



**Byron Shire Council**



**Minutes**

**Ordinary Meeting**

**Thursday, 19 May 2016**

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes

19 May 2016

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# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

19 May 2016

<b>MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 19 MAY 2016 COMMENCING AT 4.07PM AND CONCLUDING AT 9.05PM</b>
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I2016/485

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

Staff: Ken Gainger (General Manager)  
Mark Arnold (Director Corporate and Community Services)  
Phil Holloway (Director Infrastructure Services)  
Shannon Burt (Director Sustainable Environment and Economy)  
Lisa Brennan (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.*

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## 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:

### Welcome to Council

Leah Kapral and Helen Graveson welcomed the meeting and conducted a presentation on the Ocean Shores Community Centre.

### 9.2 PRG Press Release

*Mary Gardner addressed Council in favour of the recommendation.*

### 17.1 Public Exhibition of Draft Coastal Zone Management Plan Byron Bay Embayment

*Donald Maughan addressed Council in favour of the recommendation.*

### Submission No. 1 Ocean Shores Community Centre – New Front Entrance and Meeting Room Extension

Helen Graveson and Leah Kapral made a submission to Council regarding a new front entrance and meeting room extension.

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## APOLOGIES

There were no apologies.

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## REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence

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

Cr Spooner declared a pecuniary interest in Report 13.2. The nature of the interest being that his employer, the Byron Bay Community Association is requesting financial support from Council for the provisions of showers for the homeless. Cr Spooner will leave the Chamber during debate and not take part in the voting.

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**TABLING OF PECUNIARY INTEREST RETURNS**

There were no Pecuniary Interest Returns tabled.

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**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

- 16-237 Resolved** that the minutes of the Ordinary Meeting held on 28 April 2016 be confirmed.  
(Woods/Richardson)  
*The motion was put to the vote and declared carried.*

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**RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS**

The Mayor suspended standing orders to allow for items to be reserved for debate, being:

**STAFF REPORTS**

**Corporate and Community Services**

- Report No. 13.1 Review of Council Committees
- Report No. 13.2 Section 356 Donations delivery process
- Report No. 13.5 Councillor resignation from Committees
- Report No. 13.6 Local Government NSW - Member Services

**Sustainable Environment and Economy**

- Report No. 13.7 PLANNING - 26.2015.6.1 Planning Proposal Amendment to Byron LEP 1988 - West Byron

**Infrastructure Services**

- Report No. 13.9 Council Road Reserve Closure and potential sale adjoining PN94840 Lot 21 DP 596124, 365 Booyong Road Nashua

**REPORT OF COMMITTEE**

**Sustainable Environment and Economy**

- Report No. 14.1 Report of the Sustainable Economy Committee Meeting held on 3 March 2016

**LATE REPORTS**

- Report No. 17.1 Public Exhibition of Draft Coastal Zone Management Plan Byron Bay Embayment
- Report No. 17.2 Local Government and Shires Association of NSW - Election of Board of Directors
- Report No. 17.3 Councillor Attendance to ALGA National Assembly, 2016

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Woods and seconded by Cr Richardson. Each recommendation is recorded

# BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

19 May 2016

with a separate resolution number commencing at Resolution No. 16-238 and concluding with Resolution No. 16-249.

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## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 13.3**      **Council Investments April 2016**  
**File No:**              I2016/409

- 16-238 Resolved** that the report listing Council's investments and overall cash position as at 30 April 2016 be noted. (Woods/Richardson)
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**Report No. 13.4**      **Budget Review - 1 January 2016 to 31 March 2016**  
**File No:**              I2016/447

**16-239 Resolved:**

1. That Council authorise the itemised budget variations as shown in Attachment 2 (#E2016/28781) which includes the following results in the 31 March 2016 Quarterly Review of the 2015/2016 Budget:
    - a) General Fund - \$0 adjustment in the accumulated surplus/working funds
    - b) General Fund - \$4,184,500 increase in reserves
    - c) Water Fund - \$2,116,000 increase in reserves
    - d) Sewerage Fund - \$4,794,100 increase in reserves
  2. That Council adopt the revised General Fund Accumulated Surplus/(Working Funds) of \$919,100 for the 2015/2016 financial year as at 31 March 2016. (Woods/Richardson)
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## STAFF REPORT - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.8**      **Report of the Planning Review Committee Meeting held on 21 April 2016**  
**File No:**              I2016/396

