



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 22 August 2019

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
22 August 2019

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 22 AUGUST 2019 COMMENCING AT 9:10AM AND CONCLUDING AT 4:18PM

12019/1242

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 Warner (Acting Director Infrastructure Services)
 Shannon Burt (Director Sustainable Environment and Economy)
 Ralph James (Legal Counsel)
 Chris Larkin (Manager Sustainable Development) – Public Access
 Claire McGarry (Place Manager) – Item 9.3
 James Flockton (Acting Infrastructure Planning Coordinator) – Item 16.3
 Annie Lewis (Communications Coordinator) – Item 16.3
 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:

Report No and Title	For/ Against	Name	Representing Organisation	
9.1	Reducing Street Lighting Use	For	Paul Jones	Butler Street Community Network
9.3	Future Use Of Butler Street Reserve	For	Darryl Henniker	
			Paul Jones	Butler Street Community Network
10.1	Concerns with 2.5 metre wide foot path being constructed along the length of Balemo Drive, Ocean Shores	Against	Christine Lomas	
13.12	The Lighthouse Sculpture	For	Liz Friend	
			Jeanette Krohn	
			John Anderson	
13.14	Policy Review 2019 - Policies for Repeal	For	Mathew O'Reilly	Community Alliance for Byron Shire Inc
		Against	Nicqui Yazdi	
			Rosalie Bryant	
13.22	PLANNING -10.2018.486.1 Redevelopment of Brunswick Heads Surf Life Saving Club – Deferred	For	Raymond Linabury	
		Against	Michelle Grant	Foreshore Protection Group

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13.25	Byron Bay Bypass - Environmental Compensation Options Over & Above Project Requirements	For	John Anderson	
		Against	Jan Barham	
13.26	1 Broken Head Road Project	For	Liz Levy	
13.28	Draft Plan of Management Suffolk Park Recreation Grounds	For	Donald Maughan	Suffolk park progress association
		Against	Amy Cottier	

General Submissions

Subject	Name	Representing Organisation
Future of Homeless people in Byron Bay	Paul Lockwood	Get Toasted, local traders, residents and visitors
Art of Spin	John Anderson	
Broken Head traffic monitors	Jan Barham	Broken Head Protection Committee
Quarterly Reviews of Council Resolutions	Mathew O'Reilly	CABS

Question No. 1 - Short Term Rental Accommodation

David Wallace, on behalf of Vohl, asked the following question:

At the Planning meeting on 15 August, report 8.11 Update on STRA was presented. The report stated " Council resolutions, brought about due to the rise in complaints, on the subject of holiday letting date back to 2003.

Complaints include:

- prohibited development in residential areas*
- loss of neighbourhood amenity*
- noise and antisocial behaviour, particularly from late-night parties*
- excessive numbers of people and cars*
- parking which may block driveways or impede visibility and traffic movement*
- excess or poorly managed garbage*

How many complaints has Council received since 2003 and how many of these have led to prosecutions or fines against the holiday let owners?

Council's Manager Sustainable Development took the question on notice.

Question No. 2 - Responding to Correspondence

Jan Barham asked the following question:

I am seeking clarification from Councillors that my emails dated 29 July and 5 August have been received and why no response, not even an automated reply have been received and I request an explanation as to why no response has been provided regarding a genuine query from myself, as a resident and ratepayer regarding the inconsistencies that exist with the bypass biobanking application and the production of the 2017 Byron Shire Council Vegetation Mapping that identifies an area within the footprint of the bypass as subtropical rainforest?

Cr Lyon provided the following response:

I am happy to say that I received the emails and that issue has been discussed at length in the Echo for 2 weeks. I would have thought you would have seen the answer.

Question No. 3 - GHD's involvement with Adani

Matthew Lambourne asked the following question:

Has Council advised GHD of Resolution 17-585 concerning companies involved with Adani; if not, why not, and if so, what response, if any, has been received from GHD?

Council's Director of Corporate and Community Services provided the following response:

We wrote to all Adani contractors that we were aware of, including GHD on 22 February 2018. No response was received from GHD.

Question No. 4 - Construction Environmental Management Plan for the Byron Bypass

John Anderson asked the following question:

Given the absurd drama I had to go through to finally get access to the Construction Environmental Management Plan for the Bypass, and given that the document itself says that access must be created "upon request", will the Mayor now re-acquaint himself with the notion of transparency by immediately ensuring that:

- a) Said document is posted on Council's website (as is entirely normal)*
- b) That all remaining documents specified in the Court's consent conditions for the Bypass, such as the Flood Management Plan (condition 6), Engineering Plans (condition 5), Stormwater Management Plan (condition 7), agreement with Transport NSW (condition 8), Public Safety Management Plan (condition 9), Traffic Management Plan (condition 10), Environmental Management System (condition 11), animal fencing (condition 19), Biobanking Statement (condition 20), additional biobanking credits (condition 21), Road Signage Plan (condition 22), Noise Mitigation Plan (condition 24), Heritage Management Plan (condition 25), Aboriginal Cultural Heritage (condition 26), stakeholder consultation (condition 27), nothing that several conditions omitted from this list are supposed to be addressed as part of the Construction Environmental Management Plan?*

The Mayor took the question on notice.

Question No. 5 - Byron Bypass Expenditure

John Anderson asked the following question:

Will the Mayor please detail Bypass expenditures past and present in light of the apparent contractors' fee of some \$14 million for the entire construction project – given that \$20.5 million was the total cost repeatedly given out until quite recently, and given that Ralph James last week told me that the projected figure now is around \$25 million – and will the Mayor also detail what percentage of the correct total figure is down to Government grants versus Council's own input, and what proportion (if any) is State Government compensation for Council's previous expenditures, including on consultancy fees; i.e. how much has Council spent to date, prior to construction?

The Mayor took the question on notice.

Question No. 6 - Responding to Correspondence

Matthew O'Reilly asked the following question:

Land owners along the Saddle Road responded to Council's resolution 17-260 in 2017 and submitted Expressions of Interest (EOIs) in good faith but now over two years later Council has not even acknowledged receipt of those EOIs through the State Government tender webpage. Does Council have any intention of responding to the non-planning proposal EOIs submitted by land owners at Council's invitation? In particular Council resolution 18-038 called for a Report to be submitted to Council. Other relevant Council Resolutions are 17-260, 17-601, 18-038, 18-543, 18-823.

Council's Manager Sustainable Development took the question on notice.

The meeting adjourned at 11:05am and reconvened at 11:28am.

