

# NOTICE OF MEETING



## BIODIVERSITY AND SUSTAINABILITY PANEL MEETING

A Biodiversity and Sustainability Panel Meeting of Byron Shire Council will be held as follows:

Venue	<b>Conference Room, Station Street, Mullumbimby</b>
Date	<b>Thursday, 29 June 2017</b>
Time	<b>11.30am</b>

A handwritten signature in black ink, appearing to read 'S Burt'.

Shannon Burt  
Director Sustainable Environment and Economy

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## CONFLICT OF INTERESTS

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

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

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

**Remoteness** – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

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

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

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

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

(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse;

(b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

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

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

### Disclosure and participation in meetings

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

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

### Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

**Non-pecuniary Interests** - Must be disclosed in meetings.

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

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

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## RECORDING OF VOTING ON PLANNING MATTERS

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

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
  - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
  - (b) not including the making of an order under Division 2A of Part 6 of that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

**BYRON SHIRE COUNCIL**  
BIODIVERSITY AND SUSTAINABILITY PANEL MEETING

**BUSINESS OF MEETING**

**1. APOLOGIES**

**2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**

**3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

A meeting of the Biodiversity and Sustainability Panel was scheduled for 27 April 2017 but due to a lack of quorum this meeting did not take place.

**4. STAFF REPORTS**

**Sustainable Environment and Economy**

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4.2	Draft Byron Shire Flying-fox Camp Management Plan .....	6

**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY****Report No. 4.1                      Community Engagement on Sustainability Education****Directorate:** Sustainable Environment and Economy5 **Report Author:** Alana Barry, Environmental Support Officer**File No:** I2017/574**Theme:** Ecology  
Planning Policy and Natural Environment

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**Summary:**

15 Byron Shire Council has a long history of providing our vibrant community with contemporary, practical and inspiring sustainability education and engagement. Over the years the style and format of this program has evolved from public talks, mini festivals, competitions, world environment day celebrations, workshops, e-newsletters, seminars and films.

20 Due to the evolving needs of the community, Council will be adapting the delivery method of sustainability engagement in 2017, in an effort to remain relevant and meet the needs and expectations of our community.

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**RECOMMENDATION:**

1. **That the Biodiversity and Sustainability Panel note recent changes to Council's sustainability education and engagement program to create a more effective and community-focused strategy.**
  
2. **That the Biodiversity and Sustainability Panel note the following actions:**
  - a) **The Sustainability Seminar Series have ceased in their previous form;**
  - b) **Targeted sustainability workshops will replace the seminar series;**
  - c) **Resources for participation in World Environment Day have been adapted to World Water Day 2017 and Renew Fest 2017;**
  - d) **Council is considering a request to support the 'Green my Grid' project; and**
  - e) **Community engagement through the existing sustainability e-newsletter will continue.**

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**Report**

5 The Sustainability Seminar Series were held by Council from 2014-2016, as part of Council's sustainability education program. The purpose of the seminar series was to promote sustainability awareness within the community. While there were a number of popular and successful seminars held, there is now an increasing number of similar community driven initiatives held within the Shire (community sustainability film screenings, talks etc.). To ensure Council's sustainability education and engagement program remains relevant to the community, Council sought feedback on the seminar series.

10 As a result of community feedback, the seminar series have been adapted into targeted sustainability education events and workshops. The workshops held to date, such as the Grant writing workshop held in April, have produced high community interest and participation.

15 As part of Council's sustainability education program, resources were provided for participation in World Water Day 2017 and Renew Fest 2017 which were successful events, generating strong community interest in sustainability.

20 Council is considering a request to support the 'Green my Grid' project facilitated by ENOVA, COREM and ZEB, aimed at engaging, educating and empowering two street communities within Byron Shire to reduce their energy and achieve an 100% renewable energy target. The project helps achieve outcomes of The Byron Shire Community Strategic Plan, the Low Carbon Strategy and Council's Zero Emissions Target, while also acting as an effective sustainability education initiative for the community.

25 Council provides a sustainability e-newsletter as a tool to engage with the community on sustainability education and will continue to deliver this valuable service to the community.

30 Council will also continue to seek regular feedback on the sustainability education and engagement program, to ensure the program meets the needs and expectations of the community and contributes to sustainable outcomes within the Shire.

**Financial Implications**

35 There are no financial implications as existing funds have been adapted to provide a highly effective sustainability education program.

**Statutory and Policy Compliance Implications**

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**Report No. 4.2**                    **Draft Byron Shire Flying-fox Camp Management Plan**  
**Directorate:**                    Sustainable Environment and Economy  
**Report Author:**                Clare Manning, Natural Environment Projects and Policy Officer  
**File No:**                         I2017/783  
5 **Theme:**                         Ecology  
    Planning Policy and Natural Environment

**Summary:**

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To respond proactively and to ensure full engagement and support of the community, Council has received a \$15,000 NSW Government grant to help manage the impacts of flying fox colonies in Byron Shire. The NSW Government Flying Fox Grant Program is established to help councils manage flying fox camps in their areas, consistent with the Office of Environment and Heritage (OEH) Flying Fox Camp Management Policy 2015 (Policy), guidelines and management plan template.

