



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 10 October 2013

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
10 October 2013

INDEX OF ITEMS DISCUSSED

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

Report No. 13.1.	Proposed Establishment of a Sports Stakeholder Forum.....	2
Report No. 13.4.	Investments – August 2013	2
Report No. 13.6	Mullumbimby and District Neighbourhood Centre - Annex Building Destroyed by Fire	3
Report No. 13.11.	Report of the Public Art Assessment Panel meeting held on 13 September 2013	3
Report No. 13.12.	Mullumbimby Water Trunk Main Replacement – Approval to Tender ..	3
Report No. 14.1.	Byron Bay New Year's Eve Traffic Management.....	4
Report No. 14.2.	Report of the Planning Review Committee Meeting held on Wednesday 18 September 2013	5
Report No. 15.1.	CONFIDENTIAL Tender 2013-0022 - Assessment of the Hire or Purchase of a Landfill Gas Utilisation Plant for Myocum Landfill.....	5
Report No. 15.2.	CONFIDENTIAL Tender Assessment - Register of Pre-qualified Suppliers 2013-0032	6
Urgency Motion No. 1.	Submission of Community Impact Statement to the Liquor and Gaming Authority	7
Notice of Motion No. 8.2.	Holiday Let Precincts.....	8
Report No. 13.7.	Access Deed for Telstra telecommunications facilities Suffolk Park ...	9
Notice of Motion No. 8.1.	Sponsorship.....	10
Notice of Motion No. 8.3.	Grays Lane Creek Crossing Upgrades.....	11
Report No. 13.8.	Byron Coast Comprehensive Koala Plan of Management	11
Notice of Rescission Motion No. 9.1.	Draft Byron LEP 2012 Submissions Finalisation 1	12
Delegates Reports No. 1.	Proposed construction of a new walking track to Kings Beach	13
Delegates Reports No. 2.	Byron Bay Liquor Accord (BBLA)	14
Report No. 13.2.	Proposed Road and Bridge Names	14
Report No. 13.3.	2013/14 Road Maintenance Budgets for Bitumen Operations (Pothole Filling Works)	16
Report No. 13.5.	Sandhills Early Childcare Centre – Owner's consent to lodge development application.....	16
Report No. 13.9.	PLANNING - Former Telstra Site Station Street Mullumbimby	17
Report No. 13.10.	Byron Shire Coastline Hazards Assessment Update Report.....	17
Report No. 15.3.	CONFIDENTIAL Tender Assessment - Bulk Chemical Supply for Treatment Plants	18

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

10 OCTOBER 2013 (1 of 18)

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 10 OCTOBER 2013 COMMENCING AT 10.52AM AND CONCLUDING AT 4.50PM

#E2013/63863

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, Cr C Cubis (arrived 10.57am), 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)
Phil Warner (Executive Manager Water and Recycling)
Mila Jones/Joylene McNamara (Minute Taker)

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

APOLOGIES: There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

TABLING OF PECUNIARY INTEREST RETURNS

13-512 Resolved that this matter rest on the table. (Woods/Richardson)

*The motion was put to the vote and declared carried.
Cr Cubis was not present for the vote.*

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

13-513 Resolved that the Minutes of the following meetings be confirmed:

- Ordinary Meeting held on 19 September 2013
- Byron Shire Reserve Trust committee Meeting held on 19 September 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:

EXECUTIVE MANAGERS' REPORTS

Community Infrastructure

13.2. Proposed road and bridge names

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

10 OCTOBER 2013 (2 of 18)

13.3. 2013/14 Road Maintenance Budgets for Bitumen Operations (Pothole filling Works)

Corporate Management

- 13.5. Sandhills Early Childcare Centre – owner’s consent to lodge development application
13.7. Access Deed for Telstra telecommunications facilities at Suffolk Park

Environment and Planning

- 13.8. Byron Coast Comprehensive Koala Plan of Management
13.9. PLANNING – Former Telstra Site Station Street Mullumbimby
13.10. Byron Shire Coastline Hazards Assessment Update Report

CONFIDENTIAL REPORT

Water and Recycling

- 15.3. CONFIDENTIAL Tender Assessment – Bulk Chemical Supply for Treatment Plants

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. 13-514 and concluding with Resolution No. 13-528.

