



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 29 October 2015

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
29 October 2015

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 29 OCTOBER 2015 COMMENCING AT 9.04AM AND CONCLUDING AT 2.50PM

I2015/1296

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, Cr C Cubis, Cr D Dey, Cr A Hunter, Cr S Ibrahim (arrived at 9.14am), Cr P Spooner, Cr R Wanchap and Cr D Woods

Staff: Mark Arnold (Acting General Manager)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
James Brickley (Finance Manager)
Lisa Brennan/Mila Jones (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:

9.2 Road Repairs East and West of South Golden Beach

Kathy Norley (South Golden Beach Community Association) addressed Council in favour of the recommendation.

13.11 PLANNING 10.2015.196.1 (Redesign of proposed development) at 40 Mullumbimbi Street Brunswick Heads

*Frank Stewart (applicant) addressed Council in favour of the recommendation.
Alexandra Williams addressed Council against the recommendation.*

9.3 Use of pay parking funds to establish further infrastructure

Morgan addressed Council against the recommendation.

13.6 PLANNING - DA 10.2014.743.1 - Proposed five (5) lot into three (3) lot consolidation, two boundary adjustments, strata subdivision of multi dwelling housing, construction of thirty (30) townhouses and detached dual occupancy over four (4) stages at 2 Kulgun Court Ocean Shores

Margo Goodwin and Stephen Oliver addressed Council against the recommendation.

13.8 Place Activation Plan (Masterplan) for Mullumbimby and Bangalow

Tony Hart (Bangalow Progress Association and Chamber of Commerce) addressed Council in favour of the recommendation.

Question No 1. Pot hole fill in South Golden Beach

Kathy Norley (South Golden Beach Community Association) asked Councillors the following Question:

“How much money has been spent in the last 5 years on hot mix and other fill of pot holes in SGB, if not 5 then 2 years?”

The Director Infrastructure Services took the question on notice.

The meeting adjourned at 9.41am and reconvened at 10.00am.

Happy Harold Life Education Program

Tonny Van't Riet addressed the meeting and thanked Council for its support of the Happy Harold Life Education Program.

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

Under sections 451(4) and (5) of the Local Government Act 1993 Crs Dey, Hunter and Wanchap declared a special disclosure of pecuniary interest in Item 13.9.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

15-534 Resolved that the minutes of the following meetings be confirmed:

- Extraordinary Meeting held 1 October 2015
- Ordinary Meeting held 8 October 2015. (Woods/Hunter)

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. 13.1 Draft Amended Policy - Mayor and Councillors Payment of Expenses and Provision of Facilities

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Report No. 13.2 Section 355 Management Committees - Resignation and Appointment
Report No. 13.5 Draft 2014/2015 Financial Statements

Sustainable Environment and Economy

Report No. 13.7 PLANNING - Section 82A Application to review the refusal of Development Application No. 10.2014.742.1 for a Motel Development at 33 Lawson Street Byron Bay.
Report No. 13.8 Place Activation Plan (Masterplan) for Mullumbimby and Bangalow
Report No. 13.9 PLANNING - Rural Land Strategy – Site Suitability Criteria & Mapping Methodology
Report No. 13.11 PLANNING 10.2015.196.1 (Redesign of proposed development) at 40 Mullumbimbi Street Brunswick Heads
Report No. 13.13 PLANNING - 26.2015.6.1 Amendment Byron LEP 1988 - West Byron

Infrastructure Services

Report No. 13.14 Upgrade of Blindmouth Creek Causeway

The remaining Recommendations and Committee Recommendation 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. 15-535 and concluding with Resolution No. 15-551.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.3 Council Investments September 2015
File No: I2015/1240

15-535 Resolved that the report listing Council's investments and overall cash position as at 30 September 2015 be noted. (Woods/Richardson)

Report No. 13.4 Report of the Safe Summer in the Bay PRG meeting 16 September 2015
File No: I2015/1246

15-536 Resolved that Council note the report and attached supporting documentation for the Safe Summer in the Bay PRG meeting held 16 September 2015. (Woods/Richardson)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.6 PLANNING - DA 10.2014.743.1 - Proposed five (5) lot into three (3) lot consolidation, two boundary adjustments, strata subdivision of multi dwelling housing, construction of thirty (30) townhouses and detached dual occupancy over four (4) stages at 2 Kulgun Court Ocean Shores
File No: I2015/86

15-537 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application no. 10.2014.743.1 for a Proposed five (5) lots into three (3) lot consolidation, two boundary adjustments, construction and strata subdivision of thirty (30) of multi dwelling houses and a detached dual occupancy over four (4) stages, be granted consent subject to the conditions listed in Attachment 2 (E2015/61982). (Woods/Richardson)

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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.

