Byron Shire Council

Minutes

Ordinary Meeting

Thursday, 24 May 2018

INDEX OF ITEMS DISCUSSED

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

Report No. 11.1 Byron Shire Council Grants and Submissions as at 7 May 2018 7
Report No. 13.5 Minutes of Public Art Panel meeting held 26 April 2018 8
Report No. 13.6 Investments April 2018 9
Report No. 13.7 Budget Review 1 January 2018 to 31 March 2018 9
Report No. 13.9 PLANNING - State Environmental Planning Policy No. 1 - Variations to development standards - 1 October 2017 to 31 December 2017 9
Report No. 13.10 Minutes of the Heritage Panel Meeting 29 March 2018 9
Report No. 13.11 Report of the Planning Review Committee Meeting held on 12 April, 2018 10
Report No. 13.13 Final Bangalow and Mullumbimby Movement Strategies - for incorporation into Bangalow and Mullumbimby Place Plans 10
Report No. 13.16 PLANNING - Submissions Report - 26.2017.5.1 - Planning Proposal to activate the Rail Corridor in Byron Town Centre 11
Report No. 13.20 Grays Lane Upgrade Status Update 11
Report No. 13.21 Compulsory acquisition Lot 11 in DP 1239057 Main Arm proposed extension to Main Arm Rural Fire Brigade Station 11
Report No. 13.23 Brunswick Valley Sustainability Centre Reforestation Project 12
Report No. 14.1 Report of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 26 April 2018 12
Report No. 14.2 Report of the Biodiversity Advisory Committee Meeting held on 30 April 2018 12
Report No. 14.3 Report of the Transport and Infrastructure Advisory Committee Meeting held on 20 April 2018 12
Report No. 16.3 CONFIDENTIAL - Expression of Interest 2018-0018 - Multi Use of Byron Shire Rail Corridor 13
Report No. 13.22 Tweed Street Master Plan Status Update 13
Report No. 13.12 PLANNING - Development Application 10.2017.280.1 Development Application for Alterations and Additions to existing building including, construction of basement car park, Restaurant at ground level (including cellar bar and sandwich bar), and two self contained Motel or Hotel Accommodation units at first floor level at 32-34 Byron Street Bangalow 15
Report No. 13.15 PLANNING - Development Application 10.2017.460.1 - Utility Installation: Telecommunication Tower at 54 Jones Road Wooyung 15
Report No. 13.19 Mullumbimby Leagues Club Amenities Facility Section 64 Contribution 16
Report No. 13.12 PLANNING - Development Application 10.2017.280.1 Development Application for Alterations and Additions to existing building including, construction of basement car park, Restaurant at ground level (including cellar bar and sandwich bar), and two self contained Motel or Hotel Accommodation units at first floor level at 32-34 Byron Street Bangalow 17
Report No. 13.18 Clarkes Beach Stormwater and Gully Rehabilitation Works - update 18
Report No. 13.14 Update - Resolution 18-266 The Terrace Reserve Holiday Park, Brunswick Heads 18
Notice of Motion No. 9.1 Letter to Coastal Panel regarding Development Applications for Belongil Beach 19
Notice of Motion No. 9.2 Increasing Newstart to Reduce Pressure on Council Community Services 20
Notice of Motion No. 9.3 Lone Goat Galley s355 Committee Membership 20

Notice of Motion No. 9.4 Esplanade Laneway, New Brighton 20
Notice of Motion No. 9.5 Clay Heath Restoration Project Stakeholder Concerns 21
Report No. 13.1 Council Resolutions Quarterly Review - 1 January 2018 to 31 March 2018 ... 22
Report No. 13.2 Proposed Rural Fire Service Relocation to Cook Pioneer Centre 22
Report No. 13.3 Section 355 Management Committee matters 23
Report No. 13.4 LGNSW Regional Summit 24
Report No. 13.8 Poker Machine Policy investigation 24
Report No. 13.17 New legislative provisions relating to the Joint Regional Planning Panels and Sydney Planning Panels 24
Report No. 13.24 Recycled Water Irrigation Projects Byron Bay 25
Question With Notice No. 15.1 Valances Road Plan of Management 25
Question With Notice No. 15.2 Woolies Car Park 26
Question With Notice No. 15.3 Brunswick Valley STP Monitoring Point 5 27
Report No. 16.1 CONFIDENTIAL - General Manager Recruitment 27
Report No. 16.2 CONFIDENTIAL - Byron Shire Council purchase from Health Administration Corporation 28
Report No. 16.4 CONFIDENTIAL - 2017-0042 - Bus Shelter Tender - Award of Tender 29

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 24 MAY 2018 COMMENCING AT 9.04AM AND CONCLUDING AT 6.07PM

I2018/901

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

Staff: Mark Arnold (Acting General Manager)
James Brickley (Acting 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:

13.9 PLANNING - State Environmental Planning Policy No. 1 - Variations to development standards - 1 October 2017 to 31 December 2017

John Anderson addressed Council against the recommendation.

13.14 Update - Resolution 18-266 The Terrace Reserve Holiday Park, Brunswick Heads

John Dunn and Patricia Warren(Brunswick Heads Progress Association) addressed Council against the recommendation.

13.15 PLANNING - Development Application 10.2017.460.1 - Utility Installation: Telecommunication Tower at 54 Jones Road Wooyung

Gary Bruce Opit addressed Council against the recommendation.

13.16 PLANNING - Submissions Report - 26.2017.5.1 - Planning Proposal to activate the Rail Corridor in Byron Town Centre

Vivien Royston (Rainbow Region Stallholders Association) addressed Council against the recommendation.

13.18 Clarkes Beach Stormwater and Gully Rehabilitation Works - update

Mary Gardner addressed Council against the recommendation.

13.19 Mullumbimby Leagues Club Amenities Facility Section 64 Contribution

Barry Stenner (Mullumbimby Leagues Club) addressed Council against the recommendation.

13.22 Tweed Street Master Plan Status Update

Sean O'Meara (Brunswick Heads Progress Association) addressed Council in favour of the recommendation.
Kim Rosen (Tweed Street Taskforce) addressed Council against the recommendation.

16.1 General Manager Recruitment

John Anderson addressed Council regarding the report.

Submission No. 1 Water-sensitive urban design

Matthew Lambourne made a submission to Council regarding drainage and tree canopies at Marshall's Creek.