GENERAL MANAGER’S REPORT

Report No. 13.1. Proposed Establishment of a Sports Stakeholder Forum

File No: #E2013/62162

13-514 Resolved:

1. That Council supports the establishment of a Byron Shire Sports Stakeholder Forum.
 2. That representatives from sporting organisations across the Shire be invited to attend an inaugural forum to be held at the BRSCC and chaired by the Mayor to discuss and consider the proposed objectives of the Byron Shire Sports Stakeholder Forum, its proposed structure and a meeting schedule as well as to identify key issues to be discussed at future forums.
 3. That a further report be prepared for the consideration of the Council on the outcomes from the inaugural forum.
 4. That interested councillors be invited to attend the inaugural forum. (Woods/Richardson)
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CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORTS

Report No. 13.4. Investments – August 2013

File No: #E2013/56362

- 13-515 Resolved** that the report listing Council’s investments and overall cash position as at 31 August 2013 be noted. (Woods/Richardson)
-

Report No. 13.6. Mullumbimby and District Neighbourhood Centre - Annex Building Destroyed by Fire

File No: #E2013/60299

13-516 Resolved:

1. That Council authorise the General Manager to take all necessary steps and actions to reconstruct the annex building destroyed by fire at Lot 8 DP 758725.
 2. That Council authorise the General Manager to take all necessary steps and actions to provide temporary tenure for Mullumbimby and District Neighbourhood Centre, in the front room of the Mullumbimby Civic Hall, to enable them to continue to provide accommodation of Southern Cross Distance Education program, until the annex building has been reconstructed, subject to support from Crown Lands being received for this purpose.
 3. That Council notify Crown Lands and Mullumbimby and District Neighbourhood Centre of its decision to reconstruct the annex building. (Woods/Richardson)
-

SOCIETY AND CULTURE – MANAGER’S REPORT

Report No. 13.11. Report of the Public Art Assessment Panel meeting held on 13 September 2013

File No: #E2013/60437

13-517 Resolved that Council adopt the following recommendation in relation to commissioning of artwork for the Kick Wall at Byron Regional Sport and Cultural Complex made by the Public Art Assessment Panel:

Panel Recommendation 5.1.

That Council:

1. Commission Christian Griffiths from Sauce to undertake the artwork on the Kick Wall for the following reasons:
 - a) Very experienced and website shows a very broad range of works
 - b) Work would deter graffiti and appeal to youth (whereas some of the other submissions considered would not meet this purpose)
 - c) The PAAP particularly liked the work where patterns were featured
 - d) Has indicated the project can be completed within the budget allocation.
 2. Allocate a maximum of \$3,000 to the project. (Woods/Richardson)
-

WATER AND RECYCLING – EXECUTIVE MANAGER’S REPORT

Report No. 13.12. Mullumbimby Water Trunk Main Replacement – Approval to Tender

File No: #E2013/54371

13-518 Resolved:

1. That Council allocate an additional \$971,800 to the Mullumbimby Water Trunk main Replacement project funded from available Water Fund Section 64 contributions.
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2. That Council approve an open tender process for the construction of the Mullumbimby Water Trunk Main Replacement project. (Woods/Richardson)
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COMMUNITY INFRASTRUCTURE – COMMITTEE REPORT

Report No. 14.1. Byron Bay New Year's Eve Traffic Management
File No: #E2013/62639

13-519 Resolved:

1. That Council endorse the Local Traffic Committee recommendation as follows:
- a) That subject to the meeting of Roads Act 1993 requirements, the temporary traffic arrangements proposed for Byron Bay New Year's Eve on 31 December 2013 be endorsed, including the temporary road closure of:
 - i) Jonson Street, Byron Bay between Lawson Street through to the north side of the entrance to the car park area upon state rail land and be in place from 6.00 am 31 December 2013 to 6.00 am 1 January 2014;
 - ii) Ewingsdale Road, Byron Bay, as implemented between 10.00 am and 12 midnight and on the western side only of the roundabout at the Byron Regional Sports and Cultural Complex (BRSCC) and for the purpose of separating permissible, exempt and non-permissible vehicles from continuing eastward or not;
 - iii) Bangalow Road, Byron Bay, as implemented between 10.00 am and 12 midnight at the intersection with the high school access road and for the purpose of separating permissible, exempt and non-permissible vehicles from continuing north or not.
 - b) That the organisers be responsible for implementing a Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation.
 - c) That public liability insurance be in place for the sum of at least \$20 million.
 - d) That extensive advertising and consultation be undertaken, including the requirements outlined in the Roads Act 1993.
 - e) That the event be notified on Council's website.
2. That Council endorse the Management Recommendation as follows:

Staff report back on the use of suitable land for the provision of overflow car parking for vehicles unable to be accommodated at the park and ride site proposed at Byron Bay High School. (Woods/Richardson)

ENVIRONMENT AND PLANNING - COMMITTEE REPORT

Report No. 14.2. Report of the Planning Review Committee Meeting held on Wednesday 18 September 2013

File No: #E2013/61090

13-520 Resolved that the report be noted. (Woods/Richardson)

WATER AND RECYCLING - CONFIDENTIAL REPORT

Report No. 15.1. CONFIDENTIAL Tender 2013-0022 - Assessment of the Hire or Purchase of a Landfill Gas Utilisation Plant for Myocum Landfill

