



Byron Shire Council



Minutes

Ordinary Meeting
Thursday, 27 June 2013

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
27 June 2013

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BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 JUNE 2013 (1 of 30)

**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY,
27 JUNE 2013 COMMENCING AT 10.30AM AND CONCLUDING AT 5.35PM**

#E2013/38315

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)
Michael King (Manager Infrastructure Planning)
Mark Arnold (Executive Manager Corporate Management)
Sharyn French (Acting Executive Manager Environment and Planning)
Shannon McKelvey (Executive Manager Organisational Support)
Peter Rees (Acting 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

Cr Dey requested a leave of absence for the dates 8 to 11 July 2013 and 19 to 29 July 2013.

13-311 Resolved that Cr Dey be granted a leave of absence for the dates 8 to 11 July 2013 and 19 to 29 July 2013. (Dey/Richardson)

The motion was put to the vote and declared carried.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Crs Hunter, Cameron and Dey declared a special disclosure of interest under sections 451(4) and (5) in Report 12.13.

Cr Spooner declared a non-pecuniary interest in Report 12.15. The nature of the interest being that he rents a property on Broken Head Reserve Road, Broken Head.

Cr Spooner declared a non-pecuniary interest in Report 12.19. The nature of the interest being that his employer, Byron Bay Community Association, is the current lease holder.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

13-312 Resolved that the Minutes of the following meetings be confirmed:

- Byron Shire Reserve Trust Committee Meeting 13 June 2013
 - Ordinary Meeting 13 June 2013 with the following amendment:
Change 2(c) on page 22 of 23 by adding the word "remove" at the beginning of the sentence. (Dey/Woods)
-

The motion was put to the vote and declared carried.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

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

EXECUTIVE MANAGERS' REPORTS

Community Infrastructure

- 12.2. 2013/14 Black Spot Program Intersection Jonson and Browning Streets, Byron Bay
- 12.4. Development of a Byron Bay Parking and Traffic Demand Management Plan

Corporate Management

- 12.7. Adoption of the 2013/2017 Delivery Program (including Operational Plan), Statement of Revenue Policy, 2013/2014 Budget and 2013/2014 Fees and Charges
- 12.10. Access Deed for Telstra telecommunications facilities Suffolk Park
- 12.12. Section 355 Committees/Boards – Appointments and Resignations

Environment and Planning

- 12.13. PLANNING – Draft Byron LEP 2012 – Submissions analysis and recommendations for Rural Zones and Control – Second report
- 12.14. PLANNING – Review of Development Control Plan No 17 – Public Exhibition and Notification of Development Applications

Society and Culture

- 12.16. Outcomes of the Arts Byron Shire Forum held on 22 May 2013
- 12.18. Richmond Tweed Regional Library allocated budget contribution 2013/14

COMMITTEE REPORTS

Community Infrastructure

- 13.2. Report of the Local Traffic Committee Meeting held on 5 June 2013
 - 13.2.2. Proposed Byron Bay Lighthouse Fun Run 2013
 - 13.2.3. Speed Hump for Federal Village
 - 13.2.8. Procedural Matter – Change to 2013 meeting dates

CONFIDENTIAL REPORTS

Community Infrastructure

- 14.1. CONFIDENTIAL Tender Assessment Supply and Delivery Pre Mixed Concrete 2013-0020
- 14.2. CONFIDENTIAL Tender Assessment Supply of Quarry Products

The remaining Recommendations and Committee Recommendations were adopted as a whole, being moved by Cr Woods and seconded by Cr Dey. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 13-313 and concluding with Resolution No. 13-335.

COMMUNITY INFRASTRUCTURE - EXECUTIVE MANAGER'S REPORTS

Report No. 12.1. South Golden Beach Box Culvert Project

File No: #E2013/36861

- 13-313 Resolved** that \$30,000 be transferred from the stormwater levy reserve to 44176 South Golden Beach Flood Pump Works (Box Culvert). (Woods/Dey)

Report No. 12.3. Report of the Wilsons Creek Project Reference Group Meeting held on 28 May 2013

File No: #E2013/35471

13-314 Resolved:

1. That Council note the Unconfirmed Report (Annexure 10(a) #E2013/33351) of Wilsons Creek Project Reference Group (PRG) meeting held on 28 May 2013.
2. That in relation to agenda item 6.2.1 - Peer review of micropile and rock buttress options, Council adopt:

PRG Recommendation WC 6.2.1:

1. That Council move ahead with the micropile option and not pursue the rock buttress option.
2. That Council prioritise this project on the basis that this slip occurred 12 months prior to the other 11 in the Shire and still carries a load limit of 10 tonnes.

(Woods/Dey)

Report No. 12.5. Proposed Stage 1 - Bike Track at BRSCC

File No: #E2013/37377

- 13-315 Resolved** that Council approve the construction of Stage 1 of the proposed cycle track at the Byron Regional Sport and Cultural Complex (BRSCC) (as per Annexure 24(d) #2013/37694) prepared by the Byron Bay Cycle Club subject to:

- a) the relevant contractor being appointed by the Byron Bay Cycle Club having relevant insurances in accordance with Council's procurement practices.
- b) the works being subject to relevant hold points for inspection by staff to ensure the works are constructed as per the approved plan.
- c) That upon the completion of the works Council contributes up to \$6,000 (inclusive of GST) to the Byron Bay Cycle Club for the construction of a path along the eastern side of the Multi Purpose Facility from the 2013/14 budget, using the BRSCC Maintenance / Upgrade account (3249.006). (Woods/Dey)

CORPORATE MANAGEMENT - EXECUTIVE MANAGER'S REPORTS**Report No. 12.6. Making of the Rate 2013/2014****File No:** #E2013/34305

13-316 Resolved that in accordance with Sections 533, 534, 535 and 566 of the Local Government Act, Council makes the following rates and annual charges for 2013/2014:

1. Residential - Ordinary Rate

A Residential Ordinary Rate of 0.2766 cents in the dollar on the land value of all land categorised as residential, with a minimum rate of \$652.50 per rateable assessment. Exception to this will be in respect to vacant land wholly contained within zones 5(b), 7(a) and 7(f1) of the Byron Local Environmental Plan 1988 (as amended), which meets the definition of vacant coastal hazard and flood liable land as per section 548 of the Act. In this case the minimum rate amount shall be \$358.00 per rateable assessment. The minimum rate does not apply to portions of properties subject to conservation agreements. The portion of the property not subject to the conservation agreement is rated at the ad valorem rate only of 0.2766 cents in the dollar.

2. Business (Other) - Ordinary Rate

A Business (Other) Ordinary Rate of 0.4149 cents in the dollar on the land value of all land categorised as business outside the 'centre of activity' known as Byron Bay Business Centre, with a minimum rate of \$652.50 per rateable assessment.

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

A Business (Byron Bay Business Centre) Ordinary Rate of 0.5532 cents in the dollar on the land value of all land categorised as business within the boundary of the 'centre of activity' known as Byron Bay Business Centre, with a minimum rate of \$652.50 per rateable assessment.

