



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 23 August 2018

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
23 August 2018

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 23 AUGUST 2018 COMMENCING AT 4:03PM AND CONCLUDING AT 11:14PM

I2018/1562

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)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Tony Nash (Manager Works) – item 13.23 & 13.24
Evan Elford (Team Leader Infrastructure Planning) – item 13.26
Michael Matthews (Manager Open Spaces & Resource Recovery) – item 13.5 & 13.15
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:

9.3 Waiver of Approval Fees for Chincogan Charge Event

John Anderson addressed Council against the recommendation.

13.1 Railway Park rotunda location options

Mare Hayes on behalf of Byron Environment Park addressed Council in favour of the recommendation.

John Lazarus on behalf of Byron Environment Park addressed Council against the recommendation.

13.3 Byron Skate Park and Recreation Hub

James Wright and Stephanie Sims addressed Council against the recommendation.

13.7 Land and Environment Court Proceedings Gordon Highlands Pty Ltd

Ian Holmes addressed Council against the recommendation.

13.16 Planning Proposal Update - The Saddle Road (26.2017.3.1)

David Brown and Kelvin Daly addressed Council in favour of the recommendation.

Matthew O'Reilly on behalf of Community Alliance for Byron Shire Inc. addressed Council against the recommendation.

13.18 Development of the new Tourism Management Plan

Matthew O'Reilly on behalf of Community Alliance for Byron Shire Inc. addressed Council in favour of the recommendation.

13.20 Grays Lane Upgrade - Project Status and Community Consultation Outcomes

Alan Lauer and Susan Burlinson addressed Council in favour of the recommendation.

13.21 Waterlily Park Planned Upgrades

Raymond Ellis and Tina Petroff addressed Council against the recommendation.

13.23 Settlement Road Submission Update

Rod Palmer, Hans Muehlpointner, Stephanie Hurst and David English addressed Council against the recommendation.

13.24 Broken Head Reserve & Seven Mile Beach Road - ongoing issues

David Fligelman and Ian Cohen addressed Council in favour of the recommendation.

13.26 Byron Bay High School - Safety Issues at Arakwal Court

Janine Marcus on behalf of Byron Bay High School addressed Council in favour of the recommendation.

13.30 Suspension of Council Policy 4.17

Rod Palmer on behalf of Settlement Road Action Group Inc addressed Council against the recommendation.

Submission No. 1

Matthew O'Reilly on behalf of Community Alliance for Byron Shire Inc. made a submission to Council regarding Saddle Ridge Local Area Management Planning Association Inc.

Question No. 1

Patricia Warren asked the following question:

Where, when superimposed on Map 1 'Project Areas' in the Brunswick Valley Sustainability Centre Management Plan, is the 2050 Climate Change flood level, and what are the implications of that on the location of the proposed land uses?

Question No. 2

Matthew O'Reilly asked the following question:

Can Council please advise precisely how many times and what level of staff member had face to face meetings, telephone conversations, emails and postal correspondence between Council staff and the Proponents of the Saddle Road Planning Proposal or their representatives Stephen Connelly of Planners North and Rob Doolan of Balance Advice (or other consultants or associated individuals) between the adoption of Resolution 17-260 in June 2017 and as of today, 23 August 2018, and also can Council provide details about what discussions have been held with Registered

Aboriginal Parties relating to offering them preferential access to affordable housing in the Saddle Road precinct in return for their support for the Planning Proposal.

Question No. 3

John Anderson asked the following question:

In relation to a public question which I asked of & specifically addressed to the Mayor on 21 June, but which on 21 July was responded to instead by Ralph James in a manner which threw no light whatsoever on the matter at hand, 1. Would the GM please ensure in future no staff resources are expended on covering for the Mayor in matters. 2. That staff will not again breach the separation of powers between the executive and the legislative. 3. That staff will hold that Mayor to the principles on transparency & accountability & not do his dirty work for him. And will the GM henceforth ensure that a response to a public question actually constitutes an "answer" i.e. that it provides the information sought by the person putting the question, and that it does so without interposing, misleading or diversionary irrelevancies, and does the GM believe that pigs will fly?

The meeting adjourned at 5:52pm and reconvened at 6:10pm.

