



Byron Shire Council



Minutes Ordinary (Planning) Meeting Thursday, 5 August 2021

BYRON SHIRE COUNCIL

Ordinary (Planning) Meeting Minutes
5 August 2021

INDEX OF ITEMS DISCUSSED

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

Report No. 13.3	Community Initiatives Program - Funding Round 2021/2022	9
Report No. 13.4	Postponement of the 2021 Local Government Election - Amendment to the 2021 Meeting Schedule	10
Report No. 13.8	PLANNING - Report of the 3 June 2021 Planning Review Committee	10
Report No. 13.12	PLANNING - 26.2020.5.1 158 Jonson Street Planning Proposal Submissions Report	11
Report No. 13.14	Federal Village Masterplan Progress Report	11
Report No. 13.17	PLANNING - 24.2020.27.1- Bangalow DCP Updates	11
Report No. 13.22	Development Assessment eSymposium.....	11
Report No. 13.23	Update Resolution 21-062 Council's role in Housing Delivery and Resolution 21-065 Byron Shire's Key Workers Issue Paper	12
Report No. 13.25	Prohibition on Compliance Levy Changes	12
Report No. 13.29	2021-0014 Provision of Surf Life Saving Services for Byron Shire Council.....	13
Report No. 13.30	Tender 2021-0002 Truck, Plant and Equipment Hire.....	13
Report No. 15.1	CONFIDENTIAL - Aboriginal Land Claims - Sandhills Reserve.....	13
Report No. 15.2	CONFIDENTIAL - Land Acquisition Matters Myocum Road Widening and Reconstruction	14
Notice of Motion No. 9.3	Rous Future Water	14
Notice of Motion No. 9.4	Emergency Housing	15
Notice of Motion No. 9.7	MOs and CTs – pathway for secondary dwellings and dual occupancies	16
Notice of Motion No. 9.10	Pedestrian Access and Safety: Dalley/Tincogan Priority Change.....	16
Report No. 13.2	Extension of market relocations - Byron Bay	17
Report No. 13.6	PLANNING - Development Application 10.2019.466.1 Community Title Subdivision Seventeen (17) Lots at 41 Bottlebrush Crescent Suffolk Park.....	18
Report No. 13.7	PLANNING - Development Application 10.2020.574.1 Farmstay Accommodation comprising Six (6) Cabins and a Central Facility at 219 The Saddle Road Brunswick Heads.....	19
Report No. 13.9	PLANNING - DA 10.2019.343.1 - Tourist and visitor accommodation comprising four (4) one-bedroom cabins.....	19
Report No. 13.10	Climate Change Adaptation Plan	21
Report No. 13.15	PLANNING - Modification Application 10.2019.616.3 Mixed Use Development cnr Jonson & Browning Streets Byron Bay	21
Report No. 13.18	PLANNING - Letter of Offer and Draft Voluntary Planning Agreement for Affordable Housing - 68 Rankin Drive, Bangalow	21
Report No. 13.19	PLANNING - NSW Flood Planning Reforms: Mandatory and Optional LEP clauses	22
Report No. 13.28	Linda Vidler Park Masterplan	23
Notice of Motion No. 9.1	Barbed wire ban	23

BYRON SHIRE COUNCIL

Ordinary (Planning) Meeting Minutes

5 August 2021

Notice of Motion No. 9.2	Report on implementation of Water Sensitive Design Policy and Strategy	23
Notice of Motion No. 9.5	Rent Reduction for Bangalow Theatre Company Production - RENT.....	23
Notice of Motion No. 9.6	Mining and Mining Exploration in Clarence Valley Catchment	24
Notice of Motion No. 9.8	ICOLL Opening Strategy	24
Notice of Motion No. 9.9	Naming Historical Site	25
Notice of Motion No. 9.10	Pedestrian Access and Safety: Dalley/Tincogan Priority Change.....	26
Notice of Motion No. 9.11	Tincogan Street Safe Movement and Access.....	26
Report No. 13.1	Lease to Mercato on Byron Pty Ltd	27
Report No. 13.5	PLANNING - S4.55 Development Application 10.2020.97.2 Modify Weed Control Requirements, Engineering Construction Plan Requirements and Development Contribution Payments at 77 Tuckeroo Avenue Mullumbimby	28
Report No. 13.11	Preparing for Climate Active carbon neutral certification 2025/26 - establishing Council's emissions boundary	29
Report No. 13.13	Final Coastal Management Program (CMP) Stage 1 Scoping Study for the Southern Byron Shire Coastline and Belongil Estuary - for adoption by Council.....	29
Report No. 13.16	PLANNING - 26.2016.6.1 Submissions Report, Planning Proposal for The Farm, Ewingsdale	30
Report No. 13.20	Request for Owners Consent -	30
Report No. 13.21	Housing above Council owned Car Parks.....	30
Report No. 13.24	Responding to our Housing Crisis.....	31
Report No. 13.26	Moving Byron - Public Exhibition.....	32
Report No. 13.27	Additional Flow Path Project - Budget Adjustment & Purchase of Easement Area on Lot 12	32

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY (PLANNING) MEETING HELD ON THURSDAY, 5 AUGUST 2021 COMMENCING AT 9.10AM AND CONCLUDING AT 5.43PM

I2021/1197

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

Staff: Mark Arnold (General Manager)
Vanessa Adams (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Chris Larkin (Manager Sustainable Development)
Sharyn French (Manager Environmental and Economic Planning)
Orla Seccull (Coastal and Estuary Officer)
Rob Van Iersel (Place Activation Coordinator)
Ralph James (Legal Counsel)
Mila Jones (Minute Taker)

The Mayor opened the meeting and acknowledged that the meeting is being held on Arakwal Country and that we pay our respects to the elders past and present and extend our respect to the Bundjalung clans whose lands and waters are part of the Shire.

