



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 16 July 2015

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes

16 July 2015

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 16 JULY 2015 COMMENCING AT 9.05AM AND CONCLUDING AT 4.30PM

I2015/713

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, Cr C Cubis (arrived at 9.23am), 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)
Shannon Burt (Director Sustainable Environment and Economy)
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:

13.8 PLANNING - 10.2015.134.1 Multi dwelling development (3 units) at 29 Goondooloo Drive Ocean Shores

Marshall Bown, Zenith Heights Pty Ltd addressed Council in favour of the recommendation. Gerard O'Donnell addressed Council against the recommendation.

13.9 Renewal of Caravan Park Approvals to Operate for the Terrace Reserve Holiday Park and Massey Green Holiday Park

John Dunn, Brunswick Heads Progress Association addressed Council in favour of the recommendation.

13.12 PLANNING - 10.2014.503.1 Demolition of two (2) existing dwelling houses and shed/ bowls room. Erection of tourist and visitor accommodation (5 x 1 bedroom and 3 x 2 bedroom cabins) and associated removal of trees at 18-20 Marvel Street & 19 Carlyle Street, Byron Bay

Jeff Barnes, Chairman of the Byron Bay Bowling Club, addressed Council against the recommendation.

The meeting adjourned at 9.31am and reconvened at 10.01am.

APOLOGIES

There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

Cr Dey requested a leave of absence from 18 July to 17 August 2015.

PROCEDURAL MOTION

15-304 Resolved that Cr Dey be granted a leave of absence from 18 July 2015 to 17 August 2015.
(Richardson/Woods)

The motion was put to the vote and declared carried.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Cubis declared a non-pecuniary interest in Report 13.8. The nature of the interest being that the applicant may be a client (perceived obligation). Cr Cubis elected to stay in the chamber, not participate in the debate and not vote.

Cr Cubis declared a non-pecuniary interest in Report 13.12. The nature of the interest being that he is a social member of the Club. Cr Cubis elected to stay in chamber, participate in the debate and vote.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

15-305 Resolved that the minutes of the following meetings be confirmed:

- Extraordinary meeting held 10 July 2015
- Byron Shire Reserve Trust Committee Meeting held 11 June 2015
- Ordinary Meeting held 11 June 2015
- Extraordinary Meeting held 25 June 2015 (Woods/Hunter)

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

Report No. 13.1 Northern Rivers Joint Organisation

Corporate and Community Services

Report No. 13.3 Local Government NSW Annual Conference 2015

Sustainable Environment and Economy

Report No. 13.7 PLANNING - Granting delegations to the General Manager to deal with Voluntary Planning Agreements

Report No. 13.9 Renewal of Caravan Park Approvals to Operate for the Terrace Reserve Holiday Park and Massey Green Holiday Park.

Report No. 13.12 PLANNING - 10.2014.503.1 Demolition of two (2) existing dwelling houses and shed/ bowls room. Erection of tourist and visitor accommodation (5 x 1 bedroom and 3 x 2 bedroom cabins) and associated removal of trees at 18-20 Marvel Street & 19 Carlyle Street, Byron Bay

Report No. 13.14 PLANNING - 82A Review 10.2014.714.1 Demolition of existing dwelling and garage and all other structures at 9 Station Street Bangalow

Report No. 13.18 Heritage Advisory Committee

REPORTS OF COMMITTEES**Infrastructure Services**

- Report No. 14.3 Report of the Local Traffic Committee Meeting held on 24 June 2015
- 6.1 Wilsons Creek Public School Bus Zone Changes and New Bus Bay
 - 6.2 Two lanes inbound, Lawson Street, Byron Bay
 - 6.3 NAIDOC Event, Jonson Street Parade, Byron Bay 9 July 2015
 - 6.4 Middleton Street, Byron Bay - Changes and car park upon Crown Reserve
 - 6.5 Byron Bay Writers Festival, Bayshore Drive Traffic Management, 7-9 August 2015
 - 6.6 Road Closure, Byron Lighthouse Run, Byron Bay - Sunday 18 October 2015
 - 6.7 10th Annual Rainbow Ride Cycle Challenge, 20 September 2015
 - 6.8 Request for 60kph limit, Ewingsdale Road from Pacific Highway to west of McGettigans Lane
 - 6.9 Proposed No Entry - Authorised Vehicles Excepted - Suffolk Park Holiday Park
 - 6.10 Request for time limit, Bayshore Drive, Arts and Industry Estate, Byron Bay
 - 6.11 Request for No Stopping Driveway Access to Bus Depot, 11-15 Smith Street, Mullumbimby
 - 6.12 Proposed driveway access, new aged care facility, Brunswick Valley Way, Ocean Shores
 - 6.13 Proposed speed humps, Bayshore Drive, north of rail line, Elements of Byron DA
 - 6.14 Proposal for Market Street turnaround, Bangalow Showgrounds
 - 6.15 Proposed one-way, Mullumbimbi Lane, Brunswick Heads
 - 6.16 Endorsement of existing front-in angled parking, Dalley Street, Mullumbimby
 - 6.17 Proposed Revised Regulatory Signposting for Scarrabelottis Bridge
 - 6.18 Concept Designs - Proposed Marine Parade Footpath and One-Way Traffic
 - 6.19 Proposed road closure Acacia Street, Arts and Industrial Estate, Byron Bay

CONFIDENTIAL REPORTS**Corporate and Community Services**

- Report No. 16.1 CONFIDENTIAL - Tender Assessment - Supply, Installation and Maintenance of CCTV systems in Byron Bay

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Woods and seconded by Cr Hunter. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 15-306 and concluding with Resolution No. 15-322.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

- Report No. 13.2 Outstanding Actions from Cultural Plan**
File No: I2015/473

15-306 Resolved:

1. That Council note the provision of this report prepared in accordance with Parts 5 and 6 of resolution 14-246).
2. That Council note that cultural development activities occur across a number of Council directorates and that the Community Development team conduct a variety of cultural development activities across a diverse number of areas in the community
3. That Council note the action plan and comments enclosed in the report regarding public art and cultural development activities. (Woods/Hunter)

