



**Byron Shire Council**



**Minutes**

**Extraordinary Meeting**

**Tuesday, 28 November 2017**

# BYRON SHIRE COUNCIL

Extraordinary Meeting Minutes  
28 November 2017

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# BYRON SHIRE COUNCIL

EXTRAORDINARY MEETING MINUTES

28 November 2017

<b>MINUTES OF THE BYRON SHIRE COUNCIL EXTRAORDINARY MEETING HELD ON TUESDAY, 28 NOVEMBER 2017 COMMENCING AT 4.10PM AND CONCLUDING AT 10.13pm</b>
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I2017/1888

**PRESENT:** Cr S Richardson (Mayor), Cr B Cameron, Cr C Coorey, Cr J Hackett, Cr A Hunter, Cr M Lyon, Cr J Martin, Cr S Ndiaye and Cr P Spooner

**Staff:** Mark Arnold (Director Corporate and Community Services)  
Phil Holloway (Director Infrastructure Services)  
Shannon Burt (Director Sustainable Environment and Economy) (until 6.10pm)  
Ralph James (Legal Counsel)  
Chris Larkin (Manager Sustainable Development)  
James Brickley (Manager Finance)  
Phil Warner (Manager Assets and Major Projects)  
Jodi Frawley (Grants Coordinator)  
James Flockton (Acting Team Leader Infrastructure Services)  
Joshua Winter (Civil Engineer)  
David Royston-Jennings (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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## APOLOGIES

There were no apologies.

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## DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

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## PROCEDURAL MOTION

**17-606 Resolved** that Council change the order of business to deal with Reports 7.6, 7.7, 7.8, 7.9 and 7.10 next on the Agenda. (Richardson/Ndiaye)

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

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## STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 7.6 PLANNING - 10.2017.360.1 Rural Tourist Accommodation Comprising Four (4) Cabins at 75 Rifle Range Road, Bangalow**  
**File No:** I2017/1660

Moved:

That Pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979*, development application no. 10.2017.360.1 for Tourist and Visitor Accommodation Comprising Four (4) Cabins, be granted consent subject to the conditions listed in Attachment 2 #2017/103454. (Lyon/Ndiaye)

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## PROCEDURAL MOTION

**17-607 Resolved** that this matter rest on the table. (Richardson/Coorey)

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

## PROCEDURAL MOTION

**17-608 Resolved** that Council change the order of business to deal with Report 7.7 last on the Agenda. (Richardson/Martin)

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

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**Report No. 7.8 PLANNING - Site-specific Planning Proposals considered as part of the Rural Land Use Strategy process**

**File No:** I2017/1686

**17-609 Resolved** that Council:

1. Note the information contained in this report.
2. Defer consideration of Planning Proposals concerning 74 Charlton's Road, Federal until site visits have been arranged.
3. Resolve not to proceed any further with the Planning Proposal concerning Englishes Road, Upper Coopers Creek. (Richardson/Lyon)

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

*Crs Martin, Lyon, Ndiaye, Richardson and Hunter voted in favour of the motion.*

*Crs Coorey, Cameron, Hackett and Spooner voted against the motion.*

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**Report No. 7.9 Further update on Resolution 17-191 Secondary Dwelling Conditions**

**File No:** I2017/1688

**17-610 Resolved** that Council:

1. Note the report.
2. Employ enforcement action where non-compliance with development consent conditions is reasonably suspected.
3. Receives the report on the implications and effects of waiving contributions for granny flats at the first meeting of 2018 as per previous resolution. (Ndiaye/Richardson)

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

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**Report No. 7.10 Review of the Biodiversity and Sustainability Panel**

**File No:** I2017/1707

**17-611 Resolved** that Council:

1. Agree to the overarching concept of a reorganising the Biodiversity Advisory Group and Sustainability and Emissions Reduction Advisory Group.

