



Byron Shire Council



Minutes

**Ordinary (Planning) Meeting
Thursday, 17 September 2020**

BYRON SHIRE COUNCIL

Ordinary (Planning) Meeting Minutes
17 September 2020

INDEX OF ITEMS DISCUSSED

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY (PLANNING) MEETING HELD ON THURSDAY, 17 SEPTEMBER 2020 COMMENCING AT 11.02AM AND CONCLUDING AT 4.04PM

12020/1380

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

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)
 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:

Public Access

Report No and Title	For/ Against	Name	Representing Organisation	Submission Received in form of
13.1 PLANNING - 26.2019.10.1 Planning Proposal North Beach Byron	For	Jeremy Holmes	Development Director North Byron Beach Resort	Zoom
		Kate Singleton	Planners North	In person
	Against	Sandra Heilpern		In person
13.2 PLANNING - 26.2019.1.1 - Planning Proposal for an amendment to Byron LEP 2014 to permit Community Title subdivision and dwellings at Lot 38 DP 1059938, Alidenes Road, Wilsons Creek	Against	Yvette Jiang		Pre Recording (Zoom if possible)
13.3 PLANNING - 24.2020.15.1 Habitat Stage 5 DCP Amendment Chapter E5	For	Brandon Saul	HABITAT	In person
		Fraser Williams-Martin	HABITAT	In person
13.4 PLANNING - 24.2020.26.1 Exhibition Outcomes of amendment to multiple chapters of Byron DCP 2014 to include Character Narratives	Against	Kathryn McConnochie	Byron Environmental Centre	Read out by staff
13.7 PLANNING - DA 10.2020.170.1 Multi	For	George (Ronald William) Stinson		In person

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Report No and Title		For/ Against	Name	Representing Organisation	Submission Received in form of
	Dwelling Housing Comprising Four (4) Dwellings and Four (4) For Swimming Pools at 16 Short Street Brunswick Heads				
13.8	PLANNING - 10.2020.323.1 Use of two (2) existing structures as Class 10a buildings for the purposes of one (1) farm storage shed including alterations and additions, and one (1) outbuilding including removal of an unapproved bathroom structure	For	Sean Bassett		Zoom
<i>Cr Martin left the chamber at 11.55am due to a pecuniary interest in the following Report 13.9.</i>					
13.9	PLANNING - DA 10.2020.230.1 Use of existing Nursery Structure ancillary to Community Facility (Mullumbimby Community Garden) at 156 Stuart Street Mullumbimby	For	Maximo Bottaro	ReForest Now	In person
13.10	Footpath dining and COVID-19 impacts	For	Holly Ottignon	Brunswick Heads Chamber of Commerce	Pre Recording

Cr Martin returned to the chamber at 12.05pm.

Submissions

Subject	Name	Representing Organisation	Submission Received in form of
Extradition of Julian Assange	John Anderson		Read out by staff
Unauthorised Dwellings	Duncan Dey	MARRA	In person

Question No. 1 Apology regarding past questions

John Anderson asked (via a reading by staff) the following question:

Given that it has become fairly clear that the chair at a council meeting has no legal power to junk a question or submission without first giving the submitter a chance to delete passages said to offend, will the mayor and the Deputy Mayor now apologise for their past high-handed actions in this regard and seek to make amends by revisiting my rejected questions?

The Mayor took the question on notice.

Question No. 2 Letter to residents regarding ‘unauthorised residential development’

Matthew Lambourne asked (via a reading by staff) the following question:

What Council resolution authorised the form letter, dated 4 September 2020, which was sent to many residents of Main Arm, but apparently no-where else, with unexplained and unsubstantiated allegations of 'unauthorised residential development'?

The Director Sustainable Environment and Economy advised:

In short - Council resolution 20-283 (point 5).

To expand upon that:

Council considered the issue of unauthorised dwellings at the ordinary meeting 18 June 2020. It resolved (amongst other things) to have staff prepare an Unauthorised Dwellings Policy for Byron Shire. This report and resolution was in response to a request from a landowner for a dwelling entitlement for land which has an unauthorised dwelling at Skinners Shoot.

Since the meeting this resolution has been actioned as follows:

- **Planning proposal sent to DoP and gateway issued.** Exhibition will soon follow.
- **Unauthorised development web page with information, hotline and email register created.**

<https://www.byron.nsw.gov.au/Services/Building-development/Do-I-need-approval/Unauthorised-Development>

- **Tranche 1 of the moratorium commenced (20-283(5)) - letter to landowners with outstanding orders and notices** on their properties for unauthorised dwellings sent to notify them of the report and resolution and to engage with them on a planning pathway appropriate for their circumstances.

