



Byron Shire Council



Minutes

Ordinary (Planning) Meeting

Thursday, 18 June 2020

BYRON SHIRE COUNCIL

Ordinary (Planning) Meeting Minutes
18 June 2020

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY (PLANNING) MEETING HELD ON THURSDAY, 18 JUNE 2020 COMMENCING AT 9:08AM AND CONCLUDING AT 4:08PM
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12020/905

PRESENT: Cr S Richardson (Mayor) (left at 3:33pm), Cr B Cameron, Cr C Coorey (left at 3:29pm), Cr A Hunter, Cr M Lyon, Cr J Martin, and Cr S Ndiaye

VIRTUAL: Cr J Hackett 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)
 Chris Larkin (Manager Sustainable Development)
 Ralph James (Legal Counsel)
 Heather Sills (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:

Public Access

Report No and Title	Name	For/Against	Representing Organisation	Submission Received in form of	
9.1	Lots 1 and 2, 22 Teak Circuit, Suffolk Park	For	Umberto and Lucy Colombo	Read out by staff member	
13.2	Draft Residential Strategy Submissions Review Report - Consideration of site-specific submissions requesting designation as an Investigation Area	Against	Kate Singleton & Dominic Finlay Jones	Planners North & DFJ Architects	In Person
			Gail Campbell & Leah Ross		Zoom
13.7	PLANNING - DA 10.2020.61.1 Multi-Dwelling Housing Comprising Ten (10) Dwellings at 7 Julian Rocks Drive Byron Bay	Against	Jordan Pachos		Read out by staff member
			Wayne Byrne		Read out by staff member
13.8	PLANNING - Planning Proposal 26.2019.11.1 - Lot 6 DP 8385 Yagers Lane, Skinners Shoot - Request for Dwelling Entitlement	For	Kelli Morrison Stevens	In person	

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Report No and Title		Name	For/ Against	Representing Organisation	Submission Received in form of
13.10	PLANNING - Update on resolution 20-100 Reconsider carparking plan to Planning Agreement DA 10.2019.103.1 Restaurant at 784 Coolamon Scenic Drive Coorabell	For	Doctor Paschal Grenquist		In person
			Karina Vikstrom	Newton Denny Chapelle	Zoom
		Against	Miss Su Ming Elaine Kwee		Read out by staff member
			Anthony Stante		In person
			John Anderson		In person

Submissions

Subject	Name	Submission Received in form of
Bush Fire Safety	John Anderson	In person
Questions	Jan Barham	Recording

Question No. 1 Broadcast of Public Access

John Anderson had registered to ask a question relating to the broadcast of public access.

The Mayor ruled the question out of order as it includes a comment that is considered an insult or allegation and personal reflection.

Question No. 2 Illegal Camping at 784 Coolamon Scenic Drive

Michael Stavrou asked the following question in relation to item 13.10:

We know this site is a hot spot for illegal campers. We know that with the proposed widening of the road, clearing, and additional car spaces that it will attract even more campers. My question is, who will police this activity? The restaurant? The council (which hasn't in the past) or will the campers be self-regulating?

The Director Sustainable Environment and Economy took the question on notice.

Question No. 3 Residential Strategy

Rob Janson asked the following question:

Increasing housing adjacent to the corridor when/if it becomes active supports Direction 15 of the North Coast 2036 Regional Plan by allowing more people to safely walk and cycle to and from local work places, school and shops. Can the Residential Strategy include a provision for re-evaluation of the zoning of the land walking distance to town and adjacent to the rail corridor when/if the bike path and/or light rail is progressed?

The Director Sustainable Environment and Economy advised that this comment will be taken as part of a further review of the strategy, it is still a draft. When it is reported back we can make comment on that aspect.

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The meeting adjourned at 11:52am and reconvened at 12:06pm.