Report No. 13.10 Adoption of the Scores on Doors program
File No: I2015/1241

15-538 Resolved:

1. That Council adopt the "Scores on Doors" food safety compliance program enhancement to promote compliance with hygiene and food safety standards, promote consumer trust in food businesses, to further the reputation and economy of food businesses in the Byron Shire.
2. That the initiative be included in Council's Food Safety compliance service and activity program for 2015/2016. (Woods/Richardson)

Report No. 13.12 Report of the Planning Review Committee Meeting held on
1 October 2015
File No: I2015/1243

15-539 Resolved that the report be noted. (Woods/Richardson)

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 Report of the Arakwal Memorandum of Understanding Advisory
Committee Meeting held on 19 August 2015
File No: I2015/1089

15-540 Resolved that Council note the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 19 August 2015. (Woods/Richardson)

15-541 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.1 Arakwal MoU Implementation Plan 2015 -16
File No: I2015/373

Committee Recommendation 5.1.1

That Council endorse the 2015/16 Arakwal MoU Implementation Plan (E2015/50307). (Woods/Richardson)

15-542 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.2 Ti Tree Lake Plan of Management
File No: I2015/816

Committee Recommendation 5.2.1

1. That Council note the progress report on the Ti Tree Lake Plan of Management.
2. That Council write to the Office of Environment and Heritage and National Parks and Wildlife

Service providing a copy of the progress report (E2015/50137).

(Woods/Richardson)

15-543 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.3 Bundjalung of Byron Bay, Arakwal People Cemetery Provisions

File No: I2015/817

Committee Recommendation 5.3.1

That the Arakwal MoU Committee seek information from Council staff on the processes required and the scope of works for the Bundjalung of Byron Bay, Arakwal People to have an identified area in the Byron Bay Cemetery for further consideration. (Woods/Richardson)

15-544 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.4 NAIDOC Week Byron Shire 2015

File No: I2015/819

Committee Recommendation 5.4.1

That Council note the success of the Byron Shire NAIDOC Week 2015 Program and the increase in the community partnerships involved in the delivery of the program of events. (Woods/Richardson)

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.2 Report of the Biodiversity and Sustainability Advisory Committee Meeting held on 1 October 2015

File No: I2015/1244

15-545 Resolved that Council note the minutes of the Biodiversity and Sustainability Advisory Committee Meeting held on 1 October 2015. (Woods/Richardson)

15-546 Resolved that Council adopt the following Committee Recommendations:

Report No. 5.1 Biodiversity, revegetation and rural residential living

File No: I2015/838

Committee Recommendation 5.1.1

That the Biodiversity and Sustainability Advisory Committee:

1. note this report.
2. request that Biodiversity and Sustainability Advisory Committee members be considered members on the Rural Land Use Bounce group, if formed.
3. request staff explore the ability to use rural development contributions for biodiversity enhancement works.
4. receive regular updates on the Rural Land Use Strategy by it becoming a regular agenda item for this Committee.
5. support staff exploring landowner incentive options for biodiversity enhancement works at the

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local property and landscape scale.

(Woods/Richardson)

15-547 Resolved that Council adopt the following Committee Recommendations:

Report No. 5.2 Event Sustainability

File No: I2015/1104

Committee Recommendation 5.2.1

That the Biodiversity and Sustainability Committee:

1. note the report and provide feedback to Council's Events and Grants Officer.
2. encourage further conversations with event providers to facilitate rail based transport to and from the sites. (Woods/Richardson)

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.3 Report of the Water, Waste and Sewer Advisory Committee Meeting held on 8 October 2015

File No: I2015/1274

15-548 Resolved:

1. That Council note the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 8 October 2015.
2. That Council note the memo E2015/64015 of 1 October 2015 to the Committee and that further expenditure will be needed to achieve approval for an expansion of landfill at Myocum. (Woods/Richardson)

