



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 19 April 2018

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
19 April 2018

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MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 19 APRIL 2018 COMMENCING AT 9.05AM AND CONCLUDING AT 4.07PM.

I2018/667

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)
Anna Vinfield (Acting Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Ralph James (Legal Counsel)
Tony Nash (Manager Works – item 16.2)
James Brickley (Manager Finance – item 14.4)
Chris Larkin (Manager Sustainable Development – item 13.14)
Rob Van Iersal (Major Projects Planner – item 13.13)
Jodi Frawley (Grants Coordinator – item 13.6)
Lucy Wilson (Resource Recovery Projects and Education Officer – item 14.4)
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.

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:

9.2 Lone Goat Gallery

Denise Napier, representing the Lone Goat Community Gallery, addressed Council in favour of the recommendation.

9.4 Support for College of Marine Studies

Phil Walters, representing the College of Marine Studies, addressed Council in favour of the recommendation.

10.1 Petition – Middle Pocket Road

Simon Dods, representing residents of Middle Pocket road, addressed Council in favour of the recommendation.

13.13 PLANNING - Report update of Council resolution 17-327 Tyagarah Airstrip - 26.2015.1.1

Matthew O'Reilly, representing Saddle Road LAMPA, addressed Council in favour of the recommendation.

**13.14 PLANNING - Development Application 10.2017.460.1 - Utility Installation:
Telecommunication Tower at 54 Jones Road Wooyung**

Andrew McLane, representing Optus Mobile Pty C/- Catalyst One Pty Ltd addressed Council in favour of the recommendation.

Gary Opit addressed Council against the recommendation.

**13.20 PLANNING - 26.2017.4.1 - Planning Proposal for Rezoning and Reclassifying Part Lot
22 DP 1073165 Mullumbimby**

Karl Allen addressed Council against the recommendation.

**13.22 PLANNING - Development Application 10.2018.10.1 - Use of existing garage as a
bedroom with ensuite and wet bar, construction of new parking space and driveway -
5 Milton Street, Byron Bay**

Kate Singleton, representing Planners North, and Harley Graham, representing Harley Graham Architects, addressed Council against the recommendation.

**13.24 Update - Resolution 17-184 Brunswick Heads Holiday Parks and Resolution 17-523
Heritage and Environmental Assessment Reports - Coastal cypress Pines at Terrace
Reserve Brunswick Heads**

Alex Austin, representing Arborsafe, addressed Council in favour of the recommendation.

Sean O'Meara, representing the Brunswick Heads Progress Association, addressed Council against the recommendation.

14.1 Report of the Biodiversity Advisory Committee Meeting held on 12 March 2018

Peter Ryan, representing Brunswick Valley Landcare Inc. addressed Council in favour of the recommendation.

**14.4 Report of the Water, Waste and Sewer Advisory Committee Meeting held on 1 March
2018**

Anton Vanderbyl and Matthew Lambourne addressed Council against the recommendation.

Question No. 1 Illegal Holiday Letting

David Wallace asked the following question:

Eleven months ago on 25th May 2017, Council unanimously passed Cr Coorey's Motion 9.5 Secondary Dwelling Conditions. One of the resolutions was to mail a survey and compliance form to all secondary dwelling owners. Council asked for a report.

On September 17th Council sent letters to 598 property owners. As of November 6, 143, or 24%, had replied. Staff said that a second mail out would take place.

What are the results and analysis of this survey, and, how many secondary dwelling owners have been prosecuted for illegally holiday letting by not abiding by their consent conditions?

The Director Sustainable Environment and Economy and Council's Legal Counsel provided an answer at the meeting.

Question No. 2 Valances Road Plan of Management

Matthew O'Reilly asked the following question:

The current 2017 Plan of Management for Valances Road, Mullumbimby maps large areas of the land as eco-wetland and key fish habitat yet despite this mapping most of these areas are not included as Natural Vegetation or Environmental Land areas or as constrained land, instead they are included for community, housing and biomass project areas. How can Council justify ignoring its eco-wetland map and key fish habitat map under this Plan of Management and supporting development over these areas?

The Director Infrastructure Services took the question on notice.

Question No. 3 Woolies Car Park

John Anderson submitted the following question:

Why didn't Council require Woolworths, Byron Bay to lodge a development application prior to its occupation, alteration and use of adjoining railway land as a car park, and, if the said use is indeed unauthorised due to a lack of development consent, what is the legal status of the parking restrictions and the risk to Council in terms of public liability?

Council's Legal Counsel took the question on notice.

Question No. 4 Flood Study for Blindmouth Creek Causeway at Main Arm

Matthew Lambourne asked the following question:

Why has Council failed to provide me with access to the flood study or studies for the Blindmouth Creek causeway upgrade on Main Arm Road, with the only explanation being, quote, "I am not sure why you have interest in this matter", after three written requests made on March 7th and 15th and April 11th?

The Director Infrastructure Services provided an answer at the meeting.

Question No. 5 Brunswick Valley STP Monitoring Point 5

Patricia Warren submitted the following question:

What is the daily inflow at the Brunswick Valley STP's Monitoring Point 5 31 January 2018 to date?

The Director Infrastructure Services took the question on notice.

The meeting adjourned at 11.11am and reconvened at 11.29am.

APOLOGIES

There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Spooner declared a non-pecuniary interest in Report 9.1. The nature of the interest being that he is a Director of the Company. Cr Spooner elected to remain in the Chamber and will participate in discussion and the vote.

Cr Martin declared a non-pecuniary interest in report 13.6. The nature of the interest being that she is a member of a community group which is submitting a grant application. Cr Martin elected to remain in the Chamber and will participate in discussion and the vote.

TABLING OF PECUNIARY INTEREST RETURNS

A Pecuniary Interest Return was tabled for Angie Hollister.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

18-201 Resolved that the minutes of the following meetings be confirmed:

- Byron Shire Reserve Trust Committee held 22 March 2018
- Ordinary Meeting held 22 March 2018 (Richardson/Cameron)

The motion was put to the vote and declared carried.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

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

STAFF REPORTS**Corporate and Community Services**

- Report No. 13.1 Australia Day PRG Finalisation of the 2018 Group and Commencement of the 2019 Group
- Report No. 13.6 Stronger Country Communities Fund Round 2

Sustainable Environment and Economy

- Report No. 13.9 PLANNING - Site Specific Planning Proposal considered as part the Rural Land Use Strategy Process - 74 Charltons Road, Federal
- Report No. 13.13 PLANNING - Report update of Council resolution 17-327 Tyagarah Airstrip - 26.2015.1.1
- Report No. 13.14 PLANNING - Development Application 10.2017.460.1 - Utility Installation: Telecommunication Tower at 54 Jones Road Wooyung
- Report No. 13.22 PLANNING - Development Application 10.2018.10.1 - Use of existing garage as a bedroom with ensuite and wet bar, construction of new parking space and driveway - 5 Milton Street, Byron Bay
- Report No. 13.24 Update - Resolution 17-184 Brunswick Heads Holiday Parks and Resolution 17-523 Heritage and Environmental Assessment Reports - Coastal cypress Pines at Terrace Reserve Brunswick Heads

Infrastructure Services

- Report No. 13.27 Minutes of Coastal Estuary Catchment Panel Meeting 15 March 2018

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COMMITTEE REPORTS

Report No. 14.4 Report of the Water, Waste and Sewer Advisory Committee Meeting held on 1 March 2018.

CONFIDENTIAL REPORTS

Infrastructure Services

Report No. 16.2 CONFIDENTIAL - 2017-0042 - Bus Shelter Tender - Award

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Richardson and seconded by Cr Cameron. Each recommendation is recorded with a separate resolution number commencing at Resolution No.18-202 and concluding with Resolution No. 18-254.

SUBMISSIONS AND GRANTS

Report No. 11.1 **Byron Shire Council Submissions and Grants as at 28 March 2018**
File No: I2018/527

18-202 Resolved that Council note the report and Attachment (E2018/25251) (Richardson/Cameron)

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.2 **Public Art Panel - minutes of meeting 15 February 2018**
File No: I2018/514

18-203 Resolved:

1. That Council request further investigation of the use and compliance of development contributions in relation to the YHA youth hostel development in Byron Bay, and the apparent failure to comply with the presentation that was made to the Public Art Panel on 28 September 2017.
2. That development contributions accepted for Public Art under the DCP are quarantined for exclusively for Public Art. Any use that contravenes this request needs to be presented to the Public Art Panel.
3. That Council:
 - a. Support the Brunswick Nature Sculpture Walk 2018 event by contributing \$10,000 from the public art budget where Panel members will be consulted regarding the acquisition of a permanent sculpture for Brunswick Heads following the event.
 - b. note that the event will:
 - Enable established interstate artists to provide workshops for local sculptors and community
 - Curate sculptures, focusing on local and interstate sculptors whom work with environmental themes
 - Provides a good springboard for emerging artists
 - Was a well run event in 2015

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4. That Council develop an MOU with Creative Mullumbimby to develop a mutually beneficial partnership for public art in Mullumbimby.
5. That considering the adoption of the draft Public Art Strategy and its stated focus of resources on more permanent and sculptural works for the Shire that are well managed and require less ongoing maintenance, Council:
 - a. will support in principle the proposal received for the Byron Gateway Wall, however,
 - b. do not support the allocation of funds to this project. (Richardson/Cameron)

Report No. 13.3 **Section 355 Management Committees - resignations and appointments**
File No: I2018/515

18-204 Resolved:

1. That the resignation from Alice Jarvis from the Marvell Hall Management Committee be accepted and a letter of thanks be provided.
2. That Maureen Lightfoot be appointed to the Marvell Hall Management Committee.
3. That Jennifer Parenteau and John Dorczak be appointed to the Mullumbimby Civic Hall Board of Management. (Richardson/Cameron) .