- 16-240 Resolved** that the report be noted. (Woods/Richardson)
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## REPORT OF COMMITTEE - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 14.2**      **Report of the Biodiversity and Sustainability Advisory Committee Meeting held on 21 April 2016**  
**File No:**              I2016/405

- 16-241 Resolved** that Council note the minutes of the Biodiversity and Sustainability Advisory Committee Meeting held on 21 April 2016. (Woods/Richardson)

**16-242 Resolved:**

1. That Council does not adopt Committee Recommendation under Business Arising from Previous Minutes as shown in the attachment to this report, but instead adopts the Management Recommendation as follows:

Management Recommendation

That Council consider the Biodiversity and Sustainability Advisory Committees Recommendation under Business Arising From Previous Minutes, outlined in this report, as part of the 2016/17 budget process. (Woods/Richardson)

**16-243 Resolved:**

2. That Council adopt the following Committee Recommendation:

**Report No. 5.1 Byron Shire Integrated Weed Management Strategy**  
**File No:** I2016/280

Committee Recommendation:

That the Biodiversity and Sustainability Advisory Committee review the draft Byron Shire Integrated Weed Management Strategy. (Woods/Richardson)

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**REPORT OF COMMITTEE – INFRASTRUCTURE SERVICES**

**Report No. 14.3 Report of the Belongil Catchment Advisory Committee Meeting held on 18 April 2016**  
**File No:** I2016/408

**16-244 Resolved** that Council note the minutes of the Belongil Catchment Advisory Committee Meeting held on 18 April 2016. (Woods/Richardson)

**16-245 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 5.1 Belongil Creek Fate of the Effluent Alternative Flowpath Project Rev 2**  
**File No:** I2016/367

**Committee Recommendation 5.1.1**

That Council adopt the project brief as attached with amendments as attached in the submission from Cr Dey. (Woods/Richardson)

**16-246 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 5.2 Belongil Catchment Management Plan Review of Actions**  
**File No:** I2016/369

**Committee Recommendation 5.2.1**

That this report is brought back to next Committee meeting. (Woods/Richardson)

**16-247 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 5.3 Legal Advice on Drainage Union**  
**File No:** I2016/370

**Committee Recommendation 5.3.1**

That Council write to all land owners in the catchment that drains to the Belongil Swamp Drainage Union gazetted area informing them of:

- the existence and purpose of the Board
- the importance of an effective drainage system
- our commitment to help facilitate re establishing the drainage board
- an upcoming a public meeting with a date (June 2016) to which all landowners will be invited. (Woods/Richardson)

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**CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 16.1**      **CONFIDENTIAL - Evaluation of Paid Parking and Beach Locker Cash Collection Tenders 2016-0001**  
**File No:**              I2016/398

**16-248 Resolved:**

1. That all tenders received for the Pay Parking and Beach Locker Cash Collection RFT be declined.
2. That the General Manager be delegated to conduct negotiations on behalf of Council as set out in the Assessment Panel Recommendation Report.
3. That the reason for declining to invite fresh tenders is that Council should be able to reach a satisfactory outcome through negotiating the minor outstanding issues without the additional time and cost a new tender process would entail and it is doubtful that inviting fresh tenders would result in a more beneficial outcome for Council.
4. That the reason for determining to enter into negotiations with the proponents as set out in the Assessment Panel Recommendation Report is that both organisations have demonstrated their capability in providing the required services and negotiating with these parties should result in a satisfactory outcome for Council.
5. That the outcome of the negotiations be reported to Council. (Woods/Richardson)

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**Report No. 16.2**      **CONFIDENTIAL - Tender for the Construction of a concrete roundabout at the intersection of Lawson Street / Massinger St / Lighthouse Rd, Byron Bay**  
**File No:**              I2016/406

**16-249 Resolved:**

1. That Council accept the tender for the construction of a concrete roundabout at the intersection of Lawson St / Lighthouse Rd / Massinger St, Byron Bay from Civil Logic P/L in the amount of \$776,610.26 excl GST as per their tender and the contract documentation.
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/Richardson)

PROCEDURAL MOTION

- 16-250 Resolved** that Council change the order of business to deal with Notice of Motion 9.2 and Report 17.1 next on the Agenda. (Woods/Richardson)

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

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**NOTICE OF MOTION**

**Notice of Motion No. 9.2 PRG Press Release**  
**File No:** I2016/458

Moved That Council:

1. Within the Q&A to be published as part of the public exhibition of the CZMP include a Question "What happened to planned retreat" with an answer provided by staff.
2. Give clarity by altering the Constitution of the PRG to remove the misleading second sentence from Clause 15;
3. Authorise the Mayor to make a press release similar to that in the Councillor Background below, amended as follows:
  - a) in line 1 change the word "many" to "some". (Dey/Richardson)

AMENDMENT

- 16-251 Resolved** that Council within the Q&A to be published as part of the public exhibition of the CZMP include a Question "What happened to planned retreat" with an answer provided by staff. (Ibrahim/Wanchap)

*The amendment was put to the vote and declared carried.*  
*Crs Dey, Richardson and Cameron voted against the amendment.*

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

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NOTICE OF MOTION

**Notice of Motion No. 9.1 Small Business Friendly Councils**  
**File No:** I2016/410

**16-255 Resolved** that Council join the Small Business Friendly Councils program. (Cubis/Woods)

AMENDMENT

Moved: That Council join the Small Business Friendly Councils program once the Shire's Economic Development Strategy (Enterprising Byron 2025) has been endorsed and once its key flagship project (Byron Business Retention Expansion Survey) has been undertaken. (Dey/Richardson)

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

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

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

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

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PETITIONS

There were no petitions.

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SUBMISSIONS AND GRANTS

Bangalow Weir

The General Manager advised that an announcement regarding an grant application for the Bangalow Weir should be received shortly.

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DELEGATES' REPORTS

12.1 Richmond Tweed Regional Library Committee meeting of 13 May 2016

Cr Dey advised Council:

That the RTRL Committee adopted its draft budget for exhibition. An earlier draft had Byron Council's contribution increasing by 9% from the current year. As one of four constituent Councils, we were pleased that this has been trimmed to a 1.8% increase. It was quite an exercise for RTRL staff to trim that much from the budget.

Lismore City Council is contributing more than is required by the budget. They're allocating \$31,000 as an ex-gratia payment - this is to be praised.

There's a deficit within the RTRL budget. We're digging into reserves but in the end libraries will wind up with far less physical resources and be relied on more for services. There will be fewer actual books.

There was a staff meeting after the RTRL meeting, to talk about drawing up new Service Level Agreements between the four Shire's and the central body. Everybody appears in favour of that happening so the relationship between this Council and the regional library may change over the next year or two. In the meantime, we're satisfied that the library is running "lean and efficient". The Key Performance Indicators that get looked at for RTRL stack up quite well.

The replacement of the mobile library at about a half million dollar is coming up. It's been suggested that this expenditure should wait until the new SLA's are drawn up. This also gives an opportunity to look at new ways of doing mobile library that may not involve buying a \$500k vehicle.

The meeting on Friday had difficulty finding a quorum (half plus one Council representatives). We only had half the number of delegates (Ballina the host Council had none). Staff were able to find one of Ballina's reps so we were finally able to transact the meeting's business.

### 12.2 Rous Water meeting of 18 May 2016

Cr Dey advised Council:

That Rous Water resolved to put its operational plan which includes its budget for next year on exhibition and deeply encouraged Council staff to have a look at it, make comments and make a submission. Rous doesn't often get submissions on documents it exhibits, so it's a bit of a free entity. It would benefit from more external scrutiny.

Like RTRL, Rous was able to keep the rise in our contribution down to 1.8% on our request. The Future Water Strategy requires increases in Rous' charges starting in 2017 or 2018 and for five consecutive years. That is something this constituent Council should consider.

The second item of interest was the monthly report on water consumption. The data revealed that Byron Shire suffered leakage here in Ocean Shores in April. About 25 megalitres of water was lost from the Rous system. The breakages were difficult to locate, one being under a waterway. We've put quite a lot of Wilson's Creek water into our Brunswick Valley through leakage but the good news is that it's now been repaired.

Lastly, the latest rating of the health of waterways up and down the NSW coast left Wilson's Creek at the bottom of the pile. It got an F rating (it's A to F like a school system). Rous has in the past spent significant funds on riparian projects on the Wilson's Creek upstream of Lismore. That funding is being reduced in the draft budget but there's a bigger issue for Rous - it extracts water from Wilson's Creek at that location (Howards Grass). The timing of that water extraction is during drier seasons. I think it's not sustainable to take water from a river when it's stressed by dry weather. I'm in the minority there - I'm sure there will have been an EIS before the licence was issued. But on a health rating, Wilsons Creek is the least healthy of all NSW coastal waterways.

