



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 15 December 2016

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
15 December 2016

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 15 DECEMBER 2016 COMMENCING AT 9.03AM AND CONCLUDING AT 5.40PM

I2016/1296

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, Cr C Coorey, Cr A Hunter, Cr M Lyon,
Cr J Martin, Cr S Ndiaye and Cr P Spooner

Staff: Ken Gainger (General Manager)
Mark Arnold (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Ralph James (Coordinator Legal Services)
James Brickley (Manager Finance – for item 13.2)
Rob Van Iersel (Consultant Planner – for items 13.6 and 13.17)
David Royston Jennings/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:

9.3 Proposed NBN Fixed Wireless Tower – 308 Coorabell Road

Matt Cole addressed Council against the recommendation.

13.2 Proposed Special Rate Variation – Update on Community Consultation and presentation of Amended Integrated Planning and Reporting documents for exhibition

Jim Beatson and Jens Krause addressed Council against the recommendation.

13.6 PLANNING – DA 10.2016.486.1 Storage premises, including use of three farm buildings (18 units) and addition of 12 self-storage units relocated from Road Transport Terminal, 31 Pinegroves Road, Myocum

Cr Hunter excused himself from the Council Chamber for Public Access on this item.

*Ray Darney addressed Council in favour of the recommendation
Jane Way and Graham Mathews, both representing Pinegroves Road Residents, addressed Council against the recommendation.*

Cr Hunter returned to the Chamber at the conclusion of Public Access on this item.

13.7 PLANNING – Development Application 10.2016.55.1 – Demolition of existing buildings and erection of two (2) residential flat buildings, containing a total of 17 x 3 bedroom dwellings, including basement parking, swimming pool, landscape works and Strata Subdivision at 17, 19 & 21 Shirley Street, Byron Bay

Malcolm Scott and Matt Hogg, representing Wollongbar Properties P/L addressed Council in favour of the recommendation.

13.8 Bangalow Village Plan Project Plan

Tony Hart, representing the Bangalow Progress Association, addressed Council in favour of the recommendation.

13.16 Report update on Council resolution 16-465 – The Farm

Johnson Hunter, General Manager of The Farm, addressed Council in favour of the recommendation

Tony Flick addressed Council against the recommendation.

13.17 PLANNING – 10.2015.70.2 S96 Application to Amend Hours of Operation for Café at 100 Redgate Road South Golden Beach

John Cannon addressed Council in favour of the recommendation.

Mark Delany, Gidieon Bar Giora, and Karen Dunne addressed Council against the recommendation.

13.18 PLANNING – 10.2016.716.1 Three storey dwelling house with basement garage at 27 Marine Parade Byron Bay

Kate Singleton, representing Planners North, Peter Parker, representing Peter Parker Environmental Consultants Pty Ltd and Charlie Arnott addressed Council against the recommendation.

Chris Pratt, representing Planning Resolutions, Scott Stewart and Thais Pupio, representing Thais Pupio Design, addressed Council in favour of the recommendation

The meeting adjourned at 10.47am and reconvened at 11.07am.

APOLOGIES

At the Ordinary Meeting of 6 October 2016, Cr Hackett was granted a leave of absence for this meeting (Resolution 16-490).

There were no further apologies received.

REQUESTS FOR LEAVE OF ABSENCE

PROCEDURAL MOTION

16-617 Resolved that Cr Martin be granted a leave of absence on 23 February 2017. (Richardson/Hunter)

The motion was put to the vote and declared carried.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Spooner declared a non-pecuniary interest in Report 13.6. The nature of the interest being that he does not feel it appropriate to determine a DA submitted by a fellow Councillor due to their close working relationship. Cr Spooner elected to not remain in the Chamber and not participate in the voting on this item.

Cr Ndiaye declared a non-pecuniary interest in Report 13.18. The nature of the interest being that she teaches the daughter of the owner. Cr Ndiaye elected to remain in the Chamber and participate in the voting on this item.

Cr Martin declared a non-pecuniary interest in Report 13.11. The nature of the interest being that she is acquainted with a number of the applicants through participating on various committees. Cr Martin elected to remain in the Chamber and participate in the voting on this item.

Cr Alan Hunter declared a pecuniary interest in Report 13.6. The nature of the interest being that he is the owner of the land. Cr Hunter elected to excuse himself from the Chamber during the debate of this item.

TABLING OF PECUNIARY INTEREST RETURNS

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

- Cate Coorey
- Jan Hackett
- Michael Lyon
- Jeannette Martin
- Sarah Ndiaye

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

16-618 Resolved that the minutes of the following meetings be confirmed:

- Byron Shire Reserve Trust Committee held 17 November 2016
- Ordinary Meeting held 17 November 2016 (Hunter/Spooner)

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 Meeting and Strategic Planning Workshop Schedule 2017

Report No. 13.2 Proposed Special Rate Variation - Update on Community Consultation and presentation of Amended Integrated Planning and Reporting documents for exhibition

Sustainable Environment and Economy

Report No. 13.6 PLANNING - DA 10.2016.486.1 Storage premises, including use of three farm buildings (18 units) and addition of 12 self-storage units relocated from Road Transport Terminal, 31 Pinegroves Road, Myocum

Report No. 13.9 Compliance Priorities Program - 2017

Report No. 13.10 Report update on resolution 16-545 Short Term Rental Accommodation

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- Report No. 13.11 Expressions of Interest for membership of Our Mullumbimby Masterplan Guidance Group
- Report No. 13.12 Expressions of Interest for membership of Leadership Team - Byron Bay Town Centre Masterplan
- Report No. 13.16 Report update on Council resolution 16-465 - The Farm
- Report No. 13.17 PLANNING - 10.2015.70.2 S96 Application to Amend Hours of Operation for Cafe at 100 Redgate Road South Golden Beach
- Report No. 13.18 PLANNING - 10.2016.716.1 Three storey dwelling house with basement garage at 27 Marine Parade Byron Bay

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Richardson and seconded by Cr Cameron. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 16-619 and concluding with Resolution No. 16-654.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.3 Arakwal Area at Byron Bay Cemetery
File No: I2016/1249

- 16-619 Resolved** that Council allocate an initial budget of \$2,200 to undertake scoping and investigation for the establishment of an Arakwal Area in the Byron Bay Cemetery and that the funding source is identified in the December 2016 Quarterly Budget Review. (Richardson/Cameron)

Report No. 13.4 Council Investments 27 October to 23 November 2016
File No: I2016/1259

- 16-620 Resolved** that the report listing Council's investments and overall cash position as at 23 November 2016 be noted. (Richardson/Cameron)

Report No. 13.5 Review of Policies - Rates and Charges Pensioner Concessions and Financial Hardship Assistance
File No: I2016/1273

- 16-621 Resolved** that Council place the draft Rates and Charges Pensioner Concession policy and draft Rates and Charges Financial Hardship Assistance policy on public exhibition for a period of 28 days and:
- a) should no submissions are received, that both these policies be adopted.
 - b) should any submissions be received that the submissions be reported to Council.
- (Richardson/Cameron)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.7 PLANNING - Development Application 10.2016.55.1 - Demolition of existing buildings and erection of two (2) residential flat buildings, containing a total of 17 x 3 bedroom dwellings, including basement parking, swimming pool, landscape works and Strata Subdivision at 17,19 & 21 Shirley Street, Byron Bay
File No: I2016/1170

- 16-622 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979,

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development application 10.2016.55.1 for demolition of existing buildings and erection of two residential flat buildings, containing a total of 17 x 3 bedroom dwellings, including basement parking, swimming pool, landscape works and Strata Subdivision, be granted consent subject to the conditions listed in Attachment 2 #E2016/99238. (Richardson/Cameron)

The motion was put to the vote and declared carried.