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 Richardson declared a non-significant non-pecuniary interest in Report 13.13. The nature of the interest being that he is a friend of the artist proposed to complete the sculpture. Cr Richardson elected to remain in the Chamber and will not 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:

Paul Mills

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

18-516 Resolved that the minutes of the following meetings be confirmed:

- Byron Shire Reserve Trust Committee held 2 August 2018
- Ordinary Meeting held 2 August 2018

(Spooner/Hunter)

The motion was put to the vote and declared carried.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

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

STAFF REPORTS**General Manager**

- Report No. 13.1 Railway Park rotunda location options
- Report No. 13.2 Representation at Northern Rivers Rail Trail Meetings
- Report No. 13.3 Byron Skate Park and Recreation Hub
- Report No. 13.5 Open Space and Recreation Needs Assessment and Action Plan - draft for community consultation

Corporate and Community Services

- Report No. 13.13 Bayshore Drive Roundabout Public Art Project
- Report No. 13.14 Water, Waste and Sewer Advisory Committee - Community Representatives
- Report No. 13.15 Licence for community garden at Red Bean Close Suffolk Park

Sustainable Environment and Economy

- Report No. 13.16 Planning Proposal Update - The Saddle Road (26.2017.3.1)
- Report No. 13.18 Development of the new Tourism Management Plan
- Report No. 13.19 Submissions Report on the Draft Integrated Pest Management Policy

Infrastructure Services

- Report No. 13.20 Grays Lane Upgrade - Project Status and Community Consultation Outcomes
- Report No. 13.21 Waterlily Park Planned Upgrades
- Report No. 13.22 Suffolk Beachfront Holiday Park Dog Friendly Report
- Report No. 13.23 Settlement Road Submission Update
- Report No. 13.24 Broken Head Reserve & Seven Mile Beach Road - ongoing issues
- Report No. 13.26 Byron Bay High School - Safety Issues at Arakwal Court
- Report No. 13.27 Parking Time Changes in Mullumbimby, Bangalow and Brunswick Heads - Status Report
- Report No. 13.30 Suspension of Council Policy 4.17

REPORTS OF COMMITTEES**Sustainable Environment and Economy****Infrastructure Services****CONFIDENTIAL REPORTS****Corporate and Community Services**

- Report No. 16.2 CONFIDENTIAL - Council purchase from Health Administration Corporation- Mullumbimby War Memorial Hospital site and Site Remediation

Infrastructure Services**LATE REPORTS**

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Richardson and seconded by Cr Hunter. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 18-517 and concluding with Resolution No. 18-537.

STAFF REPORTS – GENERAL MANAGER

Report No. 13.4 **International Parking Day - Byron Bay**
File No: I2018/1431

18-517 Resolved:

1. That Council note the report.
2. That Council endorse the Park(ing) Day concept and support staff working with the Byron Masterplan Guidance Group to implement the project.
(Richardson/Hunter) .

Report No. 13.6 **Revised Community Engagement Policy**
File No: I2018/1530

18-518 Resolved:

1. That Council note the report.
2. That the Revised Community Engagement Policy be put on public exhibition.
(Richardson/Hunter)

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.7 **Land and Environment Court Proceedings Gordon Highlands Pty Ltd**
File No: I2018/1132

- 18-519 Resolved** that the General Manager be authorised to enter into consent orders or a s34 Conciliation Agreement approving Development Application 10.2017.198.1, subject to appropriate conditions to be finalised under delegation.
(Richardson/Hunter)

Report No. 13.8 **Operational Plan 2017-2018 and Delivery Program 2017-2021 - 6-month progress report to 30 June 2018**
File No: I2018/1349

- 18-520 Resolved** that Council note the six-month progress report to 30 June 2018 (Attachment 1 E2018/60566) on the Operational Plan 2017-2018.
(Richardson/Hunter)

Report No. 13.9 **Council Resolutions Quarterly Review - 1 April 2018 to 30 June 2018**
File No: I2018/1381

18-521 Resolved that Council:

1. Note the information provided in this report on active Council Resolutions in Attachment 1 (#E2018/62328).
2. Note the completed Resolutions in Attachment 2 (#E2018/66349).
(Richardson/Hunter)

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Report No. 13.10 **Carryovers for inclusion in the 2018/19 Budget**
File No: I2018/1401

- 18-522 Resolved** that the works and services, and the respective funding shown in Attachment 1 (#E2018/66991) be carried over from the 2017/2018 financial year and that the carryover budget allocations be adopted as budget allocation revotes for inclusion in the 2018/2019 Budget Estimates.
- (Richardson/Hunter)

Report No. 13.11 **Budget Review 1 April 2018 to 30th June 2018**
File No: I2018/1402

- 18-523 Resolved** that Council authorises the itemised budget variations as shown in Attachment 2 (#E2018/67079) which includes the following results in the 30 June 2018 Quarterly Review of the 2017/2018 Budget:
- General Fund - \$0 change in Unrestricted Cash Result
 - a) General Fund - \$9,795,300 increase in reserves
 - b) Water Fund - \$1,899,300 increase in reserves.
 - c) Sewerage Fund - \$3,461,600 increase in reserves
- (Richardson/Hunter)

