



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 4 February 2016

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
4 February 2016

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 4 FEBRUARY 2016 COMMENCING AT 9.04AM AND CONCLUDING AT 3.30PM
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I2016/26

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

Staff: Mark Arnold (Acting General Manager)
Trish Kirkland (Manager Governance Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
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:

9.1 No Business in Abuse

Brynn O'Brien (No Business in Abuse) and Kiri Olsen addressed Council in favour of the recommendation.

Vivyan Stott addressed Council against the recommendation.

10.2 Stop the closure of O'Meara's Bridge

Brett Shoemark addressed Council in favour of the recommendation.

13.9 PLANNING - 10.2015.353.1 Mixed use development comprising 28 Residential dwellings, plus commercial and retail units, recreation facilities, associated infrastructure and subdivision at Bayshore Drive Byron Bay

Dominic Finlay-Jones addressed Council in favour of the recommendation.

13.10 Coastal Hazard Management Study Byron Bay Embayment - Cost Benefit Analysis

Mary Gardner addressed Council against the recommendation.

Submission No. 1 Bangalow Place Activation Plan

Tom Tabart made a submission to Council regarding community consultation and representative groups.

Submission No. 2 Byron Bay Bypass

Paul Jones (Butler Street Community Network) made a submission to Council requesting an update on what stage the works were at.

Submission No. 3 Community Concerns at Sunrise

Tanja Krebs made a submission to Council regarding train operations in Sunrise Beach.

Submission No. 4 Festival

Kathy Norley (South Golden Beach CA) made a submission to Council regarding more attention being given by Council to Parklands Development in the North of the Shire.

Submission No. 5 West Byron DCP

Cate Coorey (Byron Resident's Group) made a submission to Council regarding concerns over the West Byron DCP.

Submission No. 6 Community Feedback

Bethany Hudson made a submission to Council regarding dissatisfaction with Council's representation of the community.

Submission No. 7 Development Application Exhibition Dates

Leigh Rees made a submission to Council regarding

The meeting adjourned at 10.20am and reconvened at 10.45am.

APOLOGIES

There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Spooner declared a pecuniary interest in Report 13.5. The nature of the interest being that his employer, Byron Bay Community Association, is a market licence holder. Cr Spooner chose to leave the chamber, not participate in the debate and not vote. He did not return until matter was resolved.

Crs Dey and Woods declared a non-pecuniary interest in Report 13.5. The nature of the interest being that they are members of the Mullumbimby Showground Trust which issues Farmers Market Licences on the Grounds. Cr Dey and Cr Woods chose to stay in the chamber, participate in the debate and vote.

Cr Ibrahim declared a pecuniary interest in Report 13.7. The nature of the interest being that he owns a residence within the Bangalow urban area. Cr Ibrahim elected to leave the meeting, not participate in the debate and not vote. He would not return until the matter is resolved.

Cr Wanchap declared a non-pecuniary interest in Report 13.7. The nature of the interest being that she owns rural land in the zone. Cr Wanchap elected to remain in the meeting, participate in the debate and vote.

Crs Dey and Hunter declared a special disclosure of pecuniary interest in Report 13.7.

TABLING OF PECUNIARY INTEREST RETURNS

In accordance with the Local Government Act 1993 Section 450A(2), Section 449(1) Returns are tabled being:

Sarah Ford, Manager Community Development
Nicole Bourke, Projects Officer (Assets and Major Projects)
Paula Telford, Leasing and Licensing Coordinator
Luke Munro, Planner
Craig Purdy, Asset Engineer

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

16-001 Resolved that the minutes of the following meetings be confirmed:

- Byron Shire Reserve Trust Committee held 10 December 2015
- Ordinary Meeting held 10 December 2015 (Woods/Dey)

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 Amendment of policy 13/003 - Code of Conduct
Report No. 13.4 Appointment of new Councillor representative to Richmond Tweed Regional Library Committee
Report No. 13.5 Market Licence Agreements- Request for Proposal 2016

Sustainable Environment and Economy

- Report No. 13.7 PLANNING – Submissions Report on Draft LEP Amendment 26.2015.4.1 Planning Proposal for tourism related land use table and clause changes (this report was reserved separately as a result of Resolution 16-023)
Report No. 13.8 PLANNING - Expressions of Interest for membership of the Mullumbimby Masterplan Scoping Project Reference Group
Report No. 13.10 Coastal Hazard Management Study Byron Bay Embayment - Cost Benefit Analysis