15-549 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.1 Update of the CERA Program

File No: I2015/876

Committee Recommendation 5.1.1

That Council note the progress to date with regard to the Community Engagement and Risk Communication Program for On-site Sewage Management. (Woods/Richardson)

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.1 CONFIDENTIAL - 2014-0028 Decommissioning and decontamination of Brunswick Heads STP - Environmental Assessments

File No: I2015/1275

15-550 Resolved:

1. That Council award Tender Brunswick Heads Sewage Treatment Plant Preliminary Site Assessment, Environmental Site Assessment, Remediation Action Plan, Site Validation Report: Contract 2014-0028 to Epic Environmental.
2. That Council makes public its decision, including the name and amount of the successful

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tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Woods/Richardson)

Report No. 16.2 **CONFIDENTIAL - Environmental Works Lot 12 Bayshore Drive Byron Bay**

File No: I2015/1278

15-551 Resolved:

1. That Council award Tender Lot 12 Bayshore Drive Environmental Works Contract 2015-0030 to Brisbane Screening.
 2. 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/Richardson)
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MAYORAL MINUTE

There was no Mayoral Minute.

PROCEDURAL MOTION

- 15-552 Resolved** that Council change the order of business to deal with Reports 9.2, 9.3, 13.8 and 13.11 next on the Agenda. (Woods/Richardson)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 9.2 **Road Repairs East and West of South Golden Beach**
File No: I2015/1247

- 15-553 Resolved** that Council receive a report on the costs associated with road repairs East and West Sides of South Golden Beach. (Woods/Cubis)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.3 **Use of Paid Parking Funds to Establish Further Public Infrastructure**
File No: I2015/1280

15-554 Resolved:

1. That Council utilise funds collected from paid parking in foreshore Crown Reserves to provide further public toilet facilities in Apex Park.
 2. That Council ensure this further provision of public amenities include privacy screening.
 3. That Council ensure the provision of extra public amenities is in place for the summer holiday
-

period.

4. That a presentation or report be provided outlining possibilities of providing other relocatable public toilets, including locally designed.
5. That ordering of the current models be deferred until completion of the report.
6. That negotiations with the portable toilet providers commence regarding non-permanent design options.
7. That temporary screens be installed. (Richardson/Woods)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.8 **Place Activation Plan (Masterplan) for Mullumbimby and Bangalow**
File No: I2015/1217

15-555 Resolved:

1. That Council establish a PRG to develop a draft brief, delivery plan and process for a Mullumbimby Masterplan.
2. That the Mullumbimby Masterplan PRG be comprised of three Councillors and up to five community members.
3. That the Mullumbimby Masterplan PRG report to Council and be wound up within six months of establishment subject to Council consideration of a final report.
4. That Council host a two day Place Creation Workshop to inform the preparation of Place Activation Plan for Bangalow.
5. That existing Development Services budget (up to \$28,000), to be reported in the December quarterly review, be used for the Place Creation Workshop and development of the Place Activation Plan for Bangalow. (Cameron/Hunter)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

- 15-556 Resolved** that Councillors Cameron, Richardson and Dey be appointed to the Mullumbimby Masterplan PRG. (Cameron/Dey)

The motion was put to the vote and declared carried.

Report No. 13.11 **PLANNING 10.2015.196.1 (Redesign of proposed development) at 40 Mullumbimbi Street Brunswick Heads**
File No: I2015/1242

- 15-557 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2015.196.1 for alterations to a dwelling and erection of a new residential flat building to create eight serviced apartments and manager's residence, be granted

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consent subject to the conditions listed in Attachment 3 (#E2015/49495) with the following amendment:

That Condition 11 regarding the Site Minimisation and Management Plan be amended by an additional paragraph:

Details of the bin storage facilities are to be provided in SWMMP with the bin location be amended to locate the bin storage area away from the western boundary and neighbouring buildings. (Dey/Richardson)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, Richardson, Cameron, Wanchap, Spooner and Hunter voted against the motion.

Cr Woods voted against the motion.

Cr Richardson left the Chambers at 11.14am. The Deputy Mayor took the Chair.

Cr Richardson returned to the Chambers at 11.16am and resumed the Chair.

