

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
28 June 2012

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ORDINARY MEETING MINUTES

28 JUNE 2012 (1 of 51)

**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY
28 JUNE 2012 COMMENCING AT 10.45AM AND CONCLUDING ON FRIDAY 29 JUNE 2012
AT 12.08PM**

#1239504

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

Staff: Phil Warner (Acting General Manager)
Phil Holloway (Executive Manager Community Infrastructure)
James Brickley (Acting Executive Manager Corporate Management)
Ray Darney (Executive Manager Environment and Planning)
Shannon McKelvey (Executive Manager Organisational Support)
Greg Ironfield (Acting Executive Manager Society and Culture)
Mila Jones/Joylene McNamara (Minute Taker)

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

The meeting adjourned at 10.45am and reconvened at 11.05am.

APOLOGIES: A leave of absence was received from Cr Staples.

12-463 Resolved that Cr Staples' leave of absence be noted. (Tucker/Woods)

The motion was put to the vote and declared carried.

REQUESTS FOR LEAVE OF ABSENCE

Cr Staples was granted a leave of absence for this meeting at the Ordinary Meeting held on 7 June 2012.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

12-464 Resolved that the Minutes of the following meetings be confirmed:

- Extraordinary Meeting of 6 June 2012
- Ordinary Meeting of 7 June 2012 (Tucker/Woods)

The motion was put to the vote and declared carried.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

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

GENERAL MANAGER'S REPORTS

- 12.1. Crown Caravan Parks administered by Byron Shire Holiday Parks in 2006 – Further Report

EXECUTIVE MANAGERS' REPORTS

Community Infrastructure

- 12.3. Byron Regional Sport and Cultural Complex – Budget Review
12.6. Byron Bay Traffic and Parking Management PRG meeting 12 June 2012

Corporate Management

- 12.11. Commercial Activities on Coastal and Riparian Crown Reserves – Sub-licences
12.13. Endorsement of the community Strategic Plan and adoption of the Resourcing Strategy, 2012/2016 Delivery Program (including Operational Plan), Statement of Revenue Policy, 2012/2013 Budget and 2012/2013 Fees and Charges

Environment and Planning

- 12.16. PLANNING – DA 10.2012.15.1 Restaurant at Roses Road Federal
12.17. PLANNING – DA 10.2012.16.1 Tourist facility guesthouse (5 bedrooms) at Roses Road Federal
12.19. PLANNING – Section 96AB Review 10.2009.427.3 Farm storage shed and retaining wall at 31 Pinegroves Road Myocum
12.20. PLANNING – DA 10.2012.179.1 Alterations to Existing "Byron Beach Café" at Lawson and Bay Street Byron Bay
12.21. PLANNING – DA 10.2011.44.1. Change of use from Tourist Facility to Recreational Establishment 73-95 Old Bangalow Road Byron Bay
12.23. PLANNING – Section 82A Review 10.2010.644.1 Demolition of existing dwelling and construct new dwelling at 12 Palm Valley Drive Byron Bay
12.25. PLANNING – DA 10.2011.417.1 Alterations and additions to existing dwelling at 79 Paterson Street Byron Bay

Organisational Support

- 12.31. General Manager Arrangements

Society and Culture

- 12.32. 2006 Byron Shire Community Profile

Water and Recycling

- 12.35. Draft Waste Management Strategy: 2012 - 2015

COMMITTEE REPORTS

General Manager

- 13.1. Internal Audit Advisory Committee Minutes of 31 May 2012

Community Infrastructure

- 13.3. Report of the Local Traffic Committee Meeting held on 5 June 2012

- 13.3.16. RMS Speed Zone Assessment Report, Mafeking Road, Goonengerry
- 13.3.17. Federal Village, proposed speed and bus management measures

CONFIDENTIAL REPORTS

Society and Culture and Community Infrastructure

- 15.1. CONFIDENTIAL Submission Assessment (BRSCC) Multi Purpose Facility Management

Water and Recycling

- 15.5. CONFIDENTIAL Tender Evaluation 2012-0004 Grounds Maintenance Tender – Water and Sewer Operational Grounds

LATE REPORT

Organisational Support

- 16.1. BSC ats Hultgren LEC 10342/2012

The remaining Recommendations and Committee Recommendations were adopted as a whole, being moved by Cr Woods and seconded by Cr Tucker. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 12-465 and concluding with Resolution No. 12-517.

COMMUNITY INFRASTRUCTURE - EXECUTIVE MANAGER'S REPORTS

Report No. 12.2. Wilsons Creek Road Landslip Update
File No: ENG654000 #1243521

12-465 Resolved that in relation to the Wilsons Creek Road landslip Council note:

1. a detailed options study for all long term solutions for the Wilsons Creek Road landslip has been undertaken.
2. the options study is to be the subject of further discussions between Council staff, Coffey, Fisheries, Rous Water and RMS.
3. staff are pursuing State Government funding through the Natural Disaster Relief Assistance program.
4. when appropriate a report will be provided to Council to allow further update and to gain approval to proceed to tender. (Woods/Tucker)

Report No. 12.4. Settlement Road - Department of Primary Industry proposal to transfer to Council
File No: ENG650500 #1242046

12-466 Resolved:

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

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1. That Council endorse the letter to the Minister for Trade and Investment and Minister for Regional Development and Services, as provided in Annexure 31(a) (#1232508) of this report.
 2. That Council accept the transfer of the crown road reserve of Settlement Road as follows:
 - a) east of Main Arm Road
 - b) west of Main Arm Road up to Ch 1100 (approximately) as measured from the intersection
 3. That Council not accept the transfer of the crown road reserve of Settlement Road west from Ch 1100 (approximately) as measured from the intersection. (Woods/Tucker)
-

Report No. 12.5. Kite Surfing Ban on Main Beach and within 500m of Protected Reserves

File No: ENG1241774 #1242124

12-467 Resolved:

1. That Council authorise the engagement of legal advice on a proposed ban of setting up of kite powered equipment at Main Beach, Byron Bay.
 2. That pending this advice, a memorandum of understanding be formalised with the Cape Byron Trust to extend the ban to Clarkes Beach and "The Pass" (required to stop kite surfers from entering Main Beach).
 3. That if a ban is allowable Council receive a further report of funding required to add appropriate pictorial images to regulatory signage on all beach access tracks between the Main Beach car park and The Pass.
 4. That Council note that it has no jurisdiction over areas that are managed by other agencies such as Department of Lands, Marine Parks or NPWS. (Woods/Tucker)
-

Report No. 12.7. Essential Energy - Proposed Works in Byron Bay

File No: ENG650000 #1242322

12-468 Resolved:

1. That Council note the proposed works to be carried out by Essential Energy along the southern side of Lawson Street, Byron Bay, between the railway level crossing and Fletcher Street.
 2. That Council write to Essential Energy to highlight concerns regarding the loss of three car parking spaces due to the proposed works and request Essential Energy look at alternatives to avoid loss of parking spaces. (Woods/Tucker)
-

CORPORATE MANAGEMENT - EXECUTIVE MANAGER'S REPORTS

Report No. 12.8. Making of the Rate 2012/2013

File No: FIN451010 #1229910

12-469 Resolved that in accordance with Sections 533, 534, 535 and 566 of the Local Government Act, Council makes the following rates and annual charges for 2012/2013:

1. Residential - Ordinary Rate

A Residential Ordinary Rate of 0.24895 cents in the dollar on the land value of all land categorised as residential, with a minimum rate of \$631.00 per rateable assessment.

Exception to this will be in respect to vacant land wholly contained within zones 5(b), 7(a) and 7(f1) of the Byron Local Environmental Plan 1988 (as amended), which meets the definition of vacant coastal hazard and flood liable land as per section 548 of the Act. In this case the minimum amount shall be \$346.10 per rateable assessment. The minimum rate does not apply to portions of properties subject to conservation agreements. The portion of the property not subject to the conservation agreement is rated at the ad valorem rate only of 0.24895 cents in the dollar.

2. Business (Other) - Ordinary Rate

A Business (Other) Ordinary Rate of 0.37342 cents in the dollar on the land value of all land categorised as business outside the 'centre of activity' known as Byron Bay Business Centre, with a minimum rate of \$631.00 per rateable assessment. The minimum rate does not apply to boat moorings, which are subject to licenses issued by the State Government.

3. Business (Byron Bay Business Centre) - Ordinary Rate

A Business (Byron Bay Business Centre) Ordinary Rate of 0.4979 cents in the dollar on the land value of all land categorised as business within the boundary of the 'centre of activity' known as Byron Bay Business Centre, with a minimum rate of \$631.00 per rateable assessment.

4. Farmland - Ordinary Rate

A Farmland Ordinary Rate of 0.18248 cents in the dollar on the land value of all land categorised as farmland, with a minimum rate of \$631.00 per rateable assessment. Exception to this will be in respect to vacant land wholly contained within zones 5(b), 7(a) and 7(f1) of the Byron Local Environmental Plan 1988 (as amended) which meets the definition of vacant coastal hazard and flood liable land as per section 548 of the Act. In this case the minimum amount shall be \$346.10 per rateable assessment.

5. Other Annual Charges Applicable for 2012/2013

(a) Domestic Waste Management Annual Charges

In accordance with Section 496 of the Act, a charge, to be known as the Domestic Waste Management Charge, for the provision of a weekly waste service is to apply to all rateable residential land within the defined collection area. This charge, depending on the number of services and bin capacity, is to be levied for the removal of domestic waste and recyclable materials on and during the normal collection day and hours. This is subject to the right of the Council to seek to vary such charge during the year, if in the opinion of the Council such action is warranted in view of any variation in the cost of rendering the service. The following charges for 2012/2013 will apply:

Urban Domestic Waste Collection - Annual Charges	
Size of Service	Annual Charge
Per service – weekly collection of 80 Litre Bin*	\$140.00
Per service – weekly collection of 140 Litre Bin* (Standard Service)	\$240.00
Per Service – weekly collection of 240 Litre Bin*	\$330.00
Per Multi Unit Dwelling (Weekly Collection of 240 Litre waste and 240 litre recycling bin shared at the rate of one bin per two units*	\$230.00
Per Service - Additional Domestic Recycling Bin Collected fortnightly	\$64.00

- All services include a 240 litre recycle bin which is collected fortnightly except in the case of residential strata units which may share waste services and have a weekly 240 litre recycle bin service.

(b) Domestic Waste Management Annual Charge – Vacant Land

In accordance with Section 496 of the Act, a charge of \$18.00, to be known as the Domestic Waste Management Charge – Vacant Land is to apply for 2012/2013 to all vacant residential rateable land contained within the defined collection area.

(c) Rural Waste Management Annual Charge (Residential Properties)

In accordance with Section 496 of the Act, a charge, to be known as the Rural Waste Management Charge, for the provision of a fortnightly waste service is to apply for 2012/2013 to all rateable residential land within the rural service collection area. This charge, depending on the number of services, is to be levied for the removal of domestic waste and recyclable materials on and during the normal collection day and hours. This is subject to the right of the Council to seek to vary such charge during the year, if in the opinion of the Council; such action is warranted in view of any variation in the cost of rendering the service.

An annual charge of \$230.00, to be known as the Rural Waste Management Charge will be charged per service to residential properties in the rural service collection area that provides for fortnightly collection of 240 litre waste bin and 240 litre recycling bin.

(d) Rural Waste Availability Charge (Residential Properties)

In accordance with Section 496 of the Act, an annual charge of \$18.00, to be known as the Rural Waste Availability Charge will apply for 2012/2013 to residential properties in the rural service collection area that choose not a have a Council Rural Domestic Waste service but have a dwelling situated on the property. Rural property owners paying the Rural Waste Availability Charge have the option to commence services if their circumstances change.

Vacant land and properties that are unable to be serviced will not incur this service availability charge.

(e) Rural Waste Management Annual Charge (Non-Residential Properties)

In accordance with Section 501 of the Act, a charge, to be known as the Rural Waste Management Charge, for the provision of a fortnightly waste service is to apply for 2012/2013 to all non-residential land within the rural service collection area. This

charge, depending on the number of services, is to be levied for the removal of waste and recyclable materials on and during the normal collection day and hours. This is subject to the right of the Council to seek to vary such charge during the year, if in the opinion of the Council; such action is warranted in view of any variation in the cost of rendering the service.

An annual charge of \$340.00, to be known as the Rural Non-Domestic Waste Management Charge will be charged per service to non-residential properties in the rural service collection area that provides for fortnightly collection of 240 litre waste bin and 240 litre recycling bin.