Staff know of several planning proposals and development applications / building information certificates now being prepared, some being lodged on an applicant pays basis as a result of that letter. Voluntarily there are some landowners however that will need to challenge the order/notice in court or remove / decommission the unauthorised work / structure or building voluntarily to resolve the matter given their circumstances eg flood prone land.

- **Draft Policy prepared** - reported to the August Ordinary Meeting - **Resolution 20-417.** Exhibition to commence next week.

Note that staff had previously discussed the same framework for Unauthorised Dwellings and their management at the Strategic Planning Workshop with councillors on 3 October 2019.

- We have now moved into **Tranche 2 of the moratorium (20-283(5))**. Staff have been proactive in correlating existing property records for approvals etc. with the latest aerial photography Near maps and flagging “building anomalies/irregularities” on specific land parcels from a desktop review in a database.

*Given staff have a 15 month window to work within ‘to give landowners a heads up’ rather than rely on them to make the first enquiry – it has been considered best to engage with land owners early and directly – to do this a **risk based approach of property identification and notification** has been adopted.*

First up for notification are those parts of the Shire with the **highest bushfire risk and high environmental risk/impact when building**. This sees us starting in the north west of the Shire which includes Upper Main Arm and surrounding villages and areas. The South West of the Shire is next to be followed by the more urbanised areas of the Shire.

To respond to media reports 'of a crusade' against Main Arm residents, consistent with the above approach, land owners in Upper Main Arm have received letters as they are batch area no 1. There will be subsequent mail outs to the other batch areas.

Note the letter is a show cause letter – it's not an enforcement letter. It starts a conversation with landowners about their land. It has a time frame in it for a landowner to respond – this is standard practice. This will allow staff to review any response received and advise the landowner of appropriate next steps.

It is not a one size fits all approach.

I might just add that the bushfires last year highlighted only too well for our community how real and present natural disaster events can be and the problem in the Byron Shire in that when trying to protect life and property, unauthorised dwellings add another layer of complexity in emergency situations. As such if we don't know where people live we are unable to notify them of an emergency situation or send Council or emergency services in to alert them of the danger.

If they have built in a high bushfire risk area for example that is without legal and practical access, appropriate building materials and firefighting infrastructure such as water tanks then the potential risk of loss of property and or life is amplified.

It is very important for a council to have a policy position on unauthorised dwellings. Mind you it is not a necessity. The legislation enables us to do the work that we need to do. But if we know what is out there, we simply can't ignore it because it is too hard to deal with or hope it will go away. This is not a defensible position in a court of law or the coroners court. This also undermines the Enforcement Policy principle of ensuring all compliance and enforcement action is implemented consistently.

To be clear, the proposed policy provides Council with accountability, transparency, fairness, and proportionality

It levels the playing field for landowners that have done the right thing ie spent the time and money on proper approvals and have built to standard to those that have not.

Staff also understand some dwellings have been in place in our Shire for many decades and there will be cases for exception to enforcement action but property owners will need to work with staff to identify these and an appropriate process will be followed to sign them off.

Moving forward it is staff's hope that notified property owners will work with them to resolve their unauthorised dwelling circumstance for their property.

In final - land owners in receipt of a letter are encouraged to head to our web page for further factsheets and information on the unauthorised dwellings and pathways. Or contact staff directly.

The meeting adjourned at 12.20pm and reconvened at 12.41pm.

APOLOGIES

There was an apology received from Cr Hackett.

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PROCEDURAL MOTION

- 20-463 Resolved** that the apology from Cr Hackett be accepted and a leave of absence granted.
(Richardson/Lyon)
The motion was put to the vote and declared carried.
-

REQUESTS FOR LEAVE OF ABSENCE

A request for leave of absence was received by Cr Hackett for the month of September 2020.

PROCEDURAL MOTION

- 20-464 Resolved** that Cr Hackett be granted a leave of absence for the month of September 2020
(Richardson/Lyon)
The motion was put to the vote and declared carried.
-

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Lyon declared a non-pecuniary interest in Report 13.3. The nature of the interest being that the proponent donated to a Federal campaign for a political party that I was the candidate for. As I have not renewed my membership to this party, the interest is non-pecuniary.. Cr Lyon elected to remain in the Chamber and will participate in discussion and the vote.

