



# Byron Shire Council



## Minutes

Ordinary Meeting

Thursday, 23 March 2017

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
23 March 2017

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## INDEX OF ITEMS DISCUSSED

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

Report No. 13.1	Operational Plan 2016/17 - Progress Report .....	5
Report No. 13.2	National General Assembly of Local Government 2017 .....	5
Report No. 13.3	Australia Day PRG Finalisation of the 2017 Group and Commencement of the 2018 Group .....	5
Report No. 13.4	Youth Program Review.....	6
Report No. 13.5	Council Investments February 2017 .....	6
Report No. 13.10	Report of the Planning Review Committee Meeting held on 31 January, 2017 .....	6
Report No. 13.12	Report of the Planning Review Committee Meeting held on 21 February, 2017 .....	7
Report No. 13.13	PLANNING - State Environmental Planning Policy No. 1 - Variations to development standards - 1 October 2016 to 31 December 2016 .....	7
Report No. 13.16	West Byron Development Control Plan (DCP) - process update.....	7
Report No. 13.17	Council Part Road Reserve Closure Byron Bay Memorial Pool .....	7
Report No. 14.1	Report of the Transport and Infrastructure Advisory Committee Meeting held on 16 February 2017.....	7
Report No. 16.1	CONFIDENTIAL - Information Technology Technical Analyst Panel - 2017-0001 .....	8
Notice of Motion No. 9.4	Bangalow Truck Movements .....	9
Report No. 13.9	PLANNING - DA 10.2016.575.1 - Agricultural Produce Industry (Micro Distillery) and Industrial Retail Outlet at 469 Middle Pocket Road, Middle Pocket .....	9
Notice of Motion No. 9.1	Koala Road-kill Mitigation.....	10
Notice of Motion No. 9.2	Belongil Beach Signage .....	10
Report No. 13.8	Enforcement of Dog and Cat Free Estates .....	11
Report No. 13.15	Report update - Planning Proposal for Short Term Rental Accommodation... ..	11
Report No. 13.7	Council's Low Carbon Target.....	12
Notice of Motion No. 9.3	Natural Environment Team .....	13
Report No. 13.11	PLANNING - 10.2016.681.1 - Multi dwelling housing comprising of 3 new dwellings and retention of existing dwelling and strata subdivision at 9 Byron St Mullumbimby.....	14
Report No. 13.6	PLANNING - 10.2016.708.1 Alterations and Additions to Existing Dwelling and New Swimming Pool Border Street Byron Bay.....	15
Notice of Motion No. 9.5	Revisiting R5 Zone Lot Size .....	15
Notice of Motion No. 9.6	Erosion at Clarkes Beach.....	15
Petition No. 10.1	Byron Residents Reject Rate Rise.....	16
Report No. 11.1	Submissions and Grants.....	16
Delegates' Report No. 1	NSW Tourism Conference, Taree 12-14 March 2017 .....	16
Delegates' Report No. 2	Rail Corridor Meeting .....	17
Report No. 13.14	PLANNING - 10.2016.423.1 Multi Dwelling Housing eight townhouses at 4 - 6 Roundhouse Place Ocean Shores.....	17
Urgency MotionNo. 1	Byron Bay Rail Corridor.....	18

**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY,  
23 MARCH 2017 COMMENCING AT 9.10AM AND CONCLUDING AT 5.45PM**

I2017/347

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

Staff: Mark Arnold (Acting General Manager)  
Phil Holloway (Director Infrastructure Services)  
Shannon Burt (Director Sustainable Environment and Economy)  
Ralph James (Legal Services Coordinator)  
Kim Mallee (Sustainability Officer, Report 13.7)  
Clyde Treadwell (Planner, Report 13.11)  
Mila Jones/David Royston-Jennings (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:

**9.4 Bangalow Truck Movements**

*Tony Hart, representing the Bangalow Progress Association, addressed Council against the recommendation.*

