



# Byron Shire Council



## Minutes

Ordinary Meeting

Thursday, 31 October 2013

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
31 October 2013

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# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

31 OCTOBER 2013 (1 of 17)

**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY,  
31 OCTOBER 2013 COMMENCING AT 10.35AM AND CONCLUDING AT 3.55PM**

#E2013/68833

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

Staff: Ken Gainger (General Manager)  
Phil Holloway (Executive Manager Community Infrastructure)  
Mark Arnold (Executive Manager Corporate Management)  
Ray Darney (Executive Manager Environment and Planning)  
Shannon McKelvey (Executive Manager Organisational Support)  
Joylene McNamara/Mila Jones (Minute Taker)

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

APOLOGIES: There were no apologies.

## REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

## DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

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## **TABLING OF PECUNIARY INTEREST RETURNS**

*There were no Pecuniary Interest Returns tabled.*

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## **ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**13-544 Resolved** that the Minutes of Ordinary Meeting held 10 October 2013 be confirmed.  
(Woods/Hunter)

*The motion was put to the vote and declared carried.*

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## **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. Bangalow Weir

#### **Corporate Management**

12.3. Monthly Finance Report  
12.4. Investments – September 2013  
12.8. 2012/2013 Draft Financial Statements

**Environment and Planning and Community Infrastructure**

12.9. Update on Coastal Matters – August to October 2013

**Environment and Planning**

12.10. Environmental Levy

12.11. Upgrading of Blindmouth Creek Causeway on Main Arm Road

12.12. PLANNING – Adoption of Draft Byron Local Environmental Plan 2013 for submission to Department of Planning and Infrastructure

**Society and Culture**

12.13. Floor Replacement at the Byron Regional Sports and Cultural Complex (BRSCC) – Endorsement to apply Section 55(3i) to a sole supplier

**COMMITTEE REPORT**

**Environment and Planning**

13.2. Report of the Planning Review Committee Meeting held on Wednesday 16 October 2013

**LATE REPORT**

**Community Infrastructure**

14.1. CONFIDENTIAL Possible Land Purchase for Community Benefit

*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. 13-545 and concluding with Resolution No. 13-567.*

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**COMMUNITY INFRASTRUCTURE - EXECUTIVE MANAGER'S REPORT**

**Report No. 12.1. Proposed Extenuating Circumstances - Lavery's Gap Slip Repairs**  
**File No: #E2013/67064**

**13-545 Resolved:**

1. That pursuant to Section 55(3) of the Local Government Act 1993, there are extenuating circumstances which apply to the 'Lavery's Gap construction of Landslip Repair Works such that a satisfactory result would not be achieved by inviting tenders for the following reasons:
  - a) Coffey Geotechnics has recommended that Council expedite landslip repair works in accordance with their advice dated 10 October 2013 (Annexure 10(a) #E2013/66950) and 15 October 2013 (Annexure 10(b) #E2013/67192).
  - b) It is considered more of a benefit to the community to complete the works without the tender process, than to risk not completing the proposed work as soon as possible.

2. That Council delegate authority to the General Manager to negotiate agreement with suitable contractors to complete the Proposed Natural Disaster Contract Restoration Works subject to funding approval from Roads and Maritime Services.  
(Woods/Richardson)

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**CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORTS**

**Report No. 12.5. Byron Library Exhibition Space Section 355 Management Committee Lone Goat Gallery**

**File No:** #E2013/64280

**13-546 Resolved:**

1. That the report be noted.
2. That Council appoint Turiya Bruce to the Byron Library Exhibition Space Section 355 Management Committee for this term of Council ending September 2016.
3. That Byron Library Exhibition Space Section 355 Management Committee be invited to provide Council with its recommendation on the requirements for the Lighting design for the Lone Goat Gallery, including details on the potential implementation costs and funding options for Council’s consideration.
4. That Council approve in principle the Lone Goat Gallery signage and placement on the Byron Bay Library as indicated in the Annexure 1(d) # E2013/64338.  
(Woods/Richardson)

