

**Minutes**  
**Ordinary (Planning) Meeting**  
Thursday, 11 August 2022





# BYRON SHIRE COUNCIL

Ordinary (Planning) Meeting Minutes  
11 August 2022

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# BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

11 August 2022

## MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY (PLANNING) MEETING HELD ON THURSDAY, 11 AUGUST 2022 COMMENCING AT 11.09AM AND CONCLUDING AT 7.01PM

I2022/964

**PRESENT:** Cr M Lyon (Mayor), Cr S Balson, Cr C Coorey (part), Cr D Dey, Cr A Hunter, Cr S Ndiaye, Cr A Pugh, Cr M Swivel and Cr P Westheimer

**Staff:** Mark Arnold (General Manager)  
Esmeralda Davis (Acting Director Corporate and Community Services)  
Phil Holloway (Director Infrastructure Services)  
Shannon Burt (Director Sustainable Environment and Economy)  
Ralph James (Legal Counsel)  
James Flockton (Infrastructure Planning Coordinator) – item 9.2  
Christopher Soulsby (Development Planning Officer) - item 13.2  
Steve Daniels (Planner) - item 13.2  
Sharyn French (Manager Environmental and Economic Planning) – item 13.8  
Chis Larkin (Manager, Sustainable Development) – item 9.1 and 13.11  
Patricia Docherty (Planner) – item 13.11  
Heather Sills/ Amber Evans Crane (Minute Takers)

*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	Via	
9.1	Notice of Rescission Motion No. 9.1 Development Application 10.2020.458.1 Demolition of existing structures and construction of a mixed use development comprising of a specialised retail premises, business premises and two (2) 10 shop top housing dwellings	Leone Bolt	For	Brunswick Heads Progress Association	In person
		Kumar Rajaratnam	Against	No	In person
9.3	Line Marking in Tincogan Street, Mullumbimby	Linda Meades	For	No	In person

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Report No and Title		Name	For/ Against	Representing Organisation	Via
9.4	Decreasing risk on the Shire's floodplains	Matthew Lambourne	For	No	In person
		Noelle Maxwell	For	Mullum Residents Association	In person
9.5	Plan of management for Bangalow Sports Fields	Ian Holmes	For	Bangalow Progress Association	In person

## PROCEDURAL MOTION

**22-338 Resolved** that Public Access be extended.

(Lyon)

*The motion was put to the vote and declared carried.*

## **Public Access continued**

Report No and Title		Name	For/ Against	Representing Organisation	Via
13.2	Voluntary Planning Agreement (VPA) - 53 Mcauleys Lane Planning Proposal	Dwayne Roberts	For	No	In person
		Matthew O'Reilly	Against	Saddle Road Local Area Management Planning Association	In person
13.4*	PLANNING - 10.2018.384.3 - S4.55 to delay provision of suitable vehicular access for Dual Occupancy (Detached) - 183 Coopers Lane West, Main Arm	Graham Meineke	For	No	In person
		Ewan Willis	For	No	In person
		Wayne Weisse	Against	No	In person
		Alison Pearl	Against	No	In person
13.7	PLANNING - DA 10.2021.348.1 Alterations to Existing Building and Change of Use to Mixed Use Development including Shop, Office Premises and Construction of a Two	Bronwyn Morris	Against	No	In person

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	Storey Carpark				
13.8	Byron Shire Wildlife Corridors	Jan Barham	For	No	Supplied by email
13.9	DA 10.2021.511.1 Dual occupancy (detached) and swimming pool	Michael Hayward	Against	No	Supplied by email
13.11	PLANNING - 10.2021.114.1 - 'Fed Sheds' Light Industry Excluding Artisan Food & Drink Premises at 467 Federal Drive, Federal	Gavin Elterman	For	No	In person
		Francesca Hart	Against	No	In person
		Toni Appleton	Against	Federal Community Centre Inc.	In person
		Joanna Kahler	Against	Federal School of the Arts Association Inc.	Read by staff

\* Note: Cr Dey left the meeting during public access on item 13.4, in accordance with a declaration of interest.

## Submissions

Subject	Name	Representing Organisation	Submission Received in form of
Splendour in the Grass	Kathy Norley	South Golden Beach Community Organisation	In person
Pod Site Mullumbimby	Louise Gordon	Safe housing for All Mullumbimby residents	In person

## Question No. 1 Fed Sheds Development

Goetz Bickert asked the following question:

*Are you concerned by an on-site wastewater management that uses inappropriate drainage cells designed for stormwater (clean drinking water) for the wastewater effluent and this unproven technology is called innovative and is sealed off underneath the car park, so difficult to dig up if it fails, fouls or blocks. or concerned by the fact that the final solution and destination for all stormwater is a 'existing pit' on paper that in reality does not exist and where stormwater already overflows Coachwood court and results in flooding of properties now?"*

Cr Dey provided a response: *I'm very concerned.*

*The Mayor took the question on notice.*

## Question No. 2 Austroad Guide to Road Design

Matthew O'Reilly asked the following question:

*Does Byron Shire Council require all Development Applications and Planning Proposals to meet, as a bare minimum, the " Austroad Guide to Road Design", in relation to road,*

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*intersection and crossover design for the projected maximum vehicle usage of the new development or rezoning based on current road usage AND the future traffic growth over the next ten years.*

*The Mayor took the question on notice.*

*The meeting adjourned at 1.54pm for a lunch break and reconvened at 2.46pm.  
Cr Coorey did not return at this time.*

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## APOLOGIES

There were no apologies.

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## APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

### PROCEDURAL MOTION

**22-339 Resolved** that Cr Coorey be permitted to attend the meeting held on 11 August 2022 by audio-visual link. (Lyon/Balson)

*The motion was put to the vote and declared carried.*

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## REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

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## DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Dey declared a non-significant non-pecuniary interest in Report 13.4. The nature of the interest being that he is a neighbour of the property and he lodged an objection to the proposal, which cites him as its reason for approval. Cr Dey elected to leave the Chamber and will not participate in discussion and the vote.

Cr Swivel declared a non-significant non-pecuniary interest in Report 13.4. The nature of the interest being that advice was provided (in 2020) by an employed colleague on behalf of the applicant. Cr Swivel elected to remain in the Chamber and will participate in discussion and the vote.

Cr Ndiaye declared a non-significant non-pecuniary interest in Report 13.4. The nature of the interest being that Cr Dey and herself are part of the same political party. Cr Ndiaye elected to remain in the Chamber and will participate in discussion and not vote.



**TABLING OF PECUNIARY INTEREST RETURNS**

There were no Pecuniary Interest Returns tabled.