PROCEDURAL MOTION

- 20-268 Resolved** that Mr John Anderson be expelled from the Chamber due to the coronavirus protocols in place and a misuse of the *Code of Meeting Practice*. (Richardson/Lyon)

*The motion was put to the vote and declared carried.
Crs Cameron, Spooner, and Hackett voted against the motion.*

APOLOGIES

There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

PROCEDURAL MOTION

- 20-269 Resolved** that Cr Martin be granted a leave of absence from the 25 June 2020 Ordinary Meeting of Council. (Richardson/Cameron)

The motion was put to the vote and declared carried.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Hackett declared a non-pecuniary interest in Report 13.5 and 13.7. The nature of the interest being that she is a resident of the area. Cr Hackett elected to remain in the Chamber and will participate in discussion and the vote.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 20-270 Resolved** that the minutes of the Ordinary (Planning) Meeting held 21 May 2020 be confirmed. (Hunter/Richardson)

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

Sustainable Environment and Economy

Report No. 13.2 Draft Residential Strategy Submissions Review Report - Consideration of site-specific submissions requesting designation as an Investigation Area

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- Report No. 13.5 PLANNING - Update Land & Environment Court Proceedings - DA 10.2019.458.1 Multi Dwelling Housing Comprising six (6) Dwellings at 6 Julian Rocks Drive Byron Bay
- Report No. 13.6 PLANNING - Byron Bay Arts & Industry Estate Precinct Plan and Lot 12 - Submissions Report
- Report No. 13.7 PLANNING - DA 10.2020.61.1 Multi-Dwelling Housing Comprising Ten (10) Dwellings at 7 Julian Rocks Drive Byron Bay
- Report No. 13.8 PLANNING - Planning Proposal 26.2019.11.1 - Lot 6 DP 8385 Yagers Lane, Skinners Shoot - Request for Dwelling Entitlement
- Report No. 13.9 PLANNING - Submissions Report: Draft Byron Local Strategic Planning Statement
- Report No. 13.10 PLANNING - Update on resolution 20-100 Reconsider carparking plan to Planning Agreement DA 10.2019.103.1 Restaurant at 784 Coolamon Scenice Drive Coorabell

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Richardson and seconded by Cr Hunter. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 20-271 and concluding with Resolution No. 20-273.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.1 **Review of 12 month car share pilot program**
File No: I2020/516

20-271 Resolved:

1. That Council continues to lease the 10 bays to Popcar to provide a car sharing service in Byron Bay and Mullumbimby and invite Popcar to renew their annual lease.
2. That staff liaise with Popcar and the Local Traffic Committee about possible expansion of car parking spaces.
3. That a report outlining the next 12 month usage statistics be provided to Council in June 2021. (Richardson/Hunter)

Report No. 13.3 **PLANNING - 26.2016.6 Update on The Farm at Ewingsdale Planning Proposal**
File No: I2020/758

20-272 Resolved that Council:

1. Defers further action on the Planning Proposal pending a report outlining options and addressing the appropriateness and implications of a proposed zoning of SP2 Infrastructure (Local Road) for the strip of land along the Ewingsdale Road frontage of the property, and
2. Continues to suspend enforcement action in relation to matters subject of the Planning Proposal 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.

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3. Notifies the proponent of its decision.
4. Writes to Transport for NSW requesting that work on traffic solutions for the western end of Ewingsdale Road is expedited. (Richardson/Hunter)

The motion was put to the vote and declared carried.

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

Nil voted against the motion.

Report No. 13.4 **PLANNING - Report of the 14 May 2020 Planning Review Committee**
File No: I2020/751

- 20-273 Resolved** that Council endorses the outcomes of the Planning Review Committee meeting held on 14 May 2020. (Richardson/Hunter)

PROCEDURAL MOTION

- 20-274 Resolved** that Council change the order of business to deal with Reports 9.1, 13.2, 13.7, 13.8, 13.10, next on the Agenda. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 9.1 **Lots 1 and 2, 22 Teak Circuit, Suffolk Park**
File No: I2020/883

20-275 Resolved:

1. That Council note the staff comments in response to the questions raised by the NOM.
2. The landowners be invited to lodge an amendment to the relevant development consent and S138 Approval at their own expense to seek a variation to the current development controls to permit a 2.5m driveway with a 300mm setback to the light pole. (Hackett/Richardson)

The motion was put to the vote and declared carried.

Cr Hunter was not present for the vote.

