

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
15 December 2011

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ORDINARY MEETING MINUTES

15 DECEMBER 2011 (1 of 35)

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY 15 DECEMBER 2011 COMMENCING AT 10.36AM AND CONCLUDING AT 6.47PM

#1171100

PRESENT: Cr J Barham (Mayor), Cr B Cameron, Cr T Heeson, Cr P Morrissey,
Cr S Richardson, Cr R Staples, Cr T Tabart, Cr R Tucker and Cr D Woods

Staff: Graeme Faulkner (General Manager)
Phil Holloway (Executive Manager Community Infrastructure)
Mark Arnold (Executive Manager Corporate Management)
Ray Darney (Executive Manager Environment and Planning)
Shannon McKelvey (Executive Manager Organisational Support)
Catherine Diamond (Executive Manager Society and Culture)
Phil Warner (Executive Manager Water and Recycling)
Mila Jones/Joylene McNamara (Minute Taker)

The Mayor opened the meeting and acknowledged that the meeting was being held on Bundjalung Country.

APOLOGIES: There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Woods declared a non-pecuniary interest in Report No.13.2.6 - Reinforcing existing one-way operation, The Terrace, Brunswick Heads. The nature of the interest being that Cr Woods is a resident on the Terrace.

Cr Staples declared a non-pecuniary interest in Notice of Motion No. 8.3 - Regeneration boundary issues – Brunswick Heads. The nature of the interest being that Cr Staples is a member of the Chemical Free Landcare Group.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

11-1020 Resolved that the Minutes of the following meetings be confirmed:

- Ordinary Meeting held on 1 December 2011
- Byron Shire Reserve Trust Committee Meeting held 1 December 2011
- Extraordinary Meeting held 24 November 2011 (Tucker/Heeson)

The motion was put to the vote and declared carried.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

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

GENERAL MANAGER'S REPORTS

- 12.1. Social/Community Advisory Committee – Proposal to Disband
- 12.2. Draft Community Strategic Plan and consideration of special rate variation

EXECUTIVE MANAGERS' REPORTS

Community Infrastructure

- 12.3. Access Advisory Committee Membership
- 12.8. Levels of Service

Corporate Management

- 12.9. Heritage House Bangalow Section 355 Committee – Amended Fees and Charges
- 12.10. Compliance and Regulatory Services Status Report as at 2 December 2011
- 12.11. 2010-2011 Financial Statements Submission Response
- 12.12. 2012 Proposed Compliance Priorities Program

Environment and Planning

- 12.14. PLANNING – Planning Agreement – Upgrade of the Main Arm Causeway
- 12.15. PLANNING – DA 10.2011.368.1 Two lot subdivision at 335 Federal Drive Federal
- 12.16. PLANNING – DA 10.2011.359.1 Two lot subdivision at 1 Mullumbimby Road, Myocum
- 12.17. PLANNING – DA 10.2011.248.1 Subdivision two (2) lots at 1088 Main Arm Road Upper Main Arm
- 12.18. Draft Corporate Sustainability Policy
- 12.19. Environmental Levy
- 12.21. PLANNING – DA 10.2010.576.1 Beaches of Byron Caravan Park at 5-37 Broken Head Road, Byron Bay

Organisational Support

- 12.24. PLANNING – BSC ats Stebbing and Stebbing LEC 11144/2011

Society and Culture

- 12.28. Main Beach Car Park Amenity Blcok Youth Art Project – Design Approval
- 12.29. Review of Service Delivery Models for Sandhills Early Childhood Centre
- 12.30. Draft Crime Prevention Strategy and Action Plan
- 12.31. Draft Positive Ageing Strategy and Action Plan 2012-2016

Water and Recycling and Corporate Management

- 12.32. Expiry of Lease – 18 Fletcher Street Byron Bay

Water and Recycling

- 12.35. Proposed Easement Acquisition for Pipeline

COMMITTEE REPORTS

Community Infrastructure

- 13.2. Report of the Local Traffic Committee Meeting held on Wednesday 23 November 2011
 - 13.2.4 Request for additional speed humps, Brandon Street, Suffolk Park
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- 13.3 Report Transport Advisory Committee Meeting 24 November 2011

CONFIDENTIAL REPORTS

Corporate Management

- 15.3 CONFIDENTIAL Compliance enforcement action in respect of specific "holiday let" properties

Water and Recycling

- 15.4. CONFIDENTIAL Land Matters – Myocum Landfill

LATE REPORTS

General Manager

- 16.1 CONFIDENTIAL s 332 Local Government Act – Senior Staff positions

Community Infrastructure

- 16.3 Further report into the Investigation of Developing Sports Fields at Lot 3 DP1019171 Billinudgel

The remaining Recommendations and Committee Recommendations were adopted as a whole, being moved by Cr Woods and seconded by Cr Staples. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 11-1021 and concluding with Resolution No. 11-1047.

COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER’S REPORTS

Report No. 12.4. Station Street, Bangalow - Footpath Reconstruction and Tree Removal

File No: ENG652500 #1168050

11-1021 Resolved:

- 1. That regarding the three (3) liquidamber trees in Station Street, Bangalow, adjacent to the bottle shop:
 - a) tree 2 (middle tree) be removed
 - b) the surface roots of trees 1 and 3 be root pruned
 - c) a root barrier be installed between trees 1 and 3 and the adjoining building
 - d) trees 1 and 3 be retained in raised garden beds
 - e) a footpath be provided immediately adjacent to the kerb and gutter

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2. That the community be informed of Council's decision by a media release.
(Woods/Staples)
-

Report No. 12.5. Draft Sports Field User Policy
File No: COR050505 #1170027

11-1022 Resolved:

1. That Council note the public submissions received on the draft Sports Field User Policy.
 2. That Council endorse the policy amendments detailed in Table 1 of this report to be incorporated as the revised Draft of the Byron Shire Sports field User Policy.
 3. That the revised Draft Byron Shire Sports field User Policy be re-advertised for public comment for a period of 28 days after the commencement of the 2012 School year. The revised draft policy is to be reported to Council for endorsement prior to the public exhibition.
 4. That the electricity costs for all sports fields for clubhouses, amenity buildings and flood lights, etc be paid fully by the sporting associations from 1 March 2012.
 5. That Council note the Action Plan in Table 2 of this report on the timeframe to progress the implementation of the user charges.
 6. That a reply be forwarded to each submission detailing Council's resolution.
(Woods/Staples)
-

Report No. 12.6. Report Roads and Asset Management PRG Meeting 8 November 2011
File No: COR710146 #1167069

- 11-1023 Resolved** that Council note the minutes of the RAM PRG Meeting held on 8 November 2011.
(Woods/Staples)

- 11-1024 Resolved** that in relation to Recommendation No. 6.1. – Amended Constitution, Council adopt:

PRG Recommendation 6.1.1:

That Council adopts the amended constitution of the Roads and Asset Management PRG (#1157629).
(Woods/Staples)

- 11-1025 Resolved** that in relation to Report No. 6.2. - Whian Road Upgrade, Council adopt:

PRG Recommendation 6.2.1

- a) That the RaM PRG receive notes, comments and any recommendations from the Whian Road Pilot Project inspection of 2 November 2011
 - b) That RaM PRG members be invited to future meetings with residents associated with the Whian Road pilot project
 - c) That discussions be held with Fisheries and Rous Water to explore possible funding partnerships for the upgrade of the Whian Road causeway
-

- d) That the the Whian Road causeway road approaches be included as a high priority in the 2012/13 Delivery Program (Woods/Staples)
-

Report No. 12.7. BRSCC Adoption / Recommendations PRG Meeting 16 November 2011

File No: BEN353010 #1171147

- 11-1026 Resolved** that Council note the minutes of the Byron Regional Sport and Cultural Complex (BRSCC) Project Reference Group (PRG) Meeting held 16 November 2011. (Woods/Staples)

- 11-1027 Resolved** that in relation to recommendation 6.1 Council adopts:

PRG Recommendation 6.1

That Speed limits along Ewingsdale Road, from 200m west of the roundabout to the existing 50km zone, be referred to the Local Traffic Committee for clarification. (Woods/Staples)

- 11-1028 Resolved** that in relation to recommendation 6.2 Council does not adopt the PRG recommendation, but instead adopts:

Management Recommendation 6.2

That Council receive a stand alone status report on usage and ground management at the February 2012 Ordinary meeting. (Woods/Staples)

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 12.13. PLANNING – Fragmentation rural lands under the SEPP Rural Lands

File No: Parcel No 209390 #1168758

- 11-1029 Resolved** that, to prevent further fragmentation of rural lands, Council apply to NSW Department of Planning to be included in the list under Clause 4 of the Rural Lands SEPP, that lists LGAs to which the SEPP does not apply. (Woods/Staples)

The motion was put to the vote and declared carried.

