

**Minutes
Ordinary (Planning) Meeting
Thursday, 14 March 2024**



BYRON SHIRE COUNCIL

Ordinary (Planning) Meeting Minutes
14 March 2024

INDEX OF ITEMS DISCUSSED

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ORDINARY (PLANNING) MEETING MINUTES

14 March 2024

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY (PLANNING) MEETING HELD ON THURSDAY, 14 MARCH 2024 COMMENCING AT 9:09AM AND CONCLUDING AT 4:40PM.

I2024/375

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

Staff: Mark Arnold (General Manager)
Esmeralda Davis (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Heather Sills (Manager Corporate Services)
Matt Meir (Legal Counsel)
Chris Larkin (Manager Sustainable Development)
Alex Caras (Land Use Planning Coordinator)
Steve Daniels (Planner)
Storm Townsend (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:

The Mayor advised that he'd approved an extension to the time permitted for public access on item 13.3 *Byron Shire Residential Strategy 2041*, to 40 minutes; allowing 20 minutes for speeches for and 20 minutes for speeches against with time of 2 minutes for each speaker.

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Public Access

Report No and Title		Name	For/ Against	Representing Organisation	Submission Received in form of
13.3	Byron Shire Residential Strategy 2041	Matthew O'Reilly	For	Saddle Road Local Area Management Planning Association Incorporates (SRLAMPA)	In person
		Frea Bandini		Self	In person
		Ian Holmes		Bangalow Community Association	In person
		Jack Dods		An owner of property Coolamon Scenic Dr, Mullumbimby	In person
		Henry Stenning		Self	In person
		John Thompson		Self	In person
		Jo Pilgrim	Against	Brunswick Heads Progress Association	In person
		Lindy Anne O'Brien		Self	Speech to be read by staff
		Chris Shannon		Mecone on behalf of Chase Property	Online
		James Mott		Residence of Caniaba Crescent & Red Bean Close	In person
		Anna Tasker			In person
		Peter Doyle			In person
		Melinda Dunn			Speech to be read by staff
		Michael Hunter		Self	In person
		Leif Canuto		Self	In person

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Report No and Title	Name	For/ Against	Representing Organisation	Submission Received in form of
13.6 PLANNING - S4.55(1A) 10.2021.857.3 - Modification to Design of Dual Occupancy (Attached) including Use of Unauthorised Built Works at 2/16 Peter Street, South Golden Beach	Michael Jean Bruvel	Against	Self	In person

Cr Swivel left the Chambers at 10:37am.

PROCEDURAL MOTION

24-065 Resolved that Public Access be extended.

(Lyon)

The motion was put to the vote and carried.

Cr Swivel was not present for the vote.

Cr Swivel returned to the Chambers at 11:02am.

Submissions

Subject	Name	Representing Organisation	Submission Received in form of
Rezoning of Strategy	Peter McGill	Self	In person. A petition was tabled at the meeting in relation to this item.
Use of Consultants	Mathew Lambourne	Self	In person

Question No. 1 Opposition to development of south Mullumbimby

Nathanael Edwards asked the following question:

What is required to prevent this proposed investigation?

The Mayor took this question on notice.

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Question No. 2 Resolution 23-120 concerning the Lavertys Gap water supply for Mullumbimby

Kathryn McConnochie asked the following question:

Is Council planning to create additional off-stream storage capacity for Laverty's Gap in order to meet the increased housing projected for Mullumbimby in the Residential strategy, and if not, what resilient supply solutions are planned to meet the created demand?

The Mayor responded that:

The question cannot be answered at the moment as Council are still working through our future water strategy particularly in relation to Mullumbimby and there is a broader conversation at the Rous County Council level. No determination has been made as yet. Council hopes to be in a position to answer the question in this term of Council, before September 2024. Once staff have prepared their reports, the matter will be brought before Council for debate.

Ms McConnochie further asked:

Whether investigations are proceeding for off stream storage and a new location for a treatment plant.

The Mayor responded by advising:

The decision whether or not we permanently connect to Rous County Council water supply, off stream storage or any other means to supply Mullumbimby's future water is still being determined.

