderson as referred to in Public Access.
3. That Councillors be provided with the Land and Environment Court judgement on the Bypass.
4. That a full assessment of the nature and costings of work be assessed by a quantity surveyor.

(Coorey/Hackett)

PROCEDURAL MOTION

17-687 Resolved that Cr Coorey be granted a two minute extension to her speech. (Richardson/Hackett)

The motion was put to the vote and declared carried.

AMENDMENT

17-688 Resolved:

1. That work commence on implementing the Byron Bay town centre alternative route based on Option 1 whilst opportunities for the funding gap to complete the full scope of the project work continue to be progressed.
2. That the current budget allocation in 2017/18 to be reduced to \$2.4M to reflect anticipated progress for this financial year and that the balance of funding be transferred to the 2018/19 financial year. (Richardson/Spooner)

The amendment was put to the vote and declared carried.

Crs Coorey, Cameron and Hackett voted against the amendment.

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

MAYORAL MINUTE

Mayoral Minute No. 8.1 **Appointment of Acting General Manager**

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File No: I2017/1963

17-689 Resolved:

1. That the Director Corporate and Community Services, Mark Arnold, be appointed as Acting General Manager for the period following the retirement of the incumbent General Manager until a new General Manager commences duty with Council following recruitment.
2. That Mr Arnold be granted the same delegated authority as is now being exercised by the current General Manager per Council resolution 17-422. (Richardson)

The motion was put to the vote and declared carried.

Mayoral Minute No. 8.2 Railway Square Landscape Concept and Design
File No: I2017/1980

In accordance with his earlier declared interest in this matter Cr Spooner remained in the Chamber and participated in discussion and the vote.

17-690 Resolved that Council endorse the Railway Square Landscape Concept Plan. (Richardson)

PROCEDURAL MOTION

17-691 Resolved that Cr Richardson be granted a one minute extension to his speech. (Ndiaye/Lyon)

The motion was put to the vote and declared carried.

The motion (Richardson) was put to the vote and declared carried.

Mayoral Minute No. 8.3 Byron Bay District Hospital site

17-692 Resolved that Council write to NSW Health and Health Minister to:

1. outline Council's interest in working alongside the Byron Bay community to provide a community focused use of the old Byron Bay hospital site.
2. request NSW Health to defer any decision on any potential sale of the site for six months, in order for Council and a partnership with the community to form and develop a proposal to either purchase the site or pursue a long term lease arrangement. (Richardson)

The motion was put to the vote and declared carried.

Mayoral Minute No. 8.4 Plan of Management for the Byron Bay Memorial Recreation Grounds

In accordance with his earlier declared interest in this matter Cr Spooner remained in the Chamber and participated in discussion and the vote.

17-693 Resolved that Council:

1. Withdraw the draft Plan of Management for the Byron Bay Memorial Recreation Grounds currently on public exhibition.

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2. Write to residents who have already lodged submissions on this draft, informing them of this decision, thanking them for their engagement and submission and informing them that their submission will be considered as part of the new draft to be exhibited in the new year or new submissions will be gratefully accepted.
3. Consider the 2015 draft Plan of Management, completed as part of the Byron Bay Town Centre Masterplan process the preferred document to be exhibited in the new year for possible adoption.
4. Convene a council workshop and a workshop with stakeholders to consider and inform the draft document prior to its exhibition. (Richardson)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 9.1 Car Free Sundays in Byron Bay
File No: I2017/1902

17-694 Resolved:

1. That Council supports, in principle, a trial of 'Car Free Sundays' in Byron Bay;
2. That the car free day be of similar range and scope to the car free area designated for Soul Street that occurs on New Year's Eve;
3. That the Car Free Sundays occur monthly on days that are not Byron Market days;
4. That Council and the community work together to plan and progress this trial; and
5. That a report on this matter be brought to Council for consideration of Car Free Sundays before the winter recess.. (Coorey/Cameron)

The motion was put to the vote and declared carried.
Crs Spooner and Hunter voted against the motion.

SUBMISSIONS AND GRANTS

Report No. 11.1 Byron Shire Council Submissions and Grants as at 22 November 2017
File No: I2017/1787

17-695 Resolved that Council note the report. (Richardson/Cameron)

Cr Hunter left the meeting at 6.22pm and did not return.

