



Byron Shire Council



Minutes

Ordinary Meeting
Thursday, 6 December 2012

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
6 December 2012

INDEX OF ITEMS DISCUSSED

The following items are listed in the order in which they were dealt with.

Report No. 12.1.	Review of Council Policy Manual.....	2
Report No. 12.2.	Proposal to Extend Lifeguard Services at Byron Bay Main Beach	3
Report No. 12.7.	Sportsfield User Policy – Public Exhibition Period	4
Report No. 12.10.	Brunswick Heads Memorial Hall - replacement of fans	4
Report No. 12.11.	Swimming Pools Amendment Act 2012.....	5
Report No. 12.12.	Boarding Houses Act 2012	5
Report No. 12.13.	Appointment of Community Representatives to Section 355 Management Committees.....	5
Report No. 12.14.	Application for Special Rate Variation.....	6
Report No. 12.16.	PLANNING - 10.2012.447.1 Subdivision reconfiguration (SEPP 1) three lots at Granuaille Road Bangalow.....	6
Report No. 12.19.	PLANNING – 10.2012.410.1 Boundary adjustment (SEPP 1) at 168-170 Tandys Lane Brunswick Heads	6
Report No. 12.23.	Feral animal trapping program outcomes	7
Report No. 12.25.	PLANNING – Delegation of Council functions under the Plumbing and Drainage Act 2012	7
Report No. 12.27.	PLANNING - Legal Status Report as at 6 December 2012	7
Report No. 12.28.	Acting General Manager Arrangements	8
Report No. 12.30.	Water Directorate Annual Report 2011/12.....	8
Report No. 13.1.	Internal Audit Advisory Committee Minutes of 6 November 2012	8
Report No. 13.2.	Strategic Planning Committee Minutes of 22 November 2012	9
Report No. 13.3.	Report of the Planning Review Committee Meeting held on 21 November 2012	10
Report No. 12.18.	PLANNING – 10.2012.165.1 use of ground floor area as a habitable room and alterations and additions to existing dwelling (SEPP 1) at 68 Kingsley Lane Byron Bay.....	11
Report No. 12.24.	Investigating the Re-design of the Jonson Street Protection Works, Byron Bay	11
Report No. 12.15.	Crown Holiday Parks administered by North Coast Accommodation Services	12
Report No. 12.3.	Proposed Projects for Suffolk Park Section 94 funds	14
Notice of Motion No. 8.4.	Wilson's Creek Road Repair	16
Report No. 12.20.	PLANNING – DA 10.2011.294.1 Application to Amend Consent 5.1996.132.4 to Modify Approved Cabin and Restaurant Design at Buckleys Road Tyagarah.....	18
Report No. 12.21.	PLANNING – DA 10.2011.295.1 Rural Tourist Facility 6 Cabins/Primitive Camping Ground at Pacific Highway Tyagarah	18

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
6 December 2012

Report No. 12.22.	PLANNING – DA 10.2011.297.1 Primitive Camping Ground, General Store and Cafe at Buckleys Lane and Grays Lane Tyagarah.....	19
Report No. 12.17.	PLANNING – 10.2012.360.1 Subdivision two lots (SEPP 1) at Goremans Road Eureka	20
Correspondence & Petitions No. 9.1.	Settlement Road, Mullumbimby - Repairs and Maintenance	20
Report No. 12.26.	PLANNING – Byron Shire Developer Contribution Plan 2012.....	20
Report No. 12.4.	Proposed Telstra Tower, Brunswick Heads.....	21
Notice of Motion No. 8.1.	Koala Crossing	21
Notice of Motion No. 8.2.	Tom Kendall Soccer Field	22
Notice of Motion No. 8.3.	Proposed Bus Stop Signage Byron Bay Sightseeing Tour Bus	22
Notice of Motion No. 8.5.	Ink Usage	22
Delegates Report No. 11.1.	NSW Coastal Conference at Kiama November 2012	23
Report No. 12.5.	O'Mearas Bridge, Binna Burra	23
Report No. 12.6.	Pedestrian Access and Mobility Projects (PAMP) 2012/13	23
Report No. 12.8.	Leases road reserve 144 Lighthouse Road Byron Bay to Dyce Pty Ltd	24
Report No. 12.9.	Air conditioning proposals for Mullumbimby Civic Hall	25
Report No. 12.29.	Youth Council Annual Report July 2011 - June 2012	25
Report No. 14.1.	CONFIDENTIAL Tender Assessment - Legal Services Contract 2012-0020	25

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

6 DECEMBER 2012 (1 of 26)

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 6 DECEMBER 2012 COMMENCING AT 10.58AM AND CONCLUDING AT 5.53PM

#E2012/18149

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, Cr C Cubis, Cr D Dey, Cr A Hunter,
Cr S Ibrahim, Cr P Spooner, Cr R Wanchap and Cr D Woods

Staff: Phil Holloway (Acting General Manager)
Tony Nash (Acting Executive Manager Community Infrastructure)
Mark Arnold (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)
Phil Warner (Executive Manager Water and Recycling)
Mila Jones/Joylene McNamara (Minute Taker)

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

APOLOGIES: There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Woods declared a pecuniary interest in Report No. 12.15. The nature of the interest being that Cr Woods lives on the Terrace, directly opposite to Terrace Caravan Park.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

12-912 Resolved that the Minutes of the following meetings be confirmed:

- Ordinary Meeting 8 November 2012
- Extraordinary Meeting 15 November 2012 (Spooner/Ibrahim)

*The motion was put to the vote and declared carried.
Crs Woods and Cameron were not present for the vote.*

Cr Woods arrived at 11.01am and Cr Cameron arrived at 11.05am.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

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

EXECUTIVE MANAGERS' REPORTS

Community Infrastructure

- 12.3. Proposed Projects for Suffolk Park Section 94 funds
- 12.4. Proposed Telstra Tower Brunswick Heads
- 12.5. O'Mearas Bridge, Binna Burra
- 12.6. Pedestrian Access and Mobility Projects (PAMP) 2012/13

Corporate Management

- 12.8. Leases road reserve 144 Lighthouse Road Byron Bay to Dyce Pty Ltd
- 12.9. Air conditioning proposals for Mullumbimby Civic Hall
- 12.15. Crown Holiday Parks administered by North Coast Accommodation services

Environment and Planning

- 12.17. PLANNING – 10.2012.360.1 Subdivision two lots (SEPP 1) at Goremans Road Eureka
- 12.18. PLANNING – 10.2012.165.1 use of ground floor area as a habitable room and alterations and additions to existing dwelling (SEPP 1) at 68 Kingsley Lane Byron Bay 12.20.
- 12.21. PLANNING – DA 10.2011.295.1 Rural Tourist Facility 6 Cabins/ Primitive Camping Ground at Pacific Highway Tyagarah
- 12.22. PLANNING – DA 10.2011.297.1 Primitive Camping Ground, General Store and Cafe at Buckleys Lane and Grays Lane Tyagarah 12.24.
- 12.26. PLANNING – Byron Shire Developer Contribution Plan 2012

Society and Culture

- 12.29. Youth Council Annual Report July 2011 – June 2012

CONFIDENTIAL REPORT

Organisational Support

- 14.1. CONFIDENTIAL Tender Assessment – Legal Services Contract 2012-0020

The remaining Recommendations were adopted as a whole, being moved by Cr Richardson and seconded by Cr Woods. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 12-913 and concluding with Resolution No. 12-940.

