



Byron Shire Council



Minutes

Ordinary Meeting
Thursday, 10 April 2014

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes

10 April 2014

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 10 APRIL 2014 COMMENCING AT 9.05AM AND CONCLUDING AT 4.12PM

#E2014/22478

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, Cr C Cubis (arrived 9.45am), Cr D Dey, Cr A Hunter, Cr S Ibrahim, Cr P Spooner, Cr R Wanchap and Cr D Woods

Staff: Ken Gainger (General Manager) (arrived 9.50am)
Mark Arnold (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Ray Darney (Executive Manager Environment and Planning)
Shannon McKelvey (Executive Manager Organisation Development)
Joylene McNamara (Minute Taker)

The Mayor opened the meeting and acknowledged that the meeting is being held on Arakwal Country and that we pay our respects to the elders past and present and extend our respect to the Bundjalung clans whose lands and waters are part of the Shire.

The Mayor suspended standing orders and presented Yvonne Stewart, Bundjalung of Byron Bay (Arakwal) Corporation, with a Certificate of Recognition and Acknowledgement of Contribution to Community.

Executive Manager Organisation Development undertook the role of Acting General Manager in the absence of the General Manager.

PUBLIC ACCESS

Prior to dealing with the circulated reports and associated information, a Public Access Session was held and Council was addressed on the following:

Notice of Motion No. 9.1. Amend Code of Meeting Practice

Peter Wegner addressed Council against the recommendation.

Notice of Motion No. 9.2. Protecting Regional Food Production

Alison Crook addressed Council in favour of the recommendation.

Notice of Motion No. 9.5. Meeting to investigate the provision of free wireless Internet

Obi McDonald-Saint representing Mullumbimby Chamber of Commerce addressed Council in favour of the recommendation.

Peter Neilsen and Anton Vandenberg addressed Council against the recommendation.

Notice of Motion No. 9.6. Unconventional Gas Exploration in water supply catchment at Bentley

Ineka representing Bubs for Bentley and Cindi Young addressed Council in favour of the recommendation.

Report No. 13.7. Lease – Byron Visitors Centre

John Gudgeon addressed Council in favour of the recommendation.

Report No. 13.8. Endorsement of Byron Bay Bypass alignment and proceeding to EIS

Paul Jones for GRAB the Rail addressed Council against the recommendation.

Cr Cubis arrived at 9.45am and the General Manager arrived at 9.50am.

Submission No.1 Gas Exploration in water supply catchment at Bentley

Ineka, representing Bubs for Bentley, made a submission to Council regarding fracking and the health concerns in particular for children and families.

The meeting adjourned at 10.05am for a break and reconvened at 10.20am.

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

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

14-127 Resolved that the Minutes of the following meetings be confirmed:

- Ordinary Meeting held 20 March 2014
- Byron Shire Reserve Trust Committee Meeting held 20 March 2014 (Woods/Dey)

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:

STAFF REPORTS

General Manager

- 13.1. Public Exhibition of Draft Revised Delivery Program 2013-2017 and Draft Operational Plan

Corporate and Community Services

- 13.5. Draft 2014/2015 Statement of Revenue Policy, Budget Estimates and Fees and Charges
- 13.6. Year to Date Finance Report – March 2014
- 13.7. Lease – Byron Visitors Centre

Infrastructure Services

- 13.8. Endorsement of Byron Bay Bypass alignment and proceeding to EIS
- 13.9. Belongil Interim Beach Access Stabilisation Works Update

LATE REPORT

- 15.1. PLANNING – Planning Proposal for amendment to the Local Environment Plan in relation to the Roundhouse site and various public land

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. 14-128 and concluding with Resolution No. 14-141.

CORPORATE AND COMMUNITY SERVICES – STAFF REPORTS

Report No. 13.2. Draft Amended Policy Section 356 Donations - Assistance for Festivals and Community Functions

File No: #E2014/18115

14-128 Resolved:

- 1. That the draft amended Policy “Section 356 Donations – Assistance for Festivals and Community Functions” as shown at Annexure 5(a) (#E2013/83175) be adopted.
- 2. That Council following consideration of the submission received advise event organisers who have received a donation from Council for the past 3 consecutive years:
 - a) of the adoption of the amended Policy and the changes adopted for the allocation of funds under the Policy to eligible community organisations;
 - b) that they can still apply and qualify for a donation in 2014/2015;
 - c) that they may not be eligible for a donation in future years and will need to secure other financial assistance for the costs of road closures to hold their event.
(Woods/Richardson)

Report No. 13.3. Section 355 Management Committees/Boards - changes to membership

File No: #E2014/17827

14-129 Resolved:

- 1. That the report be noted.