Question No. 3 Item 13.3 Residential strategy 2041

The following questions were tabled by the Mullumbimby Residents Association:

- 1. Why has The North Coast Regional Plan 2041 and specifically Strategy 5.3 "updating flood studies and flood risk management plans after a major flood event incorporating new data and lessons learnt", not been adhered to when identifying feasibility areas within the Byron Shire Residential Strategy 2041?*
- 2. Should not a precautionary approach demand that floodplain areas should be excluded prior to the North Byron Floodplain Risk Management Study (FRMS) review being made available?*
- 3. 50 Prince St (Flood Pod Site) is a no fill zone and has not been assessed for cumulative filling in the 2020 North Byron Flood Study. There have been no post flood surveys in this vicinity. Why was it included in the residential strategy 2041?*
- 4. Do councillors and staff consider that areas 1, 5, 8, 9 and 10 identified in the Byron Shire Residential Strategy 2041 are part of the floodplain and should be removed from the strategy?*
- 5. Why is the council supporting Area 5, 8 and 10 and other flood prone areas included in the residential strategy?*

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6. *1897 Coolamon scenic drive (Area 9) is not assessed for the impact of cumulative filling in the north Byron Flood study 2020 –why was it included in the residential strategy 2041?*
7. *Do you agree that we must consider and respect the identity and character of our towns which already have well documented poor infrastructure and are struggling to cope with our current population?*

The Mayor took these questions on notice.

The meeting adjourned at 11.38am for a break and reconvened at 12.10pm.

APOLOGIES

There were no apologies.

APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

There were no applications to attend the meeting via audio-visual link.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Balson declared a non-pecuniary interest in Report 13.3. The nature of the interest being that she resides in an area under investigation. Cr Balson elected to remain in the Chamber and will participate in discussion and the vote.

Cr Ndiaye declared a non-pecuniary interest in Report 13.3. The nature of the interest being that family and friends reside in an area under investigation. Cr Ndiaye elected to remain in the Chamber and will participate in discussion and the vote.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 24-066 Resolved** that the minutes of the Ordinary (Planning) Meeting held 8 February 2024 be confirmed. (Westheimer/Lyon)

The motion was put to the vote and carried unanimously.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

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

STAFF REPORTS

Sustainable Environment and Economy

- Report No. 13.3 Byron Shire Residential Strategy 2041
- Report No. 13.4 PLANNING - DA10.2022.107.2 - S4.55 Modification to Easement & VMP Conditions – 23 Bayshore Drive, Byron Bay
- Report No. 13.5 PLANNING - 26.2022.11.1 Submissions report, Housekeeping Amendments to Byron Local Environmental Plan 2014
- Report No. 13.6 PLANNING - S4.55(1A) 10.2021.857.3 - Modification to Design of Dual Occupancy (Attached) including Use of Unauthorised Built Works at 2/16 Peter Street, South Golden Beach
- Report No. 13.7 State Government review of short term rental accommodation regulations and the supply of long-term rental accommodation in NSW

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. **24-067** and concluding with Resolution No. **24-078**.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.1 Draft submission - Draft Terms of Reference for NSW council financial model review by IPART - January 2024

File No: I2024/229

- 24-067** **Resolved** that Council endorses the submission on the draft Terms of Reference at Attachment 2 (E2024/11641) to be lodged with the Independent Pricing and Regulatory Tribunal prior to the closing time on 15 March 2024. (Lyon/Ndiaye)

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.2 PLANNING - Report of the Planning Review Committee held 1 February 2024

File No: I2024/110

24-068 Resolved that Council endorses the outcomes of the Planning Review Committee meeting held 1 February 2024. (Lyon/Ndiaye)

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.1 Report of the Local Traffic Committee Meeting held on 13 February 2024

File No: I2024/270

24-069 Resolved that Council notes the minutes of the Local Traffic Committee Meeting held on 13 February 2024. (Lyon/Ndiaye)

24-070 Resolved that Council adopts the following Committee recommendation:

Report No. 6.1 Event - Anzac Day 2024 - Road Closures in Byron Bay, Mullumbimby, Brunswick Heads and Bangalow