(f) Commercial Waste Management Annual Charges (Urban Collection Area)

In accordance with Section 501 of the Act, charges to be known as Commercial Waste Management Charges are applied to commercial and non-residential properties for the provision of garbage services to properties within the defined collection area. Charges depending on bin capacity, frequency of service and number of services are to be levied for the removal of waste and nominated recyclable materials on and during the normal collection day and hours.

The following charges for 2012/2013 will apply:

Commercial Waste Management Annual Charges	
Type of Service	Annual Charge
Per Service - Weekly collection of 140 litre waste bin	\$320.00
Per Service - Weekly collection of 140 litre waste bin and 240 litre recycling bin	\$320.00
Per Service - Weekly collection of 240 litre waste bin	\$360.00
Per Service – Weekly collection of 240 litre waste bin and 240 litre recycling bin	\$360.00
Per Service – Additional Weekly collection of 240 litre recycling bin	\$84.00
Per Service – Twice Weekly collection of 140 litre waste bin and 240 litre recycling bin	\$640.00
Per Service – Twice Weekly collection of 240 litre waste bin	\$670.00
Per Service – Twice Weekly collection of 240 litre waste bin and 240 litre recycling bin	\$670.00

(g) Water Fixed Annual Charge

In accordance with Section 501 of the Act, a charge to be known as Water Fixed Charge, will apply for 2012/2013 to all properties to which a water supply is available. The amount of the charge will be dependant on the meter connection size and the number of services existing on the property as detailed below.

20mm	\$145.00
25mm	\$226.60
32mm	\$371.20
40mm	\$580.00
50mm	\$906.30
65mm	\$1,531.60
80mm	\$2,320.00
100mm	\$3,625.00

Where water supply is available to Strata Units a charge equivalent to a 20mm Water Fixed Charge will apply to each unit. This charge is variable by meter size should a water meter be connected.

A minimum charge of \$72.50 will apply to each parcel of rateable land (including vacant land) which does not have a water service connection but to which a water service is available in accordance with the provisions of Section 552(1)(b) of the Local Government Act 1993.

Householders with a 20mm or 25mm water service who choose to augment their water supply with an approved rainwater tank supply will incur an annual fixed charge of \$70.00.

Where a meter connected to a property is being used for Fire Services a charge of \$192.85 will apply regardless of the meter connection size.

(h) Water Usage Charges

In accordance with Section 502 of the Act, all Residential properties in 2012/2013 will be charged a Water Usage Charge for the use of the Water Supply Service on a quarterly basis based as per the usage recorded through the water meter or meters servicing the property. The charge will be based on an inclining block tariff with the first incline up to 450kls per reading year being charged at \$2.10 per kilolitre and any usage above 450kls per reading year being charged at \$3.15 per kilolitre.

Non-Residential properties will be charged \$2.29 per kilolitre for all water used as recorded through the water meter or meters servicing the property.

(i) Sewerage Fixed Annual Charge

In accordance with Section 501 of the Act, a charge of \$735.00, to be known as Sewerage Service Fixed Charge, will apply to all single dwelling residential properties in 2012/2013.

Where the sewerage service supply is available to Strata Units a charge equivalent to a 20mm Sewerage Service Fixed Charge will apply to each unit. This charge is variable by meter size should a separate water meter be connected.

A minimum charge of \$367.50 will apply to each parcel of rateable land (including vacant land) which does not have a sewerage service connection but to which a sewerage service is available in accordance with the provisions of Section 552(3)(a) of the Local Government Act 1993.

Dwellings with an approved composting toilet will incur an annual Fixed Charge of \$367.50. Premises connected to Councils Sewer System through a sewer pod will incur an annual Fixed Charge of \$710.00.

The 2012/2013 Sewerage Service Fixed Charge for Non-Residential properties (including Non-rateable properties) will be proportional to the size of the water supply service connection to the property.

The amount of the charge will be dependant on the meter connection size and the number of services existing on the property as detailed below.

20mm	\$735.00
25mm	\$1,149.00
32mm	\$1,882.00
40mm	\$2,940.00
50mm	\$4,594.00
65mm	\$7,764.00
80mm	\$11,760.00
100mm	\$18,375.00

Where a meter larger than a 20mm water meter is connected to a property, categorised as Residential, which has multiple occupancies (ie not a single dwelling house) the Sewerage Service Fixed Charge will be applied as per the meter connection size and the number of services existing on the property as per the Sewerage Service Fixed charges for Non-Residential properties.

Where the sewerage service supply is available to a Non-Residential Strata Unit a charge equivalent to a 20mm Sewerage Service Fixed Charge will apply to each unit. This charge is variable by meter size should a separate water meter be connected.

A minimum charge of \$367.50 will apply to each parcel of non-residential rateable land which does not have a sewerage service connection but to which a sewerage service is available in accordance with the provisions of Section 552(3) (a) of the Local Government Act 1993.

Non-Residential properties with an approved composting toilet will incur an annual Fixed Charge of \$367.50. Non-residential properties connected to Councils Sewer System through a sewer pod will incur an annual Fixed Charge of \$710.00.

(j) Sewer Usage Charges

In accordance with Section 502 of the Act, a Sewer Usage Charge of \$1.65 per kilolitre of water used will be charged for 2012/2013 for Residential properties.

Non-residential properties having differing sewer discharge factors (SDF) will be charged for 2012/2013 by applying the individual SDF to a Non-Residential Sewer Usage Charge of \$2.20 per kilolitre of water (as measured by the water meter connection to the property).

(k) Liquid Trade Waste Fixed Charge

In accordance with Section 501 of the Act, Council will charge a Liquid Trade Waste Fixed Charge against properties connected to Council's sewerage system which are generating medium to high level risk liquid trade waste that is required to be treated via a liquid trade waste pre-treatment device. The Liquid Trade Waste Fixed charge for 2012/2013 will be \$275.65, for Liquid Trade Waste Category 2S Fixed Charge \$653.50 and for Liquid Trade Waste Large Industrial Fixed Charge \$516.20.

(l) Liquid Trade Waste User Charges

In accordance with Section 502 of the Act, properties assessed as discharging Liquid Trade Waste to Councils sewer system will be charged a Liquid Trade Waste Usage Charge by applying the individual Liquid Trade Waste Factor (LTWDF) against the liquid trade waste usage charge for 2012/2013 of \$2.20 per kilolitre of water (as measured by the water meter connection to the property).

***Properties that are technically non-complying dischargers into Council's sewer system will be levied a trade waste usage charge of \$13.89 per kilolitre of water (as measured by the water meter connection to the property).

(m) Stormwater Management Charge

In accordance with Section 496A of the Act, Council will charge a 'Stormwater Management Charge' against rateable properties for which the service is available. Council has identified the residential and business properties that are within Council's

urban stormwater catchment areas that will be levied this charge for the 2012/2013 financial year.

- I. Properties categorised as Residential (Not being Strata Titled)

A flat charge of \$25.00 for a Stormwater Management Service Charge is to be charged against each eligible assessment categorised as Residential within the urban stormwater catchment.
- II. Properties categorised as Residential (Strata Units)

A flat charge of \$12.50 for a Stormwater Management Service Charge is to be levied against each eligible residential strata unit within the urban stormwater catchment.
- III. Properties categorised as Business (Not being Strata Titled)

A Stormwater Management Service Charge is to be charged against each eligible assessment (not being strata titled) categorised as business within the urban stormwater catchment area based on the total area of the assessment. A charge of \$25.00 for every 350 square metres or part of 350 square metres will apply, with a minimum charge to apply for those properties with an area of less than 350 square metres.
- IV. Properties categorised as Business (Strata Units)

A Stormwater Management Service Charge against each eligible business strata unit within the urban stormwater catchment area based on one of the following two scenarios:
- V. Scenario 1 – Business Strata Units Only

If the strata complex contains only business properties (i.e. not mixed development) the charge per strata unit will be calculated by using a charge of \$25.00 per 350m² of the land area occupied by the strata scheme (or part thereof), which is then divided by the number of strata units in the strata scheme. In the event that this approach results in charge of less than \$12.50 per unit, a minimum charge of \$12.50 will be levied on each strata unit. A maximum charge of \$50.00 per strata unit also applies to those units having a calculated charge greater than this amount.
- VI. Scenario 2 – Business & Residential Strata Units (Mixed Development)

If the strata complex contains mixed development (i.e. properties rated as both business and residential) each strata unit being either categorised as residential or business be charged a flat Stormwater Management Service Charge of \$12.50.
- VII. Urban Land Exempt from the Stormwater Management Service Charge

The same exemptions that apply to non-rateable properties for other rates and charges also apply in respect of the stormwater management service charge pursuant to the Local Government Act. In addition, the following properties are also exempted from this charge under the provisions:

 - Rateable land owned by the Crown

- Rateable land under a lease for private purposes granted under the Housing Act 2001 or the Aboriginal Housing Act 1998
- Vacant Land

6. In accordance with section 566 of the Act, that Council adopts the maximum rate of interest as determined by the Division of Local Government in Circular 12-17 dated 6 June 2012 of 10% for 2012/2013 on overdue rates and charges. (Woods/Tucker)

Report No. 12.9. Draft Investment Policy

File No: FIN252000 #1241205

12-470 Resolved:

1. That the amended Draft Investment Policy (Annexure 16(d) #1241222) be placed on public exhibition for a minimum period of 28 days.
 2. That in the event that any submissions are received on the amended Draft Investment Policy it be reported back to Council prior to adoption.
 3. That in the event that no submissions are received on the amended Draft Investment Policy it be adopted and incorporated into Council's Policy Register. (Woods/Tucker)
-

Report No. 12.10. South Golden Beach Community Centre - Owners Consent to Lodge Development Application

File No: BEN551000 #1239891

12-471 Resolved that Council authorise the General Manager to apply to the Crown Lands Division of NSW Department of Primary Industries for owner's consent to lodge the development application and other related applications as shown at Annexure 42 (#1241899). (Woods/Tucker)

Report No. 12.12. Investments – May 2012

File No: FIN252000 #1229232

12-472 Resolved that Council receive and note the record of investments for the month of May 2012. (Woods/Tucker)

CORPORATE MANAGEMENT AND ENVIRONMENT AND PLANNING - EXECUTIVE MANAGERS' REPORT

Report No. 12.14. Co-location of telecommunications facilities in Suffolk Park by Telstra Corporation Limited

File No: PLN101000 #1194466

12-473 Resolved:

1. That Council request Telstra to provide a presentation with regard to its future Telecommunications facilities with the Shire.
-

2. That Council authorise the General Manager to sign the In Principle Agreement with Aurecon Australia Pty Ltd (acting on behalf of Telstra) at Annexure 27(c) (#1211481), as confirmation of Council's interest to enter into an Access Deed with Telstra.

(Woods/Tucker)

ENVIRONMENT AND PLANNING - EXECUTIVE MANAGER'S REPORTS

Report No. 12.15. PLANNING – S96 10.2010.558.3 Amend the design of approved residence and shop at Roses Road Federal

Executive Manager: Environment and Planning
File No: Parcel No 226110 #1189992

- 12-474 Resolved** that pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, application 10.2010.558.3 for S96 - to amend the design of approved residence and shop - (relocated Queenslander style dwelling two storey/shop in lower floor), be approved by modifying development consent 10.2010.558.2 as listed in Annexure 20(b) #1242166.

(Woods/Tucker)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

Report No. 12.18. PLANNING – DA 10.2011.413.1 subdivision 42 lots at 59 Lismore Road Bangalow

Executive Manager: Environment and Planning
File No: Parcel No 213520 #1152665

- 12-475 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2011.413.1 for Subdivision to create 42 Residential lots, a recreation reserve lot and a balance lot, be granted consent subject to the conditions listed in Annexure 36(b) #1243171.

(Woods/Tucker)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

Report No. 12.22. PLANNING – S96 10.2007.406.3 resolution 12-276 additional information 2-10 Bangalow Road and 12 Browning Street Byron Bay

File No: Parcel No 63190 #1231685

- 12-476 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2007.406.3 for S96 to modify the development (affordable housing comprising change of use of 5 existing dwellings for use as boarding houses and erection of 4 new houses for use as boarding houses; medium density development comprising 12 new dwellings; Torrens title and strata title subdivision; staging of the development and subject to a Planning Agreement) in regard to subdivision, stormwater and parking arrangements and for minor building design changes, be approved subject to the conditions listed in Annexure 5(b) #1236523.