PUBLIC ACCESS

Prior to dealing with the circulated reports and associated information, a Public Access Session was held and Council was addressed on the following:

Public Access

Report No and Title	For/ Against	Name	Representing Community Organisation	Via
9.3	For	Matthew O'Reilly	CABS	In person
9.4	For	Shane Sylvanspring/ Sama Balson	Womens Village Collective	In person
		Mark Swivel		In person
9.7	For	Avital Sheffer	Northern Rivers Intentional Communities NRIC	In person
		Duncan Dey	Main Arm Rural Residents Association	In person

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

Report No and Title		For/ Against	Name	Representing Community Organisation	Via
9.10	Pedestrian Access and Safety: Dalley/Tincogan Priority Change	For	Bobbi Allan	Mullumbimby Residents Association	In person
			Linda Meades		In person
13.2	Extension of market relocations - Byron Bay	For	Kate Hardman	Byron Community Centre	In person
			Walter Halvorsen	Byron Shire Market stall holders	In person
		Against	Vivien Royston		In person
			Sky Wesolowski		

PROCEDURAL MOTION

21-254 Resolved that Public Access be extended by one hour.

(Lyon/Martin)

The motion was put to the vote and declared carried.

Report No and Title		For/ Against	Name	Representing Community Organisation	Via
13.6	PLANNING - Development Application 10.2019.466.1 Community Title Subdivision Seventeen (17) Lots at 41 Bottlebrush Crescent Suffolk Park	For	Alan Kennedy		In person
13.7	10.2020.574.1 Farmstay Accommodation comprising Six (6) Cabins and a Central Facility at 219 The Saddle Road Brunswick Heads	Against	Kirsten Nugent		Zoom
			Tom George		Read out by staff
13.9	PLANNING - DA 10.2019.343.1 - Tourist and visitor accommodation comprising four (4) one-bedroom cabins Recommendation	For	Kate Singleton / Stephen Eakin		In person
		Against	Jodie Lunn	Tandy's Lane Community	In person

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

Report No and Title		For/ Against	Name	Representing Community Organisation	Via
13.10	Climate Change Adaptation Plan.	For	Duncan Dey		In person
13.15	PLANNING - Modification Application 10.2019.616.3 Mixed Use Development cnr Jonson & Browning Streets Byron Bay	For	Jason Dunn		In person
		Against	Peter O'Connor		Zoom
			Paul Cholakos		In person
13.18	PLANNING - Letter of Offer and Draft Voluntary Planning Agreement for Affordable Housing - 68 Rankin Drive, Bangalow	Against	Raymond Darney		In person
			Maxwell Campbell		In person
13.19	NSW Flood Planning Reforms: Mandatory and Optional LEP clauses	For	Matthew O'Reilly		In person
13.28	Linda Vidler Park Masterplan	For	Craig Scanlan	Suffolk Park Community Garden Inc	Read out by staff

Submissions

Subject	Name	Representing Community Organisation	Via
Development Contribution Waiver for Permanent Group Homes and Hostels in Byron Shire	Matthew O'Reilly	CABS	In person

Question No. 1 - MOs and CTs

Matthew O'Reilly asked the following question:

Does Byron Council intend or have a process to include all: (a) existing authorised CTs and MOs and (b) Lots identified for MO development in the BRSS 1998 in the MO and CT map in the Byron LEP 2014? and if not why not?

The Director took the question on notice.

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

Question No. 2 - Extension of Market Relocations

Vivien Royston asked the following question:

Why is the extension date linked to the acceptance of the DA when it wasn't on previous extension applications?

The General Manager advised that this response has been canvassed through the discussion in public access today in that Council is very keen to see the markets move away from the beachside and the ability to do that is linked to the DA. The process to enable it to be done quickly, is once the DA is determined then the market could be able to be moved. The use of a period of time term, as has been done in the past, needs that process to be finished; that it wouldn't be in accord with the direction that Council has given staff which is to move as quickly as possible. It's noted that the submissions today is looking for a firm period of time rather than one which is based on process and that will be considered by Council as part of the debate today.

Question No. 3 – Bypass Costs

John Anderson asked the following question:

Could Council please try to overcome its shyness by publishing a final figure for the total cost of the construction of the Butler Street Bypass?

The General Manager took the question on notice and will publish the figure again.

The meeting adjourned at 11.40am and reconvened at 12.12pm.

APOLOGIES

There was an apology received from Cr Coorey.

PROCEDURAL MOTION

21-255 Resolved that the apology from Cr Coorey be accepted and a leave of absence granted.
(Lyon/Cameron)

The motion was put to the vote and declared carried.

REQUESTS FOR LEAVE OF ABSENCE

There were no leave of absence requests.

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Ndiaye declared a non-pecuniary interest in Report 13.7. The nature of the interest being that the proponent is a fellow Council candidate and the public could perceive a conflict of interest. Cr Ndiaye elected to leave the Chamber and will not participate in discussion and will not vote.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

21-256 Resolved that the minutes of the Ordinary (Planning) Meeting held 10 June 2021 be confirmed. (Ndiaye/Lyon)

The motion was put to the vote and declared carried.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

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

STAFF REPORTS

General Manager

Report No. 13.1 Lease to Mercato on Byron Pty Ltd
Report No. 13.2 Extension of market relocations - Byron Bay

Sustainable Environment and Economy

Report No. 13.5 PLANNING - S4.55 Development Application 10.2020.97.2 Modify Weed Control Requirements, Engineering Construction Plan Requirements and Development Contribution Payments at 77 Tuckeroo Avenue Mullumbimby
Report No. 13.6 PLANNING - Development Application 10.2019.466.1 Community Title Subdivision Seventeen (17) Lots at 41 Bottlebrush Crescent Suffolk Park
Report No. 13.7 PLANNING - Development Application 10.2020.574.1 Farmstay Accommodation comprising Six (6) Cabins and a Central Facility at 219 The Saddle Road Brunswick Heads
Report No. 13.9 PLANNING - DA 10.2019.343.1 - Tourist and visitor accommodation comprising four (4) one-bedroom cabins
Report No. 13.10 Climate Change Adaptation Plan