Crs Tucker, Woods, Heeson, Staples, Barham, Cameron, Richardson, Morrissey and Tabart voted in favour of the motion.

No Councillors voted against the motion.

Report No. 12.20. PLANNING – Section 94 Plan with regard to Council resolution 11-329

File No: PLN350500 #1168842

- 11-1030 Resolved:**

1. That staff not include rail projects in the draft contributions plan.
 2. That Council advise the Department of Planning and Infrastructure that if the West-Byron Lands are rezoned then a "Special Infrastructure Contribution" (SIC) could be imposed on the development by the State to pay for transport, traffic or by-pass arrangements. (Woods/Staples)
-

*The motion was put to the vote and declared carried.
Crs Tucker, Woods, Heeson, Staples, Barham, Cameron, Richardson, Morrissey and Tabart
voted in favour of the motion.
No Councillors voted against the motion.*

**Report No. 12.22. Draft Byron Shire Coastline Emergency Action Sub Plan
Submissions Report**

File No: PLN360500 #1166574

11-1031 Resolved that Council:

1. adopt the Draft Byron Shire Coastline Emergency Action Sub Plan, as amended at Annexure 40(b) (#1170366 & #1146249).
 2. delegate authority to the General Manager and Executive Manager Environment and Planning to amend the Draft Byron Shire Coastline Emergency Action Sub Plan prior to submission to the Minister for the Environment in relation to any minor editorial amendments.
 3. authorise the General Manager to submit the amended Draft Byron Shire Emergency Action Sub Plan to the Minister for the Environment for certification under Section 55G of the *Coastal Protection Act 1979*. (Woods/Staples)
-

ORGANISATIONAL SUPPORT AND CORPORATE MANAGEMENT – EXECUTIVE MANAGERS’ REPORT

Report No. 12.23. Tender – Asbestos Register and Management Plan

File No: BEN551000 # 1167095

- 11-1032 Resolved** that Council, pursuant to Clause 166(a) of the Local Government (General) Regulation 2005, call for open tenders for the provision of an asbestos management plan and register for Council owned and managed buildings. (Woods/Staples)
-

ORGANISATIONAL SUPPORT AND COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGERS’ REPORT

Report No. 12.25. BSC ats Ralph Lauren 57 P/L & Ors LEC 40184/2010

File No: COR653000 x 80.2010.3.1 x 10.2001.403.1 x 24.2011.42 #1171652

- 11-1033 Resolved** that the report be noted. (Woods/Staples)
-

SOCIETY AND CULTURE - EXECUTIVE MANAGER’S REPORTS

**Report No. 12.26. Report from the Public Art Policy Implementation PRG Meeting on
15 November 2011**

File No: COR710145 #1166459

11-1034 Resolved:

1. That Council note the report of the Public Art Policy Implementation PRG meeting held on 15 November 2011 (#1163750).
-

2. That in relation to Report No. 6.1 Public Art Policy Implementation - Actions for the Project Reference Group (PRG), Council adopt:

PRG Recommendation PAPI 6.1.1

1. That the following actions from the list of implementation actions and resolutions relating to public art be prioritised to work on for the first 12 months of operation:
 - a) Develop a public art register.
 - b) Develop a procedures manual for Council commissioned artwork and private development.
 - c) Develop guidelines and criteria for all public art commissions, acquisitions, bequests and Council's public art projects.
 - d) Identify suitable locations for public art.
 - e) Undertake consultative place-affirming projects to identify places of special local significance and settings for community activities.
 - f) Develop a public art commissioning contract template.
 - g) Develop a guide for artists on roles and responsibilities.
2. That public art consideration be made within the review of the Section 94 Plan.
3. That information be requested from Council planning staff as to how best to ensure public accessibility of artworks on private developments (referring to Clause E2.1 of Chapter 1 Part E – Public Art, DCP 2010).
4. That a presentation be made to the Public Art Policy Implementation PRG from planning staff in relation to public art, Section 94 and the Development Control Plan (DCP) at the PRG meeting on 14 February 2012.
5. That Council note that the Public Art Policy Implementation Project Reference Group have scheduled their quarterly meetings, as per the Constitution, on the following dates with meetings to commence at 3.15pm:
 - a) 15 November 2011
 - b) 14 February 2012
 - c) 15 May 2012
 - d) 21 August 2012

(Woods/Staples)

Report No. 12.27. Youth Council Meeting 3 November 2011
File No: ADM308700 #1166132

11-1035 Resolved that Council note the Youth Council meeting minutes of 3 November 2011 (#1159942). (Woods/Staples)

WATER AND RECYCLING - EXECUTIVE MANAGER'S REPORTS

Report No. 12.33. Myocum Landfill – Management of Landfill Gas and Odour
File No: ENG450000 #1166643

11-1036 Resolved:

1. That Council endorse the project approach as detailed in the report.

2. That Council authorise the General Manager to call for Expressions of Interest for the Myocum Landfill Gas Resource Recovery Project, pursuant to clauses 166 and 168 of the *Local Government (General) Regulation 2005*.
 3. That following the Expressions of Interest process a Recommendation Report be submitted to Council for consideration and final determination of the next stages of the Project. (Woods/Staples)
-

Report No. 12.34. Advice from NSW Ombudsman regarding Water Leak Complaint
File No: ENG850000 #1164091

11-1037 Resolved:

1. That Council Policy 09/004 – Writing Off Water and Sewerage Usage Charges be changed to extend the concession to include all types of property connected to the sewerage system. Once adopted, this change to the Policy be retrospectively applied from the beginning of this financial year.
 2. That the revised draft Council Policy - Writing Off Water and Sewerage Usage Charges be placed on public exhibition for 28 days and if there are no submissions, be considered adopted.
 3. That the NSW Ombudsman be advised of the decision of Council. (Woods/Staples)
-

GENERAL MANAGER - COMMITTEE REPORT

Report No. 13.1. Strategic Planning Committee Minutes 24 November 2011
File No: COR250000 #1170083

11-1038 Resolved:

1. That Council note the minutes of the Strategic Planning Committee Meeting held on 24 November 2011.
2. That in relation to Report No. 4.6 - Marketable Assets and Property Listings (Corporate Management, BEN551000, #1154710), Council adopt:

Committee Recommendation 4.6.1

That the report be noted.

Committee Recommendation 4.6.2

That Council receive a further report on possible disposal of strips of land that are operational land which addresses:

1. Valuation methodology
 2. Processes for offering for sale
 3. Likely transaction costs and their apportionment
-

Committee Recommendation 4.6.3

That Council receive a further report on possible disposal of lands attached to sewer pump stations in excess of operational requirements. (Woods/Staples)

COMMUNITY INFRASTRUCTURE - COMMITTEE REPORT

Report No. 13.2. Report of the Local Traffic Committee Meeting held on Wednesday 23 November 2011

#1168623/ENG224010

1 Road Closures, Byron Bay Triathlon, Saturday 12 May 2012

11-1039 Resolved:

1. That endorsement be given for the 2012 Byron Bay Triathlon as to occur on Saturday 12 May 2012.
 2. That Council approve the temporary road closures for Lawson Street, Byron Bay between Middleton Street and Massinger Street between 11am and 5pm and on Broken Head Road (aka The Coast Road) at Midgen Flat Road between 12noon and 4pm for Saturday 12 May 2012.
 3. That the approvals provided in Part 1 and Part 2 are provided subject to the proponent's:
 - a) Use of an accredited designed and implemented Traffic Control Plan
 - b) Meeting of the advertising requirements of the Roads Act 1993
 - c) The letter box drop of residents advising of the event and the proposed traffic management and roads closures, in particular those in Suffolk Park
 - d) Event being notified on Council's website
 - e) Consideration of any submissions received; and
 - f) Timely lodgement of current and appropriate levels of insurance and liability cover.
 4. That the Traffic Control Plans, as submitted by the organisers, be accepted.
 5. That the use of Butler Street Reserve, Byron Bay for the purpose of event car parking is subject to Council licence and agreement and the timely provision of a Parking Management Plan.
 6. That the approvals within Part 1 to 5 relate to Byron Shire and that the holding of the event remains subject to the:
 - a) Result of Council's advertised submission period
 - b) Written approval from Police; and
 - c) Written approval from Ballina Shire Council. (Woods/Staples)
-