Crs Coorey, Martin, Lyon, Ndiaye, Richardson, Cameron, Spooner and Hunter voted in favour of the motion.

No Councillors voted against the motion.

Report No. 13.8 **Bangalow Village Plan Project Plan**
File No: I2016/1182

16-623 Resolved that Council:

1. Endorse the Draft Project Plan as presented in Attachment 1 (#E2016/101129).
2. Allocate \$32,850 from the Land and Natural Environment reserve for the development of the Bangalow Village Plan (Part A) in 2016/17.
3. Consider allocation of funds for the continued development of the Bangalow Village Plan in 2017/18 budget of \$57,000 (\$25,000 for preparation of Part B and \$32,000 for preparation and implementation of Part C). (Richardson/Cameron)

Report No. 13.13 **Report of the Planning Review Committee Meeting held on 10 November 2016**
File No: I2016/1188

16-624 Resolved that the report be noted. (Richardson/Cameron)

Report No. 13.14 **26.2016.2.1 Submissions Report - Planning Proposal for reclassification of part of the Suffolk Park Beachfront Holiday Park**
File No: I2016/1195

16-625 Resolved that Council:

1. Make the following amendments to the planning proposal (Attachment 1 E2016/100703):
 - a) Amend Part 4 Mapping to read:

The planning proposal will require the inclusion of a new map sheet 003_CD Reclassification of Land (Part Lot) Map into Byron Local Environmental Plan 2014 to accurately show the parts of Lot 100 DP 1023737 to be classified as operational land.
2. Forward the planning proposal (as amended) to the NSW Department of Planning and Environment requesting that the Department draft and finalise the LEP. (Richardson/Cameron)

Report No. 13.15 **PLANNING - Road Airspace Policy review - Audit of Road Act Approvals December update**
File No: I2016/1204

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16-626 Resolved:

1. That amendments to the Airspace Policy and Fees and Charges be progressed to accord with the Roads Act approval process for road airspace use for 'commercial use'.
2. That initiatives, including consultation with stakeholders and the issuing of Orders, be progressed to regulate road airspace use and levy appropriate commercial rental for that purpose.
(Richardson/Cameron)

The motion was put to the vote and declared carried.

Crs Coorey, Martin, Lyon, Ndiaye, Richardson, Cameron, Spooner and Hunter voted in favour of the motion.

No Councillors voted against the motion.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.19 **Project 24.2016.57.1 Land acquisition for Construction of Concrete Roundabout and Road Reconstruction at the intersection of Sunrise Boulevard and Ewingsdale Road, Byron Bay**
File No: I2016/1258

16-627 Resolved that Council:

1. Proceed compulsory acquisition in accordance with the Land Acquisition (Just Terms Compensation) Act and Section 177 of the Roads Act 1993, for part Lot 1 DP 620682 (including all mines and minerals in the land) as identified in the draft plan at Attachment 1 #E2016/102812 subject to:
 - a) agreement being reached to the satisfaction of both Council and the landowner on the amount of compensation payable.
2. Authorise the General Manager to take the necessary steps to proceed with the land acquisition, including but not limited to:
 - a) negotiate with the landowner regarding amount of compensation payable to reach agreement to the satisfaction of both Council and the landowner;
 - b) affix the Council Seal to acquisition and land title documentation for the acquisition of part Lot 1 DP 620682, in accordance with Regulation 400 of the Local Government (General) Regulations 2005.
(Richardson/Cameron)

COMMITTEE REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 **Report of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 25 May 2016**
File No: I2016/1194

16-628 Resolved that Council note the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 25 May 2016.
(Richardson/Cameron)

16-629 Resolved that Council adopt the following Committee recommendation:

Report No. 5.1 **Clarke's Beach Midden Update**
File No: I2016/41

Committee Recommendation 5.1.1

That the Arakwal Memorandum of Understanding Advisory Committee:

1. Note the progress on this matter.
2. Recommend that branches of Council who are working on the wetlands listed in the MoU, infrastructure services and the Byron Bay Town Centre Masterplan consider how these projects relate to each other for best outcome. (Richardson/Cameron)

16-630 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.2 NAIDOC Week 2016
File No: I2016/474

Committee Recommendation 5.2.1

That the Arakwal Memorandum of Understanding Advisory Committee note the progress on planning for NAIDOC Week 2016. (Richardson/Cameron).

16-631 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.3 Road naming Proposal - Gali Lane
File No: I2016/483

Committee Recommendation 5.3.1

That the Arakwal Memorandum of Understanding Advisory Committee:

1. Recommend to Council that the renaming of Lane 8 to Gali Lane not proceed.
2. Request the Arakwal Corporation to provide some Arakwal Bundjalung names as suggestions for the renaming of Lane 8, in line with Council operational deadlines.
3. Request that Council staff involved in the maintenance of the names register be invited to a meeting to discuss the name choosing process. (Richardson/Cameron)

16-632 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.4 Indigenous Projects Update March - May 2016
File No: I2016/486

Committee Recommendation 5.4.1

That the Arakwal Memorandum of Understanding Advisory Committee note the provision of key cultural projects in the Indigenous Community. (Richardson/Cameron)

**Report No. 14.2 Report of the Arakwal Memorandum of Understanding Advisory
Committee Meeting held on 24 August 2016**
File No: I2016/1193

16-633 Resolved that Council note the minutes of the Arakwal Memorandum of Understanding Advisory

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Committee Meeting held on 24 August 2016.

(Richardson/Cameron)

16-634 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.1 Arakwal area at Byron Bay Cemetery

File No: I2016/869

Committee Recommendation 5.1.1

That the Arakwal Memorandum of Understanding Advisory Committee note the progress of the investigations into the establishment of an identified area for Arakwal People in the Byron Bay Cemetery and request investigation for potential funding in a report to Council at the meeting on 6 October 2016. (Richardson/Cameron)

16-635 Resolved that Council adopt the following Committee and Management Recommendation:

Report No. 5.2 Aboriginal Cultural Heritage Study Grant

File No: I2016/870

Committee Recommendation 5.2.1

1. That the Arakwal Memorandum of Understanding Advisory Committee note that \$25,000 has been accepted to deliver Stage One of the Aboriginal Cultural Heritage Planning Study.
2. That the Arakwal Memorandum of Understanding Advisory Committee request \$5,000 for additional training be allocated from the 2016/17 Council training budget for a cultural heritage training programme. (Richardson/Cameron)

16-636 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.4 Indigenous Language Arts and other Project Update

File No: I2016/874

Committee Recommendation 5.4.1

1. That the Arakwal Memorandum of Understanding Advisory Committee note the progress of this project.
2. That the Arakwal Memorandum of Understanding Advisory Committee nominate any additional Cultural Language Workers to be involved in the project. (Richardson/Cameron).

