



# Byron Shire Council



## Minutes

Ordinary Meeting

Thursday, 12 December 2019

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
12 December 2019

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ORDINARY MEETING MINUTES

12 December 2019

**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 12 DECEMBER 2019 COMMENCING AT 9.06AM AND CONCLUDING AT 3.25PM**

*12019/2045*

**PRESENT:** Cr S Richardson (Mayor), Cr B Cameron, Cr C Coorey, Cr J Hackett (arrived at 9.27am), Cr A Hunter, Cr M Lyon, Cr J Martin and Cr P Spooner

Staff: Mark Arnold (General Manager)  
 Vanessa Adams (Director Corporate and Community Services)  
 Phil Holloway (Director Infrastructure Services)  
 Shannon Burt (Director Sustainable Environment and Economy)  
 Ralph James (Legal Counsel)  
 Sarah Ford (Manager Social and Cultural Planning) – Item 13.6  
 Rob Van Iersel (Major Projects Planner) – Item 13.21  
 Mila Jones/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:

Report No and Title		For/ Against	Name	Representing Organisation
13.1	TAFE NSW and Lot 12 Bayshore Drive Byron Bay	For	Marina Kendal	
13.12	PLANNING - Development Application 10.2018.307.1 - Alterations and additions to dwelling, new artists studio and boundary adjustment	For	Sally Peterson	
13.13	PLANNING - Development Application 10.2019.458.1 Multi Dwelling Housing Comprising Eight (8) Dwellings at 6 Julian Rocks Drive Byron Bay	Against	Robert Gibson	
13.14	Business and Industrial Lands Strategy	For	Rob Doolan	
		Against	Leigh Rees	Brunswick Heads Progress Association
			Matthew O'Reilly	CABS
13.25	PLANNING - DA10.2018.466.2 - 61 Kingsley Street Byron Bay - S4.55 modification to change the Condition of Consent (approved by Council Meeting) in relation to the Height and FFL of the proposed building, change to pool dimensions and tree removal.	For	Chris Lonergan	
			David Arter	
13.24	26.2019.1.1 - Planning Proposal for an amendment to Byron LEP 2014 to permit Community Title subdivision and dwellings at Lot 38 DP 1059938, Alidenes Road, Wilsons Creek	Against	Yvette Jiang	
13.27	PLANNING - Draft Planning Controls for Short Term Rental Accommodation in response to Ministerial Direction 3.7 Reduction in non-hosted rental accommodation period	For	David Wallace	VOHL

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13.28	PLANNING - S4.55 for Modification of development consent DA 10.2017.402.3 to dedicate Lot 130 to Council as a Public Reserve, and amend stormwater design, bushfire asset protection zones and provide habitat connectivity between Management Zones 7b and 9.	For	Eric Freeman	
13.34	1 Broken Head Road Project	For	Liz Levy	
14.3.7.1	Engineering Advice - Intersection of Rajah Road & Yengarie Way (Petition)	For	Debra Lambert	

## Submissions

Subject	Name
Confetti	John Anderson
Main Arm causeway at Blindmouth Creek	Matthew Lambourne
Submission on the values of high conservation value vegetation and significant farmland	Matthew O'Reilly

## Questions No. 1 Affordable Housing

Cathryn Stavert asked the following question:

Regarding the audit on Affordable Housing, the legislation SEPP Affordable Rental Housing has been thrust upon us by the State Government. I feel, that affordable housing is not working in the Byron Shire Council. Having carried out the audit, what now? What have you learnt? Are you going to pursue / investigate this further? If so how will the community be involved?

*The Director Sustainable Environment and Economy advised that Council does have concerns with the affordable rental housing SEPP. There has been a resolution of Council for us to make submissions previously to State Government on that, around character. We have also entered into recent discussions with the Department of Planning. Their senior executive, and also myself, the General Manager, and the Mayor attended a meeting with the Planning Minister and raised similar issues with it. I understand that the Department of Planning is initiating a review of that State policy in the new year. So we will be able to actually have a formal consultation and put formal input into a review following.*

## Question No. 2 Industrial land

Matthew O'Reilly asked the following question:

Can Council please provide details of the new data they have used to recommend 47 hectares of new industrial land in the draft Byron Business and Industrial Land Strategy when the data used by Council's own consultant led them to recommend just 10 hectares of new land was required and the NSW Government own consultant led them to recommend 6.5 hectares of new land were required, bearing in mind that the 2016 census data was used by the Council consultant, and has Council undertaken an audit of industrial and business land as advised to by the Department?

*The Director Sustainable Environment and Economy advised that with regards to the data, as you can appreciate the study has been in train for a couple of years, so yes, we have started back in 2016. All the data has been available via our website through consultants reports or update reports through the Council, so it has all been publicly available. Any of the other information in relation to the hectares and the allocation of that relates to growth scenarios, the supply and demand, and they are all discussed in those reports as well.*

**Question No. 3 Byron Bay Bypass**

John Anderson asked the following question:

In relation to an opinion piece which appeared in last week's Echo and was signed by Cr Lyon, is any Councillor able to offer evidence that he/she was aware prior to the crucial December 2017 resolution regarding the bypass:

1. that said bypass would impinge upon state designed wetlands, to wit the Cumbebin Swamp;
2. that said wetlands contained an endangered species, to wit the Mitchell's Rainforest Snail; and
3. that said wetlands would be partially excavated and filled with 30,000 cubic metres of fill sourced elsewhere?

*As Councillors attempted to provide a response Mr Anderson continued speaking over each speaker and was asked to sit down.*

*The meeting adjourned at 10.29am and reconvened at 10.53am.*

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**APOLOGIES**

There was an apology from Cr Ndiaye.

- 19-622 Resolved** that the apology from Cr Ndiaye be accepted and a leave of absence granted.  
(Cameron/Coorey)

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

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**REQUESTS FOR LEAVE OF ABSENCE**

There were no requests for leave of absence.

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

Cr Richardson declared a non-pecuniary interest in Report 13.1. The nature of the interest being that he has a long standing interest as part of an incorporated association in this site. Cr Richardson elected to leave the Chamber and will not participate in discussion and the vote.

Cr Spooner declared a non-pecuniary interest in Report 13.21. The nature of the interest being that he has had professional contact with people involved in the development of a non-pecuniary nature. Cr Spooner elected to remain in the Chamber and will participate in discussion and the vote.

Cr Hackett declared a non-pecuniary interest in Report 13.21. The nature of the interest being that this is her local shopping and eating mall and she has become very friendly with staff and developers. Cr Hackett elected to remain in the Chamber and will participate in discussion and the vote.

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**TABLING OF PECUNIARY INTEREST RETURNS**

There were no Pecuniary Interest Returns tabled.

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### **ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

- 19-623 Resolved** that the minutes of the Ordinary Meeting held on 28 November 2019 be confirmed.  
(Lyon/Spooner)  
*The motion was put to the vote and declared carried.*
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### **RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS**

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

#### **STAFF REPORTS**

##### **General Manager**

Report No. 13.2 Byron Rail Corridor Restoration

##### **Corporate and Community Services**

Report No. 13.6 Review of Northern Beaches Council Gambling and Poker Machine Harm Management Strategy

##### **Sustainable Environment and Economy**

Report No. 13.10 Climate Emergency Response - update on Resolution 19-341

Report No. 13.12 PLANNING - Development Application 10.2018.307.1 - Alterations and additions to dwelling, new artists studio and boundary adjustment

Report No. 13.14 Final Business and Industrial Lands Strategy for adoption

Report No. 13.15 Our Mullumbimby Masterplan - Submissions Report

Report No. 13.19 Expressions of Interest for the Place Planning Collective (Res 19-451)

Report No. 13.21 PLANNING - 24.2019.53.1 Habitat DCP Amendment; Chapter E5 Certain Locations in Byron Bay and Ewingsdale

Report No. 13.24 PLANNING - 26.2019.1.1 - Planning Proposal for an amendment to Byron LEP 2014 to permit Community Title subdivision and dwellings at Lot 38 DP 1059938, Alidenes Road, Wilsons Creek

Report No. 13.26 Byron Shire Council Agricultural Action Plan Update

Report No. 13.27 PLANNING - Draft Planning Controls for Short Term Rental Accommodation in response to Ministerial Direction 3.7 Reduction in non-hosted rental accommodation period

##### **Infrastructure Services**

Report No. 13.34 1 Broken Head Road Project

#### **REPORTS OF COMMITTEES**

##### **Corporate and Community Services**

##### **Infrastructure Services**

Report No. 14.3 Report of the Local Traffic Committee Meeting held on 19 November 2019

*The Mayor left the chamber in accordance with his non-pecuniary interest in 13.1. In the absence of the Deputy Mayor, Councillors elected Cr Cameron as the Chair.*

*Cr Cameron took the Chair.*

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Lyon and seconded by Cr Spooner. Each recommendation is recorded with a separate resolution number commencing at Resolution No.19-624 and concluding with Resolution No. 19-669.

