



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 17 March 2016

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
17 March 2016

INDEX OF ITEMS DISCUSSED

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

Report No. 13.1	Section 355 Committee - Resignation and Appointment of new members	5
Report No. 13.2	Report of the Public Art Assessment Panel meeting 18 February 2016	5
Report No. 13.3	Australia Day PRG Finalisation of the 2016 Group and Commencement of the 2017 Group	5
Report No. 13.4	Council Investments February 2016	6
Report No. 13.8	Progress Report Coastal Zone Management Plan Byron Bay Embayment Project Reference Group	6
Report No. 13.9	Report of the Planning Review Committee Meeting held on 18 February, 2016	6
Report No. 14.1	Report of the Finance Advisory Committee Meeting held on 18 February 2016	6
Report No. 14.2	Report of the Internal Audit Advisory Committee Meeting held on 18 February 2016	7
Report No. 14.3	Report of the Biodiversity and Sustainability Advisory Committee Meeting held on 18 February 2016.....	8
Report No. 16.1	CONFIDENTIAL - Contract 2015-0031 Argyle Street Water Main Replacement	8
Report No. 13.5	PLANNING - 5.1987.208.5 S96 to modify the design and siting of 96 tourist accommodation cabins at 144 Bayshore Drive Byron Bay.....	9
Report No. 13.6	PLANNING - Draft Rural Land Use Strategy.....	9
Report No. 13.10	PLANNING - Rural Land Use Strategy - Site Specific Property Investigation Outcomes.....	12
Report No. 13.11	Tweed Street, Brunswick Heads Master Plan	13
Petition No. 10.1	No Business in Abuse	13
Petition No. 10.2	Request for speed safety signs/speed safety humps	13
Petition No. 10.3	Investigate the changing of speed limit on Brunswick Valley Way Billinudgel	14
Delegate Report No 1.	Tourism Conference.....	14
Delegate Report No 2.	Richmond Tweed Regional Library Committee Meeting 26 February 2016.....	15
Delegate Report No 3.	Bangalow Masterplan Workshop.....	16
Delegate Report No 4.	Rous Water Meeting 16 March 2016.....	16
Delegate Report No 5.	Mullumbimby Showgrounds	17
Report No. 13.7	PLANNING - Expressions of Interest for additional membership of the Mullumbimby Masterplan Scoping Project Reference Group	17
Urgency Motion No. 1.	Blues Festival 2016 Traffic Management Plan.....	18
Urgency Motion No. 2.	Road Closure of Acacia Street for the Peddle and Hawk Market	19
Urgency Motion No. 3.	Former Councillors Hosken and Knuckey	19

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

17 March 2016

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 17 MARCH 2016 COMMENCING AT 9.00AM AND CONCLUDING AT 2.06PM
--

I2016/221

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: Ken Gainger (General Manager)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Trish Kirkland (Manager Governance Services)
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 Council was addressed on the following:

13.5 PLANNING - 5.1987.208.5 S96 to modify the design and siting of 96 tourist accommodation cabins at 144 Bayshore Drive Byron Bay

Tanya Krebs addressed Council against the recommendation.

13.6 PLANNING - Draft Rural Land Use Strategy

Guy Fisher and Judy MacDonald from MARA addressed Council against the recommendation.

13.10 PLANNING - Rural Land Use Strategy - Site Specific Property Investigation Outcomes

Suzie Smith addressed Council against the recommendation.

13.11 Tweed Street, Brunswick Heads Master Plan

John Dunn (Brunswick Heads Progress Association) addressed Council in favour of the recommendation.

Zac Tooth (Tweed Street Taskforce) addressed Council against the recommendation.

Submission No. 1 DP 285736

Mick O'Regan (Twin Creeks Neighbourhood Association) made a submission to Council regarding construction of the causeway at DP 285736.

The meeting adjourned at 9.50am and reconvened at 10.10am.

APOLOGIES

There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

There was a request for leave of absence from Cr Woods for the next two weeks. There is no Ordinary Meeting during this time.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Cubis declared a non-pecuniary interest in Report 13.5. The nature of the interest being that he is sometimes a business client periodically. Cr Cubis elected to stay in the Chamber, participate in the debate and vote.

Cr Wanchap declared a non-pecuniary interest in Report 13.6. The nature of the interest being that she is a part owner of a property in the area of rural land of the Byron Shire under discussion. Cr Wanchap elected to stay in the Chamber, participate in the debate and vote.

