



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 27 August 2015

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes

27 August 2015

INDEX OF ITEMS DISCUSSED

The following items are listed in the order in which they were dealt with.

Report No. 13.1	Budget Review - 1 April 2015 to 30 June 2015.....	5
Report No. 13.2	Council Resolutions Review April to June 2015	5
Report No. 13.3	Requests for Section 356 Donations	5
Report No. 13.4	Mayor and Councillors Payment of Expenses and Provision of Facilities Policy	6
Report No. 13.8	Operational Plan Review 2014/15 as at 30 June 2015.....	6
Report No. 13.9	Carryovers for Inclusion in the 2015/16 Budget.....	6
Report No. 13.10	Council Investments July 2015	7
Report No. 13.11	Revocation of Menacing dog Declarations	7
Report No. 13.13	PLANNING - 26.2014.14.1 - Planning Proposal for an amendment to Byron LEP 2014 to rezone land from RU1 Primary Production to R2 Low Density Residential at Granuaille Crescent, Bangalow.....	7
Report No. 13.15	PLANNING - State Environmental Planning Policy No. 1 - Variations to development standards - 1 April 2015 to 30 June 2015	7
Report No. 13.16	Report of the Planning Review Committee Meeting held on 2 July 2015	8
Report No. 13.20	Brunswick River dredging	8
Report No. 13.21	Report of the Planning Review Committee Meeting held on 6 August, 2015 ...	8
Report No. 14.1	Report of the Communications Committee Meeting held on 25 June 2015.....	8
Report No. 13.5	Draft Amended Code of Meeting Practice Policy	9
Report No. 13.12	Section 34A Lease License - Butler Street Reserve for site compound to construct Byron Bay Bypass	9
Notice of Motion No. 9.1	North Byron Beach Resort Signage - Owner's Consent to Lodge Development Application	10
Notice of Motion No. 9.2	Waiver of Road Closure Application Fees - Biggest Little Dinner	10
Petition No. 10.1	Urgently prioritise repair of Mullumbimbi and Fingal Streets (between Park Street and Tweed Street), Brunswick Heads	10
Petition No. 10.2	Petition to reject expansion of paid parking and public paid parking form request.....	10
Report No. 13.6	Section 355 Committee / Board of Management - Membership changes	11
Report No. 13.7	Assistance for Festivals and Community Functions - Section 356 Donations for Road Closures.....	12
Report No. 13.14	Byron Coast Comprehensive Koala Plan of Management.....	12
Report No. 13.17	Update Coastal Zone Management Plan Byron Bay Embayment	14
Report No. 13.18	PLANNING - S96 DA 10.2014.404.2 S96 to alter conditions relating to tree retention, footpath construction, kerb and gutter construction (subdivision to create six (6) urban lots with associated Infrastructure and tree removal), at 70-90 Station Street, Mullumbimby.....	15
Report No. 13.19	Vegetation mapping - Stages 1 and 2 update.....	16
Report No. 13.22	Nomination for Community Representative for Transport Advisory Committee.....	16

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 August 2015

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 27 AUGUST 2015 COMMENCING AT 9.07AM AND CONCLUDING AT 2.25PM

12015/869

PRESENT: Cr A Hunter (Deputy Mayor), Cr B Cameron, Cr C Cubis (arrived 9.33am), Cr D Dey, Cr P Spooner, Cr R Wanchap (arrived 9.12am) and Cr D Woods

Staff: Ken Gainger (General Manager)
Mark Arnold (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Mila Jones (Minute Taker)

The Deputy Mayor opened the meeting and acknowledged that the meeting is being held on Arakwal Country and that we pay our respects to the elders past and present and extend our respect to the Bundjalung clans whose lands and waters are part of the Shire.

PUBLIC ACCESS

Prior to dealing with the circulated reports and associated information, a Public Access Session was held and Council was addressed on the following:

13.5 Draft Amended Code of Meeting Practice Policy

Peter Wegner addressed Council in favour of the recommendation.

13.12 Section 34A Lease License - Butler Street Reserve for site compound to construct Byron Bay Bypass

Chris Moyes addressed Council in favour of the recommendation.

