



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 17 December 2020

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
17 December 2020

INDEX OF ITEMS DISCUSSED

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

Report No. 11.1	Grants and Submissions December 2020	7
Report No. 13.1	Variation of temporary market licences granted for Byron farmers and community marketsi.....	7
Report No. 13.2	Sub-licences to Zephyr Equine Pty Ltd and Cape Byron Seahorses Riding Centre for access through Crown Land.	8
Report No. 13.3	Implementation of Res 20-664/2 Lease - Council and TAFE NSW - part lot 12 Bayshore Drive Byron Bay.....	8
Report No. 13.4	Report of the Public Art Panel meeting held on 29 October 2020	9
Report No. 13.6	Council Investments - 1 November 2020 to 30 November 2020	9
Report No. 13.11	Review of LEP Amendment Fee Schedule	10
Report No. 13.12	Draft Plan of Management for Charlotte Street Park, Bangalow - Post-Exhibition Report	10
Report No. 13.14	PLANNING - The Farm Update on Planning Proposal.....	10
Report No. 13.15	Place Planning Collective - End of 2020 Update.....	11
Report No. 13.19	Waterlilly Park - Crime Prevention Through Environmental Design Report	11
Report No. 13.20	House Raising Subsidy payment for 8 Park Street New Brighton.	11
Report No. 14.1	Report of the Finance Advisory Committee Meeting held on 12 November 2020	12
Report No. 14.2	Report of the Audit, Risk and Improvement Committee Meeting held on 12 November 2020.....	13
Report No. 14.3	Report of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 12 November 2020.....	13
Report No. 14.4	Report of the Biodiversity Advisory Committee Meeting held on 23 November 2020.....	14
Report No. 16.1	CONFIDENTIAL - Land Acquisition for Booyong Road dedication of land adjoining Lot 4 DP 707295	14
Report No. 14.1	Local Traffic Committee Recommendations	14
Report No. 13.7	Presentation of 2019/2020 Financial Statements.....	14
Notice of Motion No. 9.2	Tallowood Ridge Reserve	15
Report No. 13.16	PLANNING - Activity Application 88.2019.2.1 to Operate the Terrace Reserve Holiday Park, Brunswick Heads.....	15
Report No. 13.17	Linda Vidler Memorial Parklands - Pump Track Design	16
Notice of Motion No. 9.1	Road Access and Safety Principles	17
Notice of Motion No. 9.4	Opportunity for activation and increased passive surveillance at the Mullumbimby Skate Bowl	18
Report No. 13.5	Project Options for the Australian Government Local Roads and Community Infrastructure Program Extension	18
Report No. 13.8	Council's Annual Emissions Inventory and progress towards our net zero emissions target	19
Report No. 13.9	Main Beach Shoreline Project - community consultation on the 7 options	19
Notice of Motion No. 9.3	Petria Thomas Swimming Pool in Mullumbimby - Conversion to year round facility.....	20
Report No. 13.10	PLANNING - Development Application 10.2020.97.1 Stage 8 Tallowood Ridge Estate Subdivision to Create Forty-Seven (47) Residential Lots at 77 Tuckeroo Avenue Mullumbimby.....	20
Report No. 13.13	PLANNING - Resolution 20-095 Review of Council's Signage Policy	20

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes

17 December 2020

Report No. 13.18	Pedestrian Access - Byron Bypass	21
Report No. 13.21	Byron Bay Access and Movement Plan	21
Report No. 14.1	Local Traffic Committee Recommendations	22
Notice of Motion No. 9.1	Road Access and Safety Principles	22

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

17 December 2020

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 17 DECEMBER 2020 COMMENCING AT 9:07AM AND CONCLUDING AT 2.37PM

12020/1966

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)
Liz Caddick (Biodiversity Officer) - item 9.2
Michael Matthews (Manager Open Space & Resource Recovery) – item 13.17
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:

Public Access

Report No and Title	For/Against	Name	Representing Organisation	Submission made via
6	Against	John Anderson		In person
9.2	For	Nicolette Jackson	Friends of Mooibal Spur	In person
		Dave Rawlins		
		Roisin Ritchie		
9.3	For	Gaye Ingham		Read out by staff
13.3	For	Susie George	TAFE NSW	In person
		Manuel Duarte	TAFE NSW	In person
13.16	For	John Dunn	Brunswick Heads Progress Association	In person
		Michelle Grant	Foreshore Protection Group	In person
13.17	For	Donald Maughan	Suffolk Park Progress Association	In person

Report No and Title		For/ Against	Name	Representing Organisation	Submission made via
		Against	Tee Miller	Suffolk Park Community Garden Inc.	Pre-recorded video

Submissions

There were no general submissions.