2. That with regard to the Ocean Shores Community Centre Section 355 Management Committee Council officially thank Jennifer Bensemman and Donna Hammond for their contribution on this Committee.
 3. That with regard to the Cook Pioneer Centre Section 355 Management Committee Council:
 - a) Accept the resignation from Kimberly Flannery and officially thank her for her contribution on this Committee.
 - b) Appoint Barbara Klein to the Section 355 committee for this term of Council ending September 2016.
 4. That with regard to the Brunswick Heads Memorial Hall Section 355 Management Committee Council appoint Leah Schinagl to the Committee for this term of Council ending September 2016.
 5. That with regard to the Mullumbimby Civic Memorial Hall Board of Management Council accepts the resignation received from Michael Donnelly and officially thank him for his contribution on this Committee. (Woods/Richardson)
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Report No. 13.4. Investments – March 2014

File No: #E2014/17527

- 14-130 Resolved** that the report listing Council's investments and overall cash position as at 31 March 2014 be noted. (Woods/Richardson)
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CORPORATE AND COMMUNITY SERVICES – COMMITTEE REPORT

Report No. 14.1. Report of the Extraordinary Finance Advisory Committee Meeting held on 25 March 2014

File No: #E2014/20305

14-131 Resolved:

1. That Council note the minutes of the Extraordinary Finance Advisory Committee Meeting held on 25 March 2014.
2. That in relation to Report No 4.1 – Draft 2014/2015 Budget, Statement of Revenue Policy and Fees and Charges, Council adopt:

Committee Recommendation FAC 4.1.1

That Council consider and adopt the Draft 2014/2015 Statement of Revenue Policy comprising 2014/2015 Budget Estimates, Rates, Charges and Borrowings, with the following amendments to the Capital Works Program:

- a) BRSCC Criterion Track - \$200,000 to be included in an application under the Clubs NSW Grant Program as part of a package of projects at the BRSCC.
-

- b) Lighthouse Road (Captain Cook) Parking Improvements - \$100,000 to be included in the Capital Works Program with staff to investigate and to recommend to Council funding for this project to maintain existing estimated Budget Result.
- c) Kolora Way Stage 1 Roadworks - \$500,000 to be funded from Infrastructure Reserve but only upon the replenishment of funds to the Reserve from the sale of the Roundhouse Subdivision.
- d) Kolora Way Ocean Shores Bridge Upgrade - \$300,000 project to be funded from Infrastructure Reserve but only upon the replenishment of funds to the Reserve from the sale of the Roundhouse Subdivision.
- e) Banners and Poles (Town Entry) - \$100,000 not to be included in the Capital Works Program.
- f) Coastal Zone Management Plan for New Brighton and South Golden Beach Embayments - \$60,000 to be deferred in the Capital Works Program to the 2015/16 Financial Year.
- g) Cavanbah Street Reserve Management Program \$30,000 to be funded from funds held in the Crown Reserve Trust. (Woods/Richardson)

ENVIRONMENT AND PLANNING – COMMITTEE REPORT

**Report No. 14.2. Biodiversity and Sustainability Advisory Committee Meeting Minutes
13 March 2014**

File No: #E2014/17693

14-132 Resolved:

- 1. That Council note the minutes of the Biodiversity and Sustainability Advisory Committee meeting held on 13 March 2014.
- 2. That in relation to Report No 4.1 – Meeting Schedule for 2014, Council adopt:

Committee Recommendation 4.1

That the Biodiversity and Sustainability Advisory Committee meets from 9.00am to 11.00 am (wherever possible), on the following dates during 2014:

- Thursday, 8 May 2014
- Thursday, 26 June 2014
- Thursday, 11 September 2014
- Thursday, 6 November 2014,

or as required

(Woods/Richardson)

14-133 Resolved that in relation to Report No 4.4 – Environmental Levy, Council adopt:

Management Recommendation

- a) That the Biodiversity and Sustainability Advisory Committee note this report.
- b) That development of Terms of Reference for the allocation of Environmental Levy funds is considered at the next Biodiversity and Sustainability Advisory Committee meeting.
- c) That the Biodiversity and Sustainability Advisory Committee consider the draft 2014/15 Budget and Revenue Policy during its exhibition to provide feedback on the draft 2014/15 Environmental Levy budget for Council's consideration prior to the adoption of the 2014/15 Budget and Revenue Policy. (Woods/Richardson)

INFRASTRUCTURE SERVICES – COMMITTEE REPORT

**Report No. 14.3. Report of the Water, Waste and Sewer Advisory Committee Meeting
6 March 2014**

File No: #E2014/14980

14-134 Resolved that in relation to Report No. 4.2. Integrated Waste and Resource Recovery Contract Service Options:

Committee Recommendation WWS 4.2

1. That the Water, Waste and Sewer Advisory Committee endorse the approach for the Project Management and delivery of the Waste and Resource Collection Contract (the "Contract").
2. That the Water, Waste and Sewer Advisory Committee schedule a workshop on the afternoon of 18 March 2014 to discuss service options to be included in the Contract and to inform the Community Survey.
3. That all Councillors be invited to the 18 March 2014 workshop. (Woods/Richardson)

14-135 Resolved that in relation to Report No. 4.1. Proposed Meeting Dates for the Water, Waste and Sewer Advisory Committee for 2014:

Committee Recommendation WWS 4.1

That the Water, Waste and Sewer Advisory Committee meets on the following dates:

- 15 May 2014
- 25 September 2014
- 23 October 2014 (Woods/Richardson)

14-136 Resolved that in relation to Report No. 4.6. Consideration of bedroom to ET Rates in the Equivalent Tenement Policy:

Committee Recommendation WWS 4.6

That the Equivalent Tenement Policy, as adopted by Council, remain unchanged and the authors of the submissions be advised. (Woods/Richardson)

14-137 Resolved that in relation to Report No. 4.5. STP Flow and Reuse Data:

Committee Recommendation WWS 4.5

That the Water, Waste and Sewer Advisory Committee note the report. (Woods/Richardson)

14-138 Resolved that in relation to Report No. 4.3. Food and Garden Organics Kerbside Collection Project Update:

Committee Recommendation WWS 4.3

1. That the Water, Waste and Sewer Advisory Committee note the information provided in this report on the Food and Garden Organics Kerbside Collection Project Update.
2. That Council note the Environmental Protection Authority's Response to Council – 'Waste Less Recycle More Funding' (#S2014/383) along with correspondence sent to State agencies in relation to Council's ineligibility for Round 1 of the Waste Less/Recycling More grant. (Woods/Richardson)

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14-139 Resolved that in relation to Report No. 4.4. Myocum Quarry Landfill Environmental Impact Statement (EIS) and Preliminary Landfill Environmental Management Plan (LEMP):

Committee Recommendation WWS 4.4

That the Water, Waste and Sewer Advisory Committee note the information provided in this report on the progress of the Myocum Quarry Landfill Environmental Impact Statement and Preliminary Landfill Environmental Management Plan. (Woods/Richardson)

14-140 Resolved that in relation to Item 5.1. Committee Resignations:

Committee Recommendation WWS 5.1

1. That Council accept the resignations from Garry Scott and Susie Mylecharane and officially thank them for their contributions on the Water, Waste and Sewer Advisory Committee.
2. That Council advertises for further members for the Water, Waste and Sewer Advisory Committee.
3. That the Myocum Tip residents' group be notified of a vacancy in their representation on the Committee. (Woods/Richardson)

14-141 Resolved:

Committee Recommendation WWS 5.2

1. That the Water, Waste and Sewer Advisory Committee note that Garry Scott has thanked Phil Warner for his contribution to the effectiveness of the Committee.
2. That the Water, Waste and Sewer Advisory Committee thanks Phil Warner for making the Committee effective over his long years of service to the Committee. (Woods/Richardson)

PROCEDURAL MOTION

14-142 Resolved that the order of business be changed to deal with items discussed during Public Access, those being Notices of Motion 9.1, 9.2, 9.5, 9.6 and Reports 13.7, 13.8 and 13.9 next on the Agenda. (Woods/Cubis)

The motion was put to the vote and declared carried.

MAYORAL MINUTE

There was no Mayoral Minute.

NOTICES OF MOTION

Notice of Motion No. 9.1. Amend Code of Meeting Practice

#E2014/19541

14-143 Resolved that Council amend its Code of Meeting Practice with the following changes to its Schedule A:

- a) requests to address Council are taken up to "12 noon on the day before the meeting";

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- b) after "People wanting to speak to items on the Agenda will be listed for public access in the same order the items appear on the Agenda" add the following words or similar "up to three speeches each. Additional speeches by the same organisation / speaker may be accommodated if time permits";
- c) add the words or similar as follow in CAPS (but not add them in CAPS): Requests for public access should be made... Such requests must make clear whether the speaker is speaking GENERALLY in favour of, or against the recommended ACTION(S);
- d) change the word "verbally" to "orally". (Dey/Richardson)

*The motion was put to the vote and declared carried.
Cr Spooner voted against the motion.*

Notice of Motion No. 9.2. Protecting Regional Food Production

#E2014/20198

- 14-144 Resolved** that Council write to the NSW Minister for Planning and Infrastructure, the Premier, the Hon. Don Page MP and Thomas George MP, requesting that the macadamia, dairy and beef industries of the Northern Rivers be given Critical Industry Cluster (CIC) status to protect our environment and economy from unconventional gas mining. (Cameron/Richardson)
-

PROCEDURAL MOTION

- 14-145 Resolved** that Cr Cameron be granted a two minute extension to his speech. (Richardson/Spooner)

The motion was put to the vote and declared carried.

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

Notice of Motion No. 9.5. Meeting to investigate the provision of free wireless Internet

#E2014/19535

14-146 Resolved:

1. That Council conduct a special roundtable meeting to investigate the feasibility for the provision of free wireless internet (Wi-Fi) in specific locations across the Shire covering the townships of Mullumbimby, Bangalow, Brunswick Heads, Ocean Shores and Byron Bay.
 2. That Council invitees to the Wi-Fi roundtable are to include representatives from chambers of commerce, VIA Byron, community centres and progress associations, 2 local IT specialists, Councillors and council staff.
 3. That the Wi-Fi roundtable discuss the following issues:
 - a) Business and community interest for the provision of free Wi-Fi spots across the Shire
 - b) Technical capabilities required to provide free Wi-Fi within the Shire
 - c) Promotional opportunities available with the provision of free Wi-Fi across the Shire
 - d) Revenue possibilities available with the provision of free Wi-Fi within the Shire
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- e) Management options for the development, installation, delivery and maintenance of free Wi-Fi spots across the Shire.
 - f) Stakeholder identification including potential roles and responsibilities (eg businesses, community organisations and Council)
 - g) Identification of policies required for the operation of free Wi-Fi within the Shire eg banning of pornography, illicit material, cyber bullying and torrent downloads.
 - h) The comparative EMR loads and hence health impacts of current hotspots in those towns and villages versus the case where whole towns were each covered by a central service
4. That, following the identification of need and service requirements at the Wi-Fi roundtable, staff research free Wi-Fi solutions being provided within other local government areas including estimated costs such as capital costs for equipment, implementation, operational costs for data downloads and on-going maintenance and support. The solutions sought are expected to be feasible, economical, financially achievable and sustainable whilst providing the latest wireless technology.
5. That a report be prepared for Council that includes the following:
- a) an examination of the feasibility and costing of free Wi-Fi access into identified preferred locations within the Shire.
 - b) options for the delivery of free Wi-Fi that include business only model, Council only model, business/Council partnership model.
 - c) recommendations on consultation processes to be undertaken with businesses, residents and community organisations regarding the development of free Wi-Fi spots within the Shire. (Spooner/Woods)
-

