



# Byron Shire Council



## Minutes

Ordinary Meeting  
Thursday, 22 May 2014

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
22 May 2014

---

## INDEX OF ITEMS DISCUSSED

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

Report No.13.2.	Investments – April 2014 .....	3
Report No. 13.5.	Budget Review - 1 January 2014 to 31 March 2014.....	3
Report No. 13.7.	Review of Policy 13/007 - Beaches – Motor Vehicles on Beaches.....	3
Report No. 14.1.	Report of the Internal Audit Advisory Committee Meeting held on 24 April 2014.....	4
Report No. 14.2.	Report of the Tourism Advisory Committee meeting held on 3 April 2014 ...	5
Report No. 14.3.	Report of the Communications Advisory Committee Meeting held on 11 April 2014.....	5
Report No. 14.4.	Report of the Planning Review Committee Meeting held on 15 April 2014 .	6
Report No. 14.5.	Report of the Transport Advisory Committee Meeting held on 15 April 2014.....	6
Report No. 15.1.	CONFIDENTIAL Request to waive interest charges - Rate Assessment 484105 .....	7
Delegates Report No. 12.1.	North Byron Parklands Regulatory Working Group .....	7
Urgency Motion	Rezoning of the West Byron Urban Release Area.....	8
Report No. 16.1.	Invitation to apply for Safer Streets Program Round One for CCTV.....	8
Mayoral Minute No. 8.1.	Feral Animal Program .....	9
Notice of Motion No. 9.1.	Resident Homeless Card .....	9
Notice of Motion No. 9.2.	Koala and Wildlife Sanctuary .....	10
Notice of Motion No. 9.3.	Section 18C of the Racial Discrimination Act 1975 .....	10
Correspondence and Petitions No. 10.1.	Concerns regarding safety due to the frequent flooding and rapid deterioration of Grays Lane .....	11
Delegate's Report No 1.	Arakwal.....	12
Delegate's Report No 2.	Rous Water .....	12
Report No. 13.1.	Section 355 Management Committee Appointments.....	13
Report No. 13.3.	Year to Date Finance Report – April 2014 .....	13
Report No. 13.8.	Parking Study Byron Bay - Preliminary Report.....	13
Report No. 13.9. I	ntersection of Rifle Range Road and Lismore Road, Bangalow.....	14
Report No. 13.10.	Provision of Surf Life Saving Services .....	15
Report No. 13.11.	Grays Lane, Tyagarah - Planning for a Road Upgrade .....	15
Report No. 15.2.	CONFIDENTIAL Organics Waste Collection Contract.....	16
Report No. 13.4.	Mullumbimby & District Neighbourhood Centre Annex Building Destroyed by Fire - Rebuild .....	17
Report No. 13.6.	Byron Shire Cultural Plan 2008-2013 – Final Implementation Report .....	17
Urgency Motion	North Byron Parklands Regulatory Working Group .....	18

**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY,  
22 MAY 2014 COMMENCING AT 9.03AM AND CONCLUDING AT 3.22PM**

#E2014/32682

**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)  
Mark Arnold (Director Corporate and Community Services)  
Phil Holloway (Director Infrastructure Services)  
Ray Darney (Executive Manager Environment and Planning)  
Mila Jones (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.*

---

**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. 9.3. Section 18C of the Racial Discrimination Act 1975**

John Anderson addressed Council against the recommendation.

**Delegates Report No. 12.1. North Byron Parklands Regulatory Working Group**

Paul Arrowsmith addressed Council in favour of the recommendation.  
John Anderson addressed Council against the recommendation.

**Report No. 16.1. Invitation to apply for Safer Streets Program Round One for CCTV**

Paul Waters, representing Byron United, addressed Council in favour of option 2 of the recommendation.

**Submission No. 1 Section 355 Management Committee – Payment to Members (Ocean Shores Community Centre)**

Pauline Kapral and Helen Graveson made a submissions to Council regarding payment to members of the Ocean Shores Community Centre.

**Submission No. 2 Rezoning of West Byron Urban Release Area**

Cate Coorey made a submission to Council regarding rezoning of West Byron Urban Release Area.

**Submission No. 3 Compliance**

John Anderson made a submission to Council regarding compliance reports to Council.

**Submission No. 4 Processes for Councillors to declare conflicts of interest**

Philip Shine made a submission to Council on the process for Councillors to declare a conflict of interest.

---

**APOLOGIES**

There were no apologies.

