

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
26 April 2012

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# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

26 APRIL 2012 (1 of 25)

<b>MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY 26 APRIL 2012 COMMENCING AT 10.36AM AND CONCLUDING AT 5.50PM</b>
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#1218347

PRESENT: Cr J Barham (Mayor), Cr B Cameron, Cr T Heeson, Cr P Morrissey,  
Cr S Richardson, Cr R Staples, Cr T Tabart, Cr R Tucker and Cr D Woods

Staff: Shannon McKelvey (Acting General Manager)  
Tony Nash (Manager Works)  
Mark Arnold (Executive Manager Corporate Management)  
Ray Darney (Executive Manager Environment and Planning)  
Catherine Diamond (Executive Manager Society and Culture)  
Phil Warner (Executive Manager Water and Recycling)  
Joylene McNamara/Mila Jones (Minute Taker)

*The Mayor opened the meeting and acknowledged that the meeting was being held on Bundjalung Country.*

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

*Crs Tucker and Cameron declared a non-pecuniary interest in Report 11.16.2 CONFIDENTIAL Expression of Interest Lease Former Telstra Depot. The nature of the interest being that Cr Tucker has two friends who work as employees of one of the tenderers and Cr Cameron is a member of a group which made an application. Both Councillors advised they would leave the chambers for the debate.*

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## **TABLING OF PECUNIARY INTEREST RETURNS**

*In accordance with the Local Government Act 1993 Section 450A(2), a Section 449(3) Return was tabled from a designated person holding the position of the Mayor.*

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

**12-281 Resolved** that the Minutes of the Ordinary Meeting held on 12 April 2012 be confirmed.  
(Tucker/Woods)  
*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:*

### **EXECUTIVE MANAGERS' REPORTS**

#### **Community Infrastructure**

- 12.1. Use of the BRSCC Multi Purpose Facility by the Bay Rollers Roller Derby Squad
- 12.2. Main Beach Site Master Plan PRG Meeting held 16 March 2012

- 12.3. Proposed members and inaugural meeting of the Byron Bay Traffic and Parking Management (BBTPM) Project Reference Group
- 12.4. NSW Local Infrastructure Renewal Scheme

**Corporate Management**

- 12.5. TV Black Spot Re-transmission sites – Proposed Digital Upgrade
- 12.8. Delegation of Functions to the General Manager under the Government Information (Public Access) Act 2009
- 12.10 Review of Tendering Guidelines and Local Government Act Regulations

**Corporate Management and Society and Culture**

- 12.11 Byron Visitor Centre – Waiver/financial assistance with Rates and Charges

**Environment and Planning**

- 12.14 PLANNING – DA 10.2010.320.2 – S96 Change Approved Subdivision from Strata Title to Torrens Title at 56-58 Ruskin Street Byron Bay
- 12.15 PLANNING – DA 10.2012.53.1 Use of Existing Suspended Deck at Koonyum Range Road, Mullumbimby Creek
- 12.16 PLANNING – DA 10.2011.380.1 Multiple Occupancy at Seven Mile Beach Road, Broken Head

**Organisational Support**

- 12.17. Annual Review of General Manager's Contract

**Society and Culture**

- 12.19 Council Representation – Byron Shire Local Tourism Organisation
- 12.20 Report of the Aboriginal (Heads of Agreement) PRG Meeting held on 12 March 2012

**Water and Recycling**

- 12.21 Myocum Landfill Projected Closure and Myocum quarry Landfill Progress Report

**COMMITTEE REPORTS**

**General Manager**

- 13.1 Strategic Planning Committee Minutes of 29 March 2012

**Community Infrastructure**

- 13.2 Report of the Local Traffic Committee Meeting held on Wednesday 4 April 2012
  - 13.2.2. Outcome of Mafeking Rd, Goonengerry speed zone review
  - 13.2.11 Potential intersection treatment, Bay Street and Jonson Street, Byron Bay

**CONFIDENTIAL REPORTS**

**Corporate Management**

- 15.1 CONFIDENTIAL Expression of Interest – Byron Bay Tennis Courts and shed

**Water and Recycling**

15.2. CONFIDENTIAL Roundhouse Subdivision

*The remaining Recommendations were adopted as a whole, being moved by Cr Staples and seconded by Cr Woods. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 12-282 and concluding with Resolution No. 12-297.*

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**CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORTS**

**Report No. 12.6. Easement of Electricity Supply - First Sun Holiday Park**

**File No:** BEN200000 #1214042

**12-282 Resolved:**

1. That Council authorise the General Manager to execute the Deed of Agreement for Easement, as shown at Annexure 1 (#1206520), with Essential Energy to create an easement over the land at First Sun Holiday Park in relation to the underground Electricity Supply.
  2. That Council authorise the General Manager and Mayor of Council to affix the seal to the Deed of Agreement for Easement with Essential Energy intended to create an easement over the land at First Sun Holiday Park, as shown in Annexure 1 (#1206520).  
(Staples/Woods)
- 

**Report No. 12.7. Finalisation of the Australia Day Project Reference Group 2012**

**File No:** ADM151515 #1191705

**12-283 Resolved:**

1. That Council note the report of the Australia Day Project Reference Group on the 2012 Australia Day activities.
  2. That Council disband the Australia Day Project Reference Group effective 25 March 2012.
  3. That Council write to all members of the Australia Day Project Reference Group advising of this resolution and thank participants for their assistance. (Staples/Woods)
- 

**Report No. 12.9. Investments – March 2012**

**File No:** FIN252000 #1211743

- 12-284 Resolved** that Council receive and note the record of investments for the month of March 2012.  
(Staples/Woods)
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ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

**Report No. 12.12. PLANNING – State Environmental Planning Policy No 1 – Variations to development standards for 1 March to 16 April 2012**

**File No:** PLN750100 #1208125

**12-285 Resolved** that the report be noted. (Staples/Woods)

*The motion was put to the vote and declared carried  
Crs Tucker, Woods, Heeson, Staples, Barham, Cameron, Richardson, Tabart and Morrissey  
voted in favour of the motion.  
No Councillors voted against the motion.*