Report No. 13.12 **Investments July 2018**
File No: I2018/1420

- 18-524 Resolved** that the report listing Council's investments and overall cash position as at 31 July 2018 be noted.
- (Richardson/Hunter)

STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.17 **PLANNING - Exceptions to Development Standards - 1 April 2018 to 30 June 2018**
File No: I2018/1374

- 18-525 Resolved** that Council note the report on exceptions to development standards for the period 1 April to 30 June 2018.
- (Richardson/Hunter)

Report No. 13.25 **Suffolk Park Stormwater Drainage Asset Condition**
File No: I2018/1398

- 18-526 Resolved:**
1. That the information within the report be noted.
 2. That there be consideration as part of the September 2018 Quarterly Budget Review to allocate \$25,000 for an immediate camera inspection of the Baywood Chase stormwater network and report the results back to Council if concerns with asset condition are highlighted.
 3. That there be consideration as part of the 2019/20 budget process to allocate \$10,000 annually in future budgets to fund a cyclical stormwater pipe network camera inspection program.
- (Richardson/Hunter)

STAFF REPORTS – INFRASTRUCTURE SERVICES

Report No. 13.28 Recycled Water Management Strategy 2017-27
File No: I2018/1438

- 18-527 Resolved** that Council adopt the Recycled Water Management Strategy 2017-27 as exhibited.
(Richardson/Hunter)

Report No. 13.29 Coolamon Scenic Drive - Improving Road Safety
File No: I2018/1517

- 18-528 Resolved** that Council:

1. Note the work to date to improve road safety on Coolamon Scenic Drive; and
 2. Endorse the future actions and investigations referred to in the report for Coolamon Scenic Drive and road safety for the Byron Shire road network.
- (Richardson/Hunter)

COMMITTEE REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.1 Report of the Heritage Panel Meeting held on 3 July 2018
File No: I2018/1426

- 18-529 Resolved** that Council note the minutes of the Heritage Panel Meeting held on 3 July 2018.
(Richardson/Hunter)

- 18-530 Resolved:** that Council adopt the following Committee Recommendation:

Report No. 4.1 State and Local listed Heritage sites bus tour
File No: I2018/1105

Committee Recommendation:

That the Heritage Panel note the report.

(Richardson/Hunter)

COMMITTEE REPORTS – INFRASTRUCTURE SERVICES

Report No. 14.2 Report of the Local Traffic Committee Meeting held on 31 July 2018
File No: I2018/1418

- 18-531 Resolved** that Council note the minutes of the Local Traffic Committee Meeting held on 31 July 2018.
(Richardson/Hunter)

- 18-532 Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 6.1 Event Road Closures - Byron Lighthouse Run 2018
File No: I2018/1322

Committee Recommendation 6.1.1

1. That the Traffic Management Plan and Traffic Control Plan/s that relate to the Byron Lighthouse Run 2018, to be held Sunday 14 October 2018, which includes the temporary road closures below, be endorsed between these times:-
 - a) Lawson Street, between Massinger Street and Lighthouse Road, between 6:30am and 10:00am;
 - b) Tallow Beach Road, between Lighthouse Road and Tallow Beach Car Park, between 6:30am and 10:00am;
 - c) Lighthouse Road, between Lawson Street and the Cape Byron Lighthouse, between 6:30am and 10:00am; and
 - d) Brooke Drive, between Lighthouse Road and the Pass, between 6:30am and 10:00am.
2. That the approval provided in Part 1 is subject to:-
 - a) separate approval by Cape Byron Headland Trust being obtained;
 - b) implementation of the approved Traffic Management Plan and Traffic Control Plan/s by those with appropriate RMS accreditation and the holding of current and appropriate levels of insurance and liability cover; and
 - c) The event organiser:
 - i) advertising the impact of the event 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;
 - ii) providing copy of the advert for Council's web page;
 - iii) informing community and businesses that are directly impacted (e.g. adjacent to the event), including the Beach Byron Bay Café and North Coast Holiday Park Clarkes Beach, via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
 - iv) arranging for private property access and egress affected by the event;
 - v) liaising with bus and taxi operators and ensuring arrangements are made for provision of services during conduct of the event;
 - vi) consulting with emergency services with any identified issues being addressed;
 - vii) holding \$20m public liability insurance cover which is valid for the event; and
 - viii) payment of Council's Road Event application fee prior to the event.

(Richardson/Hunter)

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18-533 Resolved: that Council adopt the following Committee Recommendation(s):

Report No. 6.2 Request for Stop sign at the Intersection of Coolamon Scenic Drive and
Possum Shoot Road
File No: I2018/1399

Committee Recommendation 6.2.1

That, subject to funding availability, improved delineation line marking and appropriate intersection advisory signage be installed at the intersection of Possum Shoot Road and Coolamon Scenic Drive.