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

DELEGATES' REPORTS

1. LGNSW Annual Conference 4-6 December 2017

Cr Ndiaye advised Council:

The three highlights were unlike probably a few years back, a motion that we seconded to lobby the state government about plastic bags went through undiscussed. There was probably 30-odd majority of the more conservative nature in the voting generally and the lobbying for a bed tax proposal also went through without any discussion. So these are things that a few years back I think would have been heavily contested but there seems to be a kind of an understanding around some of these things especially around waste management.

There was some really interesting discussions around small business opportunities and some support from the Minister around our business hub discussions, so that was really positive and it was a great opportunity to meet other people from other council areas.

We had a big push to reinvestigate coal as an option for cheaper electricity which got through, just to give you a sense of the other side of it. So there's still a way to go.

Cr Lyon also advised:

I wanted to mention that we watched a video from a man from the UK which talked about the trust deficit and he worked with a lot of local authorities in England and discussed challenges they'd had with the 25% cut to their budgets in maintaining servicing. There's a lot of really good points in there which I think would be really useful for us in our current situation, as it's very relevant with the conversations with our community. So I'll get all of the details and the links and encourage everyone to have a look at that. It's very relevant for our Council at this current time.

2. Australian Housing Conference 29 November – 1 December 2017

Cr Spooner advised Council:

I attended the Australian Housing Conference where there was 180 speakers and 36 sessions. There was a lot of talking going on! There was great discussion and debate around housing policy, everything from homelessness through to social and affordable housing; housing market, land supply, land use planning.

We had some well-known people there such as Michael Sukkar, the Assistant Minister to the Treasurer, gave an interesting key note where he went through the whole development of the Australian Finance and Investment Corporation. He talked about tax concessions coming down the line, also interestingly enough, establishing a commonwealth land register because they've found out they don't know what they own. So that will be a good starting point to look at what they could use to get some housing on there.

There was a lot of talk about build-to-rent going on because of people not being able to buy and so the whole development-type industry is moving into that area. We've seen that locally - I think I'd suggest with developments like we discussed at our housing forum back in February. The Nightingale project down in Melbourne, I'd argue, is something like habitat here in Sunrise. Those sort of things are seen as very popular.

There was talk of land trust and I know that's been talked a lot about in this area. PWC Australia were there - an auditing firm - and they're putting in a submission to the State Government around changing the R2 zone because they're arguing that there's missing middle housing in Australia at the moment, and especially in NSW, and around having more town houses in that zone. We've got the smaller stuff and the bigger stuff but it's the middle stuff that we need to accommodate for and I think we've seen those sort of things, those stresses here in our community.

All up it was a good experience and I think we're certainly involved in some of the key discussions at the moment and I know that work will continue into the new year. So thanks for the opportunity to attend.

3. Inaugural Tourism Council Advocacy Alliance 4 December 2017

Cr Richardson advised Council:

I attended the inaugural Tourism Council Advocacy Alliance where we got about 40 attendees either there or on conference calls, so from Torres Strait Island to West Australia, South Australia, a whole lot of NSW, Noosa, Blue Mountains, a lot of really key tourism destinations. We're very much no longer on our own. There are some that obviously wanted more tourism and they still acknowledged if we work together we can help them avoid having to react the way we do or Noosa has to. Whether it be where we put cars to get into town or what sort of accommodation we provide.

Out of that meeting there was a wholesale appetite for us to be an advocacy group, an alliance; some of the staffers were kind of keen to work within other organisations but I think for the elected members it was let's "stump up", let's create a group, let's lobby, but also let's research the bits that we need as communities.

Over the next few weeks we'll formalise exactly what the Alliance will look like but it was a really successful initiative and I really want to thank staff who did a whole lot of work to make it happen. I think it was a really great start of hopefully a national voice to address our needs, whether it be bed tax, AirBnB, congestion, waste infrastructure, etc. So that was a great event.

