



Byron Shire Council



Minutes

Ordinary Meeting
Thursday, 18 April 2013

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
18 April 2013

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BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

18 APRIL 2013 (1 of 26)

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 18 APRIL 2013 COMMENCING AT 10.54AM AND CONCLUDING AT 5.07PM

#E2013/21422

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: Ken Gainger (General Manager)
Phil Holloway (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)
Joylene McNamara/Mila Jones (Minute Taker)

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

APOLOGIES: There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Spooner declared a non-pecuniary interest in Report 12.9. - Markets Policy Review Project Reference Group. That nature of the interest being that his employer, Byron Bay Community Association, conducts markets in Byron Bay. Cr Spooner will remain in Chambers and participate in debate and vote.

Cr Spooner declared a non-pecuniary interest in Report 12.18. – Establishment of Community Summer Safety and Cultural Activities Committee. The nature of the interest being his employer, Byron Bay Community Association, is suggested as being invited to nominate a representative on the committee. Cr Spooner will remain in Chambers and participate in debate and vote.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

13-149 Resolved that the Minutes of the following meetings be confirmed:

- Ordinary Meeting held 14 March 2013
- Extraordinary Meeting held 21 March 2013
- Reserve Trust Committee Meeting held 21 March 2013 (Woods/Richardson)

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. Draft Delivery Program 2013-2017 (including Operational Plan)

EXECUTIVE MANAGERS' REPORTS

Community Infrastructure

- 12.3. Community Infrastructure Advisory Committee - Community Representative Nominations

Corporate Management

- 12.7. Investments – February 2013
12.8. Boards of Management and Section 355 Committee Member Appointments
12.9. Markets Policy Review Project Reference Group
12.10. Section 355 Management Committees - appointment of members and other matters

Environment and Planning

- 12.13. PLANNING – 10.2012.269.1 Temporary use of Site (North Byron) for cultural events at Bayshore Drive, Byron Bay
12.14. PLANNING - Draft Byron LEP 2012 - Submissions analysis and recommendations for Business and Industrial Zones

Society and Culture

- 12.16. Youth Council Minutes November and December 2012
12.17. Schoolies - 2012 outcomes and recommendations for 2013
12.18. Establishment of Community Summer Safety and Cultural Activities Committee
12.19. Nominees for Public Art Assessment Panel

COMMITTEE REPORTS

General Manager

- 13.1. Report of the Finance Advisory Committee Meeting held on 7 March 2013

CONFIDENTIAL REPORTS

- 14.1. CONFIDENTIAL Byron Shire Council Holiday Parks Contract Management
14.2. CONFIDENTIAL Roundhouse Subdivision

The remaining Recommendations and Committee Recommendations were adopted as a whole, being moved by Cr Woods and seconded by Cr Richardson. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 13-150 and concluding with Resolution No. 13-168.

COMMUNITY INFRASTRUCTURE - EXECUTIVE MANAGER'S REPORTS

Report No. 12.2. Pacific Highway Upgrade Tintenbar to Ewingsdale - Business signage strategy and road names

File No: #E2012/15583

13-150 Resolved:

1. That Council endorse the 'Summary Report for Tintenbar to Ewingsdale Business Signposting Strategy' including:
 - a) An update to the routes of existing TASAC approved tourist drives which are affected by the highway upgrade, as follows:
 - i) tourist drive 24 to continue from Bangalow to the upgraded Ewingsdale interchange
 - ii) tourist drive 28 to continue from the Ballina Shire along the existing Pacific Highway to the intersection of Coolamon Scenic Drive; along Coolamon Scenic Drive through Mullumbimby to Gulgan Road where it rejoins the Pacific Highway at the Gulgan Road north interchange.
 - b) The upgrade to the St Helena Lookout on Roads and Maritime Service land, renaming it 'Cape Byron Lookout'.
2. That additional white on brown tourist drive signage required for the extension of Tourist Drive 28 along local roads be funded from Signs Maintenance within existing budgets.
3. That Council endorse the renaming of the existing Pacific Highway to 'Hinterland Way', noting the community consultation undertaken by the Roads and Maritime Services.
4. That Council endorse the naming of two new local roads as follows:
 - a) Local Road D be named Wiley Road
 - b) Local Road E be named Lincoln Road (Woods/Richardson)

Report No. 12.4. January and February 2013 Natural Disasters

File No: #E2013/18904

13-151 Resolved:

1. That Council note the extenuating circumstances associated with the two natural disasters in January and February 2013.
2. That Council confirm that pursuant to s55(3)(k) Council made contracts via quotations and not tenders due to the unsatisfactory conditions caused by the natural disasters, for emergency works for tree works, geotechnical services, road works, plant hire, material supply, borehole drilling, rock bolt anchor works and associated works. (Woods/Richardson)

CORPORATE MANAGEMENT - EXECUTIVE MANAGER'S REPORTS

Report No. 12.5. Internal Auditor Tender

File No: #E2013/17942

- 13-152 Resolved** that pursuant to Section 55 of the Local Government Act 1993 and Section 166(a) of the Local Government (General) Regulation 2005, Council:
- a) Authorise the calling of Tenders for the Internal Audit Services.
 - b) Use the Open Tender method by which tenders are to be invited by public advertisement.
(Woods/Richardson)
-

Report No. 12.6. External Auditor Tender

File No: #E2013/20297

- 13-153 Resolved** that pursuant to Section 55 of the Local Government Act 1993 and Clause 166(a) of the Local Government (General) Regulation 2005, Council:
- a) Authorise the calling of Tenders for the External Auditor Services.
 - b) Use the Open Tender method by which tenders are invited by public advertisement.
(Woods/Richardson)
-

Report No. 12.11. Affix the Seal to Lease

File No: #E2013/21439

- 13-154 Resolved** that Council's Seal be affixed to the four consecutive leases of Part Lot 346 DP 755695 with Telstra Corporation Limited in accordance with Regulation 400 of the Local Government (General) Regulations 2005.
(Woods/Richardson)
-

Report No. 12.12. Draft 2013/2014 Statement of Revenue Policy, Budget Estimates and Fees and Charges

