



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 2 August 2018

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
2 August 2018

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ORDINARY MEETING MINUTES

2 August 2018

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 2 AUGUST 2018 COMMENCING AT 9.06AM AND CONCLUDING AT 5:20PM

I2018/1389

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 (General Manager)
Anna Vinfield (Acting Director Corporate and Community Services) - morning
James Brickley (Manager Finance) - afternoon
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Ralph James (Legal Counsel)
Chris Larkin (Manager Sustainable Development) – item 13.16
Evan Elford (Team Leader Infrastructure Planning) – item 13.9
Andrew Pearce (Development Engineer) – item 13.18
Peter Rees (Manager Utilities) – item 16.1
David Royston Jennings/Heather Sills (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 Implementation of Resolution 18-308 - Tweed Street Masterplan

Kim Rosen on behalf of Brunswick Heads Chamber of Commerce Inc. addressed Council in favour of the recommendation.

Sean O'Meara on behalf of Brunswick Heads Progress Association addressed Council against the recommendation.

Mary Ashton on behalf of Tweed St Taskforce addressed Council against the recommendation.

13.12 PLANNING - Development Application 10.2017.742.1 - Alterations and Additions to Existing Dwelling House, New Dwelling House to Create a Dual Occupancy (detached) and Two (2) Studios at 219 Saddle Road Brunswick Heads

Matthew O'Reilly on behalf of Koresoft Pty Ltd addressed Council against the recommendation.

13.13 Updates - Audit of secondary dwelling conditions of consent; Short Term Holiday Let enforcement action and State Government position on Short Term Holiday Let.

David Wallace on behalf of VOHL addressed Council in favour of the recommendation.

13.16 PLANNING - S96 10.2013.128.3 - Delete Condition 59 and Permit Paid Parking 30 Tanner Lane Tyagarah

Brandan Meek on behalf of Bluesfest addressed Council in favour of the recommendation.

13.17 PLANNING - Development Application No. 10.2018.86.1 - Installation of 30m high telecommunications facility and associated ancillary equipment at Lot 339 DP 755692 Old Pacific Highway Brunswick Heads

Bob Coyne on behalf of Telstra addressed Council in favour of the recommendation.

Vanessa Davies on behalf of Aurecon addressed Council in favour of the recommendation.

13.18 PLANNING - Development Application 10.2017.516.1 Subdivision to create four (4) lots, removal of trees, earthworks and associated infrastructure - 8 Coomburra Crescent, Ocean Shores

Olga Trasz addressed Council against the recommendation.

13.20 PLANNING - Development Application 10.2017.577.1 - Change of Use From Light Industry to Light Industry Including an Industrial Retail Outlet at 99 Lismore Road, Bangalow

Alan Mitchell addressed Council in favour of the recommendation.

Matthew O'Reilly, representing CABS, addressed Council against the recommendation.

Question No. 1

John Anderson tabled the following question:

Given that the General Manager has unimpeded access to full and unredacted Council files and given that a reasonable maximum legal fee for a 3 day hearing in the Land and Environment is \$50,000, will the General Manager undertake to examine Ebsworth Lawyers purported accounting of its outlays regarding the Butler Street bypass defence and then give the ratepayers an assurance that the apparently excess \$400,000 charged by that firm all went to legitimate destinations?

The meeting adjourned at 10.16am and reconvened at 10:40am.

13.21 Submissions Report on the Draft Integrated Pest Management Policy

Stephen Booth addressed Council against the recommendation.

APOLOGIES

There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

PROCEDURAL MOTION

18-432 Resolved that Cr Coorey be granted a leave of absence for the 20 September 2018 Ordinary Meeting.

(Richardson/Hunter)

The motion was put to the vote and declared carried.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Ndiaye declared a non-pecuniary interest in Report 13.16. The nature of the interest being that she works onsite at Bluesfest. Cr Ndiaye elected to remain in the Chamber and will participate in discussion and the vote.

Cr Ndiaye declared a non-pecuniary interest in Report 13.18. The nature of the interest being that the applicant is a relative of a colleague at her school. Cr Ndiaye elected to remain in the Chamber and will participate in discussion and the vote.

Cr Spooner declared a non-pecuniary interest in Report 13.23. The nature of the interest being that his employer operates a monthly market on the site. Cr Spooner elected to remain in the Chamber and will participate in discussion and the vote.

TABLING OF PECUNIARY INTEREST RETURNS

In accordance with the Local Government Act 1993 Section 450(A), Section 449(3) Returns are tabled for:

Ivan Holland
Simone Reeves Kenyon
Fiona Sinclair

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

18-433 Resolved that the minutes of the following meetings be confirmed:

- Byron Shire Reserve Trust Committee held 21 June 2018
- Ordinary Meeting held 21 June 2018
- Extraordinary Meeting held 28 June 2018

(Spooner/Lyon)

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**General Manager****Corporate and Community Services**

Report No. 13.2	Local Government NSW Annual Conference 2018
Report No. 13.3	Report of the Public Art Panel Extraordinary Meeting 15 May, adoption of Public Art Strategy and nominees received for additional members to the Public Art Panel
Report No. 13.5	Biodiversity Advisory Committee and Sustainability & Emissions Reduction Advisory Committee - Community Representatives
Report No. 13.6	Section 355 Management Committees - resignations and appointments
Report No. 13.9	Implementation of Resolution 18-308 - Tweed Street Masterplan

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Report No. 13.10 Amendment of General Managers Delegation in respect of Legal Proceedings

Sustainable Environment and Economy

- Report No. 13.12 PLANNING - Development Application 10.2017.742.1 - Alterations and Additions to Existing Dwelling House, New Dwelling House to Create a Dual Occupancy (detached) and Two (2) Studios at 219 Saddle Road Brunswick Heads
- Report No. 13.13 Updates - Audit of secondary dwelling conditions of consent; Short Term Holiday Let enforcement action and State Government position on Short Term Holiday Let.
- Report No. 13.14 Northern Joint Regional Planning Panel (JRPP) - community representatives
- Report No. 13.16 PLANNING - S96 10.2013.128.3 - Delete Condition 59 and Permit Paid Parking 30 Tanner Lane Tyagarah
- Report No. 13.17 PLANNING - Development Application No. 10.2018.86.1 - Installation of 30m high telecommunications facility and associated ancillary equipment at Lot 339 DP 755692 Old Pacific Highway Brunswick Heads
- Report No. 13.18 PLANNING - Development Application 10.2017.516.1 Subdivision to create four (4) lots, removal of trees, earthworks and associated infrastructure - 8 Coomburra Crescent, Ocean Shores
- Report No. 13.19 Draft Pest Animal Management Plan
- Report No. 13.20 PLANNING - Development Application 10.2017.577.1 - Change of Use From Light Industry to Light Industry Including an Industrial Retail Outlet at 99 Lismore Road, Bangalow