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**Report No. 12.13. PLANNING – DoPI Public Exhibition of Plan Making Delegation and Review Proposals**

**File No:** PLN550000 #1214561

**12-286 Resolved** that Council endorse the preparation of a submission to the NSW Department of Planning and Infrastructure on the ‘Plan Making Delegation and Review Proposals’ without the submission being the subject of a further report to Council, but with a copy of the final submission being provided to Councillors at the time of lodging the submission. (Staples/Woods)

*The motion was put to the vote and declared carried  
Crs Tucker, Woods, Heeson, Staples, Barham, Cameron, Richardson, Tabart and Morrissey  
voted in favour of the motion.  
No Councillors voted against the motion.*

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ORGANISATIONAL SUPPORT – EXECUTIVE MANAGER’S REPORTS

**Report No. 12.18. Staff Milestone Awards Presentation 2012**

**File No:** HRM502500 #1214782

**12-287 Resolved** that Council note the General Manager has approved the closure of business and Council offices/depot at 3.00pm on Wednesday 30 May 2012 so that an all-staff awards function can be held. (Staples/Woods)

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COMMUNITY INFRASTRUCTURE - COMMITTEE REPORT

**Report No. 13.2. Report of the Local Traffic Committee Meeting held on Wednesday 4 April 2012**

#1214453 /ENG224010

1 Byron Bay Public School P&C proposed Kiss and Ride site, Carlyle Street

**12-288 Resolved** that Kiss and Ride signage be affixed to new No Parking signs that are applicable School Days only between 8am to 9:30am and 2:30pm to 4pm and installed within the parallel

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ORDINARY MEETING MINUTES

26 APRIL 2012 (5 of 25)

parking area on the south side of Carlyle Street, Byron Bay which is immediately east of the grassed verge area at the school gate and west of the cul-de-sac. (Staples/Woods)

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3 Proposed No Stopping, Lighthouse Road, Byron Bay Captain Cook car park

- 12-289 Resolved** that No Stopping be signed on the northern side of Lighthouse Road, Byron Bay commencing on the eastern side of the Captain Cook car park opposite Lee Lane and continuing for a length of 100 metres. (Staples/Woods)
- 

4 Creation of Kiss and Ride and new No Parking, Coorabell Public School

- 12-290 Resolved** that subject to written confirmation from the School in support of the proposals depicted, Council install within the paved area at the frontage of the Coorabell Public School signage and any required line marking that helps accommodate the school bus including:
- No Parking with Kiss and Ride signage at the School gate
  - No Stopping installed north of the School gate, between the car park area and Mango Lane
  - No Stopping installed opposite the School gate, between Mango Lane and the existing No Stopping area. (Staples/Woods)
- 

5 Speed Zone Authorisation for change to speed limit Eureka Road, Clunes

- 12-291 Resolved** that the speed zone changes for Eureka Road, Clunes be noted. (Staples/Woods)
- 

6 Brunswick Heads Family Triathlon, Sunday 16 September, 2012

- 12-292 Resolved** that Council endorse the 2012 Brunswick Heads Family Triathlon, to be held on Sunday 16 September 2012, subject to the:
- a) use of an accredited designed and implemented Traffic Control Plan
  - b) meeting of the advertising requirements of the Roads Act 1993
  - c) event being notified on Council's website
  - d) consideration of any submissions received
  - e) letter box drop of properties within the road closed areas
  - f) proponent's timely lodgement of current and appropriate levels of insurance and liability cover (Staples/Woods)
- 

7 Byron Bay Sightseeing Tour Bus, pick up point signage, Byron Bay

- 12-293 Resolved:**
1. That the comments of the Local Traffic Committee be noted.
  2. That the matter be referred to Council's Tourism Officer and Corporate Management Division for input. (Staples/Woods)
-

# BYRON SHIRE COUNCIL

8 Shared cul-de-sac, Byron Bay High and St Finbarr's Primary Schools

**12-294 Resolved:**

1. That an inspection be carried out by the Local Traffic Committee and stakeholders, preferably on the first Tuesday in June 2012, to ascertain what technical changes can be made to improve the situation at Byron Bay High School and St Finbarr's in the short term.
  2. That the outcomes of the meeting be reported back to Council via the Local Traffic Committee. (Staples/Woods)
- 

9 Speed Hump, Brandon Street, Suffolk Park

- 12-295 Resolved** that pedestrian and cyclist warning signage be installed on Brandon Street, Suffolk Park either side of the intersection with Jarman Street. (Staples/Woods)
- 

10 Affect of new directional signage to Pacific Highway, Bangalow Road

- 12-296 Resolved** that the directional signage indicating access to the Pacific Highway via Bangalow Road, as found on the north and south approaches to the Bangalow Road and Broken Head Road intersection, be referred to Council for a decision. (Staples/Woods)
- 

12 Splendour in the Grass 2012, Belongil Fields, Byron Bay

**12-297 Resolved:**

1. That Council endorse the proposed Special Events Parking area for the Splendour Festival 2012 event, subject to compliance with the Roads and Maritimes Services Permit Parking Manual.
  2. That a contingency plan needs to be supplied by the proponent to manage vehicles on Ewingsdale Road if the queuing line on that road becomes too long and impacts the Pacific Highway or its interchange at Ewingsdale.
  3. That more information be provided with regard to the proposal for camping on the Becton site prior to the next Local Traffic Committee meeting which is scheduled for 6 June 2012. (Staples/Woods)
- 

## PROCEDURAL MOTION

- 12-298 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being 15.2, 12.16, 12.14, 12.1, next on the Agenda. (Woods/Tucker)

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

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ITEMS RESERVED FOR DEBATE

WATER AND RECYCLING- CONFIDENTIAL REPORT

**Report No. 15.2. CONFIDENTIAL Roundhouse Subdivision**

**File No:** 62240G x 24.2007.2.1 #1212293

Moved: That Council negotiate to buy the two lots at an agreed price with 10% deposit and the balance to be paid in two instalments one in 12 months and another in 24 months.  
(Staples/Woods)