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**Report No. 12.6. Registration of Crown Lease 453912 on Title**

**File No:** #E2013/54763

- 13-547 Resolved** that Council authorise the General Manager, under delegated authority, to execute the Statutory Declaration at Annexure 3(b) #E2013/54946, to accompany the Transfer of Grant Volume 3831 Folio 95 disposing of the land, to be registered with Land and Property Information by Crown Lands Division.  
(Woods/Richardson)

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**Report No. 12.7. Mullumbimby Leagues Club request for assistance with development and construction application fees**

**File No:** #E2013/48133

**13-548 Resolved:**

1. That Council refund the Mullumbimby Leagues Club \$500 from Job No. 2341.9 to assist them with Council’s costs for applications fees with the proposed new amenities block at the grounds.
2. That the donation be advertised in accordance with Section 356 of the Local Government Act 1993.  
(Woods/Richardson)

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**SOCIETY AND CULTURE – MANAGER’S REPORT**

**Report No. 12.14. Byron Shire Library Services - alternative funding identified to reduce the impacts to library services for 2013**

**File No:** #E2013/67373

**13-549 Resolved:**

1. That Council note the allocation of \$20,000 from the 2013/14 Local Priority Grants funding from the State Library (NSW) to fund Council’s Public Libraries operating expenditure budget (2471) to cover the staffing costs of \$19,975 required maintain the current library opening hours.
2. That Council confirm that the action in part 1 above, will replace part 2(iii) of resolution 13-479 which identified ‘*Opening hours be decreased by one hour Monday to Friday in all three library branches*’ in order realise cost savings required to reconcile Council’s budget allocation with the RTRL requested members contribution. (Woods/Richardson)

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**WATER AND RECYCLING – EXECUTIVE MANAGER’S REPORTS**

**Report No. 12.15. Transfer of Land at Wategos Reservoir Byron Bay**

**File No:** 24.2012.24.1 #E2013/65041

- 13-550 Resolved** that Council authorise the General Manager to complete and execute all documentation necessary to finalise and bring into force Council’s acquisition of easements and transfer of land to the NSW Office of Heritage and Environment (OEH) adjacent to Lot 346 DP 755695, Wategos Reservoir. (Woods/Richardson)

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**Report No. 12.16. Easement Acquisition for Sewerage Purposes**

**File No:** 24.2008.102.1 #E2013/60724

**13-551 Resolved:**

1. That Council approves the acquisition of an easement over part of the land for sewerage purposes of Lot 1 DP 1032298 under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of the *Local Government Act 1993* and the making of the necessary application to the Minister and/or Governor.
2. Council execute the Acquisition Agreement with Agvoc Traders Pty. Ltd. for the easement acquisition for sewerage purposes on of Lot 1 DP 1032298.
3. That Council authorise the General Manager to affix the Council seal, in accordance with Clause 400 of Local Government (General) Regulations 2005, to all necessary documentation. (Woods/Richardson)

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COMMUNITY INFRASTRUCTURE - COMMITTEE REPORT

**Report No. 13.1. Report of the Local Traffic Committee Meeting held 8 October 2013**

**File No:** #E2013/65089

13.1.1. Request to Remove One-Way Restriction, Lane 11, Mullumbimby

File No: F161/#E2013/62233

**13-552 Resolved:**

That Council undertake consultation with the four (4) properties adjacent to the northern part of Lane 11 between Prince Street and Morrison Avenue, Mullumbimby in regard to removing the one-way restriction and either:

- a) upon no objection, remove signage and provide two-way traffic flow; or
- b) if objection lodged, report the matter back to the Committee for further consideration.  
(Woods/Richardson)

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13.1.2. Twilight Markets 2013 Road Closure, Mullumbimbi Street, Brunswick Heads