REPORTS OF COMMITTEES

Sustainable Environment and Economy

Infrastructure Services

- Report No. 14.5 Report of the Local Traffic Committee Meeting held on 26 June 2018
- 6.1 Request for one way signage - Ruskin Lane Byron Bay
 - 6.2 Draft Constitution for Local Traffic Committee
 - 6.3 Koala interactions and speed advisory sign options for Granuaille Road Bangalow
 - 6.4 Bayshore & Sunrise Roundabouts Linemarking & Signage
 - 6.5 Interim Actions to Manage Traffic and Parking at Byron Bay Arts and Industrial Estates
 - 7.1 Events - INGENUITY Sculpturefest Mullumbimby - Brunswick Terrace Road Closure
 - 7.2 Events - Billinudgel Open For Business - Wilfred Street Road Closure
 - 7.3 Event - Chincogan Charge, Mullumbimby - 8 September 2018
 - 7.4 Traffic Calming on Broken Head Road
 - 8.1 Bluesfest 2019 - Paid Parking
 - 8.2 Beer and Cider Festival

CONFIDENTIAL REPORTS

Infrastructure Services

- Report No. 16.1 CONFIDENTIAL - CONTRACT 2018-0017 Design & Construction of Sewer Rising Main RM3008 Replacement Pipeline - Bangalow Road Byron Bay
- Report No. 16.2 CONFIDENTIAL - CONTRACT 2018-0010 Construction of the Azalea Street Sewer Rising Main Mullumbimby
- Report No. 16.3 CONFIDENTIAL - CONTRACT 2018-0026 SPS4001 New Rising Main and Pump Well Conversion Stuart Street Mullumbimby

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The Recommendations and Committee Recommendation items 13.1, 13.4, 13.7, 13.8, 13.11, 13.15, 13.21, 13.22, 13.23, 14.1, 14.2, 14.3, 14.4, 14.6, 16.4, 16.5 were adopted as a whole, being moved by Cr Richardson and seconded by Cr Hunter.

Note - the vote on this item was recommitted at Resolution No. 18-445 in order for item 13.21 to be reserved for debate.

PROCEDURAL MOTION

- 18-434 Resolved** that Council change the order of business to deal with Reports 13.9, 13.12, 13.13, 13.16, 13.17, 13.18, 13.20 next on the Agenda.

(Richardson/Cameron)

The motion was put to the vote and declared carried.

STAFF REPORTS – CORPORATE AND COMMUNITY SERVICES

Report No. 13.9 Implementation of Resolution 18-308 - Tweed Street Masterplan
File No: I2018/1284

- 18-435 Resolved** that Council allocate \$94,700 for Tweed Street Projects in the 2018-2019 Budget with funding provided from the sources identified in the financial implications section of this report.

(Spooner/Richardson)

The motion was put to the vote and declared carried.

Crs Cameron, Ndiaye and Martin voted against the motion.

PROCEDURAL MOTION

- 18-436 Resolved** that Cr Richardson be granted a one minute extension to his speech.

(Ndiaye/Hackett)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

- 18-437 Resolved:**

1. That Council receive a report on the development of a Master Plan for Brunswick Heads with an initial access and movement study.
2. That a review of appropriate budgets be undertaken in the report

(Cameron/Ndiaye)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.12 PLANNING - Development Application 10.2017.742.1 - Alterations and Additions to Existing Dwelling House, New Dwelling House to Create a Dual Occupancy (detached) and Two (2) Studios at 219 Saddle Road Brunswick Heads

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File No: I2018/682

- 18-438 Resolved** that the item be deferred until the 20 September 2018 Ordinary meeting in order for Council and the proponents to consider an alternative site approximately within 100m of the existing site, for example the site identified as site F in the report.

(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 13.13 Updates - Audit of secondary dwelling conditions of consent; Short Term Holiday Let enforcement action and State Government position on Short Term Holiday Let.

File No: I2018/974

18-439 Resolved:

1. That Council writes to all Members of the Legislative Council within the next 7 days to convey the following:
 - i. That the Fair Trading Amendment (Short Term Rental Accommodation) Bill lacks detail and is unworkable for Byron Council;
 - ii. That Council seeks an amendment to the Fair Trading Amendment (Short Term Rental Accommodation) Bill allowing councils flexibility to develop their own STRA strategy;
 - iii. That the Bill has serious negative implications to small business owners of registered and licensed holiday accommodation, and
 - iv. That Council expresses concern that the Code of Conduct Advisory Committee was convened without the invitation of concerned community groups and that consists of a majority of representatives from the holiday letting industry;
 - v. That Council continue to consider to prosecute for development without consent.
 - vi. That to avoid grossly unfair and onerous cost shifting on to local governments, Byron Shire Council requests that local councils be able to both manage the licensing and monitoring of STHL dwellings in order for revenue raised in licensing to be used to pay for monitoring compliance.

2. That Council advise the community of the above steps.

(Coorey/Cameron)

The motion was put to the vote and declared carried.

Crs Spooner, Hackett and Hunter voted against the motion.

Report No. 13.16 PLANNING - S96 10.2013.128.3 - Delete Condition 59 and Permit Paid Parking 30 Tanner Lane Tyagarah

File No: I2018/1290

18-440 Resolved:

1. That pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, that Application No. 10.2013.128.3 be approved by modifying development consent Number 59 to read

59. Car Parking Fees and Traffic Management Plans

Paid parking is permitted for the Bluesfest 2019 Event. The applicant to prepare a Traffic

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and Parking Report following the event to be submitted to Council within 2 months of the 2019 event for review by the Local Traffic Committee. The report to address functionality of paid parking, any delays on the Pacific Highway and surrounding roads, illegal parking and camping and any traffic incidents.

If no issues are raised by the RMS, the NSW Police Force or Council in terms of paid parking at the LTC, paid parking can continue as a permanent arrangement.

Should this not be supported post the 2019 event, the entry for further Bluesfest Events shall include free car parking within the site to discourage on-street car parking on roads within the vicinity. Bluesfest to be advised of the outcome of this review.

The parking arrangements to be incorporated into future Traffic Management / Traffic Control Plans for the event. (Note: These plans to be submitted to Council a minimum of four months prior to the annual Bluesfest Event.)

(Lyon/Richardson)

The motion was put to the vote and declared carried.

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

Nil voted against the motion.

Report No. 13.17 PLANNING - Development Application No. 10.2018.86.1 - Installation of 30m high telecommunications facility and associated ancillary equipment at Lot 339 DP 755692 Old Pacific Highway Brunswick Heads

File No: I2018/1301

18-441 Resolved:

1. That Council defer this matter.
2. That the proponents liaise with Brunswick Heads Progress Association, Brunswick Chamber of Commerce, Brunswick Heads Primary School P&C and other relevant local groups, to seek input and feedback on the proposed location and, if possible, to consider alternate sites.
(Coorey/Cameron)

The motion was put to the vote and declared carried.