PROCEDURAL MOTION

14-147 Resolved that Cr Spooner be granted a two minute extension to his speech.(Richardson/Woods)

The motion was put to the vote and declared carried.

*The motion (Spooner/Woods) was put to the vote and declared carried.
Cr Wanchap voted against the motion.*

Notice of Motion No. 9.6. Unconventional Gas Exploration in water supply catchment at Bentley

#E2014/19971

14-148 Resolved that Council write to Rous County Council; to NSW Premier Barry O'Farrell; to NSW Opposition Leader, John Robertson; to Lismore MP Thomas George; to Ballina MP and Minister for the North Coast, Don Page; to NSW Minister for Regional Infrastructure & Services, Andrew Stoner; to NSW Minister for Health, Jillian Skinner; and to NSW Minister for Resources & Energy, Anthony Roberts expressing our concerns that:

- 1. Unconventional gas exploration is taking place in a location (Bentley, west of Lismore) within the surface water catchment of one of the region's urban water supply sources (Rous' "Lismore source");
 - 2. Impacts could be catastrophic of either (a) an accidental pollution incident during exploration or during set-up for production, or (b) developing this locality within a water supply catchment for gas production (ie multiple wells and their infrastructure);
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3. Insufficient investigation has been undertaken to assess the risk from these activities to our urban water supply; and
4. Incidents in recent years such as wastewater overflows in the Pilliga State Forest and at Casino demonstrate that the infant unconventional gas industry is either not willing or not capable of averting such incidents, and that the planning for and granting of exploration licences was premature. (Dey/Richardson)

PROCEDURAL MOTION

- 14-149 Resolved** that Cr Dey be granted a two minute extension to his speech. (Richardson/Cameron)

The motion was put to the vote and declared carried.

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

PROCEDURAL MOTION

- 14-150 Resolved** that Council change the order of business to deal with Report 13.9. next on the Agenda. (Richardson /Woods)

The motion was put to the vote and declared carried.

INFRASTRUCTURE SERVICES – STAFF REPORT

Report No. 13.9. Belongil Interim Beach Access Stabilisation Works Update
File No: #E2014/19979

- 14-151 Resolved** that in relation to the suggested realignment of the Manfred Street Interim Beach Access Stabilisation Works following consultation with Directly Affected Landholders in March 2014 Council adopt:

- a) Option A - Council affirm Resolution 13-713 (1 and 2) which relates to the endorsement of the Review of Environmental Factors for the Interim Beach Access Stabilisation Works at Belongil, Byron Bay and adopts the design for the Belongil Interim Beach Access Stabilisation Works. (Ibrahim/Woods)

The motion was put to the vote and declared carried.

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

CORPORATE AND COMMUNITY SERVICES – STAFF REPORT

Report No. 13.7. Lease – Byron Visitors Centre
File No: #E2014/19367

- 14-152 Resolved** that Report 13.7 rest on the table. (Richardson/Spooner)

The motion was put to the vote and declared carried.

INFRASTRUCTURE SERVICES – STAFF REPORT

Report No. 13.8. Endorsement of Byron Bay Bypass alignment and proceeding to EIS
File No: #E2014/19559

Moved:

1. That Council confirm its preferred alignment for a road bypass of Byron Bay town centre is as per the white and yellow lines in Figure 6 of this report which is:
 - a) on the west side of the rail corridor, via the continuation of Butler Street south by following land classified as LEP Zone 9(a) - Proposed Road Reserve Zone; and
 - b) that a new rail crossing connecting to Jonson Street by utilising Council land (identified as site 7 in Figure 6) which is currently leased to the Byron Bay Ex-Services Club as overflow car parking immediately north of Mitre 10; ie Lot 7, DP 258071, PN 34760 and Lot 8, DP 818197, PN 157310).
2. That staff progress the preferred alignment commencing with necessary survey and design work and consultation with the relevant authorities including NSW Department of Planning in regard to their requirements for project approval.
3. A report be provided as to the feasibility and cost of creating two lanes into Byron along Shirley Street from the Woolworths Service Station in to the Jonson/Lawson Street roundabout with one lane turning left and connecting via the First Sun Caravan Park with Bay Street at the northern end. (Wanchap/Woods)

AMENDMENT

Moved:

1. That Council formally request the State Rail Authority to advise if a long term lease of the corridor alignment for the purposes of constructing a permanent Byron Bay Bypass and other transport related purposes would be granted.
2. If Council does not receive a response within one month from State Rail Authority or does receive a response advising that a lease would not be possible then:
 - a) Council confirm its preferred alignment for a road bypass of Byron Bay town centre is as per the white and yellow lines in Figure 6 of this report which is:
 - (i) on the west side of the rail corridor, via the continuation of Butler Street south by following land classified as LEP Zone 9(a) - Proposed Road Reserve Zone; and that
 - (ii) a new rail crossing connecting to Jonson Street by utilising Council land (identified as site 7 in Figure 6) which is currently leased to the Byron Bay Ex-Services Club as overflow car parking immediately north of Mitre 10; i.e. Lot 7, DP 258071, PN 34760 and Lot 8, DP 818197, PN 157310).
 - b) Staff progress the preferred alignment commencing with necessary survey and design work and consultation with the relevant authorities including NSW Department of Planning in regard to their requirements for project approval.