AMENDMENT

**12-299 Resolved** that Council delegate to the General Manager authority to finalise a new agreement with the Ocean Shores Country Club for easements benefitting and burdening and works for the Roundhouse subdivision, and to attach Council's seal to all documentation necessary to give effect to and implement the agreement. (Tabart/Morrisey)

*The amendment was put to the vote and declared carried.  
Crs Staples and Richardson voted against the amendment.*

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

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ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER'S REPORTS

**Report No. 12.16. PLANNING – DA 10.2011.380.1 Multiple Occupancy at Seven Mile Beach Road Broken Head**

**File No:** Parcel No 81710 #1146818

**12-300 Resolved** that Cr Tucker be granted a two minute extension to his speech. (*This related to a motion that was later withdrawn*). (Tabart/Woods)

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

Moved:

1. That Council request the owners of Lot 2 DP 599728 to lodge a DA for a 4 dwelling Multiple Occupancy authorised by BLEP Schedule 8 Item 16.
2. That determination on DA 10.2011.3801 – Multiple Occupancy, Seven Mile Beach Road, Broken Head be deferred until the negotiations are complete. (Tucker/Woods)

**12-301 Resolved** that Cr Barham be granted a one minute extension to her speech. (Staples/Cameron)

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

**12-302 Resolved** that the matter rest on the table. (Cameron/Tabart)

*The motion was put to the vote and declared carried.  
Crs Tucker and Heeson voted against the motion.*

**Report No. 12.14. PLANNING DA 10.2010.320.2 - S96 Change Approved Subdivision from Strata Title to Torrens Title at 56-58 Ruskin Street Byron Bay**

**File No:** Parcel No 121850x121860x79980 #1195951

**12-303 Resolved** that the matter be referred back to staff for the purpose of developing the consent conditions and reported back to Council in May 2012. (Tucker/Woods)

*The motion was put to the vote and declared carried.  
Crs Tucker, Woods, Heeson, Barham, Richardson and Tabart voted in favour of the motion.  
Crs Staples, Cameron and Morrissey voted against the motion.*

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**COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER’S REPORTS**

**Report No. 12.1. Use of the BRSCC Multi Purpose Facility by the Bay Rollers Roller Derby Squad**

**File No:** 24.2008.5.1 BEN353010 #1214674

**12-304 Resolved:**

1. That Council note the advice from the Contractor (Annexure 15a #1218108) with respect to the use of the Multi Purpose Facility by the Bay Rollers Roller Derby Squad.
2. That Council invite application for the use of the facility by the group, Bay Roller Roller Derby Squad and define an ongoing monitoring procedure for the performance of the floor to ensure no undue damage occurs to the flooring surface which would void the warranty or unduly increase Council's maintenance costs.
3. That Council revise the Sports User Policy to determine a specific fee for the roller derby use to take account of higher cleaning and maintenance costs and include these in Council's Fees and Charges. (Barham/Richardson)

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

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**MAYORAL MINUTE**

*There was no Mayoral Minute.*

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**PETITIONS**

*There were no petitions tabled.*

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**Correspondence and Petitions No. 8.1. Bay Rollers using the Byron Regional Sports Complex**

BEN353010 #1212160

**12-305 Resolved:**

1. That the petition regarding the Bay Rollers using the Byron Regional Sport Complex be noted.
-

2. That the petition be referred to the Executive Manager Society and Culture for information.  
(Barham/Cameron)

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

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**Correspondence and Petitions No. 8.2. Objection to Camphor Laurel Root in Apex Park, Byron Bay**

COR405000 #1212238

- 12-306 Resolved** that the petition regarding "Objection to Camphor Laurel Tree Root in Apex Park" be noted.  
(Richardson/Barham)

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

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**PROCEDURAL MOTION**

- 12-307 Resolved** that Council change the order of business to deal with Report 12.8 next on the Agenda.  
(Tucker/Woods)

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

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**CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORT**

**Report No. 12.8. Delegation of Functions to the General Manager under the Government Information (Public Access) Act 2009**

**File No:** COR352010 #1212813

Moved: That pursuant to the Government Information (Public Access) Act 2009 the General Manager’s Delegations be amended, as shown at Annexure 10 (#1041463) to exercise functions within the responsibility under:

- Section 7 *Authorised Proactive Release of Government Information*
- Section 8 *Informal Release of Government Information*
- Section 9 *Access applications* (Richardson/Staples)

AMENDMENT

Moved: That Council defer the report to clarify:

1. the history of the current delegation of functions to the General Manager and the potential for reformatting;
  2. the introduction of the GIPA legislation and its application for local government;
  3. to clarify Council's Publication Guide 22 December 2010 and the requirement for an annual review;
  4. the implementation of the delegation in terms of how it will be applied and if there are circumstances where Council should be the determining authority eg prosecutions and legal actions or a report to Council prior to that. (Barham/Tabart)
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*The meeting adjourned for lunch at 12.45pm and resumed at 1.25pm.*

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**PROCEDURAL MOTIONS**

**12-308 Resolved** that Report 12.8 rest on the table. (Barham/Cameron)

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

**12-309 Resolved** that Report 12.16 be lifted from the table. (Cameron/Tabart)

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

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**ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORT**

**Report No. 12.16. PLANNING – DA 10.2011.380.1 Multiple Occupancy at Seven Mile  
(continued) Beach Road Broken Head  
File No: Parcel No 81710 #1146818**

Moved:

1. That Council request the owners of Lot 2 DP 599728 to lodge a DA for a 4 dwelling Multiple Occupancy authorised by BLEP Schedule 8 Item 16.
2. That determination on DA 10.2011.3801 – Multiple Occupancy, Seven Mile Beach Road, Broken Head be deferred until the negotiations are complete. (Tucker/Woods)