Cr Martin declared a pecuniary interest in Report 13.9. The nature of the interest being that her daughter and granddaughter are employed by Reforest Now. Cr Martin elected to leave the Chamber and will not participate in discussion and the vote.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 20-465 Resolved** that the minutes of the Ordinary (Planning) Meeting held 13 August 2020 meeting be confirmed.
(Ndiaye/Lyon)
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. 13.1 PLANNING - 26.2019.10.1 Planning Proposal North Beach Byron
Report No. 13.3 PLANNING - 24.2020.15.1 Habitat Stage 5 DCP Amendment Chapter E5
Report No. 13.4 PLANNING - 24.2020.26.1 Exhibition Outcomes of amendment to multiple chapters of Byron DCP 2014 to include Character Narratives

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- Report No. 13.5 PLANNING - Streets as Shared Spaces Grant - Mullumbimby Talking Street
Report No. 13.8 PLANNING - 10.2020.323.1 Use of two (2) existing structures as Class 10a buildings for the purposes of one (1) farm storage shed including alterations and additions, and one (1) outbuilding including removal of an unapproved bathroom structure.
Report No. 13.9 PLANNING - DA 10.2020.230.1 Use of existing Nursery Structure ancillary to Community Facility (Mullumbimby Community Garden) at 156 Stuart Street Mullumbimby
Report No. 13.10 Footpath dining and COVID-19 impacts

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. 20-466 and concluding with Resolution No. 20-468.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

- Report No. 13.2 PLANNING - 26.2019.1.1 - Planning Proposal for an amendment to Byron LEP 2014 to permit Community Title subdivision and dwellings at Lot 38 DP 1059938, Alidenes Road, Wilsons Creek**
File No: I2020/1081

20-466 Resolved that Council:

1. Proceed with a planning proposal based on inserting a 'Schedule 1 Additional Permitted Uses' listing in LEP 2014 that would permit a community title subdivision of up to 15 neighbourhood lots/dwellings, with the common 'residue' lot to include the Yankee Creek waterway and suitable riparian buffers;
2. Amend wording of Council's Planning Proposal (pages 12 & 36 in Attachment 2 – E2019/85691) to clarify that "*Council does not support any new lots or dwellings having access from Wilson's Creek Road due to safety issues with the access point*";
3. Remove the following sentence from 'Section D' and 'Summary' section of Council's planning proposal (pages 36, 38 in Attachment 2 – E2019/85691): "*Limiting the dwelling yield to 15 dwellings addresses this concern*".
4. Amend and forward the planning proposal to the NSW Department of Planning, Industry and Environment for a Gateway determination.
5. Pending a positive Gateway determination undertake public exhibition of the planning proposal in accordance with the determination requirements.
6. Consider a submissions report post-exhibition that includes any recommended changes to the planning proposal for final adoption. (Richardson/Hunter)

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.

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Report No. 13.6 **PLANNING - Report of the 13 August 2020 Planning Review Committee**
File No: I2020/1207

20-467 Resolved that Council endorse the outcomes of the Planning Review Committee meeting held on 13 August 2020. (Richardson/Hunter)

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. 13.7 **PLANNING - DA 10.2020.170.1 Multi Dwelling Housing Comprising Four (4) Dwellings and Four (4) Swimming Pools at 16 Short Street Brunswick Heads**
File No: I2020/1247

20-468 Resolved that Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, Development Application No 10.2020.170.1 for Multi Dwelling Housing Comprising Four (4) Dwellings and Four (4) Swimming Pools, be refused for the following reasons:

1. Pursuant to Section 4.15(1)(a)(i) the proposal is inconsistent with the objectives of the R2 Low Density Residential zone having regards to the site density and intensity of development;
2. Pursuant to Section 4.15(1)(a)(iii) the proposal is inconsistent with Chapter B3 Services and Chapter B4 Traffic planning, Vehicle Parking, Circulation and Access of Byron DCP 2014 with inadequate visitor parking, unsuitable manoeuvring areas for vehicles to egress in a forward direction, unsafe reversing movement and sight distance in Galleon Lane;
3. Pursuant to Section 4.15(1)(a)(iii) the development will not mitigate the stormwater discharge of the site back to predevelopment levels and is inconsistent with Chapter B3 Services of Byron DCP 2014;
4. Pursuant to Section 4.15(1)(a)(iii) the proposal is inconsistent with common landscaped area and deep soil area requirements under Chapter B9 Landscaping of Byron DCP 2014;
5. Pursuant to Section 4.15(1)(a)(iii) the proposal is inconsistent with Chapter B13 Access and Mobility of Byron DCP 2014 as the garage in the proposed adaptable housing dwelling does not comply with AS2890 & AS4299;
6. Pursuant to Section 4.15(1)(a)(iii) the proposal is inconsistent with the building height plane and setback requirements under Chapter D1 Residential Accommodation in Urban, Village and Special Purpose Zones of Byron DCP 2014;
7. Pursuant to Section 4.15(1)(a)(iii) the proposal is inconsistent with the private open space and courtyard requirements under Chapter D1 Residential Accommodation in Urban, Village and Special Purpose Zones of Byron DCP 2014 as the development generates excessive shadow impacts and provides inadequate sunlight access on private courtyards and open space and a lack of privacy between dwellings;
8. Pursuant to Section 4.15(1)(a)(iii) the proposal is inconsistent with the Character and Visual Impact, Fencing, Sound Proofing and Clothes Drying requirements under Chapter D1

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Residential Accommodation in Urban, Village and Special Purpose Zones of Byron DCP 2014;

9. Pursuant to Section 4.15(1)(a)(iii) the proposal is inconsistent with the Character Bulk and Scale Provisions under Chapter E4 Brunswick Heads of Byron DCP 2014;
10. Pursuant to Section 4.15(1)(b) the proposal having regards the developments density of four dwellings and intensity of development will have an unacceptable impact on the neighbourhood character, and generates deleterious impacts on neighbours through overshadowing and loss of privacy;
11. Pursuant to Section 4.15(1)(c), the site is considered unsuitable for the density and intensity of development as proposed;
12. Pursuant to Section 4.15(1)(e) the proposal is considered to be an overdevelopment of the site and is not in the public interest creating an undesirable precedent. (Richardson/Hunter)

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.

PROCEDURAL MOTION

- 20-469 Resolved** that Council change the order of business to deal with Reports 13.1, 13.3, 13.4, 13.5, 13.8, 13.9 and 13.10. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Report No. 13.1 **PLANNING - 26.2019.10.1 Planning Proposal North Beach Byron**
File No: 12020/665

Moved:

That Council:

1. Request staff to write to the Minister for Planning to determine that the planning proposal to rezone a section of land at North Beach Byron to E4 Environmental Living, and implement the agreed E2 and E3 environmental zones across the site (Attachment 1 E2020/67667), not proceed.
2. Request staff to implement the E2 and E3 environmental zoning as previously agreed to for vegetated parts of the property as part of the wider "E zone review" process.
3. Encourage the applicant to await the outcome of the Coastal Management Program - Cape Byron to South Golden Beach currently underway before seeking any other rezoning of the subject land. (Ndiaye/Coorey)

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AMENDMENT

20-470 Resolved:

1. That Council prepare a planning proposal to rezone a section of land at North Beach Byron to E4 Environmental Living, and implement the agreed E2 and E3 environmental zones across the site (Attachment 1 E2020/67667), and forward the proposal to the Department of Planning, Industry and Environment for Gateway determination.
2. That the planning proposal be placed on public exhibition in accordance with the Gateway determination, and that Council receive a further report at the end of the exhibition period detailing submissions made.
3. That the current 7(f1) Coastal Land zoning remain in place for the part of the site located seaward of the contemporary 100 year hazard line, pending completion of the Coastal Management Program, at which time it can be reviewed. (Richardson/Hunter)

The amendment was put to the vote and declared tied.

Crs Hunter, Richardson, Lyon and Spooner voted in favour of the amendment.

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

The Mayor used his casting vote in favour and declared the amendment carried.

The amendment upon becoming the substantive motion was put to the vote and declared tied.

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

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

The Mayor used his casting vote in favour and declared the amendment carried..