3. If Council receives a response advising that a lease could be possible, then the matter be reported back to Council. (Richardson/Spooner)

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 lost.

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

FORESHADOWED MOTION

14-153 Resolved:

1. That Council confirm its preferred alignment for a road bypass of Byron Bay town centre is as per the white and yellow lines in Figure 6 of this report which is:
 - a) on the west side of the rail corridor, via the continuation of Butler Street south by following land classified as LEP Zone 9(a) - Proposed Road Reserve Zone; and
 - b) that a new rail crossing connecting to Jonson Street by utilising Council land (identified as site 7 in Figure 6) which is currently leased to the Byron Bay Ex-Services Club as overflow car parking immediately north of Mitre 10; ie Lot 7, DP 258071, PN 34760 and Lot 8, DP 818197, PN 157310).
2. That staff progress the preferred alignment commencing with necessary survey and design work and consultation with the relevant authorities including NSW Department of Planning in regard to their requirements for project approval. (Woods/Hunter)

The motion was put to the vote and declared carried.

Cr Cameron voted against the motion.

The meeting adjourned at 1.00pm for a lunch break and reconvened at 1.35pm.

PROCEDURAL MOTION

- 14-154 Resolved to** lift Report 13.7 from the table.

(Dey/Woods)

The motion was put to the vote and declared carried.

CORPORATE AND COMMUNITY SERVICES – STAFF REPORT

Report No. 13.7. Lease – Byron Visitors Centre

(continued)

File No: #E2014/19367

Moved:

1. That notice of Council's intention to grant a lease over Community Land being Lot 1 DP 827049 known as Old Station Master's Cottage be notified and exhibited in accordance with Section 47 of the Local Government Act for a period of 28 days.
2. That notice of Council's intention to subsidise the rent by an amount of \$60,000 as a s356 donation be publicly exhibited for a period of 28 days in accordance with the Local Government Act.

3. That subject to no submissions being received regarding the proposed lease and s356 donation, Council grant a lease to Byron Visitor Centre Inc over Community Land being Lot 1 DP 827049, substantially in the form at Annexure 2(a) on the following terms:
 - a) Term of one (1) year commencing 1 April 2014;
 - b) Rent based on previous lease commercial rental valuation for the property increased annually in accordance with CPI;
 - c) Rent of \$70,323.00 per annum to be subsidised by a s356 donation in the amount of \$60,000;
 - d) Lessee to pay lease preparation fee of \$400.00 as set out in Council's adopted fees and charges.
 4. That, on granting the lease, Council's seal be affixed to the Lease of Lot 1 DP 827049 in accordance with Regulation 400 of the Local Government (General) Regulations 2005.
 5. That if submissions are received in response to the public exhibition of the proposed lease of Lot 1 DP 827049 or the s356 donation, that a further report be brought to Council.
 6. That Council note that the expenditure of \$19,783 on repairs and maintenance to the building is to be funded from 2013/2014 Annual Special Rates Community Buildings Maintenance unplanned maintenance program.
 7. That the necessary pro-rata adjustments to the votes provided in the adopted 2013/14 Budget and the draft 2014/2015 Budget are made to account for the \$1,323 CPI increase in both the rental income and the s356 donation. (Dey/Richardson)
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PROCEDURAL MOTION

- 14-155 Resolved** that Cr Cubis be granted an extension of two minutes to his speech. (Richardson/Woods)
The motion was put to the vote and declared carried.
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*The motion (Dey/Richardson) was put to the vote and declared lost.
Crs Ibrahim, Cubis, Woods, Wanchap and Hunter voted against the motion.*

FORESHADOWED MOTION

14-156 Resolved:

1. That notice of Council's intention to grant a lease over Community Land being Lot 1 DP 827049 known as Old Station Master's Cottage be notified and exhibited in accordance with Section 47 of the Local Government Act for a period of 28 days.
 2. That notice of Council's intention to subsidise the rent of \$70,323 as a s356 donation be publicly exhibited for a period of 28 days in accordance with the Local Government Act.
 3. That subject to no submissions being received regarding the proposed lease and s356 donation, Council grant a lease to Byron Visitor Centre Inc over Community Land being Lot 1 DP 827049, substantially in the form at Annexure 2(a) (#E2014/19488) on the following terms:
 - a) Term of one (1) year commencing 1 April 2014;
-