*The Mayor returned to the chamber at 11.02am and took the Chair.*

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**STAFF REPORTS - GENERAL MANAGER**

**Report No. 13.1**      **TAFE NSW and Lot 12 Bayshore Drive Byron Bay**  
**File No:**              I2019/1837

*Cr Richardson left the chamber in accordance with his earlier declared non-pecuniary interest in this matter.*

**19-624 Resolved** that Council:

1. Note the separate report included in this agenda titled '*Residential Strategy and affiliated projects update*' and the section of the Report relating to Lot 12 Bayshore Drive, Byron Bay.
2. Confirm its in principle support for TAFE NSW to progress plans for a Connected Learning Centre, subject to appropriate probity and planning considerations, through the urban design investigation for Lot 12 Bayshore Drive, Byron Bay.
3. Authorise the General Manager to negotiate and enter into a non-binding Heads of Agreement with TAFE NSW for a Connected Learning Centre on Lot 12 Bayshore Drive, Byron Bay. (Lyon/Spooner)

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**Report No. 13.3**      **Acquisition and surrender of land - Byron pool complex**  
**File No:**              I2019/1942

**19-625 Resolved:**

1. That Council acquire proposed lot 17 in the attached plan of subdivision (E2019/86293), with lot 17 to be vested in Council under the *Crown Lands Management Act 2016*.
2. That Council agree to dispose of proposed lot 15 in the attached plan of subdivision (E2019/86293) by surrendering it to the Crown under the *Crown Lands Management Act 2016*.
3. That Council note the Department of Planning Industry and Environment – Crown Land's support (S2019/8983) for acquisition and disposal at no cost for the land.
4. That Council authorise the affixing of Council's seal to the plan of subdivision and any associated section 88B instrument necessary to register resolutions 1 and 2 with NSW Land Registry Services. (Lyon/Spooner)



**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 13.4            Policy Review 2019 - Policies for repeal (part 2)**

**File No:                    I2019/1905**

**19-626 Resolved** that the following redundant policies be removed from Council's Policy Register:

- a) Community Halls and Sporting Facilities - Management by Community Groups 1994
- b) Excess of Power and Procedural Fairness 1996
- c) Footpath Dining 2001
- d) Freedom of Information 1996
- e) Inspection, Evaluation and Maintenance of Public Infrastructure 2003
- f) Interactions between Councillors and Council Staff 2002
- g) Interactive Management and Supervisory Training 1994
- h) Maintenance and Improvement of Council Owned Community Buildings 1994
- i) Procedures for Cases of Financial Hardship to undertake repair works to prevent adverse Environmental or Public Health Impacts 2002
- j) Review of the Stormwater Management Service Charge 2007
- k) Sewerage Charges - Charitable Nursing/Aged Care Homes 1994
- l) Smoke Free Environment 1994
- m) Water and Sewer Charges – Religious Properties 1994
- n) Water Meters and Charges on Strata Units 1994
- o) Work Health Safety 2015

(Lyon/Spooner)

**Report No. 13.5            Report of the Public Art Panel meeting held on 14 November 2019**

**File No:                    I2019/1908**

**19-627 Resolved:**

1. That in relation to *Memento Aestates* artwork, Council:
  - a) Supports the location of the Byron rail corridor for the artwork.
  - b) Supports corten steel as the preferred material for the artwork.
  - c) Supports the most recent design of the artwork and acknowledges the artist will continue to refine it.
  
2. That in relation to the revised Public Art Guidelines, Council:
  - a) Notes that the Panel have reviewed the draft and provided any further feedback for incorporation into the final draft; and
  - b) Adopts the final draft as attached (E2019/83965).
  
3. That in relation to implementing a proactive approach to encouraging and enabling public art across the Shire, the following strategic priorities be noted:
  - a) Staff initiate discussions with the project team for the Suffolk Park Recreational Area about public art opportunities in the area.
  - b) Staff commence scoping a plan for public artwork in the Ocean Shores area.
  - c) A draft of an annual competitive grant process for public art be provided for consideration to the next Panel meeting.
  - d) That budget for public art projects on water and sewer infrastructure be investigated.

(Lyon/Spooner)

**Report No. 13.7**      **Submission to Office of Local Government - Discussion Paper - A New Risk Management and Internal Audit Framework for Local Councils in NSW**

**File No:**              I2019/1924

**19-628 Resolved:**

1. That Council considers the discussion paper, "A New Risk Management and Internal Audit Framework for Local Councils in NSW"
  2. That Council makes a submission to the Office of Local Government during the submission period covering the considerations outlined in this report. (Lyon/Spooner)
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**Report No. 13.8**      **Investments - 1 November 2019 to 30 November 2019**

**File No:**              I2019/1979

**19-629 Resolved** that the report listing Council's investments and overall cash position as at 30 November 2019 be noted. (Lyon/Spooner)

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

**Report No. 13.9**      **Sustainable Visitation Strategy - Project update**

**File No:**              I2019/905

**19-630 Resolved** that Council note the staff update on the Byron Shire 2020 – 2030 Sustainable Visitation Strategy. (Lyon/Spooner)

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**Report No. 13.11**      **Review of Affordable Rental Housing (Res 19-233)**

**File No:**              I2019/1120

**19-631 Resolved** that Council note the staff report on Review of Affordable Housing in response to Resolution 19-233. (Lyon/Spooner)

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**Report No. 13.13**      **PLANNING - Development Application 10.2019.458.1 Multi Dwelling Housing Comprising Eight (8) Dwellings at 6 Julian Rocks Drive Byron Bay**

**File No:**              I2019/1630

**19-632 Resolved** that, pursuant to Section 4.16 of the *Environmental Planning & Assessment Act 1979*, Development Application no. 10.2019.458.1 for construction of multi dwelling housing comprising eight (8) dwellings under State Environmental Planning Policy (Affordable Rental Housing) 2009, be refused for the following reasons:

- a) Pursuant to Section 4.15(1)(a) of the *Environmental Planning and Assessment Act 1979*, the proposal is inconsistent with the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 in that:
    - i. the units do not achieve adequate solar access and is inconsistent with the *SEPP (Affordable Housing) 2008*;
    - ii. the density and scale of the development is inconsistent with the character of the area; and
-

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- iii. the proposed development is inconsistent with *Seniors Living Policy Urban design guidelines for infill development*.
- b) Pursuant to Section 4.15(1)(a) of the *Environmental Planning and Assessment Act 1979*, the proposal does not comply with the first objective of the R2 Low Density Residential Zone under Byron LEP 2014, in that:
  - i. The proposed 8 dwellings is inconsistent with the character of a low density environment.
- c) Pursuant to Section 4.15(1)(a) of the *Environmental Planning and Assessment Act 1979*, the proposal does not comply with Byron Development Control Plan 2014, in that:
  - i. street boundary setbacks do not comply with the standard contained at Chapter D1.2;
  - ii. the proposed development encroaches into the Building Height Plane on southern boundary, resulting in impacts on neighbouring residential properties;
  - iii. inadequate useable private open space is provided to the units, with private spaces proposed within the front setbacks and overlapping private open spaces between units; and
  - iv. the internal unit design does not provide adequate internal amenity for future residents.  
(Lyon/Spooner)