Report No. 13.4 **A draft wellbeing indicator framework for Byron Shire**
File No: I2018/519

18-205 Resolved:

1. That Council endorses the draft wellbeing indicator framework.
2. That Council endorses the inclusion of the draft wellbeing indicator framework in the Community Strategic Plan 2018-2028. (Richardson/Cameron).

Report No. 13.5 **Investments March 2018**
File No: I2018/614

- 18-206 Resolved** that the report listing Council's investments and overall cash position as at 31 March 2018 be noted. (Richardson/Cameron)

STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.7 **PLANNING - Development Application 10.2017.712.1 for Strata Subdivision to create two lots, relocation of and alterations to an existing dwelling at 25 Strand Avenue New Brighton**
File No: I2018/463

18-207 Resolved:

1. That pursuant to Section 80 of the *Environmental Planning & Assessment Act 1979*,

development application 10.2017.712.1 for Relocation of and Alterations and Additions to Existing Dwelling House, Tree Removal and Strata Subdivision to create Two (2) Strata Lots be refused for the following reasons:

- a) Pursuant to S79C(1)(c) of the Environmental Planning & Assessment Act 1979, the subject land is not considered suitable for the development as proposed given the nature and extent of coastal hazard;
- b) Pursuant to S79C(1)(e) of the Environmental Planning & Assessment Act 1979, approval of the development is not in the public interest in regard to intensifying development in a location subject to significant coastal hazard and flood hazard.
- c) Pursuant to S79C(1)(a)(i) of the Environmental Planning & Assessment Act 1979, approval of the development is not consistent with the provisions of State Environmental Planning Policy No. 71, in that the type, bulk, scale and size of the development is not appropriate to its location.
- d) Pursuant to S79C(1)(a)(i) of the Environmental Planning & Assessment Act 1979, approval of the development is not consistent with the aims, objectives and guiding principles of Byron Local Environmental Plan 1988.
- e) Pursuant to S79C(1)(a)(i) of the Environmental Planning & Assessment Act 1979, approval of the development is not consistent with the objectives of clause 32 of Byron Local Environmental Plan 1988.
- f) Pursuant to S79C(1)(a)(i) of the Environmental Planning & Assessment Act 1979, Council is not satisfied that the proposed subdivision would not restrict the flow characteristics of flood waters, increase the level of flooding on other land in the vicinity or provide satisfactory access during a flood, which compromises clause 24(3) of Byron LEP 1988.
- g) Pursuant to S79C(1)(a)(iii) of the Environmental Planning & Assessment Act 1979, insufficient information has been provided to demonstrate that the proposed stormwater management system for the subdivision could be feasible within the site, as required by Part N2 of DCP 2010. A lawful point of discharge has not been provided to the development, which compromises Part N3.1 of DCP 2010.

2. That Council:

- a) agree to initiate a Planning Proposal to amend clause 32 of Byron Local Environmental Plan 1988, to clarify that subdivision of land under the Strata Schemes Development Act 2015 is only permitted in relation to existing lawfully approved buildings, and not to create vacant lots.
- b) prepare an amendment to Part J of Byron Development Control Plan 2010 to clarify that subdivision of land under the Strata Schemes Development Act 2015 is only permitted in relation to existing lawfully approved buildings, and not to create vacant lots.
- c) forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination.
- d) agree that staff can proceed to public exhibition of the planning proposal and the draft DCP amendment and government agency consultation based on the Gateway determination issued by the NSW Department of Planning and Environment, and report back to Council as part of post-exhibition reporting. (Richardson/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 Crs voted against the motion.

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Report No. 13.8 **Compliance – Belongil and Brunswick Dunes**
File No: I2018/71

18-208 Resolved that Council:

1. Note the report.
2. Support in principle the concept to activate the Belongil area by strategically introducing greater public use through a formal pedestrian/bicycle pathway from Main Beach Car Park to Kendall Street Belongil.
3. Request staff in the Community Enforcement Team to commence preparation of a detailed project plan in consultation with relevant staff in Infrastructure Services and Community Development on item 2. The project plan will outline the key stages, milestones, stakeholders and a budget outline for the project. (Richardson/Cameron).

Report No. 13.10 **Draft CZMP for the Eastern Precincts of the BBE for Council endorsement for public exhibition**
File No: I2018/239

18-209 Resolved that Council:

1. Publicly exhibit the draft CZMP for the Eastern Precincts of the Byron Bay Embayment (Cape Byron to Main Beach) and the Emergency Action Sub Plan for a period of 4 weeks (Attachment 1 E2018/19317 and Attachment 2 E2018/29660).
2. Note the revised timeframes for submission of the draft CZMP to the Minister. (Richardson/Cameron)

Report No. 13.11 **PLANNING - Development Application 10.2017.681.1 alterations and additions to existing amenities building to create a clubhouse for Byron Bay Football Club at 35 Carlyle Street Byron Bay**
File No: I2018/246

18-210 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application 10.2017.681.1 for alterations and additions to an existing amenities building to create an upper floor clubhouse be granted consent subject to the conditions listed in Attachment 2 (E2018/16544). (Richardson/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 Crs voted against the motion.

Report No. 13.12 **PLANNING - Development Application 10.2017.429.1 Dual Occupancy (Detached) 31 Charlotte Street , Bangalow**
File No: I2018/258

18-211 Resolved that pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979*, development application no. 10.2017.429.1 for a Dual Occupancy (Detached), be granted consent subject to conditions listed in Attachment E2018/19348. (Richardson/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 Crs voted against the motion.

Report No. 13.15 **PLANNING - DA. 10.2017.588.1 - Demolition of cottage; construction of four (4) storey mixed-use building comprising: ground floor commercial, two (2) levels of hotel and motel accommodation with basement parking, roof top swimming pool with raised roof deck, covered amenities and open bar at 4 Marvell Street Byron Bay**

File No: I2018/418

18-212 **Resolved** that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application no. 10.2017.588.1 for demolition of existing building and construction of a four (4) storey mixed use development comprising of restaurant, bar, shops, motel accommodation, roof top pool, bar and amenities block with basement car parking, be refused for the following reasons:

- a) Pursuant to Section 79C (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with Clause 4.3 *Height of buildings* which sets a maximum height of 11.5 metres.
- b) Pursuant to Section 79C (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the written request accompanying the proposed development fails to comply with clause 4.6 of *Byron Local Environmental Plan 2014*. Insufficient justification has been provided to demonstrate that compliance with height of building development standards is unreasonable or unnecessary or that there are sufficient environmental planning grounds to justify contravening the standard or that the proposed development is in the public interest.
- c) Pursuant to Section 79C (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with clause 6.6 of *Byron Local Environmental Plan 2014* which requires development consent must not be granted to a development unless suitable vehicular access has been provided in relation to waste collection vehicles.
- d) Pursuant to Section 79C (1) (a) (iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with *Byron Development Control Plan 2014*, for the following reasons:
 - B2 *Preservation of Trees and Other Vegetation*
 - Chapter B4 *Traffic Planning, Vehicle Parking, Circulation and Access*
 - B4.2.2 *Parking Layout Standards*
 - B4.2.3 *Vehicle Access and Manoeuvring Areas*
 - B4.2.5 *Car Parking Requirements*
 - B4.2.9 *Loading Bays*
 - B4.2.12 *Parking Schedules*
 - Chapter B8 *Waste Minimisation and Management*
 - B8.3.3 *Bin Sizes and Collection Measures*
 - Chapter B12 *Social Impact Assessment*
 - B12.1.3 *Application of this Chapter*

- B12.2 *Qualifications for Conducting a Social Impact Assessment*
 - Chapter D3 *Tourist Accommodation*
 - D3.2.4 *Character and Design in Business and Mixed Use Zones*
 - Chapter D4 *Commercial and Retail Development*
 - D4.2.1 *Design Character of Retail and Business Areas*
 - D4.2.2 *Design Detail and Appearance*
 - D4.2.10 *Restaurants, Cafes, Small bars, Pubs Registered Clubs, Function Centres and other Licensed Premises in the Urban Areas of Byron Shire*
- e) *Pursuant to the provisions of Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979 insufficient information has been provided to demonstrate that the development will have no significant environmental impacts on both the natural and built environments, and social and economic impacts in the locality, in relation to:*
- excessive height;
 - noise impacts;
 - operational management; and
 - site dewatering requirements over the life of the development.
- f) *Pursuant to the provisions of Section 79C (1)(c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the development as proposed, as there is insufficient information to demonstrate that sufficient space is available to accommodate essential vehicle access for garbage collection on site.*
- g) *Pursuant to the provisions of Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, approval of a development which contravenes Council's adopted development standards and development controls without sufficient justification may set an undesirable precedent and is not in the public interest.* (Richardson/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 Crs voted against the motion.