GENERAL MANAGER'S REPORT

Report No. 12.1. Review of Council Policy Manual
File No: #E2012/21060

12-913 Resolved that the following policies be removed from the Policy Manual:

Corporate Management

- a) Policy 5.35 – Release or Sale of Dogs
- b) Policy 5.34 – Unwanted Dogs and Cats

Environment and Planning

- c) Policy 4.19 – Building – Access for Disabled
- d) Policy 5.15 – Building – Separate Occupancy, and the policy objective be incorporated into Council's Development Control Plan (DCP)
- e) Policy 5.27 – Control of Amusement Parlours/Centres
- f) Policy 5.23 – Resiting of dwellings
- g) Policy 5.20 – Use and Occupation of Caravans

Organisational Support

- h) Policy 3.27 – Leave for Reserve Military Service
- i) Policy 6.1 – Unemployment Schemes

Water and Recycling

- j) Policy 4.1 – Outdoor Staff Corporate Attire (Richardson/Woods)

COMMUNITY INFRASTRUCTURE - EXECUTIVE MANAGER'S REPORTS

Report No. 12.2. Proposal to Extend Lifeguard Services at Byron Bay Main Beach
File No: #E2012/18266

12-914 Resolved:

1. That Council accept Option 2 from the offer from Surf Life Saving NSW for an extended provision of surf life saving services at Byron Bay Main Beach for 2012/13 and 2013/14.
2. That additional surf life saving services be provided for the five school development days (pupil free days) per season as detailed in this report for the 2012/13 and 2013/14 seasons at:
 - a) South Golden Beach
 - b) Brunswick Heads
 - c) First Sun Holiday Park
 - d) Suffolk Park
3. That the budget for the provision for surf life saving services in 2012/13 be increased from \$290,200 to \$310,000 and the increase be funded from Paid Parking Reserve (crown component) \$16,000 and Parks operational budgets \$4,000.
4. That the dates of the provision of Council surf life saving services be updated on Council's website.
5. That a media release be issued regarding the increased surf life savings services.
(Richardson/Woods)

Report No. 12.7. Sportsfield User Policy – Public Exhibition Period

File No: #E2012/18806

12-915 Resolved:

1. That the Draft Sportsfield User Policy be adopted to replace Policy 7.3 “Sporting Grounds” with the following amendments:
 - a) addition of a provision to permit occasional usage of an additional field by an existing licenced user at no additional charge, capped at a maximum of 5 games/matches per season, not including the Byron Regional Sports and Cultural Complex
 - b) addition of a provision for 25% pro rata payment for sportsfield usage where usage is one session only per week
 - c) canteen fees of \$200 per season for a licenced seasonal user with exclusive use of one of the canteens in the northern amenities block at the Byron Regional Sports and Cultural Complex.

2. That Council note the exclusion of the following user groups, which fall outside the scope of the Draft Sportsfield User Policy and which will require further investigation:
 - a) netball
 - b) croquet
 - c) tennis
 - d) cycling
 - e) commercial users

noting that any electricity charges where applicable, will be borne by the users of these facilities.

3. That Council note the exclusion from the Draft Sportsfield User Policy of the following sporting fields which are not maintained by Council:
 - a) Lot 1 DP 856020 – Community Land situated to the west of the Mullumbimby Giants Rugby League Club
 - b) Lot 129 DP 755697 Andrew Johnston Oval (Eureka Playing Fields)

4. That Council endorse the Draft Fees and Charges for Casual Use.

5. That Council note the public submissions received on the Draft Sportsfield User Policy and that a reply be forwarded to each submission advising Council’s Resolution.

6. That Council note the Action Plan in Table 2 of this report on the timeframe for implementation of the Sportsfield User Policy. (Richardson/Woods)

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORTS

Report No. 12.10. Brunswick Heads Memorial Hall - replacement of fans

File No: #E2012/18473

12-916 Resolved:

1. That Council authorise the reallocation of \$6,000 from unexpended Special Rate Variation funds for the Upgrade of Community Buildings, voted for upgrade works at the Brunswick

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

6 DECEMBER 2012 (5 of 26)

Heads Memorial Hall for the replacement of the dividing fence, to the replacement of the ceiling fans at the Hall.

2. The remaining unexpended Special Rate Variation funds for the Upgrade of Community Buildings, voted for upgrade works at the Brunswick Heads Memorial Hall of \$4,300, be set aside for repairs to the fence if required. (Richardson/Woods)

Report No. 12.11. Swimming Pools Amendment Act 2012

File No: #E2012/19065

- 12-917 Resolved** that Council note this Report. (Richardson/Woods)

Report No. 12.12. Boarding Houses Act 2012

File No: #E2012/19048

12-918 Resolved:

1. That Council note this Report.
2. That in accordance with the Local Government Act 1993 Section 610(f) the proposed fees and charges listed below be advertised for a period of 28 days to allow for public submission and:
 - i) that if any submission are received on the proposed 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 fees and charges they be adopted after the close of the exhibition period.

Boarding Houses Act 2012		2012/13
Inspection of premises Inspection charges: (min charge- one hour)	New	140.00/hr
Re-inspection fee: Minimum charge of half hour (\$125) Maximum charge of two hours (\$500) excluding time spent travelling	New	250.00/hr

(Richardson/Woods)

Report No. 12.13. Appointment of Community Representatives to Section 355 Management Committees

File No: #E2012/17481

12-919 Resolved:

1. That the Community representatives, as recommended in the report, be appointed to each respective Section 355 Management Committee for the 4 year term ending December 2016.
2. That all appointed Community Representatives be:
 - a) advised of their appointment to this Committee;
 - b) provided with a copy of the Section 355 Management Committee Guidelines and the adopted Section 377 delegations;

- c) advised that under new Work Health and Safety Act their requirement, as a volunteer on a Council Committee to manage a facility, they will be required to attend an Induction session.
- 3. That at the induction session Community Representatives be provided with a luncheon and be officially thanked by Council for their invaluable service to these Committees. The costs on providing this luncheon come from the Civic Reception Budget (Job No: 2151.3) up to an amount of \$1,500.
- 4. That at the first meeting of the committee they be asked to review:
 - a) the Terms of Reference for their facilities; and
 - b) honorarium fees and allowances paid to Committee members.