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Report No. 13.4 **Policy - Disposal of Assets**
File No: I2015/498

15-307 Resolved:

1. That Council adopt the draft Policy - Disposal of Assets for public exhibition and that the draft Policy be placed on public exhibition for a minimum period of 28 days, noting that the completion of information in the administrative table and numbering of the policy will be undertaken upon adoption of the Policy.
2. That in the event:
 - a) no submissions are received on the draft Policy – Disposal of Assets, that it be adopted and incorporated into Council's Policy Register.
Or
 - b) that any submissions received on the draft Policy – Disposal of Assets be reported back to Council for consideration prior to its adoption. (Woods/Hunter)

Report No. 13.5 **Council Investments June 2015**
File No: I2015/606

- 15-308 Resolved** that the report listing Council's investments and overall cash position as at 30 June 2015 be noted. (Woods/Hunter)

Report No. 13.6 **Positive Ageing Strategy 2012-2016 Implementation plan Progress Report**
File No: I2015/610

- 15-309 Resolved** that Council note the progress on implementation of the Byron Shire Council Positive Ageing Strategy 2012-2016 for the period July 2013 to July 2015. (Woods/Hunter)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.8 **PLANNING - 10.2015.134.1 Multi dwelling development (3 units) at 29 Goondooloo Drive Ocean Shores**
File No: I2015/425

Cr Cubis declared a non-pecuniary interest earlier in the meeting.

- 15-310 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application no. 10.2015.134.1 for Multi dwelling development (3 units), granted deferred commencement (deferral period 12 months) consent, subject to the conditions listed in Attachment 2. (Woods/Hunter)

The motion was put to the vote and declared carried.

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

Nil voted against the motion.

Cr Cubis did not vote.

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Report No. 13.10 **Report of the Planning Review Committee Meeting held on 4 June 2015**

File No: I2015/487

15-311 Resolved that the report be noted. (Woods/Hunter)

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.

Nil voted against the motion.

Report No. 13.11 **Report of Sustainable Economy Committee Meeting 4 June 2015**

File No: I2015/496

15-312 Resolved:

1. That Council:
 - a) Note the selected representatives as described in this report for the Sustainable Economy Committee; and
 - b) Amend the Terms of Reference – Committee membership, to include three community members on the committee.
2. That Council endorse Cr Simon Richardson as the nominated Chair.
3. That Council amend the Terms of Reference on Section 3, bullet point 4, by adding the word 'advice' so the point reads; "Providing advice and assistance with implementation of strategies and actions within the Byron Shire Economic Development Strategy, the Tourism Management Plan, Events Strategy and any other plans relevant to the Economic Development & Tourism unit of Council". (Woods/Hunter)

Report No. 13.13 **PLANNING - 10.2007.286.3 S96 application to modify the development consent to create an additional (34th) residential allotment in the location approved for community facilities and modify staging of construction at Hayters Drive, Suffolk Park**

File No: I2015/552

15-313 Resolved that pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, that application 10.2007.286.3 for creation of an additional (34th) residential allotment, be approved by modifying development consent 10.2007.286.2 as detailed in Attachment 2 (E2015/40638). (Woods/Hunter)

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.

Nil voted against the motion.

Report No. 13.15 **PLANNING - S96 10.2000.348.7 to delete condition B8 (Access and crossing over creek) and accept a cash contribution at 220-231 Fowlers Lane, Bangalow**

File No: I2015/558

15-314 Resolved that pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, that Section 96 Application 10.2000.348.7, to delete requirement to construct creek crossing works and accept a cash contribution instead, be refused for the following reasons:

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1. The modification is not to correct a minor error, misdescription or miscalculation, and therefore cannot be dealt with under Section 96(1) of the Environmental Planning and Assessment Act 1979.
2. A statement signed by the owner of the land, to the effect that the owner consents to the making of the application, was not provided with the Section 96(1) Application, as required under Clause 115 of the Environmental Planning and Assessment Regulation 2000.
3. None of Council's current or previous Section 94 Plans allowed Council to impose conditions of development consent to collect monetary payment to fund the upgrading of the subject causeway. (Woods/Hunter)

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.

Nil voted against the motion.

Report No. 13.16 **PLANNING - 10.2013.132.3 - S96 to delete requirement to construct creek crossing at 220 Fowlers Lane Bangalow**
File No: I2015/559

15-315 Resolved that pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, that Section 96 Application 10.2013.132.3, to delete requirement to construct creek crossing works and accept a cash contribution instead, be refused for the following reasons:

1. The modification is not to correct a minor error, misdescription or miscalculation, and therefore cannot be dealt with under Section 96(1) of the Environmental Planning and Assessment Act 1979.
2. A statement signed by the owner of the land, to the effect that the owner consents to the making of the application, was not provided with the Section 96(1) Application, as required under Clause 115 of the Environmental Planning and Assessment Regulation 2000.
3. That Council's current Section 94 Plan does not allow Council to impose conditions of development consent to collect monetary payment to fund the upgrading of the subject causeway. (Woods/Hunter)

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.

Nil voted against the motion.

Report No. 13.17 **PLANNING - 10.2014.398.1 Motel - two storey 16 guest rooms with a roof top terrace and basement parking for 27 cars at 3-7 Shirley Street, Byron Bay**
File No: I2015/561

15-316 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2014.398.1 for Motel - two storey 16 guest rooms with a roof top terrace and basement parking for 27 cars, be granted a deferred commencement consent subject to the conditions listed in Attachment 2. (Woods/Hunter)

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.

Nil voted against the motion.