AMENDMENT

**12-310 Resolved:**

1. That Council request the owners of Lot 2 DP 599728 to lodge a Planning Proposal to remove the building envelopes in the LEP Amendment No 53 and amend the current DA to provide for 4 dwellings on the most appropriate location.
2. That determination on DA 10.2011.3801 – Multiple Occupancy, Seven Mile Beach Road, Broken Head be deferred until the Planning Proposal is determined. (Tabart/Cameron)

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

*Crs Tucker, Heeson, Staples, Barham, Cameron, Richardson, Morrisey and Tabart voted in favour of the amendment.*

*Cr Woods voted against the amendment.*

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

*Crs Tucker, Heeson, Staples, Barham, Cameron, Richardson, Morrisey and Tabart voted in favour of the motion.*

*Cr Woods voted against the motion.*

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**PROCEDURAL MOTION**

**12-311 Resolved** to lift Report 12.8 from the table. (Woods/Barham)

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

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**CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORT**

**Report No. 12.8.**      **Delegation of Functions to the General Manager under the  
(continued)            Government Information (Public Access) Act 2009**  
**File No:**                COR352010 #1212813

**12-312 Resolved** that pursuant to the Government Information (Public Access) Act 2009 the General Manager’s Delegations be amended, as shown at Annexure 10 (#1041463) to exercise functions within the responsibility under:

- Section 7 *Authorised Proactive Release of Government Information*
- Section 8 *Informal Release of Government Information*
- Section 9 *Access applications* (Woods/Tucker)

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

FORESHADOWED MOTION

**12-313 Resolved** that Council receive a report on the General Manager’s delegations to include:

1. the potential for review and reformatting;
2. the history of the current delegation to the General Manager;
3. the introduction of the GIPA legislation and its objectives and its application for local government;
4. a copy of Council's Publication Guide December 2010 and the requirement for an annual review and guidance for review for December 2011;
5. the implementation of the delegation in terms of how it will be applied and if there are circumstances where Council delegates this authority eg prosecutions and legal actions or a report to Council prior to action. (Barham/Tabart)

*The motion was put to the vote and declared carried.  
Crs Tucker, Woods and Heeson voted against the motion.*

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**SUBMISSIONS AND GRANTS**

*There were no submissions or grants tabled.*

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**DELEGATES’ REPORTS**

*There were no delegates reports.*

ITEMS DEFERRED FROM THE ORDINARY MEETING HELD ON 12 APRIL 2012

GENERAL MANAGER - COMMITTEE REPORT

**Report No. 11.14.1. Report of the Internal Audit Advisory Committee Meeting held on 27 March 2012**

**File No:** COR252000 #1213928

**12-314 Resolved** that Council note the minutes of the Internal Audit Advisory Committee Meeting held on 27 March 2012.

**12-315 Resolved** that in relation to Report No. 4.1. – Meeting Dates for Internal Audit Committee for 2012 (Corporate Management COR252000 #1196093), Council adopt:

Committee Recommendation IA: 4.1.1

That the Internal Audit Committee adopt the following dates for the Internal Audit Committee meetings for 2012:

Tuesday - 27 March 2012  
Thursday - 31 May 2012  
Thursday - 18 October 2012  
Thursday - 13 December 2012

**12-316 Resolved** that in relation to Report No. 4.2. – Interim Audit Management Letter 2011 (Corporate Management FIN201000 #1197453), Council note:

Committee Recommendation IA: 4.2.1

That the comments provided by Management in response to matters raised in the Interim Audit Management Letter 2011 be noted by Council.

**12-317 Resolved** that in relation to Report No. 4.3. – Year End Audit Management Letter 2011 (Corporate Management FIN201000 #1197703), Council note:

Committee Recommendation IA: 4.3.1

That the comments provided by Management in response to matters raised in the Year End Audit Management Letter 2011 be noted by Council.

**12-318 Resolved** that in relation to Confidential Report No. 5.1. – Internal Audit Strategy and Internal Audit Plan (Corporate Management COR252000 #1195976), Council adopt:

Committee Recommendation IA: 5.1.2

- a) That Council adopt the “Three Year Internal Audit Strategy and 18 Month Internal Audit Plan – February 2012” (#1195971) prepared by BDO (NSW-VIC) Pty Ltd.
- b) That the report and Annexure 2 of the closed part of the meeting remain confidential.

**12-319 Resolved** that in relation to Confidential Report No. 5.2. – 2011/2012 Audit Strategy and Service Plan (Corporate Management FIN200000 #1197094), Council adopt:

Committee Recommendation IA: 5.2.1

- a) That Council adopt the 2011/2012 Audit Strategy and Service Plan as outlined in Annexure 4 (#1196931) to be conducted by Thomas Noble and Russell.
- b) That the report and Annexure 4 of the closed part of the meeting remain confidential.

**12-320 Resolved** that in relation to Report No. 6.1. – Minutes of the BRSCC Project Control group (PCG) Meetings (Community Infrastructure COR710100 #1208794), Council note:

Committee Recommendation IA: 6.1.1

That the Internal Audit Committee recommend that Council note the Minutes of the Byron Regional Sport and Cultural Complex Project Control Group Meetings from 6 May 2011 and 2 March 2012 (Annexure 5 #1208964). (Tabart/Tucker)

*The motions were put to the vote and declared carried.*

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**CORPORATE MANAGEMENT - CONFIDENTIAL REPORT**

**Report No. 11.16.2. CONFIDENTIAL Expression of Interest Lease Former Telstra Depot**  
**File No:** BEN400000 #1193870

*Crs Tucker and Cameron left the Chambers at 2.01pm in accordance with their previously declared pecuniary interest.*

**12-321 Resolved:**

- 1. That pursuant to Section 10A(2)(c) and (d) of the Local Government Act, 1993, that Council resolve into Confidential Session to discuss the following report, namely Expression of Interest Former Telstra Depot.
- 2. That the reasons for closing the meeting to the public to consider this item be that:
  - (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:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the Council, or
    - (iii) reveal a trade secret.
- 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 commercial position of the proponents, could adversely affect Council's ability to contract with preferred proponents or could affect Council's ability to attract competitive offers in the event that fresh expressions of interest are invited.

