

**Minutes
Ordinary (Planning) Meeting
Thursday, 8 December 2022**



BYRON SHIRE COUNCIL

Ordinary (Planning) Meeting Minutes
8 December 2022

INDEX OF ITEMS DISCUSSED

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY (PLANNING) MEETING HELD ON THURSDAY, 8 DECEMBER 2022 COMMENCING AT 9.06AM AND CONCLUDING AT 12:21PM.

I2022/1783

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

Staff: Mark Arnold (General Manager)
Esmeralda Davis (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Ralph James (Legal Counsel)
Isabelle Hawton (Place Liaison Officer) – Report 13.2
Heather Sills (Manager Corporate Services) – Report 9.4
Chris Larkin (Manager Sustainable Development) – Reports 13.7, 13.10
Amber Evans Crane (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.

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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	Submission Received in form of
13.4	Federal Village Masterplan	Alan Goldstein	For	Federal Village Masterplan Steering Group	In person
13.5	Federal Village Main Street Concept Design	Alan Goldstein	For	Federal Village Masterplan Steering Group	In person
13.11	PLANNING - DA 10.2022.370.1 - Use of alterations and additions to farm building, use of farm building as a cool room – 252 Middle Pocket Road Middle Pocket	Kerrie McElgunn	For	The Chinamans Hill Road Residents Group	In person
		Elizabeth Tomlinson	Against	Self	In person

Submissions

Subject	Name	Representing	Submission Received in form of
Existing Proposal from 8th Sept 2022	Genevieve Lee	One Roof Byron Inc	In person

The meeting adjourned at 9.55am for a short break and reconvened at 10.12am.

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APOLOGIES

Cr Coorey was an apology in accordance with her previously granted leave of absence, resolution number **22-476**.

PROCEDURAL MOTION

22-670 Resolved that the apology from Cr Pugh be accepted and a leave of absence granted.
(Lyon/Dey)

The motion was put to the vote and carried unanimously.

APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

There were no new applications to attend by audio-visual link. Cr Balson was previously granted permission to attend by audio-visual link.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

TABLING OF PECUNIARY INTEREST RETURNS

In accordance with clause 4.9 of the Code of Conduct, the Mayor tabled a primary Return of Pecuniary Interests for Isabella Avelino Gianelli, in the position of Project Engineer.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

22-671 Resolved that the minutes of the Ordinary (Planning) Meeting held 10 November 2022 be confirmed.
(Hunter/Ndiaye)

The motion was put to the vote and carried unanimously.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

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

STAFF REPORTS

Sustainable Environment and Economy

- Report No. 13.2 Expressions of Interest for Next Place Plan
- Report No. 13.3 PLANNING - Rural Land Use Strategy Review Scoping Report
- Report No. 13.4 Federal Village Masterplan
- Report No. 13.5 Federal Village Main Street Concept Design
- Report No. 13.6 26.2022.9.1 Heritage Amendments to Byron Local Environmental Plan 2014
- Report No. 13.7 PLANNING - S4.55 Application No. 10.2014.743.5 - for Modified Stage 3 Design, to Increase the Number of Dwellings from 8 to 10 and Revised Internal Driveway Configuration - at 41 Matong Drive, 43 Matong Drive, 2 Kulgun Court and Pacific Highway, Ocean Shores

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Lyon and seconded by Cr Hunter. Each recommendation is recorded with a separate resolution number commencing at Resolution No. **22-672** and concluding with Resolution No. **22-676**.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.1 Response to an Expression of Interest for community housing providers for the Affordable Housing Contribution Scheme
File No: I2022/1258

22-672 Resolved:

1. That Council endorses the Community Housing Providers identified in Table 1 of this report being placed on the Community Housing Providers Register and for this register to be published on Council's website.
2. The Community Housing Providers endorsed by Council are notified. (Lyon/Hunter)

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Report No. 13.4 **Federal Village Masterplan**
File No: I2022/1482

22-678 **Resolved** that Council:

1. Adopts the Federal Village Masterplan (Attachment 1, E2022/112461) as a place planning strategy document for Byron Shire.
2. Thanks the Federal Village Masterplan Steering Group and the wider Federal and surrounding community for their hard work and commitment to preparing the Federal Village Masterplan.
3. Notes an evaluation report will be forthcoming in 2023 to reflect more broadly on the advantages and challenges of a community led place planning process and consider the implementation of the Federal Village Masterplan.
4. Notes that a final video of the community-led masterplan process for the Federal Village Masterplan is currently being completed in accordance with Resolution 20-689. (Swivel/Ndiaye)

The motion was put to the vote and carried unanimously.