File No: F161/#E2013/62233

**13-553 Resolved:**

- 1. That the temporary road closure of Mullumbimbi Street between Park Street and The Terrace, Brunswick Heads from 12 noon to 12 midnight on Wednesday, 18 December 2013 be approved for the holding of the annual Twilight Markets.
- 2. That the temporary road closure be subject to the following conditions:
  - a) 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 and be advised Council's fee for holding an on-road event will apply.
  - b) That public liability insurance be in place for the sum of at least \$10 million.
  - c) That the concurrence of NSW Police be obtained by the organisers, independent of the Local Traffic Committee endorsement.
  - d) That the event be advertised in accordance with the Roads Act, charged at cost to the organisers.
  - e) That the event be notified on Council's website.
  - f) That if Council staff and materials are required for the event, costs be recorded and invoiced to the organisers as appropriate.  
(Woods/Richardson)

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13.1.3. Request to Install 2P On-Street Parking, Jonson Street, Byron Bay

File No: F161/#E2013/62233

- 13-554 Resolved** that Council endorse the creation and signage of two angled parking bays to match neighbouring parking bays and the removal of the 'Keep Clear' pavement marking at the frontage of 54 Jonson Street, Byron Bay.  
(Woods/Richardson)

13.1.4. Request for Loading Zone, Lawson Street North Car Park, Rear of Arcade  
File No: F161/#E2013/62233

- 13-555 Resolved** that Council install a Loading Zone of no longer than 12m in length within the Lawson Street north car park, commencing from the north side of the rear entrance steps to the shopping complex at 4 Jonson Street, Byron Bay. (Woods/Richardson)
- 

13.1.5. Byron Bay Cycle Club On-Street Criterion Races, Byron Industrial Estate  
File No: F161/#E2013/62233

**13-556 Resolved:**

1. That Council approve the request by the Byron Bay Cycle Club to hold criterion races every second and fourth Sunday of the month between October 2013 and September 2016 within the Byron Bay Industrial Estate, on condition that the Byron Bay Cycle Club hold Public Liability Insurance to a minimum value of \$20 million.
  2. That the temporary road closures for the event be advertised, at the Club's expense, in the local newspapers in accordance with the requirements of the Roads Act 1993 noting closures:
    - a) are to apply from the hours of 6 am to 8 am and once per year to 9 am.
    - b) include Centennial Circuit between Bayshore Drive and Wollongbar Drive, Tasman Way, Wollongbar Drive and Brigantine Street (between Centennial Circuit and Wollongbar Drive)
  3. That the Club send all properties within the area affected by the event a letter advising of the details of the temporary road closures and when they will occur.
  4. That any objections received against the proposed temporary road closures and the event be referred to the Local Traffic Committee for consideration.
  5. That the Traffic Control Plan be implemented by suitably qualified traffic controllers. (Woods/Richardson)
- 

13.1.6. Endorsement of Give Way Intersection and Median, Black Spot Project, Byron Bay  
File No: F161/#E2013/62233

- 13-557 Resolved** that Council endorse the regulatory controls (No Stopping, No Right Turn, Give Way) as implemented as part of the black spot road safety works at the intersection of Jonson Street and Browning Street, Byron Bay. (Woods/Richardson)
- 

13.1.7. Request For Further Restrictions, Police Station, Shirley Street, Byron Bay  
File No: F161/#E2013/62233

- 13-558 Resolved** that all on-street parking on the west side of Shirley Street, as located between the Lawson Street and Butler Street roundabout through to the existing chevron marking, be signed as 'No Stopping Byron Shire Council Authorised Vehicles Excepted'. (Woods/Richardson)
-



13.1.8. Street Parade, Mullumbimby Music Festival, Sunday 24 November 2013

File No: F161/#E2013/62233

**13-559 Resolved:**

1. That the Mullumbimby Music Festival Street Parade scheduled for Sunday, 24 November 2013 be endorsed, including the temporary road closure of:
    - a) Dalley Street, Mullumbimby between Tincogan Street and Burringbar Street which is effective between 11am and 12noon
    - b) Burringbar Street, Mullumbimby between Station Street and Dalley Street which is effective between 10.45am and 11.15am
    - c) Lane 7, between Dalley Street and east of the Fire Station driveway, and Lane 2, from Lane 7 to Tincogan Street, with both in effect from 4pm Thursday 21 November 2013 through to 8am Monday 25 November 2013
  