NOTICE OF RESCISSION MOTION

Notice of Rescission Motion No. 9.1

Nominations for the Joint Regional Planning Panel (Rescind 15-498)

File No:

I2015/1237

15-558 Resolved that Council rescind Resolution No. 15-498 from its Ordinary meeting held on 1 October 2015 which reads as follows:

15-498 Resolved that Council nominate two Councillors, Crs Dey and Cameron, to the Joint Regional Planning Panel and Cr Ibrahim as an alternate. (Dey/Richardson)
(Woods/Wanchap)

The motion was put to the vote and declared carried.

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

15-559 Resolved:

1. That Council nominate one Councillor being Cr Ibrahim with Cr Cameron as an alternate to the Joint Regional Planning Panel.
2. That Council nominate the Director of Sustainable Environment and Economy to the Joint Regional Planning Panel.
3. That a letter be written to the Panel enquiring about the attendance of the Alternate delegate at meetings at the same time. (Woods/Hunter)

AMENDMENT

Moved: That Council nominate two Councillors, Crs Ibrahim and Dey, to the Joint Regional Planning Panel and Cr Cameron as an alternate. (Dey/Richardson)

The amendment was put to the vote and declared lost.

Crs Ibrahim, Cubis, Woods, Wanchap and Hunter voted against the amendment.

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

PETITIONS

Petition No. 10.1 **Paid Parking - Impact on Byron Bay Public School Staff and Community**

File No: I2015/1273

15-560 Resolved:

1. That the petition regarding paid parking's impact on Byron Bay Public School staff and community be noted.
2. That the petition be referred to the Director Infrastructure Services. (Richardson/Woods)

The motion was put to the vote and declared carried.

Crs Wanchap and Ibrahim left the Chambers at 11.24am.

SUBMISSIONS AND GRANTS

There were no submission or grants.

Crs Ibrahim and Wanchap returned to the Chambers at 11.26am.

DELEGATES' REPORTS

Delegate's Report No. 12.1 **Delegate Diary - Local Government NSW Conference 2015**

File No: I2015/1284

Information from Cr Cameron was provided in the Agenda.

Crs Richardson, Cubis and Hunter also attended the Conference and provided further information regarding the Conference.

Cr Richardson advised Council:

I thank Cr Cameron for his report, as someone who was there, people could argue that other things could have gone into it but there probably wasn't a word I didn't agree with as far as capturing the mood and the different degrees of support. I thought it was really thoroughly written and really quite accurate and I must admit that everyone was quite shocked of the antagonistic language that came out. I think by the end it was certainly left to the absolute die-hard supporters left in favour of the two Ministers speaking. Some of the language you talked about, I think it was "anarchists", I think Roads Minister Gay used a term which was really quite overtly insulting. Obviously they knew what was coming the week after so they sort of thought they would come out punching.

But it was a really interesting conference and just to flag too that I remember having a conversation with a nearby mayor who thought at that point that we were all going to be amalgamated together, and certainly thought his council was going to be amalgamated however his council was saved from the "kangaroo court's" guilty charge.

Maybe it's at this point it's worth congratulating staff and Councillors and our community for collectively getting us over the line. And reading about what's happening in Sydney and just the outrageous hurdles they've been forced to try to jump, I have to say my thoughts are with them but I'm so glad we're not part of them because now we can get on and keep working in our community.

Cr Cubis advised Council:

I could probably go into the amalgamations a bit and especially coming out of Brisbane for about 15 years where there was basically three councils and the ability for those guys to strategically work with Sydney who has a lot of trouble with about 40 but I didn't think amalgamations dominated proceedings, certainly not the second day. One thing I would note was correctly said, is about 90 motions got through in the day and that was after the Premier spoke and so that was between 10am and about 5pm, so in about seven hours we got nearly 100 motions through; and how quickly that happened and how quickly people called for the motion to be put if they thought that most of what they wanted to hear had already been said and they were ready to make a decision. In all but maybe one time it was correct so when people asked for the motion to be put, it was and that's how you get 90 decisions done in a day.

I don't think anything was particularly lost by not listening to long-winded speeches to tell you the truth and I think also the mood there was to cut red tape by about 85% of the room and I can tell you probably at least half to 60% of people couldn't really care less whether there was amalgamations or not. That wasn't what they were there for. I know there was a huge lobby but there was also a fairly large majority there who weren't there to protest so I think the one thing to take from this is you can get things done quickly without democracy suffering, that's for sure.