Report No. 13.16	PLANNING - Development Application No. 10.2017.686.1 - Stage 1: Alterations & Additions to existing dwelling to create two (2) lots strata; Stage 2: two (2) dwellings to create multi-dwelling housing comprising three (3) dwellings and strata subdivision at 57 Carlyle Street Byron Bay
File No:	I2018/419

18-213 Resolved that pursuant to Section 80 of the *Environmental Planning & Assessment Act 1979*, development application no. 10.2017.686.1 *for multi-dwelling housing in stages -*

Stage 1: Alterations and additions to existing dwelling and strata subdivision to create two (2) strata lots including vacant development lot; and

Stage 2: Two (2) dwellings to create multi dwelling housing comprising three (3) dwellings and strata subdivision,

be refused for the following reasons.

REASONS FOR REFUSAL:

- a) Pursuant to Section 79C (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with clause 4.1 *Minimum subdivision lot size* of *Byron Local Environmental Plan 2014*, which sets a 600m² minimum lot size for new lots.
- b) Pursuant to Section 79C (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with clause 5.10 *Heritage conservation*. The proposed development would have a significant effect upon the significance and setting of the Kingsley Street Heritage Conservation Area. The proposed roof forms, design of the proposed additions and the rear dwellings are likely to negatively impact upon the setting of the existing dwelling, and the group of single storey dwellings, streetscape and landscape setting which collectively demonstrate historical, and aesthetic significance as part of the Kingsley Street Heritage Conservation Area.
- c) Pursuant to Section 79C (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with clause 6.6 of *Byron Local Environmental Plan 2014*, which requires development consent must not be granted to a development unless suitable vehicular access has been provided. The proposed vehicular access does not meet requirements in accordance with Australian Standards AS2890.1.
- d) Pursuant to Section 79C (1) (a) (iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with *Byron Development Control Plan 2014*, for the following reasons:
 - Chapter B2 *Preservation of Trees and Other Vegetation*
 - Chapter B3 *Services*
 - B3.2.1: *Road Access* - laneway aisle width not adequate for cars reversing out of stacked car park. Vehicular stacked parking located in building setback on laneway.
 - Chapter B4 *Traffic Planning Vehicle Parking, Circulation and Access*
 - B4.2.2: *Parking Layout Standards* -Inadequate width on Marvel Lane for cars reversing out of the stacked parking - does not comply with AS2890.1 requirements
 - Chapter B9 *Landscaping*
 - B9.3.1 *General Landscape Principles*
 - B9.4 *Multi Dwelling Housing, Attached Dwellings and Residential Flat Buildings*
 - Chapter C1 *Non Indigenous Heritage*
 - C1.3.1 *General Streetscape Context*
 - C1.4.1 *Roof Form and Chimneys*
 - C1.4.2 *Verandahs*
 - C1.4.6 *Parking, Garages and Carports*
 - C1.4.9 *Subdivision*
 - C1.6.3 *Kingsley Street Byron Bay Conservation Area*
 - D1 *Residential Accommodation in Urban, Village and Special Purpose Zones*
 - D1.2.2 *Setbacks - Minimum Street Frontage Setbacks*
 - D1.6.3 *Landscaping*
 - D1.6.4.1 *On site car parking*
- e) Pursuant to the provisions of Section 79C (1)(c) of the *Environmental Planning and Assessment Act 1979*, the site is not considered suitable for the development as proposed, as there is insufficient area to accommodate the proposed dwellings and associated vehicle access and deep soil area resulting in further removal of vegetation and an overdevelopment

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of the site.

- f) Pursuant to the provisions of Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, approval of a development which contravenes Council's adopted development standards and development controls without sufficient justification may set an undesirable precedent and is not in the public interest. (Richardson/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 Crs voted against the motion.

Report No. 13.17 **Report of the Planning Review Committee Meeting held on 15 March, 2018**
File No: I2018/458

- 18-214 Resolved** that Council note the report. (Richardson/Cameron)

Report No. 13.18 **Directions Document and Draft Integrated Pest Management Policy**
File No: I2018/461

- 18-215 Resolved** that Council:

1. Place the draft Integrated Pest Management Policy (Attachment 2 E2018/28298) on public exhibition for a period of six weeks and that the exhibition of the Policy be accompanied by the Directions Document (Attachment 1 E2018/28400).
2. Consider an allocation of \$50,000 in 2018-19 budgets to complete the development of the Integrated Pest Management Strategy. (Richardson/Cameron)

Report No. 13.19 **PLANNING - Update on Council Resolution 18-041 - Planning a new era for the Byron Arts and Industry Estate**
File No: I2018/478

- 18-216 Resolved:**

1. That Council endorse Enquiry by Design as the process for preparation of the Arts and Industry Estate Precinct Plan, subject to budget allocation of \$60,000 in the 2018/19 Budget.
2. That, subject to allocation of project budget, Council prepares a Request for Quotation, targeting urban design consultants with expertise and experience in Enquiry by Design.
3. That assessment of quotations received be reported to Council with a recommendation in regard to proceeding with the project. (Richardson/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 Crs voted against the motion.

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Report No. 13.20 **PLANNING - 26.2017.4.1 - Planning Proposal for Rezoning and Reclassifying Part Lot 22 DP 1073165 Mullumbimby**
File No: I2018/498

18-217 Resolved that Council:

1. Request NSW Department of Planning and Environment proceed to issue a Gateway determination for the planning proposal as submitted by Council and accept that this will include a condition requiring the removal of the affordable housing provisions from the proposal.
2. Agree that staff can proceed to further studies and then public exhibition of the planning proposal and government agency consultation based on the Gateway determination issued by the NSW Department of Planning and Environment, and report back to Council as part of post-exhibition reporting.
3. Request staff to prepare a report for Council outlining the information and process to consider amending SEPP 70, LEP 2014 and the Byron Development Contributions Plan in relation to affordable housing provisions. (Richardson/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 Crs voted against the motion.

Report No. 13.21 **PLANNING -DA 10.2017.526,1 Carport and Shed at 1 Lawson Street, Byron Bay**
File No: I2018/605

18-218 Resolved that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2017.526.1 for the construction of a Carport and a Shed (ancillary to existing Caravan Park & Camping Ground) be granted consent as per the conditions in Attachment 2 (#E2018/26467). (Richardson/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 Crs voted against the motion.

Report No. 13.23 **PLANNING - Update on Resolution 18-191 with reference to three DAs for Dual Occupancy and Strata Subdivision deferred at the Ordinary Meeting of 22 March 2018**
File No: I2018/643

18-219 Resolved that Council note the report. (Richardson/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 Crs voted against the motion.

STAFF REPORTS – INFRASTRUCTURE SERVICES

Report No. 13.25 Belongil Beach Parking Management Strategy
File No: I2018/209

18-220 Resolved that Council:

1. adopt the revised delivery plan for the Belongil Beach Parking Management Strategy project.
2. endorse the Parking Management Plan for Belongil (E2018/8203) to be used to engage with the community regarding a Belongil Beach Parking Management Strategy.
3. receive a finalised Belongil Beach Parking Management Strategy for endorsement after community engagement has adequately informed the strategy.
4. receive a financial implications report associated with the strategy following adoption of the finalised Belongil Beach Parking Management Strategy.
5. retain the budget allocated to this project in resolution 17-056 to implement the revised plan for the Belongil Beach Parking Management Strategy. (Richardson/Cameron)

Report No. 13.26 All Abilities Access Report
File No: I2018/459

18-221 Resolved:

1. That Council note the report.
2. That the (3) three main priority areas for *All Abilities Access* be included for consideration within the 2018/19 draft budget.
3. That further consultation with relevant stakeholders continues throughout the detailed design phase. (Richardson/Cameron)

Report No. 13.28 Grant Opportunity - Byron Bay Football Club
File No: I2018/618

18-222 Resolved that should Council approve Development Application 10.2017.681.1 for alterations and additions to existing amenities building to create a clubhouse for Byron Bay Football Club at 35 Carlyle Street Byron Bay that it includes conditions listed at the end of this report in addition to conditions listed in Staff Report (I2018/246) attached. (Richardson/Cameron)

COMMITTEE REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.1 Report of the Biodiversity Advisory Committee Meeting held on 12
File No: March 2018
I2018/489

18-223 Resolved that Council note the minutes of the Biodiversity Advisory Committee Meeting held on 12 March 2018. (Richardson/Cameron)

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18-224 Resolved that Council adopt the following Committee Recommendations:

Report No. 4.1 Committee Induction
File No: I2018/385

Committee Recommendation 4.1.1

1. That the Biodiversity Advisory Committee confirm the Constitution for this Committee, in accordance with Council Resolution 18-114 with the following change:
 - Amend name of committee under section 3 to Biodiversity Advisory Committee
2. That the Biodiversity Advisory Committee recommend to Council that an Expression of Interest (EOI) process be held to invite three new community members.
3. That the Biodiversity Advisory Committee receive a presentation on Byron Shire Council's Code of Conduct once the three new Committee members have been selected.
(Richardson/Cameron)

18-225 Resolved that Council adopt the following Committee Recommendations:

Report No. 4.2 Integrated Pest Management Strategy and other Environmental Projects
File No: I2018/375

Committee Recommendation 4.2.1

That the Biodiversity Advisory Committee recommend that Council support the revised project timetable for the Biodiversity Conservation Strategy and Option 1 for the Integrated Pest Management: Directions Document, Policy and Strategy.
(Richardson/Cameron)

18-226 Resolved that Council adopt the following Committee Recommendations:

Report No. 4.3 Brunswick Valley Landcare
File No: I2018/377

Committee Recommendation 4.3.1

That the Biodiversity Advisory Committee recommend that Council:

1. Consider the allocation of \$15,500 as part of the forward budget process 2018/19 (alongside other Council program and budget priorities) to support the Brunswick Valley Landcare, Landcare Support Officer position for 1 day per week to continue to deliver the Land for Wildlife Program and respond to customer enquiries.
2. Work with Brunswick Valley Landcare to review the location and needs of the locality groups to determine what level of support can be provided.
3. Invite Brunswick Valley Landcare to nominate a representative to be a committee member on the Biodiversity Advisory Committee.
4. Write to Local Land Services and relevant Ministers advocating the work of our local Landcare networks and to seek their support to maintain funding for community support.
(Richardson/Cameron)

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- 18-227 Resolved** that Council does not adopt Committee Recommendation 4.4.1 as shown in Attachment 1 to this report, but instead adopts the Management Recommendation as follows:

Report No. 4.4 Future Meeting Agendas
File No: I2018/390

Management Recommendation 4.4.1

That the Biodiversity Advisory Committee meeting dates be changed to a Monday, starting at 3.15pm except for the June meeting which will remain on Thursday to enable councillor attendance at the planned Agri-environment field trip:

- Thursday 14 June
- Monday 8 October
- Monday 10 December (Richardson/Cameron)

Report No. 14.2 Report of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 29 March 2018
File No: I2018/617

- 18-228 Resolved** that Council note the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 29 March 2018 (Attachment 1). (Richardson/Cameron).

- 18-229 Resolved** that Council adopt the following Committee recommendation as follows:

Report No. 4.1 Committee Induction
File No: I2018/422

Committee Recommendation 4.1.1

1. That the Sustainability and Emissions Reduction Advisory Committee confirm the Constitution for this Committee, in accordance with Council Resolution 18-114 and recommend a change to the Purpose as follows:

- Replace in item 1. 'food security initiatives' to 'associated sustainability initiatives'
2. That the Sustainability and Emissions Reduction Advisory Committee recommend to Council that the membership be increased to include a representative from COREM and a further two additional community members through an Expression of Interest process. (Richardson/Cameron).

- 18-230 Resolved** that Council adopt the following Committee recommendation as follows:

Report No. 4.2 Future Meeting Agendas
File No: I2018/412

Committee Recommendation 4.2.1

1. That the Sustainability and Emissions Reduction Advisory Committee meet six times a year with additional field trips and workshops scheduled as required.
2. That the Sustainability and Emissions Reduction Advisory Committee schedule an additional meeting on Thursday 26 April 2018 at 2pm. (Richardson/Cameron)

18-231 Resolved that Council adopt the following Committee recommendation as follows:

Report No. 4.3 Funding models for sustainability projects
File No: I2018/450

Committee Recommendation 4.3.1

That the Sustainability and Emissions Reduction Committee recommend to Council that Council establishes a mechanism to offer commercial property owners access to Environmental Upgrade Agreements (EUAs) to enable environmental upgrades to commercial premises and that an event be organised to launch the service. (Richardson/Cameron).

18-232 Resolved that Council adopt the following Committee recommendation as follows:

Report No. 4.4 Emissions Reduction Strategy and Key Project Updates
File No: I2018/451

Committee Recommendation 4.4.1

That the Sustainability and Emissions Reduction Advisory Committee recommend that staff compile a list of suitable sustainability and emission reduction projects with supporting information for tabling with the Parliamentary Secretary for Renewable Energy and Northern NSW The Hon. Ben Franklin MLC and invite members of the Committee to put forward proposals. (Richardson/Cameron).

COMMITTEE REPORTS – INFRASTRUCTURE SERVICES

Report No. 14.3 Report of the Local Traffic Committee Meeting held on 20 March 2018
File No: I2018/425

18-233 Resolved that Council note the minutes of the Local Traffic Committee Meeting held on 20 March 2018. (Richardson/Cameron)

18-234 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 6.1 Regulatory Signage - No Stopping Signage - Gulgan Road opposite
entrance road to Mevlana Community
File No: I2018/43

Committee Recommendation 6.1.1

That Council:-

1. Note the content of the correspondence from Melaleuca Properties.
2. Install a no stopping zone at the intersection, defined by a yellow line initially and if non compliance is an issue, install signs. (Richardson/Cameron)

18-235 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 6.2 RMS Recommendation to extend 60km/h speed zone at Ewingsdale
McGettigans Lane Intersection
File No: I2018/67

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Committee Recommendation 6.2.1

That Council note the speed review and the extension of the 60kph speed zone being implemented. (Richardson/Cameron) .

18-236 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 6.3 Pocket Road - Petition - Speed Zone Review and Regulatory Signage
File No: I2018/204

Committee Recommendation 6.3.1

That Council:

1. Approve the use of intersection signage and line marking at the Pocket Road, Moffatts Road and Middle Pocket Road intersections as warranted.
2. Approve "Caution: Driveways" signs to be implemented along the Pocket Road as warranted.
3. Consider the allocation of \$4,000 to carry out the works in the 2018/19 Capital Works Budget.
4. Refer the application for a speed zone review to the RMS. (Richardson/Cameron)

18-237 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 6.4 Events - Anzac Day 2018 - Road Closures in Byron, Mullumbimby,
Brunswick Heads, Bangalow
File No: I2018/374

Committee Recommendation 6.4.1

1. That Council endorse the ANZAC Day Parades for 25 April 2018 for the Return Services League sub branches of Byron Bay, Mullumbimby, Bangalow and Brunswick Heads / Billinudgel.
2. That the endorsement provided in Part 1 is subject to:
 - a) implementation of the approved Traffic Management Plan and Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation;
 - b) 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.
 - c) the event be notified on Council's webpage.
 - d) the event organiser:
 - i. undertake consultation with community and affected businesses including adequate response/action to any raised concerns.
 - ii. undertake consultation with emergency services and any identified issues addressed.

iii. holding \$20m public liability insurance cover which is valid for the event.

3. That Council:

- a) assists where requested with implementing the necessary temporary road closures and detours; and,
- b) placing of public notice advertisements in a local weekly newspaper which is circulated prior to the event and a copy of which is placed on Council's web site.
(Richardson/Cameron)

18-238 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 6.5 Events - Ballina to Byron Bay Coastal Charity Walk for Westpac Rescue Helicopter - 27 May 2018
File No: I2018/394

Committee Recommendation 6.5.1

1. That Council adopt the Traffic Control Plan for the Westpac Life Saver Rescue Helicopter fundraiser, Ballina to Byron Coastal Charity Walk, to be held Sunday 27 May 2018.
2. That the approval provided in Part 1 is subject to:
 - a. Receipt of a satisfactory Traffic Control Plan and Traffic Management Plan.
 - b. implementation of the approved Traffic Management Plan and Traffic Control Plan, including the use of signed detours, as designed and 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.
 - e. the event organiser:
 - i. undertake consultation with community and affected businesses including adequate response/action to any raised concerns.
 - ii. undertake consultation with emergency services and any identified issues addressed.
 - iii. holding \$20m public liability insurance cover which is valid for the event.
 - iv. paying Council's Road Event Application Fee prior to the event.
 - f. the use of marshals along Marine Parade who, for the purpose of aiding and forming participants into walking groups, are to undertake their duties in accordance with a pre-event risk assessment and management plan, a copy of which is to be provided to Council prior to the event

- g. attainment (by the event proponent) of NPWS written acceptance of the event
- 3. That the approval in Part 1 is also subject to the following in regard to the use of Seven Mile Beach Road, that is:
 - a. signage, which specifies the date, hours and nature of the event, be positioned at the entrance and exit of Seven Mile Beach Road one week prior to the event;
 - b. on the day of the event, at 500m intervals, and facing both directions of travel, signs advising of “ Special Event - Charity Walk Ahead” (or similar) are installed prior, and removed after, the event occurs; and
 - c. a safety induction for participants advising of hazards be provided. (Richardson/Cameron)

18-239 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 6.6 CRM 2343/2018 Broken Head Reserve Road - Regulatory Signage
File No: I2018/421

Committee Recommendation 6.6.1

That Council prepare a plan and install “No Stopping” signs and line marking to control inappropriate car parking and to improve pedestrian safety along Broken Head Reserve Road, Broken Head where considered necessary. (Richardson/Cameron) .

18-240 Resolved that Council adopt the following Committee and Management Recommendation(s):

Report No. 7.1 Events - Byron Bay Triathlon 2018 - Traffic Management
File No: I2017/637

Committee Recommendation 7.1.1

That Council:-

- 1. Adopt the Traffic Control Plan for the 2018 Byron Bay Triathlon, subject to:
 - a. implementation of the approved Traffic Management Plan and Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation.
 - b. 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.
 - c. the event be notified on Council's webpage.
 - d. the event organiser:
 - i. undertake consultation with community and affected businesses including adequate response/action to any raised concerns.
 - ii. undertake consultation with emergency services and any identified issues addressed.