Report No. 13.2 **Draft Residential Strategy Submissions Review Report -**
Consideration of site-specific submissions requesting designation
as an Investigation Area
File No: I2019/2062

20-276 Resolved:

1. That Council supports the Residential Strategy being updated to include the following lot and DPs, as detailed in Attachment 1 (#E2020/40080), as investigation areas in the Strategy:
 - a. part of Lot 12 DP 527314 (20 Prince St Mullumbimby) due to Strategy investigation

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- areas to the south east potentially contributing to this being a small pocket of isolated rural land within the Mullumbimby township.
- b. Lot 1 DP1256460, Lot 1 DP803292, Lot 2 DP1256460, Lot 2 DP803292, Lot 4 DP837851, Lot 5 DP1111848 (152 Stuart St, Mullumbimby & 124, 127, 130, 132, 134 Station St, Mullumbimby)
 - c. part of Lot PT32/1169053 located east of Tuckerroo Avenue, Mullumbimby
 - d. Lot 3 DP1220608 (21 Ballina Road, Bangalow)
 - e. the extended part of Lot 350 DP 755695 located on Ewingsdale Road, Byron Bay subject to a further assessment by staff of the relevant history and the land use constraints in consultation with the Department of Planning, Industry, and Environment
 - f. the lower part of Lot 285 DP 1198641, 64 Corkwood Crescent, Byron Bay subject to a further assessment by staff of the relevant history and the land use constraints in consultation with the Department of Planning, Industry, and Environment
2. That Council requests staff to advise the submission proponents of the following sites as detailed in Attachment 1 (# E2020/40080) that their land is excluded from further consideration as part of the investigation areas under the Residential Strategy due to inconsistency with the North Coast Regional Plan Settlement Guidelines and the policies and directions contained in the Byron Shire Draft Residential Strategy:
- a) Lots 1 & 2 DP 1126204 and Lot 7 DP 573269 (29 Buckleys Road, Tyagarah)
 - b) Lot 1 DP 781835 (1C Ann St, Mullumbimby)
 - c) Lot 2 DP 875011 (142 Main Arm Road, Mullumbimby)
 - d) Lot 4 DP 874348 (1897 Coolamon Scenic Drive, Mullumbimby)
 - e) Lot 12 DP57826 and Lots 1 & 2 DP1187038 (1862 Coolamon Scenic Drive, Mullumbimby)
 - f) Lot 10 DP1132925 (1982 Coolamon Scenic Drive, Mullumbimby)
 - g) Part of Lot PT32/1169053 located west of Tuckerroo Avenue, Mullumbimby
 - h) Part of Lot 162 DP1251169 located on Clays Road, Mullumbimby
 - j) Lot 22 DP 549688 (139 Bangalow Road, Byron Bay)
 - k) Lot 1 DP12330 (Broken Head Quarry Site, Broken Head Rd, Suffolk Park)
 - l) Lot 100 & 101 DP 1158494 (900 Bangalow Road, Bangalow)
 - m) Lot 3 DP1164722 (16 Bangalow Road, Bangalow)
 - n) The Saddle Road area ('Area 17' Byron Rural Land Use Strategy)
3. That Council requests staff to advise the submission proponents of the following sites as detailed in Attachment 1 (# E2020/40080) that their land is excluded from further consideration as part of the investigation areas under the Residential Strategy due to inconsistency with the North Coast Regional Plan Settlement Guidelines:
- a) Lot 2 DP 1032298 (75 New City Road, Mullumbimby)
4. That Council requests staff to update the Residential Strategy Background Report to incorporate:
- a) The State Policy consistency check to include any new investigation areas as supported by Council.
 - b) Dwelling and population figures and infrastructure network capacity information to reflect investigation area changes.
5. That prior to reporting a final strategy back to Council for adoption before the end of the year:
- a) staff consult with the community and relevant government agencies in regard to the additional lands identified in recommendation 1; and
 - b) staff advise landholders identified in items 2 and 3 of the outcome of staff's assessment and the reasoning for such; and
 - c) update the Residential Strategy to reflect the outcomes of this consultation, as

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applicable.

6. That Council notes a further report will be tabled post the outcome of recommendation (5) above for Council to consider any submissions received during the exhibition of the additional investigation areas and to consider the remaining submission issues in order to finalise the Residential Strategy. (Lyon/Richardson)

The motion was put to the vote and declared carried.

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

Nil voted against the motion.

The meeting adjourned at 1:06am for a lunch break and reconvened at 1:57pm.