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 Simon Richardson declared a significant non-pecuniary interest in Report 13.12. The nature of the interest being that the artist involved is a close friend. Cr Richardson elected to leave the Chamber and will not participate in discussion and the vote.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

19-376 Resolved that the minutes of the following meetings be confirmed:

- Byron Shire Reserve Trust Committee held 27 June 2019
- Ordinary Meeting held 27 June 2019 (Hackett/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**General Manager**

- Report No. 13.1 Licence to Scouts Australia NSW for occupation of the Mullumbimby Scout Hall
- Report No. 13.4 Lease for Massinger Street Treehouse
- Report No. 13.6 Ardill Payne & Partners v Byron Shire Council [2019] NSWLEC 1297 4 Marvell Street Byron Bay

Corporate and Community Services

- Report No. 13.12 The Lighthouse Sculpture - next steps
- Report No. 13.14 Policy Review 2019 - Policies for Repeal
- Report No. 13.16 Local Government NSW Annual Conference 2019

Sustainable Environment and Economy

- Report No. 13.22 PLANNING -10.2018.486.1 Redevelopment of Brunswick Heads Surf Life Saving Club - Deferred

Infrastructure Services

- Report No. 13.25 Byron Bay Bypass - Environmental Compensation Options Over & Above Project Requirements
- Report No. 13.26 1 Broken Head Road Project
- Report No. 13.28 Draft Plan of Management Suffolk Park Recreation Grounds
- Report No. 13.29 Response to RFQ 2019-0033 - Integrated Transport Management Strategy

REPORTS OF COMMITTEES**Infrastructure Services**

- Report No. 14.2 Report of the Local Traffic Committee Meeting held on 30 July 2019
- 6.1 Byron Bay Bypass Linemarking and Signage - revised plans
 - 6.2 Event Road Closures - Byron Lighthouse Run 2019
 - 6.3 Byron Cycle Club - Criterium Racing 2019 - Woodford Lane, Ewingsdale and Byron Arts & Industrial Estate
 - 7.1 Event - Chincogan Charge, Mullumbimby - 21 September 2019
 - 7.2 One way Trial for Centennial Circuit - Byron Arts and Industry Estate Draft Precinct Plan
 - 7.3 Koala interactions and speed advisory sign options for Mafeking Road, Goonengerry
 - 7.4 Bay Lane Temporary Closure
 - 8.1 Mercato - Jonson St Roundabout DA Condition
 - 8.2 Festival of the Stone 2020 - 2022
 - 8.3 Events - Mullumbimby Music Festival 2019 - Road Closure

CONFIDENTIAL REPORTS**Infrastructure Services**

- Report No. 16.1 CONFIDENTIAL - Tender 2019-0014 - Causeway Upgrades - Upper Wilsons #10 and Blackbean Road
- Report No. 16.3 CONFIDENTIAL - Byron Flood Warning Network - Tender Award

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The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Richardson and seconded by Cr Ndiaye. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 19-377 and concluding with Resolution No. 19-404.

PETITIONS

Petition No. 10.1 **Concerns with 2.5 metre wide foot path being constructed along the length of Balemo Drive, Ocean Shores**

File No: I2019/977

19-377 Resolved:

1. That the petition regarding Concerns with 2.5 metre wide foot path being constructed along the length of Balemo Drive, Ocean Shores be noted.
 2. That Council continue to deliver the infrastructure in accordance with the funding requirements. (Richardson/Ndiaye)
-

Petition No. 10.2 **Request for the return of nose in parking at south end of Esplanade at New Brighton Beach**

File No: I2019/981

19-378 Resolved:

1. That the petition regarding return of nose-in parking at the south end of the Esplanade at New Brighton beach be noted.
 2. That the existing parallel parking and "No Stopping" signage remains unchanged.
 3. That the petition author be notified and informed of Council's decision. (Richardson/Ndiaye)
-

Petition No. 10.3 **Objection to any further development on Palm Avenue in Mullumbimby until road surface has been repaired**

File No: I2019/982

19-379 Resolved:

1. That the petition regarding objection to any further development on Palm Avenue in Mullumbimby until road surface has been repaired be noted.
 2. That road resealing and repairs continue to be undertaken in a planned and prioritised manner to approved budgets. (Richardson/Ndiaye)
-

SUBMISSIONS AND GRANTS

Report No. 11.1 **Byron Shire Council Grant Submissions as at 31 July 2019**

File No: I2019/1180

19-380 Resolved that Council notes the report and attachment 1 (#E2019/55484) for the Byron Shire Council Submissions and Grants as at 31 July 2019. (Richardson/Ndiaye)

STAFF REPORTS - GENERAL MANAGER

Report No. 13.2 **Establishment of Alcohol Free Zones**
File No: I2019/1069

19-381 Resolved:

1. That in accordance with section 644B of the Local Government Act 1993, Council adopt the proposal to establish alcohol free zones in those parts of Byron Bay, Mullumbimby, Brunswick Heads, Ocean Shores, New Brighton and Suffolk Park, as are set out in the proposal, for a period of four years commencing 1 September 2019.
2. That operation of an established alcohol-free zone be suspended for approved footway restaurants (both present and future), where the operator requests suspension of the Alcohol-Free Zone to allow alcohol to be consumed with the footway restaurant, during the restaurant's hours of operation. (Richardson/Ndiaye)

Report No. 13.3 **Classification of Lot 1 in Deposited Plan 847910, being the former Byron District Hospital site, as "operational" under the Local Government Act 1993.**
File No: I2019/1070

- 19-382 Resolved** that Council classify Lot 1 in Deposited Plan 847910, being the former Byron District Hospital site, "operational" under the Local Government Act 1993. (Richardson/Ndiaye)

Report No. 13.5 **Termination of Vodafone lease on the Wategoes Reservoir**
File No: I2019/1074

- 19-383 Resolved** that Council delegate to the General Manager, the authority to terminate the lease held between Council and Vodafone Hutchinson Australia Pty Ltd over part of Lot 346 DP 755695, known as the Wategoes Reservoir, by giving twelve months written notice to quit from 23 August 2019. (Richardson/Ndiaye)

Report No. 13.7 **Railway Park Public Art**
File No: I2019/1154

19-384 Resolved:

1. That Council removes *Memento Aestates* from the scope of works for the upgrade of Railway Park.
2. That Council enters into further negotiations with Urban Art Projects (UAP) regarding the artwork's final form and location.
3. That an alternative location within the Byron Bay town centre be found for *Memento Aestates* by including it for consideration in concept designs for:
 - a) Rail corridor project
 - b) Sandhills Estate skate park and recreation hub
 - c) Broader rail precinct projects
4. That the unspent project budget (\$40,000) be retained in the Section 94A Public Art fund for completion of the artwork once final form and location are agreed upon. (Richardson/Ndiaye)

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.8 **Conduct of the 2020 Local Government Election**
File No: I2019/18

19-385 **Resolved** that Council:

1. Resolves pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) (Act) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Resolves pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Resolves pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council. (Richardson/Ndiaye)

Report No. 13.9 **Investments - 1 June 2019 to 30 June 2019**
File No: I2019/934

19-386 **Resolved** that the report listing Council's investments and overall cash position as at 30 June 2019 be noted. (Richardson/Ndiaye)

Report No. 13.10 **Section 355 Management Committees - resignations, appointments**
File No: I2019/1052

19-387 **Resolved:**

1. That the resignation of Stephen Bond from the Brunswick Heads Memorial Hall Management Committee be accepted and a letter of thanks provided.
2. That the nominee in Confidential Attachment 1 be appointed to the Marvell Hall Management Committee.
3. That the nominee in the Confidential Attachment 1 be appointed to Suffolk Park Community Hall Management Committee.
4. That the resignation of Colleen Barton from Suffolk Park Community Hall Management Committee, effective early September, be accepted and a letter of thanks be provided. (Richardson/Ndiaye)

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Report No. 13.11 **Report of the Public Art Panel Extraordinary meeting held on 24 June 2019**

File No: I2019/1075

19-388 Resolved:

1. That the following recommendation of the Public Art Panel be considered in conjunction with the separate Report to this meeting on *The Lighthouse* sculpture.
 - “a) *That the proposed works on The Lighthouse provided by the artist be completed, given that:*
 - i) *The Public Art Panel considered that the artist should have the opportunity to complete his work.*
 - ii) *The artist has provided robust responses to the Panel’s requests for information, including attending a meeting in person and providing detailed images and video of proposed modifications.”*
2. That Council adopts the Public Art Panel’s recommendation that the sculpture ‘The Beast Within’ by Allen Horstmanhof, that was temporarily approved to remain in situ following the 2015 Brunswick Nature Sculpture Walk event, be decommissioned.
3. That Council adopts the Public Art Panel’s recommendation that the sculpture ‘Germination’ at the Mullumbimby Sculpture Walk be further investigated in relation to installation and maintenance costs for the life of the work, with findings reported back to the Public Art Panel for consideration.
4. That Council adopts the Public Art Panel’s recommendation that the following steps are taken in preparation for a report to the Public Art Panel at their next ordinary meeting on 12 September:
 - a) A review of current Public Art Guidelines and Criteria, including consideration of existing best practise, and a new draft prepared.
 - b) Specialist advice sought, if applicable.
 - c) Amendments proposed for other documentation and process review for consideration by Public Art Panel. (Richardson/Ndiaye)

Report No. 13.13 **Investments - 1 July 2019 to 31 July 2019**

File No: I2019/1103

- 19-389 Resolved** that the report listing Council’s investments and overall cash position as at 31 July 2019 be noted. (Richardson/Ndiaye)

Report No. 13.15 **Carryovers for Inclusion in the 2019-2020 Budget**

File No: I2019/1146

- 19-390 Resolved** that the works and services, and the respective funding shown in Attachment 1 (#E2019/55476), be carried over from the 2018/2019 financial year and that the carryover budget allocations be adopted as budget allocation revotes for inclusion in the 2019/2020 Budget Estimates. (Richardson/Ndiaye)

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Report No. 13.17 **Water, Waste and Sewer Advisory Committee and Coastal Estuary Catchment Panel - Committee Members**
File No: I2019/1158

19-391 Resolved that Council:

1. Accept the resignation of Tony Flick from the Coastal Estuary Catchment Panel and provide a letter of thanks.
2. Accept the resignation of Mark Tidswell from the Water, Waste and Sewer Committee and provide a letter of thanks.
3. Hold the two community positions on the Coastal Estuary Catchment Panel as vacant until the new term of Council (September 2020). (Richardson/Ndiaye)

Report No. 13.18 **Budget Review 1 April 2019 to 30 June 2019**
File No: I2019/1168

19-392 Resolved:

1. That Council authorises the itemised budget variations as shown in Attachment 2 (#E2019/56200) which includes the following results in the 30 June 2019 Quarterly Review of the 2018/2019 Budget:
 - a) General Fund - \$0 change in Unrestricted Cash Result
 - b) General Fund - \$11,930,300 increase in reserves
 - c) Water Fund - \$1,664,200 increase in reserves
 - d) Sewerage Fund - \$2,015,700 increase in reserves.
2. That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$1,145,200 for the 2018/2019 financial year. (Richardson/Ndiaye)

Report No. 13.19 **Delivery Program 6-monthly Report and 2018/19 Operational Plan Fourth Report - Q4 - to 30 June 2019**
File No: I2019/1177

19-393 Resolved that Council notes the Delivery Program 6-monthly Report and 2018/19 Operational Plan Fourth Quarter Report for the period ending 30 June 2019 (Attachment 1 #E2019/55728). (Richardson/Ndiaye)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.20 **Update on the Sustainable Visitation Strategy**
File No: I2019/978

19-394 Resolved that Council note update on the Sustainable Visitation Strategy. (Richardson/Ndiaye)

Report No. 13.21 **Report of Minutes of Strategic Business Panel Meeting held on 30 May 2019**
File No: I2019/1129

- 19-395 Resolved** that Council endorse the Agricultural Cluster Group Terms of Reference at Attachment 2 (E2019/47001). (Richardson/Ndiaye)
-

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.23 **Council Road Reserve Closure and Transfer - Arakwal & Morgan - Bangalow Road, Byron Bay**
File No: I2019/590

- 19-396 Resolved:**
1. That Council endorse the finalisation of the closure of the road reserve between Lot 320 DP 755695 and Lot 438 DP 729107 as per Resolution 12-820 and Resolution 17-006 and move forward with registration of plans with Land Registry Services and all documentation to facilitate the closure of the road.
 2. That Council authorise the execution of all documents necessary to affect the road closure and consolidation. (Richardson/Ndiaye)
-