2 Proposed Time Limit in coach stop, Jonson Street, Byron Bay

11-1040 Resolved:

1. That a 30-minute time limit be applied to the existing Bus Zone on the west-side of Jonson Street, Byron Bay as located immediately north of Marvell Street.
-

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2. That the local and interstate operators, namely Greyhound and PMS, be advised of the proposed changes in efforts to seek their cooperation. (Woods/Staples)
-

3 Change to load limit, O'Meara's Bridge, Binna Burra Road

- 11-1041 Resolved** that the existing load limit of 15t upon O'Meara's Bridge, Binna Burra Road be removed and replaced with appropriate signage to indicate the new reduced load limits of 5t and 10t which apply to rigid and articulated vehicles respectively. (Woods/Staples)
-

5 Proposed speed zone review, Main Arm Road, Mullumbimby Showground

- 11-1042 Resolved** that Council request that a speed review be undertaken by Roads and Maritime Services (RMS) along Main Arm Road, Mullumbimby for a length of 2.5km commencing from Chinbible Avenue and heading west noting that it is requested the RMS review in particular considers:

- b) the two school zones in place including their meeting of RMS guidelines and affect on reducing vehicle speeds, noting that one of the two schools is not a fully operational primary school but more akin to a child care and preschool;
- a) reducing the number of speed zone changes, noting that three speed limits of 100, 80 and 50 are found within a length of 900m which also includes a fourth limit of 40kph during school times which has been found to result in little compliance. (Woods/Staples)
-

7 Proposed warning signage, Blindmouth Road, Main Arm

- 11-1043 Resolved** that the warning sign to advise of Caution on Gravel Road and Drive to Conditions be installed on Blindmouth Road, Main Arm north of the intersection with Main Arm Road and near the commencement of the gravel road section. (Woods/Staples)
-

WATER AND RECYCLING - COMMITTEE REPORT

**Report No. 13.4. Report of the Water, Waste and Sewer Advisory Committee
17 November 2011**

File No: COR250000 #1166584

11-1044 Resolved:

1. That Council note the minutes of the Water, Waste and Sewer Advisory Committee held on 17 November 2011.
2. That Council adopt the Water, Waste and Sewer Advisory Committee Recommendation as follows:

Committee Recommendation WW&S 4.1.1

Laverty's Gap Onsite Sewage System Assessments

1. That Council approve the implementation of an engagement program as detailed in the Risk Assessment Report (Annexure 1 #1154595) for the owners and users of
-

OSMS in the Lavery's Gap water supply catchment that is focussed on education initiatives and risk assessment / compliance initiatives, using the current budget allocation in the water fund.

2. That the Committee receive a report detailing options and resource requirements for a program across the rest of the Shire that includes utilising information in existing Council's records of any OSMS design.
3. That a loan program repayable through rates be examined for the repair of defective on site sewage management systems in accordance with the priority risk assessment as defined in Annexure 1 #1154595 page 10, Table 4.1 (last row - 13 systems definitely requiring compliance action).
4. That Council receive a report on options available for Council to remedy systems and address environmental impacts where all other measures to achieve rectification of system failure have been unsuccessful. (Woods/Staples)

COMMUNITY INFRASTRUCTURE - CONFIDENTIAL REPORT

Report No. 15.1. CONFIDENTIAL Tender Assessment Plant Replacements
File No: ENG550000 #1166977

11-1045 Resolved:

1. That Council:
 - a) award Tender Plant Replacement 2011 – 0022, Supply and delivery of one new 16 Tonne Excavator, to Westrac for the sum of \$208,500.00 (exclusive GST)
 - b) accepts the trade offer from Westrac for the purchase of Council's Hitachi ZX160 Excavator, Plant No 4506, for the sum of \$30,000.00 (exclusive GST)
2. That Council:
 - a) award Tender Plant Replacement 2011 – 0021, Supply and delivery of one new 11-14 Tonne Self Propelled Smooth Drum Roller to Westrac for the sum of \$172,000.00 (exclusive GST)
 - b) accept the trade offer from Westrac for the purchase of Council's Ingersol Rand Self Propelled Smooth Drum Roller, Plant No 143, for the sum of \$30,000.00 (exclusive GST)
3. That Council:
 - a) award Tender Plant Replacement 2011 – 0021, Supply and delivery of one new 11-14 Tonne Self Propelled Smooth Drum Roller to Westrac for the sum of \$172,000.00 (exclusive GST)
 - b) accept the trade offer from Westrac for the purchase of Council's Multipac Self Propelled Smooth Drum Roller, Plant No 4503, for the sum of \$40,000.00 (exclusive GST)
4. That Council:
 - a) reject the tender from Iveco Trucks Australia for Tender Plant Replacement 2011 – 0033, Supply and delivery of 24000kg GVM 6x4 Cab Chassis Truck with Tilt Slide

- Tray and Crane, as the tender was non conforming to the technical specifications required for the new plant item
- b) invite fresh tenders using the open tender method for the replacement of the crane truck
5. 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/Staples)
-

CORPORATE MANAGEMENT - CONFIDENTIAL REPORT

Report No. 15.2. CONFIDENTIAL Provision of Banking Services to Council
File No: FIN250000 #1171250

11-1046 Resolved:

1. That Council:
 - a) exercise the first option to extend by two (2) years the existing contract for the provision of banking services with the Commonwealth Bank; and
 - b) authorise the General Manager to sign any documents on behalf of Council to execute this contract option.
 2. That the report of the closed part of the meeting remain confidential. (Woods/Staples)
-

LATE REPORT – ORGANISATIONAL SUPPORT

Report No. 16.2. PLANNING - BSC at Freedman LEC 11135/2011
File No: COR653000 x 80.2011.13.1 x 10.2011.191.1 x 240572D #1174097

11-1047 Resolved:

1. That Council delegate management of the litigation to the General Manager in accordance with general delegations.
2. That without limiting the general delegations, Council expressly authorise the General Manager to be able to enter into consent orders approving the development subject to the appropriate conditions, if legal advice recommends that course of action. (Woods/Staples)

The motion was put to the vote and declared carried.

Crs Tucker, Woods, Heeson, Staples, Barham, Cameron, Richardson, Morrisey and Tabart voted in favour of the motion.

No Councillors voted against the motion.

PROCEDURAL MOTION

- 11-1048 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being 15.3, 13.3, 12.17, 8.4, 8.7, 8.8, 12.14, 16.3, 12.21, 12.16 and 13.2.4 next on the Agenda. (Morrisey/Richardson)
-

The motion was put to the vote and declared carried.

ITEMS RESERVED FOR DEBATE

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORT

Report No. 15.3. CONFIDENTIAL Compliance enforcement action in respect of specific “holiday let” properties

File No: COR350000 #1172366

11-1049 Resolved that Council deal with this matter in open session. (Morrisey/Staples)

The motion was put to the vote and declared carried.

11-1050 Resolved that the General Manager be authorised to manage the litigation in respect of the reported properties identified in the Report in accordance with the General Manager’s general delegations. (Morissey/Staples)

The motion was put to the vote and declared carried.

Moved: That the vote be recommitted. (Woods/Staples)

The motion was put to the vote and declared lost.

Crs Tucker, Woods, Heeson, Staples, Barham, Cameron, Richardson, Morrisey and Tabart voted against the motion.

