



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 27 June 2019

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
27 June 2019

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27 June 2019

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| MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 27 JUNE 2019 COMMENCING AT 9:09AM AND CONCLUDING AT 3:45PM |
|---|

I2019/965

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 (General Manager)
Vanessa Adams (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Ralph James (Legal Counsel)
James Flockton (Drainage and Flood Engineer) – Item 14.7
Chloe Dowsett (Coastal & Biodiversity Coordinator) – Urgent Item 1
Heather Sills (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:

8.1 Mayoral Minute – 5G Technology

Kim Seorton and Tashi Lhamo, both on behalf of Stop 5G Northern Rivers NSW, addressed Council in favour of the recommendation.

13.9 Adoption of the 2019/20 Operational Plan, including Budget, Statement of Revenue Policy, and Fees and Charges

Matthew Lambourne addressed Council against the recommendation.

13.17 Brunswick Heads Parking Scheme Performance Review

Paul McCarthy and Kim Rosen on behalf of Brunswick Heads Parking Review Committee addressed Council in favour of the recommendation.

14.7 Report of the Coastal Estuary Catchment Panel Meeting held on 7 June 2019

Duncan Dey and Matthew Lambourne addressed Council against the recommendation.

17.1 CONFIDENTIAL - Tender Evaluation - Design Investigation for the Modification of the Jonson Street Protection Works

John Anderson addressed Council against the recommendation.

13.16 Multi Use Byron Shire Rail Corridor

Lydia Kindred addressed Council in favour of the recommendation.

Submission No. 1 – Business Models

Roslyn Goodchild made a submission to Council regarding the effects of pay parking on business.

Submission No. 2 – Load of Garbage

John Anderson made a submission to Council regarding Council's garbage policy for rural landowners.

Question No. 1 - Negotiations with developer to discourage fast food outlet

John Anderson asked the following question:

The commercial site adjacent to Railway Park in Byron Bay has recently been occupied by the Commonwealth Bank, despite that site previously hosting a restaurant for many years and despite the suggestion that from a town planning point of view this site is a natural fit for a restaurant. Is it the case Mr Mayor that you were involved in early negotiations with the owner/developer of the site (as you had been with Mercato) and that it was you who discouraged an international fast food outlet from occupying the site and sought an alternative usage? One, without delegated authority from Council to engage in this dialogue and two, without subsequent seeking to have your actions validated by a Council vote?

The Mayor provided the following response:

I have never met Mercato in any context, certainly prior to it being built, without staff in a normal capacity. Any time there is a development or plan of many millions of dollars we generally have pre-lodgement meetings or conversations, Councillors have been part of that.

I will also say in my 11 years on Council, and some of these Councillors would probably have similar experiences, I get asked weekly by people who say can I have a meeting with you to share an idea or to get your feedback or to get a thought as to an idea I have got. I generally sit down and meet them. If it occurs where they are pitching an idea I will generally say whether I think it will "fly". I always pre-empt any conversation by saying if a DA comes in I will obviously judge it on its merits and I have got no idea what Councillors will do, but here is my gut feeling of what you are asking. So yes, did that happen. Just like if someone said to me "I want to open a sex shop in Mullumbimby, what do you reckon?" I would meet them and say "you know what, I don't think the community really wants it. I will judge a DA when I get to it. But if you want my opinion I don't think you will get social licence."

Same thing happened about a fast food restaurant. Someone met me and said, "I am thinking I am going to redevelop this building, I am thinking about putting in a fast food restaurant, what do you reckon? Do you think the community will be up to it?" I said "When the DA comes in I will judge it on its merits but in my opinion, I don't think it will have social licence and I don't think the majority of Councillors would agree."

That's how it occurred. I am representing my community in doing that. I don't think the sky fell in. That person then decided, ok, rather than have that fight and lose social licence, I will put in a bank. So that's how that happened.

I would do it again tomorrow and I am proud of the fact that I played a role in not getting a fast food restaurant down Jonson Street.

Question No. 2 – Parking in the CBD

Domenic Arena on behalf of Brunswick Heads Chamber of Commerce asked the following question:

With the report that says that if 50% of the people using the spaces have got an ePermit -, what study is done and where are the statistics from to say how many of the cars that are there are actually locals with ePermits or won't be locals with ePermits?

Council's Director of Infrastructure Services provided the following response:

With the parking figures, we already have preliminary figures which are in the reports giving a break down. But if you look at recommendation 2, we are suggesting doing a further analysis of motorists and day trippers having interventions or surveys on site with motorists to actually truly get right down to the base level of where the motorists are coming from. That would be a way to do that. We have previously done numberplate recognition but we find that problematic in terms of privacy issues in our dealings with RMS.

Mr Arena then asked:

So the statistics that are out now are inconclusive as to how many of the people are locals and would actually have ePermits or not?

Council's Director of Infrastructure Services further advised:

They are a guide, they are not fully conclusive at this point because there are elements there that we need to further explore, in our view.

Question No. 3 – Parking in the CBD

Michelle Begg asked the following question:

Will the meters in Byron and possible parking sensors be using 5G and if so, is the technology associated with parking meters and parking sensors safe for our health and well-being?

Council's Director of Infrastructure Services provided the following response:

The current meters that we have deployed in Byron Bay, 125 meters, run on the wireless 4G network. We haven't written specifications yet for the renewal of the contract. Certainly in any contract there has to be compliance matters, including health, considered as part of that process.

Ms Begg further asked:

So we will know with the new contract whether or not they will be using 5G?

Council's Director of Infrastructure Services further advised:

As I said, we have not written that contract and we will be taking advice in terms of what the most suitable technology will be at that point in time.

Question No. 4 – Parking in Brunswick Heads and the Potential Sources of Funding

Kim Rosen asked the following question:

How much is Council charging Seachange in location fees to take up the parking spaces in Brunswick Heads during filming and will this money be coming back to Brunswick Heads to fix our potholes or the visitors centre, etc.? Or is it going into Council's general coffers?

Council's Director of Infrastructure Services provided the following response:

The application process is as per our normal s138 process, fees are applied. In terms of specific additional fees and charges, we will have to take that on notice. Generally speaking, any charges would go into general revenue.

The meeting adjourned at 10:15am for a break and reconvened at 10:45am.

Cr Martin did not return to the meeting following the break and returned at 11:08am.

APOLOGIES

There were no apologies. Cr Martin advised she had an appointment and would be absent for part of the meeting

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

19-285 Resolved that the minutes of the following meetings be confirmed:

- Byron Shire Reserve Trust Committee held 23 May 2019
- Ordinary Meeting held 23 May 2019 (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**

- Report No. 13.5 Section 355 Management Committees - resignations, appointments
Report No. 13.7 Community Initiatives Program (Section 356) - 2019/20 funding round applications
Report No. 13.9 Adoption of the 2019/20 Operational Plan, including Budget, Statement of Revenue Policy, and Fees and Charges

Sustainable Environment and Economy

- Report No. 13.13 Request for fee relief - A Day In The Bay
Report No. 13.14 Byron Shire Climate Emergency Response

Infrastructure Services

- Report No. 13.16 Multi Use Byron Shire Rail Corridor
Report No. 13.17 Brunswick Heads Parking Scheme Performance Review
Report No. 13.19 BioEnergy Facility Technical Operations Review

REPORTS OF COMMITTEES**Infrastructure Services**

- Report No. 14.7 Report of the Coastal Estuary Catchment Panel Meeting held on 7 June 2019
Report No. 14.8 Report of the Water, Waste and Sewer Advisory Committee Meeting held on 13 June 2019

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Richardson and seconded by Cr Cameron. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 19-286 and concluding with Resolution No. 19-320.

Cr Martin was not present for the votes en bloc.