(Woods/Tucker)

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

Report No. 12.24. PLANNING – State Environmental Planning Policy No 1 – Variations of development standards for 18 May to 18 June 2012

File No: PLN101000 #1237167

12-477 Resolved that the report be noted. (Woods/Tucker)

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

Report No. 12.26. PLANNING – DA 10.2012.45.1 Rural residential subdivision (41) lots at 142 McGettigans Lane Ewingsdale

File No: Parcel No 241445/241478/241449 #1194147

12-478 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2012.45.1 for proposed rural residential subdivision comprising 41 rural residential allotments and a residual allotment and associated tree removal be granted consent subject to the conditions listed in Annexure 22(b) #1242043. (Woods/Tucker)

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

ORGANISATIONAL SUPPORT - EXECUTIVE MANAGER'S REPORTS

Report No. 12.27. Legal Services Contract 2013-2017

File No: COR653000 #1243174

12-479 Resolved that Council call for tenders for the Legal Services Contract 2013 – 2017 and pursuant to Section 166(a) of the Local Government (General) Regulation 2005, Council determine to use the open tender method. (Woods/Tucker)

Report No. 12.28. BSC ats Radburn LEC 30182/2012

File No: COR653000 #1236649

12-480 Resolved that the report be noted. (Woods/Tucker)

Report No. 12.29. PLANNING - BSC ats Abramovich LEC 10034/2012

File No: COR653000 x 80.2012.2.1 x 10.2010.274.1 x 214180D #1238972

12-481 Resolved that the report be noted. (Woods/Tucker)

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

Report No. 12.30. PLANNING - BSC ats Stebbing LEC 11144/2011
File No: COR653000 x 233180D x 80.2011.12.1 x 10.2010.1 #1234676

12-482 Resolved that the report be noted. (Woods/Tucker)

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

SOCIETY AND CULTURE – EXECUTIVE MANAGER’S REPORT

Report No. 12.33. Attach Council seal to Family and Community Services funding agreement 2012/13
File No: ADM301810 #1243422

12-483 Resolved that Council authorise the General Manager or Public Officer to attach the Council seal to the Community Services, Department of Family and Community Services NSW 2012/13 Service Agreement to fund childcare services and administer the Community Builders program in the Shire (#1232574). (Woods/Tucker)

WATER AND RECYCLING - EXECUTIVE MANAGER’S REPORTS

Report No. 12.34. Review of Byron Bay Water Storage Capacity
File No: ENG853000 x PN109600 #1237363

12-484 Resolved:

1. That Council resolve to construct a new reservoir at Coopers Shoot to meet accepted water storage/ fire flow standards and Council’s adopted levels of service.
 2. That Council resolve to call for Tenders for the Design and Construction of the new reservoir in accordance with the provisions of Section 55 of the Local Government Act 1993.
 3. That Council resolve to engage in negotiations to purchase the required additional land. (Woods/Tucker)
-

Report No. 12.36. Myocum Landfill Charges
File No: ENG450000 #1231236

12-485 Resolved that Council publically advertise for 28 days the proposed changes to waste charges at the Myocum Landfill identified in this report and if no submissions are received they be adopted. (Woods/Tucker)

Report No. 12.37. Myocum Waste and Recycling Facility – Review of Operating Hours
File No: ENG450000 #1240436

12-486 Resolved:

1. That the operating hours for the Myocum Landfill and Transfer Station be changed as identified in this report.
 2. That the operation of the Myocum Second Hand Shop be extended from five to six days per week on a four month trial basis, as identified in this report and that Council receive a subsequent report on the results of the trial. (Woods/Tucker)
-

COMMUNITY INFRASTRUCTURE - COMMITTEE REPORTS

Report No. 13.2. Minutes Transport Advisory Committee Meeting 28 May 2012
File No: COR250000 #1237562

12-487 Resolved that Council note the minutes of the Transport Advisory Committee Meeting held on 14 November 2011. (Woods/Tucker)

12-488 Resolved that in relation to Report No. 4.1 – Development of a Byron Bay Town Centre Plan (Community Infrastructure ENG250000 / #1235997), Council not adopt Committee Recommendation 4.4.1, but instead adopt:

Management Recommendation 4.1.1

That in accordance with the provisions of the Committee constitution, an Extraordinary Meeting be held for the purpose of the Transport Advisory Committee to:

- a) workshop its vision and goals; and
- b) receive a report referred to in resolution 11-1052 and all reports and information referred to in this report prior to the workshop. (Woods/Tucker)

12-489 Resolved that in relation to Report No. 4.2 - Results of the August 2011 Transport Survey (Community Infrastructure ENG250000 / #1236010, Council adopt:

Committee Recommendation 4.2.1:

1. That Council notes that the Transport Advisory Committee has identified major gaps in public transport servicing in the Shire, particularly in Ocean Shores and rural areas.
 2. That Council notes the report regarding the results of the August 2011 Transport Survey.
 3. That a report be received on possible funding to meet some of the problems and opportunities highlighted by the survey.
 4. That Council provides the results of the survey to the local member, Don Page MP and the Ministry of Transport NSW, with specific requests to provide funding to address identified public transport problems, particularly in Ocean Shores and rural areas of the Shire.
 5. That the Northern Rivers Director of Transport NSW, NOROC and local bus companies be provided with a copy of the survey results. (Woods/Tucker)
-

Report No. 13.3. Report of the Local Traffic Committee Meeting held on 5 June 2012
#1239819/ENG224010

1. Proposed No Parking, Byron Street, Byron Bay

- 12-490 Resolved** that commencing 20 metres west of Middleton Street signage be installed on Byron Street, Byron Bay as follows:
- a) East toward Fletcher Street, install No Parking through to the existing parking signs, thus resulting in approximately 80 metres of No Parking length on the north and south side respectively; and
 - b) West to Middleton Street, install No Stopping through to the existing parking restrictions as signed on Middleton Street, inclusive of yellow line marking adjacent to the kerb line.
(Woods/Tucker)
-

2. Speed zone review, Main Arm Road, Mullumbimby to Main Arm

- 12-491 Resolved** that Council note the outcome of the Roads and Maritime Services (RMS) speed zone review of Main Arm Road, from Mullumbimby to 600m west of Dry Creek Road, Upper Main Arm as follows:
- a) That the existing 50kph speed limit be extended 200m west to end 150m west of Coral Avenue;
 - b) That the existing 40kph School Zone be reduced to 400m in length, from 350m west to 750m west of Coral Avenue;
 - c) That the existing 100kph speed limit from Mullumbimby to Main Arm be reduced to 80kph;
 - d) That the existing 100kph speed limit from Main Arm to 600m west of Dry Creek Road, Upper Main Arm be reduced to 80kph; and
 - e) That Council undertake a delineation review along Main Arm Road with a view to installing appropriate signposting and guideposts, in accordance with Australian Standards.
(Woods/Tucker)
-

3. 'SLUT' Walk Northern Rivers, Railway Park to Gilmore Crescent, Byron Bay

- 12-492 Resolved:**
1. That Council note that the event promoted by the proponent as Slut Walk and convened as an on-street march in protest of violence against women was held on Saturday 23 June 2012 within Byron Bay.
 2. That in doing so, Council adopt the Local Traffic Committee recommendation that the event route be endorsed on the basis of proceeding upon parts of Jonson Street, Bay Street, Middleton Street, Lawson Street and Gilmore Crescent, Byron Bay subject to the:
 - a) use of acceptable traffic control measures, that is either via Police escort or the 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) written acceptance of the local Police;
 - e) consideration of any submissions received; and
 - f) proponent's timely lodgement of current and appropriate levels of insurance and liability cover.
(Woods/Tucker)
-

4. NAIDOC Celebration, Street Walk and Family Day, 5 July 2012

- 12-493 Resolved** that Council endorse the 2012 NAIDOC Celebration Street Walk and Family Day, to be held on Thursday 5 July 2012, subject to:
- a) The use of acceptable traffic control measures, that is either via Police escort or the use of an accredited designed and implemented Traffic Control Plan;
 - b) The meeting of the advertising requirements of the Roads Act 1993;
 - c) The event being notified on Council's website;
 - d) The consideration of any submissions received; and
 - e) The proponent's timely lodgement of current and appropriate levels of insurance and liability cover. (Woods/Tucker)
-

5. Rainbow Ride Cycle Challenge, Sunday 11 November 2012

- 12-494 Resolved** that the Rainbow Ride Cycle Challenge be endorsed for Sunday, 11 November 2012, including the road closure of William Flick Lane, Ewingsdale between 10am and 3pm, subject to the:
- a) event commencing within the Byron Bay Arts and Industry Park, Ewingsdale Road including the road closure of Centennial Circuit between Bayshore Drive and Tasman Street between 7am and 7:30am
 - b) organisers implementing plans for signage, motor escort, advertising and letter box drop, as proposed in the details they have provided
 - c) public liability insurance being current and not less than \$10 million
 - d) concurrence of the Police, independent of the Local Traffic Committee endorsement
 - e) placement of advertising prior to the event in a local newspaper which, along with the Council on-road event fee for 2012/13, be recouped by invoice issued to the organiser following the event; and
 - f) event and road closure being notified on Council's website. (Woods/Tucker)
-

6. Byron Lighthouse Fun Run, Sunday 21 October 2012

- 12-495 Resolved** that Council endorse the 10km Byron Lighthouse Run to be held in Byron Bay on Sunday 21 October 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) proponent's timely lodgement of current and appropriate levels of insurance and liability cover; and
 - f) attainment (by the event proponent) of NPWS written acceptance of the event. (Woods/Tucker)
-

7. Proposed Restricted Parking Area, First Sun Holiday Park, Byron Bay

- 12-496 Resolved:**
1. That the start and end of the Restricted Parking Area – Permits Excepted be signed at the Lawson Street entry and egress of the First Sun Caravan Park, Byron Bay via R5-541 and R5-542 signage respectively.
-

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2. That adjacent to the signage erected according to Part 1, an advisory sign indicating how permits are obtained be installed.
 3. That Council note the Local Traffic Committee advice that the signage within Part 1 can be enforced under NSW Road Rule 168-1. (Woods/Tucker)
-

8. Proposed 15-minute bay, Mullum Sari, Burringbar Street, Mullumbimby

- 12-497 Resolved** that a 15-minute parking bay at the one location on Burringbar Street, Mullumbimby not be supported. (Woods/Tucker)
-

9. No Stopping, Wareham Street and Armstrong Street, Suffolk Park

- 12-498 Resolved** that No Stopping signs, along with yellow road edge line marking, be installed at the intersection of Armstrong Street and Wareham Street, Suffolk Park by commencing on both sides of Armstrong Street, from 15-metres south of Wareham Street, and conclude on both sides of Wareham Street, at 15-metres east of Armstrong Street. (Woods/Tucker)
-

10. Request for Loading Zone, Fletcher Street and Marvell Street, Byron Bay

- 12-499 Resolved** that consultation be undertaken with other local traders within the vicinity of the intersection at Fletcher Street and Marvell Street, Byron Bay to determine what hours and location is preferable for a Loading Zone with the results of the consultation and site inspection being reported back to Council via the Local Traffic Committee. (Woods/Tucker)
-

11. No Stopping, south side Lighthouse Road, west of Lee Lane, Byron Bay

- 12-500 Resolved** that No Stopping be implemented by both signage and yellow road edge line marking from 5 metres south to 15 metres north of the driveway at 130 Lighthouse Road, Byron Bay. (Woods/Tucker)
-

12. Request for No Stopping, Short Street, Byron Bay

- 12-501 Resolved** that Council write to residents of Short Street, Byron Bay advising them that the Road Rules do not permit on-street car parking neither within 3 metres of a centre road dividing line nor within 10 metres of an intersection and that monitoring and enforcement of these rules will be applied as and when required. (Woods/Tucker)
-

13. No Stopping, Corner of Whian Street and Dalley Street, Mullumbimby

- 12-502 Resolved** that new Give Way and double barrier line marking of approximately 15 metres and 10 metres in length respectively be applied to Whian Street, east of the intersection with Dalley Street, Mullumbimby. (Woods/Tucker)
-

14. No Stopping, Milton Street and Cavvanbah Street, Byron Bay

- 12-503 Resolved** that No Stopping, including yellow kerbside line marking, be installed on the inside curve from Milton Street to Cavvanbah Street, Byron Bay for a length of approximately 35
-

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metres by commencing at six (6) metres north of the Milton Street driveway for property 35-39 Shirley Street, Byron Bay. (Woods/Tucker)

15. Two-way on Middleton Street, Marvell Street to Byron Street, Byron Bay

12-504 Resolved:

1. That Council endorse design plan 2107 for providing two-way traffic flow on Middleton Street, Byron Bay between Marvell Street to Byron Street.
 2. That subject to Council approval of design plan number 2107 for the construction of roadway to enable two-way traffic flow on Middleton Street, Byron Bay between Marvell Street and Byron Street, Management recommend a further report be provided to Council which outlines the cost and potential funding source for its undertaking. (Woods/Tucker)
-

18. Byron Bay High and St Finbarr's Primary Schools, shared access road

12-505 Resolved:

1. That Council note the Committee held the on-site meeting with stakeholders of both the Byron Bay High School and St Finbarr's Primary School on Tuesday 5 June 2012 as per Council resolution 12-294.
 2. That the comments from the on-site meeting be noted and progressed where possible with a report back to the Committee and Council provided in due course. (Woods/Tucker)
-

19. Splendour in the Grass 2012, Byron Bay

- 12-506 Resolved** that the comments of the Local Traffic Committee be provided to the proponent for them to consider and adjust accordingly their proposed traffic control and contingency plans for the 2012 Splendour in the Grass music festival. (Woods/Tucker)
-

20. Byron Bay Writers' Festival, 3-5 August 2012

- 12-507 Resolved** that Council approve the temporary traffic control measures related to the August 2012 Byron Bay Writers Festival 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) consideration of any submissions received
 - d) event being notified on Council's website; and
 - e) timely lodgement of current and appropriate levels of insurance and liability cover. (Woods/Tucker)
-

ENVIRONMENT AND PLANNING - COMMITTEE REPORT

**Report No. 13.4. Biodiversity and Sustainability Advisory Committee Meeting Minutes
1 June 2012**

File No: COR250000 #1242316

- 12-508 Resolved** that Council note the minutes of the Biodiversity and Sustainability Advisory Committee meeting held on 1 June 2012. (Woods/Tucker)
-

- 12-509 Resolved** that in relation to Report No 4.1 - Public access to Council held environment/ biodiversity information (COR250000 x PLN657401 #1225127), Council adopt:

Committee Recommendation 4.1

That the Biodiversity and Sustainability Advisory Committee recommend to Council that:

- a) this report be noted, regarding the public access of environmental mapping information via the Biodiversity section of Councils website.
- b) letters be written to NSW agencies to seek permission or requirements for mapping layers including soils, fish habitat, waterways, threatened fauna habitats, marine parks and national parks to be made available.
- c) before public access of environmental mapping information is made available a communications kit/program be developed, providing definitions and explanations as to the source of information and a disclaimer prior to site entry or download of opportunities for residents to identify any inaccuracies and seek assistance to improve accuracy.
- d) an annual budget (Environmental Levy) be allocated for ground truthing and additional survey work to improve the quality and accuracy of information and staff to investigate grants.
- e) staff explore uploading technologies for the community to submit information to update Council's environmental mapping information. (Woods/Tucker)

- 12-510 Resolved** that in relation to Report No 4.2 - Various sustainability matters from Committee meeting of 24 February 2012 – Res 12-161 (COR250000 #1224013), Council adopt:

Committee Recommendation 4.2.1

That the Biodiversity and Sustainability Advisory Committee recommend to Council, in relation to Council paper use and type that:

- a) Council acknowledge the sizeable reduction of approximately 1000 reams of paper from 2010 to 2011 and reaffirm a commitment to continue the reduction.
- b) Council continue to uphold the highest possible standards in relation to procurement of paper products and acknowledge that Council has been purchasing the most environmentally responsible products available reflecting the Council's value and commitment to corporate sustainability principles. (Woods/Tucker)

- 12-511 Resolved** that in relation to Report No 4.2 - Various sustainability matters from Committee meeting of 24 February 2012 – Res 12-161 (COR250000 #1224013), Council adopt:

Committee Recommendation 4.2.2

That the Biodiversity and Sustainability Advisory Committee recommend to Council, in relation to a householder recognition program, that:

- a) a small recognition plaque made from durable recycled plastic labelled 'Striving for Sustainability' is presented to people who participate in the sustainable streets program.
- b) Staff investigate the feasibility of presenting the plaque to attendees of Community college 'Sustainable Living' programs.
- c) the distribution of the plaques would be based on a set of criteria similar to the sustainable streets program.
- d) Council allocate \$1,000 from the Sustainability Program budget (2605.63) for this purpose.

Committee Recommendation 4.2.3

That Council reinstate an annual World Environment Day ceremony from 2013 to recognise outstanding achievement in sustainability and biodiversity and allocate \$2,000 from the Sustainability Program Budget (2605.63) for this purpose.

Committee Recommendation 4.2.4

That the Committee notes with great concern that Council is not on target to meet the adopted 30% reduction in CO² emissions below 03/04 levels by 2020 and that Council reconfirm their commitment to this target and receive a report on what measures / actions are required to meet this target, as a matter of urgency.

Committee Recommendation 4.2.5

That a report to the next Biodiversity and Sustainability Advisory Committee meeting be received regarding any outstanding biodiversity and sustainability resolutions. (Woods/Tucker)

12-512 Resolved that in relation to General Business, Council adopt:

Committee Recommendation 5.1

That a report to the Biodiversity and Sustainability Advisory Committee be received on Council participation or initiation of revised Richmond Birdwing butterfly and Coxen Fig Parrot programs with the community, and specifically with schools, and note Committee member Heather Harford has offered support.

Committee Recommendation 5.2

That the Biodiversity and Sustainability Advisory Committee note the excellent work done in the production of biodiversity and sustainability materials and resources for community distribution eg butterfly, shorebird posters. (Woods/Tucker)

WATER AND RECYCLING - COMMITTEE REPORT

**Report No. 13.5. Report of the Water, Waste and Sewer Advisory Committee
10 May 2012**

File No: COR250000 #1233740

12-513 Resolved that Council note the minutes of the Water, Waste and Sewer Advisory Committee held on 10 May 2012. (Woods/Tucker)

**Report No. 13.6. Report of the Water, Waste and Sewer Advisory Committee
Extraordinary Meeting 18 May 2012**

File No: COR250000 #1233741

12-514 Resolved that Council note the minutes of the Water, Waste and Sewer Advisory Committee Extraordinary meeting held on 18 May 2012. (Woods/Tucker)

WATER AND RECYCLING - CONFIDENTIAL REPORTS

Report No. 15.2. CONFIDENTIAL Tender Assessment – Environmental Impact Statement and Preliminary Landfill Environmental Plan Myocum Quarry Landfill 2012-0008

File No: ENG450000 #1239574

12-515 Resolved:

1. That Council award Tender – Environmental Impact Statement and Preliminary Landfill Environmental Plan Myocum Quarry Landfill (2012-0008) to Cardno NSW/ACT Pty Ltd for a contract value of \$189,500 (ex GST).
2. That Council delegate to the General Manager the authority to administer this contract to the contract value plus the contingency value nominated in this report.
3. That Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.
4. That Council approve the increase in the project budget to the value nominated in this report with the funds sourced from the Waste Reserve.
5. That the report remains confidential until the contract is finalised. (Woods/Tucker)

Report No. 15.3. CONFIDENTIAL Tender Evaluation 2012-0014 Supply of Switchboards - Water Reservoirs

File No: ENG704000 #1239274

12-516 Resolved:

1. That Council award the Lump Sum Price Tender – Tender 2012-0014 - Supply of Switchboards - Water Reservoirs to Coffs harbour City Council for the value of \$234,800 (inclusive of GST).
2. That Council delegate to the General Manager the authority to administer this contract.
3. That Council authorise the affixing of the Council seal to all documents that may require it, in regards to the Contract.
4. That Council makes public it decision including the name and amount of the successful tenderer in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.
5. That the report remains confidential until the contract is finalised. (Woods/Tucker)

Report No. 15.4. CONFIDENTIAL Tender Evaluation 2011-0052 Plant and Equipment for Myocum Landfill Operations

File No: ENG450000 #1229592

12-517 Resolved:

1. That Council award Tender 2011 - 0052 – Plant and Equipment for Myocum Landfill Operations to the preferred suppliers for the rates tendered as detailed in the table below:

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Plant Item	Preferred Supplier	Tendered Hourly Rate (inc. GST)
Small Excavator	DJ and JA Brooker	\$110
Medium Excavator	DJ and JA Brooker	\$121
Large Excavator	DJ and JA Brooker	\$143
Hook Lift Truck, Tank and Bins	Solo Resource Recovery	\$165
Tip Truck	Andrew Johnston Haulage	\$96.25
Tip Truck and Optional Dog	Andrew Johnston Haulage	\$148.50
Leachate Haulage	AJ Bulk Haulage	\$154
Backhoe (including full time operator/transfer station attendant)	Solo Resource Recovery	\$73.74 (includes \$33/hr for backhoe and \$82,500 pa for full time operator/transfer station attendant)

2. That Council delegate to the General Manager the authority to administer this contract.
3. That Council authorise the affixing of the Council seal to all documents that may require it, in regards to the Contract.
4. That Council makes public its decision including the name and rates of the successful tenderers in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.
5. That the report remains confidential until the contract is finalised. (Woods/Tucker)

PROCEDURAL MOTION

- 12-518 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being 12.21, 12.23, 12.20, 16.1, 8.4 next on the Agenda. (Tucker/Heeson)

The motion was put to the vote and declared carried.

ITEMS RESERVED FOR DEBATE

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 12.21. PLANNING – DA 10.2011.44.1 Change of use from Tourist Facility to Recreational Establishment 73-95 Old Bangalow Road Byron Bay
File No: Parcel No 207940, 207950 #1059727

Moved:

1. That Council defer determination of DA 10.2011.44.1.
2. That Council return the report to the August 2012 meeting with consent conditions. (Tucker/Woods)

The motion was put to the vote and declared tied.

Crs Tucker, Woods, Heeson and Tabart voted in favour of the motion.

*Crs Barham, Cameron, Richardson, Morrissey voted against the motion.
The Mayor used her casting vote and declared the motion lost.*

FORESHADOWED MOTION

- 12-519 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application 10.2011.44.1 for change of use from tourist facility to recreational establishment (health farm) including demolition and construction works, be refused for the reasons listed in Annexure 18(b) #1240428. (Morrissey/Cameron)

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

Report No. 12.23. PLANNING – Section 82A Review 10.2010.644.1 Demolition of existing dwelling and construct new dwelling at 12 Palm Valley Drive Byron Bay

File No: Parcel No 68780 #1174745

Moved:

1. That Council defer determination of DA 10.2010.644.1.
2. That a report be returned to the August 2012 Council meeting with consent conditions. (Tucker/Woods)

AMENDMENT

12-520 Resolved:

1. That this item be deferred and that the General Manager be delegated to negotiate possible amendments to the application with respect to bulk and scale, APZ and negative impact on SEPP 26.
2. That, subject to a satisfactory proposal, a report be returned to the August 2012 Council meeting with consent conditions. (Cameron/Morrissey)

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

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

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

Report No. 12.20. PLANNING – DA 10.2012.179.1 Alterations to Existing “Byron Beach Café” at Lawson and Bay Street Byron Bay

File No: Parcel No 238789, 238790 #1226144

Moved: That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application 10.2012.179.1 for alterations to an existing café, be approved

subject to the conditions (excluding condition 2) listed in Annexure 37(b) #1242530 with the following amendments:

- a) Condition of Consent 2, Limitations of Approval be deleted
- b) Condition 1 be amended by deleting "as modified by changes shown in red ink" replaced with "as shown on the approved plans and by conditions of consent".
(Richardson/Tucker)

12-521 Resolved that the matter rest on the table. (Richardson/Morrissey)

The motion was put to the vote and declared carried.

ORGANISATIONAL SUPPORT – EXECUTIVE MANAGER’S REPORT

Report No. 16.1. PLANNING - BSC ats Hultgren LEC 10342/2012
File No: COR653000 x 80.2012.6.1 x 10.2006.648.3 x 10.2007.415.2 x 239424D
#1234768

12-522 Resolved:

- 1. That this report be noted and the Acting General Manager be authorised to manage the litigation in accordance with the General Manager’s general delegations.
- 2. That Council acknowledge the conciliation process is proceeding in good faith to achieve an outcome that resolves outstanding issues and delivers clarity to the entirety of the development.
- 3. That Council, in August 2012, be provided with information regarding the conciliation arrangement. (Woods/Tucker)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

NOTICE OF MOTION

Notice of Motion No. 8.4. Suffolk Park Caravan Park Plan of Management Exhibition
COR405527 #1242672

Moved: That, subject to receipt of confirmation in writing from the Minister for Local Government of adherence to the Local Government Act, Council proceed with the public exhibition of the Draft Plan of Management (#369866) for the Suffolk Park Caravan Park as a matter of urgency as per Resolution 10-814 presented to Council on 21 October 2010 with relevant resolutions and information regarding the Plan of Management (and note #369866 is incorrect in relation 10-814). (Barham/Tabart)

12-523 Resolved that Cr Barham be granted a two minute extension to her speech. (Tabart/Richardson)

The motion was put to the vote and declared carried.