- b) Rent based on previous lease commercial rental valuation for the property increased annually in accordance with CPI;
 - c) Rent of \$70,323.00 per annum to be subsidised by a s356 donation in the same amount;
 - d) Lessee to pay lease preparation fee of \$400.00 as set out in Council's adopted fees and charges.
4. That, on granting the lease, Council's seal be affixed to the Lease of Lot 1 DP 827049 in accordance with Regulation 400 of the Local Government (General) Regulations 2005.
5. That if submissions are received in response to the public exhibition of the proposed lease of Lot 1 DP 827049 or the s356 donation, that a further report be brought to Council.
6. That Council note that the expenditure of \$19,783 on repairs and maintenance to the building is to be funded from 2013/2014 Annual Special Rates Community Buildings Maintenance unplanned maintenance program.
7. That the necessary pro-rata adjustments to the votes provided in the adopted 2013/14 Budget and the draft 2014/2015 Budget are made to account for the \$1,323 CPI increase in both the rental income and the s356 donation. (Cubis/Woods)

The motion was put to the vote and declared carried.

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

NOTICES OF MOTION

Notice of Motion No. 9.3. Mullumbimby Big Picture Show

#E2014/20301

14-157 Resolved:

- 1. That Council note the potential for outcomes of the Mullumbimby Big Picture Show to inform settlement strategies, local growth management strategies and town centre planning for Mullumbimby and thus, use funds from both the Planning and Community Infrastructure areas to cover the maximum hire of one day of Mullumbimby Civic Hall and administration costs up to the amount of \$250.00.
- 2. That Council also support the Mullumbimby Big Picture Show as follows:
 - a) Include on Council's calendar of events, website, E News Bulletins as well as in Council advertising
 - b) Participate in the Mullumbimby Big Picture Show
 - c) Provide administration support (Cameron/Richardson)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.4. Sponsorship support for the 2014 Byron Bay Writers Festival

#E2014/19963

- 14-158 Resolved** that Notice of Motion 9.4 rest on the table. (Woods/Richardson)

The motion was put to the vote and declared carried.

PETITIONS

Correspondence and Petitions No. 10.1. Speed Limit - Coolamon Scenic Drive
#E2014/19643

14-159 Resolved:

1. That the petition regarding Speed Limit – Coolamon Scenic Drive be noted.
2. That it be noted that a speed review is being undertaken by the RMS. (Richardson/Woods)

The motion was put to the vote and declared carried.

10.2. Concerns regarding safety due to frequent flooding and rapid deterioration of Grays Lane

The Mayor tabled a petition containing a letter from 38 residents which states:

“We are asking for action now to prevent a tragic accident or death occurring in the near future.”

SUBMISSIONS AND GRANTS

There were no submissions or grants tabled.

DELEGATES' REPORTS

1. Mullumbimby Showground Trust Committee

Cr Woods advised Council of the following:

Cr Woods, on the Mullumbimby Showground Trust and Mullumbimby Showground Plan of Management, was told by Mr Stoner, that the plan has been signed off. There are great plans coming and there is an application in for a \$650,000 grant for an equestrian centre which will be the only one in the region. It will be top class, if the funds come in. Also an application is in for the kitchen for the Agricultural Society – each year at the Royal Easter Show, they raffle off or grant off their kitchen to someone, so there is an application in for that. The Trust recently received a \$40,000 grant for upgrading of electrical works. There is all sorts of things going to happen at Mullumbimby soon and she thinks it will be a real asset for Mullumbimby and proud to have Cr Dey on the Committee with her.

2. Coastal Conference at Ballina

Cr Dey advised Council of the following:

The Australian Coastal Councils Conference was held in Ballina from 24 to 26 March 2014. I was one of five Byron Councillors to attend and I thank Council for the privilege. We had three days of really interesting presentations, as reported online at <http://www.seachangetaskforce.org.au/Conference.html>.

I'll summarise some of the highlights for me, listing them in order of presentation and with the name of the speaker.

1. Karl Sullivan of the Insurance Industry Association

Karl described the insurance industry's Property Resilience & Exposure Program. Now, instead of setting household premiums by postcode or similar, the industry in most states relies on Councils to advise flood, property and floor levels. NSW is lagging behind.

2. Matthew Wood of Ballina Shire Council, about that Shire
Ballina is sticking to see level rises of 40cm by 2050, 90cm by 2100.

3. Kim Phillips of Wellington Shire Council, about 90-mile beach

A company got away with inappropriate subdivision in the 1950s and 11,800 small lots were created along the open beach. There was no infrastructure at the time and little planned. Some dwellings have been built but most Lots still remain empty, coastal hazards having been identified. Many of the first sales were to European post-war immigrants. Real estate agents would jump on board passenger ships in Perth. Sales were complete by the time they docked in Melbourne. When investigations finally ensued, the developers couldn't be found.

4. Denise Carlton, Director of Demography at the ABS

The Australian Bureau of Statistics expects Australia's population to grow to 38m by 2051. Sea-change Local Government Areas had growth of 20.7% between 2001 and 2013.

5. Peter Ralph of CSIRO, about Carbon Clusters

Peter talked about significant amounts of carbon stored in oceans. About 70% of that carbon is in shallow parts of estuaries - in species such as mangroves, salt marsh and seagrass.