4. Farmland - Ordinary Rate

A Farmland Ordinary Rate of 0.2039 cents in the dollar on the land value of all land categorised as farmland, with a minimum rate of \$652.50 per rateable assessment. Exception to this will be in respect to vacant land wholly contained within zones 5(b), 7(a) and 7(f1) of the Byron Local Environmental Plan 1988 (as amended) which meets the definition of vacant coastal hazard and flood liable land as per section 548 of the Act. In this case the minimum amount shall be \$358.00 per rateable assessment.

5. Other Annual Charges Applicable for 2013/2014

(a) Domestic Waste Management Annual Charges

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

Council such action is warranted in view of any variation in the cost of rendering the service. The following charges for 2013/2014 will apply:

Urban Domestic Waste Collection - Annual Charges	
Size of Service	Annual Charge
Per service – weekly collection of 80 Litre Bin*	\$155.00
Per service – weekly collection of 140 Litre Bin* (Standard Service)	\$275.00
Per Service – weekly collection of 240 Litre Bin*	\$385.00
Multi Unit Dwellings – 80 litre service	\$147.00
Multi Unit Dwellings – 140 litre service	\$252.00
Multi Unit Dwellings – 240 litre service	\$347.00
Per Multi Unit Dwelling (Weekly Collection of 240 Litre waste and 240 litre recycling bin shared at the rate of one bin per two units*	\$260.00
Per Service - Additional Domestic Recycling Bin Collected fortnightly	\$75.00

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

(b) Domestic Waste Management Annual Charge – Vacant Land

In accordance with Section 496 of the Act, a charge of \$20.00, to be known as the Domestic Waste Management Charge – Vacant Land is to apply for 2013/2014 to all vacant residential rateable land contained within the defined collection area.

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

In accordance with Section 496 of the Act, a charge, to be known as the Rural Waste Management Charge, for the provision of a fortnightly waste service is to apply for 2013/2014 to all rateable residential land within the rural service collection area. This charge, depending on the number of services, is to be levied for the removal of domestic waste and recyclable materials on and during the normal collection day and hours. This is subject to the right of the Council to seek to vary such charge during the year, if in the opinion of the Council; such action is warranted in view of any variation in the cost of rendering the service.

An annual charge of \$260.00, to be known as the Rural Waste Management Charge will be charged per service to residential properties in the rural service collection area that provides for fortnightly collection of 240 litre waste bin and 240 litre recycling bin.

(d) Rural Waste Availability Charge (Residential Properties)

In accordance with Section 496 of the Act, an annual charge of \$20.00, to be known as the Rural Waste Availability Charge will apply for 2013/2014 to residential properties in the rural service collection area that choose not a have a Council Rural Domestic Waste service but have a dwelling situated on the property. Rural property owners paying the Rural Waste Availability Charge have the option to commence services if their circumstances change.

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

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

In accordance with Section 501 of the Act, a charge, to be known as the Rural Waste Management Charge, for the provision of a fortnightly waste service is to apply for 2013/2014 to all non-residential land within the rural service collection area. This charge, depending on the number of services, is to be levied for the removal of waste and recyclable materials on and during the normal collection day and hours. This is subject to the right of the Council to seek to vary such charge during the year, if in the opinion of the Council; such action is warranted in view of any variation in the cost of rendering the service.

An annual charge of \$360.00, to be known as the Rural Non-Domestic Waste Management Charge will be charged per service to non-residential properties in the rural service collection area that provides for fortnightly collection of 240 litre waste bin and 240 litre recycling bin.

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

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

The following charges for 2013/2014 will apply:

Commercial Waste Management Annual Charges	
Type of Service	Annual Charge
Per Service - Weekly collection of 140 litre waste bin	\$350.00
Per Service - Weekly collection of 140 litre waste bin and 240 litre recycling bin	\$350.00
Per Service - Weekly collection of 240 litre waste bin	\$400.00
Per Service – Weekly collection of 240 litre waste bin and 240 litre recycling bin	\$400.00
Per Service – Additional Weekly collection of 240 litre recycling bin	\$90.00
Per Service – Twice Weekly collection of 140 litre waste bin and 240 litre recycling bin	\$680.00
Per Service – Twice Weekly collection of 240 litre waste bin	\$700.00
Per Service – Twice Weekly collection of 240 litre waste bin and 240 litre recycling bin	\$700.00

(g) Water Fixed Annual Charge

In accordance with Section 501 of the Act, a charge to be known as Water Fixed Charge, will apply for 2013/2014 to all properties to which a water supply is available. The amount of the charge will be dependant on the meter connection size and the number of services existing on the property as detailed below.

20mm	\$150.00
25mm	\$234.40
32mm	\$384.00
40mm	\$600.00
50mm	\$937.50
65mm	\$1,584.40
80mm	\$2,400.00
100mm	\$3,750.00

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

A minimum charge of \$75.00 will apply to each parcel of rateable land (including vacant land) which does not have a water service connection but to which a water service is available in accordance with the provisions of Section 552(1)(b) of the Local Government Act 1993.

Householders with a 20mm or 25mm water service who choose to augment their water supply with an approved rainwater tank supply will incur an annual fixed charge of \$75.00.

Where a meter connected to a property is being used for Fire Services a charge of \$199.50 will apply regardless of the meter connection size.

(h) Water Usage Charges

In accordance with Section 502 of the Act, all Residential properties in 2013/2014 will be charged a Water Usage Charge for the use of the Water Supply Service on a quarterly basis based as per the usage recorded through the water meter or meters servicing the property. The charge will be based on an inclining block tariff with the first incline up to 450kls per reading year being charged at \$2.21 per kilolitre and any usage above 450kls per reading year being charged at \$3.32 per kilolitre.

Non-Residential properties will be charged \$2.41 per kilolitre for all water used as recorded through the water meter or meters servicing the property.

(i) Sewerage Fixed Annual Charge

In accordance with Section 501 of the Act, a charge of \$757.50, to be known as Sewerage Service Fixed Charge, will apply to all single dwelling residential properties in 2013/2014.

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

A minimum charge of \$378.75 will apply to each parcel of rateable land (including vacant land) which does not have a sewerage service connection but to which a sewerage service is available in accordance with the provisions of Section 552(3)(a) of the Local Government Act 1993.

Dwellings with an approved composting toilet will incur an annual Fixed Charge of \$378.75. Premises connected to Councils Sewer System through a sewer pod will incur an annual Fixed Charge of \$732.50.

The 2013/2014 Sewerage Service Fixed Charge for Non-Residential properties (including Non-rateable properties) will be proportional to the size of the water supply service connection to the property.

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

20mm	\$757.50
25mm	\$1,183.60
32mm	\$1,939.20
40mm	\$3,030.00
50mm	\$4,734.40

65mm	\$8,001.10
80mm	\$12,120.00
100mm	\$18,937.50

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

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

A minimum charge of \$378.75 will apply to each parcel of non-residential rateable land which does not have a sewerage service connection but to which a sewerage service is available in accordance with the provisions of Section 552(3) (a) of the Local Government Act 1993.

