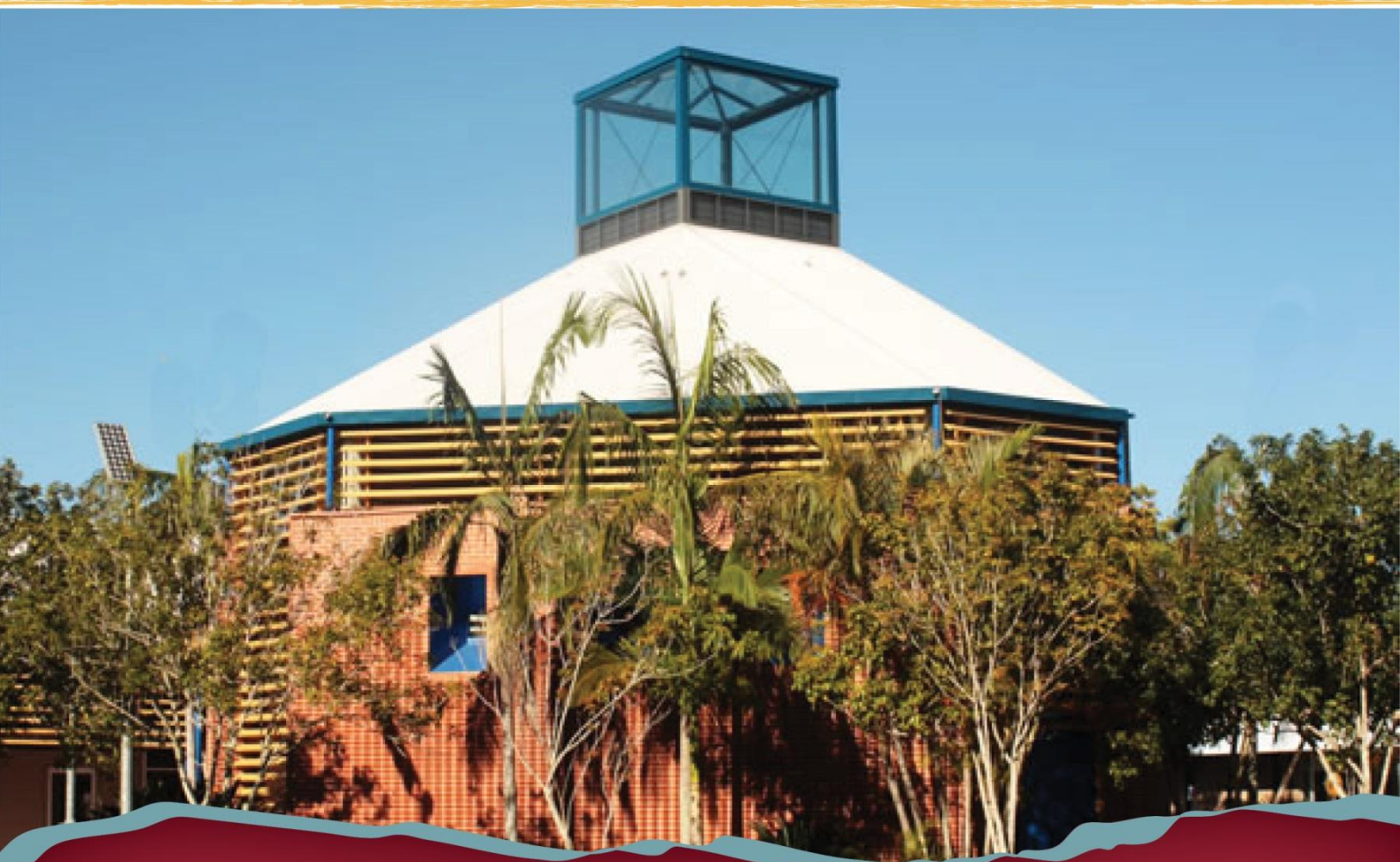




Byron Shire Council



Minutes

Extraordinary Meeting

Thursday, 6 July 2017

BYRON SHIRE COUNCIL

Extraordinary Meeting Minutes
6 July 2017

INDEX OF ITEMS DISCUSSED

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

Report No. 4.1 2017NTH013 DA & DA 10.2017.201.1 Villa World - West Byron4

BYRON SHIRE COUNCIL

EXTRAORDINARY MEETING MINUTES

6 July 2017

MINUTES OF THE BYRON SHIRE COUNCIL EXTRAORDINARY MEETING HELD ON THURSDAY, 6 JULY 2017 COMMENCING AT 4.06PM AND CONCLUDING AT 5.48PM