File No: #E2013/55257

13-521 Resolved:

1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Tender Assessment, 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 adopt the recommendation set out on the final page of the Report. (Woods/Richardson)

13-522 Resolved:

1. That Council award Contract 2013-0022, Hire or Purchase of a Landfill Gas Utilisation Plant for the Myocum Landfill to Run Energy Pty Ltd as follows:

(a) Price Schedule – Purchasing Option 2 – LFG Utilisation Plant

Council hire the Landfill Gas Utilisation Plane (Flare) and enter into a plant and Landfill Gas Collection System maintenance, monitoring, repair and reporting agreement for an initial period of 5 years, with the option to extend for a further five (5), twelve (12) month periods, not exceeding a total contract term of ten (10) years. Such agreement being in accordance with the details provided in the Run Energy Pty Ltd Tender, and in accordance with Price Schedule – Purchasing Option 2 as set out below:

Line No	Description	Tender Unit	Price Tendered (ex GST)	GST Component	Price Tendered (inc GST)
2.1	Supply, Installation and Commissioning of the LFG Utilisation Plant, in accordance with the Specification.	Item	Inclusive	Inclusive	Inclusive
2.2	Ongoing hire of the LFG Utilisation Plant	Per month	\$2,430	\$243	\$2,673
2.3	Ongoing Maintenance, Monitoring, Repair and Reporting of the LFG Utilisation Plant in accordance with the Specification.	Per month	\$760	\$76	\$836

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

10 OCTOBER 2013 (6 of 18)

2.4	Ongoing Maintenance, Monitoring, Repair and Reporting of the Gas Collection System	Per month	\$1,350	\$135	\$1,485
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(b) Price Schedule - Expansion of the Gas Collection System

Supply, Installation and Commissioning of the expansion of the Gas Collection System, in accordance with the Specification, for an upper limiting lump sum fee of \$150,000 (exc. GST)

2. That Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179 (b) of the Local Government (General) Regulation 2005.
3. That the report and annexure of the closed part of the meeting remain confidential until a contract has been executed. (Woods/Richardson)

Report No. 15.2. CONFIDENTIAL Tender Assessment - Register of Pre-qualified Suppliers 2013-0032

File No: #E2013/60154

13-523 Resolved:

1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Tender Assessment 2013-0032, 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 adopt the recommendation set out on the final page of the Report. (Woods/Richardson)

13-524 Resolved:

1. That Council acknowledge that all Tenderers be selected for the purposes of establishing a register of pre-qualified suppliers to provide professional engineering consulting services specialising in waste, recycling and landfill operational and capital works.
2. That Council acknowledge that each Tenderer be selected for their nominated services and associated rates as submitted in their tenders.
3. That Council makes public its decision, including the names of the successful Tenderers, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.
4. That the report of the closed part of the meeting remains confidential until the Contract is finalised. (Woods/Richardson)

PROCEDURAL MOTIONS

- 13-525 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being 8.2, 13.7, 13.8, next on the Agenda. (Woods/Richardson)

The motion was put to the vote and declared carried.

Cr Cubis arrived at 10.57am. Cr Cubis left the Chambers at 11.00am due to a perceived pecuniary interest in this matter. The reason being existence of a business relationship.

- 13-526 Resolved** that the order of business be changed to discuss a matter of urgency next on the agenda. (Richardson/Woods)

The Mayor ruled that the matter was of great urgency due to a request yesterday from Dept Liquor and Gaming for urgent response outlining council's position on a proposed liquor license transfer .

- 13-527 Resolved** that the urgent matter be dealt with. (Richardson/Woods)

The motion was put to the vote and declared carried.

Urgency Motion No. 1 Submission of Community Impact Statement to the Liquor and Gaming Authority

13-528 Resolved:

1. That Council submit a Community Impact Statement (CIS) to the Independent Liquor and Gaming Authority (ILGA), outlining its opposition to the transfer of liquor licence number: LIQO624000764 and that the CIS include:
 - a) Council opposes the liquor licence transfer on the grounds that Under Clause 139 of the Liquor Act, (Section t) the continuation of the licence is not in the public interest.
 - b) A liquor licence until 7 am is not the public interest in that it could potentially exacerbate the already high incidences of alcohol fuelled destruction or private and public property
 - c) A liquor licence for venue providing 'adult' entertainment is not the public interest in that it largely relies on the patronage of groups of young males, a demographic disproportionately attributed to high incidences of alcohol fuelled violence and sexual assault
 - d) A liquor licence for venue providing 'adult' entertainment is not the public interest in that it largely relies on the patronage of groups of young males, in conflict with Council's tourism strategies that seek for a diversified, more respectful visitor demographic
 - e) A liquor licence largely trading on the provision of 'adult' entertainment is not in the spirit of the original licence; that of a restaurant.
2. That Council write to the local member, the Hon. Don Page, requesting support for our submission and requesting support for a State government review of liquor licensing, including the support of making liquor licences for a set period, like drivers licences and creating more categories within liquor licences to ensure the activity and purpose of the licence match the category.
3. That Council notify the community that Public submissions on the application can be lodged before November 2, 2013 via email on liquorapplications@olgr.nsw.gov.au, faxed to (02) 9995 0819, or can be mailed to GPO Box 7060, Sydney NSW 2001.