Report No. 13.7 **PLANNING - DA 10.2020.61.1 Multi-Dwelling Housing Comprising Ten (10) Dwellings at 7 Julian Rocks Drive Byron Bay**

File No: I2020/756

20-277 Resolved:

1. That pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application 10.2020.61.1 for multi-dwelling housing comprising ten (10) dwellings, be granted consent subject to the conditions listed in Attachment 3 (E2020/40426).
2. That Council request staff to receive a further report that investigates available planning mechanisms to control medium density housing development within the R2 Low Density Residential Zone through the application of a development ratio (of 1 per 333m2 or the like), coupled with increased landscaping, private open space and or setbacks provisions to boundaries which respect the objectives of the zone.
3. That Council request staff to review the traffic and parking conflicts in the Sunrise Estate as part of its consideration of Access and Movement for the Arts and Industrial Estate Precinct Plan process, particularly in relation to the land in close proximity to the proposal. (Ndiaye/Coorey)

PROCEDURAL MOTION

- 20-278 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.

AMENDMENT

That pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application 10.2020.61.1 for multi-dwelling housing comprising ten (10) dwellings, be granted consent subject to the conditions listed in Attachment 3 (E2020/40426). (Spooner/Hunter)

PROCEDURAL MOTION

- 20-279 Resolved** that Cr Spooner be granted a two minute extension to his speech. (Cameron/Richardson)

The motion was put to the vote and declared carried.

The amendment was put to the vote and declared lost.

Crs Coorey, Martin, Lyon, Ndiaye, Richardson, Cameron, and Hackett voted against the amendment.

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

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

Nil voted against the motion.

Report No. 13.8 PLANNING - Planning Proposal 26.2019.11.1 - Lot 6 DP 8385 Yagers Lane, Skinners Shoot - Request for Dwelling Entitlement

File No: I2020/778

20-280 Resolved that this matter rest on the table. (Cameron/Richardson)

The motion was put to the vote and declared carried.

Report No. 13.10 PLANNING - Update on resolution 20-100 Reconsider carparking plan to Planning Agreement DA 10.2019.103.1 Restaurant at 784 Coolamon Scenic Drive Coorabell

File No: I2020/809

20-281 Resolved that, pursuant to Section 4.16 of the *Environmental Planning & Assessment Act 1979*, Development Application 10.2019.103.1 for restaurant and associated works be approved subject to conditions of consent in Attachment 2 (E2020/40669), subject to conditions 8 and 23 being amended as follows:

8. Landscaping

An application for a construction certificate must be accompanied by a site specific landscape plan for the restaurant utilizing natives endemic to the North Coast of NSW. To ensure the building is not visible from Coolamon Scenic Drive, a screen of trees and shrubs to be planted in the area between the car park and the road reserve. The following species are recommended for planting in this area:

- Red kamala (*Mallotus philipensis*)
- Guioa (*Guioa semiglaua*)
- Glossy laurel (*Cryptocarya laevigata*)
- Brush cherry (*Syzygium australe*)

Further plantings for effluent disposal areas are to be landscaped for small native grasses such as *Iomandras* or *dianellas* sp. along the downslope of the perimeter of the irrigation area.

The landscape plan shall also include detail for the embellishment of Scarrabelottis Lookout prepared in accordance with the Scarrabelottis Lookout Beautification Concept prepared by Alan Rudge Architect, drawing Number DA08 dated 14/5/2020 outlining landscaping plantings for the lookout, as per Condition 23.

The plan must be prepared by a suitably qualified person and approved with the construction certificate for building works.

23. Consent required for works within the road reserve

Consent from Council must be obtained for works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve.

Such plans are to be in accordance with Council's current Design & Construction Manuals and are to provide for the following works:

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**Basic Left & Basic
Right Treatment
(BAL/BAR)**

Road pavement, linemarking and associated drainage construction, including any necessary relocation of services to provide a BAR and BAL treatment in accordance with AUSTROADS.
Provide a concealed driveway warning signs advising the traffic coming from the north and south of the access.

**Driveway (commercial
areas)**

Driveways in accordance with Council's standard "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".
Minimum 6.0m wide sealed access width for 10.0m from the edge of the sealed pavement in Coolamon Scenic Drive and 6.0m from the property boundary and narrowed to 4.0m wide with suitable transitions in between. The alignment to be generally in accordance with Scarrabelottis Lookout Beautification Concept prepared by Alan Rudge Architect, drawing Number DA08 dated 14/5/2020.