Crs Dey and Hunter declared a special disclosure of pecuniary interest in Report 13.6. The interest being they have interest in the land.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 16-078 Resolved** that the minutes of the Ordinary Meeting held 25 February 2016 be confirmed.
(Hunter/Spooner)
The motion was put to the vote and declared carried.
-

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

The Mayor suspended standing orders to allow for items to be reserved for debate, being:

STAFF REPORTS**Sustainable Environment and Economy**

- | | |
|------------------|--|
| Report No. 13.5 | PLANNING - 5.1987.208.5 S96 to modify the design and siting of 96 tourist accommodation cabins at 144 Bayshore Drive Byron Bay |
| Report No. 13.6 | PLANNING - Draft Rural Land Use Strategy |
| Report No. 13.7 | PLANNING - Expressions of Interest for additional membership of the Mullumbimby Masterplan Scoping Project Reference Group |
| Report No. 13.10 | PLANNING - Rural Land Use Strategy - Site Specific Property Investigation Outcomes |

Infrastructure Services

- | | |
|------------------|---|
| Report No. 13.11 | Tweed Street, Brunswick Heads Master Plan |
|------------------|---|

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Richardson and seconded by Cr Cameron. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 16-079 and concluding with Resolution No. 16-094.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.1 **Section 355 Committee - Resignation and Appointment of new members**

File No: I2016/125

16-079 Resolved:

1. That the resignation received from Alison Pearl from the Mullumbimby Civic Hall Board of Management be noted and she be officially thanked for her contribution on this Board.
 2. That Council appoint Maureen Lightfoot to the Mullumbimby Civic Memorial Hall Board of Management for this term of Council ending September 2016. (Richardson/Cameron)
-

Report No. 13.2 **Report of the Public Art Assessment Panel meeting 18 February 2016**
File No: I2016/144

16-080 Resolved:

1. That Council note the Minutes of the Public Art Assessment Panel held on 18 February 2016.
 2. That Council to provide an allocation of \$600 towards the repair of the Pelican Sculpture at the gateway to Mullumbimby at Uncle Toms. (Richardson/Cameron)
-

Report No. 13.3 **Australia Day PRG Finalisation of the 2016 Group and Commencement of the 2017 Group**

File No: I2016/145

16-081 Resolved:

1. That Council notes this report on the Australia Day 2016 activities and disbands the Australia Day Project Reference Group effective 17 March 2016.
 2. That Council write to all members of the Australia Day 2016 Project Reference Group advising of this resolution and to thank the participants for their assistance.
 3. That Council participate in the Australia Day Council Ambassador Program for 2017 Australia Day Activities.
 4. That the objectives for the Australia Day 2017 Project Reference Group, as outlined in this report, be adopted.
 5. That the Constitution for the Australia Day 2017 PRG (#E2016/11354) shown at Attachment 1 to this report, be adopted.
 6. That Council invite the following organisations to nominate representatives to be a member on the Australia Day 2017 Project Reference Group.
-

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

17 March 2016

- Byron Bay Rural Fire Brigade, Suffolk Park
- Bangalow Historical Society
- Rotary Club of Byron Bay
- Rotary Club of Mullumbimby representing the Combined Services Clubs of Brunswick Valley
- Brunswick Mullumbimby Lions Club
- Ocean Shores Community Association
- Brunswick Valley Historical Society
- Sisters for Reconciliation
- Australia Day Paddle

(Richardson/Cameron)

Report No. 13.4 **Council Investments February 2016**
File No: I2016/155

- 16-082 Resolved** that the report listing Council's investments and overall cash position as at 26 February 2016 be noted. (Richardson/Cameron)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.8 **Progress Report Coastal Zone Management Plan Byron Bay**
File No: **Embayment Project Reference Group**
I2016/116

- 16-083 Resolved** that Council note the report. (Richardson/Cameron)

Report No. 13.9 **Report of the Planning Review Committee Meeting held on**
File No: **18 February 2016**
I2016/143

- 16-084 Resolved** that the report be noted. (Richardson/Cameron)

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 **Report of the Finance Advisory Committee Meeting held on 18**
File No: **February 2016**
I2016/156

- 16-085 Resolved** that Council note the minutes of the Finance Advisory Committee Meeting held on 18 February 2016. (Richardson/Cameron)

- 16-086 Resolved** that Council adopt the following Committee Recommendation:

Report No. 5.1 **2015/16 Financial Sustainability Project Plan - Update on the Action**
File No: **Implementation Plan as at 31 December 2015**
I2016/33

Committee Recommendation 5.1.1

1. That the update report to 31 December 2015 on the 2015/2016 Financial Sustainability Project Plan Action Implementation Plan (E2015/84711) be received and noted.
2. That an Extraordinary meeting of the Finance Advisory Committee be scheduled to review the draft 2016/17 Budget. (Richardson/Cameron)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