STAFF REPORTS - GENERAL MANAGER

- Report No. 13.1 Former Byron hospital project - governance models**
File No: I2019/750

19-286 Resolved that Council:

1. Notes the range of governance models investigated for the development and operation of the former Byron Bay Hospital site
2. Notes the intention of the Community Steering Committee to form a not-for-profit incorporated association to manage the project
3. Nominates the incorporated association formed by the Community Steering Committee as a direct lessee for the site with a view to formalising the terms and conditions of this lease at the next stage of the project
4. Be provided with draft documentation for consideration prior to a lease being negotiated,

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including but not limited to:

- Constitution of incorporated association and processes around Board election;
- Draft terms and conditions of head lease
- Draft terms and conditions of sub-leases
- Tenancy selection requirements
- Rental subsidy methodologies

5. Request the General Manager, or his delegate, to liaise with the Office of Local Government on the proposed mechanism to ensure that Council meets its statutory requirements (Richardson/Cameron)

Report No. 13.2 **Licence to Mullumbimby Sustainability Education and Enterprise Development Inc.**
File No: I2019/800

- 19-287 Resolved** that Council having duly considered all submissions received grant a temporary licence to the Mullumbimby Sustainability Education and Enterprise Development Inc. for occupation of part of Lot 22 DP 1073165 known as the Mullumbimby Community Gardens in accordance with Resolution (19-159) being:

- a) term one (1) month with monthly holding over;
 - b) for the purpose of a community garden as defined in Policy No. 14/008 Byron Shire Council 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 20017 (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).
- (Richardson/Cameron)

Report No. 13.3 **Feedback on Council's website**
File No: I2019/870

- 19-288 Resolved** that this report and the work being undertaken in response to the comments provided through the survey be noted. (Richardson/Cameron)

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.4 **Mayor and Councillor Fees 2019/20**
File No: I2019/697

- 19-289 Resolved** that Council:

- 1. Fixes the fee payable to each Councillor under Section 248 of the Local Government Act 1993 for the period 1 July 2019 to 30 June 2020 at \$20,280.
- 2. Fixes the fee payable to the Mayor under section 249 of the Local Government Act 1993, for the period from 1 July 2019 to 30 June 2020 at \$44,250.
- 3. Not determine a fee payable to the Deputy Mayor, in accordance with its current practice. (Richardson/Cameron)

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Report No. 13.6 **Investments - 1 May 2019 to 31 May 2019**
File No: I2019/776

- 19-290** **Resolved** that the report listing Council's investments and overall cash position as at 31 May 2019 be noted. (Richardson/Cameron)
-

Report No. 13.8 **Report of the Public Art Panel meeting 9 May 2019**
File No: I2019/793

- 19-291** **Resolved** that Council:

1. Convenes an extraordinary meeting of the Public Art Panel within two months to make further decisions around:
 - a) Railway Park Public Art Project
 - b) The Lighthouse Project – Bayshore Drive Roundabout
 - c) Public Art Guidelines and Criteria – review and update
 - d) The sculpture 'The Beast Within' by Allen Horstmanhof, that was temporarily approved to remain in situ following the 2015 Brunswick Nature Sculpture Walk event
 - e) The sculpture 'Germination' for Mullumbimby Sculpture Walk
 2. Notes the recommendation from the Public Art Panel to support the proposed outcomes of discussions with the curator regarding the Bangalow Sports Fields remaining sculptures which are:
 - a) that the two items noted in the agenda labelled 1255-ART and P409-Art-001 are not sculptures and can be removed by Council staff;
 - b) that the sculpture labelled in the agenda 'P409-ART-552' will be removed by the artist;
 - c) that the sculpture labelled 'P49-ART-584' in the agenda will be taken by the artist for cleaning and repairs with the intention to make a further request to loan the sculpture and place it on loan in Bangalow Parklands.
 3. Approves the sculpture 'Pandanus Seed People' by Antone Bruinsma to remain in situ as a permanent sculpture, noting this sculpture won the Acquisition Prize at the 2018 Brunswick Nature Sculpture Walk event.
 4. Notes that if 'The Labyrinth' is not installed as per the previous approval provided by Council by the end of June 2019, the temporary labyrinth will be removed.
 5. Approves the requested financial contribution of \$3,000 to acquire the sculpture 'UN RiNG' and that the sculpture be accepted as a donation to the Mullumbimby Sculpture Walk and added to Council's Public Art Asset Management Program.
 6. Regarding the Wall near McGettigans Lane, Byron Bay:
 - a) Thanks the applicant for their submission and informs them that the Panel had decided not to proceed with a mural at this time.
 - b) Notes that further discussion around the possibilities for public artwork at this location will be held at the Public Art Panel September meeting. (Richardson/Cameron)
-

Report No. 13.10 **Byron Shire Council Submissions and Grants as at 1 June 2019**
File No: I2019/863

- 19-292** **Resolved** that Council notes the report and Attachment (E2019/39957) for the Byron Shire Council Submissions and Grants as at 1 June 2019. (Richardson/Cameron)
-

Report No. 13.11 Policy Review - Debt Management and Financial Hardship Assistance
File No: I2019/871

19-293 Resolved:

1. That Council places the draft 2019 Debt Management and Financial Hardship Assistance policy (Attachment 1 E2019/41483) on public exhibition for a period of 28 days and if no submissions are received, adopts the policy.
2. That any submissions received on the draft 2019 Debt Management and Financial Hardship Assistance policy (Attachment 1 E2019/41483) be reported to Council for consideration, prior to the adoption of the draft Policy.
3. That Council rescinds the 2019 Rates and Charges Financial Hardship Assistance policy (Attachment 3 #E2019/35553) and 2010 Debt Recovery policy (Attachment 2 #W2018/463) at the time the draft 2019 Debt Management and Financial Hardship Assistance policy (Attachment 1 #E2019/41483) is adopted as per recommendation 1 or 2 above.
(Richardson/Cameron)

Report No. 13.12 Making of the 2019/20 Ordinary Rates and Charges
File No: I2019/883

19-294 Resolved that in accordance with Sections 533, 534, 535, 543 and 566 of the Local Government Act 1993 (LGA), Council makes the ordinary rates, makes the charges, makes the fees and sets the interest rate to be charged on overdue rates and charges for 2019/2020 listed in the following tables.

1. Ordinary Rates

| Name of Ordinary Rate (Rate Notice short name) | *Rate in the Dollar or Ad-Valorem amount (\$) | Minimum Rate (\$) |
|---|---|-------------------|
| Ordinary Rate Residential | 0.2485 | 863.00 |
| Ordinary Rate Residential Flood | 0.2485 | 432.00 |
| Ordinary Rate Business | 0.4371 | 863.00 |
| Ordinary Rate Business Byron CBD | 0.5572 | 863.00 |
| Ordinary Rate Mining | 0.4371 | 863.00 |
| Ordinary Rate Farmland | 0.2274 | 863.00 |
| Ordinary Rate Farmland Flood | 0.2274 | 432.00 |

**Applied to 2016 base date land valuation*

2. Domestic Waste Management Charges

| Name of Domestic Waste Collection Charge (Rate Notice short name) | Annual Charge (\$) |
|--|--------------------|
| Domestic Waste 80L 3 Bin Collection | 147.00 |
| Domestic Waste 140L 3 Bin Collection | 310.00 |
| Domestic Waste 240L 3 Bin Collection | 460.00 |
| Domestic Waste 140L Week Collect 3 Bins | 812.00 |
| Domestic Waste 240L Week Collect 3 Bins | 1035.00 |
| Domestic Waste 140L 2 Bin Collection | 222.00 |
| Domestic Waste 240L 2 Bin Collection | 330.00 |

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| Domestic Waste Vacant Land Charge Urban | 30.00 |
| Domestic Waste Vacant Land Charge Rural | 30.00 |
| Domestic Recycling Additional Bin | 103.00 |
| Domestic Organics Additional Bin | 119.00 |
| Domestic Waste Exempt Collection Charge | 60.00 |
| Domestic Waste 80L 3Bin Multi Unit Serv | 147.00 |
| Domestic Waste 140L 3Bin Multi Unit Serv | 310.00 |
| Domestic Waste 240L 3Bin Multi Unit Serv | 460.00 |
| Domestic Waste 80L 2Bin Multi Unit Serv | 147.00 |
| Domestic Waste 140L 2Bin Multi Unit Serv | 310.00 |
| Domestic Waste 240L 2Bin Multi Unit Serv | 460.00 |
| Domestic Waste Strata 2Bin Share Service | 246.00 |
| Domestic Waste Strata 3Bin Share Service | 246.00 |

3. Waste Management Charges (Non-Domestic)

| Name of Waste Management Charge (Rate Notice short name) | Annual Charges (\$) |
|---|------------------------|
| Commercial 140L Waste & Recycle Service | 501.00 |
| Commercial 240L Waste & Recycle Service | 574.00 |
| Commercial Waste 140L Bin Collection | 501.00 |
| Commercial Waste 240L Bin Collection | 574.00 |
| Commercial Rural Waste & Recycle Service | 516.00 |
| Commercial Recycling 240L Bin Collection | 129.00 |
| Commercial Organics 240L Bin Collection | 119.00 |
| Waste Operations Charge Residential | 84.00 |
| Waste Operations Charge Non-Residential | 84.00 |