Report No. 13.5 **Federal Village Main Street Concept Design**
File No: I2022/1483

22-679 **Resolved** that Council endorses the Federal Main Street Concept Plan (as shown in Attachment 1 E2022/111275) to proceed to engineering design and costing, with a request for further community consultation on:

- a) the movement and management of buses in the design
- b) the width of footpaths in the design (Dey/Lyon)

The motion was put to the vote and carried unanimously.

MAYORAL MINUTE

There was no Mayoral Minute.

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NOTICES OF MOTION

Notice of Motion No. 9.3 Compliance at another landscape supplier

File No: I2022/1691

- 22-680 Resolved** that Council receives a report on compliance at the nursery and landscaping supply business beside the Pacific Motorway at 8 Grays Lane, Tyagarah. (Dey/Ndiaye)

The motion was put to the vote and carried unanimously.

Notice of Motion No. 9.4 Rural & Regional Summit on 20 February 2023

File No: I2022/1729

- 22-681 Resolved** that Council nominates Councillor Dey as a delegate and invites any other Councillor to attend the Rural and Regional Summit 2023 to be held on Monday 20 February in Sydney, noting that early bird registration is up to 27 January. (Dey/Ndiaye)

The motion was put to the vote and carried unanimously.

PETITIONS

There were no petitions.

SUBMISSIONS AND GRANTS

There were no submissions and grants.

DELEGATES' REPORTS

Cr Swivel and Cr Westheimer gave a delegates report on the Moving Byron Advisory Committee held on 2 December 2022.

Cr Ndiaye gave a delegates report on a Rous County Council site visit to the Rocky Creek Dam.

Cr Westheimer and Cr Ndiaye gave a delegates report on the Arts and Culture Forum held in Brunswick Heads on 25 November 2022

Cr Lyon intends to give a delegates report on Northern Rivers Joint Organisation at the next meeting.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

PROCEDURAL MOTION

22-682 Resolved that Council move into Committee to allow for free debate. (Lyon)

The motion was put to the vote and carried unanimously.

Cr Swivel left the Chambers at 11.21AM.

PROCEDURAL MOTION

22-683 Resolved that Council move out of Committee and resume the Ordinary Meeting. (Lyon)

The motion was put to the vote and carried unanimously

Cr Swivel was not present for the vote.

Report No. 13.2 Expressions of Interest for Next Place Plan
File No: I2022/1437

22-684 Resolved that Council:

1. Selects the following locations for Place Plans to proceed in the order of priority:
 1. Ocean Shores,
 2. South Golden Beach
 3. Brunswick Heads
2. Requests a further report to Council providing a detailed Place Plan project scope, methodology and budget for the first priority location, Ocean Shores.
3. Notes that given current budget constraints, a Place Plan for the first priority location, Ocean Shores, should be considered in the 2024/25 financial year

(Lyon/Westheimer)

The motion was put to the vote and carried unanimously.

Cr Swivel was not present for the vote.

Cr Swivel returned to the Chambers at 11.25AM.

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Report No. 13.3 **PLANNING - Rural Land Use Strategy Review Scoping Report**
File No: **I2022/1417**

22-685 Resolved that Council:

1. Supports staff progressing the scope of work and process as outlined in this report to review the Rural Land Use Strategy (RLUS) and to deliver RLUS Action 21: Investigate capacity for re-subdivision within existing Large Lot Residential estates.
2. Acknowledges:
 - a) that infrastructure capacity is a key consideration when denser land use as proposed under Action 21 is considered;
 - b) that staff will investigate capability, capacity, and feasibility of any site considered for change from rural to serviced residential;
 - c) a requirement of the Department of Planning, Industry, and Environment's North Coast Regional Plan is that, where transition to urban is not feasible, then the potential for smaller lot R5 subdivision (with on-site sewage) will be investigated.
3. Supports staff progressing as a precursor to the Action 21 delivery, Residential Strategy refresh and the RLUS review, preparation of a Housing Response Options Paper that would encompass Resolution 22-246 Item 4.
4. Notes that funding to progress both the Housing Response Options Paper and Action 21 of the RLUS will be funded from Flood Response Planning Grant from the NSW Planning Delivery Unit.
5. Notes that any new or additional funding for the comprehensive review of the RLUS, will be considered in the 2023/24 budget process/compilation amongst other priorities. (Dey/Lyon)

The motion was put to the vote and carried unanimously.

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

Nil voted against the motion..

Report No. 13.6 **26.2022.9.1 Heritage Amendments to Byron Local**
File No: **Environmental Plan 2014**
 I2022/1516

22-686 Resolved that Council defers consideration of the Heritage Amendments to Byron Local Environmental Plan 2014 and refers the matter to a Councillor Workshop in 2023. (Lyon/Ndiaye)

The motion was put to the vote and carried unanimously.

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

Nil voted against the motion.

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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 9 February 2023.

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Mayor Michael Lyon