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

- Report No. 13.11 Preparing for Climate Active carbon neutral certification 2025/26 - establishing Council's emissions boundary
- Report No. 13.13 Final Coastal Management Program (CMP) Stage 1 Scoping Study for the Southern Byron Shire Coastline and Belongil Estuary - for adoption by Council
- Report No. 13.15 PLANNING - Modification Application 10.2019.616.3 Mixed Use Development cnr Jonson & Browning Streets Byron Bay
- Report No. 13.16 PLANNING - 26.2016.6.1 Submissions Report, Planning Proposal for The Farm, Ewingsdale
- Report No. 13.18 PLANNING - Letter of Offer and Draft Voluntary Planning Agreement for Affordable Housing - 68 Rankin Drive, Bangalow
- Report No. 13.19 PLANNING - NSW Flood Planning Reforms: Mandatory and Optional LEP clauses
- Report No. 13.20 Request for Owners Consent - "Bewilderness" - Cavanbah Centre
- Report No. 13.21 Housing above Council owned Car Parks
- Report No. 13.24 Responding to our Housing Crisis

Infrastructure Services

- Report No. 13.26 This item was deferred
- Report No. 13.27 Additional Flow Path Project - Budget Adjustment & Purchase of Easement Area on Lot 12
- Report No. 13.28 Linda Vidler Park Masterplan

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Lyon and seconded by Cr Ndiaye. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 21-257 and concluding with Resolution No. 21-269.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.3 **Community Initiatives Program - Funding Round 2021/2022**
File No: I2021/1142

21-257 Resolved:

1. That Council approves the recommendations for the Community Initiatives Program as per Attachment 1 (E2021/77738).

Organisation name
Brunswick Heads Progress Association
Brunswick Valley Landcare Inc
Byron Community Centre
Eureka Public Hall Association
Federal School of Arts Association Inc
Mullum Cares Incorporated
Natural Death Care Centre
Queer Family Inc
Shark Attack Response Incorporated
Spaghetti Circus Inc.

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

2. That Council notes the applications not recommended as per Attachment 1 (E2021/77738). (Lyon/Ndiaye)
-

Report No. 13.4 Postponement of the 2021 Local Government Election - Amendment to the 2021 Meeting Schedule

File No: I2021/1166

21-258 Resolved:

1. That the 2021 Meeting Schedule be amended such that:
- a) A Planning Meeting on 16 September 2021 be scheduled
 - b) An Ordinary Meeting on 23 September 2021 be scheduled
 - c) The Planning Meeting on 11 November is rescheduled to 4 November 2021
 - d) The Planning Meeting on 9 December 2021 is cancelled
 - e) The Ordinary Meeting on 16 December 2021 is cancelled
 - f) The Audit Risk and Improvement Committee and Finance Committee meetings on 18 November are rescheduled to 11 November
 - g) The following committee and panel meetings scheduled during caretaker period are cancelled:
 - i) 15 November - Communications Panel
 - ii) 17 November - Community Round Table
 - iii) 18 November - Biodiversity Advisory Committee and Arakwal Memorandum of Understanding Advisory Committee

and that notice be given in the Echo and on Council's website of the change of meeting schedule for the rest of 2021.

2. That Council extends the term for Advisory Committees, Panels and Section 355 Committees until the end of the current term of Council and notifies the committee members of this decision. (Lyon/Ndiaye)
-

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.8 PLANNING - Report of the 3 June 2021 Planning Review Committee

File No: I2021/959

- 21-259 Resolved** that Council endorses the outcomes of the Planning Review Committee meeting held on 3 June 2021. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

Report No. 13.12 PLANNING - 26.2020.5.1 158 Jonson Street Planning Proposal Submissions Report

File No: I2021/859

21-260 Resolved that Council forwards the planning proposal, as contained in Attachment 1 (E2021/9574), to Department of Planning, Industry and Environment for finalisation. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

Report No. 13.14 Federal Village Masterplan Progress Report

File No: I2021/580

21-261 Resolved that Council notes the report and update provided on the Federal Village Masterplan and Federal Main Street Design Project. (Lyon/Ndiaye)

Report No. 13.17 PLANNING - 24.2020.27.1- Bangalow DCP Updates

File No: I2021/1035

21-262 Resolved:

1. That Council exhibits the draft DCP 2014 Chapters E2 Bangalow and C1 Non-Indigenous Heritage (Attachment 3 - E2021/3759 and Attachment 4 -E2021/72759) for a minimum period of 28 days.

2. That Council receives a submissions report at the end of the exhibition period. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

Report No. 13.22 Development Assessment eSymposium

File No: I2021/1147

21-263 Resolved:

1. That Council notes the submissions received via the Development Assessment eSymposium.

2. That a development assessment feedback form be developed for inclusion on Council's website, with links to development related correspondence to collect feedback from applicants and the community on their experiences for review by staff as part of an internal continuing improvement process.

3. That development assessment related questions be included in the bi-annual

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

Community Survey.