16-637 Resolved that Council adopt the following Committee Recommendation:

Report No. 5.5 Formation Aboriginal Services Coalition

File No: I2016/875

Committee Recommendation 5.5.1

That the Arakwal Memorandum of Understanding Advisory Committee note and endorse the work of the Aboriginal community to develop an Aboriginal Services Coalition with the objective to improve and increase the delivery of culturally appropriate aboriginal services in the Byron Shire. (Richardson/Cameron).

COMMITTEE REPORTS - INFRASTRUCTURE SERVICES

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Report No. 14.3 **Report of the Local Traffic Committee Meeting held on 9 November 2016**

File No: I2016/1190

16-638 Resolved that Council note the minutes of the Local Traffic Committee Meeting held on 9 November 2016. (Richardson/Cameron)

16-639 Resolved that Council adopt the following Committee Recommendations:

Report No. 6.1 **Signage - Installation of No Stopping zones at The Farm and Byron Central Hospital - Ewingsdale Road, Ewingsdale**

File No: I2016/1099

Committee Recommendation 6.1.1

1. That Council approve the installation of "No Stopping" zones on both sides of Ewingsdale Road, between the roundabout at the Pacific Highway interchange and the roundabout at the entry to the Byron Central Hospital.
2. That no changes occur to the two (2) existing Bus Stops at this location. (Richardson/Cameron).

16-640 Resolved that Council adopt the following Committee Recommendations:

Report No. 6.2 **Event - Falls Festival 2016/17**

File No: I2016/1102

Committee Recommendation 6.2.1

That Council approve the Traffic Management Plan, which includes Traffic Control Plans, for the Falls Festival 2016/17 to be held at the North Byron Parklands site, Yelgun between Saturday 31 December 2016 and Monday 2 January 2017 inclusive, subject to the following conditions:

- a) Separate approvals by NSW Police and RMS being obtained;
- b) Implementation of the approved Traffic Management Plan and Traffic Control Plan by those with appropriate RMS accreditation and the holding of current and appropriate levels of insurance and liability cover;
- c) The approved event size being sufficient (20,000 patrons) to trigger use of the south car park as per the DA Condition for its use;
- d) The temporary 'No Stopping' where applied, including on Brunswick Valley Way (between Shara Boulevard and Tweed Valley Way) and on Tweed Valley Way (between Brunswick Valley Way and Wooyong Road), is implemented prior to the event and in accordance with relevant state requirements and Australian Standards;
- e) A communications protocol be developed and maintained by those involved in the implementation of traffic management including monitoring and ability to implement contingency plans as and when directed;
- f) Monitoring of vehicle volumes that arrive and depart the festival site and on the local road network;
- g) The holding of an event debrief within the month following the festival which includes but

not limited to Council, RMS and Police;

- h) The event organiser:
- i. advertising the impact of the event via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;
 - ii. providing a copy of the advert for Council's web page;
 - iii. consideration of any submissions received;
 - iv. informing community and businesses that are directly impacted (eg adjacent to the event) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
 - v. arranging for private property access and egress affected by the event;
 - vi. liaising with bus and taxi operators and ensuring arrangements are made for provision of services during conduct of the event;
 - vii. consulting with emergency services and any identified issues be addressed;
 - viii. holding \$20m public liability insurance cover which is valid for the event.
 - ix. paying of Council's Road Event Application Fee prior to the event.
- (Richardson/Cameron).

16-641 Resolved that Council adopt the following Committee Recommendations:

Report No. 6.3 Speed Review Request - Brunswick Valley Way and Shara Boulevard Intersection, Billinudgel

File No: I2016/1093

Committee Recommendation 6.3.1

1. That Council note that a speed review of Brunswick Valley Way, Billinudgel is not warranted at this time.
2. That Council approves the installation of five sports field signs. (Richardson/Cameron).

16-642 Resolved that Council adopt the following Committee Recommendation:

Report No. 6.4 24.2015.19.1 - Marine Parade, Byron Bay - Request for shared zone approval by RMS

File No: I2016/1128

Committee Recommendation 6.4.1

That the request for a Category 2 (Cat 2) shared zone with all relevant signage on Marine Parade, Byron Bay be referred to RMS for approval. (Richardson/Cameron).

16-643 Resolved that Council adopt the following Committee Recommendations:

Report No. 7.1 Signage - Installation of No Stopping zones at Shearwater, The Mullumbimby Steiner School - Left Bank Road, Mullumbimby

File No: I2016/1008

Committee Recommendation 7.1.1

1. That Council:

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- a) approve the installation of No Stopping zones between 336-350 Left Bank Road, Mullumbimby.
 - b) approve the extension of the No Stopping zone for a 150m length, from the eastern corner of 373 Left Bank Road, Mullumbimby to the driveway of 327 Left Bank Road, Mullumbimby.
2. That a request be submitted to the Council Enforcement team for two separate patrols, during school hours, of Left Bank Road, Mullumbimby adjacent to Shearwater, The Mullumbimby Steiner School to ensure compliance with No Stopping zones.

That a review be undertaken by Council Officers and Shearwater, The Mullumbimby Steiner School within 3 months of the installation of, and extension to, No Stopping zones (as detailed in Item 1 of this recommendation), at which time consideration may be given to additional traffic control devices such as bollards. (Richardson/Cameron).

16-644 Resolved that Council adopt the following Committee Recommendations:

Report No. 7.2 Signage - Relocation of Bus Zone on Bayshore Drive, Byron Bay including Installation of No Stopping and 30-minute Parking zones

File No: I2016/1098

Committee Recommendation 7.2.1

That Council approve, on the western side of Bayshore Drive, north of the intersection of Centennial Circuit, Bayshore Drive and Grevillea Street:

- a) the relocation of the bus stop (as demarcated by a single J-Pole) to approximately 77m north of the intersection and the installation of a bus zone.
- b) the installation of 30-minute parking time limit zone between approx. 10m and 35m north of the intersection, effective Monday to Friday 9am to 6pm and Saturday 9am to 12pm. (Richardson/Cameron).

16-645 Resolved that Council adopt the following Committee Recommendations:

Report No. 7.3 Request for Heavy Vehicle Restrictions - Granuaille Road & Lismore Road, Bangalow

File No: I2016/1101

Committee Recommendation 7.3.1

1. That Council request approval from RMS to carry out traffic counts on Granuaille Road and Lismore Road, at the 50km/h speed signs with a third traffic count near the domed roundabout on Lismore Road.
2. That Council request RMS install two G9-291-1 (REDUCE NOISE PLEASE LIMIT COMPRESSION BRAKING IN RESIDENTIAL AREAS) signs; one on Granuaille Road and one on Lismore Road.
3. The matter of the line marking and bus stop review and estimate be referred to the Director of Infrastructure Services.
4. That the results of the traffic counts and investigations into the line marking and bus stops be referred back to the Local Traffic Committee. (Richardson/Cameron).