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.1 **Report of the Biodiversity and Sustainability Advisory Committee Meeting held on 14 May 2015**

File No: I2015/421

- 15-317 Resolved** that Council note the minutes of the Biodiversity and Sustainability Advisory Committee Meeting held on 14 May 2015. (Woods/Hunter)

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.2 **Report of the North Byron Coastal Creeks Flood Risk Management Committee Meeting held on 23 June 2015**

File No: I2015/621

- 15-318 Resolved** that Council note the minutes of the North Byron Coastal Creeks Flood Risk Management Committee Meeting held on 23 June 2015. (Woods/Hunter)

- 15-319 Resolved** that Council adopt the following Committee Recommendation:

Report No. 5.1 North Byron Coastal Creeks Draft Flood Study Review
File No: I2015/470

That Council notes:

1. that there are discrepancies in the draft Flood Study for the 1987 flood in Mullumbimby that require verification of divergent sets of data.
2. that the Committee will meet again on 18 August 2015 to see the results of the verification and a new draft Flood Study. (Woods/Hunter)

CONFIDENTIAL REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 16.2 **CONFIDENTIAL - Tender Assessment Management Agreement, Mullumbimby Petria Thomas Swimming Pool**

File No: I2015/649

- 15-320 Resolved:**

1. That Council award the Tender for the Mullumbimby Petria Thomas Swimming Pool Management Agreement to Croggy Aquatics Pty Ltd.
2. That Council note the total cost of the tender is an annual management fee of \$182,000, plus a one off establishment fee of \$35,000.
3. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulations 2005.

4. That Council receive, at the next quarterly budget review, the necessary budget adjustments to reflect the anticipated expenditure savings achieved with the new Management Agreement for Mullumbimby Petria Thomas Swimming Pool. (Woods/Hunter)
-

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.3 **CONFIDENTIAL - Tender - Hire of Plant and Equipment Contract 2015-0007**
File No: 12015/548

15-321 Resolved:

1. That Council include the eight (8) omitted Tenderers on the Panel Contract for the Hire of Plant and Equipment Tender in accordance with the contract documents and the rates and information supplied in their tenders.
 2. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Woods/Hunter)
-

PROCEDURAL MOTION

- 15-322 Resolved** that Council change the order of business to deal with Reports 13.9 and 13.12 next on the Agenda. (Richardson/Woods)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.9 **Renewal of Caravan Park Approvals to Operate for the Terrace Reserve Holiday Park and Massey Green Holiday Park.**
File No: 12015/413

15-323 Resolved:

1. That Council advise the applicant for the Crown Reserve Holiday Parks of Massey Greene and The Terrace, Brunswick Heads that the application for renewal or extension of the Approval to Operate cannot be approved, as the requested Approval to Operate has significant variances found during the independent assessments, that would require changing the terms of the original approval to operate.
2. That the applicant be invited to submit new applications for approval to operate which reflects the site layout which are consistent with the respective adopted Plans of Management for the Massey Greene and The Terrace Crown Reserve caravan parks and the boundaries as defined in Council's previous Resolutions 13-25, 12-995 and 12-627. (Richardson/Ibrahim)

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

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Report No. 13.12 **PLANNING - 10.2014.503.1 Demolition of two (2) existing dwelling houses and shed/ bowls room. Erection of tourist and visitor accommodation (5 x 1 bedroom and 3 x 2 bedroom cabins) and associated removal of trees at 18-20 Marvel Street & 19 Carlyle Street, Byron Bay**

File No: I2015/551

Cr Cubis declared a non-pecuniary interest earlier in the meeting.

15-324 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2014.503.1 for demolition of two (2) existing dwelling houses and shed/bowls room, erection of tourist and visitor accommodation (5 x 1 bedroom and 3 x 2 bedroom cabins) and associated removal of trees, be approved as an ancillary development to the bowling club and that the General Manager be delegated authority to draft the conditions of consent, with those conditions to include the following:

1. That prior to the issue of an Occupation Certificate, Lot 1 DP 527315, Lot 2 DP 867038 and Lot 11 Section 32 DP 758207 are to be consolidated into a single allotment.
2. That the accommodation is to be used for the purpose of visiting bowlers or for functions related to the licensed premises only. (Hunter/Cubis)

PROCEDURAL MOTIONS

Moved: That the matter rest on the table. (Cameron/Dey)

The motion was put to the vote and declared lost.

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

15-325 Resolved that Cr Cubis be granted a two minute extension to his speech. (Richardson/Woods)

The motion was put to the vote and declared carried.

*The motion (Hunter/Cubis) was put to the vote and declared carried.
Cr Cameron voted against the motion.*

MAYORAL MINUTE

No. 8.1 **LTC Late Item - Road Closure Burringbar Street, Mullumbimby 29 August 2015**

File No: I2015/714

15-326 Resolved:

1. That the Local Traffic Committee acceptance of the following be noted.
2. That the road closure of Burringbar Street, Mullumbimby between Station Street and Dalley Street, be endorsed and implemented from 3pm onwards on Saturday 29 August 2015 and up to 2am Sunday 30 August 2015 for the purpose of the Mullumbimby Chamber of Commerce event 'Biggest Little Banquet' as to be held 29 August 6pm-11pm.

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3. That the organisers be responsible for implementing an approved Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation and be advised Council's road event application fee will apply.
4. That the public liability and insurance cover held by the proponent "notes the interests of Byron Shire Council" and be in place for the sum of at least \$20 million with a copy be provided to Council prior to the event.
5. That the concurrence of the NSW Police be sought by the organisers, independent of the Local Traffic Committee endorsement.
6. That Council arrange advertising in accordance with the Roads Act charged at cost to the organisers.
7. That the event be notified on Council's website. (Richardson)

Cr Ibrahim left chamber at 11.08am.

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

NOTICES OF MOTION

Notice of Motion No. 9.1 Meetings throughout the Shire
File No: I2015/465

15-327 Resolved that Council:

1. Amend the adopted Meeting Schedule for 2015 to hold the 8 October 2015 Ordinary Meeting starting at 4.00pm and completing no later than 10.00pm at a location, to be determined by the General Manager, in Bangalow.
2. Subject to an evaluation report to Council after the first meeting, consider holding two additional Ordinary meetings over the next 12 months; one in Ocean Shores and one in Byron Bay.
3. Determine the dates for the Ordinary meetings to be held in Ocean Shores and Byron Bay when adopting the Ordinary Meeting Schedule for 2016. (Cubis/Woods)

Cr Ibrahim returned to the chamber at 11.10am.