4. That issues raised in relation to flooding and drainage be referred to Infrastructure Services for consideration and response. (Lyon/Ndiaye)

Report No. 13.23 **Update Resolution 21-062 Council's role in Housing Delivery and Resolution 21-065 Byron Shire's Key Workers Issue Paper**
File No: I2021/769

21-264 Resolved:

1. That Council notes the staff report on Live-Work and Restricted Purchase housing delivery models and how they can be applied to Council owned land and developments.
2. That Council supports the work of the Housing Working Subgroup (HWG) of the Northern Rivers Planners Group for Byron, Ballina, Lismore, Kyogle, Richmond Valley and Tweed Councils on advocacy and collaboration on innovative solutions to housing affordability. (Lyon/Ndiaye)

Report No. 13.25 **Prohibition on Compliance Levy Changes**
File No: I2021/1177

21-265 Resolved that Council as a matter of urgency:

1. Writes to the Minister for Planning and Public Spaces to express Council's extreme disappointment at the lack of genuine consultation with affected councils and their representatives in its recent decision to make the Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021, with the effect of prohibiting councils from collecting existing compliance levies after 31 December 2021, noting that Byron Shire Council will now be forced to revise the extent of its current compliance services, much to the detriment of our community and environment, and that this will also restrict Council's capacity to assist State Government compliance agencies in their investigations and enforcement within the Byron Shire;
2. Writes to the Chair of the Northern Rivers Joint Organisation seeking urgent collective action among its members to advocate against the latest State Government Regulation on compliance levies; and
3. Writes to both its State and Federal Members seeking their urgent support and assistance for an immediate review and further pausing of recent State legislation to provide affected councils with additional time to investigate alternative funding services to continue current compliance services. (Lyon/Ndiaye)

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.29 **2021-0014 Provision of Surf Life Saving Services for Byron Shire Council**
File No: I2021/1093

21-266 Resolved:

1. That Council award Tender 2021-0014 to the tenderer recommended in the Tender Evaluation Report (Confidential Attachment 1 - E2021/83984)
 2. That Council's seal be affixed to the relevant documents.
 3. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Lyon/Ndiaye)
-

Report No. 13.30 **Tender 2021-0002 Truck, Plant and Equipment Hire**
File No: I2021/1119

21-267 Resolved:

1. That Council award Tender 2021-0002, Truck, Plant and Equipment Hire to the suppliers confidentially listed in Attachment 1 - Final Recommendation Report (2021/88190) and be appointed to the tender as Panel Source suppliers to Byron Shire Council for the initial period of 9 August 2021 to 30 June 2023.
 2. That provision be allowed with three (3) x one (1) year option to extend the contract subject to performance, which may take this contract through to 30 June 2026.
 3. That Council makes public its decision, including the name of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Lyon/Ndiaye)
-

CONFIDENTIAL REPORTS – GENERAL MANAGER

Report No. 15.1 **CONFIDENTIAL - Aboriginal Land Claims - Sandhills Reserve**
File No: I2021/971

21-268 Resolved:

1. That Council resolves to acquire and dispose of interests in land within the parameters set out in Confidential Attachment 1 (#E2021/77825) subject to reaching agreement on terms.
2. For the purpose of part 1:

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

- a) the Mayor, Deputy Mayor and General Manager are authorised to finalise terms of any acquisition or disposal;
 - b) the General Manager is authorised to execute documents and do all necessary to give effect to the acquisition or disposal as authorised by the Mayor, Deputy Mayor and General Manager. (Lyon/Ndiaye)
-

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 15.2 **CONFIDENTIAL - Land Acquisition Matters Myocum Road Widening and Reconstruction**
File No: I2021/1129

21-269 Resolved:

1. That Council authorises the land swap agreement with the owners of Lot 1 DP 1138652 as per extract valuation report (Attachment 1 E2021/90163) for road widening and realignment purposes.
 2. That Council accepts the offer of \$40,000 made by the landowners of lot 127 DP 405405 (as per Attachment 4 S2021/3780) for Lot 4 road closure and severed land (highlighted yellow) in Figure 1.
 3. That Council authorises the execution of all documents necessary to affect the land swap agreement with the owners of Lot 1 DP 1138652 and sale of land to the owners of Lot 127 DP 405405 including but not limited to contracts for the acquisition of land, road closures, dedication of land as road and consolidations. (Lyon/Ndiaye)
-

PROCEDURAL MOTION

21-270 Resolved that Council change the order of business to deal with 9.3, 9.4, 9.7, 9.10, 13.2, 13.6, 13.7, 13.9, 13.10, 13.15, 13.18, 13.19, 13.28 next on the Agenda. (Lyon/Hackett)

The motion was put to the vote and declared carried.

NOTICES OF MOTION

Notice of Motion No. 9.3 Rous Future Water
File No: I2021/1181

21-271 Resolved that Council notes the adoption of the Integrated Water Cycle Management (IWCM) Strategy at the 21 July 2021 Extraordinary Meeting of Rous County Council (RCC) and:

- a) recognises the traditional custodians including the Widjabul Wia-bal people and

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

their deep cultural knowledge, connection and understanding of the water cycle and natural catchment systems within the RCC service area.

- b) acknowledges the role of Byron Shire Council to be part of securing our future water supply, both as constituent members of RCC and as responsible custodians of our region
- c) consults with our community to,
 - i) reduce reliance on town water,
 - ii) strengthen community preparedness for climate extremes, and
 - iii) expand take up of water reuse sources.
- d) provides a report to the new Council within 3 months of election that identifies
 - i) diverse local supply modes and sources,
 - ii) efficiency and water conservation measures,
 - iii) amendments to BLEP that ensure the health of local sources and water catchments,
 - iv) a community engagement plan to progress the matters identified in this resolution, and
 - v) considers development of local water sources and partnerships with other LGAs that complements the diversified direction established by the adopted IWCM. (Cameron/Ndiaye)

The motion was put to the vote and declared carried.

Cr Hunter voted against the motion.

