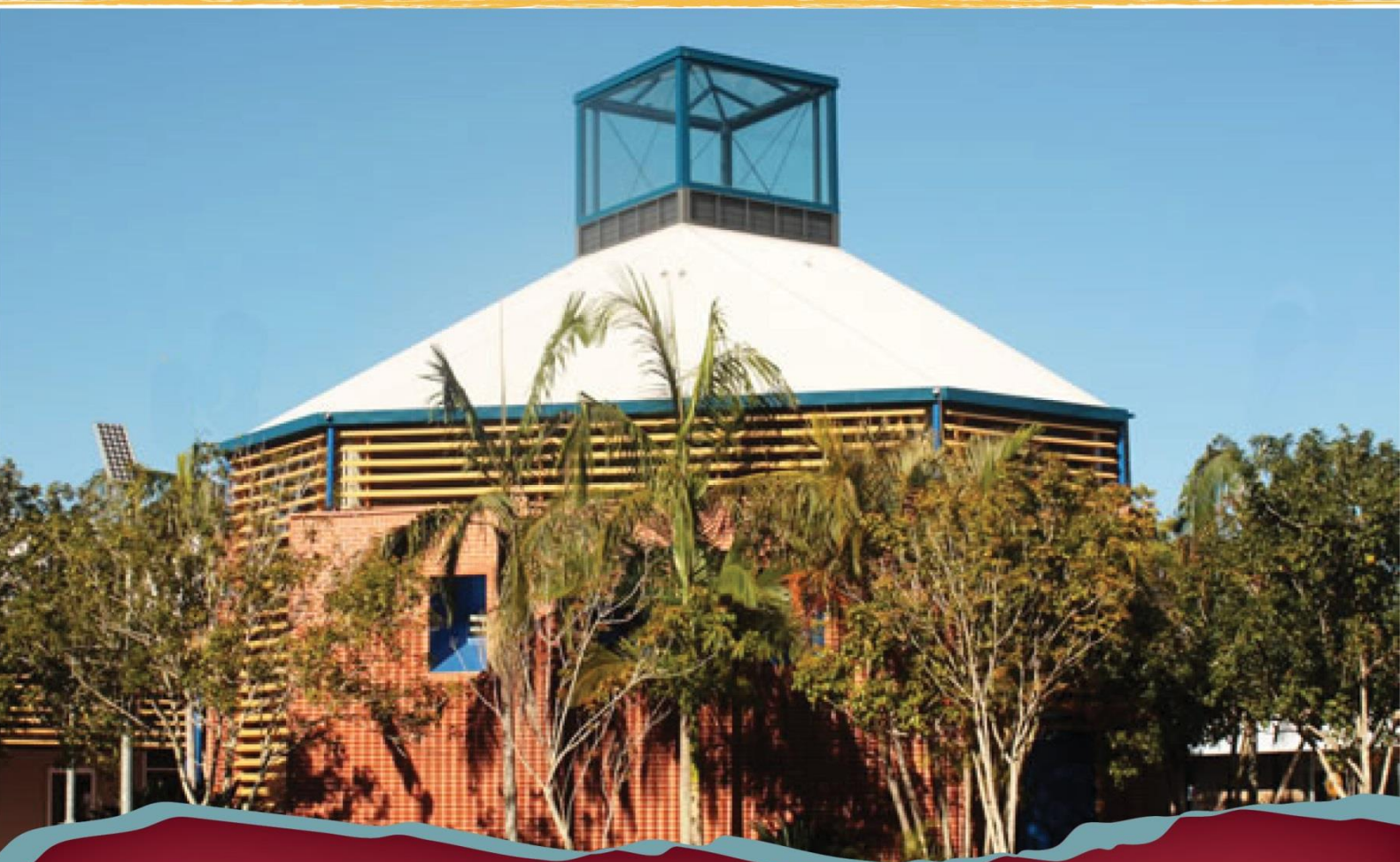




Byron Shire Council



Minutes

Extraordinary Meeting

Wednesday, 29 June 2016

BYRON SHIRE COUNCIL

Extraordinary Meeting Minutes
29 June 2016

INDEX OF ITEMS DISCUSSED

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

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BYRON SHIRE COUNCIL

EXTRAORDINARY MEETING MINUTES

29 June 2016

MINUTES OF THE BYRON SHIRE COUNCIL EXTRAORDINARY MEETING HELD ON WEDNESDAY, 29 JUNE 2016 COMMENCING AT 9.07AM AND CLOSED AT 4.35PM