Question No. 1 - Budget Allocation of Legal Costs

John Anderson asked the following question:

Given that in response to an earlier question (File No I2020/1484) Council conceded that some \$2 million had been spent on legal fees over the 5 years to mid 2020, and given that the last budget contained no explicit provision for projected legal costs over the current financial year, can Ms Adams please explain from which budget such costs might be drawn?

The Director Corporate and Community Services provided the following response:

The budget does have a provision for legal services, it is on page 8 of the budget on Council's website.

Question No. 2 – Retainers to External Lawyers

John Anderson, on behalf of Coorabella Vista Pty Ltd, asked the following question:

Given that the answer referred to above (I2020/1484) does not provide the information sought in relation to external lawyers engaged by Council, can Ms Adams please be so good as to indicate what retainers are paid to which external lawyers under what circumstances, especially given that while Council itself may not "maintain a register" of individual advices, the lawyers themselves must certainly keep such records even if Council itself feels no such obligation?

The Director Corporate and Community Services provided the following response:

Council does not pay a retainer to any of its contracted legal service providers.

The meeting adjourned at 10.02am and reconvened at 10.27am.

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

There were no declarations of interest.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

20-693 Resolved that the minutes of the Ordinary Meeting held 26 November 2020 meeting be confirmed. (Spooner/Richardson)

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 Project Options for the Australian Government Local Roads and Community Infrastructure Program Extension

Report No. 13.7 Presentation of 2019/2020 Financial Statements

Sustainable Environment and Economy

Report No. 13.8 Council's Annual Emissions Inventory and progress towards our net zero emissions target

Report No. 13.9 Main Beach Shoreline Project - community consultation on the 7 options

Report No. 13.10 PLANNING - Development Application 10.2020.97.1 Stage 8 Tallowood Ridge Estate Subdivision to Create Forty-Seven (47) Residential Lots at 77 Tuckerroo Avenue Mullumbimby

Report No. 13.13 PLANNING - Resolution 20-095 Review of Council's Signage Policy

Report No. 13.16 PLANNING - Activity Application 88.2019.2.1 to Operate the Terrace Reserve Holiday Park, Brunswick Heads

Infrastructure Services

Report No. 13.17 Linda Vidler Memorial Parklands - Pump Track Design

Report No. 13.18 Pedestrian Access - Byron Bypass

Report No. 13.21 Byron Bay Access and Movement Plan

LATE REPORTS

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Richardson and seconded by Cr Spooner. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 20-694 and concluding with Resolution No. 20-717.

SUBMISSIONS AND GRANTS**Report No. 11.1 Grants and Submissions December 2020****File No:** I2020/1856

- 20-694 Resolved** that Council notes the report and Attachment 1 (E2020/95181) for Byron Shire Council's Submissions and Grants as at 25 November 2020. (Richardson/Spooner)
-

STAFF REPORTS - GENERAL MANAGER**Report No. 13.1 Variation of temporary market licences granted for Byron farmers and community markets****File No:** I2020/1564**20-695 Resolved:**

1. That Council authorises the continued suspension of the Community and Farmers market licences issued to the Byron Bay Community Association Inc and Byron Farmers' Market Inc for the Butler Street Reserve Byron Bay with ongoing abatement of rent to 31 October 2021.
2. That Council notes that no public submissions were received on the proposed variation to extend the licence term to 31 October 2021 to the Byron Farmers' Market Inc.
3. That Council delegates to the General Manager the authority to vary temporary market licences issued to:
 - a) Byron Farmers' Market Inc for farmers markets at the Cavanbah Centre to replace Schedule 1, Item 2 with the words '1 July 2019 to 31 October 2021'.
 - b) Byron Bay Community Association Inc for community markets at the beachside to replace Schedule 1, Item 2 with the words: '4 August 2019 to 31 October 2021'.
4. That Council notes that the Byron community market was relocated from the Butler Street Reserve to Dening Park to be held on the first Sunday of every month under licence to the Byron Bay Community Association Inc.
5. That Council notes that the Byron Winter Whales has requested the use of Dening Park on the first Sunday in May 2021 for the 30th anniversary of the classic swim event.
6. That Council delegates to the General Manager the authority to negotiate with Byron Bay Community Association Inc and Byron Winter Whales to:
 - a) Reduce their respective footprints in Dening Park so that the Byron Bay Community Association Inc right to hold a monthly community market in Dening Park under a licence agreement is not disadvantaged; and that
 - b) If no acceptable outcome can be reached then a further report will be brought to Council to determine the matter. (Richardson/Spooner)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