16-646 Resolved that Council adopt the following Committee Recommendation:

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Report No. 7.4 **Event - Byron Bay Triathlon 2017**
File No: I2016/1125

Committee Recommendation 7.4.1

That the Committee comments be provided to the Events team. (Richardson/Cameron)

16-647 Resolved that Council adopt the following Committee Recommendations:

Report No. 7.5 **Event - Bangalow Christmas Eve Carnival 2016**
File No: I2016/1130

Committee Recommendation 7.5.1

1. That Council endorse the Bangalow Christmas Eve Carnival 2016 to be held Saturday 24 December 2016, that includes the temporary road closure below:
 - a) Byron Street, Bangalow between Ashton Street and Granuaille, between 4pm and 10pm on Saturday 24 December 2016.
 2. That the approval provided in Part 1 is subject to:
 - a) separate approvals by NSW Police and RMS being obtained, noting that the event is on a state road or may impact the state road network;
 - b) implementation of the approved Traffic Management Plan and Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation;
 - c) that the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
 - d) the event be notified on Council's webpage.
 - e) the event organiser:
 - i. undertake consultation with community and affected businesses including adequate response/action to any raised concerns.
 - ii. undertake consultation with emergency services and any identified issues addressed.
 - iii. holding \$20m public liability insurance cover which is valid for the event.
 - iv. paying Council's Road Event Application Fee prior to the event.
- (Richardson/Cameron).

16-648 Resolved that Council adopt the following Committee Recommendation:

Report No. 8.1 **10.2016.692.1 - Outdoor Music Event 2017 - Red Devil Park, Byron Bay**
File No: I2016/1135

Committee Recommendation 8.1.1

That the Committee comments be provided to the Planning team. (Richardson/Cameron)

16-649 Resolved that Council adopt the following Committee Recommendation:

Report No. 8.2 **10.2016.399.1 - Byron Central Health & Wellness HUB - 15 McGettigans Lane, Ewingsdale**

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File No: I2016/1103

Committee Recommendation 8.2.1

That the Committee comments be provided to the Planning Team.

(Richardson/Cameron)

CONFIDENTIAL REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 16.1 **CONFIDENTIAL - Tender - Provision of Water Meter Reading Services**
Contract Number 2016-0017

File No: I2016/1275

16-650 Resolved:

1. That Council award tender Provision of Water Meter Reading Services (Contract Number 2016-0017) to Skilltech Consulting Services Pty Ltd.
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.

(Richardson/Cameron)

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.2 **CONFIDENTIAL - Contract 2016-0001 Paid Parking and Beach Locker**
Cash Collection

File No: I2016/1095

- 16-651 Resolved** that Council award Contract 2016 – 0001 Paid Parking and Beach Locker Cash Collection to MJ Protective Services Group Pty Ltd trading as ASAP Armoured for a period of two years with an option of a further one year in accordance with the original tender documents and the revised pricing schedule, effective from 1 September 2016.

(Richardson/Cameron)

Report No. 16.3 **CONFIDENTIAL - Tender 2016-0028 Air Conditioning Service and**
Repair Evaluation Recommendation

File No: I2016/1171

16-652 Resolved:

1. That Council award Tender 2016-0028 to Northernair Pty Ltd.
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.

(Richardson/Cameron)

Report No. 16.4 **CONFIDENTIAL - Tender 2016-0026 Cleaning of Council Buildings**
Evaluation Recommendation

File No: I2016/1209

16-653 Resolved:

1. That Council award Tender 2016-0026 to the following suppliers: Biniris Pty Ltd, Strongarm

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Cleaning Services, Making Beautiful Co, SM Ogston, and Calmer Organic Cleaning.

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. (Richardson/Cameron)

Report No. 16.5 **CONFIDENTIAL - 2016-0030 Brunswick Heads Sewage Treatment Plant Demolition and Excavation**
File No: I2016/1268

16-654 Resolved:

1. That Council award Tender 2016-0030 Brunswick Heads Sewage Treatment Plant Demolition and Excavation to Synergy Resource Management Pty Ltd .
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. (Richardson/Cameron)

PROCEDURAL MOTION

- 16-655 Resolved** that Council change the order of business to deal with Reports 9.3, 13.2, 13.6, 13.16, 13.17 and 13.18 next on the Agenda. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 9.3 **Proposed NBN Fixed Wireless Tower - 308 Coorabell Road**
File No: I2016/1280

- 16-656 Resolved** that Council write to NBN Co., Visionstream, and the Federal Minister for Communications, Mitch Fifield:

1. Formally requesting that no site preparation or construction on the proposed tower at Coorabell Road commence until:
 - a) It is proven with certainty that NBN has fully complied with all applicable provisions of INDUSTRY CODE C564: 2011 MOBILE PHONE BASE STATION DEPLOYMENT.
 - b) Meetings have been held with neighbours visually impacted by the tower and locations to minimise visual impact within the property explored.
2. Requesting a review of the process that determined wireless over the more efficient option of fibre optic cable that provides a far superior service, will not outdate quickly and does not present any potential health risks.
3. Requesting consideration for access and utilisation of an optic fibre located at Coorabell Primary School for the delivery of NBN services to neighbouring properties.
4. That if a response outlining cessation of works is not received regarding matters from 1a and 1b is not received within 7 days Council commence proceedings in the Land Environment Court for injunctive relief. (Ndiaye/Richardson)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

- 16-657 Resolved** that Council write to NBN Co., Visionstream, and the Federal Minister for Communications, Mitch Fifield and request that the optical fibre networks currently in place in rural areas of Byron Shire be utilised for the delivery of NBN services to residents.
(Cameron/Richardson)
- The foreshadowed motion was put to the vote and declared carried.*
-

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.2 **Proposed Special Rate Variation - Update on Community Consultation and presentation of Amended Integrated Planning and Reporting documents for exhibition**
File No: I2016/1196

16-658 Resolved:

1. That Council receive and note the feedback from the community during Phase 3 of the Special Rate Variation Engagement process, conducted over the period from 26 October to 28 November 2016 (Attachment 1 #E2016/105355).
2. That Council adopt the amended Integrated Planning and Reporting documents included as Attachment 2 (#E2016/107685), 3 (#E2016/100839) and 4 (#E2016/103686) to this Report (incorporating the Special Rate Variation rationale and amendments) and place these documents on public exhibition for 28 days (excluding public holidays) for community consultation.
3. That Council lodge a Notice of Intent to Apply for a Special Rate Variation to the Independent Pricing and Regulatory Tribunal, as the next step in the process, with the Notice to be submitted to IPART on 16 December 2016.
4. That to ensure an equitable distribution of any rate increase, the following information be provided to Council and the community before the next Ordinary meeting:
 - i. The effect on the different rating categories and on people living in different areas of the Shire, of adjusting the percentage distribution amongst the categories under each of the three options.
 - ii. Options for distributing a higher proportion of the rate burden to those businesses which benefit from tourism.
 - iii. An assessment of Holiday let properties within a business category.
5. That this report also include revenue raising options external to a special rate variation including:
 - i. Implications and particulars of a Tourism Levy, Tariff or something similar and its relationship to a Special Rate Variation.
 - ii. Estimates of increased revenue forthcoming from an increase of paid parking hourly charges from \$3 to \$4.
(Ndiaye/Richardson)

PROCEDURAL MOTION

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16-659 Resolved that Cr Ndiaye be granted a two minute extension to her speech. (Richardson/Coorey)

The motion was put to the vote and declared carried.