The Terms of Reference and payment of allowances to Committee members be reported back to Council for adoption. Council staff will attend the first meeting of the Committee if required.

- 5. That each Section 355 Committee operating their finances through Council's Bank Accounts manage a float of a maximum of \$2,000. (Richardson/Woods)

Report No. 12.14. Application for Special Rate Variation
File No: #E2012/21696

- 12-920 Resolved** that Council not apply for a Special Rate Variation for the 2013/2014 financial year. (Richardson/Woods)

ENVIRONMENT AND PLANNING - EXECUTIVE MANAGER'S REPORTS

Report No. 12.16. PLANNING - 10.2012.447.1 Subdivision reconfiguration (SEPP 1) three lots at Granuaille Road Bangalow
File No: Parcel No 241499 x 31010 x 64560 #A2012/4686

- 12-921 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2012.447.1 for Subdivision (reconfiguration of three allotments), be granted consent subject to the conditions listed in Annexure 3(c) #E2012/17326. (Richardson/Woods)

The motion was put to the vote and declared carried.
Crs Ibrahim, Dey, Cubis, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.
No Councillors voted against the motion.

Report No. 12.19. PLANNING – 10.2012.410.1 Boundary adjustment (SEPP 1) at 168-170 Tandys Lane Brunswick Heads
File No: Parcel No 89300 x 89310 #A2012/2931

- 12-922 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2012.410.1 for boundary adjustment, be granted consent subject to the conditions listed in Annexure 5(b) #E2012/18583. (Richardson/Woods)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.

No Councillors voted against the motion.

Report No. 12.23. Feral animal trapping program outcomes

File No: #E2012/15165

12-923 Resolved:

1. That Council note the report detailing the outcomes of the feral animal trapping program for the 2011-2012 financial year.
 2. That Council commit to long term participation in feral animal control and support:
 - a) The preparation of a Feral Animal Management Plan
 - b) Commit ongoing funding to implementation of the Plan (Richardson/Woods)
-

Report No. 12.25. PLANNING – Delegation of Council functions under the Plumbing and Drainage Act 2012

File No: #E2012/19933

12-924 Resolved:

1. That Council accept the delegation to enable Council to continue to undertake activities in relation to the regulation of on-site plumbing and drainage as proposed in the Instrument of Delegation (Annexure 19 #E2012/20429)
2. That Council authorise the General Manger to sign and/or affix the Council Seal to all documentation, in relation to the Instrument of Delegation under the Plumbing and Drainage Act 2012. (Richardson/Woods)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.

No Councillors voted against the motion.

ORGANISATIONAL SUPPORT - EXECUTIVE MANAGER'S REPORTS

Report No. 12.27. PLANNING - Legal Status Report as at 6 December 2012

File No: #E2012/17120

- 12-925 Resolved** that this report be noted. (Richardson/Woods)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.

No Councillors voted against the motion.

Report No. 12.28. Acting General Manager Arrangements

File No: COR653000 #E2012/17023

12-926 Resolved:

1. That Council resolve to appoint an Acting General Manager in accordance with the following roster for the period up to and including 14 February 2013 (which is the first Ordinary Meeting date in 2013):

- a) Phil Warner to 14 January 2013;
- b) Ray Darney to 8 February 2013;
- c) Phillip Holloway to 14 February 2013;

as may be required until the commencement date of the a new General Manager.

2. That during any period/s of unanticipated absence of an Acting General Manager, the next available person on the Acting General Manager rosters be appointed as Acting General Manager during the period/s of absence. (Richardson/Woods)

WATER AND RECYCLING - EXECUTIVE MANAGER'S REPORT

Report No. 12.30. Water Directorate Annual Report 2011/12

File No: #E2012/19915

12-927 Resolved that Council receive and note the report. (Richardson/Woods)

GENERAL MANAGER - COMMITTEE REPORTS

Report No. 13.1. Internal Audit Advisory Committee Minutes of 6 November 2012

File No: #E2012/18075

12-928 Resolved that Council note the minutes of the Internal Audit Advisory Committee Meeting held on 6 November 2012. (Richardson/Woods)

12-929 Resolved that in relation to Report No. 4.2 – 2011/2012 Financial Statements (Corporate Management #E2012/11581), Council adopt:

Committee Recommendation IA 4.2.1

That the report on the 2011/2012 Financial Statements be received and noted.

(Richardson/Woods)

12-930 Resolved that in relation to Report No. 4.3 – Accumulated Surplus (Working Funds) and Reserves as at 30 June 2012 (Corporate Management #E2012/10644), Council adopt:

Committee Recommendation IA 4.3.1

That Council adopt the Accumulated Surplus (Working Funds) and Reserve balances as indicated in Annexure 4(a) (#E2012/10705) and Annexure 4(b) (#E2012/10707) as at 30 June 2012. (Richardson/Woods)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

6 DECEMBER 2012 (9 of 26)

12-931 Resolved that in relation to Report No. 4.4 – 2012/2013 Internal Auditor Plan (Corporate Management #E2012/9168), Council adopt:

Committee Recommendation IA 4.4.1

That this report be noted.

(Richardson/Woods)

12-932 Resolved that in relation to Report No. 4.5 – Internal Audit Report – Audit Committee (General Manager #E2012/12993), Council adopt:

Committee Recommendation IA 4.5.1

That Council receive and note the Internal Audit Report – Audit Committee (6 November 2012) (Annexure 7 #E2012/16042) prepared by the Internal Auditor, Grant Thornton.

(Richardson/Woods)

12-933 Resolved that in relation to Report No. 4.6 – Byron Shire Council Internal Audit Report – Payroll Review September 2012 (Corporate Management #E2012/6521), Council adopt:

Committee Recommendation IA 4.6.1

1. That the Internal Audit Report – Payroll Review September 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 1 (#E2012/6446).

(Richardson/Woods)

12-934 Resolved that in relation to Report No. 4.7 – Byron Shire Council Internal Audit Report – Management Review September 2012 (Corporate Management #E2012/7707), Council adopt:

Committee Recommendation IA 4.7.1

1. That the Internal Audit Report – Records Management Review September 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 2 (#E2012/7704).

(Richardson/Woods)

12-935 Resolved that in relation to Report No. 4.8 – Status of the BRSCC project – PRG, PCG and Financial Report (Community Infrastructure #E2012/11527), Council Adopt:

Committee Recommendation IA 4.8.1

That Council note the status update on the construction phase of the Byron Regional Sport and Cultural Complex project.