File No: #E2013/19936

- 13-155 Resolved:**
- 1. That Council consider and review the Draft 2013/2014 Statement of Revenue Policy comprising the Draft 2013/2014 Budget Estimates, Rates and Charges, Borrowings and Fees and Charges.
 - 2. That the Draft 2013/2014 Statement of Revenue Policy comprising the Draft 2013/2014 Budget Estimates, Rates and Charges, Borrowings and Fees and Charges be placed on public exhibition, and that these Plans be amended to incorporate the recommendations for the budget estimates concerning superannuation and Roundhouse Subdivision costs identified in this report along with any other proposed amendments identified by Council as a component of the Draft 2013/2014 Operational Plan.
 - 3. Council review and update its Long Term Financial Plan (LTFP) to incorporate the Draft 2013/2014 Budget Estimates adopted by Council for public exhibition and subsequent 10 year financial projections.
(Woods/Richardson)
-

ENVIRONMENT AND PLANNING - EXECUTIVE MANAGER'S REPORT

Report No. 12.15. PLANNING - 10.2012.555.1 Demolition of existing dwelling and erection of 4 storey mixed use residential and commercial at 9 Station Street, Bangalow

File No: Parcel Nos 85390x178620x193400 #A2012/10725

13-156 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2012.555.1 for demolition of existing dwelling house and garage and to erect a 4 storey mixed residential and commercial building including 8 dwellings (residential flat buildings), 3 shops and basement car parking for 18 vehicles, be refused for the following reasons:

1. Pursuant to Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* the proposed bulk and scale of the building is likely to have a negative impact on the built environment of the locality.
2. Pursuant to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* the proposed development is likely to detract from the character and appearance of the Bangalow Heritage Precinct (item of the environmental heritage) identified within Schedule 2 of Byron Local Environmental Plan 1988.
3. Pursuant to Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposal is inconsistent with the provisions of Byron Development Control Plan 2010, Chapter 12, Section 4 Heritage.
4. Pursuant to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the design quality principles identified within Part 2 of State Environmental Planning Policy No.65 (Design Quality of Residential Flat Development) and the Residential Flat Design Code.
5. Pursuant to Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979* the subject site is not considered to be suitable for the proposed development.
6. Pursuant to the provisions of Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the built form and environmental impacts of the proposed development are considered to be contrary to the public interest. (Woods/Richardson)

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.

GENERAL MANAGER – COMMITTEE REPORTS

Report No. 13.2. Report of the Internal Audit Advisory Committee Meeting held on 21 March 2013

File No: #E2013/17993

13-157 Resolved that Council note the minutes of the Internal Audit Advisory Committee Meeting held on 21 March 2013.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

18 APRIL 2013 (6 of 26)

13-158 Resolved that in relation to Report No. 4.1 – Internal Audit Report – Audit Committee (General Manager #E2013/17141), Council adopts:

Committee Recommendation IA 4.1.1

That Council receive and note the Internal Audit Report – Audit Committee (21 March 2013) (Annexure 3 #E2013/17142) prepared by the Internal Auditor, Grant Thornton.

(Woods/Richardson)

13-159 Resolved that in relation to Report No. 4.2 – Internal Audit Report – Plant and Fleet Review (Community Infrastructure #E2013/14464), Council adopts:

Committee Recommendation IA 4.2.

1. That the Internal Audit Report – Plant and Fleet Review December 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 (#E2013/14487).
3. That the Internal Audit Committee receive a report on the implementation of the recommendations for the distribution of diesel at the Myocum Landfill.

(Woods/Richardson)

13-160 Resolved that in relation to Report No. 4.3 – Year End Audit Management Letter 2012 (Corporate Management #E2013/16109), Council adopts:

Committee Recommendation IA 4.3.

That the comments provided by Management in response to matters raised in the Year End Audit Management Letter 2012 be noted by Council.

(Woods/Richardson)

13-161 Resolved that in relation to Report No. 4.4 – Implementation of Recommendations from ICAC Operational Jarek (Organisational Support #E2013/16937), Council adopts:

Committee Recommendation IA 4.4.1.

That Council notes the response from Management to the recommendations made by the Independent Commission Against Corruption in its Jarek investigation.

Committee Recommendation IA 4.4.2.

That Council notes that the recommendations made in Operation Jarek will be addressed in the applicable to audits, when conducted in accordance with the Internal Audit Program.

(Woods/Richardson)

Report No. 13.3. Report of the Strategic Planning Committee Meeting held on 28 March 2013

File No: #E2013/19789

13-162 Resolved that Council note the minutes of the Strategic Planning Committee Meeting held on 28 March 2013 (#E2013/18001). (Woods/Richardson)

13-163 Resolved that in relation to Report No. 4.2 – Bike Plan Review and Suffolk Park Notice of Motion (Community Infrastructure #E2013/17050), Council adopt:

Committee Recommendation SPC 4.2.1

That Council examine options for a two-way, mostly on-street bike route on the eastern side of Broken Head Road from Suffolk Park to Byron Bay town centre and include:

1. Options to commence with works where projects 72 and 73 (#E2013/17341) were planned;
2. Marking options such as green painted surfaces;
3. Crossing points as indicated on figure 2 on page 9 of the report (#E2013/17050);
4. Funding options.

