



# Byron Shire Council



## Minutes

Ordinary Meeting

Thursday, 22 March 2018

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
22 March 2018

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**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY,  
22 MARCH 2018 COMMENCING AT 9.04AM AND CONCLUDING AT 6.55PM**

I2018/479

**PRESENT:** Cr S Richardson (Mayor), Cr B Cameron, Cr C Coorey, Cr J Hackett, Cr A Hunter  
(arrived at 11.46am), Cr M Lyon, Cr J Martin, Cr S Ndiaye and Cr P Spooner

**Staff:** Mark Arnold (Acting General Manager)  
James Brickley (Acting Director Corporate and Community Services)  
Phil Warner (Acting Director Infrastructure Services)  
Shannon Burt (Director Sustainable Environment and Economy)  
Ralph James (Legal Counsel)  
Chris Larkin (Manager Sustainable Development – item 13.24)  
Chris Soulsby (Development Planning Officer s94 and s64 – item 9.2)  
Jodi Frawley (Grants Coordinator – item 13.9)  
David Royston Jennings/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.*

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**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:

**9.1 Independent Review of Byron Shire Council's Organisation and Governance**

*John Anderson addressed Council against the recommendation.*

**9.6 Protection and Public Access – Scarabelottis Lookout and Keyes Bridge Reserve**

*Luella Copeland-Smith addressed Council in favour of the recommendation.*

**9.7 Poker Machines in Byron Shire**

*Alex Andrews addressed Council in favour of the recommendation.*

**13.5 Proposed Amendments to Council's Code of Meeting Practice**

*John Anderson addressed Council against the recommendation.*

**13.20 PLANNING - Development Application 10.2017.715.1 Farm Stay Accommodation 252  
Middle Pocket Road Middle Pocket**

*Iain Reynolds, representing local residents, and David Wallace, representing Victims of Holiday Letting, addressed Council against the recommendation.*

**13.24 Update - Barrio Eatery and Bar, 1 Porter Street, Byron Bay - Enforcement  
proceedings**

*Brandon Saul and Tristan Grier, representing Barrio Eatery and Bar, addressed Council in favour of the recommendation.*

*Gael Nash, representing Bayshore Apartments Owners and Residents, and David Dixon addressed Council against the recommendation.*

**13.26 Tyagarah Clothes Optional Declaration**

*Debra Conomy addressed Council in favour of the recommendation.*

**Submission No. 1 Tree House at 77 Massinger Street, Byron Bay**

*Mel Coppin made a submission to Council regarding Tree House at 77 Massinger Street, Byron Bay*

**Submission No. 2 Middle Pocket Road Petition**

*Simon Dods made a submission to Council regarding Middle Pocket Road Petition*

**Submission No. 3 Delegated Authority**

*John Anderson made a submission to Council regarding delegated authority.*

**Question No. 1 West Byron Sewerage Treatment Plant**

Patricia Warren asked the following question:

*What are the volumes and telemetry generated pump hours for reuse been supplied to Byron Bay Golf Club from West Byron Sewerage Treatment Plant per annum over the last 3 years?*

**Question No. 2 Brunswick Valley Sewerage Treatment Plant**

Sonia Laverty asked the following question:

*What are the daily inflows and rainfall at Brunswick Valley Sewerage Treatment Plant 30th January to date at EPA Monitoring Point 5?*

**Question No. 3 Brunswick Heads STP**

Matthew O'Reilly asked the following question:

*The Brunswick Heads STP ponds have been filled in and capped with some sort of gravel/sand material but no vegetation planting has occurred but what is alarming is the southern end which slopes to the Byron Marine Park and Simpsons Creek has eroded and the geotextile material used to cover the contaminated fill is already exposed. No community consultation took place regarding the use of contaminated fill and the creek banks have all been fenced off (where the community once walked). The contaminated material appears to already be exposed despite having hardly any rain and this does not appear to be best practice considering the potential to contaminate Cape Byron Marine Park. Can Council please provide details on what its final plans for the Brunswick STP site are and why no consultation has taken place with the Brunswick Heads community regarding the recent remediation program and the use of contaminated fill and what contingencies are in place for the exposure of contaminated material caused by erosion of the capping material?*

**Question No. 4 Coronial Inquest Barrister**

John Anderson asked the following question:

*Whose decision was it to engage a barrister Mr Guihot from Sir Owen Dixon chambers in Sydney for the coronial inquest into the death of a swimmer at Island Quarry, held last December, when*

*during the procedures Mr Guihot had nothing to say except that Council wasn't involved, which any junior local lawyer could have said, and what was the total cost to Council for said lawyer and his assistance, including airfares and 4 days accommodation?*

*The meeting adjourned at 10.36am and reconvened at 10.55am.*

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### APOLOGIES

There were no apologies.

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### REQUESTS FOR LEAVE OF ABSENCE

There was a request for a leave of absence for Cr Hunter until 12.00pm on 22 March 2018.

### PROCEDURAL MOTION

- 18-120 Resolved** that Cr Hunter be granted a leave of absence until 12.00pm on 22 March 2018.  
(Richardson/Lyon)
- The motion was put to the vote and declared carried.*

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### DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Lyon declared a non-significant, non-pecuniary interest in Report 16.5. The nature of the interest being that he lives nearby and can be inconvenienced by the potential decision. Cr Lyon elected to remain in the Chamber and will participate in discussion and the vote.

Cr Ndiaye declared a not significant non-pecuniary interest in Report 14.4. The nature of the interest being she works on site at Bluesfest managing photographers. The traffic report has no impact on her pay or role. Cr Ndiaye elected to remain in the Chamber and will not participate in the debate and will not vote.

Cr Cameron declared a special disclosure of non-pecuniary interest under s451 of the Local Government (General) Regulations 2005 in Report 13.15. The nature of the interest being that his property will be affected.

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### TABLING OF PECUNIARY INTEREST RETURNS

A Pecuniary Interest Return was tabled for Daniel Harper.

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### ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 18-121 Resolved** that the minutes of the following meetings be confirmed:
- Ordinary Meeting held 22 February 2018
  - Byron Shire Reserve Trust Committee held 22 February 2018 (Coorey/Spooner)

*The motion was put to the vote and declared carried.*



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**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****General Manager**

Report No. 13.1 Byron Bay Town Centre Masterplan Leadership Team 2018

**Corporate and Community Services**

Report No. 13.4 Draft Policy: Community Initiatives Policy (Section 356) following period of public exhibition

Report No. 13.5 Proposed Amendments to Council's Code of Meeting Practice

Report No. 13.6 A new strategic approach to Public Art - revised Public Art Policy and new Draft Public Art Strategy

Report No. 13.7 Joint Organisation of Councils

Report No. 13.9 Stronger Country Communities Fund Round 2

Report No. 13.11 National General Assembly of Local Government 2018

Report No. 13.12 Councillor Nomination to Cape Byron Marine Park Advisory Committee

**Sustainable Environment and Economy**

Report No. 13.14 PLANNING - Development Application 10.2017.619.1 Staged Development - Stage 1 Strata Subdivision to Create Two (2) Lots , Stage 2 Alterations and Additions to Existing Shed to Create a Detached Dual Occupancy 19 Alooata Crescent Ocean Shores

Report No. 13.15 PLANNING - Update on Environmental Zone review and Planning Proposal implementation process

Report No. 13.17 Byron Shire Bush Fire Prone Land Mapping

Report No. 13.19 PLANNING - Development Application 10.2017.450.1 Dual Occupancy (Detached) and Strata Subdivision at 40 Charlotte Street Bangalow

Report No. 13.20 PLANNING - Development Application 10.2017.715.1 Farm Stay Accommodation 252 Middle Pocket Road Middle Pocket

Report No. 13.21 PLANNING - Development Application 10.2017.600.1 - Strata Subdivision to create two (2) Strata Lots at 10 Rangal Road, Ocean Shores

Report No. 13.23 Expressions of Interest for the Multi Use of Byron Shire Rail Corridor

Report No. 13.24 Update - Barrio Eatery and Bar, 1 Porter Street, Byron Bay - Enforcement proceedings

**Infrastructure Services**

Report No. 13.26 Tyagarah Clothes Optional Declaration - results of the enhanced stakeholder safety initiatives of Res 17-499 and Res 17-715

Report No. 13.29 Water and Sewer Equivalent Tenements Policy

**CONFIDENTIAL REPORTS****Corporate and Community Services**

Report No. 16.1 CONFIDENTIAL - Development Application 10.2017.474.1 multi-dwelling housing consisting of twenty five (25) 1 bedrooms 70-90 Station Street Mullumbimby

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. 18-122 and concluding with Resolution No. 18-157. Cr Hunter was not present for the vote.