Non-Residential properties with an approved composting toilet will incur an annual Fixed Charge of \$378.75. Non-residential properties connected to Councils Sewer System through a sewer pod will incur an annual Fixed Charge of \$732.50.

(j) Sewer Usage Charges

In accordance with Section 502 of the Act, a Sewer Usage Charge of \$1.72 per kilolitre of water used will be charged for 2013/2014 for Residential properties.

Non-residential properties having differing sewer discharge factors (SDF) will be charged for 2013/2014 by applying the individual SDF to a Non-Residential Sewer Usage Charge of \$2.29 per kilolitre of water (as measured by the water meter connection to the property).

(k) Liquid Trade Waste Fixed Charge

In accordance with Section 501 of the Act, Council will charge a Liquid Trade Waste Fixed Charge against properties connected to Council's sewerage system which are generating medium to high level risk liquid trade waste that is required to be treated via a liquid trade waste pre-treatment device. The Liquid Trade Waste Fixed charge for 2013/2014 will be \$287.00, for Liquid Trade Waste Category 2S Fixed Charge \$653.50 and for Liquid Trade Waste Large Industrial Fixed Charge \$516.20.

(l) Liquid Trade Waste User Charges

In accordance with Section 502 of the Act, properties assessed as discharging Liquid Trade Waste to Councils sewer system will be charged a Liquid Trade Waste Usage Charge by applying the individual Liquid Trade Waste Factor (LTWDF) against the liquid trade waste usage charge for 2013/2014 of \$2.29 per kilolitre of water (as measured by the water meter connection to the property).

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

(m) Stormwater Management Charge

In accordance with Section 496A of the Act, Council will charge a 'Stormwater Management Charge' against rateable properties for which the service is available. Council has identified the residential and business properties that are within Council's urban stormwater catchment areas that will be levied this charge for the 2013/2014 financial year.

(i) Properties categorised as Residential (Not being Strata Titled)

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

(ii) Properties categorised as Residential (Strata Units)

A flat charge of \$12.50 for a Stormwater Management Service Charge is to be levied against each eligible residential strata unit within the urban stormwater catchment.

(iii) Properties categorised as Business (Not being Strata Titled)

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

(iv) Properties categorised as Business (Strata Units)

A Stormwater Management Service Charge against each eligible business strata unit within the urban stormwater catchment area based on one of the following two scenarios:

(v) Scenario 1 – Business Strata Units Only

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

(vi) Scenario 2 – Business and Residential Strata Units (Mixed Development)

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

(vii) Urban Land Exempt from the Stormwater Management Service Charge

The same exemptions that apply to non-rateable properties for other rates and charges also apply in respect of the stormwater management service charge

pursuant to the Local Government Act. In addition, the following properties are also exempted from this charge under the provisions:

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

6. In accordance with section 566 of the Act, that Council adopts the maximum rate of interest as determined by the Division of Local Government in Circular 13-12 dated 28 March 2013 of 9% for 2013/2014 on overdue rates and charges. (Woods/Dey)
-

Report No. 12.8. Request to waive interest charges on Rate Assessment 245605

File No: #E2013/29080

13-317 Resolved:

1. That Council agree to waive the interest charges accrued (\$7,838.10 at 30 June 2013) on Rate Assessment 245605 only after such time as the outstanding amount of rates excluding accrued interest is paid in full by the applicant of the possessory title of the land.
 2. That the applicant of the possessory title be required to continue to pay any rates and charges associated with Rate Assessment 245605 that may arise whilst the possessory application is being determined. (Woods/Dey)
-

Report No. 12.9. Investments – May 2013

File No: #E2013/31945

- 13-318 Resolved** that the report listing Council's investments and overall cash position as at 31 May 2013 be noted. (Woods/Dey)
-

Report No. 12.11. Affix Council Seal to LPI Dealing Forms - Application for Replacement Certificates of Title

File No: #E2013/34177

- 13-319 Resolved** that Council affix the Council Seal to the Applications for Replacement Certificates of Title for Lots 2 and 4 DP 1004514 in accordance with Regulation 400 of the Local Government (General) Regulations 2005. (Woods/Dey)
-

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER'S REPORTS

Report No. 12.15. PLANNING - Supplementary report 10.2011.306.1 Subdivision (to create two lots) and a tourist facility (two-bedroom tourist accommodation facility and manager's residence) at Broken Head Reserve Road Broken Head

File No: #E2012/13027

- 13-320 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2011.306.1 for Subdivision (to create two lots) and a tourist facility (two-bedroom tourist accommodation facility and manager's residence) be granted consent subject to the conditions listed in Annexure 12(c) #E2013/35623. (Woods/Dey)
-

*The motion was put to the vote and declared
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 REPORT

Report No. 12.17. Positive Ageing Strategy 2012-2016 Progress Report

- 13-321 Resolved** that Council note the progress on implementation of the Byron Shire Council Positive Ageing Strategy 2012-2016. (Woods/Dey)
-

WATER AND RECYCLING AND CORPORATE MANAGEMENT – EXECUTIVE MANAGER'S REPORTS

Report No. 12.19. Fletcher Street Cottage Lease

File No: #E2013/33046

13-322 Resolved:

1. That Council issue a termination notice, providing one (1) month's notice to Byron Bay Community Association Inc for the lease of part Lot B DP 372589 known as Fletcher Street Cottage.
 2. That Council grant a Lease over part Council owned Operational Land (part Lot B DP 372589) known as Fletcher Street Cottage, to The Salvation Army in accordance with the terms and conditions contained at Annexure 16(c) (#E2013/33053) on the following basis:
 - (a) Term of twelve (12) months;
 - (b) Commencing 1 July 2013 (subject to Byron Bay Community Association Inc agreeing to early termination as at 30 June 2013);
 - (c) Terminating on 30 June 2014;
 - (d) Rent \$36,000.00 per annum exclusive of GST;
 - (e) Annual rent review in accordance with CPI; and
 - (f) All lease preparation and registration costs are to be met by the lessee.
 3. That Council affix the Council Seal to the Lease in accordance with Regulation 400 of the Local Government (General) Regulations 2005.
 4. That Council amend the operating budget to reflect the new lease rental of \$36,000.00 per annum exclusive of GST and remove any recurring section 356 Donation. (Woods/Dey)
-

WATER AND RECYCLING- EXECUTIVE MANAGER'S REPORT

Report No. 12.20. Land Acquisition of Lot 26 DP1185516 be classified as Operational, Laverty's Gap Water Treatment Plant

File No: #E2013/35708

13-323 Resolved:

1. That Council accepts ownership of Lot 26 DP1185516 for the purposes of increasing the available land area of the Laverty's Gap Water Treatment Plant to allow future expansion or upgrading of the treatment plant.
-

2. That Council authorise the General Manager to sign and/or affix the Council Seal to all documentation, in relation to transfer Lot 26 DP1185516 to Council.
3. That Council give notice for not less than 28 days of the following proposed resolution pursuant to Section 34 of the Local Government Act 1993:

“That Lot 26 DP1185516 Wilson’s Creek Road, Laverty’s Gap be classified “Operational” under the Local Government Act 1993.”
(Woods/Dey)

COMMUNITY INFRASTRUCTURE - COMMITTEE REPORTS

Report No. 13.1. Report of the Community Infrastructure Advisory Committee Meeting held on 5 June 2013

File No: #E2013/35497

13-324 Resolved that Council note the Unconfirmed Report (Annexure 11(a), #E2013/35479) of the Community Infrastructure Advisory Committee (CIAC) Meeting held on 5 June 2013.
(Woods/Dey)

13-325 Resolved that in relation to agenda item 4.2 - Community Infrastructure Advisory Committee Constitution, Council not adopt Committee Recommendation CIAC 4.2.1 but instead adopt:

Management Recommendation CIAC 4.2.1

That Council adopt Community Infrastructure Advisory Committee Constitution (Annexure 11(c) (#E2013/35988), which includes the following amendments:

- a) Item 2. Purpose
first dot point: add “and priorities” after policy
- b) Item 3. Membership
remove “any” from the last line
- c) Item 4. Quorum
change to “A quorum is reached when at least half the number of non-staff members are present and must include at least 1 Councillor”
- d) Item 8. Majority Decision
remove this section
- e) Item 15. Miscellaneous
remove “all” five times
change “group members” to “Committee members”
- f) Include a “Definitions” item which defines Level of Service as follows:
“The defined service quality for a particular service against which service may be measured. Service levels usually relate to quality, quantity, reliability, responsiveness, environmental, acceptability and cost.”
(Woods/Dey)

13-326 Resolved that in relation to agenda item 4.4 - Upgrade causeways of Upper Main Arm Road and Palmwoods, Council adopt:

Committee Recommendation CIAC 4.4.1

That Council note the information relating to the “Causeway Replacement Hierarchy”.
(Woods/Dey)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 JUNE 2013 (13 of 30)

13-327 Resolved that in relation to agenda item 4.5 - Pine Avenue Resealing, Council adopt:

Committee Recommendation CIAC 4.5.1

1. That Council note the information regarding Pine Avenue and roads maintenance budget.
2. That Council write to the organiser of the Pine Avenue petition and provide advice on the Community Infrastructure Advisory Committee's considerations, namely that:
 - a) funding is not currently available to proceed with the reconstruction
 - b) Council will maintain the road to keep it safe for residents. (Woods/Dey)

13-328 Resolved that in relation to agenda item 4.6 – Infrastructure Renewal Project – Northern Shire roads projects, Council adopt:

Committee Recommendation CIAC 4.6.1

That Council endorse further information in terms of options to prioritise projects for the Infrastructure Renewal Scheme for the Ocean Shores area to be provided to the Community Infrastructure Advisory Committee. (Woods/Dey)

Report No. 13.2. Report of the Local Traffic Committee Meeting held on 5 June 2013

File No: #E201334887

1. Proposed No Stopping, Grays Lane, Tyagarah

File No: F161 #E2013/34887

13-329 Resolved that Council erect No Stopping signs along the northern side of Grays Lane, Tyagarah, from the end of the sealed pavement near Buckleys Road to the edge of the National Parks land. (Woods/Dey)

4. Bus Stop for Broken Head Road

File No: F161 #E2013/34887

13-330 Resolved:

1. That Council erect a J-pole for regulation of the bus stop and move the No Stopping signage as required.
2. That Council carry out a detailed design for the provision of a formalised bus bay and shelter on the eastern side of Broken Head Road in the vicinity of the Beaches of Byron Caravan Park, and report the design back together with funding options through the Local Traffic Committee for review and endorsement of any regulatory facility. (Woods/Dey)

5. Byron Bay Writers Festival 2013

File No: F161 #E2013/34887

13-331 Resolved that Council approve the provision of No Stopping and a speed limit of 40kph along Bayshore Drive, Byron Bay, for the Byron Bay Writers Festival 2013, in accordance with the Traffic management and Site Layout Plan (#04338) by Greg Alderson and Associates P/L. (Woods/Dey)

6. Conflicting regulatory signs, Bangalow

File No: F161 #E2013/34887

13-332 Resolved:

1. That Council remove the Parallel Parking signs.

2. That Council change the timing on the 2P signs on the southern side of Byron Street to be 9.30am – 2.30pm, Monday to Friday and retain 8.00am to 12noon for Saturdays.
(Woods/Dey)

7. Late Item – NAIDOC Celebration, Street Walk and Family Day
File No: F161 #E2013/34887

13-333 Resolved that Council endorse the NAIDOC Celebration, Street Walk and Family Day to be held in Byron Bay on Thursday 11 July 2013, subject to the:

- a) use of an accredited designed and implemented Traffic Control Plan, OR under Police escort
- b) meeting of the advertising requirements of the Roads Act 1993
- c) event being notified on Council's website
- d) consideration of any submissions received
- e) proponent's lodgement of current and appropriate levels of insurance and liability cover; and
- f) attainment (by the event proponent) of written authority to hold the street walk from the Police, noting the need for this application to be accompanied by a traffic control plan.
(Woods/Dey)

SOCIETY AND CULTURE - COMMITTEE REPORTS

Report No. 13.3. Report of the Community Summer Safety and Cultural Activities Committee Meeting held on 27 May 2013

File No: #E2013/35048

13-334 Resolved that Council adopt the following Committee Recommendation:

Committee Recommendation CSSCAC

1. That Council note the Community Summer and Cultural Activities Committee are calling for expressions of interest for possible events/entertainers/volunteers/ activities/services over the summer holiday period, specifically New Year's Eve.
2. That Council note that a Media Release will be circulated. (Woods/Dey)

Report No. 13.4. Report of the Public Art Assessment Panel Meeting held on 23 May 2013

File No: #E2013/34883

13-335 Resolved:

1. That Council adopt the following recommendations regarding made by the Public Art Assessment Panel:
 - a) Panel Recommendation 9.1
 - i) That the Public Art Assessment Panel recommend that Council not accept the donation of 'Absolut Dahlsen' artwork by John Dahlsen for the following reasons:
 - a) the annual maintenance required for the artwork to be beyond Council's existing budget