REPORTS OF COMMITTEES**Sustainable Environment and Economy**

- Report No. 14.1 Report of the Sustainable Economy Committee meeting held on 3 December 2015

Infrastructure Services

- Report No. 14.4 Report of the Transport Advisory Committee Meeting held on 1 December 2015

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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.16-2 and concluding with Resolution No. 16-16.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.2 **Council Investments December 2015**
File No: I2015/1591

- 16-002 Resolved** that the report listing Council's investments and overall cash position as at 31 December 2015 be noted. (Woods/Richardson)

Report No. 13.3 **Review of Outstanding Council Resolutions**
File No: I2015/1592

16-003 Resolved:

1. That Council receive and note the information provided in this report on outstanding Council resolutions in Attachment 1 (#E2016/3708).
2. That Council note the completed resolutions in Attachment 2 (#E2016/3638).
3. That Council resolve that no further action be taken in respect of the following Council resolutions and that the resolutions be closed:

Res 11-549
Res 15-156

(Woods/Richardson)

STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.6 **Report of the Planning Review Committee Meeting held on 3 December, 2015**
File No: I2015/1498

- 16-004 Resolved** that the report be noted. (Woods/Richardson)

Report No. 13.7 **Planning - Submissions Report on Draft LEP Amendment 26.2015.4.1 - Planning Proposal for tourism related land use table and clause changes**
File No: I2015/1586

Crs Dey and Hunter declared special disclosure of pecuniary interest earlier in the meeting.

NOTE: This item was originally resolved during the block vote, however as a result of a recommitted vote, this item was then reserved for debate.

Moved: that Council:

1. Modify the planning proposal in relation Subclause 8 for exempt Bed and Breakfast Accommodation as proposed in the NSW Rural Fire Service submission to:

8. Prior to commencement, where the dwelling is located on mapped bushfire prone land, a bushfire safety authority under Section 100B of the Rural Fires Act 1997 shall be obtained and all conditions of the Bushfire Safety Authority must be complied with.

2. Forward the modified planning proposal to amend Byron LEP 2014, as included in Attachment 1 of this report, to NSW Parliamentary Counsel's Office requesting that a draft LEP instrument be prepared, under section 59(1) of the Environmental Planning and Assessment Act 1979.
3. Liaise with Parliamentary Counsel's Office (PCO) as necessary to finalise the content of the draft LEP and to enable PCO to issue an Opinion that the plan can be made,
4. Make the draft LEP under delegated authority and forward the plan to the NSW Department of Planning and Environment for notification on the NSW Government legislation website.
(Woods/Richardson)

Report No. 13.9 **PLANNING - 10.2015.353.1 Mixed use development comprising 28 Residential dwellings, plus commercial and retail units, recreation facilities, associated infrastructure and subdivision at Bayshore Drive Byron Bay**
File No: I2016/9

- 16-005 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application 10.2015.353.1, for the construction of a mixed use development comprising 28 residential dwellings, plus commercial and retail units, recreation facilities, associated infrastructure and subdivision, be granted consent subject to the conditions listed in Attachment 2 #E2016/2599.
(Woods/Richardson)

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 Crs voted against the motion.

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.2 **Report of the Biodiversity and Sustainability Advisory Committee Meeting held on 12 November 2015**
File No: I2015/1581

- 16-006 Resolved** that Council note the minutes of the Biodiversity and Sustainability Advisory Committee Meeting held on 12 November 2015.
(Woods/Richardson)

- 16-007 Resolved** that Council adopt the following Committee Recommendation:

Report No. 5.1 Low Carbon Strategy Update
 File No: I2015/1102

Committee Recommendation 5.1.1

That the Biodiversity and Sustainability Committee receive and note the report and that the Biodiversity and Sustainability Committee congratulate Council on achieving and progressing 99% of the first year actions in the Low Carbon Strategy.
(Woods/Richardson)

16-008 Resolved that Council adopt the following Committee and Management Recommendations:

Report No. 5.3 Biodiversity and Sustainability Advisory Committee Meeting Dates 2016

File No: I2015/1299

Committee Recommendation 5.3.1

That the Biodiversity and Sustainability Advisory Committee meets from 9.00am to 11.00am on the following dates during 2016:

- Thursday, 18 February 2016
- Thursday, 21 April 2016
- Thursday, 23 June 2016
- Thursday, 18 August 2016
- Thursday, 10 November 2016
- Or as required

Committee Recommendation 5.3.2

That if required an additional meeting be scheduled for the Biodiversity and Sustainability Committee to consider the draft 2016/17 Environmental Levy Budget.