Cr Woods: I'd just like to add something to that Rous water thing and Cr Dey is correct in that the budget for the works for the riparian zones has been reduced. The budget for the catchment management was reduced and the reason for that was the last four years they've been about spending about half of what the budget was, so it is important that the works be done on the areas and lands around the river to make it cleaner. My take on it was show me that you can spend the money first before we increase the budget and then come to us and say, 'hey we've done it all and we need a bit more budget'. I don't know what's going on over there but they definitely weren't spending the money that they had allocated for the last 4 years.

General Manager: Council recently wrote to Rous Water to ask whether they would look at their provision of retail water supply across their four constituent Council areas. They are primarily a bulk water supply authority and by them becoming involved progressively over the years and the

direct provision of water retail level has caused a lot of duplication, additional cost and confusion for the constituent Councils so I'm just wondering if that's actually been brought forward.

Cr Woods: It was mentioned yesterday, the General Manager mentioned it to both Cr Dey and myself and I asked the question about if we were to remove the responsibility from Rous and take it on board ourselves, what was going to be the outcome in terms of financial and we didn't get an answer to that so I intend to write to the GM and just ask what is the financial outcome or liability or cost to Rous. The only thing that he did say to me was I might need a reduction in staff or, I don't know why you'd need a reduction but he did mention it and he did sound concerned about it but I don't understand the implications at this point in time.

Cr Dey: As Cr Woods says, the General Manager of Rous spoke to us privately. He agreed that the issue would be looked at. Cr Woods and I will email him and ask when that will be reported to Rous Council. Thank you for sending the letter - I support the initiative.

### 12.3 Coastal Councils Conference Rockingham May 2016

Cr Cubis advised Council:

I haven't got the full report because they haven't sent us the notes from the Coastal Council from Rockingham but it was a good conference, so a long way there and I did want to share one thing but I didn't want to put my finger in the sore or anything but Tweed did get one of the four awards. There was one award for Eurobodalla - Shannon's old Council - but the one Tweed got was not for building the rock wall, but for their embayment at Kingscliff but their community consultation occurred in record time, so I just thought I'd share that but we've got notes coming with CSIRO predictions for sea level rises and other things and hopefully I'll be sharing that with you as soon as I get that.

### 12.4 Far North Coast Weeds

Cr Cameron advised Council:

Likewise with Rous, the operational plan and budget is now on exhibition. Anyone who has a quick look at that will hopefully be quite impressed with what a tight ship the organisation runs to look after the noxious weed issues across such a wide area.

The real issue for the Council is really about the future of that great effort. It's been raised on a number of occasions, concern about the proposed structure for a County Council which we are all waiting to hear about - the merger of the three County Councils.

It is a concern when you look at how weed services are incorporated into the proposed structure that it seems to be diminished and it doesn't seem to have a direct managerial level, it seems to have been lumped in with others.

We hope that this concern has been heard. Our chair Cr Robin Hawdon from Ballina was recently able to meet with management and the Minister and, by all reports, was able to put the point of view that that function needs to maintain its strengths in the new structure.

We all hope for the best there and we hope all Councillors and staff, etc. will do all that they can to ensure the strength of that structure in the future.

### 12.5 Mullumbimby Chamber of Commerce

Cr Cameron advised Council:

Very brief one on the Mullum Chamber which is really just an update from my last report and it kind of links in with what Leah was saying earlier, something about the quilters who use this hall.

Those quilters as Leah said, are undertaking a major project to produce quilts for the new mental health area in Byron hospital but their intention is an ongoing one to ensure that each patient who gets into a chair in one of those treatment centres, will actually have their own quilt so it is an ongoing thing.

It's going to require ongoing funds and that groups are going to need to keep fundraising and what I want to let you know today is to mark in your calendar 25 June at the Anglican Hall in Mullumbimby because this group and the other groups who do these quilts across the Shire are planning an exhibition and while it'll be fantastic to see and expose the great work that they do. It really is about fundraising so that they can get the materials to keep this going, so I hope that you can all support that. Thank you

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**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 13.1            Review of Council Committees**  
**File No:                    I2016/13**

Moved:

1. That Council receive and note this report on Council's Committees.
2. That the following points replace the first and last bullet points respectively on the list endorsed by Executive Team:

- \* Committee meetings to be held at least quarterly; and
- \* Review scope and number of Committees