AMENDMENT

12-524 Resolved:

1. That this matter be deferred until relevant written advice is received from the appropriate Minister as to the legality of operating a caravan park on community land.
2. That Councillors be furnished with the relevant copy of the Plan of Management and advised of its status. (Woods/Tucker)

The meeting adjourned at 12.45 for lunch and reconvened at 1.20pm.

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

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

Crs Barham, Richardson and Tabart voted against the motion.

FORESHADOWED MOTION

12-525 Resolved that Council:

- undertake an updated complete survey of the Holiday Park to update documentation concerning the Park.
- update/address the current development consent at Suffolk Park Holiday Park to ensure the current operation is totally covered.
- Resolve the encroachments at Suffolk Park Holiday Park, possibly through site relocations.
- Address compliance issues surrounding permanent resident sites and provide some certainty to permanent residents over their respective sites.
- Support the reclassification from Community to Operational to address legal issues of operating a Holiday Park on 'Community Land' and compliance with the Local Government Act 1993 and commence the process for a Public Hearing as part of that process.
- Provide a response to Part 3 of resolution 10-814 regarding 00-1022 from 2000. (Morrisey/Woods)

The motion was put to the vote and declared tied.

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

The Mayor used her casting vote and declared the motion carried.

PROCEDURAL MOTION

12-526 Resolved that Report No. 12.20 be lifted off the table. (Woods/Tucker)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORT

Report No. 12.20. **PLANNING – DA 10.2012.179.1 Alterations to Existing “Byron Beach Café” at Lawson and Bay Street Byron Bay**
continued

File No: Parcel No 238789, 238790 #1226144

Moved: That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application 10.2012.179.1 for alterations to an existing café, be approved

subject to the conditions (excluding condition 2) listed in Annexure 37(b) #1242530 with the following amendments:

- a) Condition of Consent 2, Limitations of Approval be deleted
- b) Condition 1 be amended by deleting "as modified by changes shown in red ink" replaced with "as shown on the approved plans and by conditions of consent".
(Richardson/Tucker)

AMENDMENT

Moved:

- 1. That Council defer determination of DA 10.2012.179.1.
- 2. That a report be brought back to Council on 9 August 2012 with consent conditions including clarification of:
 - a) Condition of Consent 2, Limitations of Approval
 - b) Condition 1
(Woods/Heeson)

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

The meeting adjourned at 2.23pm to open the Byron Shire Reserve Trust Committee Meeting and reconvened at 2.24pm.

FORESHADOWED AMENDMENT

12-527 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application 10.2012.179.1 for alterations to an existing café, be approved subject to the conditions listed in Annexure 37(b) #1242530 amended as follows:

- a) Replacement condition 2

2 Limitations of approval

Development consent is issued only for part of the development for which consent was sought.

No approval is granted for the area containing the new 'take-away servery', 'relocated ice cream display ref', 'new cold display cab' and associated benches and storage area.

No approval is granted for the 'New security gates' on the timber boardwalk.

The 'goods receivable' doors on the southern side of the new 'storage' area must be positioned to ensure the adjacent Tuckeroo trees are maintained.

- b) New conditions 8 and 9

8 Developer Contributions to be paid

Prior to the issue of a Construction Certificate, Section 94 Developer Contributions are to be paid to Council. Contributions are levied in accordance with the Byron Shire Council Section 94 Development Contribution Plan 2005 dated June 2005 and Byron Shire Council Section 94 Development Contribution Plan 2005 Amendment No. 1 dated 20 July 2005 for Community Facilities, Open Space, Roads, Car Parking, Cycleways, Civic & Urban Improvements, Shire Support Facilities and Administration. The Plan may be viewed during office hours at the Council Offices located at Station Street, Mullumbimby.

The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.

PAYMENTS WILL ONLY BE ACCEPTED BY CASH OR BANK CHEQUE.

9 Certificate of Compliance – Water Management Act 2000

A Certificate of Compliance under Section 307 of the Water Management Act 2000 is to be obtained from Byron Shire Council prior to the issue of a Construction Certificate for payment of developer charges for water supply and sewerage.

Application forms are available from Council's administration building or online at http://www.byron.nsw.gov.au/files/Forms/Section_305_Certificate.pdf to be submitted for a Certificate of Compliance.

- c) Condition 1 is to be in accordance with SK.02 Floor Plan as amended on 4 June 2012 #1239182. (Cameron/Morrisey)

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

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

The meeting adjourned at 2.40pm to resume the Byron Shire Reserve Trust Committee Meeting and reconvened at 2.44pm. Resolutions 12-528 to 12-532 were used during that Committee Meeting.

PROCEDURAL MOTION

- 12-533 Resolved** that the order of business be changed to deal with Reports 12.31 and then 12.11 next on the agenda. (Tucker/Woods)

The motion was put to the vote and declared carried.

ORGANISATIONAL SUPPORT – EXECUTIVE MANAGER'S REPORT

Report No. 12.31. General Manager Arrangements

File No: COR653000 #1236832

- 12-534 Resolved** that report 12.31 rest on the table. (Tucker/Woods)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER'S REPORT

Report No. 12.11. Commercial Activities on Coastal and Riparian Crown Reserves - Sub-licences

File No: BEN400000 #1235946

- 12-535 Resolved:**

1. That Council grant the sub-licences as offered in the Request for Tender for Commercial Activities on Coastal and Riparian Crown Reserves to the preferred proponents

recommended by the Reserve Trust, on the terms and conditions contained in the Sub-licence agreement at Confidential Annexure 30 (#1213503) for a five year period commencing 1 September 2012; and

Sub-Licence	Tenderer	Price (ex GST)
1. Commercial Surf School	Surfing Byron Bay Pty Ltd (Serena Adams)	\$7,000
2. Commercial Surf School	Black Dog Surfing Pty Ltd (Dean Johnston)	\$5,500
3. Commercial Surf School	Mojo Surf School (Nathan Folkes)	\$13,750
4. Commercial Surf School	Style Surfing School (Gary Morgan and Virginia Hardwick)	\$4,050
1. Personalised Surf School	Rusty Miller	\$1,000
2. Personalised Surf School	Soul Surf School (Sean Riley)	\$3,000
1. Commercial Sea Kayaks	Cape Byron Kayaks (Alice Livingston)	\$40,500
2. Commercial Sea Kayaks	Go Sea Kayak Byron Bay Pty Ltd (Kurt Tutt)	\$28,636

2. That Council authorise the General Manager to affix the Council Seal to the Sub-licence agreements in accordance with Regulation 400 of the Local Government (General) Regulations 2005. (Tucker/Woods)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 12-536 Resolved** that Report No 12.31 be lifted off the table. (Tucker/Woods)

The motion was put to the vote and declared carried.

ORGANISATIONAL SUPPORT – EXECUTIVE MANAGER’S REPORT

Report No. 12.31. General Manager Arrangements

continued

File No: COR653000 #1236832

- 12-537 Resolved** that Council move into confidential session under section 10A(2c) of the Local Government Act because discussion of the information in open Council would be contrary to the public interest because it might confer a commercial advantage on the person Council is considering doing business with. (Barham/Cameron)

The motion was put to the vote and declared carried.

CONFIDENTIAL SESSION

12-538 Resolved that Council:

1. Commence the process for recruitment of a new General Manager, noting that the shortlisting, interviewing, selection and contract negotiation will all be undertaken by the newly elected Council after the September 2012 Local Government elections.
2. Proceed with the recruitment on the basis of the same remuneration package as currently exists and same terms and conditions and position description as the incumbent.
3. Authorise the Acting General Manager to obtain at least 3 quotes and proposals from recognised recruitment agencies experienced in recruitment of General Managers in Local Government.
4. Appoint a panel of Councillors including the Mayor to consider the quotes and proposals and authorise the panel to appoint a recruitment agency. The Panel is to include Crs Cameron, Woods, Richardson and Tucker if available with a minimum of three.
5. Appoint Shannon McKelvey as Acting General Manager for the period from 30 June 2012 to 6 July 2012, and for the period to 9 August 2012 the Acting General Manager email Councillors proposals for Acting General Manager arrangements up until 9 August 2012.
6. Not proceed with the General Manager's Performance Review as resolved at the Ordinary Meeting of 26/4/12 (Res 12-332). (Morrisey/Cameron)

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

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

12-539 Resolved that Council move out of confidential session. (Tucker/Woods)

The motion was put to the vote and declared carried.

The meeting adjourned at 3.50pm and reconvened at 4.05pm.

PROCEDURAL MOTION

12-540 Resolved that Council change the order of business to deal with Items 2.13, 15.1, 15.5, 12.19, 8.9, 8.7, 12.3, and 13.3.17 next on the Agenda. (Tucker/Barham)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER'S REPORT

Report No. 12.13. Endorsement of the Community Strategic Plan and adoption of the Resourcing Strategy, 2012/2016 Delivery Program (including Operational Plan), Statement of Revenue Policy, 2012/2013 Budget and 2012/2013 Fees and Charges

File No: FIN451010 #1229914

BYRON SHIRE COUNCIL

12-541 Resolved that Council consider the submissions received during the public exhibition period for the Community Strategic Plan, Resourcing Strategy, 2012/2016 Delivery Program (including Operational Plan), Statement of Revenue Policy, 2012/2013 Budget and 2012/2013 Fees and Charges. (Cameron/Woods)

12-542 Resolved:

1. That Council endorse the Community Strategic Plan.
2. That Council adopt the Resourcing Strategy consisting of the long term financial, asset management and workforce plans, with the long term financial plan to be amended as required, to accord with the Council's adopted 2012/2013 Budget.
3. That Council adopt the 2012/2016 Delivery Program, including 2012/2013 Operation Plan (Annexure 1(a) #1221501), as amended.
4. That Council adopt the 2012/2013 Budget, as amended, including the budget adjustments indicated in the report and as detailed in Table 11 of this report with an amendment that an additional \$2000 be allocated to the STEER project in accordance with Res 11-1054 with this to be advertised as a \$356 donation with resultant changes to Table 11.
5. That Council adopt the fees and charges for 2012/2013, as amended, including the fees and charges amendments indicated in Table 6 – Fees and Charges – Corporate Management of this report, and as detailed below:
 - (a) That the following wording in the fees and charges below replace the Commercial Use of Council Footpaths fees and charges.