**Landscaping and
embellishment of
Scarrabelottis Lookout**

The lookout to be embellished in general accordance with the Scarrabelottis Lookout Beautification Concept prepared by Alan Rudge Architect, drawing Number DA08 dated 14/5/2020, including landscaping, viewing platform and new shelter and interpretative signage incorporating details of the indigenous history (in consultation with the appropriate local aboriginal stakeholders), the wider geography, and recent history of the lookout or area including acknowledgement of the gift from Scarrabelottis for dedication of the lookout for the community. The embellishment works are to include the ten (10) formal parking spaces, that utilise pervious pavement such as Atlantis turf cell, or similar, which enable the existence of vegetation the 10 informal parking spaces and wheel stops and ensure landscaping comprises low shrub plantings to ensure existing views are maintained and unobstructed.
Details to be incorporated into the site specific landscape plan required by condition 8.

(Cameron/Richardson)

The motion was put to the vote and declared carried.

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

Nil voted against the motion.

PROCEDURAL MOTION

20-282 Resolved that Report No. 13.8 be lifted from the table. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 13.8 **PLANNING - Planning Proposal 26.2019.11.1 - Lot 6 DP 8385 Yagers Lane, Skinners Shoot - Request for Dwelling Entitlement**
File No: I2020/778

20-283 Resolved that Council:

1. Proceed with option 1 to request the NSW Department of Planning, Industry and Environment to issue a Gateway determination for the planning proposal as contained in Attachment 1 (E2020/40745).
2. Agree that staff can proceed to obtain further studies from the applicant (if required by the Gateway determination), then undertake public exhibition of the planning proposal and government agency consultation based on the Gateway determination.
3. Request staff to prepare an Unauthorised Residential Accommodation Policy as a matter of priority to confirm the planning pathways and consequences for unauthorised residential accommodation seeking regularisation in Byron Shire, and that this be reported to the next available Planning meeting for consideration of public exhibition.
4. That in the meantime any planning proposal or development application lodged with Council for existing (as of 18 June 2020) unauthorised residential accommodation comply with the requirements of the Unauthorised Residential Accommodation Policy or for those applications lodged prior to the Policy being adopted the principles as presented in this report.
5. That a 15 month (from 18 June 2020) moratorium on enforcement action be granted to land owners with existing (as of 18 June 2020) unauthorised residential accommodation on their land that does not present unacceptable risk to human health or the environment, to enable them time to lodge a planning proposal and or development application to Council for assessment under the Unauthorised Residential Accommodation Policy as drafted / adopted at the time of lodgement.
6. Confirm that any unauthorised residential accommodation built after 18 June 2020 or existing unauthorised accommodation altered or added to after 18 June 2020 will be subject to Council's Enforcement Policy as adopted. (Ndiaye/Richardson)

The motion was put to the vote and declared carried.

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

Cr Lyon voted against the motion.

MAYORAL MINUTE

There was no Mayoral Minute.

PETITIONS

There were no petitions tabled.

SUBMISSIONS AND GRANTS

There were no submissions and grants.

DELEGATES' REPORTS**1. Rous County Council Future Water Strategy**

Cr Cameron advised that the Rous County Council Meeting was held yesterday (17 June 2020) and provided the following delegate's report:

The big news, there has been some media around this, is that for a number of years Rous County Council has been considering a Future Water Strategy that was developed in 2014, when it was still Rous Water before the merger into the county council. That Future Water Strategy is quite a comprehensive document and it aimed to look at what the options were for ensuring a future supply as there was population and urban growth in our region. It set out a number of potential areas to investigate. One of the key ones was groundwater; there is a number of areas up on the Alstonville Plateau where there is potential to access groundwater as a supply. There was some other options investigated too, including one that is close to the heart of many here, which is the reuse option; to formalise a process where we can actually get public and community support for a reuse scheme. One of the other big alternatives was to build a new dam at Dunoon.

All of these options have been on the table for a number of years, since the Future Water Strategy, and Rous in its two various configurations have been working through those investigations. It has got to the point now where decisions need to be made about a future water supply and the results of investigations are such that the most economically and operationally feasible option is to look at a new dam at Dunoon, which is supplemented by some groundwater extraction in the short-term while that development is underway.

