Byron Shire Council

Minutes

Ordinary Meeting

Thursday, 24 August 2017

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 24 AUGUST 2017 COMMENCING AT 4.06PM AND CONCLUDING AT 9.50PM

I2017/1138

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, Cr C Coorey, Cr J Hackett, 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)
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:

9.2 Renewal of the Tourism Advisory Committee

Jim Beatson addressed Council in favour of the recommendation.

13.10 PLANNING - Report update on Council resolution 17-121 Tyagarah Airstrip - 26.2015.1.1

Matthew O'Reilly (CABS) addressed Council in favour of the recommendation.

13.11 Expressions of Interest for membership of Northern Villages Guidance Group

Matthew O'Reilly (CABS) addressed Council in favour of the recommendation.

13.13 Bangalow Parking Strategy

Tony Hart (Bangalow Progress Association) addressed Council against the recommendation.

13.17 Brunswick Heads Parking Management Strategy

Matthew O'Reilly addressed Council in favour of the recommendation.

Submission No. 1 Bypass Conditions of Consent

Paul Jones (Butler Community Street Network) made a submission to Council regarding the conditions of consent for the Byron Bay Bypass.

Submission No. 2 Tyagarah Airfield

Matthew O'Reilly made a submission to Council regarding allocating resources to a Fly Neighbourly Advice Agreement.

Submission No. 3 Rubbish Management

Tom Tabart made a submission to Council regarding transporting landfill to Queensland.

Question No. 1 Waste Management

Tom Tabart asked the following question:

I have been informed by staff that we currently have contracts to accept our waste with two tips in QLD and that they utilised Ipswich transport contractor JR Stephens to transport our waste to the tip of our choice. On the other hand in an article in the Northern Star on 2 February 2017 a staff member has stated that "council chose a garbage transport company via an open tender process and the contract winner had an existing service with a Toowoomba landfill facility".

Which version is correct? Has the Toowoomba transport contract been terminate? Is the trucker the same company in both scenarios? Do we get to choose what tip we patronise? And if so, what is the criteria utilised to choose a tip?

The General Manager took the question on notice.

Question No. 2 Works in protected areas

Matthew O'Reilly (CABS) asked the following question:

Is Byron Council still implementing motion 12-560 "works in protected areas" and is it still being complied with?

The General Manager took the question on notice.

The meeting adjourned at 4.46pm and reconvened at 5.06pm.

APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

An apology was received from Cr Hunter.

Cr Richardson requested a leave of absence for the Ordinary meeting of 21 September 2017.

PROCEDURAL MOTION

17-319 Resolved:

1. That the apology from Cr Hunter be accepted and leave of absence granted.

2. That Cr Richardson be granted a leave of absence for 21 September 2017. (Cameron/Ndiaye)

The motion was put to the vote and declared carried.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Spooner declared a pecuniary interest in Report 13.14. The nature of the interest being that his employer, the Byron Bay Community Association, has a lease over the Byron Community Cabin located on the Byron Bay Recreation Ground. Cr Spooner elected to leave the Chamber and will not participate in discussion and the vote.

Cr Lyon declared a not significant non-pecuniary interest in Reports 13.15 and 13.16. The nature of the interest being he is the General Manager of Santos Organics, sites in Mullumbimby and Byron Bay. Cr Lyon elected to stay in the Chamber, participate in the debate and vote.

Prior to the debate on Urgency Motion No 1, Cr Spooner declared a pecuniary interest in the subject of North Byron Parklands. The nature of the interest being that his employer Byron Bay Community Association receives a donation from the Falls Festival for the Soul Street and First Sun events that the association manage. Cr Spooner elected to leave the Chamber and did not participate in the discussion and the vote.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

17-320 **Resolved** that the minutes of the following meetings be confirmed:

- Ordinary Meeting held 3 August 2017
- Byron Shire Reserve Trust Committee held 3 August 2017 (Richardson/Ndiaye)

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. 13.1 Richmond Tweed Regional Library Deed of Agreement
Report No. 13.3 Election of Deputy Mayor 2017-2018

Sustainable Environment and Economy
Report No. 13.8 Power Up - Northern Rivers Electric Vehicle Strategy
Report No. 13.11 Expressions of Interest for membership of Northern Villages Guidance Group

Infrastructure Services
Report No. 13.13 Bangalow Parking Strategy
Report No. 13.14 Draft Plan of Management - Byron Bay Recreation Ground
Report No. 13.15 Review of Pay Parking for Byron Bay
Report No. 13.16 Mullumbimby Parking Management Strategy
Report No. 13.19 Mullumbimby Skate Park Lighting Options

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Richardson and seconded by Cr Hackett. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 17-321 and concluding with Resolution No. 17-351.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.2 **Electricity Procurement**
File No: I2017/990

17-321 **Resolved:**

1. That Council endorse the procurement strategy set out in this report, in particular that Council runs a two-stage procurement process to the open market and that the scope includes

Council's essential business requirements, the ability to purchase Green Power, and Local Electricity Trading.