  2. That the temporary road closure be subject to the following conditions:
    - a) 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 and be advised Council's fee for holding an on-road event will apply.
    - b) That each bus stop required by the event shuttle bus be established in accordance with a Traffic Control Plan when and as necessary.
    - c) That public liability insurance be in place for the sum of at least \$20 million.
    - d) That the concurrence of NSW Police and NSW Fire be obtained by the organisers, independent of the Local Traffic Committee endorsement.
    - e) That the event be advertised in accordance with the Roads Act, charged at cost to the organisers.
    - f) That the event be notified on Council's website.
    - g) That if Council staff and materials are required for the event, costs be recorded and invoiced to the organisers as appropriate. (Woods/Richardson)
- 

13.1.9. Request for No Parking or No Stopping 54 - 56 Butler Street, Byron Bay

File No: F161/#E2013/62233

- 13-560 Resolved** that subject to no objection lodged within 28 days of notification of all owners at 54 to 56 Butler Street, Byron Bay, Council sign and line mark "No Stopping" commencing from 5m north of the driveway at 54 Butler Street and finishing at 5m south of the driveway at 56 Butler Street. (Woods/Richardson)
- 

13.1.10. Request for No Stopping Cavvanbah Street, Byron Bay

File No: F161/#E2013/62233

- 13-561 Resolved** that the request for No Stopping between numbers 1 and 5 Cavvanbah Street and 4 Milton Street, Byron Bay not be supported. (Woods/Richardson)
- 

13.1.11. Request for No Parking, West End of Cavvanbah Lane, Byron Bay

File No: F161/#E2013/62233

- 13-562 Resolved** that as required No Parking be investigated, and where warranted implemented, adjacent to driveways on the northern side of Cavvanbah Lane, Byron Bay, subject to consultation with property owners. (Woods/Richardson)
-

13.1.12. Request for Extending 50kph Speed Limit West on Lismore Road, Bangalow  
File No: F161/#E2013/62233

**13-563 Resolved:**

1. That Council notes that the RMS has agreed to relocate the 50 / 80kph speed limit interface west of Bangalow town centre on Lismore Road by approximately 50 metres.
  2. That Council notes the Committee does not support the request for the RMS to undertake a speed review of Lismore Road commencing from the existing 50 / 80kph speed limit interface west of Bangalow town centre and continue through to the west of Rifle Range Road.  
(Woods/Richardson)
- 

13.1.13. Request For Parking Restrictions In Mullumbimby Town Centre Laneways  
File No: F161/#E2013/62233

- 13-564 Resolved** that any request for changes to parking regulations within the Mullumbimby town centre be referred and reviewed as part of the planned parking study which is proposed to be undertaken following the completion of the 2013/14 Byron Bay parking study.  
(Woods/Richardson)
- 

13.1.14. Falls Festival, Yelgun Event Festival Site, 31 December 2013 to 2 January 2014  
File No: F161/#E2013/62233

- 13-565 Resolved** that the temporary traffic management and regulatory changes within the series of Traffic Control Plans as related to the Falls Festival as to be held at the North Byron Parklands site Yelgun between 31 December 2013 and 2 January 2014 inclusive be accepted subject to:
- a) their design and implementation being undertaken as specified on each plan and by those with appropriate RMS accreditation and the holding of current and appropriate levels of insurance and liability cover
  - 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) a communications protocol being developed in conjunction with RMS, Police and any other identified stakeholder and explained to those involved in the implementation of traffic management
  - f) the holding of an event debrief within the month following the festival which includes but not limited to Council, RMS and Police
  - g) written approval of both the RMS and Police separate to Byron Shire Local Traffic Committee  
(Woods/Richardson)
- 

13.1.15. School Crossing Supervisor Feedback, Tennyson Street and Argyle Street  
File No: F161/#E2013/62233

- 13-566 Resolved** that Council investigate the need, removal or upgrade of both raised platforms on Tennyson Street, Byron Bay, commencing most immediately with changes to the site used as a school crossing, to ensure compliance with relevant state requirements. (Woods/Richardson)
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13.1.16. Results of RMS Speed Zone Review, Midgen Flat Road