I2017/950

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

Staff: Mark Arnold (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Rob Van Iersel (Planning Consultant)
David Royston-Jennings (Minute Taker)

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

PUBLIC ACCESS

Prior to dealing with the circulated reports and associated information, a Public Access Session was held and Council was addressed on the following:

4.1 2017NTH013 DA & DA 10.2017.201.1 Villa World - West Byron

Tony Flick, Mark Tidswell, Tim Hochgrebe and Mary Gardner addressed Council against the recommendation.

APOLOGIES

There were no apologies.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 4.1 **2017NTH013 DA & DA 10.2017.201.1 Villa World - West Byron**
File No: I2017/935

17-284 Resolved:

1. That Council prepare a submission on the Development Application 2017NTH013 DA & DA 10.2017.201.1 Staged Development Application for Subdivision of Land West Byron.
2. That a Council staff member (not involved in the assessment of the Development Application in point 1) be requested to finalise a submission on behalf of Council objecting to the Development Application 2017NTH013 DA & DA 10.2017.201.1 on the following grounds:
 - a) failure to provide land owners consent from the Crown and Byron Shire Council for works within the drainage reserve lot and Council's road reserve; and
 - b) failure to provide land owners consent from private landowners for that part of the land covered by the concept proposal for subdivision of the whole of the West Byron site (number and type of lots not specified); and
 - c) insufficient information to enable an informed consideration of the location detail or truck movement (including time frames) concerning the use of fill on the site, as well as the lack of understanding of impacts of fill and resultant drainage on adjoining neighbour's properties, SEPP 14 wetlands and Belongil creek catchment area; and
 - d) insufficient information to enable an informed consideration of the traffic impacts associated with the construction activities and resultant subdivision works and development of the site; and
 - e) failure to adequately address koala impacts on site through the submission of a Koala Plan of Management for the site and its development, including dealing with potential threats to connectivity; and
 - f) failure to protect and enhance threatened species and habitat; and
 - g) failure to protect and enhance the existing wallum froglet populations, which is Council's preferred action, the result of:
 - i. the inappropriateness of the removal of key Wallum Frog habitat; and,
 - ii. lack of 50 metre buffer and linkage along drain and watercourse lines; and,
 - iii. failure to adhere to the National Recovery Plan for the Wallum Sedge Frog and other Wallum dependent frog species; and
 - h) failure to adequately address the design principles as outlined within the approved Byron Development Control Plan 2014 Chapter 8 West Byron Urban Release Area including all matters included in E8.10.
3. That the submission reference land holders and take into account concerns on the capacity of the receiving environment of the Byron STP for the extra sewage effluent that would be generated by development of West Byron. DoPE note that overload of the receiving environment has been an issue for landholders on the flow path from the STP to Belongil Creek, since sewage from the old South Byron STP was diverted to the current Byron STP a

BYRON SHIRE COUNCIL

EXTRAORDINARY MEETING MINUTES

6 July 2017

decade ago.

4. That the Council submission be finalised and submitted up to seven days before any scheduled JRPP meeting on the Development Application. This submission to include any other matters that may be pertinent to the consideration of the Development Application by the JRPP in addition to those in point 2 above.
5. That Council confirm a staff representative and the following individual Councillors Richardson, Ndiaye, Coorey, Cameron, Hackett and Lyon to be registered to address the planning panel at the scheduled meeting of the JRPP to express the views of Council.
6. That Council request the JRPP to hold a public briefing meeting after the exhibition has ended, and invite any person who made a submission to present, before the assessment report is finalised.
7. That Council write to Ben Franklin MLC, Tamara Smith MLA, Justine Elliot MP, Walt Secord MLC, Dawn Walker MLC and Gabrielle Upton MP, outlining the resolution and request their support.
(Coorey/Richardson)

PROCEDURAL MOTION

- 17-285 Resolved** that Council move into Committee to allow for free debate. (Richardson/Spooner)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 17-286 Resolved** that Council move out of Committee and resume the Extraordinary Meeting.
(Richardson/Cameron)

The motion was put to the vote and declared carried.

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

There being no further business the meeting concluded at 5.48pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 3 August 2017.



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Mayor Simon Richardson