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

Crs Spooner and Hunter voted against the motion.

AMENDMENT

Pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2018.86.1 for Installation of 30m high telecommunications facility and associated ancillary equipment, be approved subject to conditions listed in Attachment 2 #E2018/57739.

(Spooner/Hunter)

The amendment was put to the vote and declared lost.

Crs Spooner and Hunter voted in favour of the motion.

Crs Richardson, Cameron, Coorey, Martin, Lyon, Ndiaye and Hackett voted against the motion.

Report No. 13.18 PLANNING - Development Application 10.2017.516.1 Subdivision to create four (4) lots, removal of trees, earthworks and associated infrastructure - 8 Coomburra Crescent, Ocean Shores

File No: I2018/1304

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18-442 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application no. 10.2017.516.1 for subdivision to create four (4) lots, *be deferred in order to:*

1. Investigate possibilities of narrowing the driveway to allow for increased vegetation along the driveway.
2. Ensuring Councils stormwater infrastructure is of a size and management regime to adequately receive stormwater generated by this subdivision.
3. Ensure that the community have a longer period in which to consider the geotechnical aspects and implications within the development application, and that when reported back to Council a more expansive report from staff on this aspect be presented.

(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

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

Nil voted against the motion.

The meeting adjourned at 1:14pm and reconvened at 2:07pm.

Report No. 13.20 PLANNING - Development Application 10.2017.577.1 - Change of Use From Light Industry to Light Industry Including an Industrial Retail Outlet at 99 Lismore Road, Bangalow
File No: I2018/1330

18-444 Resolved:

1. That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application no. 10.2017.577.1 be refused for the following reasons:
 - a) Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is a prohibited land use in the RU1 Primary Production zone under Byron Local Environmental Plan 2014.
 - b) Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory in relation to clause 6.6 of Byron Local Environmental Plan 2014 because it fails to demonstrate that essential services can be adequately provided to the proposed development.
 - c) Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory in relation to clause 6.5 of Byron Local Environmental Plan 2014 because it fails to demonstrate that the proposed on-site sewage management system will not have adverse impact on the Wilsons River drinking water catchment.
 - d) Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development fails to meet the prescriptive measures and objectives of Part B3.2.2 of Byron Development Control Plan 2014 in relation to on-site sewage management.
 - f) Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development fails to meet the prescriptive measures and objectives of Parts C4.2.1 and C4.2.3 of Byron Development Control

Plan 2014 in relation to the suitability of the proposed on-site sewage management system for the development given its proximity to the Wilsons River drinking water catchment.

- g) Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development fails to meet the objectives, standards and guidelines of section 3.4.2 in Chapter 15 of Byron Development Control Plan 2010 because the site is not connected to mains sewer.
 - h) Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979 the subject site is not considered to be suitable because there is insufficient land area available to provide an on-site sewage management system which can adequately cater for the proposed development.
2. That subject to 1 above, the applicant/landowner be invited to submit a Planning Proposal (for a merit assessment) that would seek to amend Byron LEP 2014 to facilitate the site/property use as an "Arts Yard" consisting of multiple artisan studios and workspaces with ancillary retailing activities as proposed in this DA.
3. Council defer compliance proceedings until completion of the planning process undertaken in point 2.

(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

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

Nil voted against the motion.

18-445 FORESHADOWED MOTION

Resolved that Council receive a report on including 'creative industries' as a permissible activity with consent in rural zones, including implications, benefits and challenges and the matter of obtaining State government approval.

(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 18-446** **Resolved** that the en bloc consideration of items be recommitted in order for item 13.21 to be reserved for debate.

(Richardson/Coorey)

The motion was put to the vote and declared carried.

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Richardson and seconded by Cr Ndiaye. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 18-446 and concluding with Resolution No. 18-472.

PETITIONS

Petition No. 10.1
File No:

Non-Chemical Means of Weed Control in Byron Shire
I2018/1263

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- 18-447 Resolved** that the petition regarding Non- Chemical Means of Weed Control in Byron Shire be noted.

(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

SUBMISSIONS AND GRANTS

Report No. 11.1 **Byron Shire Council Submissions and Grants as at 11 July 2018**
File No: I2018/1316

- 18-448 Resolved** that Council note the report and attachment (#E2018/58520) for the Byron Shire Council Submissions and Grants as at 11 July 2018.

(Richardson/Ndiaye)

STAFF REPORTS – GENERAL MANAGER

Report No. 13.1 **Northern Rivers Joint Organisation**
File No: I2018/1300

- 18-449 Resolved** that Council:

1. Receives and notes the report on the Northern Rivers Joint Organisation.
2. Endorses the;
 - a) draft Northern Rivers Joint Organisation Charter (Attachment 1 E2018/57477)
 - b) draft Northern Rivers Joint Organisation Code of Meeting Practice (Attachment 2 E2018/57478)
 - c) draft Northern Rivers Joint Organisation Expenses and Facilities Policy (Attachment 3 E2018/57479)
3. Appoints the Deputy Mayor as the alternate voting delegate to the Northern Rivers Joint Organisation.

(Richardson/Ndiaye)

STAFF REPORTS – CORPORATE AND COMMUNITY SERVICES

Report No. 13.4 **Development of an Arts and Cultural Policy**
File No: I2018/1066

- 18-450 Resolved** that Council note that the Cultural Policy will be reviewed by June 2019 to develop a new 'Arts and Cultural Policy' within existing Council resources utilising best practice examples and including consultation with key arts and cultural stakeholders as outlined in the report.

(Richardson/Ndiaye)

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Report No. 13.7 **BSC ats Ardill Payne & Partners - 33 Kallaroo Circuit - Land and Environment Court Proceedings**
File No: I2018/1261

- 18-451 Resolved** that the General Manager be authorised to enter into consent orders or a s34 Conciliation Agreement approving Development Application 10.2017.639.1, subject to appropriate conditions to be finalised under delegation.
(Richardson/Ndiaye)

Report No. 13.8 **Council Investments June 2018**
File No: I2018/1282

- 18-452 Resolved** that the report listing Council's investments and overall cash position as at 30 June 2018 be noted.
(Richardson/Ndiaye)

Report No. 13.11 **'The Byron Model' of deliberative democracy - next steps**
File No: I2018/1348

- 18-453 Resolved** that Council endorse the development of "The Byron Model" of deliberative democracy through the process outlined in the report and attached outline (E2018/61116).
(Richardson/Ndiaye)

STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.15 **PLANNING - Amendment to DCP 2010 - Chapter 1 Part J - Coastal Erosion lands**
File No: I2018/1276

- 18-454 Resolved** that Council adopt the modification to the Draft Byron DCP 2010 - Chapter 1 Part J, as outlined in this report, and give public notice of the decision within 28 days.
(Richardson/Ndiaye)