17 December 2020

Report No. 13.2 **Sub-licences to Zephyr Equine Pty Ltd and Cape Byron Seahorses Riding Centre for access through Crown Land.**
File No: I2020/1642

20-696 Resolved:

1. That Council authorises the General Manager to grant a sub-licence to Zephyr Equine Pty Ltd for a term of 12 months for the purpose of access through Lot 407 DP 729057 being Crown Reserve R755695 on condition that:
 - a) Zephyr Equine Pty Ltd holds a current permit with Cape Byron Marine Park for the term of the sub-licence; and
 - b) Zephyr Equine Pty Ltd takes all steps necessary to ensure that all horse droppings are removed from the sub-licenced area during and at the end of each access session.
2. That Council authorises the General Manager to grant a sub-licence to Cape Byron Seahorses Riding Centre for a term of 12 months for the purpose of access through Lot 428 DP 729272 being Crown Reserve R81780 on condition that:
 - a) Cape Byron Seahorses Riding Centre holds a current permit with Cape Byron Marine Park for the term of the sub-licence; and
 - b) Cape Byron Seahorses Riding Centre takes all steps necessary to ensure that all horse droppings are removed from the sub-licenced area during and at the end of each access session.
3. That sub-licence fee is set in accordance with Councils current Fees and Charges.

(Richardson/Spooner)

Report No. 13.3 **Implementation of Res 20-664/2 Lease - Council and TAFE NSW - part lot 12 Bayshore Drive Byron Bay**
File No: I2020/1824

20-697 Resolved that Council:

1. Notes that Council and TAFE's relationship is focused on promoting outcomes that:
 - Support delivery of high quality educational and vocational training in the Byron Shire.
 - Create a vocational training precinct to share infrastructure, integrate training services with local industry and leverage existing programs across broad industries, including for example tourism, hospitality, retail, business, community services and creative industries.
 - Support training of job ready individuals for the benefit of the local community and local, regional and national industry and growth.
2. Authorises the General Manager to continue negotiations, and then enter an agreement for lease and lease, with TAFE NSW regarding part of Lot 12 Bayshore Drive, subject to:
 - a) The final version of each agreement being substantively similar to the attached agreement for lease and lease; and
 - b) The final version of each agreement being consistent with Council resolution 20-664.
3. Quarantines any rental revenue derived from a future lease with TAFE through establishing a new reserve titled "Property Development Reserve – Lot 12 Bayshore Drive"

(Richardson/Spooner)

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.4 **Report of the Public Art Panel meeting held on 29 October 2020**
File No: I2020/1769

20-698 Resolved:

1. That, regarding the Mullumbimby Talking Street Trial, Council does not adopt the Recommendation proposed by the Public Art Panel, but instead adopts the following:
 - a) Notes the feedback provided by the Public Art Panel and supports the recommendation to provide more time for planning and delivery of the art components for the Talking Street Trial;
 - b) Undertakes a staged approach to place-making/activation elements in the Trial, including art components, as the budget allows, once the final costings of the traffic-calming elements are finalised.
 - c) Where possible, seeks art components that may be utilised in a more permanent way after the trial is complete.
2. That Council adopts the following Panel recommendations:
 - a) Notes the current list of Public Artworks in Council's Asset Management System.
 - b) Notes that the recently adopted Open Spaces Asset Management Plan includes public art assets and identifies that the current budget allocation for assets outlined in the plan is insufficient to sustain assets at the desired standard.
 - c) Establishes a Public Art Maintenance Reserve in the Open Spaces and Recreation budget of \$10,000 per annum, commencing in the 2021/22 financial year, to cover the cost of annual inspections, conservation and maintenance.
 - d) Notes that the Public Art Maintenance budget is to be spent only on works that are not scheduled for replacement or maintenance under a separate Council budget or project.
3. That regarding a request for financial assistance for the Brunswick Nature Sculpture Walk event in 2021, Council supports the request with \$5,000 towards the 2021 event and encourages the organisers to apply for further funds if needed when the Public Art Small Grants funding becomes available. (Richardson/Spooner)

Report No. 13.6 **Council Investments - 1 November 2020 to 30 November 2020**
File No: I2020/1868