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2. The model and terms of reference and membership be drafted with the nominated Councillors Coorey, Ndiaye, Martin and Hunter.
3. That the two new groups be designated as Committees as opposed to panels
4. That Council receive a further report to confirm the model and terms of reference and membership of the new Biodiversity Advisory Committee and Sustainability and Emissions Reduction Committee in February 2018.
5. That, given the substantial amount of issues pertaining to Biodiversity and Sustainability in the Shire, and the schedule of meetings be devised that reflects this.
6. That the first meetings of the new Biodiversity Advisory Group and Sustainability and Emissions Reduction Advisory Group occur at the earliest possible opportunity in 2018. (Coorey/Ndiaye)

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

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## PROCEDURAL MOTION

**17-612 Resolved** that Report No. 7.6 be lifted from the table. (Lyon/Ndiaye)

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

**Report No. 7.6**                    **PLANNING - 10.2017.360.1 Rural Tourist Accommodation Comprising Four (4) Cabins at 75 Rifle Range Road, Bangalow**  
**File No:**                            12017/1660

**17-613 Resolved:**

1. That Pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979*, development application no. 10.2017.360.1 for Tourist and Visitor Accommodation Comprising Four (4) Cabins, be granted consent subject to the conditions listed in Attachment 2 #2017/103454.
2. That condition 4A be added to the consent:

4(A) Bond for Environmental Enhancement and Management Plan

A bond or bank guarantee of \$15000 to be lodged with Council to ensure the plantings are carried out in accordance with the approved Environmental Enhancement and Management Plan.

Half of the bond or bank guarantee will be refunded after the issuing of an Occupation Certificate for the four cabins provided that works have been carried out in accordance with the Environmental Enhancement and Management Plan.

The remaining bond or bank guarantee will be refunded by Council provided that 95% of the plants have survived a period of 5 years from the issuing of the above Occupation Certificate, and with submission of the final monitoring report as required by Condition 4. (Lyon/Ndiaye)

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

*Crs Coorey, Martin, Lyon, Ndiaye, Richardson, Cameron and Hackett voted in favour of the motion.*

*Crs Spooner and Hunter voted against the motion.*

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NOTICES OF MOTION

**Notice of Motion No. 3.1 Compliance - Belongil and Brunswick Dunes**

**File No:** I2017/1723

**17-614 Resolved** in order to minimise illegal visitor use of our dune systems and the corresponding damage it does, that Council:

1. Receives a memorandum by the 14 December meeting detailing current compliance priorities.
2. Receives a memorandum by the 14 December meeting that provides updates on:
  - a) Actions that have been taken or are planned to be taken to prevent illegal camping, dumping and other damaging activities at the Belongil sand dunes following the latest clean-up that occurred on October 24.
  - b) Actions that have been taken or are planned to be taken to prevent damage to sand dunes at Brunswick Heads.
3. Receives a report on current strategies in place for providing assistance to people who are homeless that have been or may be impacted by the actions above. (Lyon/Hackett)

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

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**Notice of Motion No. 3.2 Biosecurity**

**File No:** I2017/1724

Moved:

1. That a report to Council be prepared on the potential impacts of the new Biosecurity Act (2017) on the draft Rural Land Use Strategy (RLUS);
2. That the report pay particular attention to:
  - a) biosecurity considerations in Land Use Conflict Risk Assessment (LUCRA);
  - b) the potential for biosecurity risks to agriculture as a result of increased agritourism, and;
  - c) the potential risk to Byron Shire's biodiversity as a result of agritourism;
3. That Council consider including biosecurity management as a factor in the RLUS, and
4. That Councillors hold a workshop with a view to developing a Shire-wide Biosecurity Policy. (Coorey)

The motion was not seconded and was therefore withdrawn.