COMMUNITY INFRASTRUCTURE – COMMITTEE REPORT

Report No. 13.3. Report Transport Advisory Committee Meeting 14 November 2011

File No: COR250000 #1167626

Moved:

1. That Council note the minutes of the Transport Advisory Committee Meeting held on 14 November 2011.
 2. That in relation to Report No. 4.1 - Park and Ride – Possibilities for Byron Bay (Community Infrastructure ENG650000 #1113409), Council adopt Committee Recommendation TrAC 4.1.1, namely that:
 - a) the report into the proposal to implement a park and ride scheme for Byron Bay be noted
 - b) the preferred locality for a park and ride scheme be endorsed at the BRSCC on Ewingsdale Road to the town centre, subject to assessment of conflicts with other uses of the BRSCC
 - c) Council staff research the possibility, in consultation with the RTA, of providing a dedicated bus lane, including a T2 (or more) transit lane into the Byron Bay town centre from Kendall Street to Butler Street
-

- d) Council staff assess the impact on kerb side parking along the northern side of Shirley Street if a transit lane is provided and how the impact may be ameliorated
 - e) TrAC receives a report that considers the concept of an integrated traffic management system as detailed in the Improving the Town Centre Report (#179156)
3. That in relation to Report 4.2 - NRSDC Proposal for a Transport Information Day (Community Infrastructure COR250000 / #1156072), Council adopt Committee Recommendation TrAC 4.2.1 which is that Council's participation in the Transport Information market stalls be limited to:
- a) staff availability and involvement, which is undertaken under the direction and approval of management and in consideration of Council priorities and resources
 - b) the supply of existing, relevant materials, for example copies of Council's mobility maps, bike plan and maps, etc
 - c) a financial contribution of no more than \$1,000, as funded from Council's reserved budget for the development of a Transport Strategy
 - d) that the dates for the information sessions not be on the same day as Council Meetings
 - e) that stalls be located at the New Brighton, Mullumbimby and Byron Bay Farmers' Markets
4. That in relation to Report 4.3 - STEER Project – proposed youth focused educational and awareness project (Community Infrastructure COR250000 / #1158468), Council adopt an amendment to the Committee Recommendation TrAC 4.3.1 that:
- a) Council note the report and the attached proposal at Annexure 3 (#1158780)
 - b) subject to Council approval, \$2,000 funding be provided via s356 funding to the proposed STEER project subject to the STEER project, as attached, being:
 - i) lodged and approved (via separate application) to Council for s356 funding and expended and reported in accordance with s356 funding requirements
 - ii) approved by, and in receipt of, funding from NSW Transport for the same or greater value
 - c) in receipt of Council funding, report the project outcomes and the NSW Transport evaluation of the STEER Project to Council when available.
5. That in relation to Report 4.4 - Draft Maps for Pedestrian Town Centre Way Finding Map Project (Community Infrastructure COR250000 / #1158592), Council adopt Committee Recommendation TrAC 4.4.1 which is that:
- a) Council note the report and the development and progress of the attached draft pedestrian way finding maps, as being undertaken in accordance with the funds received under the 2009/10 Country Passenger Transport Infrastructure Grants Scheme (CPTIGS) administered by NSW Transport
 - b) the maps include footpaths, shared paths, bike parking, seating, water fountains, an explanation of 'hail and ride' and a pointer to where other access information is available

- c) Add police station word
 - d) an arrow and walk times be included showing Clarkes Beach and the Lighthouse from the CBD on the Byron Bay map, as well as surf flags on patrolled beaches
 - e) bus stations and bus routes be clearly differentiated
6. That in relation to Report 4.5 - Results of the August 2011 Transport Survey (Community Infrastructure COR250000 / #1136155) Council adopt Committee Recommendation TrAC 4.5.1 which is that:

Council note the report regarding the Results of the August 2011 Transport Survey and its preliminary analysis and that a more detailed analysis will be provided in due course.

(Woods/Staples)

AMENDMENT

11-1051 Resolved that Council note the minutes of the Transport Advisory Committee Meeting held on 14 November 2011. (Barham/Richardson)

11-1052 Resolved that in relation to Report No. 4.1 - Park and Ride – Possibilities for Byron Bay (Community Infrastructure ENG650000 #1113409), Council adopt Committee Recommendation TrAC 4.1.1, namely that:

- a) the report into the proposal to implement a park and ride scheme for Byron Bay be noted
- b) the preferred locality for a park and ride scheme be endorsed at the BRSCC on Ewingsdale Road to the town centre, subject to assessment of conflicts with other uses of the BRSCC
- c) Council staff research the possibility, in consultation with the RTA, of providing a dedicated bus lane, including a T2 (or more) transit lane into the Byron Bay town centre from Kendall Street to Butler Street
- d) Council staff assess the impact on kerb side parking along the northern side of Shirley Street if a transit lane is provided and how the impact may be ameliorated
- e) TrAC receives a report that considers the concept of an integrated traffic management system as detailed in the Improving the Town Centre Report (#179156).

(Barham/Richardson)

11-1053 Resolved that in relation to Report 4.2 - NRSDC Proposal for a Transport Information Day (Community Infrastructure COR250000 / #1156072), Council adopt Committee Recommendation TrAC 4.2.1 which is that Council's participation in the Transport Information market stalls be limited to:

- a) staff availability and involvement, which is undertaken under the direction and approval of management and in consideration of Council priorities and resources
- b) the supply of existing, relevant materials, for example copies of Council's mobility maps, bike plan and maps, etc
- c) a financial contribution of no more than \$1,000, as funded from Council's reserved budget for the development of a Transport Strategy
- d) that the dates for the information sessions not be on the same day as Council Meetings

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- e) that stalls be located at the New Brighton, Mullumbimby and Byron Bay Farmers' Markets.
(Barham/Richardson)

11-1054 Resolved that in relation to Report 4.3 - STEER Project – proposed youth focused educational and awareness project (Community Infrastructure COR250000 / #1158468), Council adopt an amendment to the Committee Recommendation TrAC 4.3.1 that:

- a) Council note the report and the attached proposal at Annexure 3 (#1158780)
- b) subject to Council approval, \$2,000 funding be provided via s356 funding to the proposed STEER project subject to the STEER project, as attached, being:
- i) lodged and approved (via separate application) to Council for s356 funding and expended and reported in accordance with s356 funding requirements
- ii) approved by, and in receipt of, funding from NSW Transport for the same or greater value
- c) in receipt of Council funding, report the project outcomes and the NSW Transport evaluation of the STEER Project to Council when available. (Barham/Richardson)

11-1055 Resolved that in relation to Report 4.4 - Draft Maps for Pedestrian Town Centre Way Finding Map Project (Community Infrastructure COR250000 / #1158592), Council adopt Committee Recommendation TrAC 4.4.1 which is that:

- a) Council note the report and the development and progress of the attached draft pedestrian way finding maps, as being undertaken in accordance with the funds received under the 2009/10 Country Passenger Transport Infrastructure Grants Scheme (CPTIGS) administered by NSW Transport
- b) the maps include footpaths, shared paths, bike parking, seating, water fountains, an explanation of 'hail and ride' and a pointer to where other access information is available
- c) Police station word be added to map and colour coding be applied for different types of business establishments
- d) an arrow and walk times be included showing Clarkes Beach and the Lighthouse from the CBD on the Byron Bay map, as well as surf flags on patrolled beaches
- e) bus stations and bus routes be clearly differentiated. (Barham/Richardson)

11-1056 Resolved that in relation to Report 4.5 - Results of the August 2011 Transport Survey (Community Infrastructure COR250000 / #1136155) Council adopt Committee Recommendation TrAC 4.5.1 which is that Council note the report regarding the Results of the August 2011 Transport Survey and its preliminary analysis and that a more detailed analysis will be provided in due course. (Barham/Richardson)

*The amendments were put to the vote and declared carried.
Crs Tucker, Woods and Heeson voted against the amendments.*

*The amendments upon becoming the substantive motions were put to the vote and declared carried.
Crs Tucker, Woods and Heeson voted against the motions.*

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORT

Report No. 12.17 PLANNING – DA 10.2011.248.1 Subdivision two (2) lots at 1088 Main Arm Road Upper Main Arm

File No: Parcel No 117360x#1111020

11-1057 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2011.248.1 for 2 lot subdivision, be granted consent subject to the conditions listed in Annexure 10(b) #1162340 as amended by removing condition 5(b).
(Tucker/Woods)

The motion was put to the vote and declared carried.