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### SUBMISSIONS AND GRANTS

**Report No. 11.1**      **Byron Shire Council Submissions and Grants as at 28 February 2018**  
**File No:**              I2018/338

**18-122 Resolved** that Council note the report and Attachment (E2018/15209).      (Richardson/Cameron)

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### STAFF REPORTS – GENERAL MANAGER

**Report No. 13.2**      **Report of the Communications Panel Meeting held on 14 September 2017**  
**File No:**              I2018/271

**18-123 Resolved** that Council note the minutes of the Communications Panel Meeting held on 14 September 2017.      (Richardson/Cameron)

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**Report No. 13.3**      **Report of the Communications Panel Meeting held on 13 February 2018**  
**File No:**              I2018/368

**18-124 Resolved** that Council note the minutes of the Communications Panel Meeting held on 13 February 2018.      (Richardson/Cameron)

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### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 13.8**      **Council Investments February 2018**  
**File No:**              I2018/360

**18-125 Resolved** that the report listing Council's investments and overall cash position as at 28 February 2018 be noted.      (Richardson/Cameron)

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**Report No. 13.10**      **Audit of tree removals in Railway Park Byron Bay**  
**File No:**              I2018/382

**18-126 Resolved** that Council:

1. Receive the audit report into the tree removals in Railway Park Byron Bay prepared by independent consultants Sinc Solutions (attachment 1, E2018/19397)
2. Note the recommendations contained in the report      (Richardson/Cameron)

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### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.13**      **Report of the Planning Review Committee Meeting held on 22 February 2018**  
**File No:**              I2018/24

**18-127 Resolved** that the report be noted.      (Richardson/Cameron)

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**Report No. 13.16      Easy to do Business Program**  
**File No:                I2018/97**

**18-128 Resolved** that Council:

1. Approves joining the 'Easy to do Business' Program in partnership with Service NSW.
2. Delegates the General Manager to enter into a Service Partnership Agreement with Service NSW in accordance with the requirements under the Service NSW (One-stop Access to Government Services) Act 2013.
3. Approves any necessary documents be executed under the Common Seal of Council.  
(Richardson/Cameron)

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**Report No. 13.18      PLANNING - Development Application 10.2017.163.1 for Alterations and Additions to Existing Dwelling House including a Garage, Studio, Roofed Deck and Temporary Storage Shed with Attached Carport to be Decommissioned at the Completion of Construction at 126 Coolamon Scenic Drive Ewingsdale**  
**File No:                I2018/252**

- 18-129 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application no. 10.2017.163.1 for Alterations and Additions to Existing Dwelling House including a Garage, Studio, Roofed Deck and Temporary Storage Shed with Attached Carport to be Decommissioned at the Completion of Construction be granted consent subject to the following conditions in Attachment 2 (#E2018/13678).  
(Richardson/Cameron)

*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 Councillors voted against the motion.*

*Cr Hunter was not present for the vote.*

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**Report No. 13.22      PLANNING - 24.2017.82.1 'Housekeeping' Amendment - Byron DCP 2014 (Various Chapters)**  
**File No:                I2018/356**

**18-130 Resolved:**

1. That Council adopts the exhibited amendments to Byron DCP 2014 with the following changes:
  - a) removal of *Chapter D9: Child Care Centres*;
  - b) amendment to *B3.2.1 Provision of Services* as contained in Attachment 1; and
  - c) amendment to *D1.2.2 Setbacks from Boundaries* as contained in Attachment 1.
2. Adopt the Byron DCP 2014 amendment and give public notice of the decision within 28 days.  
(Richardson/Cameron)

*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 Councillors voted against the motion.*

*Cr Hunter was not present for the vote.*

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**STAFF REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 13.25      Loan Funding - Eureka Bridge Embankment Repairs and Replacement of Five Bridges**  
**File No:                I2018/230**

**18-131   Resolved:**

1. That Council authorise the borrowing of \$1,665,000 through an Expression of Interest (EOI) process prior to 30 June 2018 to fund the repairs of the Eureka Bridge Embankment Repairs and replacement of the Five Bridges subject to a Tender Report to the 22 March 2018 Ordinary Meeting.
  2. That Council delegates authority to the General Manager to negotiate with financial institutions to acquire the loan funds required in recommendation 1 above and accept the best offer made available to Council.
  3. That Council authorise the affixing of the Council seal to all documents that may require it, in regards to the loan borrowing. (Richardson/Cameron)
- 

**Report No. 13.27      Interim Parking Permits - fees and charges**  
**File No:                I2018/263**

**18-132   Resolved that Council:**

1. Implement an interim parking permit scheme for shire residents and workers that do not meet the current criteria to obtain a permit under the existing pay parking and residential parking scheme requirements.
2. Require a resident to prove that they reside within a pay parking or residential parking scheme and that there are no options available for the resident to park within the private property space of their residence in order to obtain an interim permit noting that the permit will specify the location to which the permit will apply.
3. Require a worker to prove that they work at a business or organisation located within a residential parking scheme and that there are no options available for the worker to park within the private property space of their place of work in order to obtain an interim permit noting that the permit will specify the location to which the permit will apply.
4. Apply the existing pay parking permit fees of \$55 for residents and \$110 for workers for interim parking permits until such time as the criteria is reviewed and new fees and charges for the interim permits are adopted.
5. Restrict the number of permits to one per resident or worker with permits being valid for a maximum period of 12 months noting that a valid permit will require to be displayed within the vehicle and contain the registration number of the vehicle to be valid.
6. Receive a report within 12 months to review the performance of the interim parking permit scheme. (Richardson/Cameron)

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**Report No. 13.28**      **Tyagarah Airfield Plan Management**  
**File No:**              I2018/279

**18-133 Resolved** that Council note this report. (Richardson/Cameron)

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**Report No. 13.30**      **Review of Council's Smoke Free Outdoor Areas Policy**  
**File No:**              I2018/366

**18-134 Resolved:**

1. That the current *Smoke-Free Outdoor Areas Policy (11/010)* is amended to include prohibition of smoking on all beaches in the Shire and the amended policy be placed on public exhibition for a period of 28 days.
  2. That in the event:
    - a) that any submissions are received on the amended *Smoke-Free Outdoor Areas Policy*, that those submissions be reported back to Council prior to the adoption of the policy; and
    - b) that no submissions are received on the amended *Smoke-Free Outdoor Areas Policy*, that the Policy be adopted and incorporated into Council's Policy Register.
- (Richardson/Cameron)
- 

**Report No. 13.31**      **Ewingsdale Road and Sunrise Boulevard Roundabout**  
**File No:**              I2018/367

**18-135 Resolved:**

1. That the issues associated with the construction of the Sunrise Boulevard roundabout, the budget adjustments, the debrief and learnings and their application to future projects, especially the Bayshore Drive roundabout be noted.
  2. That the financial adjustments outlined in this report be approved. (Richardson/Cameron)
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## COMMITTEE REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 14.1**      **Report of the Audit, Risk and Improvement Committee Meeting held on 30 November 2017**  
**File No:**              I2018/269

**18-136 Resolved** that Council note the minutes of the Audit, Risk and Improvement Committee Meeting held on 30 November 2017. (Richardson/Cameron)

**18-137 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 4.1**      **Update on Disaster Recovery & Business Continuity Planning at Council**  
**File No:**              I2017/1806

### Committee Recommendation 4.1.1

That the Audit, Risk and Improvement Committee note work undertaken in improving Council's business continuity and disaster recovery efforts. (Richardson/Cameron)

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**18-138 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 4.2 Corporate Compliance and Policy Management Audit Review - November 2017**

File No: I2017/1807

Committee Recommendation 4.2.1

1. That the Audit, Risk and Improvement Committee note the Corporate Compliance and Policy Management internal audit review report.
2. That the Audit, Risk and Improvement Committee request that management implement the recommendations made in the report identified as Attachment 1 (#E2017/108208).

(Richardson/Cameron)

*The motion was put to the vote and declared carried.*

**18-139 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 4.3 Internal audit activity and progress report**

File No: I2017/1814

Committee Recommendation 4.3.1

That the Audit, Risk and Improvement Committee note the Internal Audit Activity Report – November 2017.

(Richardson/Cameron)

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**Report No. 14.2 Report of the Audit, Risk and Improvement Committee Meeting held on 15 February 2018**

File No: I2018/270

**18-140 Resolved** that Council note the minutes of the Audit, Risk and Improvement Committee Meeting held on 15 February 2018. (Richardson/Cameron)

**18-141 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 5.1 Update from NSW Audit Office - Performance Report summary**

File No: I2018/194

Committee Recommendation 5.1.1

That the internal audit, risk and improvement committee note the contents and recommendations made in the performance report from NSW Audit Office at Attachment 1. (Richardson/Cameron)

**18-142 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 5.2 Update on Business Continuity, Disaster Recovery & Risk Management**

File No: I2018/169

Committee Recommendation 5.2.1

That the Audit, Risk and Improvement Committee note ongoing work undertaken in improving Council's business continuity and disaster recovery efforts across the organisation.

That the Audit, Risk and Improvement Committee receive an update on initiatives to work with the

community and the SES initiatives regarding community action teams. (Richardson/Cameron) .