2. That Council delegates short-listing of Expression of Interest respondents and acceptance of tenders to the General Manager as provided for under Section 377 of the Local Government Act 1993. (Richardson/Hackett)

Report No. 13.4 **Carryovers for Inclusion in the 2017/18 Budget**
File No: I2017/1005

17-322 **Resolved** that the works and services, and the respective funding shown in Attachment 1 (#E2017/77527) be carried over from the 2016/2017 financial year and that the carryover budget allocations be adopted as budget allocation revotes for inclusion in the 2017/2018 Budget Estimates. (Richardson/Hackett)

Report No. 13.5 **Council Investments July 2017**
File No: I2017/1007

17-323 **Resolved** that the report listing Council's investments and overall cash position as at 31 July 2017 be noted. (Richardson/Hackett)

Report No. 13.6 **Council Budget Review - 1 April 2017 to 30 June 2017**
File No: I2017/1013

17-324 **Resolved** that Council authorises the itemised budget variations as shown in Attachment 2 (#E2017/79490) which includes the following results in the 30 June 2017 Quarterly Review of the 2016/2017 Budget:

General Fund - $0 change in Unrestricted Cash Result:

a) General Fund - $12,866,200 increase in reserves
b) Water Fund - $5,528,900 increase in reserves.
c) Sewerage Fund - $4,959,400 increase in reserves (Richardson/Hackett)

Report No. 13.7 **Community Strategic Plan review**
File No: I2017/1042

17-325 **Resolved** that Council endorse the Community Strategic Plan review project plan and engagement strategy. (Richardson/Hackett)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.9 **Report of the Planning Review Committee Meeting held on 20 June, 2017**
File No: I2017/832

17-326 **Resolved** that Council note the report. (Richardson/Hackett)

Report No. 13.10 **PLANNING - Report update on Council resolution 17-121 Tyagarah Airstrip - 26.2015.1.1**
File No: I2017/989

17-327 Resolved:

1. That Council considers progressing the Tyagarah Airstrip Planning Proposal after the following have been completed:
   a) a Social Impact Assessment (SIA) associated with any expansion and intensification of commercial uses at the Tyagarah Airfield;
   b) an assessment of noise impacts associated with any expansion and intensification of commercial uses at the Tyagarah Airfield
   c) an updated flood impact assessment associated with any expansion and intensification of commercial uses at the Tyagarah Airfield
   d) a Councillor workshop to consider other uses for the site that do not involve increased aircraft activity.
   e) community consultation to include all affected stakeholders.
   f) a report on the cumulative ecological impacts of tree clearing required for the airfield and in the interim cease any tree clearing not associated with current airstrip safety.

2. That Council does not support, and thus, removes any reference to commercial helicopter operations or activities operating at Tyagarah Airfield, including construction of a heliport.

(Richardson/Hackett)

The motion was put to the vote and declared carried.
Crs Coorey, Martin, Lyon, Ndiaye, Richardson, Cameron, Hackett and Spooner voted in favour of the motion.
No Crs voted against the motion.

Report No. 13.12 **Report of the Planning Review Committee Meeting held on 1 August, 2017**
File No: I2017/1029

17-328 **Resolved** that Council note the report. (Richardson/Hackett)

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.17 **Brunswick Heads Parking Management Strategy**
File No: I2017/1030

17-329 Resolved:

1. That Council endorse the Brunswick Heads Town Centre Parking Management Strategy (E2016/80884) prepared by Traffic and Parking Systems Group (TPS) as a basis for community engagement.

2. That consultation be undertaken with the Brunswick Heads community regarding the possible implementation of a revised parking layout and pay parking scheme in the town centre.

3. That a budget of $15,000 is allocated from the Pay Parking Reserve to perform the investigation and community consultation with the Brunswick Heads community regarding the possible implementation of a revised parking layout and pay parking scheme in the town centre.

4. That Council consider the results of the investigation and community consultation at the 23 November 2017 meeting in determining its adoption of a possible revised parking management strategy and pay parking scheme. (Richardson/Hackett)

Report No. 13.18 **Event - Chincogan Charge 2017 - Road Closure - 16 September 2017**
File No: I2017/1043

17-330 Resolved:

1. That Council endorse the Chincogan Charge 2017 Traffic Management Plan to be held on Saturday 16 September 2017 that requires actions to control traffic on Mullumbimby roads between 8:00am and 5:30pm, subject to conditions at:

   a) Jubilee Avenue - Mullumbimby Swimming Pool to Dalley Street
   b) Dalley Street - Jubilee Avenue to Burringbar Street
   c) Burringbar Street - Dalley Street to Brunswick Terrace
   d) Brunswick Terrace - Burringbar Street to Murwillumbah Road
   e) Murwillumbah Road - Brunswick Terrace to Coolamon Scenic Drive
   f) Coolamon Scenic Drive – House 1913 to Murwillumbah Road

