



Planning
Panels



BYRON
SHIRE
COUNCIL

COUNCIL ASSESSMENT REPORT - Addendum NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PSNTH-285 DA 10.2023.454.1
PROPOSAL	<p>Community Title rural residential subdivision, creating 38 neighbourhood lots and 1 common property lot.</p> <p>Construction of private infrastructure in the form of internal roads servicing the neighbourhood lots and associated drainage works.</p> <p>Construction of a community building, tennis courts and associated works.</p> <p>Construction of upgrades to the intersection of Mullumbimby Road and McAuleys Lane.</p>
ADDRESS	Lot 8 DP589795, 53 McAuleys Lane, Myocum
APPLICANT	Mr Dwayne Roberts, Ardill Payne & Partners
OWNER	McAuleys No 1 Pty Ltd
Date of report	17 June 2025

Addendum Report PPSNTH-285 - Byron - 10.2023.454.1 - 53 McAuleys Lane, Myocum

The following additional detail is provided for the NRPP consideration in relation to the determination of DA10.2023.454.1, addressing off site impacts associated with the widening and upgrading of the Intersection of Mullumbimby Road and McAuleys Lane.

1. Flooding

Whilst the intersection itself is not identified as prone to flooding, part of the north eastern side of the Mullumbimby Road reserve is mapped in a no fill zone as adopted under the North Byron 2020 Flood Study (see Plan below)



No fill zones (Extract from Byron GIS)

Works to widen the road will result in some minor fill encroaching into this mapped area, which sits at below RL 3.2m AHD. To overcome this, it is recommended that a balanced cut and fill approach be undertaken within the widening of the road or retaining walls be used in part where the batter would extend below RL 3.2m AHD.

As such, it is recommended that condition 13(a) be amended to reflect this requirement with the following added:

- *Any widening of the road on the north eastern side of Mullumbimby Road must have balanced cut and fill for any works below RL 3.2m AHD to mitigate any flood impacts. Retaining walls may be required.*

In conclusion, it is considered the proposed works on land mapped as flood prone are minimal and will not have an adverse impact on the flood plain through changes to flood storage or velocity of flood waters being located in an area that provides storage for the Mullumbimby Flood Plain. As such, the proposal does not offend either Clause 5.21 of Byron DCP 2014 or the provisions within Chapter C1 of DCP 2014.

2. Environmental Impacts

With the widening of Mullumbimby Road there is potential for impact on the vegetation in the road reserve. An inspection has been carried out by the Council ecologist with the following noted:

Vegetation is dominated by camphor laurel and otherwise is disturbed regrowth on the road verge (pasture grass, crofton weed, Singapore daisy). The area does not support threatened flora, threatened communities nor provide key habitat for threatened species. An estimated 77 native trees >3m in height may need removal. These are typically common regrowth species such as guioa, red Kamala, umbrella cheese tree, foambark and Sally wattle. One mature guioa would be impacted. No large hollow bearing trees occur, no koala feed trees occur. Other impacts include minor loss of several stags (dead trees) and some areas of the native vines common silk pod and molucca bramble.

Several mature/semi mature trees occur within chainage 0.0-0.75 (a hoop pine, a pink-flowered doughwood, several umbrella cheese trees). These trees should be retained.

Any native tree loss requires compensation as per Chapter B1 of the DCP.

A pre-clearing survey for fauna should be completed prior to clearing.

Retirement of Biodiversity credits to be adjusted for the area to be disturbed

Draft Condition 12 has been updated to require the Vegetation Management Plan to address tree removal in this area and include replacement planting at the ratio of 1:5, in accordance with Chapter B1 of Council's DCP.

Condition 31 Retirement of Biodiversity Credits has also been updated to reflect the comments above, requiring an update to the BDAR and subsequent credit requirements.

A new condition (40) is recommended requiring pre-clearing surveys by an appropriately qualified ecologist to ensure the protection of any on-site fauna.

3. Other conditions

Three new conditions have been added being Condition 14, 15 and 16 in relation to approvals under the Roads Act for works, a traffic management plan and Public Safety Management Plan.

Other amendments are:

- Condition 2 – Lots referred to as 'proposed lots', and justification provided for amalgamation.
- Condition 8 – reference to proposed lots.
- Condition 13(a)(iii) – roadworks plans to include balanced cut and fill on north-eastern side of Mullumbimby Road and tree protection measures for retained trees in this area.
- Condition 19 – Typo corrected.
- Schedule 6 Notes – S7.11 Contributions Table updated to reference the correct contribution catchment (no change to quantum of contributions).

4. Draft Planning Agreement

The draft agreement was considered by Council at its Ordinary Meeting of 12 June 2025. At the meeting, Council resolved:

1. *Grants delegation to the General Manager to execute the Planning Agreement in Attachment 2 (E2025/35741), associated with Development Application 10.2023.454.1 for the subdivision of land at 53 McAuleys Lane, Myocum subject to including the following amendments to the planning agreement:*
 - *Insert a new clause 6.5 as follows:*
 - *6.5. The development contribution referenced in clause 29.9 is not to be deducted from the s7.11 contributions to be levied on the development consent for the development.*
 - *Amend clause 29 by deleting 29.2 and 29.3; and replace 29.4 with the following:*

29.4. If Council provides written notice to the Developer of:

 - (a) Council entering into a binding agreement with the owner of the Acquisition Land for the acquisition of the Acquisition Land; or*
 - (b) Council compulsorily acquiring the Acquisition Land;*

the Developer must pay to Council to the Acquisition Costs within 21 days of the relevant written notice, provided that the Acquisition Costs are the subject of a valid tax invoice addressed to the Developer.
2. *Encourages the Developer to engage directly with the landholder to negotiate the purchase of the acquisition land.*

Chris Larkin

Manager Sustainable Development