(Woods/Heeson)

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

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**CONFIDENTIAL SESSION**

AMENDMENT

**12-322 Resolved:**

1. That Council grant a new lease over the property known as the Former Telstra Depot being Lot 1 DP 435267 to Rainforest Rescue based on the draft lease agreement at Annexure 4(d) (#1152033) on the following basic conditions:
  - a) Lease term of one year
  - b) A lease fee of \$11,700.00 per annum exclusive of GST and increased annually in accordance with CPI
  - c) All lease preparation costs are met by the tenant
2. That Council authorise the General Manager to affix the Council Seal to the Lease of Lot 1 DP 435267 in accordance with Regulation 400 of the *Local Government (General) Regulations 2005*.
3. That Council determine that the report and annexures of the closed part of the meeting remain confidential until after such time as the lease is executed. (Staples/Barham)

*The amendment was put to the vote and declared carried.  
Crs Woods, Heeson and Morrissey voted against the amendment.*

*The amendment upon becoming the substantive motion was put to the vote and declared carried.  
Crs Woods and Heeson voted against the motion.  
Crs Tucker and Cameron were not present for the vote.*

**12-323 Resolved** that the meeting move out of confidential session. (Tabart/Woods)

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

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**ORDINARY MEETING 26 APRIL 2012**

**COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER’S REPORTS**

**Report No. 12.2. Main Beach Site Master Plan PRG Meeting held 16 March 2012**  
**File No: ENG540000 #1218545**

*Crs Tucker and Cameron returned to the Chambers at 2.29pm.*

**12-324 Resolved:**

1. That Council note the Unconfirmed Report of the Main Beach Site Master Plan Project Reference Group meeting held 16 March 2012.
2. That in relation to the recommendations of the Main Beach Site Master Plan Project Reference Group meeting held on 16 March 2012, Council adopt:



Recommendation 5.1

That Council write to Department of Primary Industries Crown Lands Division to initiate discussion pertaining to the installation of new public toilets and/or updating the existing public toilets (currently located at the Byron Bay Surf Club) for the Main Beach Crown Reserve #820000.

3. That in relation to the recommendations of the Main Beach Site Master Plan Project Reference Group meeting held on 16 March 2012, Council does not adopt Recommendation 6.1 but instead adopts management recommendation 6.1:

Management Recommendation 6.1

That Council staff prepare a works program for the Main Beach Crown Reserve #82000 for consideration by the Byron Shire Reserve Trust Committee. The works program is to include a costed implementation plan and a schedule of items to be upgraded which will address and include efficiency, the reduction of required maintenance, risk analysis and priorities. (Barham/Richardson)

- 12-325 Resolved** that Cr Barham be granted a two minute extension to her speech. (Tabart/Staples)

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

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

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**Report No. 12.3. Proposed members and inaugural meeting of the Byron Bay Traffic and Parking Management (BBTPM) Project Reference Group**

**File No:** ENG658730 #1217615

**12-326 Resolved:**

1. That Council appoint the five delegates recommended at Annexure 22 (#1219171) to fulfil the two community representatives positions and the three invited membership positions of the BBTPM PRG. The five delegates are as follows:

Damien Antico – Community Representative  
Laurie Lynch – Community Representative  
Paul Jones – Invited Member  
Warren Simmons – Invited Member  
Paul Waters – Invited Member

2. That the proposed time and date for the inaugural meeting of the BBTPM PRG be noted as from 3pm on Wednesday 9 May 2012, subject to the availability of a quorum.

(Tucker/Staples)

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

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**Report No. 12.4. NSW Local Infrastructure Renewal Scheme**

**File No:** FIN451010 #1218060

Moved:

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# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

26 APRIL 2012 (16 of 25)

1. That Council note the NSW Local Infrastructure Renewal Scheme Guidelines and the essential criteria requirements for the lodgement of an application under the Scheme.
2. That Council receive a report listing possible infrastructure projects for nomination within the Local Infrastructure Renewal Scheme. (Richardson/Barham)

## AMENDMENT

### **12-327 Resolved:**

1. That Council note the NSW Local Infrastructure Renewal Scheme Guidelines and the essential criteria requirements for the lodgement of an application under the Scheme.
2. That Council endorse Management's action not to lodge an application under Round 1 of the NSW Local Infrastructure Renewal Scheme. (Tucker/Woods)

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

*Crs Staples, Barham, Richardson and Tabart voted against the amendment.*

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

*Crs Staples, Barham, Richardson and Tabart voted against the motion.*

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## **CORPORATE MANAGEMENT – EXECUTIVE MANAGER'S REPORTS**

**Report No. 12.5. TV Black Spot Re-transmission Sites - Proposed Digital Upgrade**  
**File No: BEN551000 #1215949**

### **12-328 Resolved:**

1. That Council note the contents of this report.
2. That Council authorise the General Manager to enter into agreements with Broadcast Transmission Services Pty Ltd (BTS) and Regional Broadcasting Australia (RBA) for the digital upgrade of the Byron Bay/Suffolk Park and Ocean Shores re-transmission sites as contained in Annexures 13(c) (#1214424) and Annexure 13(d) (#1214425).
3. That Council request a review of the Mullumbimby Creek decision not to upgrade the facilities.
4. That Council publish all relevant information on Council's website and commence media briefings to inform the public of the digital arrangements relating Council's current analogue Black Spot Re-transmission sites. (Tucker/Woods)

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

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**Report No. 12.10. Review of Tendering Guidelines and Local Government Act Regulations**

**File No: COR352300 #1218143**

- 12-329 Resolved** that Council note this report. (Staples/Tucker)

*The motion was put to the vote and declared*

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**CORPORATE MANAGEMENT AND SOCIETY AND CULTURE – EXECUTIVE MANAGERS' REPORT**

**Report No. 12.11. Byron Visitor Centre – Waiver/financial assistance with Rates and Charges**

**File No:** ADM900050 #1216092

Moved: That Council provide financial assistance (\$2,800) to the Byron Visitor Centre in relation to the remaining outstanding rates and charges instalments for the 2011/2012 financial year, to be funded from the Tourism Reserve as a Section 356 donation.  
(Cameron/Richardson)

