

Notice of Meeting

Infrastructure Advisory Committee Meeting

An Infrastructure Advisory Committee Meeting of Byron Shire Council will be held as follows:

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 20 April 2023
Time	9.00am

Phillip Holloway
Director Infrastructure Services

I2023/558
Distributed 13/04/23



CONFLICT OF INTERESTS

What is a “Conflict of Interests” - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Code of Conduct for Councillors (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in the Code of Conduct for Councillors.

Who has a Pecuniary Interest? - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

Relatives, Partners - a person is taken to have a pecuniary interest in a matter if:

- The person’s spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or

- (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as of the provisions in the Code of Conduct (particularly if you have a significant non-pecuniary interest)

Committee members are reminded that they should declare and manage all conflicts of interest in respect of any matter on this Agenda, in accordance with the [Code of Conduct](#).

RECORDING OF VOTING ON PLANNING MATTERS

Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

OATH AND AFFIRMATION FOR COUNCILLORS

Councillors are reminded of the oath of office or affirmation of office made at or before their first meeting of the council in accordance with Clause 233A of the Local Government Act 1993. This includes undertaking the duties of the office of councillor in the best interests of the people of Byron Shire and the Byron Shire Council and faithfully and impartially carrying out the functions, powers, authorities and discretions vested under the Act or any other Act to the best of one's ability and judgment.

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BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

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ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 Adoption of Minutes from Previous Meeting

Directorate: Infrastructure Services

5 **Report Author:** Dominika Tomanek, Executive Assistant Infrastructure Services

File No: I2023/547

10 **RECOMMENDATION:**

That the minutes of the Infrastructure Advisory Committee Meeting held on 16 February 2023 be confirmed.

15 **Attachments:**

1 Minutes 16/02/2023 Infrastructure Advisory Committee, I2023/205 , page 8 [↓](#) 

Report

The attachment to this report provides the minutes of the Infrastructure Advisory Committee Meeting of 16 February 2023 .

5

Report to Council

The minutes were reported to Council on 23 March 2023

Comments

10

In accordance with the Committee Recommendations, Council resolved the following:

23-075 Resolved that Council adopts the following Committee Recommendation:

Report No. 4.1 Pedestrian Access & Movement Plan and Bike Plan Review

Committee Recommendation 4.1.1

That the Infrastructure Committee supports the Pedestrian Access and Mobility Plan and Bike Plan being reviewed, combined into an Active Transport Action Plan and consulted to the community as part of the 2023/24 Operational Plan actions.

Minutes of Meeting
Infrastructure Advisory Committee
Meeting

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 16 February 2023
Time	4.30pm



BYRON SHIRE COUNCIL

INFRASTRUCTURE ADVISORY COMMITTEE MEETING MINUTES 16 FEBRUARY
2023

**Minutes of the Infrastructure Advisory Committee Meeting held on Thursday, 16
February 2023**

File No: I2023/205

PRESENT: Cr Michael Lyon (Mayor), Cr Duncan Dey, Cr Mark Swivel

Staff: Phil Holloway (Director Infrastructure Services)

James Flockton (Infrastructure Planning Coordinator)

Dominika Tomanek (Minute Taker)

Community Representatives:

Anthony Pangallo – online

Andrew Winton-Brown

*Cr Lyon (Chair) opened the meeting at 4:39pm and acknowledged that the meeting was
being held on Bundjalung Country.*

ATTENDANCE VIA AUDIO-VISUAL LINK:

APOLOGIES:

Gareth James

Kellie O'Brien

Genevieve Lee

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

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ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

INFRASTRUCTURE ADVISORY COMMITTEE MEETING MINUTES 16 FEBRUARY
2023

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 Adoption of Minutes from Previous Meeting
File No: I2023/177

Committee Recommendation:

That the minutes of the Infrastructure Advisory Committee Meeting held on 7 October
2022 be confirmed. (Pangallo/Dey)

The recommendation was put to the vote and declared carried.

BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from previous minutes.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 Pedestrian Access & Movement Plan and Bike Plan Review
File No: I2023/186

Committee Recommendation:

That the Infrastructure Committee support the Pedestrian Access and Mobility Plan and
Bike Plan being reviewed, combined into an Active Transport Action Plan and consulted to
the community as part of the 2023/24 Operational Plan actions. (Lyon/Swivel)

The recommendation was put to the vote and declared carried.