Question No. 1 Brunswick Valley Sewerage Treatment Plant

Patricia Warren tabled the following question:

What were the design parameters for the successful tender/contract for the construction of the Brunswick Valley Sewerage Treatment Plant with specific reference to:

a) Average Dry Weather Flow (ADWF) in ML/day and how was this determined
b) Design Capacity
   (i) ADWF in ML/day
   (ii) buffer in ML/day above ADWF and how was this determined and for what purpose
   (iii) total design capacity in ML/day

c) hydraulic design capacity in volume and velocity (litres/sec) at the head of the plant?

The Mayor took the question on notice.

Question No. 2 Potholes

Matthew Lambourne asked the following question: 10.34 RECORDING

If a pothole 1 metre long by 1.8 metre wide across the middle of a 4.8m seal is not big enough to be repaired by Council, how much longer does it need to get before Council will repair it?

The Mayor took the question on notice.

Notice of Motion 9.4 Esplanade Laneway, New Brighton

Richard Blakey (Representing Esplanade Lane residents) addressed Council in favour of the recommendation.

Question No. 3 Report 13.9

John Anderson asked the following question:

Could either Shannon Burt or Ralph James please provide:

a) An explanation of item 13.9 of today's agenda in terms of what is meant by "Strict compliance with the provisions of Clause 4.6 will result in no change to the built form on the site and will merely prevent the sale of individual dwellings on the allotment"

b) A legal precedent for allowing variations to development standards far greater than 10% (ie decisions made on upheld by the Land and Environment Court).

c) Some clue as to the identity of the author of report 13.9.

The Director Sustainable Environment and Economy took the question on notice.

The meeting adjourned at 10.42am and reconvened at 11.13am.

APOLOGIES

There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Spooner declared a non-pecuniary interest in Report 13.16. The nature of the interest being that he is involved in managing markets in Byron Bay. Cr Spooner elected to remain in the Chamber and will participate in discussion and the vote.

Acting General Manager, Mark Arnold, declared a pecuniary interest in Report 16.1. The nature of the interest being that he is an applicant for the position. Mr Arnold elected to leave the Chamber.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

18-289 **Resolved** that the minutes of the following meetings be confirmed:

- Ordinary Meeting held 19 April 2018
- Extraordinary Meeting held 17 May 2018 (Hunter/Richardson)

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 Council Resolutions Quarterly Review - 1 January 2018 to 31 March 2018
Report No. 13.2 Proposed Rural Fire Service Relocation to Cook Pioneer Centre

Report No. 13.3 Section 355 Management Committee matters
Report No. 13.4 LGNSW Regional Summit
Report No. 13.8 Poker Machine Policy investigation

Sustainable Environment and Economy
Report No. 13.12 PLANNING - Development Application 10.2017.280.1 Development Application for Alterations and Additions to existing building including, construction of basement car park, Restaurant at ground level (including cellar bar and sandwich bar), and two self contained Motel or Hotel Accommodation units at first floor level at 32-34 Byron Street Bangalow
Report No. 13.14 Update - Resolution 18-266 The Terrace Reserve Holiday Park, Brunswick Heads
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Report No. 13.17 New legislative provisions relating to the Joint Regional Planning Panels and Sydney Planning Panels

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Report No. 13.24 Recycled Water Irrigation Projects Byron Bay

CONFIDENTIAL REPORTS

Corporate and Community Services
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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. 18-290 and concluding with Resolution No. 18-306.

Note: This list was updated at Resolution 18-308 to include Report 16.1 in Reservation of Items for Debate.

SUBMISSIONS AND GRANTS

Report No. 11.1 **Byron Shire Council Grants and Submissions as at 7 May 2018**
File No: I2018/843

18-290 **Resolved** that Council note the report and attachments #E2018/38160 and #E2018/38131.
(Richardson/Cameron)

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.5 **Minutes of Public Art Panel meeting held 26 April 2018**
File No: I2018/799

18-291 Resolved:

1. That Council:

   a) Note the success of the Stone & Wood Bike Rack project which proved to be an excellent collaborative effort between Council and Stone & Wood resulting in a benefit to the Byron Shire community

   b) Approve the donation of 'Happy Hoops', the winning design, in four locations in Byron Bay as public art sculptural bike racks

   c) Note Council is responsible for the installation of the pieces from the 'Byron Streetscapes Renewal' budget and the ongoing maintenance of them as for any public art piece owned by Council

2. That Council:

   a) Hold a Public Art Panel extra-ordinary meeting from 3.30pm 15 May to enable the discussion of submissions to the draft Public Art Strategy. Note submissions close 30 April

   b) Carry forward remaining unspent funds in the public art budget for 2017/18 to the 2018/19 financial year. This meets a recommendation of the draft Public Art Strategy to 'pool funds' to create a realistic public art budget for future commissions for quality public art

   c) Note that a sub-committee of the following selected Public Art Panel members will work with staff to progress the commissioning of a public artwork for the Bayshore Drive Roundabout public art project: Lisa Hochhauser, Matthew Baird, and Julie Lipsett (Denise Napier alternate). Note Crs Ndiaye and Hackett will attend where possible

3. That Council:

   a) Adopt the draft Memorandum of Understanding between Council and Creative Mullumbimby

   b) Note the Public Art Panel members selected to work with Creative Mullumbimby as outlined in the draft MOU are Cr Ndiaye (Cr Hackett alternate), Peter Wood and Denise Napier

   c) Authorises the Manager Community Development to sign the MOU on behalf of Council. (Richardson/Cameron)

Report No. 13.6 **Investments April 2018**
File No: I2018/812

18-292 **Resolved** that the report listing Council's investments and overall cash position as at 30 April 2018 be noted. (Richardson/Cameron)

Report No. 13.7 **Budget Review 1 January 2018 to 31 March 2018**
File No: I2018/829

18-293 **Resolved:**

1. That Council authorise the itemised budget variations as shown in Attachment 2 (#E2018/39650) which includes the following results in the 31 March 2018 Quarterly Review of the 2017/2018 Budget:

   a) General Fund – $256,900 increase to the Estimated Unrestricted Cash Result
   b) General Fund – $1,734,800 increase in reserves
   c) Water Fund – $1,195,100 increase in reserves
   d) Sewerage Fund – $2,930,600 increase in reserves

2. That Council adopt the revised General Fund Estimated Unrestricted Cash Result of $1,145,200 for the 2017/2018 financial year as at 31 March 2018. (Richardson/Cameron)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.9 **PLANNING - State Environmental Planning Policy No. 1 - Variations to development standards - 1 October 2017 to 31 December 2017**
File No: I2018/460

18-294 **Resolved** that Council note the report. (Richardson/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. 13.10 **Minutes of the Heritage Panel Meeting 29 March 2018**
File No: I2018/633

18-295 **Resolved:**

1. That Council note the minutes of the Heritage Panel meeting held 29 March 2018 whereby the Report 4.1 Update on Heritage Matters was considered; and

2. That Council adopt the following Panel recommendations:

   Local Places Grants

   a) That the report be noted on the Local Places heritage grants, and the Panel have been advised that the next round of grants will be advertised shortly.