- b) recent viewing of the work in its current location on the Gold Coast has shown it to be in need of repair
 - c) the alcohol association of the piece is inappropriate for Byron Shire (the work was originally commissioned by Absolut Vodka).
- ii) That John Dahlsen be thanked for his offer of the donation and advised that Council are open to future offers of artwork from him.
- b) Management Recommendation 9.2
- i) That Council support the 'Community Fish Mosaic' artwork but cannot accept the donation as Council is not the reserve trust manager where the Torakina amenities block is located.
 - ii) That Council write to North Coast Holiday Parks as the reserve trust manager, notifying them of the support for the project
 - iii) That Council write to artist/project coordinator notifying them of Council's support for the 'Community Fish Mosaic' artwork and advising that the land that the amenities block is located is under the care and control of North Coast Holiday Parks and that requests to install should be directed to them for consideration.
- c) Panel Recommendation 9.3
- i) That the Public Art Assessment Panel recommend that Council not accept the commissioning or direct purchase of 'FUNctional Collection' artwork by Chad Kolcze, although the work was viewed favourably, for the following reasons:
 - a) Any artwork commissioned or purchased by Council will need to go through a tender/ expression of interest process, and this has not occurred in this case
 - b) There are budget and time constraints.
 - ii) That Chad Kolcze be thanked for the offer and be provided contacts for:
 - a) The Section 355 Committee managing the new Byron Bay Library Exhibition Space regarding holding an exhibition, and
 - b) Friends of the Library, who may be interested in making a purchase.
- d) Management Recommendation 9.3.1
- i) That Council note the Public Art Assessment Panel's request that residual unspent funds from the Public Art budget 2012/13 be rolled over to the financial year 2013/14, in addition to funds allocated in the 2013/14 budget.
 - ii) That Council consider the request when 'carry overs' are reviewed and priorities are established consistent with resolution 13-164. That the Public Art Assessment Panel recommend to Council that residual unspent funds from the Public Art budget 2012/13 be rolled over to the financial year 2013/14, in addition to funds allocated in the 2013/14 budget.
- e) Panel Recommendation 9.4
- i) That the Public Art Assessment Panel recommend that Council support the concept of the creation of the 'Mullumbimby Sculpture Gateway' and request the following further details from the artist, Suvira McDonald:
 - a) evidence of community support for the project, including from the Aboriginal community
 - b) detailed designs

- c) details about land ownership for the preferred location and whether a development application will be required
- d) a new proposal to be submitted including a Public Art Asset Registration application, a risk assessment and maintenance manual (as per the Public Art Guidelines and Criteria)
- e) a clear outline of what is requested from Council.

f) Panel Recommendation 9.5

That the Public Art Assessment Panel recommend that Council support the use of the kick wall for art and that the Public Art Guidelines and Criteria (Section 6) be followed to commission an artist to undertake this project.

g) Panel Recommendation 10

That the Public Art Assessment Panel recommend that Council decommission 'The Tree Theatre' sculpture in Denning Park, Byron Bay, due to the state of deterioration of the artwork and the increasing risk to public safety. (Woods/Dey)

PROCEDURAL MOTION

- 13-336 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being 8.2, 8.5, 12.7, 12.10, 12.13, 12.18 next on the Agenda. (Woods/Richardson)

The motion was put to the vote and declared

NOTICES OF MOTION

Notice of Motion No. 8.2. New Brighton Soccer Club
#E2013/37155

- 13-337 Resolved** that Council change the hours of operation of lighting for the Tom Kendall Oval as follows:

Monday and Sunday - No lights
Tuesday to Saturday - Lights allowed until 9.00pm during the months of April to September (Woods/Ibrahim)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.5. Policy for Unauthorised Dwellings
#E2013/36470

- 13-338 Resolved** that Council staff prepare a briefing paper for a workshop towards the development of a policy on unauthorised dwellings in the Shire taking into consideration Council's compliance and enforcement policy, unapproved dwelling policy, results of any relevant past workshops, trends and practices in other shires with similar issues. The briefing paper is to include:

1. Discussion of potential objectives
2. Benefits and risks for the community and Council
3. Social, environmental and financial impacts for residents, Council and the community
4. Possible strategies and implementation alternatives

and put to Council for consideration by the end of 2013.

(Hunter/Dey)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORTS

Report No. 12.7. Adoption of 2013/2017 Delivery Program (including Operational Plan), Statement of Revenue Policy, 2013/2014 Budget and 2013/2014 Fees and Charges

File No: #E2013/31211

13-339 Resolved:

1. That Council consider the submissions received during the public exhibition period for the 2013/14 Integrated Planning documents, including Draft 2013/2017 Delivery Program (including Operational Plan), Statement of Revenue Policy, 2013/2014 Budget and 2013/2014 Fees and Charges.

(Note: Council is required to consider the submissions received prior to the adoption of the 2013/2017 Delivery Program (including Operational Plan), Statement of Revenue Policy, 2013/2014 Budget and 2013/2014 Fees and Charges)

2. That Council adopt the 2013/2017 Delivery Program, including 2013/2014 Operation Plan (Annexure 1(a) #E2013/36813), with the following amendments:
 - a) EN 1.1.4
amend to read ‘Investigate options for integrating a chemical free weed control program with existing program and implement where economically viable’.

With a KPI of ‘Options investigated and herbicide usage reduced’.
 - b) EC 1.4.1
amend to read “Develop a strategy to maintain and attract sporting and cultural events to the Shire”.
 - c) CI 3.2.2
amend to read “Maintain water supply systems in accordance with or to better than regulatory standards.”
 - d) CM1.1.5
Delete “Report to Council on Land and Environment Court development cases and appeals arising.”
3. That Council adopt the 2013/2014 Budget, as amended, including the budget adjustments indicated in the report and as detailed in Table 11 of this report.
4. That Council adopt the fees and charges for 2013/2014 as shown in Annexure 1(b) (#E2013/37854), with the following amendments:
 - a) The following revised fees and charges for the Byron Bay Library Community and Exhibition Space be included along with an additional charge notifying artists that there is a 22% commission charge on sales made during an exhibition.

BYRON SHIRE COUNCIL

Community and Exhibition Space – Byron Bay Library		
Stand – Commercial or private hire		
Comm – Non Profit organisation/community group		
<p>*Community Rate must meet the following guidelines:</p> <ul style="list-style-type: none"> • Local not-for-profit community groups or organisations (local is defined as being from the Byron Shire) • Local libraries, schools and education providers (local is defined as being from the Byron Shire) • Functions and meetings sourced by Byron Shire Council for local community benefit by Council or on behalf of Council. 		
Description	2013/2014	
	\$	
Meeting and Function bookings	Comm	Stand
Half day hire (4 hours)	100.00	150.00
Day/night hire (8 hours)	140.00	280.00
Bond	250.00	250.00
**Kitchen Use and Cleaning included in hire fee		
<p>**Within Byron Shire' Exhibition Rate must meet the following guidelines:</p> <ul style="list-style-type: none"> • Local community artists • 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 		
<i>Exhibitions</i>	Outside Byron Shire	**Within Byron Shire
Per Week (minimum 1 week, maximum 3 weeks)	350.00	250.00
<u>Artist please note:</u> ** 22% commission charged on sales made during an exhibition	22% commission on sales made during exhibition	
Bond	500.00	500.00
**Kitchen Use and Cleaning included in hire fee		

b) That the following the fees and charges below replace the 2013/14 Brunswick Heads Memorial Hall fees and charges:

Description	2013/14
	\$
Brunswick Heads Memorial Hall	
Day (between 8am and 5pm)	
Per hour (regular weekly booking)	15.00
Per hour (casual hire)	20.00
Per session / half day (4 hours)	65.00
Per day	No longer available
5 to 8 hours	180.00
Continued Hire after 12 midnight (max 2 hours)	138.00
Full Kitchen hire	50.00
Small Function Kitchen hire	10.00
Bond	350.00
Key Deposit	25.00
Cancellation Fee	25.00
Extraordinary cleaning incl. removal of garbage	At cost

c) That the following wording in the fees and charges below replace 2013/14 Richmond Tweed Library Services Fees and Charges:

Description	2013/14 \$
Richmond Tweed Regional Library Service	
Byron Shire Libraries	
Processing Fee for Lost Items...(not including Periodicals)	10.00
Printouts from PCs — Predominately Black	No longer available
Colour Graphics/Pictures	No longer available
Fast Facts Reference & Info. Service — Information faxed between branch libraries for patrons	No longer available
Fast Facts Reference & Info. Service — Information faxed to patron's own machine	No longer available
Scanning, per page	2.30
Headphones – per set	2.00
Fax Charges – sending personal faxes to anywhere (First Page)	4.00
Fax Charges – sending personal faxes to anywhere (each page thereafter)	1.00
Fax Charges — receiving personal faxes (each page over 6 pages)	No longer available

d) That in accordance with the Local Government Act 1993 Section 610(f) the proposed amendment to the fees and charges for 2013/2014 in 3(a), above, for the inclusion of a charge of 22% commission on sales made during an exhibition, be advertised for a period of 28 days to allow for public submissions and:

- i) that if any submissions are received on the proposed amendments to the fees and charges they be reported back to Council prior to adoption; or
- ii) that in the event that no submissions are received on the proposed amendment to the fees and charges they be adopted after the close of the exhibition period.

5. That Council adopt the 2013/2014 Statement of Revenue Policy including the budget, fees and charges (Annexure 1(b) #E2013/37854), as amended.
6. That as no moneys have been set aside for general community Section 356 Donations in the 2013/14 Budget, any requests received for donations or sponsorships that fall under Council Policy 3.13 Donations to Community Organisations, Other Groups and Persons be advised that there are no moneys available this financial year.
7. That an option report for s64 charges and ET Policy on consolidated lots is brought to Council in August for consideration. That within the option report a rationale for the current situation of each option is provided. (Richardson/Woods)

The motion was put to the vote and declared carried.

Report No. 12.10. Access Deed for Telstra telecommunications facilities Suffolk Park
File No: #E2013/31876

13-340 Resolved that the matter of an Access Deed be deferred to a workshop (as mooted for August) to consider additional issues and options, namely:

1. a term of five years with options to extend being available to Council; call
2. the long-term future of the facility
3. the option of selling the facility
4. recovering rent in arrears
5. rental at the market rate
6. the potential for increased radiation once NBN is connected to the site
7. the legal advice cited at line 46 on page 90 of the report.
8. more information on upgrade and expansion planned by Telstra through its agent Urbis (Dey/Spooner)

AMENDMENT

Moved: That Council authorise the General Manager to sign the In Principle Agreement with Aurecon Australia Pty Ltd (acting on behalf of Telstra) at Annexure 3(b) (#E2013/31823) as confirmation of Council's interest to enter into an Access Deed with Telstra subject to the Council receiving legal advice on the proposed lease/access deed. (Woods/Cameron)

The amendment was put to the vote and declared lost.

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

The motion 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 - Draft Byron LEP 2012 - Submissions analysis and recommendations for Rural Zones and Control – Second report

File No: #E2013/36458

13-341 Resolved that in relation to the draft Byron LEP 2012 Council resolves to adopt the following recommendations from the discussion paper at Annexure 18(a) (#E2013/33026) outlined as follows:

1. Amend draft clause 4.1AA *Minimum subdivision lot size for community title schemes* as follows to facilitate MOs converting to CT:

4.1AA Minimum subdivision lot size for community title schemes [optional if clause 4.1 is adopted]

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by ad hoc subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 1989](#) of land in any of the following zones:
 - RU1 Primary Production
 - RU2 Rural Landscape
 - R5 Large Lot Residential
 - SP3 Tourist
 - RE2 Private Recreation
 - E2 Environmental Conservation
 - E3 Environmental Management

- E4 Environmental Living

- (3) With exception of land subdivided in accordance with subclause 3A, the size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

Direction. An exception to the minimum size shown on the Lot Size Map may be provided in certain circumstances, for example, in the case of land that is to be used for attached dwellings.

- (3A) Despite subclause (3), the size of any lot resulting from the subdivision of land within any area outlined by a thick purple line on the Multiple Occupancy and Community Title Map, or on land containing an existing approved multiple occupancy or rural landsharing community, may be less than the minimum lot size shown on the Minimum Lot Size Map if:

- (a) the total number of neighbourhood lots (within the meaning of the *Community Land Development Act 1989*) located within the area following the subdivision does not exceed the number nominated for that area as shown on the Multiple Occupancy and Community Title Map, or
- (b) the total number of neighbourhood lots (within the meaning of the *Community Land Development Act 1989*) located on the land following the subdivision does not exceed the number of dwelling sites approved under the development consent for the Multiple Occupancy or Rural Landsharing Community, and
- (c) there will be at least one lot comprising association property (within the meaning of the *Community Land Development Act 1989*) located within the area following the subdivision that comprises land to be used for the purposes of a recreation area, environmental facility or agriculture.

- (3B) The consent authority must not grant consent to development on land that is capable of being subdivided under subclause (3A) unless it is satisfied that:

- (a) appropriate management measures are in place that will ensure the protection and enhancement of the landscape, biodiversity and rural setting of the land.
- (b) improved social and economic outcomes can be achieved.

Note – An Approved Multiple Occupancy or Rural Landsharing Community means a development approved by way of the issue of a development consent. It is the applicants' responsibility to demonstrate the consent has not lapsed.

2. Include relevant controls for community title subdivision of multiple occupancy development (ie clause 17B) in the draft Shire-wide Development Control Plan.
3. That the RU2 Rural Landscape zone Land Use Table of the draft Local Environmental Plan 2012 be amended so that 'recreation facilities (indoor)' are permitted with consent.
4. Amend clause 6.4 Rural and nature based tourism development by:

- a) removing sub-clause (4)(c)(i), and
 - b) removing the following words from last paragraph in sub-clause (5): "without requiring additional fulltime staff."
5. That 'livestock processing industries' be listed as permitted with consent in the Land Use Table for RU2 Rural Landscape zone. (Hunter/Woods)

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

The meeting adjourned at 12.47pm for lunch and reconvened at 1.39pm.

SOCIETY AND CULTURE – EXECUTIVE MANAGER’S REPORT

Report No. 12.18. Richmond Tweed Regional Library allocated budget contribution 2013/14

File No: #E2013/38111

13-342 Resolved that Council:

1. Approves the budget allocation for library services for 2013/14.
2. Receives a report on implications to services as a result of cost savings and that the report includes options for reducing costs for library services in the Shire for 2013/14 and information as to effects on Library users.
3. Options are to include, but not be limited to:
 - a) Opening hours decreased by one hour
 - b) The closure of Byron Bay Library on Thursday evenings
 - c) A freeze on collection and other resource purchases
 - d) Alternative funding options
4. The RTRL committee is requested to consider the usage of Wi-fi and potential charges for non-members. (Cubis/Woods)

The motion was put to the vote and declared carried.