(Richardson/Woods)

12-936 Resolved that in relation to Report No. 4.9 – Minutes of the BRSCC Project Control Group (PCG) Meetings – 9 March 2012 – 28 September 2012 (Community Infrastructure #E2012/9538), Council adopt:

Committee Recommendation IA4.9.1

That Council note the minutes of the Byron Regional Sport and Cultural Complex Project Control Group meetings held from 9 March 2012 to 28 September 2012 (Annexure 6, #E2012/10435).

(Richardson/Woods)

Report No. 13.2. Strategic Planning Committee Minutes of 22 November 2012

File No: #E2012/21397

12-937 Resolved that Council note the minutes of the Strategic Planning Committee Meeting held on 22 November 2012 (#E2012/19248). (Richardson/Woods)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

6 DECEMBER 2012 (10 of 26)

12-938 Resolved that in relation to Report No. 4.1 – South Golden Beach Flood Pump and Drain Issues (Community Infrastructure #E2012/13491), Council adopt:

Committee Recommendation SPC 4.1

1. That Council support Option 4 of the report (#E2012/13491).
2. That Councillors be provided with a briefing on the details of that option, including any immediate actions to reduce noise and overcome subsidence, and that a report be provided back to Council regarding funding options. (Richardson/Woods)

12-939 Resolved that in relation to Report No. 4.3 - Amendment of Local Approvals Policy and Policy 5.57 Busking (Corporate Management #E2012/12651), Council adopt:

Committee Recommendation SPC 4.3

1. That Council endorse the amendments to the Local Approvals Policy (Annexure 1(a) #E2012/12765) and Policy 5.57 Busking (Annexure 1(b) #E2012/12285).
2. That the Amended Local Approvals Policy (Annexure 1(a) #E2012/12765) and the Amended Policy 5.57 Busking (Annexure 1(b) #E2012/12285) be placed on public exhibition for a minimum of 42 days (Amended Local Approvals Policy) and for a minimum of 42 days (Amended Policy 5.57 Busking).
3. That any submissions received as a result of the public exhibition be presented to Council for consideration in determining the adoption of the Amended Local Approvals Policy. In the event that there are no submissions received during the exhibition period, then the Amended Local Approvals Policy be submitted to the Director General for concurrence and, subject to that concurrence, be adopted.
4. That any submissions received as a result of the public exhibition be presented to Council for consideration in determining the adoption of Policy 5.57 Busking. In the event that there are no submissions received during the exhibition period, then the Amended Policy 5.57 Busking be adopted.
5. That Council publicly advertise for 42 days the proposed changes to fees and charges identified in this report and if no submissions are received they be adopted.
6. That Council note the proposed education program and the moratorium. (Richardson/Woods)

ENVIRONMENT AND PLANNING - COMMITTEE REPORT

Report No. 13.3. Report of the Planning Review Committee Meeting held on 21 November 2012

#E2012/21130

12-940 Resolved that the report be noted. (Richardson/Woods)

PROCEDURAL MOTION

12-941 Resolved that the order of business be changed to deal with items discussed during Public Access, those being 12.18, 12.15, 12.17, 9.1, 8.4, 12.20, 12.21, 12.22, 12.26, 8.2, 12.4 and 12.24, next on the Agenda. (Woods/Dey)

The motion was put to the vote and declared carried.

ITEMS RESERVED FOR DEBATE

ENVIRONMENT AND PLANNING - EXECUTIVE MANAGER'S REPORTS

Report No. 12.18. PLANNING – 10.2012.165.1 use of ground floor area as a habitable room and alterations and additions to existing dwelling (SEPP 1) at 68 Kingsley Lane Byron Bay

File No: Parcel No 206400 #E2012/18178

- 12-942 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2012.165.1 for use of ground floor area as a habitable room and alterations and additions to existing dwelling, be approved with conditions under the General Manager's delegation. (Spooner/Woods)

AMENDMENT

Moved: That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2012.165.1 for use of ground floor area as a habitable room and alterations and additions to existing dwelling, be refused for the reasons listed in Annexure 6(b) #2012/18524. (Richardson/Cameron)

*The amendment was put to the vote and declared lost.
Crs Ibrahim, Cubis, Woods, Richardson, Spooner and Hunter voted against the amendment.*

*The motion was put to the vote and declared carried.
Crs Ibrahim, Cubis, Woods, Richardson, Spooner and Hunter voted in favour of the motion.
Crs Dey, Cameron and Wanchap voted against the motion.*

- 12-943 Resolved** that the order of business be changed to deal with 12.24 next on the agenda. (Richardson/Cubis)

The motion was put to the vote and declared carried.

Report No. 12.24. Investigating the Re-design of the Jonson Street Protection Works, Byron Bay

File No: #E2012/19965

- 12-944 Resolved** that Council suspend standing orders and move into committee to receive a briefing from the consultants concerning the project 'Investigating the Re-design of the Jonson Street Protection Works, Byron Bay'. (Ibrahim/Woods)

The motion was put to the vote and declared carried.

- 12-945 Resolved** that Council resume standing orders. (Woods/Cameron)

The motion was put to the vote and declared carried.

- 12-946 Resolved** that Council note the Working Draft Jonson Street Protection Works Modelling and Evaluation of Design Options Report (Revision 2), Annexure 27(b) (#E2012/20182), and that the draft final report will be presented to Council at a future meeting and that the final draft report be presented to Council at a workshop prior to submission to a meeting. (Ibrahim/Woods)

The motion was put to the vote and declared carried.

The meeting adjourned at 12.42pm for lunch and reconvened at 1.23pm.

Cr Ibrahim left the meeting due to his earlier declaration that he had an appointment.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORT

Report No. 12.15. Crown Holiday Parks administered by North Coast Accommodation Services

File No: #E2012/18681

Cr Woods left the meeting at 1.23pm in accordance with her earlier stated pecuniary interest.