2. That the approval provided in Part 1 is subject to:

   a) separate approvals by NSW Police and RMS being obtained
   b) implementation of the approved Traffic Management Plan and Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation
   c) that the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
   d) the event be notified on Council's webpage
   e) the event organiser:
      i. undertake consultation with community and affected businesses including adequate response/action to any raised concerns
      ii. undertake consultation with emergency services and any identified issues addressed
      iii. hold $20m public liability insurance cover which is valid for the event
      iv. paying Council's Road Event Application Fee prior to the event
      v. provide a debrief of the event to the Traffic and Transport Planner within two weeks of the conclusion of the event (Richardson/Hackett)

COMMITTEE REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 **Report of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 2 March 2017**
File No: I2017/1026

17-331 **Resolved** that Council note the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 2 March 2017. (Richardson/Hackett)

17-332 **Resolved** that Council adopt the following Committee Recommendation:

Report No. 4.1 Arakwal Mou Implementation Plan 2017/18
File No: I2017/218

Committee Recommendation 4.1.1

1. That the Arakwal MoU Advisory Committee recommend that Council note the progress on the implementation of the Arakwal Memorandum of Understanding for the reporting period 2015-16.

2. That the Arakwal MoU Advisory Committee recommend that Council endorse the Arakwal Memorandum of Understanding Implementation Plan 2017-18 and identify the priority projects from the Arakwal MoU for implementation in 2017-18, as being:
   - Emphasis on protecting wetlands and estuaries, including Belongil, Tallow Beach, Clarkes Beach, West Byron, Cumbebin Swamp, and adjacent to the Island Quarry.

3. That a meeting be convened with the Arakwal Corporation and Council to discuss matters relating to Sandhills Estate (MoU No. 5.2.3).

4. That the Committee note a meeting is being held next week with the Office of Environment and Heritage, Council and the NCHPT on stormwater issues from Clarkes Beach Holiday Park (MoU No. 4.2.2).

5. That the Manager Utilities be invited to the next meeting to provide an update on works being carried out within the Belongil catchment and Clarkes Beach midden, and to also discuss the appointment of an Arakwal representative on the Waste, Water and Sewer Advisory Committee. (Richardson/Hackett)

17-333 **Resolved** that Council adopt the following Committee Recommendation:

Report No. 4.2 Arakwal Area at the Byron Bay Cemetery Update
File No: I2017/219

Committee Recommendation 4.2.1

1. That the Arakwal Memorandum of Understanding Advisory Committee recommend that Council note the progress on this project and provide further direction for the next stage of this project.

2. That a working party be formed to determine how the Arakwal section of the Byron Bay Cemetery will operate. (Richardson/Hackett)

17-334 **Resolved** that Council adopt the following Committee Recommendation:

Report No. 4.3 Byron Shire Aboriginal Cultural Heritage Study
File No: I2017/220

Committee Recommendation 4.3.1

That the Arakwal MoU Advisory Committee recommend that Council note the progress of the Aboriginal Cultural Heritage Study 2017. (Richardson/Hackett)

17-335 **Resolved** that Council adopt the following Committee Recommendation:

Report No. 4.4 Aboriginal Cultural Events in the Byron Shire
File No: I2017/221

Committee Recommendation 4.4.1

That the Arakwal Memorandum of Understanding Advisory Committee recommend that Council note the development and delivery of cultural activities and events for this reporting period.
(Hackett/Richardson)

Report No. 14.2 **Report of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 15 June 2017**
File No: I2017/1072

17-336 **Resolved** that Council note the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 15 June 2017. (Richardson/Hackett)

17-337 **Resolved** that Council adopt the following Committee Recommendation:

Report No. 4.1 Aboriginal Cultural Heritage Consultation - Position Statement
File No: I2017/668

Committee Recommendation 4.1.1

That Council adopt the Aboriginal Cultural Heritage Statement, subject to a presentation to the next Councillor Strategic Planning Workshop, prior to this matter being reported to Council.
(Richardson/Hackett)

17-338 **Resolved** that Council adopt the following Committee Recommendation:

Report No. 4.2 Aboriginal Services Coalition Update
File No: I2017/672

Committee Recommendation 4.2.1

1. That Council note the progress of the Aboriginal Services Coalition's project to increase Aboriginal Service delivery in the Byron Shire.

2. That Council commend the Aboriginal Services Coalition Working Group for their efforts.
(Richardson/Hackett)

17-339 **Resolved** that Council adopt the following Committee Recommendation:

Report No. 4.3 Arakwal Section at the Byron Bay Cemetery Progress Report
File No: I2017/669

Committee Recommendation 4.3.1

1. That the report be noted.

2. That Council consider the wavering of fees in conjunction with an agreement with the Arakwal Corporation for the care and maintenance of the site.

