



Byron Shire Council



Minutes

Byron Shire Reserve Trust Committee Meeting

Thursday, 4 February 2016

BYRON SHIRE COUNCIL

Byron Shire Reserve Trust Committee Minutes 4 February 2016

INDEX OF ITEMS DISCUSSED

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

Notice of Rescission Motion No. 4.1	Butler Street Reserve - Paid Parking and Market Licenses ..	4
Notice of Motion No. 4.2	Butler Street Reserve Toilets	5
Report No. 5.1	Market Licence Agreements - Requests for Proposal 2016	6
Report No. 5.2	Reserve Trust Manager - Consent to lodge Development Application	6

**MINUTES OF THE BYRON SHIRE COUNCIL BYRON SHIRE RESERVE TRUST COMMITTEE
HELD ON THURSDAY, 4 FEBRUARY 2016 COMMENCING AT 2.13PM AND
CONCLUDING AT 3.11PM**

I/2016/25

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, Cr C Cubis, Cr D Dey, Cr A Hunter,
Cr S Ibrahim, Cr P Spooner, Cr R Wanchap and Cr D Woods

Staff: Mark Arnold (Acting General Manager)
Trish Kirkland (Manager Governance Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Mila Jones (Minute Taker)

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

PUBLIC ACCESS

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

5.1 Market Licence Agreements - Requests for Proposal 2016

Wally Halvorsen (Rainbow Region Stallholders Association) addressed the Committee in favour of the recommendations.

5.1 Reserve Trust Manager - Consent to lodge Development Application

Helen Buckley (Byron Bay Swim Club) addressed the Committee in favour of the recommendation.

APOLOGIES

There were no apologies.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Spooner declared a pecuniary interest in Item 4.1. The nature of the interest being that his employer Byron Bay Community Association is a market license holder. Cr Spooner elected to leave the meeting, not participate in the debate and not vote. He will not return until the matter is resolved.

Cr Spooner declared a non-pecuniary interest in Report 4.2. The nature of the interest being that his employer Byron Bay Community Association conducts markets on the Reserve. Cr Spooner elected to leave the meeting, not participate in the debate and not vote. He will not return until the matter is resolved.

Cr Spooner declared a pecuniary interest in Report 5.1. The nature of the interest being that his employer Byron Bay Community Association conducts markets on the Butler Street Reserve and Main Beach. Cr Spooner elected to leave the meeting, not participate in the debate and not vote. He will not return until the matter is resolved.

Crs Dey and Woods declared a non-pecuniary interest in Report 5.1. The nature of the interest being that they are members of the Mullumbimby Showground Trust which issues Farmers Market Licences on the Grounds. Cr Dey and Cr Woods chose to stay in the chamber, participate in the debate and vote.

NOTICES OF MOTION AND RESCISSION**Notice of Rescission Motion No. 4.1 Butler Street Reserve - Paid Parking and Market Licenses****File No:** I2015/1583

Cr Spooner left the meeting in accordance with his earlier declared pecuniary interest in this matter.

16-029 Resolved that Council rescind Resolution No. 15-670 from its Byron Shire Reserve Trust Committee meeting held on 10 December 2015 which reads as follows:

15-670 Resolved:

- 1. That Council call for tenders to establish a long-term Community Market Licence in Byron Bay (currently at the Butler Street Reserve) until such time as an alternate site has been identified.*
 - 2. That Council delegate the General Manager to grant a 6-month temporary Community Market Licence, under Section 108 of the Crown Lands Act 1989, commencing 1 April 2016 to the Byron Community Association Incorporated for the purpose of conducting a monthly Community Market at Butler Street Reserve.*
 - 3. That the Reserve Trust bring to Council the request to delegate the General Manager to approach the Belongil fields owners and the market operators to discuss the option of sighting the monthly markets on a temporary basis at that site.*
- (Dey/Richardson)*

The motion was put to the vote and declared carried.

Moved: That the Byron Shire Reserve Trust:

1. Note that preparations have commenced, as set out in this report, to establish long-term Market Licence Agreements via a competitive process in accord with the new Sustainable Community Markets Policy 15/007.
 2. Butler Street Crown Reserve be nominated as the location for the Byron Community Markets and preferred as the location for the Byron Farmers Markets.
 3. Delegate to the General Manager the authority to grant 7-month temporary Market Licences, under Section 108 of the Crown Lands Act 1989, commencing 1 April 2016 to the existing temporary market licence holders to ensure continuity of market operations in Byron Shire until the competitive process for long-term market licences is finalised.
 4. Apply the market licence fees as determined in the Council's adopted fees and charges, to the Temporary Market Licence.
 5. Incorporate in the Temporary Licences a 'holding over' clause not exceeding a cumulative term of 12 months.
- (Dey/Richardson)*

AMENDMENT

16-030 Resolved that the Byron Shire Reserve Trust:

1. Note that preparations have commenced, as set out in this report, to establish long-term Market Licence Agreements via a competitive process in accord with the new Sustainable Community Markets Policy 15/007.
2. Community Markets and Farmers Markets conducted in Byron Bay, be co-located, with the Butler Street Crown Reserve paid parking facilities, and the Butler Street Crown Reserve location be offered as the permanent location for Community Markets and the preferred location for the Farmers Markets in Byron Bay as part of the competitive process to establish long term market licences.
3. Delegate to the General Manager the authority to grant 7-month temporary Market Licences, under Section 108 of the Crown Lands Act 1989, commencing 1 April 2016 to the existing temporary market licence holders to ensure continuity of market operations in Byron Shire until the competitive process for long-term market licences is finalised.
4. Apply the market licence fees as determined in the Council's adopted fees and charges, to the Temporary Market Licence.
5. Incorporate in the Temporary Licences a 'holding over' clause not exceeding a cumulative term of 12 months. (Ibrahim/Wanchap)

The amendment was put to the vote and declared carried.

Crs Dey and Richardson voted against the amendment.

Cr Spooner was not present for the vote.

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

Cr Richardson voted against the motion.

Cr Spooner was not present for the vote.

Notice of Motion No. 4.2 Butler Street Reserve Toilets
File No: I2016/16

16-031 Resolved:

That the Byron Shire Reserve Trust receive a report at the Reserve Trust Committee Meeting in March 2016 on:

- a) The upgrading of the Somerset Street amenities block as a high priority
- b) the available funds for the Butler Street Crown Reserve.
- c) any current safety issues in relation to the management of the site during Market Days in particular the use of power supplies. (Woods/Wanchap)

The motion was put to the vote and declared carried

Cr Spooner was not present for the vote.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 5.1 Market Licence Agreements - Requests for Proposal 2016
File No: I2016/10

- 16-032 Resolved** that the Byron Shire Reserve Trust note the report and Resolution at 16-30.
(Dey/Woods)

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

Cr Spooner returned to the meeting following the vote.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 5.2 Reserve Trust Manager - Consent to lodge Development Application
File No: I2016/17

- 16-033 Resolved** that the Byron Shire Reserve Trust provide owner's consent to:
- a) the Development Application for a new storage shed at the Byron Bay Swimming Pool, subject to a proposed shed location being agreed to the satisfaction of the General Manager.
 - b) authorise the General Manager to make application to Crown Lands for their consent, as owners, to lodge the Development Application in the form provided at Attachments 3 (E2016/3991) and 6 (E2016/3987).
(Cameron/Woods)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 3.11pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 25 February 2016.

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Mayor Simon Richardson