The motion was put to the vote and declared carried.

Notice of Motion No. 9.2 BMX Track
File No: I2015/506

15-328 Resolved that Council receive a report on the implications of facilitating a BMX track or pump track within the Shire and to list possible locations. (Cubis/Woods)

The motion was put to the vote and declared carried.

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Notice of Motion No. 9.3 Citizen Jury - Byron People's Forum
File No: 12015/639

Moved: That Council receive a staff report on the formation of a Citizen Jury to be called the 'Byron People's Panel'. The identified task of the panel would be to recommend to Council 'financial and implementation plans to deliver the outcomes and strategies identified by Council following the adoption of the Byron Bay Town Centre Masterplan.'
(Spooner/Dey)

The Mayor left the chamber at 11.42am. The Deputy Mayor took the Chair. The Mayor returned at 11.45am.

PROCEDURAL MOTION

15-329 Resolved that Cr Cameron be granted a two minute extension to his speech.
(Richardson/Wanchap)
The motion was put to the vote and declared carried.

*The motion (Spooner/Dey) was put to the vote and declared lost.
Crs Ibrahim, Cubis, Woods, Wanchap and Hunter voted against the motion.*

Notice of Motion No. 9.4 Main Arm Road flooding
File No: 12015/640

15-330 Resolved that Council:

1. When choosing the level of flood immunity for the proposed upgrade to the causeway on Main Arm Road over Blindmouth Creek, include consideration of the actual flood immunity along the rest of Main Arm Road (ie up and down the Brunswick Valley);
2. In particular, calculate the level of flood immunity of the road section near 470 Main Arm Road for that purpose;
3. Survey the road section near that location so that flooding impacts can be assessed and upgrade options considered and designed;
4. If detailed hydraulic modelling at that location is onerous, a simple relationship be considered whereby gauge height of 2.5m at the nearby government Gauging Station at Sherry Crossing is taken to approximate the "water over road" condition;
5. Receive a report on parts 2 to 4 of this resolution;
6. Receive a report on options for more modern warning system(s) across the Shire than the current permanent flip-down signing and portable signing like "water over road". The report is to also propose a program for upgrading the Shire's flood signage if and where appropriate.
(Dey/Cameron)

PROCEDURAL MOTION

15-331 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/Cameron) was put to the vote and declared carried.
Crs Ibrahim, Cubis, Woods and Hunter voted against the motion.*

Notice of Motion No. 9.5 Middleton Street carpark
File No: I2015/641

Moved: That Council receive a report in August or September on the conflict between expansion as currently proposed for this foreshore carpark and the Byron Bay Town Centre Masterplan. (Dey/Richardson)

*The motion was put to the vote and declared lost.
Crs Ibrahim, Cubis, Woods, Cameron, Wanchap and Hunter voted against the motion.*

The meeting adjourned at 12.40 lunch and reconvened at 1.25pm.

Notice of Motion No. 9.6 Support for Waterlily Community Playspace
File No: I2015/642

15-332 Resolved that Council:

1. Supports the endeavours of Waterlily Community Playspace to establish a play area in Waterlily Park, Ocean Shores.
2. Develops a formal relationship with Waterlily Community Playspace, as they are an independent community group formed to work on and improve a Council asset. (Richardson/Woods)

The motion was put to the vote and declared carried.

PETITIONS

Petition No. 10.1 Mullumbimby Flying Fox Colony
File No: I2015/477

15-333 Resolved:

1. That the petition regarding the Mullumbimby Flying Fox Colony be noted.
2. That the petition be referred to the Director Infrastructure Services.
3. That the petitioner be kept informed on Council's progress in this matter. (Richardson/Woods)

The motion was put to the vote and declared carried.

1. Repair of Mullumimbi and Fingal Streets Brunswick Heads

The Mayor tabled a letter and petition containing 373 signatures. The petition states:

"Urgently prioritise repair of Mullumbimby and Fingal Streets (between Park Street and Tweed Street), Brunswick Heads."

2. Public paid parking forum (change.org)

The Mayor tabled a request and petition containing 1013 signatures.

The request states:

- *Full disclosure of Council's plans for paid parking in Byron Bay*
- *Options for improving and parking amenity in Byron Bay with additional free parking spaces*
- *How council can raise additional revenue without invoking an expansion of paid parking in Byron Bay*
- *How any parking plan can function to increase compliancy rather than parking infringements.*

The petition states:

"We hereby request Byron Shire Council to reject expansion of paid parking in Byron Bay for any legal resident or ratepayer of Byron Shire."

SUBMISSIONS AND GRANTS

There were no submissions or grants.

DELEGATES' REPORTS**1. Rous Water Meetings 17 June and 3 July 2015**

Cr Dey advised Council:

We met on the 17th of June, that was an Ordinary Meeting. Couple of interesting items: one is a rezoning in Lismore City Council area at Bexhill. There's a rezoning that's underway and they asked Rous Water to supply water to those houses but Rous Water has an issue in that it already supplies Bexhill but there's no reservoir so it supplies houses direct from the main pipe line, which has huge fluctuations of pressure. So Rous then had to consider the expansion of its systems to include building a reservoir.

There was all sorts of to-ing and fro-ing and consultants reports on how best to do that as well as everything else and in the end the decision was made to simply suspend examining the expansion and leave it up to the Council and the developer to move ahead and ask what they want done.

The other interesting item in that report is there's a tunnel that extracts water from Rocky Creek Dam. I forget how long it is, about 100 metres and it's been changed over time. When Nightcap Water Treatment Plant was built they drove a vertical shaft from the treatment plant to gather water from the horizontal tunnel that I'm talking about, and in that tunnel there is an old pipeline. A few years ago was the last time that anyone entered the tunnel because it was deemed unsafe to enter it. So there's probably about \$5million needing to be spent to either replace or expand or make safe that horizontal tunnel. Anyway, its interesting bits of hardware.