There being no further business the meeting concluded at 5:12pm.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 Operational Plan - Workshop Session

Directorate: Infrastructure Services

5 **Report Author:** Heather Sills, Manager Corporate Services

File No: I2023/516

Summary:

10 The draft *Operational Plan 2023/24* is currently before Council, to go on public exhibition over the month of May. During the public exhibition Council will seek feedback from community and stakeholders.

Advisory committees are asked to contribute to this process, specifically addressing the Delivery Program priorities related to their areas of interest and expertise.

15

RECOMMENDATION:

That the Infrastructure Advisory Committee provide input into the development of the draft Operational Plan 2023/24 (Attachment 1).

20

Attachments:

1 DRAFT Operational Plan 2023/24 - Connected Infrastructure, E2023/36590 , page 15  

Report

5 The Community Strategic Plan (CSP) was developed to guide long term future planning to meet the needs and aspirations of the community. The CSP outlines the objectives and strategies which sit at the highest level of Council's planning hierarchy to set the framework for the Delivery Program and annual Operational Plans.

Outcomes

The Community Strategic Plan provides the 'vision' for the future:
Byron Shire is a 'meeting place': Where people can come together to connect, share, grow, inspire, and create positive change.

10 There are five *community objectives*, each with five overarching strategies that guide Council toward achieving this vision for the community.

Community Objective 1: Effective Leadership – We have effective decision making and community leadership that is open and informed.

Strategies:

- 15 1.1 Enhance trust and accountability through open and transparent leadership
1.2 Engage and involve community in decision making
1.3 Ethical and efficient management of resources
1.4 Enhance organisation capability through innovative practices and regional partnerships
20 1.5 Empower community leadership through collaboration, capacity building, and cultivating community driven initiatives

Community Objective 2: Inclusive Community – We have an inclusive and active community where diversity is embraced, and everyone is valued.

Strategies:

- 25 2.1 Foster opportunities to express, celebrate and participate in arts and cultural activity
2.2 Enhance safety and contribute to the physical, mental, and spiritual health and wellbeing of our people
2.3 Respect Aboriginal culture, value cultural knowledge, and acknowledge history
2.4 Enrich lifelong learning and education and support services to help young people
30 thrive
2.5 Create social impact and initiatives that address disadvantage

Community Objective 3: Nurtured Environment – We nurture and enhance our natural environment.

Strategies:

- 35 3.1 Partner to nurture and enhance our biodiversity, ecosystems, and ecology
3.2 Deliver initiatives and education programs to encourage protection of our environment
3.3 Protect the health of our coastlines, estuaries, waterways, and catchments

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4.1

- 3.4 Support and empower our community to adapt to, and mitigate our impact on climate change
- 3.5 Minimise waste and encourage recycling and resource recovery practices

5 **Community Objective 4: Ethical Growth** – We manage growth and change responsibly

Strategies:

- 4.1 Manage responsible development through effective place and space planning
- 4.2 Enable housing diversity and support people experiencing housing insecurity
- 10 4.3 Promote and support our local economy
- 4.4 Foster sustainable visitation and the impacts of tourism on the Shire
- 4.5 Support a resilient community that can adapt and respond to change

15 **Community Objective 5: Connected Infrastructure** – We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable.

Strategies:

- 5.1 Provide a safe, reliable, and accessible transport network
- 5.2 Connect the Shire through integrated transport services
- 20 5.3 Invest in renewable energy and emerging technologies
- 5.4 Provide accessible community facilities and open spaces
- 5.5 Provide continuous and sustainable water and sewerage management

Delivery Program 2022-26

25 Cascading out of the ten year strategies of the CSP come the four year actions in the Delivery Program. The Delivery Program outlines Council's commitment to the community on how it will work towards the CSP strategies during its term. The annual activities in the Operational Plan detail how Council works towards the Delivery Program year by year.

Draft Operational Plan 2023/24

30 The 'Connected Infrastructure' section of the draft Operational Plan 2023/24 has been extracted for the Infrastructure Advisory Committee to consider (attachment 1).