I2016/707

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, Cr C Cubis (arrived 9.19am), Cr D Dey, Cr A Hunter, Cr S Ibrahim, Cr P Spooner, Cr R Wanchap and Cr D Woods

Staff: Ken Gainger (General Manager)
Mark Arnold (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Ralph James (Legal Services Coordinator for Reports 4.3, 5.1 and 5.2)
Sharyn French (Manager Environmental and Economic Planning for Report 4.3)
Paul Mills (Senior Planner for Report 4.5)
Chris Larkin (Senior Planner for Report 4.5)
James Brickley (Manager Finance for Report 4.1)
Mila Jones/David Royston-Jennings (Minute Taker)

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

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:

4.3 Draft Coastal Zone Management Plan Byron Bay Embayment - Public Exhibition

Jan Hackett, Donald Maughan (Suffolk Park Progress Association), Patricia Warren, Jenny Coman (Bangalow Progress Association), Ruth Winton-Brown (Possum Creek Residents' Group), Suzy Skivington, David Bradbury and Arthur Burroughes addressed Council against the recommendation.

4.4 PLANNING - 10.2016.34.1 Secondary Dwelling at 7 Tyagarah Street Mullumbimby

Garth Luke and Greg Mulcahy addressed Council against the recommendation.

4.5 PLANNING - Development Application 10.2016.189.1 - Multi Dwelling Housing (including 10 single bedroom dwellings, parking for 5 vehicles) and Demolition of existing structures - 116 Stuart Street, Mullumbimby

Phillip Agnew and Duncan Band, representing the applicant, addressed Council in favour of the recommendation.

Len Bates and Christine McNeil addressed Council against the recommendation.

4.1 2016/17 Operational Plan

Cristobel Munson address Council regarding the report.

Crs Woods and Cubis left the chambers at 10.31am.

The meeting adjourned at 10.36am and reconvened at 10.59am. Crs Woods and Cubis returned to the meeting at this time.

APOLOGIES

There were no apologies.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

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

STAFF REPORTS

Corporate and Community Services

Report No. 4.1 2016/17 Operational Plan

Sustainable Environment and Economy

Report No. 4.3 Draft Coastal Zone Management Plan Byron Bay Embayment - Public Exhibition

Report No. 4.5 PLANNING - Development Application 10.2016.189.1 - Multi Dwelling Housing (including 10 single bedroom dwellings, parking for 5 vehicles) and Demolition of existing structures - 116 Stuart Street, Mullumbimby

CONFIDENTIAL REPORTS

Corporate and Community Services

Report No. 5.1 CONFIDENTIAL – Implementation of Part 12 of Resolution 16-028

Report No. 5.2 CONFIDENTIAL – Byron Shire Council ats Ralf Lauren 57 Pty Ltd

The remaining Recommendations were adopted as a whole, being moved by Cr Woods and seconded by Cr Richardson. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 16-323 and concluding with Resolution No. 16-325.

PROCEDURAL MOTION

- 16-322 Resolved** that Council change the order of business to deal with Reports 4.3, 4.5 and 4.1 next on the Agenda. (Richardson/Woods)

The motion was put to the vote and declared carried.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 4.2 Making of the Rate 2016/2017
File No: I2016/617

- 16-323 Resolved** that in accordance with Sections 533, 534, 535 and 566 of the Local Government Act 1993 (Act), Council makes the following rates and annual charges for 2016/2017:

1. Residential - Ordinary Rate

A Residential Ordinary Rate of 0.2302 cents in the dollar on the land value of all land

BYRON SHIRE COUNCIL

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categorised as residential, with a minimum rate of \$695.00 per rateable assessment. Exception to this will be in respect to vacant land which meets the definition of vacant coastal hazard and flood liable land as per section 548 of the Act. In this case the minimum rate amount shall be \$382.00 per rateable assessment.

2. Business (Other) - Ordinary Rate

A Business (Other) Ordinary Rate of 0.3453 cents in the dollar on the land value of all land categorised as business outside the 'centre of activity' known as Byron Bay Business Centre, with a minimum rate of \$695.00 per rateable assessment.

3. Business (Byron Bay Business Centre) - Ordinary Rate

A Business (Byron Bay Business Centre) Ordinary Rate of 0.4604 cents in the dollar on the land value of all land categorised as business within the boundary of the 'centre of activity' known as Byron Bay Business Centre, with a minimum rate of \$695.00 per rateable assessment.