4. Mixed Waste Bin Changeover Fee

| Fee | Charges (\$) |
|---|--------------|
| Mixed waste bin – size/capacity changeover fee (first changeover free of charge then all subsequent changes per property per annum per owner/s attracts fee) | 56.00 |

5. Stormwater Management Service Charges

| Name of Stormwater Management Service Charge (Rate Notice short name) | Annual Charges (\$) |
|---|--|
| Stormwater Charge Residential | 25.00 |
| Stormwater Charge Residential Strata | 12.50 |
| Stormwater Charge Business Strata | \$25.00 per 350m ² of the land area occupied by the strata scheme (or part thereof), proportioned by the unit entitlement of each lot in the strata scheme, minimum charge \$5.00 |
| Stormwater Charge Bus/Mixed Strata Min | 12.50 |
| Stormwater Charge Business | \$25.00, plus an additional \$25.00 for each 350m ² or part thereof by which the area of the parcel of land exceeds 350m ² |

6. Water Charges

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| Name of Water Charge (Rate Notice short name) | Annual Charges (\$) |
|--|---------------------|
| Water Fixed Charge 20mm Residential | 187.00 |
| Water Fixed Charge 20mm Non-Residential | 187.00 |
| Water Fixed Charge 25mm Residential | 293.00 |
| Water Fixed Charge 25mm Non-Residential | 293.00 |
| Water Fixed Charge 32mm Residential | 480.00 |
| Water Fixed Charge 32mm Non-Residential | 480.00 |
| Water Fixed Charge 40mm Residential | 749.00 |
| Water Fixed Charge 40mm Non-Residential | 749.00 |
| Water Fixed Charge 50mm Residential | 1,170.00 |
| Water Fixed Charge 50mm Non-Residential | 1,170.00 |
| Water Fixed Charge 65mm Residential | 1,977.00 |
| Water Fixed Charge 65mm Non-Residential | 1,977.00 |
| Water Fixed Charge 80mm Residential | 2,995.00 |
| Water Fixed Charge 80mm Non-Residential | 2,995.00 |
| Water Fixed Charge 100mm Residential | 4,679.00 |
| Water Fixed Charge 100mm Non-Residential | 4,679.00 |
| Water Fixed Charge Vacant Residential | 94.00 |
| Water Fixed Charge Vacant Non-Residential | 94.00 |
| Water Fixed Charge Strata Residential | 187.00 |
| Water Fixed Charge Strata Non-Residential | 187.00 |
| Water Fixed Charge Fire Service Resident | 249.00 |
| Water Fixed Charge Fire Service Non-Res | 249.00 |
| | Usage Charges (\$) |
| Water Usage Charge Residential | 2.60 per KL |
| Water Usage Charge Residential – Non-Compliant | 5.40 per KL |
| Water Usage Charge Non-Residential | 2.70 per KL |
| Water Usage Charge Non-Residential - Non-Compliant | 5.40 per KL |

7. Sewer Charges and On Site Sewage Management System Fee

| Name of Sewer Charge (Rate Notice short name) | Annual Charges or Fee (\$) |
|--|-------------------------------|
| Sewer Fixed Charge 20mm Residential | 857.00 |
| Sewer Fixed Charge 20mm Non-Residential | 857.00 |
| Sewer Fixed Charge 25mm Residential | 1,338.00 |
| Sewer Fixed Charge 25mm Non-Residential | 1,338.00 |
| Sewer Fixed Charge 32mm Residential | 2,193.00 |
| Sewer Fixed Charge 32mm Non-Residential | 2,193.00 |
| Sewer Fixed Charge 40mm Residential | 3,425.00 |
| Sewer Fixed Charge 40mm Non-Residential | 3,425.00 |
| Sewer Fixed Charge 50mm Residential | 5,352.00 |
| Sewer Fixed Charge 50mm Non-Residential | 5,352.00 |
| Sewer Fixed Charge 65mm Residential | 9,045.00 |
| Sewer Fixed Charge 65mm Non-Residential | 9,045.00 |
| Sewer Fixed Charge 80mm Residential | 13,700.00 |
| Sewer Fixed Charge 80mm Non-Residential | 13,700.00 |
| Sewer Fixed Charge 100mm Residential | 21,407.00 |
| Sewer Fixed Charge 100mm Non-Residential | 21,407.00 |

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| Sewer Fixed Charge Vacant Residential | 428.00 |
| Sewer Fixed Charge Vacant Non-Res | 428.00 |
| Sewer Fixed Charge Rebated Residential (pods) | 857.00 |
| Sewer Fixed Charge Rebated Non-Resident (pods) | 830.00 |
| On-Site Sewage Management System (OSMS) Fee | 47.00 |
| Usage Charges (\$) | |
| Sewer Usage Charge Residential | 1.94 per KL |
| Sewer Usage Charge Non-Residential | *SDF x 2.60 per KL |

*SDF = Individual Property Sewer Discharge Factor (%)

8. Liquid Trade Waste Charges

| Name of Liquid Trade Waste Charge (Rate Notice short name) | Annual Charges (\$) |
|---|-----------------------|
| Liquid Trade Waste – Category 1 | 160.00 |
| Liquid Trade Waste – Category 2 | 267.00 |
| Liquid Trade Waste – Category 2S | 267.00 |
| Liquid Trade Waste – Category 3 | 757.00 |
| Usage Charges (\$) | |
| Liquid Trade Waste Usage Charge | **TWDF x 2.34 per KL |
| Liquid Trade Waste Usage Charge – Non-Compliant Cat 1 | **TWDF x 3.87 per KL |
| Liquid Trade Waste Usage Charge – Non-Compliant Cat 2/2S | **TWDF x 16.95 per KL |
| Liquid Trade Waste Usage Charge – Non-Compliant Pump Stn | **TWDF x 3.87 per KL |

*TWDF = Individual Property Trade Waste Discharge Factor (%)

9. Interest Rate on Overdue Rates and Charges

| Name of Interest Rate (Rate Notice short name) | Rate (%) |
|---|----------|
| Interest | 7.5% |

(Richardson/Cameron)

STAFF REPORTS – INFRASTRUCTURE SERVICES

Report No. 13.15 **Belongil Catchment Drainage and Issues Investigation**
File No: I2019/649

19-295 Resolved:

- That the draft Belongil Creek Catchment Issues Study (E2019/34085) be reviewed by the relevant stakeholders and Council's Coastal Estuary and Catchment Panel prior to being presented back to Council for adoption.
- That Council's Utilities team develop a detailed drainage maintenance program for Council's urban drainage assets across the shire, which will ensure all drainage assets are:
 - Located and mapped spatially;
 - Inspected regularly; and
 - Maintained appropriately after inspection

(Richardson/Cameron)

Report No. 13.18 South Arm Bridge - Proposed Delivery Timeline
File No: I2019/879

19-296 Resolved that Council:

1. Endorse the proposed project timeline for the South Arm Bridge Rehabilitation Project; and
 2. Grant delegated authority to the General Manager for the awarding of the tender for the South Arm Bridge Rehabilitation Project (to enable completion of the works prior to Christmas 2019), subject to the tender:
 - a) being within the approved project budget; and
 - b) being a conforming tender.
- (Richardson/Cameron)
-

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 Report of the Audit, Risk and Improvement Committee Meeting held on 30 May 2019
File No: I2019/856

19-297 Resolved that Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 30 May 2019. (Richardson/Cameron)

No. 14.1.4.1 Local Government Performance Excellence Program 2018 Report
File No: I2019/680

19-298 Resolved that Council adopts the following Committee Recommendation(s):

Committee Recommendation 4.1.1

1. That the Audit, Risk and Improvement Committee notes the Byron Shire Council LG Performance Excellence Program FY18 Report.
 2. That a Councillor Workshop be provided to outline the value of the LG Performance Excellence Program and identify the costs and benefits to Council and the community.
- (Richardson/Cameron)

No. 14.1.5.1 2018-2019 External Audit Engagement Plan
File No: I2019/251

19-299 Resolved that Council adopts the following Committee Recommendation(s):