Management Recommendation 5.3.3

- a) That Chris Sanderson be appointed as a voting member of the Biodiversity and Sustainability Committee and the constitution be amended accordingly.
- b) That the remaining non-voting members of the Biodiversity and Sustainability Advisory Committee be contacted to ascertain their interest in continuing and the constitution be amended according to their decision. (Woods/Richardson)

Report No. 14.3 Report of the Heritage Advisory Committee Meeting held on 17 November 2015

File No: I2015/1589

16-009 Resolved that Council note the minutes of the Heritage Advisory Committee Meeting held on 17 November 2015. (Woods/Richardson)

16-010 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 5.1 Heritage Advisory Committee administration and meeting dates

File No: I2015/1387

Committee Recommendation 5.1.1

That the Heritage Advisory Committee:

1. Endorse the Terms of Reference with the following amendments being:

Under the heading in 3 Membership combine Brunswick Valley and Mullumbimby Historical Society as 1 representative.

Include Jali Land Council to the membership of the Heritage Advisory Committee.

Include Donald Maughan as the Byron Bay Historical Society representative

Increase the membership of the community representatives from 3 to 4 and endorse Ms Alexandra Williams as an additional community representative.

2. Adopt the following dates for the Committee meetings for 2016, with all meetings commencing at 2.00pm:

Tuesday, 16 February 2016

Tuesday, 12 April 2016

Tuesday, 21 June 2016

Tuesday, 16 August 2016

Tuesday, 18 October 2016

Tuesday, 13 December 2016

(Woods/Richardson)

- 16-011 Resolved** that Council adopt the following Committee Recommendation:

Report No. 5.2 Heritage Strategy

File No: I2015/1388

Committee Recommendation 5.2.1

That the Heritage Advisory Committee defer Report 5.2 Heritage Strategy to the next Committee meeting on 16 February, 2016. (Woods/Richardson)

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.5 Report of the Community Infrastructure Advisory Committee Meeting held on 3 December 2015

File No: I2016/7

- 16-012 Resolved** that Council note the minutes of the Community Infrastructure Advisory Committee Meeting held on 3 December 2015. (Woods/Richardson)

- 16-013 Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 5.2 Transport and Stormwater Revaluation

File No: I2015/822

Committee Recommendation 5.2.1:

That Council notes the report provided to the Community Infrastructure Advisory Committee and resulting reduction in annual depreciation figures. (Woods/Richardson)

- 16-014 Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 5.3 Update Report of Restoration of 2012 & 2013 Landslips

File No: I2015/1357

Committee Recommendation 5.3.1:

That Council notes that 11 out of 12 of the landslips from the 2012 and 2013 Declared Natural Disasters are complete and the restoration of the one remaining landslip at "Upper Wilsons Creek – end of road" is in progress. (Woods/Richardson)

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16-015 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 5.4 Status report on 2015/16 Local Roads Capital Works Program

File No: I2015/1367

Committee Recommendation 5.4.1:

That Council notes that the Community Infrastructure Advisory Committee notes the actions taken to implement the 2015/16 Local Roads Capital Works Program. (Woods/Richardson)

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.1 CONFIDENTIAL - 2015-0037 North Ocean Shores Sports Field Construction

File No: I2016/2

16-016 Resolved:

1. That Council increase the 2015-2016 budget allocation of GL 4835.127 to \$1,511,945. The increase in the budget allocation is to be made up of \$111,021.95 coming from Section 94 Shire Wide Open Space and \$467,268.05 from the proceeds of the sale of the Roundhouse lots held in the infrastructure renewal reserves.
2. That Council award Tender 2015-0037 North Ocean Shores Sports Field: Sports Field, Services and Amenities Building to Main Constructions Pty Ltd.
3. 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)

PROCEDURAL MOTION

16-017 Resolved that Council change the order of business to deal with Items 9.1 and 10.2 next on the Agenda. (Richardson/Cubis)

The motion was put to the vote and declared carried..