(Richardson/Woods)

The motion was put to the vote and declared carried.

Cr Cubis returned to the meeting at 11.15am.

PROCEDURAL MOTION

- 13-529 Resolved** that the order of business be changed to deal with Report No.13.8 until after the presentation. (Richardson/Ibrahim)

The motion was put to the vote and declared carried.

NOTICE OF MOTION

Notice of Motion No. 8.2. Holiday Let Precincts

#E2013/62340

13-530 Resolved:

1. That Council prepare a Holiday Letting Strategy with the following purposes in mind:
 - (i) examining issues raised in workshops during 2013;
 - (ii) examining Zoning/precinct options;
 - (iii) facilitating the preparation of a future LEP amendment;
 - (iv) supporting the amendment and hence justifying it to the DOPI; and
 - (v) pursuing legislative changes to facilitate strategy options.
2. That staff pursue planning and legislative discussions with the Dept of Planning. (Dey/Richardson)

AMENDMENT

Moved:

1. That Council prepare a Holiday Letting Strategy with the following purposes in mind:
 - (i) examining issues raised in workshops during 2013;
 - (ii) examining
 - a) zoning/precinct options;
 - b) industry regulations
 - c) memorandum of understanding with holiday letting organisations
 - d) 24 hour access number for complaints clearly advertised
 - (iii) facilitating the preparation of a future LEP amendment;
 - (iv) supporting the amendment and hence justifying it to the DOPI; and
 - (v) pursuing legislative changes to facilitate strategy options.
2. That staff pursue planning and legislative discussions with the Dept of Planning.
3. That staff write to the Premier Barry O'Farrell, Planning Minister Brad Hazzard and Minister for Local Government and North Coast, Don Page asking that consideration be given to the issue of management of holiday letting. (Woods/Cubis)

The amendment was put to the vote and declared lost.

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

The motion was put to the vote and declared carried.

Crs Cubis and Woods voted against the motion.

ITEMS RESERVED FOR DEBATE

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORTS

Report No. 13.7. Access Deed for Telstra telecommunications facilities Suffolk Park
File No: #E2013/59765

Moved:

1. That Council authorise the General Manager to sign the in-principle agreement with Aurecon Australia Pty Ltd (acting on behalf of Telstra) as at Annexure 7(a) (#E2013/31823) as confirmation of Council’s interest to enter into an Access Deed with Telstra, with the following information to be provided or conditions proposed by Council for consideration in the preparation of the Access Deed:
 - a) That Telstra note that it is the view of Council that the \$120,000 in capital works undertaken on the site to install their infrastructure, was for the benefit of the Telstra installation and not for the benefit of Council’s infrastructure or land holding.
 - b) That Telstra provide clarity on the exclusion zones for Telstra infrastructure.
 - c) That Telstra provide measurements, of radiation at various distances and under varying degrees of usage capacity, for current usage and provide estimates of new levels of radiation when changes in technology are mooted.
 - d) That the Access Deed include provisions to ensure any/all maintenance required to the decommissioned water reservoir is undertaken and funded by Telstra.
 - e) That the Access Deed include clear provisions to ensure that the removal or demolition of the water reservoir is managed appropriately by both parties, should it become necessary for risk or safety reasons to remove the reservoir.
 - f) That the Access Deed include an annual rental fee of \$14,684.00 per annum (ex GST) to ensure parity with IPART recommendations for a medium density rental. (Note: This is more than the current \$12,500 on offer from Telstra).
 - g) That the Access Deed include clear provisions to ensure the appropriate management by both parties upon any sale or development of the land should Council determine in the future to pursue one of these options.
 - h) That Telstra and Council agree, as part of the development of the Access Deed, to negotiate back rental as a sign of good faith to Council and the Suffolk park community effective from the date of installation.
 - i) That the Access Deed include clear provisions that allow continued access to the site by members of the public (with the exception of the exclusion zone).
2. That Council authorise the General Manager to undertake all necessary actions to negotiate and finalise the Access Deed with Telstra in accordance with item 1 above.
3. That Council acknowledge previous interest in the public open space value of the water-tower site by the Suffolk Park community and explore (with and without Telstra) means by which that interest could be served.
4. That Council acknowledges and thanks Telstra for the offer of back payment in the amount of \$50,000. (Dey/Cameron)