---

**REQUESTS FOR LEAVE OF ABSENCE**

There were no requests for leave of absence.

---

**DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**

Cr Spooner declared a non-pecuniary interest in Item 9.1 Resident Homeless Card, the nature of the interest being that his employer, Byron Bay Community Centre, will be managing the Resident Homeless Card. Cr Spooner nominated to stay in the chamber and participate in the debate and vote.

---

**TABLING OF PECUNIARY INTEREST RETURNS**

*There were no Pecuniary Interest Returns tabled.*

---

**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**14-208 Resolved** that the Minutes of the Ordinary Meeting held 1 May 2014 be confirmed, with the following amendments:

- a) on Page 14 of 16, Line 4 of Resolution 14-204, change "there" to "they are"; and
- b) on Page 16, Line 2 of 14-207 Part 3, insert "event" after "an". (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**

**Corporate and Community Services**

- 13.1. Section 355 Management Committee Appointments
- 13.3. Year to Date Finance Report – April 2014
- 13.4. Mullumbimby & District Neighbourhood Centre Annex Building Destroyed by Fire - Rebuild
- 13.6. Byron Shire Cultural Plan 2008-2013 – Final Implementation Report

**Infrastructure Services**

- 13.8. Parking Study Byron Bay - Preliminary Report
- 13.9. Intersection of Rifle Range Road and Lismore Road, Bangalow
- 13.10. Provision of Surf Life Saving Services
- 13.11. Grays Lane, Tyagarah - Planning for a Road Upgrade

**CONFIDENTIAL REPORTS**

**Infrastructure Services**

15.2. CONFIDENTIAL Organics Waste Collection Contract

**LATE REPORT**

**Corporate and Community Services**

16.1. Invitation to apply for Safer Streets Program Round One for CCTV

*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. 14-209 and concluding with Resolution No. 14-224.*

---

**CORPORATE AND COMMUNITY SERVICES – DIRECTOR’S REPORTS**

**Report No.13.2. Investments – April 2014**

**File No:** #E2014/27046

**14-209 Resolved** that the report listing Council’s investments and overall cash position as at 30 April 2014 be noted. (Woods/Richardson)

---

**Report No. 13.5. Budget Review - 1 January 2014 to 31 March 2014**

**File No:** #E2014/24127

**14-210 Resolved:**

1. That Council authorise the itemised budget variations as shown in Annexure 3(b) (#E2014/29919) which includes the following results in the 31 March 2014 Quarterly Review of the 2013/2014 Budget:
  - a) General Fund - \$141,700 increase in the accumulated surplus
  - b) Water Fund - \$4,397,600 increase in reserves
  - c) Sewerage Fund - \$426,900 increase in reserves
2. That Council adopt the revised General Fund Accumulated Surplus/(Working Funds) surplus of \$1,236,200 for the 2013/2014 financial year as at 31 March 2014. (Woods/Richardson)

---

**Report No. 13.7. Review of Policy 13/007 - Beaches – Motor Vehicles on Beaches**

**File No:** #E2014/25208

**14-211 Resolved:**

1. That Council note the responses received from the NSW National Parks and Wildlife Service, NSW Marine Parks Authority and Byron Bird Buddies on the proposal to amend

Policy 13/007 Motor Vehicles on Beaches so as to extend the beach areas accessible by disability permit holders and to amend the point of access to Tyagarah Beach.

2. That the Policy13/007 Beaches – Motor Vehicles on Beaches not be amended.  
(Woods/Richardson)
- 

**GENERAL MANAGER - COMMITTEE REPORTS**

**Report No. 14.1. Report of the Internal Audit Advisory Committee Meeting held on 24 April 2014**

**File No:** #E2014/22654

- 14-212 Resolved** that Council note the minutes of the Internal Audit Advisory Committee Meeting held on 24 April 2014. (Woods/Richardson)

- 14-213 Resolved** that in relation to Report No. 4.1 - Internal Audit Report - Audit Committee April 2014, Council adopt:

Committee Recommendation IA 4.1.1

That Council receive and note the Internal Audit Report – Audit Committee (April 2014) (Annexure 3 #E2014/26427) prepared by the Internal Auditor, Grant Thornton. (Woods/Richardson)

- 14-214 Resolved** that in relation to Report No. 4.2 - Interim Audit Management Letter 2014, Council adopt:

Committee Recommendation IA 4.2.1

That the comments provided by Management in response to matters raised in the Interim Audit Management Letter 2014 (#E2014/22926) be noted by Council. (Woods/Richardson)

- 14-215 Resolved** that in relation to Report No. 4.3 - Review of the Operations of the Ocean Shores Community Centre s355 Committee, Council adopt:

Committee Recommendation IA 4.3.1

That the Internal Audit Advisory Committee note the audit outcomes, responses by the Ocean Shores Community Centre Committee and Management comments in relation to the “Review of Operations of the Ocean Shores Section 355 Committee – October 2013” prepared by Thomas Noble and Russell. (Woods/Richardson)

- 14-216 Resolved** that in relation to Report No. 4.4 - Internal Audit Report – Contract Management and Project Management Review (March 2014), Council adopt:

Committee Recommendation IA 4.4.1

1. That the Internal Audit Report – Contract Management and Project Management Review (March 2014) be noted by Council, including the responses and actions detailed by Management.
  2. That Management implement the recommendations suggested in the report identified at Annexure 4(#E2014/26445). (Woods/Richardson)
-

**14-217 Resolved** that in relation to Report No. 5.1 - CONFIDENTIAL 2013/2014 Preliminary Audit Strategy, Council adopt:

Committee Recommendation IA 5.1.1

1. That Council adopt the Preliminary 2013/2014 Preliminary Audit Strategy as outlined in Annexure 1 (E2014/22831) to be conducted by Thomas Noble and Russell.
  2. That the report and Annexure 1 (E2014/22831) of the closed part of the meeting remain confidential. (Woods/Richardson)
- 

**Report No. 14.2. Report of the Tourism Advisory Committee meeting held on 3 April 2014**

**File No:** #E2014/ 24746

**14-218 Resolved:**

1. That Council note the agenda and minutes from the Tourism Advisory Committee meeting held on 3 April 2014.
  2. That in relation to the future role and expectations of the Tourism Advisory Committee, Council note:
    - a) That the Tourism Advisory Committee support a meeting with VIA Byron held to consider the relationship between the two bodies, and
    - b) That a decision regarding the future role of the Tourism Advisory Committee be deferred until after that meeting.
  3. That Council endorse the draft Destination Management Plan for the Byron Shire and associated documents.
  4. That in relation to the progress report 2012/13, Council note the progress made against projects from the Tourism Management Plan since July 2012 and the 2013 forward agenda.
  5. That the Draft Tourism Management Plan Annual Report for 2012/13 be endorsed for distribution to key stakeholders and the community following formatting into a professional presentation document. (Woods/Richardson)
- 

**Report No. 14.3. Report of the Communications Advisory Committee Meeting held on 11 April 2014**

**File No:** #E2014/29856

**14-219 Resolved:**

1. That Council note the minutes of the Communications Advisory Committee Meeting held on 11 April 2014 and adopt the following recommendations:
-

2. Committee Recommendation CAC 4.1.1
    - a) A focus group is to be convened to assist with the development of a draft Community Engagement Policy
    - b) The outcomes from the focus group are to be reported to the Communications Advisory Committee.
  3. Committee Recommendation CAC 4.2.1
    - a) In future refreshment of the website can be done under delegation.  
(Woods/Richardson)
- 

**ENVIRONMENT AND PLANNING - COMMITTEE REPORT**

**Report No. 14.4. Report of the Planning Review Committee Meeting held on 15 April 2014**

**File No:** #E2014/25369x/F149/03

- 14-220 Resolved** that the report be noted. (Woods/Richardson)
- 

**INFRASTRUCTURE SERVICES - COMMITTEE REPORT**

**Report No. 14.5. Report of the Transport Advisory Committee Meeting held on 15 April 2014**

**File No:** #E2014/27963

- 14-221 Resolved** that Council notes the minutes of the Transport Advisory Committee Meeting of 15 April 2014. (Woods/Richardson)

- 14-222 Resolved** that in relation to Report 4.1 - Proposed Transport Advisory Committee meeting dates 2014 (Infrastructure Services E2014/12829), Council adopt:

Committee Recommendation 4.1.1

That the Transport Advisory Committee meets on the following dates:

3 June 2014  
23 September 2014  
25 November 2014

(Woods/Richardson)

- 14-223 Resolved** that in relation to Report 4.2 - Revision of Bike Plan and Project Prioritisation (Infrastructure Services E2014/24808), Council not adopt the Committee recommendation, but instead adopt:

Management Recommendation 4.2.1

That in regard to the bike project detailed in design plans 2045/1; 2045/2 and 2208 for an on-road route between Suffolk Park and Byron Bay town centre which follows Broken Head Road and Bangalow Road, Council:

---



1. develop an alternative design for the section between Wollumbin and Keats Street and the section north of the junction with Scott Street, with consideration being given to commercial and community car parking needs along the route.
  2. that this alternative design be incorporated into the relevant design plans and that plans 2045/1; 2045/2 and 2208 be first costed and secondly placed on public exhibition.
  3. following the consultation and public exhibition period, a report be provided back to Council seeking endorsement of the project for submission to the RMS for at least 50% funding for delivery in 2015/16. (Woods/Richardson)
- 

**CORPORATE AND COMMUNITY SERVICES - CONFIDENTIAL REPORT**

**Report No. 15.1. CONFIDENTIAL Request to waive interest charges - Rate Assessment 484105**

**File No:** #E2014/28838

**14-224 Resolved:**

1. That Council agree to waive the interest charges accrued (\$18,806.47) on rates and charges and waive the interest charges accrued (\$12,943.15) on water and sewer usage charges levied on assessment 484105.
  2. That should part 1 of the recommendation be approved by Council, in order to ensure future Rates and Charges and future Water and Sewer usage charges on the property are kept current, the ratepayer be required to enter into a direct debit arrangement for the payment of all charges to the property.
  3. That the report and annexure of the closed part if the meeting remain confidential. (Woods/Richardson)
- 

PROCEDURAL MOTION

- 14-225 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being 12.1, consideration of an urgency motion and 16.1 next on the Agenda. (Woods/Richardson)

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

---

**DELEGATE'S REPORT**

**Delegates Report No. 12.1. North Byron Parklands Regulatory Working Group**

#E2014/30674

*The Delegate's Report was discussed by Council.*

---

---

**URGENCY MOTION**

**Rezoning of the West Byron Urban Release Area**

The Mayor considered the matter arising in relation to the West Byron Urban Release Area and ruled it a matter of great urgency.

PROCEDURAL MOTION

Moved: That the order of business be changed to discuss a matter of urgency regarding the rezoning of the West Byron Urban Release Area next on the agenda.  
(Richardson/Spooner)

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

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

---

**LATE REPORT – CORPORATE AND COMMUNITY SERVICES**

**Report No. 16.1. Invitation to apply for Safer Streets Program Round One for CCTV**

**File No:** #E2014/32215

Moved: That Council not accept the invitation to apply for the Safer Streets program funds for CCTV.  
(Spooner/Dey)

AMENDMENT

Moved: That Council not apply to the Safer Streets Program Round One (Attorney General's Department) for CCTV due to the inability of CCTV to work effectively in Apex Park without improved lighting and instead request permission to apply for funding for lighting and CCTV in Apex Park Byron Bay and adjacent carparks, and financial support for ongoing monitoring and maintenance costs. (Richardson/Cameron)

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

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

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

*Crs Ibrahim, Dey, Cubis, Woods, Wanchap and Hunter voted against the motion.*

FORESHADOWED MOTION

Moved:

1. That Council accept the invitation from Attorney General's Department and apply for the CCTV funding under the Federal Government's Safer Streets Program – Round One for:
  - a) CCTV and appropriate lighting – Apex Park near Beach Hotel Precinct in Bay Street – \$100,000
  - b) CCTV and appropriate lighting – Jonson Street ending at Kingsley Street – \$100,000
2. That in the event that the Attorney General's Department signifies that it is merely for CCTV and doesn't include lighting, that these conditions be accepted.

3. That in the event the submission is successful, that the offer be brought to Council for determination, time permitting. (Ibrahim/Wanchap)

AMENDMENT

**14-226 Resolved:**

1. That Council accept the invitation from Attorney General's Department and apply for the CCTV funding under the Federal Government's Safer Streets Program – Round One for:
  - a) CCTV and appropriate lighting – Apex Park near Beach Hotel Precinct in Bay Street – \$100,000
  - b) CCTV and appropriate lighting – Jonson Street ending at Kingsley Street – \$100,000
2. That Council note with the application that Council will need:
  - a) to determine partners committed to on-going operating costs (estimated at \$80,000 per year); or
  - b) find partners to collect the data and maintain the system (eg NSW Police); or both.
3. That in the event the submission is successful, that the offer be brought to Council for determination, time permitting. (Dey/Spooner)