NOTICES OF MOTION

Notice of Motion No. 9.1 No Business In Abuse

File No: I2016/15

16-018 Resolved that Council:

1. Confirm our respect for the fundamental human rights of asylum seekers;
2. Note that Council has no current contracts, investments or other business relationships with the following companies, that hold contracts in Australia's system of mandatory detention: Broadspectrum (formerly Transfield Services) and Wilson Security (part of the Wilson Group);
3. Deplore the impact that the activities that such companies have had and are having on asylum seekers and refugees;

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4. Not consider any future business relationships with companies that hold contracts in Australia's system of mandatory detention;
5. Not support and/or contract companies, institutions and organisations that profit from practices which abuse the human rights of asylum seekers;
6. Adopt NBIA's (No Business in Abuse) four-part definition for such companies as attached and as summarised here: These are companies that -
 - a) have zero tolerance for child abuse, in policy and practice;
 - b) respect people's fundamental rights to freedom from arbitrary and indefinite detention;
 - c) do not treat people in a cruel, inhumane or degrading manner;
 - d) commit to transparency and independent monitoring to ensure these principles are upheld.
7. Review our procurement and investment policies to incorporate the four-part definition so as to exclude from future contracts, tenders or business dealings any companies involved in Australia's offshore and onshore immigration processing system if they fail to meet the NBIA standards.
8. Write to Peter Dutton, Minister for Immigration and Border Protection advising him of council's resolution. (Dey/Spooner)

The motion was put to the vote and declared carried.

Crs Cubis and Hunter voted against the motion.

PETITIONS

Petition No. 10.2 Stop the closure of O'Meara's Bridge
File No: I2015/1579

16-019 Resolved:

1. That the petition regarding the closure of O'Meara's Bridge be noted.
2. That the petition be referred to the Director Infrastructure Services.
3. That Council note that it resolved last year to take a forward vision approach to the condition of all its bridges and will be assessing bridges to capture problems before the bridges get to a state of failure. (Richardson/Dey)

The motion was put to the vote and declared carried.

MAYORAL MINUTE

There was no mayoral minute.

PETITIONS

Petition No. 10.1 Save Mullumbimby's Fig
File No: I2015/1488

16-020 Resolved:

1. That the petition regarding Save Mullumbimby's Fig be noted.

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2. That the petition be referred to the Director Sustainable Environment and Economy for information.
(Dey/Wanchap)

The motion was put to the vote and declared carried.

The Mayor tabled the following petitions:

	Title of Petition	No. of Signatures
1.	Request for speed safety signs/speed safety humps #S2016/245 “...yours the local residents of the Main Arm and Durrumbal (sic) villages and all concerned peoples...That Reduced Speed Safety signs near both the Durrumbal (sic) schools and the Main arm (sic) Villages be implemented, including speed safety humps at Main Arm village, the safety of the people particularly the children is of great importance and concern to us all...Please reduce Dangerous Speed Now”	144
2.	Against kitchen and showers at the Girl Guides Hall #E2016/3439 “We, the neighbours and local visitors to the Rec. Grounds, are against the proposal to put a Soup Kitchen and Toilet and Shower Facilities for the ‘Homeless’...”	46
3.	Speed limit reduction – Ocean Shores “We, the undersigned, are concerned that this intersection of Brunswick Valley Way and Shara Blvd is dangerous for drivers heading North and South due to speed and lack of clear vision of oncoming traffic.”	73

Cr Dey tabled the following petition:

4.	No Business in Abuse “We, the undersigned, as concerned members of your community, call on our local council to join us in demanding an end to Broadspectrum (formally Transfield Services) and their security subcontractor, Wilson Security’s business in abuse...”	682
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SUBMISSIONS AND GRANTS

There were no submissions and grants.

DELEGATES' REPORTS

Delegate's Report No. 12.1 **Richmond Tweed Regional Library Committee meeting,
Lismore 28 November 2015**
File No: I2015/1487

Refer to the Agenda for Cr Dey's delegate's report.

1. Bangalow Chamber of Commerce Meeting

Cr Hunter advised Council:

Regarding the Tuesday Bangalow Chamber Meeting, the major issue there was raised the signage along the highway for the Shire on completion of the highway. The thought that there should be significant signage prior to the hinterland way exit at the Macca Castle, down through Newrybar and Bangalow and onto the Rotunda if and when that gets built at the end of Coolamon Scenic Drive that they're looking for Councils support for such an effort, the particular reference was made for signage highlighting the Macca Castle Newrybar, Bangalow and the Rotunda as a bit of a diversion for those that is one of the most iconic parts of this state if not this country, that will take some of the pressure of the highway or the travelling tourist caravan can come and spend a bit of time in Bangalow or at Harvest or at Macca, looking for a bit of support there. There were a number of other issues but that's the major one that was highlighted and I thought that was pretty noble sort of thing and particularly at the opening of the highway prior to Christmas, the General Manager of the highway works Bob Higgins had asked or had told me that there was significant work yet to be done and organised between Council and the RMS in the finalisation of the signs and the landscaping and so on so I'd like just to record the fact that that was an issue for the Chamber and perhaps an opportunity.