**18-143 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 5.3 Internal Audit Activity & Progress Report**

File No: I2018/65

Committee Recommendation 5.3.1

1. That the Audit, Risk and Improvement Committee note the Internal Audit Activity Report – February 2018 (#E2018/9927).
2. That the Audit, Risk and Improvement Committee endorse the suggestion from OCM to close off the two outstanding recommendations in Appendix C of the attached report (#E2018/9927) due to these actions being confirmed as complete, pending verification by OCM.  
(Richardson/Cameron) .

**18-144 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 5.4 Buildings and Property Management Audit Review**

File No: I2018/64

Committee Recommendation 5.4.1

1. That the Audit, Risk and Improvement Committee note the Buildings and Property Management internal audit review report.
2. That the Audit, Risk and Improvement Committee request that management implement the recommendations made in the report identified as Attachment 1 (#E2018/10497).  
(Richardson/Cameron) .

**18-145 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 5.5 2017 Final Year End Audit Management Letter**

File No: I2018/213

Committee Recommendation 5.5.1

That the comments provided by Management in response to matters raised in the 2017 Final Audit Management Letter as outlined in Attachment 1 (#E2018/10287) be noted by Council.  
(Richardson/Cameron)

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**COMMITTEE REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 14.3 Report of the Transport and Infrastructure Advisory**

**Committee Meeting held on 13 February 2018**

File No: I2018/276

**18-146 Resolved** that Council note the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 13 February 2018.  
(Richardson/Cameron)

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**18-147 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 4.1 Transport Asset Management Plan Draft Communication Strategy**

File No: I2018/75

Committee Recommendation 4.1.1

1. That Council note the draft Communication Strategy for Transport Asset Management Plan (TAMP).
2. That a draft Media Release regarding the TAMP Communication Strategy be provided to members of committee if possible before the next committee meeting.

(Richardson/Cameron)

*The motion was put to the vote and declared carried.*

**18-148 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 4.2 Byron Bay (Browning St) to Suffolk Park (Clifford St) Cycleway Investigation**

File No: I2018/173

Committee Recommendation 4.2.1

1. That the Committee review the details within Byron Bay (Browning St) to Suffolk Park (Clifford St) Cycleway Investigation presentation (Attachment 1; E2018/9404) by PSA Consulting and provide final feedback to the consultant at the meeting to assist report finalisation.
2. That the draft final preferred concept design drawings (Attachments 2-5: E2018/9393, E2018/9399, E2018/9400, E2018/9402) and draft final report be finalised by PSA Consulting for reporting to the 15 March 2018 ordinary TIAC meeting, with the intention of further recommending to Council to adopt the recommendations within the final report and place the final report and proposed concept design drawings on public exhibition.
3. That funding report will be brought to 15 March 2018 meeting outlining internal and external grants funding sources for the cycleway. (Richardson/Cameron) .

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**Report No. 14.4 Report of the Local Traffic Committee Meeting held on 12 February 2018**

File No: I2018/353

**18-149 Resolved** that Council note the minutes of the Extra Local Traffic Committee Meeting held on 12 February 2018. (Richardson/Cameron)

**18-150 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 6.1 Traffic - Events - Byron Bay Blues Festival 2018**

File No: I2018/96

1. That Council endorse the recommendations of the Local Traffic Committee for the Byron Bay Bluesfest 2018 to be held on Thursday 29 March 2018 to Monday 2 April 2018.
2. That the approval provided in Part 1 is subject to:
  - a. separate approvals by NSW Police and RMS being obtained, noting that the event is on a



state road or may impact the state road network

- b. implementation of the Traffic Management Plan and Traffic Control Plan approved by Police and RMS, 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. Update the Traffic Management and Control Plans to be implemented for the 2018 event to incorporate the recommendations contained within the Greg Alderson & Associates – Bluesfest 2017 Post Event Traffic Evaluation Report in accordance with the committee comments.
  - ii. Update the Traffic Management and Control Plans to be implemented for the 2018 event in consideration of comments provided by the RMS and to incorporate the requirements outlined in the RMS comments
  - iii. undertake consultation with community and affected businesses including adequate response/action to any raised concerns
  - iv. undertake consultation with emergency services and any identified issues addressed
  - v. hold \$20m public liability insurance cover which is valid for the event
  - vi. pay Council's Road Event Application Fee prior to the event

(Richardson/Cameron)

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### **CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 16.2**      **CONFIDENTIAL - Tender 2017-0053 Replace 5 Bridges Evaluation Recommendation**

**File No:**              I2018/5

**18-151 Resolved:**

1. That Council approves in addition to the combined grant funding a budget allocation of \$655,000 for the 2018/2019 financial year funded via loan borrowings undertaken prior to the end of the 2017/2018 financial year.
2. That Council award Tender 2017-0053 Replace 5 Bridges to SEE Civil Pty Ltd for Alternative Tender for \$4,721,173.97 (excluding GST).
3. 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.

(Richardson/Cameron)

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

22 March 2018

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**Report No. 16.3**      **CONFIDENTIAL - Tender 2017-0011 Suffolk Park Community Hall Upgrade**  
**File No:**              I2018/68

**18-152 Resolved:**

1. That Council award Tender Suffolk Park Community Hall Upgrade to "Quadracon Building".
2. That Council transfer within the Community Buildings Special Rates program \$63,000 from savings achieved at the Bangalow A&I Hall to the Suffolk Park Community Hall Upgrade.
3. That Council makes public its decision, including the name of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.  
(Richardson/Cameron)

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**Report No. 16.4**      **CONFIDENTIAL - Tender 2017-0014 Construction of Concrete Roundabout and Road Reconstruction at the Intersection of Bayshore Drive and Ewingsdale Road, Byron Bay**  
**File No:**              I2018/208

**18-153 Resolved:**

1. That Council award the Lump Sum Price Contract 2017-0014 for the Construction of Concrete Roundabout and Road Reconstruction at the Intersection of Bayshore Drive and Ewingsdale Road, Byron Bay to SEE Civil Pty Ltd for a sum of \$3,958,203.56 excluding GST.
2. That Council allocate in 2018/19 as part of the budget process, the balance of the budget of \$3,618,949 required to complete this project, as detailed in this report
3. 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.
5. That the report remains confidential until the contract is finalised.      (Richardson/Cameron)

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**Report No. 16.5**      **CONFIDENTIAL - Tender 2017-0064 Blindmouth Creek Crossing Tender Evaluation**  
**File No:**              I2018/264

**18-154 Resolved:**

1. That Council award Tender 2017-0064, for Blindmouth Creek Crossing, to G & R Brown & Sons P/L.
2. That Council select Option 1 – Under Traffic, at a lump sum of \$988,772.30 exclusive of GST, so as to cause minimal impact on local residents, school bus services, businesses and emergency services.
3. 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.  
(Richardson/Cameron)

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

22 March 2018

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**Report No. 16.6**      **CONFIDENTIAL - Tender 2017-0027 Suffolk Beachfront Holiday Park Alterations and Additions to Existing Amenities Building**  
**File No:**              I2018/363

**18-155 Resolved:**

1. That Council decline the tender for "Suffolk Beachfront Holiday Park Alterations and Additions to Existing Amenities Building" and not proceed with the proposal for the contract with a further report to be provided to Council on alternative options for the works.
2. That Council makes public its decision. (Richardson/Cameron)

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**Report No. 16.7**      **CONFIDENTIAL - Acquisition of land for 5 Bridges Replacement Program**  
**File No:**              I2017/2073

**18-156 Resolved** that Council:

1. Acquire areas of land from landowners, adjacent Scarrabelottis Bridge and Booyong Bridge for the purposes of road widening, as detailed in Bridge Design Site plans attached.
2. Acquire the land by agreement with landowners.
3. Note and accept the agreements made with landowners by way of Consent to Enter documents attached to this report.
4. Authorise the General Manager to take the necessary steps to proceed with the land acquisition, and extinguishment of easement for water supply including, but not limited to, affixing the Council seal to all necessary documents that effect the acquisitions or easement extinguishment and re-creation. (Richardson/Cameron)

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**Report No. 16.8**      **CONFIDENTIAL - Tender 2017-0066 Landslip Remediation**  
**File No:**              I2018/434

**18-157 Resolved:**

1. That Council award the contract (Tender 2017-0066 Landslip Remediation) to PJ Warner Australia Pty Ltd. for a total amount of \$ 1,067,010.00 (exclusive of GST).
2. That Council delegate to the General Manager the authority to administer this contract to the contract value.
3. That Council authorise the affixing of the Council seal to all documents that may require it, in regards to the Contract.
4. 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.
5. That the report remains confidential until the contract is finalised. (Richardson/Cameron)

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PROCEDURAL MOTION

- 18-158 Resolved** that Council change the order of business to deal with Reports 9.1, 9.6, 9.7, 13.5, 13.24, 13.26 and 13.20 next on the Agenda. (Richardson/Ndiaye)

*The motion was put to the vote and declared carried.*

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**NOTICES OF MOTION**

**Notice of Motion No. 9.1 Independent review of Byron Shire Council's organisation and governance**

**File No:** I2018/217

*This notice of motion was withdrawn.*

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**Notice of Motion No. 9.6 Protection and Public Access - Scarabelottis Lookout and Keyes Bridge Reserve**