16-660 Resolved that Cr Richardson be granted a one minute extension to his speech.
(Cameron/Ndiaye)

The motion was put to the vote and declared carried.

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

The meeting adjourned at 1.08pm for lunch and reconvened at 1.52pm.

PROCEDURAL MOTION

16-661 Resolved that Council change the order of business to deal with Reports 13.16 and 13.18 next on the Agenda.
(Richardson/Lyon)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.16 **Report update on Council resolution 16-465 - The Farm**
File No: I2016/1274

16-662 Resolved:

1. That Council note the report.
2. That Council continue to work collaboratively and as expeditiously as possible to either regularise or cease unauthorised activities and uses on the land to bring all activities into compliance.
3. that Council continue to suspend enforcement action in relation to matters within the report until such time as a determination is made. Council may however use its discretion to take enforcement action in circumstances where it is demonstrated that an unauthorised activity or use imposes significant impacts on the environment. This undertaking does not exclude Council from its regulatory obligations in relation to the Food Act, Local Government Act and Protection of the Environment Operations Act.
4. That Council states its concern regarding the ongoing issues with the OSMS and urges the landholder to take immediate action to resolve these issues to avoid environmental harm.
5. That Council take action should the OSMS not be operational and compliant within six months.
6. That where appropriate the immediate neighbours be invited to participate in discussion on any issues that directly impact them.
(Coorey/Richardson)

The motion was put to the vote and declared carried.

Report No. 13.18 **PLANNING - 10.2016.716.1 Three storey dwelling house with basement garage at 27 Marine Parade Byron Bay**

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File No: I2016/1284

Cr Ndiaye previously declared a non-pecuniary interest in this item.

16-663 Resolved:

1. That this item be deferred until the first Ordinary Meeting in 2017 to enable Council to receive further information regarding the development application and the legal issues, and ensure adequate public consultation.
2. That this information is to include the leasing of road reserves, and legal advice concerning the height.
3. That Council reiterates to the landowner its obligation to ensure the health of the EEC.
(Cameron/Richardson)

PROCEDURAL MOTIONS

16-664 Resolved:

1. That pursuant to Section 10A(2)(g) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the report.
2. That the reasons for closing the meeting to the public to consider for the purpose of receiving and considering advice concerning litigation.
(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

16-665 Resolved that the meeting move out of confidential session. (Cameron/Richardson)

The motion was put to the vote and declared carried.

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

Crs Coorey, Martin, Lyon, Ndiaye, Richardson, Cameron, Spooner and Hunter voted in favour of the motion.

No Councillors voted against the motion

The meeting adjourned at 2.49pm to open the Byron Shire Reserve Trust Committee Meeting and reconvened at 2.54pm. Resolution 16-666 was used in the Byron Shire Reserve Trust Committee Meeting.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.6 **PLANNING - DA 10.2016.486.1 Storage premises, including use of three farm buildings (18 units) and addition of 12 self-storage units relocated from Road Transport Terminal, 31 Pinegroves Road, Myocum**

File No: I2016/1155

Crs Hunter and Spooner left the chambers at 2.55pm in accordance with their earlier declared interest in this matter.

16-667 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2016.486.1 for Storage Premises, including use of three (3) farm

buildings and addition of twelve (12) self storage units, relocated from Road Transport Terminal, be refused for the following reasons:

1. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to result in adverse environmental and social impacts as a result of increased traffic generation.
2. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to result in adverse environmental and social impacts as a result of increased effluent generated by the proposed use.
3. Pursuant to Section 79C(1) of the Environmental Planning and Assessment Act 1979, the proposed land use is inconsistent with the character and amenity of the locality.
4. Pursuant to Section 79C(1) of the Environmental Planning and Assessment Act 1979, the current trial approval is yet to lapse and a review of compliance with conditions imposed yet to be undertaken (Cameron/Coorey)

Cr Coorey left the chamber at 3.12pm.

The motion was put to the vote and declared carried.

Crs Martin, Lyon, Ndiaye, Richardson and Cameron voted in favour of the motion.

No Councillors voted against the motion.

Crs Coorey, Spooner and Hunter were not present for the vote.

Crs Coorey and Spooner returned to the meeting at 3.16pm.

- 16-668 Resolved** that Council within the RLUS planning process, review the inclusion of 'road transport terminal' as an activity permitted with consent in the BLEP 2014, and in particular the degree it fulfils the objectives within rural zones. (Richardson/Coorey)

The motion was put to the vote and declared carried.

Crs Coorey, Martin, Lyon, Ndiaye, Richardson, Cameron and Spooner voted in favour of the motion.

No Councillors voted against the motion.

Cr Hunter was not present for the vote.

PROCEDURAL MOTION

- 16-669 Resolved** that Council change the order of business to deal with Report 13.17 after the afternoon break. (Richardson/Lyon)

The motion was put to the vote and declared carried.

Crs Coorey and Hunter were not present for the vote.

MAYORAL MINUTE

No. 8.1 Multi use of the rail corridor within Byron Shire

- 16-670 Resolved** that Council with the intent to illustrate to the State Government a community wide support for multi use of the rail corridor within Byron Shire and to prepare for possible funding opportunities:

1. Supports a dual use within the rail corridor, comprising public transport provision in conjunction with a walking and cycling path where feasible.
2. Convenes a meeting with the community group, Friends of the Byron Line, MPs Tamara Smith and Ben Franklin and representatives of Regional Development Australia- Northern Rivers, to consider opportunities to develop a consultant's brief for completing a state and

use of the rail corridor report and an economic and social feasibility report, in order to present a formal, costed and community supported project within the rail corridor to achieve local transport and tourism benefits within Byron Shire.

3. Notes the following that may need to be included in a brief:

State and Use of Corridor Report

1. Engineering study on re- instatement of railway:
 - i) bridge conditions and costs for repair
 - ii) track condition and cost for repair
 - iii) other infrastructure
2. Engineering study on construction of a walking and cycling path within the rail corridor but clear of the rail line itself and possibly diverting out of the corridor where there are significant obstructions like narrow rock cuttings or tunnels
3. Identification of pinch spots
 - i) consideration of facilitating signalled, shared uses or diverting trail
 - ii) land identification and costs for outside corridor land access
4. Accessibility Issues
5. Weights of transport options and implications.
6. Speeds and required fencing
7. Residential impact-noise etc.