2. Climate Change Conference, Paris

Cr Simon Richardson advised Council:

I'm happy to do a very brief report because I haven't done thus far on my trip to Paris for the climate change conference as this Chamber supported me going, I guess I was a proxy delegate. I'll keep it very brief but just to let you know I'm holding a more thorough presentation tomorrow evening from 6 till 8 at the Secret Garden in Byron where alongside Charles Parkinson I will share the experience of Paris, what took place and potential benefits and implications for both Byron and the world so you are all invited, I'll probably record it so I can sling it around for people who wish to read and listen. However one thing I would say is that initially I jumped on the plane thinking I was speaking twice on what Byron's doing and promoting Byron in the end both myself and Steven Bigraves spoke 7 times promoting Byron across a sway of various panels and discussions so there were many people involved in Local Government who now know who Byron is if they didn't initially and we got some great potential benefits from that trip so again I thank Council for their words of support and again just let you know that I'm holding a presentation tomorrow from 6 till 8. Are there any other delegates reports that wish to be shared or tabled

3. Rous Water Meeting 16 December 2015

Cr Dey advised Council:

Rous Water met on the 16 December. Monthly data for November 2015 illustrates the way that Rous Water taps into its sources for supplying water to the four Shires. Rous keeps Rocky Creek Dam as full as possible. When Rocky Creek Dam drops to 95% capacity, that triggers Rous to start using the Lismore source (fresh water trapped at the top end of the tidal prism of the Richmond River estuary, at Lismore).

I've often criticise the amount of electricity that it takes to pump that water from Lismore at sea level up to Rocky Creek Dam, which is 200 metres above sea level. After treatment at Nightcap Treatment Works we then let it go down the pipes to arrive at coastal and other towns also at about sea level.

In November 2015, 94 megawatts of electricity was used to pump about the same number of megalitres of water to the urban people of the four Shires serviced. That's 94,000 kilowatts. In October 2015, which was a dryer month, it was 161 megawatts and about the same megalitres of water. That's a lot of electricity. I think it's unsustainable to burn that amount of coal to get the water up the hill to the treatment plant so that it can run back down the hill to consumers.

Cr Ibrahim asked: Perhaps you could put a proposal for the construction of a hydro generator on the down end side of the pipe and generate power on the fall of the water

Cr Dey responded: It's interesting that you should ask that Cr Ibrahim because there's a group in Mullumbimby (where we don't do the same sinful practice) who are going to try to get the old hydro system going on the race where our water runs from Laverty's Gap down into the valley for Mullumbimby. The Rous pipe network doesn't lend itself as readily. Nor do Rous Councillors appear as open minded on considering electricity conservation.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.1 **Amendment of policy 13/003 - Code of Conduct**
File No: I2015/1585

16-021 Resolved that Policy 13/003 - Code of Conduct be amended by:

1. deleting clause 4.29 in its present form, and
2. inserting a new clause 4.29 being:

"A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:

- a) *the matter is a proposal relating to:*
 - i) *the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or*
 - ii) *the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and*
 - b) *the non-pecuniary conflict of interests arises only because of an interest that a person has in that person's principal place of residence, and*
 - c) *the councillor declares the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part."*
3. That a Council workshop be convened urgently to provide Councillors with clarity around pecuniary/non-pecuniary interests. (Ibrahim/Wanchap)

The motion was put to the vote and declared carried.

Crs Woods, Cameron and Wanchap voted against the motion.

PROCEDURAL MOTION

16-022 Resolved that the vote on reservation of items for debate be recommitted. (Ibrahim/Woods)

The motion was put to the vote and declared carried.

Crs voted again on the reservation of items for debate.

The motion was put to the vote and declared lost.

