



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 6 October 2016

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
6 October 2016

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 6 OCTOBER 2016 COMMENCING AT 9.02AM AND CONCLUDING AT 2.30PM

I2016/1026

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: Ken Gainger (General Manager)
Mark Arnold (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Ralph James (Coordinator Legal Services, Report 8.1)
Rob Van Iersel (Consultant Planner, Report 13.9)
Jessica Orr (Project Manager, Report 13.5)
David Royston-Jennings (Minute Taker)

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

PUBLIC ACCESS

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

8.1 Withdrawal of Draft Coastal Zone Management Plan 2016

Laurie Lynch addressed Council against the recommendation.

13.7 Report of the Planning Review Committee Meeting held on 18 August 2016

Dennis Ensor, representing local residents of Roundhouse Place, addressed Council against the recommendation with regards to DA 10.2016.423.1.

Peter Boyd addressed Council against the recommendation with regards to DA 10.2016.444.1.

13.9 PLANNING - 10.2015.214.2 S96 to Delete Condition 15 Requiring the Imposition of a Section 88E Instrument to be Placed on the Title of the Land in Relation to Coastal Erosion at Bayshore Drive Byron Bay

Jeremy Holmes of the Byron Bay Railroad Company address Council in favour of the recommendation.

Ed Austin-Woods and John Johnstone of the Belongil Action Group Association Inc. addressed Council against the recommendation.

13.11 Council Part Road Reserve Closure and subsequent sale at end of Durrumbul Road adjoining Lot A DP 389649

Luke Harrison of Hosie & Partner, representing David Thompson and Meredith Plowman, addressed Council in favour of the recommendation.

Debra Gruszka of RPA Law Solicitors, representing Sally Wagg, addressed Council against the recommendation.

PRESENTATION

Zeke Huish of the Westpac Life Saving Helicopter presented a plaque to Council, thanking them for their support.

The meeting adjourned at 9.58am and reconvened at 10.37am

APOLOGIES

There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

PROCEDURAL MOTION

- 16-490 Resolved** that Cr Hackett be granted a leave of absence on 20 October 2016 and 15 December 2016. (Richardson/Spooner)

The motion was put to the vote and declared carried.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Ndiaye declared a non-pecuniary interest in Report 13.2. The nature of the interest being that the applicant is her former High School Physical Education teacher. Cr Ndiaye elected to remain in the Chamber and participate in the voting on this item.

TABLING OF PECUNIARY INTEREST RETURNS

In accordance with the Local Government Act 1993 Section 450A(2), Section 449(1) Returns are tabled for designated staff and Councillors.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 16-491 Resolved** that the minutes of the following meetings be confirmed:

- Byron Shire Reserve Trust Committee held 25 August 2016
- Ordinary Meeting held 25 August 2016
- Extraordinary Meeting held 29 September 2016

(Spooner/Hunter)

The motion was put to the vote and declared carried.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

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

STAFF REPORTS

Corporate and Community Services

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Report No. 13.5 Proposed Special Rate Variation - Community Consultation

Sustainable Environment and Economy

Report No. 13.7 Report of the Planning Review Committee Meeting held on 18 August 2016
Report No. 13.9 PLANNING - 10.2015.214.2 S96 to Delete Condition 15 Requiring the Imposition of a Section 88E Instrument to be Placed on the Title of the Land in Relation to Coastal Erosion at Bayshore Drive Byron Bay

Infrastructure Services

Report No. 13.11 Council Part Road Reserve Closure and subsequent sale at end of Durrumbul Road adjoining Lot A DP 389649

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Richardson and seconded by Cr Hunter. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 16-492 and concluding with Resolution No. 16-516.