3. That Council investigate funding options for the development of the Arakwal Section at the Byron Bay Cemetery. (Richardson/Hackett)

17-340 **Resolved** that Council adopt the following Committee Recommendation:

Report No. 4.4 Aboriginal Cultural Heritage Study Update
File No: I2017/689

Committee Recommendation 4.4.1

That the report be noted. (Richardson/Hackett)

17-341 **Resolved** that Council adopt the following Committee Recommendation:

Report No. 4.5 Flying Fox Management Plan Consultation
File No: I2017/690

Committee Recommendation 4.5.1

That the presentation be noted. (Richardson/Hackett)

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.3 **Report of the Local Traffic Committee Meeting held on 18 July 2017**
File No: I2017/1004

17-342 **Resolved** that Council note the minutes of the Local Traffic Committee Meeting held on 18 July 2017. (Richardson/Hackett)

17-343 **Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 6.1 Traffic – Lucky Lane, Billinudgel – Regulatory Signage - Stop to Give Way
File No: I2017/595

Committee Recommendation 6.1.1

That Council:

1. revise the intersection at Lucky Lane and Bonanza Drive, Billinudgel from stop to give way, which includes bringing the hold line forward and signage, when funding is available.

2. inspect vegetation at the intersection of Lucky Lane and Bonanza Drive, Billinudgel to insure appropriate line of sight is available for vehicles and, if required, undertake trimming of vegetation. (Richardson/Hackett)

17-344 **Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 6.2 Traffic - Stuart Street 152 - Regulatory Signage - No Parking 1:00am to 6:00am at Mullumbimby Community Garden
File No: I2017/654

Committee Recommendation 6.2.1

That Council regulate parking at the Mullumbimby Community Gardens, located at 152 Stuart Street, Mullumbimby; including installing 'No Parking 1:00am to 6:00am' signage, when funds become available. (Richardson/Hackett)

17-345 **Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 6.3 Traffic - Main Arm Road 911 - Regulatory signage - No Stopping - Main Arm Rural Fire Service
File No: I2017/930

Committee Recommendation 6.3.1

That Council:

1. note that it is an offence to park across a driveway.

2. advise the Main Arm Rural Fire Service to install 'No Parking' signage on the gate and the Rural Fire Service building. (Richardson/Hackett)

17-346 **Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 7.1 Traffic - Old Bangalow Road 86 - Advisory sign - Wildlife Sign request
File No: I2017/617

Committee Recommendation 7.1.1

That Council install two Koala wildlife signs near 19 and 162 Old Bangalow Road, Byron Bay, when funds become available in 2017/2018. (Richardson/Hackett)

17-347 **Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 7.2 Traffic - Office of Transport Safety Investigations (OTSI) - Informal Bus Stops - Findings and Recommendations
File No: I2017/626

Committee Recommendation 7.2.1

That Council:

1. note the Local Traffic Committee comments.

2. provide the Local Traffic Committee comments to the Council's Traffic and Transport Planner. (Richardson/Hackett)

17-348 **Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 7.3 Traffic - Lateen Lane - Regulatory Signage - Proposed Shared Zone
File No: I2017/829

Committee Recommendation 7.3.1

1. That Council note the Local Traffic Committee comments.

2. That Council supports Lateen Lane becoming a shared zone, in principal, should it meet RMS warrants.

3. That further investigation be undertaken, including consideration of the installation of traffic calming devices where warranted. (Richardson/Hackett)

17-349 **Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 7.4 Traffic - Bay Lane - Regulatory Signage - Proposed Shared Zone
File No: I2017/951

Committee Recommendation 7.4.1

1. That Council note the Local Traffic Committee comments.

2. That Council supports Bay Lane becoming a shared zone, in principal, should it meet RMS warrants.

3. That further investigation be undertaken, including consideration of the installation of traffic calming devices where warranted. (Richardson/Hackett)

17-350 **Resolved** that Council does not adopt Committee Recommendation(s) 8.1 as shown in the attachment to this report, but instead adopts the Management Recommendation(s) as follows:

Report No. 8.1 DA - Byron Writers Festival 2017 - Road Closure - 4 August to 6 August 2017
File No: I2017/659

Management Recommendation 8.1.1

1. That Council note that the Byron Bay Writers Festival and Ideas Market have an existing development consent approval (DA 10.2016.251.1) for an annual event for the years 2016, 2017 and 2018, which includes approved Traffic Control Plan numbers 160606-16297TCP1, 160606-16297TCP2, 160606-16297TCP3 and 160606-16297TCP4.

2. That Council note Traffic Control Plan numbers 160606-16297TCP1, 160606-16297TCP2, 160606-16297TCP3 and 160606-16297TCP4, as approved in 2016 by the development consent approval (DA 10.2016.251.1), were utilised for the Byron Bay Writers Festival and Ideas Market 2017, held Friday 4 August to Sunday 6 August 2017.