Report No. 13.24 **Renaming of Old Pacific Highway (South)**
File No: I2019/886

- 19-397 Resolved** that Council approve the renaming and Gazettal of Old Pacific Highway (South) as the continuation of Tweed Street with the following provisions:
- a) Provide an official letter of proof of change of address to affected residents/property owners;
 - b) Provide nameplates to affected properties and pursue redirection of mail at no cost through the contractor for Australia Post;
 - c) Do not agree to compensate for replacement signage;
 - d) Notify Google maps so they update when the change occurs; and
 - e) That Council cover the costs of any replacement street name signage. (Richardson/Ndiaye)
-

Report No. 13.27 **Formalise Thomas Street, Bangalow through the Gazettal Process**
File No: I2019/1063

- 19-398 Resolved** that Council approve the lodgement of a Gazettal Notice for a section of Thomas Street, Bangalow. (Richardson/Ndiaye)
-

Report No. 13.30 **Pay Parking Cash Collection Tender**
File No: I2019/1140

- 19-399 Resolved:**
1. That Council exercise its discretion under Local Government (General) Regulation 2005 (LGGR 2005) clause 178(1)(b) not to accept any of the tenders submitted in response to

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tender 2019-0010 Parking Meter Cash Collection.

2. That Council exercise its discretion under LGGR 2005 clause 178(3)(e) to enter into negotiations with any person (whether or not the person was a tenderer), with a view to entering into a contract in relation to the subject matter of the tender.
3. That under LGGR 2005 clause 178(4)(a), the reason Council declines to invite fresh tenders or applications as referred to in clause 178(3)(b)–(d) is due to a clear failure in the tender process to provide a competitive market from which Council can select a suitable contractor.
4. That under LGGR 2005 clause 178(4)(b), the reason Council has determined to enter into negotiations with the person or persons referred to in clause 178(3)(e) is due to:-
 - a) a well-founded concern that a fresh tender process would result in the same market failure revealed by the first tender; and
 - b) that despite the market failure revealed by the tender process, Council has a well-developed understanding of the competitors within the pay parking cash collection market and is confident of selecting a suitable contractor in the public interest via direct negotiation.
5. That Council request the current cash collection contractor (ASAP) to continue undertaking cash collection beyond the current contract termination date and until a suitable contractor is selected via the process above.
4. That Council provides public notice of its decision not to award the tender, in accordance with LGGR 2005 clause 179. (Richardson/Ndiaye)

Report No. 13.31 Tender Assessment - Management of First Sun and Suffolk Beachfront Holiday Parks 2019-0027

File No: I2019/1115

19-400 Resolved:

1. That Council award Tender 2019-0027 Management Contract for First Sun Holiday Park and Suffolk Beachfront Holiday Park to the preferred Tenderer as set out on the final page of the attached confidential Assessment Panel Report (#E2019/57006).
2. Council's seal be affixed to the relevant documents if required.
3. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Richardson/Ndiaye)

Report No. 13.32 Social Enterprise - Linen SHIFT - Water, Bulk Water and Sewer developer contributions

File No: I2019/1215

19-401 Resolved that Council:

1. Provide the S.H.I.F.T Project laundry service a waiver to water and sewer developer contributions for a total of four (4) washing machines.

2. Request Rous Water to defer bulk water contributions for a total of four (4) washing machines for the S.H.I.F.T Project laundry service (Richardson/Ndiaye)
-

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.1 **Report of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 3 June 2019**
File No: I2019/1090

- 19-402 Resolved** that Council note the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 3 June 2019. (Richardson/Ndiaye)
-

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.1 **CONFIDENTIAL - Tender 2019-0014 - Causeway Upgrades - Upper Wilsons #10 and Blackbean Road**
File No: I2019/1147

19-403 Resolved:

1. That Council award Tender 2019-0014 to CivilCS Pty Ltd .
 2. That Council increase the Upper Wilsons Budget to \$433,500 (GL 44283.045) and the Blackbean Road Causeway Budget to \$441,900 (GL 44283.410) by a reallocation of funds from the Left Bank Rural Major Culvert Project as detailed in this report.
 3. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Richardson/Ndiaye)
-

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PROCEDURAL MOTION

- 19-404 Resolved** that Council change the order of business to deal with Reports 13.22, 9.1, 9.3, 13.12, 13.14, 13.25, 13.26, 13.28 next on the Agenda. (Richardson/Lyon)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.22 PLANNING -10.2018.486.1 Redevelopment of Brunswick Heads Surf Life Saving Club - Deferred
File No: I2019/1169

19-405 Resolved:

1. That pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application 10.2018.486.1 for redevelopment of Brunswick Heads Surf Life Saving Club, be granted consent subject to conditions in Attachment 2 (E2019/56291).
2. That under the Byron Shire Council Development Servicing Plans for Water Supply and Sewerage Adopted Plan (E2016/82468) 07 September 2016, a waiver to developer contributions is granted for the Brunswick Heads Surf Life Saving Club being a non-profit and charitable organisation that makes a significant and positive contribution to the community. (Spooner/Hackett)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 9.1 Reducing Street Light Use
File No: I2019/1179

19-406 Resolved that Council receives a report on the implications and intricacies of turning off residential street lights and that the report considers:

- a) The possible use of some streets to use as trial sites and engagement with those residing on these streets
- b) The financial and emission savings
- c) The human and environmental benefits
- d) Any safety issues
- e) Any regulatory issues (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.3 Future use of Butler Street Reserve
File No: I2019/1204

Moved that Council:

1. Retain Butler Street Reserve for passive recreation, ground parking and community uses, including markets

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2. Remove the option of a multi-storey car park or an expansion of the 3-storey commercial zone (as referenced in the Byron Bay Town Centre Masterplan) from the consideration of the future use or zoning of the Butler Street Reserve site
3. Engage a landscape architect to develop concept plans for the future use and management of the Butler Street Reserve
4. Undertake consultation with existing site users and neighbouring property owners to inform concept plans (Lyon/Ndiaye)

AMENDMENT

19-407 Resolved:

1. Retain Butler Street Reserve for passive recreation, ground parking and community uses, including markets
2. Remove the option of an expansion of the 3-storey commercial zone (as referenced in the Byron Bay Town Centre Masterplan) from the consideration of the future use or zoning of the Butler Street Reserve site (Spooner/Cameron)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

19-408 Resolved that Cr Richardson be granted a two minute extension to his speech. (Richardson/Cameron)

The motion was put to the vote and declared carried.