STAFF REPORTS – CORPORATE AND COMMUNITY SERVICES

Report No. 13.1 **Report of the Public Art Assessment Panel meeting 18 August 2016**
File No: I2016/931

16-492 Resolved:

1. That Council note the Minutes of the Public Art Assessment Panel held on 18 August 2016.
2. With regard to report 6.2 – public art proposal Brunswick Nature Sculpture Walk:
 - a) That the 15 proposed sites for permanent sculpture in Brunswick Heads be approved in principle pending final approval from the Public Art Assessment Panel for design and placement of final art works.
 - b) That the artwork by David Walsh 'Oh My Cod' be accepted as a donation and installed in the location identified by Brunswick Nature Sculpture Walk in South Beach Park Brunswick Heads.
3. With regard to the beach shower screens in Byron Bay, that Council dismantle the existing screens which are in poor condition and refer to Open Spaces staff team to provide more practical park furniture.
4. With regard to the public art proposal 'Let's Connect' Bangalow, wait for the outcome of the Bangalow Place Activation Masterplan before assessing the request.

(Richardson/Hunter)

Report No. 13.2 **Change of company shareholders under sub-licence agreement**
File No: I2016/929
Surfing Byron Bay Pty Ltd trading as Let's Go Surfing

Cr Ndiaye previously declared a non-pecuniary interest in this item.

16-493 Resolved that Council agrees to depart from Policy 5.52 'Commercial Activities on Coastal and Riparian Crown Reserves' and consent to the change in company shareholders of Surfing Byron Bay Pty Ltd to allow the company to retain its sub-licence under its current provisions for the

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remainder of its term expiring on 31 August 2017.

(Richardson/Hunter)

Report No. 13.3 **Alter Meeting Schedule - December 2016**
File No: I2016/983

- 16-494** **Resolved** that the Ordinary Meeting in December is moved to 15 December 2016 and the Strategic Planning Workshop in December is moved to 8 December 2016. (Richardson/Hunter)

Report No. 13.4 **Council Investments August 2016**
File No: I2016/981

- 16-495** **Resolved** that the report listing Council's investments and overall cash position as at 31 August 2016 be noted. (Richardson/Hunter)

Report No. 13.6 **Amendment to 2016/17 Fees and Charges**
File No: I2016/998

- 16-496** **Resolved** that Council amend the 2016/17 Filming fees, by the adoption of the "*Proposed Fee*" shown in the following table, and that these Fees be incorporated into Council's adopted Fees and Charges for 2016/17.

Fee	Current Fee	Proposed Fee
Ultra low (fewer than 10 crew)	100.00	0
Low impact (10-25 crew, no more than 4 trucks/vans)	160.00	150.00
Medium impact (26-50 crew, no more than 10 trucks)	310.00	300.00
High impact (>50 crew, >10 trucks)	520.00	500.00
Stop/Go traffic control on local roads	110.00	100.00
Assessment of Traffic Management Plans – medium impact	310.00	300.00
Assessment of Traffic Management Plans – high impact	520.00	500.00

(Richardson/Hunter)

STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.8 **PLANNING - State Environmental Planning Policy No. 1 - Variations to development standards - 1 April 2016 to 30 June 2016**
File No: I2016/995

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16-497 Resolved that the report be noted. (Richardson/Hunter)

Crs Coorey, Martin, Lyon, Ndiaye, Richardson, Cameron, Hackett, Spooner and Hunter voted for the recommendation.

Report No. 13.10 **PLANNING - 10.2015.214.3 S96 to Enable the Railway Infrastructure to be carried out in Two (2) Stages, Stage 1: Bayshore Drive Railway Infrastructure, Stage 2: Byron Town Centre Infrastructure at Bayshore Drive Byron Bay**
File No: I2016/1005

16-498 Resolved that pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, application 10.2015.214.3 for S96 to Enable the Railway Infrastructure to be carried out in Two (2) Stages, Stage 1: Bayshore Drive Railway Infrastructure, Stage 2: Byron Town Centre Infrastructure, be approved by modifying development consent 10.2015.214.1 as outlined in Attachment 1 #E2016/85850. (Richardson/Hunter)

Crs Coorey, Martin, Lyon, Ndiaye, Richardson, Cameron, Hackett, Spooner and Hunter voted for the recommendation.