Committee Recommendation 5.1.1

1. That the Audit, Risk and Improvement Committee notes the External Audit Engagement Plan prepared by the Audit Office of New South Wales for the year ended 30 June 2019 as outlined in Attachment 1 (#E2019/13601).
 2. That the report and Attachment 1 of the closed part of the meeting remain confidential.
- (Richardson/Cameron)

No. 14.1.5.2 Updated Internal Audit Plan - May 2019
File No: I2019/742

19-300 Resolved that Council adopts the following Committee Recommendation(s):

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Committee Recommendation 5.2.1 that the Audit, Risk and Improvement Committee endorses the Internal Audit Plan, as updated in May 2019. (Richardson/Cameron)

No. 14.1.5.3 **Cash Management Audit Review**
File No: I2019/655

19-301 Resolved that Council adopts the following Committee Recommendation(s):

Committee Recommendation 5.3.1

1. That the Audit, Risk and Improvement Committee notes the Cash Management internal audit review report.
2. That the Audit, Risk and Improvement Committee requests management to implement the recommendations made in the report identified as Confidential Attachment 1 (#E2019/35202).
3. That the report and Confidential Attachment 1 of the closed part of the meeting remain confidential. (Richardson/Cameron)

No. 14.1.5.4 **Payroll Audit Review**
File No: I2019/657

19-302 Resolved that Council adopts the following Committee Recommendation(s):

Committee Recommendation 5.4.1

1. That the Audit, Risk and Improvement Committee notes the Payroll internal audit review report.
2. That the Audit, Risk and Improvement Committee requests management to implement the recommendations made in the report identified as Confidential Attachment 1 (#E2019/35209).
3. That the report and Confidential Attachment 1 of the closed part of the meeting remain confidential. (Richardson/Cameron)

No. 14.1.5.5 **Audit Progress Report - May 2019**
File No: I2019/711

19-303 Resolved:

Resolved that Council adopts the following Committee Recommendation(s):

Committee Recommendation 5.5.1

1. That the Audit, Risk and Improvement Committee notes the Internal Audit Activity Report - May 2019 (#E2019/35523).
2. That the Audit, Risk and Improvement Committee endorses the recommendation from the Executive Team to close off 20 outstanding recommendations in Appendix C of the attached report (#E2019/35523) due to these actions being confirmed as complete. (Richardson/Cameron)

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No. 14.1.5.6 **Update on IT Actions**
File No: I2019/778

19-304 Resolved:

Resolved that Council adopts the following Committee Recommendation(s):

Committee Recommendation 5.6.1

1. That the Audit Risk and Improvement Committee:
 - a) notes the update provided in the report on IT risk related activities.
 - b) records actions as 'closed' where management has addressed the issue.
2. That this update be regularly provided to the Committee as a standing item at each meeting. (Richardson/Cameron)

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.2 **Report of the Local Traffic Committee Meeting held on 14 May 2019**
File No: I2019/794

19-305 Resolved that Council note the minutes of the Local Traffic Committee Meeting held on 14 May 2019. (Richardson/Cameron)

No. 14.2.6.1 **Regulatory Signage - Byron St, BANGALOW - extend motorcycle parking, provide loading zone**
File No: I2019/407

19-306 Resolved that Council adopt the following Committee Recommendation(s):

Committee Recommendation 6.1.1

That Council amend the Bangalow Parking scheme as follows:

1. That Council change the shared bus zone / 2P car spaces on the north side of Byron St and adjacent to the Lismore Road / Byron Street intersection into a shared bus zone / loading zone.
2. That Council change the one 1P car space adjacent to the existing two motorcycle spaces in front of the Bangalow Hotel into additional motorcycle parking. (Richardson/Cameron)

No. 14.2.6.2 **No Stopping Signs on Skinners Shoot Road**
File No: I2019/440

19-307 Resolved that Council adopt the following Committee Recommendation(s):

Committee Recommendation 6.2.1

That Council approve the installation of 5 No Stopping signs (RMS sign no. R5-400) along one side of Skinners Shoot Rd (the side to be determined by council) starting from the driveway for 50 Skinners Shoot Rd and extending approximately 450m north east along Skinners Shoot Rd. (Richardson/Cameron)

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No. 14.2.6.3 **Signage requests from Compliance Team - Paterson St, Byron Bay**
File No: I2019/679

19-308 Resolved that Council adopt the following Committee Recommendation(s):

Committee Recommendation 6.3.1

That Council approve the following:

1. At Paterson Street, Byron Bay, install regulatory “No Parking 1am – 6am” signs on eastern side of Paterson Street between Lighthouse Road and Kipling Street.
2. At New Brighton, install 3 regulatory “No Stopping” signs. Two signs on southern side of New Brighton Road between Park Street intersection and Casons Road intersection. Install one “No Stopping” sign approximately 15 metres along Casons Road from the intersection.
3. Across the driveway entrance of the Rural Fire Service on Wilfred Street, Billinudgel replace the two “No Parking” signs with two “No Stopping Authorised Vehicles Only” signs.
4. At Sunrise Boulevard, Byron Bay install regulatory signage as indicated in Figure 9:-
 - 4.1 “No Stopping” signs on the eastern side of the Sunrise Boulevard from the Ewingsdale Road intersection and extending for approximately 200m. A new sign to be installed at approximately 50m intervals and as required
 - 4.2 “No Stopping” signs installed on the western side of Sunrise Boulevard from the Ewingsdale Road intersection and extending for approximately 70m.
 - 4.3 “Parallel Parking Only” signs installed on the western side of Sunrise Boulevard commencing at chainage 70m and extending for approximately 70m to chainage 140m.
 - 4.4 “No Stopping” signs installed on the western and eastern side of Sunrise Boulevard from approximate chainage 140m and extending approximately 100 to chainage 240m
(Richardson/Cameron)

No. 14.2.6.4 **Byron Bay Bypass Linemarking and Signage**
File No: I2019/694

19-309 Resolved that Council adopt the following Committee Recommendation(s):

Committee Recommendation 6.4.1

That council liaise with RMS and Police to provide feedback and provide a further report to the Local Traffic Committee seeking endorsement of the Pavement Marking and Signage Plans for the Byron Bay Bypass project.
(Richardson/Cameron)

Report No. 14.3 **Report of the Transport and Infrastructure Advisory Committee**
 Meeting held on 14 May 2019
File No: I2019/837

19-310 Resolved that Council note the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 14 May 2019.
(Richardson/Cameron)

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No. 14.3.4.1 **Presentation of revised versions of the Draft Bike Plan and Draft PAMP**
File No: I2019/686

19-311 Resolved that Council adopt the following Committee Recommendation(s):

Committee Recommendation 4.1.1

1. That the Draft Bike Strategy and Action Plan (#E2019/31495) and Draft Pedestrian Access and Mobility Plan (#E2019/31496) be updated as discussed today and when updated be endorsed and placed on public exhibition for the subsequent development and adoption of final versions of both plans.
2. That the recommended public exhibition process be undertaken, as detailed in this report.
(Richardson/Cameron)

Report No. 14.4 **Report of the Transport and Infrastructure Advisory Committee Meeting held on 17 May 2019**
File No: I2019/838

19-312 Resolved that Council note the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 17 May 2019.
(Richardson/Cameron)

No. 14.4.4.1 **Integrated Transport Management Strategy - Draft RFQ Review**
File No: I2019/706

19-313 Resolved that Council adopt the following Committee Recommendation(s):

Committee Recommendation 4.1.1

That the Draft RFQ for the development of the Integrated Transport Management Strategy (previously known as the Shire-wide Transport Strategy) be modified as discussed including the consultation strategy and adopted for the engagement of a specialist consultant to undertake the work.
(Richardson/Cameron)

Report No. 14.5 **Report of the Transport and Infrastructure Advisory Committee Meeting held on 13 June 2019**
File No: I2019/920

19-314 Resolved that Council note the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 13 June 2019.
(Richardson/Cameron)

No. 14.5.4.1 **Update: Development of the Integrated Transport Management Strategy**
File No: I2019/797

19-315 Resolved that Council adopt the following Committee Recommendation(s):

Committee Recommendation 4.1.1

1. That the update on the development of the Integrated Transport Management Strategy be noted.
2. That the extraordinary meeting of TIAC be organised in early 2020 (February) to discuss

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the Integrated Transport Management Strategy.