**9.5 Revisiting R5 Zone Lot Size**

*Bernard Grinberg addressed Council in favour of the recommendation.*

**9.6 Erosion at Clarkes Beach**

*Gerard Braithwaite addressed Council in favour of the recommendation.*

**13.4 Youth Program Review**

*Teeya Blatt, representing the Byron Youth Service, addressed Council in favour of the alternative recommendation.*

**13.9 DA 10.2016.575.1 469 Middle Pocket Road, Middle Pocket**

*Brian Restall addressed Council in favour of the recommendation.*

*Ray Linabury, Keryn Simpson, Sharon Kelly and Lani Jensen addressed Council against the recommendation.*

**13.11 DA 10.2016.681.1 9 Byron St, Mullumbimby**

*Lucy Bennett, representing Ardill Payne & Partners addressed Council in favour of the recommendation.*

*Stephen and Catherine Edmonds addressed Council against the recommendation.*

**13.15 Report update - Planning Proposal for Short Term Rental Accommodation**

*Doug Luke and David Wallace, representing Victims of Holiday Letting, addressed Council against the recommendation.*

**Submission No. 1 New Lease Update**

Ralph Mamone made a submission to Council regarding a new long term lease for Fishheads Pty Ltd.

*The meeting adjourned at 10.47am and reconvened at 11.12am.*

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**APOLOGIES**

There were no apologies.

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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**

There were no declarations of interest.

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**TABLING OF PECUNIARY INTEREST RETURNS**

There were no Pecuniary Interest Returns tabled.

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**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**17-062 Resolved** that the minutes of the following meetings be confirmed:

- Ordinary Meeting held 23 February 2017
- Byron Shire Reserve Trust Committee held 23 February 2017 (Hunter/Spooner)

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

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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**

**Sustainable Environment and Economy**

Report No. 13.6	PLANNING - 10.2016.708.1 Alterations and Additions to Existing Dwelling and New Swimming Pool Border Street Byron Bay
Report No. 13.7	Council's Low Carbon Target
Report No. 13.8	Enforcement of Dog and Cat Free Estates

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

23 March 2017

- Report No. 13.9 PLANNING - DA 10.2016.575.1 - Agricultural Produce Industry (Micro Distillery) and Industrial Retail Outlet at 469 Middle Pocket Road, Middle Pocket
- Report No. 13.11 PLANNING - 10.2016.681.1 - Multi dwelling housing comprising of 3 new dwellings and retention of existing dwelling and strata subdivision at 9 Byron St Mullumbimby
- Report No. 13.14 PLANNING - 10.2016.423.1 Multi Dwelling Housing eight townhouses at 4 - 6 Roundhouse Place Ocean Shores
- Report No. 13.15 Report update - Planning Proposal for Short Term Rental Accommodation

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Richardson and seconded by Cr Lyon. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 17-063 and concluding with Resolution No. 17-076.

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### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 13.1 Operational Plan 2016/17 - Progress Report**  
**File No:** I2017/34

- 17-063 Resolved** that Council note the 6-month progress report (E2017/14830) on the Operational Plan 2016/17. (Richardson/Lyon)

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**Report No. 13.2 National General Assembly of Local Government 2017**  
**File No:** I2017/210

**17-064 Resolved:**

1. That Council authorise two Councillors to attend the 2017 National General Assembly of Local Government to be held at the National Convention Centre in Canberra from 18 to 21 June 2017.
2. That the voting delegate be determined at the next Council Meeting.
3. That Council endorse the following motion for submission to the National General Assembly:

Submission A: That the ALGA invest in raising awareness of and appreciation for the extensive services provided by local government, including but not limited, producing audio and video productions for webcasting and other advertising and building a dedicated web platform with resources for community and local government, referring to Life, Well Run, an initiative, of the International City/County Management Association as a guide (see <http://lifewellrun.org/>). (Richardson/Lyon)

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**Report No. 13.3 Australia Day PRG Finalisation of the 2017 Group and Commencement of the 2018 Group**  
**File No:** I2017/257

**17-065 Resolved:**

1. That Council notes this report on the Australia Day 2017 activities and disbands the Australia Day Project Reference Group effective 23 March 2017.



# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

23 March 2017

2. That Council write to all members of the Australia Day 2017 Project Reference Group advising of this resolution and to thank the participants for their assistance.
3. That Council participate in the Australia Day Council Ambassador Program for 2018 Australia Day activities
4. That the objectives for the Australia Day 2018 Project Reference Group, as outlined in this report, be adopted.
5. That the Constitution for the Australia Day 2018 Project Reference Group (#E2017/14231) shown at Attachment 1 be adopted.
6. That Council invite the following organisations to nominate representatives to be a member on the Australia Day 2018 Project Reference Group:
  - Byron Bay Rural Fire Brigade, Suffolk Park
  - Bangalow Historical Society
  - Rotary Club of Byron Bay
  - Rotary Club of Mullumbimby representing the Combined Services Clubs of Brunswick Valley
  - Brunswick Mullumbimby Lions Club
  - Ocean Shores Community Association
  - Brunswick Valley Historical Society
  - Sisters for Reconciliation
  - Byron Bay Surf Club representing the Australia Day Paddle (Richardson/Lyon)

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**Report No. 13.4      Youth Program Review**  
**File No:              I2017/259**

**17-066 Resolved:**

1. That Council note the review of youth programs.
2. That Council remove objective two from the Byron Young Innovators Concept Plan and endorse the amended Plan, with delivery to start in the 2017/18 financial year.  
(Richardson/Lyon)

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**Report No. 13.5      Council Investments February 2017**  
**File No:              I2017/267**

- 17-067 Resolved** that the report listing Council's investments and overall cash position as at 28 February 2017 be noted.  
(Richardson/Lyon)

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### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.10      Report of the Planning Review Committee Meeting held on 31**  
**File No:              January, 2017**  
**I2017/141**

- 17-068 Resolved** that Council note the report.  
(Richardson/Lyon)

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

23 March 2017

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**Report No. 13.12**      **Report of the Planning Review Committee Meeting held on 21 February, 2017**  
**File No:**                I2017/237

**17-069**    **Resolved** that Council note the report. (Richardson/Lyon)

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**Report No. 13.13**      **PLANNING - State Environmental Planning Policy No. 1 - Variations to development standards - 1 October 2016 to 31 December 2016**  
**File No:**                I2017/261

**17-070**    **Resolved** that Council note the report. (Richardson/Lyon)

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

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

*No Councillors voted against the motion.*

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**Report No. 13.16**      **West Byron Development Control Plan (DCP) - process update**  
**File No:**                I2017/299

**17-071**    **Resolved** that Council note the report. (Richardson/Lyon)

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### STAFF REPORTS - INFRASTRUCTURE SERVICES

**Report No. 13.17**      **Council Part Road Reserve Closure Byron Bay Memorial Pool**  
**File No:**                I2017/113

**17-072**    **Resolved:**

1. That Council endorse the closure of part Council road reserve adjoining Crown Reserve R82000 Lot 10 DP 1049827 and Lots 4 & 5 DP 827049 as per figure 1 of this report (hatched red), and move forward by submitting the application with Crown.
2. That Council upon closure of the road retain the closed road as operational land for the purpose of amalgamating the lot with adjoining lots to create one land parcel for the purpose of rationalising the land on which the Byron Bay Memorial Swimming Pool is located under one tenure.
3. That Council authorise the affixing of the Council seal to and the signing of all documents necessary to affect any transfer of the part closed road. (Richardson/Lyon)

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### COMMITTEE REPORTS - INFRASTRUCTURE SERVICES

**Report No. 14.1**      **Report of the Transport and Infrastructure Advisory Committee Meeting held on 16 February 2017**  
**File No:**                I2017/241

**17-073**    **Resolved** that Council note the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 16 February 2017. (Richardson/Lyon)

