



# Byron Shire Council



## Minutes

Ordinary Meeting

Thursday, 19 March 2015

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
19 March 2015

---

## INDEX OF ITEMS DISCUSSED

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

Report No. 13.2	Investments - February 2015 .....	2
Report No. 14.1	Report of the Internal Audit Advisory Committee Meeting held on 19 February 2015 .....	3
Report No. 14.2	Report of the Finance Advisory Committee Meeting held on 19 February 2015 .....	3
Report No. 14.3	Report of the Biodiversity and Sustainability Advisory Committee Meeting held on 19 February 2015.....	4
Report No. 14.4	Report of the Water, Waste and Sewer Advisory Committee Meeting held on 4 December 2014 .....	5
Notice of Motion No. 9.3	Intention for Byron Shire to become Australia's first Zero Emissions Community .....	5
Notice of Motion No. 9.4	Change to Procedure at Ordinary Council Meetings regarding speeches prior to Right of Reply .....	6
Notice of Motion No. 9.1	Support to strengthen Council's relationship with Southern Cross University .....	7
Notice of Motion No. 9.2	Opposition to Base Station Microwave Transceivers.....	7
Petition No. 10.1	Against the Construction of the Telstra Tower in Ocean Shores .....	7
Report No. 13.1	Licence - Shara Community Gardens .....	9
Report No. 13.4	Bay Lane Activation - Action Items .....	10
Report No. 13.5	Establishment of the Sustainable Economic Development Management Advisory Committee .....	10
Report No. 13.3	PLANNING DA 10.2014.417.1 - Demolition of existing residential flat building & construction of a new residential flat building and associated works at 43 Lawson Street Byron Bay .....	11
Report No. 16.1	CONFIDENTIAL - Belongil Interim Beach Access Stabilisation Works Contract Update .....	13

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

19 March 2015

### MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 19 MARCH 2015 COMMENCING AT 9.05AM AND CONCLUDING AT 1.07PM

12015/215

**PRESENT:** Cr S Richardson (Mayor), Cr B Cameron, Cr C Cubis, Cr D Dey, Cr A Hunter,  
Cr S Ibrahim (arrived 9.43am), Cr R Wanchap and Cr D Woods

Staff: Ken Gainger (General Manager)  
Mark Arnold (Director Corporate and Community Services)  
Phil Holloway (Director Infrastructure Services)  
Shannon Burt (Director Sustainable Environment and Economy)  
Shannon McKelvey (Executive Manager Organisation Development)  
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:

### 9.3 Intention for Byron Shire to become Australia's first Zero Emissions Community

*Dieter Horstmann, Byron New Energy, addressed Council in favour of the recommendation.*

### 9.4 Change to procedure

*David Wallace addressed Council in favour of the recommendation.*

### 13.3 PLANNING DA 10.2014.417.1 Demolition of existing residential flat building & construction of a new residential flat building and associated works at 43 Lawson Street, Byron Bay

*Dwayne Roberts addressed Council against the recommendation.*

---

## APOLOGIES

### PROCEDURAL MOTION

- 15-082 Resolved** That the apology from Cr Spooner be accepted and a leave of absence granted.  
(Dey/Cubis)  
*The motion was put to the vote and declared carried.*

---

## 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**

In accordance with the Local Government Act 1993 Section 450A(2), Section 449(1) First Returns are tabled being received from:

- Shannon Burt, Director Sustainable Environment and Economy
- Bronwyn Challis, Strategic Procurement Officer
- Matthew Meir, Legal Services Officer

---

**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

- 15-083 Resolved** that the minutes of the Ordinary Meeting held 26 February 2015 be confirmed.  
(Dey/Cubis)  
*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**

Report No. 13.1      Licence - Shara Community Gardens

**Sustainable Environment and Economy**

Report No. 13.3      PLANNING DA 10.2014.417.1 - Demolition of existing residential flat building & construction of a new residential flat building and associated works at 43 Lawson Street Byron Bay

Report No. 13.4      Bay Lane Activation - Action Items

Report No. 13.5      Establishment of the Sustainable Economic Development Management Advisory Committee

**CONFIDENTIAL REPORTS****Infrastructure Services**

Report No. 16.1      CONFIDENTIAL - Belongil Interim Beach Access Stabilisation Works Contract Update

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Woods and seconded by Cr Cubis. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 15-084 and concluding with Resolution No. 15-097.