Environment and Planning	2011/12	2012/13
Commercial Use of Council Footpaths		
Footpath Dining and Display of Goods and Chattels (per sq metre)		
Byron Bay – Precinct 1 (Jonson St from Lawson to Bay St, Bay St from Jonson to Middleton, Fletcher St from Bay Lane to Bay St, Lawson St from Railway Line to Middleton, Byron St from Jonson to Fletcher, Jonson St from Marvel to Lawson, Fletcher St from Byron to Bay Lane, Middleton St from Lawson to Bay St)	552.00	552.00
Byron Bay – Remaining Properties	345.00	345.00
Brunswick Heads – Brunswick Terrace, Fingal, Park and Mullumbimbi Sts square	205.00	205.00
Brunswick Heads – Remaining Properties	139.00	139.00
Bangalow	242.00	242.00
Mullumbimby	166.00	166.00
Remainder of Shire	166.00	166.00
Commercial use of Airspace Lease. (Per new lease application + Survey, legal and registration costs, where required, at the applicants cost.)	\$400.00	\$400.00

BYRON SHIRE COUNCIL

Airspace usage fees. (per sq metre) Commercial Use Policy # 12/004	25% the value of the equivalent Footpath Dining and Display of Goods and Chattels fee.
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- (b) That the following wording in the fees and charges below replace the Resident Coupon Parking Sticker fees and charges:

Environment and Planning	2011/12	2012/13
Resident Coupon Parking Sticker		
6 Month Sticker (or part thereof)	New	15.00
12 Month Sticker	25.00	25.00

- (c) That the following wording in the fees and charges below replace Temporary Road Closures for Special Events:

Community Infrastructure	2011/12	2012/13
Approvals of Road Events pursuant to Section 144 of the Roads Act - fee is \$260 (for 2012/13) Advertising of the event, and all other associated costs such as wages, delivery and hire of traffic control signs and devices etc... apply.	237.00	260.00
Exemptions: All traditional ANZAC Day marches are exempt from all fees and service charges.	Plus Costs	Plus costs

- (d) That in accordance with the Local Government Act 1993 Section 610(f) the proposed amendment to the fees and charges for 2012/2013 in 5(a), 5(b) and 5(c) above, and in Table 6 – Fees and Charges – Corporate Management, be advertised for a period of 28 days to allow for public submissions and :
- i) that if any submissions are received on the proposed amendments to the fees and charges they be reported back to Council prior to adoption; or
 - ii) that in the event that no submissions are received on the proposed amendment to the fees and charges they be adopted after the close of the exhibition period.
6. That Council adopt the 2012/2013 Statement of Revenue Policy including the budget, fees and charges (Annexure 1(b) #1241695), as amended.
7. That as no moneys have been set aside for general community Section 356 Donations in the 2012/13 Budget, any requests received for donations or sponsorships that fall under Council Policy 3.13 Donations to Community Organisations, Other Groups and Persons be advised that there are no moneys available this financial year. (Cameron/Woods)

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

Report No. 15.1. CONFIDENTIAL Submission Assessment (BRSCC) Multi Purpose Facility Management

File No: BEN353010/132490/#1238291

12-543 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 Submission Assessment Byron Regional Sport and Cultural Complex (BRSCC) Multi Purpose Facility – Management.
 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 submitters, could adversely affect Council's ability to contract with preferred tenderers or could affect Council's ability to attract competitive tenders in the event that fresh tenders are invited. (Heeson/Tucker)
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CONFIDENTIAL SESSION

12-544 Resolved:

1. That Council note the report and the assessment of the submissions received in relation to the management of the Multi Purpose Facility at the Byron Regional Sport and Cultural Complex.
2. That Council defer consideration of entering into contractual arrangements for the multi purpose facility until the 9 August 2012 Ordinary Meeting to allow for written notification of the outcome of the expression of interest with the PCYC NSW.
3. That Council seek advice of the outcome of the expression of interest from the PCYC by 20 July 2012 including financial implications.
4. That if no written notification is received from the PCYC by 20 July 2012 in relation to the outcome of the Council's expression of interest that:
 - a) enter into contractual negotiations with the YMCA Brisbane as the candidate considered to be the most advantageous to Council and that draft contracts be tabled at the 9 August 2012 Ordinary Meeting for consideration.
 - b) write to the PCYC and the Minister of Police and Emergency Services to retract Council's expression of interest. (Heeson/Woods)

The motion was put to the vote and declared carried.

12-545 Resolved that the meeting move out of confidential session. (Woods/Barham)

The motion was put to the vote and declared carried.

WATER AND RECYCLING – CONFIDENTIAL REPORTS

Report No. 15.5. CONFIDENTIAL Tender Evaluation 2012-0004 Grounds Maintenance Tender – Water and Sewer Operational Grounds

File No: ENG704000 #1242535

12-546 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 Confidential – Tender 2012-0004 - Grounds Maintenance Tender – Water and Sewer Operational Grounds.
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 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 tenderers, could adversely affect Council's ability to contract with preferred tenderers or could affect Council's ability to attract competitive tenders in the event that fresh tenders are invited. (Woods/Barham)

The motion was put to the vote and declared carried.

CONFIDENTIAL SESSION

12-547 Resolved:

1. That Council award the Tender 2012-0004 - Grounds Maintenance Tender – Water and Sewer Operational Grounds to GVM Rail for the schedule of rates tendered.
2. That Council delegate to the General Manager the authority to administer this contract.
3. That Council authorise the affixing of the Council seal to all documents that may require it, in regards to the Contract.
4. That Council makes public it decision including the name and amount of the successful tenderer in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.
5. That the report remains confidential until the contract is finalised. (Tabart/Barham)

*The motion was put to the vote and declared carried.
Crs Barham and Richardson voted against the motion.*

12-548 Resolved that the meeting move out of confidential session. (Woods/Tucker)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 12.19. PLANNING – Section 96AB Review 10.2009.427.3 Farm storage shed and retaining wall at 31 Pinegroves Road Myocum

File No: Parcel No 237962 #1224512

Moved: That pursuant to Section 96AB of the Environmental Planning and Assessment Act 1979, application 10.2009.427.3 for S96AB – review of determination to amend the design and location of storage shed and retaining wall (farm storage shed and retaining wall), be approved in accordance with the Plan in Annexure 33(a) #1243114.
(Tucker/Woods)

AMENDMENT

12-549 Resolved that pursuant to Section 96AB of the Environmental Planning and Assessment Act 1979, application 10.2009.427.3 for S96AB – review of determination to amend the design and location of storage shed and retaining wall (farm storage shed and retaining wall), be refused for the following reason:

1. The application is not considered to result in a development which is substantially the same development for which consent was originally granted, pursuant to section 96(2)(a) of the Environmental Planning and Assessment Act 1979. (Barham/Cameron)

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

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

NOTICES OF MOTION

Notice of Motion No. 8.9. Use of Mayor's Discretionary Allowance
COR405527 #1239203

12-550 Resolved that Council confirm use of the Mayor's Discretionary Allowance to:

1. Purchase the book titled 'Henry the Mullet' by author Bertha Kapeen for each of the 17 primary schools in the Byron Shire to the value of \$170 (@\$10 per book)
2. Print and frame A3 copies of the 'Statement of Commitment' to 'Bundjalung of Byron Bay – Arakwal People' for each of the schools within the Byron Shire to the value of approximately \$200 (20 frames @ \$10 each).
3. Donate \$200 to the Immune Deficiencies Foundation Australia to allow four children affected by immune deficiencies from the Byron Shire to attend the 6th Annual Children's Festival - Circus Quirkus. (Barham/Woods)

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

Notice of Motion No. 8.7. Byron Regional Sport and Culture Complex review
COR405527 #1242667

Moved:

1. That Council engage an independent engineer and/or other professional/s to assess the drainage issues at the site and identify if the works were completed as designed and if there are additional works that would mitigate current drainage concerns to be funded from sportsfields' maintenance budgets.
2. That Council advertise for the Community committee members to assist in the management of the facility.
3. That Council clarify what the current arrangements exist in relation to the ongoing management of the indoor facility by way of media release.
4. That Council report to Council on the progress of the roundabout settlement.
5. That Council convene a meeting of the PRG to provide an opportunity to thank the PRG members for their contribution and clarify issues that have been identified by the Byron Catchment, Community, Sporting and Recreation Working Group and discuss a stakeholders' meeting. (Barham/Richardson)

12-551 Resolved that this matter rest on the table. (Woods/Barham)

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

COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER’S REPORT

Report No. 12.3. Byron Regional Sport and Cultural Complex - Budget Review
File No: 24.2008.5.1/BEN353010/#1234027

12-552 Resolved that Council, in relation to the Byron Regional Sport and Cultural Complex Project Budget Review:

1. Note the anticipated end of project cost.
2. Note the ongoing recovery of costs on the roundabout, that is due for mention in the Lismore District Court, which is sitting from 7 August 2012.
3. Approve the proposed budget adjustments identified in Tables 1 and 2 of the report, totalling an additional funded expenditure of \$188,550 from Section 94 Shirewide Structured Open Space (Sporting Fields). (Heeson/Tucker)

AMENDMENT

Moved: That Council, in relation to the Byron Regional Sport and Cultural Complex Project Budget Review:

1. Note the anticipated end of project cost.

2. Note the ongoing recovery of costs on the roundabout, that is due for mention in the Lismore District Court, which is sitting from 7 August 2012.
3. Approve the proposed budget adjustments identified in Tables 1 and 2 of the report, totalling an additional funded expenditure of \$188,550 from Section 94 Shirewide Structured Open Space (Sporting Fields).
4. That a further report be received that clarifies the final project delivery against the original adopted budget and itemised project. (Barham/Richardson)

The amendment was put to the vote and declared lost.

Crs Tucker, Woods, Heeson, Cameron and Morrissey voted against the amendment.

The motion was put to the vote and declared carried.

Crs Barham and Cameron voted against the motion.

COMMUNITY INFRASTRUCTURE – COMMITTEE REPORT

Report No. 13.3. Report of the Local Traffic Committee Meeting held on 5 June 2012
#1239819/ENG224010

17. Federal village, proposed speed and bus management measures

- 12-553 Resolved** that Council endorse the design plan 2086 (Annexure 23(b) #1241315 with one change - retain the bus stop on the northern side of Federal Drive at the current site (where the Library Truck parks) - and place on exhibition at the Federal village store for 28 days with the results of the exhibition period along with a cost estimate and funding source being reported back to Council as a late item 8 August, subject to concurrence with the Local Traffic Committee meeting on 1 August. (Morrissey/Cameron)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 12-554 Resolved** that Council change the order of business to deal with Reports 8.13, 8.1 and 8.6 next on the Agenda. (Barham/Cameron)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 8.13. Model Litigant Policy
COR405527 #1242604

- 12-555 Resolved** that Council formally adopt the following principles of The Model Litigant Policy which are designed to provide guidelines for best practice for Byron Shire Council in all litigation matters. The principles are founded upon the concepts of behaving ethically fairly and honestly to model best practice in all litigation. Council will recognise the following principles in dealing with litigation.

1. Deal with matters promptly

2. Not take advantage of anyone who lacks the resources to litigate a legitimate matter
3. Avoid litigation wherever possible
4. Keep costs to a minimum
5. Where consistent with Council resolutions and Court practices, endeavour to find a resolution through mediation/negotiation prior to a hearing date being set. (Woods/Tucker)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.1. Upgrading access road to Mullumbimby Community Gardens
COR405527 #1240670

12-556 Resolved:

1. That Council, upon the adoption of draft section 94 plan, allocate the necessary funds included in the open space strategy plan, to facilitate the upgrade of the "paper" road reserve to the first entrance of the Mullumbimby Community Garden (between the Mullumbimby Tennis Courts and Mullumbimby Community Garden) to that of an all weather road and that this be of a low grade.
2. That at the end of this road bollards be installed to prevent further access.
3. That Council enter into a partnership arrangement with the Mullumbimby Community Garden to facilitate the application of possible environmental grants to repair the Stuart Street Creek culvert.
4. That Council considers the Stuart Street access route as its preferred options for the future as a matter of policy when funds become available for this purpose.
(Richardson/Barham)

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

Notice of Motion No. 8.6. Opposition to Shooting in Protected Areas
COR405527 #1242670

12-557 Resolved:

1. That Council write to the NSW State Premier, the Minister for the Environment, and all members of Parliament to express opposition and concern regarding changes to the Game and Feral Animal Control Act to allow recreational shooters in 79 NSW National Parks including Nightcap, Richmond Range and Yabbra National Park in a World Heritage listed area, the Gondwana Rainforests of Australia. That the reasons being:
 - a) Risks to the safety of all park users and adjoining land owners
 - b) Potential negative impacts on protected flora and fauna
 - c) Potential negative impacts on cultural heritage
 - d) Negative impacts on north coast nature based tourism and other regional areas
 - e) Inability of National Parks staff to monitor and manage points 1. 2. and 3 above
 - f) Lack of public consultation on the procedures that will be in place to ensure human safety and protection of flora and fauna and cultural heritage
 - g) The potential unintended consequences of undermining Council's feral animal control program on private land in Byron Shire if National Park Rangers' control program in Nightcap National Park is impacted on due to concerns by Park

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- Rangers.
- h) likelihood of increased feral population
 - i) unknown costs
2. That Council recognise that feral animal control is a priority activity that needs to be undertaken safely and effectively and should be implemented by the resourcing of professional control programs implemented by NSW conservation agencies.

(Barham/Tabart)

The motion was put to the vote and declared carried.

Crs Tucker and Heeson voted against the motion.

The meeting adjourned at 6.00pm and reconvened on Friday 29 June 2012 at 9.40am.

PRESENT: Cr J Barham (Mayor), Cr B Cameron, Cr T Heeson, Cr P Morrissey and Cr T Tabart

Staff: Phil Warner (Acting General Manager)
Michael King (Acting Executive Manager Community Infrastructure)
James Brickley (Acting Executive Manager Corporate Management)
Ray Darney (Executive Manager Environment and Planning)
Shannon McKelvey (Executive Manager Organisational Support)
Greg Ironfield (Acting Executive Manager Society and Culture)
Mila Jones (Minute Taker)

Crs Tucker, Woods and Richardson were not available for the meeting.

MAYORAL MINUTE

There was no Mayoral Minute.