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

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

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

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

---

**MAYORAL MINUTE**

**Mayoral Minute No. 8.1. Feral Animal Program**

#E2014/30707

**14-227 Resolved** that Council write to Local Land Services:

1. Outlining the success of its' feral animal trapping program and evidence of its outcomes
2. Requesting funding support for the continuance of its feral animal trapping program
3. Requesting support in obtaining or developing any future regional monitoring or date collection coordination, in order to strengthen any future regional trapping program collaboration (Richardson)

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

---

**NOTICES OF MOTION**

**Notice of Motion No. 9.1. Resident Homeless Card**

#E2014/24621

*Cr Spooner declared a non-pecuniary interest in this matter at the commencement of the meeting and nominated to stay in the chambers and participate in the debate and vote.*

**14-228 Resolved:**

1. That Council provide in-principle support to the establishment and operation of a Resident Homeless Card.
2. That Council amend the Homelessness Policy (08/106) to reflect this support by amending the strategies section of the policy as underlined, so as to read:

**3. STRATEGIES**

**3.1. Byron Shire Council will undertake the following strategies/activities:**

- a) *As part of council's commitment to the social planning process, in partnership with key stakeholders,*
  - i) *identify the extent of homelessness in the local area and region,*
  - ii) *monitor trends in homelessness and develop appropriate strategies for generating action to address homelessness.*
  - iii) *support in principle the establishment and operation of a Resident Homeless Card.* (Spooner/Richardson)

---

PROCEDURAL MOTION

- 14-229 Resolved** that Cr Spooner be granted a one minute extension to his speech. (Richardson/Cameron)

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

---

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

---

**Notice of Motion No. 9.2. Koala and Wildlife Sanctuary**

#E2014/27418

- 14-230 Resolved** that Council Staff, under the direction of the General Manager, provide Councillors with a report and make a recommendation on the practicality, environmental benefits and financial considerations of creating a Byron Shire koala and wildlife sanctuary encouraging local species to breed by providing secure fenced area/s, to assist in the management of the health and diet issues, and to provide tourist and education experiences. (Hunter/Woods)

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

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

---

**Notice of Motion No. 9.3. Section 18C of the Racial Discrimination Act 1975**

#E2014/29066

- 14-231 Resolved** that Council:

1. Understands the fundamental importance of section 18C of the Racial Discrimination Act 1975.
  2. Recognises that section 18C provides protection to individuals from offensive behaviour because of race, colour, national or ethnic origin.
-

3. Urges all levels of government to combat bigotry at every opportunity.
4. Writes to the Federal Attorney General and requests withdrawal of the Draft Exposure Amendment to the Racial Discrimination Act. (Spooner/Cameron)

AMENDMENT

Moved:

1. That Council write to the Federal Attorney General to request withdrawal of the Draft Exposure Amendment to the Racial Discrimination Act.
2. That Council supports the retention of Section 18C of the Racial Discrimination Act 1975. (Woods/Cubis)

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

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

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

*Crs Woods and Hunter voted against the motion.*

*The meeting adjourned at 12.40 for lunch and reconvened at 1.30pm.*

---

**PETITIONS**

**Correspondence and Petitions No. 10.1. Concerns regarding safety due to the frequent flooding and rapid deterioration of Grays Lane**

#E2014/25856

**14-232 Resolved:**

1. That the correspondence/petition received regarding the safety of Gray's Lane be noted.
2. That the correspondence/petition be referred to the Director, Infrastructure Services for information.
3. That Council notes this matter is the subject of a previous resolution (13-533), which is being acted on, and of Report 13.11 on page 100 of this Agenda. (Dey/Richardson)

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

---

**SUBMISSIONS AND GRANTS**

**1. NSW Crime Prevention Grant**

*The Director Infrastructure Services advised that Council was successful with their grant application under the NSW Crime Prevention Grant for lighting in Fletcher Street, Byron Bay to the value of \$50,000.*

---

**DELEGATES' REPORTS****1. Arakwal National Park Management Committee**

Cr Wanchap advised Council of the The Clay Heath Restoration Area at Patterson Hill as follows:

What has been done there is extraordinary, we all went up there to take a look at the work. The Arakwal Natural Park is an important conservation area with the Byron Bay Dwarf Graminoid Clay Heath and has been co-managed by the NPWS and the traditional owners, the Arakwal People since an agreement in 2001. It is down from the tower and goes across to Pacific Vista Drive. It has always been a very eroded track and they have put a lookout up there. It's a beautiful spot now and they have made it so that bicycles can traverse it but it has really been to support the clay heath because it has all been eroded and it has been shadowed by trees that have been growing up and stopping it from growing.