17 March 2016

16-087 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.2 Budget Review - 1 October 2015 to 31 December 2015

File No: I2016/111

Committee Recommendation 5.2.1

1. That Council note that it authorised the itemised budget variations as shown in Attachment 2 (#E2016/8631) which includes the following results in the 31 December 2015 Quarterly Review of the 2015/2016 Budget:
 - a) General Fund - \$0 adjustment in the accumulated surplus/working funds
 - b) General Fund - \$2,238,300 increase in reserves
 - c) Water Fund - \$1,210,900 increase in reserves
 - d) Sewerage Fund - \$1,573,700 increase in reservesat its Ordinary meeting held on 25 February 2016.
2. That Council note that it authorised the revised General Fund Accumulated Surplus/(Working Funds) of \$919,100 for the 2015/2016 financial year as at 31 December 2015 at its Ordinary meeting held on 25 February 2016. (Richardson/Cameron)

Report No. 14.2 Report of the Internal Audit Advisory Committee Meeting held on 18 February 2016

File No: I2016/157

16-088 Resolved that Council note the minutes of the Internal Audit Advisory Committee Meeting held on 18 February 2016. (Richardson/Cameron)

16-089 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.1 Internal Audit Report February 2016

File No: I2016/103

Committee Recommendation 5.1.1

That Council receive and note the Internal Audit Report – Audit Committee (February 2016) (#E2016/9342) prepared by the Internal Auditor, Grant Thornton. (Richardson/Cameron)

16-090 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.2 Internal Audit Report - Governance and Complaints Handling November 2015

File No: I2016/104

Committee Recommendation 5.2.1

That the Internal Audit Report – Governance and Complaints Handling November 2015 (E2016/8802) be noted by Council along with responses and actions detailed by Management. (Richardson/Cameron)

16-091 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.3 2014/2015 Financial Statements Audit Management Letter

File No: I2016/105

Committee Recommendation 5.3.1

That the comments provided by Management in response to matters raised in the 2014/2015 Financial Statements Audit Management Letter be noted by Council. (Richardson/Cameron)

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.3 **Report of the Biodiversity and Sustainability Advisory Committee Meeting held on 18 February 2016**

File No: I2016/142

16-092 Resolved that Council note the minutes of the Biodiversity and Sustainability Advisory Committee Meeting held on 18 February 2016. (Richardson/Cameron)

16-093 Resolved that Council does not adopt Committee Recommendation 5.1 as shown in the attachment to this report, but instead adopts the Management Recommendation as follows:

Management Recommendation

That Council consider the Biodiversity and Sustainability Committee Recommendation 5.1, outlined in this report, as part of the 2016/17 budget process. (Richardson/Cameron)

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.1 **CONFIDENTIAL - Contract 2015-0031 Argyle Street Water Main Replacement**

File No: I2016/139

16-094 Resolved:

1. That Council award the Lump Sum Price Contract 2015-031 Argyle Street Water Main Renewal for the value of \$351,000 (inclusive of GST).
 2. That the project's total budget be increased by \$49,000 to \$383,000, funded from the Water Fund Capital Works Reserve.
 3. That Council delegate to the General Manager the authority to administer this contract to the contract value plus the contingency value nominated in this report.
 4. That Council authorise the affixing of the Council seal to all documents that may require it, in regards to the Contract.
 5. 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.
 6. That the report remains confidential until the contract is finalised. (Richardson/Cameron)
-

PROCEDURAL MOTION

16-095 Resolved that Council change the order of business to deal with Reports 13.5, 13.6, 13.10 and 13.11 next on the Agenda. (Richardson/Woods)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.5 PLANNING - 5.1987.208.5 S96 to modify the design and siting of 96 tourist accommodation cabins at 144 Bayshore Drive Byron Bay

File No: I2016/163

Cr Cubis declared a non-pecuniary interest in this matter earlier in the meeting. He elected to stay in the Chamber, participate in the debate and vote.

Moved: That the scope of the s96 application (5.1987.208.5) be considered too great a modification and refused on that basis. (Dey/Spooner)

AMENDMENT

Moved: That the s96 application (5.1987.208.5) be deferred until a site inspection and complete documentation is provided to Councillors and the community. (Richardson/Cameron)

The amendment was put to the vote and declared lost.

Crs Richardson and Cameron voted in favour of the amendment.

Crs Ibrahim, Dey, Cubis, Woods, Wanchap, Spooner and Hunter voted against the amendment.

The motion was put to the vote and declared lost.

Crs Dey, Richardson, Cameron and Spooner voted in favour of the motion.

Crs Ibrahim, Cubis, Woods, Wanchap and Hunter voted against the motion.