PROCEDURAL MOTION

- 17-696 Resolved** that the meeting be extended past 6.30pm to 7.00pm to complete the business on the agenda. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.14 **Byron Bay Pay Parking Time Limit Review**
File No: 12017/1558

17-697 Resolved:

1. That the changes to the parking time limits in the Byron Bay pay parking area as outlined below be endorsed:
 - a) Wordsworth Street – modify 2P zone to OP (no limit) zone.
 - b) Shirley Street – modify 4P zone to OP (no limit) zone.
 - c) Lawson Street North and South Car Parks – modify from OP (no limit) to 4P.
 - d) Somerset Street and Butler Street Reserve – modify to free parking zone.
 - e) Butler Street – modify 4P zone to OP (no limit) zone.
 - f) Byron Street – modify 2P zone to 1P zone.
 - g) Fletcher Street – modify eastern side from 4P to 2P.
 - h) Jonson Street – modify Carlyle to Kingsley zone from 1P to 2P.
2. That a budget of \$15,000 be approved from Pay Parking Operations in Byron Bay to modify the signage.

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3. That a report be prepared for the Local Traffic Committee for concurrence prior to actioning for items 1a), 1b), 1c), 1e), 1f), 1g) and 1h).
4. That the modification in item 1d) for Somerset Street and Butler Street Reserve be implemented as soon as possible.
5. That staff provide a report with an analysis of resident and non-resident usage for the different paid parking time zones. (Spooner/Richardson)

The motion was put to the vote and declared carried.

Report No. 13.16 Current and Future Capacity of Bangalow STP - Response to Resolution 17-502

File No: I2017/1777

17-698 Resolved:

1. That Council note the report.
2. That Council refers the report for discussion at next Thursday's Waste Water and Sewer Committee meeting to consider for further recommendations to Council. (Lyon/Richardson)

The motion was put to the vote and declared carried.

Report No. 13.17 Byron Properties Redevelopment Expression of Interest

File No: I2017/1786

17-699 Resolved that Council:

1. Progress the EOIs for the former South Byron STP and Lot 12 Bayshore Drive sites as separate EOIs.
2. Adopt the proposed EOI Vision, Purpose, Aims and Objectives, Council Requirement and Anticipated Development statements for the former South Byron STP site.
3. Defer the issue of the Lot 12 Bayshore Drive EOI until after 30 June 2018 or following the completion of the former South Byron STP EOI process if it occurs before this date. (Spooner/Richardson)

The motion was put to the vote and declared carried.

URGENCY MOTIONS

PROCEDURAL MOTION

- 17-700 Resolved** that Local Traffic Committee Meeting minutes be discussed as a matter of urgency. The urgency being that the minutes and recommendations of the Local Traffic Committee at their meetings on 31 October 2017 and 13 December 2017 contain recommendations on matters that are required to be actioned before the date of the next Council meeting on 1 February 2018. (Cameron/Ndiaye)

The Mayor declared the matters to be of great urgency.

The motion was put to the vote and declared carried.

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Urgency Motion No. 1 **Local Traffic Committee Meeting Minutes 31 October 2017**
File No: I2017/1668

17-701 Resolved that Council note the minutes of the Local Traffic Committee Meeting held on 31 October 2017. (Cameron/Spooner)

The motion was put to the vote and declared carried.

Urgency Motion No. 1.6.1 **Traffic - Bangalow Rd 440 - Regulatory Signage - Road Narrows**
File No: I2017/955

17-702 Resolved:

Committee Recommendation 6.1.1

That Council approve the installation of line marking and signs as per the 24.2014.62.1 – Bangalow Rd 440 drawing - Signage, Line marking and Safety Barrier C03 Issue B.

(Cameron/Spooner)

The motion was put to the vote and declared carried.

Urgency Motion No. 1.6.2 **Traffic - Station Street**
File No: I2017/1357

17-703 Resolved:

Committee Recommendation 6.2.1

That Council:

1. Retain the existing Loading Zone in Station Street.
2. Approve signage and line marking to facilitate required changes to provide an accessible parking bay in Station Street, Mullumbimby.
3. Council prepare a vehicle movement plan to be provided to delivery drivers outlining new delivery arrangements to be implemented by council. (Cameron/Spooner)

The motion was put to the vote and declared carried.

Urgency Motion No. 1.6.3 **Regulatory Signage & Linemarking - Pinegroves Road and Tyagarah Road, Myocum RE: 10.2016.486.1 - Storage Premises**
File No: I2017/1447

17-704 Resolved:

Committee Recommendation 6.3.1

That Council approve the use of the signage and line marking to Pinegroves and Tyagarah Roads in accordance with the signage and line marking plans prepared by Rob Aungle & Associates, numbered H-01, H-02 & H-03 and dated 22.09.17.

(Cameron/Spooner)

The motion was put to the vote and declared carried.