- 20-699 Resolved** that Council notes the report listing Council's investments and overall cash position as at 30 November 2020. (Richardson/Spooner)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**Report No. 13.11 Review of LEP Amendment Fee Schedule****File No:** I2020/1792**20-700 Resolved** that Council:

1. Places the proposed 2020/21 Revenue Policy amendments (as described in Table 3 of this report) on exhibition for a period of 28 days.
 2. Receives a further report if submissions are received during the exhibition period.
 3. If no submissions are received, adopt the 2020/21 Revenue Policy amendments (as described in Table 3 of this report) for LEP amendments. (Richardson/Spooner)
-

Report No. 13.12 Draft Plan of Management for Charlotte Street Park, Bangalow - Post-Exhibition Report**File No:** I2020/1821**20-701 Resolved** that Council adopts the Draft Plan of Management for Charlotte Street Park, Bangalow, as exhibited (Attachment 1 - #E2020/72966). (Richardson/Spooner)

Report No. 13.14 PLANNING - The Farm Update on Planning Proposal**File No:** I2020/1865**20-702 Resolved** that Council:

1. Notes the update provided on the Planning Proposal for The Farm.
 2. Agrees to withdraw the current Gateway Determination and associated Planning Proposal before 24 December 2020, as requested by the Department of Planning, Industry and Environment.
 3. Simultaneously with 2 above, authorises staff to submit an amended Planning Proposal to the Department of Industry and Environment for Gateway determination. The new Planning proposal to be the same as the current, with the exception of the need for an SP2 Infrastructure zoning over the land that would be now covered by the Voluntary Planning Agreement.
 4. Initiates discussions with the proponent and TfNSW to develop key principles that could form the basis of a Voluntary Planning Agreement, and report the results of discussions to Council prior to public consultation.
 5. Pending Gateway Determination undertakes public exhibition of the Planning Proposal and consult with government agencies in accordance with the Gateway Determination.
 6. Concurrently exhibits the draft amendment to Chapter E5 of Byron DCP 2014 - Certain Locations in Byron Bay and Ewingsdale (Attachment 2 E2020/6033)
 7. Receives a report outlining the public exhibition outcomes.
 8. Continues to suspend enforcement action in relation to matters subject of the Planning
-

Proposal until such time as a determination is made. Council may, however, use its discretion to take enforcement action in circumstances where it is demonstrated that an unauthorised activity or use imposes significant impacts on the environment. This undertaking does not exclude Council from its regulatory obligations in relation to the Food Act, Local Government Act and/ or Protection of the Environment Operations Act.

(Richardson/Spooner)

Report No. 13.15 **Place Planning Collective - End of 2020 Update**
File No: I2020/1932

20-703 Resolved:

1. That Council notes the End of 2020 update from the Place Planning Collective
2. That Council thanks the community members on the Place Planning Collective for their time and contributions made throughout the year, including meeting during COVID restrictions.
3. That Council also thanks both Councillors and staff involved in the Place Planning Collective meetings and projects throughout the year. (Richardson/Spooner)

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.19 **Waterlilly Park - Crime Prevention Through Environmental Design Report**
File No: I2020/1957

20-704 Resolved that:

1. Council notes the Crime Prevention through Environmental Design (CPTED) report for the Waterlilly Park precinct; and
2. Staff progress the implementation of measures identified within the report with any necessary budget adjustments is to be considered as part of Council's December 2020 quarterly budget review process. (Richardson/Spooner)

Report No. 13.20 **House Raising Subsidy payment for 8 Park Street New Brighton.**
File No: I2020/1933

20-705 Resolved that Council:

1. Approves the payment of a subsidy of \$10,000 to the owner of 8 Park Street, New Brighton as contribution to house raising of the dwelling, subject to receipt of a signed deed of release in Council's favour; and
2. Allocates a budget of \$10,000 funded by the Infrastructure Services Carryover Reserve to facilitate the subsidy payment outlined in recommendation 1. (Richardson/Spooner)

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 **Report of the Finance Advisory Committee Meeting held on 12 November 2020**

File No: I2020/1802

20-706 **Resolved** that Council notes the minutes of the Finance Advisory Committee Meeting held on 12 November 2020. (Richardson/Spooner)

20-707 **Resolved** that Council adopts the following Committee Recommendations:

Report No. 4.1 Unrestricted Cash and Reserves at 30 June 2020

File No: I2020/1731

Committee Recommendation 4.1.1

1. That the Reserve Balances as outlined in Attachment 1 (#E2020/87284) at 30 June 2020 be noted by the Finance Advisory Committee.
2. That the Unrestricted Cash Balance of \$724,300 as at 30 June 2020 be noted by the Finance Advisory Committee. (Richardson/Spooner)