STAFF REPORTS – INFRASTRUCTURE SERVICES

Report No. 13.12 **Council Part Road Reserve Closure and potential sale adjoining PN 94840 Lot 21 DP 596124, 365 Booyong Road Nashua**
File No: I2016/898

16-499 Resolved:

1. That Council re-instate and endorse the closure of road reserve adjoining PN 94840 Lot 21 DP 596124, 365 Booyong Road Nashua, as per figure 1 of this report, and move forward by submitting the application with Crown.
2. That Council ascertain market value by retaining a suitably qualified Valuer and delegate to the General Manager the authority to enter into a contract for sale of the closed part of the road with the owner of adjoining Lot 21 DP 596124 for a value no less than the highest value placed on the part closed road by the independent Valuer.
3. Without limiting the delegation to the General Manager to negotiate a contract suitable to the Council, terms and conditions of the contract will include requirements for:
 - i. the applicant to pay all costs associated with the part road closure, including but not limited to:
 - a) Council / Crown application fees
 - b) Council's surveyor's fees and survey, valuation and legal costs
 - c) All registration fees
 - d) Legal costs
 - ii The allotment created by the part road closure to be consolidated into the existing Parcel No 94840 Lot 21 DP 596124
4. That Council authorise the affixing of the Council seal to and the signing of all documents necessary to affect the sale and transfer of the part closed road. (Richardson/Hunter)

Report No. 13.13 Closure of Part Road Reserve Adjoining Lot 22 DP 1070522 at the end of Blackwood Crescent

File No: I2016/978

16-500 Resolved:

1. That Council endorse the closure of Part Road Reserve adjoining Lot 22 DP 1070522 at the end of Blackwood Crescent as per Figure 1, indicated in blue.
2. That Council endorse, pursuant to S43 of the Roads Act 1993 that the land, once closed and vested in Council, be classified as “operational land” for the purposes of the Local Government Act 1993.
3. That any easements and works associated with the relocation of services be the responsibility of the applicant in accordance with Councils Building over Pipelines and Other Underground Structures Policy No 4.20 and Section 88B Conveyancing Act 1919.
4. That Council ascertain market value by retaining a suitably qualified Valuer and delegate to the General Manager the authority to enter into a contract for sale, once the closure of the road reserve is complete, for a value no less than the highest value placed on said land by the independent Valuer. Terms and conditions of the contract will include requirements for:
 - i. The applicant to pay all costs associated with the part road closure and subsequent sale, including but not limited to:
 - a. Council application fees
 - b. Council’s surveyor’s fees and survey, valuation and legal costs
 - c. All registration fees
 - d. Legal costs
5. That Council authorises the signing of all necessary documentation to facilitate the part Road Reserve Closure adjoining Lot 22 DP 1070522 at the end of Blackwood Crescent.
(Richardson/Hunter).

COMMITTEE REPORTS – CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 Report of the Finance Advisory Committee Meeting held on 18 August 2016

File No: I2016/932

16-501 Resolved that Council note the minutes of the Finance Advisory Committee Meeting held on 18 August 2016.
(Richardson/Hunter).

16-502 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.1 2015/16 Financial Sustainability Plan - Update on the Action Implementation Plan as at 30 June 2016

File No: I2016/750

Committee Recommendation 5.1.1

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That the update report to 30 June 2016 on the 2015/2016 Financial Sustainability Project Plan Action Implementation Plan (#E2016/52089) be received and noted.