16-096 Resolved that pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, that application 5.1987.208.5 to Modify the Design and Siting of 96 Tourist Accommodation Cabins, be approved by modifying development consent 5.1987.208 as listed in Attachment 2 #E2016/12828. (Ibrahim/Woods)

The motion was put to the vote and declared carried.

Crs Ibrahim, Cubis, Woods, Wanchap and Hunter voted in favour of the motion.

Crs Dey, Richardson, Cameron and Spooner voted against the motion.

Report No. 13.6 PLANNING - Draft Rural Land Use Strategy

File No: I2016/31

Crs Dey and Hunter, declared a special disclosure of pecuniary interest in this matter earlier in the meeting. Cr Wanchap declared a non-pecuniary interest in this matter earlier in the meeting. She elected to stay in the Chamber, participate in the debate and vote.

16-097 Resolved:

1. That Council adopt the draft Rural Land Use Strategy contained in Attachment 1 (E2016/13409) subject to the amendments below, for public exhibition for a period of 6 weeks:

Figure 4: Decision Framework for Future Rural Lifestyle Living Opportunities

- Delete contents of text box on far right which relates to land that is not west of the Pacific Highway.
- Insert at top of text box the following dot point:
"Land situated east of the Pacific Highway will be assessed in accordance with the

objectives/criteria of this Strategy, the relevant criteria contained in the NSW North Coast Regional Plan, and the NSW Settlement Planning Guidelines.”

- Insert a second dot point in line with text box 3.
“Land excluded on grounds that it is constrained in accordance with Site Suitability Criteria and Mapping Methodology.”
- Delete from text box 3 the following words under paragraphs 3a and 3b respectively:
“at least 10ha of” and “at least 10ha and have at least 3ha of”.
- Insert a third dot point in line with text box 4.
“Land excluded on grounds that the service catchment criteria are not adequately satisfied.”
- Delete the words ‘Is the land needed for village/urban development?’ In text box 2a.
- Insert in text box 2a.
“Has the land been adopted within an approved urban land release strategy for future urban development?”
- Delete point (1) and (2) in the Explanatory Notes underneath Figure 4.
- Insert a new (2) in the Explanatory Notes underneath Figure 4.
“This decision framework is a guide only. Each site, or applicable part thereof, will be assessed in accordance with the site suitability criteria, any identified constraints, and the objectives of this strategy.”

Table 3: Rural community actions – Planning Improvements

- Replace dot point 2 with the following words.
“Not adopted within an approved urban land release strategy for urban development, or not identified for future village development in this strategy”; and
- Delete the words ‘Require a clustered’.
- Replace with the words ‘Where appropriate’.

3.1 Our Rural Environment – Policy Directions for Our Rural Environment

- Replace point 1. With the words;
“Future rural development will not be supported on sites, or areas within a site.”
- Delete dot point one and replace with;
“Having high environmental value vegetation identified through a range of verification methods including but not limited to one or a combination of the following;
I. Field inspections and surveys by a qualified person,
II. Reports <5 years old by a suitably qualified person and accord with the HEV vegetation criteria,
III. High resolution aerial photos <5 years old in conjunction with another verification method.”
- At the end of dot point 7 insert the words;
“(unless the applicant can demonstrate that the land’s inclusion in a S117 Mineral Resources direction is outdated, and if required, gains agreement from the relevant NSW Government authority).”
- Amend point 3 by inserting ‘and where possible enhance’ after the word ‘protect’.
- Delete from point 5 the words ‘locate and cluster to’
- Insert in Table 1 a new dot point.
“Conduct field inspections to verify high environmental value vegetation mapping.”

3.2 Our Rural Economy – Policy Directions for Our Rural Economy

- Insert at the end of point 1 the words;
“unless the land, or part thereof, satisfies the State and Regionally Significant Farmland Variation Criteria contained in the Draft North Coast Regional Plan”
- Amend Table 2 Rural Economy Actions – Planning Improvements by inserting a new dot point;
“Advocate State Government for a review of the currently mapped State or regionally significant farmland to resolve any on ground inconsistencies with current land use and development.”

3.3 Our Rural Community – Policy Directions for Our Rural Community

- Amend point 1 by inserting the following words at the end;
“subject to section 3.4 Infrastructure Policy Directions.”
- Delete point 3 and re-number.
- Amend point 4 by inserting at the end the words;
“where appropriate and possible within the proposed development”.

Table 3: Rural community actions – Planning Improvements

- In the second last paragraph delete the words ‘Require a clustered’ and replace with the words
“Where appropriate,”
- Insert after dot point 1 a new dot point with the words;
“The decision framework in Figure 4 may be satisfied by other sites located outside of priority localities identified on Map 4, and hence does not exclude such site from future consideration.”