**File No:** I2018/404

**18-159 Resolved:**

1. That Council facilitate a meeting to discuss with residents, interested community groups and adjacent landowners the development of a protection and access plan for Scarabelottis Lookout at Coorabell and Keyes Bridge Reserve at Federal.
2. That discussions of possible actions include:
  - a) Community driven education, signage and social media engagement to inform visitors of the environmental and cultural values of each site.
  - b) Increased compliance by rangers to deter illegal camping.
  - c) Consideration by Local Traffic Committee of signage to limit roadside parking and ensure public safety.
  - d) Restricting vehicular access to the sites.
  - e) Not allowing dogs and other domestic animals to be taken onto the sites.
  - f) Other.
3. That no camping signs be placed at Keyes Bridge Reserve and Scarabelottis Lookout prior to Easter and that compliance staff enforce against overnight camping during this period. (Cameron/Richardson)

*The motion was put to the vote and declared carried.*

PROCEDURAL MOTION

- 18-160 Resolved** that Cr Cameron be granted a one minute extension to his speech. (Richardson/Ndiaye)

*The motion was put to the vote and declared carried.*

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# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

22 March 2018

**Notice of Motion No. 9.7     Poker Machines in the Byron Shire**  
**File No:**                                I2018/409

**18-161     Resolved:**

1. That Council write to the new owners of The Beach Hotel endorsing their deliberate decision to remove poker machines from their venue to improve the wellbeing of the Byron Shire community and set a precedent for other venues across Australia to follow.
2. That Council write to all remaining poker machine venues in Byron Shire opening a dialogue to gauge their interests in pursuing a similar strategy to divest their poker machines and offering Council support if they wish to investigate alternative business models.
3. That Council undertake a review of Council's potential interests and involvements with poker machines by researching:
  - a) council investments with regard to the Ethical Investment Policy;
  - b) any council or crown land leases that may involve poker machine venues; and
  - c) planning controls that may be available (or potentially available) for limiting the use of poker machines within the shire.
4. That a report be prepared for the May Ordinary Meeting outlining options to develop a comprehensive gambling policy to reduce the harm in the Byron Shire from the use of poker machines.
5. That Council requests that the State Government refer the proposed amended NSW Legislation in relation to gambling, announced and introduced to parliament on 5 March 2018, to an inquiry for further investigation and consultation with local governments as to the potential impacts on gambling harm in our community. (Spooner/Ndiaye)

*The motion was put to the vote and declared carried.*

### PROCEDURAL MOTION

**18-162     Resolved** that Cr Spooner be granted a two minute extension to his speech. (Richardson/Ndiaye)

*The motion was put to the vote and declared carried.*

*Cr Hunter arrived at 11.46am.*

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### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 13.5                Proposed Amendments to Council's Code of Meeting Practice**  
**File No:**                                I2018/237

**18-163     Resolved:**

1. That the draft amendments to Clause 22 and Schedule A of the Code of Meeting Practice be placed on public exhibition for a period of 28 days, with the additional change:

*A person/organisation is permitted two speeches in favour of or against items on the Agenda.*
2. That in the event:

- a) that any submissions are received on the draft amendments to Clause 22 and Schedule A of the Code of Meeting Practice those submissions be reported back to Council prior to the adoption of the amended Code;
- b) that no submissions are received on the draft amendments to Clause 22 and Schedule A of the Code of Meeting Practice the amendments be adopted and incorporated into the Code and that the amended Code be incorporated into Council's Policy Register.

(Coorey/Cameron)

*The motion was put to the vote and declared carried.*

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### **STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.24      Update - Barrio Eatery and Bar, 1 Porter Street, Byron Bay - Enforcement proceedings**

**File No:** I2018/427

Moved that Council:

1. Note the report.
2. In respect of the Penalty Infringement Notice, accept the legal advice and take action accordingly. (Lyon/Richardson)

#### **PROCEDURAL MOTION**

**18-164 Resolved** that this matter rest on the table. (Ndiaye/Richardson)

*The motion was put to the vote and declared carried.*

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**Report No. 13.26      Tyagarah Clothes Optional Declaration - results of the enhanced stakeholder safety initiatives of Res 17-499 and Res 17-715**

**File No:** I2017/2101

**18-165 Resolved** that Council:

1. Receive a further report after six months following the installation of the signs (as per Res 17-715, except for signs suggested at Brunswick Heads), to report on the results of the enhanced stakeholder safety initiatives of Res 17-499 and Res 17-715.
2. Acknowledges the importance of the stakeholder engagement in the success to date of these initiatives and that future proposals to change the zone be undertaken through consultation with the Safe Beaches Committee. (Ndiaye/Richardson)

*The motion was put to the vote and declared carried.*

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**Report No. 13.20      PLANNING - Development Application 10.2017.715.1 Farm Stay Accommodation 252 Middle Pocket Road Middle Pocket**

**File No:** I2018/268

Moved: That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application no.10.2017.715.1 for Farm stay accommodation, be approved subject to the following conditions of consent:



**AMENDED CONDITIONS OF CONSENT:****Parameters of the consent****1. Development is to be in accordance with approved plans**

The development is to be in accordance with plans listed below:

Plan No.	Description	Prepared by	Dated:
162_11_NCD Sheet 1 of 8	Site Layout	Nerang Creative Design	27.03.2012
162_11_NCD Sheet 3 of 8	Floor Layout	Nerang Creative Design	27.03.2012

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

**2. Bushfire Safety Authority**

The development proposal (use of an existing dwelling for farm stay accommodation) is to occur within the existing dwelling that is described in the following referenced plans as a proposed dwelling.

- The drawing prepared by NCD titled 'Proposed Residence for G.G. & C.V. Patterson at Lot 102 No. 252 Middle Pocket Road, Middle Pocket and dated 27 March 2012.

**3. Use of principal dwelling only for temporary farm stay accommodation**

The approval for farm stay accommodation strictly applies to the principal dwelling house within the area outlined in the approved site plan. At no time must any other structure be used for the purposes of farm stay accommodation or as tourist and visitor accommodation.

**The following conditions are to be complied with prior to issue of an occupation certificate and operation of the farm stay accommodation****4. Works to be completed prior to issue of a Final Occupation Certificate**

All of the works indicated on the plans and approved by this consent, including any other consents that are necessary for the completion of this development, are to be completed and approved by the relevant consent authority/s prior to the issue of a Final Occupation Certificate.

**5. On-site sewage management facility upgrade for existing dwelling- Section 68 approval required**

An **Approval** under Section 68 of the Local Government Act 1993 to upgrade on-site effluent disposal must be obtained from Council prior occupation of the dwelling house for farm stay accommodation. Such approval must be issued after the date of this consent.

The application for Section 68 approval must be accompanied by a report prepared by a suitably qualified professional with demonstrated experience in effluent disposal matters, which addresses the site specific design of sewage management in accordance with the requirements of the NSW Local Government Act, and Approvals Regulation and Guidelines approved by the Director General.

**6. On-site sewage management system must be completed**

The on-site sewage management system is to be constructed in accordance with approved plans and in accordance with current specifications and standards. The system is not to be used and/or operated until a Council Officer has inspected the system and authorised its use.

**7. Approval to Operate required**

In accordance with the Local Government Act, an Approval to Operate the onsite sewage management system must be obtained from Council. Forms may be downloaded from Council's website with '<http://www.byron.nsw.gov.au/on-site-sewage>'.

**8. Management Plan Complaints, house rules, contact details, and Management of Pets**  
A Management Plan for the Farm Stay Accommodation to be prepared including details on the following

- (a) Complaints Handling Policy;
- (b) Updated House Rules farm dams and providing management measures for guest pets or a prohibition on guests bring pets to the property; and
- (c) Contact details of the land owner and/or appointed property manager.

**Note.** The contact person(s) must be contactable 24 hours 7 days a week and to be able to respond within 30 minutes to complaints regarding the action of tenants and in particular issues pertaining to noise and amenity.

**9. Signage**

A sign with an area of 0.5 m<sup>2</sup> to be located at the front gate of the subject property and clearly displayed and contain the following information:

- (a) the name and telephone number (including an after hours telephone number) of the owner or property manager using a minimum 40mm high font,
- (b) wording to the effect that the dwelling house is as farm stay accommodation.

**10. Bushfire evacuation plan**

A bush fire evacuation plan must be prepared and a copy provided to Council.

**11. Flood evacuation plan**

A flood evacuation plan must be prepared and a copy provided to Council.

**12. Dwelling in Shed**

The dwelling in the shed not be occupied as a dwelling within 8 months and is to be rendered non habitable with removal of the WC unless a separate approval is obtained from Council for its use as a form of residential accommodation (eg dual occupancy).

**The following conditions are to be complied with at all times**

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**13. Compliance with Holiday and Short-term Rental Code of Conduct**

The use of the dwelling for short term farm stay accommodation must comply with the national Holiday and Short-term Rental Code of Conduct endorsed by NSW Legislative Assembly Committee on Environment and Planning.