3. That the timetable for completion of the project be revised so that the final report can be adopted by Council prior to the end of this Council term.
4. That the final strategy must consider high level of degrees of feasibility that inform the priority deliverables. (Richardson/Cameron)

No. 14.5.4.2 Buildings Asset Management Plan - Community Level of Service Survey

File No: I2019/860

19-316 Resolved that Council adopt the following Committee Recommendation(s):

Committee Recommendation 4.2.1

1. That the committee note the Community Levels of Service survey associated with the preparation of the Building Asset Management Plan (BAMP).
2. That committee receive a report on the contractual arrangements currently in place for the maintenance of non-Council owned toilets. (Richardson/Cameron)

Report No. 14.6 Report of the Byron Shire Floodplain Risk Management Committee Meeting held on 13 June 2019

File No: I2019/921

19-317 Resolved that Council note the minutes of the Byron Shire Floodplain Risk Management Committee Meeting held on 13 June 2019. (Richardson/Cameron)

No. 14.6.4.1 North Byron Floodplain Risk Management Study and Plan - Update

File No: I2019/840

19-318 Resolved that Council adopt the following Committee Recommendation(s):

Committee Recommendation 4.1.1

1. That Council approve the design event modelling mapping for inclusion in the final Floodplain Risk Management Study and Plan documentation noting that design levels near the Billinudgel bridges will be crosschecked.
2. That Council approve the following mitigation options as the second set of flood mitigation options for assessment in the study:
 - a) Lowering of the Ocean Shores Golf Course Weir spillway
 - b) Combination of 4 Ocean Outlets, Marshalls Creek Dredging, Marshalls Creek Rockwall Modifications and Kallaroo Circuit Bund Modifications
 - c) Removal of the Brunswick River Training Walls
 - d) Billinudgel Infrastructure improvements (including railway bridges)
 - e) Reduction of debris collection risk at Federation Bridge
 - f) Dredging extended to side tributaries in Mullumbimby (including waterway openings under railway at Saltwater Creek and Kings Creek)
 - g) Avocado Court Overland Flow Path
3. That in order for project delivery and grant milestone targets to be met Council approve changes to the current 2019 Floodplain Management Committee Meeting Schedule. The 31 October 2019 meeting be moved to the end of September 2019 and an additional meeting is added at the end of November 2019. (Richardson/Cameron)

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.1 **CONFIDENTIAL - Tender 2019-0009 for the Processing of Co-mingled Recyclables to Polytrade Pty Ltd**
File No: I2019/869

19-319 Resolved:

1. That Council award Tender 2019-0009 Collective Tender for processing of co-mingled recyclables to Polytrade 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. (Richardson/Cameron)

LATE REPORTS

Report No. 17.1 **CONFIDENTIAL - Tender Evaluation - Design Investigation for the Modification of the Jonson Street Protection Works**
File No: I2019/937

19-320 Resolved that:

1. Council decline to accept any of the tenders for Contract 2018-0029 under section 178(1)(b) of the Local Government (General) Regulation 2005.
2. Council decline to invite fresh tenders or applications because it has a thorough understanding of the potential suppliers for this service having tested the market through the recent tender process.
3. Council enter into negotiations with Bluecoast Consulting Engineers with a view to entering into a contract under section 178(3)(e) in relation to the subject matter of the Tender for Contract 2018-0019 and the tender response as outlined in the preferred tender proposal (Attachment #1).
4. Council's reason for determining to enter into these negotiations with Bluecoast Consulting Engineers, is that the information provided to Council in the late tender submission, indicated that they are the preferred supplier for this service when evaluated against the tender selection criteria and the other tenders received. (Richardson/Cameron)

PROCEDURAL MOTION

- 19-321 Resolved** that Council change the order of business to deal with Reports 13.17, 8.1, 13.9, 14.7, 13.16 next on the Agenda. (Richardson/Hunter)

The motion was put to the vote and declared carried.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.17 Brunswick Heads Parking Scheme Performance Review
File No: I2019/873

19-322 Resolved that Council:

1. Undertake an expanded Automated Number Plate Recognition (ANPR) survey of the Brunswick Heads parking scheme. The expanded ANPR survey area is to include:-
 - i) The existing Brunswick Heads parking scheme area,
 - ii) Fawcett Street, Mullumbimbi Street, Fingal Street and Booyun Street from Park Street through to Tweed Street
 - iii) East across the South Arm Bridge through to the Surf Life Saving Club
 - iv) South along Park Street from Fingal Street, through to Booyun Street.
2. Undertake an Economic Assessment of Brunswick Heads to understand the existing economic conditions, where visitors come from and how many visitors are tourists versus locals
3. Investigate options to help increase compliance monitoring within the Brunswick Heads parking scheme through one or a combination of the following options:-
 - a) Increased patrolling through increasing the number of enforcement officers and associated patrolling equipment; and
 - b) Introduce parking technology, such as:
 - i) In ground parking sensors
 - ii) Parking meters.
4. Expedite a report that provides information on:
 - a) Establishing a periodic pay parking program to be activated on long weekends, holidays and high demand periods, noting;
 - i) RMS have clarified that this is permissible
 - ii) these nominated periods are high parking demand periods in which increased adherence to parking bay times is provided by pay parking efficiently.
 - b) A potential periodic pay parking program across the South Arm Bridge through to the Surf Life Saving Club, and that:
 - i) Reflections and Crown Lands be contacted to ascertain support
 - ii) Funds generated in this area are utilised to improve road, environment and infrastructure outcomes in this area.
5. Integrate results and recommendations from the above items and report back to Council by May 2020 on recommended options to modify the parking scheme. (Options are to include, but not limited to, recommended modifications to time limits and recommended compliance monitoring options.) (Richardson/Ndiaye)

AMENDMENT

Moved that Council:

1. Undertake an expanded Automated Number Plate Recognition (ANPR) survey of the Brunswick Heads parking scheme. The expanded ANPR survey area is to include:-
 - i) The existing Brunswick Heads parking scheme area,

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- ii) Fawcett Street, Mullumbimbi Street, Fingal Street and Booyun Street from Park Street through to Tweed Street
 - iii) East across the South Arm Bridge through to the Surf Life Saving Club
 - iv) South along Park Street from Fingal Street, through to Booyun Street.
2. Undertake an Economic Assessment of Brunswick Heads to understand the existing economic conditions, where visitors come from and how many visitors are tourists versus locals.
3. Investigate options to help increase compliance monitoring within the Brunswick Heads parking scheme through one or a combination of the following options:-
 - a) Increased patrolling through increasing the number of enforcement officers and associated patrolling equipment; and
 - b) Introduce parking technology, such as:
 - i) In ground parking sensors
 - ii) Parking meters.
4. Integrate results and recommendations from the above items and report back to Council by May 2020 on recommended options to modify the parking scheme. (Options are to include, but not limited to, recommended modifications to time limits and recommended compliance monitoring options.) (Cameron / Hackett)

Cr Martin returned to the meeting at 11:08am.

PROCEDURAL MOTION

- 19-323 Resolved** that Cr Richardson be granted a one 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.

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

The motion was put to the vote and declared carried.

Cr Cameron voted against the motion.

MAYORAL MINUTE

Mayoral Minute No. 8.1 5G technology
File No: I2019/939

- 19-324 Resolved** that Council:

1. Notes that there is some community concern with respect to reports that 5G network technologies may affect the health of the community and animal populations;
2. Convenes and facilitates a public information event to share information and knowledge about the proposed 5G technology and its roll out in the Byron Shire;
3. Includes within its' list of invited speakers, representatives from Telstra, ARPANSA, the Member for Richmond, Justine Elliot MP, any pertinent accredited experts in this field and representatives from the Stop 5G Northern Rivers group;

4. Writes to the Federal Minister for Communications, the Shadow Minister for Communications, and Member for Richmond, Justine Elliot MP seeking assurance that community concerns with respect to 5G network technologies are being assessed and taken into consideration;
5. Writes to Telstra, seeking assurances that community concerns with respect to 5G network technologies are being assessed and taken into consideration and that the precautionary principle has been applied when progressing the 5G rollout;
6. Writes to those listed in 4 and the State Government requesting a review of the cumulative impacts and an identification of who holds responsibility for monitoring cumulative impacts of microwave frequency technologies of 'small cell installations' on the residential community and, in light of the findings of this review, request the State Government to reconsider the appropriate planning process for the installation of small cells;
7. Writes to LGNSW and Member for Ballina, Tamara Smith MP with a request to support this review and possible planning adjustments as outlined in 6; and
8. Receives a report on any potential for Council's infrastructure being used to house 5G.
(Richardson)