3. That Council endorse, in principal, the updated Traffic Management Plan (TMP) and Spinifex Recruiting Traffic Control Plans (TCPs) for the Byron Bay Writers Festival and Ideas Market (attached), as reviewed by the Local Traffic Committee, subject to:

    a) the TMP and TCPs being modified to include provision for a formalised central crossing point for pedestrians between the event site and the designated car park, including fencing to direct pedestrian to the centralised crossing point and restrict random pedestrian crossing of Bayshore Drive.
    b) approval to modify DA 10.2016.251.1 consent is obtained to reflect the updated TMP and TCPs prior to implementation.
    c) separate approvals by NSW Police and RMS being obtained.
    d) implementation of the approved Traffic Management Plan and Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation.
    e) that the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
    f) the event be notified on Council's webpage.
    g) the event organiser:
        i) undertake consultation with community and affected businesses including adequate

response/action to any raised concerns.
ii) undertake consultation with emergency services and any identified issues addressed.
iii) hold $20m public liability insurance cover which is valid for the event.

4. That the event organisers be advised that prior to implementation of any modified TMPs and/or TCPs a separate Section 96 application to be lodged with Council, to amend the existing development consent approval (DA 10.2016.251.1). (Richardson/Hackett)

17-351 **Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 8.2 DA - Festival of the Stone 2017 - Road Closure - Sunday 11 June 2017
File No: I2017/785

Committee Recommendation 8.2.1

That Council note the Traffic Control and Traffic Management Plans, as attached, which were utilised for the Festival of the Stone 2017, held Sunday 11 June 2017. (Richardson/Hackett)

PROCEDURAL MOTION

17-352 **Resolved** that Council change the order of business to deal with items 9.2, 13.11 and 13.13 next on the Agenda and that item 9.4 is considered after 9.1 and item 9.5 is considered after 9.3. (Richardson/Coorey)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 9.2 **Renewal of the Tourism Advisory Committee**
File No: I2017/1074

17-353 **Resolved:**

1. That Council confirm its commitment to sustainable tourism in Byron Shire as per the Tourism Management Plan 2008-2018.

2. That staff prepare a report on the progress of the ACTIONS of the Tourism Management Plan 2008-2018, as well as a project plan for the development of the new Tourism Management Plan.

3. That the report be prepared and presented no later than the last Ordinary Meeting of 2017. (Coorey/Cameron)

PROCEDURAL MOTION

17-354 **Resolved** that Cr Cameron be granted a two minute extension to his speech. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

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

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.11 **Expressions of Interest for membership of Northern Villages Guidance Group**
File No: I2017/991

17-355 **Resolved** that Council:

1. Appoint all community members that nominated for the Northern Villages Guidance Group from the respondents at Confidential Attachment 1 (E2017/76365).

2. Appoint Crs Richardson, Lyon and Coorey to be members of the Northern Villages Guidance Group. (Richardson/Cameron)

The motion was put to the vote and declared carried.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.13 **Bangalow Parking Strategy**
File No: I2017/349

Moved:

1. That Council endorse the implementation of the changes to the parking time limits in the Bangalow town centre, as depicted in the proposed parking times in Figure 1, being 1P throughout Byron Street and part of Station Street, with 2P in the remainder of Station Street.

2. That Council receive a report following a six month review of changed parking times that includes data on infringements and considered further advice of the Bangalow Guidance Group regarding the possible implementation of pay parking in Bangalow.

3. That council consult with the Bangalow Guidance Group to identify pedestrian and mobility improvements that would be required for a successful implementation of paid parking.
(Cameron/Hackett)

AMENDMENT

17-356 **Resolved:**

1. That Council endorse the implementation of the changes to the parking time limits in the Bangalow town centre, as depicted in the proposed parking times in Figure 1, being 1P throughout Byron Street and part of Station Street, with 2P in the remainder of Station Street.

2. That Council endorse the introduction of a Bangalow Town Centre Pay Parking Scheme, which is in line with the existing Byron Bay town centre parking scheme.

3. That the Bangalow Town Centre Pay Parking Scheme:
   - applies a unilateral parking charge of $4 per hour; and
   - incorporates annual exemptions in accordance with Council's approved fees and charges.

4. That a pay parking area be endorsed as depicted in Figure 2, which covers:
   a) Byron Street, from the roundabout crossing Granuaille Road to Market Street; and

b) Station Street, excluding the all day car park to the south.

5. That Roads and Maritime Services (RMS) concurrence be sought prior to the implementation of the Bangalow Town Centre Pay Parking Scheme.

6. That Council approve a budget of $75,000 to implement the paid parking scheme and revised parking time limits, from the Pay Parking Reserve.

