

DETERMINATION AND STATEMENT OF REASONS

NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	28 April 2025
DATE OF PANEL DECISION	24 April 2025
DATE OF PANEL BRIEFING	22 April 2025
PANEL MEMBER	Dianne Leeson (Chair), Michael Wright, Penelope Holloway, Joe Vescio and Ian Pickles
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Stephen Gow declared a conflict of interest as he previously voted to refuse the original development application that was determined by the Land and Environment Court. He did not participate in the meeting.</p> <p>Simon Richardson was satisfied that his presence may be considered a conflict of interest by the applicant and he did not participate in the meeting.</p>

Papers circulated electronically on 9 April 2025.

MATTER DETERMINED

PPSNTH-406 – Byron – DA10.2017.201.4 at 26 Harvest Boulevard (Lot 56 DP 1299678), 342 Ewingsdale Road (Lot 227 & 229 DP 755695) and Ewingsdale Road (Lot 7020 DP 1113431), Byron Bay – Modification to Condition 1 of the Consent to establish Stage 4 Public Open Space during Stage 3 construction and consolidate two community lots and one open space lot in Stage 3 (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings listed at item 8 in Schedule 1.

Application for modification of consent

The Panel determined to approve the modification application pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

The Panel considered the bringing forward of the open space construction works would facilitate earlier public access to open space.



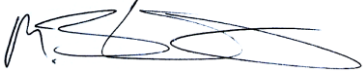


The Panel considered the consolidation of the community and open space lots would provide flexibility in planning community facilities in Stage 3.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Penelope Holloway
 Michael Wright	 Joe Vescio
 Ian Pickles	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-406 – Byron – DA10.2017.201.4
2	PROPOSED DEVELOPMENT	Modification to Condition 1 of the Consent to establish Stage 4 Public Open Space during Stage 3 construction and consolidate two community lots and one open space lot in Stage 3
3	STREET ADDRESS	26 Harvest Boulevard (Lot 56 DP 1299678), 342 Ewingsdale Road (Lot 227 & 229 DP 755695) and Ewingsdale Road (Lot 7020 DP 1113431), Byron Bay
4	APPLICANT/OWNER	Rob van Iersel (Planit Consulting) NSPT Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 Byron Local Environmental Plan 2014 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Byron Development Control Plan 2014 Planning agreements: Voluntary Planning Agreement 2013/8948 that was executed on 21 October 2014 between the Minister for Planning and the Byron Bay West Landowners Association (the developer) on Lots described as 5/DP622736, 6/DP622736, 1/DP542178, 227/DP755695, 229/DP755695, 9/DP111821, 1/DP1166535, 1/DP201626, 2/DP542178, 1/DP780242, 2/DP818403 and 1/DP520063 Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> 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: 4 April 2025 Written submissions during public exhibition: 0 Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Applicant Briefing: 22 April 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Michael Wright, Penelope Holloway, Joe Vescio and Ian Pickles <u>Applicant representatives</u>: Rob Van Iersel <u>Council assessment staff</u>: Chris Larkin <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova Final briefing to discuss Council's recommendation: 22 April 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Michael Wright, Penelope Holloway, Joe Vescio and Ian Pickles <u>Council assessment staff</u>: Chris Larkin <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report