NOTICES OF MOTION

Notice of Motion No. 8.2. Exercise equipment at South Golden Beach
COR405527 #1242826

- 12-558 Resolved** that Council amend Resolution 12-19 to include South Golden Beach as a location for the installation of exercise equipment as referred to in that resolution. (Cameron/Barham)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.3. Bundjalung of Byron Bay – Arakwal People participation at beginning of new term of Council

COR405527 #1242816

- 12-559 Resolved** that Council invite Yvonne Stewart, CEO of the Bundjalung of Byron Bay Aboriginal - Arakwal Corporation to provide a welcome to country and opening speech at the beginning of the first meeting of the new Council to be elected 8 September 2012. (Cameron/Barham)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.5. Roadworks in protected areas

COR405527 #1242668

12-560 Resolved:

1. That where Council proposes to utilise the provisions of the State Government Infrastructure SEPP for works located in environmental protection zones, Council require a report for these matters to Council prior to any approval with consideration and assessment of Council's geographical information system High Conservation Value data layers and consultation with Natural Resource Management staff.
2. That Council develop a policy/procedure that clearly defines the appropriate measures for the disposal of vegetation in relation to the works and the awarding of contracts and that this be reported to Council and to consider:
 - a) contracts for tree removal not including ownership of logs; and
 - b) trees/logs or other infrastructure eg timber bridges, removed for infrastructure works on public land be assessed for appropriate use to determine the value of leaving on site for habitat or to be used for the provision of public purposes eg outdoor furniture, public art, fencing or for sale with proceeds returned to Council.
3. That the PRG consideration of road management be deemed a priority. (Barham/Tabart)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 12-561 Resolved** that Notice of Motion No. 8.7. be lifted off the table. (Barham/Morrissey)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.7. Byron Regional Sport and Culture Complex review

COR405527 #1242667

12-562 Resolved:

1. That Council engage an independent engineer and/or other professional/s to assess the drainage issues at the site and identify if the works were completed as designed and if there are additional works that would mitigate current drainage concerns to be funded from sportsfields' maintenance budgets.
 2. That Council advertise for two community committee members (and one representative from the Byron Catchment Community Sporting and Recreation Working Group) to assist in the management of the facility (three Councillors and one representative from Multi Purpose Facility Management).
 - a) That Council receive a report on the structure and the terms of reference for this Committee to assist in the management of the indoor facility.
 3. That Council clarify what the current arrangements exist in relation to the ongoing management of the indoor facility by way of media release.
 4. That Council report to Council on the progress of the roundabout settlement.
 5. That Council convene a meeting of the PRG to provide an opportunity to thank the PRG members for their contribution and clarify issues that have been identified by the Byron
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Catchment, Community, Sporting and Recreation Working Group and discuss a stakeholders' meeting. (Barham/Tabart)

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

Notice of Motion No. 8.8. Participation in trial of Community Disaster Resilience Scorecard

COR405527 #1240395

12-563 Resolved that Council participate in the trial of the Community Disaster Resilience Scorecard program. (Barham/Tabart)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.10. Byron Shire Council relationship with Rural Fire Service

COR405527 #1242669

12-564 Resolved:

1. That Council resolve its commitment to support the Rural Fire Service in Byron Shire and receive a report to outline the current situation in relation to the level of funding, assets and any other support that Council offers to the Rural Fire Service including outstanding S94 funds available for expenditure.
2. That Council invite a written report from the Shire's brigades to inform of their operations in the last year including educational and community activities. (Barham/Tabart)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.11. Surf Safety

COR405527 #1242671

12-565 Resolved:

1. That Council receive a report on the services currently provided for surf lifesaving and identify the periods, costs and contributions of the Crown, noting that there are Caravan Parks that are adjacent to the beach.
2. That Council establish surf safety signage based on the diagram provided to Council at the meeting of the 7 June 2012 and erect signs at the entrance of all walkways to the beach in Byron Bay and then a report advising of locations across the Shire.
3. That Council undertake production of the beach safety pocket info card in consultation with previous partners to make available in tourism accommodation providers in the shire and request that a copy of the surf safety signage be displayed prominently.
4. That Council note NSW Government's Water Safety Blackspot Fund as identified that Byron Shire Council will be a beneficiary of the program for year 1 as per correspondence from Mr Adam Weir from Australian Coastsafe dated 25 June 2012. (Barham/Tabart)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.12. Coal Seam Gas 2

COR405527 #1242718

12-566 Resolved:

1. That Council note the ongoing concern expressed by the community within Byron Shire and the Northern Rivers regarding the exploration and production of coal seam gas.
2. That Council note current exploration licence PEL 445 that includes land in and around Mullumbimby.
3. That Council note current application for exploration PSPAPP 55 that includes land in and around Mullumbimby.
4. That Council reaffirm Res 11-409 expressing Council's opposition to coal seam gas mining in Byron Shire and supports a moratorium on coal seam gas mining production licenses in Byron Shire.
5. That Council again write to Mr Don Page, Minister for Local Government/MP for Ballina and the Minister for Resources and Energy, Mr Chris Hartcher to request the NSW government to implement a moratorium on coal seam gas mining in Byron Shire and address the following concerns to the satisfaction of the community prior to lifting of a moratorium:
 - Protection of ground and surface water from pollution and environmental disturbance;
 - Community health and safety;
 - Ensuring no loss of biodiversity;
 - Respect for landowner rights; and
 - Avoiding economic impacts on agriculture and tourism.
6. That Council again calls upon the Minister for Resources and Energy to facilitate the provision of independent information on the mining process, its impacts on communities and its potential benefits. (Cameron/Barham)

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

PETITIONS

There were no petitions tabled.

SUBMISSIONS AND GRANTS

There were no submissions or grants tabled.

DELEGATES' REPORTS

Delegate's Report No. 11.3. ALGA National General Assembly, Canberra

Crs Staples and Heeson tabled the following report in writing:

"Cr Heeson and myself attended the ALGA National Assembly in Canberra this week. Here is my draft report – I invite Cr Heeson to either contact me to amend this or submit a separate report. Since I will miss the meeting on the 28th I request that Cr Heeson move that the Report be noted, and invite him to submit his own report.

Probably the most significant item in front of us at the moment is the proposal to amend the Constitution to 'recognise' local government. We had a most informative presentation from Dr Keith Sutor, Jim Soorley AM, Professor George Williams and ALGA President Genia McCaffery. The position advocated and adopted by the Assembly involves the addition of 3 words to S96 of the Constitution, as follows:

During a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament decided otherwise provides, the Parliament may provide financial assistance to any State or local government on such terms and conditions as the Parliament thinks fit.

This is a minimalist position designed not to 'scare the horses'. There was talk of amending the preamble as well but that is not so important. Given that this election is likely to be toxic and involve some pretty extreme debate some consider that it would be better not to try any change at this time. Already the idea of an amendment that recognises Aboriginal people as the original inhabitants has been shelved for similar reasons. However I don't think we should postpone – so much work has been done on this proposed reform that to pull back now through fear of failure would be tantamount to dropping the whole campaign. The High Court decision on chaplaincy funding brought by Ron Williams which was somewhat dramatically handed down during the Conference on Wednesday reinforces the view that Federal funding of local government, be it Roads to Recovery or general purpose grants is unconstitutional, and if we agree that local government is underfunded then support for the amendment is warranted.

Simon Crean, Minister for Local Government and Barnaby Joyce, Shadow Minister for Local Government gave support to the amendment although Senator Joyce was somewhat equivocal on the position of Mr Abbott and both stressed that Local Government needs to take the lead in a campaign.

Go to ALGA for more information. I will also leave Final report on Constitutional Recognition of Local Government in the Councillor's room for your perusal.

Notices of motion:

Support for a national Container Deposit Scheme – the South Australians wonder why it is taking the rest of the Commonwealth so long. (Holroyd)

Asking the Fed Govt to introduce a "One stop shop" for grant applications. (Kalgoorlie-Boulder)
Amend the Telecommunications Act to give LG greater say in location of telco facilities. (Hobart City)
Supporting a ban or levy on single-use plastic bags.(Warringah)
Reconsider dumping of Green Corps programme (Tweed)
Support settling of asylum seekers in community rather than detention centres (Yarra City) narrowly lost
Feds to institute collation of register of type and location of property acquired by foreign interests, and research into retention of water, food, energy and mineral resources as sovereign (Bega Valley)
Min for Tourism to establish an accreditation system for tourist accommodation (Penrith)

There were 86 NoM's in all and I have shamelessly cherry-picked them. See ALGA for full report.

Keynote Speakers: probably the best was Phillip Adams. Maxine McHugh gave an inspiring appraisal of the role of planning, Senator Joyce gave a spray on the evils of the Carbon Tax, Senator Milne gave strong support for constitutional recognition and outlined some of the opportunities that will arise from the aforementioned Carbon Tax, and criticised COAG for being slow in acting on electricity reform. I questioned The Hon Mark Drefus, Parliamentary Secretary for Climate Change and Energy Efficiency on the pointlessness of providing up-front subsidies for energy-efficient street lighting when councils pay for the electricity via a fixed contract so there is no financial advantage in retrofitting. His response was basically that there is a lot more work to do. Simon Crean said all the right things but very little of substance. The Hon Gary Johns gave an insightful analysis of government expenditure using Brisbane City as an example – they spent a couple of million on creating an image (sorry, a "branding") that had as its key label 'Brisbane – Australia's Third World City' – they meant 'Brisbane – Australia's Third "World City"' but got the apostrophes wrong.

I attended a concurrent session on transport led by Warren Rowe, Director of Planning, Environment and Transport, Gold Coast City Council and Alan Sheridan, Director Major Projects, Moreton Bay Regional Council. Warren explained the delivery of the Gold Coast light rail project – mostly on road reserve. Community, business, political champions have been crucial. Alan reported on the Moreton Bay heavy rail project – a PPP involving 12.6 km of dual track, 6 stations, full length walk/cycleway. Funded \$742m Feds, \$300m and land State, 150m Local Govt. Local Govt role seminal - \$2m business case to Infrastructure Australia. Important for LG to have "skin in the game". Not just a railway – a vision for the future. Inspirational for those of us who advocate for an extension of our rail line through to Coolangatta.

The Tuesday night dinner at Parliament House was enjoyable but the entertainment was pretty ordinary. Better was the previous night at the National Convention Centre where comedian Vince Sorrenti had us all in stitches. Like the following:

I was in the carpark and had to reprimand a disabled parker – he was parking in our spaces!

Politically incorrectness can be great fun sometimes."

Delegate's Report No.11.1. Traffic - The Psychology of Transport Behaviour

COR405526 #1238215

12-567 Resolved that the report be noted.

(Cameron/Barham)

The motion was put to the vote and declared carried.

Delegate's Report No. 11.2. CBD Conference

COR405526 #1238255

12-568 Resolved that the report be noted. (Cameron/Barham)

The motion was put to the vote and declared carried.

GENERAL MANAGER'S REPORT

Report No. 12.1. Crown Caravan Parks administered by Byron Shire Holiday Parks in 2006 – Further Report

File No: BEN202000 #1162565

12-569 Resolved that Council note the report and its context. (Tabart/Barham)

AMENDMENT

Moved:

1. That Council acknowledge its responsibility for the loss of management control over the Terrace, Massey Green, and Ferry Reserve Caravan Parks in Brunswick Heads in 2006 to the then Department of Lands (DOL) (renamed Land and Property Information), and with that transfer of control, the associated loss of significant recurring revenue that was generated by the caravan parks that is no longer available to Council to use on Reserves.
 2. That Council acknowledge that the Holiday Parks Working Group established by the Byron Shire Holiday Parks Reserve Trust (an instrument of Council) interfered in the day to day operations of the caravan parks mentioned above by promoting preferential treatment to some park users and entertaining long stay affordable accommodation. The caravan parks were an asset of the DOL and day to day management would in normal circumstances be undertaken by the Caravan Park Manager. This interference by the Reserve Trust placed the Trust (and Council) on a collision course with the DOL whose policy position was to promote equity for all visitors through preference for short stay/temporary accommodation.
 3. That Council acknowledge that during the period 21 February 2005 to 18 July 2006 the Byron Shire Holiday Parks Reserve Trust, through its Working Party, the "Holiday Parks Working Group", received correspondence and representations from both the DOL and its agents, together with briefing notes from staff concerning encroachments and the content of the draft IAB report, such that Council, the Reserve Trust and the Holiday Parks Working Group cannot deny that they were unaware of the issues and potential for the DOL to wrest management control for the respective caravan parks away from Council.
 4. That Council note that it has been singularly responsible for allowing encroachments outside the boundaries of the caravan parks in question to occur and remain over a substantial period of time, and the continuing encroachments and lack of regularisation were a factor that prompted the DOL to resume control of the parks.
 5. That Council accept responsibility for its decision to not proceed with a recent management recommendation relating to a land swap involving the Byron Bay Pool and
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land in Brunswick Heads where a position was reached in negotiations between DOL and management that:

- (a) resolved encroachment issues in Brunswick Heads;
- (b) resolved land tenure issues at Brunswick Heads and the Byron Bay Pool;
- (c) resulted in DOL agreeing a value of \$3.8m for Council land at the Byron Bay Pool that had the effect of facilitating all land transfers without net cost to Council;

and that has now resulted in the DOL exercising instead their powers of compulsory acquisition of the relevant land at Brunswick Heads and the loss of the \$3.8m benefit to Council previously agreed between DOL and management, with continuing potential for adverse impacts, for example new recurrent costs to Council for annual maintenance the Byron Bay Memorial Swimming Pool or closure of the Byron Bay Memorial Swimming Pool should current income from the restaurant component of the complex, located on Crown Land be retained by Crown in the future. (Morrisey/Heeson)

*The amendment was put to the vote and declared lost.
Crs Barham, Cameron and Tabart voted against the amendment.*

The motion was put to the vote and declared carried.

COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER’S REPORT

Report No. 12.6. Byron Bay Traffic and Parking Management PRG meeting 12 June 2012

File No: COR710240 #1242639

12-570 Resolved that Council note the Unconfirmed Report (Annexure 11(a) #1242662) of the Byron Bay Traffic and Parking Management PRG meeting held 12 June 2012. (Barham/Morrisey)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 12.16. PLANNING – DA 10.2012.15.1 Restaurant at Roses Road Federal

File No: Parcel No 226110 #1189860

12-571 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2012.15.1 for restaurant be refused for the reasons listed in Annexure 19(b) #1240550. (Cameron/Tabart)

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

Report No. 12.17. PLANNING – DA 10.2012.16.1 Tourist facility guesthouse (5 bedrooms) at Roses Road Federal

File No: Parcel No 226110 #1191420

12-572 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2012.16.1 for tourist facility, guesthouse (5 bedrooms) be refused for the reasons listed in Annexure 21(b) #1242222. (Cameron/Tabart)

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

Report No. 12.25. PLANNING – DA 10.2011.417.1 – Alterations and additions to existing dwelling at 79 Paterson Street Byron Bay

File No: Parcel No 70830 #1153601

12-573 Resolved that determination of DA 10.2011.417.1 be deferred until the Ordinary Meeting of 9 August 2012. (Morrissey/Barham)

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

SOCIETY AND CULTURE - EXECUTIVE MANAGER'S REPORT

Report No. 12.32. 2006 Byron Shire Community Profile

File No: ADM402050 #1236808

12-574 Resolved:

1. That Council notes that the 2006 Byron Shire Community Profile requires amendment as follows:
 - a) An amendment of the figures for the Community Profile Table 5-4 Change in population by locality – usual residents only 2006 – Byron Bay – change from 5,609 to 4,981, Rural (all other areas) change from 7,581 to 8,209
 - b) Table 6-5 be updated to include number of persons as per Table 11 in the 2001 Community Profile
2. That the 2006 Byron Shire Community Profile be made available to key stakeholders and on Council's website.
3. That the Community Profile be updated with 2011 Census statistics once released by the Australian Bureau of Statistics.
4. That a media release be issued identifying the trends of reduced population in coastal towns and increase in unoccupied housing and follow up with 2011 information.
(Barham/Tabart)

The motion was put to the vote and declared carried.

WATER AND RECYCLING – EXECUTIVE MANAGER'S REPORT

Report No. 12.35. Draft Waste Management Strategy: 2012 – 2015

File No: ENG450000 #1240259

12-575 Resolved that the Draft Waste Management Strategy: 2012 – 2015 be placed on public exhibition as amended below for a minimum period of 28 days and in the event that no submissions are received, it shall be adopted by Council.

1. Removal of background shading
2. Opportunities for improvement (throughout the document) identify relevant action.
3. Action 4.3 – 3rd dot point - define the development of "Waste Minimisation" DCP.
4. Action 4.5 – Amend to provide a Waste Wise Events section in the BSC Events Guidelines document
5. Action 6 – Identify a specific action relating to data collection by non-resident users eg analysing seasonal waste collection data and at specific event data eg Schoolies and New Year's Eve
6. Section 4 – Update information relating to per capita waste generation rates
7. Section 4.2 - State targets points should be numbered
8. Revise 2.2.1 to clarify federal government clean energy legislation and its application to Byron Shire Council and remove references to CPRS (Barham/Tabart)

The motion was put to the vote and declared carried.

GENERAL MANAGER- COMMITTEE REPORT

Report No. 13.1. Internal Audit Advisory Committee Minutes of 31 May 2012

File No: COR252000 #1238435

12-576 Resolved:

1. That pursuant to Section 10A(2)(a) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely Internal Audit Advisory Committee Minutes of 31 May 2012.
2. That the reasons for closing the meeting to the public to consider this item be that it relates to 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 breach privacy. (Tabart/Barham)

The motion was put to the vote and declared carried.

CONFIDENTIAL SESSION

12-577 Resolved that Council note the minutes of the Internal Audit Advisory Committee Meeting held on 31 May 2012. (Tabart/Barham)

12-578 Resolved that in relation to Report No. 4.1. – 2010-2011 Financial statements – real Estate Held for Resale (Corporate Management FIN551000 #1230601), Council adopt:

Committee Recommendation IA 4.1.1

That Council write down the value of Inventory – Real Estate held for resale to \$0 from the \$596,000 disclosed for the purposes of completing the 2011/2012 Financial Statements in accordance with Alternative 1 disclosed on page 2 of 7 (Annexure 2(h) #1172654) of the advice from Thomas Noble and Russell dated 1 December 2011. (Tabart/Barham)

12-579 Resolved that in relation to Report No. 4.2. – Byron Shire Council – Internal Audit Report – Audit Committee Meeting – Executive Summary (Corporate Management FIN201000 #1235192), Council adopt:

Committee Recommendation IA 4.2.1

That the Internal Audit Report – Audit Committee Meeting Executive Summary (Annexure 5 #1235133) be noted by Council. (Tabart/Barham)

- 12-580 Resolved** that in relation to Report No. 4.3. – Byron Shire Council Internal Audit Report – IT Review April 2012 (Corporate Management FIN201000 #1232118), Council adopt amended Committee Recommendation IA 4.3.1:

Committee Recommendation IA 4.3.1

1. That the Internal Audit Report – IT Strategy and General Controls April 2012 be noted by Council along with the responses and actions detailed by Management.
2. That Management implement the recommendations suggested in the report identified at Annexure 3 (#1235120) and specifically recommendations regarding the IT Strategy be reported to Council and an update on previous resolutions.
3. That Council thank Grant Thornton for the report. (Tabart/Barham)

- 12-581 Resolved** that in relation to Report No. 4.4 – Byron Shire Council Internal Audit Report – Financial Controls April 2012 (Corporate Management FIN201000 #1232127), Council adopt:

Committee Recommendation IA 4.4.1

1. That the Internal Audit Report - Financial Controls April 2012 be noted by Council along with the responses and actions detailed by Management
2. That Management implement the recommendations suggested in the report identified at Annexure 4 (#1234158)
3. That Council thank Grant Thornton for the report.

Committee Recommendation IA 4.4.2

That Council write to Civica requesting in writing whether it will work with Council to ensure that the provision of version 6.5 of its software product will rectify the ledger and other system imbalances currently existing. (Tabart/Barham)

- 12-582 Resolved** that in relation to Report No. 4.5 – Interim Audit Management Letter 2012 (Corporate Management FIN201000 #1235658), Council adopt:

Committee Recommendation IA 4.5.1

That the comments provided by Management in response to matters raised in the Interim Audit Management Letter 2012 be noted by Council. (Tabart/Barham)

- 12-583 Resolved** that in relation to Confidential Report No. 5.1. – Byron Shire Council Risk Register (Corporate Management FIN201000 #1220505), Council adopt:

Committee Recommendation IA: 5.1.2

1. That Internal Audit Committee recommend that Council note the report and the Byron Shire Council Draft Risk Register attached at Annexure 1 (#1213176).
2. That the report and Annexure 1 of the closed part of the meeting remain confidential.

Committee Recommendation IA 5.1.3

That Council receive progress reports on the action taken on dealing with the extreme ratings for residual risk as indicated in the Byron Shire Council Risk Register.

Committee Recommendation IA 5.1.4

That the Byron Shire Council Risk Register be reviewed and reported to every 2nd meeting of the Internal Audit Advisory Committee. (Tabart/Barham)

- 12-584 Resolved** that in relation to Confidential Report No. 5.2. – Report of the Factual Findings: Review of Cash Receipting Controls at External Sites (Corporate Management FIN200000 #1197981), Council adopt:

Committee Recommendation IA 5.2.2

That the comments provided by Management in response to matters raised in Report of the Factual Findings: Review of Cash Receipting Controls at External Sites be noted by Council. (Tabart/Barham)

- 12-585 Resolved** that in relation to the Extraordinary Item from the minutes of the Internal Audit Advisory Committee Meeting held on Tuesday 27 March 2012 – Confidential Report No. 5.1 - 2011/2012 Internal Audit Strategy and Internal Plan , Council note:

Committee Recommendation IA: 6.1.1

That Cr Tabart's comments via email dated 28 May 2012 be noted by the Internal Audit Advisory Committee.

- 12-586 Resolved** that the draft audit strategy by BDO be amended to move item Plant and Fleet to the financial year 2012-13. This audit to include diesel distribution and control at the Myocum Tip. (Tabart/Barham)

The motions were put to the vote and declared carried.

- 12-587 Resolved** that Council move out of Confidential Session. (Tabart/Cameron)

The motion was put to the vote and declared carried.

COMMUNITY INFRASTRUCTURE – COMMITTEE REPORT

Report No. 13.3. Report of the Local Traffic Committee Meeting held on 5 June 2012
#1239819/ENG224010

16. RMS Speed Zone Assessment Report, Mafeking Road, Goonengerry

12-588 Resolved:

1. That Council note Roads and Maritime Services advice regarding the speed zone review and report for Mafeking Road, Goonengerry (Annexure 23(a) #1241308).
2. That Council write to RMS and request an amended speed review addressing the following:
 - a) relationship between Repentance Creek Road and Mafeking Road Goonengerry particularly with regard to traffic patterns and non-resident use eg tourism access to Minyon Falls in the Lismore Shire.
 - b) provision of comparative AADT data for both Repentance Creek Road and Mafeking Road, Goonengerry.
 - c) a review of crash data to ensure that all incidents have been recorded and to update the data after 2010.
3. That Council check what information is provided by satellite mapping services regarding directions and travel path to Minyon Falls and provide advice that Federal Drive is called Federal Drive and not Federal Road. (Cameron/Morrissey)

The motion was put to the vote and declared carried.

URGENCY MOTIONS

1. Wild Dog, Fox and Cat Program

- 12-589 Resolved** that the matter of Environmental Levy Works and Services Program budget be discussed as a matter of urgency; the urgency being that tomorrow is the end of the financial year. (Morrisey/Barham)

The motion was put to the vote and declared carried.

12-590 Resolved:

1. That if any carry overs in the Environmental Levy Works and Services Program budget are available at 30 June 2012 then Council set aside any amount up to \$20,000 of any carryover for the Wild Dog, Fox and Cat Program.
2. That a media release be issued reporting on the success of this program and the continuation of it by Byron Shire Council to address feral pest populations in Byron Shire and include the BSC advocacy that lead to a regional approach via NOROC (\$50,000 funding)
3. That the monthly trapping reports be the subject of ongoing public reporting eg e-newsletter, media releases, web updates etc. (Morrisey/Barham)

The motion was put to the vote and declared carried.

2. Line-Marking in Mullumbimby

- 12-591 Resolved** that the matter of line-marking in Mullumbimby be discussed as a matter of urgency; the urgency being that the project is currently in progress and requires adjustment. (Cameron/Tabart)

The motion was put to the vote and declared carried.

- 12-592 Resolved** that Council authorise parking bay line-marking in the Mullumbimby CBD. (Cameron/Tabart)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 12.08pm.

I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council's Ordinary Meeting on 9 August 2012.

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Mayor Jan Barham
