



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 18 April 2019

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
18 April 2019

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 18 APRIL 2019 COMMENCING AT 9:09AM AND CONCLUDING AT 2:32PM
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12019/560

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

Staff: Mark Arnold (General Manager)
Vanessa Adams (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Chris Larkin (Acting Director Sustainable Environment and Economy)
Ralph James (Legal Counsel)
Josh Winter (Client Representative – Byron Bypass) – Item 13.3, Item 16.1
Michael Matthews (Manager Open Spaces and Resource Recovery) – Item 13.3
Claire McGarry (Place Manager – Byron Bay) – Item 13.3
Sarah Ford (Manager Social and Cultural Planning) – Item 13.6
Chris Soulsby (Development Planning Officer S94 & S64) – Item 16.1
Heather Sills (Minute Taker)

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

PUBLIC ACCESS

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

9.1 Consider removal of 'Rural Cabin' provisions and amendment to 'Farm Stay' provisions in Rural Zones

Cleva O'Reilly and John Anderson addressed Council in favour of the recommendation.

9.2 Boundary Adjustment for 5 Deacon Street Bangalow

Aisha Pelmore addressed Council in favour of the recommendation.

13.3 Temporary relocation of Byron Farmers Market

David Trevor-Jones on behalf of Byron Farmers Market addressed Council in favour of the recommendation.

13.6 Lone Goat gallery Funding

Denise Napier on behalf of Lone Goat Gallery addressed Council in favour of the recommendation.

16.1 CONFIDENTIAL - Tender 2019-0005 - Byron Bay Bypass Noise Consultancy - Design & Implementation of At-Property Treatments

John Anderson and Jan Barham addressed Council against the recommendation.

Submission No. 1 - Conducive to Corruption

John Anderson made a submission to Council regarding corruption.

Submission No. 2 – Old Byron STP Site

Cleva O'Reilly made a submission to Council regarding the old Byron STP site.

Question No. 1 – Holiday Letting

John Anderson asked the following question:

A few years ago Council began adding consent conditions to residential developments to prevent holiday letting in residential zones. Does Council still do this and if so, under what circumstances? If not, why was the practice discontinued?

The Acting Director of Sustainable Environment and Economy provided the following response:

Standard practice to apply the restriction on holiday letting to secondary dwellings is still our practice, we haven't discontinued it. Staff also applies the restriction from time to time on medium density forms of housing, including dual occupancies and the like, to ensure such housing is used for that intended purpose.

The meeting adjourned at 10:08am and reconvened at 10:34am.

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 Martin declared a significant non-pecuniary interest in Report 13.1. The nature of the interest being that she is the Public Officer of Mullum SEED. Cr Martin elected to leave the Chamber and will not participate in discussion and the vote.

Cr Ndiaye declared a non-significant non-pecuniary interest in Report 9.2. The nature of the interest being that the owner is a former colleague. Cr Ndiaye elected to remain in the Chamber and will participate in discussion and the vote.

Cr Hunter declared a non-significant non-pecuniary interest in Report 9.1. The nature of the interest being that he is an owner of RU1 and RU2 zoned land. Cr Hunter elected to remain in the Chamber and will participate in discussion and the vote.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 19-156 Resolved** that the minutes of the Byron Shire Reserve Trust Committee Meeting held 28 March 2019 be confirmed. (Spooner/Hunter)

The motion was put to the vote and declared carried.

- 19-157 Resolved** that the minutes of the Ordinary Meeting held 28 March 2019 be confirmed. (Hackett/Spooner)

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**General Manager**

Report No. 13.3 Temporary relocation of Byron Farmers Market

Corporate and Community Services

Report No. 13.6 Lone Goat Gallery - request for support

Report No. 13.7 Section 355 Management Committees - resignations and appointments

Report No. 13.8 Australia Day 2019 Review and Future Planning

Report No. 13.11 Policy Review 2019

REPORTS OF COMMITTEES**Infrastructure Services**

Report No. 14.2 Report of the Local Traffic Committee Meeting held on 15 March 2019

6.1 Events - Bangalow Billycart Derby 2019 - Byron Street Road Closure 19 May 2019

7.1 Parking at Nelson Lane, Brunswick Heads

7.2 Speed Zone Review - Main Arm Road

8.1 Events - 2019 Splendour in the Grass Music Festival

8.2 Events - Byron Writers Festival 2019 - Road Closure

8.3 Bus Stop & Street Signage Relocation - Bonanza Drive, Billinudgel

CONFIDENTIAL REPORTS**Infrastructure Services**

Report No. 16.1 CONFIDENTIAL - Tender 2019-0005 - Byron Bay Bypass Noise Consultancy - Design & Implementation of At-Property Treatments

Cr Martin left the Chambers at 10:41am in accordance with her earlier declared interest in this matter.