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**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**22-340 Resolved** that the minutes of the Ordinary (Planning) Meeting held 9 June 2022 be confirmed. (Lyon/Hunter)

*The motion was put to the vote and declared carried  
Cr Coorey was not present for the vote.*

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**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**

**General Manager**

Report No. 13.1 General Manager Delegation - Procurement

**Sustainable Environment and Economy**

Report No. 13.2 Voluntary Planning Agreement (VPA) - 53 Mcauleys Lane Planning Proposal

Report No. 13.3 PLANNING - 26.2021.3.1 150 Lismore Road, Bangalow Submissions Report

Report No. 13.4 PLANNING - 10.2018.384.3 - S4.55 to delay provision of suitable vehicular access for Dual Occupancy (Detached) - 183 Coopers Lane West, Main Arm

Report No. 13.5 Planning Proposal - 26.2020.2.1 Affordable housing contribution scheme submissions report

Report No. 13.6 PLANNING - Use of zipline ancillary to a primitive camping ground

Report No. 13.7 PLANNING - DA 10.2021.348.1 Alterations to Existing Building and Change of Use to Mixed Use Development including Shop, Office Premises and Construction of a Two-Storey Carpark

Report No. 13.8 Byron Shire Wildlife Corridor System

Report No. 13.9 DA 10.2021.511.1 Dual occupancy (detached) and swimming pool

Report No. 13.10 Place Planning Collective Expression of Interest Candidate Selection

Report No. 13.11 PLANNING - 10.2021.114.1 - 'Fed Sheds' Light Industry Excluding Artisan Food & Drink Premises at 467 Federal Drive, Federal

Report No. 13.12 PLANNING - Quarter 2 SEPP Variations April to June 2022

Report No. 13.13 DRAFT North Coast Regional Plan 2041

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Lyon and seconded by Cr Ndiaye. Each recommendation is

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recorded with a separate resolution number commencing at Resolution No. 22-341 and concluding with Resolution No. 22-357.

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## REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**Report No. 14.1**      **Report of the Local Traffic Committee Meeting held on 14 June 2022**

**File No:**              I2022/723

**22-341**    **Resolved** that Council notes the minutes of the Local Traffic Committee Meeting held on 14 June 2022. (Lyon/Ndiaye)

**22-342**    **Resolved** that Council adopts the following Committee Recommendations:

**Report No. 6.1 Deacon Street Sight Distance**

File No: I2022/579

Committee Recommendation 6.1.1

That Council:

1. Supports “No stopping” treatments around the corners of the access into Bangalow Parklands from Deacon Street, Bangalow;
2. The proposed treatments include:
  - a) Line-marking (yellow), marked up to the existing footpath crossing the Bangalow Parklands access and will extend around the corners for approximately 24 metres on the eastern approach, and 12 metres on the western approach of Deacon Street (as per figure 3 in the LTC report); and
  - b) “No stopping” signs installed on the western corner of the access as shown in figure 3 (as per figure 3 in the LTC report). (Lyon/Ndiaye)

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**22-343 Resolved** that Council adopts the following Committee Recommendations:

**Report No. 6.2 Events - Bangalow Billycart Derby 18 September 2022**

File No: I2022/580

Committee Recommendation 6.2.1

1. That Council endorses the change of date for the Bangalow Billy Cart Derby to be held on Sunday 18 September 2022 for the temporary road closure below:
  - a) Byron Street, Bangalow between Ashton Street and Granuaille Road, between 6am and 5pm on the event day.
2. That the approval provided in Part 1 is subject to:-
  - a) Separate approvals by NSW Police and TfNSW being obtained, noting that the event is on a state road or may impact the state road network;
  - b) Traffic Guidance Scheme(s) to be developed by people with the appropriate TfNSW accreditation;
  - c) Traffic Guidance Scheme(s) to be implemented by people with appropriate accreditation;
  - d) 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; and
  - e) The event notified on Council's webpage.
3. That the event organiser:-
  - a) Undertake consultation with community and affected businesses including adequate response/action to any raised concerns;
  - b) Undertake consultation with emergency services and any identified issues addressed;
  - c) Holding \$20m public liability insurance cover which is valid for the event; and
  - d) Pays Council's Road Event Application Fee prior to the event. (Lyon/Ndiaye)

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**22-344 Resolved** that Council adopts the following Committee Recommendations:

## **Report No. 6.3 Writers Festival 2022**

File No: I2022/587

### Committee Recommendation 6.3.1

That Council endorses the Traffic Guidance Scheme Plans for Writers Festival to be held 26 to 28 August 2022, in accordance with the following Local Traffic Committee recommendations:-

1. That the endorsement provided is subject to:
  - a) The installation and enforcement of signage on:-
    - i) Tweed Valley Way reduced speed limits around Gate C;
    - ii) Tweed Valley Way, Brunswick Valley Way and Pacific Motorway VMS directional signage be installed
2. That the event organisers are to undertake the following:
  - a) Separate approvals from NSW Police and TfNSW being obtained, noting that the event is on a state road or may impact the state road network;
  - b) The Traffic Management Plan and Traffic Guidance Schemes be 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 with event details supplied to Council by the event organiser.
3. That the event organisers:
  - a) undertake consultation with community and affected businesses including adequate response/action to any raised concerns.
  - b) undertake consultation with emergency services and address any identified issues/concerns.
  - c) holds \$20m public liability insurance cover which is valid for the event.
  - d) pay Council's Road Event Application Fee prior to the event.
4. Within 3 months after the 2022 Byron Writers Festival a report must be submitted to Council from the original TGS designer with comments of the effectiveness of the traffic control arrangements during the event and list recommendations if required for consideration by Council and other authorities for future events.

(Lyon/Ndiaye).

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**22-345 Resolved** that Council adopts the following Committee Recommendation:

**Report No. 6.4 New intersection on Bangalow Road**

File No: I2022/593

Committee Recommendation 6.4.1

That Council notes that LTC are deferring a decision until further reporting has been submitted to a future LTC meeting.

(Lyon/Ndiaye).

**22-346 Resolved** that Council adopts the following Committee Recommendations:

**Report No. 6.5 No Overnight Parking - Bangalow Heritage House**

File No: I2022/629

Committee Recommendation 6.5.1

That Council:

1. Supports the installation of “No Parking Area 1am – 6am” and “prohibitive activities” signs at the entrance to the informal carparking area adjacent Bangalow Heritage House on Ashton Street, Bangalow.
2. Supports the removal of the existing “all day free parking” sign at the entrance to the informal carparking area adjacent Bangalow Heritage House on Ashton Street.
3. Public Space Liaison Officers directly engage with people camping at the site, providing them with adequate notice about the changes in parking arrangements and helping to refer to appropriate supports prior to implementing proposed signage changes.

(Lyon/Ndiaye) .

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**Report No. 14.2 Report of the Floodplain Management Advisory Committee Meeting held on 16 June 2022**

**File No:** I2022/745

**22-347 Resolved** that Council adopts the following Committee Recommendation:

1. That Council notes the minutes of the Floodplain Management Advisory Committee Meeting held on 16 June 2022.

(Lyon/Ndiaye) .

