

# Responses to Questions on Notice

Received at the 23 August Ordinary Meeting of  
Council

A handwritten signature in black ink, appearing to read "Mark Arnold".

**Mark Arnold**  
General Manager

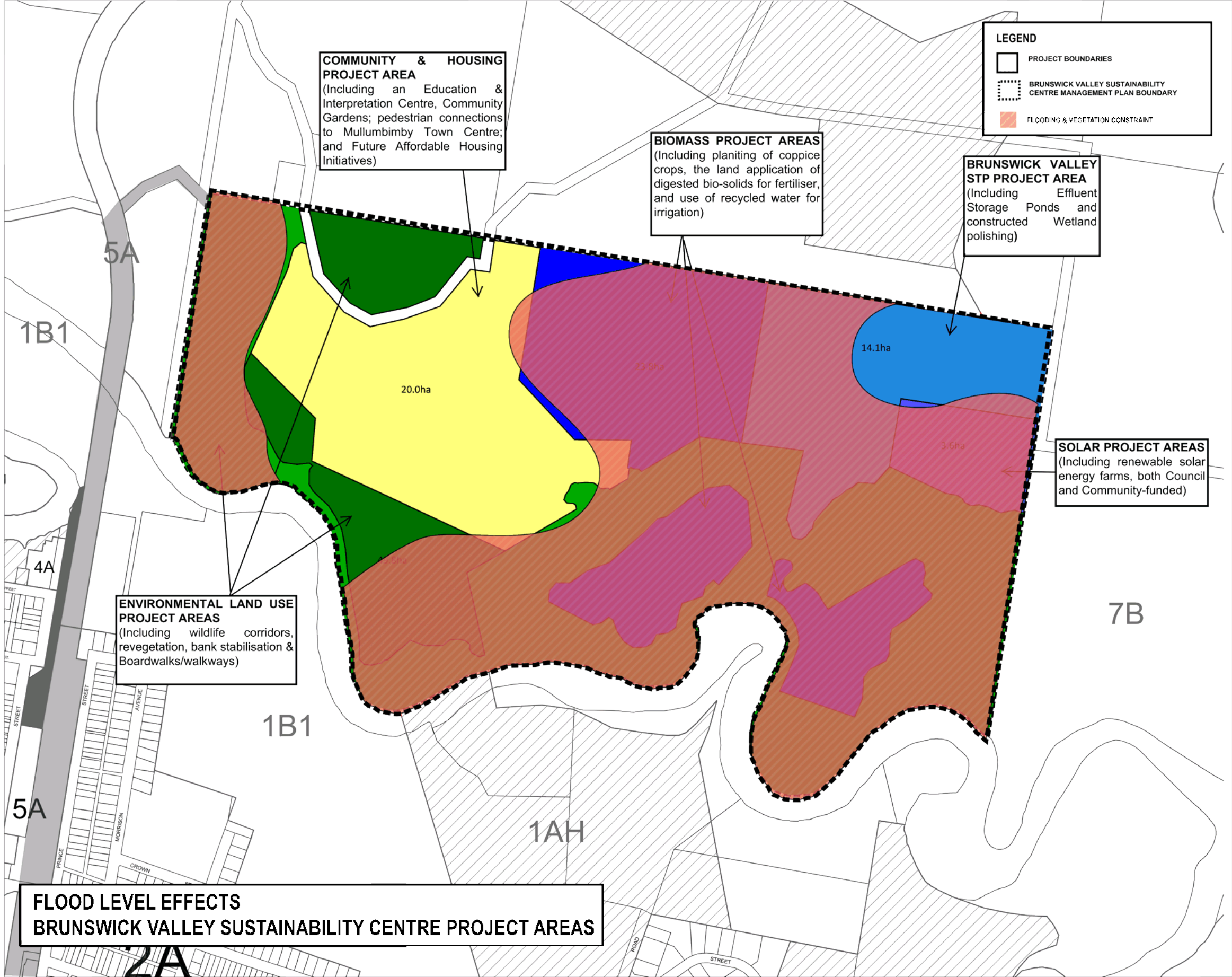
# BYRON SHIRE COUNCIL

## ORDINARY MEETING

### 1. QUESTIONS WITH NOTICE

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**PROJECT TITLE**  
VALLANCES ROAD, MULLUMBIMBY

**DRAWING TITLE**  
FLOOD LEVEL EFFECTS ON BRUNSWICK VALLEY SUSTAINABILITY CENTRE PROJECT AREAS

**BASE ISSUED BY**  
GOV MAPS

**SCALE**  
NTS

**DESIGN**  
ZP

**DRAWN**  
ZACP

**DATE**  
22/08/2018

**CHECKED**  
RB

**DRAW NO**  
A101

**SHEET NO**  
03

NO	DATE	REVISION	BY



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13.2

15 Sept 2017	Subject Planning Proposal lodged with Council. The proponent has indicated that this Planning Proposal was lodged in response to the invitation extended under <i>Res 17-260</i> .
October 2017	<p>Council notified by the proponent of a proposed Aboriginal Cultural Heritage Assessment of The Saddle Road area.</p> <p>Council staff consulted with the Tweed Byron Local Aboriginal Land Council (TBLALC) and the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) on their requirements regarding assessment consultation.</p>
November 2017	Council staff conveyed to the proponent's cultural heritage consultants the need for a comprehensive Cultural Heritage Assessment of The Saddle Road area.
Sept – Dec 2017	Number of The Saddle Road precinct landowners advised Council of their objection to being included in the Planning Proposal. (Attachment 3.)
23 November 2017	<p>Council at the Ordinary Meeting resolved (<i>Res 17-601</i>, relevant part) to:</p> <p><i>3. Council in relation to the Saddle Road EOI sites, no further action is to be taken under Res 17-260 (Item 5) until the Planning Proposal assessment for this locality has been completed and considered by Council in December.</i></p>
Dec 2017	It was originally intended to have a report assessing this Planning Proposal included in the agenda for the 14 December 2017 Ordinary Meeting as per the <i>Res 17-601</i> . However, Council's Executive Team formed the view that it would be appropriate to allow a further period of consultation between planning staff and the proponents and the objectors before the report was put before Council. Such consultation would make the ultimate staff report more robust and would serve to more fully advise Councillors and put them in a position to make a fully informed decision.