File No: I2024/86

Committee Recommendation 6.1.1

1. That the Local Traffic Committee:
 - a) Endorses the ANZAC Day Parades for 25 April 2024 for the Return Services League sub branches of Byron Bay, Mullumbimby, Bangalow and Brunswick Heads / Billinudgel for 5 years.
 - b) Assists, where requested and required, with implementing the necessary temporary road closures and detours;
 - d) Notifies the event on Council's webpage.
2. That the event organiser:
 - a) Obtains separate approvals by NSW Police and TfNSW, noting that the Bangalow event is on a state road or may impact the state road network;
 - b) Undertakes consultation with community and affected businesses including adequate response/action to any raised concerns;
 - c) Undertakes consultation with emergency services and any identified issues addressed;
 - d) Holds \$20m public liability insurance cover which is valid for the event.
3. That the approvals provided above are subject to NSW Police approval being obtained and that each event is undertaken either or both under Police escort or traffic control and/or Council's implemented traffic control. (Lyon/Ndiaye)

24-071 **Resolved** that Council adopts the following Committee and Management Recommendations:

Report No. 6.2 Blues Festival 2024 Traffic Management Plan
File No: I2023/2081

Committee Recommendation 6.2.1

1. That the Local Traffic Committee endorses the regulatory traffic management facilities and devices, including signs and traffic controller provisions proposed for the Council controlled public road network as outlined in attachment 1 (E2023/135660) for the Byron Bay Bluesfest 2024 to be held on Thursday 28 March 2024 to Monday 1 April 2024, subject to:
 - a) Separate approvals by NSW Police and TfNSW being obtained, noting that the event is on a state road or may impact the state road network;
 - b) The event being held through the implementation of the events Traffic Management Plan and Traffic Control Plan(s) as per attachment 1 (E2023/135660). The Traffic Management Plan is to include contingency measures in case the level of queuing fails to meet KPI requirements. It is noted that such queuing may be caused by the introduction of paid parking.
 - c) The Traffic Management Plan and the Traffic Control Plan(s) to be implemented by those with relevant and current TfNSW accreditation;
 - d) Traffic camera data recorders or similar be used to obtain an accurate record of traffic impacts at KPI queue locations;
 - e) 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;

2. That the event organiser:
 - a) Advertises the impact of the event 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;
 - b) Provides a copy of the advert for Council's web page;
 - c) Gives consideration of any submissions received;
 - d) Informs community and businesses that are directly impacted (e.g. adjacent to the event) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
 - e) Arranges for private property access and egress affected by the event;
 - f) Liaises with bus and taxi operators and ensuring arrangements are made for provision of services during conduct of the event;
 - g) Consults with emergency services and any identified issues be addressed;

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- h) Holds \$20m public liability insurance cover which is valid for the event;
- i) Pays Council's Road Event Application Fee prior to the event. (Lyon/Ndiaye)

24-072 Resolved that Council adopts the following Committee and Management Recommendations:

Report No. 6.3 Event - Mullum2Bruns Paddle 2024 - 2026

File No: I2024/94

Committee Recommendation 6.3.1

That the Local Traffic Committee endorses the Mullum2Bruns Paddle 2024 to be held Sunday 19 May 2024 and valid for 3 years to 2026 and subject to:

1. The development and implementation of a Traffic Management Plan (TMP) and Traffic Guidance Scheme(s) (TGS) by those with appropriate NSW accreditation.
2. The TMP and TGS are to include, but not limited to, the following:
 - a) One way traffic along Brunswick Terrace, Mullumbimby, between 06:30am and 10:00am on Sunday 19 May 2024. The one way is to be from Tyagarah Street to Tincogan Street;
 - b) The right turn off Tincogan Street into Brunswick Terrace to have a "no right turn" sign;
 - c) The left turn off Tincogan St into Brunswick Terrace to have a "no left turn";
 - d) Relevant detour signs at the approaches to the impacted area
 - e) No parking signs along the one way part of Brunswick Terrace.
3. The event organiser to:
 - a) Advertise the impact of the event, via a Variable Message Sign on site and 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;
 - b) Arrange for the event to be notified on Council's webpage a minimum one week prior to the TGS being implemented;
 - c) Undertake consultation with relevant community and affected businesses including adequate response/action to any raised concerns during and after the event;
 - d) Undertake consultation with emergency services and any identified issues addressed;
 - e) Hold \$20m public liability insurance cover which is valid for the event.
(Lyon/Ndiaye)

24-073 Resolved that Council adopts the following Committee recommendation:

Report No. 6.4 Rifle Range Road Intersection Upgrade

File No: I2024/113

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Committee Recommendation 6.4.1

That the Local Traffic Committee supports the signage, line markings, bus stops and traffic control devices associated with the Rifle Range Road intersection works as shown in Attachment 1 (E2024/7781) (Lyon/Ndiaye)