(Richardson/Hunter)

16-503 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.2 Carryovers for Inclusion in 2016/2017 Budget

File No: I2016/878

Committee Recommendation 5.2.1

That Council note the following recommendation was adopted by Council at its Ordinary meeting held on 25 August 2016 via Resolution 16-446:

That the works and services, and the respective funding shown in Attachment 1 (#E2016/74385), Attachment 2 (#E2016/74388) and Attachment 3 (#E2016/74387) be carried over from the 2015/2016 financial year and that the carryover budget allocations be adopted as budget allocation revotes for inclusion in the 2016/2017 Budget Estimates. (Richardson/Hunter)

16-504 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.3 Council Budget Review - 1 April 2016 to 30 June 2016

File No: I2016/886

Committee Recommendation 5.3.1

1. That Council note that the itemised budget variations as shown in Attachment 2 (#E2016/74510) which includes the following results in the 30 June 2016 Quarterly Review of the 2015/2016 Budget:

- a) General Fund - \$0 increase in accumulated surplus/working funds
- b) General Fund - \$9,096,400 increase in reserves
- c) Water Fund - \$1,959,600 increase in reserves.
- d) Sewerage Fund - \$643,300 increase in reserves

were authorised by Council at its Ordinary meeting held on 25 August 2016 via Resolution 16-444.

2. That Council note the revised estimated General Fund Accumulated Surplus/ (Working Funds) surplus of \$919,100 for the 2015/2016 financial year as at 30 June 2016 was authorised by Council at its Ordinary meeting held on 25 August 2016 via Resolution 16-444.

3. That Council note that the allocation of \$2,163,000 to internal reserve funds as indicated in this report under the heading 'Specific Cash Position' was authorised by Council at its Ordinary meeting held on 25 August 2016 via Resolution 16-444. (Richardson/Hunter)

16-505 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.1 Draft 2016-2026 Long Term Financial Plan

File No: I2016/901

Committee Recommendation 6.1.1

That the completion of 2016-2026 Long Term Financial Plan be based on the assumptions and scenarios outlined in this report. (Richardson/Hunter)

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Report No. 14.2 Report of the Internal Audit Advisory Committee Meeting held on 18 August 2016
File No: I2016/933

16-506 Resolved that Council note the minutes of the Internal Audit Advisory Committee Meeting held on 18 August 2016. (Richardson/Hunter)

16-507 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.1 Review of Paid Parking
File No: I2016/518

Committee Recommendation 5.1.1

That recommendations contained in the factual findings report regarding Paid Parking and associated Management comments be noted by Council. (Richardson/Hunter)

16-508 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.2 Procurement Review
File No: I2016/716

Committee Recommendation 5.2.1

1. That the Internal Audit Report – Procurement Review - May 2016 at Attachment 1 (#E2016/74473) be noted by Council along with responses and actions detailed by Management.
2. That Management implement the recommendations made in the report identified at Attachment 1 (#E2016/74434). (Richardson/Hunter)

16-509 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.3 Interim Audit Management Letter 2016
File No: I2016/779

Committee Recommendation 5.3.1

That the comments provided by Management in response to matters raised in the 2016 Interim Audit Management Letter be noted by Council. (Richardson/Hunter)

16-510 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.4 Asset Preparedness Audit
File No: I2016/715

Committee Recommendation 5.4.1

That the Internal Audit Advisory Committee consider the report on the Asset Preparedness Audit in relation to Special Schedule 7 be considered and referred to Council to note the report. (Richardson/Hunter)

16-511 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.5 Internal Audit Progress Report August 2016
File No: I2016/791

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Committee Recommendation 5.5.1

That Council receive and note the Internal Audit Report – Audit Committee (August 2016) (#E2016/74474) prepared by the Internal Auditor, Grant Thornton. (Richardson/Hunter)

16-512 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.6 Internal Audit Report - Developer Contributions Review

File No: I2016/868

Committee Recommendation 5.6.1

1. That the Internal Audit Report – Developer Contributions Review - July 2016 at Attachment 1 (#E2016/74707) be noted by Council along with responses and actions detailed by Management.
2. That Management implement the recommendations made in the report identified at Attachment 1. (Richardson/Hunter)

16-513 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.7 Update of Actions for Inventory Control Internal Audit