Economic and Social Feasibility

1. Park and Ride option including possible locations, estimate usage
 2. Events and Festivals- estimate usage, including utilising Yelgun and Tyagarah stations
 3. Markets- usage estimates
 4. Analysis of local and regional
 5. Estimate local and regional patronage catchment
 6. Estimate community benefits and savings of decreasing car use-environmental and road network
 7. New business opportunities arising within corridor
 8. Above and below rail costs.
 9. Funding models-including cost sharing options-public and private
 10. Options if transport activity is disrupted, out of service
 11. Health and social benefits
 12. Risk management
 13. Peripheral and adjacent land uses and value add opportunities
 14. Degree of community revitalisations
 15. Tourism usage
4. That a report be provided to Council prior to Easter 2017 with the outcomes of the meeting referred to in 2 above.
5. Reports back to Council a draft brief, with recommendations as to:
- a) A preferred structure of the consultants brief; ie, the possibilities of creating two or three separate briefs to report on varied aspects within the overall brief.
 - b) Ways forward to seek expressions of interest
 - c) The work that can be completed within Council, with community assistance and by consultants
 - d) the possibilities of complimenting information required within this brief with other council investigations, in particular its Transport Study for Byron Bay
 - e) a funding source
6. Writes to the MPs Tamara Smith, Ben Franklin and Walt Secord; informing them of this resolution with requests for their assistance in supporting Council's endeavours.

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7. Writes to Regional Development Australia- Northern Rivers, informing them of this resolution with requests for their assistance in supporting Council's endeavours.
8. Writes to neighbouring councils, informing them of this resolution with an invitation for them to participate in investigating the feasibility of a multi-modal use of the rail corridor.
(Richardson)

Cr Hunter returned to the meeting at 3.23pm.

PROCEDURAL MOTION

- 16-671 Resolved** that Cr Richardson be granted a one minute extension to his speech. (Ndiaye/Cameron)

The motion was put to the vote and declared carried.

*The motion (Richardson) was put to the vote and declared carried.
Crs Spooner and Hunter voted against the motion.*

The meeting adjourned at 3.52pm and reconvened at 4.05pm.

PROCEDURAL MOTION

- 16-672 Resolved** that Council change the order of business to deal with Reports 13.10 and 13.17 next on the Agenda. (Richardson/Cameron)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.10 **Report update on resolution 16-545 Short Term Rental Accommodation**
File No: I2016/1185

- 16-673 Resolved** that Council note the report. (Lyon/Richardson)

The motion was put to the vote and declared carried.

Report No. 13.17 **PLANNING - 10.2015.70.2 S96 Application to Amend Hours of Operation for Cafe at 100 Redgate Road South Golden Beach**
File No: I2016/1276

- 16-674 Resolved** that section 96 Application 10.2015.70.2, to amend Condition 41 of Consent 10.2016.70.1 to allow night-time use of the approved café, be refused for the following reasons:

1. Pursuant to Section 79C(1) of the Environmental Planning and Assessment Act 1979, increased hours of operation for the cafe, as proposed, is inconsistent with the character and amenity of the neighbourhood.
2. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, increased hours of operation for the cafe, as proposed, is likely to result in adverse social impacts associated with noise and increased use of the site.
3. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979,

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increased hours of operation for the cafe, as proposed, is not in the public interest.

(Cameron/Richardson)

The motion was put to the vote and declared carried.

Crs Coorey, Martin, Lyon, Ndiaye, Richardson, Cameron, Spooner and Hunter voted in favour of the motion.

No Councillors voted against the motion.

NOTICES OF MOTION

Notice of Motion No. 9.1 CZMP Report and Community Committee

File No: I2016/1278

Cr Coorey withdrew this Notice of Motion.

Cr Lyon left the meeting at 4.25pm.

Notice of Motion No. 9.2 Coastal Management Committee

File No: I2016/1279

Cr Coorey withdrew this Notice of Motion.

Notice of Motion No. 9.4 Community Representatives - Regulatory Working Group

File No: I2016/1283

- 16-675 Resolved** that Council nominate an additional community representative to the North Byron Parklands Regulatory Working Group and recommend that Derek Harper be the third community representative. (Cameron/Richardson)

PROCEDURAL MOTION

- 16-676 Resolved** that Cr Cameron be granted a one minute extension to his speech. (Ndiaye/Richardson)

The motion was put to the vote and declared carried.

Cr Lyon was not present for the vote.

Cr Lyon returned to the meeting at 4.46pm.

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

Crs Spooner and Hunter voted against the motion.

PETITIONS

The Mayor tabled the following:

	Title of Petitions	No. of Signatures
1.	Objection to "Designer Collective Markets & Food Truck Street Party"	11

#E2016/105819	<p>"On the 26 November, it is proposed that an event "the Designed Collective Markets and Food Trucks Street Part" take place in Brunswick Heads at Banner Park. This Designer Collective Markets and Food Trucks Street Party is bringing food trucks and stalls from interstate. As owners and employees of cafes and restaurants in Brunswick Heads, we object"</p>	
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SUBMISSIONS AND GRANTS

Report No. 11.1 Submissions and Grants
File No: I2016/1202

16-677 Resolved that Councillors note the report. (Richardson/Cameron)

The motion was put to the vote and declared carried.

DELEGATES' REPORTS

Delegate's Report No. 12.1 Griffith University Sustainable Economy Conference
File No: I2016/1287

Delegates Notes - November 28-29, Griffith University, Brisbane

Especially insightful were John Hewson's presentation on Divestment, the Climate Finance Panel and Climate Change Innovation Community in Australia presentation.

This was a wonderful and insightful conference at which Byron was showcased and hugely supported.

The Paris Climate Change Goals

Professor Brendan Mackey, Griffith University

- How Urgent? Existential threat:
 - We risk 'planetary hyperprexia.' The average surface temperature of planet is 14 degrees, so 2 degrees is 15%; if this rise occurred in a human body-it would cause hyperprexia and would be a medical emergency.
 - To meet Pairs target, global emission must reach zero by 2050
 - National goals must meet global needs as unless everyone wins, everyone loses.
 - 'Trumpism'/'Hansonism' has shown we need to speak to people, rather than just political parties and more importantly we need to listen.

Dr Luke Kemp, Australian National University

- Impossible to discuss Marrakech without talking about Trump
- Wicked problems place an emphasis on dialogue and diplomacy-in dealing with this matter rather than an idea of 'all talk, no action' talk is action.
- Finally, countries are seeing mitigation action as a net economic benefit, rather than penance

or a punishment.

- Internal and External differences. Inside Australia, we need 'carrots'-to speak of benefits of what change could look like. Outside Australia and between countries, we need to be strengthening 'sticks'

Erwin Jackson, Depute CEO, The Climate Institute

- Clean energy momentum is unstoppable
- Investors are having an impact- Black Rock (5 times OZ economy), Norway Oil Fund etc
- Republican Senator Chuck Grassley campaigned on bringing wind jobs to Iowa-he won.