Table 6: Large lot residential actions

- Amend dot point 2 by deleting and replace with the words
“Not adopted within an approved urban land release strategy for urban development, or not identified for future village development in this strategy”; and

Table 7: Multiple Occupancy and Community Title actions

- Insert after dot point 1 a new dot point with the words;
“The decision framework in Figure 4 may be satisfied by other sites located outside of priority localities identified on Ma4, and hence does not exclude such site from future consideration.”
- Amend dot point 2 by deleting and replace with the words
“Not adopted within an approved urban land release strategy for urban development, or not identified for future village development in this strategy”; and

3.4 Our Rural Infrastructure – Policy Directions

- Amend point 6 by inserting the words ‘and assessable’ after the word ‘unconstrained’.
- Insert a new point 8 with the following words;
“Council recognises that easy and safe access to the Pacific Highway can provide rural residents and communities with economic and educational opportunities not available in some isolated villages.”

Table 9: potential Localities for future rural lifestyle living opportunities

- Insert the following words after column heading Preferred Sequencing
“(based road infrastructure quality)”

Map 4 – Priority Localities For Rural Lifestyle Living Opportunities

- Insert as footnote 1 to Map 4 the following words;
“This map is a guide only. Sites will be assessed in accordance with the suitability criteria contained in this strategy and supporting site specific evidence provided by the applicant.”
- Insert as footnote 2 to Map 4 the following words;
“The decision framework in Figure 4 may be satisfied by other sites located outside of priority localities identified on Map 4, and hence does not exclude such site from future consideration.”
- Insert as footnote 3 to map 4 the following words;
“It is not the intention of the Rural Land Use Strategy to exclude lands outside of the priority localities from further assessment and or lodgement of a planning proposal. It is to establish a land release program having regard to the need to supply land for rural development to meet growth demand, based on capability, location and infrastructure standards”.

Map 5 – Areas with Future Urban or Village Development Potential

- Insert as a footnote to map 5 the following words;
“This map is a guide only. The suitability of potential urban sites will be determined under Council’s Urban Release Strategy.”

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

17 March 2016

2. That Council update the Site Suitability Criteria and Mapping Methodology and Policy Directions Paper with the High Environmental Value Vegetation map in Attachment 2 (E2016/13044), prior to public exhibition.
3. That Council, if available for the public exhibition, use the revised Bushfire Risk Map and if not available then remain with the current bushfire mapping. (Ibrahim/Woods)

AMENDMENT

Moved: That the matter be deferred to a workshop on 24 March 2016 for Councillors to consider Cr Ibrahim's proposals and/or others. (Dey/Cameron)

PROCEDURAL MOTIONS

- 16-098 Resolved** that Cr Richardson be granted a two minute extension to his speech. (Woods/Wanchap)

The motion was put to the vote and declared carried.

- 16-099 Resolved** that Cr Woods be granted a two minute extension to her speech. (Wanchap/Richardson)

The motion was put to the vote and declared carried.

- 16-100 Resolved** that Cr Ibrahim be granted a two minute extension to his speech. (Woods/Wanchap)

The motion was put to the vote and declared carried.

Cr Dey voted against the motion.

The amendment (Dey/Cameron) was put to the vote and declared lost.

Crs Dey, Cameron and Spooner voted in favour of the amendment.

Crs Ibrahim, Cubis, Woods, Richardson, Wanchap and Hunter voted against the amendment.

The motion (Ibrahim/Woods) was put to the vote and declared carried.

Cr Ibrahim, Cubis, Woods, Richardson, Wanchap and Hunter voted in favour of the motion.

Crs Dey, Cameron and Spooner voted against the motion.

Report No. 13.10 PLANNING - Rural Land Use Strategy - Site Specific Property Investigation Outcomes

File No: I2016/159

- 16-101 Resolved** that Council note the site specific property assessment outcomes contained in table A1 of Attachment 3 (E2016/13406) of this report based on draft assessment criteria and associated maps (subject of report 13.6 of today's agenda) that have been subsequently amended. Consequently the outcomes cannot be considered as determinative. (Ibrahim/Woods)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.

Cr Dey voted against the motion.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.11 **Tweed Street, Brunswick Heads Master Plan**
File No: I2016/152

16-102 Resolved:

1. That staff proceed with the geotechnical report, identification of public utility service locations and cost estimations within the existing approved budget and use this as a basis for the consultation as set out in item 3a).
2. That staff consult with the community on the Tweed Street Masterplan.
3. That prior to the commencement of the consultation, staff prepare a consultation plan with options on:
 - a) proceeding with the existing Masterplan, including funding risks and opportunities;
 - b) not proceeding with the Masterplan and amending the Section 94 Plan to collect funds for alternative amenity improvement works in Brunswick Heads as a priority.
(Woods/Richardson)

The motion was put to the vote and declared carried.