They are also going to be doing a burn off in that area. It has been six years since they have done that and this will give a boundary all the way around it so that they can do the burn.

The Cape Byron group have also done some amazing things over the last three or four months; they have finalised the Tyagarah draft plan of management, the Broken Head plan of management, the Hayters Hill plan of management, the Julian Rocks dual naming has come up that has been approved and it's now called Nguthungulli Nature Reserve.

Aunty Dulcie always come to our meetings and she's amazing. She was able to come up to the track. A lot of people are now using that track. They have been able to use all of the materials that were there. They didn't bring any other materials and that path has been made from the actual soil and gravel that they found there.

**2. Rous Water Meeting**

Cr Dey advised Council as follows:

Rous Water met yesterday 21 May. The main item was the adoption of the Future Water Strategy. It was adopted without amendment so it's as went on exhibition and as was presented to us earlier this year. The first Key Action will be to develop a new Demand Management Strategy. Actions 2 and 3 are to investigate Groundwater and Re-use respectively. To my mind, re-use is similar to demand management but wears a different badge in the minds of some technical managers. Demand Management (DM) is often focused at household level. Re-use is in fact institutional DM - a water authority reducing its demand for fresh Rous water.

The other interesting item at the meeting was that Rous Water sets aside an annual budget of \$25,000 to look after direct Rous customers who have had an undetected leak on their side of the water meter. A pipe may have been punctured and they might have lost several thousand litres of water. Rous's Policy on this allows such customers to seek financial support under s356 of the Local Government Act to help with their bill.

In one such case, the quarterly amount originally due was about \$3,250. On the basis of the formula in the Policy, Rous assisted with about \$1,700. The customer will still pay the other half. Assistance is only available once to each customer - a strong incentive to check more often for leaks.

**CORPORATE AND COMMUNITY SERVICES – STAFF REPORTS**

**Report No. 13.1. Section 355 Management Committee Appointments**

**File No:** #E2014/27609

**14-233 Resolved:**

1. That Council appoint the following nominees from the Expressions of Interest received as follows:
  - a) For community membership on the Ocean Shores Community Centre Section 355 Management Committee, being:
    - i) Leah Kapral
    - ii) Paula Cordeiro
  - b) For community membership on the Brunswick Heads Memorial Hall Section 355 Management Committee, being:
    - i) Ann Burnett
    - ii) Karen Stuart
2. That the appointments be for the remainder of this term of Council ending September 2016 unless otherwise resolved by Council. (Woods/Cubis)

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

---

**Report No. 13.3. Year to Date Finance Report – April 2014**

**File No:** #E2014/28284

- 14-234 Resolved** that the Year to Date Finance Report – April 2014 be received and noted. (Hunter/Richardson)

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

---

**PROCEDURAL MOTION**

- 14-235 Resolved** that the order of business be changed to discuss Reports 13.8, 13.9, 13.10 and 13.11 next on the Agenda. (Richardson/Woods)

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

*The meeting adjourned at 2.00pm to open the Byron Shire Reserve Trust Committee Meeting and reconvened at 2.18pm. Resolution No. 14-236 was used during the Committee Meeting.*

---

**INFRASTRUCTURE SERVICES – STAFF REPORTS**

**Report No. 13.8. Parking Study Byron Bay - Preliminary Report**

**File No:** #E2014/28203

**14-237 Resolved:**

1. That the consultant report at Annexure 17(a) (#2014/29886) entitled the 'Byron Bay Township Parking Management Strategy Investigation' be noted and that it be:
-

- a) referred as the draft Parking Study to the RMS for comment, which is sought prior to the Local Traffic Committee Meeting of 6 August 2014; and
  - b) placed on public exhibition and consultation undertaken for a minimum of 28 days.
2. That staff, as part of the consultation process, directly advise and commence discussions with the management or owners of areas used for car parking which are not in Council control, which for example includes the car parking:
    - a) around Woolworths
    - b) adjacent to the Railway Hotel
    - c) under the Aldi supermarket
    - d) other areas as believed appropriate
  3. That following the consultation period, RMS approval of the Parking Study be sought at the 6 August 2014 meeting of the Local Traffic Committee, including summary of the consultation period and feedback.
  4. That the outcomes of both the consultation period and Local Traffic Committee meeting, along with definitive recommendations regarding the parking study, be reported to Council on 28 August 2014.
  5. That Council's current residential parking coupon scheme remain unchanged and be reviewed prior to the commencement of any new parking scheme.
  6. That Council acknowledge that 'diversion' of traffic can be achieved by way of alternative transport and urban design measures. (Cameron/Spooner)