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

23 March 2017

**17-074 Resolved** that Council adopt the following Committee Recommendations:

**Report No. 4.1 Causeways and Culverts Inspections Status**

File No: I2017/100

Committee Recommendation 4.1.1

1. That Council notes the Transport and Infrastructure Advisory Committee supports the ongoing expenditure in the draft Long Term Financial Plan to address the high risk causeway and box culvert / pipe culvert assets.
2. That the Transport and Infrastructure Advisory Committee receive a report at its next meeting identifying:
  - a) a list of high risk causeway upgrades
  - b) maintenance priorities, including weighting criteria for causeways and culverts
  - c) identification of proposed budget for 2017/18 for maintenance and upgrades for causeways and culverts (Richardson/Lyon)

**17-075 Resolved** that Council adopt the following Committee Recommendation:

**Report No. 4.2 Capital Works Progress**

File No: I2017/105

Committee Recommendation 4.2.1

That Council notes the actions taken to implement the 2016/17 Local Roads Capital Works Program. (Richardson/Lyon)

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## CONFIDENTIAL REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 16.1 CONFIDENTIAL - Information Technology Technical Analyst Panel - 2017-0001**

**File No:** I2017/265

**17-076 Resolved:**

1. That Council award Tender as detailed within Attachment 1 (E2017/14565).
2. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Richardson/Lyon)

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## PROCEDURAL MOTION

**17-077 Resolved** that Council change the order of business to deal with items 9.4 and 13.9 next on the Agenda. (Richardson/Ndiaye)

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

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## MAYORAL MINUTE

There was no Mayoral Minute.



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**NOTICES OF MOTION**

**Notice of Motion No. 9.4      Bangalow Truck Movements**  
**File No:**                              I2017/318

**17-078      Resolved** that Council:

1. That Council investigate how (by planning or traffic regulations) it is possible to limit trucks over a designated size travelling through Bangalow on Byron Street and Byron Bay Road from the Hinterland Way roundabout to Lismore Road roundabout.
2. That this limitation is to consider the size of trucks and the possible times of restricting truck access to these roadways.
3. That consideration of limiting truck movements as described in this motion be considered as part of the Bangalow Town Centre Master Plan and the need for collecting supporting data to be included in any traffic study undertaken for this plan." (Spooner/Hackett)

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

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**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.9              PLANNING - DA 10.2016.575.1 - Agricultural Produce Industry (Micro Distillery) and Industrial Retail Outlet at 469 Middle Pocket Road, Middle Pocket**  
**File No:**                              I2017/129

**17-079      Resolved** that the matter of development application 10.2016.575.1 for a Rural Industry (Micro Distillery) and Industrial Retail Outlet be deferred and considered by the next two Council meetings in order for Councillors to receive information concerning:

- distilleries as an emerging industry and its role in sustainable agriculture;
- road impacts;
- greater detail of the production, distribution and sales of the ready-to-drink component and its potential impact on the road and local community; and
- impacts on local water sources. (Coorey/Richardson)

**AMENDMENT**

Moved: That pursuant to Section 80 of the *Environmental Planning & Assessment Act 1979*, development application 10.2016.575.1 for a Rural Industry (Micro Distillery) and Industrial Retail Outlet, be granted consent subject to the following conditions listed in Attachment 2 #E2017/14468 with the following amendments:

1. the distillery is not to produce ready-to-drink products or similar
2. hours of operation for the industrial retail outlet or deliveries to and from the outlet are limited to 10am to 2pm for a maximum of 2 days per week (Spooner/Hackett)

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

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

*Crs Hackett, Spooner and Hunter voted in favour of the amendment.*

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

23 March 2017

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

*Crs Coorey, Martin, Lyon, Ndiaye, Richardson, Cameron, Hackett, Spooner and Hunter voted against the motion.*

*No Councillors voted against the motion.*

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### NOTICES OF MOTION

**Notice of Motion No. 9.1      Koala Road-kill Mitigation**  
**File No:**                              I2017/302

**17-080 Resolved** that Council:

1. Seek advice (in two stages) from a suitably qualified expert;
  - i) to find out within one month of the date of this Resolution the types of measures possible to mitigate koala road-kill along Ewingsdale Road in the vicinity of Sunrise Boulevard; and
  - ii) receive within two months of the date of this Resolution details on proposed works to be incorporated into current design work for the upgrade of Ewingsdale Road to a dual lane carriageway to achieve that mitigation.
2. Seek voluntary assistance and guidance from local experts on the matter.