AMENDMENT

13-531 Resolved:

1. That Council authorise the General Manager to sign the in-principle agreement with Aurecon Australia Pty Ltd (acting on behalf of Telstra) as at Annexure 7(a)
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(#E2013/31823) as confirmation of Council's interest to enter into an Access Deed with Telstra, with the following information to be provided or conditions proposed by Council for consideration in the preparation of the Access Deed:

- a) That Telstra note that it is the view of Council that the \$120,000 in capital works undertaken on the site to install their infrastructure, was for the benefit of the Telstra installation and not for the benefit of Council's infrastructure or land holding.
 - b) That Telstra provide clarity on the exclusion zones for Telstra infrastructure.
 - c) That the Access Deed include provisions to ensure any/all maintenance required to the decommissioned water reservoir is undertaken and funded by Telstra.
 - d) That the Access Deed include clear provisions to ensure that the removal or demolition of the water reservoir is managed appropriately by both parties, should it become necessary for risk or safety reasons to remove the reservoir.
 - e) That the Access Deed include an annual rental fee of \$14,684.00 per annum (ex GST) to ensure parity with IPART recommendations for a medium density rental. (Note: This is more than the current \$12,500 on offer from Telstra).
 - f) That the Access Deed include clear provisions to ensure the appropriate management by both parties upon any sale or development of the land should Council determine in the future to pursue one of these options.
 - g) That Telstra and Council agree, as part of the development of the Access Deed, to negotiate back rental as a sign of good faith to Council and the Suffolk park community effective from the date of installation.
 - h) That the Access Deed include clear provisions that allow continued access to the site by members of the public (with the exception of the exclusion zone).
2. That Council authorise the General Manager to undertake all necessary actions to negotiate and finalise the Access Deed with Telstra in accordance with item 1 above.
 3. That Council acknowledges and thanks Telstra for the offer of back payment in the amount of \$50,000. (Cubis/Woods)

The amendment was put to the vote and declared carried.

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

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

Cr Wanchap voted against the motion.

MAYORAL MINUTE

There was no Mayoral Minute.

NOTICES OF MOTION

Notice of Motion No. 8.1. Sponsorship

#E2013/58747

- 13-532 Resolved** that Council staff provide a report on the viability and the likely social and environmental impacts of selling sponsorship rights to local business and individuals for prominent council owned infrastructure and/or their maintenance. (Hunter/Woods)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.3. Grays Lane Creek Crossing Upgrades
#E2013/62457

13-533 Resolved that:

1. Council liaise with affected residents of Grays Lane Tyagarah, in order to develop an agreed upon scope of works required to upgrade the Grays lane creek crossing and flood prone sections of the road.
2. A report be brought to Council outlining the results of the consultation and an outline of potential cost implications for Council and possible timeframe for completion of works if competed as part of Council's adopted Unsealed Roads Upgrading Hierarchy.
3. This report also outline the current expenditure of grading and on going road maintenance works and costs arising from increasing the frequency of maintenance works.
4. This consultation consider:
 - a) The possibility of incremental, staged works and on-going maintenance,
 - b) Previous trials of maintenance and previous upgrading proposals and engineering designs
 - c) The best value for money option for the works
 - d) The possibility of sharing costs to ensure completion of works
5. If residents wish to expedite the works and support a shared cost arrangement, this may include Council:
 - a) Engaging contractors, or scheduling the works by Council, to undertake the works
 - b) Supervising and managing the works whether the works are carried by council staff or by contractors
 - c) Providing funds to be used from the Local Roads Maintenance budget
 - d) Undertaking the creek crossing design
 - e) Developing a contract for minor works and the seeking of three quotes from local contractors, as well as estimating the works to be carried out by Council
6. Council liaise with NPWS, and affected residents, in seeking ways to provide for the upgrade of this section of Grays Lane, Tyagarah, including the consideration of ways to potentially increase Nature Reserve entrance fee revenues that may in turn be used, in part, to assist with road maintenance.
7. Council review Policy #4.17: Contribution to the cost of sealing of unsealed roads adjacent to properties at request of owners, with a view of broadening the scope to of the policy include other road infrastructure. (Richardson/Hunter)

The motion was put to the vote and declared carried.

The meeting adjourned at 12.35pm for lunch and reconvened at 1.15pm.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER'S REPORT

Report No. 13.8. Byron Coast Comprehensive Koala Plan of Management
File No: #E2013/54949

Council suspended standing orders to allow for a presentation from consultant, Steve Phillips, in relation to the Comprehensive Koala Plan of Management. The meeting resumed at 1.45pm with Report 13.8.