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As part of the Funding Agreement, Council committed funds and in-kind contributions on a 1:1 basis to prepare the Byron Shire Flying Fox Camp Management Plan which will address the impact of flying fox colonies located in Mullumbimby, Bangalow, Byron Bay and Suffolk Park. The existing Mullumbimby Flying Fox Camp Action Plan, which has been substantially implemented, will be incorporated into the Plan thereby complying with the OEH Policy and enabling access to OEH grants to implement outstanding actions.

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Council is preparing the draft Byron Shire Flying-Fox Camp Management Plan (Plan) due for completion Friday 23 June 2017.

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The draft Plan identifies how to manage flying-fox camps in Mullumbimby, Bangalow, Byron Bay (including camps located at Butler Street and Middleton Street) and Suffolk Park.

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When the Plan is endorsed by OEH, council is eligible to apply for up to \$50,000 to implement the Plan's actions.

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**RECOMMENDATION:**

**That the Biodiversity and Sustainability Panel:**

1. **note the report**
2. **note the draft Plan will be electronically circulated to Panel members at the end of June 2017.**
3. **members be invited to written submission on the draft Byron Shire Flying-fox Camp Management Plan by 1 September 2017.**

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**Report**

Flying-foxes are protected under State legislation and some species are listed as threatened. Grey-headed Flying-fox are also listed as a vulnerable species under Commonwealth legislation.

5 Flying-foxes play a crucial role in pollinating native forests and spreading seeds to ensure longevity of native bushland. Like all urban wildlife, they bring benefits and challenges to the way we live.

10 The draft Byron Shire Flying-fox Camp Management Plan (Plan) will identify how to manage flying-fox camps in Mullumbimby, Bangalow, Byron Bay (including camps located at Butler Street and Middleton Street) and Suffolk Park.

To date, the types of engagement that have been undertaken include:

- promotion of contact details of responsible officers
- telephone conversations to record issues and complaints
- 15 • face-to-face meetings and telephone calls with adjacent residents
- media (radio, print, social media)
- brochures and other educational material
- website pages and links
- direct contact with adjacent residents including letters, brochures and emails
- 20 • on-site signage: interpretive signage was installed in November 2016 at:
  - Beech Camp: the footpath located on the southern junction of Beech Drive and Bottlebrush Crescent.
  - Middleton Street: on Middleton Street.
  - Mullumbimby Camp: at Rotary Rainforest Park.
  - 25 ○ Paddy’s Creek Camp: the footbridge located on the east bank of Paddy’s Creek.
- public meetings; four public meetings were presented by Byron Shire Council staff, GeoLINK ecologists, representatives from OEH, NSW Health and NSW Department of Primary Industries:
  - Paddy’s Creek Camp held at Bangalow Bowling Club on 2 May 2017 attended by 52 people.
  - 30 ○ Mullumbimby Camp held at Byron Shire Council chambers on 3 May 2017 attended by 34 people.
  - Butler and Middleton Camps held at the Cavanbah Centre on 10 May 2017 attended by 12 people.
  - Beech Camp held at Broken Head Hall on 11 May 2017 attended by one person.
- 35 • online survey: ‘Flying-fox Engage’, an on-line stakeholder engagement and decision-support tool, was used as a mechanism for stakeholders to learn about and rank their preferred camp management options. To date, 120 respondents to which the results are currently being analysed. This will allow Council to make informed decisions with consideration of stakeholder concerns and preferences.

40 Council is on track to delivering the draft Plan by **Friday 23 June 2017**.

The draft Plan will be reported to Council at the 3 August 2017 meeting to seek approval for public exhibition for a period of 4 weeks from **5 August until 1 September 2017**.

45 A copy of the draft Plan will be electronically circulated to the Biodiversity and Sustainability Panel by end of June 2017 inviting members to provide feedback, ideas or thoughts about the proposed management options by **1 September 2017**.

Members of the Panel can:

- visit [www.byron.nsw.gov.au/public-exhibition](http://www.byron.nsw.gov.au/public-exhibition)
- Call Clare Manning Biodiversity Officer on 6626 7324 to make an appointment to speak with Council staff about the draft Plan.
- Make a written submission by email to [submissions@byron.nsw.gov.au](mailto:submissions@byron.nsw.gov.au) or post to The General Manager, PO Box 219 Mullumbimby 2482.

**Financial Implications**

Council has received a \$15,000 NSW Government grant to help prepare the Plan.

As part of the Funding Agreement, Council committed funds and in-kind contributions on a 1:1 basis. The Plan will address the impact of flying fox colonies located in Mullumbimby, Bangalow, Byron Bay and Suffolk Park.

When the Plan is endorsed by OEH, Council is eligible to apply for up to \$50,000 to implement the plans actions.

**Statutory and Policy Compliance Implications**

The Plan will be consistent with the OEH Policy, guidelines and management plan template.