4. Farmland - Ordinary Rate

A Farmland Ordinary Rate of 0.1697 cents in the dollar on the land value of all land categorised as farmland, with a minimum rate of \$695.00 per rateable assessment. Exception to this will be in respect to vacant land which meets the definition of vacant coastal hazard and flood liable land as per section 548 of the Act. In this case the minimum amount shall be \$382.00 per rateable assessment.

5. Other Annual Charges Applicable for 2016/2017

(a) Domestic Waste Management Annual Charges

In accordance with Section 496 of the Act, a charge, to be known as the Domestic Waste Management Charge, for the provision of a weekly waste service is to apply to all rateable residential land within the defined collection area. This charge, depending on the number of services and bin capacity, is to be levied for the removal of domestic waste and recyclable materials on and during the normal collection day and hours. This is subject to the right of the Council to seek to vary such charge during the year, if in the opinion of the Council such action is warranted in view of any variation in the cost of rendering the service. The following charges for 2016/2017 will apply:

Urban Domestic Waste Collection - Annual Charges	
Size of Service	Annual Charge
Urban Domestic – Single Dwellings 3 MGB service	
Per service – fortnightly collection of 80 Litre waste MGB, fortnightly collection of 240 litre recycling MGB and weekly collection 240 litre organics MGB	\$123.00
Per service – fortnightly collection of 140 Litre waste MGB, fortnightly collection of 240 litre recycling MGB and weekly collection 240 litre organics MGB (standard service)	\$260.00
Per service – fortnightly collection of 240 Litre waste MGB, fortnightly collection of 240 litre recycling MGB and weekly collection 240 litre organics MGB	\$386.00
Urban Domestic – Multi Unit Dwellings (MUD) 3 MGB service per Unit	
Per service – fortnightly collection of 80 Litre waste MGB, fortnightly collection of 240 litre recycling MGB and weekly collection 240 litre organics MGB	\$123.00
Per service – fortnightly collection of 140 Litre waste MGB, fortnightly	\$260.00

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collection of 240 litre recycling MGB and weekly collection 240 litre organics MGB (standard service)	
Per service – fortnightly collection of 240 Litre waste MGB, fortnightly collection of 240 litre recycling MGB and weekly collection 240 litre organics MGB	\$386.00
Urban Domestic – Multi Unit Dwellings (MUD) 2 MGB service per Unit (exempt Organics service)	
Per service – fortnightly collection of 80 Litre waste MGB and fortnightly collection of 240 litre recycling MGB	\$123.00
Per service – fortnightly collection of 140 Litre waste MGB and fortnightly collection of 240 litre recycling MGB	\$260.00
Per service – fortnightly collection of 240 Litre waste MGB and fortnightly collection of 240 litre recycling MGB	\$386.00
Urban Domestic – Multi Unit Dwellings (MUD) Council approved shared 3 MGB service between two Units	
Per service – fortnightly collection of 240 Litre waste MGB, fortnightly collection of 240 litre recycling MGB and weekly collection of 240 litre organics MGB	\$207.00
Urban Domestic – Multi Unit Dwellings (MUD) Council approved shared 2 MGB service between two Units	
Per service – fortnightly collection of 240 Litre waste MGB and weekly collection of 240 litre recycling MGB	\$207.00
Additional Recycling MGB collected fortnightly per service	\$86.00
Additional Organics MGB collected weekly per service	\$100.00

Note: MGB is defined as mobile garbage bin.

(b) Domestic Waste Management Annual Charge – Vacant Land

In accordance with Section 496 of the Act, a charge of \$25.00, to be known as the Domestic Waste Management Charge – Vacant Land is to apply for 2016/2017 to all vacant residential rateable land contained within the defined collection area.

(c) Rural Domestic Waste Management Annual Charge (Residential Properties)

In accordance with Section 496 of the Act, a charge, to be known as the Rural Domestic Waste Management Charge, for the provision of a fortnightly waste service is to apply for 2016/2017 to all rateable residential land within the rural service collection area. This charge, depending on the number of services, is to be levied for the removal of domestic waste and recyclable materials on and during the normal collection day and hours. This is subject to the right of the Council to seek to vary such charge during the year, if in the opinion of the Council; such action is warranted in view of any variation in the cost of rendering the service.