File No: F161/#E2013/62233

- 13-567 Resolved** that Council note the RMS speed zone review of Midgen Flat Road, which once implemented will result in an 80kph speed limit being applied. (Woods/Richardson)

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**PROCEDURAL MOTION**

- 13-568 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being 8.1 and Report 12.2, next on the Agenda. (Richardson/Dey)

*The motion was put to the vote and declared carried.*

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**NOTICE OF MOTION**

**Notice of Motion No. 8.1. Proposed Coal Seam Gas Exclusion Zones**

#E2013/67343

**13-569 Resolved:**

1. That Council restates support for a Gasfield Free Shire that incorporates a Coal Seam Gas (CSG) mining exclusion zone for the following reasons.
  - a) Clean water security
  - b) Protect expanding food production
  - c) Support sustainable tourism
  - d) Density of settlement and residential character
  - e) High rainfall and topography
  - f) High levels of community support for a Gas Fields Free Shire
  - g) CSG mining does not reflect Council's strategic planning
  - h) the presence of regionally significant farmlands identified by Byron Council and outlined within the draft DoPI Strategic Agricultural Land Maps.
2. Prepare a submission to Department of Planning and Infrastructure (DoPI) in response to proposed CSG exclusion zones, which supports the community position for a Shire wide CSG exclusion zone and discusses the reasons a-f as above.
3. In the submission to DoPI, and without limiting the community position for a Shire wide exclusion zone, highlight the inconsistency of approach in proposing CSG exclusion zones in "residential" areas for the following reasons:
  - a) Failure to consider the residential character of the Shire as a whole compared to surrounding rural areas as illustrated by:
    - i) higher settlement densities and smaller average lot sizes
    - ii) intricate network of roads and lanes
    - iii) number of schools, especially away from towns
    - iv) decreasing speed limits due to increasing numbers of vehicles and access driveways

- b) Partial consideration only of Goonengerry where most of the lots to be zoned R5 in the Draft LEP and surrounding lots of residential character have not been considered as part of an exclusion zone.
  - c) No consideration of other settlements within the Shire that have a village character, such as Upper Main Arm, Eureka, Coorabell and others.
4. Send letters with copies of the submission to Premier Barry O'Farrell, Minister for Planning Hon. Brad Hazzard, Member for Ballina Hon. Don Page, Member for Lismore, Thomas George and Member for Richmond, Justine Elliott. (Cameron/Dey)

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

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**COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER'S REPORT**

**Report No. 12.2.      Bangalow Weir**  
**File No:                #E2013/48817**

**13-570 Resolved** that Council:

- 1. Provide owners' consent for lodgement of a Weir development application (as mooted in Report 12.2.), when lodged.
- 2. That Council defer any decision regarding the future of the weir until the outcome of the funding application by the Bangalow Weir Group is known.
- 3. Council receive a report on any potential funding sources that can be used for repair and or maintenance of all or part of the weir and its surrounds. (Ibrahim/Dey)

*The motion was put to the vote and declared carried.*

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**MAYORAL MINUTE**

7.1. Waiving of fees for the 2013 Schoolies Hub

**13-571 Resolved** that Council:

- 1. Waives the fees for the Byron Schoolies Safety Response Group temporary license, (Invoice No. 26362) to the amount of \$1,970.
- 2. That staff report an appropriate budget adjustment at the next quarterly budget review. (Richardson)

*The motion was put to the vote and declared carried.*

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7.2. Council nominate a representative to the Cape Byron Marine Park Advisory Committee

**13-572 Resolved** that Council nominate Cr Cameron as representative to the Cape Byron Marine Park Advisory Committee. (Richardson)

*The motion was put to the vote and declared carried.*

---

**NOTICE OF MOTION**

**Notice of Motion No. 8.2. Vibrant Byron Bay**  
#E2013/66976

**13-573 Resolved:**

1. That Council establish a Project Reference Group with the objective to develop a Vibrant Byron Bay strategy. This strategy will seek to promote a vibrant and safe nightlife atmosphere and economy in Byron Bay for both residents and visitors.