Moved:

1. That Council receive and note this Report.
2. That Council confirm that there has been a constructive effort to consult with North Coast Accommodation Trust as to the conditions of approval imposed by Resolution 12-627, noting Council’s correspondence dated 20 August 2012 and 23 October 2012 and the meeting between representatives of the NCAT and Council held on 12 November 2012.
3. That Council confirm that it has considered the implications of the conditions of approval imposed by Resolution 12-627 on the current operation of the Holiday Parks and that following that consideration:
 - a) notes the community view and reaffirms the terms and effect of Resolution 12-627 particularly that the foreshore area of each park must remain in public hands for unimpeded public access rather than falling into private hands.
 - b) accepts that in implementing the resolution where foreshore access is limited by encroachment of Caravan Park infrastructure, including private vans, the relocation of that infrastructure should be planned now but executed as and when the long-term permanent resident vacates or chooses to relocate to an alternative suitable site within the park (ie residents personally occupying a permanent site as at 30 June 2012 should remain undisturbed and their structure be relocated on their leaving the site, or before if the resident so asks, at Parks expense).
 - c) requires that until unimpeded public access is continuous along any stretch of foreshore within the Parks, alternative public access is to be permitted and signposted on the nearest internal route within the Parks.
4. That Council advise the Division of Local Government in terms of 2 and 3 above.
5. That Council define the boundaries of park activities by survey and that these boundaries include:
 - a) At The Terrace:
 - i) the western boundary is the western side of the 4110m2 on page 5 of 8 of Annexure 1(d) (#E2012/18930) for The Terrace.
 - ii) a northern boundary on The Terrace Park on a line parallel to Fingal Street and 2 metres south of the southern alignment of the footbridge
 - iii) a southern boundary to be determined

- b) Massey Greene - as defined on Plan "Massey Greene Holiday Park Proposed Park Boundary in green - Formerly proposed boundary in red" (E2012/xxx), and that the permanent resident of site 66 be asked whether they would relocate to site 65.
 - c) Ferry Reserve – eastern boundary as defined on Plan (xxx)
6. That Council advise the North Coast Accommodation Trust and the Division of Local Government of its preference to also maintain continuous public access be maintained along the track running east from Ferry Reserve and under the Pacific highway bridge.
(Dey/Wanchap)

AMENDMENT

12-947 Resolved:

1. That Council receive and note this Report.
2. That Council confirm that there has been a constructive effort to consult with North Coast Accommodation Trust as to the conditions of approval imposed by Resolution 12-627, noting Council's correspondence dated 20 August 2012 and 23 October 2012 and the meeting between representatives of the NCAT and Council held on 12 November 2012.
3. That Council confirm that it has considered the implications of the conditions of approval imposed by Resolution 12-627 on the current operation of the Holiday Parks and that following that consideration;
 - a) supports the previously required fore-shore buffer zones being integrated within the NCHP Plans of Management.
 - b) notes the community view and reaffirms the terms and effect of Resolution 12-627 particularly that the foreshore area of each park must remain in public hands for unimpeded public access.
 - c) accepts that in implementing the resolution where foreshore access is limited by encroachment of Caravan Park infrastructure, including private vans, the relocation of that infrastructure should be planned now but executed as and when the long-term permanent resident vacates or chooses to relocate to an alternative suitable site within the park (ie residents personally occupying a permanent site as of Parks hand-over date in 2007 should remain undisturbed and their structure be relocated on their leaving the site, or before if the resident so asks, at Parks expense).
 - d) That Council's licensing conditions as per Resolution 12-627 of 9 August 2012 is amended to include:
 - i) Part Lot 7005 – The operational boundary of the caravan park is to be aligned with the existing picket fence on the western side of Massy Greene adjoining site 88 through to the high water mark.
4. That Council advise the Division of Local Government in terms of 2 and 3 above.
5. That Council advise the North Coast Accommodation Trust and the Division of Local Government of its preference to also extend public foreshore area to retain the land north of the old Fin's Building adjoining Part Lot 102 DP 851964 so as to integrate the foreshore into that RTA foreshore pathway. This land is the northern part of DP 804961.
6. That Council requests the North Coast Accommodation Trust and the Division of Local Government defer the development within the foreshore parklands known as the Terrace

and Banner Park, pending further consultation with stakeholders, Council and NCAT/NCHP. These parklands are Part of Lot 416 DP728666. (Richardson/Cubis)

*The amendment was put to the vote and declared carried.
Crs Dey and Wanchap voted against the amendment.*

*The amendment upon becoming the substantive motion was put to the vote and declared carried.
Cr Woods was not present for the vote.*

PROCEDURAL MOTION

12-948 Resolved that the order of business be changed to deal with Report No. 12.3 next on the agenda. (Cubis/Spooner)

The motion was put to the vote and declared carried.

COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER’S REPORT

Report No. 12.3. Proposed Projects for Suffolk Park Section 94 funds

File No: #E2012/18544

Moved:

1. That this matter be deferred to allow for clarification of:
 - a) the impact of the Dept of Ed requirements regarding use of land/lease
 - b) that the priority of works be clearly identified
 - c) and that the costings of the works to be undertaken as a priority be clearly stated
2. That the overall cost of the project be undertaken in the 2012/13 budget be shown against total budget.
3. That the results be brought to the Ordinary Meeting of 20 December 2012 as a late report. (Woods/Cubis)

AMENDMENT

12-949 Resolved:

1. That Council allocates \$200,000 into the current 2012/13 budget to cover the proposed works at Suffolk Park for:
 - a) extension of footpath/bike path
 - b) water bubblers
 - c) children’s play area,and that a report be provided to the 20 December Ordinary meeting with an outline of cost estimates.
2. That Council undertakes community consultation with the residents immediately adjacent to the Suffolk Park sports field and recreation area seeking their input into the proposals for:

- a) shade structures and seating either side of the sports field
 - b) extensions to the skate park
 - c) modifications to the amenities building, with new change rooms and canteen
 - d) additional shade trees around the sports field
 - e) a community garden with shed and work space at the Beech Drive frontage
 - f) child bike safety education/play area at the Beech Drive frontage, and
 - g) a new mini-sports field
3. That Council enter into negotiations with the Department of Education to secure an extension to the existing licence for part Lot 60 DP8717888, as shown in green at Figure 3 of this report.
4. That Council enter into negotiations with the Department of Education to secure licence for the remainder of Lot 60 DP871788, marked as "school" at Figure 3 of this report.
5. That Council receive a further report once the outcomes of negotiations between Department of Education and Council are known, in accordance with parts 3 and 4 of this resolution, to consider licence tenure arrangements over Lot 60 DP871788.
6. That subject to the outcomes of 2, 3 and 5, Council progress the design, planning, and cost estimates, for the following proposed works:
- a) shade structures and seating either side of the sports field
 - b) extensions to the skate park
 - c) additional shade trees around the sports field
7. That subject to the outcomes of 2, 4, and 5, Council progress the design, planning and cost estimates for the following works proposed to be located on the area marked as "school" at Figure 3:
- a) a community garden with shed and work space at the Beech Drive frontage
 - b) child bike safety education/play area at the Beech Drive frontage, and
 - c) a new mini-sports field
8. That Council consider including the 'Suffolk Park Sports field/Skatepark Upgrade' in the current planning process for 2013/14 Operational and 2013/17 Delivery Plan to ensure operational maintenance, resource commitments, consulting and approval costs, and Section 94 funding are considered in the implementation planning and delivery process for:
- a) shade structures and seating either side of the sports field
 - b) extensions to the skate park
 - c) design, approvals and construction of alterations and additions to the amenities building, with new change rooms and canteen
 - d) additional shade trees around the sports field
 - e) a community garden with shed and work space at the Beech Drive frontage
 - f) child bike safety education / play area at the Beech Drive frontage, and
 - g) a new mini-sports field (Cameron/Richardson)

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

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

- 12-950 Resolved** that the order of business be changed to deal with Notice of Motion 8.4. next on the Agenda. (Dey/Cameron)

The motion was put to the vote and declared carried.

