

BRIEFING DETAILS

BRIEFING DATE / TIME	Tuesday, 12 March 2024, 1.44pm and 2.11pm
LOCATION	MS Teams Videoconference

BRIEFING MATTER(S)

PPSNTH-267 - Byron - 10.2017.201.3 - Lot 229 DP 755695, Lot 9 DP 111821, Lot 7020 DP 1113431 and 342 Ewingsdale Road and Lot 2 DP 818403, 22A & 22B Melaleuca Drive, Byron Bay – Modification Conditions of Consent, to Staging, Time Between Stages and Stockpiling of Soil on Site

PANEL MEMBERS

IN ATTENDANCE	Dianne Leeson (Chair), Michael Wright and Joe Vescio
APOLOGIES	Ian Pickles
DECLARATIONS OF INTEREST	<p>Stephen Gow declared a conflict of interest as he formed part of the Panel that refused the original development application, which was approved by the Land and Environment Court. He declared a conflict of interest to avoid any perception that he may have a pre-determined view on the matter. As this application is for a further modification of the project, he felt that it is appropriate and consistent to declare a further non-pecuniary conflict of interest in relation to this matter.</p> <p>Simon Richardson has declared a non-pecuniary interest as he has previously assessed the overarching development in his capacity as Mayor.</p>

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Chris Larkin and Greg Yopp
DEPARTMENT STAFF	Carolyn Hunt
OTHER	None

KEY ISSUES DISCUSSED

- Outline of proposal, noting request to reduce the number of stages from 7 to 4, removal of timeframe between stages, temporary stockpile of fill material and condition amendments.
- First two stages of the development have been completed
- Original condition requires monitoring (observation and data collection) for 4 wetland areas (with one wetland being pre-existing)
- Water sampling data provided, but no data analysis accompanying data

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- Applicant has been undertaking monitoring, with results to be provided to Council, noting a recommended inclusion of results during wet periods
- Monitoring results may result in changes to the civil plans to enable the return of water to a swale drain
- Previous modification – timeframe for staging and monitoring component not supported, with other aspects of the modification supported
- Development Control Plan includes a restriction of a maximum of 50 lots being created per stage of a subdivision to enable monitoring
- Substantial fill relocated to the site, which has been stabilised

Panel Comments

- Detailed justification required for proposed amendments, noting the ecological sensitivity of the site and previous community concerns
 - Justification for proposed removal of boardwalk, impacting pedestrian connectivity to beach, identification of safety issues, alternative access
- Request for information to be sent, noting key issues relating to impact on species, monitoring timeframes, removal of boardwalk and changes to staging
 - Timeframe for the provision of the information to be included in request

TENTATIVE DETERMINATION DATE SCHEDULED FOR: May 2024

Planning Panels Secretariat

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