24-074 Resolved that Council adopts the following Committee and Management Recommendation(s):

Report No. 7.1 Adaptive Pro Surf Championship - 17 March 2024

File No: I2024/79

Committee Recommendation 7.1.1

1. That the Local Traffic Committee support the Adaptive Pro Surf Competition 17 March 2024 to 22nd March 2024.
2. That Council support in Part 1 is subject to:
 - a) Separate approvals by NSW Police and TfNSW being obtained;
 - b) The event organiser providing council with an updated Traffic Management Plan and Traffic Guidance Scheme/s for the event;
 - c) Development and implementation of a Traffic Management Plan and Traffic Guidance Scheme/s by those with appropriate TfNSW accreditation and the holding of current and appropriate levels of insurance and liability cover;
 - d) The impact of the event be advertised, and charged at cost to the organisers, via a notice in the local weekly paper and Variable Message Signage (VMS) 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;
 - e) The event be notified on Council's web page and social media with the event organiser supplying Council with the relevant information;
 - f) Access to Lawson Street is to be unrestricted at all times.
3. The event organiser to:
 - a) Inform the community and businesses that are directly impacted (e.g. within road closure zones) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
 - b) Arrange for private property access and egress affected by the event;
 - c) Liaise with bus, taxi and waste operators and ensuring arrangements are made for provision of services during conduct of the event;
 - d) Consult with emergency services and any identified issues be addressed;
 - e) Hold \$20m public liability insurance cover which is valid for the event;
 - f) Not place any signage on the road related area of the Pacific Highway.

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(Lyon/Ndiaye)

24-075 Resolved that Council adopt the following Committee and Management Recommendations:

Report No. 7.2 Belongil - Kendall Street to Childe Street Local Traffic Management

File No: I2024/111

Committee Recommendation 7.2.1

That the Local Traffic Committee defer this item to a future LTC meeting.

(Lyon/Ndiaye)

24-076 Resolved that Council adopts the following Committee and Management Recommendations:

Report No. 8.1 Event - Westpac Helicopter Byron Coastal Charity Walk – 4th May 2024

File No: I2024/89

Committee Recommendation 8.1.1

1. That the Local Traffic Committee supports the Westpac Life Saver Rescue Helicopter fundraiser, Byron Coast Charity Walk, to be held Saturday 4th May 2024 from 6.00am – 5.00pm
2. That Local Traffic Committee support in Part 1 is subject to:
 - a) The development of a Traffic Guidance Scheme (TGS) and Traffic Management Plan(s) for the 2024 event by those with relevant and current TfNSW accreditation. The TGS(s) and Traffic Management Plan is to include, but is not limited to, the following:
 - b) 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;
 - c) On the day of the event, at 500m intervals on Seven Mile Beach Road, and facing both directions of travel, signs advising of “Special Event – Charity

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Walk Ahead” (or similar) are installed prior, and removed after, the event occurs;

- d) A safety induction for participants advising of hazards be provided.
 - e) Implementation of the Traffic Management Plan and Traffic Guidance Scheme/s as designed by those with appropriate accreditation and implemented by people with appropriate accreditation, including traffic controllers.
3. The event organiser to:
- a) Arrange for the event to be notified on Council's webpage a minimum one week prior to the TGS being implemented;
 - b) Undertake consultation with affected community and businesses including adequate response/action to any raised concerns.
 - c) Undertake consultation with emergency services and any identified issues addressed.
 - d) Hold \$20m public liability insurance cover which is valid for the event.
 - e) Paying Council's Road Event Application Fee prior to the event.

(Lyon/Ndiaye)

24-077 Resolved that Council adopts the following Committee and Management Recommendation(s):

Report No. 8.2 Event - Bangalow Billycart Derby May 2024

File No: I2024/97

Committee Recommendation 8.2.1

- 1. That the Local Traffic Committee support the Bangalow Billycart Derby to be held on 19 May 2024.
- 2. That the Local Traffic Committee support in Part 1 is subject to:
 - a) Separate approvals by NSW Police and TfNSW being obtained;
 - b) The event organiser providing council with an updated Traffic Management Plan and Traffic Guidance Scheme/s for the event;
 - c) Development and implementation of a Traffic Management Plan and Traffic Guidance Scheme/s by those with appropriate TfNSW accreditation and the holding of current and appropriate levels of insurance and liability cover;
 - d) The impact of the event be advertised, and charged at cost to the organisers, via a notice in the local weekly paper and appropriate Variable Message Signage 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;
 - e) The event be notified on Council's web page with the event organiser

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supplying Council with the relevant information.