6. Russell Green, ex-Councillor for Noosa Shire and now coastal consultant

Russell grew up in Noosa and has always surfed. Council has made many physical changes to the coast including a seawall in 1968 to protect main street real estate and training walls in 1978 to relocate the Noosa River northwards, to reclaim land for real estate. The Noosa community spent decades lamenting the lack of sand on its main beach. They had Web Cams monitoring the beach but would turn them off in foul weather or when the beach had been washed away, so that tourists wouldn't cancel their bookings.

In the 2000s Council identified a source of sand at the altered River mouth. They now pump that sand and distribute it onto the beach. It generally takes about two days to replenish the sand, which is washed away quite regularly.

7. Andrew Beatty of Beatty Legal

Andrew described the workings of Section 733 of the NSW Local Government Act. He also described three important recent changes: (i) withdrawal of sea level rise (SLR) benchmarks; (ii) Section 149(2) now distinguishes current from future exposure; and (ii) model litigants deter litigation by defending.

8. Allan Young of the Department of Planning & Infrastructure

Allan had just finished a 1-year Fulbright Scholarship in the USA and came up with several gems. One is about planned retreat: "difficult transitions need a long time frame". He also reminded us of history at Narrabeen in Sydney, one of the first beaches to feel the conflict between real estate and a frangible coast. In the 1960s about 200 properties were identified as being at risk. The state government stepped in to buy back about 200 properties but only managed a total of two.

Another gem was "mission creep". For example, after training walls were built on the mouth of the Tweed River, the Gold Coast discovered that its beaches were running out of sand. Properties were threatened. NSW finished up having to build and operate a "sand bypass" to

pump sand around / under the training walls for the beaches of the Gold Coast. Operating cost is about \$7m per year.

9. Patrick Dwyer of NSW Fisheries, about mosquitoes
Pat highlighted the variety in mosquito species and the huge range in their habitat needs. Those that carry Dengue, for example, have a short life-cycle flying distance of about 50m. They are an urban menace in the tropics.

In our region, the Saltwater Mosquito carries Ross River and Barmah Forest viruses. They have completely different habits like long travel distances. Management should be habitat based. Mosquito Source Reduction measures should be included in DCPs.

10. Morgan Rennie
Morgan summarised coastal policy around Australia as: Commonwealth has the money; State has the power; and Local Government has the problem.

11. Naomi Edwards of Griffith University
Naomi is researching ways to measure the quality of beaches. There are engineering measures like Beach Volume Index but they ignore the cultural side. She is considering a Beach Happiness Index and looking for locations for case studies.

I invited her to look at Byron Shire's beaches.

12. Erica Davey of WRL
Erika has researched desirable beach width. She found some unpopular at 150m and others likewise at 20m. She concluded that beaches of the order of 50m hit the mark.

13. Chris Wilcox of CSIRO
Chris is researching ocean and shoreline debris. CSIRO examined over 175 locations around the coast of Australia. Most shoreline debris is local in origin, peaking near large coastal population centres. Chris suspects dumping and that stormwater is the carrier.

14. Bruce Thom concluding
Our federal government spends about \$2b per year on 'natural disaster' relief. Most countries spend more out of their budgets on disaster mitigation than on relief. Australia has a special status of spending 95% of its disaster money on relief, and only 5% on mitigation.

Cr Wanchap added further, that her delegates report for The Coastal Conference would be made available for the next Ordinary meeting.

GENERAL MANAGER – STAFF REPORT

Report No. 13.1. Public Exhibition of Draft Revised Delivery Program 2013-2017 and Draft Operational Plan 2014/2015

File No: #E2014/11062

14-160 Resolved that Council endorse the draft Revised Delivery Program 2013-2017 and draft Operational Plan 2014-2015 for public exhibition, with authorisation to amend the draft Operational Plan to:

- a) include the changes referred to in the body of this report;
- b) adjust it to ensure that it accords with Council's endorsed draft 2014/15 Budget as necessary;
- c) make further minor amendments as follow:

- (i) remove the word "establish" from Item 5.17, last bullet point;
- (ii) references to the "Byron Bay Town Centre Master Plan" be made consistent by removing references to Town Centre "and Foreshore" Master Plan. (Dey/Richardson)

The motion was put to the vote and declared carried.

CORPORATE AND COMMUNITY SERVICES – STAFF REPORT

Report No. 13.5. Draft 2014/2015 Statement of Revenue Policy, Budget Estimates and Fees and Charges

File No: #E2014/19923

14-161 Resolved:

1. That Council amend the Draft 2014/2015 Statement of Revenue Policy comprising the Draft 2014/2015 Budget Estimates, Rates and Charges, Borrowings and Fees and Charges by:
 - a) increasing the unallocated amount of the Mayor's Discretionary Fund by \$1,650.
 - b) create a new line item called "Festival Sponsorship Fund" with a budget of \$10,000 to be held within the division of the General Manager and to be funded by the General Fund 2014/15 with an ongoing funding source to be identified.
2. That the Draft 2014/2015 Statement of Revenue Policy comprising the Draft 2014/2015 Budget Estimates, Rates and Charges, Borrowings and Fees and Charges be placed on public exhibition, subject to these Plans being amended to incorporate any other changes identified and proposed by Council, in the Draft 2014/2015 Operational Plan.
3. That Council review and update its Long Term Financial Plan to incorporate the Draft 2014/2015 Budget Estimates adopted by Council for public exhibition and subsequent 9 year financial projections. (Richardson/Dey)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

14-162 Resolved that Notice of Motion 9.4 be lifted from the table. (Woods/Richardson)

The motion was put to the vote and declared carried.