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

---

**Report No. 13.9.      Intersection of Rifle Range Road and Lismore Road, Bangalow**  
**File No:                #E2014/8439**

**14-238 Resolved:**

1. That Council endorse progression of developing final engineering plans for an upgrade to the intersection of Lismore Road and Rifle Range Road on the basis of undertaking the following works:
  - a) right turn bay from Lismore Road into Rifle Range Road
  - b) left turn bay from Lismore Road into Rifle Range Road
  - c) one lane of traffic flow on Rifle Range Road across the rail corridor – retain the give-way in Rifle Range Road
  - d) kerb and gutter and drainage upgrade (as required)
  - e) widening of the shoulder on the south-western side to improve provision of the school bus services.
2. That Council write to the Roads and Maritime Services seeking a substantial contribution towards the proposed upgrade of the intersection.
3. That Council seek a response from the Department of Education and State Transport (with copies to their appropriate State Ministers) to Council's request made under Resolution 13-485, reminding them of the current risk of up to 50 school children waiting each morning on the grass verge of a State 80kmh road for their buses. (Dey/Woods)

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

---



**Report No. 13.10. Provision of Surf Life Saving Services**

**File No:** #E2014/28711

**14-239 Resolved:**

1. That Council provide a combined two year contract for surf life saving service in conjunction with Cape Byron Trust managed by National Parks & Wildlife Services for the patrolled beaches in our local government area.
2. That the extent of surf life saving services to be provided across the Council area be in accordance with details in Table 2 of this report conditional upon the decisions from Cape Byron Headland Trust and National Parks & Wildlife Service regarding the provision of surf life saving services on their beaches.
3. That the General Manager be authorised to call tenders for the provision of surf life saving services across the Council area for the two year period 2014/15 to 2015/16.
4. That North Coast Holiday Parks and the appropriate State Minister be approached to fund at least the service at Brunswick Heads, which is estimated to cost about \$27,000 per season.  
(Cubis/Richardson)

**AMENDMENT**

Moved:

1. That Council provide a combined three year contract for surf life saving service in conjunction with Cape Byron Trust managed by National Parks & Wildlife Services for the patrolled beaches in our local government area.
2. That the extent of surf life saving services to be provided across the Council area be in accordance with details in Table 2 of this report conditional upon the decisions from Cape Byron Headland Trust and National Parks & Wildlife Service regarding the provision of surf life saving services on their beaches.
3. That the General Manager be authorised to call tenders for the provision of surf life saving services across the Council area for the three year period 2014/15 to 2016/17.
4. That North Coast Holiday Parks and the appropriate State Minister be approached to fund at least the service at Brunswick Heads, which is estimated to cost about \$27,000 per season.  
(Spooner/Woods)

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

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

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

---

**Report No. 13.11. Grays Lane, Tyagarah - Planning for a Road Upgrade**

**File No:** E2014/17829

**14-240 Resolved:**

1. That Council maintain dialogue with the Grays Lane community in developing plans for an upgrade of the 800m unsealed gravel pavement at the north western end of Grays Lane
-

by way of holding another meeting when staff have progressed with some planning for a future upgrade.

2. That initial planning and design for the upgrade of Grays Lane be undertaken by Council staff in the first instance and as resources permit.
3. That as progress of the initial planning and design for the upgrade reaches the point of needing to engage consultants to undertake ecological assessments and floodway analysis and design, and in consensus with the community of Grays Lane, a further report be presented to Council advising of the progress and recommending a funding source to engage consultants.
4. That traffic counts be carried out around the Grays Lane precinct with the view to assessing the traffic volumes of local traffic verses tourist traffic.
5. That Council write to the Local Government Minister, the Minister for Roads and the Minister for the Environment seeking a contribution towards the upgrade of Grays Lane due to the traffic generated by the Tyagarah Nature Reserve and Beach. (Woods/Dey)