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Hackett and seconded by Cr Hunter. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 19-158 and concluding with Resolution No.19-172.

SUBMISSIONS AND GRANTS

Report No. 11.1 **Byron Shire Council Submissions and Grants as at 25 March 2019**
File No: I2019/451

- 19-158 Resolved** that Council notes the report and attachment (#E2019/21570) for the Byron Shire Council Submissions and Grants as at 25 March 2019. (Hackett/Hunter)
-

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 **Licence to Mullumbimby Sustainability Education and Enterprise Development Inc**
File No: I2019/436

19-159 Resolved:

1. That Council authorise the General Manager to negotiate a temporary licence with Mullumbimby Sustainability Education and Enterprise Development Inc for occupation of part of Lot 22 DP 1073165 known as the Mullumbimby Community Gardens on the following terms:
 - a) term one (1) month with monthly holding;
 - b) for the purpose of a community garden as defined in Policy No. 14/008 Byron Shire Community Gardens;
 - c) rent payable monthly at the value of one twelfth of the minimum Crown rent as determined by clause 38 of the *Crown Land Management Regulations 2017* (NSW);
 - d) the Licensee to pay outgoings of water, contents and building insurances; and
 - e) the Licensor to pay outgoings of the value of general land rates (if payable).
 2. That Council authorise the publication of the proposed temporary one (1) month licence with monthly holding over to the Mullumbimby Sustainability Education an Enterprise Development Inc for a period of 28 days seeking public comment.
 3. That in the event no submissions are received, that Council delegate to the General Manager the authority to enter into the licence referred to in 1 above.
 4. That if submissions are received that a new report be reported to Council at its June 2019 meeting. (Hackett/Hunter)
-

Report No. 13.2 **Sub-Licence to The Ranch Byron Bay for equestrian activities through Crown Land Lot 428 DP 729272**
File No: I2019/445

19-160 Resolved:

1. That Council authorise the General Manager to grant a sub-licence to The Trustee for the Mclvor Family Trust, trading as The Ranch Byron Bay ("the Ranch Byron Bay") for a term of six (6) months for the purpose of access through part of Lot 428 DP 729272 being Reserve R81780 on conditions that:
 - a) The Ranch Byron Bay hold a current permit with Cape Byron Marine Park for the term of the sub-licence; and

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- b) The Ranch Byron Bay takes all steps necessary to ensure all horse droppings are removed from the sub-licensed area during and at the end of each access session.
2. The sub-licence fee for the term be set at one half of the Sub-licence Beach Access Commercial Horse Riding as set in Council's current Fees and Charges. (Hackett/Hunter)

Report No. 13.4 Brunswick Valley Woodchop and Entertainment Committee request for sub-licence for market stalls

File No: I2019/482

19-161 Resolved that Council delegate to the General Manager the authority to enter into a sub-licence with the Brunswick Valley Woodchop and Entertainment Committee Inc. for a market licence over Part of Lot 7307 DP1167806 on the following:

- a) Term of 30 months;
 - b) rent to be set in accordance with Council Fees and Charges;
 - c) conditional that the sub- licensee holds a Trust licence for community markets on the adjacent land; and
 - d) all special conditions in the Trust licence to be replicated in the sub-licence.
- (Hackett/Hunter)

STAFF REPORTS – CORPORATE AND COMMUNITY SERVICES

Report No. 13.5 Heritage House Bangalow - Disband Section 355 Management Committee and Grant a Lease

File No: I2017/811

19-162 Resolved:

1. That Council terminates the Delegated Authority under Section 377 of the Local Government Act 1993 for a Section 355 Management Committee to manage the Heritage House and Tennis Courts Bangalow.
2. That Council delegates to the General Manager the authority to negotiate a five (5) year lease, for the purpose of a Not-For-Profit Museum and Associated Tea House Rooms, to the Bangalow Historical Society Incorporated over the whole of Lot 1 DP 1249921 being 4 Ashton Street Bangalow on the following terms:
 - a) commencement date 1 June 2019;
 - b) term five (5) years and with no holding over provision;
 - c) initial rent to be set at the value of minimum Crown rent as determined by clause 38 of the *Crown Land Management Regulations 2017* (NSW).
3. That the \$5,000 bank float provided to the Section 355 Management Committee for Heritage House be donated to the Bangalow Historical Society to cover the costs of transitioning from a Council committee structure to a lease.
4. That on granting of the lease, Council:
 - a) subsidises the rent by way of a Section 356 donation from Council to the Bangalow Historical Society Inc. to the value of \$3,110 to be provided for in the 2019/2020 Budget, and the forward Long Term Financial Plan; and

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- b) advertises the Section 356 donation proposed to be made.
5. That Council authorises the publication of the proposed five (5) year lease to Bangalow Historical Society Incorporated for a period of 28 days seeking public comment.
6. That in the event no submissions are received, Council delegates to the General Manager the authority to enter into the lease referred to in 2 above.
7. That if submissions are received, a new report be brought back to Council at its June meeting. (Hackett/Hunter)
-

Report No. 13.9 **Investments - 1 March 2019 to 31 March 2019**
File No: I2019/437

- 19-163 Resolved** that the report listing Council's investments and overall cash position as at 31 March 2019 be noted. (Hackett/Hunter)
-

Report No. 13.10 **NSW Crime Prevention funded project - Improved Street Lighting**
Jonson St, Byron Bay
File No: I2019/443

- 19-164 Resolved** that Council notes the intention in the report to progress the NSW Crime Prevention funded project for Improved Street Lighting in Jonson St, Byron Bay by installing standard street lighting that meets Australian Standards, also noting that the funds are required to be acquitted by October 2019. (Hackett/Hunter)
-

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.12 **Land Matters - Byron Bay Bypass**
File No: I2019/382

- 19-165 Resolved:**
1. That Council endorse the closure of part road reserve adjoining Lot 6 Sec 51 DP 758207, being 3 Browning Street Byron Bay and road widening as per Final Deposited Plan *Attachment 3 (E2019/18815)* in order to facilitate the works for the Byron Bay Bypass as per Figure 1.
 2. That Council endorse the dedication of Council Operational Land, being Lot 7 on DP 258071 and Lot 8 on DP 818197 as road reserve, and for staff to submit a Gazettal Notice to formalise this.
 3. That Council authorise the execution of all documents necessary to affect the road closure and dedication. (Hackett/Hunter)
-

Report No. 13.13 **Coastal Estuary Catchment Panel Minutes - 14 March 2019**
File No: I2019/438

- 19-166 Resolved:**
1. That Council note the minutes of the Coastal Estuary Catchment Panel Meeting held on 29

November 2019.

2. That Council adopt the following Panel Recommendation(s):

Report No. 4.1 Water Sensitive Urban Design Policy and Strategy Update
File No: I2019/132

Panel Recommendation 4.1.1

1. That the Draft Water Sensitive Urban Design policy and strategy be presented to a Council Strategic Planning Workshop.
 2. That prior to presentation the document be updated with the following changes:
 - a) To consider mandating through planning instruments minimum pervious areas on development sites and at land-use area scale.
 - b) To integrate with Council's Climate Change Emergency Declaration including sea level rise as will occur over the lifetime of the device.
 3. That following the presentation to the Strategic Planning Workshop, the Draft Water Sensitive Urban Design policy and strategy be endorsed for public exhibition and submissions invited.
3. That Council adopt the following Panel Recommendation(s):

Report No. 4.2 Belongil Creek Entrance Opening Strategy - Update
File No: I2019/273

Panel Recommendation 4.2.1

1. That Council support finalisation of the Options Assessment (E2019/15408) with minor changes as noted and proceed to Public Exhibition for 28 days of the Draft Belongil Creek Entrance Opening Strategy.
 2. The results from the Public Exhibition process be reported to extraordinary meeting of the Coastal Estuary Catchment Panel and then to Council.
4. That Council adopt the following Panel Recommendation(s):

Report No. 4.3 Item for the Panel Requested by Duncan Dey - review Council's Policy 14/006 on Climate Change
File No: I2019/370

Panel Recommendation 4.3.1

This item was not discussed and has been referred to a future extraordinary meeting of this Panel on a date to be determined.