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**Notice of Motion No. 3.3 Instant Hotel TV Show**

**File No:** I2017/1728

**17-615 Resolved** that Council commence a short term media campaign informing residents on the issue of unauthorised holiday letting. (Coorey/Ndiaye)

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

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**PETITIONS**

**Petition No. 4.1      No Paid Parking in Brunswick Heads**

**File No:**                      I2017/1708

**17-616      Resolved:**

1. That the petition objecting to Paid Parking in Brunswick Heads be noted.
2. That the petition be considered by Councillors when discussing the Brunswick Heads Parking Strategy report at the 23 November 2017 ordinary meeting of Council. (Richardson/Hunter)

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

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The Mayor tabled the following petitions:

Petition 1. A petition containing 1828 signatures which states:

"...We, the undersigned, petition the Mayor and Councillors of Byron Shire Council to:

1. Resolve Brunswick Heads' parking issues by reducing the time limits and increasing enforcement (as recommended by the TPS Parking Management Strategy), along with changes to the layout as suggested by the key community groups and community members in the consultation period.
2. DEFER any consideration of paid parking in Brunswick Heads until these recommended changes are implemented and fully trialled (as recommended by the TPS Parking Management Strategy) AND until appropriate impact studies are done to ascertain the possible negative impacts of paid parking in the Brunswick Heads CBD area to the well-being of the Brunswick Heads village

Petition 2. A petition containing 2055 signatures which states:

"We, the undersigned, petition the Mayor and Councillors of Byron Shire Council to:

1. Rescind the motion to implement paid parking in Bangalow
  2. Reduce the current time limits for parking and increase enforcement (As recommended by the TPS Parking Management Strategy)
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**SUBMISSIONS AND GRANTS**

**Report No. 5.1      Byron Shire Council Submissions and Grants as at 1 November 2017**

**File No:**                      I2017/1571

**17-617      Resolved:**

1. That Council note the report.
2. That a memorandum outlining the meeting of the Department Premier and Cabinet and the RDA



on the possibilities and potential for grant support to develop Lot 12, Bayshore Drive, as a creative industries, innovation and incubation hub be provided to Council by 14 December 2017.  
(Richardson/Lyon)

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

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## DELEGATES REPORTS

### 1. NSW Coastal Conference 2017

Cr Hackett advised Council:

So I've just attended my third coastal conference – two state, one national. And when i go to these I'm always looking for information and sessions that are very pertinent for our contentious CZMP in Byron Bay and our coastal management plan that we'll have to be doing next year now that we're going to be doing part of our CZMP and then we'll have to work on the coastal management plan. So once again i was looking for things pertinent at Port Stephens this time for the NSW conference and i found that this time virtually everything was pertinent but because all the sessions are running concurrently you have to make choices and i didn't get to listen to every session I would have liked to have listened to. But the hot topics, not that they probably differ a lot, but certainly the hot topics this year were sea level rise, the east coast lows and the future of those, micro plastics, flood behaviours – very pertinent for us, locations most at risk on our coast – Byron Bay always figure there right at the top, engineering improvements and alternatives and trials and reports on those, coastal wildlife, the next wave of coastal planning laws were discussed quite a lot, coastal reforms, the economic values of coastal assets themselves like sandy beaches, coastal scrubland, marine habitats, etc., legal liabilities and malfeasance – I've already talked to Mr James about the Henley case that was raised and is cited quite often in court cases. That was quite fascinating, so i learned a bit about legal problems and malfeasance which is a great word. The biodiversity conservation act, that's coming out, which i was told by legal specialists from Sydney is extremely complex and we should leave it alone for a little while until they sort their way through that. And of course basically what we're all talking about is what everybody wants on the coast, we all want all our assets protected. We still want a beach in front of protected assets. We don't want it to cost too much. And we still want property values to keep increasing. Of course it's a very difficult thing to achieve all of those. Anyway, an interesting thing this year is that after a lot of trialling of different ways to protect assets over the years, i found at this particular conference that sea walls are definitely becoming less popular because they've been finding that they fail and that the ongoing costs for those is not helping anyone. So, there's more people now looking at soft options and relocation and looking at best practice internationally and what they're doing overseas. Byron bay was held up. We're definitely a hot spot. We were held up as an example of what can go wrong with attempts to implement planned retreat because we were seen as having done it poorly but we were mentioned in quite a few of the papers that were presented. I think if we do get a coastal conference up here in the future we'll have everybody scrambling to get here because we're see as such a hot spot and we have tried to do things differently, even though it has had repercussions. Even so, it's more broadly recognised by all the people concerned with this area that protecting all our assets and coastal infrastructure is not feasible and that we have to protect some and relocate others. Relocation or planned retreat has always been seen as the poor cousin, this came out of one of the papers, rarely mentioned in polite society as he said. But we're now having to talk about it. It's now being seriously examined, assessed and priced. So, there are leaders to help us work our way through that, what we protect and where we choose to retreat in the future. A lot of information to help us get ahead next year with our CZMP.