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- iii. holding \$20m public liability insurance cover which is valid for the event.
- iv. paying Council's Road Event Application Fee prior to the event.
(Richardson/Cameron)

18-241 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 7.2 Events - Bangalow Billy Cart Derby 2018- Byron St Road Closure
File No: I2018/234

Committee Recommendation 7.2.1

1. That Council endorse the Bangalow Billy Cart Derby to be held on Sunday 20 May 2018, that includes the temporary road closure below:
 - a. Byron Street, Bangalow between Ashton Street and Granuaille Road, between 6am and 4pm on Sunday 20 May 2018.
2. That the approval provided in Part 1 is subject to:
 - a. implementation of the approved Traffic Management Plan and Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation;
 - b. 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.
 - e. the event organiser:
 - i. undertake consultation with community and affected businesses including adequate response/action to any raised concerns.
 - ii. undertake consultation with emergency services and any identified issues addressed.
 - iii. holding \$20m public liability insurance cover which is valid for the event.
 - iv. paying Council's Road Event Application Fee prior to the event.
(Richardson/Cameron)

18-242 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 7.3 Kendall St Rail Crossing - Train and Vehicle Incidents
File No: I2018/405

Committee Recommendation 7.3.1

That Council:-

1. Note the content of the correspondence from Byron Bay Railroad Company Ltd.

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2. Investigate, in conjunction with the Byron Bay Railroad Company, the issues raised.
3. Research level crossing safety and undertake risk assessment and refer back to the LTC if required. (Richardson/Cameron)

18-243 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 8.1 DA 10.2017.510.1 - Commercial Residential Development
Cnr Jonson and Browning Streets Byron Bay
Additional comments for JRPP Submission

File No: I2018/247

Committee Recommendation 8.1.1

That the committee comments be provided to Council's Planners. (Richardson/Cameron)

18-244 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 8.2 Development Application 10.2013.128.3 - s96 Application to permit paid
parking during Bluesfest 2018

File No: I2018/399

Committee Recommendation 8.2.1

That the committee's comments be provided to Council's planners. (Richardson/Cameron)

18-245 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 8.3 Events - 2018 Splendour in the Grass Music Festival 20-22/7/
File No: I2018/401

Committee Recommendation 8.3.1

1. That Council approve the Splendour in the Grass 2018 TMP to be held on Friday 20 July 2018 to Sunday 22 July 2018, that includes the including the installation and enforcement of No Camping and No Stopping signs between 6am and 6pm, subject to conditions at Tweed Valley Way, Brunswick Valley Way and Yelgun Road
2. That the approval provided in Part 1 is subject to:
 - a. separate approvals by NSW Police and RMS being obtained, noting that the event is on a state road or may impact the state road network;
 - b. implementation of the approved Traffic Management Plan and Traffic Control Plan, including the use of signed detours, as designed and 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.

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- e. the event organiser:
 - i. undertake consultation with community and affected businesses including adequate response/action to any raised concerns.
 - ii. undertake consultation with emergency services and any identified issues addressed.
 - iii. holding \$20m public liability insurance cover which is valid for the event.
 - iv. paying Council's Road Event Application Fee prior to the event.
 - v. the holding of an event debrief within a month following the festival which includes but not limited to Council, RMS and Police;
 - 3. Councils Parking Enforcement be invited to assist the event in compliance of no stopping areas within the Road Reserve. (Richardson/Cameron) .
-

Report No. 14.5 **Report of the Transport and Infrastructure Advisory Committee**
Meeting held on 15 March 2018
File No: I2018/522

18-246 Resolved that Council note the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 15 March 2018. (Richardson/Cameron)

18-247 Resolved that Council does not adopt the following Committee Recommendation(s) 4.1 as shown below , but instead adopts the Management Recommendation(s) as follows:

Report No. 4.1 Draft Transport Asset Management Plan (TAMP)
File No: I2018/341

Committee Recommendation 4.1.1

- 1. That the draft Transport Asset Management Plan (TAMP) be referred to the Council for consideration and adoption.
- 2. That the members of TIAC be invited to contribute further comments and, if received, they be included in the report.

Management Recommendation 4.1.1

- 1. That Council places the draft Transport Asset Management Plan (TAMP) on public exhibition for 28 days.
- 2. Should no comments and submissions be received it be adopted by Council, otherwise comments to be noted and a report to Council for consideration.
- 3. That the members of TIAC be invited to contribute further comments and, if received, they be included in the report. (Richardson/Cameron)

18-248 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 4.2 Byron Bay (Browning St) to Suffolk Park (Clifford St) Cycleway
Investigation
File No: I2018/347

Committee Recommendation 4.2.1

That Council:

- a) Endorse the Byron Bay (Browning St) to Suffolk Park (Clifford St) Cycleway Investigation Report and Preferred Option Concept Design completed by PSA Consulting (Attachments 1-8).
- b) Consider during the 2018/19 budget process allocation of funding to support application for the 2018/19 round of Active Transport and Stronger Communities Fund grants for works in 2019/20.
- c) Place the Byron Bay (Browning St) to Suffolk Park (Clifford St) Cycleway Investigation Report and Preferred Option Concept Design (Attachments 1-8) on the public exhibition, including the staged implementation and proposed 2018/19 funding, comprised of Council funds and grant funds. (Richardson/Cameron)

18-249 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 4.3 High Risk Infrastructure Service Priorities
File No: I2018/348

Committee Recommendation 4.3.1

That the balance of the loan funds previously anticipated for Bridge Renewal now be committed over the coming financial years to the renewal of high risk Rural Causeways and Major Culverts. (Richardson/Cameron)

18-250 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 4.4 Bike Plan and PAMP Status Report
File No: I2018/358

Committee Recommendation 4.4.1

- 1. That the Communications Plan be developed and reported to the Communications Committee.
- 2. That Council:
 - a) note the update on the progress of Council's Pedestrian Access and Mobility Plan (PAMP) and Bike Strategy and Action Plan (Bike Plan).
 - b) note the submissions by preferred consultant, PSA Consulting, in response to Request for Quotations for the PAMP and Bike Plan works.
 - c) engage PSA Consulting to develop the Pedestrian Access and Mobility Plan (PAMP) and review and update the Bike Strategy and Action Plan (Bike Plan). (Richardson/Cameron)

18-251 Resolved that Council adopt the following Committee Recommendation(s):

Report No. 4.5 Development of a Shire-wide Transport Strategy
File No: I2018/411

Committee Recommendation 4.5.1

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1. That the Committee have an extraordinary meeting in April 2018 to workshop the development of Shire-wide Transport Strategy.
2. That the report be prepared for TIAC that identify any useful existing strategies developed by other councils, regional bodies and other sources of information.
3. That the Committee members be encourage to research and share ideas
(Richardson/Cameron)

**Report No. 14.6 Report of the Byron Shire Floodplain Risk Management Committee
Meeting held on 14 March 2018**

File No: I2018/607

- 18-252 Resolved** that Council note the minutes of the Byron Shire Floodplain Risk Management Committee Meeting held on 14 March 2018. (Richardson/Cameron)

- 18-253 Resolved** that Council adopt the following Committee Recommendation(s):

Report No. 4.1 North Byron Floodplain Risk Management Study and Plan
File No: I2018/241

Committee Recommendation 4.1.1

That the Council note the report. (Richardson/Cameron)

CONFIDENTIAL REPORTS – CORPORATE AND COMMUNITY SERVICES

**Report No. 16.1 CONFIDENTIAL - Byron Shire Aboriginal Cultural Heritage Study -
Stage One**

File No: I2018/364

- 18-254 Resolved** that Council:

1. Note the Byron Shire Aboriginal Cultural Heritage Study (Stage One) report as a scoping document of potential initiatives to undertake in regards to Aboriginal Cultural Heritage (Attachment 1 E2017/72586).
2. Establish the Byron Shire Aboriginal Cultural Heritage Advisory Committee as a multi Aboriginal stakeholder group as Council's formal consultation mechanism with Aboriginal Stakeholders regarding Cultural Heritage Matters
3. Adopt the Draft Constitution for the Byron Shire Aboriginal Cultural Heritage Advisory Committee (Attachment 7 E2017/7583).
4. Request the Byron Shire Aboriginal Cultural Heritage Advisory Committee review:
 - a) recommendations from the Byron Shire Aboriginal Cultural Heritage Study (Stage One)
 - b) feedback from the Byron Shire Aboriginal Cultural Heritage Advisory steering committee included at Attachment 3 (E2018/19213), Attachment 4 (E2018/19212), Attachment 5 (E2018/30494), and Attachment 6 (E2018/30493)
 - c) develop an action plan for further stages for the Byron Shire Aboriginal Cultural Heritage Study and Aboriginal Cultural Heritage Management System.