Jan 2018	Meeting held with the proponent to discuss the status of the Planning Proposal. Proponent provided a letter subsequent to this meeting advising that they 'have no intention to trigger any "Pre Gateway Review" in relation to the processing of the Saddle Road Planning Proposal' (correspondence contained in Attachment 2).
1 Feb 2018	<p>Council at the Ordinary Meeting resolved (<i>Res 18-038</i>) to:</p> <p><i>1. That in relation to the Saddle Road EOI sites a further report be presented to Council on their potential for affordable housing against the Council endorsed assessment criteria and methodology and any current Council resolutions pertaining to the land.</i></p> <p style="text-align: center;">•</p> <p><i>2. That a report on the status of the Saddle Road Planning Proposal be completed and considered by Council at the 22 February 2018 Council meeting.</i></p> <p style="text-align: center;">•</p>
7 Feb 2018	Meeting (arranged by Council staff) held with the landowners and the proponent to discuss the status of the Planning Proposal and EOI process. Landowners reiterate the issues raised at the August landowner meeting including:

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	<ul style="list-style-type: none"> <li>• cultural heritage</li> <li>• regionally significant farmland</li> <li>• infrastructure and services</li> <li>• practicality of the location for affordable housing</li> <li>• impacts on landscape amenity and consistency with existing Council policy around protection of rural landscapes.</li> </ul> <p>The following Councillors were also in attendance: Mayor Simon Richardson; Councillors: Michael Lyon, Jan Hackett, Basil Cameron, Cate Coorey and Janette Martin.</p> <p>Since this meeting further landowner objections have been received. (Attachment 4.)</p>
Feb 2018	Response from Roads and Maritime Services in regard to Council's preparation of local growth management strategies, advising that the development of a Saddle Road as a Residential Precinct (potential 400 homes) is likely to have an impact on the Gulgan Road, Brunswick Heads - Pacific Highway interchange as out of town development will be reliant on employment and services in Mullumbimby, Brunswick and Byron Bay. Roads and Maritime recommends that any investigation be informed by a Traffic Impact Assessment to determine origin and destination, increase in peak demand at interchanges and any infrastructure requirements to be included in relevant contributions plans.
20 Feb 2018	Meeting with Department of Primary Industries to discuss a number of projects including the draft Residential Strategy - Saddle Road Precinct and the implications of the regionally significant farmland designation.