Submission No. 1 Dog Exercise Areas

David Wallace made a submission to Council regarding dog exercise areas and a review of Council's policy, maps and signage, particularly in the area of Suffolk Park.

Submission No. 2 Tyagarah Airfield

Ted Kabbout, Managing Director Airways Aviation, made a submission to Council declaring an interest in gaining access to the Tyagarah Airfield for running a charter service out of the vacant scout hall.

Submission No. 3 Signage on Ewingsdale Road

Belinda Hultgren addressed Council requesting a space be made available to provide signage for their business.

The meeting adjourned at 9.35am and reconvened at 9.56am.

APOLOGIES

An apology was received from Cr Ibrahim.

PROCEDURAL MOTION

- 15-379 **Resolved** that the apology from Cr Ibrahim be accepted and a leave of absence granted.
(Woods/Cubis)
The motion was put to the vote and declared carried.
-

REQUESTS FOR LEAVE OF ABSENCE

Cr Richardson has previously been granted a leave of absence for this meeting.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Spooner declared a non-pecuniary interest in Report 13.12. The nature of the interest being that his employer operates markets in the Butler Street Reserve. Cr Spooner elected to leave the chamber, not participate in the debate and not vote.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 15-380 **Resolved** that the minutes of the following meetings be confirmed:
- Byron Shire Reserve Trust Committee held 16 July 2015
 - Ordinary Meeting held 16 July 2015
 - Extraordinary Meeting held 30 July 2015
 - Extraordinary Meeting held 13 August 2015 (Woods/Cubis)

The motion was put to the vote and declared carried.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

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

STAFF REPORTS

Corporate and Community Services

- Report No. 13.5 Draft Amended Code of Meeting Practice Policy
Report No. 13.6 Section 355 Committee / Board of Management - Membership changes
Report No. 13.7 Assistance for Festivals and Community Functions - Section 356 Donations for Road Closures
Report No. 13.12 Section 34A Lease License - Butler Street Reserve for site compound to construct Byron Bay Bypass

Sustainable Environment and Economy

- Report No. 13.14 Byron Coast Comprehensive Koala Plan of Management
Report No. 13.17 Update Coastal Zone Management Plan Byron Bay Embayment

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 August 2015

Report No. 13.18 PLANNING - S96 DA 10.2014.404.2 S96 to alter conditions relating to tree retention, footpath construction, kerb and gutter construction (subdivision to create six (6) urban lots with associated Infrastructure and tree removal), at 70-90 Station Street, Mullumbimby

Report No. 13.19 Vegetation mapping - Stages 1 and 2 update

Infrastructure Services

Report No. 13.22 Nomination for Community Representative for Transport Advisory Committee

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Woods and seconded by Cr Dey. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 15-381 and concluding with Resolution No. 15-391.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.1 **Budget Review - 1 April 2015 to 30 June 2015**
File No: I2015/823

15-381 Resolved:

1. That Council authorises the itemised budget variations as shown in Attachment 2 (#E2015/52657) which includes the following results in the 30 June 2015 Quarterly Review of the 2014/2015 Budget:
 - a) General Fund - \$0 increase in accumulated surplus/working funds
 - b) General Fund - \$11,502,900 increase in reserves
 - c) Water Fund - \$2,601,000 increase in reserves.
 - d) Sewerage Fund - \$2,807,700 increase in reserves
2. That Council adopt the revised estimated General Fund Accumulated Surplus/ (Working Funds) surplus of \$1,957,550 for the 2014/2015 financial year as at 30 June 2015.

(Woods/Dey)

Report No. 13.2 **Council Resolutions Review April to June 2015**
File No: I2015/705

15-382 Resolved:

1. That Council receive and note the information provided in this report on outstanding Council resolutions (Attachments 3 and 4 (#E2015/46977 and E2015/52490).
2. That Council note the completed resolutions in Attachments 1 and 2 (#E2015/46975 and #E2015/46976).