Report No. 13.3 **PLANNING - 24.2020.15.1 Habitat Stage 5 DCP Amendment Chapter E5**

File No: I2020/1211

Moved:

That Council not adopt the amendments to Byron Shire DCP 2014 Chapter E5 as per Attachment 1 (E2020/26874) and notifies the amendments as required by the Environmental Planning and Assessment Act and Regulation. for the following reasons:

1. The amendment is inconsistent with original intent of the development
2. There is no credible justification for the proposed hotel
3. The change from a local village to a tourist hub will negatively impact neighbourhood amenity due to increased traffic and patron noise.
4. Increased traffic movement is inconsistent with the Draft Precinct Plan for the A&I Estate. (Coorey/Cameron)

AMENDMENT

- 20-471 Resolved** that Council adopt the amendments to Byron Shire DCP 2014 Chapter E5 as per Attachment 1 (E2020/26874) and notifies the amendments as required by the Environmental Planning and Assessment Act and Regulation. (Ndiaye/Richardson)

PROCEDURAL MOTION

20-472 Resolved that Cr Richardson be granted a two minute extension to his speech. (Ndiaye/Lyon)

The motion was put to the vote and declared carried.

The amendment was put to the vote and declared carried.

Crs Martin, Lyon, Richardson, Spooner, Hunter and Ndiaye voted in favour of the amendment.

Crs Cameron and Coorey voted against the amendment.

The amendment upon becoming the substantive motion was put to the vote and declared carried.

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

Crs Cameron and Coorey voted against the motion.

Report No. 13.4 **PLANNING - 24.2020.26.1 Exhibition Outcomes of amendment to multiple chapters of Byron DCP 2014 to include Character Narratives**
File No: 12020/1229

20-473 Resolved:

1. That Council adopt the draft Byron DCP2014 Chapters appended to this report as Attachments 1 –8(#E2020/66607, #E2020/66606, #E2020/66604, #E2020/66603, #E2020/66599, #E2020/65603, #E2020/41194 and #E2020/66206 with the inclusion of additional changes:

Pocket B extends south and east from this area forming the Byron Bay suburban garden areas bounded by undulating to steep landforms, national park and wetland nature reserves. These features have influenced the departure from a traditional grid layout to more curvilinear streets following contour lines and the substantial use of cul-de-sacs and battleaxe lots. Housing types include a mix of detached and semi-detached houses as well as low rise terraces (townhouses) and apartments. The residential character is one of an eclectic array of architectural styles, with diverse coastal architectural themes. The built form is largely one or two storeys incorporating various building materials and styles. The areas coastal and hinterland views, hilly topography and abundance of subtropical/coastal vegetation give it a distinctly leafy green and natural feel. It is important that any future infill development in 'transitional' areas respects the limitations of steep terrain and does not intrude on highly visible hills and other landforms, while areas mapped in the environmentally sensitive category should complement the low scale character and qualities of the natural landscape.

2. That Council publish the Chapters on the website and notify the public as required by the Environmental Planning and Assessment Act and Regulation. (Ndiaye/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.

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Report No. 13.8 **PLANNING - 10.2020.323.1 Use of two (2) existing structures as Class 10a buildings for the purposes of one (1) farm storage shed including alterations and additions, and one (1) outbuilding including removal of an unapproved bathroom structure.**

File No: I2020/1222

20-474 Resolved that pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2020.323.1 for use of two (2) existing structures as Class 10a buildings for the purposes of one (1) farm storage shed including alterations and additions, and one (1) outbuilding including removal of an unapproved bathroom structure, be granted approval subject to the attached conditions of consent (See Attachment 2 E2020/66895) with following amendments:

Amend condition 2 to read

2. Modification of Consent 10.2019.196.1 (as amended)

Prior to the release of a construction certificate for this development application the owner or person authorised to act upon the development consent 10.2019.196.1 (as amended), granted deferred commencement consent on 21 November 2019 shall modify the consent in accordance with section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979 and clause 97 of the Environmental Planning and Assessment Regulation 2000.

Conditions 1, 2 and 5 of development consent 10.2019.196.1 shall be deleted and replaced with conditions and appropriate numbering, as follows:

Delete Condition 1. *Development is to be in accordance with approved plans* and replace with wording as follows.

Development is to be in accordance with approved plans

The development is to be in accordance with plans listed below:

Plan No.	Description	Prepared by	Dated:
101 Rev F	Cover Sheet/Site Plan	Harley Graham Architects	August 2020
19.35 APPX 01	Upper Pavilion Floor Plan	Michael Spiteri	January 2020
19.35 APPX 02	Lower Pavilion Floor Plan	Michael Spiteri	January 2020
401 Rev E	Dwelling North, South & West Elevations	Harley Graham Architects	09/07/18
810 Sheet 2 of 5	Dwelling Ground Floor Plan	Harley Graham Architects	September 2014
810 Sheet 3 of 5	Dwelling First Floor Plan & Sections	Outpost Design & Drafting Service	September 2014
810 Sheet 4 of 5	Dwelling North & East Elevations	Outpost Design & Drafting Service	September 2014
810 Sheet 5 of 5	Dwelling South & West Elevations	Outpost Design & Drafting Service	September 2014