**Table 2: Process to date post 22 February Council Report 13.17**

Date	Process to date
22 Feb 2018	Report to Council (Report 13.17)
March 2018	<p>Meeting held with the proponent to discuss the status of the Planning Proposal and <u>issues</u> warranting investigation as per the Council report on the Saddle Road Area Planning Proposal namely:</p> <p><i>(Res 18-099) 'that Council note the report and that the Planning Proposal (26.2017.3.1) will be reported to Council for consideration once further information is available'.</i></p> <p>The information referred to in the above resolution included a number of key issues:</p> <ol style="list-style-type: none"> <li>1. Cultural Heritage Assessment (most critical)</li> <li>2. Regionally significant farmland</li> <li>3. Infrastructure</li> <li>4. Affordable Housing Delivery Agreement</li> <li>5. Appropriate regulatory framework</li> </ol>
4 June 2018	Meeting held with the proponent to discuss the status of the Planning Proposal and progress in the investigation of above issues.
23 July 2018	Meeting held with the proponent to discuss the status of the Planning

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	Proposal and progress in the investigation of above issues.
7 Aug 2018	Confidential meeting on Saddle Road Brunswick Heads Aboriginal Cultural Heritage Assessment - purpose of the meeting was to provide an opportunity for Aboriginal stakeholders to seek additional information or clarification on the Aboriginal Cultural Heritage Assessment Report prepared by Everick Heritage Consultants.
23 Aug 2018	Report to Council 23 August (Report 13.16)



**Question with Notice No. 1.3**  
**File No:**

**Separation of Powers - Councillors and Staff**  
I2018/1652

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At Council's Ordinary Meeting held on 23 August 2018, John Anderson asked the following question which was taken on notice:

*In relation to a public question which I asked of & specifically addressed to the Mayor on 21 June, but which on 21 July was responded to instead by Ralph James in a manner which threw no light what so ever on the matter at hand, 1. would the GM please ensure in future no staff recourses are expended on covering for the Mayor in matters. 2. that staff will not again breach the separation of powers between the executive the legislative 3. that staff will hold that mayor to the principles on transparency & accountability & not do his dirty work for him. And will the GM henceforth ensure that a response to a public question actually constitutes an "answer" i.e. that it provides the information sought by the person putting the question, and that it does so without interposing, misleading or diversionary irrelevancies, and does the GM believe that pigs will fly?*

**Response General Manager:**

Questions asked by members of the public during Public Access are provided for in Council's *Code of Meeting Practice*:

*"The Mayor, Councillors or General Manager will provide a response to questions asked of Council at the meeting if possible. That response will be included in the meeting minutes. If a response is unable to be provided the question will be taken on notice, with an answer to be provided to the person/organisation prior to the next Ordinary Meeting and placed on Council's website under the Council Meetings tab."*

The functions of the General Manager, as outlined in the *Local Government Act 1993 (Act)* s335, include

*(f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions*

Where a question cannot be answered at the meeting by those members present, the question is recorded and allocated to the Mayor, Councillor or the relevant officer of Council (based on their expertise on the matter).

The QoN of 21 June 2018 was tasked to Legal Counsel to provide the information and the professional support required to assist the Mayor in the drafting of the response.

In respect of that part of the question which sought a response from the Mayor, Legal Counsel compiled a draft response, which was provided to the Mayor for his review, amendments and approval.

In response to the questions raised, S355 of the *Local Government Act 1993*, places a legislative obligation on the General Manager to provide information to and administrative and professional support to the Mayor and Councillors, to enable them to discharge their functions. This will from time to time include the provision of information and or the administrative and professional support required to assist Councillors in preparing responses to Questions taken on Notice.