(Richardson/Hunter) .

18-534 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 6.3 Event Road Closure - New Year's Eve and New Year's Day, Byron Bay
2018/2019
File No: I2018/1406

Committee Recommendation 6.3.1

1. That the Local Traffic Committee supports:-
 - a. Council's temporary traffic management initiatives for the Soul Street New Year's Eve event to be held in Byron Bay and approves the temporary road closure of Jonson Street, between Lawson Street through to the car park entry at Railway Park (north of Marvell Street), from 6am on Monday 31 December 2018 and its removal by no later than 7am on the Tuesday 1 January 2019.
 - b. Council's temporary traffic management initiatives for the First Sun New Year's Day event to be held in Byron Bay and approves the temporary road closure of Lighthouse Road from Brooke Road (The Pass), from 3am to 8am on Tuesday 1 January 2019.
2. That the approval provided in Part 1 remain subject to Council endorsement of the event prior to implementation and is subject to the following requirements:
 - a. traffic control plans are designed and implemented by those with the appropriate NSW (RMS) accreditation;
 - b. advertising is undertaken in accordance with the Roads Act, including the publication of a map and explanatory notes in a local newspaper and on Council's website;
 - c. the letterbox drop of properties adjacent to and prior of the Jonson Street closure and Bay Street, Marvell Street and Byron Street parking changes; and
 - d. all parties involved in Council's NYE events hold, or least covered by, appropriate and relevant levels of insurance and public liability cover as required by Council.

(Richardson/Hunter)

18-535 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 7.1 Middle Pocket Road Petition
File No: I2018/1299

Committee Recommendation 7.1.1

That the Local Traffic Committee:-

1. Note the content of the petition in relation to Middle Pocket Road as required by item 1 of resolution 18-261 and resolution 18-236 of 19 April 2018 which addresses matters applicable for consideration by the Local Traffic Committee.
2. Support the installation of appropriate regulatory and/or advisory signage for the single lane causeways on Middle Pocket Road.

(Richardson/Hunter) .

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.1 CONFIDENTIAL - Request for Tender for Minor Civil Works less than \$150,000 (2018-0024)

File No: I2018/1425

18-536 Resolved:

1. That Council award Tender 2018-0024 Minor Civil Works less than \$150,000 to the following tenderers: A&E Martin, Brown Contractors, Civil Contracting Solutions, Fewster Bros Contracting, Fulton Hogan, J&M Bashforth and Sons, Mal Geyer Concreting, Mr Martin Tolley, Powell and Powell, Smith Plant (Lismore), and Tallow Tree Services.
2. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.

(Richardson/Hunter)

Report No. 16.3 CONFIDENTIAL - CONTRACT 2018-0028 100mm Water Main Rail Corridor Byron Bay

File No: I2018/1404

18-537 Resolved:

1. That Council award Tender 2018-0028 100mm Water Main Rail Corridor Byron Bay to Ledonne Constructions Pty Ltd for the amount of \$ 200,081 (ex GST).
2. That the project's total budget allocation be adjusted to \$ 240,000 for the 2018/2019 Financial year with funding provided from available Water Fund Section 64 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.

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

(Richardson/Hunter)

PROCEDURAL MOTION

- 18-538 Resolved** that Council change the order of business to deal with Reports 9.3, 13.1, 13.3, 13.16, 13.18, 13.20, 13.21, 13.23, 13.24, 13.26, 13.30 next on the Agenda.

(Richardson/Cameron)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 9.3 Waiver of Approval Fees for Chincogan Charge Event
File No: I2018/1519

- 18-539 Resolved** that Council:

1. Waive approval fees associated with the 2018 Chincogan Charge event
2. Reimburse Mullumbimby Chamber of Commerce for any approval fees already paid
3. Advertise the amount of the waiver as a s356 donation

(Cameron/Ndiaye)

The motion was put to the vote and declared carried.