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

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

*No Councillors voted against the motion.*

*Cr Richardson was not present for the vote.*

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**Report No. 13.16      Integrated Pest Management Strategy (Resolution 19-519 )**  
**File No:                      I2019/1820**

**19-633 Resolved:**

- 1. That Council acknowledge that items 1 to 6 of Resolution 19-519 have been satisfactorily met.
- 2. That Council endorse the changes in Attachment 1 (E2019/84783) for inclusion into the Integrated Pest Management Strategy 2019-2029.
- 3. That Council note that item 7 of Resolution 19-519 *“on completion of items 1-6 above, present the revised draft to the next available Planning Meeting of Council”*, will be reported in February 2020.  
(Lyon/Spooner)

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**Report No. 13.17      Annual Emissions Inventory and Achieving Net Zero Emissions Target**  
**File No:                      I2019/1823**

**19-634 Resolved:**

- 1. That Council note the annual emissions inventory and progress toward meeting the Net Zero Emissions Target.
- 2. That Council become Carbon Neutral Certified under the National Carbon Offset Standard (NCOS) commencing in the 2025/26 financial year.
- 3. That Council note that a Councillor and staff workshop will be organised in the 2020/21

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financial year in order to fully understand the scope and implications associated with offsetting and that the workshop report will form the foundation for an offsetting policy and procedure as identified in the Net Zero Emissions Strategy. (Lyon/Spooner)

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**Report No. 13.18**      **PLANNING - Report Exceptions to Development Standards 1 July to 30 September 2019**  
**File No:**              I2019/1846

**19-635 Resolved** that Council adopt the report on exceptions to development standards for the period 1 July to 30 September 2019. (Lyon/Spooner)

*The motion was put to the vote and declared carried.  
Crs Coorey, Martin, Lyon, Cameron, Hackett, Spooner and Hunter voted in favour of the motion.  
No Councillors voted against the motion.  
Cr Richardson was not present for the vote.*

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**Report No. 13.20**      **Residential Strategy and affiliated projects update**  
**File No:**              I2019/1903

**19-636 Resolved:**

1. That Council note that the findings of the urban design investigation for Lot 12 Bayshore Drive will be reported to Council in early 2020 with the intent to exhibit it concurrently with the draft Byron Arts and Industry Estate Precinct Plan.
  2. That Council note that the old Mullumbimby Hospital Site was considered in the draft Alternative Housing Models Research Paper (Attachment 1 E2019/87788) with testing of the concepts against housing governance and delivery models to occur over the next two months, enabling the findings to be reported to Council in early 2020.
  3. That Council note that the planning proposal to introduce minimum lot size standards for 'manor house' and 'multi dwelling housing' in readiness for the pending Low Rise Medium Density Code commencement in July 2020, finalised public exhibition on 22 November and the submissions will be reported to Council for consideration in early 2020.
  4. That Council support consideration of Residential Strategy new release investigation lands for inclusion under the SEPP 70 Affordable housing contribution scheme.
  5. That Council note that staff are reviewing the public submissions received on the draft Residential Strategy and the submissions will be reported to Council for consideration in early 2020. (Lyon/Spooner)
- 

**Report No. 13.22**      **Report of Planning Review Committee held on 14 November 2019**  
**File No:**              I2019/1909

**19-637 Resolved** that Council adopt the report of the Planning Review Committee meeting held on 14 November 2019. (Lyon/Spooner)

**Report No. 13.23      PLANNING - Update on Environmental Zone review and Planning Proposal implementation process**  
**File No:                      I2019/1913**

**19-638 Resolved:**

1. That Council re-allocate \$17,000 in order to finalise Stages 2 and 3 of E zone implementation program, build on the already high level of community goodwill generated through the engagement process to date and resolve outstanding deferred matters in a timely manner.
2. That the \$17,000 be re-allocated from the Community Participation Plan project (#2605.112) which is now complete. (Lyon/Spooner)

*The motion was put to the vote and declared carried.  
 Crs Coorey, Martin, Lyon, Cameron, Hackett, Spooner and Hunter voted in favour of the motion.  
 No Councillors voted against the motion.  
 Cr Richardson was not present for the vote.*

**Report No. 13.25      PLANNING - DA10.2018.466.2 - 61 Kingsley Street Byron Bay - S4.55 modification to change the Condition of Consent (approved by Council Meeting) in relation to the Height and FFL of the proposed building, change to pool dimensions and tree removal.**  
**File No:                      I2019/1918**

**19-639 Resolved** that pursuant to Section 4.55 of the Environmental Planning & Assessment Act 1979, that Application No. 10.2018.466.2, for Relocation of the Existing Dwelling House and Construction of a New Dwelling House and Swimming Pool, be approved as follows:

1. Amend the Description of the development to read:  
  
Removal of Existing Dwelling (relocation) and Construction of a New Dwelling House and Swimming Pool.
2. Amended Condition No.1 to read
  1. Development is to be in accordance with approved plans

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

<b>Plan No.</b>	<b>Description</b>	<b>Prepared by</b>	<b>Dated:</b>
WD10.	Cover Sheet	Iphorm	Nov 2019
WD2.0	Site Plan	Iphorm	Nov 2019
WD3.1	Ground Floor Plan	Iphorm	Nov 2019
WD3.2	Upper Floor Plan	Iphorm	Nov 2019
WD3.5	Roof Plan	Iphorm	Nov 2019
WD4.0	Elevations	Iphorm	Nov 2019
WD4.2	Elevations	Iphorm	Nov 2019
WD4.3	Elevations	Iphorm	Nov 2019
WD5.0	Sections	Iphorm	Nov 2019

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

The updated approved plans (as per the Construction Certificate) and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

3. Delete and replace to Condition No. 6 to read:

*6. Plans to be submitted with the Construction Certificate*

*The Plans to be submitted with the Construction Certificate to accurately reflect the approved plans and as per the following requirements:*

- *The floor to ceiling height on the ground floor be set at a maximum of 2.9 m in height;*
- *Set the ground floor of the dwelling at 9.6 m AHD*
- *Set the floor to ceiling height in the undercroft basement storage (adjacent to the pool) at a maximum of 2 m by lowering the basement floor level to 7.3m AHD*
- *The maximum height of the roof to be no greater than 8.5 m above natural ground level.*
- *Landscaping plan showing the location of trees to be replanted and the privacy hedge comprising as a minimum 10 native plants with a maturity height of 3 metres along the western boundary with 59 Kingsley Street where the pool and back verandah are located. The relocated bangalow palms not to be located on this boundary. The landscape plan to be prepared by a suitably qualified landscape designer in accordance with Chapter B9 of DCP 2014.*

*The plans are to be submitted with the Construction Certificate for approval to the Principal Certifying Authority.*

4. Delete and replace Condition No. 37 to read

*37. Landscaping*

*All landscaping as required under this development consent to be completed prior to the occupation of the dwelling house or issue of Occupation Certificate and in accordance with the approved landscape plan including the hedge plantings on the boundary with 59 Kingsley Street.*  
(Lyon/Spooner)

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

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

*No Councillors voted against the motion.*

*Cr Richardson was not present for the vote.*

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**Report No. 13.28**      **PLANNING - S4.55 for Modification of development consent DA 10.2017.402.3 to dedicate Lot 130 to Council as a Public Reserve, and amend stormwater design, bushfire asset protection zones and provide habitat connectivity between Management Zones 7b and 9.**