PROCEDURAL MOTION

- 21-272 Resolved** that Cr Cameron be granted a two minute extension to his speech. (Lyon/Cameron)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.4 Emergency Housing

File No: I2021/1155

- 21-273 Resolved** that Council:

1. Requests staff to prepare a report to Council prior to submitting a development application and any required supporting local approval applications for a “Transitional Supported Accommodation” development made under existing definitions in the Local Environmental Plan 2014, on that part of Lot 22 identified for Affordable Housing in the “Plan of Management Community Land Mullumbimby Sports Fields” that meets the following parameters:

“Transitional Supported Accommodation” is temporary accommodation to bridge the gap from those in insecure housing or at risk of homelessness to permanent housing and is located as close as possible to existing residential facilities and social support services.

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

“Temporary accommodation” is a residential use or development for a period of not more than 48 months from the date on which an occupation certificate is issued under the Act.

2. Requests an update on the progress of the emergency accommodation for women that was requested by the Community Centre and advises the timeframe in which this may be delivered.
3. Requests a report exploring the potential and highlighting the barriers for the Old Mullumbimby Hospital Site to be used for temporary accommodation until the permanent use of the site has been finalised.
4. Provides a report on any Council land zoned RE1 and the barriers which would prevent it under the current rules from providing emergency accommodation as per 1. above. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

- 21-274 Resolved** that Cr Lyon be granted a one/two minute extension to his/her speech. (Spooner/Cameron)

The motion was put to the vote and declared carried.

The meeting adjourned at 1.10pm for lunch and reconvened at 2.05pm.

Notice of Motion No. 9.7 MOs and CTs – pathway for secondary dwellings and dual occupancies

File No: I2021/1175

- 21-275 Resolved** that Council investigates how to enable a workable pathway to facilitate secondary dwellings on Multiple Occupancies and to facilitate secondary dwellings and/or dual occupancies on Community Titles. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.10 Pedestrian Access and Safety: Dalley/Tincogan Priority Change

File No: I2021/1167

- 21-276 Resolved** that this item rest on the table. (Cameron/Lyon)

The motion was put to the vote and declared carried.

STAFF REPORTS – GENERAL MANAGER

Report No. 13.2 Extension of market relocations - Byron Bay
File No: I2021/1040

21-277 Resolved:

1. That Council:
 - a) extend the Byron Farmers Market tenure at the Cavanbah Centre until such time as Butler Street Reserve becomes available; and
 - b) prioritise the Farmers Markets' tenure at the Cavanbah Centre ahead of any other proposals received for use of the same space during their tenure.
2. That Council:
 - a) extend the Byron Community Market tenure at the Byron foreshore until development consent for their relocation to the town centre or other location has been granted; and
 - b) limit vehicle parking on the Reserve to no more than 50 vehicles , with these limited to parking in the area identified in the map below, to be managed by the market managers.
3. That the licence fees for the markets' tenure at their respective sites be fully subsidised from the Waste Fund.
4. That a proposal be submitted to the NSW EPA for a staged return of community use of Butler Street Reserve.



(Spooner/Lyon)

*The motion was put to the vote and declared carried.
Crs Ndiaye, Cameron and Hackett voted against the motion.*

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.6 **PLANNING - Development Application 10.2019.466.1**
Community Title Subdivision Seventeen (17) Lots at 41
Bottlebrush Crescent Suffolk Park
File No: I2021/1029

21-278 **Resolved** that pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2019.466.1 for Community Title Subdivision Seventeen (17) Lots, be granted consent subject to the conditions of approval in Attachment 5 (E2021/85149) and the following amendments:

Amend Condition 6. a) as follows:

6.a. Private accessway

A sealed accessway, generally in accordance with Section B6.3 of Chapter 1 Part B of DCP2010 and the General Terms of Approval from the NSW Rural Fire Service dated 5 May 2021. The accessway is to be for the shared use of pedestrians, cyclists and vehicles linking with Bottlebrush Crescent at the entrance.

Insert condition 25A as follows:

25A. Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997

Documentary evidence from a suitably qualified professional is to be submitted with the subdivision works certificate application, demonstrating that the bushfire conditions as issued under Section 100B of the Rural Fires Act 1997 have been complied with in relation to any necessary subdivision works.

Amend Condition 56 as follows:

56. Management Statements

The management statement and development contract and a copy are to be submitted with the application for a subdivision certificate, together with a letter from a Solicitor, experienced in Community Title legislation, certifying that the management statement and development contract have been prepared in accordance with Community Title legislation and acceptable for registration with NSW Land and Property Information. Bylaws are to be included in the management statement to ensure the private accessway is maintained as a low-speed environment, with a 25 kph speed limit and for the shared use of vehicles, cyclists and pedestrians at all times.

Amend Condition 70 as follows:

70. Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997

Documentary evidence from a suitably qualified professional is to be submitted with the

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

subdivision certificate application, demonstrating that the bushfire conditions as issued under Section 100B of the Rural Fires Act 1997 have been complied with.

(Cameron/Lyon)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

Report No. 13.7 **PLANNING - Development Application 10.2020.574.1 Farmstay Accommodation comprising Six (6) Cabins and a Central Facility at 219 The Saddle Road Brunswick Heads**
File No: I2021/757

Cr Ndiaye left the meeting at 2.47pm in accordance with her earlier declared interest in this matter.

21-279 Resolved that this matter be deferred to investigate traffic and access issues on the site.
(Lyon/Martin)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

Cr Ndiaye was not present for the vote.

Cr Ndiaye returned to the meeting at 3.00pm.