NOTICE OF MOTION

Notice of Motion No. 9.4. Sponsorship support for the 2014 Byron Bay Writers Festival
(continued)
#E2014/19963

14-163 Resolved:

1. That Council offer support to the Byron Bay Writers' Festival 2014, become an Event Sponsor and provide promotional material for display.
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2. That the support include:
 - a) the use of Council signage and associated materials for traffic management and staff assistance in placing those materials in position with respect to the Traffic Management Plan, and
 - b) the use of meeting rooms at the Byron Regional Sport and Cultural Centreand identified as a donation of \$1,500.
3. That the funds be derived from the "Festival Sponsorship Fund"
4. That Council provide letters of support for grant and sponsorship applications as requested. (Richardson/Woods)

The motion was put to the vote and declared carried.

CORPORATE AND COMMUNITY SERVICES – STAFF REPORT

Report No. 13.6. Year to Date Finance Report – March 2014
File No: #E2014/20379

- 14-164 Resolved** that the Year to Date Finance Report – March 2014 be received and noted. (Cubis/Richardson)

The motion was put to the vote and declared carried.

INFRASTRUCTURE SERVICES – LATE REPORT

Report No. 15.1. PLANNING – Planning Proposal for amendment to the Local Environment Plan in relation to the Roundhouse site and various public land
File No: #E2014/23198

The Mayor considered the matter arising in relation to 'Planning – Planning Proposal for amendment to the Local Environment Plan in relation to the Roundhouse site and various public land', and ruled it a matter of great urgency.

- 14-165 Resolved** that the business be dealt with at the meeting. (Woods/Cameron)

The motion was put to the vote and declared carried.

14-166 Resolved:

1. That Council note that this report being a late report will not compromise the community's knowledge of or ability to participate in the decision-making on this matter because, if it proceeds, there will need to be extensive community consultation and many opportunities to make submissions to Council and at Council meetings.
 2. That a planning proposal be prepared and submitted to the NSW Minister for Planning & Infrastructure in accordance with Division 4 of Part 3 of the Environmental Planning and Assessment Act 1979 and Sections 27(1) and 30 of the Local Government Act 1993 for the making of a local environmental plan to classify or reclassify the said land as operational land and to make provision to the effect that, on commencement of the plan,
-

the land, if it is a public reserve, ceases to be a public reserve, and that the land is by operation of the plan discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except for:

- (i) any reservations that except land out of a Crown grant relating to the land, and
 - (ii) reservations of minerals (within the meaning of the Crown Lands Act 1989).
2. That the same process as set out in 2. be pursued as required, in the same planning proposal or in concurrent planning proposal/s, for the following land:
- (a) Lot 1, DP952598, Vallances Road Mullumbimby
 - (b) Lots 15 & 16, DP1178892 , Dingo Lane Myocum
 - (c) Lot 10, DP850902, Station St, Mullumbimby (Administration Centre)
 - (d) Lot 1, DP435267, Station St, Mullumbimby (Old Telstra site)
 - (e) Lot 4, DP841856, Mill St, Mullumbimby
 - (f) Lot 12, DP267109, Bayshore Drive, Byron Bay
 - (g) Lot B, DP 372589, Corner Lawson & Fletcher Sts, Byron Bay
3. That it be noted that as a result of delay to the Roundhouse project, infrastructure projects, including Ocean Shores infrastructure projects, that were proposed to be funded from the proceeds of sale of the Roundhouse land, will now be delayed, or may not be able to be delivered depending on the outcome of the LEP amendment process.
- (Woods/Cubis)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

URGENCY MOTION

The Mayor considered the matter in relation to submission of Notices of Motion by 17 April 2014 to the National General Assembly of Local Government and ruled it a matter of great urgency.

14 -167 Resolved that the business be dealt with at the meeting. (Richardson/Woods)

The motion was put to the vote and declared carried.

Matter of urgency – Submission of Notice of Motion to the National General Assembly of Local Government by 17 April 2014

14-168 Resolved that the following draft Motions, with refinement by staff, be submitted to the 2014 National General Assembly of Local Government:

1. As an interim measure, a minimum 1 per cent of Commonwealth taxation revenue, which is based upon the precedent presented by the Commonwealth's reform to review base and escalation methods, be applied to FAGs.
2. Local government would welcome the opportunity to further its partnership with the Australian Government by working together to identify constructive general purpose funding reform options that more adequately meet community needs and fulfil the Commonwealth's objectives as set out in the Local Government (Financial Assistance) Act 1995. Such reforms would enable local government to more fully meet the diverse economic, social and environmental needs of local and regional communities, whilst

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delivering on important national priorities being pursued at the Australian Government and COAG levels.

3. The NGA calls on the Federal Government to reform 'National Principles' (s6) and or other amendments to the Local Government (Financial Assistance) Act 1995 to better acknowledge communities with exceptionally high visitor numbers and the need for infrastructure support due to visitor impacts.
4. That this NGA supports a referendum on constitutional recognition of local government.
(Hunter/Cameron)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 4.12pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 1 May 2014.

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Mayor Simon Richardson