NOTICE OF MOTION

Notice of Motion No. 8.4. Wilsons Creek Road Repair
#E2012/21334

12-951 Resolved:

1. That Council form a Wilsons Creek Project Reference Group (PRG) by invitation to residents who attended the meeting at Wilsons Creek Public School on 19 November (contact via details left at the meeting, or left with the School Principal).
 2. That the PRG also include staff allocated by the General Manager and three Councillors, being Crs Dey, Wanchap and Cameron.
 3. That Council contact residents and request the nomination of 6 representatives and convene a meeting in December.
 4. That invitations to join the PRG be extended to state authorities such as RMS and MPs.
 5. That the PRG's terms of reference include but not be limited to the following:
 - a) receive and consider Council's technical, state department and other advice on issues such as geotechnical investigations, foundation design, project management, ecological impacts, etc where the PRG has such expertise;
 - b) assist in preparing a Project time-frame (with weekly actions) and consider options for earliest arrival at end goals;
 - c) provide advice on risks to the community of keeping the road closed to various staged load limits;
 - d) receive advice on risks of short- and long-term failure of the roadway;
 - e) lobby state authorities and MPs to fund the project swiftly and appropriately;
 - f) investigate options for a walking trail around the slip and separate from traffic.
 6. That the General Manager identify a staff member to liaise with the PRG until safe and permanent road access is restored.
 7. That Council write to the National Parks & Wildlife Service and the appropriate Minister asking them (i) to join the PRG, and (ii) to consider opening or rehabilitating roads, trails or tracks that could be usable in an emergency.
 8. That Council write to Transport NSW and the appropriate Minister asking them (i) to provide adequate daily transport to and from school for students living west of the slip, and (ii) to consider joining the PRG. That transport should be commensurate with the arrangements those students would have had if not for the slip.
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9. That Council write to the Rural Fire Service and the appropriate Minister(s) asking them (i) to join the PRG, and (ii) to allow the local water truck to be used to cart non-potable water on request by resident households, who would be invited to donate to RFS.
10. That Council write to appropriate electricity provider(s) and state Minister(s) suggesting that, as the storm season approaches, repair vehicles that may be required but not have access in say a storm event be stationed west of the slip as part of that Provider's Risk Management Plan for the Valley.
11. That, if state Fisheries have not already granted approval for every aspect of this project, Council write to them and the appropriate Minister asking them (i) to join the PRG, and (ii) to consider granting immediate approval on the basis that (a) fish requirement for passage is limited by the concrete wall of Lavertys Gap weir, and (b) Council is willing to reshape a diverted creek to any form that Fisheries wish.
12. That, if the OEH or other relevant department has not already granted approval for this project, Council write to them and the appropriate Minister asking them (i) to join the PRG, and (ii) to consider granting immediate approval on the basis that Council is willing to reshape a diverted creek to any hydraulic form they wish to limit flooding upstream and erosion at and near the site.
13. That Council inspect the second road-slip upstream and report on:
 - a) whether it is included for funding and similar treatment within or parallel to the above project;
 - b) whether staff and/or machinery can access the site to remove blockages from the culvert and drains, and to prevent recurrence;
 - c) whether lost road material can be removed from the property onto which it has fallen. (Dey/Wanchap)

Cr Ibrahim returned to the meeting at 2.55pm.

The motion was put to the vote and declared carried.

Crs Ibrahim, Cubis, Woods and Hunter voted against the motion.

PROCEDURAL MOTIONS

- 12-952 Resolved** to suspend standing orders to receive a financial presentation from Denison Advisory on Council's Investment Portfolio. (Dey/Woods)

The motion was put to the vote and declared carried.

- 12-953 Resolved** that Council resume standing orders. (Woods/Richardson)

The motion was put to the vote and declared carried.

- 12-954 Resolved** that the order of business be changed to deal with Report Nos. 12.20, 12.21, 12.22 next on the agenda. (Woods/Cubis)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 12.20. PLANNING – DA 10.2011.294.1 Application to Amend Consent 5.1996.132.4 to Modify Approved Cabin and Restaurant Design at Buckleys Road Tyagarah

File No: Parcel No 240384 #DM1122013

- 12-955 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2011.294.1 for a new development application to amend Development consent 5.1996.132.4 to modify the approved cabin and restaurant design, be granted consent subject to the deletion of the proposal to relocate cabin #12 and subject to the conditions listed in Annexure 7(b) #E2012/24233. (Woods/Dey)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.

No Councillors voted against the motion.

Report No. 12.21. PLANNING – DA 10.2011.295.1 Rural Tourist Facility 6 Cabins/ Primitive Camping Ground at Pacific Highway Tyagarah

File No: Parcel No 64910 #DM1120729

- 12-956 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2011.295.1 for rural tourist facility comprising 6 cabins and a primitive camping ground in multiple stages, be granted consent subject to the following:

- a) deletion of the proposed works in the Quarry Lane road reserve;
- b) submission of an amended primitive camping ground layout for a maximum of 88 persons which is setback at least 12m from the top of the bank of the creekline that traverses the site to be approved by Council’s Executive Manager, Environment and Planning;
- c) submission of a Riparian Management Plan to be approved by Council’s Executive Manager, Environment and Planning;
- d) subject to conditions under the delegation of the General Manager including the removal of the cycleway Section 94 Contribution Plan. (Woods/Cubis)

AMENDMENT

Moved: That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2011.295.1 for rural tourist facility comprising 6 cabins and a primitive camping ground in multiple stages, be granted consent subject to:

- a) deletion of the cabins element of the application and the proposed works in the Quarry Lane road reserve;
 - b) submission of an amended primitive camping ground layout for a maximum of 88 persons which is setback at least 12m from the top of the bank of the creekline that traverses the site to be approved by Council’s Executive Manager, Environment and Planning;
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BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

6 DECEMBER 2012 (19 of 26)

- c) submission of a Riparian Management Plan to be approved by Council's Executive Manager, Environment and Planning;
- d) the conditions listed in 8(b) #E2012/11062 as modified under delegation by the General Manager. (Dey/Cameron)

The amendment was put to the vote and declared lost.