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5. Note the progress of the development of the DRAFT - Preserving Aboriginal Cultural Heritage in the Byron Shire Booklet (Attachment 2 E2018/19104) for endorsement by the Byron Shire Aboriginal Cultural Heritage Advisory Committee;
6. Note that further consideration will be given to training for:
 - a) outdoor workers and frontline staff in recognising sites and objects
 - b) planners to promote the protection of Aboriginal Cultural Heritage sites and objects in the Byron Shire (Richardson/Cameron)

PROCEDURAL MOTION

- 18-255 Resolved** that Council change the order of business to deal with Reports 9.2, 9.4, 10.1, 13.13, 13.14, 13.22, 13.24 and 14.4 next on the Agenda. (Richardson/Lyon)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 9.2 Lone Goat Gallery
File No: I2018/627

18-256 Resolved:

1. That Council fund the shortfall in the revenue raised by the Lone Goat Gallery Board of Management to cover the 3 day/week Gallery coordinator's salary from October 2018 to October 2019. Current figures suggest this would amount to \$30,000.
2. That the Community Development Team prepare a report for Council outlining the human resources and costs required to develop and oversee an Arts and Cultural policy so that we might have an integrated approach to whole-of-Council planning for the arts and culture in Byron Shire. This report to be delivered prior to the end of the financial year (June 2018). (Hackett/Richardson)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 18-257 Resolved** that Cr Hackett be granted a two minute extension to her speech. (Richardson/Cameron)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 18-258 Resolved** that Cr Hackett be granted a one minute extension to her speech. (Richardson/Cameron)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.4 Support for College of Marine Studies
File No: I2018/630

18-259 Resolved:

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1. That Council:
 - a) acknowledges the support it has provided in the past to College of Marine Studies (COMS), including \$5,000 for a scoping study;
 - b) acknowledges the role of COMS in initiating the Masterplan process, and
 - c) acknowledges the potential value of a maritime education facility for the Shire.
2. That as part of Council's submission to the Masterplan process, Council gives in principle support to COMS for a not for profit training facility at the Brunswick Heads Boat Harbour;
3. That Council facilitate engagement between stakeholders and Crown Lands to explore a potential location for COMS at the Brunswick Heads Boat Harbour or other location.
(Coorey/Richardson)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 18-260 Resolved** that Cr Coorey be granted a two minute extension to her speech.
(Richardson/Cameron)

The motion was put to the vote and declared carried.

PETITIONS

Petition No. 10.1 Middle Pocket Road
File No: I2018/496

18-261 Resolved:

1. That the petition regarding Middle Pocket Road be noted.
2. The matters raised in the petition be referred to the Local Traffic Committee to consider possible treatments to the intersection to improve safety and provision of signage for the single lane causeways.
(Cameron/Ndiaye)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.13 PLANNING - Report update of Council resolution 17-327 Tyagarah
Airstrip - 26.2015.1.1
File No: I2018/380

18-262 Resolved that Council:

1. Agree to initiate a Planning Proposal over the area within the Council-owned land located immediately north of the airstrip, currently zoned RU2 Rural Landscape, to amend the Byron Local Environmental Plan 2014 to apply a zoning of IN1 General Industry to that area.
2. Forward the Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination.

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3. Agree that staff can proceed to public exhibition of the planning proposal and government agency consultation based on the Gateway Determination issued by the NSW Department of Planning and Environment, and report back to Council as part of post-exhibition reporting.
4. That a workshop be held with staff prior to the June meeting to discuss progression of an EOI process related to the site. (Ndiaye/Richardson)

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 Crs voted against the motion.

Report No. 13.14 **PLANNING - Development Application 10.2017.460.1 - Utility Installation: Telecommunication Tower at 54 Jones Road Wooyung**
File No: I2018/391

- 18-263 Resolved** that this matter be deferred until Council has received a development application, the environmental report and the points within the submissions raised are answered by either staff or the proponents (Richardson/Ndiaye)

AMENDMENT

Moved:

That Pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979*, development application no. 10.2017.460.1 for a Utility Installation: Telecommunication Tower, be granted consent subject to conditions listed in Attachment 2 (E2018/30097).

(Hunter/Spooner)

PROCEDURAL MOTION

- 18-264 Resolved** that Cr Cameron be granted a two minute extension to his speech. (Richardson/Lyon)
The motion was put to the vote and declared carried.

The amendment was put to the vote and declared lost

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

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

Cr Spooner voted against the motion.

Report No. 13.22 **PLANNING - Development Application 10.2018.10.1 - Use of existing garage as a bedroom with ensuite and wet bar, construction of new parking space and driveway - 5 Milton Street, Byron Bay**
File No: I2018/610

Moved: That staff communicate with the applicants regarding this development application and that this matter be deferred until negotiations have taken place. (Hunter/Hackett)

- 18-265 Resolved:**

That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, Development

Application no. 10.2018.10.1 for Use of existing garage as a bedroom with ensuite and wet bar, construction of new parking space and driveway, be refused for the following reasons:

1. Section 76A of the *Environmental Planning and Assessment Act 1979* provides that specified development may not be carried out except with development consent, and that a person must not carry out development on land (to which that provision applies) unless such a consent has been obtained and is in force. The submitted Development Application seeks retrospective development consent for a conversion which has already been carried out and development consent is unable to be granted.
2. Pursuant to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development significantly exceeds the maximum Floor Space Ratio shown for the land on the Floor Space Ratio Map, contrary to Clause 4.4(2) of Byron Local Environment Plan 2014.
3. Pursuant to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development fails to provide two (2) on-site parking spaces to satisfy the requirements of Byron Development Control Plan 2014 Section B4.2.5 Car Parking Requirements.
4. Pursuant to section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, insufficient information has been submitted to demonstrate that the proposed development is compatible with the built environment of the area.
5. Pursuant to section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, the proposal is considered to be an overdevelopment of the subject site and the application fails to demonstrate that the subject site is suitable for the proposed development having regard to residential amenity.
6. Pursuant to section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the application fails to demonstrate that the proposed development is consistent with the public interest.
(Lyon/Coorey)

The amendment was put to the vote and declared carried.

Crs Richardson, Hackett, Spooner and Hunter voted against the amendment.

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

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

Crs Richardson, Hackett, Spooner and Hunter voted against the motion.

The meeting adjourned for lunch at 1.00pm and reconvened at 1.52pm.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.24 **Update - Resolution 17-184 Brunswick Heads Holiday Parks and Resolution 17-523 Heritage and Environmental Assessment Reports - Coastal cypress Pines at Terrace Reserve Brunswick Heads**
File No: I2018/652

18-266 Resolved:

1. That Council defer this report to the 24 May Ordinary Meeting.
2. That Council request an urgent meeting (within 28 days) with NSWCHPT and their consultants,

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as well as Robert Kooyman and two representatives from the Brunswick Community, with respect to the recommendations made in the Arboricultural Impact Assessment prepared by Arborsafe 2018 (Attachment 1 E2018/30243) as to specific conditions required on site to meet resolution 17-418. (Ndiaye/Richardson)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

18-267 Resolved that Cr Ndiaye be granted a two minute extension to her speech. (Richardson/Martin)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

18-268 Resolved that Council change the order of business to deal with Reports 14.4 later on the Agenda. (Coorey/Ndiaye)

The motion was put to the vote and declared carried.

MAYORAL MINUTE

There was no Mayoral Minute.

NOTICES OF MOTION

Notice of Motion No. 9.1 **Byron Community Land Limited Foundation Membership**
File No: I2018/626

18-269 Resolved:

1. Subject to the General Manager being satisfied Section 358 of the Local Government Act is not contravened, Council accepts the offer to become a Foundation Member of the Byron Community Land Limited.
2. If any concerns are identified regarding Section 358 of the Local Government Act these be reported to the next meeting of Council. (Spooner/Hackett)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

18-270 Resolved that Cr Spooner be granted a two minute extension to his speech. (Richardson/Ndiaye)

The motion was put to the vote and declared carried.

Cr Cameron left the Chambers at 2.15pm.

DELEGATES' REPORTS

There were no delegates reports.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.1 **Australia Day PRG Finalisation of the 2018 Group and Commencement of the 2019 Group**
File No: I2018/513

18-273 Resolved that Council:

1. Note this report on the Australia Day 2018 activities and disbands the Australia Day Project Reference Group effective 19 April 2018.
2. Write to members of the Australia Day 2018 Project Reference Group advising of this resolution and to thank the participants for their assistance.
3. Participate in the Australia Day Council Ambassador Program for 2019 Australia Day activities.
4. Adopt the Constitution for the Australia Day 2019 Project Reference Group shown in Attachment 1 (E2018/23898).
5. Invite the following organisations to nominate representatives to be a member on the Australia Day 2019 Project Reference Group:
 - Byron Bay Rural Fire Brigade, Suffolk Park
 - 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 Australia Day Paddle
 - Bangalow Red Cross
6. That the custodians via the Arakwal MoU Committee be requested to provide input as to how best and culturally appropriate Council celebrates this event. (Richardson/Cameron)

The motion was put to the vote and declared carried.

Report No. 13.6 **Stronger Country Communities Fund Round 2**
File No: I2018/637

18-274 Resolved that the following Councillors sit on the panel to review community infrastructure grant applications: Councillor Richardson, Councillor Lyon, Councillor Hackett, and Councillor Hunter.
(Lyon/Ndiaye)

The motion was put to the vote and declared carried.

STAFF REPORTS – SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.9 **PLANNING - Site Specific Planning Proposal considered as part the Rural Land Use Strategy Process - 74 Charltons Road, Federal**
File No: I2018/76

18-275 Resolved that Council:

1. Proceed with a Planning Proposal to insert Lot 11 DP 1039847 (74 Charltons Road, Federal) on the Byron LEP 2014 'Multiple Occupancy and Community title map as the site is consistent with other existing approved Multiple Occupancies and Community titles in the Federal locality.'
2. Notify the applicant of Council's decision. (Ndiaye/Hackett)

The motion was put to the vote and declared carried.

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

Crs Coorey and Cameron voted against the motion.