Report No. 13.9 **PLANNING - DA 10.2019.343.1 - Tourist and visitor accommodation comprising four (4) one-bedroom cabins**
File No: I2021/761

21-280 Resolved that this matter be deferred to review existing compliance issues and to ensure that conditions of consent that have been outlined below are considered and complete:

Amend Condition 4, as follows

4. Removal of unauthorised structures

Prior to the issue of a construction certificate, the following structures/works are to be demolished and removed from the land to the satisfaction of Council:

- any timber platforms and composting toilet, and any other buildings located near Simpsons Creek at the eastern end of the property;
- Any kitchen or cooking facilities installed in the approved studio near Tandys Lane that would enable the building to be used for habitable purposes.
- The shed structure recently erected on the land near Simpsons Creek (approximately 35 metres from northern boundary and 40 metres from the eastern boundary, unless separately approved by way of a development consent or Complying Development certificate or is exempt development under SEPP 2008 (Exempt and Complying Development))

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

The Principal Certifying Authority must not issue any construction certificate unless written correspondence has been issued by Council confirming that these structures/works have been removed (or are not required to be removed).

Amend Condition 21 to insert point I) as follows

21. Vegetation Management Plan

- I) A four (4) strand post and wire fence with a height of 1.2m to be erected along the western edge of the mapped Coastal Wetlands under *State Environmental Planning Policy (Coastal Management) 2018*.

Amend condition 53 to read as follows

53. Maximum number of guests / patrons

No more than a total of 2 guests/patrons in each cabin, equating to a total number of 8 guests / patrons at any time for the development.

Insert the following additional conditions

55. Manager of the tourist and visitor accommodation Cabins

The tourist and visitor accommodation must be managed and operated by the principal owner living on the property at all times.

56. Use of Simpsons Creek foreshore

The Coastal Wetlands area near Simpsons Creek must not be accessed or used by guests of the tourist accommodation for recreational activities including canoeing, kayaking, boating, water-skiing, wakeboarding or the like, unless development consent has been obtained for any such use. (Hackett/Cameron)

PROCEDURAL MOTION

21-281 Resolved that Cr Hackett be granted a two minute extension to her speech. (Lyon/Cameron)

The motion was put to the vote and declared carried.

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

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

Cr Hunter voted against the motion.

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

the draft VPA to address the inconsistencies in Table 1 and legal matters identified in this Report;

4. Considers a submissions report post-exhibition that includes any recommended changes to the draft VPA.
5. Understands that should Council choose to proceed with finalising the attached draft VPA ahead of a statutory AHCS being in place, there is no guarantee that 20% of the rezoned land (or any %) will be dedicated for affordable housing purposes.
6. Due to 5, does not accept any 'urban residential' planning proposals pertaining to a non- Council owned and or managed investigation area (as identified in the Residential Strategy), until a statutory AHCS is in place for Byron Shire, noting that the timeframe for this may be at least 6 months away.
7. Requests the Department of Planning, Industry and Environment to finalise its approval of the Byron Residential Strategy and corresponding Affordable Housing Contribution Scheme without further delay. (Spooner/Hunter)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

Report No. 13.19 PLANNING - NSW Flood Planning Reforms: Mandatory and Optional LEP clauses

File No: I2021/1161

21-285 Resolved that Council:

1. notes the Mandatory 'Flood planning' Clause which took effect on 14 July 2021 and replaces the previous flood planning clause 6.3 in Byron LEP 2014;
2. resolves to include the Optional 'Special Flood Consideration' Clause in Byron LEP 2014, noting this will not come into effect until the state government has completed a further extended period of consultation with the public, councils, and industry; and
3. receives a further report to resolve which land uses will make up the optional clause definition of 'sensitive and hazardous development' and that this report be considered by the Floodplain Management Risk Committee prior. (Ndiaye/Lyon)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.28 Linda Vidler Park Masterplan

File No: I2021/936

21-286 Resolved that Council:

1. Notes the attached Linda Vidler Park Draft Masterplan Exhibition Comments Summary and Response Report (Attachment 1 - E2021/91087)
2. Endorses the attached Linda Vidler Park Masterplan Final (Attachment 2 - E2021/93789). (Martin/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 Barbed wire ban

File No: I2021/1180

This item was deferred to the next meeting.

Notice of Motion No. 9.2 Report on implementation of Water Sensitive Design Policy and Strategy

File No: I2021/1179

This item was deferred to the next meeting.

Notice of Motion No. 9.5 Rent Reduction for Bangalow Theatre Company Production - RENT

File No: I2021/1174

21-287 Resolved that Council agrees to waive the rent payable by the Bangalow Theatre Company to Bangalow A & I Hall S355 Committee in respect of its recent production to enable the Company to recoup costs. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.6 Mining and Mining Exploration in Clarence Valley

Catchment

File No: I2021/1156

21-288 Resolved that Council:

1. Supports the Clarence Valley Council community in seeking a moratorium on future mining and mining exploration in the Clarence Valley Catchment.
2. Advocates to the Premier Gladys Berejiklian MP, Deputy Premier John Barilaro MP and the Minister for Energy & Environment Matt Kean MP. (Lyon/Ndiaye)

*The motion was put to the vote and declared carried.
Cr Hunter voted against the motion.*

Notice of Motion No. 9.8 ICOLL Opening Strategy

File No: I2021/1182

21-289 Resolved that Council:

1. Undertakes a review of the current Opening Strategy for the Belongil ICOLL to determine whether it is impacting adversely on upstream lands within the Drainage Union catchment and/or flooding issues within the Byron Bay township.
2. Reviews its performance in comparison to the earlier 2001 Opening Strategy (Belongil Estuary Management Plan – Parker and Pont 2001).
3. Supports that this review should also address the likely impacts of the new Overland Flow Route on the ICOLL and from increased effluent flows proposed from the Byron Bay Sewage Treatment Plant (BBSTP), both upstream on Drainage Union lands and downstream at the mouth opening. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

Notice of Motion No. 9.9 Naming Historical Site

File No: I2021/1162

- 21-290 Resolved** that Council consult with key stakeholders regarding the naming of the historical site and primary beach access at Belongil beach, as highlighted on the map below and report back to Council prior to any submission going to the Geographical Names Board.



(Hackett/Cameron)

Cr Spooner left the meeting at 4.28pm.