STAFF REPORTS – GENERAL MANAGER

Report No. 13.1 Railway Park rotunda location options
File No: I2018/1392

Moved that Council:

1. Confirms its preference for the rotunda to be relocated to Apex Park, due to the following benefits:
 - a) It is the most visually prominent, as it sits within the most visually appealing visitor area
 - b) It allows for increased interaction with the visitors and locals who walk past and also sit and congregate
 - c) It sits alongside the Marine Environment, allowing for greater and more aligned marine awareness education engagement
 - d) It's proximity to the marine environment aligns with significant environmental awareness and activist groups such as Sea Shepard and Positive Change for Marine Life and beach clean up activities within the Byron Environment Centre
 - e) It allows the rotunda to facilitate large gatherings and rallies held in this area
 - f) Provides interaction and connection to events held in the area such as Survival Day, Schoolies, Harmony Day, Surf Festival etc

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2. Seeks support and approval from Crown lands for the use of the land for the installation of the rotunda
3. Prior to construction drawings being prepared for Railway Park, Council relocates the rotunda to the site identified as 'B' on the map provided in the staff report, (approximately 30 metres to the east of the current location):
 - a) if relocation to the preferred site (in 1) is not supported by the Byron Environment Centre
 - b) with accompanying redevelopment to ensure the indigenous artwork can be celebrated and viewed in the park
 - c) Relocation and redevelopment of the rotunda be costed and reported to Council for identification of funding sources

(Richardson/Hackett)

AMENDMENT

18-540 Resolved that Council:

1. Seek approval from Crown Lands to relocate the Rotunda to Apex Park until agreement is reached as to the ownership, location and management of the facility until the redevelopment work of Railway Park is completed, and
2. That if approval is obtained the costs of the relocation of the rotunda be reported to Council for identification of funding sources

(Spooner/Cameron)

The amendment was put to the vote and declared carried.

Crs Ndiaye, Richardson, and Martin voted against the amendment.

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

PROCEDURAL MOTION

18-541 Resolved that Cr Richardson be granted a two minute extension to his speech.

(Coorey/Cameron)

The motion was put to the vote and declared carried.

Report No. 13.3 Byron Skate Park and Recreation Hub
File No: I2018/1407

18-542 Resolved that Council:

1. Note the report.
2. Confirm its support for the Byron Skate Park and Recreation Hub to be located in the Sandhills area.
3. Continue to investigate funding opportunities for the development of the Byron Skate Park and Recreation Hub
4. In order to become eligible for forthcoming grant funding opportunities, request urgent consideration of its request of the vesting of the land across to Council from Crown Lands

staff and the responsible Minister

5. Due to the urgency as outlined in 4, seek further advocacy for the request from the Parliamentary Secretary for the North Coast, Ben Franklin and local member, Tamara Smith
6. That Council convene a meeting with Byron Youth Service to clarify the status of historical development applications in the Sandhills area and to establish a partnership to help realise the Skate Park and Recreation Hub

(Richardson/Spooner)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.16 Planning Proposal Update - The Saddle Road (26.2017.3.1)
File No: I2018/1370

Moved:

1. Note the Department of Planning and Environment's advice clarifying progression of the Saddle Road Planning Proposal as part of the Accessible Housing Project (Attachment 1.).
2. That Council not support the Planning Proposal to proceed for the reasons outlined in the staff report, in particular the Planning Proposal:
 - a) is inconsistent with the North Coast Regional Plan Urban Growth Area Variation Principles and process for identification and delivery of urban growth areas;
 - b) pre-empts Council's draft Residential Strategy process and final recommendations regarding this locality;
 - c) pre-empts Council's required engagement with the Bundjalung of Byron bay Aboriginal Corporation (Arakwal) and Tweed Byron Local Aboriginal Council in order to fully appreciate any potential cultural heritage sites and their broader significance within this locality; and
 - d) does not satisfy the 'Strategic Merit Test' or 'Site Specific Merit Test', as outlined in the Department of Planning and Environment's Planning Circular PS 16-004.
3. All other Accessible Housing Project (AHP) initiative proposals continue to be assessed where consistent with
 - a) the Department's Urban Growth Area Variation Principles
 - b) Council's existing strategic framework
4. Note that other projects with potential to deliver accessible housing, but not included in the AHP including in rural and urban areas, can proceed under Council's existing planning framework.

(Cameron/Coorey)

AMENDMENT

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18-543 Resolved:

1. Council not proceed with assessment of the Saddle Road Planning Proposal (26.2017.3.1) and advise the proponent of the determination
2. Council invite individual site proposals from within Area 17 (Saddle Road) that include a provision of at least 80% affordable housing
3. All other Accessible Housing Project (AHP) initiative proposals continue to be assessed where consistent with
 - a) the Department's Urban Growth Area Variation Principles
 - b) Council's existing strategic framework
4. Note that other projects with potential to deliver accessible housing, but not included in the AHP including in rural and urban areas, can proceed under Council's existing planning framework.

(Richardson/Lyon)

The amendment was put to the vote and declared carried.

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

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

PROCEDURAL MOTION

18-544 Resolved that Cr Cameron be granted a two minute extension to his speech.

(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

18-545 Resolved that Cr Spooner be granted a two minute extension to his speech.

(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

18-546 Resolved that Cr Coorey be granted a two minute extension to her speech.