Review of HAC Areas in Byron Bay

b) That Council note that a review of the Heritage Conservation Areas in Byron Bay Resolution (17-665) is dependent on future funding.

c) That Council notes and supports the draft Heritage Fact sheets to be included as part of Council's heritage information resources.

Review Heritage Study

d) That the Heritage Panel receive a report on funding options to review the heritage study, DCP and LEP.

Heritage Promotion

e) That staff consider the following actions as a way to promote heritage during heritage week 2018 as follows:
- A media release promoting heritage
- Stories in local newspapers engagement with historical societies.
- Heritage displays in Council's foyer

Saddle Road

f) That the Panel notes the significance of the Saddle Road/McAuleys Lane, Myocum Road precinct and recommends it for inclusion in a future review of the Heritage Study and LEP including Aboriginal and European Heritage; and

g) Invite Council's Heritage Advisor to the next Heritage Panel meeting.

(Richardson/Cameron)

Report No. 13.11 **Report of the Planning Review Committee Meeting held on 12 April, 2018**
File No: I2018/673

18-296 **Resolved** that Council note the report. (Richardson/Cameron)

Report No. 13.13 **Final Bangalow and Mullumbimby Movement Strategies - for incorporation into Bangalow and Mullumbimby Place Plans**
File No: I2018/689

18-297 **Resolved:**

1. That Council note the final strategies and actions of the Bangalow Movement Strategy including Implementation Plan in Attachment 1 (E2018/38669) will be incorporated into the Bangalow Village Plan.

2. That Council note the final strategies and actions of the Mullumbimby Movement Strategy including Implementation Plan in Attachment 2 (E2018/38573) will be incorporated into the Our Mullumbimby Masterplan.

3. That Council note projects that are currently being implemented by Council that align with the actions of both the Bangalow and Mullumbimby Movement Strategies.

(Richardson/Cameron)

Report No. 13.16 **PLANNING - Submissions Report - 26.2017.5.1 - Planning Proposal to activate the Rail Corridor in Byron Town Centre**
File No: I2018/834

In accordance with Cr Spooner's earlier declared non-pecuniary interest in this matter, he remained in the Chamber and participated in the vote.

18-298 **Resolved** that Council:

1. Forward the revised planning proposal (Attachment 1) to the NSW Department of Planning and Environment to advise of the re-exhibition.

2. Agree that staff can proceed to public exhibition of the planning proposal and government agency consultation, based on any subsequent advice from the NSW Department of Planning and Environment, and report back to Council as part of post-exhibition reporting.

(Richardson/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.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.20 **Grays Lane Upgrade Status Update**
File No: I2018/814

18-299 **Resolved:**

1. That Council note the planning work to date on the Grays Lane Upgrade project.

2. That Staff report back to Council at its meeting on 14 August 2018 with the results of consultation with residents and the Minister for the Environment. (Richardson/Cameron)

Report No. 13.21 **Compulsory acquisition Lot 11 in DP 1239057 Main Arm proposed extension to Main Arm Rural Fire Brigade Station**
File No: I2018/825

18-300 **Resolved:**

1. That Council make an application to the Minister and the Governor for approval to acquire land described as Lot 11 in DP 1239057 (Attachment 2 E2018/40602) by compulsory process under section 186(1) of the Local Government Act 1993 for the purpose of emergency services, namely, extending the Main Arm Rural Fire Brigade Station in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.

2. That the land be classified as Community Land categorised as General Community Use.

(Richardson/Cameron)

Report No. 13.23 Brunswick Valley Sustainability Centre Reforestation Project
File No: I2018/836

18-301 **Resolved** that Council:

1. Approve the Byron Bay Reforestation Project to use a section of the old nursery on the Brunswick Valley Sustainability Centre to prepare plantings for rehabilitation of the degraded big scrub areas nominated in the Management Plan for the site; and

2. Allocate $50,000 from the Sewer Fund to undertake maintenance work on the nursery site and $25,000 to match grant funding applications. (Richardson/Cameron)

COMMITTEE REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.1 Report of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 26 April 2018
File No: I2018/809

18-302 **Resolved** that Council note the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 26 April 2018. (Richardson/Cameron)

Report No. 14.2 Report of the Biodiversity Advisory Committee Meeting held on 30 April 2018
File No: I2018/833

18-303 **Resolved** that Council note the minutes of the Biodiversity Advisory Committee Meeting held on 30 April 2018. (Richardson/Cameron)

COMMITTEE REPORTS - INFRASTRUCTURE SERVICES

Report No. 14.3 Report of the Transport and Infrastructure Advisory Committee Meeting held on 20 April 2018
File No: I2018/815

18-304 **Resolved** that Council note the minutes of the extraordinary Transport and Infrastructure Advisory Committee Meeting held on 20 April 2018. (Richardson/Cameron)

18-305 **Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 4.1 Development of a Shire-wide Transport Strategy
File No: I2018/685

Committee Recommendation 4.1.1

That Council note that the Committee develop recommendations to Council for the following sections of a Shire-wide Transport Strategy:

- Scope and context
- Vision
- Principles
- Issues and challenges

- Targets and desired outcomes
- Key actions to achieve objectives
- Community and stakeholder engagement (Richardson/Cameron)

CONFIDENTIAL REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 16.3 **CONFIDENTIAL - Expression of Interest 2018-0018 - Multi Use of Byron Shire Rail Corridor**
File No: I2018/808

18-306 **Resolved** that Council short-list the following proponents to participate in the selective request for tender process:

a) Arcadis;
b) Caldis Cook Group; and
c) Plateway. (Richardson/Cameron)

PROCEDURAL MOTION

18-307 **Resolved** that Council change the order of business to deal with items 13.22, 13.12, 13.15, 13.18, 13.19, 13.14 (after lunch) next on the Agenda. (Richardson/Lyon)

The motion was put to the vote and declared carried.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.22 **Tweed Street Master Plan Status Update**
File No: I2018/826

Moved:

1. That Council notes the current status of the Tweed Street Master Plan project in the associated report.

2. That Council proceeds with smaller projects in the short term, such as pocket parks, landscaping and formalised parking and traffic lanes, prior to further community consultation and input into the Brunswick Heads Masterplan, Movement and Access strategy.