PROCEDURAL MOTION

- 21-291 Resolved** that Cr Hackett be granted a two minute extension to her speech. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

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

PROCEDURAL MOTION

- 21-292 Resolved** that Notice of Motion No. 9.10 be lifted from the table. (Lyon/Cameron)

The motion was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

Notice of Motion No. 9.10 Pedestrian Access and Safety: Dalley/Tincogan Priority Change

File No: I2021/1167

21-293 Resolved that Council:

1. Support the installation of a pedestrian (Zebra) crossing in Tincogan Street Mullumbimby between Dalley Street and Stuart Street, Mullumbimby and that:
 - a) Staff commence planning and design for the crossing and seek urgent approval from the LTC for the works.
 - b) The design and layouts for the mid-block Zebra crossing and associated footpaths be presented to Council's next available Strategic Planning Workshop.
2. That the Tincogan Street/Dalley Street intersection pedestrian safety upgrades approved by LTC are implemented as per res 21-043 with the priority change deferred until an approved midblock Zebra Crossing has been installed between Dalley Street and Stuart Street. (Cameron/Lyon)

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

21-294 Resolved that Cr Cameron be granted a one minute extension to his speech. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

Notice of Motion No. 9.11 Tincogan Street Safe Movement and Access

File No: I2021/1173

21-295 Resolved that Council:

1. Notes the concerns expressed by residents regarding safety, access and mobility issues for pedestrians and cyclists along Tincogan Street.
2. Notes the Councillor background notes attached to this Notice of Motion.
3. Supports a pedestrian (zebra) crossing on Tincogan Street between Dalley and Stuart Streets as a priority action.
4. Undertakes an outcomes focussed Safe Movement and Access Options Assessment ('Assessment') for Tincogan Street between Main Arm Road and Station Street with the following expected outcomes:
 - a) Identify infrastructure, regulatory and other (e.g., education) improvements that

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

can be made to improve safe access and mobility for pedestrians and cyclists at the 'key locations' referred to in the background notes.

- b) Strengthen north-south pedestrian connections over Tincogan Street as identified in the Our Mullumbimby Masterplan.
 - c) Make application for a consistent speed of 40 kph along Tincogan Street from Main Arm Road to Station Street.
 - d) Provide advice on a possible maximum speed of 40kph for a) town centre precinct, or b) town centre and residential precincts.
 - e) Ensure the Access Panel, TIAC and other key stakeholders (e.g., Disability Service) have opportunities to inform the Assessment and to consider identified improvements.
5. Provides a report to Council detailing these outcomes and a delivery plan.

(Cameron/Ndiaye)

The motion was put to the vote and declared carried.

PETITIONS

There were no petitions

SUBMISSIONS AND GRANTS

There were no submissions or grants.

DELEGATES' REPORTS

There were no delegates' reports.

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 **Lease to Mercato on Byron Pty Ltd**
File No: I2021/949

21-296 Resolved:

1. That Council notes the market rent valuation reports from:
 - a) CBRE Valuation and Advisory Services that establishes base rent for the airspace lease to Mercato on Byron Pty Ltd at \$6,200 (exclusive GST) per annum; and
 - b) Valuers Australia Pty Ltd that establishes base rent for the airspace lease to Mercato on Byron Pty Ltd at \$23,300 (exclusive of GST) per annum.
2. That Council resolves the value of base rent under for the airspace lease to Mercato on Byron Pty Ltd at \$23,300 (exclusive of GST) per annum;

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

3. That Council authorises the General Manager, under delegation, to grant an airspace lease to Mercato on Byron Pty Ltd, subject to consent from the Secretary of the Department of Planning and Environment, on the following conditions:
- a) fixed term of 20 years;
 - b) at a base rent established in point 2 of this recommendation, with the base rent increased annually by Consumer Price Index All Groups Sydney with full rent review of base rent on each of the fifth, tenth and fifteenth anniversaries of the execution of the lease to be established by an independent registered valuer appointed by the lessor at the Lessee's cost; and
 - c) the Lessee be responsible, at its cost, for required insurance, maintenance and upkeep of the encroachment structures that overhang the airspace above the Jonson Street road reserve;
 - d) the Lessee, at its cost, demolish and remove the encroachment structures that overhang the airspace above the Jonson Street road reserve at the end of the lease, unless the Lessee has entered into a new lease with Council to commence on the day immediately after the end date its current lease.
4. That Council authorise the General Manager, under delegation, to consent to the assignment of the executed airspace lease between Byron Shire Council and Mercato Pty Ltd to coincide with settlement of the sale of Mercato on Byron at 98-116 Jonson Street Byron Bay. (Ndiaye/Lyon)

The motion was put to the vote and declared carried.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.5 PLANNING - S4.55 Development Application 10.2020.97.2
Modify Weed Control Requirements, Engineering Construction
Plan Requirements and Development Contribution Payments at
77 Tuckeroo Avenue Mullumbimby**

File No: I2021/756

21-297 Resolved that pursuant to Section 4.55 of the Environmental Planning & Assessment Act 1979, that Application No. 10.2020.97.2 be approved by amending conditions 19 b), and the development contributions in Schedule 5 of Development Consent No. 10.2020.97.1 in accordance with the modified conditions in Attachment 2

(E2021/93593) with an amendment that deletes the word 'bikeways' from condition 65 as show below:

...The bikeways, local open space and shire wide open have been reduced to zero to take in to account the by the value land dedications and works in kind from the following development applications:... (Cameron/Ndiaye)

The motion was put to the vote and declared carried.