**File No:**                      12019/1934

**19-640 Resolved:**

That pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Application No. 10.2017.402.4, under S4.55 for Modification of development consent to dedicate Lot 130 to Council as a Public Reserve, and to amend the stormwater design, bush fire asset protection zones and provide habitat connectivity between Management Zones 7b and 9, be approved by modifying Development Consent number 10.2017.402.3 in accordance with the recommended

modified conditions in Attachment 6 (#E2019/86061) and including the updated schedule of contributions and condition 29 from memorandum (#E2019/89026). (Lyon/Spooner)

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

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

*No Councillors voted against the motion.*

*Cr Richardson was not present for the vote.*

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**STAFF REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 13.29      Building Asset Management Plan**  
**File No:                I2019/1705**

**19-641 Resolved** that the draft Buildings Asset Management Plan be adopted by Council. (Lyon/Spooner)

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**Report No. 13.30      Reducing Streetlight Use - Update**  
**File No:                I2019/1759**

**19-642 Resolved:**

1. That Council not move to turn off streetlights as an energy saving measure at this time as the existing infrastructure does not have the ability to be isolated and managed for this purpose.
2. That Council request a cost benefit analysis from Essential Energy regarding the bulk roll out of LED street lighting to the remaining applicable street lights in the Byron Shire. (Lyon/Spooner)

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**Report No. 13.31      Part Road Reserve Closure and Sale to adjoining Lot 5 DP 714077**  
**255 Repentance Creek Goonengerry**  
**File No:                I2019/1861**

**19-643 Resolved:**

1. That Council endorse the closure of part road reserve surrounded by Lot 5 DP 714077, as per Image 1 of this report.
2. That Council ascertain market value by retaining a suitably qualified Valuer and delegate to the General Manager the authority to enter into a contract for sale of the closed part of the road with the owner of adjoining Lot 5 DP 714077 at a value no less than the value placed on the part closed road by the independent Valuer.
3. That the applicant pay all costs associated with the part road closure, including but not limited to:
  - a) Council application fees
  - b) Council's surveyor's fees and survey, valuation and legal costs
  - c) All registration fees
  - d) Legal costs
4. The allotment created by the part road closure to be consolidated into the existing Parcel No 76290 Lot 5 DP 714077.

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5. That Council authorise the execution of all documents necessary to affect the road closure, sale, transfer and consolidation of the part closed road. (Lyon/Spooner)

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**Report No. 13.32**      **Part Road Closure and purchase Robert Street Bangalow adjoining 5 Deacon Street Lot 7 Section 10 DP 4974 and Lot 1 DP 122670**  
**File No:**                I2019/1864

**19-644 Resolved:**

1. That Council endorse the closure of part road reserve adjoining 5 Deacon Street (Lot 7 Section 10 DP 4974 and Lot 1 DP 122670) as per Image 1 highlighted in blue.
2. That Council ascertain market value by retaining a suitably qualified Valuer and delegate to the General Manager the authority to enter into a contract for sale of the closed part of the road with the owner of adjoining Lot 7 Section 10 DP 4974 and Lot 1 DP 122670 at a value no less than the value placed on the part closed road by the independent Valuer.
3. That the applicant pay all remaining costs associated with the part road closure, including but not limited to:
  - a) Council application fees
  - b) Council's surveyor's fees and survey, valuation and legal costs
  - c) All registration fees
  - d) Legal costs
4. The allotment created by the part road closure to be consolidated into the existing Parcel No's 19260 Lot 7 Section 10 DP 4974 and 148090 Lot 1 DP 122670.
5. That Council authorise the execution of all documents necessary to affect the road closure, sale, transfer and consolidation of the part closed road. (Lyon/Spooner)

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**Report No. 13.33**      **Road Reserve Closure and Purchase 149 Federal Drive Eureka Lot 22 DP 1014053**  
**File No:**                I2019/1893

**19-645 Resolved:**

1. That Council endorse the closure of part road reserve surrounded by Lot 22 DP 1014053, as per Image 1 of this report.
2. That Council ascertain market value by retaining a suitably qualified Valuer and delegate to the General Manager the authority to enter into a contract for sale of the closed part of the road with the owner of adjoining Lot 22 DP 1014053 at a value no less than the value placed on the part closed road by the independent Valuer.
3. That the applicant pay all costs associated with the part road closure, including but not limited to:
  - a) Council application fees
  - b) Council's surveyor's fees and survey, valuation and legal costs
  - c) All registration fees
  - d) Legal costs



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4. The allotment created by the part road closure to be consolidated into the existing Parcel No 231770 Lot 22 DP 1014053.
5. That Council authorise the execution of all documents necessary to affect the road closure, sale, transfer and consolidation of the part closed road. (Lyon/Spooner)

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**Report No. 13.35**      **Bangalow Christmas Eve Carnival**  
**File No:**              I2019/1968

**19-646 Resolved:**

1. That Council support the Bangalow Christmas Eve Carnival 2019 to be held Tuesday 24 December 2019, that includes the temporary road closure of Byron Street, Bangalow between Ashton Street and Granuaille, between 3:30pm and 10:00pm.
2. That the approval provided in Part 1 is subject to any Local Traffic Committee recommendations. (Lyon/Spooner)

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**Report No. 13.36**      **Minor changes to car parking signage in vicinity of Byron Youth Activity Centre Sandhills Reserve**  
**File No:**              I2019/1969

- 19-647 Resolved** that Council support minor changes to car parking signage in the vicinity of Byron Youth Activity Centre, Sandhills Estate, as per recommendations from the Local Traffic Committee meeting on 6 December 2019, and the approval from Crown Lands. (Lyon/Spooner)

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## COMMITTEE REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 14.1**      **Report of the Audit, Risk and Improvement Committee Meeting held on 14 November 2019**  
**File No:**              I2019/1907

- 19-648 Resolved** that Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 14 November 2019. (Lyon/Spooner)

- 19-649 Resolved** that Council adopts the following Committee Recommendation(s):

**Report No. 4.1 A New Risk Management and Internal Audit Framework - Discussion Paper**  
File No: I2019/1636

Committee Recommendation 4.1.1

That the Audit Risk and Improvement Committee:

1. Considers the discussion paper, "A New Risk Management and Internal Audit Framework for Local Councils in NSW"
2. Makes a submission to the Office of Local Government during the submission period covering the considerations outlined in this report
3. Receives a draft submission for comment prior to the submission being made to the Office of Local Government. (Lyon/Spooner)

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**19-650 Resolved** that Council adopts the following Committee Recommendation(s):

**Report No. 4.2 2018/2019 Financial Statements**

File No: I2019/1843

Committee Recommendation 4.2.1

That the Audit, Risk and Improvement Committee notes the report on the 2018/2019 Financial Statements and the 2019 Audit Engagement Closing Report received from the NSW Audit Office.  
(Lyon/Spooner)

**19-651 Resolved** that Council adopts the following Committee Recommendation(s):

**Report No. 5.1 Update on IT Actions**

File No: I2019/1691

Committee Recommendation 5.1.1

That the Audit, Risk and Improvement Committee notes the update provided in the report.  
(Lyon/Spooner)

**19-652 Resolved** that Council adopts the following Committee Recommendation(s):

**Report No. 5.2 Audit Progress Report - November 2019**

File No: I2019/1841

Committee Recommendation 5.2.1

1. That the Audit, Risk and Improvement Committee notes the Internal Audit Activity Report – November 2019 (E2019/81972).
2. That the Audit, Risk and Improvement Committee endorses the recommendation from the Executive Team to close off 12 outstanding recommendations in Appendix C of the attached report (E2019/81972) due to these actions being confirmed as complete.  
(Lyon/Spooner)

