

RECORD OF DEFERRAL

NORTHERN REGIONAL PLANNING PANEL

DATE OF DEFERRAL	Monday, 8 October 2018
PANEL MEMBERS	Garry West (Chair), Stephen Gow, John Griffin, Vanessa Ekins and Katie Milne
APOLOGIES	None
DECLARATIONS OF INTEREST	Pamela Westing declared a non-pecuniary conflict of interest as several of the submitters are known to her personally

Public meeting held at Byron Shire Council on 8 October 2018, opened at 1:05 pm and closed at 4.30pm.

MATTER DEFERRED

2018NTH007 – Byron - DA10.2017.661.1 at Ewingsdale Road Byron Bay (as described in Schedule 1)






REASONS FOR DEFERRAL

The panel agreed to defer the determination of the matter until pending a final Assessment Report from the Council, which has fully assessed the application as amended by the Applicant on 19 September 2018. Reasons for this decision were:

1. The Council had not had sufficient time to complete its assessment of the information provided by the Applicant on 19 September 2018, including the Applicant's SEPP 1 submission to vary a Development Standard;
2. The amendments had not been referred to the relevant agency/ies as required by Clause 55 of the Environmental Planning and Assessment Regulation 2000.

When these issues have been addressed, together with any further submissions arising from the amended application, the panel will hold another public determination meeting.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
 Garry West (Chair)	 Stephen Gow
 John Griffin	 Vanessa Ekins
 Katie Milne	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018NTH007 – Byron - DA10.2017.661.1
2	PROPOSED DEVELOPMENT	Subdivision of six (6) lots into three hundred and eighty-seven (387) lots consisting of three hundred and seventy-eight (378) residential lots , two (2) business lots, two (2) industrial lots, one (1) recreation lot and four (4) residue lots
3	STREET ADDRESS	Ewingsdale Road Byron Bay, 394 Ewingsdale Road Byron Bay, 412 Ewingsdale Road Byron Bay, Melaleuca Drive Byron Bay, 364 Ewingsdale Road Byron Bay
4	APPLICANT OWNER	Site R & D Pty Ltd Telicove Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Staged development application where total CIV is over \$20m and the DA was lodged before 1 March 2018
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No 1 – Development Standards State Environmental Planning Policy No 14 – Coastal Wetlands State Environmental Planning Policy No 44 – Koala Habitat Protection State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy No 71 – Coastal Protection State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Coastal Management) 2018 Byron Local Environmental Plan 1988 North Coast Regional Plan 2036 West Byron Bay Planning Agreement (2013/5948) Biodiversity Conservation Act 2016 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Byron Shire Development Control Plan 2014 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 25 September 2018 Written submissions during public exhibition: 2219 Verbal submissions at public meeting on 19 June 2018 Verbal submissions at the public meeting on 8 October 2018: <ul style="list-style-type: none"> Object – Cr Basil Cameron, Dailan Pugh on behalf of Deacon, Tom Hochgrebe, Veda Turner on behalf of Byron Dune Care, Asren Pugh, Tom Vidal on behalf of the Belongil Catchment Drainage Board, Christie Germain, Cr Cate Coorey on behalf of Byron Residents Group, Mary Gardner, Sandra Kimler, John Sparks, Christopher Wright, James McCready, Maia Osborn on behalf of the Sustainability, Environment and Education Research Cluster at

		<p>Southern Cross University, Graeme Innes, Cr Michael Lyon, Jacob Miller on behalf of Tamara Smith (Member for Ballina), Robbie Winter-Blick and Cr Sarah Ndiaye</p> <ul style="list-style-type: none"> ○ Council assessment officer – Ivan Holland ○ On behalf of the applicant – Stuart Murray
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Public briefing meeting on Tuesday, 19 June 2018 • Site inspection on 8 October 2018 • Final briefing to discuss council's recommendation, 8 October 2018, 11:15 am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry West (Chair), Stephen Gow, John Griffin, Vanessa Ekins and Katie Milne ○ <u>Council assessment staff</u>: Ivan Holland, Chris Larkin, Jeff Begovic, Chris Soulsby, and Shannon Burt
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not supplied