An annual charge of \$277.00, to be known as the Rural Waste Management Charge will be charged per service to residential properties in the rural service collection area that provides for fortnightly collection of 240 litre waste bin and 240 litre recycling bin.

(d) Rural Waste Availability Charge (Residential Properties)

In accordance with Section 496 of the Act, an annual charge of \$25.00, to be known as the Rural Waste Availability Charge will apply for 2016/2017 to residential properties in the rural service collection area that choose not to have a Council Rural Domestic Waste service but have a dwelling situated on the property. Rural property owners paying the Rural Waste Availability Charge have the option to commence services if their circumstances change.

Properties that are unable to be serviced will not incur this service availability charge.

(e) Rural Waste Management Annual Charge (Non-Residential Properties)

In accordance with Section 501 of the Act, a charge, to be known as the Rural Waste Management Charge, for the provision of a fortnightly waste service is to apply for 2016/2017 to all non-residential land within the rural service collection area. This charge, depending on the number of services chosen, is to be levied for the removal of waste and recyclable materials on and during the normal collection day and hours. This is subject to the right of the Council to seek to vary such charge during the year, if in the opinion of the Council; such action is warranted in view of any variation in the cost of rendering the service.

An annual charge of \$433.00, to be known as the Rural Non-Domestic Waste Management Charge will be charged per service to non-residential properties in the rural service collection area that provides for fortnightly collection of 240 litre waste bin and 240 litre recycling bin.

(f) Commercial Waste Management Annual Charges (Urban Collection Area)

In accordance with Section 501 of the Act, charges to be known as Commercial Waste Management Charges are applied to commercial and non-residential properties for the provision of garbage services to properties within the defined collection area that chose to utilise the service. Charges depending on bin capacity, frequency of service and number of services are to be levied for the removal of waste and nominated recyclable materials on and during the normal collection day and hours.

The following charges for 2016/2017 will apply:

Commercial Waste Management Annual Charges	
Type of Service	Annual Charge
Per Service - Weekly collection of 140 litre mobile garbage bin and 240 litre recycling bin	\$420.00
Per Service - Weekly collection of 240 litre mobile garbage bin and 240 litre recycling bin	\$481.00
Per Service - Weekly collection of 140 litre mobile garbage bin	\$420.00
Per Service - Weekly collection of 240 litre mobile garbage bin	\$481.00
Per Service – Additional Weekly collection of 240 litre recycling bin	\$108.00
Per Service – Weekly collection of 240 litre Organics mobile garbage bin (schools, community centre and not-for-profit organisations subject to availability criteria)	\$100.00

(g) Waste Operations Annual Charge

In accordance with Section 501 of the Act, a charge to be known as the Waste Operations Annual Charge will apply for 2016/2017 to all properties subject to all domestic, rural domestic and commercial collection charges excluding vacant land.

An annual charge of \$70.00 per service is to be levied to assist in funding the on-going operations of Council landfill and transfer station facilities.

(h) Water Fixed Annual Charge

In accordance with Section 501 of the Act, a charge to be known as Water Fixed Charge, will apply for 2016/2017 to all properties to which a water supply is available. The amount of the charge will be dependant on the meter connection size and the number of services existing on the property as detailed below.

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20mm	\$179.00
25mm	\$280.00
32mm	\$459.00
40mm	\$716.00
50mm	\$1,119.00
65mm	\$1,891.00
80mm	\$2,864.00
100mm	\$4,475.00

Where water supply is available to Strata Units a charge equivalent to a 20mm Water Fixed Charge will apply to each unit. This charge is variable by meter size should a water meter be connected.

A minimum charge of \$90.00 will apply to each parcel of rateable land (including vacant land) which does not have a water service connection but to which a water service is available in accordance with the provisions of Section 552(1)(b) of the Local Government Act 1993.

Where a meter connected to a property is being used for Fire Services a charge of \$238.00 will apply regardless of the meter connection size.

(i) Water Usage Charges

In accordance with Section 502 of the Act, all Residential properties in 2016/2017 will be charged a Water Usage Charge for the use of the Water Supply Service on a quarterly basis based as per the usage recorded through the water meter or meters servicing the property. The charge will be based on an inclining block tariff with the first incline up to 450kls per reading year being charged at \$2.47 per kilolitre and any usage above 450kls per reading year being charged at \$3.70 per kilolitre.