File No: I2016/735

Committee Recommendation 5.7.1

That the Council note the completion of the management actions for all the recommendations from the Internal Audit for Inventory Control. (Richardson/Hunter)

16-514 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.8 Investigation into serious misconduct by a former staff member relating to cash handling

File No: I2016/684

Committee Recommendation 5.8.1

That Council note the report and that management are implementing the recommendations contained within it. (Richardson/Hunter)

Report No. 14.3 Report of the Transport Advisory Committee Meeting held on 16 August 2016

File No: I2016/975

16-515 Resolved that Council note the minutes of the Transport Advisory Committee Meeting held on 16 August 2016. (Richardson/Hunter)

16-516 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.1 Development of a Shire-wide Transport Strategy

File No: I2016/884

Committee Recommendation 5.1.1

1. That the Committee develop a Shire-wide Transport Strategy which includes:

a) CONTEXT to include consideration of:

- congestion
- high tourist numbers
- lack of local public transport connectivity and regional integration
- high carbon emissions
- safety
- high costs of running private vehicles
- road condition and the cost of maintenance
- demographics – (difficult for people who can't drive or don't have a licence)
- access - mobility
- lack of cycleway connectivity
- lack of connectivity in general
- poor location of services – making them more distant than they could otherwise be
- high growth area – need to plan for future
- transport costs to community from planning and commercial decisions
- impact of future technological and social developments

b) OBJECTIVES to include consideration of:

- reduce the need for and/or dependency on private motor vehicle trips
- improve public transport
- support community transport
- increase the bike network and/or use
- improve pedestrian and residential amenity
- support advocacy, partnerships and/or community involvement
- improve road user safety
- improve integration and regional connectivity
- support climate change adaptation and mitigation
- further defining and obtaining of these objectives will be the role of the proposed transport strategy
- support of each objective can be sought via relevant Council instruction through available mechanisms regarding any proposed and/or existing activity, all of which will be explored via development of the proposed transport strategy that will be guided by Council's vision.

c) ACTIONS to include the consideration of:

- understanding user experience – feedback, surveys
- develop priorities from user feedback, eg improve user experience by means of improved bus shelters, safer road crossings, shorter travel times, for example
- develop measurement methods for baseline and future actions
- integrated land use planning

2. That a draft strategy commence with a review of relevant local, state and federal programs, plans and strategies in efforts to identify funding and partnership opportunities.
3. That Council note staff will apply by 9 September 2016 to meet the RMS Active Transport Funding deadline and it will include seeking 2017/18 funding for the revision of Council's bike plan and PAMP.
(Richardson/Hunter)

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PROCEDURAL MOTION

- 16-517 Resolved** that Council change the order of business to deal with Reports 8.1, 13.7, 13.9 and 13.11 next on the Agenda. (Richardson/Spooner)

The motion was put to the vote and declared carried.

MAYORAL MINUTE

Mayoral Minute No. 8.1 Withdrawal of Draft Coastal Zone Management Plan 2016
File No: I2016/1014

- 16-518 Resolved** that Council write to the NSW Minister for Planning, the Hon. Rob Stokes to request:
1. That the meeting requested to discuss the submitted CZMP be expedited.
 2. That the Minister defer determination on the draft CZMP BBE until after the meeting.
- (Richardson/Lyon)

The motion was put to the vote and declared carried.

STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.7 Report of the Planning Review Committee Meeting held on 18 August 2016
File No: I2016/923

Moved that the report be noted and that DA 10.2016.392.1 and DA 10.2016.423.1 be reported to Council for determination. (Ndiaye/Coorey)

PROCEDURAL MOTION

- 16-519 Resolved** that this matter rest on the table. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 13.9 PLANNING - 10.2015.214.2 S96 to Delete Condition 15 Requiring the Imposition of a Section 88E Instrument to be Placed on the Title of the Land in Relation to Coastal Erosion at Bayshore Drive Byron Bay
File No: I2016/1001

- 16-520 Resolved** that pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, that application. 10.2015.214.2 for S96 to Delete Condition 15 Requiring the Imposition of a Section 88E Instrument to be placed on the Title of the Land in relation to coastal erosion be approved. (Cameron/Richardson)

The motion was put to the vote and declared carried.
Crs Martin, Lyon, Ndiaye, Richardson, Cameron and Hunter
Crs Coorey, Hackett and Spooner voted against the motion.