Crs Ibrahim, Cubis, Woods, Richardson and Hunter voted against the amendment.

The motion was put to the vote and declared carried.

Crs Ibrahim, Cubis, Woods, Richardson and Hunter voted in favour of the motion.

Crs Dey, Cameron, Wanchap and Spooner voted against the motion.

Report No. 12.22. PLANNING – DA 10.2011.297.1 Primitive Camping Ground, General Store and Cafe at Buckleys Lane and Grays Lane Tyagarah

File No: Parcel No 171050 x 240384 #DM1122876

Moved:

1. That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2011.297.1 for a primitive camping ground, general store, site office and café, be granted consent subject to the following:
 - a) deletion of the general store and café elements of the application;
 - b) submission of an amended primitive campground layout that provides a camping area for a maximum of 50 campers and which area is setback at least 12m from the lake edge;
 - c) submission of a Biodiversity Conservation Management Plan;
 - d) the conditions listed in #E2012/24240;
2. That the applicant be invited to submit a separate application for the café/general store including usage by the general public. (Woods/Dey)

AMENDMENT

12-957 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2011.297.1 for a primitive camping ground, general store, site office and café, be refused for the reasons listed in Annexure 9(c) #E2012/20987. (Spooner/Cameron)

The amendment was put to the vote and declared carried.

Crs Dey, Richardson, Cameron, Wanchap and Spooner voted in favour of the amendment.

Crs Ibrahim, Cubis, Woods and Hunter voted against the amendment.

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

Crs Ibrahim, Dey, Richardson, Cameron, Wanchap and Spooner voted in favour of the motion.

Crs Cubis, Woods and Hunter voted against the motion.

The meeting adjourned at 3.55pm for a break and reconvened at 4.10pm.

Cr Cubis left the meeting at 3.55pm.

ENVIRONMENT AND PLANNING - EXECUTIVE MANAGER'S REPORT

Report No. 12.17. PLANNING – 10.2012.360.1 Subdivision two lots (SEPP 1) at Goremans Road Eureka

File No: Parcel No 239124 #A2012/6452

12-958 Resolved that this report be deferred until a site inspection can be conducted by Councillors in January 2013. (Wanchap/Richardson)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Woods, Richardson, Cameron, Spooner and Wanchap voted in favour of the motion.

Cr Hunter voted against the motion.

PETITION

Correspondence and Petitions No. 9.1. Settlement Road, Mullumbimby - Repairs and Maintenance

#E2012/18520

12-959 Resolved:

1. That the petition regarding Settlement Road, Mullumbimby – Repairs and Maintenance be noted.
2. That the petition be referred to the Executive Manager Community Infrastructure for information. (Woods/Richardson)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING - EXECUTIVE MANAGER'S REPORT

Report No. 12.26. PLANNING – Byron Shire Developer Contribution Plan 2012

File No: #E2012/21685

12-960 Resolved:

1. That Council resolve to adopt the Byron Shire Developer Contributions Plan 2012 as listed in Annexure 4(a) #E2012/20798.
2. That Council notify the adoption of the plan in the local newspaper in accordance with Clause 30 of EP&A Regulation 1994.
3. That the Byron Shire Developer Contributions Plan 2012 commence operation on 1 January 2013.
4. That Council initiate option 3 on page 272 of the agenda. (Dey/Cameron)

12-961 Resolved that Cr Cameron be granted an extension of two minutes to his speech. (Richardson/Dey)

The motion was put to the vote and declared carried.

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

Crs Ibrahim, Dey, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.

No Councillors voted against the motion

COMMUNITY INFRASTRUCTURE - EXECUTIVE MANAGER'S REPORT

Report No. 12.4. Proposed Telstra Tower, Brunswick Heads

File No: #E2012/7778

12-962 Resolved:

1. That Council advise Telstra that it does not consider the proposed site to be satisfactory for the location of the tower and that the Company should examine alternate sites to service Brunswick Heads.
2. That Council not provide owner's consent to lodge the Development Application for the tower proposal on the road reserve in Tweed Street, Brunswick Heads.
(Woods/Richardson)

The motion was put to the vote and declared carried.

MAYORAL MINUTE

There was no Mayoral Minute.

NOTICES OF MOTION

Notice of Motion No. 8.1. Koala Crossing

#E2012/15996

12-963 Resolved that Council write to the NSW Premier, the NSW Minister for Roads, the Australian and NSW Ministers for the Environment and the Prime Minister alerting them to the impacts of road-kill on the Koala population at Tyagarah and Brunswick Heads and highlighting:

- a) that our recent Byron Coast Koala Habitat Study shows that the population of this threatened species along the coast of Byron Shire is only 240 animals;
- b) that the Study shows there are 5 coastal koala meta-populations in the Shire including one at Tyagarah;
- c) that the major threats to their survival include fragmentation of habitat, road-kill, disease, dog attacks, and drowning in swimming pools;
- d) that the Study identified three major koala road-kill blackspot locations along the Pacific Highway at Tyagarah and Brunswick Heads;
- e) that another recent death reported at Tyagarah is a stark reminder that the Pacific Highway there (speed limit there is 110kmh) is taking a major toll on the Shire's koala population;

- f) that the Habitat Study already emphasises the need for a safe koala crossing at Tyagarah and that the Koala Plan of Management being developed is likely to reinforce this as a major issue. (Dey/Richardson)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.2. Tom Kendall Soccer Field

#E2012/17233

- 12-964 Resolved** that Council receive a report on the provision of change rooms/showers at the Tom Kendall Oval including the option of using the current shed/garage on site and provision of a storage container. (Woods/Richardson)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.3. Proposed Bus Stop Signage Byron Bay Sightseeing Tour Bus

#E2012/21585

12-965 Resolved:

1. That Council support the erection of generic tour, sightseeing and shuttle bus stop signage in Byron Bay.
2. That Council determine option A (with rounded corners) as presented in Councillor's Background Notes as the design and type of signage to be used, though with time limits removed.
3. That all costs associated with the manufacture, supply, erection and ongoing maintenance of the approved signs be met by the proponent, the Magic Bus proprietor.
4. That Council, as the Roads Authority, maintains the right to remove, relocate or replace the signage as and when required, for example on the grounds of safety or regulatory or policy requirements, and that any costs incurred be met by the Magic Bus operators.
5. That the sign locations be available for use by other operators. (Richardson/Dey)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.5. Ink Usage

#E2012/20249

- 12-966 Resolved** that a new style guide be considered by the Communications Committee to:

1. Include colours that are less corporate, more rainbow.
2. Use less toner. (Dey/Wanchap)

The motion was put to the vote and declared carried.