The strategy to incorporate the following objectives:

- i) create a vibrant and safe night time environment for locals and visitors
- ii) create a diverse night time economy less reliant on alcohol venues
- iii) reduce alcohol related violence
- iv) improve transport options available
- v) restore public perception of a vibrant & safe community
- vi) other objectives as identified as important by the committee

The Terms of Reference for the PRG to be drafted according to the above objectives and tabled for discussion at the first meeting of the PRG, prior to formal adoption by Council. A draft Strategy to be developed within 6 months of the PRG being convened for consideration by Council.

2. That Council:

- i) invite the following organisations to nominate a representative to be a member of the Vibrant Byron Bay Project Reference Group.
  - Byron United
  - VIA Byron
  - Last Drinks at 12
  - Byron Bay Liquor Accord
  - Byron Backpackers Group
  - Byron Youth Service
  - Byron Bay Police
- ii) That the Mayor invite 2 community representatives with event or cultural management expertise to join the PRG

3. That the Mayor and Councillors Cubis and Spooner be appointed to the PRG.  
(Spooner/Richardson)

**13-574 Resolved** that Cr Spooner be granted a two minute extension to his speech. (Richardson/Cubis)

*The motion was put to the vote and declared carried.*

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**PETITIONS**

*There were no petitions tabled.*

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# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

31 OCTOBER 2013 (12 of 17)

## **Correspondence and Petitions No. 9.1. The from Casino to Murwillumbah NSW Petition**

File No: #E2013/62573

- 13-575 Resolved** that Councillors receive a briefing at the next available Strategic Planning Workshop on the possible uses of rail corridor including presentations from the Northern Rivers Rail Trail Association and other interested parties with proposals for the future use of the corridor.  
(Ibrahim/Richardson)

### AMENDMENT

Moved:

1. That the petition regarding The Rail Trail from Casino to Murwillumbah NSW, be noted.
2. That Councillors receive a briefing at the next available Strategic Planning Workshop on the possible uses of rail corridor including a presentations from the Northern Rivers Rail Trail Association and other interested parties with proposals for the future use of the rail corridor.
3. That the briefing include a report on the capacity of trains to share the rail corridor with other uses.  
(Cameron/Dey)

*The amendment was put to the vote and declared lost.*

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

*The motion was put to the vote and declared carried.*

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### **PROCEDURAL MOTION**

- 13-576 Resolved** that the order of business be changed to discuss Report Nos. 12.3, 12.4 and 12.8 after the presentation received by Kevin Franey at 2:00pm for Report 12.8. (Richardson/Cameron)

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### **SUBMISSIONS AND GRANTS**

*There were no submissions or grants tabled.*

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### **DELEGATE'S REPORT**

#### **Delegates Report No. 11.1. Local Government NSW Conference 1-3 October 2013**

File No: #E2013/67236

- 13-577 Resolved** that the report be noted. (Dey/Richardson)

*The motion was put to the vote and declared carried.*

*The meeting adjourned at 12.25pm for a lunch break and reconvened at 1.08pm.*

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**PROCEDURAL MOTION**

- 13-578 Resolved** that the order of business be changed to deal with Report No. 13.2 next on the Agenda. (Woods/Richardson)

*The motion was put to the vote and declared carried.*

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**ENVIRONMENT AND PLANNING - COMMITTEE REPORT**

**Report No. 13.2. Report of the Planning Review Committee Meeting held on Wednesday 16 October 2013**

File No: #E2013/67386

- 13-579 Resolved** that DA 10.2013.453.1 be determined under delegated authority and the rest of the report be noted. (Richardson/Woods)

*The motion was put to the vote and declared carried.*

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**ENVIRONMENT AND PLANNING AND COMMUNITY INFRASTRUCTURE - EXECUTIVE MANAGERS' REPORT**