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

*Crs Tucker, Woods, Heeson, Staples, Tabart and Morrisey voted against the motion.*

FORESHADOWED MOTION

**12-330 Resolved** that Council not provide financial assistance to the Byron Visitor Centre in relation to the remaining outstanding rates and charges instalments for the 2011/2012 financial year.  
(Staples/Tucker)

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

*Crs Barham, Cameron and Richardson voted against the motion.*

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**ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER'S REPORT**

**Report No. 12.15. PLANNING – DA 10.2012.53.1 Use of Existing Suspended Deck at Koonyum Range Road Mullumbimby Creek**

**File No:** Parcel No 40160 #1195773

**12-331 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application 10.2012.53.1 for the use of an unauthorised deck ancillary to the existing dwelling-house and bed and breakfast establishment, be granted consent subject to the conditions listed in Annexure 3(b) #1213965 with the following amendment.

- Amend Condition 4 by adding after the word "removed" the words "or relocated at least 5m back from the edge of the deck as currently constructed within 1 calendar month of the date of this consent. Should the gazebo be relocated as per the condition then structural engineering certification be provided to Council".  
(Staples/Tabart)

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

*Crs Tucker, Woods, Heeson, Staples, Barham, Cameron, Richardson, Morrisey and Tabart voted in favour of the motion.*

*No Councillors voted against the motion.*

*The meeting adjourned at 3.49pm and reconvened at 4.07pm.*

**ORGANISATIONAL SUPPORT – EXECUTIVE MANAGER’S REPORT**

**Report No. 12.17. Annual Review of General Manager's Contract**  
**File No:** HRM403000 #1210049

Moved:

1. That arrangements for the General Manager's performance review be deferred to the end of May 2012.
2. That advice on in-house conduct of the review be provided to Councillors.  
(Tabart/Richardson)

AMENDMENT

- 12-332 Resolved** that Local Government Shires Association – LG Management Solutions be retained by Council to undertake the 2012 annual review of the General Manager's performance.  
(Woods/Tucker)

*The amendment was put to the vote and declared carried.  
Crs Staples, Richardson and Tabart voted against the amendment.*

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

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**SOCIETY AND CULTURE - EXECUTIVE MANAGER’S REPORTS**

**Report No. 12.19. Council Representation - Byron Shire Local Tourism Organisation**  
**File No:** ADM900030 #1213430

- 12-333 Resolved** that Council appoint Crs Cameron and Richardson as representatives to the VIA Byron Interim Board, which is developing a proposal for a Local Tourism Organisation for Byron Shire.  
(Richardson/Barham)

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

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**Report No. 12.20. Report of the Aboriginal (Heads of Agreement) PRG Meeting held on 12 March 2012**  
**File No:** COR710000 #1214420

- 12-334 Resolved** that Council note the report of the Aboriginal (Heads of Agreement) PRG meeting held on 12 March 2012 #1204850.  
(Woods/Tucker)

- 12-335 Resolved** that in relation to Agenda Item 4 Confirmation of the Report from the previous meeting, Council adopt:

PRG Recommendation 4.1

Add the words “eg. smoking ceremonies, welcome to country, art/dance” following “fees for service”.  
(Woods/Tucker)

- 12-336 Resolved** that in relation to Report No. 5.2 Draft Statement of Commitment, Council adopt:
-

PRG Recommendation AHoA5.2

1. That the Statement of Commitment (#1202208) be adopted, with the following changes:
  - a) Heading – first line to read “Statement of Commitment to”
  - b) Heading – second line to read “Bundjalung of Byron Bay – Arakwal People”.
  - c) Amend all references to Bundjalung Nation in the document to read “Bundjalung of Byron Bay – Arakwal People”.
  - d) All occurrences of the words “native title claimants” be amended to title case, ie. Native Title Claimants.
  - e) All occurrences of the words “Arakwal people” be amended to title case, ie. Arakwal People.
  - f) Third paragraph – amend to read “Byron Shire Council supports and advocates for the cultural and economic advancement of Aboriginal people and will cooperate to ensure the preservation of cultural practices, traditional sites and significant places. Council supports expressions of cultural identity”.
  - g) Fourth paragraph – remove the words “and the Aboriginal people of the Bundjalung Nation”.
  - h) Fifth paragraph – amend to read “Byron Shire Council recognises the significant commitment by Arakwal People to caring for country and maintains a partnership to consult and cooperate in achieving ecologically sustainable conservation.”
  - i) Sixth paragraph – amend to read “Byron Shire Council will engage in an active partnership with the Bundjalung of Byron Bay – Arakwal People to develop programs and services which meet the needs of our community”.
  - j) Add the words “Witnessed by” near the signatures of Local Aboriginal Leaders.
  - k) Details of artwork to be discussed between the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) and Council staff.
  
2. That the Statement of Commitment be signed and promoted as part of Reconciliation Week (27 May-3 June) 2012.
  
3. That the Statement of Commitment could be used as a model for Council’s engagement with other recognised Native Title Claimants in the Shire, as well as with the Aboriginal community more broadly. (Woods/Tucker)

**12-337 Resolved** that in relation to Report No. 5.3 Draft Framework for Memorandum of Understanding between Byron Shire Council and the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), Council adopt:

PRG Recommendation AHoA5.3

1. That Council adopt the draft Memorandum of Understanding (MoU) framework (#1204510) as a template to guide the development of a new agreement between Council and the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal).
  
2. That the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) advise of a suitable title for the MoU in Bundjalung language.
  
3. That a draft Terms of Reference be developed for an Aboriginal (Arakwal MoU) Committee that will replace the current Aboriginal (Heads of Agreement) Project Reference Group.
  
4. That the following changes be made to the draft MoU framework (#1204510):
  - a) Point 5 - move down to become point 6.
  - b) Point 8 - amend to read “Term/Review of MoU”.
  - c) Insertion of a new page following the front cover to include background and development of the totem.