*The meeting adjourned at 12.17pm for lunch and reconvened at 1.03pm.
Cr Cubis was not present when the meeting reconvened.*

MAYORAL MINUTE

There was no Mayoral Minute.

PETITIONS

Petition No. 10.1 **No Business in Abuse**
File No: I2016/123

16-103 Resolved:

1. That the petition regarding No Business in Abuse be noted.
2. That the petition be referred to the Director Corporate and Community Services.
(Dey/Woods)

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

Petition No. 10.2 **Request for speed safety signs/speed safety humps**
File No: I2016/124

16-104 Resolved:

1. That the petition regarding request for speed safety signs/speed safety humps be noted.
2. That the petition be referred to the Director Infrastructure Services for consideration of safety signs, speed humps and of alternative speed-limiting techniques. (Dey/Richardson)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

17 March 2016

Cr Cubis returned to the meeting at 1.09pm.

The motion was put to the vote and declared carried.

Petition No. 10.3 **Investigate the changing of speed limit on Brunswick Valley Way**
Billinudgel
File No: I2016/127

16-105 Resolved:

1. That the petition regarding speed limit on Brunswick Valley Way Billinudgel be noted.
2. That the petition be referred to the Director Infrastructure Services. (Richardson/Woods)

The motion was put to the vote and declared carried.

1. Non-chemical means of weed control in Byron Shire

The Mayor tabled the following petition:

	Title of Petitions	No. of Signatures
1.	Non-chemical means of weed control in Byron Shire #S2016/2561 "We, the undersigned, request that Byron Shire Council replace its use of glyphosate products with non-chemical weed control. Council has been presented with scientifically documented information regarding the negative impact of glyphosate on human, animal and environmental health and also supplied with information on alternative products used by other councils."	68

SUBMISSIONS AND GRANTS

There were no submissions and grants.

DELEGATES' REPORTS

1. Tourism Conference

Cr Richardson advised Council:

I was very proud to be a part of the Local Government NSW Tourism Conference in Byron, I was particularly proud of our staff. They did a massive amount of work for quite a long time to get it happening and then while I was there, I know I'm a bit bias, but I have also been to a lot of conferences and it was as well run and well worthwhile as any conference I've ever been to. We shared it with Ballina and it was mainly in and around Elements for the vast bulk of it. There was also some sessions on the final day. One about place activation which I was a member of the panel and Cr Spooner was the Chair. We also had a dispersal hinterland tour that many people went on which took in Harvest and I think the Crystal Castle, and also after the place activation one

we got escorted around Byron by our ambassadors, the Byron Greeters which was really great to actually see what they've been doing and to see the response from the people who were there. Many of them hadn't been here before and they were really stoked with that we're doing here as far as our tourism overtures.

I did also used the opportunity and I'll share my full speech to Councillors over the next couple of days, where I reiterate our need for State Government support for both clarity and holiday letting for us to consider perhaps putting a bed tax in. However more importantly to basically describe how the Destination NSW funding model is decrepit and it is dysfunctional in that it can only give money for marketing and more people, not actually for the infrastructure impacts of those people. Interestingly I shared a dinner with some of the heads of Destination NSW and they were stoked I said it, they fully supported it and they said ultimately our mandate is to have each local area determine what they need for their tourism whether it's more people or people being looked after better by their infrastructure. It should be up to the local areas to determine how they need to make it a better visitor experience so I thought I was going to get a bit of a frosty response when I sat down but they were actually really quite supportive and they were going to take it up the chain to the Minister when they were speaking but I also broached the idea of creating a regional council alliance of tourism council to try to advocate for these sorts of things on a state wide level. I've got some pretty good responses but of course I think in the next 6 months most councils are going to probably have other things on their mind but it was a really great conference and again I really thank staff because Jane Laverty, Claire McGarry, Jo McMurtry and Claire Campbell particular, and Alice our intern, were just all really fantastic and their work was really appreciated.

2. Richmond Tweed Regional Library Committee Meeting 26 February 2016

Cr Dey advised Council:

Cr Hunter and I are Council's delegates on the RTRL Committee, which includes three other Shires Lismore, Ballina and Tweed. Alan might want to add to this report.

The bad news is that the RTRL's draft budget shows our Shire's commitment growing by 9% for the 2016-17 financial year. We advised the meeting that this can't happen. There will need to be an alternative arrangement either the level of service will be trimmed or even greater efficiency achieved. The process is that the draft budget will be referred to our staff for consideration and comment. It will then go back to RTRL for adoption by RTRL in May.