### 2. NSW Coastal Conference 2017

Cr Coorey advised Council:



Cr Hackett has given a good summary, I just wanted to mention a few things, particularly economic opportunities. I know we've sort of begun the process here but oyster restoration is a way of repairing estuaries and also creating industry and there were some good projects discussed there. There was a very good speaker from New Zealand actually from the Environmental Defenders Society which is somewhere between probably a bit like the EDO. And they've had to deal a lot with reclaiming, trying to defend coastal land, they've got the tradition of the New Zealander batch, what they call their batch, their beach houses. And a lot of them a bit like in Byron started off as shacks that are now, you know, mansions that are threatening to be overrun or overwhelmed by the ocean. And they've done some really great work on that. They've also interestingly, she cited that there was a river that had actually been given personhood status in New Zealand and the rights associated with it, so mostly to be left alone in this case. I don't think it needs to attend school or anything like that but you never know. But it does sort of sound ludicrous but at the same time given that that river is a source of nourishment, water, whatever else, and the benefits that it gives to the people that live off it and near it, it was an astonishing thing but quite magnificent. Additional to that there was, as Cr Hackett mentioned, quite a lot of stuff about coastal barriers, rock walls, etc. One thing i did do was on the field trip i went to a place called Tamago just inland from where we were, it's part of the Hunter Wetlands National Park, and it's a listed wetland and its actually fantastic what they've achieve there considering that it's right near William Town where they've currently got the fire retardant issue, the fire extinguisher thing at the military base there. But in spite of that there has been in that area a fantastic interagency collaboration with a lot of innovative designs for managing water flow, flood gates and they've been able to reinstate a lot of flows into the estuary and restore the natural infrastructure of coastal wetlands. So it's a very broad area geographically speaking and it's possibly not as large as any of our individual creek or wetland areas, however, i imagine that the size of the wetlands in Byron Shire would probably rival that. It was certainly inspirational in terms of the amount that they've been doing and it's taken them nine years to get to a very advanced state but it was very much inspirational and I'm fairly passionate about wetland restoration. And as a result incidentally what was very inspirational, given that the Hunter is very much an industrial region, that now that wetland has one of the largest migratory bird habitats on the east coast of Australia and that is an outcome that i would like to see here as well. It was a really good conference, so there's an Australian conference coming up but i think the NSW experience is probably, we've learned a great deal, which Cr Hackett and I will be bringing to a coastline near you.

### 3. Aboriginal Community Services Forum

Cr Spooner advised Council:

Last Wednesday in this room there was an aboriginal community services forum held which i attended and it was set up by the Byron Shire Aboriginal Services Coalition, which is looking at establishing services for aboriginal people in this area that are culturally appropriate. Looking at the idea of having culturally safe spaces to be able to develop projects and programs for this region. I won't go into the whole history of why we don't have a lot of services in this area but there are good reasons for that and what impressed me about the gathering was the breadth of people who turned up and were interested in seeing something developed locally here, especially in the Mullum area but for the rest of the shire as well. It's a process that's been driven by aboriginal people and i think it was appropriate to hold it here and council have certainly been a catalyst with Belle Arnold pushing to make sure it happens. What was significant though was a recognition, we've already talked this meeting about the issues like affordable housing, at one point the point was made very strongly by a number of people that it's becoming increasingly difficult for people to have a roof over their heads in their own country. And that there is a recognition that unless we solve that issue, we're not going to be able to provide services to our people as well. So, it is an issue that cuts across a lot of discussions at the moment and certainly i think it's good to hear that. At the end of the day i was presented with a little rock, which was like a talking rock, and i said to the people there that i would bring it to this meeting so that people, the elected Councillors got to hear some of the discussion that was happening, and that we certainly are aware of supporting

their endeavours to make sure that they have the services that they require as a community in our place. So I'm sure that discussion will continue and it was great to go along to and not just for the lunch because any aboriginal gathering I've ever been to the tucka is great.