The motion was put to the vote and declared carried.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.9 Adoption of the 2019/20 Operational Plan, including Budget, Statement of Revenue Policy, and Fees and Charges
File No: I2019/859

19-325 Resolved that Council:

1. Note the submissions received during the public exhibition period for the 2019/20 Operational Plan (including the Budget, Statement of Revenue Policy, and Fees and Charges).
2. Adopt the following documents:
 - a) Delivery Program 2017-2021 and 2019-2020 Operational Plan as exhibited with amendments (Attachment 1 #E2019/43131) and discussed in this report under the heading '*Draft 2019-2020 Operational Plan – amendments*'.
 - i. Amend the measure for item 4.1.1.2 of the Operational Plan 2019/20 for the Mullumbimby Masterplan to be exhibited by 30 September 2019.
 - ii. Amend the measure for item 4.1.1.2 to adopt the Mullumbimby Masterplan by 31 December 2019.
 - b) 2019-2020 Statement of Revenue Policy as exhibited with amendments (included in Attachment 2 #E2019/43447) discussed in the report under the heading '*Draft General Land Rates and Charges (Statement of Revenue Policy)*'.
 - c) 2019-2020 Budget Estimates as exhibited with amendments discussed in the report under the heading '*Draft 2019/20 Budget Estimates (Statement of Revenue Policy)*'.
 - i. That a 2 year trial of Public Space Liaison Officers to help address rough sleeping in the Shire be funded. The first year's funding of \$115,000 to be drawn from the property reserve.

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- d) 2019-2020 Fees and Charges as exhibited (Attachment 3 #E2019/31385) with amendments discussed in the report under the heading '*Draft Fees and Charges (Statement of Revenue Policy)*'.
3. Adopt the proposed fees as outlined in the report under the heading Draft Fees and Charges (Statement of Revenue Policy) / Proposed Amendments, for the purposes of public exhibition and then adopt these fees should no submissions be received.
4. Develop a delivery and funding plan for the following Mullumbimby Masterplan actions for inclusion in the Delivery Program and Operational Plan and capital works program at the Quarterly Budget Review for the first quarter of 2019/20.
 - History Trail
 - Stuart Street Green Corridor
5. Refer the proposal for changing traffic control signage at the Dalley/Tincogan intersection to the next Local Traffic Committee meeting for advice that includes consideration of pedestrian safety.
6. Note the availability of s7.1 funds for Mullumbimby Masterplan projects and the potential to leverage such funds with grant funding. (Cameron/Spooner)

The motion was put to the vote and declared carried.

| | |
|------------------------|--|
| Report No. 14.7 | Report of the Coastal Estuary Catchment Panel Meeting held on 7 June 2019 |
| File No: | I2019/922 |

19-326 Resolved:

1. That Council note the minutes of the Coastal Estuary Catchment Panel Meeting held on 7 June 2019.
2. That Council review the Climate Change Strategic Planning Policy as part of the Climate Emergency Response review of relevant climate policy and literature, to establish an overarching framework for climate adaptation across Council's business and programs. The review to take into account the outcomes and recommendations from the 7 June Coastal Estuary Catchment Panel workshop.
3. That up until the review of the Policy in 2 is completed, Council revise the parameters recommended by the Panel and any others set by Government in relation to climate change impact when undertaking strategic, infrastructure and operation planning.
4. That a draft of this revised Policy in 2 be brought back to Council.
5. That these revisions to the current Climate Change Policy be completed/given effect to by 31 December 2019 (Coorey/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 13.16 Multi Use Byron Shire Rail Corridor
File No: I2019/744

Moved that Council:

1. Note the Final Report for the Multi Use of Byron Shire Rail Corridor (Bangalow to Yelgun) pre-feasibility study as compiled by Arcadis; and
2. Request staff to provide a Business Plan for the project outlining the methodology for each alternative that includes;
 - a) The process and cost required to give council legal possession of the rail corridor
 - b) Quantifying and identifying the patronage of the facility and capacity of the customer base to pay for the service/s
 - c) The capital cost and timelines in establishment
 - d) The ongoing annual operation costs and income including maintenance, depreciation, insurance and finance costs
 - e) A SWOT analysis
 - f) Proposed management and operational structure
 - g) Working examples of similar facilities
3. That all attachments in Report No. 13.16 are no longer classified as 'Confidential' and are made available to the public. (Hunter/Spooner)

PROCEDURAL MOTION

19-327 Resolved that this matter rest on the table. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.
Cr Spooner, Hackett and Cameron voted against the motion.

NOTICES OF MOTION

Notice of Motion No. 9.1 Participation in the Holiday Time Child Pedestrian Road Safety Signage Campaign
File No: I2019/896

19-328 Resolved that Council participate in the Child Pedestrian Road Safety Signage Campaign for Dec 2019 - January 2020 and send a letter to LBDF advising them of our thanks for and acceptance of their invitation to participate. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.2 Arts and Cultural Funding
File No: I2019/903

Moved that Council:

1. Undertake a full cultural planning exercise in order to design a new Arts and Cultural Policy, Plan and Strategy.
2. Review the current Public Art Strategy and revise the Commissioning Contract.
3. Allocate up to \$100,000 in the 2019-20 Operational Plan and Budget, as per staff report

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estimates (August 2, 2018, for Res 18-450), for the engagement of a specialist arts consultant or contractor to assist in house staff over a 12 month period. (Hackett/Spooner)

PROCEDURAL MOTIONS

19-329 Resolved that Cr Hackett be granted a two minute extension to her speech. (Richardson/Coorey)

The motion was put to the vote and declared carried.

19-330 Resolved that Cr Hackett be granted a one minute extension to her speech. (Lyon/Richardson)

The motion was put to the vote and declared carried.

19-331 Resolved that this matter rest on the table. (Spooner/Richardson)

The motion was put to the vote and declared carried.

Cr Hackett left the Chambers at 12:18pm.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.5 **Section 355 Management Committees - resignations, appointments**
File No: I2019/751

19-332 Resolved:

1. That the nominee in Confidential Attachment 1 be appointed to the Brunswick Heads Memorial Hall Management Committee.
2. That the nominee in Confidential Attachment 1 be appointed to the Brunswick Valley Community Centre Management Committee.
3. That Council review the Councillor representative on the Brunswick Heads Memorial Hall Management Committee and advise Cr Richardson be replaced by Cr Lyon as the new representative. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

Cr Hackett was not present for the vote.

Report No. 13.7 **Community Initiatives Program (Section 356) - 2019/20 funding round applications**
File No: I2019/784

19-333 Resolved:

1. That Council provides funds from the Section 356 budget to the Community Initiatives Program 2019/20 projects recommended for funding in Confidential Attachment 1 (#E2019/34129).
2. That Council advertises the proposed Section 356 donations.
3. That Council notes that unsuccessful applicants will be provided feedback.
4. That Council staff continue to work with community groups to support them in submitting

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high quality applications to future rounds of the program.

5. The balance of funds (\$8,200) be held to provide assistance for community events, including the Chincogan Charge, to seek fee waivers. (Cameron/Ndiaye)

The motion was put to the vote and declared carried.

Cr Hackett was not present for the vote.

The meeting adjourned at 12:23pm for a lunch break and reconvened at 1:16pm. Cr Hackett returned to the meeting at this time.