**14. Farm stay accommodation secondary to farming**

Farm stay accommodation is secondary to the primary purpose of farming the subject land and both must operate concurrently. Should farming activities cease to operate on the land; the lawful use of the dwelling house for the purposes of farm stay accommodation will cease to operate.

**15. Temporary use – maximum number of days**

The dwelling house may be used as farm stay accommodation for a maximum period of 90

days (whether or not consecutive) in any calendar year.

**16. Maximum number of occupants**

The maximum number of occupants is ten (10) persons in total.

**17. Maintain registration for ongoing operation of the farm stay accommodation**

A register of the farm stay accommodation including duration of all bookings, number of guests aged 5 years and over, pets and any incidents must be maintained and made available to view by Council upon request.

**18. Display of bushfire evacuation plan and flood evacuation plan**

The bushfire evacuation plan and flood evacuation plan must be attached to the dwelling in a prominent location and referred to in the house rules.

**19. Vehicle Parking and Access**

Car parking must be provided on site in accordance with Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access.

**20. Garbage and recycling**

Garbage and recycling bins must be provided that are serviced and managed on a regular basis.

**21. Visitors other than permitted number of occupants**

Visitors other than those overnight occupants permitted at the farm stay accommodation must not exceed 6 persons between 8am and 10pm and no visitors are permitted after 10pm. (Hunter/Hackett)

PROCEDURAL MOTION

**18-166 Resolved** that this matter rest on the table.

(Coorey/Richardson)

*The motion was put to the vote and declared carried.*

*The meeting adjourned at 12.38pm for lunch and reconvened at 1.42pm.*

PROCEDURAL MOTION

**18-167 Resolved** that Report No. 13.20 be lifted from the table.

(Richardson/Cameron)

*The motion was put to the vote and declared carried.*

**Report No. 13.20 PLANNING - Development Application 10.2017.715.1 Farm Stay Accommodation 252 Middle Pocket Road Middle Pocket**

**File No:** 12018/268

*continued*

Moved: That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application no.10.2017.715.1 for Farm stay accommodation, be approved subject to the following conditions of consent:

**AMENDED CONDITIONS OF CONSENT:**

**Parameters of the consent**

**3. Development is to be in accordance with approved plans**

The development is to be in accordance with plans listed below:

Plan No.	Description	Prepared by	Dated:
162_11_NCD Sheet 1 of 8	Site Layout	Nerang Creative Design	27.03.2012
162_11_NCD Sheet 3 of 8	Floor Layout	Nerang Creative Design	27.03.2012

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

#### 4. Bushfire Safety Authority

The development proposal (use of an existing dwelling for farm stay accommodation) is to occur within the existing dwelling that is described in the following referenced plans as a proposed dwelling.

- The drawing prepared by NCD titled 'Proposed Residence for G.G. & C.V. Patterson at Lot 102 No. 252 Middle Pocket Road, Middle Pocket and dated 27 March 2012.

#### 22. Use of principal dwelling only for temporary farm stay accommodation

The approval for farm stay accommodation strictly applies to the principal dwelling house within the area outlined in the approved site plan. At no time must any other structure be used for the purposes of farm stay accommodation or as tourist and visitor accommodation.

#### **The following conditions are to be complied with prior to issue of an occupation certificate and operation of the farm stay accommodation**

#### 23. Works to be completed prior to issue of a Final Occupation Certificate

All of the works indicated on the plans and approved by this consent, including any other consents that are necessary for the completion of this development, are to be completed and approved by the relevant consent authority/s prior to the issue of a Final Occupation Certificate.

#### 24. On-site sewage management facility upgrade for existing dwelling- Section 68 approval required

An **Approval** under Section 68 of the Local Government Act 1993 to upgrade on-site effluent disposal must be obtained from Council prior occupation of the dwelling house for farm stay accommodation. Such approval must be issued after the date of this consent.

The application for Section 68 approval must be accompanied by a report prepared by a suitably qualified professional with demonstrated experience in effluent disposal matters, which addresses the site specific design of sewage management in accordance with the requirements of the NSW Local Government Act, and Approvals Regulation and Guidelines approved by the Director General.

#### 25. On-site sewage management system must be completed

The on-site sewage management system is to be constructed in accordance with approved plans and in accordance with current specifications and standards. The system is not to be used and/or operated until a Council Officer has inspected the system and authorised its

use.

**26. Approval to Operate required**

In accordance with the Local Government Act, an Approval to Operate the onsite sewage management system must be obtained from Council. Forms may be downloaded from Council's website with '<http://www.byron.nsw.gov.au/on-site-sewage>'.

**27. Management Plan Complaints, house rules, contact details, and Management of Pets**

A Management Plan for the Farm Stay Accommodation to be prepared including details on the following

- (d) Complaints Handling Policy;
- (e) Updated House Rules farm dams and providing management measures for guest pets or a prohibition on guests bring pets to the property; and
- (f) Contact details of the land owner and/or appointed property manager.

**Note.** The contact person(s) must be contactable 24 hours 7 days a week and to be able to respond within 30 minutes to complaints regarding the action of tenants and in particular issues pertaining to noise and amenity.

**28. Signage**

A sign with an area of 0.5 m<sup>2</sup> to be located at the front gate of the subject property and clearly displayed and contain the following information:

- (c) the name and telephone number (including an after hours telephone number) of the owner or property manager using a minimum 40mm high font,
- (d) wording to the effect that the dwelling house is as farm stay accommodation.

**29. Bushfire evacuation plan**

A bush fire evacuation plan must be prepared and a copy provided to Council.

**30. Flood evacuation plan**

A flood evacuation plan must be prepared and a copy provided to Council.

**31. Dwelling in Shed**

The dwelling in the shed not be occupied as a dwelling within 8 months and is to be rendered non habitable with removal of the WC unless a separate approval is obtained from Council for its use as a form of residential accommodation (eg dual occupancy).

**The following conditions are to be complied with at all times**

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**32. Compliance with Holiday and Short-term Rental Code of Conduct**

The use of the dwelling for short term farm stay accommodation must comply with the national Holiday and Short-term Rental Code of Conduct endorsed by NSW Legislative Assembly Committee on Environment and Planning.

**33. Farm stay accommodation secondary to farming**

Farm stay accommodation is secondary to the primary purpose of farming the subject land and both must operate concurrently. Should farming activities cease to operate on the land; the lawful use of the dwelling house for the purposes of farm stay accommodation will cease to operate.

**34. Temporary use – maximum number of days**

The dwelling house may be used as farm stay accommodation for a maximum period of 90 days (whether or not consecutive) in any calendar year.

**35. Maximum number of occupants**

The maximum number of occupants is ten (10) persons in total.

**36. Maintain registration for ongoing operation of the farm stay accommodation**

A register of the farm stay accommodation including duration of all bookings, number of guests aged 5 years and over, pets and any incidents must be maintained and made available to view by Council upon request.

**37. Display of bushfire evacuation plan and flood evacuation plan**

The bushfire evacuation plan and flood evacuation plan must be attached to the dwelling in a prominent location and referred to in the house rules.

**38. Vehicle Parking and Access**

Car parking must be provided on site in accordance with Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access.

**39. Garbage and recycling**

Garbage and recycling bins must be provided that are serviced and managed on a regular basis.

**40. Visitors other than permitted number of occupants**

Visitors other than those overnight occupants permitted at the farm stay accommodation must not exceed 6 persons between 8am and 10pm and no visitors are permitted after 10pm.

(Hunter/Hackett)

AMENDMENT

- 18-168 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application no.10.2017.715.1 for Farm stay accommodation, be approved subject to the conditions of consent listed in Attachment 2 (E2018/17602) with the following amendment included as condition 28:

*There must be a permanent onsite resident manager to support the ongoing farm operation.*

(Richardson/Cameron)

*The amendment was put to the vote and declared carried.*

*Crs Martin, Lyon, Ndiaye, Richardson, Cameron and Hackett voted in favour of the amendment.*

*Crs Coorey, Spooner and Hunter voted against the amendment.*

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

*Crs Martin, Lyon, Ndiaye, Richardson, Cameron and Hackett voted in favour of the motion.*

*Crs Coorey, Spooner and Hunter voted against the motion.*

PROCEDURAL MOTION

- 18-169 Resolved** that Report No. 13.24 be lifted from the table. (Richardson/Cameron)

*The motion was put to the vote and declared carried.*

<b>Report No. 13.24</b>	<b>Update - Barrio Eatery and Bar, 1 Porter Street, Byron Bay -</b>
	<b>Enforcement proceedings</b>
<b>File No:</b>	I2018/427

- 18-170 Resolved:** that Council:

1. Note the report.



# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

22 March 2018

2. In respect of the Penalty Infringement Notice, accept the legal advice and take action accordingly.
3. be provided a report on compliance with the prevention order and relevant conditions of consent within three months. (Lyon/Richardson)