(Woods/Dey)

Report No. 13.3 **Requests for Section 356 Donations**
File No: I2015/717

15-383 Resolved:

1. That Council, under Section 356 of the Local Government Act, make the following donations:

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 August 2015

- a) \$2,200 to The Salvation Army for unoccupied pro rata lease payments at 18 Fletcher Street Byron Bay, to be paid from Water Fund job number 6141.039 with Council also allocating \$2,200 from the Water Fund Reserve to fund this donation.
- b) \$942.00 to the Bangalow Historical Society for Development Application fees paid totalling for DA 10.2013.592.1 for repair of the Bangalow Weir from Section 356 Donations Budget 2341.009.

2. That Council advertise the Section 356 Donations made. (Woods/Dey)

Report No. 13.4 Mayor and Councillors Payment of Expenses and Provision of Facilities Policy

File No: I2015/718

15-384 Resolved:

1. That in accordance with Section 253(5) of the Local Government Act 1993, Council give public notice of its intention to adopt amended Policy Mayor and Councillors Payment of Expenses and Provision of Facilities as shown at Attachment A (E2015/45197) and allow at least 28 days for the making of public submissions.
 2. That after close of the exhibition period:
 - a) Any submissions received, along with the Policy, be reported back to Council.OR
 - b) In the event that no submissions are received, the Policy will be adopted and a copy forwarded to the Director General in accordance with section 254(4) (Woods/Dey)
-

Report No. 13.8 Operational Plan Review 2014/15 as at 30 June 2015

File No: I2015/796

15-385 Resolved that Council receive and note the report and associated attachment (E2015/50968) on the 2014/15 Operational Plan Review for the period 1 July 2014 to 30 June 2015. (Woods/Dey)

Report No. 13.9 Carryovers for Inclusion in the 2015/16 Budget

File No: I2015/810

15-386 Resolved:

1. That the works and services, and the respective funding shown in attachment 1 (#E2015/50268), attachment 2 (#E2015/50270) and attachment 3 (#E2014/50271) be carried over from the 2014/2015 Financial Year and that the carryover budget allocations be adopted as budget allocation revotes for inclusion in the 2015/2016 Budget Estimates.
2. That Council reallocate the adopted 2015/2016 Special Rate Community Building Maintenance outlined in Table 3 of this report to the program outlined in Table 4 of this report.

(Woods/Dey)

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 August 2015

Report No. 13.10 Council Investments July 2015
File No: I2015/820

- 15-387 Resolved** that the report listing Council's investments and overall cash position as at 31 July 2015 be noted. (Woods/Dey)
-

Report No. 13.11 Revocation of Menacing dog Declarations
File No: I2015/830

15-388 Resolved:

1. That pursuant to the provisions of Section 39(2)(a) of the Companion Animals Act Council is satisfied that it is appropriate revoke the Menacing Dog Declarations made on 8 April 2014 in respect of each of "Cosmo" Microchip No 943094320011986 a chocolate coloured Poodle desexed and "Stella " Microchip No 977200004970898 a black Poodle.
 2. That the said menacing dog declarations be revoked. (Woods/Dey)
-

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.13 PLANNING - 26.2014.14.1 - Planning Proposal for an amendment to Byron LEP 2014 to rezone land from RU1 Primary Production to R2 Low Density Residential at Granuaille Crescent, Bangalow
File No: I2015/334

15-389 Resolved:

1. That Council proceed with the planning proposal to rezone part of Lot 232 DP 1194657, Bangalow (as identified in Map 1 of this report), to R2; and apply FSR of 0.5:1 and MLS of 600 sq metres;
2. That Council amend the planning proposal to include the rezoning of part of Lot 231 and part of Lot 233 of DP 1194657, Bangalow, (as identified in Map 1 of this report), to R2; and apply FSR of 0.5:1 and MLS of 600 sq metres;
3. That Council ensure that the planning proposal is consistent with Gateway determination and /or Council requirements prior to public exhibition. (Woods/Dey)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

Report No. 13.15 PLANNING - State Environmental Planning Policy No. 1 - Variations to development standards - 1 April 2015 to 30 June 2015
File No: I2015/638

- 15-390 Resolved** that the report be noted. (Woods/Dey)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 August 2015

Report No. 13.16 **Report of the Planning Review Committee Meeting held on 2 July 2015**

File No: I2015/646

15-391 Resolved that the report be noted. (Woods/Dey)