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**22-348 Resolved** that Council adopts the following Committee Recommendation:

**Report No. 3.1 Adoption of Minutes from Previous Meeting**

File No: I2022/586

Committee Recommendation 3.1.1

That the minutes of the Floodplain Management Advisory Committee Meeting held on 21 April 2022 be confirmed. (Lyon/Ndiaye) .

**22-349 Resolved** that Council adopts the following Committee Recommendations:

**Report No. 4.1 Byron Shire Council Flood Risk Management Plan-Actions and Accomplishments**

File No: I2022/632

Committee Recommendation 4.1.1

That Council notes:

1. The current Byron Shire Council Flood Mitigation Program, Attachment 1 (E2022/52007).
2. The Floodplain Management Advisory Committee will hold a workshop in July to re-prioritise the items in Attachment 1. (Lyon/Ndiaye) .

**22-350 Resolved** that Council adopts the following Committee Recommendation:

**Report No. 4.2 Byron Bay Drainage Upgrade Project**

File No: I2022/633

Committee Recommendation 4.2.1

That Council notes the current progress of the Byron Bay Drainage Strategy and the Floodplain Management Advisory Committee receive a further report with a consultation plan for the project.

(Lyon/Ndiaye) .

**22-351 Resolved** that Council adopts the following Committee Recommendations:

**Report No. 4.3 Capricornia Canal and Marshalls Creek**

File No: I2022/636

Committee Recommendation 4.3.1

That Council endorses the Floodplain Management Advisory Committee receiving a further report with a proposed scope that includes recommendations received from the committee. (Lyon/Ndiaye) .

**22-352 Resolved** That Council adopts the following Committee Recommendation:

**Report No. 4.4 Byron Shire Post 2022 Flood Analysis Update**

File No: I2022/651

Committee Recommendation 4.4.1

That Council notes the report and the Floodplain Management Advisory Committee continue to receive progress reports on the Post 2022 Flood Analysis.

(Lyon/Ndiaye) .

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**22-353 Resolved** that Council adopts the following Committee Recommendations:

**Report No. 4.5 Voluntary House Raising**

File No: I2022/686

Committee Recommendation 4.5.1

That Council supports:

1. The Draft Byron Shire Council Voluntary House Raising Scheme Guidelines Attachment 1 (E2022/29988) being placed on public exhibition as per Council policy;
2. The benefiting landowner being responsible for the one third funding contribution under the NSW Floodplain Management Program Voluntary House Raising funding grant;
3. That for any approved Voluntary House Raising dwellings, Council's development applications fees be waived in order to minimise the costs related to these essential works
4. The Floodplain Management Advisory Committee receives a further report that details the number of houses across the shire with floor levels below the 100-year flood level that are ineligible for funding under the NSW Floodplain Management Program Voluntary House Raising funding grant and the number of houses with floors between the 100 year flood level and the 500 year flood level.
5. The use of \$59,425.31 remaining funds from an approved State Government grant from 2000/01 financial year to cover all associated development application fees associated with approved voluntary house raising dwellings that are listed as priorities within Council's adopted Flood Risk Management Plans.

(Lyon/Ndiaye) .

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**Report No. 14.3**      **Report of the Infrastructure Advisory Committee Meeting held on 16 June 2022**

**File No:**                I2022/748

**22-354 Resolved** that Council notes the minutes of the Infrastructure Advisory Committee Meeting held on 16 June 2022.

(Lyon/Ndiaye) .

**22-355 Resolved** that Council adopts the following Committee Recommendations:

**Report No. 3.1 Election of Chair and Committee Constitution**

File No: I2022/565

Committee Recommendation 3.1.1

That Council supports the following:

1. Appointment of Cr Lyon as the Chairperson of the Infrastructure Advisory Committee.
2. The Infrastructure Advisory Committee adopting the draft Committee Constitution as amended.

(Lyon/Ndiaye) .

**22-356 Resolved** that Council adopts the following Committee Recommendations:

**Report No. 3.2 Mullum to Bruns/Ocean Shores Cycleway - Route Options**

File No: I2022/631

Committee Recommendation 3.2.1

That Council notes that the Infrastructure Advisory Committee noted the Mullum to Bruns Cycleway – Route Options Report.

(Lyon/Ndiaye) .



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**22-357 Resolved** that Council adopts the following Committee Recommendations:

**Report No. 3.3 Myocum Quarry DA Compliance and Options Report**  
File No: I2022/656

Committee Recommendation 3.3.1

That Council supports:

1. The actions as recommended in the report "DA Compliance and Options Assessment for Myocum Quarry" (E2021/155252) in response to resolution **21-098** and including preparation of a section 4.55(2) modification to the original development consent.
2. The provision of six monthly updates to the Infrastructure Advisory Committee.
3. The first six monthly update to include consideration of budget implications.

(Lyon/Ndiaye) .

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PROCEDURAL MOTION

**22-358 Resolved** that Council change the order of business to deal with Reports 9.1, 9.3, 9.4, 9.5, 13.2, 13.4, 13.7, 13.8, 13.9, 13.11 next on the Agenda. (Lyon)

*The motion was put to the vote and declared carried  
Cr Coorey was not present for the vote.*

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**NOTICES OF MOTION AND RESCISSION**

**Notice of Rescission Motion No. 9.1 Development Application 10.2020.458.1  
Demolition of existing structures and  
construction of a mixed use development  
comprising of a specialised retail premises,  
business premises and two (2) shop top  
housing dwellings**  
**File No:** I2022/820

PROCEDURAL MOTION

**22-359 Resolved** that item 9.1 rest on the table. (Lyon/Ndiaye)

*The motion was put to the vote and declared carried.  
Cr Coorey was not present for the vote.*

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### Notice of Motion No. 9.3 Line marking in Tincogan Street, Mullumbimby

File No: I2022/922

Moved that Council:

1. Considers reinstating line-marking on the bare tarmac of Tincogan Street Mullumbimby and the desire by users of the street to have that happen before the end of 2022.
2. Receive a report in October 2022 via the Infrastructure Advisory Committee which is meeting in September 2022, on which one or more of the following approaches can be achieved, and when and how, and at what costs and from what funding sources.
3. Consider the following approaches:
  - a) complete the TINCOGAN STREET STAGE 1 ROADWORKS (sheets 2 to 4 of project OSK5378, attached) for the intersections of Tincogan Street with Dalley and Stuart Streets PLUS install a Pedestrian (Zebra) Crossing between Dalley and Stuart Streets with safety lighting of the Crossing;
  - b) switch Give Way priority onto Tincogan Street at Dalley and Stuart Streets PLUS install the Pedestrian Crossing with safety lighting. This approach may still require approval through the Local Traffic Committee, which next meets on 16 August and 13 September; and
  - c) switch Give Way priority onto Tincogan Street at Dalley and Stuart Streets PLUS install the Pedestrian Crossing with safety lighting.
  - d) reinstate the old Give Way priorities on Dalley and Stuart Streets at Tincogan Street.
4. include arrangements at the Pedestrian Crossing for safety lighting, investigate solar options, and install the Crossing with lighting as soon as possible. (Dey)