The other significant item reported was a review of RTRL's "Collection and Procurement Management". The review was done by a woman from the State Library of NSW. It's clear that our procurement and collection system is running efficiently, we do way better than state benchmarks. The review proves that our library staff are working hard to make the systems work, which is good news. For example one of the parameters measured is expenditure on library materials: RTRL spends \$3.50 per capita, the baseline figure is \$4.46, an enhanced figure would be \$4.77 and "exemplary" is \$5.59.

Anyway, 'our people' are running lean and still procuring better than most.

Cr Hunter advised Council:

I might just add to that, thanks Duncan, that was my first meeting and of course it was a meeting they had financial report to indicate that next year our fees were going up 9% but in fact, they're currently budgeting for half a million dollar loss. So it was a bit of a shock to the system, especially when we're already spending 1.5 million dollars on our own library budget each year but brings into question, we're either doing too much or too little or we're not charging enough for what we're doing. In one way or another somebody's got their expectations and ambitions all tangled up

because it's not the right direction, needs to be some pretty serious thought given to it to get some efficiencies at that level.

The General Manager advised Council:

I'm not sure how regular it is for the GM to participate in delegates' reports but just a couple of comments in relation to the operation of the library is that the RTRL has been successful in obtaining, I'm not sure what the dollar figure is, but a grant for the installation of what they call a RFID so if you go to libraries in metro areas, quite often they have self-checkout of library materials so you don't have to go to a counter, you don't have to engage with staff, you can simply swipe your book or whatever you're renting through this self-checkout process that's in place. To me that's one option of saving considerable operating costs because obviously it's less staff or less staff hours because of that system. Secondly, a lot of other councils now purchase their library materials in a shelf ready state, so they're pre-catalogued and pre-ordered and the cost per unit of acquiring library materials in that way is usually significant reduced again because you don't need cataloguers so all their cataloguers in the back room, all of a sudden you don't need either any or not quite so many of those. So that can be a saving as well and thirdly with the RTRL, the overhead cost of operating a rather large central facility in Goonellabah, in my view can't be sustained and can't be justified and that's been raised through the RTRL on a number of occasions so it does hurt a bit when you get a 9% increase in your budget and these steps are either not being pursued or not being issued aggressively.

3. Bangalow Masterplan Workshop

Cr Richardson advised Council:

Alan and I, and Duncan sort of for a short period, took part in the two day Bangalow Masterplan workshop, part traineeship, part workshop and it was fantastic and I guess going back to what I said about the Bruns community, Bangalow was, even in the lead up, there was massive amounts of angst about who was on that, who was attending and who was invited and who was representing and all, but just getting people together with the place at their heart got a really great outcome. People were sitting opposite each other and spending two days talking about ways to get Station Street organised to incorporate their heritage but still be open for the next generation of kids that are going to inherit it. So again I thank staff for staying on course on that one and doing a great job. Tara, Chris Larkin and Sharyn French in particular, in fact it was great that there was so many staff, there were staff in compliance, staff in water, planning, so it was a really great team effort and I think the participants really appreciated it. So it can go to show when we get out of the trenches, go into the middle ground and find an outcome with their place at heart, most people agree on most things, it was terrific.

Cr Hunter advised Council:

I'd only just add that I don't think it was only good for Bangalow, it was good for Council too. I think we came away with a lot more respect from the community there and the way we handled it and organised it, the way we participated and the staff and Councillors alike. It was a good atmosphere, it was a good outcome.

4. Rous Water Meeting 16 March 2016

Cr Dey advised Council:

Rous Water met yesterday. A workshop looked into Rous's Developer Servicing Plans. These set s64 charges, ie a new development's contribution to the infrastructure that delivers services to it. Section64 charges for Rous's direct "retail" customers will fall. They already appear low to me compared conventional urban water areas, where development charges are levied by the local

Council. In other words there's a clear incentive for developers to go direct to Rous when they want water supply for a subdivision. I hope that'll be changed so that's it more equitable. My preference would be that all water connections be done through the local water authority (the Council) rather than direct with Rous. I'd like at some stage for a future Council to raise the issue with Rous and put an end to Rous being a water retailer. That's a long term view.