(Dey/Richardson)

AMENDMENT

**16-256 Resolved** that Council receive and note this report. (Woods/Cubis)

*The amendment was put to the vote and declared carried.  
Crs Dey, Richardson and Cameron voted against the amendment.*

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

*The meeting adjourned at 6.26pm for a dinner break and to hold the Byron Shire Reserve Trust Meeting, and reconvened at 7.08pm. Resolution Nos. 16-257 and 16-258 were used at the Byron Shire Reserve Trust Committee Meeting.*

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**Report No. 13.2            Section 356 Donations delivery process**  
**File No:                    I2016/300**

*Cr Spooner left the meeting at 7.09pm in accordance with his earlier declared non-pecuniary interest in this matter.*

**16-259 Resolved:**

1. That the following Section 356 donations be made:

# BYRON SHIRE COUNCIL

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- a) \$10,000 Bangalow Lions Club – assist in the establishment of a Men’s Shed in Bangalow
  - b) \$14,360 Byron Community Centre – proposal for community showers at the Old Girl Guide Hall, Byron Bay as detailed in submission E2016/26829
  - c) \$10,000 Shara Community Gardens – assist with wheelchair accessible toilet building materials at the Shara Community Gardens.
2. That Council advertise the donations to be made in accordance with Section 356 of the Local Government Act. (Ibrahim/Richardson)

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

*Cr Spooner returned to the meeting at 7.21pm.*

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**Report No. 13.5      Councillor resignation from Committees**  
**File No:                I2016/451**

**16-260 Resolved:**

1. That the resignation from Cr Woods be noted and made effective from 20 June 2016.
  2. That she be officially thanked for her time and work as Council’s representative on the Committees detailed in the report.
  3. That Council appoint alternate delegate Cr Basil Cameron as Councillor on the Brunswick Heads Memorial Hall Section 355 Committee, with no alternate delegate.
  4. That Council appoint alternate delegate Cr Duncan Dey as Councillor on the Brunswick Valley Community Centre Section 355 Committee, with no alternate delegate.
  5. That Council appoint Cr Duncan Dey as alternate Councillor on the Ocean Shores Community Centre Section 355 Committee.
  6. That the Regional Committees being:
    - \* North Byron Parklands Regulatory Working Group
    - \* Chamber of Commerce – Brunswick Heads
    - \* Ocean Shores Tidy Towns Committee
- be notified of Cr Woods resignation and asked if they require an alternate delegate to be appointed prior to the end of the current Council term in September 2016.
7. That Crown Lands and the Mullumbimby Showground Trust be notified of Cr Woods resignation and that Crown Lands asked if they require Cr Duncan Dey to take on the ex-officio role until the end of the current Council term in September 2016 (note: he is already a community member of the Trust and has been since 2014). (Dey/Cubis)

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

# BYRON SHIRE COUNCIL

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**Report No. 13.6**      **Local Government NSW - Member Services**  
**File No:**              I2016/452

- 16-261 Resolved** that consideration of Council's continuing membership of Local Government NSW be deferred until the Ordinary Meeting on 9 June 2016. (Richardson/Woods)

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

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## STAFF REPORT - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.7**      **PLANNING - 26.2015.6.1 Planning Proposal Amendment to Byron LEP 1988 - West Byron**  
**File No:**              I2016/297

Moved:

1. That Council note the report.
2. That Council not proceed with the revised draft of the planning proposal until responses to the following two questions are received and reported to Council:
  - a) Further explanation as to the reasons for not issuing an authorisation for Council to exercise delegation to make this plan as requested by council.
  - b) Further clarity and explanation as to the reasons it is viewed that granting requirements to only cross environmental zones will prevent orderly development of the site.  
(Richardson/Dey)

### AMENDMENT

**16-262 Resolved:**

1. That Council note the report.
2. That Council write to the Minister requesting the following:
  - a) Further explanation as to the reasons for not issuing an authorisation for Council to exercise delegation to make this plan as requested by Council.
  - b) Further clarity and explanation as to the reasons it is viewed that granting requirements to only cross environmental zones will prevent orderly development of the site.  
(Wanchap/Cubis)

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

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

*Crs Ibrahim, Cubis, Woods, Wanchap and Hunter voted in favour of the amendment.*

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

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

*Crs Ibrahim, Cubis, Woods, Wanchap and Hunter voted in favour of the motion.*

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## STAFF REPORT - INFRASTRUCTURE SERVICES