- d) Point 1 Background to include reference to the first 1998 Heads of Agreement.  
(Woods/Tucker)

**12-338 Resolved** that in relation to Report No. 5.4 Proposed 'Welcome to Country' Signs, Council adopt:

PRG Recommendation AHoA5.4

1. That the following wording for 'Welcome to Country' signage designs as follows is adopted:
  - a) Northern Shire boundary (Pacific Highway) subject to negotiation with Roads and Maritime Services:  
Jingi Wallah  
You are travelling in Bundjalung Country  
Please respect and care for country
  - b) Southern and western Shire boundaries (regional roads):  
Jingi Wallah  
You are travelling in Bundjalung Arakwal Country  
Please respect and care for country
  - c) Byron Bay  
Jingi Wallah  
Welcome to Byron Bay Bundjalung Arakwal Country  
Please respect and care for country
2. That these signs be installed in conjunction with existing or new signage.
3. That the priority areas for the installation of 'Welcome to Country' signage be identified in consultation with the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal).
4. That the signage be launched as part of Reconciliation Week, 27 May – 3 June 2012.  
(Woods/Tucker)

*Cr Tucker left the meeting at 4.43pm.*

*The motions were put to the vote and declared carried.*

*Cr Tucker was not present for the votes.*

*Cr Staples left the meeting at 4.45pm and did not return.*

FORESHADOWED MOTION

Moved: That in relation to AHoA 5.1 Council defer the matter for further information to be provided to Councillors for the Council Meeting at the end of May 2012. Information such as:

- Under point 4 regarding Sandhills estate – that Council receive information on the progress of the balance of the land transfers of 1.65 hectares of land to Council for civic purposes as agreed in 2002 (Resolutions 02-850 and 02-929).  
(Woods/Tucker)

*Cr Tucker returned to the meeting at 4.47pm.*

AMENDMENT

**12-339 Resolved** that in relation to AHOA 5.1 Council defer the matter for further information to be provided to Council and inform the PRG when possible. Information such as:

- a) Circumstances regarding the transfer of Broken Head Caravan Park
- b) Sandhills estate planning process and any intended transfers of land to Council (Resolutions 02-850 and 02-929)
- c) Ironbark Avenue affordable housing
- d) Acquisition of Byron Bay library site
- e) The Cultural site
- f) Wategos land
- g) The Annexure comprising Council Report 1 September 2002 and 27 June 2006 and subsequent resolutions
- h) Any other relevant matters (Barham/Richardson)

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

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

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**WATER AND RECYCLING - EXECUTIVE MANAGER'S REPORT**

**Report No. 12.21. Myocum Landfill Projected Closure and Myocum Quarry Landfill Progress Report**

**File No:** ENG450000 #1211268

**12-340 Resolved:**

- 1. That Council note the current projection that the Myocum Landfill will reach capacity by July 2013 and the progress towards securing future waste disposal options, inclusive of the proposed new Myocum Quarry Landfill site.
- 2. That Council receive a further report on options for extending the life of the current Myocum Landfill and transition arrangements for alternative waste diversion and disposal. (Tucker/Woods)

**12-341 Resolved** that Cr Tucker be granted a one minute extension to his speech. (Barham/Woods)

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

*The motion (Tucker/Woods) was put to the vote and declared carried.*

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**GENERAL MANAGER - COMMITTEE REPORT**

**Report No. 13.1. Strategic Planning Committee Minutes of 29 March 2012**

**File No:** COR250000 #1213893

**12-342 Resolved** that Council note the minutes of the Strategic Planning Committee Meeting held on 20 March 2012. (Barham/Cameron)

**12-343 Resolved** that in relation to Report No. 4.2. - Byron Bay Town Centre Landscape Analysis and Renovation Plan 2009 (Community Infrastructure ENG540000 #1168283) Council adopt:

Recommendation SPC 4.2.1

1. That Council note the works completed to date on the Byron Bay Town Centre Landscape Analysis and Renovation Plan 2009 (Annexure 6b #1209122).
2. That appropriate trees be planted in the central median strip in Jonson Street, from Carlyle Street to Marvel Street, with surrounding rectangular beds treated as per previous strategic actions listed for issue/location 4.1.1 from within the Landscape Analysis and Renovation Plan.
3. That previous resolutions regarding the establishment of a town centre works team and clarification of the breakdown of costs of ongoing contractor maintenance of Byron Bay landscape be provided in a report.

Recommendation SPC 4.2.2

That with regard to the exotic Casuarinas east of the Peace Park in Reserve 82000, works be scheduled to progressively replace senescent trees and a report be provided to Council with funding identified, subject to checking records to finding previous plan for removal.

Recommendation SPC 4.2.3

That Council receive a report by August 2012 on options for town centre signage after a detailed cross divisional review. (Barham/Cameron)

- 12-344 Resolved** that in relation to Report No. 4.1. - Station Street Mullumbimby – Affordable Housing Project (General Manager ADM304500 #1183671), Council adopt:

Recommendation SPC 4.1.1

1. That Council call for Expressions of Interest for the design, construction and management of affordable housing, from third parties at their cost, on the Station Street Mullumbimby site.
2. That Council adopt the delivery model option 1 as reported on page 7 of this Agenda, the Arms Length (completely outsourced) model. (Barham/Cameron)

- 12-345 Resolved** that in relation to Report No. 4.3. - Draft 2012/2013 Statement of Revenue Policy (Corporate Management FIN451010 #1208949), Council adopt:

Recommendation SPC 4.3.1

That Council approve the draft 2012/2013 Statement of Revenue Policy, as amended, as a component of Byron Shire Council's Operational Plan for the purpose of public exhibition. (Barham/Cameron)

- 12-346 Resolved** that in relation to Report No. 4.9. - Draft Byron Developer Contributions Plan 2012 (Environment and Planning PLN350500 #1187182), Council adopt the Committee Recommendation with the addition of new parts a)vi) and a)vii) as per below recommendation:

Recommendation SPC 4.9.1.