20-708 **Resolved** that Council adopts the following Committee Recommendation:

Report No. 4.2 Quarterly Update - Implementation of Special Rate Variation

File No: I2020/1739

Committee Recommendation 4.2.1

That the Finance Advisory Committee notes the quarterly update on the Special Rate Variation Implementation as at 30 September 2020 as outlined in Attachment 1 (#E2020/88148). (Richardson/Spooner)

20-709 **Resolved** that Council adopts the following Committee Recommendations:

Report No. 4.3 Budget Review - 1 July 2020 to 30 September 2020

File No: I2020/1758

Committee Recommendation 4.3.1

1. That Council notes that the itemised budget variations as shown in Attachment 2 (#E2020/88837) which include the following results in the 30 September 2020 Quarterly Review of the 2020/2021 Budget:
 - a) General Fund – \$60,700 increase to the Estimated Unrestricted Cash Result
 - b) General Fund - \$3,045,100 increase in reserves
 - c) Water Fund - \$800,900 decrease in reserves
 - d) Sewerage Fund - \$431,200 decrease in reserves

were adopted by Council at its Ordinary Meeting held on 26 November 2020.

2. That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$428,200 for the 2020/2021 financial year as at 30 September 2020. (Richardson/Spooner)

Report No. 14.2 **Report of the Audit, Risk and Improvement Committee Meeting held on 12 November 2020**
File No: I2020/1811

20-710 Resolved that Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 12 November 2020. (Richardson/Spooner)

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.3 **Report of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 12 November 2020**
File No: I2020/1805

20-711 Resolved that Council notes the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 12 November 2020. (Richardson/Spooner)

20-712 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.1 Climate Emergency Response Update on Res 20-351
File No: I2020/1455

Committee Recommendation 4.1.1

1. That Council note the report.
2. That Resilient Byron be invited to join the Sustainability and Emissions Reduction Advisory Committee. (Richardson/Spooner)

20-713 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.2 Sustainability and Emissions Reduction Projects - Update Report
File No: I2020/1557

Committee Recommendation 4.2.1

1. That Council note the report
2. That Council enter into a one year trial partnership with ClimateClever. (Richardson/Spooner)

20-714 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.3 Updates from Zero Emissions Byron and COREM
File No: I2020/1719

Committee Recommendation 4.3.1

That Council note the report. (Richardson/Spooner)

Report No. 14.4 **Report of the Biodiversity Advisory Committee Meeting held on 23 November 2020**
File No: I2020/1867

20-715 Resolved that Council notes the minutes of the Biodiversity Advisory Committee Meeting held on 23 November 2020. (Richardson/Spooner)

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.1 **CONFIDENTIAL - Land Acquisition for Booyong Road dedication of land adjoining Lot 4 DP 707295**
File No: I2020/1748

20-716 Resolved:

1. That Council proceeds with option E – Based on the offer from the land owner and delegates to the General Manager the authority to negotiate a contract for the acquisition of land for road purposes to the value of \$122,500 inclusive of all costs.
2. That Council establishes a budget of \$122,500 funded from the sources identified in the 'Financial Considerations' section of this report.
3. That should this counter offer not be accepted, staff to continue with Compulsory Acquisition once Ministers Approval is received. (Richardson/Spooner)

LATE REPORTS

Report No. 17.1 **Local Traffic Committee Recommendations**
File No: I2020/1984

20-717 Resolved that Council approve the recommendations, as amended, from the Local Traffic Committee extraordinary electronic meeting held on 15 December 2020. (Richardson/Spooner)

PROCEDURAL MOTION

20-718 Resolved that Council change the order of business to deal with Reports 13.7, 9.2, 9.3, 13.16, 13.17 next on the Agenda. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.7 **Presentation of 2019/2020 Financial Statements**
File No: I2020/1871

20-719 Resolved that the Audited Financial Statements and Auditors Reports for the 2019/2020 financial year be presented to the public in accordance with Section 419(1) of the Local Government Act 1993. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 9.2 Tallowood Ridge Reserve

File No: I2020/1938

20-720 Resolved that Council:

1. Enter negotiations with the relevant landowners and/or developer to seek the gifting of the land outlined in the map in the report for the management of Council in conjunction with the community in perpetuity.
2. Ensure that these negotiations stipulate that this is not instead of any other previous environmental agreement.
3. Acknowledge that if negotiations are successful, staff will take the appropriate steps to prepare a Plan of Management (Ndiaye/Richardson)

PROCEDURAL MOTION

20-721 Resolved that Cr Ndiaye be granted a two minute extension to her speech. (Richardson/Coorey)

The motion was put to the vote and declared carried.