7. That Council receive a report after twelve (12) months of the Bangalow Pay Parking Scheme being in operation, to review:
   - operational costs;
   - revenue;
   - effect on the Bangalow Village and locality; and
   - projects funded by the scheme.

8. That Council dedicate all net revenue received from pay parking in Bangalow to infrastructure projects identified by the Bangalow Village Plan Guidance Group and in Council's asset management plan and that those projects be incorporated into the annual Council budgetary process.

9. That the paid parking scheme commence 1 January 2018 and prior to this commencement Council work alongside Bangalow Guidance Group to identify:
   a) projects to be funded from revenues raised, including pedestrian, cycling and mobility improvements as priorities identified in the consultation.
   b) impacts and implications of paid parking on the overall Masterplan of Bangalow including parking outside the town centre.
   c) design and locations of pay stations that acknowledge the heritage nature of the main street. (Richardson/Spooner)

PROCEDURAL MOTION

17-357 **Resolved** that Cr Richardson be granted a two minute extension to his speech.
(Cameron/Ndiaye)

The motion was put to the vote and declared carried.

The amendment was put to the vote and declared carried.
Crs Lyon and Cameron voted against the amendment.

The amendment upon becoming the substantive motion was put to the vote and declared carried.
Crs Cameron and Hackett voted against the motion.

MAYORAL MINUTE

Mayoral Minute No. 8.1 **Establishing a Tourism Councils Advocacy Alliance**
File No: I2017/1016

17-358 **Resolved** that Council:

1. Endorse the establishment of a Tourism Councils Advocacy Alliance (suggested name only, to be finalised by the Alliance).

2. Support the Alliance being led by Byron Shire Council including the initial resourcing of the secretariat function to establish and run the Alliance.

3. Endorse membership to the new Alliance being open to all Australian councils impacted by tourism, and that a letter of invitation for membership be sent to council Mayors, Councillors and/or General Managers – to be signed by both the Byron Shire Mayor and/or General Manager.

4. Endorse the Alliance's draft key roles, responsibilities and governance structure (see Mayoral Minute Background Information) which will be clearly communicated in the invitation sent to prospective members, to attract councils with an interest in the vision, charter and objectives of the group.

5. Support the public announcement of the Alliance's establishment including setting of a provisional date/timeframe for the Alliance's first meeting.

6. Within the first meeting as outlined in step 2 within the background notes, include as an agenda item financial sustainability of the group and membership criteria. (Richardson)

The motion was put to the vote and declared carried.

The meeting adjourned at 6.25pm for dinner and reconvened at 7.10pm.

NOTICES OF MOTION

Notice of Motion No. 9.1 **Review of Traffic and Roadworks for Ewingsdale Road**
File No: I2017/1073

17-359 Resolved:

1. That Council review its plans and strategies for transport management including roadworks through the Ewingsdale transport corridor and access to the Byron Bay town centre in order to identify actions to reduce the number of cars entering Byron Bay township and strategies to increase alternative transport modes within the corridor.

2. That staff undertake an assessment of future transport needs through the Ewingsdale transport corridor and access into Byron Bay town centre in light of all relevant available data including, but not limited to:

   i) MR545 Study
   ii) Byron Bay Town Centre Masterplan
   iii) Findings of the Access and Movement Strategy
   iv) Current and future projections of tourist numbers
   v) Byron Zero Emissions Strategy
   vi) EV Strategy
   vii) Any other relevant studies and data

3. That Council reiterates its commitment to reducing traffic in Byron Town Centre and creating opportunities for more public transport, pedestrians and bicycles. (Coorey/Cameron)

PROCEDURAL MOTION

17-360 Resolved that Cr Coorey be granted a two minute extension to her speech.
(Richardson/Cameron)

The motion was put to the vote and declared carried.

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

Notice of Motion No. 9.4 **Change of Council Ordinary Meeting Date**
File No: I2017/1085

17-361 **Resolved** that Council change the date for the October Council Ordinary meeting from 19 October 2017 to 26 October 2017. (Richardson/Cameron)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.3 **Progress of Council's Resolutions**
File No: I2017/1075

17-362 **Resolved:**

1. That at the next possible Strategic Planning Workshop Council discuss ways to keep Councillors and the community informed of the current status of resolutions.

2. That following this discussion a report be brought outlining possible layouts and methods of reporting the status of resolutions. (Coorey/Hackett)

The motion was put to the vote and declared carried.
Crs Lyon and Spooner voted against the motion.