**Report No. 12.9. Update on Coastal Matters – August to October 2013**

File No: #E2013/66249

- 13-580 Resolved** that Council note the progression of major coastal projects from August to October 2013. (Woods/Dey)

*The motion was put to the vote and declared carried.*

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**ENVIRONMENT AND PLANNING - EXECUTIVE MANAGER'S REPORTS**

**Report No. 12.10. Environmental Levy**

File No: #E2013/64659

- 13-581 Resolved:**

1. That a budget allocation of:
  - a) \$80,000 be provided from unallocated/surplus environmental levy funds in account 2606, to facilitate the review of the Biodiversity Conservation Strategy 2004 with specific attention to the reviewing vegetation mapping; and
  - b) \$20,000 be provided from unallocated/surplus environmental levy funds in account 2606, to fund associated Council resources, as an in kind contribution to an NSW Environmental Trust grant application to continue the Land for Wildlife Program.

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

31 OCTOBER 2013 (14 of 17)

2. That Council approve other budget adjustments regarding the Environmental Levy as indicated in the table contained within the 'Financial Implications' section of this report (#E2013/64659) to reflect the column titled "Actual Required Budget 2013/2014 \$".

(Cameron/Richardson)

*The motion was put to the vote and declared carried.*

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**Report No. 12.11. Upgrading of Blindmouth Creek Causeway on Main Arm Road**

**File No:** #E2013/63254

**13-582 Resolved** that Council:

1. Allocate \$50,000 from Rural Roads Section 94 Fund to enable the survey and design of a causeway upgrade over Blindmouth Creek on Main Arm Road, Main Arm.
2. That the design process include an further option for comparative costing of widening the causeway as is and realigning its approaches but not raising its level.
3. That the design process include examination of designs submitted to Council previously, under DA Consent Conditions (since removed) requiring upgrade of the causeway.

(Dey/Cameron)

*The motion was put to the vote and declared carried.*

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## PROCEDURAL MOTIONS

**13-583 Resolved** that Council suspend standing orders to allow for a presentation from Council's External Auditor, Kevin Franey, of Thomas Noble and Russell.

(Woods/Cameron)

*The motion was put to the vote and declared carried.*

**13-584 Resolved** that Council resume standing orders.

(Woods/Cameron)

*The motion was put to the vote and declared carried.*

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## CORPORATE MANAGEMENT - EXECUTIVE MANAGER'S REPORTS

**Report No. 12.3. Monthly Finance Report - September 2013**

**File No:** #E2013/67146

**13-585 Resolved:**

1. That the Monthly Finance Report – September 2013 be received and noted.
2. That the Monthly Finance Report be renamed the Year-to-Date Finance Report – Month Year.

(Hunter/Woods)

*The motion was put to the vote and declared carried.*

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**Report No. 12.4. Investments – September 2013**

**File No:** #E2013/64089

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- 13-586 Resolved** that the report listing Council's investments and overall cash position as at 30 September 2013 be noted. (Cubis/Woods)

*The motion was put to the vote and declared carried.*

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**Report No. 12.8. 2012/2013 Draft Financial Statements**  
**File No: #E2013/67869**

**13-587 Resolved:**

1. That Council adopt the Draft 2012/2013 Financial Statements.
2. That Council to approve the signing of the "Statement by Councillors and Management" in accordance with Section 413(2)(c) of the Local Government Act 1993 and Clause 215 of the Local Government (General) Regulation 2005 in relation to the 2012/2013 Draft Financial Statements.
3. That Council exhibit the Financial Statements and Auditor's Report and call for public submissions on those documents with submissions closing on 28 November 2013 in accordance with Section 420 of the Local Government Act 1993.
4. That the Audited Financial Statements and Auditors Report be presented to the public at the Ordinary Meeting of Council scheduled for 21 November 2013 in accordance with Section 418(1) of the Local Government Act 1993. (Hunter/Woods)

*The motion was put to the vote and declared carried.*

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**ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER'S REPORT**

**Report No. 12.12. PLANNING – Adoption of Draft Byron Local Environmental Plan 2013 for submission to Department of Planning and Infrastructure**  
**File No: #E2013/54848**