The other thing from Rous was that we met on the 3rd of July for a workshop which was a presentation on structural review of Rous and there are some changes that will happen I'm sure in the structure of Rous. I think the biggest thing I can reflect on was that it was deemed a bit top heavy so the structural changes will retain the expertise and the systems of command but reduce the number of people doing all that which is a good thing.

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Cr Woods also advised Council:

Approval has been given to go out on public exhibition for the merger between Rous Water, Northern Rivers County Council and Far North Coast Weeds that's going ahead.

They are three county councils and the two smaller ones share the administration of the larger one but there's inefficiencies. Each one of them has to do annual reporting and if they're merged that'll just become one document which is \$130,000 a year that's saved just on that, just on administration.

2. Mullumbimby Civic Hall

Cr Dey advised Council:

A new manager has been appointed. Council appointed the manager for 12 months, a woman called Heather Rose and she's now active (started 1st July) so I'd encourage everybody who has a gig on, especially you Cr Spooner, to take it to the Mullumbimby Civic Hall. It's a great venue.

3. North Byron Coastal Creeks Flood Risk Management Committee Meeting 14 May 2015

Cr Dey advised Council:

I think it's reported already in our paper, but the report wasn't called, so I just thought I'd highlight in relation to the coastal creeks, the town of Mullumbimby has been waiting for years to get a new flood planning level so that people can develop to decent levels, and we're doing a flood study at the moment. It's been back and forth several times. There's often been delays of several months but the report was still in such a state, and you'll read this in the papers, that it had to be sent back again for more changes. I'm hoping if they can get it right this time that we'll reach the end of this process. I personally would have been quite happy to take a report that was a little bit off the mark just to get it done because people have been waiting so long, and it's too long, but it was so off the mark its had to go back to the workshop.

One of my comments on this has been that we have engaged a consultant who has within its ranks, people who are at the top of the field of flood investigations. But we're not getting that quality of work and haven't raised it in other forums but I've said privately that I think that when consultants are performing so poorly that there needs to be a black mark against them. It's not up to me to do that I don't think, but that's how I feel about it. I feel so let down on behalf of this community.

We've still got flood levels in the town of Mullumbimby based on 1980's information and this has been coming for years, and I regret that it's not with us now, but I hope that it will be pushed and we'll get a result as soon as possible.

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 **Northern Rivers Joint Organisation**
File No: I2015/547

15-334 Resolved that Council endorse the proposed Northern Rivers Joint Organisation minimalist model as proposed in NOROC's Discussion Paper except as follows:

- a) Executive Officer initially part-time but not necessarily paid as much as Director level;
- b) Core Function Regional Advocacy first bullet on page 41 "to promote the JO". This should read to promote the region and its Councils instead. (Dey/Richardson)

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

FORESHADOWED MOTION

- 15-335 Resolved** that a Councillor workshop be held to discuss the broader economic, social and cultural aspects of a future Joint Organisation as described in NOROC's JO discussion paper. (Cameron/Woods)

The motion was put to the vote and declared carried.

The meeting adjourned at 2.25pm to open the Byron Shire Reserve Trust Committee Meeting and reconvened at 2.35pm.

Resolution 15-336 was used for that meeting.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.3 Local Government NSW Annual Conference 2015
File No: I2015/474

- 15-337 Resolved:** that Council authorise the following Councillors to attend the Local Government Association of NSW Annual Conference 2015 to be held at Rosehill, Sydney NSW from 11 to 13 October 2015:
- Crs Cubis, Cameron and Hunter to attend as the voting delegates and Cr Richardson as a non-voting delegate. (Woods/Cameron)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.7 PLANNING - Granting delegations to the General Manager to deal with Voluntary Planning Agreements
File No: I2015/500

- 15-338 Resolved:**
1. That Council delegate to the General Manager authority to enter into a Voluntary Planning Agreement (VPA) with a developer where:
 - a) The VPA is for the payment of contribution in lieu of provision of onsite car parking for commercial developments; and
 - b) The rate of payment per space or part thereof offered by the developer in the VPA is at the rates as set out in Table 2 of this report (I2015/500), or any update of that Table.
 2. That a workshop is held with councillors to review the methodology around collection of parking contributions generally in the Shire. (Ibrahim/Dey)

*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.*

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Nil voted against the motion.

Report No. 13.14 **PLANNING - 82A Review 10.2014.714.1 Demolition of existing dwelling and garage and all other structures at 9 Station Street Bangalow**
File No: I2015/557

- 15-339 Resolved:** that pursuant to section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2014.714.1 for demolition of existing dwelling and garage and all other structures at 9 Station Street Bangalow be approved subject to the conditions set out as the alternative in the staff report. (Ibrahim/Cubis)

The motion was put to the vote and declared carried.

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

Report No. 13.18 **Heritage Advisory Committee**
File No: I2015/592

15-340 Resolved:

1. That Section 3 "Membership" of the draft Byron Shire Heritage Advisory Committee Terms of Reference at Attachment 1 be amended as follows:
 - a) Specify the Councillor member number as three;
 - b) Up to three Community members
2. That Council adopt the amended draft Byron Shire Heritage Advisory Committee Terms of Reference at Attachment 1 noting that in Section 3 "Membership" the community representatives composition is incomplete and will require confirmation through an advertised expression of interest process.
3. That the process at Table 1 be implemented for establishing the Byron Shire Heritage Advisory Committee, which includes delegating authority to the Councillor members of the Heritage Advisory Committee to convene and determine the Community Members through assessing the expressions of interest.
4. That the Councillor members for this committee are Crs Cameron, Richardson and Hunter. (Cubis/Richardson)

The motion was put to the vote and declared carried.

Report No. 14.3 **Report of the Local Traffic Committee Meeting held on 24 June 2015**
File No: I2015/622

- 15-341 Resolved** that Council notes the minutes of the Local Traffic Committee Meeting held 24 June 2015. (Dey/Woods)

The motion was put to the vote and declared carried.