Urgency Motion No. 1.6.4 **Bangalow Town Centre Pay Parking Scheme - Endorsement of Council Resolved Time Limits in Bangalow**
File No: I2017/1525

17-705 Resolved:Committee Recommendation 6.4.1

That the Local Traffic Committee note the proposal to introduce the Bangalow Town Centre Pay Parking Scheme on 1 January 2018 and have no objection to Council Resolution 17-356 detailed above, providing concurrence for:

- a) Item 1, which is to implement the changes to the parking time limits in the Bangalow Town Centre, as depicted in the proposed parking times in Figure 1, being 1P throughout Byron Street and part of Station Street, with 2P in the remainder of Station Street with the extension of the metered scheme to include all of Station St. north.
- b) Items 2 and 3, detailing that the pay parking scheme will be in line with the Byron Bay town centre parking scheme, incorporating annual exemptions in the format of a resident and business parking permits in line with Council's approved fees and charges.

(Cameron/Spooner)

The motion was put to the vote and declared carried.

Urgency Motion No. 1.6.5 Event Road Closure - Soul Street New Year's Eve and First Sun New Year's Day, Byron Bay

File No: I2017/1538

Cr Spooner declared a non-pecuniary interest in Soul Street matter as his employer receives funding for this event. Cr Spooner elected to remain in the chambers and vote.

17-706 Resolved:Committee Recommendation 6.5.1

1. That the Local Traffic Committee supports:
 - a) Council's temporary traffic management initiatives for the Soul Street New Year's Eve event to be held in Byron Bay and approves the temporary road closure of Jonson Street, between Lawson Street through to the car park entry at Railway Park (north of Marvell Street), from 6am on Sunday 31 December 2017 and its removal by no later than 7am on the Monday 1 January 2018.
 - b) Council's temporary traffic management initiatives for the First Sun New Year's Day event to be held in Byron Bay and approves the temporary road closure of Lighthouse Road from Brooke Road (The Pass), from 3am to 8am on Monday 1 January 2018.
2. That the approval provided in Part 1 remain subject to Council endorsement of the event prior to implementation and is subject to the following requirements:
 - a) traffic control plans are designed and implemented by those with the appropriate NSW (RMS) accreditation;
 - b) advertising is undertaken in accordance with the Roads Act, including the publication of a map and explanatory notes in a local newspaper and on Council's website;
 - c) the letterbox drop of properties adjacent to and prior of the Jonson Street closure and Bay Street, Marvell Street and Byron Street parking changes; and
 - d) all parties involved in Council's NYE events hold, or least covered by, appropriate and relevant levels of insurance and public liability cover as required by Council.
 - e) That Council should liaise with NSW Police to prepare a confidential counter-terrorism plan for the event and consider alternate additional barriers in strategic locations in consultation with NSW Police.

(Cameron/Spooner)

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The motion was put to the vote and declared carried.

Urgency Motion No. 1.6.6 DA 10.2017.337.1 - Change of use - Chicken Processing Facility to mixed uses, including agricultural processing warehouse and recreation facility - median and signage on Ewingsdale Road at property en

File No: I2017/1542

17-707 Resolved:

Committee Recommendation 6.6.1

That the Local Traffic Committee's comments relating to DA 10.2017.337.1 be provided to the Council Planning Team. (Cameron/Spooner)

The motion was put to the vote and declared carried.

Urgency Motion No. 1.7.1 DA 10.2017.510.1 - Mixed Use Development, Jonson and Browning Streets - proposed change to Ruskin Lane and potential conflicts with Byron Bypass roundabout

File No: I2017/1507

17-708 Resolved:

Committee Recommendation 7.1.1

That the Local Traffic Committee's comments relating to DA 10.2017.510.1 be provided to the Council Planning Team. (Cameron/Spooner)

The motion was put to the vote and declared carried.

Urgency Motion No. 2 Local Traffic Committee Meeting Minutes 13 December 2017

File No: I2017/1982

17-709 Resolved that Council note the minutes of the Local Traffic Committee Meeting held on 13 December 2017. (Cameron/Spooner)

The motion was put to the vote and declared carried.