*The motion was put to the vote and declared carried.*

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### MAYORAL MINUTE

**Mayoral Minute No. 8.1**      **Mercato**  
**File No:**                              I2018/408

- 18-171 Resolved** that Council amend condition 49 of DA 10.2013.587.1 to extend construction works to Saturday, from 7.00am – 6.00pm. (Richardson)

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

*The meeting adjourned at 2.46pm to open the Byron Shire Reserve Trust Committee Meeting and reconvened at 3.40pm. Resolution numbers 18-172 and 18-173 were used during the Committee Meeting.*

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### NOTICES OF MOTION

**Notice of Motion No. 9.2**      **Funding for the Implementation of Town Masterplan Projects**  
**File No:**                              I2018/389

- 18-174 Resolved** that Council:
1. Acknowledge the important work completed by those involved in the Byron Bay Masterplan and the subsequent work by the Byron Bay Town Centre Master Plan Leadership Group
  2. Acknowledge the importance of ensuring the recommendations and projects identified within the development of masterplans are enacted and implemented
  3. Acknowledge the importance of ensuring recurrent funding is identified and reserved to implement works and recommendations within these masterplans.
  4. Commencing at the beginning of the 2018-2019 Financial Year, ensure that at least 50% of paid parking revenue allocations to Byron Bay are reserved for implementing masterplan projects. (Richardson/Ndiaye)

### AMENDMENT

Moved:

1. Acknowledge the important work completed by those involved in the Byron Bay Masterplan and the subsequent work by the Byron Bay Town Centre Master Plan Leadership Group.
2. Acknowledge the importance of ensuring the recommendations and projects identified within the development of masterplans are enacted and implemented.

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

22 March 2018

3. Acknowledge the importance of ensuring recurrent funding is identified and reserved to implement works and recommendations within these masterplans.
4. Ensure that all of paid parking revenue allocations of the 2018-2019 Financial Year to Byron Bay are reserved for implementing Byron Bay Town Centre Masterplan projects.  
(Spooner/Lyon)

### PROCEDURAL MOTION

- 18-175 Resolved:** that Cr Richardson be granted a one minute extension to his speech.  
(Richardson/Ndiaye)

*The motion was put to the vote and declared carried.*

*The amendment was put to the vote and declared lost.*

*Crs Coorey, Martin, Ndiaye, Richardson and Cameron voted against the amendment.*

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

*Crs Cameron, Hackett, Spooner and Hunter voted against the motion.*

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### **Notice of Motion No. 9.3      Future of Local Government - 21st Century Community Governance**

**File No:** I2018/400

- 18-176 Resolved** that Council:

1. Endorse the Future of Local Government Declaration as attached and the following 'key principles' to assist Council to 'play a valued and effective role in a new system of community-based governance' to meet the needs and challenges of the community in the twenty first century. Councils need to:
  - Have the courage to embrace the future and take informed risks to bring about necessary change
  - Learn how to be community led, making space for communities to take action themselves, and responding positively to local initiatives
  - Deepen their understanding of communities, listening to all their people and engaging with them in new and different ways that reflect community diversity ('Dadirri' deep listening, understanding and communication)
  - Empower citizens through participatory and deliberative democracy, including community boards, precinct committees, cooperatives, citizens juries and others
  - Embrace new ways of working to ensure that local needs are met through joined-up planning and services
  - Forge more local and regional partnerships that address issues and drive change at community, state and federal levels
  - Promote local networks, co-production of goods and services, and moves to 'reclaim the Commons'.
2. Embed the key principles and ideas in the Declaration into the development and delivery of community engagement and services.
3. Note the adoption of the Declaration and endorsement of the key principles by the Executive Team as an administrative tool to support operations.  
(Cameron/Richardson)

*The motion was put to the vote and declared carried.*

**Notice of Motion No. 9.4    Public Access - Budget Estimates**  
**File No:** I2018/402**18-177 Resolved:**

1. That the Finance Advisory Committee (FAC) conduct a Public Access (Budget Estimates) meeting during the exhibition of the 2018/19 draft budget to allow for questions from members of the public on the draft budget to be addressed by the General Manager and Directors.
2. That the objectives of the Public Access (Budget Estimates) meeting are:
  - a) Promote understanding of the structure and content of Council finances and budget process
  - b) Provide opportunity for residents to seek and receive detailed responses to questions on items in the draft budget.
  - c) Provide opportunity for staff and Councillors to engage with residents in an informative and open manner.
  - d) Encourage submissions on the draft budget during the exhibition period.
3. That Council adopt the timing and procedure of the meeting in the 'Proposal' in the attached Councillor notes as the model for a Public Access (Budget Estimates) meeting.
4. That a media release, website notice and social media engagement announce the concept of the Public Access (Budget Estimates) and similar measures are utilised with details of the arrangements for the key dates during the budget prior to the meeting at which Council adopts the draft budget for exhibition in the 'Proposal' as set out in the attached Councillor notes.  
(Cameron/Richardson)

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

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**Notice of Motion No. 9.5    Water Sensitive Urban Design**  
**File No:** I2018/403**18-178 Resolved:**

1. That Council develop a financially sustainable strategy to embed and mainstream Water Sensitive Urban Design (WSUD) into Council's planning instruments and policies.
2. That formulation of the Strategy consider fundamental changes in various development area ratios to retain pervious areas instead of increasing catchment runoff.
3. That the changes made under this strategy on WSUD aim to:
  - reduce flood risk in urban areas
  - improve water quality in streams, waterbodies and groundwater
  - consume less of our water resources
  - reduce the cost of providing and maintaining water and sewer infrastructure
  - protect and restore aquatic and riparian ecosystems and habitats; and
  - protect the scenic, landscape and recreational values of streams and other waterbodies.

4. That the WSUD Strategy generates changes that:
  - promote and encourage WSUD in urban areas
  - provide guidance and support for businesses and residents to implement WSUD
  - give incentives for the implementation of WSUD in new and existing development
5. That progress on the WSUD Strategy be reported to each Water, Waste and Sewerage Advisory Committee and the Coastal Estuary Catchment Panel quarterly meeting, starting with their next meetings in June 2018.
6. That Council allocate \$25,000 in its 2018-19 budget for the development of a strategy.  
(Coorey/Richardson)

*The motion was put to the vote and declared carried.*

*Cr Hunter voted against the motion.*

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### **STAFF REPORTS - GENERAL MANAGER**

**Report No. 13.1**

**Byron Bay Town Centre Masterplan Leadership Team 2018**

**File No:**

**I2018/6**

**18-179 Resolved:**

1. That Council adopt the Draft Charter for the Byron Master Plan Guidance Group.
2. That all BBTCMP Leadership Team members be thanked for their input over the past 12 months and invited to remain on the Byron Master Plan Guidance Group for its next term.
3. That additional members be appointed as per the group charter to replace any vacating members.
4. That the Mayor and Crs Cameron, Spooner and Hackett are nominated as members of the Guidance Group in addition to community members.  
(Ndiaye/Richardson)

*The motion was put to the vote and declared carried.*

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### **PETITIONS**

**1. Middle Pocket Road**

The Mayor tabled a petition containing 148 signatures which states:

We, the residents of Middle Pocket Road, wish to bring to your attention again:

The appalling negligence and duty of care of Middle Pocket Road. This has been tolerated for over 45 years or so. We are calling on something to be done about the Road damage, inadequate drainage and potholes upon potholes on Middle Pocket road. The neglect has brought about a vast increase in car maintenance due to abnormal wear and tear on our vehicles. The council have admitted Middle Pocket Road is in need of a new road but constantly waist money adding to the bumps with an inefficient pot hole top up occasionally. This washes away immediately the rain comes because the drains are higher than the road on most occasions and is not being addressed seriously and adequately. The council tick the "Done Box" and we are still left with the damage a week later. The reasons stated from the council is because there are not enough funds so the false

economy continues. This is not a good enough excuse, especially when there have been numerous accidents and some near fatal, due to having to avoid large pot holes for miles.

The abhorrent condition of this road is regularly compromised because of flood damage that has not been addressed adequately. We as residents of Middle Pocket Road are now all seriously compromised.

Our plea is to encourage you to fix this road and refund all mechanical bills that we have occurred such as: shock absorbers, suspension rebuild, breaks, tires, realignments and so on...not to mention damage due to falling branches and over hanging trees. The turnaround point at the end of Middle Pocket Road for the garbage truck, the school bus, semi trailers and other large vehicles is a nightmare.

We the rate payers are tired of miss spent, miss managed public money. Byron does not need more Palm Trees and we need to be safe and not be bombarded with an abnormal amount of mechanical fees.

We shall await your feedback, if the council cannot manage its finances to keep its residents safe, then you must appeal to for funding from state and Federal Government as this is a life and death situation.