3. The event organiser to:
 - a) Inform the community and businesses that are directly impacted (e.g. within road closure zones) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
 - b) Arrange for private property access and egress affected by the event;
 - c) Liaise with bus, taxi and waste operators and ensuring arrangements are made for provision of services during conduct of the event;
 - d) Consult with emergency services and any identified issues be addressed;
 - e) Hold \$20m public liability insurance cover which is valid for the event;
 - f) Pay Council's Road Event Application Fee prior to the event;
 - g) Not place any signage on the road related area of the Pacific Highway.

(Lyon/Ndiaye)

24-078 Resolved that Council adopts the following Committee and Management Recommendations:

Report No. 8.3 Chincogan Charge - September 2024

File No: I2024/98

Committee Recommendation 8.3.1

1. That the Local Traffic Committee support the Chincogan Charge to be held on Saturday 21 September 2024.
2. That the Local Traffic Committee support in Part 1 is subject to:
 - a) Separate approvals by NSW Police and TfNSW being obtained;
 - b) The event organiser providing council with an updated Traffic Management Plan and Traffic Guidance Scheme/s for the event if required;
 - c) Development and implementation of a Traffic Management Plan and Traffic Guidance Scheme/s by those with appropriate TfNSW accreditation and the holding of current and appropriate levels of insurance and liability cover;
 - d) The impact of the event be advertised, and charged at cost to the organisers, via a notice in the local weekly paper and Variable Message Signage (VMS) 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;
 - e) The event be notified on Council's web page and social media with the event organiser supplying Council with the relevant information;
3. The event organiser to:
 - a) Inform the community and businesses that are directly impacted (e.g. within road closure zones) via written information which is delivered to the property

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in a timely manner so as to document, consider and respond to any concerns raised;

- b) Arrange for private property access and egress affected by the event;
- c) Liaise with bus, taxi and waste operators and ensuring arrangements are made for provision of services during conduct of the event;
- d) Consult with emergency services and any identified issues be addressed;
- e) Hold \$20m public liability insurance cover which is valid for the event;
- f) Not place any signage on the road related area of the Pacific Highway.

(Lyon/Ndiaye)

PROCEDURAL MOTION

24-079 Resolved that Council change the order of business to deal with Reports 13.3, 13.6, 13.4, 13.5, 13.7 next on the Agenda. (Lyon)

The motion was put to the vote and carried unanimously.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.3 **Byron Shire Residential Strategy 2041**
File No: I2024/41

24-080 **Resolved** that Council:

1. Notes that staff have actioned all relevant parts of Resolution 23-654 as discussed in the report.
2. Approves the final Byron Shire Residential Strategy 2041 and Appendices (Attachments 1 to 5) for submission to the Department of Planning, Housing, and Infrastructure, with the following notified and other sites included and or excluded as recommended in this report, and other amendments as set out below:

Included:

 - a) Area 21 - 64 Corkwood Road
 - b) Area 17 – inclusive of 66 The Saddle Road and 251 The Saddle Road

Excluded:

 - a) Former Area 18 – Lot 69 DP851902 & Lot 71 DP851902, Kingsford Drive, Brunswick Head
 - b) Area bounded by Ewingsdale Road to Grays Lane (which includes 29 Buckleys Road) East of the M1
 - c) Area 8 – Mullumbimby – 1B Ann Street & 20 Prince Street; and 75 New City Road
 - d) Area 20 - 139 Bangalow Road

Amended:

 - a) Area 6 - Mullumbimby – expanded to include the whole of 1982 Coolamon Scenic Drive
 - b) Removes references to the Height of Building in Appendix B New Urban Area Site Profiles and replaces it with an updated ‘housing mix’ description as follows:

Caters for a range of single, two and three storey residential types including dwelling houses, dual occupancies and multi dwelling housing reflecting local housing needs and character.
3. Notes that staff will submit the Residential Strategy 2041 (and Appendices) to the Department of Planning, Housing and Infrastructure before 31 March 2024 to meet their requirements as per Resolutions 23-165 and 23-315.
4. Thanks everyone involved in the creation of the final document, including staff, Councillors and community, recognising the urgency of the housing situation in the Shire and beyond. (Lyon/Pugh)

PROCEDURAL MOTION

24-081 **Resolved** that Cr Lyon be granted a two minute extension to his speech. (Lyon)

The motion was put to the vote and carried.