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

---

PROCEDURAL MOTION

- 14-241 Resolved** that the order of business be changed to discuss Report No. 15.2 next on the Agenda. (Dey/Cameron)

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

---

**INFRASTRUCTURE SERVICES - CONFIDENTIAL REPORT**

**Report No. 15.2. CONFIDENTIAL Organics Waste Collection Contract**  
**File No: #E2014/30986**

**14-242 Resolved:**

1. That pursuant to Section 10A(2)(d) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely the Organics Waste Collection Contract.
2. That the reasons for closing the meeting to the public to consider this item be that:  
  
The report contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
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 organisations involved and prejudice the process of engagement of a tenderer to carry out the required services. (Dey/Hunter)

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

**CONFIDENTIAL SESSION**

**14-243 Resolved:**

1. That in accordance with Section 178(1)(b) of the Local Government (General) Regulation 2005, decline to accept any of the tenders.
-

2. That in accordance with Section 178(3)(a) of the Local Government (General) Regulation 2005, Council cancel the proposal for the contract.
3. That the 2014/15 Waste and Recycling budget estimates be reviewed to reflect that Council will not be introducing the food and organics kerbside collection service in the 2013/14 financial year.
4. That the report and annexure of the closed part of the meeting remain confidential until the awarding of the contract for integrated waste collection commencing in August 2015, as the report contains commercial information of a confidential nature that may, if disclosed:
  - i) prejudice the commercial position of the company that supplied it, or
  - ii) confer a commercial advantage on a competitor of the company that supplied it.(Dey/Woods)

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

**14-244 Resolved** that the meeting move out of confidential session. (Richardson/Cameron)

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

---

**CORPORATE AND COMMUNITY SERVICES – DIRECTOR’S REPORTS**

**Report No. 13.4. Mullumbimby & District Neighbourhood Centre Annex Building Destroyed by Fire - Rebuild**

**File No:** #E2014/27053

**14-245 Resolved** that Council, in accordance with Local Government Act Section 55(3), not call tenders for the design and construct contract to rebuild the Annex Building located at 55 Dalley Street, Mullumbimby due to the following extenuating circumstances:

- a) Council’s insurer has determined the preferred contractor for the works;
- b) The nominated builder, D Schwebel, is the insurer’s preferred contractor for the works;
- c) Council’s insurer has provided undertakings that their preferred builder has the necessary experience and capacity to fulfil the contract requirements;
- d) Council’s insurer is to meet and pay the full costs for like-for-like replacement for the building;
- e) Council’s insurer has provided advice that there will be no cost saving advantage for them by undergoing a competitive process. (Dey/Richardson)

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

---

**Report No. 13.6. Byron Shire Cultural Plan 2008-2013 – Final Implementation Report**

**File No:** #E2014/19563

**14-246 Resolved:**

1. That Council note the final report on implementation of the Byron Shire Cultural Plan 2008-2013.
2. That Council note that of the 78 actions listed in the plan, 43 actions are complete (or ongoing), 16 are yet to commence and 19 have progressed/commenced.

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

22 MAY 2014 (18 of 18)

3. That Council note the recent changes at the Federal and State government level with the adoption of a NSW *Creative Industries Action Plan*.
4. That Council note that the requirement under legislation for councils to have a Cultural Plan is no longer in force and that the outstanding actions from the Cultural Plan 2008 – 2013 are to be included in other strategies and plans of Council.
5. That a report outlining a process to facilitate the provision of strategies 1, 2, 4, 6, 7 and 8 listed on page 60 of the report be presented to Council.
6. That, as noted on page 60 of the report, consideration be given to providing increased resources to implement public art and/or community cultural development projects and that Council seek advice from the Public Art Assessment Panel. (Richardson/Spooner)

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

*Cr Woods voted against the motion.*

---

## URGENCY MOTION

### North Byron Parklands Regulatory Working Group

The Mayor considered the matter arising in relation to the North Byron Parklands Regulatory Working Group and ruled it a matter of great urgency.

### PROCEDURAL MOTION

Moved: That the business be dealt with at the meeting.

(Cameron)

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

*Crs Ibrahim, Dey, Cubis, Woods and Spooner voted against the motion.*

---

*There being no further business the meeting concluded at 3.22pm.*

---

I hereby certify that these are the true and correct Minutes of this Meeting  
as confirmed at Council's Ordinary Meeting on 12 June 2014.

.....  
Mayor Simon Richardson