The meeting adjourned for dinner at 6.25pm and reconvened at 7.27pm.

**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 7.1                      Review of Natural Disaster Response Protocols**  
**File No:                                I2017/1361**

**17-618    Resolved:**

1. That Council supports the proposed SES approach to creating a 'Community Action Team/s' in the Northern Rivers regional community, and that when the framework for this approach is finalised by the SES, that it be the subject of a further report to Council.
2. That Council note the work that has been undertaken so far in improving Council's business continuity and disaster recovery efforts.
3. That Council receive a further report on the operations of the South Golden Beach flood pump following the consideration of the Peer Review of South Golden Beach Flood Pump (#E2017/103521) by staff.
4. That Council request that a finalised Business Continuity/Disaster Recovery Plan be reported to Council by Corporate and Community Services by mid 2018.

(Cameron/Ndiaye)

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

**Report No. 7.2                      Meeting Schedule 2018**  
**File No:                                I2017/1497**

**17-619    Resolved:**

1. That Council adopts the following schedule of Ordinary Meetings and Strategic Planning Workshops (SPW) for 2018:

<b>Date (2018)</b>	<b>Meeting/Workshop (Thursday 9am)</b>
25 January	SPW
1 February	Ordinary
8 February	SPW
22 February	Ordinary
8 March	SPW
22 March	Ordinary
5 April	SPW
19 April	Ordinary
10 May	SPW
24 May	Ordinary
7 June	SPW
21 June	Ordinary
2 August	Ordinary
9 August	SPW
23 August	Ordinary

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6 September	SPW
20 September	Ordinary
4 October	SPW
18 October	Ordinary
8 November	SPW
22 November	Ordinary
6 December	SPW
13 December	Ordinary

2. That Council adopts the following schedule of Advisory Committee and Panel meetings for 2018:

Meeting	Date (2018)
<b>Advisory Committees</b>	
Arakwal Memorandum of Understanding (Thursday 9.00am)	1 March 31 May 13 September 1 November
Finance (Thursday 2.00pm)	15 February 17 May 16 August 15 November
Audit, Risk and Improvement (Thursday 11.30am) <i>* Extraordinary</i>	15 February 17 May 16 August *11 October 15 November
Transport and Infrastructure (Thursday 9.00am)	15 March 17 May 16 August 15 November
Water, Waste and Sewer (Thursday 11.30am)	1 March 31 May 13 September 1 November
Byron Shire Floodplain Risk Management (Thursday 2.00pm)	1 March 31 May 13 September 1 November
<b>Panels</b>	
Biodiversity and Sustainability (Thursday 11.30am)	29 March 28 June 30 August
Coastal Estuary Catchment (Thursday 2.00pm)	15 March 3 May 27 September 29 November
Communications (Thursday 9.00am)	29 March 28 June 30 August
Heritage (Thursday 2.00pm)	29 March 28 June 30 August
Public Art (Thursday 9.00am)	15 February 3 May 9 August 29 November
Sustainable Economy (Thursday 11.30am)	15 March 3 May

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	27 September 29 November
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3. That Council endorses the following schedule of Planning Review Committee meetings for 2018:

Planning Review Committee	
Thursday 4.30pm	18 January 15 February 15 March 12 April 17 May 14 June 9 August 13 September 25 October 15 November 29 November

4. That Council endorses the following schedule of Local Traffic Committee meetings for 2018:

Local Traffic Committee	
Tuesday 10.30am	16 January 20 March 15 May 17 July 18 September 20 November