Cr Hunter advised Council:

Cr Cameron has articulated it in a very open and fair way. I think as the Mayor said we could have added a few things in there or taken a few things out but by large you got the mood and the sentiment. I wasn't offended by the language the State Government used, I was impressed by the determination they showed to make a change. They articulated the possibility of saving the state rate payers and tax payers of the state a billion dollars. With this I can't see personally how are they going to do it but I don't know how the City councils work either. I don't understand some of those complexities that they have down there. I'm very relieved to think that we got through and I endorse the Mayor's comments, it is a credit to us all who are focused on it.

We got our financial sustainability project plan up with a combination of hard work of the staff and ourselves and a fair bit of discipline over the last three years to get this whole thing on a different course and I'm proud to be a part of that. I think against that background at that conference, it all fitted in pretty well and I think we are on track. We're heeding the messages that the Government put across. There was some issues down there that I thought were delving into that probably weren't ours or weren't significantly high priority but by large it was a good conference and I thought we came out of that pretty well.

2. Zero Emissions Project

Cr Richardson advised Council:

As a Council we supported the zero emissions project which was the ambition to become a zero emission community in 10 years and to work alongside Beyond Zero Emissions to try to make that happen. Just as an update, since then we've created a steering committee which consists of myself and Sandi Middleton the Sustainability Officer from Council. Beyond Zero Emissions Dr Steve Bigrave, Amanda Cahill from Centre of Sustainability and lead delegates from each of the five sectors that have been meeting virtually fortnightly regarding waste, energy, building, transport and land use to create a system of benchmark data so we know exactly how much emissions are coming from each of those sectors to then create an action plan to get to zero emissions in 10 years' time. All of those groups are meeting regularly, it's very exciting.

We've also got an Expression of Interest out for a temporary project officer, a volunteer project officer for three days a week and we actually had four applications of people who wanted to give three days a week on a voluntary basis for three or four months.

We have requested funding from OEH which we've had verbal commitment to but I'll be seeing both Mark Speakman and also Rob Stokes shortly to try to get a commitment in the form of a cheque so to speak to pay for a staffer. It is because of that we are getting incredible responses both by international businesses who want to potentially make this Shire zero emissions. I spoke on behalf of zero emissions at the Australian Green Design, Green Development Forum in Brisbane and have just received an invitation to attend the UNFCCC climate change conference in Paris to represent Byron Shire and tell them what we're doing with zero emissions Byron, including meetings with what's called the Compact of Mayors, so the Mayor of Paris and the Mayor of New York.

I've been invited to participate in closed confidential dialogue with 14 other world zero emission mayors etc and so to get there I've started a crowd funding campaign today to try and allow me to showcase Byron to Paris. For me, it's an incredibly important initiative because it allows the five groups which is filled with people doing things already whether it be a Nova and Coram in renewable energy, whether it be people working in waste to actually work under one umbrella.

Just to outline one outcome that can come from it the Federal Government have what's called the emission reduction fund that Cr Hunter and I talked about at the National Assembly in Canberra. They have over \$1.5 billion of funds to give to organisations who can reduce their emission. They said currently no local governments applied because they can't outbid a coal fire station etc. However, if you have one project you can have many activities underneath it and then that can scale up and you can potentially unleash tens of millions of dollars of grants. So for us getting all the land use, all the carbon sequestration that can come from tree planting, next to potential public transport initiatives which could allow a transport emission reduction to renewable energy on our sewerage treatment plants etc. We could create a package which could as I said unleash tens of millions of dollars of grants. If we need to scale it up further we can bring Lismore in, etc. So it's got the capacity to generate more grants than this Shire's ever seen, more jobs than this Shire has ever seen and make us more sustainable than this Shire's ever seen. So it's a really exciting project that shows that sometimes when you have an ambition, the actions underneath that ambition actually really can spearhead towards one goal.

I'll be missing the 10 December Ordinary meeting and I'll send my apologies but I think it's really important that we go to Paris and let every world leader in emission reduction know who we are and ensure more importantly that when the Australian Government signs up on a commitment, which they will, that we are known to the Australian Government as a place that wants to work in this area and they can fund us to do any pilot tests or projects they've got in mind.