So that is out there for public comment. No doubt it is going to raise a lot of discussion, it has already and will continue to do so. I think it is really important that Councillors are informed about what was in the Future Water Strategy (and you will find that online) and also the Rous County Council reports regarding the results of these investigation areas. What was adopted yesterday was a strategy based around some ground water supply in the short-term, Dunoon dam over the long-term, that is now going out as a proposal for public exhibition. That is what was decided yesterday and that is what we are 'launching into' over the next few months.

I encourage Councillors to take an interest, we all have an interest in water, we have all been through one of the most severe droughts (certainly the most severe drought that I can remember in all the time that I have been here), and there is no indication yet that that drought is over if you look at the below average rainfall that we have been getting for the last couple of years. We do need to be responsible about this, we need to be informed about it, and I encourage Councillors to become informed and involve themselves in the conversation. I will look forward to providing a more

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substantial report to be included in a future Council Agenda so the public can also follow through on things like links and information resources.

Cr Coorey left the Chambers at 3:29pm and did not return.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.5 **PLANNING - Update Land & Environment Court Proceedings - DA 10.2019.458.1 Multi Dwelling Housing Comprising six (6) Dwellings at 6 Julian Rocks Drive Byron Bay**
File No: I2020/755

20-284 Resolved that Council authorises the General Manager to enter into consent orders or a s34 Conciliation Agreement approving Development Application 10.2019.458.1, subject to appropriate conditions to be finalised under delegation. (Hackett/Lyon)

The motion was put to the vote and declared carried.

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

Nil voted against the motion.

Cr Coorey was not present for the vote.

The Mayor left the meeting at 3:33pm and did not return. The Deputy Mayor took the Chair.

Report No. 13.6 **PLANNING - Byron Bay Arts & Industry Estate Precinct Plan and Lot 12 - Submissions Report**
File No: I2020/813

20-285 Resolved:

1. That Council adopts the Byron Bay Arts & Industry Estate Precinct Plan as contained in Attachment 1 (E2020/21932)
2. That Council staff commence work on planning for the implementation of actions and put through any budget bids required for these actions at the relevant time through the annual budget review process.
3. That Council staff continue to refine the desired land uses, design principles and delivery options for Lot 12 and report to the earliest available Council meeting. (Hackett/Ndiaye)

PROCEDURAL MOTION

20-286 Resolved that Cr Hackett be granted a two minute extension to her speech. (Ndiaye/Cameron)

The motion was put to the vote and declared carried.

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

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

Nil voted against the motion.

Crs Richardson and Coorey were not present for the vote.

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Report No. 13.9 **PLANNING - Submissions Report: Draft Byron Local Strategic Planning Statement**
File No: I2020/784

20-287 Resolved that Council:

1. Endorses the recommended changes to draft Byron Shire Local Strategic Planning Statement (LSPS), as contained in Table 1 of this report, in response to submissions received during exhibition;
2. Authorises the Director Sustainable Environment & Economy (through the General Manager) to update the draft LSPS to reflect the endorsed changes, as well as undertake any necessary formatting, grammatical edits, diagrams and/or other 'non-policy' updates to ensure a suitable standard for submission to the Department of Planning, Industry & Environment;
3. Submits the revised LSPS to the Department of Planning, Industry & Environment on or before the 1 July 2020 legislative deadline.
4. Notes that there are a number of matters raised in Attachment 2 (E2020/35382) that, due to the 1 July 2020 legislative deadline for finalising Council's LSPS, will be more appropriately considered in future reviews.
5. Amend LSPS priority (dot point 2) on page 50 of the draft to read 'Lead partnerships to develop a network of sustainable transport'.
6. Request staff to submit a report to the Council Meeting in March 2021 at the latest that initiates a review of the 'living document', LSPS to further consider transport issues and provide a more thorough reflection of community aspirations for transport infrastructure including references to the Multi Use Rail Corridor Study, draft Byron Shire Integrated Transport Strategy.

(Cameron/Lyon)

PROCEDURAL MOTION

20-288 Resolved that Cr Cameron be granted a two minute extension to his speech. (Ndiaye/Lyon)

The motion was put to the vote and declared carried.

The motion was put to the vote and declared carried.

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

Crs Hackett and Hunter voted against the motion.

Crs Richardson and Coorey were not present for the vote.

There being no further business the meeting concluded at 4:08pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 6 August 2020.

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Mayor Simon Richardson