



Byron Shire Council



Minutes

Planning Meeting

Thursday, 11 April 2019

BYRON SHIRE COUNCIL

Planning Meeting Minutes

11 April 2019

INDEX OF ITEMS DISCUSSED

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

Report No. 6.1	PLANNING - 26.2018.3.1 - Submissions Report following Public Exhibition of Planning Proposal 7(f2)	4
Report No. 6.3	PLANNING - 26.2017.4.1 Submissions Report Planning Proposal - Lot 22 DP 1073165, 156 Stuart Street, Mullumbimby	4
Report No. 6.4	Report of Planning Review Committee held on 14 March 2019	5
Report No. 6.5	PLANNING - Rural Function Centres Update	5
Report No. 6.6	Community Participation Plan and Local Strategic Planning Statement	5
Report No. 6.7	PLANNING - 10.2018.480.1 Stage 1: Strata Subdivision to Create Two (2) Lots including One (1) Vacant Lot, Stage 2: Construction of New Dwelling House on Vacant Strata Lot to Create Dual Occupancy (Detached) with Expanded Dwelling Module at 8 Cemetery Road Byron Bay	5
Report No. 6.8	State Environmental Planning Policy No 70 Affordable Housing (Revised Schemes) (SEPP 70)	6
Report No. 6.2	PLANNING - 10.2018.305.1 Subdivision to Create Thirty-Two (32) Lots (Tallowood Ridge - Stage 7) at 77 Tuckeroo Avenue Mullumbimby	6

BYRON SHIRE COUNCIL

PLANNING MEETING MINUTES

11 April 2019

MINUTES OF THE BYRON SHIRE COUNCIL PLANNING MEETING HELD ON THURSDAY, 11 APRIL 2019 COMMENCING AT 11.11AM AND CONCLUDING AT 12.57PM
--

I2019/486

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

Staff: Mark Arnold (General Manager)
Vanessa Adams (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Ralph James (Legal Counsel)
Chris Larkin (Manager Sustainable Development)
Mila Jones (Minute Taker)

The Acting 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:

6.2 PLANNING - 10.2018.305.1 Subdivision to Create Thirty-Two (32) Lots (Tallowood Ridge - Stage 7) at 77 Tuckeroo Avenue Mullumbimby

Eric Freeman addressed Council in favour of the recommendation.

Dave Rawlins (Friends of Mooibal Spur) addressed Council against the recommendation.

The meeting adjourned at 11.50am and reconvened at 12.22pm.

APOLOGIES

There were no apologies.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Coorey declared a pecuniary interest in Report 6.7. The nature of the interest being that she is one of the landowners of the subject property. Cr Coorey elected to leave the Chamber and will not participate in discussion and the vote.

Cr Ndiaye declared a non-pecuniary interest in Report 6.7. The nature of the interest being that Cr Coorey is a friend and colleague. Cr Ndiaye elected to remain in the Chamber and will participate in discussion and the vote.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

19-145 Resolved that the minutes of the Planning Meeting held on 21 March 2019 be confirmed.
(Spooner/Hunter)

The motion was put to the vote and declared carried.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

The Acting Mayor suspended standing orders to allow for items to be reserved for debate, being:

STAFF REPORTS**Sustainable Environment and Economy**

Report No. 6.2 PLANNING - 10.2018.305.1 Subdivision to Create Thirty-Two (32) Lots (Tallowood Ridge - Stage 7) at 77 Tuckerroo Avenue Mullumbimby

The remaining Recommendations were adopted as a whole, being moved by Cr Hackett and seconded by Cr Cameron. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 19-146 and concluding with Resolution No. 19-152.

Cr Coorey left the chamber due to her declaration of pecuniary interest in Report No 6.7 and returned following the vote.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 6.1 PLANNING - 26.2018.3.1 - Submissions Report following Public Exhibition of Planning Proposal 7(f2)

File No: I2019/91

19-146 Resolved:

1. That Council forward the planning proposal to amend Byron LEP 1988, as exhibited (Attachment 1 - E2019/9711) to NSW Parliamentary Counsel's Office requesting that a draft LEP instrument be prepared.
2. That Council 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.
3. That Council 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. (Hackett/Cameron)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

Cr Coorey was not present for the vote.

Report No. 6.3 PLANNING - 26.2017.4.1 Submissions Report Planning Proposal - Lot 22 DP 1073165, 156 Stuart Street, Mullumbimby

File No: I2019/241

19-147 Resolved that Council:

1. Prepare a further flood study and a structure plan for Lot 22 DP 1073165 and the three surrounding properties that make up the Mullumbimby Accessible Housing Area.
2. Receive a further report to consider the future of the Planning Proposal for Lot 22 DP 1073165 once the additional studies have been completed. (Hackett/Cameron)

BYRON SHIRE COUNCIL

PLANNING MEETING MINUTES

11 April 2019

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

Cr Coorey was not present for the vote.