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### **DELEGATES' REPORTS**

#### 1. Homelessness Meeting – 14 March 2018

Cr Spooner advised Council:

On the 14 March there was a meeting held in Byron Bay that was called around homelessness, that Council staff attended, police, business community organisations and I was there probably with two hats on. And it happened very quickly and it was because of concerns, and why I raise it today is because of the issues that were raised there. Just to bring attention to it. There were some figures released last week around nationally what's going on, which were quite disturbing, you might have seen the media commentary. Digging into those figures for Byron Shire, what it actually shows is that one in one hundred people are now considered homeless in Byron Shire. That's the numbers we're up to. The raw number is around, I think it was 327, which is quite disturbing because that's a 17% increase in the last five years. What was identified there, it's no longer just an issue for charities or volunteer organisations or Council's, but we need State Government and we need Federal Government support in our community. I'll give you an example. City of Sydney has probably twice the number of rough sleepers that we have in the centre of Byron and yet the State Government's pouring two to three million dollars a year into that. Probably because of what happened in Martin Place. We're being left off the radar. So one of the main things that happened from that meeting is that formal discussions with the State Government, Department of Premier and Cabinet, have started and with the City of Sydney, to pursue useful strategies and available funding options because it is coming back to Council all the time in terms of what we're doing about it. And we don't have the resources I'd suggest to actually deal with it at this point, so I'll just raise it as an issue, as there may be some things suggested coming down the track if we are able to secure some funding from State Government to support us.

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**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 13.4**      **Draft Policy: Community Initiatives Policy (Section 356) following period of public exhibition**  
**File No:**              I2018/98

**18-180 Resolved:**

1. That Council adopt the Policy Community Initiatives Program (Section 356) which incorporates feedback from submissions following the public exhibition period.
2. That Council commence the call for applications under the new Community Initiatives Program (Section 356) Policy as soon as practicable.
3. That clause 4.2 Application for Reimbursement of Council Fees be changed to allow for consideration to waive Council fees prior to lodgement. (Richardson/Spooner)

*The motion was put to the vote and declared carried.*

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**PROCEDURAL MOTION****18-181 Resolved** that the meeting be extended past 6.00pm to conclude at 6.30pm. (Richardson/Ndiaye)

*The motion was put to the vote and declared carried.*

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**Report No. 13.6**      **A new strategic approach to Public Art - revised Public Art Policy and new Draft Public Art Strategy**  
**File No:**              I2018/240

**18-182 Resolved** that Council:

1. Note the new strategic direction for Public Art in Byron Shire
2. Endorse the draft Public Art Strategy and revised Public Art Policy and place them on public exhibition for 28 days, with any submissions to be reported back to Council through the Public Art Panel. (Ndiaye/Richardson)

*The motion was put to the vote and declared carried.*

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**Report No. 13.7**      **Joint Organisation of Councils**  
**File No:**              I2018/267

**18-183 Resolved** that, in accordance with Part 7 of Chapter 12 of the Local Government Act 1993 (Act), Council:

1. Inform the Minister for Local Government (Minister) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation in accordance with this resolution.



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2. Approve the inclusion of the Council's area in the Joint Organisation's area.
3. Request that the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:
  - a) Richmond Valley
  - b) Lismore City
  - c) Ballina Shire
  - d) Kyogle
  - e) Tweed Shire
4. Authorises the General Manager to provide the Minister with a copy of this resolution including the date on which Council made this resolution before 23 March 2018.
5. Authorises the General Manager to, on the expiry of a period of 28 days from the making of this resolution, inform the Minister that this resolution has not been rescinded.
6. Write a letter of support for the inclusion of Rous County Council as an associate member (non-voting representative) of the Northern Rivers Joint Organisation be sent to the Northern Rivers Joint Organisation on formation. (Cameron/Richardson)

*The motion was put to the vote and declared carried.*

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**Report No. 13.9      Stronger Country Communities Fund Round 2**  
**File No:              I2018/369**

**18-184 Resolved** that Council:

1. Endorse the strategic approach to maximise the opportunity for Council and community projects;
2. Nominate the Broken Head Road Cycleway project from the Byron Bay Town Centre Masterplan to progress for the Stronger Country Communities Fund Round 2 as the Council nominated project;
3. Allocate \$15,000 from the Grants Management Reserve to fund required communications and engagement program to support community ed and delivered projects. (Spooner/Richardson)

*The motion was put to the vote and declared carried.*

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**Report No. 13.11      National General Assembly of Local Government 2018**  
**File No:              I2018/384**

**18-185 Resolved** that Council:

1. Authorise Crs Ndiaye and Lyon to attend the 2017 National General Assembly of Local Government to be held at the National Convention Centre in Canberra from 17 to 20 June 2018 and nominate Cr Lyon as the voting delegate.
2. Consider endorsement of any motions for submission to the National General Assembly, to be lodged with ALGA no later than Friday 30 March 2018. (Richardson/Ndiaye)

*The motion was put to the vote and declared carried.*

**Report No. 13.12      Councillor Nomination to Cape Byron Marine Park Advisory Committee**

**File No:** I2018/407

- 18-186 Resolved** that Council nominate Cr Cameron as Member and Cr Coorey as the Alternate Member to the Cape Byron Marine Park Advisory Committee. (Richardson/Cameron)

*The motion was put to the vote and declared carried.*

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.14      PLANNING - Development Application 10.2017.619.1 Staged Development - Stage 1 Strata Subdivision to Create Two (2) Lots, Stage 2 Alterations and Additions to Existing Shed to Create a Detached Dual Occupancy 19 Alooata Crescent Ocean Shores**

**File No:** I2018/90

**18-187 Resolved:**

1. That this report be deferred to enable staff to consider the implications of the decision in *DM & Longbow Pty Ltd v Willoughby City Council [2017] NSWLEC 173*.
2. That it be reported to the 19 April 2018 Ordinary Meeting. (Lyon/Cameron)

*The motion was put to the vote and declared carried.*

*Crs Coorey, Martin, Lyon, Ndiaye, Richardson, Cameron, Hackett, Spooner and Hunter voted in favour of the motion.*

*No Councillors voted against the motion.*

**Report No. 13.15      PLANNING - Update on Environmental Zone review and Planning Proposal implementation process**

**File No:** I2018/99

**18-188 Resolved** that Council:

1. Note that land currently zoned under LEP 2014 (i.e. not Deferred Matter land) where the landowner received an E Zone notification letter but did not request an E Zone designation, will be excluded from further consideration under the E Zone review process.
2. Prepare Planning Proposal #1: (PP1) reflecting early agreements reached between landowners and Council staff on how environmental zones are to be applied and submit to the Department of Planning & Environment for Gateway determination.
3. Prepare Planning Proposal #2: (PP2) for:
  - (i) Deferred Matter areas that do not meet the criteria for an environmental zoning and will have a suitable rural zone applied (excluding LEP 1988 7(d) zoned land); or
  - (ii) Deferred Matter areas that currently have a residential, rural residential, commercial or industrial zoning in LEP 1988 that will transition to an equivalent LEP 2014 zone; or
  - (iii) reflecting further agreements reached between landowner and Council staff on how environmental zones are to be applied;

and submit to the Department of Planning & Environment for Gateway determination.

4. Endorse the introduction of a new LEP 2014 zone, *RU6 Transition*, to be applied to land currently zoned 7(d) *Scenic Escarpment* LEP 1988 that does not meet the criteria for an environmental zoning.
5. Subject to Council's endorsement of the proposed *RU6 Transition Zone*, prepare and undertake an informal exhibition of the related *RU6* provisions for feedback from affected land owners who have not already agreed to this zone, and report the outcomes back to Council.
6. Receive a report on draft Planning Proposal #3: (PP3) for:
  - (i) Parcels where there is no agreement reached between the landowner and Council staff on proposed environmental zone/s; or
  - (ii) Deferred Matter areas that meet the criteria for an environmental zoning (in part or all) and where there has been no response from the landowner; or
  - (iii) remaining LEP 1988 7(d) zoned land to be zoned RU6 Transition (subject to Council endorsement).

as soon as practical after Council's adoption of Planning Proposal #2.
7. Note that a further report on the use of mapped overlays as mechanism to protect environmental values will be provided to Council upon finalisation of the E zone Planning Proposals identified in Table 2.
8. Consider the allocation of \$50,000 as part of the forward budget process 2018/19 (alongside other Council program and budget priorities) to support a staged planning proposal program supported by robust community engagement to better inform the final E Zone Planning Proposal/s. (Coorey/Lyon)

*The motion was put to the vote and declared carried.*

*Crs Coorey, Martin, Lyon, Ndiaye, Richardson, Cameron, Hackett, Spooner and Hunter voted in favour of the motion.*

*No Councillors voted against the motion.*

**Report No. 13.17      Byron Shire Bush Fire Prone Land Mapping**  
**File No:                I2018/202**

**18-189 Resolved:**

1. That Council acknowledge that there is a new vegetation category (category 3) grassland in the Guide for Bushfire Prone Land Mapping.
2. That due to concerns with the one size fits all approach to the mapping of category 3 grassland, Council defers the submission of the new Bushfire Prone Map (Attachment 1 - E2018/16059) to the NSW Rural Fire Service for certification, until such time as a further meeting with Rural Fire Service is held to discuss the issues identified in the report, and a scientific justification provided for the mapping methodology that has been applied to Byron Shire.
3. That as a result of 2, Council seek ground truthing of the category 3 grassland sites in Byron Shire by the Rural Fire Service to ensure an evidence based Bushfire Prone Map is produced.