Report No. 13.22 **Current and Future Capacity of Bangalow STP - Response to Resolution 17-502**
File No: I2018/1091

- 18-455 Resolved** that Council note the report and close Resolution 18-058.
(Richardson/Ndiaye)

Report No. 13.23 **Butler Street Reserve Lighting**
File No: I2018/1286

18-456 Resolved

1. That Council allocate a budget of \$85,000 from the Property Reserve to:
 - a) Complete stage one of the Butler Street Reserve lighting project as per the quotation for the works;
 - b) Investigate the lighting along Butler Street and Lawson Street to ensure it complies with AS1158;

- c) Investigate whether lighting is permissible on the east-west link through the rail corridor and complete a lighting design; and
 - d) If budget and the SEPP permits, install lighting on the east-west link through the rail corridor.
2. That Council consider allocating budget in future years to complete Stages Two and Three when Butler Street Reserve is being used sufficiently to warrant the investment.
(Richardson/Ndiaye)

COMMITTEE REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.1 **Report of the Biodiversity Advisory Committee Meeting held on 14 June 2018**
File No: I2018/1324

- 18-457 Resolved** that Council note the minutes of the Biodiversity Advisory Committee Meeting held on 14 June 2018.
(Richardson/Ndiaye)

Report No. 14.2 **Report of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 28 June 2018**
File No: I2018/1327

- 18-458 Resolved** that Council note the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 28 June 2018.
(Richardson/Ndiaye)

COMMITTEE REPORTS – INFRASTRUCTURE SERVICES

Report No. 14.3 **Report of the Transport and Infrastructure Advisory Committee Meeting held on 14 June 2018**
File No: I2018/1323

- 18-459 Resolved** that Council note the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 14 June 2018.
(Richardson/Ndiaye)

- 18-460 Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 4.1 Draft 2018/19 - 2020/21 Local Roads Operational & Capital Works Programs

File No: I2018/4

Committee Recommendation 4.1.1

That the committee note the information in this report.

(Richardson/Hunter)

- 18-461 Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 4.2 Massinger Street, Byron Bay - Shared Path Design Report
File No: I2018/187

Committee Recommendation 4.2.1

1. That the Transport and Infrastructure Advisory Committee provide the following comments to the Project Engineer in relation to the Massinger Street Shared Path concept design:
 - a) Locals use Cowper Street to access the beach / Tennyson Street.
 - b) Adjust the path to stop opposite Kipling Street.
 - c) It doesn't connect to other bike plan projects.
 - d) Consider the repainting lines on the road to enable parking and pedestrian movement.
 - e) Cowper Street path will link to proposed sewer tracks/paths in Sandhills area.
2. The committee consider the Cowper Street access to the beach (Sandhills area) as the preferred route and urge Council to consider repainting line marking on Massinger Street to improve pedestrian safety.
3. That Massinger Street shared path and Cowper Street extension be referred to current Bike Plan review for consideration.

(Richardson/Ndiaye)

18-462 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 4.3 Balemo Drive, Ocean Shores - Shared Path Design Report
File No: I2018/188

Committee Recommendation 4.3.1

That Council support Concept Design 1 - Shared Path on the eastern side of Balemo Drive to be designed and constructed pending the outcome of the grant funding application and allocation of budget.

(Richardson/Ndiaye)

18-463 Resolved:

that Council adopt the following Committee Recommendation(s):

Report No. 4.4 Koala Wildlife Signage
File No: I2018/1117

Committee Recommendation 4.4.1

1. That the Committee note the report and recommend the signage strategy to include other native animals.
2. That the Consultation is undertaken with WIRES and Bangalow Koalas community initiative is considered.
3. The Committee receive an update on the consultation during the next Committee meeting.

(Richardson/Ndiaye)

18-464 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 4.5 Lismore Road, Bangalow - Off-Road Shared Path Design Report
File No: I2018/359

Committee Recommendation 4.5.1

That the Transport and Infrastructure Advisory Committee provide comments to the Project Engineer that the proposed location of the path along Lismore Road, Bangalow - Shared Path concept design, is supported.

(Richardson/Lyon)

18-465 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 4.6 Tourist, Street Name, Community Facility and Service Signs - Policy
07/102.
File No: I2018/924

Committee Recommendation 4.6.1

1. That further investigation of the issues relating to the Tourist, Street Name, Community Facility and Service Signs commence including a review of Policy 07/102 with a view to reporting outcomes to the 15 November 2018 meeting of the Transport and Infrastructure Advisory Committee.
2. That the investigation within point 1 include consideration of commercial/event/community signage within road reserve.
3. That innovation in digital way finding be considered.

(Richardson/Ndiaye)

18-466 Resolved:

that Council adopt the following Committee Recommendation(s):

Report No. 4.7 Ewingsdale Road Shared Path - Project Update
File No: I2018/964

Committee Recommendation 4.7.1

1. That the Transport and Infrastructure Advisory Committee note the report on the Ewingsdale Road and Woodford Lane Shared Path concept designs.
2. That Committee recommends that alternative crossing points are considered to access The Farm and Woodford Lane.
3. That future connections to the western site of the Pacific Motorway and Hinterland communities be considered.

(Richardson/Ndiaye)

18-467 Resolved:

that Council adopt the following Committee Recommendation(s):

Report No. 4.8 Bike Plan and PAMP Status Update
File No: I2018/969

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Committee Recommendation 4.8.1

That the Committee note the progress of the Bike Strategy and Action Plan (Bike Plan) and the Pedestrian Access and Mobility Plan (PAMP).

(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 14.4 **Report of the Byron Shire Floodplain Risk Management Committee Meeting held on 14 June 2018**
File No: I2018/1326

18-468 Resolved that Council note the minutes of the Byron Shire Floodplain Risk Management Committee Meeting held on 14 June 2018.

(Richardson/Ndiaye)

18-469 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 4.1 North Byron Floodplain Risk Management Study and Plan - Committee Meeting Two
File No: I2018/896

Committee Recommendation 4.1.1

1. That Council approve changes to the North Byron flood model as follows:
 - a) Bend losses set to 0 for the Brunswick River upstream of Federation Bridge in Mullumbimby except 5 sectors, where bend losses are set between 0.5 and 1 (as detailed in the attachment 1 E2018/40963).
 - b) Initial Loss set to 40mm for forested area for the design events. (As detailed in the attachment 2 E2018/40965).
 - c) Implement the other changes recommended by Council's consultant WMA Water in their memo titled Hydrologic and Hydraulic Model Review, dated 28 March 2018 and updated on 15 May 2018, in attachment 3 (E2018/41015) of this agenda.
2. That Council investigate the following initial flood mitigations options to establish their feasibility as part of the phase one flood mitigation assessment process:
 - a) Dredging of key areas of the creek system.
 - b) Changes to key parts of the rocks wall at Brunswick Heads (2 options).
 - c) One Flood Outlet through the dunes north of South Golden Beach.
 - d) One Flood Outlet between New Brighton and South Golden Beach.
 - e) A combination of the two Flood Outlets.
 - f) Channel enhancement around Mullumbimby.
 - g) A Flood Levee for Billinudgel.