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

PROCEDURAL MOTION

20-722 Resolved that item 9.1 be deferred until after lunch. (Richardson/Spooner)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.16 PLANNING - Activity Application 88.2019.2.1 to Operate the Terrace Reserve Holiday Park, Brunswick Heads

File No: I2020/1943

20-723 Resolved that, pursuant to Section 94 of the *Local Government Act 1993*, Council refuse activity application 88.2019.2.1 for the following reason:

1. The proposed activity is likely to have a serious and irreversible impact on the Coastal Cypress Pine Forest Endangered Ecological Community located in the Southern Precinct of the Holiday Park. The activity is therefore considered to be inconsistent with the principles of Ecologically Sustainable Development as established under Section 89(3) of the *Local Government Act 1993*; in particular, that conservation of biological diversity and ecological integrity should be a fundamental consideration. (Coorey/Richardson)

The motion was put to the vote and declared carried.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.17 **Linda Vidler Memorial Parklands - Pump Track Design**
File No: 12020/1368

Moved that Council approves construction of the Stage 1 design plans for the Pump Track at Linda Vidler Park. (Spooner/Hunter)

AMENDMENT

20-724 Resolved:

1. That Council approves construction of the Stage 1 design plans for the Pump Track at Linda Vidler Park.
2. That Council allocates \$200,000 from the Suffolk Park Open Space Developer Contributions reserve to allow the design and construction of Stage 2 of the Pump Track.
3. That Council enters into a contract with World Trail Pty Ltd for the design and construction of stage two of the pump track without calling for tenders because inviting tenders would not achieve a satisfactory result due to the following extenuating circumstances:-
 - a) World Trail Pty Ltd already being selected by Council via market testing to construct stage 1 of the pump track;
 - b) The Suffolk Park Progress Association wanting an expansion of the pump track beyond stage 1;
 - c) The complexity of the contract arrangements between Council, the Suffolk Park Progress Association and World Trail Pty Ltd for stage 1 of the pump track – due to the track being funded by a combination of grant and Council funding – would need to be repeated with a new contractor; and
 - d) Tendering for the pump track extension rather than directly appointing the current contractor to complete it would cause financial loss to Council, due to it losing the economies of scale by continuing to contract with World Trail. (Lyon/Cameron)

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

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

MAYORAL MINUTE

There was no Mayoral Minute.

NOTICES OF MOTION

Notice of Motion No. 9.1 Road Access and Safety Principles

File No: I2020/1934

Moved that Council:

1. Adopts the following Road Access and Safety Principles for the Byron Shire road network.
 - a) All users and modes of transport have an equal right of safe access to and movement on the road network.
 - b) Road safety audits must consider the access and safety of all road users, modes of transport and services delivered within the road reserve such as bus stops and waste collection.
 - c) Road renewals, upgrades and maintenance must meet the needs of all road users, modes of transport and services delivered in the road reserve and ensure equitable funding for all users and modes.
 - d) New road projects must include safe access infrastructure for cyclists, pedestrians and services delivered in the road reserve and ensure equitable funding for all users and modes.
2. Embeds the Road Access and Safety Principles into the Operational/Delivery Plan at the next quarterly review and include actions as follows.
 - a) Adapt Asset Management policy, capital works and maintenance planning procedures so that the Principles are applied to all new road related projects from July 2021.
 - b) Update road related infrastructure, movement, access and safety policies to apply the Principles by June 2021.
 - c) Identify and update relevant DCP chapters by December 2021.
3. Receives a report at the April Ordinary Meeting 2021 to report on progress and identify a pathway and timetable to complete implementation of all necessary actions.
4. Notes the Councillor Background Notes attached to the report. (Cameron/Richardson)

PROCEDURAL MOTIONS

20-725 Resolved that Cr Cameron be granted a two minute extension to his speech. (Richardson/Lyon)

The motion was put to the vote and declared carried.