Report No. 13.20 **Brunswick River dredging**

File No: I2015/807

15-392 Resolved that Council note the information provided by Crown Lands in response to resolution 15-364, and that, from the information provided, it would appear that Crown Lands are legally entitled to proceed with the dredging works using alternative arrangements that do not require permission from or the support of Council. (Woods/Dey)

Report No. 13.21 **Report of the Planning Review Committee Meeting held on 6 August 2015**

File No: I2015/827

15-393 Resolved that the report be noted. (Woods/Dey)

REPORTS OF COMMITTEES - ORGANISATION DEVELOPMENT

Report No. 14.1 **Report of the Communications Committee Meeting held on 25 June 2015**

File No: I2015/826

15-394 Resolved that Council note the minutes of the Communications Committee Meeting held on 25 June 2015. (Woods/Dey)

15-395 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.1 Community Engagement

File No: I2015/499

Committee Recommendation 5.1.1

That Council:

1. Remove the Engagement Template and references to it within the draft Community Engagement Policy.
 2. Adopt the amended draft Community Engagement Policy and repeal Policy 3.38 Community Consultation and Participation in Council's Decision Making.
 3. Endorse the Community Roundtable Protocol. (Woods/Dey)
-

PROCEDURAL MOTION

15-396 Resolved that Council change the order of business to deal with Reports 13.5 and 13.12 next on the Agenda. (Dey/Cubis)

The motion was put to the vote and declared carried.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.5 **Draft Amended Code of Meeting Practice Policy**
File No: I2015/719

15-397 Resolved:

1. That the Code of Meeting Practice Schedules "A" and "B" shown at Attachment "1" (E2015/29824) be adopted and included in the Code of Meeting Practice with the following amendments:
 - page 296 Public Access item number 4 to include "NOTE" Questions to be on current agenda items or current issues before Council.
 - The time allowed is to be one minute per question and one question per meeting
2. That the community be advised of the amendment to Schedule "A" through Council's meeting advertisement. (Woods/Wanchap)

AMENDMENT

Moved:

1. That the Code of Meeting Practice Schedules "A" and "B" shown at Attachment "1" (E2015/29824) be adopted and included in the Code of Meeting Practice as amended:
 - in page 296 Schedule A item 4 delete the words "to Councillors" and also remove at line 30 on page 296.
 - Time allowed is to be one minute per question and one question per meeting
 - page 296 Schedule A In item 5 insert "for clarity" after the word "questions"
2. That the community be advised of the amendment to Schedule "A" through Council's meeting advertisement. (Spooner/Cameron)

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

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

Report No. 13.12 **Section 34A Lease License - Butler Street Reserve for site compound to construct Byron Bay Bypass**
File No: I2015/850

Cr Spooner left the chambers at 10.29am in accordance with his earlier declared non-pecuniary interest in this matter.

15-398 Resolved:

1. That Council, subject to support of the Reserve Trust, delegate to the General Manager the authority to negotiate and enter into a 34A Lease/Licence with Crown Lands for part of the Butler Street Reserve, for the purpose of a road construction compound.
2. That first preference be given to the area at the end of Somerset Street (marked yellow on the plan issued to Councillors in an email (E2015/55757) of 25 August and second preference to the area on the western side of the Reserve (marked in blue).

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 August 2015

3. That the Council seal be affixed to the 34A Lease/Licence agreement between Council and Crown Lands for part Butler Street Reserve, for the purpose of a road construction compound. (Dey/Woods)

The motion was put to the vote and declared carried.

Cr Spooner was not present for the vote.

MAYORAL MINUTE

There was no Mayoral Minute.

NOTICES OF MOTION

Notice of Motion No. 9.1 **North Byron Beach Resort Signage - Owner's Consent to Lodge Development Application**

File No: I2015/841

Cr Hunter withdrew his Notice of Motion.

Notice of Motion No. 9.2 **Waiver of Road Closure Application Fees - Biggest Little Dinner**

File No: I2015/843

Cr Cameron withdrew his Notice of Motion.

Cr Spooner returned to the chambers at 10.40am.