(Richardson/Cameron)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

18-547 Resolved that Cr Richardson be granted a two minute extension to his speech.

(Coorey/Ndiaye)

The motion was put to the vote and declared carried.

The meeting adjourned at 8:04pm for a dinner break and reconvened at 8:52pm.

PROCEDURAL MOTION

- 18-548 Resolved** that Council change the order of business to deal with Reports 13.23 and 13.30 next on the Agenda.

(Richardson/Lyon)

The motion was put to the vote and declared carried.

Cr Cameron returned to the meeting at 8:53pm

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.23 Settlement Road Submission Update
File No: I2018/1303

- 18-549 Resolved** that approval of the proposal for the upgrade of Settlement Road via Council Policy 4.17 be given subject to a suitable funding source being found in the next quarterly review.

(Lyon/Richardson)

The motion was put to the vote and declared carried.

Report No. 13.30 Suspension of Council Policy 4.17
File No: I2018/1531

- 18-550 Resolved** that Council suspend the application of 'Policy 4.17 – Contribution to the Cost of Sealing of Unsealed Roads adjacent to properties at request of owners,' with the exception of the matter of Settlement Road considered and resolved in item 13.23 until a full review of the policy is complete and a new and/or revised policy is adopted by Council.

(Lyon/Hunter)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.18 Development of the new Tourism Management Plan
File No: I2018/1395

- 18-551 Resolved:**

1. That Council endorse the revised engagement methodology to support the development of the 2019-2029 Byron Shire Tourism Management Plan.
2. That Council allocate \$100,000 from the Election Reserve to fund the development of the 2019-2029 Tourism Management Plan.
3. That the following principles be incorporated for consideration by participants in the engagement process:
 - a) The benefits of managing tourism growth and impacts as a priority ahead of promotion of tourism.
 - b) Review of 'community core values' and 'guiding principles' identified in the 2008-2018 TMP as a paramount consideration in the development of the proposed TMP and actions.

(Cameron/Richardson)

The motion was put to the vote and declared carried.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.20 Grays Lane Upgrade - Project Status and Community Consultation Outcomes
File No: I2018/1030

18-552 Resolved:

1. That the project status and community consultation outcomes of the Grays Lane Upgrade project be noted.
2. That any upgrading of Grays Lane be as per design option 3 including traffic calming devices to slow traffic to enhance pedestrian and wildlife safety.
3. That the timing of any upgrading works for Grays Lane be considered during the infrastructure planning process undertaken for the 2019/20 Budget process and the 2019/20 to 2028/29 - Ten (10) Year Capital Works Program.

(Lyon/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 13.21 Waterlily Park Planned Upgrades
File No: I2018/1177

18-553 Resolved that Council:

1. Note the community consultation undertaken to date with regard to the Waterlily Playscape Stage 3 design element as per the scope awarded under the Stronger Country Communities Grant
2. Request staff to progress with Request for Tender for supply and installation of the new playscape elements including detailed design which will consider:
 - a) Community consultation outcomes
 - b) Crime Prevention Through Environmental Design principles
 - c) Best practice design and standards
 - d) Desire for the new playscape to be co-located (as much as practical) with the existing playscape
3. Invite the Waterlily Playscape Committee (and other stakeholders, including Councillors, as required) to be involved in the tender scope and brief
4. Consult with the executive of the Waterlily Playscape Committee in decisions relating to location of any future installation of equipment
5. An on site meeting be held with Councillors and staff as part of the regular site visit itinerary (Hunter/Hackett)

The motion was put to the vote and declared carried.

Report No. 13.24 Broken Head Reserve & Seven Mile Beach Road - ongoing issues
File No: I2018/1357

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18-554 Resolved that Council:

1. Note the work and stakeholder commitment to date on the issues and endorse the future actions and investigations for Broken Head Reserve, Seven Mile Beach Road and Broken Head Reserve Road
2. Provide a report providing information on the following;
 - a. An investigation, design and cost assessment of parking and traffic management on Broken Head Reserve Road with a view to utilise any funds raised to fund fully sealing Seven Mile Beach Road.
 - b. The car parking management option of establishing a ticketing system at the entrance to Seven Mile Beach Road
 - c. The creation of a shared road sealed road that commences at Seven Mile Beach Rd and Reserve Rd intersection and continues until King's Beach Carpark.
 - d. The development of a locality plan for Broken Head Reserve Road from Broken Head Road to the intersection with Seven Mile Beach Road, that addresses
 - i. Key ecological, safety and compliance issues
 - ii. A draft budget and the availability of S94 funding
 - iii. The establishment of a working group and identification of key stakeholders, including the Arakwal Corporation and state government agencies

(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 13.26 Byron Bay High School - Safety Issues at Arakwal Court
File No: I2018/1432

18-555 Resolved that Council:

1. Note the work to date in relation to traffic management, parking, cycleways, student drop-off zones and pedestrian interactions associated with the Byron Bay High School.
2. Endorse the future actions as detailed within this report; and
3. Support the upgrade to Arakwal Court as outlined in Option 5 (Dwg 2644-CP06) to address existing safety concerns and for the purpose of developing and making grant and other funding requests.
4. Identify the most viable option between traffic lights or a roundabout at the intersection of Broken Head Road and Arakwal Court for the purpose of developing and making grant and other funding requests.