5. That Council adopt the following Panel Recommendation(s):

NEW Item: Guidelines for all consultants submitting reports

Panel Recommendation 4.3.1

1. That Council consider guidelines for all consultants submitting reports that:-

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- b) Pages have margins no bigger than 20 mm
 - c) Font no smaller than 12 point
 - d) File sizes no bigger than 30 MB (split documents if necessary, compress pictures)
2. That Council ensure that documents presented in committee agendas be readable (font size) and searchable (Hackett/Hunter)
-

Report No. 13.14 **Part Road Reserve Closure and Dedication Dingo Lane Coorabell**
File No: I2019/466

19-167 Resolved:

1. That Council endorse the concept plan shown in Figure 1 and *Attachment 1 E2018/115487* consisting of the closure of parts road reserve Dingo Lane adjoining Lot 1 DP 627510, Lot 2 DP 775802 and Lot 5 DP 608260 and consolidation of the closed road into the corresponding adjoining parcel and the dedication of Part of Lot 5 DP 608260 and part of Lot 1 DP 627510 as road reserve by way of Plan of subdivision.
 2. That Council authorise the execution of all documents necessary to affect the road closure, consolidation and dedication. (Hackett/Hunter)
-

Report No. 13.15 **Electric vehicle transport forum - waive of fees - section 356 for Cavanbah Centre**
File No: I2019/535

19-168 Resolved:

1. That Council make a S356 contribution of \$4,000 to Zero Emissions Byron Limited (ZEB) for the payment of hire fees at the Cavanbah Centre for the electric vehicle transport forum.
 2. That funding of this contribution is considered as part of the 31 March 2019 Quarterly Budget review. (Hackett/Hunter)
-

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.1 **Report of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 14 March 2019**
File No: I2019/421

- 19-169 Resolved** that Council note the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 14 March 2019. (Hackett/Hunter)

- 19-170 Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 4.1 2019 Meeting dates
File No: I2019/43

Committee Recommendation 4.1.1

1. That the Sustainability and Emissions Reduction Advisory Committee note the 2019 meeting dates.

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2. That the Sustainability and Emissions Reduction Advisory Committee hold an extra meeting on 3 June 2019 (after 3.30pm) (Hackett/Hunter)

19-171 Resolved that Council adopt the following Committee Recommendations as follows:

Report No. 4.4 Council's Climate Change Adaptation Processes - discussion

File No: I2019/252

Committee Recommendation 4.4.1

1. That the Sustainability and Emissions Reduction Advisory Committee note the report Council's Climate Change Adaptation Processes - Update Report (Attachment 1 – I2019/25).
2. That the Sustainability and Emissions Reduction Advisory Committee note that there is currently no resourcing allocated to updating Council's Climate Change Adaptation Implementation Plan, and that any requests for funding will be considered against other Council priorities as part of the preparation of the draft 2019/20 Operational Plan and Budget.
3. That a further update on Council's Climate Adaptation response as per item 2 be added to the agenda of next available Sustainability and Emissions Reduction Advisory Committee Meeting. (Hackett/Hunter)

19-172 Resolved that Council adopt the following Committee Recommendations as follows:

Report No. 4.6 Update from Cr Coorey - climate change issues

File No: I2019/286

Committee Recommendation 4.6.1

1. That the Sustainability and Emissions Reduction Advisory Committee note Cr Coorey's update on climate change issues.
2. That the Sustainability and Emissions Reduction Advisory Committee support the proposal for the Climate Emergency Working Group to become a working group reporting to the Sustainability and Emissions Reduction Advisory Committee. (Hackett/Hunter)

Cr Martin returned to the Chambers at 10:42 AM.