PETITIONS

Petition No. 10.1 **Urgently prioritise repair of Mullumbimbi and Fingal Streets (between Park Street and Tweed Street), Brunswick Heads**

File No: I2015/783

15-399 Resolved:

1. That the petition regarding repair of Fingal Street, from Park to Tweed Street Brunswick Heads be noted.
2. That the petition be referred to the Director Infrastructure Services. (Woods/Dey)

The motion was put to the vote and declared carried.

Petition No. 10.2 **Petition to reject expansion of paid parking and public paid parking form request**

File No: I2015/782

15-400 Resolved:

1. That the petition regarding paid parking and forum request be noted.
2. That the petition be referred to the Director Infrastructure Services. (Woods/Cubis)

The motion was put to the vote and declared carried.

SUBMISSIONS AND GRANTS

There were no submissions or grants.

DELEGATES' REPORTS

No. 12.1 **Bonn Report**
File No: I2015/809

15-401 Resolved that the report be noted. (Woods/Spooner)

The motion was put to the vote and declared carried.

1. Rous Water 19 August 2015

Cr Dey advised Council:

At a workshop prior to the meeting, consultants Russell Beatty and Trevor Ingram of Jacobs Group (previously SKM) outlined progress on the groundwater investigation taking place over three years under Rous's Future Water Strategy. The investigation has examined 14 potential aquifers in the region, reducing them so far to five preferred sites. Those will be further examined, including for factors like proximity to consumers and to the Rous network. The aim is to lay out a drilling program, for some of the sites.

Agenda items included discussion on developer charges for granny flats. Rous resolved to use the methodology used by Lismore and Ballina Councils, ie zero increase in consumption and hence zero charge. Once adequate data has been collected (by constituent Councils) Rous will consider the impact of this policy. Rous is also to review its Development Servicing Plans to ensure that the methods by which Council's can discount s64 charges is clear.

Sales have increased lately at Perradenya. If all goes well, Rous may eventually recoup its costs for this multi-decade real estate venture or at least minimise its losses. My view is that the development game is not a good one for a public authority.

The sodium fluoride to be dosed by Rous comes from Belgium and the sodium silico-fluoride from China.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.6 **Section 355 Committee / Board of Management - Membership changes**
File No: I2015/720

15-402 Resolved:

1. That the following appointments be made in line with Councillors term of office ending September 2016.
 - a) That Vivienne Gorec be officially appointed to Heritage House Bangalow Section 355 Management Committee.
 - b) That Cr Duncan Dey be appointed as the second Councillor representative to the Mullumbimby Civic Memorial Hall Board of Management.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 August 2015

2. That Council note the resignations received from Elaine Moyle and John Sourry from the Heritage House (and Tennis Court) Section 355 Management Committee and be officially thanked for their contribution on this Committee.
3. That the Board of Management Guidelines be amended at Section 3.2 as follows:

3.2 Board Membership

The Board membership will number not less than three (3) and not more than nine (9) members as appointed by Council including office bearers unless otherwise decided by Council. Council reserves the right to appoint up to two (2) of its members to each Board of Management.

(Woods/Wanchap)

The motion was put to the vote and declared carried.

**Report No. 13.7 Assistance for Festivals and Community Functions - Section 356
Donations for Road Closures**

File No: I2015/795

15-403 Resolved:

1. That the report be noted.
2. That under Council's Policy Section 356 Donations – Assistance for Festivals and Community Functions, the following donations be granted for the 2015/2016 financial year, to assist with Council's road closure application fees and provision of litter bins:

i) Byron Lighthouse Run, 18 October 2015	\$350
ii) Byron Spirit Festival, 15-17 April 2016	\$350
iii) Festival of the Fish and Chips (Twilight Market), 16 December 2015	\$350
iv) Bangalow Billycart Derby, May 2016	\$350
v) Bangalow Christmas Eve Carnival, December 2015	\$350
vi) Mullum to Bruns Paddle, May 2016	\$350
vii) Brunswick Nature Sculpture Walk, 3-5 October 2015	\$100
viii) Mullumbimby Biggest Little Dinner 27 August 2015	\$350
Total	\$2,550
3. That Council request a review of Policy Section 356 Donations – Assistance for Festivals and Community Functions and report back to Council on the review. (Cameron/Woods)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.14 Byron Coast Comprehensive Koala Plan of Management

File No: I2015/355

15-404 Resolved that Council:

1. Commission a peer review of the Byron Coast CKPOM and associated habitat mapping.
2. The preferred agency is the University of Queensland Koala Ecology Group. In the event that this group is not available to undertake the review, alternative persons may be proposed by staff at the workshop in item 7. below.