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PROCEDURAL MOTIONS

- 16-521 Resolved** that Cr Cameron be granted a two minute extension to his speech. (Richardson/Coorey)

The motion was put to the vote and declared carried.

- 16-522 Resolved** that Cr Spooner be granted a one minute extension to his speech. (Richardson/Hackett)

The motion was put to the vote and declared carried.

- 16-523 Resolved** that Cr Richardson be granted a one minute extension to his speech. (Spooner/Hunter)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

- 16-524 Resolved** that Council request a written response from Transport NSW outlining their reasons for opposing the imposition of Section 88E (condition 15). (Coorey/Richardson)

The motion was put to the vote and declared carried.

Crs Cameron, Spooner and Hunter voted against the motion.

PROCEDURAL MOTION

- 16-525 Resolved** that Report No. 13.7 be lifted from the table. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

**Report No. 13.7
(Continued)
File No:**

**Report of the Planning Review Committee Meeting held on 18 August
2016
I2016/923**

- 16-526 Resolved** that the report be noted and that DA 10.2016.423.1 – 4 Roundhouse Place, Ocean Shores for 8 units be reported to Council for determination. (Ndiaye/Coorey)

The motion was put to the vote and declared carried.

Cr Hunter voted against the motion.

STAFF REPORTS - INFRASTRUCTURE SERVICES

**Report No. 13.11
File No:**

**Council Part Road Reserve Closure and subsequent sale at end of
Durrumbul Road adjoining Lot A DP 389649
I2016/687**

- 16-527 Resolved** that this matter be deferred until a site inspection has been carried out and brought to the Ordinary meeting of Council on 17 November 2016. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Cr Hunter voted against the motion.

NOTICES OF MOTION

Notice of Motion No. 9.1 **Byron Shire Housing Summit**
File No: **I2016/999**

16-528 Resolved:

1. That Council convene a Byron Shire Housing Summit prior to the adoption of the Byron Shire Residential Strategy.
2. The summit to include presentations from Council, a community housing provider, a housing industry representative, Housing NSW, a local community organisation and a housing policy specialist.
3. The summit to be open to the general public and invited stakeholders including state and federal political representatives.
4. The summit to include consideration of the following:
 - a) current council policies, strategies and resolutions to promote affordable housing;
 - b) current council policies, strategies and resolutions that inhibit the provision of affordable housing;
 - c) Proposals that could be trialled and implemented to support affordable housing in the Byron Shire.

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

16-529 Resolved that Cr Spooner be granted a two minute extension to his speech.

(Richardson/Cameron)

The motion was put to the vote and declared carried.

**Notice of Motion No. 9.2 Review of Policy 15/005 and Procedures for Advertising of
Proposed Developments and Approvals**

File No: I2016/1003

16-530 Resolved:

1. Review Policy 15/005, relevant legislation and other policies with specific reference to notification and advertising requirements for Development Applications and approvals, particularly those likely to be contentious.
2. Hold a Councillor workshop to consider the review and develop recommendations for any amendments to policies and procedures. (Cameron/Coorey)

The motion was put to the vote and declared carried.

The meeting adjourned at 12.59pm for lunch and reconvened at 1.48pm

PETITIONS

Petition No. 10.1 **Traffic - Broken Head Road 536 - Speed Review - Petition - 50km/hr Zone at Midgen Flat Road and Blackbutt Lane**
File No: I2016/867

16-531 Resolved:

1. That the petition regarding Request for speed zone review along section of Broken Head Road be noted.
2. That the petition be referred to the Director Infrastructure Services.
3. That Council convene a meeting with affected land owners to consider other speed mitigation solutions. (Richardson/Coorey)

The motion was put to the vote and declared carried.