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken

Delete Condition 2. *Demolition / removal of structures* and replace with:

Demolition / removal of structures

Buildings 1, 3, and 6 (and swimming pool located near Buildings 1 and 2) must be demolished / removed in accordance with the stamp approved Cover Sheet/Site Plan dated August 2020 ***within two (2) years of the date of issue of this Deferred Commencement consent or prior to the issue of the Occupation certificate which ever comes first. Council to be notified that building are demolished and confirmed by way of staff inspection.***

Delete Condition 5 *Demolition / removal of structures*

and amend proposed Condition 3 to read

3. Decommissioning of buildings

Buildings 2 (Farm shed) and 4 (Observatory) are approved as Class 10a structures. Any bathrooms, kitchens, sinks and on-site sewage management systems are to be decommissioned **except a toilet and hand basin may remain in the observatory building subject to a Section 68 Application being submitted to Council and approved for an Onsite Sewage Management System for that facility prior to the issue of the construction certificate. Should it not be approved the toilet and basin and existing system to be also be demolished and decommissioned from the observatory.**

The shed must include at least one roller door with a minimum width of 3 metres and height of 2.7 metres to enable ease of access for farm machinery, equipment and storage purposes. The lockable tool shed may remain. All other partition walls must be removed.

Details to be submitted with the construction certificate for approval. (Hunter/Ndiaye)

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. 13.9 **PLANNING - DA 10.2020.230.1 Use of existing Nursery Structure ancillary to Community Facility (Mullumbimby Community Garden) at 156 Stuart Street Mullumbimby**

File No: 12020/1356

Cr Martin left the meeting at 2.58pm in accordance with her earlier declared interest in this matter.

20-475 Resolved that the matter of 10.2020.230.1 Use of existing Nursery Structure ancillary to Community Facility (Mullumbimby Community Garden) be deferred until after a Councillor workshop is held to discuss the existing nursery shed, community garden and their relationship to the whole of Lot 22. (Richardson/Lyon)

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PROCEDURAL MOTIONS

20-476 Resolved that Council move into Committee to allow for free debate. (Richardson/Lyon)

The motion was put to the vote and declared carried.

20-477 Resolved that Council move out of Committee and resume the Planning Meeting. (Richardson/Lyon)

The motion was put to the vote and declared carried.

The motion (Richardson/Lyon) 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.

Cr Martin was not present for the vote.

Cr Martin returned to the meeting at 3.48pm.

Report No. 13.10 Footpath dining and COVID-19 impacts

File No: I2020/1270

20-478 Resolved that Council grant a temporary reduction of 50% in licence fees for those businesses still wishing to use the footpath, but with restrictions on table numbers so they can comply with COVID-19 requirements for the 2020-2021 financial year in response to continuing impacts of COVID-19. (Lyon/Richardson)

The motion was put to the vote and declared carried.

Report No. 13.5 PLANNING - Streets as Shared Spaces Grant - Mullumbimby Talking Street

File No: I2020/1258

20-479 Resolved that Council:

1. Notes the successful Streets as Shared Spaces grant application (titled Mullumbimby Talking Street) which enables a trial of activation and traffic calming measures on Burringbar Street, Mullumbimby.
2. Supports the establishment of an informal community Working Group to collaborate with Council staff on the project delivery. The following groups would be invited to have representation on the Working Group: the Place Planning Collective, the Mullumbimby Chamber of Commerce, Creative Mullumbimby and the Mullumbimby Residents Association.
3. Nominates Crs Cameron, Richardson, Coorey, Martin and Ndiaye to join the proposed Working Group.
4. Notes that in addition to the Grant funds this project would also utilise up to \$30,000 of Council revenue funds already allocated to Mullumbimby Masterplan projects in the budget. This would enable more detailed masterplanning of Burringbar Street to support permanent changes following on from the trial. (Cameron/Richardson)

The motion was put to the vote and declared carried.

MAYORAL MINUTE

There was no mayoral minute.

PETITIONS

There were no petitions.

SUBMISSIONS AND GRANTS

There were no submissions and grants.

DELEGATES' REPORTS

There were no delegates reports.

There being no further business the meeting concluded at 4.04pm.

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

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Mayor Simon Richardson