A brief workshop session will be held as part of the meeting to provide opportunities for input and discussion.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership We have effective decision making and community leadership that is open and informed	1.1: Enhance trust and accountability through open and transparent leadership	1.1.1: Leadership - Enhance leadership effectiveness, capacity, and ethical behaviour	1.1.1.3	Develop 2023/24 Operational Plan

Legal/Statutory/Policy Considerations

- 5 The requirements for the Community Strategic Plan are governed by [Section 402](#) of the Local Government Act 1993.

Further requirements are outlined in sections 403-406 and in the Integrated Planning and Reporting [Guidelines](#) and [Handbook](#).

Financial Considerations

- 10 Not applicable.

Consultation and Engagement

This discussion forms part of the community engagement on the draft Operational Plan 2023/24.

Report No. 4.2 New Brighton Parking Options Investigation

Directorate: Infrastructure Services

Report Author: Judd Cornwall, Traffic & Transport Engineer

File No: I2023/472

5 **Summary:**







The purpose of this report is to provide an update on the proposed options for the Esplanade, New Brighton parking provisions, south of the Strand.

10

RECOMMENDATION:

- 15 **1. That Council Staff do not proceed with any further works regarding parking facilities on The Esplanade, New Brighton, south of The Strand due to the environmental implications discovered within the planning pathways assessment (E2023/35699).**
- 20 **2. That Council staff continue to develop designs to improve North Head Carpark and provide way finding signage in the area to help direct beach goers to this facility.**

Attachments:

- 25 1 Option 1_The Esplanade access and parking options, E2023/35718 , page 49 [↓](#) 
- 2 2 Option 5_The Esplanade access and parking options, E2023/35717 , page 53 [↓](#) 
- 3 3 Option 3_The Esplanade access and parking options, E2023/35716 , page 54 [↓](#) 
- 4 4 The Esplanade, New Brighton - Potential Parking Areas and Concept Designs, E2023/35699 , page 55 [↓](#) 
- 5 5 North Head Road - Parking Draft Design, E2023/36775 , page 73 [↓](#) 
- 30 6 210721_BSC - Parking Study and Wayfinding NewBrighton _ Final Issue_compressed, E2021/126309 , page 74 [↓](#) 

Report

Following Council resolution number 21-349, staff have been progressing the parking investigations at New Brighton.

The Esplanade

- 5 Council staff have been developing options for improved parking provisions at the Esplanade New Brighton, South of the Strand. A number of options have been developed and are attached in attachments 1, 2 and 3.

- 10 Following the options development staff engaged a planning consultant to assess upgrade scenarios to consider the type of Planning Pathways Assessment that would be required. This was requested due to the environmental impact caused by the options and to understand the most appropriate way forward from an Environmental planning perspective. The outcomes are provided in attachment 4.

- 15 One of the key reasons for undertaking this type of assessment is to decide if the proposed activity is likely to have a significant impact on the environment. Several of the options proposed involve significant tree removal, or cutting into the rear of the main dune, or building a concrete block wall in the main dune.

All these activities are likely to have a significant impact on the environment because it is a highly dynamic coastal erosion zone. It is an area where Council policy (as contained in its 2010 DCP) states:

- 20 *Element – Precinct 1 - from the Beach Escarpment to the Immediate Impact Line*

Element Objective

To ensure the impact of coastal processes on potential development is minimised by limiting development and ensuring any development is only temporary.

Performance Criteria

- 25 *New buildings or works are to be temporary and able to be readily removed in the event of coastal erosion. Development that is of a community nature, which relates to the use of the beachfront, may be considered, provided that any building is easily removable and does not require a major extension to a service main.*

- 30 Works such as cutting the dune and building a retaining wall and new, wider roads are not temporary or readily removed. They are inconsistent with Council policy.

Removal of mature, native vegetation that has been planted to protect and stabilise the dune is also the opposite of what Council would normally do in this situation.

- 35 All options contain road widening, at least for a new turnaround area, and a retaining wall of some sort. Council should only proceed with these works if it is prepared to produce an Environmental Impact Statement with associated specialist reports on coastal erosion, vegetation impacts, etc.

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If Council staff were to proceed with an Environmental Impact Statement, it would come at a substantial cost (~\$150,000) and may not receive State endorsement due to the environmental significance of the area.

- 5 It has been recommended that the project be separated into the works that are exempt (and those that are not), and that the exempt works be undertaken with due care if they add any value to the problems that need to be resolved.

The exempt parts of option 1 have already been undertaken such as bollards (rocks have been used), signage and parallel parking. This may be as much as can be achieved given the physical constraints of the site.