Report No. 6.4 Report of Planning Review Committee held on 14 March 2019

File No: I2019/406

- 19-148 Resolved** that Council note the report of the Planning Review Committee meeting held on 14 March 2019. (Hackett/Cameron)

Report No. 6.5 PLANNING - Rural Function Centres Update

File No: I2019/426

- 19-149 Resolved** that Council note the Rural Function Centres Update report. (Hackett/Cameron)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

Cr Coorey was not present for the vote.

Report No. 6.6 Community Participation Plan and Local Strategic Planning Statement

File No: I2019/434

- 19-150 Resolved** that Council:
1. Note the requirement to prepare a Community Participation Plan by 1 December 2019 and a Local Strategic Planning Statement by 30 June 2020.
 2. Write to the Department of Planning requesting financial support to prepare the Community Participation Plan and Local Strategic Planning Statement and an extension of 6 months to prepare the respective documents.
 3. Consider a budget allocation of \$100,000 in the 2019/20 budget to enable preparation of both documents. (Hackett/Cameron)

Report No. 6.7 PLANNING - 10.2018.480.1 Stage 1: Strata Subdivision to Create Two (2) Lots including One (1) Vacant Lot, Stage 2: Construction of New Dwelling House on Vacant Strata Lot to Create Dual Occupancy (Detached) with Expanded Dwelling Module at 8 Cemetery Road Byron Bay

File No: I2019/439

Cr Coorey left the meeting in accordance with her earlier declared pecuniary interest in this matter.

- 19-151 Resolved** that pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, development application no. 10.2018.480.1 for Stage 1: strata subdivision to create two (2) lots including one (1) vacant lot (including removal of seven (7) trees and compensatory plantings),

BYRON SHIRE COUNCIL

Stage 2: construction of new dwelling house on vacant strata lot to create dual occupancy (detached) with expanded dwelling module, be granted consent subject to the conditions of approval listed in attachment 2 #E2019/21459. (Hackett/Cameron)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

Cr Coorey was not present for the vote.

Report No. 6.8 **State Environmental Planning Policy No 70 Affordable Housing (Revised Schemes) (SEPP 70)**

File No: I2019/446

19-152 Resolved:

1. That Council advise the Department of Planning that it is preparing an affordable housing contribution scheme under State Environmental Planning Policy No 70 Affordable Housing (Revised Schemes).
2. That Council fund the expedited preparation of an affordable housing contribution scheme and its associated local environmental plan amendment and planning agreement policy for Byron Shire through an allocation of \$20,000 at the March Budget Quarterly review.
3. That subject to 2, Council prepare an affordable housing contribution scheme and its associated local environmental plan amendment which is consistent with the Department of Planning guideline.
4. That subject to 2, Council prepare a planning agreement policy for affordable housing which is consistent with the Environmental Planning and Assessment (Planning Agreements) Direction 2019. (Hackett/Cameron)

Report No. 6.2 **PLANNING - 10.2018.305.1 Subdivision to Create Thirty-Two (32) Lots (Tallowood Ridge - Stage 7) at 77 Tuckerroo Avenue Mullumbimby**

File No: I2019/240

- 19-153 Resolved** that pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, development application 10.2018.305.1 for subdivision to create thirty-two (32) residential lots, a public reserve, drainage basin, earthworks, environmental enhancement works and associated civil infrastructure, be granted consent subject to the conditions of approval listed in Attachment 3 #E2019/22528. (Lyon/Spooner)

PROCEDURAL MOTIONS

- 19-154 Resolved** that Council move into Committee to allow for free debate. (Lyon/Cameron)

The motion was put to the vote and declared carried.

- 19-155 Resolved** that Council move out of Committee and resume the Ordinary Meeting. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

BYRON SHIRE COUNCIL

AMENDMENT

Moved: That Council defer the item to allow for a workshop for interested community members, proponents and Councillors to consider outstanding issues. (Cameron/Martin)

The amendment was put to the vote and declared tied.

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

Crs Lyon, Hackett, Spooner and Hunter voted against the amendment.

Cr Lyon used his casting vote and declared the amendment lost.

The motion was put to the vote and declared tied.

Crs Lyon, Hackett, Spooner and Hunter voted in favour of the motion.

Crs Coorey, Martin, Ndiaye and Cameron voted against the motion.

Cr Lyon used his casting vote and declared the motion carried.

There being no further business the meeting concluded at 12.57pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 16 May 2019.

.....
Mayor Simon Richardson