(Coorey/Richardson)

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

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**Notice of Motion No. 9.2      Belongil Beach Signage**  
**File No:**                              I2017/308

Moved:

That Council:

1. Clarify the official name or rename the stretch of beach north of the Belongil estuary and on up to the clothes optional beach at Tyagarah Nature Reserve.
2. Prepare a map which names all Shire beaches and designates usage and restrictions.
3. Add street signage throughout the Shire which directs tourists to all named beaches as well as signage at each beach entry point clearly designating activities permitted and any restrictions on use.

(Hackett/Spooner)

### AMENDMENT

**17-081 Resolved:**

1. That Council clarify the official name of the stretch of beach north of the Belongil estuary and on up to the clothes optional beach at Tyagarah Nature Reserve.
2. That Council prepare a map which names all Shire beaches and designates usage and restrictions.
3. That Council prepare a report on an audit of existing signs and establishing appropriate directional information signage concerning beach access points and use throughout the Shire.

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

23 March 2017

4. That when complete, the report be shared with the Byron Bay Town Centre Masterplan Working Group. (Richardson/Ndiaye)

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

*Crs Cameron, Hackett, Spooner and Hunter voted against the amendment.*

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

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### PROCEDURAL MOTION

- 17-082 Resolved** that Council change the order of business to deal with Reports 13.8 and 13.15 next on the Agenda. (Richardson/Cameron)

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

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### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.8      Enforcement of Dog and Cat Free Estates**  
**File No:              I2016/708**

**17-083 Resolved:**

1. That Council note:
  - a) The content of this report;
  - b) That Council staff cannot give effect to Council's 30 October 2014 resolution because Council cannot prevent the keeping of animals on a private property in Hardy Avenue, Lilli Pilli Estate or Fern Avenue Estates just because Policy 5.30 exists and that the only time Council will have a lawful power to bring enforcement action against an animal owner living in these areas is where the keeping of animals is inappropriate, as that term is understood in the context of order 18 under the Local Government Act section 124.
2. That a letter be sent to each residence in Hardy Avenue, Lilli Pilli Estate and Fern Avenue Estates setting out Council's position and the reasoning underpinning it.
3. That a media release be compiled and sent out with this information and addressing questions and further recent submissions.
4. That Council make contact with the relevant local community associations to work within communities to inform and advise residents of their rights and responsibilities with regard to companion animals. (Lyon/Richardson)

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

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**Report No. 13.15      Report update - Planning Proposal for Short Term Rental Accommodation**  
**File No:              I2017/298**

Moved:

1. That Council note the comments made by Department of Planning and Environment about the submitted planning proposal.

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

23 March 2017

2. That Council not proceed with an amended planning proposal that reinstates exempt development provisions for short term rental accommodation into the Local Environmental Plan.
3. That Council reinstate legal action against unauthorised tourist and visitor accommodation.  
(Coorey/Martin)

### AMENDMENT

#### **17-084 Resolved:**

1. That Council note the comments made by Department of Planning and Environment about the submitted planning proposal.
2. That Council proceed with an amended planning proposal that reinstates exempt development provisions for short term rental accommodation into the Local Environmental Plan.
3. That Council refer the amended planning proposal to the Department of Planning and Environment for finalisation in accordance with the amended Gateway Determination.
4. That should in the meantime a state environmental planning policy not be produced by the department of planning and environment for the purposes of short term rental accommodation by 1 July 2017, Council lift its current moratorium on legal action against unauthorised tourist and visitor accommodation (illegal holiday letting).
5. That Council write to the department informing them of part 4.
6. That Council be provided a discussion paper / report to the May Council meeting on the available enforcement options against unauthorised tourist and visitor accommodation (illegal holiday letting) and to councillors as early as possible.  
(Richardson/Spooner)

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

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

*The meeting adjourned at 1.34pm and reconvened at 2.23pm.*

### PROCEDURAL MOTION

- 17-085 Resolved** that Council change the order of business to deal with Reports 13.7 next on the Agenda.