PROCEDURAL MOTION

18-276 Resolved that Cr Ndiaye be granted a one minute extension to her speech. (Richardson/Martin)

The motion was put to the vote and declared carried.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.27 **Minutes of Coastal Estuary Catchment Panel Meeting 15 March 2018**
File No: I2018/524

18-277 Resolved:

1. That Council note the minutes of the Coastal Estuary Catchment Panel meeting held on 15 March 2018.
2. That Council adopt the following Panel recommendations:

Panel Recommendation 4.1. Management and Reporting for the 24 Hectare Melaleuca Plantation at the Byron Bay STP

That next Panel meeting to be held onsite at the Interpretive Centre including a tour of the site and invitation extended to Councillors, Drainage Union Directors, Wetland designers Bolton & Pont and members of Water, Waste and Sewer Committee.

3. That Council adopt the following Panel recommendations:

Panel Recommendation 4.2. Environmental Management Plan for the opening of the Tallow Creek

- a) That the Council note Environmental Management Plan and the opening strategy for Tallow Creek.

- b) That plan and strategy be available to the public on Council website.
 - c) That Council note the need for a Coastal Management Program for the ICOLL and that this look at water quality issues on the whole of catchment basis.
4. That Council adopt the following Panel recommendations:

Panel Recommendation 4.3 Alternative / Additional Flowpath BBSTP

That the Council investigate environmental impacts of the alternative flowpath and its environs on the receiving environment (from Ewingsdale Road to the mouth of Belongil Creek) as part of an allocation of \$250,000 for detailed design and formal application for the Byron Bay Sewage Treatment Plant Alternative Flowpath project. (Cameron/Richardson)

The motion was put to the vote and declared carried.

COMMITTEE REPORTS - INFRASTRUCTURE SERVICES

Report No. 14.4 Report of the Water, Waste and Sewer Advisory Committee Meeting held on 1 March 2018
File No: I2018/521

Moved:

1. That Council note the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 1 March 2018.
2. That Council adopt the following Committee Recommendation(s):

Report No. 4.1 Ocean Shores Sewage Transfer Risk Assessment
File No: I2017/1821

Committee Recommendation 4.1.1

The Committee have a workshop to further consider Ocean Shore Sewage Transfer Risk Assessment including:

- a) An up-to-date assessment of the capacity of the OS STP
 - b) Sensitivity of whole-of-life cost assessment of options for BVSTP and OSSTP to reduced augmentation requirements at OS STP
 - c) Projection of comparative nutrient loads to the Brunswick River and under the Option 4 and Option 1 scenarios
3. That Council adopt the following Committee Recommendation(s):

Report No. 4.2 Belongil Swamp Drainage Union Report to Council
File No: I2018/228

Committee Recommendation 4.2.1

1. That Council supports the Belongil Swamp Drainage Union's submission to DA 10.2017.661.1

2. That Council recognises that Under the Water Management Act (Part 3 S214&215) a new subdivision is not entitled to be connected to a Private Drainage Board:

'If a holding is subdivided, a new holding resulting from the subdivision is not entitled to be connected to a PDBs drainage works until a date determined by the board'.

And further states that:

"All works to be constructed must be constructed in accordance with the approval in writing of the board in respect of location, design, form, dimensions and construction".

3. That Council ask that any decision on the DA (and any other DA's in this catchment) be deferred until critical information regarding the impact of development on the catchment's hydrology is fully investigated.
4. That Council refer issues in relation to Belongil Creek flowing into the Marine Park and to flooding in the ICOLL, erosion and environmental issues to relevant Council committees and/or panels.
4. That Council not adopt the Committee Recommendation (Committee Report 4.3 Review of Rural Waste Service Options; File No: I2018/229; Committee Recommendation 4.3.1), but adopt:
 - a) That Council approve the introduction of a Rural 140L fortnightly landfill bin service option, with the provision of a Council subsidised compost bin, kitchen caddy and education pack for residents that take up the Rural service;
 - b) That Council reconsider applying an increased rural domestic waste charges on each parcel of rateable land for which a service is available at commencement of the 2019/20 financial year;
 - c) That Council provide to the next quarterly Committee meeting more information including the clauses from Acts and Regulations that either require or allow such full service charging with a view to a lesser charge than is currently proposed.

(Coorey/Cameron)

18-278 Resolved:

AMENDMENT

1. That Council note the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 1 March 2018.
2. That Council adopt the following Committee Recommendation(s):

Report No. 4.1 Ocean Shores Sewage Transfer Risk Assessment
File No: I2017/1821

Committee Recommendation 4.1.1

The Committee have a workshop to further consider Ocean Shore Sewage Transfer Risk Assessment including:

- a) An up-to-date assessment of the capacity of the OS STP
- b) Sensitivity of whole-of-life cost assessment of options for BVSTP and OSSTP to

reduced augmentation requirements at OS STP

- c) Projection of comparative nutrient loads to the Brunswick River and under the Option 4 and Option 1 scenarios

3. That Council adopt the following Committee Recommendation(s):

Report No. 4.2 B
Belongil Swamp Drainage Union Report to Council
File No: I2018/228

Committee Recommendation 4.2.1

- 1. That Council supports the Belongil Swamp Drainage Union's submission to DA 10.2017.661.1
- 2. That Council recognises that Under the Water Management Act (Part 3 S214&215) a new subdivision is not entitled to be connected to a Private Drainage Board:

'If a holding is subdivided, a new holding resulting from the subdivision is not entitled to be connected to a PDBs drainage works until a date determined by the board'.

And further states that:

"All works to be constructed must be constructed in accordance with the approval in writing of the board in respect of location, design, form, dimensions and construction".

- 3. That Council ask that any decision on the DA (and any other DA's in this catchment) be deferred until critical information regarding the impact of development on the catchment's hydrology is fully investigated.
 - 4. That Council refer issues in relation to Belongil Creek flowing into the Marine Park and to flooding in the ICOLL, erosion and environmental issues to relevant Council committees and/or panels.
4. That Council not adopt the Committee Recommendation (Committee Report 4.3 Review of Rural Waste Service Options; File No: I2018/229; Committee Recommendation 4.3.1), but adopt:
- 1. That Council approve the introduction of a Rural 140L fortnightly landfill bin service option, with the provision of a Council subsidised compost bin, kitchen caddy and education pack for residents that take up the Rural service.
 - 2. That Council apply rural domestic waste charges on each parcel of rateable land for which a service is available at commencement of the 2018/19 financial year.
 - 3. That existing data on bins that have fallen over in rural areas be presented to the next quarterly meeting of the committee.
 - 4. That Federal village zone be included in the urban 3 bin service.
5. That Council provide to the next quarterly Committee meeting more information including the clauses from Acts and Regulations that either require or allow such full service charging with a view to a lesser charge than is currently proposed.

The amendment was put to the vote and declared carried.

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Crs Coorey and Cameron voted against the amendment.

The amendment upon becoming the substantive motion was put to the vote and declared carried.
Crs Coorey and Cameron voted against the motion

(Ndiaye/Richardson) .

PROCEDURAL MOTION

18-279 Resolved that Cr Cameron be granted a one minute extension to his speech. (Richardson/Lyon)

The motion was put to the vote and declared carried.

QUESTIONS WITH NOTICE

Question With Notice No. 15.1 West Byron Sewerage Treatment Plant
File No: I2018/492

At Council's Ordinary Meeting held on 22 March 2018, Patricia Warren submitted the following question which was taken on notice:

What are the volumes and telemetry generated pump hours for reuse been supplied to Byron Bay Golf Club from West Byron Sewerage Treatment Plant per annum over the last 3 years?

Response Director Infrastructure Services:

This was previously presented to the Water, Waste and Sewer Advisory Committee on 21 December 2017, see following table from the report of that meeting:

Dates	BOM Rainfall	Golf Course Application	
	mm/year	ML/year	ML/ha/year
2013-2014 (Aug - Aug)	876	100	5.0
2014-2015 (Aug - Aug)	1686	40	2.0
2015-2016 (Aug - Aug)	1418	51	2.6
2016-2017 (Aug - May)	993	89	4.5

Pump hours from telemetry system for the corresponding periods:

Dates	Pump Hours Byron Reuse
2013-2014 (Aug - Aug)	Not available (no data)
2014-2015 (Aug - Aug)	Not available (no data)
2015-2016 (Aug - Aug)	3655
2016-2017 (Aug - May)	3631

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Question With Notice No. 15.2 Brunswick Valley Sewerage Treatment Plant **File No:** I2018/493

At Council's Ordinary Meeting held on 22 March 2018, Sonia Laverty submitted the following question which was taken on notice:

What are the daily inflows and rainfall at Brunswick Valley Sewerage Treatment Plant 30th January to date at EPA Monitoring Point 5?

Response Director Infrastructure Services:

EPA Monitoring Point 5 is a volumetric monitoring site only

Parameter	Frequency	Method	Monitor Point
Total Volume	Measured continuously	Magnetic flow meter	EPA Point 5 – two Magflow meters on Inlet Works @ 551002E and 6843175N.

Rainfall is not read at the site on a daily basis. There is no automatic rainfall monitoring device at the site. Any rainfall reading recorded at the site is a manual reading and is the accumulation of the days preceding the reading. A blank space indicates that a reading was not taken, a number including a zero (0) indicates that a rainfall reading was recorded.