Non-Residential properties will be charged \$2.65 per kilolitre for all water used as recorded through the water meter or meters servicing the property. Non-complying water supply users will be charged \$5.30 per kilolitre.

(j) Sewerage Fixed Annual Charge

In accordance with Section 501 of the Act, a charge of \$819.00, to be known as Sewerage Service Fixed Charge, will apply to all single dwelling residential properties in 2016/2017.

Where the sewerage service supply is available to Strata Units a charge equivalent to a 20mm Sewerage Service Fixed Charge will apply to each unit. This charge is variable by meter size should a separate water meter be connected.

A minimum charge of \$410.00 will apply to each parcel of rateable land (including vacant land) which does not have a sewerage service connection but to which a sewerage service is available in accordance with the provisions of Section 552(3)(a) of the Local Government Act 1993.

Premises connected to Councils Sewer System through a sewer pod will incur an annual Fixed Charge of \$794.00.

The 2016/2017 Sewerage Service Fixed Charge for Non-Residential properties (including Non-rateable properties) will be proportional to the size of the water supply service connection to the property.

The amount of the charge will be dependant on the meter connection size and the number

of services existing on the property as detailed below.

20mm	\$819.00
25mm	\$1,280.00
32mm	\$2,097.00
40mm	\$3,276.00
50mm	\$5,119.00
65mm	\$8,651.00
80mm	\$13,104.00
100mm	\$20,475.00

Where a meter larger than a 20mm water meter is connected to a property, categorised as Residential, which has multiple occupancies (ie not a single dwelling house) the Sewerage Service Fixed Charge will be applied as per the meter connection size and the number of services existing on the property as per the Sewerage Service Fixed charges for Non-Residential properties.

Where the sewerage service supply is available to a Non-Residential Strata Unit a charge equivalent to a 20mm Sewerage Service Fixed Charge will apply to each unit. This charge is variable by meter size should a separate water meter be connected.

A minimum charge of \$410.00 will apply to each parcel of non-residential rateable land which does not have a sewerage service connection but to which a sewerage service is available in accordance with the provisions of Section 552(3) (a) of the Local Government Act 1993.

Non-residential properties connected to Council's Sewer System through a sewer pod will incur an annual Fixed Charge of \$794.00.

(k) Sewer Usage Charges

In accordance with Section 502 of the Act, a Sewer Usage Charge of \$1.85 per kilolitre of water used will be charged for 2016/2017 for Residential properties.

Non-residential properties having differing sewer discharge factors (SDF) will be charged for 2016/2017 by applying the individual SDF to a Non-Residential Sewer Usage Charge of \$2.47 per kilolitre of water (as measured by the water meter connection to the property).

(l) Liquid Trade Waste Fixed Charge

In accordance with Section 501 of the Act, Council will charge a Liquid Trade Waste Fixed Charge against properties connected to Council's sewerage system based on the level of impact dischargers have on the system. The Liquid Trade Waste Annual Charge is charged on properties which discharge liquid trade waste but are not required to apply for Council approval.

Other Liquid Trade Waste Fixed charges are based on the level of impact dischargers have on the sewerage system and the requirement of pre-treatment equipment (such as grease traps) to be installed on the property. The Liquid Trade Waste charges for 2016/2017 are detailed below.

Liquid Trade Waste – Annual Charge	\$ 31.00
Liquid Trade Waste – Category 1	\$153.00
Liquid Trade Waste – Category 2	\$255.00
Liquid Trade Waste – Category 2S	\$255.00

Liquid Trade Waste – Category 3 (Large Industrial & Commercial Premises)	\$429.00
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(m) Liquid Trade Waste User Charges

In accordance with Section 502 of the Act, properties assessed as discharging Liquid Trade Waste to Councils sewer system will be charged a Liquid Trade Waste Usage Charge by applying the individual Liquid Trade Waste Factor (LTWDF) against the liquid trade waste usage charge for 2016/2017 of \$2.24 per kilolitre of water (as measured by the water meter connection to the property).

***Properties that are technically non-complying dischargers into Council's sewer system will be levied a trade waste usage charge of \$5.30 per kilolitre of water (as measured by the water meter connection to the property).