Committee Recommendation SPC 4.2.2

That prior to March 2014, Council reconsider the criteria for prioritisation in the Bike Plan in accordance with the idea that more on-street bikeways be forthcoming and as a result, consider Section 94 Plan implications. (Woods/Richardson)

13-164 Resolved that in relation to Report No. 4.3 – Byron Shire Council's Financial Position 2012/2013 (Corporate Management #E2013/16620), Council adopt:

Committee Recommendation SPC 4.3

1. That Council receive and note this report.
2. That Council not pass any resolutions authorising new expenditure of money unless an available funding source is identified and quarantined for that purpose.
3. That management with budget programs in the General Fund continue to consider the current financial position in terms of the remainder of the financial year and that any existing expenditure items funded from general revenue (that is items not funded by reserves, water, sewer or waste revenues or specific purpose grants and contributions) currently not spent, be reviewed and where budgets have not been committed and do not need to be expedited, that these budgets be identified as expenditure savings in the 31 March 2012 Quarterly Budget Review.
4. That Council notes that expenditure over the remainder of the 2012/2013 financial year on recovery from the recent declared natural disasters funded from new grant revenue will mean that Council may not be able to complete its own maintenance/asset renewal works program with existing staff resources. It is acknowledged this option is considered a short term benefit but does not assist the already evident infrastructure backlog the Council has nor potential risks of not at least maintaining existing service levels.
5. That Council determines that any general revenue funded allocated expenditure, not expended in a current financial year NOT be automatically carried over to the next financial year before it is reviewed and priorities established. (Woods/Richardson)

13-165 Resolved:

4. That in relation to Report No. 4.4 – 2013/2014 Rating Structure (Corporate Management #E2013/16801), Council adopt:

Committee Recommendation SPC 4.4.1

1. That the rating structure to apply for the 2013/2014 financial year remain as the existing rating structure including the rating categories/sub categories of:
 - Residential Ordinary
 - Residential Ordinary – Flood Prone Lands
 - Residential Ordinary – Conservation Agreements
 - Business Ordinary
 - Business Ordinary – Byron Bay Central Business District (CBD)
 - Farmland Ordinary

2. That the adopted rating structure be reviewed prior to the 2014/2015 financial year with the various options to be reported and considered at the next Strategic Planning Committee meeting scheduled for 23 May 2013, along with the community consultation process required to consult on any proposed changes determined by Council and that this review include:
 - a) any rating options associated with resolution 12-25
 - b) potential rating options around holiday letting (under current legislation/ regulations or requiring amendment to legislation/regulations).
 - c) any rating options relating to the application of farmland rating for smaller scale primary production or that incorporates environmental enhancement.

(Woods/Richardson)

13-166 Resolved that in relation to Report No. 4.5 – Draft 2013/2014 Budget, Statement of Revenue Policy and Fees and Charges (Corporate Management #E2013/17381), Council adopt:

Committee Recommendation SPC 4.5.1

1. That Council consider and review the Draft 2013/2014 Statement of Revenue Policy comprising 2013/2014 Budget Estimates, Rates and Charges, Borrowings and Fees and Charges.

2. That the Draft 2013/2014 Statement of Revenue Policy comprising the 2013/2014 Budget Estimates, Rates and Charges, Borrowings and Fees and Charges be placed on public exhibition, and that these Plans be amended to incorporate the changes identified in this report, being:
 - a) Removal of the proposed loan borrowings of \$91,400 representing residual funding of the Roundhouse Subdivision.

 - b) Revenue from ordinary rates be reduced by \$64,300 due to revenues being over estimated

(Note: Estimated revenues are inclusive of growth factor allowance).

 - c) Revenue from interest on investments be increased by \$155,700.

 - d) Addition of revenue funding allocations for road reconstruction commencing in the 2016/2017 financial year with the amounts to included being:
 - 2016/2017 \$426,000
 - 2017/2018 \$557,100
 - 2018/2019 \$585,000

- 2019/2020 \$614,300
 - 2020/2021 \$645,000
 - 2021/2022 \$677,300
 - 2022/2023 \$711,200
- e) Ordinary rates to be increased by 3.4% in accordance with the IPART determination for 2013/2014
- (Note: Draft Budget has been prepared on this basis and additional revenues included in the result presented).*
- f) The inclusion in the Draft 2013/2014 Revenue Policy of the recommended new fee of \$42.50 per On-Site Sewerage Management System (OSMS) relating to the application for or renewal of approval to operate an OSMS. (Woods/Richardson)
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ENVIRONMENT AND PLANNING – COMMITTEE REPORT

Report No. 13.4. Report of the Biodiversity and Sustainability Advisory Committee Meeting held on 15 March 2013
File No: #E2013/17600

13-167 Resolved:

1. That Council note the minutes of the Biodiversity and Sustainability Advisory Committee meeting held on 15 March 2013.
2. That in relation to Report No 4.1 – Meeting Schedule for 2013, Council adopt:

Committee Recommendation 4.1.1

That the Biodiversity and Sustainability Committee meets at 10.00am, where possible, on the following dates during 2013:

- 17 May 2013
- 28 June 2013
- 30 August 2013
- 25 October 2013
- 13 December 2013
- Or as required (Woods/Richardson)

13-168 Resolved that in relation to Business Arising, Heather Harford's resignation, Council adopt:

Committee Recommendation 5.1.1

That Council acknowledge Heather Harford's resignation and write a letter of appreciation and gratitude for all of Heather's valuable work and input to the Committee.

Committee Recommendation 5.1.2

That Council, through an advertised Expression of Interest (EOI) process, expand the number of community representatives to six on the Biodiversity and Sustainability Advisory Committee to increase the level of community input to the Committee, and amend the Constitution accordingly. (Woods/Richardson)

PROCEDURAL MOTION

- 13-169 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being 14.2, 12.9 and 12.13 next on the Agenda. (Woods/Richardson)

The motion was put to the vote and declared carried.

ITEMS RESERVED FOR DEBATE

WATER AND RECYCLING - CONFIDENTIAL REPORT

Report No. 14.2. CONFIDENTIAL Roundhouse Subdivision

File No: #E2013/15604

13-170 Resolved:

1. That Council invite tenders for the Roundhouse Subdivision works by the open tendering method.
 2. That Council remove the budget provision and associated funding sources from the 2012/2013 budget estimates for the Roundhouse Subdivision.
 3. That Council allocate funding in the 2013/2014 budget estimates for construction of the Roundhouse Subdivision for the amount and funding sources identified in Table 1 of the financial implications section of this report.
 4. That Council utilise funds from the Internal Reserves identified in Table 2 within the financial implications section of this report up to the amounts specified on a short term basis to the extent that construction costs are not recovered by 30 June 2014 from the sale proceeds.
 5. That should the Internal Reserves identified in Table 2 within the financial implications section of this report up to the amounts specified be required for short term funding purposes, then they be reimbursed from future land sales to the amount utilised.
 6. That Council establish a Infrastructure Renewal Reserve and that any proceeds realised from sale of the developed lots of the Roundhouse Subdivision in excess of the construction cost be transferred to the Infrastructure Renewal Reserve.
 7. That Council sells all eleven lots in the subdivision.
 8. That Council undertake an Expression of Interest (EOI) for real estate marketing of the Roundhouse Subdivision during the tender process.
 9. That Report No 14.2 to 18 April 2013 Ordinary Meeting be made public except for the "Financial Implications" section and the annexure which are to remain confidential.
 10. That in conjunction with the proposed establishment of an Infrastructure Reserve Fund as a repository for revenue derived from Council asset sales (as recently endorsed by the Council's Strategic Planning Committee), Council include Ocean Shores infrastructure renewal projects listed in the Council's Asset Management Plans as high priorities in the expenditure of those Reserve funds. (Dey/Richardson)
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*The motion was put to the vote and declared carried.
Cr Cubis voted against the motion.*

PROCEDURAL MOTION

13-171 Resolved that the vote on reservation of items for debate be recommitted to allow for Report 12.1 to be reserved for debate. (Woods/Cameron)

The motion was put to the vote and declared carried.

13-172 Resolved that Council include Report No. 12.1. in the matters reserved for debate. (Woods/Richardson)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORT

Report No. 12.9. Markets Policy Review Project Reference Group

File No: #E2013/14550

13-173 Resolved:

1. That Council note the Markets on Council owned and controlled land – Briefing document at Annexure 4(b) (#E2012/9700) and the Markets on Council owned and controlled land – History document at Confidential Annexure 4(c) (#E2013/14637).
2. That prior to the formation of a Markets Policy Review Project Reference Group, Council convene a councillor workshop and seek independent legal advice with expertise in competition policy in relation to its obligations, or otherwise, to tender out its services and licences. The advice should be received within 1 month and should specifically address:
 - a) the obligation or otherwise to do a cost/benefit analysis prior to making a decision to tender out services
 - b) the steps Council should take to satisfy themselves that a tender is required
 - c) the impact of a Council local preference policy on the tender process
 - d) whether licences, such as the markets, fall under any of the heads specifically mentioned in s.55 of the LGA
 - e) assuming each licence is likely to involve receipt of less than \$100,000 per annum whether it falls within the exemption within S55(3) of the LGA
 - f) what specific TPA, ICAC guidelines, LEP and Crown Land Act legislative requirements are likely to be breached if the status quo remains in relation to the markets or other similar activities Council licences;
 - g) general advice on the best practice tendering process, and subsequent evaluation processes
 - h) In relation to the most recent draft markets policy put on display in 2011, specifically the advice should address the following:
 - (i) is it a legal requirement that all mention of “local” and the giving of local preference to stall holders be removed from the policy

- (ii) is it possible that the market management be limited to not for profit community groups
- (ii) is it a legal requirement that market management no longer provide priority to locally grown, home produced goods etc
- (iv) is the proposed restriction in section 3.4 of the draft policy legally enforceable (Spooner/Richardson)

13-174 Resolved that Cr Cameron be granted an extension of two minutes to his speech.
(Woods/Cubis)

The motion was put to the vote and declared carried.

13-175 Resolved that Cr Spooner be granted an extension of two minutes to his speech.
(Richardson/Dey)

The motion was put to the vote and declared carried.

Cr Cubis voted against the motion.

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

Crs Cubis, Woods and Cameron voted against the motion.

ENVIRONMENT AND PLANNING - EXECUTIVE MANAGER'S REPORT

Report No. 12.13. PLANNING – 10.2012.269.1 Temporary use of Site (North Byron) for cultural events at Bayshore Drive, Byron Bay

File No: Parcel No 161600 #DM1244065

13-176 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2012.269.1 for temporary use of the site (North Byron) for small cultural events (with some event camping) be granted consent subject to the conditions listed in Annexure 15 #E2013/18617 as amended below:

- Condition 5c is amended to say from "8.30am" instead of 9am.
- Condition 9 is amended to read "occupation" instead of "construction" Certificate
- Conditions 13 and 14 are deleted
- Condition 15 - 4th dot point amended to read – provide a trafficable 6m pavement
- Conditions 19 amended to say – Temporary structures "should" rather than "shall"
- Condition 64 amended to say – All wiring, power outlets, switches, etc should be located above (deleting "maximum extent possible")
- Condition 29 with a change to 29 ii which will read – Appropriate personnel are to marshal people away from shorebird areas during events (deleting the word "licensed")
- Condition 34 remains but with a change to the wording – change "constructed" to "set out"
- Condition 43 and 56 – change heading to Temporary Fencing to Dunal and Coastal areas (delete "habitat")
- Condition 49 remains but is to be consistent with requirements of Condition 30

- Condition 25 and 26 to have these words added :

A Vegetation Management plan that is reflective of the scale and short duration of the application is to be prepared... (Cubis/Wanchap)

AMENDMENT

Moved: That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2012.269.1 for temporary use of the site (North Byron) for small cultural events (with some event camping) be granted consent subject to the conditions listed in Annexure 15 #E2013/18617 as amended below:

- Condition 5c is amended to say from "8.30am" instead of 9am.
- Condition 9 is amended to read "occupation" instead of "construction" Certificate
- Conditions 13 & 14 are deleted
- Condition 15 - 4th dot point amended to read – provide a trafficable 6m pavement
- Conditions 19 amended to say – Temporary structures "should" rather than "shall"
- Condition 64 amended to say – All wiring, power outlets, switches, etc should be located above (deleting "maximum extent possible"
- Condition 29 with a change to 29 ii which will read – Appropriate personnel are to marshal people away from shorebird areas during events (deleting the word "licensed")
- Condition 34 remains but with a change to the wording – change "constructed" to "set out"
- Condition 43 & 56 – change heading to Temporary Fencing to Dunal and Coastal areas (delete "habitat")
- Condition 49 remains but is to be consistent with requirements of Condition 30 (Dey/Richardson)

The amendment was put to the vote and declared lost.