(Richardson/Cameron)

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

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<b>Report No. 13.7</b>	<b>Council's Low Carbon Target</b>
<b>File No:</b>	<b>I2017/99</b>

#### **17-086 Resolved** that Council:

1. That Council note the 2014/15 and 2015/16 greenhouse gas emission status;
2. That Council note the progress of completed actions from the Low Carbon Strategy.

# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

23 March 2017

3. That Council commits to achieving a 100% net Zero Emissions Target by 2025 in collaboration with Zero Emissions Byron (ZEB).
4. That, as such, Council congratulates the community for its efforts thus far to realise the employment, national leadership and sustainability benefits that come from the commitment to a zero emissions future
5. That Council commit itself to source 100% of its energy through renewable energy within 10 years.
6. That Council supports the goals of Zero Emission Byron for a net zero emissions Shire in the areas of building, energy, land use, transport and waste.
7. That, to support the Sustainability Team, a two day a week Emissions Reduction role be established to lead the project and liaise with ZEB.
8. That to support the realisation of this goal in these sectors, Council provide for both Council and the community:
  - i. Within Council's upcoming Waste Strategy, a waste emissions reduction plan provided
  - ii. Within Council's upcoming Transport Strategy, a transport emission reduction modelling report be provided
  - iii. Within Council's upcoming Rural Land Use Strategy, a land use emission reduction modelling report be provided
  - iv. a more detailed 100% Renewable Energy Plan be commissioned and provided
  - v. a Building Emissions Reduction Plan be commissioned and provided

(Richardson/Ndiaye)

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

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## NOTICES OF MOTION

### Notice of Motion No. 9.3      Natural Environment Team

File No:                              I2017/313

#### 17-087      Resolved that Council:

1. Publish a media release to promote its Natural Environment Team
2. That the media release include in particular the following initiatives that are current or commencing:
  - i) preparing a revised biodiversity conservation strategy that addresses terrestrial and coastal 'ecosystem based management' (EBM) across the Shire and its water catchment area
  - ii) assessing ecological impacts of developments
  - iii) managing environment databases and mapping
  - iv) assisting in the preparation of strategic plans (such as DCPS, LEPS and land use strategies)
  - v) overseeing environmental rehabilitation and restoration works; and,
  - vi) ensuring that environmental needs are taken into account in Council's own planning processes and civil works.

(Coorey/Ndiaye)

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

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PROCEDURAL MOTION

- 17-088 Resolved** that Council change the order of business to deal with Reports 13.11 next on the Agenda. (Richardson/Cameron)

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

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**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.11 PLANNING - 10.2016.681.1 - Multi dwelling housing comprising of 3 new dwellings and retention of existing dwelling and strata subdivision at 9 Byron St Mullumbimby**  
**File No:** I2017/228

- 17-089 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2016.681.1 for Multi Dwelling Housing Comprising of Three (3) New Dwellings and Retention of Existing Dwelling and Strata Subdivision, be granted consent subject to the conditions listed in Attachment 2 #E2017/14398 as amended by memorandum E2017/18104. (Richardson/Spooner)

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

*Crs Coorey, Martin, Lyon, Ndiaye, Richardson and Spooner voted for the motion.*

*Crs Cameron, Hackett and Hunter voted against the motion.*

FORESHADOWED MOTION

- 17-090 Resolved** that Council amend its procedures as follows:

1. Where a planning decision involves an assessment of heritage values for a heritage item and or heritage precinct, the assessment report of the Heritage Office be included as an attachment to the staff report as part of the Council agenda.
2. All diagrams, plans, illustrations and graphics included in a report or attachment to a Council meeting be provided in a digital format and of a higher enough resolution or quality to ensure that all details on such are legible.
3. That the template report for planning assessments in Council reports be reviewed to ensure that there is sufficient information to ensure that Councillors are able to give appropriate consideration of matters and meet the tests for consideration of planning matters in legislation. (Cameron/Hackett)