Crs Tucker, Woods, Heeson, Staples, Barham, Cameron, Richardson, Morrissey and Tabart voted in favour of the motion.

No Councillors voted against the motion.

NOTICES OF MOTION

Notice of Motion No. 8.4. Byron Bay Library Project Reference Group
COR405000 #1173122

11-1058 Resolved that Council:

1. Amend the Byron Bay Library Project Reference Group (PRG) Stage 2 Constitution to recommend to Council on the management of the new library in relation to:
 - a) public artwork for the building
 - b) development of resources and research opportunities for the library, including the consideration of a Rainbow Archive or collaboration with the Aquarius Archive
 - c) program of events for the Exhibition Space and consideration of key community events, as well as loan exhibitions and opportunities for guest curators including student placements
 - d) meeting room and exhibition space bookings
 - e) consultation with the Arakwal regarding the use and research opportunities for the dedicated space
 - f) investigation of potential grants to fulfil art and research opportunities
 - g) investigating the potential for donations from the community utilising the Deductible Gift Recipient status obtained for the library
 - h) assessing the staffing and management needs and consideration of a Section 355 Committee
 - i) reviewing the maintenance plan and management of the external landscape areas
 - j) investigating the possibility of relocating the green frog locomotive to the premises.
2. Identify the membership as being two Councillors, Crs Barham and Richardson, and three community members (Byron Bay Library PRG Stage 1) be invited to be members to allow the immediate establishment in the new year and a request for an existing (RTRL) library staff person be invited to attend the meetings.
3. That item 1(e) be referred to Aboriginal Heads of Agreement PRG and item 1(a) be referred to Public Art Policy Implementation PRG. (Barham/Richardson)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.7. Advice on Richmond Tweed Regional Library options
COR405527 #1171995

11-1059 Resolved:

1. That Council write to the Minister for the Arts, Mr George Souris, requesting that Mr Cameron Morley, Manager NSW State Library Servicing Branch, be made available to advise member councils of the Richmond Tweed Regional Library (RTRL) on future management options for the service.
2. That the Minister for Local Government, Mr Don Page, be informed of the request and any subsequent report. (Tabart/Staples)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.8. Telstra Mobile Tower In Suffolk Park
COR405527 #1166910

Moved: That Council:

1. subject to confirmation from BB golf club of its willingness to house mobile phone tower, write to Telstra to advise:
 - a) of the potential to relocate an existing telecommunications tower on community land at Suffolk Park to the Byron Bay Golf Course, and
 - b) the strong community and Council support for the telecommunications tower to be collocated with Optus and Vodafone towers, and
 - c) seek a response within sixty days.
2. That Council receive a report that addresses Item 1 of Res 11-135. (Cameron/Barham)

11-1060 Resolved that the matter rest on the table. (Woods/Richardson)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORT

Report No. 12.14. PLANNING – Planning Agreement – Upgrade of the Main Arm Causeway

File No: PLN30500 #1160407

11-1061 Resolved:

1. That staff enter into negotiations with the developer of 10.2009.220.1 to draw up a planning agreement. The principles underlying the planning agreement would be that:
 - a) The developer constructs the upgrade of the causeway at their cost as per condition 5 of the consent.
-

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- b) Council accepts the upgrade of the causeway as a material public benefit in lieu of payment of monetary contribution as per the note to condition 5.
 - c) If the cost of the upgrade of the causeway is more than the section 94 contributions for this development then Council agrees to refund to the developer all section 94 payments made by future developers in the Rural North Catchment up to the value of the upgrade of the causeway less the developers required section 94 payments.
2. That Council note the dedication of the work in kind for the upgrade of the causeway will result in an overpayment of the Rural North roads account and:
 - a) Council account for the overpayment and shortfalls in the Rural North Catchment as required by the regulations and practice notes.
 - b) That the Rural North roads account repay the other S94 account over time as contributions are paid in.
 3. That the draft planning agreement be reported back to Council for further consideration.
 4. That items 2 and 3 not occur until the section 96 application for 10.2009.220.2 has been withdrawn or has been determined by Council.
 5. That a designated on-road cycleway is to be included in the upgrade of the causeway.

(Richardson/Barham)

The motion was put to the vote and declared carried.

Crs Heeson, Staples, Barham, Cameron, Richardson, Morrissey and Tabart voted in favour of the motion.

Crs Tucker and Woods voted against the motion.

PROCEDURAL MOTION

11-1062 Resolved that Notice of Motion 8.8 be lifted off the table.

(Barham/Heeson)

The motion was put to the vote and declared carried.

NOTICE OF MOTION

Notice of Motion No. 8.8. Telstra Mobile Tower In Suffolk Park

continued

COR405527 #1166910

11-1063 Resolved that Council:

1. Subject to confirmation from BB golf club of its willingness to house mobile phone tower, write to Telstra to advise:
 - a) of the potential to relocate an existing telecommunications tower on community land at Suffolk Park to the Byron Bay Golf Course, and
 - b) the strong community and Council support for the telecommunications tower to be collocated with Optus and Vodafone towers, and
 - c) seek a response within sixty days.
2. That Council receive a report that addresses Item 1 of Res 11-135. (Cameron/Barham)

The motion was put to the vote and declared carried.

LATE REPORT – COMMUNITY INFRASTRUCTURE

Report No. 16.3. Further report into the investigation of developing sports fields at Lot 3 DP1019171 Billinudgel

File No: ENG650000 #1173181

11-1064 Resolved:

1. That Council, as a matter of urgency, call for Expressions of Interest for the sale of land north of the Brunswick River for the development of sports fields to fulfil ICAC guidelines.
2. That Council assess EOIs and report back no later than the 1 March 2012 Ordinary Meeting.
3. That if no more suitable parcels of land are identified in the EOI process that Council offer a holding deposit on the portion of land south of the Pocket Rd on Lot 3 DP 1019171 whilst appropriate investigations take place and a rezoning application is made to the Dept of Planning and Infrastructure. (Heeson/Morrisey)

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

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 12.21. PLANNING – DA 10.2010.576.1 Beaches of Byron Caravan park at 5-37 Broken Head Road, Byron Bay

File No: Parcel No 111720 #1030668

11-1065 Resolved that Council defer this matter to the 9 February 2012 Ordinary Meeting. (Staples/Woods)

*The motion was put to the vote and declared carried.
Crs Tucker, Woods, Heeson, Staples, Barham, Cameron, Richardson, Morrisey and Tabart voted in favour of the motion.
No Councillors voted against the motion.*

Report No. 12.16. PLANNING – DA 10.2011.359.1 Two lot subdivision at 1 Mullumbimby Road, Myocum

File No: Parcel No 238710 #1140022

11-1066 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2011.359.1 for two (2) lot subdivision be approved with draft conditions of consent referred to Council's 9 February 2012 Ordinary Meeting. (Tucker/Woods)

*The motion was put to the vote and declared carried.
Crs Tucker, Woods, Heeson, Richardson and Tabart voted in favour of the motion.
Crs Staples, Barham, Cameron and Morrisey voted against the motion.*

COMMUNITY INFRASTRUCTURE - COMMITTEE REPORT

**Report No. 13.2. Report of the Local Traffic Committee Meeting held on Wednesday
23 November 2011**

#1168623/ENG224010

4 Request for additional speed humps, Brandon Street, Suffolk Park

11-1067 Resolved that Council support the installation of additional traffic calming devices in Brandon Street Suffolk Park, near the intersection of Jarman Street and refer the matter back to the Local Traffic Committee. (Cameron/Barham)

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

The meeting adjourned at 12.42pm for a lunch break and reconvened at 1.23pm.

MAYORAL MINUTE

There was no Mayoral Minute.

NOTICES OF MOTION

Notice of Motion No. 8.1. Submissions to NSW Government processes
COR405527 #1171330

11-1068 Resolved that Council make submissions to the State Government on the following processes:

- a) SEPP 65 and Residential Flat Design Code Review
- b) Planning Review Issues Paper
- c) Improving the governance of residential parks

and that the submissions be forwarded to Councillors for comment prior to forwarding to the relevant government departments. (Barham/Morrisey)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.2. Australian Coastal Conference 2012
COR405527 #1172363

11-1069 Resolved that Council appoint Crs Cameron, Barham, Richardson and Woods, subject to confirmation of Councillor availability confirming two delegates, as the delegates to attend the Australian Coastal Council's Conference in Hobart from 5 to 7 March 2012. (Barham/Staples)

The motion was put to the vote and declared carried.