(Richardson/Ndiaye)

Report No. 14.6 **Report of the Transport and Infrastructure Advisory Committee Meeting held on 22 June 2018**
File No: I2018/1351

18-470 Resolved that Council note the minutes of the Transport and Infrastructure Advisory Committee

Meeting held on 22 June 2018.

(Richardson/Ndiaye)

18-471 Resolved:

that Council adopt the following Committee and Management Recommendation(s):

Report No. 4.1 Development of a Shire-wide Transport Strategy
File No: I2018/1107

Committee Recommendation 4.1.1

1. That the Committee review recommendations to Council for the following sections of a Shire-wide Transport Strategy:-
 - Scope and context
 - Vision
 - Principles
 - Issues and challenges

Management Recommendation 4.1.2

2. That the Committee develop recommendations to Council for the following sections of a Shire-wide Transport Strategy:-
 - Targets and desired outcomes

(Richardson/Ndiaye)

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.4 **CONFIDENTIAL - CONTRACT 2018-0015 SPS3004 and RM3004 Civil Works Upgrade Milton Street Byron Bay**
File No: I2018/1306

18-472 Resolved:

1. That Council award Tender 2018-0015 SPS3004 and RM3004 Civil Works Upgrade Milton Street Byron Bay to Coffs Harbour City Council (Coastal Works) for the price of \$208,855 (exclusive of GST).
2. That the project's total budget allocation be adjusted to \$330,000 for the 2018/2019 Financial year with funding provided from the available s64 Sewer Fund.
3. That Council delegate to the General Manager the authority to administer this contract to the contract value plus the contingency value nominated in this report.
4. That Council authorise the affixing of the Council seal to all documents that may require it, in regards to the Contract.
5. That Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.

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6. That the report remains confidential until the contract is finalised.

(Richardson/Ndiaye)

Report No. 16.5 **CONFIDENTIAL - CONTRACT 2017-0060 Lighthouse Road Water Main Replacement Byron Bay**
File No: I2018/1320

18-473 Resolved:

1. That Council award Tender 2017-0060 Lighthouse Road Water Main Replacement Byron Bay to FB Contracting Pty Ltd for the amount of \$315,178.10 excluding GST.
2. That the project's total budget allocation be adjusted to \$380,000 for the 2018/2019 Financial year with funding provided from the Water Fund S64 Contributions Reserve.
3. That Council delegate to the General Manager the authority to administer this contract to the contract value plus the contingency value nominated in this report.
4. That Council authorise the affixing of the Council seal to all documents that may require it, in regards to the Contract.
5. That Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.
6. That the report remains confidential until the contract is finalised.

(Richardson/Ndiaye)

STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.21 **Submissions Report on the Draft Integrated Pest Management Policy**
File No: I2018/1333

18-474 Resolved that Council defer item 13.21 until the next Ordinary Meeting of Council.

(Richardson/Hunter)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 9.1 **Mayor's Discretionary Allowance**
File No: I2018/1150

18-475 Resolved:

1. That Council confirm the following donation from the Mayor's Discretionary Allowance 2017/18:

Lone Goat Gallery (Byron Bay Library Exhibition Space) - \$750
2. That Council advertise the donations in accordance with Section 356 of the Local Government Act 1993

(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.2 Native Animal Awareness Roadside Signage

File No: I2018/1342

Moved:

1. That Council replace all the “Declared Gas Free” signs on shire roads with “Native Animal Awareness” signs alerting drivers for the need to slow down.
2. That Council allocate a budget of \$5,000 in the 2018/2019 financial year for the purchase and installation of 'Native Animal Awareness' signs funded from the Environment and Enforcement Levy Reserve.

(Hunter/Hackett)

AMENDMENT

18-476 Resolved:

1. That Council allocate a budget of \$5,000 in the 2018/2019 financial year for the purchase and installation of native animal awareness' signs funded from the Environment and Enforcement Levy Reserve subject to approval of the Transport and Infrastructure Advisory Committee resolution 18-500
2. That the TIAC and the Biodiversity Committee hold a workshop to consider future approaches to managing wildlife protection in infrastructure planning.

(Ndiaye/Richardson)

The amendment was put to the vote and declared carried.

Cr Hunter voted against the amendment.

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

Notice of Motion No. 9.3 Motion for change to Councillor remuneration and conditions

File No: 12018/1345

18-477 Resolved:

1. That Council submit the following Motion to the LG NSW Annual Conference

That LG NSW:

1. Continue to make submissions to the NSW Remuneration Tribunal requesting maximum permissible remuneration increases, whilst the NSW Public Sector wages policy applies to Mayor and Councillors remuneration.
2. Lobby for deletion of s242A from the Local Government Act 1993 (NSW).
3. Lobby for inclusion in the Local Government Act 1993 (NSW) of provisions (similar to those in s226 of the Qld Local Government Act 2009) requiring compulsory superannuation for Mayors and Councillors at the rate equivalent to the rate set out in the *Superannuation Guarantee (Administration) Act* 1992 (Cth).

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2. That Council write to relevant Ministers lobbying for changes to the Local Government Act as set out above.
3. That a draft submission to NSW Remuneration Tribunal for the Tribunal's 2019 review be prepared based on the above and reported back to Council for consideration prior to the submission due date of 30 January 2019.

(Ndiaye/Richardson)

The motion was put to the vote and declared carried.

Cr Hunter voted against the motion.

PROCEDURAL MOTION

18-478 Resolved:

That Cr Ndiaye be granted a two minute extension to her speech.

(Richardson/Coorey)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.4 Support for STEER and Voluntary Breath Testing
File No: I2018/1363

18-479 Resolved that Council:

1. Provide written support for STEER and their voluntary breath testing initiatives
2. Write to NSW Police, requesting the development and implementation of voluntary breath testing guidelines
3. Provide voluntary breath testing in Council owned venues and Council supported events likely to involve the consumption of alcohol and driving

(Richardson/Cameron)

The motion was put to the vote and declared carried.

DELEGATES' REPORTS

There were no delegate's reports raised during the meeting.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.2 Local Government NSW Annual Conference 2018
File No: I2018/832

Resolved authorise the following Councillors to attend the Local Government NSW Annual Conference 2018 to be held at the Entertainment Centre, Albury, held from 21 to 23 October 2018:

Cr Ndiaye, Cr Coorey, and Cr Cameron to attend as the voting delegates.

(Cameron/Coorey)

Note: This item was recommitted at Resolution 18-514.