So I just thought I'd share that. If you see a crowd funding, I won't come to Council asking for money, the last time was bad enough so I'd rather not have to go through that, so hopefully we can really put Byron on the global map.

3. Rous Water

Cr Dey advised Council:

Rous Water met on 21 of October and like ours, its financial reports were audited and will go on public exhibition.

Another item on the agenda was a minor update to Rous's policy on drinking water quality. I believe that Rous's long term future is going to have to include the provision of water at two different qualities. At the moment Rous Water sources an ever increasing portion of the region's urban water from near sea level, pumps it to 80 metres of elevation at Nightcap Water Treatment Plant and treats every drop of it to drinking water standard. It is then piped back down the hill and is used by the townsfolk of four Shires. About 0.5% to 1% is actually drunk by those consumers.

In other words 99% of the treated water is used to do other things that do not require drinking water quality – wash your car, flush your toilet, whatever else.

The point is that treating all piped water to the drinking water standard is unsustainable.

Another item was that an organisational review was considered. There will be changes to the organisation's structure and with those changes Rous will be able to peg increases in its charges to the Shires such that we won't have to raise our water contributions by more than the normal cap.

4. People Opposed to NBN Tower

Cr Dey advised Council:

This Tuesday, I attended a meeting of people opposed to the NBN tower proposed at Settlement Road in Main Arm. The meeting voiced a lot of concerns. Council is currently waiting on advice, I understand, as to whether a DA is required for the tower or not. That advice still hasn't arrived.

One of the really positive things that came out of that meeting was that there is a system under the NBN roll out where communities can put forward an alternative proposal. The current NBN proposal relies on towers through the Main Arm area. However, there is already a fibre-optic cable all the way up the valley, to Upper Main Arm Public School. The community feel that if this was utilised along with local copper line distribution, then as good or better NBN speeds would be achieved.

One of the downsides of the tower proposal is that there is so many hills and valleys in Main Arm more than the usual number of towers will be needed. At that number the fibre optic option is likely to be cheaper. One of the catches when a community puts forward an alternative proposal is that that community has to fund the difference between NBN's proposal and the communities proposal. In this case it's likely to be cheaper.

5. North Byron Coastal Creeks Flood Risk Management Committee Meeting

Cr Dey advised Council:

The very long named Committee met yesterday to consider the equally long named Flood Study of the Brunswick Valley catchment (ie the Main River and Marshalls and Simpsons Creeks). The Study has been four years in preparation and everybody's sick of waiting. Luckily yesterday the Committee recommended that Council put the Study out on public exhibition. I'm grateful that such a long project has taken a pretty major step.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.1 Draft Amended Policy - Mayor and Councillors Payment of Expenses and Provision of Facilities

File No: I2015/939

Moved:

1. That the Policy - Mayor and Councillors Payment of Expenses and Provision of Facilities as shown in Attachment 1 (#E2015/45197) be amended as follows: the second paragraph of Section 7.2.21 be re-written to say "If this option is utilised then the landline (or an alternative functional telephone number), and/or fax number is to be made available to the public".
2. That the Policy as amended by Part 1 above be adopted.
3. That in accordance with Section 253(4) of the Local Government Act 1993 a copy of the

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adopted Policy - Mayor and Councillors Payment of Expenses and Provisions of Facilities
and public notice be forwarded to the Director-General. (Dey/Richardson)

AMENDMENT

15-561 Resolved:

1. That the amended Policy - Mayor and Councillors Payment of Expenses and Provision of Facilities as shown at Attachment 1(#E2015/45197) be adopted.
2. That in accordance with Section 253(4) of the Local Government Act 1993 a copy of the adopted Policy - Mayor and Councillors Payment of Expenses and Provisions of Facilities and public notice be forwarded to the Director-General. (Woods/Wanchap)

PROCEDURAL MOTION

15-562 Resolved that the motion be put. (Cubis)

The motion was put to the vote and declared carried.

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

The amendment (Woods/Wanchap) was put to the vote and declared carried.

Crs Dey and Richardson voted against the amendment.