13-534 Resolved:

1. That the Stakeholder (practitioner) workshop, in relation to discretionary planning controls (6.5.3. Music Festivals) as proposed as part of the revised Koala Plan of Management Communication and Engagement plan, occur prior to placement of the draft Byron Coast Comprehensive Koala Plan of Management on an extended public exhibition.
2. That the outcomes of this workshop be provided to the Koala Plan of Management Project Reference Group (KPOM PRG) for consideration and subsequent review of the KPOM.
3. In the event that a consensus regarding the interpretation and accuracy of data underpinning the discretionary planning controls (6.5.3. Music Festivals) amendments to the KPOM are not achieved between the reference group and stakeholders, an independent peer review will be commissioned. (Ibrahim/Cubis)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 13-535 Resolved** that the Tabling of Pecuniary Interest Returns be lifted off the table. (Richardson/Ibrahim)

TABLING OF PECUNIARY INTEREST RETURNS

In accordance with the Local Government Act 1993 Section 450A(2), a Section 449(3) Return was tabled from Councillors and designated staff for the period 1 July 2012 to 30 June 2013.

Notice of Rescission Motion No. 9.1. Draft Byron LEP 2012 Submissions Finalisation 1 #E2013/61642

- 13-536 Resolved** that Council rescind Resolution 13-454 from its Ordinary meeting held on 29 August 2013 which reads as follows:

13-454 Resolved that in relation to the draft Byron LEP 2012 Council adopts the following recommendation:

- *Amend draft Minimum Lot Size Map for land zoned RU5 in Main Arm Village on the southern side of Main Arm Road to reflect a minimum lot size of 4000m².* (Woods/Cubis)

The motion was put to the vote and declared carried.

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

- 13-537 Resolved** that in relation to the draft Byron LEP 2012 Council adopts the following recommendation:

- Amend draft Minimum Lot Size Map for land zoned RU5 in Main Arm Village on the southern side of Main Arm Road to reflect a minimum lot size of 2000 m². (Woods/Cubis)

The motion was put to the vote and declared carried.

Cr Cameron voted against the motion.

The meeting adjourned at 2.55pm for a break and reconvened at 3.20pm.

PETITIONS

There were no petitions tabled.

SUBMISSIONS AND GRANTS

There were no submissions or grants tabled.

The General Manager advised there were 2 grants, one being the Federal Tourism Grant which was applied for to help with Master Planning for Byron Bay township and another grant, under the former Labour Government - we were offered \$149,000 as a stimulus package overseen by the region, the RDA. Both applications have been captured by the change of government and the uncertainty about whether or not they will proceed with those funding rounds.

DELEGATES' REPORTS

1. Proposed construction of a new walking track to Kings Beach

Cr Wanchap advised the following:

Background

The 'Draft Broken Head Nature Reserve Plan of Management' was recently exhibited for public comment. It included a proposal to close the carpark at the entrance to the Kings Beach Walking Track and to construct a new walking track to Kings Beach from the Broken Head day use area to maintain public access to Kings Beach.

Rationale

In line with government policy, NPWS recently upgraded the Broken Head day use area to accommodate increased visitation and now wishes to provide safer access to Kings Beach directly from the day use area. NPWS has developed the Broken Head day use area as the visitor hub for the reserve where safe and healthy facilities are available for visitors, such as showers and toilets, easy beach access and a large picnic area with picnic tables and barbeques. To reach Kings Beach visitors currently use Seven Mile Beach Road or short-cut across the rocky coastline from the end of the Three Sisters Walking Track, however, both of these have significant safety issues. The proposed walking track would connect the Three Sisters Walking Track which traverses the Broken Head headland with the Kings Beach Walking Track. The proposed walking track offers a different experience for visitors to the reserve taking in spectacular ocean views, whale-watching vantage points along with a beautiful walk through littoral rainforest. NPWS staff have inspected the proposed walking track route and have undertaken preliminary feasibility assessments which indicate that the track can be constructed with minimal environmental impact. It largely follows the route of an early 20th century fenceline under canopy with a sparse understorey. The initial, steeper part of the proposed track traverses young rainforest regrowth and will be constructed on an appropriate grade incorporating best practice soil conservation techniques.

An environmental impact assessment of the walking track project will be required prior to a final decision whether to proceed. The Kings Beach car park will not be closed unless and until alternative access via the proposed walking track is available.

Cr Wanchap further advised that upon perusing the minutes of the BCAMC it was advised that the OEH Briefing on Erosion of Cumbebin Swamp NR - Belongil Section is confidential and is not to be circulated further as it includes data from studies which have yet to be formally adopted.