PROCEDURAL MOTIONS

- 17-091 Resolved** that Cr Cameron be granted a two minute extension to his speech. (Richardson/Ndiaye)

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

- 17-092 Resolved** that Council change the order of business to deal with Reports 13.6 next on the Agenda. (Richardson/Lyon)

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



# BYRON SHIRE COUNCIL

## ORDINARY MEETING MINUTES

23 March 2017

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

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

*No Councillors voted against the motion.*

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**Report No. 13.6**      **PLANNING - 10.2016.708.1 Alterations and Additions to Existing Dwelling and New Swimming Pool Border Street Byron Bay**

**File No:**                      I2017/303

- 17-093 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2016.708.1 for Alterations and Additions to Existing Dwelling and New Swimming Pool, be granted consent subject to the conditions of approval listed in Attachment 2 #E2017/15928. (Cameron/Richardson)

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

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

*Crs Martin and Coorey voted against the motion.*

*The meeting adjourned at 3.48pm and reconvened at 4.11pm.*

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### NOTICES OF MOTION

**Notice of Motion No. 9.5**      **Revisiting R5 Zone Lot Size**

**File No:**                      I2017/319

**17-094 Resolved:**

1. That Council staff examine a change of lot size in the R5 zones at Ewingsdale and Left Bank Road to increase available residential land in the short term; and,
2. That Council report the possible lot yield result in the two zones within 3 months. (Hunter/Richardson)

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

*Crs Coorey, Ndiaye, Cameron and Spooner voted against the motion.*

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**Notice of Motion No. 9.6**      **Erosion at Clarkes Beach**

**File No:**                      I2017/321

**17-095 Resolved** that Council:

1. Prepare a report for Council's meeting on the 20th of April outlining the issues that are contributing to the massive erosion taking place through the tertiary coastal dune and caused by a stormwater outlet which is discharging from a height of approximately 5m above Main Beach at the far end of Clarke's Beach Caravan Park, also exposing ancient Aboriginal middens.
2. Establish whether Council consulted or gave any opinion or approval on the design of the stormwater outlet.
3. Take urgent action to reduce its contributions to erosion at the stormwater outlet and work with other stakeholders, encouraging them to do the same while an alternative outlet

arrangement is established and implemented.

4. Ascertain its responsibilities in relation to the stormwater outlet and determine whether it meets best practice guidelines or method for this sensitive, much loved, public and controversial coastal environment.
5. Receive a report at its Ordinary Meeting in May outlining what corrective actions were agreed to for the eastern stormwater outlet (to protect the midden currently being exposed) and when they will be carried out. (Ndiaye/Richardson)

#### PROCEDURAL MOTION

**17-096 Resolved** that Cr Ndiaye be granted a two minute extension to her speech. (Richardson/Lyon)

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

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

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#### **PETITIONS**

**Petition No. 10.1**      **Byron Residents Reject Rate Rise**  
**File No:**              I2017/157

**17-097 Resolved:**

1. That the petition regarding Byron Residents Reject Rate Rise be noted.
2. That the petition be referred to the Director Corporate and Community Services. (Cameron/Richardson)

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

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#### **SUBMISSIONS AND GRANTS**

**Report No. 11.1**      **Submissions and Grants**  
**File No:**              I2017/90

**17-098 Resolved** that Councillors note the report. (Cameron/Richardson)

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

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#### **DELEGATES' REPORTS**

##### 1. NSW Tourism Conference, Taree 12-14 March 2017

Cr Lyon advised Council:

Simon and I went to the Tourism Conference and spent a few nights there. Firstly, it was cheap because we drove to Taree in the Mayoral car, so good savings there. We attended a dinner on the Saturday night and we were sat with some people from Destination NSW which was lucky and interesting. I had a good chat with someone regarding potential funding for aspects of the Byron line somewhere down the line through Destination NSW but not at the feasibility stage. Once we've got the feasibility through and we move into that stage from a tourism point of view there could be

some good news there. My main reason for going was I'm very keen for us to build a coalition of Councils to look at implementing a bed tax and getting enough people on board to build pressure on State government, so I had quite a few conversations with possible partners. The response was somewhat underwhelming and this will be harder than I thought to do. Other Councils have a lot of different issues that they're concerned about and this isn't even close on their radar, so to get up enough people we'll have to really pick and choose the key coastal councils that will be interested in that idea. Very much a work in progress.