PROCEDURAL MOTION

19-173 Resolved that Council change the order of business to deal with Reports 9.1, 9.2, 13.3, 13.6, 16.1 next on the Agenda. (Lyon/Hunter)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 9.1 Consider removal of 'Rural Cabin' provisions and amendment to 'Farm Stay' provisions in Rural Zones

File No: I2019/526

Cr Lyon withdrew the Notice of Motion.

Notice of Motion No. 9.2 **Boundary Adjustment for 5 Deacon Street Bangalow**
File No: 12019/539

19-174 Resolved that Council agree to a boundary adjustment of 1.5 meters for the southern boundary of Lot 7 section 10 DP 4974 at 5 Deacon Street, Bangalow to regularise a building encroachment in a heritage area of Bangalow. (Hunter/Spooner)

The motion was put to the vote and declared carried.

STAFF REPORTS - GENERAL MANAGER

Report No. 13.3 **Temporary relocation of Byron Farmers Market**
File No: 12019/468

19-175 Resolved:

1. That Council apply for approval to amend the existing consent for The Cavanbah Centre to accommodate the Byron Farmers Market from July 2019.
2. That Council provide administrative support as detailed in Table 1 to assist with market relocation including the waiving of stall fees at The Cav to the amount of \$4,914.00 (based on fees for 51-100 stalls once per week for six months).
3. That Council install ancillary infrastructure as noted in Table 2 that:
 - a) accommodates the Byron Farmers Markets relocation and operations; and
 - b) increases the ability of the Cavanbah Centre to attract complementary markets and events in future.
4. That Council acknowledge that construction of the Byron Bay Bypass requires the temporary suspension of the Byron Farmers Market's existing licence for Butler Street Reserve and shall abate rent payable for a period of six months.
5. That Council offers the market managers \$20,000 funding towards relocation costs for before and during the bypass construction period. (Lyon/Ndiaye)

AMENDMENT

Moved:

1. That Council apply for approval to amend the existing consent for The Cavanbah Centre to accommodate the Byron Farmers Market from July 2019.
2. That Council plan for and provide a dedicated bus lane on market days and that a further report be provided to Council
3. That Council, subject to the approval referred to in 1, in principle:
 - a) provide administrative support as detailed in Table 1 to assist with market relocation including the waiving of stall fees at The Cav to the amount of \$4,914.00 (based on fees for 51-100 stalls once per week for six months).

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- b) acknowledge that construction of the Byron Bay Bypass requires the temporary suspension of the Byron Farmers Market's existing licence for Butler Street Reserve and shall abate rent payable for a period of six months. (Cameron / Coorey)

The amendment was put to the vote and declared lost.

Crs Martin, Ndiaye, Lyon, Hackett, Spooner, and Hunter voted against the amendment.

The motion was put to the vote and declared carried.

Cr Cameron voted against the motion.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.6 **Lone Goat Gallery - request for support**
File No: 12019/280

Moved:

1. That Council notes the achievements of the Lone Goat Gallery in implementing the Lone Goat Gallery Strategic Plan 2016-2019.
2. That the draft 2019/20 Budget to include an allocation of \$30,000 for the Lone Goat Gallery. (Hackett/Spooner)

AMENDMENT

19-176 Resolved that Council:

1. Notes the achievements of the Lone Goat Gallery in implementing the Lone Goat Gallery Strategic Plan 2016-2019.
2. Fund the Gallery Coordinator position for three days per week, as previously resolved by Council. Noting that the draft 2019/20 Budget includes an allocation of \$57,100 for the Gallerist position at three days per week. (Ndiaye/Cameron)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

19-177 Resolved that Cr Hackett be granted a two minute extension to her speech. (Lyon/Coorey)

The motion was put to the vote and declared carried.

The amendment was put to the vote and declared tied.

Crs Coorey, Hackett, Spooner, and Hunter voted against the amendment.

The Acting Mayor used his casting vote and declared the amendment carried.

The amendment upon becoming the substantive motion was put to the vote and declared tied.

Crs Coorey, Hackett, Spooner, and Hunter voted against the motion.

The Acting Mayor used his casting vote and declared the motion carried.

The meeting adjourned at 12:10pm and reconvened at 12:22pm.