2. Byron Bay Liquor Accord (BBLA)

Cr Dey advised the following:

Councillor Spooner and I attended the meeting yesterday 9 October of the Byron Bay Liquor Accord (BBLA) along with staff Joanne McMurtry and Greg Ironfield. Presentations included an update by the Office of Liquor, Gaming and Racing (OLGR). They reported the 6-month trial of voluntary measures was now up and invited BBLA to extend to 12 months, which BBLA later agreed to do. OLGR also suggested 'tightening' the terms of the trial to:

- bring forward closing times from 1:30am to 1:00am
- stop drink service 30 minutes before closing, rather than 15 minutes
- close bottle shops earlier, at 10pm.

BBLA did not take up these suggestions.

OLGR also reported that a "Precinct Liquor Accord" would be considered. This is different from the current Accord in that participation by licence is mandatory.

OLGR presented its revised Byron Bay Alcohol Action Plan, which cites Council 16 times in its column listing "Responsibility".

The Police reported they had completed their "Environmental Report", on physical conditions relating to enforcement in the Bay. This cited street lighting and the image of Byron Bay as issues, along with the taxi rank location.

Joanne reported on Council initiatives including: grants \$50,000 partly towards a night bus and \$60,000 towards lighting and three CCTV cameras at the current taxi rank. She explained that relocation of the taxi rank would follow a Master Plan for the town that could include a new transport hub. Long-haul buses may then vacate their current stop in Jonson Street, making room for a taxi rank there. Joanne also outlined to BBLA Council's plans for New Years Eve.

Cr Spooner further advised that the Liquor Accord agreed to donate \$5,000 towards the New Years Eve event in Byron Bay.

COMMUNITY INFRASTRUCTURE - EXECUTIVE MANAGER'S REPORTS

Report No. 13.2. Proposed Road and Bridge Names

File No: #E2013/62798

13-538 Resolved:

1. That as detailed in this Council report (#E2013/62798) consultation be undertaken in accordance with state requirements, including where relevant the writing to affected property owners, in regard to the proposed names detailed and as listed at:
 - a) Table 1: Requests received - names suggested:

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

10 OCTOBER 2013 (15 of 18)

- i) foot bridge, Pacific Highway, Billinudgel - Lloyd Poynting
- ii) lane off Gulgan Road, Mullumbimby - McKenzies Lane
- iii) cul-de-sac St Finbarr's Primary School - Arakwal Court
- iv) Tyagarah Airfield access road - Stacey's Way
- v) Lane 2, Mullumbimby – Murphy's Lane
- vi) unnamed lane off Foxs Lane, Gulgan - Foxs Lane
- vii) STP Access Road, Ocean Shores - Smokey Valley Way
- viii) Short Street, New Brighton - Mangrove Street
- ix) unnamed road, New Brighton - North Head Road
- x) Fletcher Lane, Byron Bay - Byron Lane
- xi) road reserve entry to Orara Court, Lilli Pilli - Coolalie Place

b) Table 2: Proposal to name unnamed roads/lanes:

<u>Current</u>	<u>Proposal</u>	<u>From - To, Town</u>
Lane	Lawson Lane	Jonson St - Fletcher St, Byron Bay
Lane	Byron Lane	Byron St - Fletcher St, Byron Bay
Lane 6	Jonson Lane	Kingsley St - Marvell St, Byron Bay
Unknown	Carlyle Lane	Cowper St - Massinger St, Byron Bay
Unknown	Durrumbul Hall Lane	Access to community hall - Coopers Lane
Unnamed	Eucalyptus Lane	Old Pacific Highway (South) – End, Brunswick Heads
Lane 8	Mullumbimbi Lane	Byron St - The Terrace, Brunswick Heads
Lane 7	Fingal Lane	Tweed St - Park St, Brunswick Heads
Lane 3	Booyun Lane	Byron St - Park St, Brunswick Heads
Lane 4 (east)	Nana Lane	Nana St - Tweed St, Brunswick Heads
Lane 4 (west)	Short Lane	Byron St - Nana St, Brunswick Heads
Lane 5	Teven Lane	Byron St - Tweed St, Brunswick Heads
Lane 6	Minyon Lane	Byron St - Tweed St, Brunswick Heads
Lane 1	Seek submissions	Tyagarah St - Burringbar St, Mullumbimby
Lane 7	Seek submissions	Gordon St - Dalley St, Mullumbimby
Lane 9	Seek submissions	McGougans Lane - Station St, Mullumbimby
Lane 10	Seek submissions	Poinciana St - Lane 11, Mullumbimby
Lane 11	Seek submissions	Prince St - Queen St, Mullumbimby
Lane 12	Seek submissions	Prince St - Morrison Avenue, Mullumbimby
Lane 13	Seek submissions	King St - End, Mullumbimby
Lane 14	Seek submissions	Argyle St - New City Road, Mullumbimby
Lane 15	Seek submissions	Lane 14 - James St, Mullumbimby