The Mayor further advised:

I will just add that the tourism conference, I had a chat with Keith Rhoades – the head of LGNSW – about trying to get a meeting with either the Minister or the head of Destination NSW. He has offered to try to organise this and get it together as I alerted him to we're looking to develop a regional alliance of Councils who aren't getting any sort of buck, certainly compared to the bang we're having in the tourist sectors. He was very supportive of that. We both also received some wonderful little virtual reality glasses, me and my children have been using them awesomely. Tourism ones would really bring heritage to life and Mullumbimby in particular should look into this. It's an Opportunity for people to really get into heritage and sort of make it pop again.

## 2. Rail corridor meeting

Cr Richardson advised Council:

It was really good to work through the design brief and get RDA's input into the type of language and focus we should be looking at – jobs, growth, etc., to help us so that when we get to the point of when we get the outcome of the consultants report and then look for funding if its shown to be viable that we actually are effective.

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## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.14      PLANNING - 10.2016.423.1 Multi Dwelling Housing eight townhouses at 4 - 6 Roundhouse Place Ocean Shores**

**File No:**                      I2017/292

**17-099 Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application no. 10.2016.423.1 for Multi Dwelling Housing - Eight (8) Townhouses, be refused for the following reasons:

1. The proposed development does not comply with Byron LEP 2014 Zone R2 Low Density objective: *To provide for the housing needs of the community within a low density residential environment.*
2. The proposed development does not comply with Byron LEP 2014 Clause 4.1E objective - *to achieve planned residential density in certain zones.*
3. The proposed development does not comply with Byron Development Control Plan 2014 - DCP B4.2.12 Parking Schedules.
4. The proposed development does not comply with Byron Development Control Plan 2014 - DCP D1.2.2 – objectives - *to achieve varied and interesting streets that complement and harmonise with existing and planned streetscapes and developments in the locality.*
5. The proposed development does not comply with Byron Development Control Plan 2014 - DCP D1.2.2.3 b) – setbacks between buildings.

6. The proposed development does not comply with Byron Development Control Plan 2014 - DCP D1 – development that complements and harmonises with existing and planned streetscapes and developments in the locality
7. The proposed development fails to comply with the provisions of Council Policy 4.2 – *Building over Pipelines and Other Underground Structures* (Coorey/Cameron)

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

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

*No Councillors voted against the motion.*

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### URGENCY MOTION

- 17-100 Resolved** that the matter of Council's policy position in relation to future transport multi uses of the Byron Bay Rail Corridor be discussed as a matter of urgency, the urgency being that a consultant's brief is currently being compiled. (Coorey/Hackett)

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

*Crs Lyon, Cameron and Hunter voted against the motion.*

#### **No. 1 Matter of Urgency - Byron Bay Rail Corridor**

Moved: That Council review its current Policy position in relation to future transport multi uses of the Byron Bay Rail Corridor to include:

- a) the re-establishment of a rail service including the option of light rail services
- b) a road for motor vehicles
- c) a walking and cycling path

and that this policy position inform future investigations and studies into multi use public transport options for the Byron Bay Rail Corridor. (Coorey/Hackett)

### PROCEDURAL MOTION

- 17-101 Resolved** that Cr Coorey be granted a two minute extension to her speech. (Richardson/Hackett)

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

*The motion (Coorey/Hackett) was put to the vote and declared lost.*

*Crs Martin, Lyon, Ndiaye, Richardson, Cameron and Hunter voted against the motion.*

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*There being no further business the meeting concluded at 5.45pm.*

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I hereby certify that these are the true and correct Minutes of this Meeting  
as confirmed at Council's Ordinary Meeting on 20 April 2017.



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# **BYRON SHIRE COUNCIL**

ORDINARY MEETING MINUTES

23 March 2017

Mayor Simon Richardson