- a) That the Draft Byron Developer Contribution Plan 2012 (Annexure 2(b) #1207024) as amended below, be placed on public exhibition in accordance with the Environmental Planning and Assessment Act, 1979 and Regulation, for a period of 28 days.



- i) That the draft s94A Contributions Plan and associated works plan be amended to include as the highest priority, footpath construction at Marine Parade Wategos Beach to link the existing Cape Byron Reserve Trust footpath at the western end of Marine Parade with the Cape Byron Walking Track at the Eastern end.
- ii) That the Capital Works program for 2012/2013 be amended to include the Marine Parade footpath at Wategos with a project cost of \$60,000.
- iii) That the Marine Parade footpath project be funded by s94A funds with any balance from the Footpath Dining Reserve.
- iv) That the draft s94 Contributions Plan be amended so that acquisition and embellishment of sports fields for the Ocean Shores catchment is the first priority in both Ocean Shores and LGA Wide catchments for open space.
- v) That Facility No 40 be split into 2 projects at the Rifle Range Road intersection.
- vi) That Council add the following proposed works to the Draft Section 94 Rural Roads:

Locality	Cost of Works
Intersection Wilfred Street and Brunswick Street, Billinudgel - proposed upgrade	\$250,000
Left Bank Road Mullumbimby - proposed upgrade	\$500,000
The Pocket Road, The Pocket - proposed upgrade from Skyline Road west	\$750,000
Grays Lane, Tyagarah - proposed pavement upgrade in concrete across flood zone	\$350,000
Myocum Road, Myocum/Ewingsdale - proposed upgrade	\$350,000

- vii) That Council hold discussions with National Parks & Wildlife Service regarding the design and funding of the proposed Marine Parade footpath.
- b) That after the public exhibition period the Draft Byron Developer Contribution Plan 2012 is reported back to Council for consideration following any submissions received.  

(Barham/Cameron)

*The motions were put to the vote and declared carried.  
 Cr Tucker voted against the motions.*

**COMMUNITY INFRASTRUCTURE - COMMITTEE REPORT**

**Report No. 13.2. Report of the Local Traffic Committee Meeting held on Wednesday 4 April 2012**

#1214453 /ENG224010

2 Outcome of Mafeking Road, Goonengerry speed zone review

**12-347 Resolved:**

- 1. That the outcome of the Mafeking Road speed zone review be noted including the following actions for Council:

- a) remove the de-restriction signs on the northern end of Mafeking Road and replace with 'END 60' signs followed by 'REDUCE SPEED TO CONDITIONS'.
  - b) remove the de-restriction signs on the southern end of Mafeking Road and replace with 'REDUCE SPEED TO CONDITIONS'.
2. That Council install the advisory signage (as pictured above) to advise motorists of 'Caution on Gravel Road' and 'Drive to Conditions' at both the northern and southern ends of Mafeking Road.
  3. That Council write to RMS and request a copy of the assessment report for review at a future Local Traffic Committee meeting. (Cameron/Morrisey)

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

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11 Potential intersection treatment, Bay Street and Jonson Street, Byron Bay

- 12-348 Resolved** That Council endorse the proposal, depicted in Council Design Plan No. 2065 for potential improvements to the intersection of Bay Street and Jonson Street, Byron Bay, inclusive of the removal of the Give Way on Bay Street immediately to the north-east of the Jonson Street intersection and seek funding information or cost sharing possibilities. (Richardson/Tabart)

AMENDMENT

Moved: That the Committee's in-principle support for the proposal depicted in Council Design Plan No. 2065 for potential improvements to the intersection of Bay Street and Jonson Street, Byron Bay be noted, subject to the removal of the Give Way on Bay Street immediately to the north-east of the Jonson Street intersection. (Woods/Cameron)

*The amendment was put to the vote and declared tied.  
Crs Barham, Richardson, Tabart and Morrisey voted against the amendment.  
The Mayor used her casting vote and declared the amendment lost.*

*The motion was put to the vote and declared carried.  
Crs Tucker Woods and Heeson voted against the motion.*

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**CORPORATE MANAGEMENT - CONFIDENTIAL REPORT**

**Report No. 15.1. CONFIDENTIAL Expression of Interest - Byron Bay Tennis Courts and shed**

**File No:** BEN400000 #1202353

**12-349 Resolved:**

1. That pursuant to Section 10A(2)(c) and (d) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely the Expression of Interest to lease Byron Bay Tennis Courts and shed.
  2. That the reasons for closing the meeting to the public to consider this item be that the report contains commercial information of a confidential nature, that would if disclosed, prejudice the commercial position of the person who supplied it.
-

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

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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 commercial position of the proponent responding to the call for expressions of interest and could adversely affect Council's ability to attract competitive offers in the event that fresh expressions of interest are called. (Tabart/Woods)

## CONFIDENTIAL SESSION

### 12-350 Resolved:

1. That Council decline to grant a lease to any of the Respondents and a fresh Expression of Interest be called on the same basis as Council Resolution 10-893.
2. That staff contact the respondents with a view to providing feedback on any deficiencies in their expression of interest submissions.
3. That the Report and Annexures of the closed part of the meeting remain confidential until after such time as a lease is executed. (Tabart/Woods)

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

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## URGENCY MOTION

### 1. OLGR Submissions

- 12-351 Resolved** that the matter of the licensed premises report be discussed as a matter of urgency. The reason for urgency is that the submissions close on 18 May 2012. (Barham/Richardson)

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

- 12-352 Resolved** that Council prepare a submission for the OLGR commissioned study "NSW Density Impact Study" in relation to the concentration of liquor outlets within the Shire's localities and the potential impacts that have been articulated in BSCs Liquor Licensing Policy, Community Safety Plan, Social Plan, Tourism Management Plan and any other references including Council's unanimous resolution regarding Last Drinks Campaign. Additionally, add the large population concentration to the north eg southern Queensland and ease of access to Byron Shire. (Barham/Richardson)

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

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*There being no further business the meeting concluded at 5.50pm.*

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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 17 May 2012.

.....  
Mayor Jan Barham