Politics and the Impact of Divestment

Professor John Hewson, Australian National University

- Incredible investment and economic opportunities from climate change response.
- Disturbed to see the reaction against renewables for the SA blackout-completely opportunistic
- Hopefully China will pick up slack and take leadership role s Trump reality kicks in
- The biggest response to climate change will come through investment sector-currently 50% of all funds are in climate risk exposed funds
- Bloomberg report will shortly enforce disclosure to risk-leading to mandatory disclosure- THIS IS A MASSIVE GAME CHANGER-AS MUCH AS PARIS WAS FOR NATION STATES. Linking climate risk to investment risk is huge.
- Total 'Tesla Solution'-roof, house and car energy and storage is happening and will continue.
- Extreme weather events, govt response and technology all combined will lead to stock market revolution-or collapse and rebuild. Far eclipsing the Sub Prime crisis in the US.
- Intergenerational theft that Abbott talks about concerning debt is the same for climate change response
- Turnbull's history of climate change policy generally historically only for a point of difference to other leaders and aspirants.
- Fossil Fuel Companies are quite duplicitous- on one hand talking up renewable, yet still buying up old coal. Little honesty-AGL a key protagonist in stymying renewable targets.
- Gillard should have educated the community as to why she changed her mind. Policy is key, but so too s the message and education task-leaders are not prepared to take on task to educate.
- Divestment plays a role. 80-90% drop in coal prices whilst tesla shares go from a few dollars each to over \$200 shows it doesn't take much, it isn't rocket science to move investment away from fossil fuel and coal.
- The Adani mine will never be built, unless heavily financed by the Indian government-, which is unlikely. It is already a stranded asset. Even the Qld is supporting it knowing it will never be built.
- Financial markets do not understand risk and don't price it appropriately or accurately. The Sub Prime crisis an example-a punt on prices always going up, so loaned to those usually not financially responsible or solvent. Energy and climate change risks ignorance is following going the same path.
- Therefore, global political targets would avoid this as it would set stable perimeters.

- Peer pressure between financial bodies lead to change-when one pension fund moves away from climate change risk investments and still get AAA rating, others ask 'what are they doing, and why don't we?'

Climate Finance: Aligning Australia to the Global Imperatives

Tony Cole, Economic Advisor and Investment Expert

- We need people to lose money and significant amount to make Trustees see the importance of avoidance of risk from climate change. That changes the Trustees view from risk aversion from taking it seriously to risk aversion from not taking it seriously.

Mark Joiner, former CFO NAB

- Class actions will force change- Courts will be told-97% of scientists said this, why did my company still buy these shares?

Emma Herd, CEO, Investor Group on Climate Change

- The need for corporate reporting change is huge and it is on the doorstep. Companies will soon have to disclose risk, have to show forward planning and transitional planning etc. This is why the Bloomberg work will be so influential.

Phillip Vernon, CEO, Australian Ethical Super

- Democracy invented 300 years and now the dominant force for organisation- driven by self interest. The pure profit performance system needs fixing-it needs to accept stewardship function and responsibility. The system must change.
- Ethical investment doesn't need to risk a businesses investment- ethical investments are regularly top percentile performers.
- Out of Paris came the understanding that \$1 trillion a year needs to move into climate change investment-currently it sits at a few hundred million.

Climate Change Innovation Community in Australia

Mary Ritter, CEO, European Union Climate Knowledge Innovation Community- KIC

- Incredibly exciting and opportune entity for Byron to leverage support-especially in the field of sustainable tourism. Possible funding could lead to engagement and collaboration from byron to the KIC Aust.

Planning and Policy Sessions

Planning for climate change: How the NSW planning system can better tackle greenhouse gas emissions

Nari Sahukar, Environmental Defenders Office New South Wales

EDO Report-Planning for Climate Change: How the NSW Planning System Can Better Tackle Greenhouse Gas Emissions

- Identifies barriers
- Assesses 6 stages of the system
 1. Setting the framework: recommends new Climate Change Act and new EP and A Act objectives
 2. Strategic Land Use Planning: recommends Planning Act (part 3) regional planning to address GHG's
 3. Environmental Impact Assessment: recommends Climate Impact Statement

submitted with EIS, standard assessment guidelines and independent accredited assessors for EIA

4. Development Decisions: recommends new duties in EP and A Act to assess emissions and impose conditions and update and expand BASIX standards to other building types
5. Other Related Approvals: recommends EPA and Pollution Laws and Licences limit emissions and Mining laws to consider emissions upfront before titles issued.
6. Compliance and Enforcement: recommends a new greenhouse monitoring and auditing register

A sea change undergoing within the department-thus, they were quite open to the ideas within the report.

Climate change in tourism policy and planning: a discourse analysis from 2004-2014

Dr. Brent Moyle, Griffith University

How do current current policies and plans address climate change?

- 21% mentioned climate change
- Beach and Coastal Tourism
- sea level rising
- degraded beaches reduce desirability of destinations
- beach erosion can reduce prices operators can charge

Climate Change: Leadership and Change

Professor Christopher Wright, University of Sydney

Professor Jem Bendell, University of Cumbria

- CC forces us to look in the mirror and confront our own death and end. It has reacting like we do with other personal tragedies. However, it is also an incredible spiritual awakening.

Do we need to convince skeptics that climate change is real? *Paul Bain*

- Better to use the terms convinced and unconvinced rather than believer and sceptic
- rather than try and make people think it is important, we should link it to things people already believe are important. This is co-benefit.
- When surveying 'unconvinced' about the importance of improving the development of society, the results were the same for convinced.
- Therefore, challenges before us-

1. Communicating Co-Benefits to Community:

- reading statements about the improvement of society (benevolence) and the development (new industries etc) polled better than the risks in climate change-for both convinced and unconvinced.
- However, when sharing on Facebook, the risks were more shared than development and benevolence

2. How to embed Co-Benefits into Community

- having groups compete, bringing family friendly tasks into mainstream, sharing the feel good factor of working together-building a better community

3. Convincing the Climate Change community this is worthwhile

- Scientists often think it is being intellectually dishonest to promote action without adding to the knowledge about the science-it is manipulative and sneaky.

Mitigation in the Sectors

Professor Susanne Becken, Griffith University (Peak Oil and Aviation)

- Aviation fuel will increase significantly-this will have huge impacts on Tourism- consider Byron.
- Global Tourism Fund? \$1 per international visitor.

Professor Brendan Mackey, Griffith University (Forests and Carbon)

- 1990's-only 5% of emissions reduction could be used by land offset mitigation
- Land carbon is larger than known oil and coal
- Avoiding emissions through forest conservation is essential
- Land Carbon mitigation does not offset fossil fuel emissions, as it results in 'avoided emissions' or restoration of previously depleted stocks
- Australia should set separate mitigation reduction targets for land and fossil fuel carbon

Showcasing Innovation, PechaKucha Session
Dee Garnsworthy, COO, ENOVA Energy
David Hood, Beyond Zero Emissions
Simon Richardson, Mayor, Byron Shire Council
David Baggs, Global Green Tag
Natalie Isaacs, 1 Million Women

Discussion

Post Script:

The presentation on Zero Emissions Byron and the complimentary nature of the ENOVA presentation caused quite a positive stir! After the event, we were invited to be the keynote presentation and focus of a community forum showcasing Zero Byron and any other relevant local council sustainable initiatives. Griffith University is looking to Byron to share what we are doing with the City of Brisbane and other Qld Councils.