5. Mullumbimby Showgrounds

Cr Woods advised Council:

Just quickly Duncan and I are on the Showground Trust at Mullumbimby and I'm not sure if I mentioned last time that every third Friday at the showground is a South Indian feast night. The first one was a couple of weeks ago and I think they're due for another and we're also having another feast. It was advertised in the paper last week that under the trees, I think it's tomorrow after the markets, there's going to be a shared table type of event happening and that's going to happen regularly if the first one is successful. One of the very good chefs is going to be offering food.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.7 **PLANNING - Expressions of Interest for additional membership of the Mullumbimby Masterplan Scoping Project Reference Group**
File No: I2016/109

16-106 Resolved:

1. That Council appoint the following four additional community members (1, 2, 3 and 11 in Attachment 1 E2016/12306) to the Mullumbimby Masterplan Scoping Project Reference Group and invite these and all PRG members to the first meeting of the PRG scheduled for 31 March.
2. That Council amend the Constitution of the PRG accordingly, if necessary to accommodate the final number of members. (Dey/Richardson)

The motion was put to the vote and declared carried.

URGENCY MOTIONS

PROCEDURAL MOTION

- 16-107 Resolved** that that Council discuss the Blues Festival 2016 Traffic Management Plan as a matter of urgency, the urgency being this item requires Council consideration prior to the event date of 24 March 2016. (Dey/Richardson)

The Mayor considered the matter to be of great urgency.

The motion was put to the vote and declared carried.

No. 1. Matter of Urgency - Blues Festival 2016 Traffic Management Plan

- 16-108 Resolved** that Council adopt the following recommendations of the Local Traffic Committee for the 2016 Blues Festival:

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

17 March 2016

1. That the temporary traffic arrangements for the Blues Festival as held from Thursday 24 March to Monday 28 March 2016 inclusive be endorsed.
2. That the proponent's series of Traffic Control Plans as related to the 2016 Blues Festival be accepted, including the installation and enforcement of No Camping and No Stopping signs at:
 - a) Gulgan Road, from Mullumbimby Road intersection to the Pacific Highway interchange at Tyagarah;
 - b) Foxs Lane, Tyagarah;
 - c) Tanner Lane and Yarin Lane, Tyagarah and
 - d) Grays Lane, Tyagarah
3. That Part 1 and Part 2 remain subject to:
 - a) NSW Police approval being obtained;
 - b) conformance with approved Traffic Management Plan (including Risk Management Plan and Traffic Control Plan/s) and that where required they be implemented and controlled by Roads & Maritime Services accredited persons and that:
 - i) all temporary traffic control devices erected for the event must comply with Roads & Maritime Services Guide to Traffic Control at Worksites Manual, not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event;
 - ii) temporary Speed Zone Authorisation is obtained from the roads authority for any reduced speed limit/s required as part of the traffic control for the event; and that where local Council is the roads authority, notification of any reduced speed limit should be forwarded to Roads and Maritime Service and NSW Police;
 - iii) approval of Roads and Maritime Services is obtained by way of a Road Occupancy License where event is on a state road or where the event may impact the state road network.
 - c) That the event organiser:
 - i) advertise 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;
 - iii) informing community and business 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;
 - 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 and any identified issues be addressed; and
 - vii) holding \$20 million public liability insurance cover which is valid for the event.

(Dey/Richardson)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 16-109 Resolved** that the matter of a road closure for the Peddle and Hawk Market be discussed. The urgency being due to an oversight for advertising a road closure due on 26 March 2016.

(Dey/Richardson)

The Mayor considered the matter to be of great urgency.

The motion was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

17 March 2016

No. 2. Matter of Urgency - Road Closure of Acacia Street for the Peddle and Hawk Market

- 16-110 Resolved** that notification as is to appears in a local newspaper this week for the road closure of Acacia Street for the Peddle and Hawk market on 26 March (approved under DA 2015.459.1) be deemed sufficient in lieu of the conditioned 28 day period and that the applicant's apology for their oversight be accepted. (Dey/Ibrahim)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 16-111 Resolved** that the matter of a donation for ex-councillor Ian Hosken be discussed. The urgency being that a donation would be appropriate at the time of the funeral this Saturday 19 March 2016. (Dey/Richardson)

The Mayor considered the matter to be of great urgency.

The motion was put to the vote and declared carried.

No. 3. Matter of Urgency - Former Councillors Hosken and Knuckey

16-112 Resolved:

1. That Council acknowledge the passing of former councillor Ian Hosken and his contribution to the community both on Council and in broader society.
2. That Council present at the memorial a local native tree for planting in memory of Cr Hosken.
3. That Council also acknowledge the passing of former councillor Brian Knuckey and his contribution to the community. (Dey/Richardson)

Cr Cubis left the meeting at 2.02pm and did not return.

The motion was put to the vote and declared carried.

Cr Cubis was not present for the vote.

There being no further business the meeting concluded at 2.06pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 7 April 2016.



.....
Mayor Simon Richardson