---

**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 13.2      Investments - February 2015**  
**File No:**              I2015/188

- 15-084 Resolved** that the report listing Council's investments and overall cash position as at 28 February 2015 be noted.  
(Woods/Cubis)

---

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

**Report No. 14.1**      **Report of the Internal Audit Advisory Committee Meeting held on 19 February 2015**  
**File No:**              I2015/98

**15-085**   **Resolved** that Council note the minutes of the Internal Audit Advisory Committee Meeting held on 19 February 2015. (Woods/Cubis)

**15-086**   **Resolved** that Council adopt the following Committee Recommendation:

Report No. 5.1   Internal Audit Report February 2015  
File No: I2015/39

Committee Recommendation IAC 5.1.1

1. That Council receive and note the Internal Audit Report – Audit Committee (February 2015) (#E2015/9105) prepared by the Internal Auditor, Grant Thornton.
2. That the Internal Audit Committee receive a report on the progress of implementing the actions relating to the Internal Audit Review 1.8: Asset Management – Water and Sewer breach No.2 from the 21 August 2014 report to the Internal Audit Committee. (Woods/Cubis)

**15-087**   **Resolved** that Council adopt the following Committee Recommendation:

Report No. 5.2   Regulatory Enforcement Review  
File No: I2015/40

Committee Recommendation IAC 5.2.1

1. That the Internal Audit Report on Regulatory Enforcement – December 2014 be noted by Council, including responses and actions detailed by Management.
2. That Management implement the recommendations suggested in the report identified at Attachment 1 (#E2015/9052). (Woods/Cubis)

**15-088**   **Resolved** that Council adopt the following Committee Recommendation:

Report No. 5.3   2013/2014 Financial Statements Audit Management Letter  
File No: I2015/60

Committee Recommendation IAC 5.3.1

That the comments provided by Management in response to matters raised in the 2013/2014 Financial Statements Audit Management Letter be noted by Council. (Woods/Cubis)

---

**Report No. 14.2**      **Report of the Finance Advisory Committee Meeting held on 19 February 2015**  
**File No:**              I2015/99

**15-089**   **Resolved** that Council note the minutes of the Finance Advisory Committee Meeting held on 19 February 2015. (Woods/Cubis)



# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

19 March 2015

**15-090 Resolved** that Council adopt the following Committee Recommendation:

Report No. 5.1 2014/15 Financial Sustainability Project Plan - Update on the Action  
Implementation Plan as at 31 December 2014

File No: I2015/11

Committee Recommendation FAC 5.1.1

That the update report to 31 December 2014 on the 2014/2015 Financial Sustainability Project  
Plan Action Implementation Plan be received and noted. (Woods/Cubis)

**15-091 Resolved** that Council adopt the following Committee Recommendation:

Report No. 5.2 Budget Review - 1 October 2014 to 31 December 2014

File No: I2015/55

Committee Recommendation FAC 5.2.1

1. That Council note the recommendation of the Finance Advisory Committee to authorise the itemised budget variations as shown in Attachment 2 (#E2015/8370) which includes the following results in the 31 December 2014 Quarterly Review of the 2014/2015 Budget:
  - a) General Fund - \$0 adjustment in the accumulated surplus
  - b) Water Fund - \$1,562,900 increase in reserves
  - c) Sewerage Fund - \$656,100 increase in reserves
2. That Council adopt the revised General Fund Accumulated Surplus/(Working Funds) surplus of \$1,956,550 for the 2014/2015 financial year as at 31 December 2014. (Woods/Cubis)

**15-092 Resolved** that Council adopt the following Committee Recommendation:

Report No. 5.3 Byron Regional Sports and Cultural Complex (BRSCC) Operating Result for  
July to December 2014

File No: I2015/62

Committee Recommendation FAC 5.3.1

That Council receive and note this report on the financial operating results of the Byron Regional  
Sport and Cultural Complex (BRSCC) for the six (6) month period ending 31 December 2014.  
(Woods/Cubis)

---

## REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 14.3 Report of the Biodiversity and Sustainability Advisory Committee  
Meeting held on 19 February 2015**

**File No:** I2015/115

**15-093 Resolved** that Council note the minutes of the Biodiversity and Sustainability Advisory Committee  
Meeting held on 19 February 2015. (Woods/Cubis)