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4. That Council receive a further report once 2 and 3 have occurred. (Ndiaye/Richardson)

*The motion was put to the vote and declared carried.*

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**Report No. 13.19**      **PLANNING - Development Application 10.2017.450.1 Dual Occupancy (Detached) and Strata Subdivision at 40 Charlotte Street Bangalow**  
**File No:**                      I2018/259

**18-190 Resolved:**

1. That this report be deferred to enable staff to consider the implications of the decision in *DM & Longbow Pty Ltd v Willoughby City Council [2017] NSWLEC 173*.
2. That it be reported to the 19 April 2018 Ordinary Meeting. (Lyon/Cameron)

*The motion was put to the vote and declared carried.*

*Crs Coorey, Martin, Lyon, Ndiaye, Richardson, Cameron, Hackett, Spooner and Hunter voted in favour of the motion.*

*No Councillors voted against the motion.*

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**Report No. 13.21**      **PLANNING - Development Application 10.2017.600.1 - Strata Subdivision to create two (2) Strata Lots at 10 Rangal Road, Ocean Shores**  
**File No:**                      I2018/272

**18-191 Resolved:**

1. That this report be deferred to enable staff to consider the implications of the decision in *DM & Longbow Pty Ltd v Willoughby City Council [2017] NSWLEC 173*.
2. That it be reported to the 19 April 2018 Ordinary Meeting. (Lyon/Cameron)

*The motion was put to the vote and declared carried.*

*Crs Coorey, Martin, Lyon, Ndiaye, Richardson, Cameron, Hackett, Spooner and Hunter voted in favour of the motion.*

*No Councillors voted against the motion.*

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**Report No. 13.23**      **Expressions of Interest for the Multi Use of Byron Shire Rail Corridor**  
**File No:**                      I2018/381

Moved: That the report be noted and no further action be taken. (Spooner/Hackett)

**AMENDMENT**

**18-192 Resolved:**

1. That Council endorse the Expression of Interest for the Multi Use of Byron Shire Rail Corridor (Bangalow to Yelgun) documents (E2018/17051 & E2018/17429) to be used to advertise for Expressions of Interest to complete the study.
2. That staff present the Expressions of Interest assessment panel's report to Council's 24 May 2018 ordinary meeting to seek Council's endorsement of proponents to proceed to a selective Request for Tender. (Richardson/Cameron)

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

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

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### STAFF REPORTS - INFRASTRUCTURE SERVICES

**Report No. 13.29      Water and Sewer Equivalent Tenements Policy**  
**File No:                I2018/355**

**18-193   Resolved:**

1. That Council adopt the Equivalent Tenement Policy as exhibited (E2017/106070).
2. That Council notify the adoption of the Equivalent Tenement Policy in the local newspaper.
3. That the Equivalent Tenement Policy commence operation from 22 March 2018.
4. That the report referenced in point 4 of 17-489 be provided to Council before the winter recess.  
(Richardson/Ndiaye)

*The motion was put to the vote and declared carried.*

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### QUESTIONS WITH NOTICE

**Question With Notice No. 15.1      Agglomerated Data on Dwelling Supply in Byron Shire**  
**File No:                                      I2018/406**

Cr Coorey asks the following question:

In view of the upcoming Residential Strategy and to assist in considering future planning decisions, can councillors and the community be advised of changes in residential approvals over the last two terms of Council (and since the operation of the Byron LEP 2014).

Can staff please provide figures for the number of new dwellings, rural tourist accommodation rooms and new lots approved as complying development, council approved development and JRPP approved development in the 2012, 2013, 2014, 2015, 2016 and 2017 calendar years. Can these figures be divided into:

In rural areas all approvals, including:

- primary dwellings
- dual occupancies
- secondary dwellings
- workers dwellings
- studios
- Rural tourist cabins, farmstay accommodation or eco tourism accommodation (total bedrooms)

In urban areas all approvals including:

- detached dwellings

- secondary dwellings
- dual occupancies approved as strata title or freehold developments
- multi dwelling housing approved as strata title or freehold developments
- studios
- Shop top housing dwellings

and

- Ancillary caretaker dwellings/Ancillary managers and staff dwellings.
- Ancillary dwellings in industrial and business zones
- New lots under 800m2 with dwelling entitlements
- New lots under 1000m2 with dwelling entitlements
- New lots over 10002 with dwelling entitlements

NB please count total dwellings, total rooms and total lots, not total approvals as often multiple dwellings are included in a single approval such as multi dwelling housing, dual occupancies or a new house and secondary dwelling.

Rural includes RU1, RU2, RU5, R5 and environmental zones.  
Urban includes all Residential, Business and Industrial Zones.

**Response Director Sustainable Environment and Economy:**

The question has been taken on notice. A response will be provided in the agenda of Council's next Ordinary Meeting, to be held on 19 April 2018.

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**Question With Notice No. 15.2    Byron Bay Bypass**  
**File No:** I2018/475

At Council's Ordinary Meeting held on 22 February 2018, Mr Paul Jones asked the following question which was taken on notice:

*"The Land and Environment Court issued its approval for the bypass road within the wetlands portion of the proposed route subject to a significant list of consent conditions. Council must comply with these court orders and not as it suggests "considerations and resolutions of Council in association with the RMS". The court orders are clear, the project is as approved, the question remains, does the published latest bypass cost estimate 14 December 2017 of \$22.5M cover all consent conditions of the development approval and what has been done to date to fulfil the specific consent conditions in relation to the wet lands?"*

**Response Acting Director Infrastructure Services Phil Warner:**

The project estimate at December 2017 of \$22.5M covers all requirements of the consent conditions for the approved project.

Work on the Byron Bay Bypass has progressed to the first stage of relocating services. There are no services in the wetland that require relocation.

**PROCEDURAL MOTION**

- 18-194 Resolved** that the meeting be extended past 6.30pm to complete the Agenda and urgency motions. (Richardson/Ndiaye)

*The motion was put to the vote and declared carried.*

**CONFIDENTIAL REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 16.1**      **CONFIDENTIAL - Development Application 10.2017.474.1 multi-dwelling housing consisting of twenty five (25) 1 bedrooms 70-90 Station Street Mullumbimby**  
**File No:**              I2018/352

**18-195 Resolved:**

1. That pursuant to Section 10A(2)(d)i of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the report Development Application 10.2017.474.1 multidwelling housing consisting of twenty five (25) 1 bedrooms 70-90 Station Street Mullumbimby.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
  - a) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

The report and its attachment commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it (Spooner/Ndiaye)

*The motion was put to the vote and declared carried.*

**18-196 Resolved** that Council proceed to finalise the existing contract of sale (ie not accept the NCCH proposal). (Spooner/Cameron)

*The motion was put to the vote and declared carried.*

**URGENCY MOTIONS**

**PROCEDURAL MOTION**

**18-197 Resolved** that the business of providing support for community youth representatives to attend the public hearing into recent police actions in Byron Bay, which is to be held in Sydney, be discussed as a matter of urgency. The urgency being that the hearing is being held prior to the next Ordinary Meeting. (Richardson/Ndiaye)

*The motion was put to the vote and declared carried.*

**Urgency No. 1      Matter of Urgency - Public Hearing into Byron Bay Police Actions**

**18-198 Resolved:**

1. That Council provides \$1000 from the Mayoral discretionary fund to the gofundme campaign, "Get Byron Reps to Police Hearing" in order to support community youth representatives to attend the Public Hearing into recent police action in Byron Bay, to be held in Sydney.

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2. That Council writes to Louisa Dear, Manager, Community Engagement, the Law Enforcement Conduct Commission, Local member Tamara Smith, and the NSW Police Minister, declaring its strong disappointment that this public hearing was not held in Byron Bay and forward its contention that not holding it in Byron Bay is highly inappropriate.
3. That Council requests The Commission to hold an information session in the Byron Bay area if the report is released publicly.
4. That Council request attendees present a report to Council on the public hearing.  
(Richardson/Ndiaye)

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

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### PROCEDURAL MOTION

- 18-199 Resolved** that the matter of Bluesfest attendance be discussed as a matter of urgency. The urgency being that the event takes place prior to the next Ordinary Meeting. (Spooner/Hunter)

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

### **Urgency No. 2                      Matter of Urgency - Bluesfest 2018**

- 18-200 Resolved** that the Mayor and any Councillors interested in attending the invitation to the 2018 Bluesfest VIP event be endorsed to attend as a delegate of Council. (Spooner/Hunter)

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

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*There being no further business the meeting concluded at 6.55pm.*

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I hereby certify that these are the true and correct Minutes of this Meeting  
as confirmed at Council's Ordinary Meeting on 19 April 2018.



.....  
Mayor Simon Richardson