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The meeting adjourned at 1.06pm for a lunch break and reconvened at 1.52pm.

PROCEDURAL MOTION

24-082 Resolved that Cr Balson be granted a two minute extension to her speech. (Lyon)

The motion was put to the vote and carried unanimously.

AMENDMENT:

Moved to include the following text at point 2:

Amended:

c) Include 29 Buckleys Road, Tyagarah, with access through Grays Lane. (Hunter/Balson)

The amendment was put to the vote and declared lost.

Crs Hunter, Balson, Westheimer, and Swivel voted for the motion.

Crs Pugh, Lyon, Ndiaye, Dey, Coorey voted against the amendment.

PROCEDURAL MOTIONS

24-083 Resolved that Council move into Committee to allow for free debate. (Dey)

The motion was put to the vote and carried.

Crs Pugh, Balson, and Westheimer voted against the motion.

24-084 Resolved: that Council move out of Committee and resume the Ordinary Meeting.
(Lyon/Westheimer)

The motion was put to the vote and carried unanimously.

24-085 Resolved that Cr Ndiaye be granted a two minute extension to her speech. (Lyon)

The motion was put to the vote and carried unanimously.

The motion (Lyon/Pugh) was put to the vote and carried.

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

Cr Balson voted against the motion.

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Report No. 13.6 **PLANNING - S4.55(1A) 10.2021.857.3 - Modification to Design of Dual Occupancy (Attached) including Use of Unauthorised Built Works at 2/16 Peter Street, South Golden Beach**
File No: I2024/227

24-086 **Resolved that:**

1. Pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979, that Application No. 10.2021.857.3 for Modification to Design of Dual Occupancy (Attached) including Use of Existing Built Works be approved by modifying development consent number 10.2021.357.1 in accordance with the Recommended Amended Conditions of Consent in Attachment 1 (E2024/17261).
2. The matter be referred to Council's Community Enforcement Team to take further compliance action where necessary in the event landowner does not act on the modified consent should approval be granted. (Lyon/Dey)

The motion was put to the vote and carried unanimously.

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

Nil voted against the motion.

MAYORAL MINUTE

There was no Mayoral Minute tabled.

PETITIONS

There were no petitions.

DELEGATES' REPORTS

Cr Ndiaye gave a Delegate's Report on and acknowledged International Women's Day and advised she attended a number of events as Deputy Mayor including event held by Mullumbimby High School and Rous County Council.

Cr Pugh gave a Delegate's Report on Richmond Tweed Regional Library (RTRL) and the Committee is requesting the four member Councils to increase their contributions by approximately 10-12%. A strategic review will be taken over 12 months with the outcome to either increase costs/contributions or reviewing service delivery levels.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.4 **PLANNING - DA10.2022.107.2 - S4.55 Modification to Easement & VMP Conditions – 23 Bayshore Drive, Byron Bay**
File No: I2024/192

24-087 **Resolved** that pursuant to Section 4.55 of the Environmental Planning & Assessment Act 1979, Application No. 10.2022.107.2, for Modification to Conditions 9, 40 and 53 of the Consent for the Approved Subdivision One (1) Lot into Three (3) Lots, be approved by modifying Development consent number 10.2022.107.1 as follows:

Delete condition 9 of the Notice of Determination and amend condition 40 a) to read:

Amend condition 40 a) to read:

40. Section 88B Instrument - Infrastructure

A Section 88B Instrument and one (1) copy are to be submitted with the application for a subdivision certificate. The final plan of subdivision and accompanying Section 88B Instrument are to provide for:

a) Ecological Buffer – Lot 1

A 25-metre ecological buffer be provided over Lot 1 from the western boundary with Lot 3 to prohibit any development other than (i) VMP works; and (ii) stormwater works, stormwater pipes, bioretention swales and overland flow that cross this buffer. Works that occupy the buffer, such as Bioretention basins and ponds, are not permitted. (Dey/Ndiaye)

The motion was put to the vote and carried.

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

Cr Balson voted against the motion.

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

14 March 2024

There being no further business the meeting concluded at 4.40pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 9 May 2024.



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Mayor Michael Lyon