**15-094 Resolved** that Council adopt the following Committee Recommendation:

Report No. 5.1 Amended Draft Environmental Levy Implementation Policy

Committee Recommendation 5.1

That the Biodiversity and Sustainability Advisory Committee recommend to Council that the draft Environmental Levy Implementation Policy (#E2014/61683) be publicly exhibited for a period of 28 days and that in the event that no submissions are received on the Environmental Levy Implementation Policy it be adopted. (Woods/Cubis)

---

**REPORTS OF COMMITTEES – INFRASTRUCTURE SERVICES**

**Report No. 14.4**      **Report of the Water, Waste and Sewer Advisory Committee Meeting held on 4 December 2014**  
**File No:**              I2015/100

**15-095**   **Resolved** that Council note the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 4 December 2014. (Woods/Cubis)

**15-096**   **Resolved** that Council adopt the following Committee Recommendation:

Report No. 5.1   Rous Water Future Strategy Long Term Financial Planning  
File No: I2014/166

Committee Recommendation 5.1.1

That Council notes the 'Rous Water Future Water Strategy Long Term Financial Planning' report. (Woods/Cubis)

**15-097**   **Resolved** that Council adopt the following Committee recommendation:

Report No. 5.2   Logo and Slogan for the New 3-Bin Collection Service  
File No: I2014/167

Committee Recommendation 5.2.1

That Council endorses the logo and slogan presented in this report for community engagement and education purposes relating to the new 3-bin collection service, with an amendment being a change in the word 'Garbage' to 'Landfill'. (Woods/Cubis)

---

PROCEDURAL MOTION

**15-098**   **Resolved** that Council change the order of business to deal with items 9.3, 9.4 and 13.3 next on the Agenda. (Richardson/Woods)

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

---

**NOTICES OF MOTION**

**Notice of Motion No. 9.3**   **Intention for Byron Shire to become Australia's first Zero Emissions Community**  
**File No:**                      I2015/191

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

19 March 2015

### 15-099 Resolved that Council:

1. Supports Byron Shire becoming a Zero Emissions Community.
2. Send a letter of appreciation to Beyond Zero Emissions (BZE) for selecting Byron Shire to become Australia's first Zero Emissions Community for such a leadership role.
3. Support BZE to develop a process, including conducting workshops with key stakeholders, in order to develop a roadmap to achieve the stated intention. (Richardson/Dey)

### AMENDMENT

Moved:

1. That Council's senior staff provide a report on financial implications and possible planning constraints of the BZE project over the short and long term including impacts on the community, affordable housing, business and agricultural industries. After this process, Council consider:
  - a) Supporting Byron Shire becoming a Zero Emissions Community.
  - b) Supporting BZE to develop a process, including conducting workshops with key stakeholders, in order to develop a roadmap to achieve the stated intention.
2. That this report be put on public exhibition for 28 days.
3. That Council send a letter of appreciation to Beyond Zero Emissions (BZE) for selecting Byron Shire to become Australia's first Zero Emissions Community for such a leadership role. (Cubis/Woods)

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

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

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

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

*Cr Ibrahim arrived at 9.43am.*

---

### **Notice of Motion No. 9.4    Change to Procedure at Ordinary Council Meetings regarding speeches prior to Right of Reply**

**File No:** I2015/193

### 15-100 Resolved that a review of Council meeting procedures be discussed at a workshop, including the following:

1. Prior to calling for the "right of reply" at the end of a debate on the floor of Council that a "courtesy call" be given to any remaining councillors who may have wished to speak but had not had the opportunity to do so regardless of the content of their speech or final vote "for or against" on the issue.
2. The "courtesy call" would not be directed at an individual councillor but offered to all remaining speakers who have not yet spoken on the subject. (Wanchap/Woods)

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

---

### PROCEDURAL MOTION



# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

19 March 2015

- 15-101 Resolved** that Council change the order of business to deal with items in the order they appear in the Agenda. (Woods/Cameron)

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

---

### MAYORAL MINUTE

*There was no mayoral minute.*

---

**Notice of Motion No. 9.1 Support to strengthen Council's relationship with Southern Cross University**

**File No:** I2015/189

- 15-102 Resolved** that Council partner with Southern Cross University (SCU) to explore possibilities of establishing an education and research facility within Byron Shire. (Richardson/Dey)

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

*The meeting adjourned at 10.09am for a break and reconvened at 10.30am.*

---

**Notice of Motion No. 9.2 Opposition to Base Station Microwave Transceivers**

**File No:** I2015/190

- 15-103 Resolved:**

1. That Council review Policy No. 11/001 – "Telecommunication Facilities on Council Owned Land" including consideration of the following:

*"2.2 (c) That land owner's consent for any new development proposal for radiofrequency and/or microwave base station transceivers which are proposed to be sited within 500 metres of any school, preschool or residential premises will generally not be given. Support will be given to alternative sites (on both public and private land) which have satisfactorily addressed public health issues and the possibility of adverse biological effects, visual amenity, loss of property value and environmental damage."*

2. That Council receive a report on amending the DCP where considered appropriate in relation to the location of telecommunication facilities, within 500m of schools and preschools. (Wanchap/Woods)

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

---

### PETITIONS

**Petition No. 10.1 Against the Construction of the Telstra Tower in Ocean Shores**

**File No:** I2015/85

- 15-104 Resolved** that the petition regarding the Telstra Tower in Ocean Shores be noted. (Woods/Wanchap)

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

---

### SUBMISSIONS AND GRANTS

*There were no submissions and grants.*

---

## **DELEGATES' REPORTS**

### 1. Australian Coastal Council Conference

Cr Richardson advised he will provide a written delegate's report on this Conference in the Ordinary Meeting Agenda of 9 April 2015. He also advised:

It was an interesting conference and one in which you realise that we are not alone on this matter. WA, Tasmania, Victoria – they are all coming with the same challenges and the same problems. An interesting speech from Bruce Thom, who gave a searing keynote about the lack of consistency in state and federal leadership in this field. He talked about how Senator Robert Hill, when he was the Liberal Minister for the Environment, a cause he championed so strongly, hundreds of millions flowed into coastal works. Jenny George of the ALP under Rudd created a report which was the National Seachange Taskforce which was launched when Byron held the conference. No-one on the Rudd Government then initiated anything from it and under the O'Farrell Government we had that localism where local people could choose their own sea- rise level but no money came. Now we have got Premier Baird and Rob Stokes who as surfers seem to get it a bit more so we will wait and see. That was quite an interesting bit of history showing that regardless of some parties, it can depend on whether someone understands and values our coastal area and is prepared to push for it. He came up with the statement that it has often been said that Federal Government has all the power, State Government has all the policies and Local Government have all the problems and I think everyone in the room acknowledged that has been the case.

Aside from that there was an interesting presentation on changing populations by one of the key population analysts from the Bureau of Statistics talking about the growth of population being doubled for coastal councils and even sharing Gold Coast, which was the closest to us, an increase in population of 70% in only about 20 years. So when it comes to population increases, this area is obviously going to get far more.

Another interesting bit that I think is worth sharing, was the conversation by one of the leaders of the CSIRO who deals with sea level rise and climate change talking about the ice melting and the effect that it has. On one hand he said, they believed that over the next 100 years, or in this century, it probably won't have a great deal of impact on sea level rise but also flagged the fact that it is the uncertainty behind it that is incredibly troubling for scientists because they are not quite sure about the rate. They know it is going to have a significant impact, it just might be a bit more delayed. However, the unknown is when it could quite easily happen on a large scale more quickly and that is one area that the scientists acknowledge they don't really know, but the scenarios are truly alarming.

It was very interesting and also interesting to get some tourism insights from Mornington Peninsula – very similar to us – has 26 hotels or accommodation houses and 26,000 holiday homes. People rent a house, but it is also very traditional in Melbourne where you have your holiday house down there.

It was great to connect with people from Port Douglas to Tasmania, all dealing with similar issues. A more thorough report will be included in the agenda for the next meeting, and I thank Council for sending me down there.

### 2. Bush Fire Management Committee Meeting

Cr Dey advised the following:

Cr Dey reported on the meeting of 19 March 2015. One topic was a unique community of "dwarf heath" vegetation at Paterson Hill, Byron Bay. There is only 8 hectares of this in the world, all at Paterson Hill. National Parks and Wildlife Service (NPWS) manages about 5 hectares of it and intends to burn that area this year as part of its management. The area requires burning to sustain itself and was last burnt in 1977.

NPWS are adamant that their 5 hectares and the other 3 ha shouldn't be burnt simultaneously. Two authorities manage the remaining 3 ha: Crown Lands (through a Trust) and Council on the small patch around our water tower. The whole lot would be wiped out and wouldn't regenerate if it were all to burn at once.