MAYORAL MINUTE

7.1. Holiday Let Working Group

13-343 Resolved that Council:

1. Facilitate a meeting within five weeks, with VOHL and community representatives to discuss options for the management of holiday letting in the Shire.
2. Initiate a Holiday Let forum consisting of Councillors and staff, 2 representatives of Holiday Let Organisation (HLO); 2 representatives from the Real Estate Industry; 2 representatives of Australian Resident Accommodation Managers' Association (ARAMA) NR; 2 representatives from Victims of Holiday Letting (VOHL) and 4 representatives from the broader community invited by the Mayor and Deputy Mayor to consider possible precinct and registration options, appropriate rates and charges, and other relevant management issues. (Richardson)

The motion was put to the vote and declared carried.

The meeting adjourned at 2.20pm in order to open the Byron Shire Reserve Trust Committee Meeting and reconvened at 2.23pm.

Resolution 13-344 was used during the Byron Shire Reserve Trust Committee Meeting.

NOTICES OF MOTION

Notice of Motion No. 8.1. Manfred Street Belongil – Reclassification of Council Land

#E2013/36832

13-345 Resolved that Council:

1. Arrange a site visit for Councillors and senior staff to gain a view of available land for potential sale.
2. Initiate the process to investigate the reclassification of the Council owned land at Manfred Street from Community Land to Operational Land. This will need to be done to enable Council to dispose of the property. (Woods/Wanchap)

AMENDMENT

Moved: That Council follow the priorities as outlined in the Financial Sustainability Project Plan as mentioned by staff at line 31 on page 5. (Dey/Richardson)

The amendment was put to the vote and declared lost.

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

The motion was put to the vote and declared carried.

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

Notice of Motion No. 8.3. New Brighton and South Golden Beach Erosion Issues

#E2013/37712

- 13-346 Resolved** that Council write to Premier O'Farrell and the Australian Prime Minister, notifying them of the critical situation of the coast at New Brighton/South Golden Beach and asking them for support to prepare and complete the Coastal Zone Management Plan (CZMP) for the Shire. (Woods/Dey)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.4. Coastal Erosion Issues - New Brighton and South Golden Beach

#E2013/37141

13-347 Resolved:

1. That, if Council's funding application under the Coastal Management Program is successful for funds to offset 50% of eligible costs to undertake the beach scraping program, any miscellaneous funds allocated to the Beach Scraping Program (Res 12-854,
-

- Part 3) be allocated in 2013/14 to resource the preparation of a CZMP for New Brighton and South Golden Beach.
2. That, as soon as Council resources are available to do so, Council apply for a variation (to the current CZMP funding) to prepare a CZMP for New Brighton and South Golden Beach under the state government's Coastal Management Program, noting that the OEH have informally advised that a variation could be submitted for consideration as part of the current CZMP for the Byron Bay Embayment grant.
 3. That alternate funding for the variation be considered at least as often as each Quarterly Review during 2013/14. (Dey/Wanchap)

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

PETITIONS

There were no petitions tabled.

SUBMISSIONS AND GRANTS

There were no submissions or grants tabled.

DELEGATES' REPORTS

1. Rous Water

Cr Dey advised:

We met on 19 June. We looked at various scenarios for the future water strategy for the four councils. Those scenarios will be fleshed out by various workshops along the way but the scenarios were interesting. One scenario was based on just building a new dam at Dunoon and when you looked at graphs of that scenario it showed that the single occurrence of the building of a dam increased the water capacity by a huge amount. Then of course over the years the demand for that water rose slowly and eventually, at some point in time, the two graphs crossed.

The alternate scenario that came up, there were several, but the interesting one was one that involved half a dozen smaller sources coming on line at various times which you could choose. It meant that the two graphs had a saw-tooth appearance as the demand rose: you'd increase supply by introducing the bores from Alstonville; later on the bores from Woodburn; later on some other source, and I thought it was attractive the fact the you could bring the supplies on in sequence as required.

Rous Water adopted its Delivery Plan and Operational Plan 2013/2014. Rous Water also made a submission on the Future Directions discussion with the State government and that was directed by a resolution of the meeting of the 19th. I can just briefly read out:

- "1. Council supports the integration of the existing three County Councils servicing this region as a single county council and supports representation by elected members from constituent Councils."*
-

There was a bit of discussion there, the point being that elected "members" plural. Part 2 of that resolution was:

- "2. Council is opposed to the whole concept of the proposed new look regional multi-purpose county council model for the following reasons:
- a. the absence of democratic processes
 - b. oppose the concept of having mayors only
 - c. core functions too extensive
 - d. does not answer to voters directly
 - e. creates more bureaucracy not less
 - f. not clear how funded and by whom
 - g. will almost certainly require additional accommodation

The existing relationship between Rous Water, Far North Coast County Council and Richmond River County Council was extended from the current lapsing which was due this month, extended for three years so that the relationship between the three Councils is now fixed for a further three years.

The last point of interest is that Rous is tending to divest itself of real estate at the moment. Probably ten years ago it took on the idea of investing in real estate and it is now divesting.

Cr Woods added:

They also talked about the staging of the Dunoon Dam as a way of implementing an extra water strategy and one of the interesting ones was the fracking of our sand to get water for drinking. I don't think that the Byron Shire would like anyone to come to Tyagarah and start digging around and trying to extract water from underground out there.

COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER'S REPORTS

Report No. 12.2. 2013/14 Black Spot Program Intersection Jonson and Browning Streets, Byron Bay

File No: #E2013/35550

Moved: That Council reject the offer of \$210,000 to undertake road safety improvement works at the intersection of Jonson Street and Browning Street, Byron Bay, under the 2013/14 Nation Building Black Spot program.

That Council consider alternative and less costly measures to improve safety at the intersection of Jonson and Browning Streets, Byron Bay. (Dey/Richardson)

The motion was put to the vote and declared lost.

Crs Ibrahim, Cubis, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted against the motion.

FORESHADOWED MOTION

13-348 Resolved:

1. That Council accept the grant offer of \$210,000 to undertake road safety improvement works at the intersection of Jonson Street and Browning Street, Byron Bay, under the 2013/14 Nation Building Black Spot program.

2. That the works be surveyed, designed and programmed for completion prior to the end of 2013.
3. That Council accept that there may be a cost to the project for the proposed Byron Bay town centre bypass, with a need to return a proportion of this grant if the bypass is built within 10 years of the completion of the Black Spot project. (Ibrahim/Cubis)

The motion was put to the vote and declared carried.