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

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

The motion was put to the vote and declared carried.

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

Crs Dey and Cameron voted against the motion.

The meeting adjourned at 1.10pm for a lunch break and reconvened at 2.00pm.

MAYORAL MINUTE

There was no Mayoral Minute.

NOTICES OF MOTION

Notice of Motion No. 8.1. Donation from Mayors Discretionary Allowance - Byron Shire Relay for Life

#E2013/15746

13-177 Resolved:

1. That Council note the donation of a 'Worm Farm' to the value of \$55 from the Mayor's Discretionary Allowance to the 'Byron Shire Relay for Life'.
2. That Council advertise the donation in accordance with Section 356 of the Local Government Act 1993. (Richardson/Woods)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.2. Submission to Draft SEPP (Mining, Petroleum Production and Extractive Industries) Amendment (CSG Exclusion Zones) 2013

#E2013/18890

13-178 Resolved that Council make a late submission to this SEPP Amendment in the form of the draft document (#E2013/22293) of 12 April 2013 with the following amendment:

In the fifth paragraph, add the words "or E Zones within the Shire" after Rural/Residential zones. (Dey/Ibrahim)

The motion was put to the vote and declared carried.

SUBMISSIONS AND GRANTS

There were no submissions or grants tabled.

PETITIONS

Correspondence and Petitions No. 9.1. Upgrade the causeways of Upper Main Arm Road and Palmwoods

#E2013/18894

13-179 Resolved:

1. That the petition regarding upgrading the causeways of Upper Main Arm Road be noted.
 2. That the petition be referred to the Executive Manager Community Infrastructure for information.
 3. That the priority list be referred to the new Community Infrastructure Advisory Committee together with a map locating the 81 causeways.
-

4. that funding be sought for the causeways programs, including opportunities through Dept of Primary Industries (through the Fisheries section).
5. That the school at Upper Main Arm be asked to inform its students of this resolution.
(Dey/Richardson)

The motion was put to the vote and declared carried.

GENERAL MANAGER'S REPORT

Report No. 12.1. Draft Delivery Program 2013-2017 (including Operational Plan)
File No: #E2013/19947

13-180 Resolved:

1. That Council endorse the draft Delivery Program 2013-2017 (including Operational Plan) for public exhibition, with authorisation to amend the draft to ensure that it accords with Council's endorsed draft 2013/14 Budget as necessary.
2. That the draft Delivery Program 2013-2017 (including Operational Plan) include the following new actions in a) to c) and f) and g) and amendments to timing to actions in d) to e) under Corporate Management Key Activity 2013-17:
 - a) CM 2.2.2 "Promote compliance through advice and information":
implement an awareness and enforcement program for onsite management sewerage systems (OSMS) (Res 13-135) with a KPI to develop and maintain a register of OSMS in the Shire.
 - b) SC 1.1.1
Seek partnerships to outsource the delivery of affordable housing on available public land
 - c) SC 2.4.4
Seek partnerships to outsource the delivery of affordable housing on available public land
 - d) EN 2.1.1
Develop the Byron Bay Town Centre Urban Design Strategy (resolutions: 09- 781; 09-667; 09-744). 1st quarter
 - e) CI 1.3.1 Prepare Town and Village Landscape Plans for Council adoption. 1st quarter
 - f) EC 1.3.1
Develop a strategy and investigate collaborative opportunities that positions Byron Shire as a centre of excellence for training/education in selected priority sectors.
 - g) EN 1.1.4 AS in addition to the Invasive Species Program:

Investigate and report on ways to reduce synthetic herbicide usage in public places with a KPI to establish a protocol for herbicide usage in public spaces. Investigate options for integrating a chemical free weed control program with the existing programs where economically viable throughout the shire. (Dey/Richardson)

The motion was put to the vote and declared carried.

COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER’S REPORT

Report No. 12.3. Community Infrastructure Advisory Committee - Community Representative Nominations

File No: #E2013/15175

13-181 Resolved:

1. That council appoint Alexandra Anne Maclean, Ben Redden and Christopher Sanderson as the community representatives from the eight applicants listed in Annexure 5(a) (#E2013/15386) for membership to the Community Infrastructure Advisory Committee
2. That Council formally thank the unsuccessful applicants for their expressions of interest to membership of the Community Infrastructure Advisory Committee. (Hunter/Cubis)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORTS

Report No. 12.7. Investments – February 2013

File No: #E2013/11061

- 13-182 Resolved** that Council receive and note the record of investments for the month of February 2013. (Hunter/Woods)

The motion was put to the vote and declared carried.

Report No. 12.8. Boards of Management and Section 355 Committee Member Appointments

File No: #E2013/19891

13-183 Resolved:

1. That with regard to the Mullumbimby Civic Hall Board of Management:
 - a) The 2 Expressions of Interest shown at Confidential Annexure 21(a) (#E2013/20235) be appointed to the Board of Management being:
 - i) Glenn Wright
 - ii) Andrea Danvers
 - b) Council arrange for recruitment of further members and report back to Council.
2. That Council:
 - a) Appoint the following community members to the Bangalow A&I Board of Management
 - i) Don Osborne (existing Board Member)

- ii) John Hudsmen (existing Board Member)
 - iii) Ronald Dickson
 - iv) Peta Heeson
 - v) Tony Heeson
 - vi) Richard Staples
- b) Amend the Guidelines to enable 8 members on the Board of Management and that a quorum of 5 members will be required to meet.
3. That with regard to the Ocean Shores Community Centre Section 355 Management Committee:
- a) Council officially thank Robert Gooch for his past membership on this committee.
 - b) The 3 Expressions of Interest shown at Confidential Annexure 21(c) (#2013/20209) be appointed to the Section 355 Committee being:
 - i) Betty Lloyd
 - ii) Donna Hammond
 - iii) Helen Graveson
4. That all appointments be made for a 4 year term in line with Council's term.
- a) That if the Board of Management requests further members to assist them with their role, Council arrange for recruitment of further members and report back to Council.
(Cameron/Richardson)

The motion was put to the vote and declared carried.