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

Report No. 13.2 Section 355 Management Committees - Resignation and Appointment

File No: I2015/1108

15-563 Resolved:

1. That with regard to the Mullumbimby Civic Hall Section 355 Board of Management, Council accept the resignations of Neil Johnson and Philip Preston, and officially thank them for their contributions to the Board and the management of the Civic Hall.
2. That Council appoint Carmel Lancaster to the Brunswick Valley Community Centre Section 355 Management Committee for this term of Council ending September 2016. (Dey/Richardson)

The motion was put to the vote and declared carried.

Report No. 13.5 Draft 2014/2015 Financial Statements

File No: I2015/1286

15-564 Resolved:

1. That Council adopt the Draft 2014/2015 Financial Statements incorporating the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules.
2. That Council approve the signing of the "Statement by Councillors and Management" in accordance with Section 413(2)(c) of the Local Government Act 1993 and Clause 215 of the Local Government (General) Regulation 2005 in relation to the 2014/2015 Draft

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- Financial Statements.
3. That Council exhibit the Financial Statements and Auditor's Report and call for public submissions on those documents with submissions closing on 27 November 2015 in accordance with Section 420 of the Local Government Act 1993.
 4. That the Audited Financial Statements and Auditors Report be presented to the public at the Ordinary Meeting of Council scheduled for 19 November 2015 in accordance with Section 418(1) of the Local Government Act 1993. (Dey/Hunter)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.7 **PLANNING - Section 82A Application to review the refusal of Development Application No. 10.2014.742.1 for a Motel Development at 33 Lawson Street Byron Bay**
File No: I2015/1119

Moved: That pursuant to Section 80 of the *Environmental Planning & Assessment Act 1979*, Development Application No. 10.2014.742.1 for the demolition of existing single-storey motel building and the erection of a three (3) storey motel accommodation building plus two (2) levels of basement parking, be granted deferred commencement consent approval subject to conditions listed in Attachment 3 (E2015/68207) and an additional condition as follows:

That the height limit of the building not exceed 9m. (Richardson/Dey)

AMENDMENT

- 15-565 Resolved** that pursuant to Section 80 of the *Environmental Planning & Assessment Act 1979*, Development Application No. 10.2014.742.1 for the demolition of existing single-storey motel building and the erection of a three (3) storey motel accommodation building plus two (2) levels of basement parking, be granted deferred commencement consent approval subject to conditions listed in Attachment 3 (E2015/68207) of this report. (Woods/Cubis)

The amendment was put to the vote and declared carried.

Crs Ibrahim, Cubis, Woods, Wanchap and Hunter voted in favour of the amendment.

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 Ibrahim, Cubis, Woods, Wanchap and Hunter voted in favour of the amendment.

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

PROCEDURAL MOTION

- 15-566 Resolved** that Council change the order of business to deal with Report 13.9 at the end of the meeting. (Ibrahim/Woods)

The motion was put to the vote and declared carried.

Report No. 13.13 **PLANNING - 26.2015.6.1 Amendment Byron LEP 1988 - West Byron**
File No: I2015/1282

- 15-567 Resolved:**

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1. That Council proceed with the planning proposal in Attachment 1 and forward to the Department of Planning and Environment with the exception of the infrastructure clause in relation to development in the E zones, which will be amended to only permit infrastructure to cross E Zones but not to run parallel/along them.
2. That Council request the Department of Planning and Environment to delegate to Council the preparation and making of the LEP Amendment. (Dey/Richardson)

AMENDMENT

Moved:

1. That Council proceed with the planning proposal in Attachment 1 and forward it to the Department of Planning and Environment for a Gateway determination.
2. That Council request the Department of Planning and Environment to delegate to Council the preparation and making of the LEP Amendment. (Hunter/Woods)

The amendment was put to the vote and declared lost.

Crs Cubis, Woods, Wanchap and Hunter voted in favour of the amendment.

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

The motion was put to the vote and declared carried.

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

Crs Dey, Spooner and Hunter voted against the motion.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.14 **Upgrade of Blindmouth Creek Causeway**
File No: I2015/1277

- 15-568 Resolved** that the Blindmouth Creek causeway upgrade by designed to a flood immunity (ARI) of 10 years. (Ibrahim/Wanchap)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

Moved: That Council note that three people are known to have drowned by being swept off Main Arm Road near 470 Main Arm Road by floodwaters. (Dey/Richardson)

The motion was put to the vote and declared lost.