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

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

The meeting adjourned at 12:47pm for a lunch break and reconvened at 1:38pm.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.12 The Lighthouse Sculpture - next steps

File No: I2019/1153

In accordance with his earlier declared pecuniary interest in this matter, Cr Richardson left the Chamber and returned following the vote at 2:30pm.

The Deputy Mayor took the Chair for this item.

19-409 Resolved that Council considers the safety concerns outlined in this report, alongside the Public Art Panel recommendation from the Extraordinary meeting held on 24 June and resolves:

- a) To decommission The Lighthouse sculpture
- b) That once decommissioning is complete, to offer the undamaged birds for sale to the public via the Myocum Resource Recovery Centre at \$20 per bird with the funds to be used to cover the cost of decommissioning.
- c) Distribute funds raised from the sale of the sculpture to develop a 'Byron Shire Council Cultural Policy' and projects working to reduce homelessness in the Byron Shire. (Ndiaye/Lyon)

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PROCEDURAL MOTIONS

19-410 Resolved that Cr Ndiaye be granted a two minute extension to her speech. (Lyon/Coorey)

The motion was put to the vote and declared carried.

19-411 Resolved that Cr Ndiaye be granted a one minute extension to her speech. (Lyon/Hunter)

The motion was put to the vote and declared carried.

AMENDMENT

Moved that Council:

1. Decommission the Lighthouse Sculpture
2. The sculpture to be stored at the council depot pending final disposal
3. That the sale of individual birds be arranged via an online platform such as ebay or similar for \$20 each
4. Distribute funds raised from the sale of the sculpture to develop a 'Byron Shire Council Cultural Policy' and projects working to reduce homelessness in the Byron Shire.
5. Declassify all attachments to this report so that they are freely available to the public. (Spooner/Hackett)

PROCEDURAL MOTIONS

19-412 Resolved that Cr Spooner be granted a two minute extension to his speech. (Lyon/Hackett)

The motion was put to the vote and declared carried.

19-413 Resolved that Cr Hackett be granted a two minute extension to her speech. (Lyon/Cameron)

The motion was put to the vote and declared carried.

19-414 Resolved that Cr Cameron be granted a two minute extension to his speech. (Lyon/Spooner)

The motion was put to the vote and declared carried.

19-415 Resolved that Cr Ndiaye 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, Martin, Ndiaye, and Lyon voted against the amendment.

The Deputy Mayor used his casting vote and declared the motion lost.

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

Crs Hackett and Spooner voted against the motion.

PROCEDURAL MOTION

- 19-416 Resolved** that Council change the order of business to deal with Report 13.26 next on the Agenda. (Cameron/Richardson)

The motion was put to the vote and declared carried.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.26 1 Broken Head Road Project
File No: I2019/907

- 19-417 Resolved:**

1. That Council defer a decision on whether to accept any of the tenders submitted for RFT 2019-0015 – 1 Broken Head Road Redevelopment.
2. That a Councillor workshop be convened to consider the tenders submitted for RFT 2019-0015 – 1 Broken Head Road Redevelopment. (Richardson/Lyon)

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

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.14 Policy Review 2019 - Policies for Repeal
File No: I2019/1112

- 19-418 Resolved** that this item be discussed with Councillors at a Strategic Planning Workshop prior to community consultation on any proposed repeal, amendment or replacement of policies. (Cameron/Richardson)

The motion was put to the vote and declared carried.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.25 Byron Bay Bypass - Environmental Compensation Options Over & Above Project Requirements
File No: I2019/902

- 19-419 Resolved** that Council:

1. Notes the intent of Resolution 19-253 'Byron Bay Bypass - Environmental Compensation Options Over & Above Project Requirements' and supports measures to improve ecological values in Byron Bay;
2. Notes the progress that Council has made to implement 84% of Council's award-winning Biodiversity Conservation Strategy 2004, and that the Strategy is currently being reviewed and updated;
3. Seeks input from the Biodiversity Committee with regard to the suitability of the proposed

sites and the consideration of other potential sites;

4. Further discuss the proposed sites in a Strategic Planning Workshop of Council and staff, and also discuss Council potentially conducting an EOI process to identify landowners in the Byron Bay wetland area who would like to work with Council to facilitate and secure long term revegetation and regeneration outcomes;
5. In line with the Mitchell's Rainforest Snail Recovery Plan 2002, give priority to the recovery of the Mitchell's Rainforest Snail in the land identified as snail habitat in Council's mapping of its known habitat in the vicinity of the Byron Bay Bypass
6. That (5) be among other measures to mitigate impacts of the Byron Bay Bypass that go 'over and above' as per Resolution 19-253.
7. Should the staff recommendation for adding an extra the bush regeneration crew member to carry out works be supported, this position be quarantined for an Arakwal person in order to ensure workplace diversity and additional local knowledge. (Coorey/Lyon)

The motion was put to the vote and declared carried.

Cr Spooner voted against the motion.

Report No. 13.28 Draft Plan of Management Suffolk Park Recreation Grounds
File No: I2019/1102

- 19-420 Resolved** that Council defer the Draft Plan of Management Suffolk Park Recreation Grounds (Attachment 3 - E2019/56787) to a future meeting of Council as the Draft plan of management does not adequately address the Suffolk Park Recreation Ground Public Hearing report. (Spooner/Ndiaye)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 9.2 NSW Coastal Conference 2019
File No: I2019/1202

- 19-421 Resolved** that the following Councillors attend the 2019 Coastal Conference in Terrigal, 30 October – 1 November 2019:
- i) Cr Jan Hackett
 - ii) Cr Michael Lyon
 - iii) Cr Coorey
- (Hackett/Richardson)

The motion was put to the vote and declared carried.

DELEGATES' REPORTS

1. Rail Corridor

Cr Richardson advised Council:

The Northern Rivers Joint Organisation met in Byron a few days ago, it was nice not having to do that drive elsewhere, and a group of the Mayors actually met at Flock across the road for a couple of hours beforehand just to discuss a little bit more informally about priorities. What clearly came

up was the same priorities; affordable housing, waste initiatives and opportunities, and also transport. I did get support for an addition to get the Joint Organisation supporting our rail corridor feasibility report. Adding their voice to request a whole of Casino to Murwillumbah vegetation removal and a meeting with like minded or pertinent ministers. We have got a meeting with the Mayors and GMs of both Tweed and Richmond Valley who want to come and get the information for our feasibility about how we can work together; because ultimately, as our feasibility showed, we can potentially have both and what they do elsewhere is supportive of Byron. It was actually really nice to have that report and finally be able to join the rest of the councils in the north coast to advocate for something on that line.