Report No. 12.10. Section 355 Management Committees - appointment of members and other matters

File No: #E2013/13930

13-184 Resolved:

1. That with regard to the Bangalow Heritage House Section 355 Management Committee the following additional members be appointed to the committee as follows:
 - Rita Cowled
 - Stephanie King
 - Patricia Bleakley
 - Wendy Grissell
 - Annette Welstead
 - John Sourry
 - Phil McLean
 - Elaine Moyle
2. That with regard to the Byron Library Exhibition Space Section 355 Management Committee:
 - a) That Howard Sedgmen be appointed as a member on the committee for the term in line with Council general elections.
 - b) That the Terms of Reference for the Committee be as follows:
 - *To make a vibrant and exciting art space*
 - *To raise money to keep the space viable and to promote optimum usage of the Community Exhibition Space at the Byron Library*

- To make welcome artists and users and assist in presenting their exhibition
 - To care for and maintain the facility, through responsible day to day management
 - To ensure the safety of the patrons of the Community Exhibition Space, Byron Library
- c) i) That the Definition in the Fees and Charges be amended as follows for 2013/14:
- Community Exhibition Rate must meet the following guidelines:*
- Local community artists (residents of Byron Shire) (~~local is defined as being from any Northern Rivers local government area~~)
 - Local libraries, schools and education providers
 - Exhibitions/travelling exhibitions sourced for local community benefit by Council or on behalf of Council
 - Supporting a local community group
- ii) The fees and charges be amended to include cleaning costs to be charged to hirers at the discretion of the Committee.
- iii) That the amendment to the Fees and Charges be publicly exhibited for a period of 28 days, any submissions received by reported back to Council. In the event that no submissions are received the amendment to the definition be adopted. (Woods/Dey)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORT

Report No. 12.14. PLANNING - Draft Byron LEP 2012 - Submissions analysis and recommendations for Business and Industrial Zones
File No: #E2013/19700

13-185 Resolved that this matter rest on the table. (Richardson/Cameron)

The motion was put to the vote and declared carried.

SOCIETY AND CULTURE - EXECUTIVE MANAGER’S REPORT

Report No. 12.16. Youth Council Minutes November and December 2012
File No: #E2013/17367

13-186 Resolved:

1. That Council notes the minutes and meeting notes from the November and December 2012 Youth Council meetings.
 2. That Council notes the discussions on Youth Transport issues.
-

3. That the Youth Council recommendation to review the Bike Strategy and Action Plan to create more accessible transport corridors be referred to the Transport and Traffic Planner. This review is to include whether dual use of the carriageway is possible.
4. That in the event that the recently completed State Government rail feasibility study categorically concludes that there will not be a return to rail services for the Casino to Murwillumbah line in the near to medium term, Council will receive a report outlining possible changes to the Bike Strategy and Action Plan with a mind to review the Plan including the use of the railway land to create a bike path to connect local towns and villages with a priority to the creation of a Mullumbimby to Byron connection in accordance with the recommendation from the Youth Council. (Ibrahim/Woods)

The motion was put to the vote and declared carried.

Cr Cameron voted against the motion.

PROCEDURAL MOTION

- 13-187 Resolved** that Report 12.14 be lifted off the table. (Richardson/Woods)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORT

**Report No. 12.14. PLANNING - Draft Byron LEP 2012 - Submissions analysis and
continued recommendations for Business and Industrial Zones
File No: #E2013/19700**

- 13-188 Resolved** that Council move into committee to allow for discussion of a revised recommendation. (Woods/Richardson)

The motion was put to the vote and declared carried.

COMMITTEE MEETING

- 13-189 Resolved** that Council move out of committee and resume the Ordinary Meeting. (Woods/Richardson)

The motion was put to the vote and declared carried.

-
- 13-190 Resolved** that in relation to the draft Byron LEP 2012 Council resolves to:

1. Insert under the land use table for the B4 Mixed Use zone ‘Places of public worship’ and ‘Bed and breakfast accommodation’ as permitted with consent.
2. Apply the ‘RE1 Public Recreation’ zone to the northwest portion of Sandhills Estate (Byron Bay) as proposed on the map, #E2013/22194, titled ‘Appendix 5 – Recommended draft LEP 2012 zoning map of Sandhills Estate, Byron Bay (as revised)’ and formally advise Department of Trade and Investment – Crown Lands of Council’s decision to alter the draft LEP zoning to accord with the adopted Structure Plan (Option 1) in the ‘Sandhills Estate Strategic Planning Study 2007’.

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3. Amend the draft LEP 'Floor Space Ratio Map' to remove the FSR of 0.6:1 and 'Minimum Lot Size Map' to remove the 600m² minimum lot size from that portion of the Sandhills Estate (Byron Bay) to be rezoned RE1 Public Recreation, as recommended in 2. above, with no 'Floor Space Ratio Map' or 'Minimum Lot Size Map' to apply to this area.
4. Maintain the proposed B4 Mixed Use zone on 30-32 Lawson Street and 28 Lawson Street (Byron Bay Library), and extend the B4 Mixed Use zone to include 34 Lawson Street as proposed on the map, #E2013/22194, titled 'Appendix 5 – Recommended draft LEP 2012 zoning map of Sandhills Estate, Byron Bay (as revised)'.
5. Undertake consultation with the Department of Trade and Investment – Crown Lands prior to determining the zoning of Crown owned land identified as 'Deferred Matter' at the Sandhills Estate.
6. Investigate DCP controls that limit 'below ground car parking' to 1 floor only and seek to achieve better streetscape and urban design outcomes in the Byron Bay CBD (e.g. stepping back of upper storeys).
7. Apply the 'R2 Low Density Residential' zone to Lot 12 DP 601851 (42 Massinger Street) consistent with adjacent land to the south.
8. Apply the 'B2 Local Centre' zone to 58 and 60 Stuart Street and all of 77 Station Street as proposed on the map at Appendix 4 of Annexure 17(a).
9. Amend the Floor Space Ratio Map to identify 0.75:1 for all of 77 Station Street.
10. Amend the Minimum Lot Size Map to identify 200m² for all of 77 Station Street.
11. Insert the following objective into Zone B2 Local Centre of draft Byron LEP 2012:

"To encourage vibrant centres by allowing residential and tourist and visitor accommodation above retail, business and offices." (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.