PROCEDURAL MOTION

16-023 Resolved that the items originally reserved for debate now include Report 13.7. (Ibrahim/Woods)

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

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 13.4 Appointment of new Councillor representative to Richmond Tweed
Regional Library Committee**

File No: I2016/3

16-024 Resolved:

1. That Council appoint Cr Hunter as the replacement representative for Cr Simon Richardson on the Richmond Tweed Regional Library Committee.
2. That Council appoint Cr Cameron as the alternate delegate to the Richmond Tweed Regional Library Committee, should one of Council's appointed representatives, not be able to attend a scheduled meeting. (Richardson/Hunter)

The motion was put to the vote and declared carried.

The meeting adjourned at 12.26pm for lunch and reconvened at 1.14pm.

Report No. 13.5 Market Licence Agreements- Request for Proposal 2016
File No: I2016/12

Cr Spooner left the meeting at 1.15pm in accordance with his earlier declared pecuniary interest in this matter.

16-025 Resolved that Council:

1. Note that preparations have commenced, as set out in this report, to establish long-term Market Licence Agreements via a competitive process in accord with the new Sustainable Community Markets Policy.
2. Delegate to the General Manager the authority to grant a 7-month Temporary Market Licences, under section 46(1)(b)(iii) of the *Local Government Act 1993 (NSW)*, *subject to the provisions of section 47 of the Local Government Act 1993 (NSW)*, commencing 1 April 2016 to the existing temporary market licence holders, to ensure continuity of market operations in Byron Shire until the competitive process for long-term market licences is finalised.
3. Apply the market licence fees as determined in the Council's adopted fees and charges, to the Temporary Market Licence.
4. The Temporary Licences will incorporate a 'holding over' clause not exceeding a cumulative term of 12 months. (Woods/Ibrahim)

*The motion was put to the vote and declared carried.
Cr Spooner was not present for the vote.*

Cr Spooner returned to the meeting following the vote.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.7 **PLANNING - Submissions Report on Draft LEP Amendment
26.2015.4.1 - Planning Proposal for tourism related land use table
and clause changes**
File No: I2015/1586

Crs Hunter, Dey declared a Special disclosure of pecuniary interest earlier in the meeting.

Cr Ibrahim left the meeting at 1.37pm in accordance with his earlier declared pecuniary interest in this matter.

Cr Wanchap declared a non-pecuniary interest in this matter and stayed in the meeting, participating in the debate and voting on this matter.

16-026 Resolved that Council:

1. Modify the planning proposal in relation Subclause 8 for exempt Bed and Breakfast Accommodation as proposed in the NSW Rural Fire Service submission to:

8. Prior to commencement, where the dwelling is located on mapped bushfire prone land, a bushfire safety authority under Section 100B of the Rural Fires Act 1997 shall be obtained and all conditions of the Bushfire Safety Authority must be complied with.
2. Forward the modified planning proposal to amend Byron LEP 2014, as included in Attachment 1 of this report, to NSW Parliamentary Counsel's Office requesting that a draft LEP instrument be prepared, under section 59(1) of the Environmental Planning and Assessment Act 1979.
3. Liaise with Parliamentary Counsel's Office (PCO) as necessary to finalise the content of the draft LEP and to enable PCO to issue an Opinion that the plan can be made,
4. Make the draft LEP under delegated authority and forward the plan to the NSW Department of Planning and Environment for notification on the NSW Government legislation website.
(Richardson/Cubis)

The motion was put to the vote and declared carried.

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

Cr Ibrahim was not present for the vote.

Cr Ibrahim returned to the meeting following the vote.

Report No. 13.8 **PLANNING - Expressions of Interest for membership of the
Mullumbimby Masterplan Scoping Project Reference Group**
File No: I2015/1588

16-027 Resolved:

1. That Council confirm the appointment of the five community members listed in Section 4.2 Community Members of the draft Mullumbimby Masterplan Scoping Project Reference Group (PRG) Constitution at Attachment 3 (E2016/1325) to the PRG.

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2. That Council adopt the draft constitution at Attachment 3 (E2016/1325) with the following changes:
 - in s5 Chairperson: replace the draft wording with "If the appointed Chair is absent, that role is performed by another Councillor acting after being elected by the meeting".
 - in s6 Quorum replace draft wording with "A quorum of the Committee will be 50% plus one of the appointed members, which must include at least one Councillor. If a quorum is not reached within half an hour of the appointed starting time, the meeting will be adjourned".
 - delete s15: Publicity.
3. That Council run a new round of advertising (in the next available Council Notices and on our website) for up to two more community positions on the PRG and aim to appoint them before the first PRG meeting, with appropriate adjustment to the PRG's Constitution.