COMMITTEE REPORTS - CORPORATE AND COMMUNITY SERVICES

PROCEDURAL MOTION

18-480 Resolved:

1. That pursuant to Section 10A(2)(a) refer to relevant part of Act below) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely (subject of report)
2. That the reasons for closing the meeting to the public to consider this item be that:
 - (a) personnel matters concerning particular individuals (other than councillors)

(Richardson/Coorey)

The motion was put to the vote and declared carried.

Report No. 13.3 **Report of the Public Art Panel Extraordinary Meeting 15 May, adoption of Public Art Strategy and nominees received for additional members to the Public Art Panel**
File No: I2018/926

18-481 Resolved that Council:

1. Support the Mullumbimby Gateway Sculptures – Repair, Refresh, Renew project in principle, but note is does not currently have the funds to contribute to the maintenance of the sculptures.
2. Adopt the Public Art Strategy as presented noting that changes have been made to incorporate feedback from the submissions received during the public exhibition period.
3. Adopt the revised Public Art Policy as presented noting that it reflects the strategic approach to managing public art in Byron Shire, including the new Public Art Strategy.
4. Appoint Jack Dods and Kellie O'Dempsey to the Public Art Panel following the recent advertising for additional Public Art Panel community members.

(Richardson/Lyon)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

18-482 Resolved:

That Cr Hackett be granted a two minute extension to her speech.

(Richardson/Cameron)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

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18-483 Resolved:

That Council move into Committee to allow for free debate.

(Richardson/Coorey)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

18-484 Resolved:

That the meeting move out of confidential session.

(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

18-485 Resolved:

1. That pursuant to Section 10A(2)(a) refer to relevant part of Act below) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely Biodiversity Advisory Committee and Sustainability & Emissions Reduction Advisory Committee – Community Representatives

2. That the reasons for closing the meeting to the public to consider this item be that the matters and information that can be listed as confidential are the following:

(a) personnel matters concerning particular individuals (other than councillors)

(Coorey/Richardson)

The motion was put to the vote and declared carried.

Report No. 13.5 Biodiversity Advisory Committee and Sustainability & Emissions Reduction Advisory Committee - Community Representatives

File No: I2018/1042

18-486 Resolved that Council:

1. Nominate Margaret Greenway to the Biodiversity Advisory Committee.
2. Nominate Anthony Pangallo to the Sustainability and Emissions Reduction Advisory Committee.
3. Thank all nominees for their interest and time in submitting an Expression of Interest.
4. Update the Constitutions for the Biodiversity and Sustainability and Emissions Reduction Advisory Committee's as required to allow for additional membership subject to this resolution.

(Coorey/Richardson)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

18-487 Resolved that the meeting move out of confidential session.

(Richardson/Cameron)

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The motion was put to the vote and declared carried.

Report No. 13.6 Section 355 Management Committees - resignations and appointments

File No: I2018/1161

18-488 Resolved:

1. That the resignation of Jay Pearse from the Marvell Hall Management Committee be accepted and a letter of thanks be provided.
2. That Liz Poynton be appointed to the Marvell Hall Management Committee.
3. That Michael Dowd be appointed to the Bangalow A&I Hall Board of Management.
4. That the resignation of Robyn Bolden from the Ocean Shores Community Centre Management Committee be accepted and a letter of thanks be provided.
5. That Cr Lyon replace Cr Martin on the Ocean Shores Community Centre Management Committee.

(Ndiaye/Cameron)

The motion was put to the vote and declared carried.

The meeting adjourned at 4:18pm and reconvened at 4:38pm.

Report No. 13.10 Amendment of General Managers Delegation in respect of Legal Proceedings

File No: I2018/1287

18-489 Resolved:

1. That Council revoke its previous delegations to the General Manager and adopt Instrument of Delegation to the General Manager as per attachment 1 (E2018/56586)
2. That a Strategic Planning Workshop to be held on 9th August reviews Delegations as follows:
 - a) scope and application of delegations.
 - b) enhanced reporting of the application of delegations.
3. That GM Delegations be reviewed regularly as determined by Council Resolution.

(Cameron/Coorey)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

18-490 Resolved that a Strategic Planning Workshop be held to review and consider the Tender and Expression of Interest (EOI) process with the following objectives:

- a) informing Councillors of the tender guidelines and processes.
- b) considering guidelines as to when Council needs to be involved in the development of a brief.
- c) considering reporting requirements where a staff delegation is applied In the Tender/EOI

process.

(Cameron/Richardson)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

PROCEDURAL MOTION

18-491 Resolved:

1. That pursuant to Section 10A(2)(a) refer to relevant part of Act below) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely Northern Joint Regional Planning Panel (JRPP) - community representatives.
2. That the reasons for closing the meeting to the public to consider this item be that:
 - (a) personnel matters concerning particular individuals (other than councillors)
(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

18-492 Resolved that Council move into Committee to allow for free debate.

(Richardson/Cameron)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

18-493 Resolved that Council move out of Committee and resume the Ordinary Meeting.

(Richardson/Cameron)

The motion was put to the vote and declared carried.

Report No. 13.14 Northern Joint Regional Planning Panel (JRPP) - community representatives

File No: I2018/1350

18-494 Resolved:

1. That Council nominate David Milledge and David Brown as the two full time positions, with Joe Vescio as alternate for David Milledge and Cr Cameron as alternate for David Brown, to represent Council on the Northern Joint Regional Planning Panel.
2. That Council thank all nominees for their interest and time in submitting an Expression of Interest.
3. That Council notify the Planning Panel Secretariat of the above nominations.
(Richardson/Lyon)

The motion was put to the vote and declared carried.

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Report No. 13.19 **Draft Pest Animal Management Plan**
File No: I2018/1312

18-495 Resolved that Council:

1. Note the report on the draft Pest Animal Management Plan
2. Endorse the draft Pest Animal Management Plan at Attachment 1 (E2018/61028) for public exhibition for a period of 6-weeks from 9 August to 21 September 2018.
3. Note current funds enable Council to meet its statutory requirements for managing identified pest animals on Council managed land but will limit Council's capacity to continue undertaking wild dogs, foxes and feral cats on private land.

(Ndiaye/Richardson)

The motion was put to the vote and declared carried.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.5 **Report of the Local Traffic Committee Meeting held on 26 June 2018**
File No: I2018/1339

18-496 **Resolved** that Council note the minutes of the Local Traffic Committee Meeting held on 26 June 2018.

(Cameron/Richardson)

The motion was put to the vote and declared carried.

18-497 **Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 6.1 Request for one way signage - Ruskin Lane Byron Bay
File No: I2018/904

Committee Recommendation 6.1.1

That Council note the comments provided by the committee in relation to this request and that further advice be provided to the committee as the DA 10.2017.510.1 process continues.

(Cameron/Richardson)

The motion was put to the vote and declared carried.