*Crs Martin, Lyon, Ndiaye, Cameron, Hackett and Hunter voted in favour of the motion.
No Councillors voted against the motion.*

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

Report No. 13.11 **Preparing for Climate Active carbon neutral certification 2025/26 - establishing Council's emissions boundary**

File No: I2021/860

21-298 **Resolved** that Council:

1. endorses the proposed Climate Active-compliant emissions boundary for Council operations in Table 1 of this report.
2. notes the attached report from consultant '100% Renewables', *Establishing Climate Active-compliant emissions boundary for Council operations* (Attachment 1 - E2021/64201).
3. notes that staff will report back to Council after the first financial year of tracking the proposed boundary (2021/22) as part of the annual emissions report (December 2022).
4. notes that a discussion of offsetting strategy and its financial implications will be reported to Council as part of the annual emissions report (December 2022).

(Ndiaye/Lyon)

The motion was put to the vote and declared carried.

Report No. 13.13 **Final Coastal Management Program (CMP) Stage 1 Scoping Study for the Southern Byron Shire Coastline and Belongil Estuary - for adoption by Council**

File No: I2021/448

21-299 **Resolved** that Council:

1. Notes the submissions received during the public comment period and agency feedback on the draft CMP Stage 1 Scoping Study for the Southern Byron Shire Coastline and Belongil Estuary (Assessment of submissions in Attachment 1 - E2021/90327 and full copy of submissions in Attachment 2 – E2021/87905 and Attachment 3 – E2021/87909).
2. Adopts the finalised CMP Stage 1 Scoping Study for the southern Byron Shire coastline and Belongil Estuary in Attachment 4 (E2021/90329) incorporating the amendments outlined in the report.
3. Notes the allocation of \$78,000 through the FY2021/22 budget process to enable the project to continue to Stage 2 of the Coastal Management Program process (OP Action 3.3.1.4).

(Hackett/Lyon)

The motion was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

Report No. 13.16 **PLANNING - 26.2016.6.1 Submissions Report, Planning Proposal for The Farm, Ewingsdale**

File No: I2021/883

21-300 **Resolved** that Council:

1. forwards the planning proposal, as contained in Attachment 1 (E2020/98549), to Department of Planning, Industry and Environment for finalisation.
2. adopts the amended Byron DCP Chapter E5 as included in Attachment 2 (E2021/84440), to become effective on finalisation of the LEP amendment and provides notification as required by the Environmental Planning and Assessment Act and Regulation. (Hackett/Lyon)

The motion was put to the vote and declared carried.

Report No. 13.20 **Request for Owners Consent - "Bewilderness" - Cavanbah Centre**

File No: I2021/1134

21-301 **Resolved** that Council:

1. Note that an unsolicited proposal has been received for a commercial activity, 'Bewilderness', on part of The Cavanbah Centre carpark, and that this application will be managed and assessed in accordance with Council's adopted Supporting Partnerships Policy, and Council's Partnership Proposal Guidelines.
2. Grant land owners consent for the proponent to lodge a development application for the proposed commercial activity, 'Bewilderness', noting that the development application will follow Council's assessment process and public notification requirements. (Ndiaye/Lyon)

The motion was put to the vote and declared carried.

Report No. 13.21 **Housing above Council owned Car Parks**

File No: I2021/1145

21-302 **Resolved:**

1. That Council re-confirms the in-principle support to facilitating the establishment of diverse and affordable housing on suitable Council owned car parks.
2. That should discussions with interested housing providers continue, the outcomes be reported to Council, to determine if the project/s have merit and can proceed. (Hunter/Lyon)

The motion was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

Report No. 13.24 **Responding to our Housing Crisis**
File No: I2021/1176

21-303 Resolved that Council:

1. Notes that multiple innovative housing initiatives progressing to address our housing crisis have now been stalled/delayed by the DPIE including Lot 22 Planning Proposal, Tiny Homes Planning Proposal, Short Term Rental Accommodation Planning Proposal and Affordable Housing Contributions Scheme (SEPP 70).
2. Notes that Council is still to receive a response from the Office of Local Government on its submission to the Minister for Local Government to create Byron Land Limited.
3. Requests the General Manager seek an urgent meeting with the Coordinator General, Planning Delivery and Local Government to discuss 1 and 2.
4. Supports the work of staff on the Housing Working Subgroup (HWG) of the Northern Rivers Planners Group that is collaborating to prepare and lodge a submission to the Minister for Planning and Public Spaces Regional Housing taskforce and the Parliamentary Inquiry into Options to improve access to existing and alternate accommodation to address the social housing shortage.
5. Due to the short submission periods of 4, is provided with a copy of both submissions once finalised by the HWG.
6. Expresses its deep frustration and dismay at the lack of movement on any of the above initiatives, given that we represented on all of these issues at a meeting in March with the Planning Minister and were given assurances that we would see some movement.
7. Notes that the NRJO at its recent meeting, passed a resolution declaring that we are experiencing a housing crisis in the region. (Lyon/Ndiaye)

The motion was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

5 August 2021

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.26 This item was deferred and removed from the Agenda prior to the meeting.

File No: I2021/1184

Report No. 13.27 Additional Flow Path Project - Budget Adjustment & Purchase of Easement Area on Lot 12

File No: I2021/1027

21-304 Resolved:

1. That the 2021/2022 Budget for the Additional Flow Path project be increased by \$441,500 to \$1,441,500 and that this increase be funded from the Sewer Fund Capital Works Reserve.
2. That the 2021/2022 Budget be amended so that the Sewer Fund Capital Works Reserve also contributes to the General Fund \$1,057,500 for the purchase of the easement on Lot 12 Bayshore Drive for the Additional Flow Path project's infrastructure in accordance with the valuation.
3. That Council allocates the \$1,057,500 from the Sewerage Fund Capital Works Reserve for the purchase of the Easement to a new Reserve in the General Fund titled 'Property Development Reserve – Lot 12 Bayshore Drive'. (Lyon/Hunter)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 5.43pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Planning Meeting on 16 September 2021.



.....
Mayor Michael Lyon