Just as an aside to that, I got a bit more information from the train, the solar powered train that is working, that many said couldn't happen; they are about to sell that technology to two countries around the world. Local people going around the world sharing that solar powered tram technology and also hopefully therefore, to seek to get some of the relevant ministers up here to see what we are doing.

Even more pleasing has been some of the costings, for example, that group, the Lithgow Train Group that created that train did some of the costings for us, they put it down to \$1.2 million if we extend the train line to Lily Pilli, or to the roadhouse. So all of a sudden costs are a lot less compared to what we were initially told. I think we are starting to get some traction and hopefully shortly, after those meetings with those other Mayors and GMs, we will start publicly going forward and start to get some conversations. It would be very hard not to 'smack into' John Holland for their lack of using their money, but more important we want to get some support to get rid of some of that vegetation; whether that be a bike path or, in our case, a rail shuttle, vegetation needs to be removed the State Government have got a responsibility to do it.

It was very pleasing that the JO were wholeheartedly supporting us and looking to gain from us.

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 Licence to Scouts Australia NSW for occupation of the Mullumbimby Scout Hall

File No: I2019/983

19-422 Resolved:

1. That Council grant a two year premises licence with a two year holding over option, for the purpose of a scout hall to The Scout Association of Australia t/as Scouts Australia NSW over part of Lot 321 DP 755692 known as the Mullumbimby Scout Hall.
2. That Council authorise the publication of the proposed two year licence with two year holding over option for the purpose of a scout hall for a period of 28 days for public comment.
3. That in the event that no comments to the proposed licence are received, Council delegate to the General Manager the authority to enter into the licence referred to in 1 above with the following minimum conditions:
 - a) term two years with a maximum two year holding over;
 - b) annual rent of \$16,200 is fully subsidised by Council as a section 355 donation;
 - c) outgoings of general rates and fixed water and sewer charges be also fully subsidised by a section 355 donation;
 - d) all licence preparation fees be met by Council;
 - e) the Licensee pay outgoings of water, sewer and waste management user charges;

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- f) general maintenance costs be paid for by the Licensee;
 - g) authorise the Licensee to hire out the Mullumbimby Scout Hall at its discretion (but consistent with the Plan of Management) and annually report to Council on it hiring function.
4. That in the event that comments are received on the proposed licence a new report be tabled at Council's October meeting. (Richardson/Spooner)

The motion was put to the vote and declared carried.

Report No. 13.4 Lease for Massinger Street Treehouse
File No: I2019/1071

- 19-423 Resolved** that Council authorise the General Manager to negotiate a licence with Ms Mell Coppin over an unused portion of road reserve adjoining 77 Massinger Street Byron Bay on the following terms:
- a) term one (1) year;
 - b) for the purpose of a children's treehouse; and
 - c) annual rent \$1.00 if requested. (Spooner/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 13.6 Ardill Payne & Partners v Byron Shire Council [2019] NSWLEC 1297
4 Marvell Street Byron Bay
File No: I2019/1081

19-424 Resolved:

1. That Council note the report and the legal advice provided to Council;
2. That Council acknowledge the community's consistent and strong support for building height limits as clearly stated in clause 4.3 of BLEP 2014 that the 'height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map'.
3. That council does not support an exceedance of its building height limits for rooftop bars and reiterate its position that the proliferation of rooftop bars are not in keeping with community values and town character, and that though street activation may enhance the general character in this location, a rooftop bar only separates visitors from locals, increases open air noise and alcohol consumption and does not make a positive contribution to adjacent streets and lanes.
4. That Council direct the General Manager to commence a section 56A appeal against the decision. (Coorey/Ndiaye)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 19-425 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.
Crs Spooner and Hunter voted against the motion.*

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.16 Local Government NSW Annual Conference 2019
File No: I2019/1156

19-426 Resolved that Council authorises Cr Lyon to attend as the voting delegate at the Local Government NSW Annual Conference 2019 to be held at the William Inglis Hotel, Warwick Farm, to be held from 14 to 16 October 2019. (Lyon/Richardson)

The motion was put to the vote and declared carried.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.29 Response to RFQ 2019-0033 - Integrated Transport Management Strategy
File No: I2019/1191

19-427 Resolved:

1. That Council award 2019-0033 Byron Shire Integrated Transport Management Strategy to GTA Consultants.
2. That \$120,000 be allocated to this project in the 2019/2020 financial year funded from the Infrastructure Renewal Reserve but specifically as follows:
 - (a) Infrastructure Renewal Reserve Fund - Non-Byron Bay - \$80,000
 - (b) Infrastructure Renewal Reserve Fund - Byron Bay - \$40,000
3. That the successful tenderer be invited to meet with the TIAC prior to the commencement of the project. (Richardson/Cameron)

The motion 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 30 July 2019
File No: I2019/1199

19-428 Resolved that Council note the minutes of the Local Traffic Committee Meeting held on 30 July 2019. (Cameron/Spooner)

19-429 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 6.1 Byron Bay Bypass Linemarking and Signage - revised plans

File No: I2019/799

Committee Recommendation 6.1.1

1. That the Local Traffic Committee endorse the attached Pavement Marking and Signage Plans for the Byron Bay Bypass project (#E2019/42067).
2. Council consider the committee's comments regarding the pedestrian refuge near Wentworth St. (Cameron/Spooner)

19-430 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 6.2 Event Road Closures - Byron Lighthouse Run 2019

File No: I2019/192

Committee Recommendation 6.2.1

That Council support the 20 October 2019 Byron Lighthouse Run, subject to:-

1. Traffic control plan(s) and a Traffic Management Plan being designed by those with the appropriate and relevant NSW (RMS) accreditation. The TCP and TMP are to include the temporary car park and road closures below:
 - a) Lawson Street, between Massinger Street and Lighthouse Road, between 6:30am and 10:00am;
 - b) Tallow Beach Road, between Lighthouse Road and Tallow Beach Car Park, between 6:30am and 10:00am;
 - c) Lighthouse Road, between Lawson Street and the Cape Byron Lighthouse, between 6:30am and 10:00am; and
 - d) Brooke Drive, between Lighthouse Road and the Pass, between 6:30am and 10:00am.
 - e) Clarkes Beach Car Park, between 5am and 9am. Clarkes Beach car park is to be open to the public by 9am. Alternatively, if car park is to be closed to the public after 9am an application is to be made to Council to occupy the car park and relevant application fee's and parking fees are to be paid to Council prior to the event commencing.
2. That the approval provided in Part 1 is subject to:
 - a) separate approvals by NSW Police, RMS and Cape Byron Headland Trust being obtained;
 - b) implementation of the approved Traffic Management Plan and Traffic Control Plan/s by those with appropriate RMS accreditation and the holding of current and appropriate levels of insurance and liability cover; and
 - c) The event organiser:
 - i) advertising the impact of the event 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;
 - ii) providing copy of the advert for Council's web page;