*The motion fell away for want of a seconder.*

**Notice of Motion No. 9.4 Decreasing risk on the Shire's floodplains**

**File No:** 12022/926

Moved that Council:

1. Acknowledge the mental, emotional, and financial suffering of people impacted by the Shire's floods in the first half of 2022.
2. Do our best to assist those people to recover from the 2022 floods and to protect against future floods.
3. Bring a report to the next meeting of our Floodplain Management Advisory Committee on the following proposition, on how Council should approach new development going onto the Shire's floodplains:

that Council manage zoning and development on the Shire's floodplains to (i) minimise new flood-related risks; (ii) diminish current flood-related risks, and (iii) encourage flood compatible uses on land below current and future flood levels. (Dey/Ndiaye)

AMENDMENT

**22-360 Resolved that Council:**

1. Bring a report to the next meeting of our Floodplain Management Advisory Committee on the following proposition, on how Council should approach new development going onto the Shire's floodplains:

that Council manage zoning and development on the Shire's floodplains to (i) minimise new flood-related risks; (ii) diminish current flood-related risks, and (iii) encourage flood compatible uses on land below current and future flood levels.

2. Investigate innovative design and new technology to address flood management (Balson/Hunter)

*The amendment was put to the vote and declared carried.*

*Crs Westheimer, Dey, Ndiaye, voted against the amendment.*

*Cr Coorey was not present for the vote.*

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

*Crs Westheimer voted against the motion.*

*Cr Coorey was not present for the vote.*

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**Notice of Motion No. 9.5 Plan of management for Bangalow Sports Fields**

**File No:** I2022/927

**22-361 Resolved that:**

1. Council recognises the essential role that community and sporting clubs play in supporting the social, health and wellbeing of the community. Council recognises that operating these club is difficult and, while not core business for Council, Council has a role in supporting these organisations to be successful and continue to contribute to our community.
2. Council reiterates its commitment to reducing the harm caused by poker machines in our community.
3. Council ensures that the Bangalow sports Fields Plan of Management and Masterplan includes consideration of the Bowling Club, car parking areas and proposed site of the Bangalow Pool
4. That council support a workshop with Bowling Club stakeholders and a budget of up to \$2000 be made available to support this workshop (Pugh/Ndiaye)

*The motion was put to the vote and declared carried  
Cr Coorey was not present for the vote.*

**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.2**      **Voluntary Planning Agreement (VPA) - 53 McAuleys Lane  
Planning Proposal**

**File No:**              I2022/161

Moved that Council:

1.      Endorses the draft Voluntary Planning Agreement (as contained in Attachment 1 to this report) for exhibition with the corresponding planning proposal for the subject land; but include the following changes
  - a)      Require that a Traffic Impact Assessment and Road Safety Audit be conducted for the Saddle Road – Mullumbimby Road intersection up to the minimum standard required by the Austroads – Road design guidelines. Taking into consideration the current and proposed changes to the McAuleys Lane– Mullumbimby Road intersection.
  - b)      Include any required intersection and Road upgrades identified during item 1 (a) above as required upgrades that are included in the VPA.
  - c)      Require that a minimum 1m wide concrete or bitumen off formation footpath be constructed from the Mullumbimby Road bus shelter to the driveway to the proposed new rural residential development site.
  - d)      Require that minimum design and safety standards are included to allow buses to enter, offload passengers and exit both eastbound and westbound, off formation, bus drop off bays off Mullumbimby Road.
  - e)      Require that minimum design and safety standards are included to allow pedestrians to cross Mullumbimby Road when catching or getting off a bus on the eastbound side of Mullumbimby Road.
  - f)      Require that a minimum of 2m of bitumen be retained on Mullumbimby Road, on either side, beyond the proposed lanes and turn treatments to continue to act as an on formation mixed use bike lane.
  - g)      Require that design and construction of the road and intersection upgrades give consideration to the future construction of an off formation dedicated bike lane on either side of Mullumbimby Road.
2.      Receives a submissions report following public exhibition to consider key issues raised. (Dey/Ndiaye)

# BYRON SHIRE COUNCIL

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## AMENDMENT

**22-362 Resolved** that Council:

1. Endorses the draft Voluntary Planning Agreement (as contained in Attachment 1 to this report) for exhibition with the corresponding planning proposal for the subject land; and
2. Receives a submissions report following public exhibition to consider key issues raised.
3. Requests staff to consider the issues around traffic heading East on Mullumbimby Road and also traffic heading West from the entrance of the property onto McAuleys Lane. (Pugh/Lyon)

*The amendment was put to the vote and declared carried.  
Crs Balson, Ndiaye, and Dey voted against the amendment.  
Cr Coorey was not present for the vote.*

*The amendment upon becoming the substantive motion was put to the vote and declared carried.  
Cr Coorey was not present for the vote.*

**Report No. 13.4 PLANNING - 10.2018.384.3 - S4.55 to delay provision of suitable vehicular access for Dual Occupancy (Detached) - 183 Coopers Lane West, Main Arm**  
**File No:** I2022/584

**22-363 Resolved** that pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979, application no. 10.2018.384 to modify development consent 10.2018.384.1 to delay requirement to the access road easement to be corrected to accurately overlay the physical access road prior to the issue of a construction certificate for alterations and additions to the dual occupancy (detached), be approved as follows:

Delete Condition 14 and insert new 5A in stage 2 of consent.

5A. Legal Access to Property

Sufficient evidence to demonstrate that the property access road through Lot 3 DP 558858, Lot 1 DP 445771 and Lot 7 DP 591828, is wholly contained within a legal right of carriageway. Any redundant rights of carriageway/easements to be extinguished.

Such evidence must include:

- a) an updated survey of the access road that shows the access road and any further widening wholly within suitable rights of carriageway under the Conveyancing Act 1919.
- b) A copy of the registered rights of carriageway and a title search for all affected lots.

The evidence to be provided to Council within 5 years of this date. (Hunter/Lyon)

# BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

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## PROCEDURAL MOTION

**22-364 Resolved** that Cr Hunter be granted a one minute extension to his speech. (Lyon)

*The motion was put to the vote and declared carried  
Councillors Dey and Westheimer voted against.  
Crs Coorey and Ndiaye were not present for the vote.*

Crs Dey and Ndiaye left the Chambers at 4.11pm.