(n) Stormwater Management Charge

In accordance with Section 496A of the Act, Council will charge a 'Stormwater Management Charge' against rateable properties for which the service is available. Council has identified the residential and business properties that are within Council's urban stormwater catchment areas that will be levied this charge for the 2016/2017 financial year.

i. Properties categorised as Residential (Not being Strata Titled)

A flat charge of \$25.00 for a Stormwater Management Service Charge is to be charged against each eligible assessment categorised as Residential within the urban stormwater catchment.

ii. Properties categorised as Residential (Strata Titled)

A flat charge of \$12.50 for a Stormwater Management Service Charge is to be levied against each eligible residential strata unit within the urban stormwater catchment.

iii. Properties categorised as Business (Not being Strata Titled)

A Stormwater Management Service Charge is to be charged against each eligible assessment (not being strata titled) categorised as business within the urban stormwater catchment area based on the total area of the assessment. A charge of \$25.00 for every 350 square metres or part of 350 square metres will apply, with a minimum charge of \$25.00 to apply for those properties with an area of less than 350 square metres.

I. Properties categorised as Business (Strata Units)

A Stormwater Management Service Charge against each eligible business strata unit within the urban stormwater catchment area based on one of the following two scenarios:

Scenario 1 – Business Strata Units Only

If the strata complex contains only business properties (i.e. not mixed development) the charge per strata unit will be calculated by using a charge of \$25.00 per 350m² of the land area occupied by the strata scheme (or part thereof), proportioned by the unit entitlement of each lot in the strata scheme. In the event that this approach results in charge of less than \$5.00 per unit, a minimum charge of \$5.00 will be levied on each strata unit.

Scenario 2 – Business & Residential Strata Units (Mixed Development)

If the strata complex contains mixed development (i.e. properties rated as both business and residential) the dominant category of the strata scheme must be determined and charges will apply for Business strata unit or Residential Strata units as previously adopted. In the event that a mixed development is 50% residential and 50% business, council has the discretion to determine whether to charge the property as a residential or business property.

II. Urban Land Exempt from the Stormwater Management Service Charge

The same exemptions that apply to non-rateable properties for other rates and charges also apply in respect of the stormwater management service charge pursuant to the Local Government Act. In addition, the following properties are also exempted from this charge under the provisions:

- Rateable land owned by the Crown
- Rateable land under a lease for private purposes granted under the Housing Act 2001 or the Aboriginal Housing Act 1998
- Vacant Land

6. In accordance with section 566 of the Act, that Council adopts the maximum rate of interest as determined by the Division of Local Government in Circular 16-11 dated 22 April 2016 of 8.0% for 2016/2017 on overdue rates and charges. (Richardson/Woods)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 4.4 **PLANNING - 10.2016.34.1 Secondary Dwelling at 7 Tyagarah Street Mullumbimby**
File No: I2016/520

- 16-324 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2016.34.1 for secondary dwelling, be granted consent subject to the following conditions listed in Attachment 2 #E2016/32495. (Richardson/Woods)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

LATE REPORT - INFRASTRUCTURE SERVICES

Report No. 6.1 **Developer Servicing Rates**
File No: I2016/691

16-325 Resolved:

1. That the revised draft Development Servicing Plans for Water Supply and Sewerage be placed on public exhibition for 30 working days and undertake consultation in accordance with the Developer Charges Guidelines for Water Supply, Sewerage and Stormwater (2012).
2. That a report be prepared for Council addressing any comments received during the exhibition period and presenting the draft Development Servicing Plans for adoption by

Council or, in the event that no submissions are received, adopt the documents as exhibited.

(Richardson/Woods)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 4.3 **Draft Coastal Zone Management Plan Byron Bay Embayment - Public Exhibition**
File No: I2016/619

Moved:

1. That Council amend the draft Coastal Zone Management Plan Byron Bay Embayment (CZMP) in accordance with the recommendations listed in Table 1 of this report and with a further amendment proposing planned retreat in lieu of armouring of 1.06km of the coast at Belongil.
2. That Council exhibit the draft CZMP as amended above for a period of 8 weeks.
(Dey/Richardson)

AMENDMENT**16-326 Resolved:**

1. That Council amend the draft Coastal Zone Management Plan Byron Bay Embayment in accordance with the recommendations listed in Table 1 of this report.
2. That Council submit the draft Coastal Zone Management Plan Byron Bay Embayment, as amended, to the Minister for certification under section 55G of the *Coastal Protection Act 1979*.
3. That Council continue to monitor all possible sources of funding, including government funding, to assist with the adoption and implementation of the CZMP as submitted.
(Woods/Wanchap)

PROCEDURAL MOTIONS

16-327 Resolved that Cr Spooner be granted a two minute extension to his speech. (Woods/Richardson)

The motion was put to the vote and declared carried.