**19-653 Resolved** that Council adopts the following Committee Recommendation(s):

**Report No. 5.3 Business Continuity and Risk Management - Update**

File No: I2019/1853

Committee Recommendation 5.3.1

1. That the Audit, Risk and Improvement Committee notes this Business Continuity and Risk management update.
2. That the Audit, Risk and Improvement Committee receives ongoing progress reports on the status of the Business Continuity and Risk Management blueprint.  
(Lyon/Spooner)

**19-654 Resolved** that Council adopts the following Committee Recommendation(s):

**Report No. 5.4 Pay Parking Audit Review**

File No: I2019/1857

Committee Recommendation 5.4.1

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1. That the Audit, Risk and Improvement Committee notes the Pay Parking internal audit review report.
2. That the Audit, Risk and Improvement Committee requests management to implement the recommendations made in the report identified as Confidential Attachment 1 (E2019/81748).
3. That the report and Confidential Attachment 1 of the closed part of the meeting remain confidential. (Lyon/Spooner)

**19-655 Resolved** that Council adopts the following Committee Recommendation(s):

**Report No. 5.5 Grants Management Audit Review**

File No: I2019/1858

Committee Recommendation 5.5.1

1. That the Audit, Risk and Improvement Committee notes the Grant Management internal audit review report.
2. That the Audit, Risk and Improvement Committee requests management to implement the recommendations made in the report identified as Confidential Attachment 1 (E2019/81617).
3. That the report and Confidential Attachment 1 of the closed part of the meeting remain confidential. (Lyon/Spooner)

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**Report No. 14.2 Report of the Finance Advisory Committee Meeting held on 14 November 2019**

**File No:** I2019/1911

**19-656 Resolved** that Council notes the minutes of the Finance Advisory Committee Meeting held on 14 November 2019. (Lyon/Spooner)

**19-657 Resolved** that Council adopts the following Committee Recommendation(s):

**Report No. 4.1 Unrestricted Cash and Reserves at 30 June 2019**

File No: I2019/1767

Committee Recommendation 4.1.1

1. That the Reserve Balances as outlined in Attachment 1 (#E2019/80264) at 30 June 2019 be noted by the Finance Advisory Committee.
2. That the Unrestricted Cash Balance of \$1,000,000 as at 30 June 2019 be noted by the Finance Advisory Committee. (Lyon/Spooner)

**19-658 Resolved** that Council adopts the following Committee Recommendation(s):

**Report No. 4.2 Quarterly Update - Implementation of Special Rate Variation**

File No: I2019/1834

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## Committee Recommendation 4.2.1

That the Finance Advisory Committee notes the quarterly update on the Special Rate Variation Implementation as at 30 September 2019. (Lyon/Spooner)

**19-659 Resolved** that Council adopts the following Committee Recommendation(s):

### **Report No. 4.3 Budget Review - 1 July 2019 to 30 September 2019**

File No: I2019/1856

## Committee Recommendation 4.3.1

1. That Council notes that the itemised budget variations as shown in Attachment 2 (#E2019/81261) which includes the following results in the 30 September 2019 Quarterly Review of the 2019/2020 Budget:

- a) General Fund – \$132,400 increase to the Estimated Unrestricted Cash Result
- b) General Fund - \$2,564,600 decrease in reserves
- c) Water Fund - \$222,500 increase in reserves
- d) Sewerage Fund - \$638,200 decrease in reserves

were adopted by Council at its Ordinary Meeting held on 28 November 2019.

2. That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$1,000,000 for the 2019/2020 financial year as at 30 September 2019. (Lyon/Spooner)

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## REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**No. 14.3 Report of the Local Traffic Committee Meeting held on 19 November 2019**

**File No:** I2019/1941

**19-660 Resolved** that Council note the minutes of the Local Traffic Committee Meeting held on 19 November 2019. (Lyon/Spooner)

**19-661 Resolved** that Council adopt the following Committee Recommendation(s):

### **Report No. 6.1 Event Road Closure - New Year's Eve and New Year's Day, Byron Bay 2019/2020**

File No: I2019/930

## Committee Recommendation 6.1.1

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 2019 and its removal by no later than 7am on the Tuesday 1 January 2020.
  - 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 2020.
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.
- Lyon/Spooner)

**19-662 Resolved:** that Council adopt the following Committee Recommendation(s):

**Report No. 6.4 Bay Lane - Traffic Management**

File No: I2019/1514

Committee Recommendation 6.4.1

That Council supports:

- 1. The people focused activation of Bay Lane through regulating access of vehicles into Bay Lane, subject to the following:
    - a) Vehicle access within Bay Lane, between chainages CH 0-75m (approx.), be prohibited generally between 5pm to 5am;
    - b) Vehicle access between chainages CH 0-75m be permitted generally between 5am to 5pm;
    - c) Detail design to be generally in accordance with attached drawing E2019/79917 and must include appropriate regulatory signage and relevant time plates;
  - 2. The following modifications to traffic flow in Bay Lane:
    - a) Maintaining one way traffic flow between chainages 0-75m (approx.);
    - b) Change traffic flow to two way between chainages 75-150m;
    - c) Detail design to be generally in accordance with attached drawing E2019/79917 and must include appropriate regulatory signage and relevant time plates
- (Lyon/Spooner)

**19-663 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 6.5 No Parking Area - Seven Mile Beach Road**

File No: I2019/1515

Committee Recommendation 6.5.1

That Council support the establishment of a No Parking Area 1am to 5am, with relevant signage in accordance with RMS requirements, for the full length of Seven Mile Beach Road.

(Lyon/Spooner)

**19-664 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 6.6 Byron Bay CBD - Loading Zones**

File No: I2019/1516

Committee Recommendation 6.6.1

That Council supports:

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1. The removal of the Bay Lane Loading Zone.
2. The establishment of approximately 6 new Loading Zone generally located as shown in this report and generally operating during the time limits as shown in this report (I2019/1516).
3. The undertaking of consultation with local businesses and Chamber of Commerce prior to the installation of signage to confirm the most appropriate location and time limits.  
(Lyon/Spooner)

**19-665 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 6.7 Event - Summer Holiday Traffic Management in Byron Bay**

File No: I2019/1833

Committee Recommendation 6.7.1

That Council endorse the provision of traffic management facilities and traffic controllers within Byron Bay, when deemed necessary, between 6 December 2019 to 31 January 2020 to provide increased safety for road users and pedestrians and to manage the efficient movement of vehicles on the road network during the Christmas school holiday period, subject to the development and implementation of Traffic Control Plans by those with relevant RMS accreditation.  
(Lyon/Spooner)

**19-666 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 7.1 Engineering Advice - Intersection of Rajah Rd & Yengarie Way (Petition)**

File No: I2019/1531

Committee Recommendation 7.1.1

**That Council:**

1. Notes the recent works undertaken by staff to improve the visibility of the intersection and road alignment through improved line markings, cats eyes, CAMS and the installation of a traffic island.
2. Does not support the installation of a guardrail due to the potential increased risk of a driver fatality.
3. Consider the installation of frangible bollards, with reflectors, along the southern alignment of the Yengarie Way / Rajah Road intersection. This is to be subject to detail design to confirm:
  - a) Extent and alignment of bollards
  - b) Suitability of installing bollards adjacent to recently installed CAMS, and
  - c) Feasibility of installing such devices in this part of the road reserve (i.e. check for underground services etc.)  
(Lyon/Spooner)

**19-667 Resolved** that Council adopt the following Committee and Recommendation(s):

**Report No. 8.1 Events - Byron Bay Bluesfest 2020**

File No: I2019/1729

Committee Recommendation 8.1.1

1. That Council endorse the Byron Bay Bluesfest 2020 to be held on Thursday 9 April 2020 to Monday 13 April 2020, inclusive, subject to the following conditions:

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2. Separate approvals by NSW Police and RMS being obtained, noting that the event is on a state road or may impact the state road network;
3. The development of a Traffic Management Plan and Traffic Control Plan(s) by those with relevant RMS accreditation. These plans are to be submitted to Byron Shire Council at least 2 months prior to the event for approval of traffic regulation on roads under Byron Shire control;
4. The Traffic Management Plan and the Traffic Control Plan(s) to be implemented by those with relevant and current RMS accreditation;
5. Traffic camera data recorders or similar be used to obtain an accurate record of traffic impacts at KPI queue locations;
6. 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;
7. The event organiser:
  - i) advertise 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) provide a copy of the advert for Council's web page;
  - iii) give consideration of any submissions received;
  - iv) inform community and businesses that are directly impacted (e.g. adjacent to the event) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
  - v) arrange for private property access and egress affected by the event;
  - vi) liaise with bus and taxi operators and ensuring arrangements are made for provision of services during conduct of the event;
  - vii) consult with emergency services and any identified issues be addressed;
  - viii) holding \$20m public liability insurance cover which is valid for the event.
  - ix) paying of Council's Road Event Application Fee prior to the event.
8. The event be notified on Council's webpage.
9. The event organiser is to:
  - 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 (Lyon/Spooner)

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**Report No. 14.4**      **Report of the Byron Shire Floodplain Risk Management Committee Meeting held on 26 November 2019**  
**File No:**              I2019/1967

**19-668 Resolved** that Council note the minutes of the Byron Shire Floodplain Risk Management Committee Meeting held on 26 November 2019. (Lyon/Spooner)

**19-669 Resolved:** that Council adopt the following Committee Recommendation(s):

**Report No. 4.1 North Byron Floodplain Risk Management Study Draft Document**  
File No: I2019/1832

Committee Recommendation:

1. That Council support the public exhibition of the Draft North Byron Floodplain Risk Management Study Attachment 1 and 2 (E2019/83311 and E2019/83313) from 20 January to 21 February 2020.
2. That Council delegate staff the authority to make minor amendments to the Draft North Byron Floodplain Risk Management Study documents, in consultation with support from the Floodplain Management Committee, prior to it going on public exhibition in January 2020. (Lyon/Spooner)

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PROCEDURAL MOTION

**19-670 Resolved** that Council change the order of business to deal with Reports 13.12, 13.14, 13.24, 13.27 and 13.34 next on the Agenda. (Richardson/Hunter)

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

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**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.12**      **PLANNING - Development Application 10.2018.307.1 - Alterations and additions to dwelling, new artists studio and boundary adjustment**  
**File No:**              I2019/1821

**19-671 Resolved** that Development Application No. 10.2018.307.1 for Alterations and Additions to Dwelling, new habitable outbuildings, artists studio and boundary adjustment, be granted consent, subject to the conditions listed in Attachment 1 (E2019/85243) with the following amendment.

Delete and replace condition 8 with the following:

**8. Vegetation Management Plan**

A detailed Vegetation Management Plan is to be submitted and approved by Council with the application for a Construction Certificate. The plan must be prepared in conjunction with a bush regenerator or other suitably qualified person (e.g. ecologist), and must demonstrate adherence to the National Standards for Ecological Restoration. Such plan must detail protection and compensation measures proposed to protect native flora and fauna and their habitats and must retain and improve habitat on that part of the site covered by the Management Plan in perpetuity. At a minimum, the plan must:



- a. illustrate on maps of a suitable scale (1:200 or better) the final proposed footprint of all works including the accurate extent of approved APZ requirements, the location of vegetation required to be removed and the location and extent of retained vegetation on the subject site.
- b. include a list and number of each native species proposed to be planted as compensation for tree removal as well as the location of compensatory plantings in plan and word form at the compensation ratio defined by the Byron Biodiversity Conservation Strategy and/or Byron Development Control Plan 2014 Chapter B2.
- c. detail the methodology for habitat restoration and specify the use of qualified and experienced bush regenerators only. Areas outside the approved development footprint and APZs must be restored or replanted.
- d. Provide a list of weed species proposed to be removed and include the methodology for their control and removal from the site.
- e. An implementation table with timeframes and performance criteria outlining each component of works, including monitoring, maintenance and annual reporting to Council with when identified milestones are expected to be achieved, and a clear identification of responsibility for each component of the rehabilitation works.

specify that planting and/or restoration works will commence immediately upon approval of the Management Plan. (Richardson/Lyon)

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

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

*Nil Crs voted against the motion.*

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**Report No. 13.14**      **Final Business and Industrial Lands Strategy for adoption**  
**File No:**              I2019/1633

Moved:

1. That Council not adopt the current Business and Industrial Lands Strategy.
2. That Council removes the Gulgan North Precinct 'A' & 'B' (part of Lot 2 DP 1159910, 66 The Saddle Road, Brunswick Heads).
3. That Council is provided with detailed responses to State Government agency advice explaining why the Strategy diverges from this advice.
4. That the Strategy be redrafted to include the following:
  - provide overarching servicing and delivery framework for industrial and business land to fulfil the requirements of Resolution 19-281
  - the inclusion of more background from regional and state documents that explain how assessed future land requirement meet the guidelines in these documents and
  - an explanation of the options presented for growth and delivery and presented as Scenario 1, 2 and 3, with infrastructure and other impact analysis for each scenario
  - Detailed justification and clarification of any proposed exceedance of growth scenarios in the Strategy
5. That the Strategy be brought back to Council for approval before going on public exhibition. (Coorey/Cameron)

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

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

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## PROCEDURAL MOTIONS

**19-672 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.*

**19-673 Resolved** that Cr Spooner be granted a two minute extension to his speech. (Lyon/Coorey)  
*The motion was put to the vote and declared carried.*

## FORESHADOWED MOTION

**19-674 Resolved:**

1. That Council note the Business and Industrial Lands Strategy has been updated to reflect the outcomes of consultation, as applicable on Area 5 Gulgan North described as part of Lot 2 DP 1159910, 66 The Saddle Road, Brunswick Heads which has been included as a possible industrial and business park area.
2. That Council adopt the Business and Industrial Lands Strategy as contained in Attachment 4 (E2019/85987) and together with the Background Report contained in Attachments 3, 5 and 6 (E2019/86202, E2019/83593 and E2019/86203) send to the NSW Department of Planning, Industry & Environment for final endorsement.
3. That Council note that the colour contrasts used on some figures in the Business and Industrial Lands Strategy will be reviewed and if necessary, changed to enhance readability under the Web Content Accessibility Guidelines before sending to NSW Department of Planning, Industry & Environment for final endorsement. (Richardson/Spooner)

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

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**Report No. 13.24**      **PLANNING - 26.2019.1.1 - Planning Proposal for an amendment to Byron LEP 2014 to permit Community Title subdivision and dwellings at Lot 38 DP 1059938, Alidenes Road, Wilsons Creek**  
**File No:**              I2019/1914

**19-675 Resolved** that Council defer this matter for staff to liaise with the proponent to discuss differing views and provide advice on the following matters at the next available Planning Meeting:

1. Mapping of Yankee Creek as Key Fish Habitat.
2. Traffic impacts and appropriate intersection designs, including access from Wilsons Creek Road (without increasing from current access users) and upgrading Alidenes Road.
3. Flood, including filling of some flood prone land and clarity on the area affected by the 1% '2100yr' climate change flood event and 30m riparian buffer to Yankee Creek and therefore, clarifying the amount of the site that is developable.
4. The most appropriate Minimum Lot Size capable of treating wastewater generated on the land.
5. The amount of land required for infrastructure and utilities. (Richardson/Spooner)

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

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

*Crs Coorey and Cameron voted against the motion.*

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**Report No. 13.27      PLANNING - Draft Planning Controls for Short Term Rental  
Accommodation in response to Ministerial Direction 3.7 Reduction in  
non-hosted rental accommodation period**