18-498 **Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 6.2 Draft Constitution for Local Traffic Committee
File No: I2018/905

Committee Recommendation 6.2.1

That the draft constitution attached to this report be reviewed by members and the committee comments be presented at the next committee meeting for adoption.

(Cameron/Richardson)

The motion was put to the vote and declared carried.

18-499 **Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 6.3 Koala interactions and speed advisory sign options for Granuaille Road

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Bangalow
File No: I2018/970

Committee Recommendation 6.3.1

That the committee note the actions and recommendations from the Transport and Infrastructure Advisory Committee in relation to wildlife signage and request the RMS undertake a speed zone review on Granuaille Road.

(Cameron/Richardson)

The motion was put to the vote and declared carried.

18-500 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 6.4 Bayshore & Sunrise Roundabouts Linemarking & Signage
File No: I2018/1097

Committee Recommendation 6.4.1

That the Local Traffic Committee endorse the Pavement Marking and Signage Plans for the Ewingsdale Road roundabouts, including the additional changes at Sunrise Roundabout as detailed below:-

- a) Bayshore Drive Pavement Marking and Signage Plan as amended by RMS as per Attachment 2 (#E2018/49110); and
 - b) Sunrise Boulevard Pavement Marking and Signage Plan as amended by RMS and incorporating additional comments as per Attachment 3 (#E2018/49111).
- (Cameron/Richardson)

The motion was put to the vote and declared carried.

18-501 Resolved that Council note the Committee Comments and adopt the following Committee Recommendation(s):

Report No. 6.5 Interim Actions to Manage Traffic and Parking at Byron Bay Arts and Industrial Estates
File No: I2018/1143

Committee Comments

We note Council's intention to undertake Master plan planning process and ongoing transport corridor studies.

Encourage business owners to better manage their on-road parking and encourage businesses to have more on-site parking.

Committee Recommendation 6.5.1

- 1. That LTC support Council's action to implement short term traffic and parking solutions within the Byron Arts and Industrial Estate through appropriate signage and line marking.
- 2. That Council consider funding and undertaking a movement and access study for the Arts and Industrial Estate and adjacent industrial precincts.

(Cameron/Richardson)

The motion was put to the vote and declared carried.

18-502 Resolved that Council note the Committee Comments and adopt the following Committee

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Recommendation(s):

Report No. 7.1 Events - INGENUITY Sculpturefest Mullumbimby - Brunswick Terrace
Road Closure
File No: I2018/1131

Committee Comments

Detour down Gordon Street preferred. Traffic Control Services to modify the TCP accordingly.

Committee Recommendation 7.1.1

1. That Council endorse the Creative Mullumbimby Inc. event, "INGENUITY Sculpturefest 2018", to be held between 8:00am Monday 12 November 2018 and 5:30pm Monday 19 November 2018, that requires temporary road closures and actions to control traffic on Mullumbimby roads, subject to conditions at Brunswick Terrace from Burringbar Street to Tincogan Street.
2. That the approval provided in Part 1 is subject to:-
 - a) submission to Council and implementation of an appropriate Traffic Management Plan, incorporating a modified Traffic Control Plan prepared by Traffic Control Services Pty Ltd to extend the extent of the road closure to the intersection of Burringbar and Gordon Streets, including the use of signed detours, designed and implemented by those with appropriate accreditation;
 - b) 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;
 - c) the event be notified on Council's webpage;
 - d) the event organiser:-
 - i. undertake consultation with community and affected businesses including adequate response/action to any raised concerns;
 - ii. undertake consultation with emergency services and any identified issues addressed;
 - iii. hold \$20m public liability insurance cover which is valid for the event;
 - iv. pay Council's Road Event Application Fee prior to the event; and
 - v. provide a debrief of the event to Council's Traffic Engineer within two weeks of the conclusion of the event.

(Cameron/Richardson)

The motion was put to the vote and declared carried.

18-503 Resolved that Council note the Committee Comments and adopt the following Committee Recommendation(s):

Report No. 7.2 Events - Billinudgel Open For Business - Wilfred Street Road Closure

File No: I2018/1142

Committee Comments

Concerns about emergency vehicle access, also issue of east/west through traffic access, noting the lack of an alternate route. Consider closing one side of the street or a temporary shared zone. Also issue of not using qualified traffic controllers.

Signage for northbound motorway traffic be incorporated at the Brunswick Heads exit ramp.

Committee Recommendation 7.2.1

1. That Council endorse the Billinudgel Open for Business Festival to be held on 22 September 2018, that includes the temporary road closure below of Wilfred Street Billinudgel from 12pm to 6pm.
2. That the approval provided in Part 1 is subject to:
 - a) submission to Council and implementation of a Traffic Management Plan incorporating actions required by committee comments and Traffic Control Plans prepared by Traffic Management Training Pty Ltd, including the use of signed detours, as designed and implemented by those with appropriate accreditation. To legally control traffic each RFS volunteer traffic controller will require a RMS issued 'Traffic Control' ticket. The RFS volunteer traffic controller supervisor must have a RMS issued 'Implement Traffic Control Zone' ticket to set out signage as per the Traffic Control Plan.
 - b) 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.
 - c) the event be notified on Council's webpage.
 - d) 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/Richardson)

The motion was put to the vote and declared carried.

18-504 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 7.3 Event - Chincogan Charge, Mullumbimby - 8 September 2018
File No: I2018/676

Committee Recommendation 7.3.1

1. That Council endorse the Chincogan Charge 2018 to be held on Saturday 8

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September 2108 that requires temporary road closures and actions to control traffic on Mullumbimby roads between 8:00am and 5:30pm, subject to conditions at:

- a) Dalley Street - Burringbar Street to Tincogan Street
- b) Tincogan Street - Dalley Street to Brunswick Terrace
- c) Murwillumbah Road - Brunswick Terrace to Coolamon Scenic Drive
- d) Coolamon Scenic Drive – House 1913 to Murwillumbah Road

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

- a) submission to Council and implementation of an appropriate Traffic Management Plan, incorporating the Traffic Control Plan dated 9 April 2018 prepared by Spinifex Recruiting, including provision for access for emergency services, the use of signed detours, designed and implemented by those with appropriate accreditation. To legally control traffic each RFS volunteer traffic controller will require a RMS issued 'Traffic Control' ticket. The RFS volunteer traffic controller supervisor must have a RMS issued 'Implement Traffic Control Zone' ticket to set out signage as per the Traffic Control Plan.
- b) 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
- c) the event be notified on Council's webpage
- d) the event organiser:
 - i. undertake consultation with community and affected businesses including adequate response/action to any raised concerns
 - ii. must undertake consultation with emergency services and any identified issues addressed including event notification to emergency services one week prior to the event.
 - iii. hold \$20m public liability insurance cover which is valid for the event
 - iv. pay Council's Road Event Application Fee prior to the event
 - v. provide a debrief of the event to Council's Traffic Engineer within two weeks of the conclusion of the event.