3. That Council Staff formally provide the necessary finance information on what can be further achieved in the draft 2019 FY budget and present it to the June budget meeting.

(Hunter/Spooner)

AMENDMENT

18-308 **Resolved:**

1. That Council note the current status of the Tweed Street Master Plan project.

2. That Council proceeds with smaller projects in Tweed Street in the short term, such as pocket parks and landscaping utilising existing budgets where available and possible funding sources (to be brought to the Extraordinary meeting on 28 June).

3. That the Tweed Street Master Plan as a stand-alone project be put on hold until the Brunswick Heads Master Plan and associated Access and Movement Strategy have been developed, noting that the works undertaken and plans developed for the Tweed Street Master Plan will be supplied as supporting information to the consultant tasked with preparing the Brunswick Heads Master Plan and associated Access and Movement Strategy.

(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.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

PROCEDURAL MOTIONS

18-309 **Resolved** that Council recommit the vote on the reservation of items for debate to remove 16.1 from the block vote. (Richardson/Cameron)

The motion was put to the vote and declared carried.

18-310 **Resolved** that the following items be reserved for debate:

STAFF REPORTS

Corporate and Community Services

Report No. 13.1 Council Resolutions Quarterly Review - 1 January 2018 to 31 March 2018
Report No. 13.2 Proposed Rural Fire Service Relocation to Cook Pioneer Centre
Report No. 13.3 Section 355 Management Committee matters
Report No. 13.4 LGNSW Regional Summit
Report No. 13.8 Poker Machine Policy investigation

Sustainable Environment and Economy

Report No. 13.12 PLANNING - Development Application 10.2017.280.1 Development Application for Alterations and Additions to existing building including, construction of basement car park, Restaurant at ground level (including cellar bar and sandwich bar), and two self contained Motel or Hotel Accommodation units at first floor level at 32-34 Byron Street Bangalow
Report No. 13.14 Update - Resolution 18-266 The Terrace Reserve Holiday Park, Brunswick Heads
Report No. 13.15 PLANNING - Development Application 10.2017.460.1 - Utility Installation: Telecommunication Tower at 54 Jones Road Wooyung
Report No. 13.17 New legislative provisions relating to the Joint Regional Planning Panels and Sydney Planning Panels

Infrastructure Services

Report No. 13.18 Clarkes Beach Stormwater and Gully Rehabilitation Works - update
Report No. 13.19 Mullumbimby Leagues Club Amenities Facility Section 64 Contribution
Report No. 13.22 Tweed Street Master Plan Status Update
Report No. 13.24 Recycled Water Irrigation Projects Byron Bay

CONFIDENTIAL REPORTS

General Manager
Report No. 16.1 CONFIDENTIAL - General Manager Recruitment

Corporate and Community Services
Report No. 16.2 CONFIDENTIAL - Byron Shire Council purchase from Health Administration Corporation

Infrastructure Services
Report No. 16.1 General Manager Recruitment
Report No. 16.4 CONFIDENTIAL - 2017-0042 - Bus Shelter Tender - Award of Tender
(Richardson/Cameron)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.12 **PLANNING - Development Application 10.2017.280.1 Development Application for Alterations and Additions to existing building including, construction of basement car park, Restaurant at ground level (including cellar bar and sandwich bar), and two self contained Motel or Hotel Accommodation units at first floor level at 32-34 Byron Street Bangalow**
File No: I2018/681

Moved: That Council defer consideration for one meeting and that prior to the meeting Council seeks concurrence from the applicants on providing a new VPA that provides for non carparking outcomes. (Richardson/Lyon)

PROCEDURAL MOTION

18-311 **Resolved** that this matter rest on the table. (Richardson/Cameron)

The motion was put to the vote and declared carried.

Report No. 13.15 **PLANNING - Development Application 10.2017.460.1 - Utility Installation: Telecommunication Tower at 54 Jones Road Wooyung**
File No: I2018/813

Moved that pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979*, development application no. 10.2017.460.1 for a Utility Installation: Telecommunication Tower, be refused for the following reasons:

a) Pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Clause 4.3 Height of Buildings under Byron Local Environmental Plan 2014.
b) Pursuant to the provisions of Section 79C (1)(b)) of the Environmental Planning and Assessment Act 1979, the phone tower will have an adverse impact on the built and visual amenity of the locality and the natural environment.
c) Pursuant to the provisions of Section 79C (1)(c)) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the development as proposed, as there are other alternative sites for the phone tower.
d) Pursuant to the provisions of Section 79C (1)(e) of the Environmental Planning and

Assessment Act 1979, approval of the development is not in the public interest.
(Cameron/Coorey)

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

PROCEDURAL MOTION

18-312 **Resolved** that Cr Cameron be granted a two minute extension to his speech.
(Ndiaye/Richardson)

The motion was put to the vote and declared carried.

18-313 **Resolved** that pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979*, development application no. 10.2017.460.1 for a Utility Installation: Telecommunication Tower, be granted consent subject to conditions listed in Attachment 4 #E2018/30097. (Hunter/Spooner)

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

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.19 **Mullumbimby Leagues Club Amenities Facility Section 64 Contribution**
File No: I2018/802

Moved:

1. That Council levy current s64 contributions due to be paid by the Mullumbimby Rugby Leagues Club for Development Application 10.2016.125.1, at a rate over a 10 year period.

2. That in order to aid the implementation of point 1 Council considers the utilisation of the re-use water system to offset the cost.

3. That Council consider opportunities to utilise Council's re-use water system and provide a report on the wider opportunities for supporting not-for-profit groups and their contribution requirements. (Hunter/Ndiaye)

PROCEDURAL MOTION

18-314 **Resolved** that Cr Richardson be granted a two minute extension to his speech. (Ndiaye/Coorey)

The motion was put to the vote and declared carried.