A copy of the recorded inflow and rainfall data is attached. (E2018/30349)

Question With Notice No. 15.3 Brunswick Heads STP **File No:** I2018/494

At Council's Ordinary Meeting held on 22 March 2018, Matthew O'Reilly submitted the following question which was taken on notice:

The Brunswick Heads STP ponds have been filled in and capped with some sort of gravel/sand material but no vegetation planting has occurred but what is alarming is the southern end which slopes to the Byron Marine Park and Simpsons Creek has eroded and the geotextile material used to cover the contaminated fill is already exposed. No community consultation took place regarding the use of contaminated fill and the creek banks have all been fenced off (where the community once walked). The contaminated material appears to already be exposed despite having hardly any rain and this does not appear to be best practice considering the potential to contaminate Cape Byron Marine Park. Can Council please provide details on what its final plans for the Brunswick STP site are and why no consultation has taken place with the Brunswick Heads community regarding the recent remediation program and the use of contaminated fill and what contingencies are in place for the exposure of contaminated material caused by erosion of the capping material?

Response Director Infrastructure Services:

The remediation of the former Brunswick Heads STP included the filling of the effluent pond, in which the southern end is filled with sand from Tweed River which has been tested as uncontaminated and fit for purpose. Council's Project Engineer has confirmed that this area has been seeded with grass species. The final grade does not slope to Simpsons Creek and there is no visible erosion.

Fill imported from off-site is not contaminated. This was tested and verified by the environmental consultant and auditor. All contaminated material remaining buried on site contains non-

leachable contaminant and they are capped/contained. Going forward the site will have a management plan noting these areas. There is no erosion of any of these contained/capped areas to date. All remediation methods have been approved by an EPA accredited contaminated site auditor. No geotextile is exposed at the southern end.

The creek banks adjacent to the site are accessible in some areas and access will not be restricted at the completion of the works.

The remediation of the site is the final stage of the Brunswick STP decommissioning and no consultation was required for these works.

The final use of the site has not as yet been determined and will be subject to further assessment and community consultation.

Question With Notice No. 15.4 Coronial Inquest Barrister
File No: I2018/495

At Council's Ordinary Meeting held on 22 March 2018, John Anderson submitted the following question which was taken on notice:

Whose decision was it to engage a barrister Mr Guihot from Sir Owen Dixon chambers in Sydney for the coronial inquest into the death of a swimmer at Island Quarry, held last December, when during the procedures Mr Guihot had nothing to say except that Council wasn't involved, which any junior local lawyer could have said, and what was the total cost to Council for said lawyer and his assistance, including airfares and 4 days accommodation?

Response Legal Counsel:

On 17 June 2016 Council was advised that it may become an interested party in the inquest into the death of Brendan James Vickery.

Council notified its insurer which thereafter undertook carriage of the matter on behalf Council.

On 5 July 2016 Council's insurer instructed Moray and Agnew solicitors of Newcastle to represent Council in the proceedings.

Council was required to pay a \$12,500 excess pursuant to its insurance policy.

Costs associated with instructing Moray and Agnew, the briefing of Counsel and any disbursements were a matter for Council's insurer.

Council cannot comment upon the conduct of the proceedings or any tactical decisions taken.

Question With Notice No. 15.5 Agglomerated Data on Dwelling Supply in Byron Shire
File No: I2018/620

Cr Coorey asks the following question:

In view of the upcoming Residential Strategy and to assist in considering future planning decisions, can councillors and the community be advised of changes in residential approvals over the last two terms of Council (and since the operation of the Byron LEP 2014).

Can staff please provide figures for the number of new dwellings, rural tourist accommodation

rooms and new lots approved as complying development, council approved development and JRPP approved development in the 2012, 2013, 2014, 2015, 2016 and 2017 calendar years. Can these figures be divided into:

In rural areas all approvals, including:

- primary dwellings
- dual occupancies
- secondary dwellings
- workers dwellings
- studios
- Rural tourist cabins, farm stay accommodation or eco tourism accommodation (total bedrooms)

In urban areas all approvals including:

- detached dwellings
- secondary dwellings
- dual occupancies approved as strata title or freehold developments
- multi dwelling housing approved as strata title or freehold developments
- studios
- Shop top housing dwellings

and

- Ancillary caretaker dwellings/Ancillary managers and staff dwellings.
- Ancillary dwellings in industrial and business zones
- New lots under 800m² with dwelling entitlements
- New lots under 1000m² with dwelling entitlements
- New lots over 1000m² with dwelling entitlements

NB please count total dwellings, total rooms and total lots, not total approvals as often multiple dwellings are included in a single approval such as multi dwelling housing, dual occupancies or a new house and secondary dwelling.

Rural includes RU1, RU2, RU5, R5 and environmental zones.

Urban includes all Residential, Business and Industrial Zones.

Response Director Sustainable Environment and Economy:

The tables below break down the Development (DA) and Complying Development (CDC) applications approved during the calendar years from 2012 to 2017.

It is not possible to provide the level of detail requested in the question above as information collected and collated by Council does not necessarily correlate. As such the breakdown in the response provided below is based on that information that is readily able to be accessed and presented by staff from Council records or other sources.

Dwellings

The figures show number of dwelling (or studios) approved during these periods, not the number of applications. It should be noted that bedroom numbers are not recorded on Council's electronic register and therefore have not been included in the data. To capture this information each application would need to be individually reviewed by a staff member, a task that is not resourced to be done.

The Census includes a question on the number of bedrooms per household which may be of use in this regard. A link to the Byron Community profile web follows: <https://profile.id.com.au/byron>

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2017	No. of Dwellings
Rural	128
Dual Occupancy	26
Dwelling	47
Secondary Dwelling	37
Studio	4
Tourist Facility	14
Urban	276
Dual Occupancy	23
Dwelling	65
Medium density development	70
Residential Units	3
Secondary Dwelling	113
Studio	2
Grand Total	404
2016	No. of Dwellings
Rural	150
Cabin - Rural Tourist	3
Dual Occupancy	22
Dwelling	56
Secondary Dwelling	46
Studio	10
Tourist Facility	19
Urban	282
Dual Occupancy	22
Dwelling	103
Medium density development	15
Residential Units	17
Secondary Dwelling	115
Studio	4
Tourist Facility	6
Grand Total	432

2015	No. of Dwellings
Rural	119
Aged Care Units	4
Cabin - Rural Tourist	2
Dual Occupancy	14
Dwelling	52
Secondary Dwelling	27
Studio	13
Tourist Facility	7
Urban	287
Dual Occupancy	39
Dwelling	99
Medium density development	18
Residential Units	19
Secondary Dwelling	102
Studio	3
Tourist Facility	7
Grand Total	406
2014	No. of Dwellings

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Rural	106
Dual Occupancy	11
Dwelling	57
Secondary Dwelling	22
Studio	13
Tourist Facility	3
Urban	235
Dual Occupancy	34
Dwelling	99
Residential Units	17
Secondary Dwelling	79
Studio	6
Grand Total	341
2013	No. of Dwellings
Rural	74
Dwelling	44
Dual Occupancy	6
Studio	6
Tourist Facility	7
Secondary Dwelling	11
Urban	155
Dwelling	58
Dual Occupancy	32
Studio	1
Medium Density Development	5
Secondary Dwelling	59
Grand Total	229

2012	No. of Dwellings
Rural	76
Dwelling	46
Dual Occupancy	3
Studio	8
Secondary Dwelling	7
Tourist Facility	12
Urban	240
Dwelling	67
Dual Occupancy	26
Residential Unit	15
Studio	4
Medium Density Development	72
Secondary Dwelling	56
Grand Total	316

Subdivisions

It should be noted that lot sizes are not recorded on Council's electronic register and therefore have not been included in the data in Table 1. To capture this information each application would need to be individually reviewed by a staff member, a task that is not resourced to be done.

Table 1 below shows the number of lots approved between 2012-2017.

Table 1	Rural	Urban	Total
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2017	32	38	70
2016	53	50	103
2015	36	17	53
2014	55	42	97
2013	20	394 *	414
2012	122	140	262

Source: Authority

Notes:

Does not include strata subdivision

Does not distinguish between properties created with or without dwelling entitlements

* State Government approvals and concept approval for Bayside Brunswick Heads

Table 2 shows the breakdown of lots registered (i.e. constructed) between 2012 and 2017 including lot sizes (derived from Council's GIS software). These lots do not indicate if there is a dwelling entitlement as that data is not available on Council's GIS software.

Table 2	<800	>800 and <1000	>1000	Total
2017	39	14	110	163
2016	34	20	110	164
2015	87	25	105	217
2014	32	12	90	134
2013	49	22	59	130
2012	31	9	66	106

Source: Geocortex

Notes:

Does not include strata subdivision

Does not distinguish between properties created with or without dwelling entitlements

Does not does not break down if the subdivision was a boundary adjustment or torrens (i.e. additional lot/s)

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.2 **CONFIDENTIAL - 2017-0042 - Bus Shelter Tender - Award**
File No: I2018/467

18-280 Resolved:

- That pursuant to Section 10A(2)(c) and (d)i of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the report 2017-0042 - Bus Shelter Tender - Award.
- That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
 - commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it
- That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

disclosure of information that may need to be discussed could prejudice the commercial position of the person who supplied the information. (Coorey/Richardson)

The motion was put to the vote and declared carried.

18-281 Resolved that Council:

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

19 April 2018

1. Defer consideration of the tender to the next meeting of Council.
2. Receive a report on the implications to the grant of exploring alternative bus shelter designs, and that this report also look at possible replication of the recent bike rack design competition in the establishment of bus shelters. (Coorey/Ndiaye)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 4.07pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 24 May 2018.



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Mayor Simon Richardson