*The motion (Hunter/Lyon) was put to the vote and declared carried.  
Crs Hunter, Lyon, Swivel, Westheimer, Balson and Pugh voted in favour of the motion.  
Nil voted against the motion.  
Cr Ndiaye, Dey, and Coorey were not present for the vote.*

**Report No. 13.7 PLANNING - DA 10.2021.348.1 Alterations to Existing Building and Change of Use to Mixed Use Development including Shop, Office Premises and Construction of a Two-Storey Carpark**  
**File No:** I2022/646

**22-365 Resolved:**

1. That pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2021.348.1 for Alterations to Existing Building and Change of Use to Mixed Use Development including Shop, Office Premises and Construction of a Two-Storey Carpark, be granted consent subject to the conditions recommended attached to this report and the following additional conditions:

16A. Amended Plans for gate on Western Boundary

Prior to issue of a Construction Certificate the plans are to be amended to provide a locked gate to be installed on the western boundary of the development between the Harris Farm Building and the Car Park where it joins the Railway Corridor at the ground level, and to provide a lockable gate at the entrance to the upper level car park.

16B. Amended Plans Solar Panels on Carpark Roof

Plans to be submitted for Construction Certificate are to provide for roof top solar on the roof of the car park with a minimum of 80KW and not exceeding 100Kw.

32A. Street Plantings in Jonson Street

A landscape plan to be submitted to Council for approval under Section 138 of the Roads Act 1993 for a minimum of thirty (30) street trees to be planted either side of the Jonson Street Road Reserve. Plants species are to be natives endemic to the North Coast of NSW and have a minimum maturity height of 10 metres to screen the car park from surrounding development.

# BYRON SHIRE COUNCIL

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89A. Green Wall

The Green Wall is to be planted in accordance with the approved Landscaping Plan to the satisfaction of Byron Shire Council infrastructure Services and Sustainable Environment and Economy.

89B. Solar Panels on Carpark Roof to be Installed and Operational

The Solar panels are to be installed on the roof of the car park prior to the issue of the Occupation Certificate.

89C. Gates to be installed

The locked gate must be installed on the western boundary to Railway Corridor between the Harris Farm Building and the Car Park and the lockable gate to be installed on the ramp to the upper level car park to be installed prior to the issue of the Occupation Certificate and in accordance with the approved plans.

121. Green Wall Maintained

The approved Green Wall must be maintained and watered sufficiently using harvested or recycled water and any vegetation that doesn't become established or dies back is to be replanted to ensure the car park is fully screened along the eastern elevation.

122. Solar Panels Maintained

Solar Panels are to be maintained and upgraded as required over the life of the development.

123. Locked Gate to upper level car park

The gate to the upper level to be locked when the upper level car park is not open as per Condition 115.

2. That staff engage with TfNSW and bus service providers to establish a location for bus stops and associated shelters to service this development and the immediate locality. Upon completion of the development the construction of the bus shelters be incorporated into Council's capital works plan for delivery. (Pugh/Ndiaye)

*The motion was put to the vote and declared carried.*

*Crs Hunter, Lyon, Ndiaye, Dey, Swivel, Westheimer, Balson and Pugh voted in favour of the motion.*

*Nil voted against the motion.*

*Cr Coorey was not present for the vote.*



# BYRON SHIRE COUNCIL

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**Report No. 13.8**      **Byron Shire Wildlife Corridor System**  
**File No:**              I2022/738

**22-366 Resolved:**

1. That Council endorses the Byron Shire Wildlife Corridor System for public exhibition, with proposed updates to Council's Biodiversity DCP (as set out in this report) included as supporting information.
2. That following exhibition, Council receives a submissions report to consider key issues raised and formally adopt the new Wildlife Corridor System.
3. Following completion of '2' above, that Council:
  - a) update DCP Chapter 'B1 – Biodiversity' to reflect the adopted Wildlife Corridor Map and any additional supporting amendments; and
  - b) exhibit the DCP chapter updates in accordance with relevant legislative requirements. (Westheimer/Ndiaye)

*The motion was put to the vote and declared carried  
Cr Coorey was not present for the vote.*

# BYRON SHIRE COUNCIL

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**Report No. 13.9**      **DA 10.2021.511.1 Dual occupancy (detached) and swimming pool**

**File No:**              I2022/822

**22-367 Resolved** that Pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2021.511.1 for Dual occupancy (detached) and Swimming Pool, be granted consent subject to the conditions of approval attached to this report with the following additional condition added to the consent accordingly:

Landscaping plan required

The application for a Construction Certificate is to include updated plans and specifications that indicate the landscaping of the site generally in accordance with landscaping plan. Such landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Chapter B9 of Development Control Plan 2014. Species identified in Chapter B9 of Development Control Plan 2014 are to be planted wherever possible. The landscaping plan must indicate:

- a) proposed location for planted shrubs and trees
- b) botanical name of shrubs and trees to be planted – must not contain environmental weed species
- c) mature height of trees to be planted
- d) location of grassed and paved areas, and
- e) location of trees identified for retention in the development application plans.
- f) Removal of Bamboo and other exotic invasive species along the northern boundary.
- g) The plan is to be prepared by a suitably qualified landscape architect / architect / ecologist who has appropriate experience and competence in landscaping.

Such plans and specifications must be approved as part of the Construction Certificate.  
(Pugh/Lyon)

*The motion was put to the vote and declared carried.*

*Crs Hunter, Lyon, Ndiaye, Dey, Swivel, Westheimer, Balson and Pugh voted in favour of the motion.*

*Nil voted against the motion.*

*Cr Coorey was not present for the vote.*

# BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

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**Report No. 13.11 PLANNING - 10.2021.114.1 - 'Fed Sheds' Light Industry  
Excluding Artisan Food & Drink Premises at 467 Federal Drive,  
Federal**  
**File No:** I2022/877

## PROCEDURAL MOTIONS

**22-368 Resolved** that Cr Dey be granted a one minute extension to his speech. (Lyon)

*The motion was put to the vote and declared carried.  
Cr Coorey was not present for the vote.*

*Cr Coorey joined the meeting at 4.54pm.*

**22-369 Resolved** that item 13.11 be rested on the table. (Lyon/Hunter)

*The motion was put to the vote and declared carried.*

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**22-370 Resolved** that Report No. 9.1 be lifted from the table. (Coorey/Lyon)

*The motion was put to the vote and declared carried..*

**Notice of Rescission Motion No. 9.1 Development Application 10.2020.458.1  
Demolition of existing structures and  
construction of a mixed use development  
comprising of a specialised retail premises,  
business premises and two (2) shop top  
housing dwellings**  
**File No:** I2022/820

Moved we move that Council rescind Resolution No. 22-314 from its Ordinary meeting held on 23 June 2022 which reads as follows:

*Resolved that, pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2020.458.1 for demolition of existing structures and construction of a mixed-use development comprising of a specialised retail premises, business premises and two (2) shop top housing dwellings, be granted consent subject to the recommended conditions of approval in Attachment 6 (#E2022/45336).*

(Dey/Westheimer)

*The motion was put to the vote and declared lost.  
Crs Dey and Westheimer voted in favour of the motion.  
Crs Hunter, Lyon, Ndiaye, Swivel, Balson and Pugh voted against the motion.  
Cr Coorey was not present for the vote.*