Notice of Motion No. 8.3. Regeneration boundary issues - Brunswick Heads

COR405527 x181600 x181610 #1172427

Moved: That Council receive a report:

- a) on the boundary issues relating to the Brunswick area organic regeneration sites (south of the surf club); and
- b) the works program that has been undertaken and planned by Byron Shire Chemical Free Landcare Group and BSC regeneration team on the Council managed site and what processes are in place to rectify the issues. (Barham/Richardson)

AMENDMENT

11-1070 Resolved that Council accede to the request by the Byron Shire Chemical Free Landcare Group to extend their operations 25 metres north to the grassed area in front of the surf club. (Staples/Tucker)

The amendment was put to the vote and declared carried.

Crs Barham, Richardson, Tabart and Morrissey voted against the amendment.

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

Notice of Motion No. 8.5. Fletcher Street (Homeless) Cottage lease extension and MOU

COR405000#1173115

11-1071 Resolved that Council:

1. Acknowledge the important role of the cottage in providing services to meet the needs of the homeless and addressing Byron Shire Council's adopted 'Homelessness Policy and Protocol'.
 2. Extend the lease on the Fletcher Street cottage on a month by month basis from the end of January 2012 applying the current funding arrangement pending receipt of the report in item 3.
 3. Prepare a report looking at short/medium-term options for use of the existing library building after the completion of new library, including expansion of the services offered from the Fletcher Street cottage and the report contain options and information on the internal funding of the section 356 contribution and review of the rental value of the property
 4. Council consider signing an MOU with the partners in the cottage to acknowledge the important role of Council in supporting the work of the Salvation Army, St Vincent de Paul Society, Byron Community Centre, Bullinah Aboriginal Health Service, Legal Aid and Centrelink and receive a report.
 5. Investigate funding opportunities from the State and Federal Government to maintain the operation of the cottage and the services it provides for homeless people and the potential to expand the service. (Barham/Morrissey)
-

11-1072 Resolved that Cr Barham be granted a two minute extension to her speech. (Staples/Tabart)

The motion was put to the vote and declared carried.

*The motion (Barham/Morrisey) was put to the vote and declared carried.
Cr Tucker voted against the motion.*

PROCEDURAL MOTION

11-1073 Resolved that the order of business be changed to deal with Report No. 12.11. next on the agenda. (Tucker/Woods)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORT

Report No. 12.11. 2010-2011 Financial Statements Submission Response

File No: FIN551000 #1172637

11-1074 Resolved:

1. That Council notes the opinion expressed by Thomas Noble and Russell relating to the 2010-2011 Financial Statements as indicated on page 5 of 7 of Annexure 38(g) (#1172654).
2. That the General Manager:
 - a) further investigate whether an adjustment is required to the value of Inventory – Real Estate held for Resale, as disclosed at Note 8 of the 2010-2011 Financial Statements; and
 - b) report the outcomes of the investigation to the Internal Audit Committee, including any adjustment required and treatment of that adjustment in the preparation of the Financial Statements for 2011/2012. (Tucker/Woods)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

11-1075 Resolved that Council write to Ms Costin thanking her for her submission and provide her with a copy of Annexure 38(g) (#1172654) and the above resolution. (Tucker/Staples)

The motion was put to the vote and declared carried.

NOTICE OF MOTION

Notice of Motion No. 8.6. Report on processing event applications

COR405527 #1172007

11-1076 Resolved that Council receive a report that examines current (draft guidelines) and possible processes to ensure timely decision-making on event proposals both small community events and larger commercial events. (Richardson/Barham)

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

PETITIONS

There were no petitions tabled.

SUBMISSIONS AND GRANTS

There were no submissions or grants tabled.

DELEGATES' REPORTS

There were no Delegates Reports tabled.

GENERAL MANAGER'S REPORTS

Report No. 12.1. Social/Community Advisory Committee – Proposal to Disband
File No: COR710145 #1167170

Moved:

1. That Council note that the Social/Community Advisory Committee has not achieved a quorum on three out of its four scheduled meeting dates for 2011.
2. That Council contact members of the Social/Community Advisory Committee to seek an appropriate meeting date in early 2012. (Richardson/Barham)

AMENDMENT

11-1077 Resolved:

1. That Council note that the Social/Community Advisory Committee has not achieved a quorum on three out of its four scheduled meeting dates for 2011.
2. That Council resolve to disband the Social/Community Advisory Committee and to write to thank the community members for their contributions. (Woods/Tucker)

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

*The amendment upon becoming the substantive motion was put to the vote and declared carried.
Crs Barham and Richardson voted against the motion.*

PROCEDURAL MOTION

11-1078 Resolved that Council change the order of business to deal with Report 12.8 next on the agenda. (Tucker/Woods)

The motion was put to the vote and declared carried.

COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER’S REPORT

Report No. 12.8. Levels of Service
File No: ENG072020 #1173177

11-1079 Resolved that in relation to the level of service proposed in Annexure 37(c) #1161962 Council:

1. Adopt the Base Case funding scenario for:
 - (i) The priorities identified in the proposed 10 year Capital Works Program (Appendix 2); and
 - (ii) 10 Year Operational Budget – Base Model (Appendix 3)
2. Note that the Base Case Model funding scenario does not fund the “desired level of service” as identified in the adopted Asset Management Plan and that it provides for minimum maintenance of Council assets.
3. Develop policy in relation to “desired service levels” across all infrastructure assets, with a priority on road and building assets. (Cameron/Staples)

The motion was put to the vote and declared carried.

GENERAL MANAGER’S REPORT

Report No. 12.2. Draft Community Strategic Plan and consideration of special rate variation
File No: HRM502600 #1169720

11-1080 Resolved:

1. That Council not apply for a special rate variation for 2012/2013.
2. That Council endorse Resourcing Strategy (consisting of the long term financial, asset management and workforce plans) for the final phase of public exhibition. (Cameron/Tucker)

The motion was put to the vote and declared carried.
Crs Barham, Richardson and Tabart voted against the motion.

AMENDMENT

Moved:

1. That Council endorse Resourcing Strategy (consisting of the long term financial, asset management and workforce plans) for the final phase of public exhibition.
2. That, Council resolve to apply for a 2% special rate variation for 2012/2013;
 - a) for community infrastructure maintenance on a pro rata basis for the projects identified on page 31 in the Table headed “Maintenance Program”; and

- b) authorise amendments to the draft Community Strategic Plan, draft Delivery and Operational Plan and draft Resourcing Strategy (consisting of the long term financial, asset management and workforce plans) to reflect the intended special rate variation and endorse the amended documents for public consultation on the intended special rate variation. (Barham/Tabart)

The amendment was put to the vote and declared lost.

Crs Tucker, Woods, Heeson, Staples, Cameron and Morrisey voted against the amendment.

The motion was put to the vote and declared carried.

Crs Barham, Richardson and Tabart voted against the motion.

The meeting adjourned at 3.35pm for an afternoon break and reconvened at 3.50pm.

COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER’S REPORT

Report No. 12.3. Access Advisory Committee Membership

File No: ENG650000 #1167914

11-1081 Resolved that Council determine its Councillor and community representatives to the Access Advisory Committee as follows:

- a) 3 Councillor representatives being Crs Staples, Cameron and Woods;
- b) 6 community representatives from the nominations received shown at Confidential Annexure 20(a). (Staples/Cameron)

The motion was put to the vote and declared carried.

Cr Tucker voted against the motion.

PROCEDURAL MOTION

11-1082 Resolved that Council change the order of business to deal with Reports 12.19, 15.4, 16.1, 12.24, 12.35, 13.2.6 and 12.31 next on the agenda. (Tucker/Woods)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORT

Report No. 12.19. Environmental Levy

File No: FIN451010 #1128803

11-1083 Resolved:

1. That the Biodiversity Extension Officer be reinstated on a part time basis funded from the unallocated Environmental Levy carryover (\$67,800) with duties to be focussed on supporting and expanding the Land for Wildlife program as per the Biodiversity Conservation Strategy.