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- iii) informing community and businesses that are directly impacted (e.g. adjacent to the event), including the Beach Byron Bay Café and North Coast Holiday Park Clarkes Beach, via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
- iv) arranging for private property access and egress affected by the event;
- v) liaising with bus and taxi operators and ensuring arrangements are made for provision of services during conduct of the event;
- vi) consulting with emergency services with any identified issues being addressed;
- vii) holding \$20m public liability insurance cover which is valid for the event; and
- viii) payment of Council's Road Event application fee prior to the event.

(Cameron/Spooner)

19-431 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 6.3 Byron Cycle Club - Criterium Racing 2019 - Woodford Lane, Ewingsdale and Byron Arts & Industrial Estate

File No: I2019/973

Committee Recommendation 6.3.1

1. That Council support the use of the Arts and Industrial Estate for criterium racing on every 2nd and 4th Sunday of the month till August 2022, subject to:
 - a) Traffic control plans and a Traffic Management Plan being designed by those with the appropriate and relevant NSW (RMS) accreditation. Separate TCP's are to be designed for:
 - i. The existing road network within the Arts and Industrial Estate, and
 - ii. Any proposed one way trial of Centennial Drive, if any races occur during the one way trial of Centennial Circuit.
 - b) The implementation of the Traffic Management Plan and Traffic Control Plan(s) by those with appropriate NSW (RMS) accreditation.
 - c) Holding \$20m public liability insurance cover which is valid for all races.
 - d) Obtaining separate approvals by NSW Police and RMS, as required.
 - e) Paying Council's Road Event Application Fee prior to the event
2. That Council support the use of Woodford Lane, Ewingsdale, for criterium racing on every 2nd and 4th Sunday of the month till August 2020, subject to:
 - a) Traffic control plan(s) and a Traffic Management Plan being designed by those with the appropriate and relevant NSW (RMS) accreditation.
 - b) The implementation of the Traffic Management Plan and Traffic Control Plan(s) by those with appropriate NSW (RMS) accreditation.
 - c) Holding \$20m public liability insurance cover which is valid for all races.
 - d) Obtaining separate approvals by NSW Police and RMS, as required.
 - e) Paying Council's Road Event Application Fee prior to the event (Cameron/Spooner)

19-432 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 7.1 Event - Chincogan Charge, Mullumbimby - 21 September 2019

File No: I2019/191

Committee Recommendation 7.1.1

That Council support the Chincogan Charge 2019 to be held on Saturday 21 September 2019

between 8:00am and 5:30pm, subject to:

1. Traffic control plan(s) and a Traffic Management Plan being designed by those with the appropriate and relevant NSW (RMS) accreditation. The TCP(s) and TMP to include the closure of Dalley Street between Burringbar Street and Tincogan Street between 12.30am-5.3pm;
2. The TCP to be generally in accordance with document E2019/52304 (attached); However the TCP must show additional advanced warning and continuous demarcation of cars and race participants to ensure adequate separation in contraflow areas.
3. Implementation of the approved Traffic Management Plan and Traffic Control Plan/s by those with appropriate RMS accreditation and the holding of current and appropriate levels of insurance and liability cover;
4. Separate approvals by NSW Police and RMS being obtained;
5. 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;
6. The event be notified on Council's webpage;
7. Informing community and businesses that are directly impacted (e.g. adjacent to the event) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
8. Undertake consultation with emergency services and any identified issues addressed;
9. Hold \$20m public liability insurance cover which is valid for the event
10. Pay Council's Road Event Application Fee prior to the event (Cameron/Spooner)

19-433 Resolved that Council adopt the following Recommendation(s):

Report No. 7.2 One way Trial for Centennial Circuit - Byron Arts and Industry Estate Draft Precinct Plan

File No: I2019/757

Recommendation 7.2.1

That Council support the one way trial for Centennial Circuit and endorse the installation of any relevant regulatory signage, hard infrastructure, parking management and line markings in order to the make the trial functional, subject to:

1. Endorsement of the Byron Arts and Industry Estate Draft Precinct Plan for public exhibition by Council at the September Planning meeting (or other meeting);
2. Separate approvals by NSW Police, RMS, as required;
3. Traffic control plan(s) and a Traffic Management Plan being designed by those with the appropriate and relevant NSW (RMS) accreditation;

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4. The implementation of the approved Traffic Management Plan and Traffic Control Plan/s by those with appropriate RMS accreditation and the holding of current and appropriate levels of insurance and liability cover;
5. Advertising the impact of the event 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;
6. Providing copy of the advert for Council's web page;
7. Informing community and businesses that are with the Arts and Industrial Estate, via written information which is delivered to the property in a timely manner advising when the trial will begin;
8. Following the trial, Regulatory matters undertaken in conjunction with the one way trial, such as, the installation of No Parking signs and introduction of time limited parking, is to be submitted to LTC for consideration as a separate report prior to being implemented on a permanent basis.

(Cameron/Spooner)

19-434 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 7.3 Koala interactions and speed advisory sign options for Mafeking Road, Goonengerry

File No: I2019/987

Committee Recommendation 7.3.1

1. That Council note that RMS is currently conducting a speed review of Mafeking Road, Goonengerry.
2. That Council investigate visual "Koala Zone" or "Koala crossing" treatments for Mafeking Rd. (Cameron/Spooner)

19-435 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 7.4 Bay Lane Temporary Closure

File No: I2019/1135

Committee Recommendation 7.4.1

That Council note the committee's comments for the temporary closure of Bay Lane and that a further report on what exactly is proposed is provided to the LTC. (Cameron/Spooner)

19-436 Resolved that Council adopt the following Recommendation(s):

Report No. 8.1 Mercato - Jonson St Roundabout DA Condition

File No: I2019/761

That Council consider the Committee's comments and that the application is brought before Council for determination. (Cameron/Spooner)

19-437 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 8.2 Festival of the Stone 2020 - 2022

File No: I2019/985

That Council consider the committee comments and a further report to go to LTC.