FORESHADOWED MOTION

Moved: That in relation to the draft Byron LEP 2012 Council resolves to amend the floor space ratio for the B2 Local Centre zone in Byron Bay from 1:1 to 1.5:1 on the Floor Space Ratio Map. (Woods/Ibrahim)

AMENDMENT

- 13-191 Resolved** that in relation to the draft Byron LEP 2012 Council resolves to amend the floor space ratio for the B2 Local Centre zone in Byron Bay from 1:1 to 1.3:1 on the Floor Space Ratio Map. (Dey/Cubis)

The amendment was put to the vote and declared carried.

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

The amendment upon becoming the substantive 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.

FORESHADOWED MOTION

- 13-192 Resolved** that in relation to the draft Byron LEP 2012 Council resolves to amend the Floor Space Ratio Map for the Bangalow B2 Local Centre zone from 0.75:1 to 1:1. (Woods/Hunter)

AMENDMENT

Moved: That in relation to the draft Byron LEP 2012 Council resolves to retain the Floor Space Ratio Map for the Bangalow B2 Local Centre zone at 0.75:1. (Dey/Cameron)

The amendment was put to the vote and declared lost.

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

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

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.

SOCIETY AND CULTURE – EXECUTIVE MANAGER'S REPORTS

Report No. 12.17. Schoolies - 2012 outcomes and recommendations for 2013

File No: #E2013/17043

13-193 Resolved:

1. That in relation to 'Schoolies 2013', Council provide up to \$21,000 for the following as part of the Schoolies Safety Response Working Group from the allocated 2013/14 Budget (Job No. 3235.22):
 - a) Increased cleaning services for public amenities (to three times per day) at Apex Park, Fishheads and Railway Park for the duration of Schoolies;
 - b) Increased cleaning services for Apex Park and Byron Bay town centre for the duration of Schoolies;
 - c) Increased waste removal services, including extra bins provided at Apex Park for the duration of Schoolies;
 - d) Additional lighting in Apex Park including four spotlights at the Byron Bay Surf Club and two spotlights at the Byron Bay pool;
 - e) Free parking permits for volunteers;
 - f) Extra signage displaying alcohol free zones;
 - g) Provision of surf lifesaving services from Monday to Friday from Monday 18 November 2013. (The summer season patrols start on Monday 2 December 2013. Note that the volunteers from the Byron Bay SLSC do the weekends before, during and after the schoolies period.)
2. That the newly formed Community Summer Safety and Cultural Activities Committee consider the issues and implications of Schoolies 2013 in line with the Committees objectives, and make a recommendation to Council. (Spooner/Richardson)

AMENDMENT

Moved:

1. That in relation to 'Schoolies 2013', Council provide up to \$23,500 for the following as part of the Schoolies Safety Response Working Group from the allocated 2013/14 Budget (Job No. 3235.22):
 - a) Increased cleaning services for public amenities (to three times per day) at Apex Park, Fishheads and Railway Park for the duration of Schoolies;
 - b) Increased cleaning services for Apex Park and Byron Bay town centre for the duration of Schoolies;
 - c) Increased waste removal services, including extra bins provided at Apex Park for the duration of Schoolies;
 - d) Additional lighting in Apex Park including four spotlights at the Byron Bay Surf Club and two spotlights at the Byron Bay pool;
 - e) Free parking permits for volunteers;
 - f) Extra signage displaying alcohol free zones;
 - g) Provision of surf lifesaving services from Monday to Friday from Monday 18 November 2013. (The summer season patrols start on Monday 2 December 2013. Note that the volunteers from the Byron Bay SLSC do the weekends before, during and after the schoolies period.)
 - h) The supply of a marquee to be used as a safety hub for the duration of Schoolies;
2. That the newly formed Community Summer Safety and Cultural Activities Committee consider the issues and implications of Schoolies 2013 in line with the Committees objectives, and make a recommendation to Council. (Woods/Cubis)

The amendment was put to the vote and declared lost.

Crs Ibrahim, Dey, Richardson, Cameron, Wanchap, Spooner and Hunter voted against the amendment.

The motion was put to the vote and declared carried.

Cr Woods voted against the motion.

Report No. 12.18. Establishment of Community Summer Safety and Cultural Activities Committee

File No: #E2013/17482

13-194 Resolved:

1. That Council adopt the draft Terms of Reference provided in Annexure 12 (#E2013/17481) including:
 - a) the objectives/purpose of the Committee
 - b) Committee membership
 - c) the term of the Committee be 12 months, and reviewed at that time, and
 - d) that meetings be held bi-monthly or as required.
2. That Council call for nominees for four community representatives to participate in the Committee.
3. That the Executive Manager Society and Culture and the Mayor are delegated authority to select the representatives.

4. That Council write to the following key stakeholders inviting them to nominate a delegate (and an alternate) to the Committee:
 - a) Police
 - b) Byron Bay Liquor Accord
 - c) Byron Youth Service
 - d) VIA Byron/Byron Visitor Centre
 - e) Byron Bay Community Association
 - f) Backpackers group/Holiday Let Organisation
 - g) Byron United
 - h) Arts Northern Rivers
 - i) Arakwal Corporation
 - j) Youth Council
5. That Council nominate Crs Woods and Richardson to the Community Summer Safety and Cultural Activities Committee.
6. That the budget reductions of \$9,800 from resolution 13-193 be reallocated to the budget for the summer safety activities (job number 2342.11).
7. That the Terms of Reference be amended to reflect changes made by this resolution.
(Richardson/Cameron)

13-195 Resolved that Cr Richardson be granted a two minute extension to his speech.
(Woods/Cameron)

The motion was put to the vote and declared carried.