- 10 Due to the above, further investigation of parking improvements at The Esplanade is not recommended. It is recommended that the current layout remain and minor landscaping works be supported to support parking compliance.

North Head Road

Staff have developed designs for North Head Road as per attachment 5.

- 15 It is recommended that staff continue to develop the designs to improve North Head Carpark and provide way finding signage in the area to help direct beach goers to this facility as part of these designs. Once complete seek funding for these works.

Alternate Parking Options

- 20 Staff have further investigated alternate parking options in New Brighton and are unable to find any alternate options, except for the options previously provided at Ocean Avenue and Park Street. Therefore it has been concluded that Councils only options for improved parking provisions at New Brighton are in Ocean Avenue and Park Street.

As per attachment 6.

- 25 These could be investigated as a bigger multi department project to complete some place planning, open space improvements and parking improvements in New Brighton as one holistic design process.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable	5.4: Provide accessible community facilities and open spaces	5.4.1: Community buildings - Ongoing maintenance and capital upgrades of community buildings with a focus on increasing accessibility	5.4.1.2	Deliver accessibility outcomes within Capital Works and infrastructure renewal programs

Recent Resolutions

- Resolution number 21-349

5 Resolved that Council:

1. *Notes the community representatives' request to not proceed with amending car parking supply and car parking arrangements within Ocean Avenue and Park Street, New Brighton.*

10 2. *Begins developing detailed design plans for the North Head car parking area, subject to sufficient funds being available within the project budget.*

3. *Notes the ongoing works by staff to consider the parking arrangements at The Esplanade, New Brighton, south of Strand Avenue in association with planned resealing and dune protection works. (Lyon/Martin)*

The motion was put to the vote and declared carried.

15 Cr Hunter voted against the motion.

Legal/Statutory/Policy Considerations

Council Development Control Plan –

Element – Precinct 1 - from the Beach Escarpment to the Immediate Impact Line

Element Objective

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4.2

To ensure the impact of coastal processes on potential development is minimised by limiting development and ensuring any development is only temporary.

Performance Criteria

- 5 *New buildings or works are to be temporary and able to be readily removed in the event of coastal erosion. Development that is of a community nature, which relates to the use of the beachfront, may be considered, provided that any building is easily removable and does not require a major extension to a service main.*

Report No. 4.3 Myocum Quarry Update

Directorate: Infrastructure Services

Report Author: Nikki Bourke, Project Officer

File No: I2022/1341

5 **Summary:**

10 This report is a requested six monthly update of the Myocum Quarry Precinct. This update addresses the allocation of resources and status of projects relating to the Myocum Quarry Precinct. The central of the three quarries (Lot 4), has the most pressing need in that it is Council owned and leased, with the lease terminating in June 2024. Resources have been prioritised for this project to ensure the property is returned to Council in a state compliant with the development approval, and which is suitable for future uses.

15 **RECOMMENDATION:**

That the contents of the report are noted.

20 **Report**

Myocum Quarry Precinct

The Myocum Quarry Precinct comprises three quarries:

- 25 - Lot 1 Quarry – Byron Shire Council’s owned and operated quarry at Lot 1 DP591441. The site has ceased quarry operations and requires a modified DA to rehabilitate the site;
- Lot 4 Quarry – Council owned Lot 4 DP1052900, leased to Leela Plantations P/L, and operated by J&M Bashforth & Sons P/L. The lease is due for completion in June 2024.
- Lot 17 Quarry – Lot 17 DP1178892 owned and operated by Leela Plantations P/L.



Figure 1:

Myocum Quarry Precinct

Lot 1 Myocum Quarry

20 The Myocum Quarry Project Control Group (PCG) was initially formed to progress matters relating to the Lot 1 Quarry including:

- Ensuring compliance with the development approval, as well as licensing and legislative obligations;
- Understanding and improving current quarry operations; and

25 - Planning for future use of the site.

The Lot 1 Quarry is no longer used for quarrying and there are no plans to do so in the future as the material source is largely exhausted.