Notice of Motion No. 9.5 **Support for a Tourism Accommodation Levy**
File No: I2017/1086

17-363 **Resolved** that Council:

1. Reiterates its support for a bed tax/tourism accommodation levy.
2. Write to the State Government, requesting that if it falls short of supporting a bed tax/tourism accommodation levy, it establishes an expressions of interest process seeking submissions from Local Government Areas to act as trial locations for the implementation and management of a trial bed tax/tourism accommodation levy.
3. Nominate itself for such a trial should this process be forthcoming
4. Write to all local representatives seeking their support, and to all political party leaders also seeking support.
5. Write to NSW councils seeking support to participate in the trial.
6. Prepare a position paper to form part of the Council submission to the NSW Government Short Term Holiday Letting Options Paper to reiterate its support for a bed tax/tourism accommodation levy. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

PETITIONS

Petition No. 10.1 **Repair and Resurfacing Coolamon Avenue Mullumbimby**
File No: I2017/924

17-364 **Resolved** that the petition regarding Repair and Resurfacing Coolamon Avenue Mullumbimby be noted. (Richardson/Lyon)

The motion was put to the vote and declared carried.

SUBMISSIONS AND GRANTS

Report No. 11.1 **Byron Shire Council Submissions and Grants as at 2 August 2017**
File No: I2017/1019

17-365 **Resolved** that Council note the report. (Richardson/Cameron)

The motion was put to the vote and declared carried.

DELEGATES' REPORTS

1. Tourism Symposium 18 August 2017

Cr Richardson advised Council:

As a delegate, as part of the ex- officio role of Destination Byron, I attended a tourism symposium last Friday. I think there was a bit of coming of age of Destination Byron in that rather than just doing marketing and similar, it was really focused on making tourism sustainable. They brought in the ex-Mayor from Queenstown, New Zealand to share her stories and someone from the Great Ocean Road to share their stories as well. We had fantastic panelists and really specific topics that had the same theme all day, ie how do we make tourism sustainable for the communities that pay host to it?

It really was quite an impressive day and full of good activities. We got a fair bit of media from it too about gains from a council point of view, trying to advocate for sustainable tourism. It was really well attended by not just Byron people and we had councillors from Clarence Valley and elsewhere.

Hopefully we can get more of those conversations and we can be part of that catalyst for having the conversations.

Cr Spooner took a moment during this item to acknowledge the passing of Lanie Reed, a long term resident of the Shire and expressed his condolences to the Reed family.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.1 **Richmond Tweed Regional Library Deed of Agreement**
File No: I2017/960

17-366 **Resolved** that in relation to the Richmond Tweed Regional Library Deed of Agreement, Council:

a) Adopt the Deed of Agreement.
b) Delegate the General Manager to finalise and execute the Deed.
c) Appoint Lismore City Council as the Executive Council of the Richmond Tweed Regional Library.
d) Appoint two Councillors to the Richmond Tweed Regional Library Committee members and one alternate Committee Member once notice has been given that the Committee has been formed. (Ndiaye/Richardson)

The motion was put to the vote and declared carried.

Report No. 13.3 **Election of Deputy Mayor 2017-2018**
File No: I2017/1104

17-367 **Resolved:**

1. That Council elect a Deputy Mayor for the period from 21 September 2017 until the first meeting of Council in September 2018.

2. That the method of election of the Deputy Mayor be by way of ordinary ballot.

(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

The returning officer advised that there was one nomination for Deputy Mayor being Cr Cameron.

As there were no further nominations the returning officer declared Cr Cameron elected as Deputy Mayor for the ensuing 12 month period.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.8 **Power Up - Northern Rivers Electric Vehicle Strategy**
File No: I2017/508

Moved that Council:

1. Note the draft strategy and undertake further work to develop

   - Actions based on encouraging the development, implementation and support of car share and ride share schemes.
   - A better understanding of the embedded carbon emissions in the manufacture of EV components and vehicles.
   - An understanding of the impact of shifting of energy demands from ICE to EVs on both green power and traditional energy sources in the short to medium term as well a possible increase in emissions from a rapid move to EVs without considering other market and technological factors.
   - Integration of increased EV uptake with actions to improve active and public transport options.

2. Support eco-friendly priority/designated car parking spaces for carpooling for EVs and hybrids.

3. Schedule a Councillor workshop to discuss the draft strategy. (Cameron/Hackett)

PROCEDURAL MOTION

17-368 **Resolved** that Cr Cameron be granted a two minute extension to his speech.

(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

AMENDMENT

17-369 **Resolved** that Council endorse the Strategy and have a Strategic Planning Workshop to discuss implementation, implications and possible incentives. (Richardson/Ndiaye)

The amendment was put to the vote and declared carried.
Crs Coorey, Cameron and Hackett voted against the amendment.

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

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.14 **Draft Plan of Management - Byron Bay Recreation Ground**
File No: I2017/429

Cr Spooner declared a pecuniary interest in relation to this matter. As such, he elected to leave the Chamber and not participate in the discussion or vote.

17-370 **Resolved** that this matter be deferred so that information be shared at the next available Strategic Planning Workshop and at this workshop other Plans of Management in the Byron Shire areas and examples of other shire's plans are shared. (Ndiaye/Richardson)

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

Cr Spooner returned to the meeting at 8.51pm.