AMENDMENT

18-315 **Resolved:**

1. That Council defer consideration of applying or waiving s64 contributions due to be paid by the Mullumbimby Rugby Leagues Club for Development Application 10.2016.125.1.

2. That prior to final consideration a report be brought to Council outlining opportunities to utilise Council's re-use water system and a report that considers the wider opportunities for supporting not-for-profit groups and their contribution requirements. (Richardson/Coorey)

PROCEDURAL MOTION

18-316 **Resolved** that Cr Cameron be granted a two minute extension to his speech. (Richardson/Coorey)

The motion was put to the vote and declared carried.

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.

*The meeting adjourned at 1.42pm for lunch and reconvened at 2.33pm following the Byron Shire Reserve Trust Committee Meeting. Resolution Numbers **18-317 to 18-319** were used during that meeting.*

PROCEDURAL MOTION

18-320 **Resolved** that Report No. 13.12 be lifted from the table. (Richardson/Coorey)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.12 **PLANNING - Development Application 10.2017.280.1 Development Application for Alterations and Additions to existing building including, construction of basement car park, Restaurant at ground level (including cellar bar and sandwich bar), and two self contained Motel or Hotel Accommodation units at first floor level at 32-34 Byron Street Bangalow**
File No: I2018/681

Continued

18-321 **Resolved:**

1. That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2017.280.1 for Alterations and Additions to existing building including, construction of basement car park, Restaurant at ground level (including cellar bar and sandwich bar) and two self contained Hotel or Motel Accommodation units at first floor level, be granted consent subject to the conditions in updated Attachment 3 (E2018/38603).

2. That Council grant delegations to the General Manager to enter into a planning agreement for the developer to pay a monetary contribution of $52,864 for transport infrastructure upgrades including bicycle facilities and general local footpath pavement upgrades within Bangalow.

3. Council accepts the variation to the parking provisions of Development Control Plan 2014 on the basis of resolution 18-115 to amend the DCP in the town centres. (Richardson/Lyon)

The motion was put to the vote and declared carried.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.18 **Clarkes Beach Stormwater and Gully Rehabilitation Works - update**
File No: I2018/669

18-322 **Resolved:**

1. That a further report be presented to Council regarding the Clarkes Beach Stormwater and Gully Rehabilitation Works once a final design has been agreed to between stakeholders.

2. That required funding in future years be considered when the matter is reported to Council to redirect flows from Lighthouse Road away from the Clarkes Beach Holiday Park eastern outlet and to the main Clarkes Beach outlet.

3. That within the report, it be reiterated that Byron Shire Council is committed to water sensitive urban design practices and, the Byron Bay Town Centre Masterplan recommendation for a wetland and retention pond between the Byron recreation grounds and Lawson Street should be considered when designing the flow redirection route.

4. That Council recognises and acknowledges the ongoing and effective work in the area being considered by the Clean and Green Awareness Team and request they, the Coastal Catchment Panel and Water Places Group, are invited to participate in any further stakeholder discussions and presentations.

5. That staff draft plans as soon as possible for diversion from Lighthouse Road of the flow of stormwater and explore potential funding/grant opportunities. (Ndiaye/Richardson)

PROCEDURAL MOTION

18-323 **Resolved** that Cr Ndiaye be granted a two minute extension to her speech.
(Richardson/Cameron)

The motion was put to the vote and declared carried.

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

PROCEDURAL MOTION

18-324 **Resolved** that Council change the order of business to deal with Report 13.14 next on the Agenda. (Ndiaye/Richardson)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.14 **Update - Resolution 18-266 The Terrace Reserve Holiday Park, Brunswick Heads**
File No: I2018/797

18-325 **Resolved** that Council:

1. Note the report.

2. That Council note that Resolution 17-523 is still live and reiterates the positions outlined therein.

3. Acknowledge recent community submissions made about the Coastal Cypress Pines, and, need for the issues raised in these, to be addressed by Reflections Holiday Parks in a formal response to Council.

4. (a) Request Reflections Holiday Parks to submit a Biodiversity Development Assessment Report in accordance with the Biodiversity Assessment Method under the Biodiversity Conservation Act 2016 to inform the current Approval to Operate application for The Terrace Holiday Park.
(b) This report is to address the biodiversity impacts of the activity/s proposed on site, and is to determine which approval pathway (development consent, native vegetation clearing approval or permit) applies in the circumstances to the site activity/s proposed.

5. Receive a further staff report on the Approval to Operate for The Terrace Holiday Park once items 3 and 4 above are received.

6. Notify the Minister for the Environment, The Hon Gabrielle Upton and Minister for the Crown Lands, The Hon Paul Toole, Tamara Smith MP and Ben Franklin MLC of the resolution of Council and Council's intention to support the ongoing protection and rehabilitation of the EEC of Cypress Pines. (Ndiaye/Coorey)

The motion was put to the vote and declared carried.

MAYORAL MINUTE

There was no Mayoral Minute.

NOTICES OF MOTION

Notice of Motion No. 9.1 **Letter to Coastal Panel regarding Development Applications for Belongil Beach**
File No: I2018/861

18-326 Resolved:

1. That Council acknowledge that formal submissions have been made by Council regarding the following Development Applications to the Coastal Panel:
   - Development Application number: CP 17 006
   - Development Application number: CP 17 007
   - Development Application number: CP 17 008
   - Development Application number: CP 17 009
   - Development Application number: CP 17 010

2. That, additional to the submissions, the Mayor and Councillors additionally send a letter to the Coastal Panel expressing the following:
   a) the high level of community concern around this issue;
   b) concern at the paucity of advertising for the Development Application, the difficulty of finding the advertisement in the local paper, and the brevity of the exhibition period;
   c) the difficulty of finding the DAs on the Coastal Panel website;
   d) that Council's position for many years with respect to the Belongil Spit area, supported by community and court precedents, has been for the policy of 'planned retreat'.
   (Coorey/Richardson)

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

Notice of Motion No. 9.2 **Increasing Newstart to Reduce Pressure on Council Community Services**
File No: I2018/849

18-327 **Resolved** that Council:

1. Publicly advocate to the relevant Federal Government ministers for the Newstart Allowance to be increased from the current rate of $269, by at least $80 per week.