Crs Ibrahim, Cubis, Woods, Cameron, Wanchap, Spooner and Hunter voted against the motion.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.9 **PLANNING - Rural Land Strategy – Site Suitability Criteria & Mapping Methodology**
File No: I2015/1239

- 15-569 Resolved:**

1. That Council endorse the Site Suitability Criteria and Mapping Methodology contained in Attachment 1 (E2015/51734, as issued on 25 October 2015) as a key document to inform preparation of the related Stage 2 mapping and Stage 3 – 'Policy Directions Paper' and that

Council amends Table 3 of Attachment 1 as follows and reflects these changes, where required, in the body text of Attachment 1:

Table 3: Service Catchment and Road Infrastructure Priorities for Rural Development

Criteria	Supporting Rationale
<p>Service Catchment Priorities (apply to all <i>future rural development</i>)</p> <p>Determine development priorities based on proximity to town and village service catchments as follows:</p> <ul style="list-style-type: none"> • Priority 1: Unconstrained land within 5 km of a town containing high schools or 2km of a rural village containing any of the following features catering to the needs of that locality: primary schools, general store. • Unconstrained land that is outside of the service catchment areas will be considered subject to the following, where relevant to the development; <ul style="list-style-type: none"> - existing school bus services which are accessible within 100m from the site boundary, - the primary access to the land is a major local road or regional road (excluding the motorway), - land that satisfies the service catchment criteria (eg primary school, general store) that are available in an adjoining local government area. • Priority 2: Assessable land within 5 km of a town containing high schools or 2km of a rural village containing any of the following features catering to the needs of that locality: primary schools, general store. • Assessable land that is outside of the service catchment areas will be considered subject to the following, where relevant to the development; <ul style="list-style-type: none"> - existing school bus services which are accessible within 100m from the site boundary, - the primary access to the land is a major local road or regional road (excluding the motorway), - land that satisfies the service catchment criteria (eg primary schools, general store) that are available in an adjoining local government area. <p>For all unconstrained and assessable land,</p>	<p>A 'service catchment' approach maximises opportunities for people to access basic services and connect with each other both socially and economically. It also facilitates economies in service provision such as a rural school bus service.</p> <p>Consistent with service catchment criteria in <i>Byron Rural Settlement Strategy 1998</i> and <i>Lismore Growth Management Strategy 2015-2035</i>.</p> <p>Consistent with <i>Guidelines for Rural Settlement on the North Coast of NSW</i> (DUAP, 1995).</p> <p>Priority areas for <i>future rural development</i> will have adequate road infrastructure (both condition and capacity) that will not place a financial burden on the wider community. That is, any required road upgrade to achieve an acceptable standard will need to be provided at no cost to wider community.</p> <p>This economic imperative is supported by the following documents:</p> <ul style="list-style-type: none"> - Byron Shire Council <i>Financial Sustainability Project Plan</i> (Asset Management Strategy) - <i>Council Improvement Program</i> (June 2015) - <i>Byron Rural Settlement Strategy 1998</i> - <i>Guidelines for Rural Settlement on the North Coast of NSW</i> (DUAP, 1995)

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<p>whether within or outside a service catchment area, the following must be considered:</p> <ul style="list-style-type: none">• capacity / condition of relevant road network;• costs to wider community of proceeding with potential rural lifestyle living precincts <p>Development will only be considered where relevant road segments can be upgraded at no cost to wider community.</p>	
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2. That Council commit to achieving the revised milestone deadlines identified in this report to ensure adoption of the Rural Land Use Strategy by end of July 2016. (Ibrahim/Cubis)

Cr Cameron left the chamber at 2.20pm and returned at 2.31pm.

PROCEDURAL MOTION

- 15-570 Resolved** that Cr Woods be granted a two minute extension to her speech. (Richardson/Cubis)

The motion was put to the vote and declared carried.

*The motion (Ibrahim/Cubis) was put to the vote and declared carried.
Crs Woods, Cameron and Hunter voted against the motion.*

QUESTIONS WITH NOTICE

Question With Notice No. 15.1 Construction of the IBAS at Belongil
File No: I2015/945

Refer to the Agenda for the questions and responses.

There being no further business the meeting concluded at 2.50pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 19 November 2015.

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Mayor Simon Richardson