(Cameron/Richardson)

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

18-505 Resolved that Council note the Committee Comments and Management Comments and NOT adopt the following Committee Recommendation(s):

Report No. 7.4 Traffic Calming on Broken Head Road
File No: I2018/1144

Committee Comments

The committee noted the issues, no further action to be taken at this time. Investigate which Council area owns the road section

Council to conduct speed counts (outside the coffee plantation and along the long straight from the 2nd coffee plantation).

The Council consider a road safety audit and explore funding opportunities with RMS to improve road safety.

Management Comments

The area in question was subsequently investigated by staff and found to be located within the Ballina Shire LGA.

As a consequence RMS have been notified that Council will not be proceeding with any of the matters associated with this item.

Accordingly, Management recommend, Council not adopt the Committee Recommendation.

Committee Recommendation 7.4.1

That Council consider a road safety audit and explore funding opportunities with RMS to improve road safety at Broken Head Road, Newrybar.

(Cameron/Richardson)

The motion was put to the vote and declared carried.

18-506 Resolved that Council note the Committee Comments and adopt the following Committee Recommendation(s):

Report No. 8.1 Bluesfest 2019 - Paid Parking
File No: I2018/1082

Committee Comments

The committee recommends traffic management plans be submitted 4 months prior to the event.

Concerns about potential traffic impacts on the motorway for future events and considers that a review of the TMP and TCP be undertaken. The review to incorporate contingency plans to rectify motorway congestion in the event such should occur.

Committee Recommendation 8.1.1

1. That paid parking at Bluesfest:-
 - a) Be supported for Bluesfest 2019, with a review following the event within 2 months of the event.
 - b) If no issues are raised by either the RMS, Police or Council that paid parking be permitted as a permanent arrangement.
2. The committee advises the proponent to incorporate these changes into future TMP/TCPs and that these be lodged with Council at least 4 months prior to the event.

(Cameron/Richardson)

The motion was put to the vote and declared carried.

18-507 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 8.2 Beer and Cider Festival
File No: I2018/1081

Committee Recommendation 8.2.1

That Council note the committee comments.

(Cameron/Richardson)

The motion was put to the vote and declared carried.

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

PROCEDURAL MOTION

18-508 Resolved:

1. That pursuant to Section 10A(2)(d) refer to relevant part of Act below) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely (subject of report).
2. That the reasons for closing the meeting to the public to consider this item be that:
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,

(Ndiaye/Cameron)

The motion was put to the vote and declared carried.

Report No. 16.1 **CONFIDENTIAL - CONTRACT 2018-0017 Design & Construction of Sewer Rising Main RM3008 Replacement Pipeline - Bangalow Road Byron Bay**
File No: I2018/1308

18-509 Resolved:

1. That Council award Tender 2018-0017 Design & Construction of Sewer Rising Main RM3008 Replacement Pipeline to FB Contracting Pty Ltd for the amount of \$ 577,659 (excluding GST).
2. That the project's total budget allocation be adjusted to \$700,000 for the 2018/2019 Financial year with funding provided from the Sewer Fund Capital Works Reserve.
3. That Council delegate to the General Manager the authority to administer this contract to the contract value plus the contingency value nominated in this report.
4. That Council authorise the affixing of the Council seal to all documents that may require it, in regards to the Contract.
5. That Council makes public it decision including the name and amount of the successful tenderer in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.

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6. That the report remains confidential until the contract is finalised.

(Coorey/Richardson)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

Moved:

1. That the planning for the Mullumbimby Inflow and Infiltration project will be amended to include a Community Consultation and Engagement Plan.
2. That the engagement plan incorporate deliberative democracy principles as outlined in Report No 13.11 of Council's 2 August 2018 Ordinary Meeting.
3. That this proposal will be included in the next Mullumbimby Inflow and Infiltration update report to the September 2018 Water Waste and Sewer Advisory Committee meeting.

The motion was put to the vote and declared lost.

Crs Cameron and Coorey voted in favour of the motion.

Crs Richardson, Spooner, Hunter, Martin, Lyon, Ndiaye and Hackett voted against the motion.

(Coorey/Cameron)

Report No. 16.2

CONFIDENTIAL - CONTRACT 2018-0010 Construction of the Azalea Street Sewer Rising Main Mullumbimby

File No:

I2018/1307

18-510 Resolved:

1. That Council award Tender 2018-0010 Construction of the Azalea Street Sewer Rising Main Mullumbimby to FB Contracting Pty Ltd for the amount of \$305,202 (ex GST).
2. That the project's total budget allocation be adjusted to \$370,000 for the 2018/2019 Financial year with funding provided from the Capital Works Reserve of the Sewer Fund.
3. That Council delegate to the General Manager the authority to administer this contract to the contract value plus the contingency value nominated in this report.
4. That Council authorise the affixing of the Council seal to all documents that may require it, in regards to the Contract.
5. That Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.
6. That the report remains confidential until the contract is finalised.

(Coorey/Cameron)

The motion was put to the vote and declared carried.

Report No. 16.3

CONFIDENTIAL - CONTRACT 2018-0026 SPS4001 New Rising Main and Pump Well Conversion Stuart Street Mullumbimby

File No:

I2018/1305

18-511 Resolved:

1. That Council award Tender 2018-0026 Stuart St Mullumbimby SPS4001 New Rising Main

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and Pump Well Conversion be awarded to FB Contracting Pty Ltd for the amount of \$764,356 (ex GST).

2. That the project's total budget allocation be adjusted to \$920,000 for the 2018/2019 Financial year with funding provided from 25% Reserves Sewer Fund and 75% s64 Sewer Fund.
3. That Council delegate to the General Manager the authority to administer this contract to the contract value plus the contingency value nominated in this report.
4. That Council authorise the affixing of the Council seal to all documents that may require it, in regards to the Contract.
5. That Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.
6. That the report remains confidential until the contract is finalised.

(Coorey/Cameron)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

18-512 Resolved:

That the meeting move out of confidential session.

(Ndiaye/Cameron)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

18-513 Resolved that the vote on item 13.2 be recommitted.

(Richardson/Cameron)

The motion was put to the vote and declared carried.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

No. 13.2 **Local Government NSW Annual Conference 2018**
File No: I2018/832

18-514 Resolved that Council authorise the following Councillors to attend the Local Government NSW Annual Conference 2018 to be held at the Entertainment Centre, Albury, held from 21 to 23 October 2018:

Cr Ndiaye, Cr Coorey, and Cr Cameron to attend as the voting delegates.
Cr Lyon to attend as a non-voting delegate.

(Ndiaye/Lyon)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 5.20pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 23 August 2018.

A handwritten signature in black ink, appearing to be 'SR' followed by a long horizontal stroke.

.....
Mayor Simon Richardson