SUBMISSIONS AND GRANTS

There were no submissions or grants tabled.

DELEGATES' REPORT

Delegates Report No. 11.1. NSW Coastal Conference at Kiama November 2012
#E2012/22716

12-967 Resolved that this report be noted. (Dey/Woods)

The motion was put to the vote and declared carried.

COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER'S REPORTS

Report No. 12.5. O'Mearas Bridge, Binna Burra
File No: #E2012/18624

12-968 Resolved:

1. That Council note the poor condition of O'Mearas Bridge and the impacts of not completing all works on this bridge in the 2012/13 financial year, with the continuing load limit and the effect on further delays to other critical bridge works for Parkers Bridge, Booyong Bridge, James Bridge and Scarabelottis Bridge.
2. That the financial adjustments to budgets as detailed in Table 5 in this report be approved.
3. That a media release be issued detailing the increased budget for O'Mearas Bridge and all necessary works to remove the load limit will now be completed in the 2012/13 financial year. (Cameron/Richardson)

The motion was put to the vote and declared carried.

Report No. 12.6. Pedestrian Access and Mobility Projects (PAMP) 2012/13
File No: #E2012/14622

12-969 Resolved:

1. That Council's 2012/13 PAMP budget allocation of \$62,900 and the Roads and Maritime Services Grant of \$35,000 be used for the following projects:
 - a) Fingal Street, west side of Park Street intersection, Brunswick Heads
 - b) South Beach Road, at The Terrace, Brunswick Heads
 - c) Mullumbimbi Street, west side of Park Street intersection, Brunswick Heads
 - d) Burringbar and Stuart Street, Mullumbimby
 - e) Marvell Street at and between Fletcher Street and Jonson Street, Byron Bay optimising both left and right and vehicle storage
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- f) Bay Street and Jonson Street, Byron Bay, subject to inclusion of 12-385
 - g) Station Lane, at Byron Street intersection, Bangalow
2. That in the event the 2012/13 PAMP budget does not permit the delivery of all projects listed at Part 1, then the incomplete projects be submitted for funding in 2013/14.
 3. That Council, via the Access Advisory Committee, receive a report that reviews the 2007 draft Pedestrian and Access Mobility Plan, including details of projects completed and proposed projects to develop a proposed future delivery program. (Richardson/Spooner)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT - EXECUTIVE MANAGER'S REPORTS

Report No. 12.8. Leases road reserve 144 Lighthouse Road Byron Bay to Dyce Pty Ltd
File No: #E2012/13414

12-970 Resolved:

1. That Council:
 - a) request updated survey of the encroachments;
 - b) make an assessment of how much land is made unavailable to the public by structures, by their influence on the rest of the road reserve or landscaping;
 - c) request current market valuations of the land affected;
 - d) request the Applicant to cover costs of a) and c).
2. That Council authorise the General Manager to enter into a lease with Dyce Pty Ltd, in the form contained at Annexure 23(b) (#DM1255421), as amended in accordance with the survey and market rental valuation, for a portion of road reserve known as Lee Lane with the following minimum conditions:
 - a) Term of five (5) years
 - b) Commencement date 1 July 2012
 - c) Termination date 30 June 2017
 - d) Current rent per annum \$as per market rental valuation ex GST
 - e) Annual rent review in accordance with CPI All Groups (Sydney)
 - f) That all costs relating to the establishment of the lease are paid by the lessee
3. That Council authorise the General Manager to enter into a lease with Dyce Pty Ltd, in the form contained at Annexure 23(c) (#DM1255416), as amended in accordance with the survey and market rental valuation, for a portion of road reserve known as Lighthouse Road with the following minimum conditions:
 - a) Term of five (5) years
 - b) Commencement date 1 July 2012
 - c) Termination date 30 June 2017
 - d) Current rent per annum \$as per market rental valuation ex GST
 - e) Annual rent review in accordance with CPI All Groups (Sydney)
 - f) That all costs relating to the establishment of the lease are paid by the lessee
4. That the Applicant be advised that Council's long-term aim is to recover full public use of the road reserves and that if new works, replacement of materials or rebuilding occurs the lease for that road reserve may be voided and the road reserve is to be cleared of all works.
5. That notice of Council's resolution to grant the leases is published in a local newspaper in accordance with s156 (2) of the Roads Act 1993.

6. That Council authorise the General Manager to affix the Council Seal to the lease documentation in accordance with Regulation 400 of the Local Government (General) Regulations 2005. (Dey/Richardson)

The motion was put to the vote and declared carried.

Report No. 12.9. Air conditioning proposals for Mullumbimby Civic Hall

File No: #E2012/11159

12-971 Resolved:

1. That Council select the Air Change Technology System for installation at the Mullumbimby Civic Hall.
2. That Council allocate \$139,000 from Section 94 Pre Plan for Community Facilities in the Mullumbimby Catchment as required by resolution 12-255 for implementation of the Air Change Technology System at Mullumbimby Civic Hall. (Richardson/Cameron)

The motion was put to the vote and declared carried.

SOCIETY AND CULTURE - EXECUTIVE MANAGER'S REPORT

Report No. 12.29. Youth Council Annual Report July 2011 - June 2012

File No: #E2012/16278

12-972 Resolved:

1. That Council note the Youth Council Annual Report July 2011 – June 2012 and the Youth Council's progress in implementing objectives from the Youth Strategy and Action Plan 2011-2015.
2. That Council write to the local member and Minister for Local Government, Don Page and Minister for Transport, The Hon. Gladys Berejiklian to advise of the Youth Council priorities in relation to transport. (Spooner/Ibrahim)

The motion was put to the vote and declared carried.

ORGANISATIONAL SUPPORT - CONFIDENTIAL REPORT

Report No. 14.1. CONFIDENTIAL Tender Assessment - Legal Services Contract 2012-0020

File No: #E2012/20734

12-973 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 Tender Assessment, Legal Services Contract 2012-0020.
 2. That the reasons for closing the meeting to the public to consider this item be that:
-

BYRON SHIRE COUNCIL

- (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 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/Richardson)

The motion was put to the vote and declared carried.

CONFIDENTIAL SESSION

12-974 Resolved:

- 1. That Council award Tender Legal Services Contract 2012-0020 to (in alphabetical order) HWL Ebsworth Lawyers and Marsdens Law Group.
- 2. That Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Spooner/Woods)

The motion was put to the vote and declared carried.

12-975 Resolved to move out of confidential session. (Woods/Richardson)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 5.53pm.

I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council's Ordinary Meeting on 20 December 2012.

.....
Mayor Simon Richardson