2. That in regard to the submissions to be sought for the naming of the laneways in Mullumbimby, a report be provided back to Council detailing the reasons for either supporting or objecting the names proposed.
3. That with exception of Part 2, and after completion of Part 1 and in regard to each specific naming proposal, staff do one of the following:
 - a) if no submission is received, gain gazettal of the names proposed, after which a report is provided back to Council for confirmation; or
 - b) if submissions are received, provide a report back to Council on the submissions for further consideration.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

10 OCTOBER 2013 (16 of 18)

4. That Council receive a report on the systems that lead to Names Registers for roads, bridges, etc and examine the guidelines leading to them with a view to diversifying the naming system. (Dey/Cubis)

The motion was put to the vote and declared carried.

Report No. 13.3. 2013/14 Road Maintenance Budgets for Bitumen Operations (Pothole Filling Works)

File No: #E2013/60352

- 12-539 Resolved** that the financial adjustments to Council's 2013/2014 road maintenance budgets be spread across the following activities as follows:

Description	Original Budget \$	Proposed Revised Budget \$	Effect \$
Drainage Maintenance	369,300	369,300	0
Bitumen Operations	621,400	960,000	338,600
Vegetation Control	108,600	63,500	-45,100
Roadside Tree Maintenance	180,100	133,200	-46,900
Grading	431,300	305,700	-125,600
Roadside Mowing	221,900	198,500	-23,400
Footpaths	39,700	28,800	-10,900
Sign Maintenance	171,500	146,400	-25,100
Other Expenses	232,600	171,000	-61,600
Total	2,376,400	2,376,400	0

(Richardson/Spooner)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORT

Report No. 13.5. Sandhills Early Childcare Centre – Owner's consent to lodge development application

File No: #E2013/55758

- 13-540 Resolved:**

1. That Council apply to the Crown Lands Division of NSW Trade and Investment for owner's consent to lodge the development application as shown at Annexure 5 (#E2013/55828).
2. That Council pay the \$65.70 application fee to Crown Lands Division (from the Sandhills Early Childcare Centre budget) to make application for the granting of owner's consent to lodge the development application.
3. That a compensatory habitat plan be lodged concurrently with the development application. (Richardson/Wanchap)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 13.9. PLANNING - Former Telstra Site Station Street Mullumbimby
File No: #E2013/62670 x 86080

Moved: That Council defer rezoning and proceed through a gateway LEP amendment as preferred by Department of Planning’s Best Practice. (Woods/Cubis)

AMENDMENT

13-541 Resolved that Lot 1 DP 435267 Station Street Mullumbimby be zoned B4 Mixed Use in the Draft Byron LEP 2012. (Dey/Richardson)

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

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

Report No. 13.10. Byron Shire Coastline Hazards Assessment Update Report
File No: #E2013/50121

Moved:

1. That Council reject both recommendations.
2. That Council staff prepare the CZMP from within the existing budget, using the myriad reports if considered relevant.
3. That the CZMP should be prepared by Council staff now. If the task is beyond them then a consultant be engaged to do so. (Woods/Hunter)

AMENDMENT

13-542 Resolved:

1. That Council endorse the report Byron Shire Coastline Hazards Assessment Update (BMT WBM, 2013), Annexure 4 (#E2013/62937), for informing and incorporation into the draft Coastal Zone Management Plan for the Byron Bay Embayment.
2. That an additional budget allocation of \$35,000 be provided from unallocated environmental levy funds for the preparation of the CZMP for the BBE, and that an additional \$35,000 variation to the CZMP grant be requested from the state government through the Coastal Management Program for the preparation of the CZMP for the BBE. (Richardson/Cameron)

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

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

WATER AND RECYCLING – EXECUTIVE MANAGER’S REPORT

Report No. 15.3. CONFIDENTIAL Tender Assessment - Bulk Chemical Supply for Treatment Plants

File No: #E2013/54117

13-543 Resolved:

1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Tender Assessment - 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 Tender Treatment Plants Bulk Chemical Supply Tender to the following suppliers for the rates submitted in their tenders:
 - a) Chemprod Nominees t/as Omega Chemicals – Liquid Aluminium Sulphate; Ferric Sulphate; Soda Ash 10% Liquid
 - b) Orica Australia Pty Ltd – Sodium Hydroxide; Sodium Hypochlorite @ 13% strength; Chlorine Gas
 - c) SNF Australia Pty Ltd – Liquid Polymer
3. That Council makes public its decision, including the name of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.
(Dey/Richardson)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 4.50pm.

I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council’s Ordinary Meeting on 31 October 2013.

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Mayor Simon Richardson