2. That copies of the letter be sent to all NSW Federal MHRs and Senators. (Ndiaye/Cameron)

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

Notice of Motion No. 9.3 **Lone Goat Gallery s355 Committee Membership**
File No: I2018/851

18-328 **Resolved** that Council advertise for the appointment of three visual arts representative members to The Lone Goat Gallery Board (355 Committee), to ensure a balanced representation and a diversity of skills on the governing management committee. (Hackett/Cameron)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.4 **Esplanade Laneway, New Brighton**
File No: I2018/855

Moved:

1. That Council consider in the 2018-2019 budget process, works to address the 4 main issues presently at play in the Esplanade Laneway, New Brighton in particular:
   a) Reconstruct the street surface with a full width of asphalt to accommodate short term parking if possible, allowing single vehicle access for emergency and garbage collection vehicles and address the drainage issues;
   b) Provide local residential traffic unimpeded access into and out of their property;
   c) Provide relevant signage limiting parking hours, no parking in driveways, no camping and no dumping of rubbish and green waste in addition to those identified in Res 18-090; and
   d) Repair and improve dune fencing to prevent pedestrian trespassing and unapproved access over the dunes to the beach.

2. That Council expedite the installation of regulatory signage as per Res 18-090.
(Hunter/Spooner)

AMENDMENT

18-329 **Resolved** that Council expedite the installation of regulatory signage as per Res 18-090 and if the current budget is exhausted the 2018-2019 budget is used and signs installed in the 1st quarter of 2018-2019 financial year. (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.

Notice of Motion No. 9.5 Clay Heath Restoration Project Stakeholder Concerns
File No: I2018/856

18-330 Resolved:

1. That Council:

   a) Notes some community concerns regarding tree removal on Council owned land and Arakwal National Park land as part of the Clay Heath Restoration Project;
   b) Notes that the park is under management of the Arakwal and that any concerns on that land must be addressed to them via NPWS;
   c) Invites concerned residents to a meeting to discuss issues pertaining to the Council land, and

2. That the stakeholder meeting takes place within a month of this meeting. (Coorey/Lyon)

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

PETITIONS

There were no petitions.

DELEGATES' REPORTS

1. Byron Bay Liquor Accord AGM

Cr Spooner advised Council:

Yesterday he attended as representative to the Byron Bay Liquor Accord AGM which was well attended. There was some interesting discussion around issues in Byron CBD over last 3 or 4 months. Police were there as they usually are, and there were representatives from Office of Liquor and Gaming. It was interesting because there had been some discussions previously around whether it should be compulsory to have licensees as part of the Accord because it's mainly the larger establishments that are. There's pros and cons with that and it was mentioned what happened in Newcastle when it was forced upon the Accord down there. It didn't actually work that brilliantly but what did work was a more collaborative approach between the Police, licensees and council and think that's what we've got going in Byron Bay and have had for a couple of years. It came out in the discussion around when Police talked about figures on things like sexual assaults in public places and matters like that.

It is disturbing and there is a campaign called "Us for Angela" in pubs, if you haven't heard about it, because of sexual assaults around alcohol venues especially. He thinks the figure from yesterday if remembered correctly, there has been seven sexual assaults in the Byron area since Christmas so it's something that touches our community as well. As well as some indecent assaults which adds to that number.

So it is a concern, but what came out of the discussion that he was particularly interested in from a Council point of view was that the drinking in public places in Byron is very much still a key issue, especially with a lot of tourists and travellers, you can get a lot of pre-fuelling going on and then that extending into public places. So, in the spirit of collaborative community that was being talked

about yesterday it was suggested that we do need to strike a balance, if you like, here because he goes to the beach front often at sunset and there'll be someone playing music there and people sitting around and it's not unusual for someone to be having a beer or wine up there. It's a fairly chilled out space, and don't think we want to clamp down on that but the excessive alcohol in public places is what really creates the concern.

There was a recognition by Police yesterday of that reality but certainly there was a reaching out to rather than just responding to things when they get really bad, that maybe we need a process in place where Police, Council and maybe Liquor Accord get together and include the Chamber of Commerce to consider some preventative and long term strategies around public drinking because we do things like declaring areas, we have signage, they respond to that and he thinks it might be wise of us to set something up like that, where we do come together to have a look at how things are going rather than waiting till things get bad again; because they have been improving but living and working in Byron, he would say that's the flashpoint and it's not an easy one to solve but he thinks it would be good for us as a Council to engage with both Police and licensees and follow through on that.

The other thing that might be sensible in that regard too, and even prior to that meeting, is to have some sort of audit of street lighting or signage around drinking in public places in town; He knows we did this a few years ago. There were some comments by some of the licensees that they feel that's changed. Especially with the change in waste bins and stuff around town.

He sees that as all positive and thinks our presence there is worthwhile and certainly valued.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.1 **Council Resolutions Quarterly Review - 1 January 2018 to 31 March 2018**
File No: I2018/631

18-331 **Resolved** that Council:

1. Note the information provided in this report on active Council Resolutions in Attachment 1 (#E2018/28602).

2. Note the completed Resolutions in Attachment 2 (#E2018/36724).

3. Close Resolutions 11-646, 14-096 and 18-193, due to them being no longer relevant, superseded by subsequent resolutions, or not resourced.

4. Alter the reporting requirement determined in Resolution 17-136, regarding Council's Online Road Register, from monthly to quarterly updates. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 13.2 **Proposed Rural Fire Service Relocation to Cook Pioneer Centre**
File No: I2018/670

Moved:

1. That Council note the report and plans to relocate the Rural Fire Service from Council's Administration building to a more suitable location.

2. That the Cook Pioneer Centre not be considered unless no other option can be found. (Ndiaye/Richardson)

AMENDMENT

18-332 **Resolved** that Council:

1. Note the report and plans to relocate the Rural Fire Service from Council's Administration building to a more suitable location at the Cook Pioneer Centre.

2. Terminate from 30 June 2018 the Delegated Authority under Section 377 of the Local Government Act 1993 for a Section 355 Management Committee to manage the Cook Pioneer Centre, Mullumbimby.

3. Formally thank the members of the Section 355 Management Committee for their years of effort and time in contributing to the community by managing the Cook Pioneer Centre.

4. Continue to cover the costs of networking lunches and a small amount for room hire fees up to $1,800 per annum, until the end of the current term of Council (September 2020) at which time this will be reviewed, in recognition of the work of the Mullumbimby Senior Citizens group. (Lyon/Coorey)

The amendment was put to the vote and declared carried.
Cr Ndiaye voted against the amendment.