# BYRON SHIRE COUNCIL

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## PROCEDURAL MOTION

**22-371 Resolved** that Report No. 13.11 be lifted from the table. (Lyon/Swivel)

*The motion was put to the vote and declared carried.  
Cr Coorey was not present for the vote.*

**Report No. 13.11 PLANNING - 10.2021.114.1 - 'Fed Sheds' Light Industry  
Excluding Artisan Food & Drink Premises at 467 Federal Drive,  
Federal**  
**File No:** I2022/877

Moved:

That pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2021.114.1 for Light Industry excluding artisan food and drink premises, be refused for the following reasons:

1. Pursuant to Section 4.15(1)(b) and (c) the site is unsuitable and will have an adverse environmental impact on the area as follows:
  - a) The duplicate usage of the on-site carpark area for on-site sewage management and the resulting reliance of the on-site sewage system on absorption rather than evaporation;
  - b) Lack of consideration of the compacting influence of heavy vehicles on soils within the on-site sewage system;
  - c) Lack of adequate design for trade wastes that may be produced by otherwise permissible uses of the buildings, and reliance on trade wastes being pumped out;
  - d) Lack of adequate buffers between the on-site sewage system and property boundaries, and between it and the proposed stormwater system;
  - e) The transfer of storm runoff off the property at rates and volumes in excess of current rates and volumes, which already cause flooding downstream on Coachwood Court and on the properties along it;
2. Pursuant to Section 4.15(1)(b) the bulk and scale of the proposed buildings, especially the central building which would dominate the streetscape on Federal Drive and have an adverse impact on the character of Federal.
3. Pursuant to Section 4.15 (1)(d) the proposal is not in the public interest having regards to the number of objections received.
4. Pursuant to Section 4.15 (1)(e) the proposal is not in the public interest in terms of the disconnect of this proposal from the Federal Masterplan and its community process. (Dey/Balson)

# BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

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## PROCEDURAL MOTIONS

**22-372 Resolved** that Council move into Committee to allow for free debate. (Lyon)

*The motion was put to the vote and declared carried.*

*Cr Coorey was not present for the vote.*

**22-373 Resolved** that Council move out of Committee and resume the Ordinary Meeting. (Lyon)

*The motion was put to the vote and declared carried.*

*Cr Coorey was not present for the vote.*

**22-374 Resolved:**

1. That a decision on the DA be deferred in the public interest, given the extent of community opposition, the need to consider social impact and specific queries raised with the proposal (consistent with section 4.15 of the EPAA 1979 - old section 79C), and that the developer be requested to conduct a workshop with invited representatives from the Federal community and the Federal Village Masterplan Committee.
2. That a report come back to Council within 28 days to consider the Development Application including any modifications.
3. That Infrastructure Services staff assess the drainage system in Coachwood Court in the next 4 weeks. (Pugh/Swivel)

## PROCEDURAL MOTION

**22-375 Resolved** that the motion be put. (Lyon/Hunter)

*The motion was put to the vote and declared carried.*

*Cr Westheimer voted against the motion.*

*Cr Coorey was not present for the vote.*

*The amendment (Pugh/Swivel) was put to the vote and declared carried.*

*Crs Westheimer, Ndiaye, and Dey voted against the amendment.*

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

*Crs Hunter, Lyon, Swivel, Westheimer, Balson and Pugh voted in favour of the motion.*

*Crs Ndiaye and Dey voted against the motion.*

*Cr Coorey was not present for the vote.*

**MAYORAL MINUTE**

**Mayoral Minute No. 8.1 Byron Writers Festival 2022 relocation to Elements of Byron**

**File No:** I2022/1002

**22-376 Resolved** that Council:

1. Notes that Organisers of the Byron Writers Festival as a result of recent weather events at the North Byron Parklands, have sought to relocate this year's festival back to Elements of Byron on 26-28 August 2022. The timeframe to do this is extremely short.
2. Notes that, to do this, DA 10.2016.251.4 - S4.55 to Extend Event to 2022 and Modify Site Layout has been lodged for assessment.
3. Notes that under A14.3 Public Exhibition and Notification of Applications to Modify Development Consents and Review Determinations, DA10.2016.251.4 - S4.55 to Extend Event to 2022 and Modify Site Layout is not required to be placed on public exhibition or notified.
4. Notes also that a Traffic Control Plan/Traffic Management Plan has also been submitted as part of the supporting documents by the applicant which is to be considered by an extraordinary Local Traffic Committee meeting.
5. Delegates to the General Manager pursuant to the Local Government Act 1993, the authority to approve any Minutes issued following the extraordinary Local Traffic Committee referred to in 4.
6. Notes that staff have delegation to determine DA10.2016.251.4 - S4.55 to Extend Event to 2022 and Modify Site Layout once the Minutes from the extraordinary Local Traffic Committee referred to in 4 have been issued and all other assessment requirements completed. (Lyon)

*The motion was put to the vote and declared carried.*

*Cr Coorey was not present for the vote.*

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**NOTICES OF MOTION AND RESCISSION**

**Notice of Motion No. 9.2 DA 10.2021.582.1 in Kumbellin Glen, Ocean Shores**

**File No:** I2022/873

- 22-377 Resolved** that Council reverse its decision within Resolution 22-116 of 14 April 2022 in relation to DA 10.2021.582.1 and bring that DA to a Council Meeting for Determination. (Dey/Swivel)

*The motion was put to the vote and declared carried.*

*Crs Hunter, Lyon, Dey, Swivel, Westheimer and Balson voted in favour of the motion.*

*Crs Ndiaye and Pugh voted against the motion.*

*Cr Coorey was not present for the vote.*

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# BYRON SHIRE COUNCIL

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## PETITIONS

**Petition No. 10.1**      **Petition - No underground car parks in Brunswick Heads**  
**File No:**                      I2022/939

The petition was tabled.