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.1 **CONFIDENTIAL - Tender 2019-0005 - Byron Bay Bypass Noise Consultancy - Design & Implementation of At-Property Treatments**
File No: I2019/469

19-178 Resolved that pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Tender 2019-0005 - Byron Bay Bypass Noise Consultancy - Design & Implementation of At-Property Treatments are to be treated as confidential as they relate to matters specified in s10A(2)(d)i of the Local Government Act 1993. (Coorey/Cameron)

The motion was put to the vote and declared carried.

Moved:

1. That Council defer the acceptance of the Tender for the Byron Bay Bypass Noise Consultancy until the council considers the tender for the bypass construction in late May, to establish whether all necessary requirements have met in relation to the consent conditions and the Bio Banking requirements and issues raised by David Milledge in the document presented to Councillors.
2. That the issues raised in (1) be brought to the next Strategic Planning Meeting. (Coorey/Cameron)

PROCEDURAL MOTIONS

19-179 Resolved that Cr Coorey be granted a two minute extension to her speech. (Lyon/Cameron)

The motion was put to the vote and declared carried.

Cr Hackett left the Chambers at 12:30pm and did not return to the meeting.

19-180 Resolved that Cr Spooner be granted a two minute extension to his speech. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

19-181 Resolved that Cr Cameron be granted a two minute extension to his speech. (Lyon/Coorey)

The motion was put to the vote and declared carried.

19-182 Resolved that Cr Lyon be granted a two minute extension to his speech. (Lyon/Spooner)

The motion was put to the vote and declared carried.

*The motion (Coorey/Cameron) was put to the vote and declared lost.
 Crs Martin, Ndiaye, Lyon, Spooner, and Hunter voted against the motion.*

19-183 Resolved:

1. That Council award Tender 2019-0005 – Byron Bay Bypass Noise Consultancy – Design and Implementation of At-Property Treatments to Renzo Tonin Associates NSW Pty Ltd, with a Lump Sum component of \$142,000 and schedule of rates as per the Tender submission for the remainder of the project scope.
2. That Council makes public its decision, including the name and amount of the successful

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tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Spooner/Hunter)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

19-184 Resolved that Cr Ndiaye be granted a two minute extension to her speech. (Lyon/Martin)

The motion was put to the vote and declared carried.

*The motion (Spooner/Hunter) was put to the vote and declared carried.
Crs Coorey and Cameron voted against the motion.*

The meeting adjourned at 1:08pm for a lunch break and reconvened at 1:55pm.

Cr Ndiaye did not return to the Chambers after lunch.

PETITIONS

There were no petitions tabled.

DELEGATES' REPORTS

There were no delegate's reports.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.7 Section 355 Management Committees - resignations and appointments

File No: I2019/398

19-185 Resolved:

1. That the resignation of Dianne Burke from Brunswick Heads Memorial Hall Management Committee is accepted and a letter of thanks provided.
2. That the nominee in the confidential attachment be appointed to the Brunswick Heads Memorial Hall Management Committee.
3. That the resignation of Leah Kapral from Ocean Shores Community Centre Management Committee is accepted and a letter of thanks provided.
4. That the resignation of Liz Poynton from Marvell Hall Management Committee is accepted and a letter of thanks provided.
5. That the nominee in the confidential attachment be appointed to the Bangalow Parks (Showground) Management Committee.
6. That the nominees listed in the confidential attachment be appointed to the Lone Goat Gallery Board of Management.

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7. That the resignation of Ana Mantuaneli from South Golden Beach Hall Management Committee is accepted and a letter of thanks provided. (Cameron/Lyon)

PROCEDURAL MOTIONS

- 19-186 Resolved** that Council move into Committee to allow for free debate. (Cameron/Lyon)

The motion was put to the vote and declared carried.

- 19-187 Resolved** that Council move out of Committee and resume the Ordinary Meeting. (Cameron/Lyon)

The motion was put to the vote and declared carried.

*The motion (resulting in Resolution 19-184) was put to the vote and declared carried.
Cr Coorey voted against the motion.*

Report No. 13.8 **Australia Day 2019 Review and Future Planning**
File No: I2019/409

- 19-188 Resolved** that Council:

1. Notes this report on Australia Day 2019 activities and disbands the Australia Day Project Reference Group effective 18 April 2019.
2. Writes to the members of the Australia Day 2019 Project Reference Group advising of this resolution and thanking the participants for their assistance.
3. Participates in the Australia Day Council Ambassador Program for 2020 Australia Day activities.
4. Contribute to diverse Australia Day 2020 events through a range of support activities (Lyon/Cameron)

PROCEDURAL MOTIONS

- 19-189 Resolved** that Council move into Committee to allow for free debate. (Cameron/Lyon)

The motion was put to the vote and declared carried.