16-328 Resolved that Cr Ibrahim be granted a two minute extension to his speech. (Richardson/Cubis)

The motion was put to the vote and declared carried.

16-329 Resolved that Cr Richardson be granted a two minute extension to his speech. (Woods/Spooner)

The motion was put to the vote and declared carried.

16-330 Resolved that Cr Hunter be granted a two minute extension to his/her speech. (Woods/Richardson)

The motion was put to the vote and declared carried.

16-331 Resolved that Cr Cameron be granted a two minute extension to his speech.

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(Richardson/Woods)

The motion was put to the vote and declared carried.

16-332 Resolved that Cr Wanchap be granted a two minute extension to her speech. (Richardson/Ibrahim)

The motion was put to the vote and declared carried.

16-333 Resolved that Cr Dey be granted a two minute extension to his speech. (Dey/Woods)

The motion was put to the vote and declared carried.

The amendment was put to the vote and declared carried.

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

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

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

The meeting adjourned at 12.18pm and reconvened at 12.36pm.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 4.5 PLANNING - Development Application 10.2016.189.1 - Multi Dwelling Housing (including 10 single bedroom dwellings, parking for 5 vehicles) and Demolition of existing structures - 116 Stuart Street, Mullumbimby
File No: I2016/629

Moved:

1. That Council defer development application 10.2016.189.1 for multi dwelling units (10 single bedroom units) and demolition of existing structures to allow for further consultation with the applicant to seek an amended design that is more compatible with the character of the local area, including heritage conservation zone, particularly regarding bulk, scale and form.
2. That a report be presented back to the next available Council meeting on this consultation and any amendments proposed to the design. (Cameron/Wanchap)

AMENDMENT

16-334 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2016.189.1 for multi dwelling housing (10 single bedroom Dwellings) and demolition of existing structures, be granted consent subject to the recommended conditions listed in Attachment 2 #E2016/42093. (Ibrahim/Spooner)

PROCEDURAL MOTIONS

16-335 Resolved that Cr Cameron be granted a two minute extension to his speech. (Woods/Richardson)

The motion was put to the vote and declared carried.

16-336 Resolved that Cr Ibrahim be granted a two minute extension to his speech. (Richardson/Woods)

The motion was put to the vote and declared carried.

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- 16-337 Resolved** that Cr Wanchap be granted a two minute extension to her speech. (Richardson/Cameron)
The motion was put to the vote and declared carried.
- 16-338 Resolved** that Cr Spooner be granted a two minute extension to his speech. (Richardson/Ibrahim)
The motion was put to the vote and declared carried.
- 16-339 Resolved** that Cr Dey be granted a two minute extension to his speech. (Dey/Wanchap)
The motion was put to the vote and declared carried.
- 16-340 Resolved** that the motion be put. (Ibrahim/Hunter)
The motion was put to the vote and declared carried.
Crs Dey, Richardson, Cameron and Wanchap voted against the motion.
- 16-341 Resolved** that Cr Cameron be granted a two minute extension to his speech. (Richardson/Wanchap)
The motion was put to the vote and declared carried.
Crs Ibrahim, Cubis and Hunter voted against the motion.
- The amendment (Ibrahim/Spooner) was put to the vote and declared carried.*
Crs Ibrahim, Cubis, Woods, Spooner and Hunter voted in favour of the amendment.
Crs Dey, Richardson, Cameron and Wanchap voted against the amendment.
- The amendment upon becoming the substantive motion was put to the vote and declared carried.*
Crs Ibrahim, Cubis, Woods, Spooner and Hunter voted in favour of the motion.
Crs Dey, Richardson, Cameron and Wanchap voted against the motion.

RESCISSION MOTION LODGED 29 JUNE 2016

The meeting adjourned at 1.32pm and reconvened at 3.19pm.

Cr Spooner left the meeting at 1.32pm.

PROCEDURAL MOTION

- 16-342 Resolved** that Council change the order of business to deal with Reports 5.1 and 5.2 next on the Agenda. (Richardson/Dey)
The motion was put to the vote and declared carried.
-

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 5.1 **CONFIDENTIAL - Implementation of Part 12 of Resolution 16-028**
File No: I2016/620

- 16-343 Resolved:**
1. That pursuant to Section 10A(2)(g) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the reports Implementation of Part 12 of Resolution 16-028

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29 June 2016

and Byron Shire Council ats Ralf Lauren 57 Pty Ltd.