**File No:** I2019/1925

**19-676 Resolved:**

1. That Council request staff to prepare a planning proposal to amend Byron Local Environmental Plan 2014 in accordance with the draft planning controls in Attachment 1 (E2019/85833) except to replace point 4 with a new point 4 "investigate and apply an appropriate planning mechanism to limit 10% of the total housing stock in use as non-hosted STRA".
2. That Council request staff to undertake an online community engagement activity of the draft planning proposal controls during December and January to canvass community opinion on the controls.
3. That Council receive a report on the community engagement activity with a finalised planning proposal, for endorsement to submit to the Department of Industry and Environment for Gateway Determination in February 2020. (Lyon/Spooner)

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

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

*Nil Crs voted against the motion.*

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### **STAFF REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 13.34      1 Broken Head Road Project**

**File No:** I2019/1923

**19-677 Resolved:**

1. That Council decline to accept any of the tenders submitted for RFT 2019-0015 – 1 Broken Head Road Redevelopment.
2. That Council, in accordance with s178 part 3(a) under Local Government Regulation 2005, cancel the proposal for the contract.
3. That Council pause action on the future use of the site whilst the remediation of the site is completed. (Spooner/Hackett)

### **PROCEDURAL MOTION**

**19-678 Resolved** that Cr Richardson be granted a two minute extension to his speech. (Lyon/Spooner)

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

*The motion (Spooner/Hackett) was put to the vote and declared carried.*

*Cr Richardson voted against the motion.*

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*The meeting adjourned at 12.35pm for lunch and reconvene at 1:30pm.*

**Mayoral Minute No. 8.1 Council Development Assessment Symposium**  
**File No:** I2019/2034

**19-679 Resolved:**

1. That Council hold a Summit in the first quarter of 2020 to assist the organisation in ensuring its development application assessment processes are as efficient, timely and thorough as possible.
2. That invitees should include those involved in the lodgement and development of both large and small scale DAs (and additional surveys and technical reports) including professionals and local residents. (Richardson/Hunter)

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

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## NOTICES OF MOTION

**Notice of Motion No. 9.1 Front and Centre Customer Service at The Counter**  
**File No:** I2019/1939

Moved that Council take the opportunity to assist the community with a postal service to receive mail over the counter from the public for posting standard sized, fully stamped, with a return address into the Australia Post network. (Hunter/Spooner)

*The motion was put to the vote and declared lost.  
Crs Martin, Lyon, Richardson, Cameron voted against the motion.  
The Mayor used his casting vote and declared the motion lost.*

## PROCEDURAL MOTION

**19-680 Resolved** that Cr Hunter be granted a two minute extension to his speech. (Richardson/Spooner)

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

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**Notice of Motion No. 9.2 Byron Shire Youth Challenge**  
**File No:** I2019/1976

**19-681 Resolved:**

1. That Council thanks the young people from Mullumbimby High School involved in the Byron Shire Youth Challenge, through formal recognition at their school presentation day on 17 December 2019.
2. That Council continues to support the 'food waste expo' initiative developed by young people in the Byron Youth Challenge through:
  - a) the allocation of staff resources
  - b) utilising up to \$5,000 from the 'Youth Council' budget for the coordination and delivery of the event
  - c) development of collateral and promotion in the lead up to the event

3. That, should the Mullumbimby High School wish to implement a green bin service, Council provides internal green bins, such as kitchen cadies to assist them with their food waste initiative. (Lyon/Richardson)

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

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## PETITIONS

There were no petitions tabled at the meeting.

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## DELEGATES' REPORTS

**Delegate's Report No. 12.1 Presentation to Virtual Power Plants, New Energy Storage, and Renewable Energy 2019 Conference, 15 November 2019 in Melbourne**

**File No:** I2019/1935

Delegate notes provided by Mayor Cr Simon Richardson, Keynote Speaker at Virtual Power Plants, New Energy Storage, and Renewable Energy 2019 Conference in Melbourne on 15 November 2019, "Case Study – The Zero Emissions Byron project", are attached to this Report.

Signed: Cr Simon Richardson

**Delegate's Report No. 12.2 Homelessness Masterclass**

Cr Spooner advised:

*On 2-3 December I attended the masterclass that you supported me going to, on homelessness. I thought it was excellent, it was a great opportunity. There was probably about 18 people attended the two day session coming from around the country, including representation from Sydney, Brisbane, Hobart, Adelaide, Perth, and Byron Bay.*

*The key presenter there, David Pearson, who was interesting in that he had served in Jay Weatherill's Premier's Office for nine years and then went on to the Don Dunstan Foundation where he set up the 'Adelaide Zero Project,' which has been running for a number of years. It was great to hear his feedback. Since he has moved on from the Foundation he has been employed by a mob called the Institute for Global Homelessness and they are essentially a resource for communities around the world that are trying to deal with new ways of approaching homelessness. They are starting to initiate, or have been involved in a group, an Australian alliance, to essentially solve homelessness in different communities.*

*What was really interesting to me through, there were some State Government people there as you would expect, but the real kind of traction in this is at the local government area. So those different representatives who were there were all pretty much from Local Government Areas. Which is interesting that it is the same sort of stories to what we are hearing here. It is impacting and so people are looking at what is the best practice around the world. That's where the Zero approaches have a lot of traction to them and there is some good work happening in different communities, in the US and Canada and as well as Australia.*

*I have spoken to Vanessa Adams this morning around my real recommendation from this, that we try and get David Pearson up to our community in his role with the Institute of Global Homelessness, with service providers, to run through a process where we could really establish a*

*Byron zero homelessness project here with some 'real legs to it' and some buy in from the community. I think that would be a good thing for us to look at early next year hopefully and could be achieved fairly effectively.*

*Thanks for supporting me going there and if anyone is interested I do have a lot of material that was presented there that I am happy to send around.*

**Delegate's Report No. 12.3 Water Cartage**

Cr Richardson provided the following update as a delegate of Rous County Council:

*Yesterday we voted to create an extra bulk water cartage facility at Bangalow for the professional 'mobs' to get more water quicker, that will be in the new year. We have also supported creating a private residential version which will be up in a couple of weeks where people will be able to go and get 1,000L of water for \$6, up to 3,500L. It will allow people who are a bit desperate to go swipe their card and fill up a pretty big tank. That will be happening before Christmas.*

*It was really pleasing that an organisation like Rous, like Council, responded to the new norm so quickly. We will keep an eye on it as to how that might work, whether that starts creating new little industries; if you think about it 3,000L is about \$18, I paid \$250 for 5,000L only three weeks ago through the professional cartage, so you can begin to see what could occur. But it is still a bit of effort to get that amount.*

*There will be media around that, including the fact that one thing we did learn is that there are a lot of people in the Hinterland who were bulk buying some of the old big 1,000L containers. We need to be telling them that if they are going to buy them they need to buy them new because they are generally old chemical tanks and that is a sure way for them to kill themselves.*

*I have been noticing that people have been bulk buying those in QLD on trucks and offering them to people in the Hinterland, so we need to make sure we are very aware of the type of vessel they need to put this water in, to make sure that they are safe and healthy.*

*I think it was a really good response. There is significant cost, I think we are looking at about \$100,000; close to that for the bulk carrier second facility and with the private one makes it about \$100,000 I think. So a significant investment, but one that we know is an issue that is not going away.*

*So that will be starting to be shared and we would like, if you could, share it with your communities when the information comes out.*

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**STAFF REPORTS - GENERAL MANAGER**

**Report No. 13.2 Byron Rail Corridor Restoration**  
**File No:** I2019/1862

**19-682 Resolved:**

1. That Council endorse the concept plans for the Byron Rail Corridor (Attachment 1 E2019/86660).
2. That Council allocate \$493,400 from the Byron Town Centre Masterplan Reserve towards this project.
3. That Council confirm that rail infrastructure is to be retained so that rail operations can be

quickly and easily supported consistent with the Multi Use Rail Corridor Study and Byron Town Centre Masterplan objectives. (Cameron/Richardson)