(Dey/Richardson)

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 **Coastal Hazard Management Study Byron Bay Embayment - Cost Benefit Analysis**
File No: I2016/11

16-028 Resolved that Council:

1. Notes that the Draft NSW Coastal Management Manual, which includes the document 'Using Cost-Benefit Analysis to Assess Coastal Management Options: Guidance for Councils' (Draft CBA Guidelines) is a CONSULTATION DRAFT currently on exhibition until 29 February 2016.
2. Notes that additional elements of the proposed new framework are to be released later for public comment.
3. Notes that the principles of good faith consultation demand that draft materials are genuinely open to revision and change.
4. Notes that the most recent advice from the OEH states that our CZMP CBA contains errors that require correction. However, some of these claimed 'errors' originate from the Draft CBA Guidelines. Therefore they carry no statutory obligation.
5. Notes that the repeal date for the Coastal Protection Act 1979 is currently set for 30 June 2016. Transitional arrangements in the Coastal Management Bill 2015 allow the Minister a further six months to certify any CZMPs submitted before the repeal date.
6. Notes that the Minister has instructed Councils that have made significant progress in preparation of a CZMP to complete and submit it as soon as possible.
7. Urgently instructs consultants Water Research Laboratory and sub-consultants Griffith Centre for Coastal Management that in addition to the latest commissioned work, the revised CBA must:
 - a) Include Benefit Cost Ratio (BCR) tables which apply the original consideration of all

- affected properties irrespective of their owner-occupier status.
 - b) Include BCR tables which apply the current Valuer General valuation of all affected properties.
 - c) Include BCR tables which apply the original tourist expenditure values (i.e. not reduced by a factor of 0.3).
 - d) Include BCR tables which retain the one-off property uplift factor (14% reverse premium) to property values.
8. Authorizes the General Manager to adjust the agreed price for the latest commissioned work should point 7 above require additional consultant hours.
 9. Amends the indicative CZMP BBE time-frames contained on page 82 of report 13.10 as follows:
 - a) Task 2(f). A report will be presented to Council at the 7 April Ordinary Meeting containing the management strategy for the draft CZMP BBE for adoption, as well as all other draft sections of the CZMP for consideration.
 - b) Tasks 7 & 8. Prepare first draft CZMP for adoption at and Extraordinary meeting of Council on 12 May 2016.
 - c) Task 9. CZMP is exhibited for 28 days from 12 May to 10 June.
 - d) Task 9. PRG reviews submissions and reports to Council.
 - e) Task 10. An Extraordinary Meeting will be convened on 29 June to adopt a final draft CZMP for adoption and immediate submission on 30 June 2016.
 10. Will convene an Extraordinary Meetings on 12 May 2016 to consider and adopt a draft CZMP, and on 29 June 2016 to consider and adopt a final draft CZMP for immediate submission to the relevant Minister for certification.
 11. Authorizes the General Manager to approve a reasonable allocation from the Legal Services budget for expert external legal advice to inform point 12 below.
 12. Receives a report at the 4 April Ordinary Meeting explaining the legal barriers; legal avenues; previous relevant advice or rulings on file; and the likely financial implications; of a Planned Retreat policy of forced removal of buildings and coastal protection works at Belongil on:
 - a) All properties directly behind existing coastal protection works,
 - b) Nearby properties and businesses approved by Council which may be impacted by removal of the coastal protection works. (Ibrahim/Woods)

AMENDMENT

Moved:

1. That Council note the contents of this report;
2. That Council note that staff intend to write to the Minister for Planning, Rob Stokes MP, seeking clarification on: the date of the repeal of the *Coastal Protection Act 1979* and the commencement of the new coastal management framework, the transitional arrangements that may be applicable to the finalisation of the draft Coastal Zone Management Plan Byron Bay Embayment.
3. That Council defer consideration on this matter until legal advice is received concerning issues raised by a Belongil land owner in an email on 3 February 2016 to Councillors. (Richardson/Dey)

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, Cameron and Spooner voted against the motion.

The meeting adjourned at 2.13pm to open the Byron Shire Reserve Trust Committee Meeting and reconvened at 3.11pm. Resolution 16-29 to 16-33 were used during that meeting.