2. That the reasons for closing the meeting to the public to consider this item be that the reports contains:
 - (a) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
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:
 - (a) the reports contains advice concerning current litigation, and/or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (b) disclosure of the reports contents could prejudice the Council's position in litigation; and
 - (c) disclosure of the reports contents could adversely impact Council's position in ongoing negotiations.

(Richardson/Woods)

The motion was put to the vote and declared carried.

CONFIDENTIAL SESSION

16-344 Resolved:

1. That Part 12 of Resolution 16-028 adopted at the Ordinary meeting of Council held on 4 February 2016 be closed and replaced by the following alternate Resolution:-

That Council request general advice in relation to the legal options and likely impediments to the implementation of planned retreat so as to identify the processes and the challenges.
2. That Council convene an Extraordinary meeting to be held on 14 July 2016 to receive general advice recommended in report 5.1 and any other coastal matters including rescission motions that may materialise in the intervening period.

(Ibrahim/Woods)

The motion was put to the vote and declared carried.

Crs Richardson and Cameron voted against the motion.

Report No. 5.2
File No:

CONFIDENTIAL - Byron Shire Council ats Ralf Lauren 57 Pty Ltd
I2016/677

- 16-345 Resolved** that Council defer the matter until legal advice is received at the Extraordinary Meeting of Council on 14 July 2016. (Woods/Ibrahim)

The motion was put to the vote and declared carried.

Crs Dey, Richardson and Cameron voted against the motion.

PROCEDURAL MOTION

- 16-346 Resolved** that the meeting move out of confidential session. (Woods/Richardson)

The motion was put to the vote and declared carried.

Cr Ibrahim left the meeting at 4:15pm.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 4.1 2016/17 Operational Plan
File No: I2016/39

- 16-347 Resolved** that Council note the submissions received during the public exhibition period for the Draft 2016/2017 Operational Plan (including the Statement of Revenue Policy incorporating the 2016/2017 Budget and 2016/2017 Fees and Charges) (Richardson/Dey)

The motion was put to the vote and declared carried.

Cr Cubis left the meeting at 4:20pm.

- 16-348 Resolved** that Council:

1. Adopt the 2016/2017 Operational Plan, inclusive of the Statement of Revenue Policy (incorporating the 2016/2017 Budget and 2016/2017 Fees and Charges) as contained in Attachment 2 (E2016/46096) and Attachment 3 (E2016/50671) with the following amendments:
 - a) Within Planning Policy And Natural Environment, within the Sustainable Environment And Economy Department, add the following words to Action Statement 72- 'Support For Zero Emissions Byron Action and Implementation Plans,'
 - b) Allocate \$40,000 for the Zero Emissions Byron Project in the 2016/2017 Budget Estimates funded from the Environmental Levy Reserve to be spent on project management and technical advice.
 - c) Introduce new fees for:
 - i) the hire of the Senior Citizen's Hall in Byron Bay (\$15.00/hour for regular users and \$20.00/hour for casual users)
 - ii) use of the Auditorium at the Cavanbah Centre (Casual User Yearly Pass (Junior) - \$330.00 and Casual User Yearly Pass (Senior) - \$420.00)) and advertise these fees for public comment for a period of 28 days.
 - d) Adopt the new fees and incorporate these changes into Council's adopted Fees and Charges for 2016/17, should no submissions be received. (Richardson/Wanchap)

PROCEDURAL MOTION

- 16-349 Resolved** that Cr Richardson be granted a two minute extension to his speech. (Dey/Woods)

The motion was put to the vote and declared carried.

The motion (Richardson/Wanchap) was put to the vote and declared carried.

PROCEDURAL MOTION

16-350 Resolved that the vote on Resolution No. 16-326 be recommitted.

(Dey/Richardson)

The motion was put to the vote and declared tied.

Crs Woods, Wanchap and Hunter voted against the motion.

The Mayor used his casting vote and declared the motion carried.

Crs Woods, Wanchap and Hunter left the meeting 4.31pm.

Due to a lack of quorum the meeting closed at 4.35pm. Councillors present when the meeting was closed were Crs Dey, Richardson and Cameron.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 4 August 2016.



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Mayor Simon Richardson