5. That the Ordinary Meetings be held in the Council Chambers, Mullumbimby with a start time of 9.00am.
6. That the Code of Meeting Practice be amended to reflect the adopted meeting schedule and times.
7. That Councils 22 February and 23 August Ordinary meetings commence at 4pm.  
(Ndiaye/Richardson)

*The motion was put to the vote and declared carried.  
Crs Lyon and Hunter voted against the motion.*

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**Report No. 7.3                      Audit, Risk and Improvement Committee Membership**  
**File No:                                I2017/1673**

**17-620 Resolved:**

1. That Council acknowledge the resignation of Councillor Martin from the Audit, Risk and Improvement Committee.
2. That Council appoint Councillor Richardson as the new Councillor representative to the Audit, Risk and Improvement Committee.  
(Lyon/Richardson)

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

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**Report No. 7.4**                    **North Byron Parklands Regulatory Working Group - Community Representatives**

**File No:**                            I2017/1729

- 17-621**    **Resolved** that Council endorse the extension of the appointment time (to 31 December 2018) of the three incumbent Community Representatives to the North Byron Parklands Regulatory Working Group within the bounds of the consent. (Coorey/Cameron)

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

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## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 7.5**                    **Biodiversity Conservation Strategy Update**

**File No:**                            I2017/1549

**17-622**    **Resolved:**

1. That Council note the update provided in this report and the revised schedule to review the Biodiversity Conservation Strategy.
2. That the review directly address biodiversity conservation on roadsides and adjacent public land and in particular how the small steps to healthy roadside vegetation initiatives can be applied to protect and enhance roadside biodiversity. (Cameron/Lyon)

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

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## STAFF REPORTS - INFRASTRUCTURE SERVICES

**Report No. 7.11**                    **Former Mullumbimby Hospital - Contamination Review**

**File No:**                            I2017/1554

**17-623**    **Resolved:**

1. That Council receive a further report on the projected costs of contaminated site management, site holding costs, demolition of all structures and full site remediation for the Mullumbimby Hospital property.
2. That Council send a letter to the Department of Health noting that Council are exploring option 1 with the deletion of condition 11. (Cameron/Ndiaye)

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

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**Report No. 7.12**                    **Tree Removals Railway Park Byron Bay**

**File No:**                            I2017/1687

**17-624**    **Resolved** that Council:

1. Does not accept the report provided due to:
  - i. a failure to provide the necessary information pertaining to the decision making process, processes in obtaining all relevant approvals and requirements.

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- ii. an overabundance of irrelevant and potentially distracting information not relevant to the report requirements, for example the approximately 3 pages dedicated to an overview of the work of the Better Byron Crew across the Byron CBD
  - iii. the lack of clarity of the reasons behind the tree removal, and contradiction between one expressed reason, "These directions were given on the basis of routine renewal maintenance activities that aligned with the scope of works that the BBC regularly performed", and, "it would be desirable for trees to be removed as part of the redevelopment."
  - iv. a failure to explain the whether the communication and engagement plan concerning the tree removal was fully applied as endorsed by the Executive Team on June 7, 2017 and a failure to provide this plan in the report
  - v. failure to provide any evidence that the botanist engaged supported or recommended the removal of the tree
  - vi. a failure to outline the reasons for no flora and fauna assessment reports being completed prior to the removal of the Eucalyptus Dunnii.
  - vii. a failure to explain why when the tree was considered 'a limb shedding species', it was not considered to be classified as dead, dying or dangerous and thus requiring a dead, dying or dangerous assessment report as required in Council's tree removal approval pathways process.
  - viii. a failure to explain why as part of the required 'consider level of community consultation required' section of Council's tree removal approval pathways process, none appeared to occur.
  - ix. a failure to explain why a flora and fauna assessment was not required as stipulated in the ChapterB2–Preservation of Trees and other vegetation of the Byron Shire Development Control Plan 2014, under B2.2.1 8(a)
2. Engages an independent consultant to provide the report, including recommendations as outlined in 17-555, and also consider the matters raised and omissions listed in 1.