Investigations, consultation and information to date includes:

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- A site aerial survey showing that the landform is not in compliance with the rehabilitation plan for the Lot 1 Quarry DA. There are areas of over-extraction and under-extraction that may need to be rectified for safety and environmental reasons;
- 5 - Council's Sustainable Environmental and Economy Directorate were consulted via a Development Assistance Panel (DAP) meeting regarding possible rectification pathways for non-compliances;
- A modified DA will be required supported by the following studies: Statement of Environmental Effects (SEE), Geotechnical Assessment, Hydrology Assessment, and an updated Rehabilitation Plan that is achievable with the current landform;
- 10 - A resolution on the likely future use/s of the Lot 1 and neighbouring Lot 4 sites would be beneficial in completing the required studies; and
- A NSW EPA approval is currently in place (as special conditions to the site's Environmental Protection Licence – EPL12600) to use the site for road materials stockpiling and transfer for the 2022 Flood Road Work Recovery program.
- 15 While important, this project is not considered urgent as quarrying activities have ceased. Furthermore, this project should take priority when the Lot 1 Quarry is no longer required as a road materials transfer facility for the 2022 Flood Road Recovery for which the site currently has EPA approval for.

Lot 17 Leela Quarry

- 20 Leela owns and operates the Lot 17 DP1178892 Quarry. Development consent 95/0241 covers operations at this site.

Lot 4 Myocum Quarry

In considering future uses, the PCG sees the benefits of considering an amalgamated Lot 1 and Lot 4 site, and thus the status of the Lot 4 Quarry needs to be understood.

- 25 The Lot 4 Quarry is currently leased to Leela Plantations P/L (Leela) and quarried by J&M Bashforths P/L (Bashforths) contracted to Leela. A search of Council documentation yielded the following information:
 - Development consent to operate the Lot 4 quarry (DA 95/0241) was granted from 25 May 1999, when the site was owned by Leela;
 - 30 - Negotiation between Council and Leela began in the late 1990's to purchase the 7 hectares of Leela land subject to a spill from the Myocum landfill, negotiations were prolonged due to a disagreement with the purchase price.
 - A Council report on 26 April 2000 resolved to purchase the 7 hectares (resolution 01-569) and leasing the land back to Leela to continue operation of the quarry
 - 35 formed part of the settlement Deed;
 - The lease commenced 4 June 2003;

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- The site is leased for a nominal \$1 per annum;
- The site operation has largely been left to the lessee Leela and operator Bashforths and the compliance status of the site in accordance with the DA is not well understood;
- 5 - Encroachments are evident along the southern (Lot 1 Quarry) and eastern (Myocum Resource Recovery site) boundaries, which need to be investigated further;
- In order to understand the DA compliance status of the Lot 4 site the following studies are likely needed before the completion of the lease, rehabilitation of the site and return to Council:
10
 - o Survey for landform considerations;
 - o Geotechnical for stability;
 - o Hydrology/hydrogeology for compliance with water and groundwater legislation;
 - 15 o Environmental for compliance with the DA's environmental reports and plans including the Quarry Environmental Management Plan (QEMP), Environmental Impact Report (EIR/EIS), and Statement of Environmental Effects (SEE).
- The 21 year lease terminates on 3 June 2024.
- 20 Communications with Leela and Bashforths commenced to collaborate on understanding the landform and environmental status of the site, and to determine actions required to return the site to Council in June 2024.

Myocum Quarry Precinct Prioritisation

25 A report to ET (I2022/1341) recommended that a project management resource, and specialist consultants as required, be appointed to facilitate:

- the completion of the Lot 4 Quarry lease;
 - the return of the site to Council operations in a suitable condition, and with minimum residual risk; and
 - plan for the ongoing maintenance of the property.
- 30 The report was resolved as follows:

Report No. 3.1 Myocum Quarry Precinct Update
File No: I2023/144

RESOLVED:

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4.3

1. *Executive Team endorsed an amount of \$50,000 be allocated from available funds in the Quarry Reserve through the QBR be used to fund the investigation, assessment and negotiation of the Lot 4 lease conclusion.*
- 5 2. *Executive Team confirmed this project is a priority, and the internal staff resources for the Myocum Quarry Precinct focus on the Lot 4 completion of lease as a priority.*
3. *Executive Team endorsed the Myocum Quarry Project Control Group continue to convene to monitor and action all Myocum Quarry Precinct activities as resources allow.*
- 10 4. *Executive Team endorsed the status of the Quarry Precinct be reported to the Infrastructure Committee.*