The amendment upon becoming the substantive motion was put to the vote and declared carried.
Cr Ndiaye voted against the motion.

The meeting adjourned at 4.37pm for a break and reconvened at 4.50pm.

Report No. 13.3 **Section 355 Management Committee matters**
File No: I2018/702

18-333 **Resolved:**

1. That the resignation from Shanti Des Fours from Lone Goat Gallery Board of Management be accepted and a letter of thanks provided.

2. That the resignations from Sarah Connellan and Ruth Ryan from the Bangalow Parks Trust Management Committee be accepted and that letters of thanks be provided.

3. That the nomination from Murray Hand be accepted for the Bangalow Parks Trust Management Committee.

4. That the resignation from Peter Mortimore from the Bangalow A&I Hall Board of Management be accepted and a letter of thanks provided.

5. That Council appoint Cr Richardson as the alternative Councillor representative to the Lone Goat Gallery Board of Management replacing Cr Ndiaye. (Richardson/Lyon)

The motion was put to the vote and declared carried.

Report No. 13.4 **LGNSW Regional Summit**
File No: I2018/787

18-334 **Resolved** that Council authorise Cr Lyon to attend the LGNSW Regional Summit held by Bellingen Shire Council on 12 July 2018. (Cameron/Lyon)

The motion was put to the vote and declared carried.

Report No. 13.8 **Poker Machine Policy investigation**
File No: I2018/850

18-335 **Resolved** that Council:

1. Note the report on policy options in relation to Poker Machines.

2. Review and receive a report on the development of the Northern Beaches Council Gambling and Poker Machine Harm Management Strategy that is due to be finalised in August 2018. (Spooner/Ndiaye)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.17 **New legislative provisions relating to the Joint Regional Planning Panels and Sydney Planning Panels**
File No: I2018/842

18-336 **Resolved** that Council:

1. Note currently there is one outstanding position on the JRPP as the local representative on the JRPP with David Milledge (Community) as the alternate for this position.

2. Affirm the membership of the Councillor Simon Richardson (Mayor) as the second local representative to the Joint Regional Planning Panel with Cr Cameron (Deputy Mayor) as the alternate.

3. Seek expressions of interest for JRPP Panel Members from eligible persons for part-time appointment to represent Council on the Northern Joint Regional Planning Panel (JRPP). The criteria for the expression of interest to meet the Planning Panels Operational Procedures and Code of Conduct including knowledge of local area issues and local planning issues and ability to act independently and to represent community concerns.

4. Notify the Planning Panel's Secretariat of the above nominations at least two weeks prior to any scheduled Panel meeting.

6. In the period prior to successful nominations the Mayor is given delegated authority to submit two representatives to the JRPP. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.24 Recycled Water Irrigation Projects Byron Bay
File No: I2018/844

18-337 **Resolved** that Council:

1. Approve the Byron Bay Urban Recycled Water Scheme irrigation installation and upgrade projects at:

   - Railway Park
   - Dening Park
   - Apex Park; and
   - The Cavanbah Centre

2. Allocate the following funding for the projects in the 2018/19 Budget from the Water and Sewer Section 64 ($382,800) and Crown Paid Parking ($21,200). (Coorey/Lyon)

The motion was put to the vote and declared carried.

QUESTIONS WITH NOTICE

Question With Notice No. 15.1 Valances Road Plan of Management
File No: I2018/782

At Council's Ordinary Meeting held on 19 April 2018, Matthew O'Reilly submitted the following question which was taken on notice:

> *The current 2017 Plan of Management for Valances Road, Mullumbimby maps large areas of the land as eco-wetland and key fish habitat yet despite this mapping most of these areas are not included as Natural Vegetation or Environmental Land areas or as constrained land, instead they are included for community, housing and biomass project areas. How can Council justify ignoring its eco-wetland map and key fish habitat map under this Plan of Management and supporting development over these areas?*

Response Director Infrastructure Services:

The proposed project area mapping is intended to show indicative high-level proposed project areas/precincts, not intensive development plans.

Prior to any projects proceeding, the layouts, designs and applications for consents would be prepared in compliance and congruent with all land use and setbacks for ecological, environmental and key habitat values. The natural environmental values of the land will be maintained in tandem with the potential projects contemplated for the Sustainability Centre. Land use requirements and environmental constraints will all be respected.

Please note, Council Resolution 17-459 renamed the plan to the Brunswick Valley Sustainability Centre Management Plan.

Question With Notice No. 15.2 Woolies Car Park
File No: I2018/783

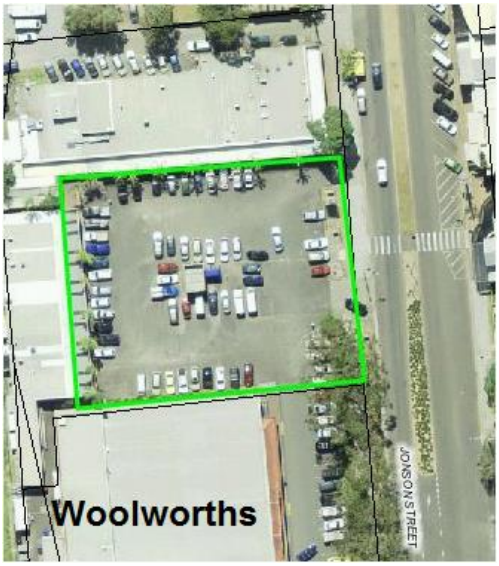
At Council's Ordinary Meeting held on 19 April 2018, John Anderson submitted the following question which was taken on notice:

Why didn't Council require Woolworths, Byron Bay to lodge a development application prior to its occupation, alteration and use of adjoining railway land as a car park, and, if the said use is indeed unauthorised due to a lack of development consent, what is the legal status of the parking restrictions and the risk to Council in terms of public liability?

Response Legal Counsel:

Legal Counsel met with Mr Anderson to clarify the area to which the question related. There was confusion as to the Woolworths car park and parking restriction and the "adjoining railway land".

No development application was necessary to enable the establishment and enforcement of car parking on land located at 90-96 Jonson Street, Byron Bay (Lot 5, DP 619224).



In late 2014 and early 2015 Council entered into discussions with the landowner in respect of the creation of a Free Parking Agreement pursuant to the provisions of section 650(6) of the Local Government Act 1993. That section provides that the owner of any private land may enter into an agreement with the council under which the land, or any part of the land, is set aside for use as a free parking area.