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## SUBMISSIONS AND GRANTS

**Report No. 11.1**      **AGRN1012 - Natural Disaster \$2.375 million - Program of Works**  
**File No:**                      I2022/900

### 22-378 Resolved:

1. That Council endorses the following Program of Works under the \$2 million Local Council Support Package:
  - a) Natural Disaster Planner (\$220,000)
  - b) Natural Disaster Policy Planner (\$220,000)
  - c) Discussion Paper: 'After the floods: Working out possibilities together' (\$60,000)
  - d) Business and Visitor Economy Strategy (\$70,000)
  - e) South Golden Beach Resilience Betterment Program (\$500,000)
  - f) Byron Shire Council Flooding and Drainage Easement Community Education Program (\$15,000)
  - g) Community Education Strategy and Review of Flood Options (\$40,000)
  - h) Byron Shire Event Strategy (\$50,000)
  - i) Review and Update of Byron DCP 2014 Chp 'C2' - Areas Affected by Flood and DCP 2010 Part 'K' – Flood Liable Land (\$25,000)
  - j) Byron Shire Council Drainage Enhancement Program (\$390,000)
  - k) Supporting Community Resilience and Recovery: Emergency Communications (\$90,000)
  - l) Supporting Community Resilience and Recovery: Spontaneous Volunteering (\$90,000)
  - m) Northern Rivers Together – Regional marketing and promotion campaign (\$50,000)
  - n) Project Managing Community Building Restoration (\$180,000)
2. That Council endorses the following Program of Works under the \$375,000 Local Council Support Package Companion Animals:

# BYRON SHIRE COUNCIL

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- a) Animal Education and Enforcement Officer (\$190,000)
- b) Companion Animals Education Program (\$60,000)
- c) Educational signage (\$95,000)
- d) Microgrants for Byron Dog Rescue, Animal Welfare League Mullumbimby and Pets For Life Billinudgel (\$30,000) (Pugh/Ndiaye)

*The motion was put to the vote and declared carried.  
Cr Coorey was not present for the vote.*

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## PROCEDURAL MOTION

- 22-379 Resolved** that Council change the order of business to deal with Reports 13.5 and 13.13 next on the Agenda. (Lyon)

*The motion was put to the vote and declared carried.  
Cr Coorey was not present for the vote.*

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## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.5 Planning Proposal - 26.2020.2.1 Affordable housing contribution scheme submissions report**  
**File No:** I2022/659

- 22-380 Resolved** that Council

1. adopts the planning proposal to amend Byron LEP 2014, together with the Affordable housing contribution scheme as contained in Attachment 2 (E2022/53312)
2. forwards the adopted planning proposal and Affordable housing contribution scheme to NSW Parliamentary Counsel's Office (PCO) requesting that a draft LEP instrument be prepared
3. pending receipt of PCO opinion that the plan can be made, forwards the plan to the NSW Department of Planning and Environment for notification on the NSW Government legislation website
4. requests that staff write to the DPE requesting the NSW government amend the SEPP (Housing) 2021 to specify that any planning proposal lodged to upzone land after the issuing of a gateway determination for an Affordable Housing Contribution Scheme applying to the same land, will be subject to that AHCS should the Local Environmental Plan amendment and Affordable Housing Contribution Scheme come into effect. (Lyon/Ndiaye)

*The motion was put to the vote and declared carried  
Cr Coorey was not present for the vot.*

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# BYRON SHIRE COUNCIL

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**Report No. 13.13 DRAFT North Coast Regional Plan 2041**  
**File No: I2022/941**

**22-381 Resolved** that Council:

1. Notes the short period of time and inadequate engagement that Council has been given to review and comment on the Draft North Coast Regional Plan 2041.
2. Notes the current North Coast Regional Plan 2036 did not deliver on many key actions and identified outcomes like – preparation of a Housing and Land Monitor, to facilitate the supply of more affordable housing, to update to the Regional and State significant farmland maps for the North Coast, to work with councils to develop strategic plans, risk management plans and emergency management actions;
3. Supports a staff submission being made to the Draft North Coast Regional Plan 2041 that includes, but not limited to commentary as detailed in points 1-12 in the report - particularly the concerns around the lack of integration of key data that should help shape this strategy, (and any other issues identified by councillors): and in response to objective 3: the importance of and need for regional and sub regional biodiversity corridors to be identified and mapped across local government areas, and in response to objective 16 the need to augment public transport, active transport (cycling, walking) opportunities in the region thereby reducing commutes for workers between Shires;
4. Strongly supports a request by staff to the Department of Planning that it undertakes further engagement with Council on our submission prior to the final North Coast Regional Plan 2041 being released.
5. Advise the Northern Rivers Reconstruction Corporation of this resolution and ask them to advocate for the delivery of the region’s needs. (Ndiaye/Lyon)

*The motion was put to the vote and declared carried.*

## PROCEDURAL MOTION

**22-382 Resolved** that Council defer the remainder of the items to the next Ordinary Council meeting. (Lyon/Westheimer)

*The motion was put to the vote and declared carried.*

# BYRON SHIRE COUNCIL

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## STAFF REPORTS - GENERAL MANAGER

**Report No. 13.1**      **General Manager Delegation - Procurement**  
**File No:**              I2022/918

This item was deferred to the 25 August Ordinary Meeting.

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## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.3**      **PLANNING - 26.2021.3.1 150 Lismore Road, Bangalow**  
**Submissions Report**  
**File No:**              I2022/554

This item was deferred to the 25 August Ordinary Meeting.

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**Report No. 13.6**      **PLANNING - Use of zipline ancillary to a primitive camping**  
**ground**  
**File No:**              I2022/684

This item was deferred to the 25 August Ordinary Meeting.

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**Report No. 13.10**    **Place Planning Collective Expression of Interest Candidate**  
**Selection**  
**File No:**              I2022/872

This item was deferred to the 25 August Ordinary Meeting.

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**Report No. 13.12**    **PLANNING - Quarter 2 SEPP Variations April to June 2022**  
**File No:**              I2022/903

This item was deferred to the 25 August Ordinary Meeting.

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QUESTIONS WITH NOTICE

**Question With Notice No. 15.1      Pods and fill on rail corridor land in  
Mullumbimby**

**File No:** I2022/948

Cr Dey asks the following question:

Residents near the land were notified a day or two before work began on 11 July to prepare the area for pods to accommodate flood-displaced people. The site and its surrounding neighbourhood was flooded in the same flood that displaced those needing housing in the pods. The work includes many truckloads of fill.

Council resolved on 23 June to note via Part 1 a) and b) of Resolution **22-290** the many reasons why floodplains require special attention to avoid filling, including that:

- a) fill can prevent the passage of floodwater during major floods and may thus raise flood levels upstream of the fill site;
  - b) fill occupies airspace that would otherwise attenuate flooding further downstream.
1. When we suggested this site to Resilience NSW, did we advise them:
    - a) that the land was flood-prone and that the 2022 flood levels were above the level of the adjacent railway embankment?
    - b) that the surrounding neighbourhood had been flooded with water entering many houses?
    - c) that some occupants of those houses remain anxious about future flooding, for their own sakes and now also for the incoming pod occupants?
  2. did we advise Resilience NSW about the impacts of placing fill on floodplains and that it raises flood levels including downstream (eastwards) due to loss of flood storage, ie of flood attenuation?
  3. c) fill sends runoff outwards from the fill footprint, often onto neighbouring properties.
  4. did we suggest to Resilience NSW that, if no suitable government land was available in the Shire, they may have to secure suitable private land (ie land that is not flood-prone)?
  5. did we suggest to Resilience NSW that, if they chose to use this site, they should prepare an Emergency Plan in case the 2022 floods were repeated in 2023 or 2024 (including plans to manage evacuation of occupants during a flood event and of their vehicles before one)?