Lot 4 Myocum Quarry Progress

The following actions and discovery has occurred since the ET resolution and an update on the issues will be considered by ET on 19 April 2023:

15 • **Site meeting:**

A site meeting was held on 1 March 2023 with Leela, Bashforths and Council representatives. Actions were identified with respect to preparing the site for future return to Council management and include:

- Extending the lease by one year to enable rehabilitation;
- 20 ○ Investigating and advising the lessee on the administrative process to return the site to Council;
- Determining the applicable environmental and WHS legislative requirements for the site to ensure the site is compliant;
- Obtain survey and boundary demarcation on site; and
- 25 ○ Providing Council's desired final rehabilitation plan to Leela and Bashforth to negotiate shaping the site. To facilitate the rehabilitation design, consultant studies such as survey, geotechnical, environmental will be required, in addition to an executive decision on future use planning for an amalgamated Lot 1 and Lot 4 site.

30

• **Rehabilitation requirements:**

Council's Leasing Coordinator researched the rehabilitation requirements in accordance with the lease and DA for the site, with findings as follows:

"Settlement date for the quarry sale to Council is 26 July 2002.

35 *The only reference to rehabilitation of the quarry site is found with documents submitted with DA 95/0241 that commenced on 25 May 1999.*

Condition 2 of DA 95/0241 required a detailed report to implement rehabilitation measures within 6-months of consent. It appears that detailed report is the

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QEMP by Greg Alderson & Associates dated November 1999 & Assessment of Environmental Effects. An Environmental Impact Report by Balanced Systems dated 13 June 1995 follows.

5 Council must read the QEMP & EIR in knowledge that Leela commissioned these reports with its future use of the quarry in mind not Council's.

10 QEMP: Rehabilitation in Chapter 5 of the QEMP. A letter dated 29 November 1999 details (Leela's vision) that the final use of the quarry site after all raw production has been removed is a woodlot, providing Koala food trees, progressive rehabilitation will also be implemented. Item 5.2 states benchmark operational methods which aligns with the Leela's vision, however, item 5.3 providing an alternative method.

15 EIR: item 3.6.3.2 vegetation management and item 3.6.4 Rehabilitation and final landform is relevant. Leela was required to carry out progressive rehabilitation of the site in accordance with item 3.6.4.1 in stages. The preferred option for final land use is a combination of wetlands and equestrian centre see item 3.6.4.2."

20 When at the site, Leela and Bashforths described the final landform they intended at handover to be a series of connected waterbodies (or wetland) and the residual land will be planted with koala food trees. No sketches or plans have been sighted for this and therefore it is not known whether this constitutes a 'woodlot' or complies with the DA and QEMP. There has also been no progressive rehabilitation to date. As per the site visit minutes, Leela considers that any alternative rehabilitation to that described in the DA/QEMP, will be additional to their original DA's intent.

25 However, they would consider a 'trade' to improve community outcomes in the final profiling. An example trade discussed was allowing Leela/Bashforths to quarry the dividing rock curtain with which they could sell the high-grade material.

30 Finally, they expressed that their intention was to quarry until the end of the lease period. They communicated that rehabilitation activities would require a minimum 12 month period beyond that (lease extension). They said they required receipt of Council's desired rehabilitation plans prior to the end of lease.

Next steps

35 The status of work to date on matters associated with Lot 4 (Leela leased quarry) is being reported to the ET meeting of 19 April 2023 for further direction.

The Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
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4.3

<p>5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable</p>	<p>5.1: Provide a safe, reliable, and accessible transport network</p>			
<p>5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable</p>	<p>5.1: Provide a safe, reliable, and accessible transport network</p>	<p>5.1.5: Restore road network - Restore the affected parts of the road network that were impacted by the 2022 flood events</p>	<p>5.1.5.1</p>	<p>Flood Damage Repair program</p>
<p>3: Nurtured Environment We nurture and enhance the natural environment</p>	<p>3.5: Minimise waste and encourage recycling and resource recovery practices</p>	<p>3.5.5: Facilities and services - Provide resource recovery facilities and services that meet statutory requirements</p>	<p>3.5.5.1</p>	<p>Maintain compliance with NSW Environmental Protection Licences for the Byron Resource Recovery Centre and Myocum Landfill</p>

Recent Resolutions

Resolved that Council adopts the following Committee Recommendations:

Report No. 3.3 Myocum Quarry DA Compliance and Options Report

File No: I2022/656

5 Committee Recommendation 3.3.1

That Council supports:

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1. The actions as recommended in the report “DA Compliance and Options Assessment for Myocum Quarry” (E2021/155252) in response to resolution 21-098 and including preparation of a section 4.55(2) modification to the original development consent.
2. The provision of six monthly updates to the Infrastructure Advisory Committee.
- 5 3. The first six monthly update to include consideration of budget implications.
(Lyon/Ndiaye) .