(Richardson/Coorey)

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

*Cr Hunter voted against the motion.*

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**Report No. 7.13**                      **Bangalow STP Membrane Replacement**  
**File No:**                              I2017/1730

**17-625**    **Resolved** that Council:

1. Resolves in accordance with Section 55(3)(i) of the Local Government Act, to not issue a request for tender for the supply of membrane units for Bangalow STP because the products required are proprietary products and a satisfactory result would not be achieved by inviting tenders; and
2. Delegates the General Manager to enter into a contract with Suez WT&S for the supply of the membranes for \$249,657 (ex GST) in accordance with the attached proposal from Suez WT&S.  
(Lyon/Ndiaye)

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

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**CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 8.1**            **CONFIDENTIAL - Council Tender for the Multi Use of Byron Shire Rail Corridor**  
**File No:**                I2017/1710

PROCEDURAL MOTION

**17-626 Resolved:**

1. That pursuant to Section 10A(2)(c) and (d)i of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the report Council Tender for the Multi Use of Byron Shire Rail Corridor.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
  - a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
  - b) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

Disclosure would reveal commercial information supplied by potential Consultants which could prejudice Council entering into a Contract. (Richardson/Ndiaye)

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

**17-627 Resolved:**

That Council not accept any of the tenders for Lump Sum Price Contract 2017-0037 for the study on the Multi-Use of Byron Shire Rail Corridor and invite Expressions of Interest as follows.

1. An independent consultant be appointed to review and redraft EOI/RFT documents and to project manage an Expression Of Interest process on the following timetable:
  - a) Review, redraft and advertising of new EOI for presentation to Council at the 1 February 2018 Ordinary meeting
  - b) Assess and make recommendations to Council within 28 days of EOI close.
2. That the brief for the selection of a consultant be prepared by staff with the Mayor and Deputy Mayor to be provided with the opportunity to make comment on the brief.
3. That staff compiling the consultant's brief consider including requirements to:
  - a) Design a high level framework for project management and governance of preparation, advertising, appointment and delivery stages of the project.
  - b) Identify governance mechanisms that at a minimum provide for the inclusion of the Mayor and Cr Cameron
    - i) in the review and redraft of the EOI/RFT documents



- ii) in all project team discussions around scoping, hold point and review points in the delivery stage
  - c) Identify governance, feedback and reporting arrangements to keep Council informed.
  - d) Conduct an independent assessment panel.
  - e) Consider and provide options for tender management following the EOI including potential to split into more than one tender.
4. Write to all EOI and RFT submitters to advise of and apologise for the decision not to proceed with current process and request that they consider submissions to future EOI and RFT processes. (Cameron/Richardson)

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

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**STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 7.7            PLANNING - 10.2017.270.1 Multi dwelling housing comprising eight (8) dwellings, Strata Title subdivision to create eight (8) Strata Lots and Common Property and Tree Removal (17 trees) at 6 and 6A Canowindra Court South Golden Beach**

**File No:**                    I2017/1672

Moved:

1. That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application 10.2017.270.1 for multi dwelling housing comprising eight (8) dwellings, Strata Title subdivision to create eight (8) Strata Lots and Common Property and Tree Removal (17 trees), be granted consent subject to the conditions listed in Attachment 2 #E2017/104959.
2. That the consent conditions be amended by inserting the following additional condition:

17A) Amendment to the plan required - Deletion of Two Units.

To provide an improved level of amenity between residential units and surrounding properties, and increased landscaped open space areas the plans submitted for approval for the Construction Certificate must be amended by:

- a) Deleting Units 3 and 4 and
- b) A minimum setback of 3 metres to be provided between Units 2 and Unit 5, between Unit 6 and Unit 7, and four metres between Unit 8 and the eastern boundary.