2. That Council seek external funding to continue this program into the future from funding opportunities such as Carbon Funding Futures Biodiversity Fund and the Environmental Trust.
3. That the Bush Regeneration Team continue their works on restoring roadside vegetation at their current work hours in accordance with roadside vegetation management plans and in partnership with adjacent landholders and Landcare Groups.
4. That the Team Leader Natural Resources remain in the structure.
5. That the Environmental Levy funds be allocated in accordance with Table 8 of this report with changes made based on points 1 and 3 of this resolution. (Morrisey/Tabart)

AMENDMENT

Moved:

1. That the Biodiversity Extension Officer position not be reinstated and that the Land for Wildlife program be continued by existing staff but in a reduced format that focuses on private land that adjoins road reserves under restoration by the Bush Regeneration Team.
2. That Council undertake the appropriate consultation with affected staff with a view to increasing the work hours of the Bush Regeneration Team by 16 hours per fortnight to accommodate an increase in service level to restoring roadside vegetation in accordance with roadside vegetation management plans.
3. That the Team Leader Natural Resources remain in the structure.
4. That the Environmental Levy funds be allocated in accordance with Table 8 of this report, as replicated below:

Table 8: Environmental Levy proposed positions and programs

Action	Budget
Unallocated Environmental Levy carryover	\$67,800
Bush Regeneration Team: increase employment from 30 to 38 hours per week (hpw) (2x Bush Regenerators, 1x Indigenous Bush Regenerator)	\$183,000
Operational costs, Bush Regeneration Team (eg. tools and equipment, traffic management control)	\$17,600
Administration Officer (14hpw)	\$24,000
Coastal Officer (35hpw)	\$20,000
Sustainability Officer (28hpw)	\$54,000
TOTAL	\$366,400

Note this is one off funding

5. That Council retain the unallocated Environmental Levy carryover of \$67,800 to be used for future costs associated with the environmental components of the draft Byron LEP 2011, and the draft Coastal Zone Management Plan.

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6. That Council receive a report by the end of 2012 on the outcomes of the Environmental Levy funded programs. (Tucker/Woods)

The amendment was put to the vote and declared lost.

Crs Staples, Barham, Richardson, Tabart and Morrissey voted against the amendment.

The motion was put to the vote and declared carried.

Crs Tucker, Woods and Heeson voted against the motion.

FORESHADOWED MOTION

- 11-1084 Resolved** that the Bush Regeneration Team's current works program on Federal Drive, Federal referred to on page 184 of the report include works on the old Federal Drive Road Reserve that links with Charleton's Rd to enhance alternate walking, cycling, pedestrian and horse riding routes in the hinterland. (Morrissey/Cameron)

The motion was put to the vote and declared carried.

Crs Tucker and Woods voted against the motion.

WATER AND RECYCLING - CONFIDENTIAL REPORT

Report No. 15.4. CONFIDENTIAL Land Matters - Myocum Landfill

File No: ENG450000 #1171906

11-1085 Resolved:

1. That pursuant to Section 10A(2)(c) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely Land Matters – Myocum Landfill.
2. That the reasons for closing the meeting to the public to consider this item be that the matters and information that can be listed as confidential are the following:
 - c) information that would, if disclosed confer a commercial advantage on a person with who the council is conducting (or proposes to conduct) business.
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 of the confidential information could confer a commercial advantage on a person with who the council is conducting (or proposes to conduct) business. (Woods/Tucker)

The motion was put to the vote and declared carried.

CONFIDENTIAL SESSION

11-1086 Resolved:

1. That Council resolve to delegate to the General Manager authority to negotiate the purchase of the 3 properties, in accordance with and up to the amounts described in this report.
2. That Council authorise the affixing of the Council seal to all documents necessary to acquire the properties.
3. That the report is to remain confidential until Council becomes the registered proprietor.

(Tucker/Staples)

The motion was put to the vote and declared carried.

11-1087 Resolved That the meeting move out of Confidential Session. (Staples/Tucker)

The motion was put to the vote and declared carried.

LATE REPORT – GENERAL MANAGER

Report No. 16.1. CONFIDENTIAL s332 Local Government Act - Senior Staff positions
File No: HRM400000 #1176384

11-1088 Resolved:

1. That pursuant to Section 10A(2)(a) and (c) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely s332 Local Government Act – Senior Staff positions.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains information:
 - a) about personnel matters concerning particular individuals (other than Councillors); and
 - b) that could, if disclosed, confer a commercial advantage on a person with whom the council is conducting and proposes to conduct business. :
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 of the confidential information could cause Council to breach its obligations in relation to protection of personal information and/or compromise the commercial position of Council in future negotiations.

(Tucker/Tabart)

The motion was put to the vote and declared carried.

CONFIDENTIAL SESSION

11-1089 Resolved:

1. That, subject to agreement being reached with the individual incumbents, pursuant to s332 of the Local Government Act Council determine that any or all of the following positions be designated Senior Staff positions as and from 27 January 2012:
 - a) Executive Manager Community Infrastructure
 - b) Executive Manager Corporate Management
 - c) Executive Manager Environment and Planning
 - d) Executive Manager Organisational Support
 - e) Executive Manager Society and Culture
 - f) Executive Manager Water and Recycling
2. That the report of the closed part of the meeting remain confidential until the General Manager determines that it is appropriate for the confidentiality to be released.

(Tabart/Woods)

The motion was put to the vote and declared carried.

11-1090 Resolved That the meeting move out of Confidential Session. (Tucker/Woods)

The motion was put to the vote and declared carried.

ORGANISATIONAL SUPPORT – EXECUTIVE MANAGER’S REPORT

Report No. 12.24. PLANNING - BSC ats Stebbing and Stebbing LEC 11144/2011
File No: COR653000 x 233180D x 80.2011.12.1 x 10.2010.606.1 #1174012

11-1091 Resolved:

1. That Council defend the proceedings and delegate the management of the litigation to the General Manager in accordance with general delegations
2. That without limiting the general delegations, Council expressly authorise the General Manager to defend the proceedings. (Richardson/Morrisey)

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

WATER AND RECYCLING – EXECUTIVE MANAGER’S REPORT

Report No. 12.35. Proposed Easement Acquisition for Pipeline
File No: ENG701030 #1169864

11-1092 Resolved that subject to the parties entering acceptable Deeds of Agreement, that Council authorise:

- a) the acquisition of the easements over properties being Lot 4/ 87874, Lot 3/ 0680 and Lot 1 779821 at Mullumbimby for the amounts detailed in this report;
- b) the affixing of the Council seal to all necessary documents to effect the acquisition. (Tucker/Woods)

The motion was put to the vote and declared carried.

SOCIETY AND CULTURE – EXECUTIVE MANAGER’S REPORT

Report No. 12.31. Draft Positive Ageing Strategy and Action Plan 2012-2016
File No: ADM300800 #1168701

11-1093 Resolved:

1. That the draft Positive Ageing Strategy and Action Plan (#1160476) be placed on public exhibition for a minimum period of 28 days with amendments below:
 - a) new section in Part A Introduction at end ‘ What Council is Doing’ #1177704
 - b) amended actions as per #1177706
 - c) renumbering of doc to provide clarity of sections
 - d) insert a new first dot point in Vision to read “the important contribution of older residents, past and present is recognised and respected”
 - e) p29 of 78 be amended to provide heading – Hospital Services - There are currently two hospitals in the shire, Mullumbimby and Byron Bay. The State Government has committed to a new Byron Shire Hospital which is to be constructed at Ewingsdale. Council has approved the rezoning of the land to enable the construction and currently the construction of a new Ambulance Station is being constructed while the planning

for the new hospital is underway to facilitate the necessary information to inform the funding from government being allocated to allow for the construction of the new hospital. Council has supported the new hospital and has advocated for applications to be made to the Federal for Funding.

- f) the production of the Introduction as a summary document to assist with the public exhibition of the strategy and that hard copies are provided at Council Administration building, Community Access Points and libraries
2. That submissions received regarding the draft Positive Ageing and Action Plan be reported to Council for consideration prior to adoption.
 3. That, in the event that no submissions are received, the draft Positive Ageing and Action Plan be adopted.
 4. That Council thank the PRG Members and those who had input into the draft strategy.
(Barham/Woods)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORTS

Report No. 12.9. Heritage House Bangalow Section 355 Committee – Amended Fees and Charges

File No: ADM252000 #1170663

- 11-1094 Resolved** that Report 12.9 be deferred to the first meeting in February 2012 to allow staff to seek clarification from Heritage House. (Tucker/Woods)

The motion was put to the vote and declared carried.