**Report No. 13.9**      **Council Road Reserve Closure and potential sale adjoining PN94840 Lot 21 DP 596124, 365 Booyong Road Nashua**  
**File No:**              I2016/404

- 16-263 Resolved** that Council suspend the current road closure process with a view to extending the road closure to cover the road in front of Lot 21 DP 596124 and the neighbouring property to the south. (Dey/Richardson)

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

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**REPORT OF COMMITTEE - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 14.1 Report of the Sustainable Economy Committee Meeting held on 3 March 2016**

**File No:** I2016/383

**16-264 Resolved:**

1. That Council note the minutes and recommendations of the Sustainable Economy Committee Meeting held on 3 March 2016 amended to show that Cr Cameron was an apology and not in attendance.
2. That Council:
  - a) not adopt the Committee Recommendation and instead receive the advice provided by the Sustainable Economy Committee and considers the matter of a Food and Innovation Park at Bangalow as part of the 2016/17 Budget process;
  - b) continues to liaise with the Department of Industry in relation to the Bangalow RMS Depot site's future status and seek funding from the Department for the development of a business case study and site masterplan to ensure that any future project is representative of best practice architecture, with sustainability principles embedded;
  - c) ensures that the business case study look to qualify the need for this development;
  - d) ensures that community expectations are assessed and that the project and features of it fit with those expectations including an assessment of likely costs to rehabilitate the site;
  - e) advocates for community consultation in relation to any progression in the development of the site by State Government. (Cameron/Dey)

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

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**QUESTION WITH NOTICE**

**Question With Notice No. 15.1 Public Access Recording at Council Meetings**

**File No:** I2016/448

At Council's Ordinary Meeting held on 28 April 2016, Cr Duncan Dey asked the following question which was taken on notice:

Given that the recording of public speakers is removed prior to the audio of Council meetings publication on the Council's website, why do we record the public speakers who address Council during Public Access?

**Response Director Corporate and Community Services:**

Council's Code of Meeting Practise states as follows:



**Part B During Council Meetings**

9. Recording of Council Meetings

- 9.1 *The General Manager shall arrange for audio recordings of Council meetings and any Committee meeting as resolved by Council.*
- 9.2 *The purpose of the recording is to verify the accuracy of the minutes of the meeting to assist with their adoption.*
- 9.3 *Signage that meetings will be recorded will be displayed at the public entrance to the meeting.*
- 9.4 *Audio recordings will be stored until the minutes of meeting at which recording was made have been adopted by Council, in accordance with State Records General Disposal Authority (GDA 39) Local Government Records.*

Public Access begins at the commencement of the Council meeting and therefore is recorded as part of the meeting.

In order to protect the privacy of the public speakers during the public access session and to mitigate risk, Council does not provide audio of the session on our website in accordance with the following measure which forms part of Council's internal procedure:

**Risk mitigation measures**

**4.1 Content**

*The post meeting audio webcasting will feature the Ordinary Meetings but with the public access section of the meeting excised.*

**URGENCY MOTION**

**Urgency No. 1 Brunswick Heads Marina Masterplan**

**16-265 Resolved** that the matter of the draft Masterplan of the Brunswick Heads Marina be considered as a matter of urgency due to the impending letter being sent by the Brunswick Heads Progress Association to the Minister. (Richardson/Hunter)

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

**16-266 Resolved** that Council write to the Hon. Niall Blair, MLC Minister for Primary Industries, and Minister for Lands and Water, supporting the Brunswick Heads Progress Association, in particular its:

1. Request for additional community consultation on the draft Masterplan of the Brunswick Heads Marina.
2. Invitation to Minister Blair to visit the Brunswick Heads Boat Harbour site and discuss its future with community representatives and key stakeholders.
3. Request to be granted a priority opportunity to consult with DPI-Lands directly on options for upgrading the Brunswick Heads Boat Harbour. (Richardson/Spooner)

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

**BYRON SHIRE COUNCIL**

ORDINARY MEETING MINUTES

19 May 2016

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

PROCEDURAL MOTION

**16-267 Resolved:**

That Cr Woods be granted a two minute extension to her speech.

(Richardson/Cubis)

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

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*There being no further business the meeting concluded at 9.05pm.*

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I hereby certify that these are the true and correct Minutes of this Meeting  
as confirmed at Council's Ordinary Meeting on 9 June 2016.

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Mayor Simon Richardson