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

Report No. 12.19. Nominees for Public Art Assessment Panel
File No: #E2013/19235

13-196 Resolved:

1. That Council nominate two Councillors to participate in the Public Art Assessment Panel:
 - a) Cr Richardson
 - b) Cr Spooner
2. That Council select two community artists and two community representatives from the nominee applications received, as follows:
 - a) Suvira McDonald as Community Artist representative
 - b) Paula Cordeiro as Community Artist representative
 - c) Tracey Whitaker as Community Representative
 - d) Belinda Smith as Community Representative
3. That the Terms of Reference be amended to reflect the changes made by this resolution.
4. That Council write to the remaining applicants inviting them to be alternate representatives.
(Richardson/Wanchap)

The motion was put to the vote and declared carried.

DELEGATES' REPORTS

1. Rous Water Meeting 17 April 2013

Cr Woods advised:

It needs to be checked with staff that Rous Water is pulling out of their agreement with the Byron@Byron Resort on their sewerage plant, and one other particular area. I think it was Broken Head Coastal Foundation that intimated they would like to become part of the sewerage operations as normal sewer and we're not sure about Byron@Byron. I know way back with Byron@Byron that there was some huge issues with their treatment plant, which failed at one stage when it was first constructed and their equipment provider went into liquidation in the beginning. But what we really need to find out about are their intentions when Rous pulls out at the end of the year. They're not going to renew the commercial agreement they have with them.

Cr Dey also advised:

Rous Water met on 17 April. One item was reporting that three large OSMSs in Byron Shire (Byron@Byron, Forest Glades, BH Coastal Foundation) had STPs serviced by Rous on contracts. One has expired, one will expire in August and one early in 2014. Rous do not want the business and are unlikely to renew. It is therefore likely that two of the organisations will want to connect to sewer. The BHCF is probably too distant from sewer lines.

2. Australian Coastal Councils Conference

Cr Wanchap presented photos of the Australian Coastal Councils Conference held in South Australia.

GENERAL MANAGER - COMMITTEE REPORT

Report No. 13.1. Report of the Finance Advisory Committee Meeting held on 7 March 2013

File No: #E2013/16283

13-197 Resolved:

1. That Council note the minutes of the Finance Audit Advisory Committee Meeting held on 7 March 2013.
 2. That in relation to Report No. 4.1 – Draft Delivery Program and Operational Plan (Corporate Management #E2013/10888), Council note the potential to refine the content and format of future Operation Plans to better align the Operation Plan with financial components.
 3. That in relation to Report No. 4.2 – Draft 2013/2014 Budget, Statement of Revenue Policy and Fees and Charges (Corporate Management #E2013/10931), Council consider all opportunities to improve Council's financial position by:
 - a) better utilisation of Council's assets
 - b) an expenditure review
 - c) increased revenues
 - d) new commercial opportunities
-

- e) enhanced coordination with regional councils, other agencies and other organisations
- 3. That Council support staff initiatives to return the working fund surplus to \$1,000,000.
- 4. That the Market Stall Holders approval charge be reviewed and options presented to the Strategic Planning Committee including an option for a 25% increase. (Dey/Richardson)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT - CONFIDENTIAL REPORT

Report No. 14.1. CONFIDENTIAL Byron Shire Council Holiday Parks Contract Management

File No: #E2013/20686

13-198 Resolved:

- 1. That Council not call for tenders for the management contract for the Suffolk Park Holiday Park and First Sun Holiday Park for the reasons:
 - a) the proposed contract is for a period of 12 months and therefore exempt from the requirement to call tenders pursuant to s.55(3) of the *Local Government Act* 1993; and
 - b) pursuant to s.55(3) of the *Local Government Act* 1993, there are extenuating circumstances which prevent the calling of tenders at this time, and that a satisfactory result would not be achieved by inviting tenders for the following reasons:
 - i. the specialised nature of holiday park management means that there are limited persons with sufficient experience and skill;
 - ii. a tenure of 12 months would be unlikely to result in commercially acceptable tenders.
- 2. That Council extend the existing management contracts for Suffolk Park Holiday Park and First Sun Holiday Park under the same terms and conditions therein from the period 1 July 2013 to 30 June 2014, subject to the receipt of the written agreement from the existing Holiday Park Managers.
- 3. That Council by 30 June 2014, undertake a tender process for the operation of the Suffolk Park Holiday Park and First Sun Holiday Park on a combined basis, under a generic single management contract, and that this process be undertaken in accordance with the procurement process required by Section 55 of the *Local Government Act* 1993.
- 4. That the report remain confidential. (Cubis/Spooner)

The motion was put to the vote and declared carried.

PROCEDURAL MOTIONS

- 13-199 Resolved** that Council discuss a matter of urgency next on the agenda. (Woods/Hunter)
-

BYRON SHIRE COUNCIL

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The motion was put to the vote and declared carried.

The Mayor considered the matter for request for donation and ruled it a matter of great urgency.

13-200 Resolved that the business be dealt with at the meeting. (Woods/Hunter)

The motion was put to the vote and declared carried.

1. Matter of Urgency – Request for Donation – Dream Workers Project

The Mayor declared a non-pecuniary interest in this matter. The nature of the interest being that Jasper Mills is his cousin.

13-201 Resolved that Council waive all development and construction certification fees, for the Dream Workers (Jasper Mills) project, to allow for a hydro spa and associated structures to be installed to assist in the treatment of Jasper, an 18 month old boy, who has been diagnosed with severe cerebral palsy and micro cephally. (Woods/Dey)

The motion was put to the vote and declared carried.

13-202 Resolved that Council discuss a matter of urgency next on the agenda. (Woods/Hunter)

The motion was put to the vote and declared carried.

The Mayor considered the matter of the Conference and ruled it a matter of great urgency.

13-203 Resolved that the business be dealt with at the meeting. (Richardson/Spooner)

The motion was put to the vote and declared carried.

2. Matter of Urgency – Attendance at the National Mainstreet Australia Conference

13-204 Resolved that Council appoint Cr Richardson to attend the National Mainstreet Australia Conference, Melbourne on 12-15 May 2013 and that the funds be provided from within funds currently available in the Councillors' Professional Development – Conferences budget. (Richardson/Spooner)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 5.07pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 9 May 2013.

.....
Mayor Simon Richardson