# BYRON SHIRE COUNCIL

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## **Response Director Sustainable Environment and Economy:**

Council staff have been meeting regularly with Department of Planning and Resilience NSW staff and working to advocate for the best possible outcomes in the Byron Shire since the Feb/March 2022 Flood Events.

Council staff identified a range of possible sites on Council and Crown land for temporary housing across the Shire. The Department of Planning and Resilience NSW staff then selected the preferred sites. Each site was mapped for constraints (including flood), services, proximity to an existing town or village. The site also had to be available now. Only sites that met the criteria have been progressed.

Resilience NSW indicated that it was not interested in considering sites that were not publicly owned at this time.

Flooding was included as a part of the discussion when staff worked with Resilience NSW to evaluate the Transport Asset Holding Entity (TAHE) site in Mullumbimby. Resilience staff are aware that the surrounding neighbourhoods experienced flooding, that the site is mapped as flood prone, and have communicated to Council staff that they are aware of the anxieties surrounding future flooding in Mullumbimby more broadly.

Preliminary discussions between Council staff and Resilience NSW indicated that the pods on the TAHE site at Mullumbimby would be individually pierced, however it is understood from recent conversations with Resilience NSW that the design details are not yet finalised for the site.

*Recent advice from Resilience NSW states that "Flood safety for the community and for residents is a priority and site design will account for the flood prone nature of the site and surrounding land. Detailed design work is currently in progress to determine the most appropriate way of accommodating homes on the site and to ensure temporary housing units at the Mullumbimby temporary house site are installed above flood levels. All sites, including Mullumbimby, will have emergency management plans in place to ensure the safety of residents."*

As the site is owned by TAHE, and the works are managed by Resilience NSW, Council's role is limited for this site.

Council staff met with representatives from the Northern Rivers Reconstruction Corporation, Resilience NSW, Public Works Authority and the Department of Planning and Environment on Friday 29 July to discuss issues raised by the Mullumbimby community, and advocate for increased clarity and communication from Resilience NSW in relation to the site.

Following this meeting, it is expected that Resilience NSW will create an FAQ document that answers some of the most common questions relating to the site and include this with further communication to adjoining residents with the support of the Northern Rivers Reconstruction Corporation.

# BYRON SHIRE COUNCIL

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## Question With Notice No. 15.2 Splendour in the Grass operations

File No: 12022/923

Cr Dey asks the following question:

Along with up to 58,000 suffering patrons, Byron Shire suffered the impacts of Splendour on the weekend of 22 to 24 July 2022. Approval of the enormity of the event was given by the NSW Government, not Council.

1. does the Regulatory Working Group that was set up under earlier Consent Conditions still exist?
2. if it does, are there community or Councillor members on the RWG, as there were under the earlier Consent Conditions?
3. if so, has Council failed to appoint a Councillor?
4. does Council receive post-event reports from Splendour or from the RWG?

### Response Director Sustainable Environment and Economy:

In March 2019, the NSW Independent Planning Commission granted Development Consent for undertaking a number of events on a permanent basis at the North Byron Parklands venue. These consent conditions also required the establishment of a Regulatory Working Group (RWG).

In particular, the Development Consent allows for the following events:

Event Type	Number of Attendees		Number of Event Days
	Maximum Number of Patrons	Other Attendees	
<i>Large Winter Event</i>	Up to 50,000 patrons	<ul style="list-style-type: none"><li>• Up to 400 complimentary ticket holders</li><li>• Up to 7,450 staff</li></ul>	Up to 5 event days per calendar year
<i>Large Summer Event</i>	Up to 35,000 patrons	<ul style="list-style-type: none"><li>• Up to 400 complimentary ticket holders</li><li>• Up to 4,890 staff</li></ul>	Up to 5 event days per calendar year
<i>Medium Events</i>	Up to 25,000 patrons	<ul style="list-style-type: none"><li>• Up to 400 complimentary ticket holders</li><li>• Up to 3,850 staff</li></ul>	Up to 3 event days per calendar year
<i>Small Community Events</i>	Up to 5,000 patrons	<ul style="list-style-type: none"><li>• Up to 250 staff</li></ul>	Up to 5 event days per calendar year
<i>Minor Community Events</i>	Up to 1,500 patrons	<ul style="list-style-type: none"><li>• Up to 100 staff</li></ul>	Up to 2 event days per calendar year

# BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

11 August 2022

The Development Consent D18 also requires the establishment of a RWG to oversee the environmental performance and community relations with respect to events held at the venue.

Responses to questions raised are provided below:

1. *does the Regulatory Working Group that was set up under earlier Consent Conditions still exist?*

North Byron Parklands RWG has been operating for many years to review environmental management and community relations. Members include the NSW Police, Byron Shire Council, Tweed Shire Council, Roads and Maritime Services, Rural Fire Service, State Emergency Service, Office of Environment and Heritage and National Parks and Wildlife Service. A community representative from both Tweed and Byron local government areas also sits on the RWG and are appointed by their respective Councils through an expression of interest process.

The RWG also reviews any community concerns or complaints with respect to environmental management and community relations. There are agreed Terms of Reference to guide members of the RWG can be found here: [Microsoft Word - RWG ToR Final - June 2019.doc \(northbyronparklands.com\)](#)

The last RWG meeting was held in September 2019. Minutes can be found here: [RWG Minutes DRAFT 070417 \(northbyronparklands.com\)](#)

2. *if it does, are there community or Councillor members on the RWG, as there were under the earlier Consent Conditions?*

Yes, there are councillor and community members on the RWG as per council resolution.

*Councillor representation*

**22-030 Resolved that Council: i) North Byron Parklands Regulatory Working Group Cr Swivel.**

Prior to this Councillor representatives were Councillors Cameron, Hunter, and Mayor Richardson.

*Community representation*

Council receives a request from North Byron Parklands to proceed with the process of nominating Regulatory Working Group Community Representatives (at the end of member 2-year terms).

# BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

11 August 2022

**19-587 Resolved that Council nominates the community representative in Confidential Attachment 1 (Chris Hauritz) for appointment to the North Byron Parklands Regulatory Working Group (RWG) for a two year term.**

Two years have passed since the appointment, however a request for a new appointment has yet to be received from North Byron Parklands, likely due to the disruption of COVID to the festival and event industry.

Relevant council staff also attend these meetings.

3. *if so, has Council failed to appoint a Councillor?*

As per response above.

4. *does Council receive post-event reports from Splendour or from the RWG?*

Delegates reports are ordinarily presented by the Councillor representative on the RWG post meetings at the next available Council meeting. All relevant documentation is otherwise publicly available on the North Byron Parklands web page [North Byron Parklands Regulatory Working Group](#)

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*There being no further business the meeting concluded at 7.01pm.*

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I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council's Ordinary (Planning) Meeting on 8 September 2022.



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Mayor Michael Lyon