*Crs Cameron, Cubis, Dey, Hunter, Wanchap and Woods declared a special disclosure of pecuniary interest in this matter in accordance with the Local Government (General) Regulation 2005 Schedule 3A Form of Special Disclosure of Pecuniary Interest with the forms being tabled at the meeting.*

**13-588 Resolved:**

1. That Council adopt draft Byron Local Environmental Plan 2013 pursuant to section 68(4) of the Environmental Planning and Assessment Act 1979, in the form set out in Annexures 4(a)(#E2013/64070) and 4(b)(#E2013/68336, #E2013/68226) to the business paper prepared for the 31 October 2013 Ordinary Council meeting, for submission to the Director General of the Department of Planning and Infrastructure together with the other documents and information set out in Section 68(4) of the Environmental Planning and Assessment Act 1979.
  2. That pending receipt of Parliamentary Counsel opinion, Council requests that the Department furnish a report to the Minister under Section 69 of the EP&A Act requesting that the Minister make the Plan.
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3. In relation to point 3. of resolution 13-511, that Council also delegate authority to the General Manager to make amendments to the Draft Byron Local Environmental Plan 2013 as required by Parliamentary Council and/or directed by the Minister for Planning & Infrastructure; and that Council be advised of any such amendments.
4. Amend the Draft LEP Minimum Lot Size (MLS) Map so that the western portion of Lot 29 DP1038072 (Citriadora Drive, Ewingsdale) has a MLS of 0.8 hectares.  
(Cameron/Wanchap)

*The 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.*

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### SOCIETY AND CULTURE - MANAGER'S REPORT

**Report No. 12.13. Floor replacement at the Byron Regional Sport and Cultural Complex - Endorsement to apply Section 55(3i) to a sole supplier**

**File No:** #E2013/66808

**13-589 Resolved:**

1. That Council not call for tenders for the replacement of the sports floor at the Byron Regional Sport and Cultural Complex (BRSCC) Multi Purpose Facility for the following reasons:
  - a) Section 55 (3i) of the Local Government Act allows for Council to not call for tenders for a contract where, because of extenuating circumstances, remoteness of locality, or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reason for the decision) that a satisfactory result would not be achieved by inviting tenders
  - b) The reason that a call for tenders will not realise a satisfactory result in this case is due to the following:
    - i. There is a single supplier Australia wide for the floor that is to be replaced at the BRSCC. The replacement floor is the same product that is being removed due to damage.
    - ii. The company to supply and install the floor are the same originally appointed in the design and construction of the facility at the BRSCC
    - iii. As the single supplier of the flooring product Australia wide there are extenuating circumstances due to the unavailability of competitive tenderers.
    - iv. The replacement is occurring due to an approved insurance claim by Council against a hirer.
2. That given the reasons advised above (1b), Council resolve under s55 (3i) of the Local Government Act 1993, not to call for tenders for the replacement of the damaged sports floor at the BRSCC Multi Purpose Facility, and accept the quote supplied to Council and its insurers from Aura Sports Pty Ltd to supply and replace the floor. (Cubis/Woods)

*The motion was put to the vote and declared carried.*

LATE REPORT – COMMUNITY INFRASTRUCTURE

Report No. 14.1. CONFIDENTIAL Possible Land Purchase for Community Benefit  
File No: #E2013/69380

13-590 Resolved:

1. That pursuant to Section 10A(2) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely "Possible Land Purchase for Community Benefit.
2. That the reasons for closing the meeting to the public to consider this item be that, in accordance with Section 19A(2):
  - (d) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

And

  - (e) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret,
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential information could compromise the commercial position of the vendor. (Woods/Richardson)

*The motion was put to the vote and declared carried.*

CONFIDENTIAL SESSION

13-591 Resolved that Council resolve in accordance with Option C from Confidential document #E2013/71076. (Dey/Richardson)

*The motion was put to the vote and declared carried.*

*There being no further business the meeting concluded at 3.55pm.*

I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council's Ordinary Meeting on 21 November 2013.

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Mayor Simon Richardson