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

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**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 13.6      Review of Northern Beaches Council Gambling and Poker Machine Harm Management Strategy**

**File No:**                I2019/1910

**19-683 Resolved** that Council:

1. Notes the review.
2. Keeps informed of current issues and trends in gambling reform across the state.
3. Gambling Harm Management to be included as an activity in the 2020 - 2021 Operational Plan under the Delivery Program Action Support Community Driven Safety Initiatives as follows: Support Gambling Harm Minimisation Initiatives.
4. That this Initiative include creation of a Harm Minimisation Plan (HMP), utilising the information presented in the Northern Beaches Council HMP to identify appropriate strategies for the Byron Shire. (Spooner/Hunter)

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

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**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.10      Climate Emergency Response - update on Resolution 19-341**

**File No:**                I2019/1489

**19-684 Resolved:**

1. That Council note the response to items 2.iv &.v of resolution 19-341 which includes a gap analysis of Council programs in Attachment 2 (E2019/86487), which will be further developed to inform the proposed Action Tank workshop.
2. That Council request staff to convene an Action Tank workshop in the new year to advance the development of the Climate Change Adaptation Plan to be reported to Council within six months of the workshop.
3. That Council fund the Action Tank Workshop and development of the Climate Change Adaptation Plan by allocating \$60,000 from the Land and Natural Environment Reserve. (Coorey/Lyon)

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

**Report No. 13.15**      **Our Mullumbimby Masterplan - Submissions Report**  
**File No:**              I2019/1712

**19-685 Resolved:**

1. That Council adopt Our Mullumbimby Masterplan as contained in Attachment 1 (E2019/85870).
2. That Council commence work on the priority actions, and consider the required budget in the 2020/2021 budget process.
3. That Council note and further consider the recommendations of the Public Hearing Report Proposed Reclassification Lot 22 DP 1073165 and acknowledge that flood studies are currently underway. (Cameron/Richardson)

PROCEDURAL MOTION

**19-686 Resolved** that Cr Cameron be granted a two minute extension to his speech. (Richardson/Coorey)

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

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

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PROCEDURAL MOTIONS**19-687 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 report no. 13.19 - Expressions of Interest for the Place Planning Collective (Res 19-451).
2. That the reasons for closing the meeting to the public to consider this item be that discussion involves personnel matters concerning particular individuals (other than councillors)
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential information could compromise the personal information of nominees. (Coorey/Richardson)

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

**19-688 Resolved** that Council move into Committee to allow for free debate. (Richardson/Spooner)

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

**19-689 Resolved** that Council move out of Committee and resume the Ordinary Meeting. (Richardson/Hunter)

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



# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 December 2019

**Report No. 13.19**      **Expressions of Interest for the Place Planning Collective (Res 19-451)**

**File No:**                      I2019/1860

- 19-690 Resolved** that Council nominate the following seven representatives from the nominations contained in Attachment 1 (E2019/86209) to be part of the Place Planning Collective: David Brown, Sasha Mainsbridge, Penny Leonard, Madeline Faught, Jenny Bird, Claire Hopkins, Jack Dods (Hunter/Richardson)

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

## PROCEDURAL MOTION

- 19-691 Resolved** that the meeting move out of confidential session. (Richardson/Cameron)

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

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**Report No. 13.21**      **PLANNING - 24.2019.53.1 Habitat DCP Amendment; Chapter E5  
Certain Locations in Byron Bay and Ewingsdale**

**File No:**                      I2019/1904

*In accordance with Cr Spooner's and Cr Hackett's earlier declared non-pecuniary interest, they remained in the chamber and participated in the discussion and vote.*

**19-692 Resolved:**

1. That Council proceed to exhibit the draft DCP 2014 Chapter E5 amendment as shown in Attachment 1 (E2019/84596) for a period of 28 days.
2. That the exhibition documents reference the associated Development Application and provide a synopsis of what is sought in that DA
3. That following exhibition, Council receive a further report detailing submissions made. Should there be no submissions as of the close of the exhibition period, that Council adopt the amended Chapter and give notice of its decision in accordance with the Environmental Planning and Assessment Regulation. (Cameron/Richardson)

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

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**Report No. 13.26**      **Byron Shire Council Agricultural Action Plan Update**

**File No:**                      I2019/1919

**19-693 Resolved:**

1. That Council note the update provided in this report on completed, current and future projects and activities supporting agriculture, agri-business and farmers in Byron Shire.
2. That Council acknowledge the significant value the implementation of the Agricultural Action Plan and its contribution to achieving the objectives, strategies and actions of Council's *Community Strategic Plan and Operational Plan*.
3. That staff conduct a workshop to review the Agricultural Action Plan in attachment 2 with Councillors for adoption by Council.

4. That the workshop consider funding options to meet the future requirements of the plan in the 20/21 budget. (Hunter/Lyon)

**AMENDMENT**

1. That Council note the update provided in this report on completed, current and future projects and activities supporting agriculture, agri-business and farmers in Byron Shire.
2. That Council acknowledge the significant value the implementation of the Agricultural Action Plan and its contribution to achieving the objectives, strategies and actions of Council's *Community Strategic Plan and Operational Plan*.
3. That Council endorse the Byron Shire Council Agriculture Action Plan in Attachment 2 (E2019/84462).
4. That Council consider funding options for the Farm Liaison Officer position as a permanent full-time position when preparing the 2020/21 budget. (Richardson/Coorey)

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

*Crs Lyon, Cameron, Hackett, Spooner, Hunter voted against the amendment.*

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

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**REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES**

**Report No. 14.3**      **Report of the Local Traffic Committee Meeting held on 19 November 2019 (continued)**  
**File No:**              I2019/1941

**19-694 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 6.2 Byron Bay Paid Parking Time Changes - Jonson St**  
File No: I2019/1256

**Recommendation 6.2.1**

That Council support a minor modification of the Byron Bay Pay Parking scheme, as outlined below:

1. That 12 car spaces, extending from in front of 120 Jonson St and north to the bus stop in front of Mercato, be modified to 2P time limit.
2. The associated street signage be updated to reflect the above changes with additional signs added as required.
3. The modification is to be communicated to all relevant stakeholders, such as:
  - a) Council's compliance team;
  - b) Council's communication team for advertising on Council's website and updating parking maps;
  - c) Companies managing Council pay parking scheme in order to update relevant databases.
4. Approves the installation of up to 2 accessible on-street car spaces in front of 108 Jonson

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 December 2019

Street, Byron Bay.

5. Authorises Council Staff to install these disabled spaces subject to:
  - a) Their location being generally in accordance with either Option 1 (E2019/88797) or Option 2 (E2019/89041), as presented to the extraordinary LTC meeting on December 6th 2019.
  - b) The installation of appropriate regulatory signs and line markings and accessibility spaces in accordance with Australian Standards. (Cameron/Hackett)

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

**19-695 Resolved** that Council adopt the following Committee Recommendation(s):

**Report No. 6.3 Restricted Parking Area - Broken Head Reserve Rd & Seven Mile Beach Road**

File No: I2019/1473

Recommendation 6.3.1

1. That Council approve the introduction of a Restricted Parking Area (RPA) to Broken Head Reserve Road and Seven Mile Beach road. The RPA is to be in accordance with RMS guidelines.
2. That Council consider upgrading existing car parking facilities and areas in the Broken Head Reserve Road village precinct and on Seven Mile Beach Road, as required, to comply with RMS Restricted Parking Area requirements subject to approved funding.
3. That Council issue a media release to inform the public of the changed parking arrangements and highlight the need to protect the environment and to ensure against the danger of bushfires. (Cameron/Richardson)

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

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*There being no further business the meeting concluded at 3:25pm.*

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I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council's Ordinary Meeting on 27 February 2019.



.....  
Mayor Simon Richardson