The in principle agreement was reported to the Local Traffic Committee on 6 February 2015 which in turn reported it to Council at its Ordinary Meeting on 25 February 2015.

On 26 February 2015 Council resolved:

***15-070 Resolved**:*

1. *That Council approves a 2P time limit which is effective 9am to 6pm each day and it applies where signed in the car park located at 90-96 Jonson Street, Byron Bay (Lot 5, DP 619224).*

2. *That Council suggests to the owner that 15 minute pick up / drop off zones and 'parents with*

prams' bays, as well as disabled parking bays be considered in line with current parking standards.

3. *That any proposed regulatory changes in the car park while under lease to, or subject to agreement with Council, will need referral to the Local Traffic Committee for approval.*

The agreement was subsequently entered into. It commenced on 2 March 2015 and continues for a period of five years.

The agreement incorporates parts 1 and 3 of the Resolution and the disabled parking bays component of part 2. The balance of part 2 was raised with the property owner who did not reject the suggestion but indicated that the agreement should commence without the inclusion of pickup/drop-off zones and pram bays whilst leaving it open for the suggestion to be reconsidered.

Upon entry of a Free Parking Agreement with a Council the landowner effectively turns over the land to Council control for the purposes of ensuring compliance with parking restrictions which, by the agreement, become a law-enforcement function of Council.

The agreement provides that Council retains the fine revenue generated from enforcement of permissive parking in the parking area.

Question With Notice No. 15.3 Brunswick Valley STP Monitoring Point 5
File No: I2018/784

At Council's Ordinary Meeting held on 19 April 2018, Patricia Warren submitted the following question which was taken on notice:

What is the daily inflow at the Brunswick Valley STP's Monitoring Point 5 31 January 2018 to date?

Response Director Infrastructure Services:

A copy of the recorded inflow in kilolitres per day is attached. (E2018/38198).

The Mayor left the meeting at 5.35pm and the Deputy Mayor took the Chair.

CONFIDENTIAL REPORTS - GENERAL MANAGER

Report No. 16.1 CONFIDENTIAL - General Manager Recruitment
File No: I2018/878

In accordance with his earlier declared pecuniary interest in this matter, the Acting General Manager, Mark Arnold, left the meeting at 5.37pm.

18-338 **Resolved** that this matter be deferred to the next appropriate meeting. (Cameron/Ndiaye)

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

CONFIDENTIAL REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 16.2 **CONFIDENTIAL - Byron Shire Council purchase from Health Administration Corporation**
File No: I2018/606

18-339 Resolved:

1. That pursuant to Section 10A(2)(c), (d)i and (d)ii of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the report Byron Shire Council purchase from Health Administration Corporation.

2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
   a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
   b) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it
   c) information that would, if disclosed, confer a commercial advantage on a competitor of the council

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 information in the proposed contract is commercial in confidence as between the parties to it. The information in the financial modelling is considered confidential as to not provide a competitive advantage to any other potential interested party. (Cameron/Hunter)

The motion was put to the vote and declared carried.

18-340 Resolved:

1. That Council note the content of the report.

2. That Council note the status of contract negotiations and endorse the position taken by the Acting General Manager outlined in Confidential Attachment 3 (#E2018/35563).

3. That the report and its attachments remain confidential. (Cameron/Martin)

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

PROCEDURAL MOTION

18-341 **Resolved** that the meeting move out of confidential session. (Cameron/Spooner)

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

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.4 **CONFIDENTIAL - 2017-0042 - Bus Shelter Tender - Award of Tender**
File No: I2018/700

18-342 **Resolved:**

1. That pursuant to Section 10A(2)(c) and (d)i of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the report 2017-0042 - Bus Shelter Tender - Award of Tender.

2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
   a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
   b) 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:

   Disclosure of information that may need to be discussed could prejudice the commercial position of the person who supplied the information. (Coorey/Ndiaye)

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

18-343 **Resolved** that Council:

1. Not accept any tender submitted for Contract 2017-0042; Supply and Installation of Bus Shelters.

2. Establish a design competition for the supply and installations of 11 Bus Shelters and that this process ensures:
   a) The works are completed by 30 June 2019.
   b) Disability Standards for Accessible Public Transport are met.
   c) The design completion and resultant works are achieved within the current budget allocation.
   d) That delegates from the Public Art Panel are involved in the process.

(Coorey/Ndiaye)

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

PROCEDURAL MOTION

18-344 **Resolved** that the meeting move out of confidential session. (Cameron/Ndiaye)

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

URGENCY MOTIONS

PROCEDURAL MOTION

18-345 **Resolved** that the matter of the Local Traffic Committee Meeting recommendations be discussed as a matter of urgency. The urgency being that recommendations need to be adopted prior to the next Council Meeting in June 2018. (Cameron/Ndiaye)

The Deputy Mayor declared the matter to be of great urgency.

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

Urgency No. 1 Local Traffic Committee Meeting Recommendations

18-346 **Resolved** that the following recommendations from the Local Traffic Committee Meeting held on 23 May 2018 be adopted:

a) **Report No. 6.1 Byron Street Connection and Jonson Street Works, Byron Bay**
File No: I2018/900

That the Local Traffic Committee endorse the amended Pavement Marking and Signage Plan for the Byron Street Connection and Jonson Street Works, Byron Bay E2018/42534.

b) **Report No. 7.1 DA - Festival of the Stone 2018 - Road Closure - Saturday 9 June 2018**
File No: I2018/899

1. That Council approve the Traffic Control and Traffic Management Plans for the Festival of the Stone 2018, to be held Saturday 9 June 2018.

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
   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. holding $20m public liability insurance cover which is valid for the event.
      iv. paying Council's Road Event Application Fee prior to the event.

(Cameron/Ndiaye)

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

PROCEDURAL MOTION

Moved: That the matter of Mercato be discussed as a matter of urgency. The urgency being due

to the schedule of concrete pouring. (Cameron/Ndiaye)

The Deputy Mayor declared the matter to be of great urgency.

The motion was put to the vote and declared lost.
Crs Coorey, Martin, Lyon, Cameron, Hackett, Spooner and Hunter voted against the motion.
Cr Richardson was not present for the vote.

There being no further business the meeting concluded at 6.07pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 21 June 2018.

.....
Mayor Simon Richardson