15-342 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.1 Wilsons Creek Public School Bus Zone Changes and New Bus Bay
File No: I2015/566

1. That the new school side bus bay at Wilsons Creek Public School be endorsed and signed

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as a bus zone, effective school days 8.45am-9.45am and 3.30pm-4.00pm (subject to confirmation with the School).

2. That Council note that there remain safety issues that will be overcome by having the westbound bus able to turn around east of the School, which if occurs would remove the need to consider a contra flow which is not supported by the Local Traffic Committee at this time.
3. That Council note that staff will investigate further grant opportunities to achieve the safety described in point two.
4. That once works are complete Council examine procedures, such as contra flow for the buses or other possible options, to minimise risk to the children and the need for them to cross the road.
5. That following completion of the bus bay, staff examine parking options west of the School, including safety and sightlines. (Dey/Woods)

The motion was put to the vote and declared carried.

15-343 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.3 NAIDOC Event, Jonson Street Parade, Byron Bay 9 July 2015

File No: I2015/568

That Council endorses the NAIDOC Celebration, Street Walk and Family Day to be held in Byron Bay on Thursday 9 July 2015, subject to the:

- a) use of an accredited designed and implemented Traffic Control Plan, OR under Police escort
- b) event being advertised in the local newspaper and notified on Council's website
- c) consideration of any submissions received
- d) proponent's lodgement of current and appropriate levels of insurance and liability cover
- e) attainment (by the event proponent) of written authority to hold the street walk from the Police (Dey/Woods)

The motion was put to the vote and declared carried.

15-344 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.4 Middleton Street, Byron Bay - Changes and Car Park Upon Crown Reserve

File No: I2015/569

1. That Council notes that the Local Traffic Committee prefers Option 1 for proposed changes to the north end of Middleton Street, Byron Bay, including consideration of a turning circle or roundabout for traffic at the Bay Lane – Middleton Street intersection.
2. That such changes be the subject of an approved detailed design, including line marking and signage, all of which can proceed subject to meeting of standards and that adequate 'One-Way', 'No Entry', and 'Road Ends' signage and pavement marking be provided where required.
3. That 'No Stopping' be endorsed for the west side of Middleton Street, between Bay Street and Bay Lane. (Dey/Woods)

The motion was put to the vote and declared carried.

15-345 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.5 Byron Bay Writers Festival, Bayshore Drive Traffic Management, 7-9 August 2015

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File No: I2015/570

That Council approves the temporary traffic control measures related to the August 2015 Byron Bay Writers Festival subject to the:

- a) use of an accredited designed and implemented Traffic Control Plan
- b) meeting of the advertising requirements of the Roads Act 1993
- c) consideration of any submissions received
- d) event being notified on Council's website
- e) timely lodgement of current and appropriate levels of insurance and liability cover

(Dey/Woods)

The motion was put to the vote and declared carried.

15-346 Resolved that Council adopt the following Committee Recommendation:

**Report No. 6.6 Road Closure, Byron Lighthouse Run, Byron Bay - Sunday
18 October 2015**

File No: I2015/571

That Council endorses the 10km Byron Lighthouse Fun Run to be held in Byron Bay on Sunday 18 October 2015, subject to:

- a) the use of an accredited designed and implemented Traffic Control Plan;
- b) meeting of the advertising requirements of the Roads Act 1993;
- c) the event being notified on Council's website;
- d) consideration by Council staff should any submissions be received;
- e) the proponent's lodgement of current and appropriate levels of insurance and liability cover; and
- f) the attainment (by the event proponent) of Cape Byron Headland Trust written concurrence of the event.

(Dey/Woods)

The motion was put to the vote and declared carried.

15-347 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.7 10th Annual Rainbow Ride Cycle Challenge, 20 September 2015

File No: I2015/572

That the temporary traffic arrangements for the Rainbow Ride Cycle Challenge be endorsed for Sunday 20 September 2015, including the road closure of William Flick Lane, Ewingsdale between 9am and 3pm, subject to the:

- a) use of accredited designed and implemented traffic control plans that comply with the NSW Guidelines for Bicycle Road Races
- b) organisers implementing plans for signage, motor escort, advertising and other details as proposed in their submission
- c) public liability insurance being current and not less than \$20 million
- d) concurrence of the Police and RMS, independent of the Local Traffic Committee endorsement
- e) advertising in accordance with the Roads Act 1993
- f) event and road closure being notified on Council's website
- g) proponent providing Council a copy of written acceptance of the road closure from the relevant RMS manager or their nominated representative overseeing the Pacific Highway upgrade

(Dey/Woods)

The motion was put to the vote and declared carried.

15-348 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.8 Request for 60kph limit, Ewingsdale Road from Pacific Highway to west of McGettigans Lane

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File No: I2015/573

That Council supports the Local Traffic Committee endorsement that the existing 60kph speed limit on Ewingsdale Road, Ewingsdale west of Woodford Lane be extended 270m eastward to the western boundary of the new Ambulance Station allotment, once the Byron Central Hospital roundabout is operational and subject to RMS approval. (Dey/Woods)

The motion was put to the vote and declared carried.

15-349 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.9 Proposed No Entry - Authorised Vehicles Excepted - Suffolk Park Holiday Park

File No: I2015/574

1. That the Council owned land which operates the Suffolk Park Holiday Park, as located at 143 Alcorn Street, Suffolk Park (Parcel Number 237911, Lot 100, DP 1023737), be endorsed and signed as 'No Entry – Authorised Vehicles Excepted'.
2. That Council note the Local Traffic Committee preference for the sign or signs to be located inside the property near the office and not on Alcorn Street. (Dey/Woods)

The motion was put to the vote and declared carried.