Such plans are to be approved as part of the Construction Certificate. Strata subdivision to create 6 residential lots plus common property only. (Coorey/Cameron)

PROCEDURAL MOTION

**17-628 Resolved** that the meeting move out of confidential session. (Richardson/Ndiaye)

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

# BYRON SHIRE COUNCIL

EXTRAORDINARY MEETING MINUTES

28 November 2017

## PROCEDURAL MOTION

- 17-629 Resolved** that Cr Coorey's opening speech on item 7.7 be included in the publicly available audio of the meeting. (Richardson/Ndiaye)

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

## AMENDMENT

- 17-630 Resolved:** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application 10.2017.270.1 for multi dwelling housing comprising eight (8) dwellings, Strata Title subdivision to create eight (8) Strata Lots and Common Property and Tree Removal (17 trees), be granted consent subject to the conditions listed in Attachment 2 #E2017/104959. (Spooner/Hunter)

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

*Crs Coorey, Martin, Cameron and Hackett voted against the amendment.*

The amendment upon becoming the substantive motion was put to the vote and declared carried. *Crs Coorey, Martin, Cameron and Hackett voted against the motion.*

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## URGENCY

### PROCEDURAL MOTION

- 17-631 Resolved** that the following be considered as a matter of urgency. The urgency being the restricted timeframe indicated to Council from transport NSW as to their design, construction and completion timeline. (Richardson/Ndiaye)

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

#### **No. 1 Matter of Urgency - Bus Interchange**

- 17-632 Resolved** that Council writes to the Minister for Transport seeking confirmation as to whether the Cavanbah centre can be considered as a possible location for the country link bus interchange project. (Richardson/Ndiaye)

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

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#### **Urgency No. 2 Summer Enforcement Action**

Cr Richardson withdrew this matter of urgency.

### PROCEDURAL MOTION

- 17-633 Resolved** that the following be considered as a matter of urgency. The urgency being that the grant opportunity for funding for the proposed development application will shortly close. (Ndiaye/Lyon)

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

#### **Urgency No. 3 Matter of Urgency - Grant Opportunity - Byron Bay Football Club**

- 17-634 Resolved** that in relation to the proposed funding application for the Byron Bay Football Club at the Byron Recreational Ground, Byron Bay, Council:

# BYRON SHIRE COUNCIL

EXTRAORDINARY MEETING MINUTES

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1. Provide in principle land owners consent for the purpose of lodging a DA
2. Receive a report from staff on the proposed Sport house facility including consideration of:
  - a. Ongoing operational options and impacts
  - b. Ownership and tenure of the structure including draft sports user agreement
  - c. Type of use - Exclusive use versus multi use access
  - d. Consideration of alignment with the draft Plan of Management and Shire Wide Recreational Needs Study
  - e. Details of the proposed grant/s and funding sources (Ndiaye/Lyon)

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

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## PROCEDURAL MOTION

- 17-635 Resolved** that the following be considered as a matter of urgency. The urgency being that there is a meeting of the Local Traffic Committee early next month and the need to confirm zoning and signage to commence the trial etc. in accordance with Council Resolution 17-587. (Hunter/Coorey)

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

### **No. 4 Brunswick Heads Parking Management Strategy**

Moved:

That in relation to the implementation of the Brunswick Heads Parking Management Strategy that Council endorse the following time limits subject to Local Traffic Committee approval:-

1. General time limits to apply Mon to Fri 9.00am -5.00pm and Saturdays 9.00am to 12.00 Midday
2. Time Limits at South Beach Road and South Beach Lane be retained as all-day parking. (Hunter/Coorey)

## AMENDMENT

### **17-636 Resolved:**

That in relation to the implementation of the Brunswick Heads Parking Management Strategy that Council endorse the following time limits subject to Local Traffic Committee approval:

1. General time limits to apply Mon to Sun 9.00am - 5.00pm
2. Time Limits at South Beach Road and South Beach Lane be retained as all-day parking. (Richardson/Lyon)

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

*Crs Coorey, Hackett, Spooner and Hunter voted against the amendment.*

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

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*There being no further business the meeting concluded at 10.13pm.*

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**BYRON SHIRE COUNCIL**

EXTRAORDINARY MEETING MINUTES

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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 14 December 2017.

.....  
Mayor Simon Richardson