ET Report No. 3.1 Myocum Quarry Precinct Update

File No: I2023/144

10 RESOLVED:

1. Executive Team endorsed an amount of \$50,000 be allocated from available funds in the Quarry Reserve through the QBR be used to fund the investigation, assessment and negotiation of the Lot 4 lease conclusion.
- 15 2. Executive Team confirmed this project is a priority, and the internal staff resources for the Myocum Quarry Precinct focus on the Lot 4 completion of lease as a priority.
3. Executive Team endorsed the Myocum Quarry Project Control Group continue to convene to monitor and action all Myocum Quarry Precinct activities as resources allow.
4. Executive Team endorsed the status of the Quarry Precinct be reported to the Infrastructure Committee.

20 **Legal/Statutory/Policy Considerations**

As per the previous report (I2022/656), it is considered that the Lot 1 Myocum Quarry currently contains a high level of regulatory risk, and potentially high levels of financial, reputational, environmental and workplace health and safety risk operating the quarry in its current state and under the current DA. However, as the site is no longer being actively quarried, and that the NSW EPA has been consulted, visited site and approved a special EPL condition to use the site for road and flood materials storage and transfer, the matters are no longer considered urgent.

The Lot 4 quarry leased to Leela is the current focus of available staff resources. It is possible legal processes will be required to resolve matters associated the return of the leased quarry.

Financial Considerations

Comment by Manager Finance:

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Council currently maintains a reserve for Quarry Operations that in theory has been built up over the years to eventually provide funding for rehabilitation once quarry operations cease.

- 5 It is projected at 30 June 2023 the Quarry Reserve will have a balance of \$624,500. The reserve is not growing as Council has ceased quarrying operations however over previous years, the Quarry Reserve was used for other purposes as follows:

30/6/2017 - \$143,000 was removed from the reserve to part fund the remediation of Lot 12 Bayshore Drive. It was not clearly articulated at that time whether this amount had to be repaid but it possibly could be should a sale eventuate at Lot 12.

- 10 30/6/2013 - \$600,000 was removed from this reserve to establish the Infrastructure Renewal Reserve. The covering Council resolution did require these funds to be repaid to the Quarry Reserve but that has not eventuated to date.

Given the two amounts above, the Quarry Reserve is \$743,000 below what it should notionally be i.e. \$1,367,500.

- 15 Whether the available reserve funds will assist with any remediation requires to be determined via the scoping of works required.

- 20 The External Auditor has also raised over the last two financial years to review the costs recognised as liabilities on Council's balance sheet to rehabilitate the Quarry and Landfill with this matter outlined in the latest Management Letter. It is hoped the work subject of this report will assist in the reassessment of those costs in this instance being for the Quarry.

The Executive Team endorsed an amount of \$50,000 be allocated from available funds in the Quarry Reserve through the QBR be used to fund the investigation, assessment and negotiation of the Lot 4 lease conclusion.

25 **Consultation and Engagement**

A Myocum Quarry Project Control Group (PCG) currently meets every 2 months to progress actions related to the Myocum Quarry Precinct. The PCG has representatives from the following Infrastructure Services branches: Works, Resource Recovery, Utilities and Assets and Major Projects.

- 30 Mr Bruno Kortenhorst of Leela was contacted during 2022 to understand the status of the Lot 4 Quarry, to initiate conversations regarding the completion of the lease in 2024 and the return of the property to council. Mr Kortenhorst was keen to engage however Council resources were limited in 2022. A Lot 4 quarry site meeting was held on 1 March 2023 with Leela and their contractor Bashforths, as detailed above the report body.

- 35 Council's Leasing Coordinator and Council's Legal team is assisting with the Lot 4 lease and the return of the Lot 4 Myocum Quarry property to Council management.