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.1 **Report of the Sustainable Economy Committee meeting held on 3 December 2015**

File No: I2015/1580

16-034 Resolved:

1. That Council note the meeting notes of the Sustainable Economy Committee meeting of Thursday 3 December 2015.
2. That Council review its Policy/ies, planning controls and enforcement priorities on commercial signage, in the light of comments from the SEC meeting of 3 December 2015.
3. That Council receive a report on the merits and otherwise of amending its LEP and DCP controls on Rural Tourist Accommodation in zones RU1 and RU2, in the light of advice from the SEC meeting of 3 December 2015. (Dey/Richardson)

The motion was put to the vote and declared carried.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.4 **Report of the Transport Advisory Committee Meeting held on 1 December 2015**

File No: I2016/5

- 16-035 Resolved** that Council note the minutes of the Transport Advisory Committee Meeting held on 1 December 2015. (Dey/Richardson)

The motion was put to the vote and declared carried.

- 16-036 Resolved** that Council adopt the following Committee Recommendation:

Report No. 5.1 Update on Byron Bay Town Centre Master Plan

File No: I2015/1425

Committee Recommendation 5.1.1:

That Council note that the Transport Advisory Committee was provided with an update on the Byron Bay Town Centre Master Planning process, development and progress and that the following be noted:

- a) That transport is a key issue for the town
- b) That public exhibition of the Master Plan has been delayed to 2016 (Dey/Richardson)

The motion was put to the vote and declared carried.

16-037 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 5.2 Transport for NSW proposal, Byron Bay bus/coach interchange

File No: I2015/1426

Committee Recommendation 5.2.1:

1. That Council note the Transport Advisory Committee was provided with an update on the proposal by Transport for NSW for the development of the old Byron Bay bus/coach interchange in Jonson Street.
2. That Council:
 - a) notify Transport for New South Wales that Council is near the end of a Master Planning process for the town of Byron Bay
 - b) seek from Transport for New South Wales funding assistance for the proposed location of a bus interchange in accordance with the Master Plan
3. That Council seek the assistance of the Premier of NSW, of the local member for Ballina, and other members of parliament to have Transport for New South Wales coordinate with Council on the siting of a bus interchange, in accordance with the Master Plan, west of the rail way corridor.
(Dey/Richardson)

The motion was put to the vote and declared carried.

16-038 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.3 Outstanding Resolutions - Transport Advisory Committee

File No: I2015/1427

Committee Recommendation 5.3.1:

That Council note the Transport Advisory Committee was provided a list of outstanding Council Resolutions, relating to the Committee's work and an update will be provided at the March 2016 Committee meeting.
(Dey/Richardson)

The motion was put to the vote and declared carried.

16-039 Resolved that Council adopt the following:

Report No. 5.4 Update on parking schemes, Byron Bay

File No: I2015/1428

1. That Council note that the Transport Advisory Committee was provided with an update on the progress of paid parking in Byron Bay.
2. That Council note that:
 - a) Council's Pay Parking Scheme is a 'registration metered parking area'.
 - b) the system is set up to recognise when a user is known (permit holder) or unknown (non-permit holder). If a user is known the system allows the transaction to proceed without payment. If the user is unknown the system proceeds with casual payment.
 - c) accordingly users (whether permit holders or non-permit holders) do not need to print and display a ticket to comply with the relevant Road Rule.
 - d) non-permit holders need to enter their licence plate number into the meter and pay the money required.
 - e) permit holders need to enter their licence plate number into the meter.
 - f) this Part 6 replaces Committee Recommendation 5.4.1 Part 2. (Dey/Richardson)

The motion was put to the vote and declared carried.

16-040 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 5.5 Transport Strategy update

File No: I2015/1429

Committee Recommendation 5.5.1

1. That Council note the existing Transport Policy and that the Transport Advisory Committee is charged with developing a Draft Transport Strategy.
2. That a report be provided to the March 2016 meeting of the Transport Advisory Committee.
(Dey/Richardson)

The motion was put to the vote and declared carried.

16-041 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 5.6 Pacific Highway T2E Upgrade update

File No: I2015/1430

Committee Recommendation 5.6.1

1. That Council notes that the Transport Advisory Committee was provided with an update on the progress of the T2E Pacific Highway upgrade.
2. That Council advise RMS of community and bus operator concern about new arrangements for the post opening of the Pacific Highway T2E regarding access to the Highway from Grays Lane and disruption to existing school bus and other services, as well as potential congestion associated with Blues Fest.
3. That Council advise RMS that signage on the new T2E Pacific Highway directing traffic through Bangalow to Lismore is not supported by Council and the Bangalow community.
(Dey/Richardson)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 3.30pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 25 February 2016.



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Mayor Simon Richardson