20-726 Resolved that item 9.1 rest on the table. (Cameron/Lyon)

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

Notice of Motion No. 9.4 Opportunity for activation and increased passive surveillance at the Mullumbimby Skate Bowl

File No: I2020/1944

20-727 Resolved that Council:

1. Supports the concept of activating the sports field adjacent to the Mullumbimby skate bowl with a dog park with the aim of creating increased passive surveillance and stopping people being able to drive on the field and damage it.
2. Requests the Sustainable Environment and Economy Directorate staff to arrange for the preparation of a detailed design for a dog park for consultation with the community, and a report of the outcomes of the consultation to Council for final design endorsement.
3. Requests the Sustainable Environment and Economy Directorate staff to ensure that the dog park design is integrated with the wider planning work, which is looking at the future use and development on adjacent lands including Lot 22 vacant land community gardens, private lands, sports fields and the skate bowl.
4. Approves a budget allocation of \$20,000 from an appropriately identified source to undertake the necessary design work on the dog park to enable the community consultation process, and following, refinement of a final design to enable project delivery.

(Ndiaye/Martin)

The motion was put to the vote and declared carried.

PETITIONS

A petition was delivered during Public Access regarding Tallowood Ridge Reserve.

DELEGATES' REPORTS

There were no delegates' reports.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.5 Project Options for the Australian Government Local Roads and Community Infrastructure Program Extension

File No: I2020/1857

20-728 Resolved:

That Council adopts the following projects to expend the Australian Government's Local Roads and Community Infrastructure Program grant:

1. Lighthouse Road Drainage at \$1,200,000; and
2. Mullumbimby Recreation Grounds and Skate Park at \$208,882. (Spooner/Ndiaye)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.8 **Council's Annual Emissions Inventory and progress towards our net zero emissions target**
File No: I2020/1364

20-729 Resolved that Council notes:

1. The annual emissions inventory (Attachment 1 - #E2020/89501) and Council's progress toward meeting the net zero emissions target.
2. A Councillor and staff workshop will be organised in the 2021/22 financial year addressing the scope and implications associated with carbon offsetting.
3. A report will be compiled on the outcomes of the workshop (item 2 above) which will form the foundation for a carbon offsetting policy and procedure as identified in the *Net Zero Emissions Strategy for Council Operations 2025*. (Ndiaye/Richardson)

The motion was put to the vote and declared carried.

Report No. 13.9 **Main Beach Shoreline Project - community consultation on the 7 options**
File No: I2020/1481

20-730 Resolved that Council:

1. Notes the community engagement activities for the Main Beach Shoreline Project presently being undertaken on the seven concept design options (as outlined in Table 1 of this report).
2. Receives a report in early 2021 on the outcomes of community engagement activities and feedback received to inform the selection by Council of three of the seven discrete concept options to progress to the next stage of the project for further refinement and detailed technical assessment. (Hackett/Cameron)

PROCEDURAL MOTION

20-731 Resolved that Cr Hackett be granted a two minute extension to her speech. (Richardson/Cameron)

The motion was put to the vote and declared carried.

The motion (Hackett/Cameron) was put to the vote and declared carried.

The meeting adjourned at 12.20pm for a lunch break and reconvened at 1.05pm.

PROCEDURAL MOTION

20-732 Resolved that Council change the order of business to deal with item 9.3 next on the Agenda. (Richardson/Lyon)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.3 **Petria Thomas Swimming Pool in Mullumbimby - Conversion to year round facility**
File No: I2020/1939

20-733 Resolved:

1. That Council includes the actioning of resolution 20-061, Petria Thomas Swimming Pool in Mullumbimby - Conversion to year round facility in the operational plan for 2020/21.
2. That staff look for a way to source the funds required within the budget. (Ndiaye/Lyon)

The motion was put to the vote and declared carried.

Report No. 13.10 **PLANNING - Development Application 10.2020.97.1 Stage 8 Tallowood Ridge Estate Subdivision to Create Forty-Seven (47) Residential Lots at 77 Tuckerroo Avenue Mullumbimby**
File No: I2020/1716

- 20-734 Resolved** that pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2020.97.1 for Stage 8 Tallowood Ridge Estate subdivision to create forty-six (46) residential lots, be granted consent subject to the conditions listed in Attachment 1 (#E2020/97750). (Ndiaye/Lyon)

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

Report No. 13.13 **PLANNING - Resolution 20-095 Review of Council's Signage Policy**
File No: I2020/1823

20-735 Resolved:

1. That Council defers further consideration of the proposed amendments to Chapter B10 of Development Control Plan 2014, including road related signage for public exhibition until it has been discussed further at a Strategic Planning Workshop.
2. That Council endorses the location on the corner of Gulgan Road and Mullumbimby Road, identified in Figure 1 of this report, as a trial site for the installation of an advertising structure for the various community groups to attach temporary event signs to.
3. That Council requests staff to prepare a procedure for the installation of community event signage on the nominated trial site. (Richardson/Hunter)

AMENDMENT

That Council:

1. Endorses the proposed amendments to Chapter B10 of Development Control Plan 2014, including road related signage for public exhibition.
2. Notes that staff will directly engage with the business community about the amendments during the public exhibition period as per Resolution 20-095.
3. Receives a further report if submissions are received during the exhibition period.