PROCEDURAL MOTION

- 19-334 Resolved** that Report No. 13.16 be lifted from the table. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 13.16 Multi Use Byron Shire Rail Corridor
File No: I2019/744

Moved that Council:

1. Note the Final Report for the Multi Use of Byron Shire Rail Corridor (Bangalow to Yelgun) pre-feasibility study as compiled by Arcadis; and
2. Request staff to provide a Business Plan for the project outlining the methodology for each alternative that includes;
 - a) The process and cost required to give council legal possession of the rail corridor
 - b) Quantifying and identifying the patronage of the facility and capacity of the customer base to pay for the service/s
 - c) The capital cost and timelines in establishment
 - d) The ongoing annual operation costs and income including maintenance, depreciation, insurance and finance costs
 - e) A SWOT analysis
 - f) Proposed management and operational structure
 - g) Working examples of similar facilities
3. That all attachments in Report No. 13.16 are no longer classified as 'Confidential' and are made available to the public. (Hunter/Spooner)

AMENDMENT

- 19-335 Resolved** that Council:

1. Note the Final Report for the Multi Use of Byron Shire Rail Corridor (Bangalow to Yelgun) pre-feasibility study as compiled by Arcadis; and
2. Request staff to evaluate the Arcadis Final Report and report back to Council on the next steps to progress the project.
3. Noting that the increasing vegetation proliferation within the rail corridor is a major issue that needs addressing, request an urgent meeting with representatives of John Holland, State Rail and Local Member Tamara Smith, to discuss vegetation clearing options.
4. That all attachments in Report No. 13.16 are no longer classified as 'Confidential' and are

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made available to the public excluding any appendices that include specific commercial in confidence information including that of Council

5. Noting the clear local and regional tourism, environmental, economic, and social benefits, as stated within the report,
 - a) request a meeting with relevant state government representatives seeking possible collaboration and support for establishing a multiuse project within the rail corridor
 - b) request an agenda item on the activation of the regional rail corridor be added to the next Northern Rivers Joint Organisation Agenda (Cameron/Richardson)

PROCEDURAL MOTION

- 19-336 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.

- 19-337 Resolved** that Cr Spooner be granted a two minute extension to his speech. (Hackett/Richardson)

The motion was put to the vote and declared carried.

The amendment was put to the vote and declared carried.

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

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

PROCEDURAL MOTION

- 19-338 Resolved** that Report No. 9.2 be lifted from the table. (Richardson/Cameron)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.2 Arts and Cultural Funding
File No: I2019/903

- 19-339 Resolved** that Council:

1. That Council support in principle the undertaking of a full cultural planning exercise in order to design a new Arts and Cultural Policy, Plan and Strategy and the benefits of a review of the current Public Art Strategy and Commissioning Contract.
2. That as part of a full cultural planning exercise Council conduct thorough discussions and engagement with our cultural stakeholders, arts community and general public to understand the types of cultural activities that residents wish to engage in and value most.
3. That this item be considered at the next Quarterly Budget Review with potential funding sources to provide the requested funding of up to \$100,000, as identified in the Councillor's notes be identified. (Hackett/Spooner)

The motion was put to the vote and declared carried.

The meeting adjourned at 2:13pm to hold the Byron Shire Reserve Trust Committee Meeting and reconvened at 2:27pm.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.13 Request for fee relief - A Day In The Bay
File No: I2019/908

19-340 Resolved that Council:

1. Grant a financial contribution of \$4,604 in the form of a budget transfer from the events funding support budget (2017.004) to the Cavanbah Centre to cover hire fees.
2. Waive Council fees involved in future A Day in the Bay events to a total of \$14,467, and negotiate with the event organisers on how to best utilise the Cavanbah Centre for future events
3. Advise A Day In The Bay organisers accordingly. (Richardson/Cameron)

The motion was put to the vote and declared carried.

Report No. 13.14 Byron Shire Climate Emergency Response
File No: I2019/915

19-341 Resolved:

1. That Council note the report Byron Shire Climate Emergency Response.
2. That Council endorse the following actions as the result of the report:
 - i. Include an action in the Operational Plan FY2019/20 about a 'Climate Emergency Plan';
 - ii. Hold a facilitated workshop between Councillors and the Executive Team to better understand and articulate what 'climate emergency' means in the Byron Shire context, and available mechanisms and resourcing for stronger action;
 - iii. Establish a Climate Emergency Cluster Group as defined in the body of the report;
 - iv. Undertake a review of relevant climate policy and literature to establish an overarching framework for attracting grant funding and developing and delivering climate adaptation projects;
 - v. In concert with item (iv) undertake a review of all Council programs to ensure alignment with our Climate Emergency commitment;
 - vi. Request ADAPT NSW to deliver Council and community workshops on ADAPT NSW/NCERA workshop outcomes; and
 - vii. Report to Council on the outcome of actions (i-vi) in December 2019.
3. That the Climate Emergency Group continues its role as a subgroup of the SERAC and provides representation to the Climate Emergency Cluster Group. (Coorey/Ndiaye)

PROCEDURAL MOTION

19-342 Resolved that Cr Coorey be granted a two minute extension to her speech. (Ndiaye/Cameron)

The motion was put to the vote and declared carried.

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

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.19 BioEnergy Facility Technical Operations Review
File No: I2019/888

19-343 Resolved:

1. That Council's Principal Engineer and the BioEnergy Facility Project Manager organise and conduct technical site visits to review operations of relevant HZI and Bekon BioEnergy sites, review their feasibility and report back to Council.
2. That, as an option, Council contact the Office of the Minister for Energy and Environment to request that NSW EPA personnel participate in the field visit. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 14.8 Report of the Water, Waste and Sewer Advisory Committee Meeting held on 13 June 2019
File No: I2019/923

19-344 Resolved that Council note the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 13 June 2019. (Ndiaye/Richardson)

No. 14.8.4.1 Belongil Catchment Drainage Board Draft Plan of Management
File No: I2019/13

19-345 Resolved that Council adopt the following Committee Recommendation(s):

Committee Recommendation 4.1.1

1. That ongoing discussion between Council and Belongil Catchment Board (BCDB) continue in respect of producing a memorandum of understanding (MOU).
2. That a workshop between representatives of BCDB, Council and NSW Department of Primary Industries (NSW DPI) be held as soon as possible to discuss management plan comments.
3. That the workshop outcome be reported. (Ndiaye/Richardson)

No. 14.8.4.2 Murthagh Wetlands Report Update
File No: I2019/645

19-346 Resolved that Council adopt the Management Recommendation(s):

Committee Recommendation:

That Council note that the Committee meeting ran over time and that this item has been not discussed and has been referred to a future meeting of this Committee as the second item in the Agenda. (Ndiaye/Richardson)

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No. 14.8.4.3

Items Requested by Duncan Dey

File No:

I2019/646

19-347 Resolved that Council:

1. Acknowledge that management of centralised urban sewage requires periodical assessment with annual reporting of the capacities of its 3 main elements:
 - a) the sewer collection system;
 - b) the sewage treatment plant; and
 - c) receiving environments.
2. Acknowledge that receiving environments potentially include:
 - a) waterways,
 - b) wetlands,
 - c) irrigation areas;
 - d) marine environments, and
 - e) recycled water schemes which are generally downstream of the EPA licence point for the STP.
3. Receive reports on the capacities of environments that receive effluent from the Byron Bay STP, including the details of modelling parameters.
4. Notes Condition 9 of the development consent for the operation of the STP is that the new load connected from December 2002 onwards is matched by new re-use. The purpose of this Condition as explained in the EIS and its supporting documents was that there would be no increase in flow to the Belongil Catchment, and receive the report on the following questions:
 - a) What was the inflow to the STP in December 2002 and what is it now, noting that another consent Condition is that inflow reaching 80% of the plant's capacity (6.95 ML/day) would trigger steps towards the next expansion.
 - b) What was the re-use from the STP in December 2002 and what is it now?
 - c) What is the current inflow to the STP and when is it estimated to reach 5.56 ML/day (80% of capacity)?
5. That item 4 above be included on the Agenda for the next Strategic Planning Workshop.
6. Arrange a meeting for Committee members and staff meet to discuss further
(Ndiaye/Richardson)

No. 14.8.4.4

Towards Zero - Byron Shire's Draft Waste Management and Resource Recovery Strategy

File No:

I2019/841

19-348 Resolved that Council adopt the following Management recommendation:

Committee Recommendation:

That Council note that the Committee meeting ran over time and that this item has been referred to a future meeting of this Committee for further discussion.
(Ndiaye/Richardson)

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No. 14.8.4.5 **Inflow and Infiltration update**
File No: I2019/848

19-349 Resolved that Council adopt the following Management Recommendation(s):

Committee Recommendation:

That Council note that the Committee meeting ran over time and that this item has been not discussed and has been referred to a meeting of this Committee as the first item in the Agenda.
(Ndiaye/Richardson)

No. 14.8.4.6 **Schedule of Extraordinary Meetings of Water, Waste and Sewer**
File No: **Committee in 2019**
I2019/877

19-350 Resolved that Council adopt the following Committee Recommendation(s):

Committee Recommendation 4.6.1

1. That Council ask that the extraordinary meetings of Water, Waste and Sewer Advisory Committee (WWSAC) be scheduled on:-
 - a) Thursday, 29 August 2019 at 9 am; and
 - b) Thursday 14 November 2019 at 9 am.
2. That the constitution for the WWSAC be amended to reflect 5 meetings per year.
(Ndiaye/Richardson)

The motions 19-344 to 19-350 were put to the vote and declared carried.