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 August 2015

3. Staff will prepare the peer review terms of reference based on public submissions received and questions raised by Councillors.
4. The draft CKPOM will be placed on Council's website as soon as possible to allow interested parties to make further submissions. Two weeks will be provided for additional submissions to be lodged.
5. Unspent project funding will be used to fund the peer review.
6. In the event that there are major barriers to the implementation of this resolution, a staff report will be presented to Councillors in workshop.
7. A workshop will be provided for Councillors in two weeks to oversee the submissions, peer review terms of reference and other related issues including legal advice and SEPP 44.
(Woods/Wanchap)

AMENDMENT

Moved that Council:

1. Adopt the Byron Coast Comprehensive Koala Plan of Management at Attachment 3, incorporating any changes made in accordance with recommendation 3.
2. Submit the Byron Coast Comprehensive Koala Plan of Management to the Director of the Department of Planning and Environment for approval.
3. Delegate to the General Manager the authority to make any non-policy amendments or minor changes required to the Byron Coast Comprehensive Koala Plan of Management prior to submitting the Plan to the Department of Planning and Environment, including those that may be required by the Department following submission of the Plan.
4. Receive a report detailing any changes required by the Department of Planning and Environment in response to recommendation 3. (Spooner/Cameron)

PROCEDURAL MOTIONS

15-405 Resolved that Cr Wanchap be granted a two minute extension to her speech. (Woods/Cubis)

The motion was put to the vote and declared carried.

15-406 Resolved that Cr Cameron be granted a two minute extension to his speech. (Hunter/Woods)

The motion was put to the vote and declared carried.

15-407 Resolved that Cr Dey be granted a one minute extension to his speech. (Woods/Cameron)

The motion was put to the vote and declared carried.

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

*The motion (Woods/Wanchap) was put to the vote and declared carried.
Crs Dey, Cameron and Spooner voted against the motion.*

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 August 2015

FORESHADOWED MOTION

- 15-408 Resolved** that at the Councillor workshop in point 7 of the previous Resolution, PRG members and known experts who have made substantial submissions also be invited. (Dey/Spooner)

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

FORESHADOWED MOTION

- 15-409 Resolved** that Council write to the Department of Planning and again seek their input and assistance on developing and adopting a KPoM for our dwindling coastal population of free-range Koalas. (Dey/Spooner)

The motion was put to the vote and declared carried.

The meeting adjourned at 12.15pm for lunch and reconvened at 1.07pm.

Report No. 13.17 Update Coastal Zone Management Plan Byron Bay Embayment
File No: I2015/704

15-410 Resolved:

1. That the draft constitution at Attachment 1 (#E2015/45369) be amended at various sections to include the following information:
 - a) Section 4.1 - 4 Councillor Members, and these Councillors are Crs Ibrahim, Cameron, Wanchap and Dey
 - b) Section 4.1 - 2 Community Members, and these Community Members will be one from the Byron Preservation Association and one from either BEACON or Byron Residents Group
 - c) Document History – Relevant dates and resolution numbers pertaining to Council's consideration of this Report (#I2015/704).
 - d) Delete clauses 9 and 10 from the constitution for the PRG
 - e) Clause 18 - delete point 18(b) (point 12(a) is identical to point 18(b))
 - f) Clause 18 - delete first 5 words from 18(d).
2. That Council adopt the amended draft constitution at Attachment 1 (#E2015/45369).
3. That the process at Table 2 of this Report (#I2015/704) be implemented for establishing the Coastal Zone Management Plan Byron Bay Embayment Project Reference Group. (Woods/Wanchap)

AMENDMENT

Moved:

1. That the draft constitution at Attachment 1 (#E2015/45369) be amended at various sections to include the following information:
 - a) Section 4.1 - 4 Councillor Members, and these Councillors are Crs Ibrahim, Cameron, Wanchap and Dey
 - b) Section 4.1 - 2 Community Members, and these Community Members will be one from the Byron Preservation Association and one from either BEACON or Byron Residents Group

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 August 2015

- c) Document History – Relevant dates and resolution numbers pertaining to Council's consideration of this Report (#I2015/704).
 - d) Clause 18 - delete point 18(b) (point 12(a) is identical to point 18(b))
 - e) Clause 18 - delete first 5 words from 18(d).
 - f) A new Clause be inserted after clause 10 - That the advice/feedback and reporting to council include presentation of minority views, when requested by two or more voting members of the PRG.
2. That Council adopt the amended draft constitution at Attachment 1 (#E2015/45369).
 3. That the process at Table 2 of this Report (#I2015/704) be implemented for establishing the Coastal Zone Management Plan Byron Bay Embayment Project Reference Group.
(Dey/Cameron)

PROCEDURAL MOTION

- 15-411 Resolved** that Cr Spooner be granted a two minute extension to his speech.
(Cameron/Wanchap)

The motion was put to the vote and declared carried.

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

*The motion (Woods/Wanchap) was put to the vote and declared carried.
Crs Dey, Cameron and Spooner voted against the motion.*

Report No. 13.18 **PLANNING - S96 DA 10.2014.404.2 S96 to alter conditions relating to tree retention, footpath construction, kerb and gutter construction (subdivision to create six (6) urban lots with associated Infrastructure and tree removal), at 70-90 Station Street, Mullumbimby**
File No: I2015/721

Moved: That this matter be deferred until a report with the cost of retaining the tree and plans that show this.
(Wanchap/Woods)

- 15-412 Resolved** that pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, that application no. 10.2014.404.2 for S96 to alter conditions relating to tree retention, footpath construction and kerb and gutter construction (subdivision to create six (6) urban lots with associated Infrastructure and tree removal), be approved by modifying development consent 10.2014.404.1:

- a) as listed in Attachment 2 #E2015/49664; and
- b) with a change to condition 5 such that generous compensatory planting is required and will provide future urban shade in areas frequented by the public not far from this site.(Dey/Cubis)

*The amendment was put to the vote and declared carried.
Crs Dey, Cubis, Woods, Hunter, Cameron and Spooner voted in favour of the amendment.
Cr Wanchap voted against the amendment.*

*The amendment upon becoming the substantive motion was put to the vote and declared carried.
Crs Dey, Cubis, Hunter, Cameron and Spooner voted in favour the motion.
Crs Woods and Wanchap voted against the motion.*

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

27 August 2015

The meeting adjourned at 2.08pm to open the Byron Shire Reserve Trust Committee Meeting and reconvened at 2.16pm.

Resolution Nos 15-413 to 15-416 were used during that meeting.

Report No. 13.19 Vegetation mapping - Stages 1 and 2 update
File No: I2015/801

15-417 Resolved:

1. That Council note the contents of this report in terms of the outcomes of the public exhibition of Stage 1 of the vegetation mapping review.
2. That Council endorse the public exhibition of the Stage 2 draft vegetation mapping for a period of 28 days.
3. That following public exhibition of Stage 2 the vegetation mapping for both Stages 1 and 2 be reviewed against the Byron Council - 2015 - Hi-Res Imagery as made available to Council from Land and Property Information prior to reporting back to Council. (Woods/Cubis)

The motion was put to the vote and declared carried.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.22 Nomination for Community Representative for Transport Advisory Committee
File No: I2015/648

15-418 Resolved:

1. That Council appoints Stephen Stewart, Philip Theaker and Kumar Rajaratnam as community representatives from the nominations received for membership of the Transport Advisory Committee.
2. That the Northern Rivers Social Development Council be invited to send a delegate to meetings of the Transport Advisory Committee.
3. That the Constitution of the Committee be amended if and where necessary to facilitate these changes in membership. (Cameron/Woods)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 2.25pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 17 September 2015.

.....
Mayor Simon Richardson