(Spooner/Cameron)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 9.1 Byron Shire Voluntary Visitor Fund
File No: I2018/1329

18-556 Resolved:

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1. That Council initiate a Voluntary Visitor Fund utilising the framework and governance structure option 3 - which shows Council as the administrator of the fund with an industry led Steering Committee.
2. That this project be shared with the Strategic Business Panel
3. That a quarterly report be provided to Council on the status of the Voluntary Visitor Fund (Richardson/Ndiaye)

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

Notice of Motion No. 9.2 2018 Local Government NSW Conference Motion
File No: I2018/1514

- 18-557 Resolved** that Byron Shire Council resolves to put the following proposal to the 2018 Local Government NSW Conference:

“That Local Government NSW provide research and resources to support Councils in NSW developing and implementing Gambling Harm Prevention policies.”

(Spooner/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 1 August 2018
File No: I2018/1411

- 18-558 Resolved** that Council note the report and attachment (#E2018/64272) for the Byron Shire Council Submissions and Grants as at 1 August 2018.

(Richardson/Cameron)

The motion was put to the vote and declared carried.

DELEGATES' REPORTS

There were no delegates' reports raised during the meeting.

STAFF REPORTS - GENERAL MANAGER

Report No. 13.2 Representation at Northern Rivers Rail Trail Meetings
File No: I2018/1394

- 18-559 Resolved** that Council nominate Cr Spooner to attend the Northern Rivers Rail Trail Inc meetings as a representative of the Byron Shire Council.

(Spooner/Ndiaye)

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

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Cr Richardson declared a non-significant, non-pecuniary interest in Item 13.13, Cr Richardson elected to step down as chairperson abstained from voting.

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Cr Cameron took the role of chairperson for item 13.13.

Report No. 13.13 Bayshore Drive Roundabout Public Art Project
File No: I2018/1433

18-560 Resolved that Council:

1. Grant the preferred artist, as per attachment 2 (E2018/66023), the commission to deliver the Bayshore Drive Roundabout Public Art Project, subject to the project sub-committee being satisfied that the engineering, fabrication, timeline, and budget have been well considered and confirmed.
2. Note that the sub-committee on the project will work with the selected artist to facilitate the delivery of a successful project.

(Ndiaye/Hackett)

The motion was put to the vote and declared carried.

Cr Richardson resumed the chair.

**Report No. 13.5 Open Space and Recreation Needs Assessment and Action Plan -
draft for community consultation**
File No: I2017/1670

18-561 Resolved that Council:

1. Endorse the revised draft Open Space and Recreation Needs Assessment and Action Plan for purposes of public exhibition for 28 days.
2. That in the event:
 - a) that any submissions are received, they be reported back to Council prior to adoption of the Plan; or
 - b) that no submissions are received, the Open Space and Recreation Needs Assessment and Action Plan be adopted.

(Martin/Ndiaye)

The motion was put to the vote and declared carried.

**Report No. 13.14 Water, Waste and Sewer Advisory Committee - Community
Representatives**
File No: I2018/1400

Moved:

1. Accept the resignation of Alan Dickens from the Water, Waste, and Sewer Advisory committee and provide a letter of thanks.
2. Nominate Candidate A, Candidate B, and Candidate C for appointment to the Water, Waste and Sewer Advisory Committee.

(Coorey/Richardson)

AMENDMENT

18-562 Resolved:

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1. Accept the resignation of Alan Dickens from the Water, Waste, and Sewer Advisory committee and provide a letter of thanks.
2. Nominate Mark Tidswell and Ben Fawcett for appointment to the Water, Waste and Sewer Advisory Committee.
3. Amend the constitution to include increased membership
(Ndiaye/Hunter)

The amendment was put to the vote and declared carried.

Crs Hackett, Cameron, and Coorey voted against the amendment.