URGENCY MOTIONS

Cr Lyon left the Chambers at 3:00pm.

PROCEDURAL MOTION

19-351 Resolved that the item relating to Tallow Creek be considered urgent and be dealt with at the meeting as it is a recent event that requires investigation before Council resumes in August.
(Richardson)

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

Urgency No. 1 **Matter of Urgency - Tallow Creek**

19-352 Resolved:

1. That Council affirm its commitment to respecting Arakwal people and their connection to Country, in particular their homelands, Tallow Creek, promoting biodiversity, healthy waterways and safeguarding and improving habitat for aquatic life;
2. That Council writes to Department of Primary Industry (Fisheries) requesting that they fully investigate the fish kill incident at Tallow Creek on 14 June, and NPWS to fully investigate Council's compliance with licence conditions and that the report of their findings be brought to Council;

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3. That Council's preference is that no further openings of the Tallow Creek ICOLL be undertaken unless it is determined by Council that there is agreement of Arakwal Corporation, NPWS, and Cape Byron Marine Park, and that there is a low probability of a fish kill at the proposed opening time;
4. That Council staff undertake consultation with the following parties as soon as practicably possible to develop a protocol for managing the Tallow Creek ICOLL to actively avoid fish kills and enhance fish breeding:
 - residents of the Tallow Creek estuarine area (including Friends of Tallow Creek),
 - agency stakeholders as mentioned in (3)
 - landowners affected by upstream flooding
 - Department of Primary Industry (Fisheries)
 - Arakwal Corporation
5. That Council supports the development of the first stage of the Coastal Management Program for Tallow catchment to be commenced in the next financial year. (Coorey/Ndiaye)

Cr Lyon returned at 3:04pm.

PROCEDURAL MOTION

19-353 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.

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

PETITIONS

The Mayor tabled the following petitions:

| | Title | No. of Signatures |
|----|--|-------------------|
| 1. | The return of nose-in parking at south end of Esplanade at New Brighton Beach <i>We, the undersigned, request that Byron Shire Council request the return of nose -in parking at south end of esplanade at New Brighton Beach</i> | 60 |
| 2. | Objection to any further development on Palm Avenue in Mullumbimby until the road surface has been repaired <i>We, the undersigned, object to any Further Development on Palm Avenue in Mullumbimby until road surface has been repaired.</i> | 14 |
| 3. | Concerns with 2.5 metre wide foot path being constructed along the length of Balemo Drive, Ocean Shores <i>The undersigned residents of Balemo Drive, Ocean Shores 2483 would like to petition Council to have the path along Balemo Drive reduced in width wherever possible to minimise the negative impacts on residents, decrease the potential impact to storm water and natural flood management, reduce the overall negative impact to the visual character of the area, and better reflect the level of users and traffic in the area.</i> | 14 |

DELEGATES REPORTS

1. Safe Beaches Committee

Cr Hunter advised Council:

The interim committee has held a successful meeting with representatives from:

- Tyagarah residents
- Naturists
- Police

Meeting scheduled with NPWS next week

Police have agreed to provide us with meaningful data, i.e. incidents specific to a location (e.g. beach, dunes, lakes, etc.) as they can extract this via the notes at the very least.

Current data highlights a significant decline in incidents for this year.

We have signage and cameras that are operational within the road reserve which we believe acts as a strong deterrent to inappropriate behaviour. Staff are continuing to adjust and trial setting to improve data captured.

The interim committee is also in discussions regarding leg ropes and safe surfing.

The interim committee in place for 12 months.

Lots of work has gone into the Safe Beach Committee Constitution, meetings with key stakeholders will help to finalise the finer details of the constitution.

Cr Martin left the meeting at 3:37pm.

2. National General Assembly

Cr Lyon advised Council:

I was at the National General Assembly for councils around Australia. I'll discuss two moments, Cr Ndiaye will probably give a more detailed report, including a motion that she passed, which was amazing. The whole conference was interesting, as at the start of all of the speeches, it was like 'don't mention the war,' where war was climate change. So there was literally zero mention from any of the organisers, in any of the pamphlets, or in anything. It was like following the election result 'don't mention the war'. But, interesting, we had 2 ministers there from the Federal Government, one was the Deputy Prime Minister, it was a funny moment, there was this general sort of pitch to us that we need to grovel more for money and that we need to be asking for money and that's the way to go. He was anecdotally talking about, if you as a local government representative are talking to a community member and they come up to you and they're like 'Mr Mayor or Mr Councillor or Mr General Manager,' to which there were audible groans in the audience from all the women and from many of the men because it was this kind of idea that you are only talking to men. So that was a funny moment which I am sure he picked it up, but he just soldiered on, which was classic and a little disturbing.

On a more important note, Linda Scott arranged a meeting with the Local Government Minister. She is doing a great job, Linda Scott, the President of LGNSW. She arranged a meeting for NSW delegates to pitch their concerns directly to the Minister, so I raised roads, and I think that's a big focus for us. If Councillor Spooner and Hunter could stop spending money on business plans we would have some more money for the roads. No seriously, I said to him "look we have got

\$25m out of the State, which was amazing, but everyone keeps asking us where the money for roads is coming from," I said "we have raised rates, we are doing everything we can, but what can we do, what do I need to do to illustrate to you?" because he mentioned going through a Joint Organisation and I said "well Ballina and Tweed don't share our problems, they have only got a \$10m deficit in road infrastructure. Byron is more like \$100m, so they are unlikely to support us through a JO, so we need to go it alone." He did mention the Roads of Strategic Importance, or RONIs as they used to be called, Roads of National Importance, as one avenue that we could potentially ask for money. I did get the feeling there is a general infrastructure vibe coming out. I think there is an opportunity there. He actually owned that it was them building the highway that probably contributed to a lot of our problems in terms of the speed or rapidity you can now get from Coolangatta or Brisbane down to Byron. So I think there is an avenue there, so I will just say to Mr Holloway and other staff that there is definitely a will to help us there if we are willing to grovel for it and give thanks where thanks is due. I definitely got the feeling that there is an avenue there for future support and I am really keen for us to do more on our roads. We are a quarter of the way there, let's try and get another \$25m and we are half way there.

Cr Ndiaye further advised:

It was great to meet people from right across the country and hear their successes, wins, and challenges. I note that I went there three years ago, talking about the impacts of AirBnB and this economy, to the point where people would say "can you just be quiet about that." They had a whole day / half day session devoted to affordable housing and linking it with AirBnB this year. So they are catching on, it is not just our problem now, that is being experienced in a lot of other places as well. In terms of how we frame what the needs of our community are, Cr Lyon was right, there was no mention of the environment, no mention of climate change, but if you constructed what you want in terms of infrastructure or congestion busting they were words that the Liberal National Government seemed to be very fond of and very excited to want to deliver on. So maybe we just need to change our speak for a little while.

But despite that, very interestingly the call on the National General Assembly to declare a climate emergency and establish a \$10billion national fund for councils to build resilience was brought up by Darebin and it passed with, I think it was 146 to 49 or something. So this is a concern that councils in the front line are experiencing and are very much aware of.

The other one that came out of discussions was around disaster response and the role that the ABC plays. There was quite a few councils saying how their services have been reduced and from those discussions I put together an urgency motion, it was the only urgency to make it to the floor, and that was to acknowledge the crucial role that the public broadcaster plays in Australia, particularly in remote rural and regional community, and calls on the federal government to cease cuts and embark on a program to restore more adequate funding to the ABC. The vote was 146 to 51, a three quarters majority.

The National General Assembly doesn't hold an enormous amount of weight, especially if debates are very tight, but I think the Government would kill for a vote with that big of a percentage. It's a very clear message of the role that the ABC plays and the negative impact of the near 1000 redundancies and millions of dollars of cuts, with another \$84 million over the next three years. All the "fat has been trimmed", this is just a kind of carnage proposed for the next three years.

Other than that there was some very interesting discussions around waste management that hopefully we can share later on, and affordable housing.

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There being no further business the meeting concluded at 3:45pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 22 August 2019.

.....
Mayor Simon Richardson