(Cameron/Spooner)

19-438 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 8.3 Events - Mullumbimby Music Festival 2019 - Road Closure

File No: I2019/936

Committee Recommendation 8.3.1

1. That the Traffic Management Plan and Traffic Control Plan/s as relates to the Mullumbimby Music Festival 2019, to be held between Thursday 14 November 2019 and Monday 18 November 2019, which includes the temporary road closures below, be endorsed between these times:
 - a) Dalley Street, between Tincogan Street and Burringbar Street, between 11:00am and 12:00noon on Sunday 17 November 2019 - Street Parade;
 - b) Burringbar Street, between Station Street and Dalley Street, effective between 10:45am and 11:15am on Sunday 17 November 2019 - Street Parade;
 - c) Cenotaph Lane, between Dalley Street and east of the fire station driveway and Murphys Lane, effective from 4:00pm Thursday 14 November 2019 through to 8am Monday 18 November 2019; and
 - d) Murphys Lane, between Cenotaph Lane and Tincogan Street, effective from 4:00pm Thursday 14 November 2019 through to 8am Monday 18 November 2019.

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/s by those with appropriate RMS accreditation and the holding of current and appropriate levels of insurance and liability cover;
 - c) that each temporary bus stop, as required by the event, be established in accordance with the accredited Traffic Control Plan/s;
 - d) the event organiser:
 - i) advertising the impact of the event 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;
 - ii) providing a copy of the advert for Council's web page;
 - iii) the written concurrence of the Fire Stations on both Gordon Street and Dalley Street, be obtained and copies provided to Council;
 - iv) informing community and businesses that are directly impacted (eg adjacent to the event) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
 - v) arranging for private property access and egress affected by the event;
 - vi) liaising with bus and taxi operators and ensuring arrangements are made for provision of services during conduct of the event;
 - vii) consulting with emergency services and any identified issues be addressed;
 - viii) holding \$20m public liability insurance cover which is valid for the event;
 - ix) paying of Council's Road Event Application Fee prior to the event.
 - x) hostile vehicle mitigation strategies to be addressed. (Cameron/Spooner)

The motions 19-429 to 19-438 were put to the vote and declared carried.

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.2 **CONFIDENTIAL - Tender - Registration as a Provider of Truck Haulage and/or Plant and Equipment Hire 2019-0022**
File No: I2019/1109

19-439 Resolved:

1. That Council award Tender 201-0022 Registration as a Provider of Truck Haulage and/or Plant and Equipment Hire to all Tenderers as a Panel Contract in accordance with the contract documents and the rates and information supplied in their tenders.
2. That Council makes public its decision, including the name and amount of the successful tenderers, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Richardson/Ndiaye)

Report No. 16.3 **CONFIDENTIAL - Byron Flood Warning Network - Tender Award**
File No: I2019/1185

19-440 Resolved:

1. That pursuant to Section 10A(2)(d)i of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Byron Flood Warning System - Tender Award.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

Report includes tender prices and tender review comments which are commercial in nature. (Richardson/Lyon)

The motion was put to the vote and declared carried.

19-441 Resolved:

1. That Council award Tender T2019-0028 Byron Shire Flood Warning Network to JBA Pacific Scientist and Engineer Pty Ltd.
2. That an additional \$30,000 be sourced from within the existing Infrastructure Services Budget and directed to this project at the 30 September 2019 Quarterly Budget Review, to ensure sufficient funds are available for the contract.
3. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Richardson/Lyon)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

19-442 Resolved that the meeting move out of confidential session. (Richardson/Cameron)

The motion was put to the vote and declared carried.

PETITIONS

The Mayor tabled the following petitions:

Title	No. of Signatures
We, the undersigned, are concerned citizens who urge the council to take action on improving safety on the road mentioned above. The corner in question needs road safety interventions implemented including, but not limited to; 1. Crash Barriers; 2. Slow Signs; 3 Adequate Lighting.	102

URGENCY MOTION

PROCEDURAL MOTION

19-443 Resolved: that the matter of ‘Short Term Residential Accommodation Submission’ be dealt with as a matter of urgency due to the consultation period closing before the next meeting of Council. (Richardson)

The motion was put to the vote and declared carried.

No. 1 Short Term Residential Accommodation Submission

19-444 Resolved that Council request staff to prepare a formal submission to the consultation on short term rental accommodation (STRA) package released by the Department of Customer Service (DCS) and Department of Planning, Industry and Environment (DPIE) which includes the following:

1. A request that Byron Shire Council be excluded or deferred from the operation of the SEPP; or if that is not possible, that Council be shown on the maps in the SEPP – to have a 180 day limit on un-hosted premises for STRA as a default until such time as the Council planning proposal is completed and Local Environmental Plan is notified as per Ministerial Direction 3.7;
2. A summary of the latest research in Byron Shire, Australia and abroad that shows the detrimental effect unregulated or poorly regulated STRA can have on rental availability and affordability and a restatement of the reasons that led to Minister Roberts issuing a Ministerial Direction 3.7 earlier in the year. This research should also show the absolute need for a register in order to ensure compliance with regulations that a city or shire may impose on the activity;
3. The Byron Shire Council proposal for a local register and request that it be able to be a pilot for other councils in NSW;
4. Other relevant feedback from staff on the proposed package documents, including but not limited to the following:

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- that the 21 or more consecutive days provision in the SEPP is a mechanism that will render our upcoming planning proposal completely inert with reasons why, including the ability to outsource large blocks to avoid intent of restrictions.
 - the absolute need to reinstate in the SEPP that STRA will be excluded from 'affordable rental housing' approved under State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) and State Environmental Planning Policy No. 70 Affordable Housing (SEPP 70), as these policies are aimed at increasing affordable rental housing for long term residential use and are critical in the Byron Shire circumstances.
 - the proposal for a Dept. of Fair trading / industry lead and industry regulated register is not acceptable. Council has long advocated for a local government register. This has been reported to council and also presented to state government.
 - the proposal for an industry led and industry regulated Code of Conduct is not acceptable. Self-regulation is known to be problematic.
 - the cost shift and responsibility placed back to Council to enforce STRA remains without proper consideration as to the financial and staff impost that this will place on many councils and their communities.
 - Other pertinent matters and or anomalies in the package as identified by staff.
 -
5. That this matter be referred to a Strategic Planning Workshop

(Lyon/Ndiaye)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 4:18pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 26 September 2019.

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Mayor Simon Richardson