15-350 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.10 Request for Time Limit, Bayshore Drive, Arts and Industry Estate, Byron Bay

File No: I2015/577

1. That 'No Stopping' apply for a 15m length on the west side of Bayshore Drive, north of Grevillea Street, Byron Bay.
2. That 'No Parking' be signed for the length of the bus stop, which is to be demarcated by a single J-Pole, relocated south of its existing site on the west side of Bayshore Drive to 30m north of Grevillea Street, Byron Bay.
3. That on the west side of Bayshore Drive, between 35m and 77m north of Grevillea Street, Byron Bay a 1P time limit be signed as effective Monday to Friday 9am to 6pm and Saturday 9am to 12.00 noon, conforming with such limits nearby.
4. That consultation with all tenants with access to and from the west side of Bayshore Drive (between Grevillea Street and Banksia Street) and those on Banksia Drive (between Bayshore Drive and Acacia Street) be undertaken to ascertain support of adopting such time limits. (Dey/Woods)

The motion was put to the vote and declared carried.

15-351 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.11 Request for No Stopping Driveway Access to Bus Depot, 11-15 Smith Street, Mullumbimby

File No: I2015/578

1. That 'No Stopping' apply on the north side from 5m west of the driveway of number 11 Smith Street to 5m east of the driveway of number 15 Smith Street, Mullumbimby.
2. That Council review the new arrangement, including the potential physical changes to

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driveway access.

(Dey/Woods)

The motion was put to the vote and declared carried.

15-352 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.11 Request for No Stopping Driveway Access to Bus Depot, 11-15 Smith Street, Mullumbimby

File No: I2015/578

1. That 'No Stopping' apply on the north side from 5m west of the driveway of number 11 Smith Street to 5m east of the driveway of number 15 Smith Street, Mullumbimby.
2. That Council review the new arrangement, including the potential physical changes to driveway access. (Dey/Woods)

The motion was put to the vote and declared carried.

15-353 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.12 Proposed Driveway Access, New Aged Care Facility, Brunswick Valley Way, Ocean Shores

File No: I2015/580

That subject to meeting the AustRoads standard for driveway design and sight distances and the separate attainment of RMS s138 Roads Act concurrence, an unrestricted driveway access on Brunswick Valley Way be supported at the south end of the property of 2 Kulgun Court, Ocean Shores (Lot 12 DP 1128095, Parcel No. 240483). (Dey/Woods)

The motion was put to the vote and declared carried.

15-354 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.13 Proposed Speed Humps, Bayshore Drive, North of Rail Line, Elements of Byron DA

File No: I2015/581

That Council notes that the Local Traffic Committee has no objections to the speed humps proposed for Bayshore Drive, Byron Bay, north of the rail line, on the proviso they accord with relevant standards, guidelines and any DA conditions. (Dey/Woods)

The motion was put to the vote and declared carried.

15-355 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.14 Proposal for Market Street turnaround, Bangalow Showgrounds

File No: I2015/582

That consultation be undertaken with the adjacent School and neighbours, including the Showground Trust (or s355 Committee), and report back to Council in regard to restricting car parking and improving traffic flow upon Market Street, Bangalow, including the potential for the provision of vehicle turning circle at its northern end. (Dey/Woods)

The motion was put to the vote and declared carried.

15-356 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.15 Proposed One-Way, Mullumbimbi Lane, Brunswick Heads

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File No: I2015/583

1. That a public notice, along with direct consultation with adjacent and neighbouring properties (those located on Park Street between Mullumbimbi Street and Fingal Street), the Brunswick Heads Chamber of Commerce and Progress Association, be undertaken in regard to the resident proposal to make Mullumbimbi Lane, Brunswick Heads one-way from Tweed Street to Park Street.
2. That the results of the above consultation be tabled and reported back to Council when completed and to the Local Traffic Committee if required. (Dey/Woods)

The motion was put to the vote and declared carried.

15-357 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.16 Endorsement of Existing Front-In Angled Parking, Dalley Street, Mullumbimby

File No: I2015/585

That parking be signed as 'front to kerb' on Dalley Street, Mullumbimby from 10m south of Whian Street to the north side of the driveway at 140 Dalley Street. (Dey/Woods)

The motion was put to the vote and declared carried.

15-358 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.17 Proposed Revised Regulatory Signposting for Scarrabelottis Bridge

File No: I2015/602

That Council supports the Local Traffic Committee endorsement that risk measures are implemented at Scarrabelottis Bridge, being a 20km/h speed limit on the bridge structure and a revised bridge load limit, in accordance with the outcomes of the structural assessment being undertaken in July 2015, subject to RMS approval if required. (Dey/Woods)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

15-359 Resolved that Council adopt the following:

Report No. 6.2 Two Lanes Inbound, Lawson Street, Byron Bay

File No: I2015/567

1. That the GHD engineering design plan for the proposed 'Two Lanes Inbound (Lawson Street, Byron Bay)' be endorsed for the creation of a second inbound lane on Lawson Street, Byron Bay, commencing from 50m north of the Butler Street roundabout and continuing east to the existing two lane configuration west of the Jonson Street roundabout, including:
 - a) the existing No Stopping on the east side of Shirley Street be extended further north of the Butler Street roundabout to the driveway of 3 Shirley Street (approximately a 40m extension resulting in a loss 5 car spaces)
 - b) a new 'left turn only' lane
 - c) left in and left out movement only allowed on the Lawson Street access and egress locations at the First Sun Caravan Park and the Caltex Service Station, both of which lose their protected on-street right-turn bays; and
 - d) acceptance the design does not and cannot provide for or include dedicated on road cycling space due to limited, existing road width.

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- e) Subject to meeting relevant design standards and guidelines, the addition of line marking from Lawson Street through the Jonson Street roundabout so as to better define the left-turn and through traffic travel lanes plus assist with improved delineation, safety and compliance.
2. That Council notes and accepts the compromises and risks as detailed in the attached 'Issues Register' and the 'Safety in Design Risk Assessment'.
3. That the design be referred to John Holland Rail for their concurrence and requirements regarding changes upon or that affect state owned rail infrastructure. (Dey/Wanchap)

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

FORESHADOWED MOTION

15-360 Resolved that Council adopt the following:

Report No. 6.18 Concept Designs - Proposed Marine Parade Footpath and One-Way Traffic
File No: I2015/604

That this matter be deferred until after further consultation with the Wategos residents and community at large and a briefing to Councillors at a Strategic Planning Workshop regarding the three options and the results of the any consultation. (Cubis/Woods)

The motion was put to the vote and declared carried.