4. If no submissions are received, adopts the amendments to Chapter B10 of Development Control Plan 2014 and notify as required by the Act.
5. Endorses the location on the corner of Gulgan Road and Mullumbimby Road, identified in Figure 1 of this report, as a trial site for the installation of an advertising structure for the various community groups to attach temporary event signs to.
6. Requests staff to prepare a procedure for the installation of community event signage on the nominated trial site. (Ndiaye/Coorey)

The amendment was put to the vote and declared lost.

Crs Lyon, Richardson, Cameron, Spooner, Hunter voted against the amendment.

The motion was put to the vote and declared carried.

Cr Ndiaye voted against the motion.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.18 Pedestrian Access - Byron Bypass
File No: I2020/1828

20-736 Resolved that Council:

1. Notes the need to undertake further transport survey to identify traffic, pedestrian and bicycle volumes and pathways once the Byron Bay Bypass is operational.
2. Investigates the option of undertaking the above survey as part of a Byron Bay Access and Movement Plan to be reported to Council separately. (Cameron/Richardson)

The motion was put to the vote and declared carried.

Report No. 13.21 Byron Bay Access and Movement Plan
File No: I2020/1941

20-737 Resolved:

1. That Council supports the preparation of a brief for an Access and Movement Plan for Byron Bay Town Centre.
2. That the brief and an identified funding source be reported to Council prior to progressing the project. (Cameron/Hackett)

The motion was put to the vote and declared carried.

Cr Lyon left the meeting at 1.56pm and did not return.

PROCEDURAL MOTION

- 20-738 Resolved** that the vote on Resolution No. 20-717 be recommitted. (Cameron/Richardson)

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

Report No. 17.1 Local Traffic Committee Recommendations
File No: I2020/1984

- 20-739 Resolved** that the Local Traffic Committee meeting scheduled for 8 December 2020 be held as a face to face meeting of the LTC in January 2021. (Cameron/Richardson)

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

PROCEDURAL MOTION

- 20-740 Resolved** that Report No. 9.1 be lifted from the table. (Richardson/Ndiaye)

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

Notice of Motion No. 9.1 Road Access and Safety Principles
File No: I2020/1934

- 20-741 Resolved** that Council:

1. Adopts the following Road Access and Safety Principles (RASPs) for the Byron Shire road network:
 - a) All users and modes of transport have an equal right of safe access to and movement on the road network.
 - b) Road safety audits must consider the access and safety of all road users, modes of transport and services delivered within the road reserve such as bus stops and waste collection.
 - c) Road renewals, upgrades and maintenance must demonstrate that works have considered all road users, modes of transport and services delivered in the road reserve and ensure fair funding for all users and modes and any inability to provide such delivery must be justified.
 - d) New roads must include safe access infrastructure for cyclists, pedestrians and services delivered in the road reserve and ensure fair funding for all users and modes
2. Embeds the Road Access and Safety Principles (RASPs) actions into the Operational/Delivery Plan at the next quarterly review:
 - a) Adapt Asset Management policy, capital works and maintenance planning procedures so that the RASP's are able to be applied to all new road related projects from July 2021.
 - b) Update road related infrastructure, movement, access and safety policies to be able to apply RASP's by June 2021.
 - c) Identify and update relevant DCP chapters to include RASPs by December 2021.
3. Receives a report at the April Ordinary Meeting 2021 to:
 - a) Report on progress

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

17 December 2020

- b) identify any conflicting issues and how they may be reconciled.
- c) identify a pathway and timetable to complete implementation of all necessary actions.

4. Notes the Councillor Background Notes attached to the report. (Cameron/Richardson)

PROCEDURAL MOTION

20-742 Resolved that Cr Cameron be granted a one minute extension to his speech.

(Richardson/Coorey)

The motion was put to the vote and declared carried.

Cr Lyon was not present for the vote.

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

Crs Spooner and Hunter voted against the motion.

Cr Lyon was not present for the vote

There being no further business the meeting concluded at 2.37pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 25 February 2020.

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Mayor Simon Richardson