- 19-190 Resolved** that Council move out of Committee and resume the Ordinary Meeting. (Lyon/Cameron)

The motion was put to the vote and declared carried.

The motion (resulting in Resolution 19-187) was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

18 April 2019

Report No. 13.11 **Policy Review 2019**
File No: I2019/465

19-191 Resolved:

1. That Council:
 - a) repeals the Award Restructuring 1994, Business and Commercial Activities 2012 and Corruption Prevention 2011 policies.
 - b) endorses the Councillor Expenses and Facilities policy 2019 for public exhibition with the following changes:
 - i) ICT equipment and consumables: \$3,700 per Councillor year 1 of term, \$2,000 per Councillor year 2 of term; \$2,000 per Councillor year 3 of term; \$1,000 per Councillor year 4 of term
 - ii) Conferences and seminars \$31,500 / annum
 - c) endorses the conversion of Councillors' Access to Information policy 2001 to a procedure.
2. That Council endorses the policies listed above being placed on public exhibition for a period of 28 days. Following the exhibition period:
 - should no submissions be received, that the policies be repealed and/or amended as listed above.
 - should submissions be received, that the submissions be provided in a further report to Council. (Lyon/Hunter)

PROCEDURAL MOTIONS

19-192 Resolved that Council move into Committee to allow for free debate. (Lyon/Cameron)

The motion was put to the vote and declared carried.

19-193 Resolved that Council move out of Committee and resume the Ordinary Meeting. (Lyon/Cameron)

The motion was put to the vote and declared carried.

The motion (Lyon/Hunter) was put to the vote and declared carried.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.2 **Report of the Local Traffic Committee Meeting held on 15 March 2019**
File No: I2019/467

19-194 Resolved that Council note the minutes of the extra electronic Local Traffic Committee Meeting held between 15 March 2019 and 22 March 2019. (Cameron/Coorey)

The motion was put to the vote and declared carried.

19-195 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 6.1 Events - Bangalow Billycart Derby 2019 - Byron Street Road Closure 19 May 2019
File No: I2018/1935

Committee Recommendation 6.1.1

1. That Council endorse the Bangalow Billy Cart Derby to be held on Sunday 19 May 2019, that includes the temporary road closure below:
 - a. Byron Street, Bangalow between Ashton Street and Granuaille Road, between 6am and 4pm on Sunday 19 May 2019.
2. That the approval provided in Part 1 is subject to:
 - a. separate approvals by NSW Police and RMS being obtained, noting that the event is on a state road or may impact the state road network;
 - b. implementation of the approved Traffic Management Plan and Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation;
 - c. that the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
 - d. the event be notified on Council's webpage.
 - e. the event organiser:
 - i. undertake consultation with community and affected businesses including adequate response/action to any raised concerns.
 - ii. undertake consultation with emergency services and any identified issues addressed.
 - iii. holding \$20m public liability insurance cover which is valid for the event.
 - iv. paying Council's Road Event Application Fee prior to the event.

(Cameron/Coorey)

The motion was put to the vote and declared carried.

19-196 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 7.1 Parking at Nelson Lane, Brunswick Heads

File No: I2019/120

Committee Recommendation 7.1.1

1. That Council's parking compliance team monitor Nelson Lane, Brunswick Heads and report their findings and recommendations back to Infrastructure Planning by 3rd June 2019.
2. That the petitioners be notified of the recommendation to monitor the situation and encourage them to engage in friendly communication with their neighbours to amicably resolve their concerns.
3. That, subject to the recommendations and outcomes of points 1 and 2 above and an appropriate budget being identified, install no stopping and/or yellow line marking on both sides of Nelson Lane, Brunswick Heads.

(Cameron/Coorey)

The motion was put to the vote and declared carried.