Urgency Motion No. 2.6.1 Mullumbimby Parking Strategy - Endorsement of Council Resolved Time Limits in Mullumbimby

File No: I2017/1900

17-710 Resolved:

Committee Recommendation 6.1.1

1. That the Local Traffic Committee endorse the changes to the parking time limits in the Mullumbimby Town Centre, as depicted in the proposed parking times in Figure 1, being:
 - a) 1P throughout Burringbar Street and the addition of 4P zones at the ends of Stuart and Dalley Streets and
 - b) 2P remaining in place for the remainder of Stuart and Dalley Streets.
2. That the Local Traffic Committee recommend that the proposed 4hr parking limits be

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reviewed during the 12 month period on a needs basis.

(Cameron/Spooner)

The motion was put to the vote and declared carried.

Urgency Motion No. 2.6.2 Brunswick Heads Parking Strategy - Endorsements of Council Resolved Time Limits in Brunswick Heads

File No: I2017/1901

17-711 Resolved:

Committee Recommendation 6.2.1

1. That the Local Traffic Committee endorse Council Resolutions 17-587 and 17-636, providing concurrence for:
 - a) Item 2, which is to implement the changes to the parking time limits in the Brunswick Heads Town Centre, as depicted in the proposed parking times in Figure 1 of this report, with the minor amendments identified in Table 1.
2. That the Local Traffic committee recommend the proposed parking limits be reviewed on a needs basis.
3. That the review period be extended from 6 months to 12 months. (Cameron/Spooner)

The motion was put to the vote and declared carried.

Urgency Motion No. 2.6.3 Closing Bay Lane for a trial period during January 2018

File No: I2017/1961

17-712 Resolved:

Committee Recommendation 6.3.1

1. That the Local Traffic Committee does not support the trial closure of Bay Lane throughout January 2018.
2. The Local Traffic Committee recommends a detailed investigation of the proposal for temporary and possible long term closure including safety, access, and consistency. (Cameron/Spooner)

The motion was put to the vote and declared carried.

Urgency Motion No. 2.6.4 U-turn signs at Melaleuca Drive

17-713 Resolved:

Committee Recommendation 6.4.1

That "No U-turn" signs be erected at the intersection of Ewingsdale Road and Melaleuca Drive controlling eastbound traffic in Ewingsdale Road. (Cameron/Spooner)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

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Moved: That the matter of Saddle Road be discussed as a matter of urgency, the urgency being:

- The 90 day period for Council to consider this is today.
- Council Resolution 17-601/2
- *"That Council in relation to the Saddle Road EOI sites, no further action is to be taken under Res 17-260 (Item 5) until the Planning Proposal assessment for this locality has been completed and considered by Council in December "*
- As this is the last Council meeting and the expectation was that this would be dealt with today
- There are 21 landowners unwillingly caught up in this planning proposal who expected to have clarity on this today. (Coorey/Cameron)

The Mayor ruled the matter not to be of great urgency.

PROCEDURAL MOTION

- 17-714 Resolved** that the matter of clothes optional signage at Tyagarah Beach be discussed as a matter of urgency. The urgency being based on a previous motion we put through around nude bathing. We requested all the signage to go at Tyagarah but did not include any signage to stipulate it was no longer appropriate on other areas of the beach. As summer is approaching and with it, higher visitor numbers and more beach goers, I think it's important we back up our previous response with further signage in areas that previously were perceived as nude bathing areas. (Ndiaye/Lyon)

The Mayor ruled the matter to be of great urgency.

Crs Lyon and Hackett left the meeting at 6.58pm.

*The motion was put to the vote and declared carried.
Crs Cameron and Spooner voted against the motion.
Crs Lyon and Hackett were not present for the vote.*

Crs Lyon and Hackett returned to the meeting at 7.01pm.

Urgency Motion No. 3 Clothes Optional Signage at Tyagarah Beach

- 17-715 Resolved** that in relation to the installation of Clothes Optional Signage at Tyagarah Beach that:
1. Subject to landowner consent, staff install 3 signs in consultation with the Safe Beach Group (including Police and NPWS) at the southern end (Belongil) relating to resolution 17-499
 2. That funding of \$5,000 be identified in the December review. (Ndiaye/Lyon)

PROCEDURAL MOTION

- 17-716 Resolved** that the meeting be extended to 7.15pm to complete this item. (Richardson/Coorey)

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

*The motion (Ndiaye/Lyon) was put to the vote and declared carried.
Crs Hackett and Spooner voted against the motion.*

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There being no further business the meeting concluded at 7.11pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 1 February 2018.



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Mayor Simon Richardson