### 3. Rous Meeting

Cr Dey advised the following:

I attended a Rous Water Meeting on 18 March. The interesting items were confidential but there was one other, about financial assistance to Rous's own direct customers (ie those supplied but not through one of the four "constituent Councils"). Rous generally has 2 or 3 customers per quarter who have had an "undetected leak" in their line. Rural customers often have a large distribution network downstream of their water meter. Such "poly" lines might get trampled by cattle and then spurt water for months, until a massive water bill arrives from Rous Water. Some bills reach \$3,000 or \$4,000 for the quarter, instead of a usual \$200 or \$300. Rous customers have the right to apply for financial assistance with paying part of such a bill.

I don't think we have as many incidences of leakage in this Shire. I think it is more frequent with Rous's own customers because they are rural, being located along the pipelines. They were connected decades ago, when Rous first gained easements through their properties for the large trunk lines that supply water to the Shires. Rous Council wrestled with the processes and considerations behind assisting people with their bills.

---

## **STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 13.1      Licence - Shara Community Gardens**  
**File No:                I2015/12**

### **15-105 Resolved:**

1. That notice of Council's intention to grant licences over Community Land being Lot 2005 DP808461 known as 'Shara Community Gardens', Shara Boulevard, Ocean Shores NSW be notified and exhibited in accordance with Section 47 of the Local Government Act.
2. That subject to no submissions being received during the exhibition period, Council grant a licence to Mullumbimby Centre for Sustainable Living and Environmental Education Inc over Community Land being Lot 2005 DP808461, for the purpose of a community garden on the following terms:
  - a) Commencement date 4 April 2015;
  - b) Licence term of 6 months;
  - c) Rental equivalent to Crown minimum rent, currently \$461.00 per annum ex GST.
3. That subject to the Licensee providing the required structural certifications and housing for their building materials; and no submissions being received during the exhibition period,

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

19 March 2015

Council grant a further licence to Mullumbimby Centre for Sustainable Living and Environmental Education Inc over Lot 2005 DP808461, for the purpose of a community garden on the following terms:

- a) Commencement date 4 October 2015;
  - b) Licence term of 4 years and 6 months;
  - c) Rental equivalent to Crown minimum rent, currently \$461.00 per annum ex GST;
4. That if submissions are received on the proposed licenses, a further report be provided to Council for consideration. (Woods/Ibrahim)

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

*Cr Wanchap left the meeting at 11.05am.*

### PROCEDURAL MOTION

- 15-106 Resolved** that Council change the order of business to deal with Report 13.3 at the end of the meeting. (Woods/Richardson)

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

*Cr Wanchap was not present for the vote.*

*Cr Wanchap returned at 11.07am.*

---

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.4      Bay Lane Activation - Action Items**  
**File No:              I2015/29**

**15-107 Resolved:**

1. That Council note the reconciled budget for the Bay Lane pilot activation.
2. That Council note the development of the attached Laneway Activation Event Kit for third party use. (Woods/Cubis)

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

---

**Report No. 13.5      Establishment of the Sustainable Economic Development**  
**File No:              Management Advisory Committee**  
**I2015/92**

**15-108 Resolved** that Council:

1. Establish a Sustainable Economy Committee (SEC) and call for nominations for the industry, community and environment members.
2. Adopt the draft Terms of Reference for the SEC as attached (E2015/11805).
  - a) the objectives/purpose of the Committee
  - b) Committee membership, and
  - c) that meetings be held quarterly or as required.

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

19 March 2015

3. Write to the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) extending an invitation to provide one representative if desired to the Committee.
4. Nominate three Councillors to the SEC, being Crs Cameron, Richardson and Ibrahim.
5. Note that the following meeting dates have been tentatively set aside for proposed SEC meetings:
  - Thursday 2 April
  - Thursday 4 June
  - Thursday 3 September
  - Thursday 5 November
6. Write to the current Tourism Advisory Committee members thanking them for their service to Council and the community and encouraging them to nominate for a position on the new SEC. (Cameron/Richardson)

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

---

### PROCEDURAL MOTION

- 15-109 Resolved** that Council change the order of business to deal with Report 13.3 next on the Agenda. (Woods/Richardson)

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

---

**Report No. 13.3**      **PLANNING DA 10.2014.417.1 - Demolition of existing residential flat building & construction of a new residential flat building and associated works at 43 Lawson Street Byron Bay**  
**File No:**              I2014/162

**15-110 Resolved:**

1. That consideration of DA 10.2014.417.1 be deferred to enable discussions between the Developer and Director of Sustainable Environment and Economy to address areas of non compliance through redesign.
2. That a report be provided to Council on these discussions at the next available meeting to enable determination of the DA. (Wanchap/Woods)

- 15-111 Resolved** that Cr Dey be granted a two minute extension to his speech. (Woods/Richardson)

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

### AMENDMENT

Moved: That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application no. 10.2014.417.1, for demolition of existing residential flat building and construction of a new residential flat building and associated works at 43 Lawson Street Byron Bay, be refused for the reasons listed in Attachment 1.