Report No. 12.10. Compliance and Regulatory Services Status Report as at 2 December 2011

File No: COR652000 #1159783

- 11-1095 Resolved** that this report be noted. (Tucker/Woods)

The motion was put to the vote and declared carried.

Report No. 12.12. 2012 Proposed Compliance Priorities Program

File No: BLD650000 #1172406

- 11-1096 Resolved:**

1. That Council adopt the balance of the proposed 2012 Compliance Priorities Program (Annexure 14(a) #1166012) with the following additional amendments to Clause 1.1 of the 2011 and 2012 Compliance Priorities Program.
 - a) delete detail after 'tourist facilities'
 - b) insert after 'tourist facilities':
"or any other use prohibited in the zone."

2. Amendments to Clause 2.6 – change “propriety” to “priority” (Tabart/Richardson)

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

FORESHADOWED MOTION

- 11-1097 Resolved** that with respect failing OSMS’s Council in the first instance recommend that the occupant install a compost toilet and that for occupants who are financially challenged, a wheelie bin system be recommended and that plans be supplied. (Staples/Barham)

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

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 12.15. PLANNING – DA 10.2011.368.1 Two lot subdivision at 335 Federal Drive Federal

File No: Parcel No 209390 #1142812

Moved: That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2011.368.1 for a two lot subdivision be approved with conditions to be reported to Council in February 2012. (Tucker/Woods)

*The motion was put to the vote and declared lost.
Crs Staples, Barham, Cameron, Richardson, Tabart and Morrissey voted against the motion.*

FORESHADOWED MOTION

- 11-1098 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2011.368.1 for two lot subdivision be refused for the reasons listed in Annexure 13(a) #1163613. (Morrissey/Staples)

*The motion was put to the vote and declared carried.
Crs Staples, Barham, Cameron, Richardson and Morrissey voted in favour of the motion.
Crs Tucker, Woods and Heeson voted against the motion.*

Report No. 12.18. Draft Corporate Sustainability Policy

File No: PLN657400 #1164232

11-1099 Resolved:

1. That Council approve the draft *Corporate Sustainability Policy* (#1099073) for public exhibition for a minimum period of 28 days.
2. That if there are no submissions received during the exhibition period, the draft *Corporate Sustainability Policy* be adopted. (Tucker/Barham)

*The motion was put to the vote and declared carried.
Crs Tucker and Heeson voted against the motion.*

SOCIETY AND CULTURE – EXECUTIVE MANAGER’S REPORT

Report No. 12.28. Main Beach Car Park Amenity Block Youth Art Project – Design Approval

File No: ADM308700 #1165913

11-1100 Resolved that Council defer approval and also consider entries from the Youth Arts and Environment Project for painting on Council infrastructure at the Main Beach Car Park Amenity Block. (Richardson/Barham)

The motion was put to the vote and declared carried.

COMMUNITY INFRASTRUCTURE – COMMITTEE REPORT

Report No. 13.2. Report of the Local Traffic Committee Meeting held on Wednesday 23 November 2011

#1168623/ENG224010

Cr Woods left the Chambers at 6.03pm in accordance with her declared pecuniary interest and did not return to the meeting.

6 Reinforcing existing one-way operation, The Terrace, Brunswick Heads

11-1101 Resolved:

1. That Council endorse the changes to the intersection of The Terrace and Nana Street, Brunswick Heads as outlined in the Local Traffic Committee report of 23 November 2011, as below:
 - a) give priority to the two-way section of Brunswick Terrace/Nana Street
 - b) put Give Way signage for the one-way traffic at the intersection with Nana Street
 - c) put in place edge / continuity lines through this intersection to 'direct' traffic through
 - d) reseal the edge lines through the intersection if required and if funds permit
2. That in addition to the LTC Committee recommendation, Council also install the ALL TRAFFIC right sign (R2-14) in an appropriate location at the intersection of The Terrace and Nana Street, Brunswick Heads and in doing so consider the need/benefit of retaining or removing the No Entry sign (R2-4) as currently located on the south-west corner of the intersection. (Tucker/Staples)

The motion was put to the vote and declared carried.

SOCIETY AND CULTURE – EXECUTIVE MANAGER’S REPORTS

Report No. 12.29. Review of Service Delivery Models for Sandhills Early Childhood Centre

File No: ADM301810 #1166681

11-1102 Resolved:

1. That Council note the Review of Service Delivery Models for Sandhills Early Childhood Centre (#1166687).

2. That Council resolve to retain ownership and maintain Council operation of the Sandhills Early Childhood Centre at this time and to continue to pursue obtaining a Lease from Crown Lands for the Centre
3. That Council note that management will pursue a number of opportunities to increase the efficiency of Sandhills Early Childhood Centre, including:
 - a) increasing budgeted utilisation to 95% from 2012/13 onwards and
 - b) reviewing staffing levels, including a review of full-time and part-time positions and potential for a new traineeship position, subject to the successful application for a licence extension to 55 places. (Tabart/Richardson)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

- 11-1103 Resolved** that Council compile the outstanding issues with Crown Lands and seek a meeting with the member for Ballina and seek his support in approaching the Minister for Primary Industries to seek a resolution of all outstanding Crown Land matters in Byron Shire. (Barham/Richardson)

The motion was put to the vote and declared carried.

Cr Cameron voted against the motion.

Report No. 12.30. Draft Crime Prevention Strategy and Action Plan

File No: ADM306600 #1168696

Moved: That the draft Crime Prevention Strategy and Action Plan (#1161087) not be placed on public exhibition and be deferred to the February meeting. (Richardson/Staples)

The motion was put to the vote and declared lost.

Crs Tucker, Heeson, Staples, Cameron and Morrisey voted against the motion.

FORESHADOWED MOTION

Moved:

1. That the draft Crime Prevention Strategy and Action Plan (#1161087) be retitled Community Safety Plan and its contents updated to reflect the title change as necessary be placed on public exhibition for a minimum period of 42 days.
2. That submissions received during the exhibition period on the draft Community Safety Plan be reported to Council for consideration prior to adoption.
3. That, in the event that no submissions are received during the public exhibition period, the draft Community Safety Plan be adopted.
4. That a report be prepared for Council on the progress of the implementation of actions identified in the Safety Audits for Brunswick Heads, Byron Bay and Ocean Shores, and that the report include what has been undertaken/completed; what is outstanding; and what is included in the ongoing schedule of works. (Staples/Morrisey)

The motion was put to the vote and declared lost.

Crs Tucker, Heeson, Barham, Richardson and Tabart voted against the motion.

Cr Woods was not present for the vote.

11-1104 Resolved that the meeting be extended past 6:00pm to finish all items on the agenda. (Barham/Tabart)

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

WATER AND RECYCLING AND CORPORATE MANAGEMENT- EXECUTIVE MANAGERS' REPORT

Report No. 12.32. Expiry of Lease - 18 Fletcher Street Byron Bay
File No: BEN400000 #1156691

11-1105 Resolved that Council note the report. (Tabart/Barham)

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

URGENCY MOTION

1. PAC Assessment Process

11-1106 Resolved that Council discuss Council's response to the PAC assessment process and public meeting as a matter of urgency as both will be concluded during the summer recess and there will be no opportunity to consider these matters prior to their conclusion. (Cameron/Barham)

The motion was put to the vote and declared carried.

11-1107 Resolved:

1. That Council prepare a submission and presentation based on Council's previous submission to DoPI (#1027595) for the purposes of participating in the PAC consultation process and public meeting.
2. That Council seek an urgent change to the venue for the public meeting and that it be located at the Ocean Shores community centre or at a nearby venue in the north of the Shire. Alternatively a second meeting be held in the Ocean Shores community centre. (Cameron/Staples)

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

There being no further business the meeting concluded at 6.47pm.

I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council's Ordinary Meeting on 9 February 2012.

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Mayor Jan Barham