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

Report No. 13.15 Licence for community garden at Red Bean Close Suffolk Park
File No: I2018/1440

18-563 Resolved that Council:

1. Decline the granting of the Licence for the occupation of and carrying out of works on Red Bean Close Reserve Suffolk Park (parcel 197060 being Lot 218 DP 846399 and Parcel 229740 being Lot 18 DP 1009620)
2. Request the resident to return the reserve back into a passive recreational reserve consistent with its current Plans of Management and that in the event that the resident does not comply with such request an orders process be undertaken to achieve the return of the reserve to passive recreation.
3. Take steps to achieve the removal of raised garden beds and other structures including the European honeybee hives from the land
4. Request staff to consult with the local community on level of service maintenance for this community asset
5. Explore options including signage on the Reserve that identifies the land as Community land

(Martin/Richardson)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

18-564 Resolved that Cr Martin be granted a two minute extension to her speech.

(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.19 Submissions Report on the Draft Integrated Pest Management Policy
File No: I2018/1430

Moved that Council:

1. Note the report on the draft Integrated Pest Management Policy
2. Submit the draft IPM document to CSIRO or equivalent research organisation/s for a peer

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review and report recommendations back to council prior to adoption.

3. Note an allocation of \$50,000 in the 2018/19 budget to develop IPM Strategies is provided from the Infrastructure Services Carryover Reserve.

(Hunter/Spooner)

AMENDMENT

18-565 Resolved:

1. Note the report on the draft Integrated Pest Management Policy.
2. Adopt the Integrated Pest Management Policy at Attachment 1 (#E2018/58361) that includes changes following public exhibition as outlined in Table 1 of this report.
3. Note an allocation of \$50,000 in the 2018-2019 budget to develop an Integrated Pest Management Strategy is provided from the Infrastructure Services Carryover Reserve.
4. Adopt in Table 1 of this report as well as the following additional amendment,
Endemic plantings,
be added to the list of 'alternative pest control methods' contained in the first paragraph under section 1.2 on page 2 of the draft policy.

(Richardson/Ndiaye)

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

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

PROCEDURAL MOTION

- 18-566 Resolved** that Council extend the meeting time to finish at 11:10pm.

(Richardson/Coorey)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 18-567 Resolved** that Council consider items 13.22 and 13.27 and the Reserve Trust items at the next Ordinary Council meeting.

(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

CONFIDENTIAL REPORTS - CORPORATE AND COMMUNITY SERVICES

PROCEDURAL MOTION

18-568 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 DRAFT Council purchase from Health Administration Corporation- Mullumbimby War Memorial Hospital site and Site

Remediation.

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 reasons for closing the meeting to the public to consider this item are that the report contains information on contract negotiation. The report contains information of a commercial nature.

(Richardson/Ndiaye)

No. 16.2 **CONFIDENTIAL - Council purchase from Health Administration Corporation- Mullumbimby War Memorial Hospital site and Site Remediation**

File No: I2018/1513

18-569 Resolved that Council:

1. Receive and note the report on the status of the proposed purchase and necessary remediation of the Mullumbimby War Memorial Hospital site.
2. Endorse the approach taken by the General Manager in seeking a variation of the draft contract for the sale and purchase of the Mullumbimby and District War Memorial Hospital by:
 - i. The deletion of draft special condition 5.1
 - ii. The deletion of "Community facility" where it appears in draft Annexures "A" and "B"
 - iii. The deletion of cause 2 in each of draft Annexures "A" and "B" and by replacing draft special condition 5.1 with those set out in the body of this report.
3. Purchase the Mullumbimby War Memorial Hospital site from Health Administration Corporation on the terms and conditions set out in the contract submitted by the Health Administration Corporation but subject to amendments being made in accordance with 2 above.
4. Authorise the General Manager to take all steps necessary to enter into the contract, as amended, and to sign and counter-sign all documents associated with the purchase of the site, including the affixing of the Council seal to all documents that may require it.
5. Upon Council's completion of a contract to purchase the Mullumbimby and District War Memorial Hospital, Council allocate a total budget of \$3,334,000 in the 2018/2019 financial year
6. Authorise the borrowing of \$3,334,000 through an Expression of Interest (EOI) process prior to 30 June 2019 to fund the demolition and other associated costs.
7. Delegate authority to the General Manager to negotiate with financial institutions to acquire the loan funds required in recommendation 6 above and accept the best offer made

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available to Council.

8. Authorise the affixing of the Council seal to all documents that may require it, in regards to the loan borrowing.
9. As per RES 18-048, enter a contract with Tweed Coast Demolition and Excavations under direct negotiations for \$2,158,948 (ex gst).
10. Endeavour to recover its costs of demolition and any other associated costs as soon as possible to retire the loan borrowings and mitigate the financial risk of this project.
(Cameron/Martin)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 11:14.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 20 September 2018.



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Mayor Simon Richardson