(Dey/Richardson)

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

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

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

*Cr Dey voted against the motion.*

**BYRON SHIRE COUNCIL**

ORDINARY MEETING MINUTES

19 March 2015



**CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 16.1**      **CONFIDENTIAL - Belongil Interim Beach Access Stabilisation Works Contract Update**

**File No:**                I2015/102

Moved:

1. That Council note, in relation to the Interim Beach Access Stabilisation works at Belongil:
  - a) construction costs are likely to exceed the budget approved in 2014 and there is thus a shortfall in funding;
  - b) benefitting landholders have not committed to agreement with respect to (i) voluntary contributions for the works, and (ii) access agreement and easement.
2. That Council not pursue this project further, and advise stakeholders of this decision. (Richardson/Dey)

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

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

**15-112 Resolved:**

1. That pursuant to Section 10A(2)(c) and (d)i of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the report Belongil Interim Beach Access Stabilisation Works Contract Update.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
  - a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
  - b) 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:
 

Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conduction (or proposes to conduct) business.  
Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
4. That in accordance with Sections 10A(4) of the *Local Government Act 1993*, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed. (Woods/Cubis)

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

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

**15-113 Resolved** that the meeting move into committee. (Wanchap/Ibrahim)

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

**15-114 Resolved** that the meeting move out of committee. (Ibrahim/Dey)

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

**FORESHADOWED MOTION**

**15-115 Resolved:**

1. That Council notes Resolutions 14-498 and 14-549 which, inter alia, delegates authority “to the General Manager to negotiate and enter into contracts on terms and conditions deemed suitable”.
2. That an urgent Councillor workshop with staff be convened no later than 2 April 2015, to provide updated information on the construction contract quotations.
3. That Council notes the Byron Preservation Association’s advice that landowners are willing to make a voluntary contribution of \$300,000 towards the costs of construction.
4. That Council provide the landowners with an Agreement for signature and return to Council which confirms their collective voluntary contribution of \$300,000 (excluding GST) secured by a bank guarantee, or cash payment on trust, to be released to Council upon Council, before 30 June 2015, entering into a construction contract.
5. That Council approves the construction of the proposed Interim Beach Access Stabilisation works subject to:
  - a) the General Manager negotiating and enter into contracts on terms and conditions deemed suitable; and
  - b) all owners who are making payments towards the \$300,000 contribution, signing and returning the Agreement referred to in point 4 above, by 29 April 2015; and
  - c) the s88b Instrument, plans and associated documents properly signed by all owners of Lots 11 – 14 Section 3 DP 1623 being returned to Council by 29 April 2015.

(Ibrahim/Cubis)

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

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

**15-116 Resolved** that Cr Ibrahim be granted a three minute extension to his speech. (Cubis/Wanchap)

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

**15-117 Resolved** that Cr Cubis be granted a two minute extension to his speech. (Woods/Ibrahim)

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

**15-118 Resolved** that the meeting move out of Confidential Session. (Richardson/Cubis)

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

**URGENCY MOTION**

**1. Foot crossover over the rail line at Mullumbimby**

**15-119 Resolved** that Council discuss the matter of the foot crossover over the rail line at Mullumbimby as it is of great urgency due to the notice from JHR that they propose to close the crossing by the end of March 2015. (Richardson/Woods)

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

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

19 March 2015

**15-120 Resolved** that in relation to the proposed closure of the foot crossover over the rail line at Mullumbimby that Council:

1. Note the importance of the crossing to the Mullumbimby Community.
2. Urgently request John Holland Rail (JHR) to defer the closure and for JHR to undertake community consultation on their proposal, which should be mentioned in Council's Notices.
3. Receive further advice from staff on options to retain the crossing. (Richardson/Cubis)

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

---

*There being no further business the meeting concluded at 1.07pm.*

---

I hereby certify that these are the true and correct Minutes of this Meeting  
as confirmed at Council's Ordinary Meeting on 9 April 2015.



.....  
Mayor Simon Richardson