Report No. 12.4. Development of a Byron Bay Parking and Traffic Demand Management Plan

File No: #E2013/28870

13-349 Resolved:

1. That Council proceed with the Parking Study and development of a Byron Bay Parking and Traffic Demand Management Plan and provide a progress report by December 2013.
2. That Council endorse a time frame for completion of the Byron Bay Parking and Traffic Demand Management Plan by March 2014. (Cameron/Spooner)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORT

Report No. 12.12. Section 355 Committees/Boards - Appointments and Resignations

File No: #E2013/34806

13-350 Resolved:

1. That with regard to the Mullumbimby Civic Memorial Hall Board of Management Council
 - a) accept all 6 nominations for this Board for a term ending September 2016
 - b) amend the Board of Management guidelines to allow for 9 members
2. That with regard to the Ocean Shores Community Centre Section 355 Management Committee Council:
 - a) Accept the resignation from Denise Stammers and officially thank her for her past role on this Committee.
 - b) Appoint Jennifer Bensemann to the Committee for this term of Council ending September 2016. (Richardson/Dey)

The motion was put to the vote and declared carried.

*The meeting adjourned at 4.05pm for a break and reconvened at 4.17pm.
Cr Cubis left the meeting at the break and did not return.*

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 12.14. PLANNING – Review of Development Control Plan No 17 – Public Exhibition and Notification of Development Applications

File No: #E2013/36942

13-351 Resolved:

1. That Council place the amendment to Byron Shire Development Control Plan 2010 Chapter 17 – ‘Public Exhibition and Notification of Development Applications’ being Annexure 25 (#E2013/36947) with changes listed below, on public exhibition for a period of 28 days in accordance with current legislation:
 - a) remove "either" from Section 3.1;
 - b) shorten "Information and Enquiry Counter" to "Front Counter" or similar, throughout Chapter 17;
 - c) in Section 3.3, change "no later than the day before" to "no later than three business days before";
 - d) in Section 4.2 Level 1, delete "greater than one storey" from the fifth bullet.
2. That if no submissions are received on the draft amendment to Byron Shire Development Control Plan 2010 Chapter 17 – ‘Public Exhibition and Notification of Development Applications’ at the end of the public exhibition period it be adopted.
3. That Council examine options to shorten or avoid the 130mm column height of text repeated every week in the Public Notices ahead of the list of DAs on exhibition, including the option of directing readers to the full text online. (Dey/Richardson)

The motion 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.

SOCIETY AND CULTURE- EXECUTIVE MANAGER’S REPORTS

Report No. 12.16. Outcomes of the Arts Byron Shire Forum held on 22 May 2013

File No: #E2013/35658

- 13-352 Resolved** that Council note the outcomes of the Arts Byron Shire Forum held on 22 May 2013. (Spooner/Richardson)

The motion was put to the vote and declared carried.

COMMUNITY INFRASTRUCTURE - COMMITTEE REPORT

Report No. 13.2. Report of the Local Traffic Committee Meeting held on 5 June 2013

File No: #E201334887

2. Proposed Byron Bay Lighthouse Fun Run 2013

File No: F161 #E2013/34887

- 13-353 Resolved** that Council endorse the 10km Byron Lighthouse Fun Run to be held in Byron Bay on Sunday 15 September 2013, subject to the:

- a) use of an accredited designed and implemented Traffic Control Plan
- b) meeting of the advertising requirements of the Roads Act 1993
- c) event being notified on Council's website
- d) consideration of any submissions received
- e) proponent's lodgement of current and appropriate levels of insurance and liability cover; and
- f) attainment (by the event proponent) of NPWS written acceptance of the event.

(Ibrahim/Cameron)

The motion was put to the vote and declared carried.

3. Speed Hump for Federal Village

File No: F161 #E2013/34887

13-354 Resolved:

- 1. That Council investigate the frangibility of the bollards on either side of the threshold treatment and make changes if necessary to meet standards.
- 2. That Council attend the Federal Park Party in November and seek community feedback as to traffic mitigation options and report findings back to Council, with notification in Council's Notices advertised in the Echo and the community access point in Federal.

(Richardson/Dey)

The motion was put to the vote and declared carried.

Cr Woods voted against the motion.

8. Procedural Matter - Change to 2013 meeting dates

File No: F161 #E2013/34887

13-355 Resolved that for the remainder of 2013, the Local Traffic Committee meeting dates be:

Monday 5 August, 2013, 10.30am
Tuesday 8 October, 2013, 10.30am
Monday 18 November, 2013, 10.30am

or, alternate dates to be arranged if there are clashes for Members of the Committee.

(Dey/Richardson)

The motion was put to the vote and declared carried.

COMMUNITY INFRASTRUCTURE - CONFIDENTIAL REPORTS

Report No. 14.1. CONFIDENTIAL Tender Assessment Supply and Delivery Pre Mixed Concrete 2013-0020

File No: #E2013/35694

13-356 Resolved:

- 1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Tender Assessment - Supply and Delivery Pre Mixed Concrete 2013/0020 are to be treated as confidential as they relate to matters specified in s10A(2)(c) and s10A(2)(d) of the Local Government Act 1993.
 - 2. That Council award the Tender 2013-0020 for the Supply and Delivery of Pre Mixed Concrete Products to Holcim Australia Pty Ltd in accordance with the tender documents and their tender submission.
-

3. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Dey/Spooner)

The motion was put to the vote and declared carried.

Report No. 14.2. CONFIDENTIAL Tender Assessment Supply of Quarry Products
File No: #E2013/35588

13-357 Resolved:

1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Tender Assessment - Supply of Quarry Products are to be treated as confidential as they relate to matters specified in s10A(2)(c) and s10A(2)(d) of the Local Government Act 1993.
2. That, in accordance with the tender documents, their tender submissions and the Quarry Product Tender Price Schedule listed as Confidential Annexure 21 (#E2013/36459), Council award the Tender 2013-0021 for the Supply of Quarry Products to a panel of suppliers comprising:
 - a) Archibald Industries Pty Ltd
 - b) Holcim Australia Pty Ltd
 - c) Newells Earth Distributors Pty Ltd
 - d) Lismore City Council T/A Northern Rivers Quarry & Asphalt
 - e) Smith Plant (Lismore) Pty Ltd
 - f) S M & J Ross T/A Wards Landscape Supplies
3. That Council makes public its decision, including the name and amount of the successful tenderers, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Dey/Spooner)

The motion was put to the vote and declared carried.

WATER AND RECYCLING - CONFIDENTIAL REPORT

Report No. 14.3. CONFIDENTIAL Tender 2013-0023
File No: #E2013/38015

This report has been withdrawn by the General Manager.

LATE REPORT

Notice of Motion 15.1. Biodiversity and Sustainability Advisory Committee - Expressions of Interest for Community Membership
#E2013/38428

- 13-358 Resolved** that Council invite the remaining seven applicants for the Biodiversity and Sustainability Advisory Committee who were unsuccessful in being selected, to be accepted in a non-voting capacity and be invited to all meetings of the Committee.
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BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 JUNE 2013 (30 of 30)

- a) The seven members be available as alternates and when representing selected members they will have voting rights and will form a quorum. At other times they will be consulted in an advisory role at all meetings.
- b) If this Notice of Motion is considered favourably, these seven members will be offered the opportunity to attend the meeting on 28 June by way of a phone call. (Wanchap/Ibrahim)

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

There being no further business the meeting concluded at 5.35pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 8 August 2013.

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Mayor Simon Richardson