Report No. 13.15 **Review of Pay Parking for Byron Bay**
File No: I2017/164

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

17-371 **Resolved** that Council endorses the review of Pay Parking in Byron Bay and the following recommendations:

1. That tighter business rules be developed and implemented around E-permit access and eligibility, noting that resource levels need to be able to meet demand required for verification, and it is preferred that E-permits are obtained online and there be a review of the E-permit data and system, including online portal and management.

2. That a review be undertaken of E-permits in regard to the number of permits on issue to specific households and businesses and the financial implications of maintaining and / or modifying this aspect of the pay parking system.

3. That consistent hourly rate charges remain across all zones.

4. That current time limits within the scheme remain unchanged until such time future reviews or audits identify need for change.

5. That a five year objective be to increase the use of cashless options to represent no less than 50% of all transactions in order to minimise future cash collection costs.

6. That an audit of the Pay Parking scheme be carried out no later than December 2018 and thereafter every three years. The audit report to be presented to Council for endorsement and a copy to be forwarded to the RMS within one month of endorsement in accordance with statutory requirements.

7. That Council receive a performance review report annually in relation to the e-permit and pay parking scheme together with a separate performance report on infringement and enforcement.

8. That Council receive a report on the costs of obtaining number plate origin information for the purpose of determining the costs of extending the e-permit to immediate surrounding areas of the Shire. (Lyon/Richardson)

PROCEDURAL MOTION

17-372 **Resolved** that the meeting be extended past 9.00pm to 9.30pm in order to complete the remaining business. (Richardson/Coorey)

The motion was put to the vote and declared carried.

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

Report No. 13.16 Mullumbimby Parking Management Strategy
File No: I2017/416

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

17-373 **Resolved:**

1. That Council note the Mullumbimby Town Centre Parking Management Strategy (E2016/80919) prepared by Traffic and Parking Systems Group (TPS) as a basis for community engagement.

2. That consultation be undertaken with the Mullumbimby community regarding the possible implementation of a revised parking layout in the town centre.

3. That a budget of $10,000 is allocated from the Pay Parking Reserve to perform the investigation and community consultation with the Mullumbimby community regarding the possible implementation of a revised parking layout in the town centre.

4. That Council consider the results of the investigation and community consultation at the 23 November 2017 meeting in determining its adoption of a possible revised parking management strategy. (Richardson/Cameron)

The motion was put to the vote and declared carried.

Report No. 13.19 Mullumbimby Skate Park Lighting Options
File No: I2017/1088

17-374 **Resolved** that Council approve the installation of skate park lighting and upgrade of existing lighting and that:

a) Additional consultation be undertaken with local residents and the skating community.
b) $30,000 is allocated from s94 funds for the project
c) a review be provided after 12 months
d) the fade facility to be extended to two minutes
e) the lighting is turned off at 9.00pm (Ndiaye/Richardson)

The motion was put to the vote and declared carried.

URGENCY MOTION

PROCEDURAL MOTION

17-375 **Resolved** that the matter of North Byron Parklands be discussed as a matter of urgency, the urgency being that the Planning Assessment Commission is meeting next week and there will be no option prior to then to consider the issues raised by the motion. (Cameron/Coorey)

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

No. 1 Matter of Urgency - North Byron Parklands

Cr Spooner declared a pecuniary interest in this matter. As such, he left the Chamber, did not participate in discussion and vote.

17-376 **Resolved** that Council:

1. Note that Condition C1 of the Planning Assessment Commission determination and Concept Plan for the Parklands trial approval states that Byron Shire Council is to give further approvals for any events on the site after the end of 2017 and that Council reserves that right;

2. Notify the Planning Assessment Commission that Council will support an extension of the approval for the North Byron Parklands to enable the Falls Festival to take place;

3. Convey to the PAC that Council believes it is unfortunate that the organiser for the Falls Festival 2017/2018 is releasing tickets for sale on the day that the PAC is holding a community public meeting as part of the assessment process;

4. Express concerns, as conveyed by the Tweed Local Area Police Command, that the site could not be evacuated within 8 hours in the event of an emergency such as a fire, flood or terror attack; and

5. Advise the PAC of the many breaches by event organisers of conditions of consent and the lack of responsiveness to community concerns in rectifying those breaches.

6. Note the lack of resolution on attenuation and other issues impacting on 'affected receivers' as required by the initial approval. (Cameron/Coorey)

PROCEDURAL MOTION

17-377 **Resolved** that that the meeting be extended past 9.30pm to 9.40pm to complete this item. (Richardson/Cameron)

The motion was put to the vote and declared carried.

The motion (Cameron/Coorey) was put to the vote and declared carried.
Crs Richardson and Martin voted against the motion.

There being no further business the meeting concluded at 9.50pm.

I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council's Ordinary Meeting on 21 September 2017.

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Mayor Simon Richardson