Signed: Cr Simon Richardson

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.1 Meeting and Strategic Planning Workshop Schedule 2017
File No: I2016/1137

16-678 Resolved:

1. That Council adopts the following schedule of Ordinary Meetings and Strategic Planning Workshops (SPW) for 2017:

Date (2017)	Meeting/Workshop
24 January	SPW

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2 February	Ordinary
9 February	SPW
23 February	Ordinary
9 March	SPW
23 March	Ordinary
6 April	SPW
20 April	Ordinary
11 May	SPW
25 May	Ordinary
8 June	SPW
22 June	Ordinary
Mid-year recess	
3 August	Ordinary
10 August	SPW
24 August	Ordinary
7 September	SPW
21 September	Ordinary
5 October	SPW
19 October	Ordinary
9 November	SPW
23 November	Ordinary
7 December	SPW
14 December	Ordinary

2. That the following revised dates and times be adopted for Council's Advisory Committee and Panel meetings for 2017:

Meeting	Date (2017)
Advisory Committees	
Arakwal Memorandum of Understanding (Thursday 9.00am)	2 March 1 June 14 September 4 th meeting to be determined
Finance (Thursday 2.00pm)	16 February 18 May 17 August 16 November
Internal Audit (Thursday 11.30am) * <i>Extraordinary</i>	16 February 18 May 17 August *12 October 16 November
Transport and Infrastructure (Thursday 9.00am)	16 February 18 May 17 August 16 November
Water, Waste and Sewer (Thursday 11.30am)	2 March 1 June 14 September 4 th meeting to be determined
Panels	
Biodiversity and Sustainability (Thursday 11.30am)	30 March 29 June 31 August
Coastal Estuary Catchment (Thursday 2.00pm)	16 March 4 May 28 September

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	30 November
Communications (Thursday 9.00am)	30 March 29 June 31 August
Heritage (Thursday 2.00pm)	30 March 29 June 31 August
Public Art (Thursday 9.00am)	16 March 4 May 28 September 30 November
Sustainable Economy (Thursday 11.30am)	16 March 4 May 28 September 30 November

3. That Community and Business Roundtable meetings be held from 5.00-7.00pm on the following dates:

Community Roundtable	Business Roundtable
1 February	15 February
3 May	17 May
2 August	16 August
1 November	15 November

(Richardson/Hunter)

The motion was put to the vote and declared carried.

- 16-679 Resolved** that the Ordinary Meetings be held in the Council Chambers, Mullumbimby from 9.00-6.00pm except for the meetings on 23 February and 24 August which are to be held from 4.00-9.00pm.
(Ndiaye/Richardson)

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

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.9 **Compliance Priorities Program - 2017**
File No: I2016/1184

16-680 Resolved:

1. That Council note the report.
2. That Council adopt the proposed Compliance Priorities Program for 2017 as provided below, dependent upon legislative requirements:

2017 COMPLIANCE PRIORITIES PROGRAM

1. Very High Priorities:
 - 1.1 Developments, actions, works, activities or uses that places people's lives at immediate risk or that cause or are likely to cause a significant risk of environmental harm or pollution;
 - 1.2 Significant environmental and public health incidents;
 - 1.3 Dangerous and/or menacing dogs;

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1.4 Traffic, parking and unapproved camping activity. Camping enforcement with an emphasis on environmentally sensitive areas.

1.5 Asbestos containing material (ACM) being illegally dumped on public land

2. High Priorities

2.1 Provide education or workshops and undertake compliance enforcement programs for places of shared accommodation (commercial and non commercial) and improving compliance standards for unapproved dwellings

2.2

a) Unauthorised events, including unapproved dwellings, wedding receptions, parties, 'doof and 'rave' parties;

b) Responses to complaints about recurring noise disturbance, public nuisance from premises, maintenance of alcohol free zones

c) Uncontrolled dogs and/or cats including those kept on land where Policy or Development consent prohibits it.

3. Medium Priorities

3.1 Development or activities without consent, or non-compliance with consent, permit or licence conditions where these appear to pose no immediate threat to life, property, public health or the environment;

3.2 Non-compliant signage (07-550, 06-204)

4. Routine Priorities

4.1

a) Companion Animals with a high emphasis on high visibility enforcement and public education. (15-465)

(b) Safe procedures for handling and disposal of Asbestos Containing Materials

(c) Seasonal public health issues and community preparedness including issuing a minimum of two media releases.

(d) Swimming pool safety including legislative requirements

(e) Onsite sewage management systems (including CERC project)

(f) Food Safety Inspections

(g) Awareness of current public health requirements

(h) Livestock on public roads

(Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 13.11 **Expressions of Interest for membership of Our Mullumbimby Masterplan Guidance Group**

File No: I2016/1186

Cr Martin previously declared a non-pecuniary interest in this item.

16-681 Resolved:

1. That the following community members be nominated to join the Our Mullumbimby

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Masterplan Guidance Group selected from Confidential Attachment 1 (#E2016/97302).

Adam Jeffery
Malcolm Price
Judith MacDonald
Paul Crebar
Suvira McDonald
Tanja Branson
Sonia Laverty
David Brown
Greg Tollis
Susan Tsicalis
Kelly Reifer
Madeline Faught
Sasha Mainsbridge
Michael Murray
Wolfgang Mavern

2. That Crs Martin, Cameron and Richardson be nominated as members of the Our Mullumbimby Masterplan Guidance Group. (Cameron/Richardson)

The motion was put to the vote and declared carried.

Report No. 13.12 **Expressions of Interest for membership of Leadership Team - Byron Bay Town Centre Masterplan**

File No: I2016/1187

16-682 Resolved:

1. That the following community members be nominated to the Byron Bay Town Centre Masterplan Leadership Team selected from the respondents at Confidential Attachment 1 (#E2016/103435).

Helen Buckley
Gary Chigwidden
Anne Leitch
Gail Fuller
Byron Rogers
Fleur Verschure
Meredith Wray
Vicki Henricks
Mono Stewart
David Michie
Peggy O'Neill
Troy Eady
Greg Meek
Chris Hanley
Kirra Pendergast
Dan Schreiber
Donald Maughan
Graham Dunn
Mary Gardner
Geoff Bensley
Tony Gembeck

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Charlie Wilson

2. That all Councillors are invited to attend meetings of the Byron Bay Town Centre Masterplan Leadership Team.
3. That the unsuccessful applicants be notified and requested to apply for working groups within the Masterplan process. (Spooner/Richardson)

The motion was put to the vote and declared carried.

URGENCY MOTION

PROCEDURAL MOTION

- 16-683 Resolved** that the matter of submitting an EoI for Flagship funding be discussed as a matter of urgency, the urgency being that submissions must be lodged by 23 December 2016. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

No. 1 Matter of Urgency - Expression of Interest for Flagship Funding

- 16-684 Resolved:** that Council submit an expression of interest for Flagship funding to DPI - Fisheries for a Brunswick River rehabilitation project. (Richardson/Cameron)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 5.40pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 2 February 2017.

.....
Mayor Simon Richardson