19-197 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 7.2 Speed Zone Review - Main Arm Road

File No: I2019/236

Committee Recommendation 7.2.1

That LTC note the content of the report and note the local residents request to RMS for a speed zone review of Main Arm Road extending from Main Arm Road / The Pocket Rd intersection through to Palmwoods Road. (Cameron/Coorey)

The motion was put to the vote and declared carried.

19-198 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 8.1 Events - 2019 Splendour in the Grass Music Festival

File No: I2019/189

Committee Recommendation 8.1.1

1. That Council endorse the Splendour in the Grass 2019 TMP/TCP to be held 17-22 July, 2019. This includes:
 - a. The installation and enforcement of No Camping and No Stopping signs between 6am and 6pm, subject to conditions at Tweed Valley Way, Brunswick Valley Way and Yelgun Road.
 - b. The relocation of the Brunswick Heads pick up and drop off Bus Zone to Fawcett St, between Mona Lane and the War Memorial,
 - c. The installation and enforcement of Brunswick Head Bus Zone signage and associated works within the Fawcett St road reserve as part of Roads Act application 51.2018.1029.1.
2. That the approval provided in Part 1 is subject to:
 - a. separate approvals by NSW Police and RMS being obtained, noting that the event is on a state road or may impact the state road network;
 - b. implementation of the approved Traffic Management Plan and Traffic Control Plans, including the use of signed detours, as designed and implemented by those with appropriate accreditation;
 - c. that the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
 - d. the event be notified on Council's webpage.
 - e. the event organiser:
 - i. undertake consultation with community and affected businesses including adequate response/action to any raised concerns.

- ii. undertake consultation with emergency services and any identified issues addressed.
 - iii. holding \$20m public liability insurance cover which is valid for the event.
 - iv. paying Council's Road Event Application Fee prior to the event.
 - v. the holding of an event debrief within a month following the festival which includes but not limited to Council, RMS and Police;
3. Councils Parking Enforcement be invited to assist the event in compliance of no stopping areas within the Road Reserve. (Cameron/Coorey)

The motion was put to the vote and declared carried.

19-199 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 8.2 Events - Byron Writers Festival 2019 - Road Closure

File No: I2019/190

Committee Recommendation 8.2.1

1. That Council endorse the Byron Bay Writers Festival 2-4 August 2019, that includes the installation of temporary regulatory signage including No Stopping, No Parking and Disability Parking Signs between 8am and 6pm, subject to:
 - a. The traffic control plan is to operate Thursday 1st August to Sunday 4th August.
 - b. West bound event traffic arriving from Byron Town Centre is to be directed down Sunrise Blvd, as a contingency, if eastbound traffic on Ewingsdale Rd is queued back onto the Motorway.
 - c. Document who can change and approve the TCP on the day for unforeseen circumstances.
2. That the approval provided in Part 1 is subject to:
 - a. separate approvals by NSW Police and RMS being obtained
 - b. implementation of the approved Traffic Management Plan and Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation
 - c. that the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
 - d. the event be notified on Council's webpage
 - e. the event organiser:
 - i. undertake consultation with community and affected businesses including adequate response/action to any raised concerns

BYRON SHIRE COUNCIL

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ii. undertake consultation with emergency services and any identified issues addressed

iii. hold \$20m public liability insurance cover which is valid for the event

(Cameron/Coorey)

The motion was put to the vote and declared carried.

19-200 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 8.3 Bus Stop & Street Signage Relocation - Bonanza Drive, Billinudgel

File No: I2019/198

Committee Recommendation 8.3.1

That Council supports the relocation of the existing bus stop and regulatory signage subject to:

- The cost of the works being the responsibility of the developers,
- Approval being obtained from Transport for NSW by the developer,
- The bus stop relocation to be in accordance with relevant Australian Standards, Transport for NSW and RMS requirements.

(Cameron/Coorey)

The motion was put to the vote and declared carried.

19-201 Resolved:

1. That Council review policies to ensure that the deployment of Council Rangers and other staff to support private activities, including traffic control, are fully paid for by proponents and promoters.

2. That Council consider where Council Rangers or other staff are deployed to support private activities, a full complement of replacement staff are employed by Council.

3. That a report be provided to Council to inform on the outcome of items 1 and 2 above.

(Cameron/Lyon)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 2:32pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 23 May 2019.

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Acting Mayor Michael Lyon