AMENDMENT

Moved: That Council adopt the following:

Report No. 6.18 Concept Designs - Proposed Marine Parade Footpath and One-Way Traffic
File No: I2015/604

1. That Council supports the Local Traffic Committee endorsement of either of the proposed one-way traffic options for the beach front section of Marine Parade, Wategos from west to east through to the intersection of Julian Place.
2. That the community consultation associated with the changes include presentation of option 1 (the two way option) plus a few paragraphs on the advantages and disadvantages of each option from Council's perspective. (Dey/Cameron)

*The amendment was put to the vote and declared lost.
Crs Ibrahim, Cubis, Woods, Richardson, Wanchap and Hunter voted against the amendment.*

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

15-361 Resolved that Council adopt the following:

Report No. 6.19 Proposed road closure Acacia Street, Arts and Industrial Estate, Byron Bay
File No: I2015/605

That Council note that the Local Traffic Committee has no objection to the proposed road closure

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of Acacia Street, Byron Bay, subject to the following:

- a) Council approvals, where required, are firstly obtained and met
- b) the closure apply to the last Saturday of the month between 8am and 5pm only and for a maximum of three events
- c) the organisers be responsible for providing and implementing a Traffic Control Plan to Council, designed and implemented by those with appropriate accreditation
- d) public liability insurance be in place for the sum of at least \$20 million and a copy be provided to Council
- e) in accordance with the Roads Act, each event be advertised within Council's public notice section of the local newspaper, with the cost charged to the event organiser
- f) the event be notified on Council's website
- g) The above approvals and conditions are effective until / expires on 30 June 2016, after which, as with any proposed changes or extensions to them, be subject of a further submission by the proponent. (Dey/Richardson)

The motion was put to the vote and declared carried.

CONFIDENTIAL REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 16.1 **CONFIDENTIAL - Tender Assessment - Supply, Installation and Maintenance of CCTV systems in Byron Bay**

File No: I2015/504

15-362 Resolved:

1. That Council award the Tender for the "Supply, Installation and Maintenance of CCTV systems in Byron Bay" to Telstra SNP Monitoring Pty Ltd.
2. That Council note the total price of the successful tender is \$190,983.00 (ex GST) which includes supply, installation and 3 years of scheduled maintenance of the system.
3. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Cubis/Woods)

Cr Wanchap left the chamber at 4.01pm.

*The motion was put to the vote and declared carried.
Crs Richardson and Cameron voted against the motion.
Cr Wanchap was not present for the vote.*

Cr Wanchap returned to the chamber at 4.04pm.

URGENCY MOTION

PROCEDURAL MOTION

- 15-363 Resolved** that the matter of dredging works in the Brunswick River be dealt with at this meeting as a matter of urgency as it is to commence at the start of August 2015 which is prior to the next Ordinary Meeting. (Richardson/Spooner)

The motion was put to the vote and declared carried.

No. 1 Matter of Urgency - Dredging works in the Brunswick River

15-364 Resolved that Council writes to the Minister of Lands and Water, the Hon Niall Blair, seeking a deferment of any dredging works in the Brunswick river until the following questions have been considered and answers provided and that permission to use Council's boat ramp to launch the dredge vessel will not be granted until support has been gained through Council resolution.

1. Purpose of Works:
 - i. As works haven't occurred for over 20 years, is work proposed 'maintenance' or new?
 - ii. If considered maintenance, what ongoing maintenance is proposed?
 - iii. What are estimated ongoing costs to maintain the assumed benefits?
 - iv. Has the stated purpose to "enable safe boat passage" and "address public safety and environmental risks associated with shallow depths causing vessels to run aground" been assessed and supported by evidence? What are the specific measurable triggers that are being applied? Are there documented reports of any accidents and/or injury as a result of shallow waters? Has there been any effort to implement signage in the river indicating the deep channel areas and speed limits?
 - v. Is the area concerned currently un-navigable? Is there evidence of this?

2. Impacts of Works:
 - i. Did the REF consider cumulative impacts of ongoing or recurrent dredging?
 - ii. What modelling has been used to consider the rate of natural sand replacement, and at what regularity is proposed for the ongoing maintenance.
 - iii. What documentation exists to support the selection of the three proposed dredging sites?
 - iv. Have immediate and ongoing impacts on sea grasses been considered?
 - v. Are there any potential nearby geomorphic disturbances identified, such as heightened erosion or accretion?
 - vi. What are the specific measurable triggers that are being applied to effects of works, natural sand replacement processes and environmental disruptions?
 - vii. Has a cost-benefit analysis been completed that incorporates environmental and social considerations?

3. Impacts of Works on Fishers and other Users:
 - i. What commercial fishing benefits have been identified and what evidence has been produced for justification?
 - ii. What evidence exists to illustrate any current navigation impediments to commercial fishers due to the current state of the river?
 - iii. Have impacts of dredging for recreational fisherman been assessed?
 - iv. What assessment has been conducted, and evidence provided, to verify the claimed benefits for local economies and tourism industries?
 - v. Does this assessment include possible negative impacts due to ecological and marine disturbance?

4. Wider support for Works:
 - i. Does OEH support the work and agree with the necessity?
 - ii. Does Marine Parks support the work and agree with the necessity? Does Marine Parks have concerns and have these concerns been investigated? What are the strategies being put in place to overcome articulated areas of concerns?
 - iii. Has the local Tourism organisation been consulted? Do they agree with the stated need for the dredging?
 - iv. Has the REF been exhibited for public comment?
 - v. Has community sentiment been assessed and considered supportive of the proposed works and the needs as stated of them?
 - vi. Is the Minister satisfied with the level of community consultation and community support?
(Richardson/Spooner)

The motion was put to the vote and declared carried.

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Crs Cubis and Woods voted against the motion.

There being no further business the meeting concluded at 4.30pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 27 August 2015.

.....
Mayor Simon Richardson