Report No. 4.4 Infrastructure Services - Capital Works Update

Directorate: Infrastructure Services

Report Author: Samuel Frumpui, Manager Works

5 **File No:** I2023/551

Summary:

This report provides information to the Committee about the Infrastructure Services Capital Works Program.

Time will be provided at the meeting to review the - Capital Works Program

10 Updates on all Infrastructure Services Capital Works projects will be provided at the meeting via Council's Project Management Control system, Pulse. A brief attachment of the projects is attached for perusal. The system can be opened at the meeting and updates provided on projects as requested by the committee.

15

RECOMMENDATION:

That the committee note the report

20 **Attachments:**

1 PM Software Pulse - Project Deliveries, E2023/37026 , page 96  

Report

A brief update on the Works Team’s current works on site is provided below.

5 Updates on all Infrastructure Services Capital Works projects can be provided at the meeting via Council’s Project Management Control system. A brief attachment of the projects is attached for perusal. The system can be opened at the meeting and updates provided on projects as requested by the committee.

Project	Timeframe	Status
<p><u>Whian Rd Pavement Rehab</u></p> <p>Scope: Pavement Rehab & new seal. 2.1km in total.</p> <p>Section 1: 900m from Eureka Rd heading west</p> <p>Section 2: 900m from Kings Rd heading East</p> <p>Section 3 & 4: two 200m sections west of Kings Rd.</p>	<p>Project has taken 4 weeks to complete</p>	<p>Final seal booked in for Thursday 13/4.</p>
<p><u>Main Arm Road Safer Roads Project</u></p> <p>Scope: Safety improvements along the extent of Main Arm Rd. Shoulder widening, lines, signs and guardrail.</p> <p>Further pavement improvements proposed and currently being procured for 600m section past Sherry’s Bridge and for Main Arm Rd/Murwillumbah Rd intersection.</p>	<p>Works begun in October and forecasted to finish at the end of May.</p>	<p>On going</p>
<p><u>Myocum Road Safer Roads Project</u></p> <p>Scope: Finishing off this project with the widening of culvert and pavement at Culverts 22 (down from Manse Rd) and Culvert 30 (near Mullumbimby Golf Course).</p>	<p>Works Scheduled to finish in early May</p>	<p>On Going</p>

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<p><u>Mullumbimby Skate Park Access Road</u></p> <p>Scope: Construction of new access road into the Mullumbimby Skate Park. Includes new road pavement, carparking, bollards, garden beds and drainage.</p>	<p>6 weeks.</p> <p>Works have been delayed due to wet weather prior to easter. Crews have been moved to other projects to complete prior to re mobilising for this project.</p>	<p>Delayed</p>
<p><u>Old Bangalow Road Drainage</u></p> <p>Scope: Upgrade of easement and drainage through the installation of new pipes, pits and overland drainage.</p>	<p>3 weeks</p>	<p>Complete</p>
<p><u>Clifford Street Drainage</u></p> <p>Scope: Installation of infiltration drainage pits along length of road.</p>	<p>5 days remaining</p> <p>Works have been delayed due to rainfall prior to easter, which has risen the water table.</p> <p>Maintenance Drainage crews to complete project after Easter.</p>	<p>On Hold</p>
<p><u>Murwillumbah Crossing</u></p> <p>Scope: Relocation of street lighting, Install of new pedestrian crossing, new sealing works.</p>	<p>Works begun 23/3.</p> <p>Lighting works have been completed. Concrete works complete for new crossing approaches.</p> <p>AC works delayed so that AC works, and pavement works for Main Arm/Murwillumbah Road Crossing can be completed at the same time.</p>	<p>Delayed</p>

<p><u>Main Arm Road Causeway 2 Replacement</u></p> <p>Scope: Replacement of old causeway with new box culverts. New road pavement and new culvert to be 2 lanes wide.</p> <p>Delayed expected during construction</p>	<p>Works to begin 17/4.</p> <p>2.5 months total scope.</p>	<p>No started</p>
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Strategic Considerations

Community Strategic Plan and Operational Plan

This report relates to numerous Operational Plan actions.

5 Legal/Statutory/Policy Considerations

There are no recommendations proposed that have a negative implication on Council.

Financial Considerations

The detail in this report is provided for the information of the committee members and there are no recommendations proposed that have a financial impact on Council.

10 Consultation and Engagement

The capital works program is consulted to the community each year as part of the budget process.