SUBMISSIONS AND GRANTS

There were no submissions or grants.

DELEGATES' REPORTS**12.1 North Byron Parklands Regulatory Working Group**

Cr Cameron advised Council:

The two year term came to an end for our two community representatives, Denise Nessell and Russell Eldridge, and I'd like to put on record my thanks on behalf of Council and community for their incredible work on this group. They have involved themselves and done a lot of background work in preparation for these meetings. They go to site inspections, they have other informal meetings following up on issues, all of which is important to the community. I acknowledge their fantastic work and thank them for it.

It is worth noting there have been some great strides over the last few years in terms of better managing the issues that have flared up for the community. Its true to say that while there's been improvements on the noise front, that still probably remains the number one issue.

The other issue that has flared again after initial success is traffic management. You would have heard or read about issues on site at the end of Splendour this year and they had a big knock on affect to our public transport system, with buses not being able to return to routes, etc. So that had a big impact, more than just around the site there, and that's one that we really have to have a close look at with Splendour.

Otherwise, it is a good story, and not only has there been improvement on a range of issues, but through this process it is worth noting that people like Denise and Russell and before that Paul Arrow-Smith and Chris Cherry have become incredibly well informed and built capacity in our community for future issues like this.

STAFF REPORTS - INFRASTRUCTURE SERVICES

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

6 October 2016

Report No. 13.5
File No:

Proposed Special Rate Variation - Community Consultation
I2016/994

- 16-532 Resolved** that Council endorse and proceed to implement Phase 3 of the Community Consultation and Awareness Process, for the Proposed Special Rate Variation detailed in the Council Improvement Plan (CIP) adopted by Council on 25 June 2015, and that the consultation include correspondence specifically addressed to each ratepayer or included where possible with the next rate notice. (Hunter/Spooner)

The motion was put to the vote and declared carried.

URGENCY MOTIONS

PROCEDURAL MOTION

- 16-533 Resolved** that the business of Non-Lethal Shark Mitigation Initiatives be discussed as a matter of urgency. The urgency being the tight time frame to attempt to have non lethal shark mitigation initiatives operating in the Byron Shire in time for Summer holiday period. (Richardson/Hunter)

The motion was put to the vote and declared carried.

No. 16.1 Matter of Urgency - Non-Lethal Shark Mitigation Initiatives

- 16-534 Resolved** that Council write to the Minister of Primary Industries, the Hon. Niall Blair:
1. Thanking him and the Department for the ongoing support for non lethal, evidence based responses to shark mitigation in the Byron Shire
 2. Requesting feedback on its recently completed shark spotters program at Wategos beach.
 3. Requesting support for further trials at Broken Head, Cosy Corner and the Pass
 4. Requesting that these shark spotter trials be held alongside drone surveillance trials in order to obtain comparative data on strengths and weaknesses of both.
- (Richardson/Hunter)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 16-535 Resolved** that the business relating to the Rural Land Use Strategy be dealt with at the meeting, as the Rural Land Use Strategy is currently being considered by the Department of Planning. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

Cr Hunter voted against the motion.

No. 16.2 Matter of Urgency - Rural Land Use Strategy

- 16-536 Resolved** that Council inform the Department of Planning & Environment of Council's request for the deletion of Buckley's Road Lot 1 and Lot 2 DP 1126204 and Lot 7 DP 573269 as a locality to be included within variation criteria contained in figure 4 within the submitted RLUS, which was moved on the 4th August 2016 in Resolution 16-414. (Lyon/Ndiaye)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

6 October 2016

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

There being no further business the meeting concluded at 2.30pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 27 October 2016.



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Mayor Simon Richardson