

DATE OF DEFERRAL	17 April 2026
DATE OF PANEL MEETING	14 April 2026
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright, Bruce Clarke
APOLOGIES	None
DECLARATIONS OF INTEREST	Simon Richardson declared a conflict of interest as he has a close relationship with the proponent and has a separate matter to be determined by Council which he does not wish to prejudice the outcome of that matter. He did not participate in the meeting. Bruce Clarke advised that he does not have a conflict of interest but noted that he Chairs the Byron Community Center (BCC) that Brandon Saul was also on. He does not have any relationship with him outside of the panel and noted that Brandon Saul left the BCC six months ago). He participated in the meeting.

Papers circulated electronically on 31 March 2026.

MATTER DETERMINED

PPSNTH-420 – Byron – 10.2025.156.1 – 5 Penny Lane, Byron Bay – Mixed use development comprising on-grade parking, commercial premises, pocket park and back of house facilities on the ground level; 37 shop top housing apartments, a landscaped podium, a swimming pool and resident amenities on level 1 and 41 shop top housing apartments on level 2 and subdivision of Penny Lane from Lot 1 DP271119 for integration with Lot 14 DP271119 (as described in Schedule 1).

REASONS FOR DEFERRAL

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

The Panel resolved to defer determination of the matter until further information has been provided to address the concerns of the Panel and Council.

The Panel agrees that additional information provided by the Applicant significantly addresses substantive issues raised in the Assessment Report and that the Application appears capable of being supported. Further detailed consideration is warranted.

The information required by the Panel comprises:

- Additional detail on the proposed alternative stormwater design including
 - relocation of stormwater detention infrastructure from the podium to below ground in the car park – quantity and quality
 - detail of podium level landscape stormwater design
- urban design and landscape design in particular
 - car park screening treatment and materials along Wallum Place
 - viability and maintainability of podium level landscape including at Level One on the southeast building façade
 - public safety and CPTED resolution of the ground level space between the Porter Street terraces and the southeast building façade
- Clarification of car parking requirements including consideration of:
 - total car parking requirements

- requirements under Council's DCP, relevant Australian Standards and Section 1(c) of the Liveable Housing Guidelines
- car wash facilities
- Infrastructure for EV car charging

The decision to defer the matter was unanimous.

ACTIONS

To allow for progression of the Development Application to determination, the Panel directed that:

1. The Applicant shall provide the following information and upload all documentation to the Planning Portal with four (4) weeks of the date of this document:

Stormwater

- Podium Level - amended plans to demonstrate that all flows discharged into the vegetated area are adequately retained and infiltrated within the Atlantis Flo-Tank system, with no uncontrolled overflow to adjoining properties or buildings
- Ground floor –
 - amended design of the North OSD system to provide a volume of 56m³ or greater and a 1 x 100mm orifice outlet.
 - a fully detailed design of the controlled overland flow path to cater for overflow of 96 litres/s and 118 litres/s north and south OSD system respectively.
 - a Geotechnical Report to verify:
 - the adopted exfiltration rate of 100mm/hr in MUSIC to support the Infiltration System Design
 - the depth of the existing groundwater to confirm the minimum separation distance of 1.0m between base of the infiltration system and the top of the groundwater table

Urban Design and Landscaping Design

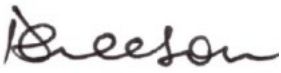
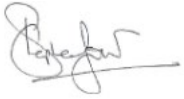
- Detailed landscaping plan, which includes the following:
 - appropriate soil profiles for proposed plant species
 - landscaping maintenance plan that outlines the viability and maintainability of podium level landscape including at Level One on the southeast building façade and demonstrates the methods for watering and maintaining mature vegetation and replacing dead/dying vegetation overtime
 - car parking landscape screening treatment and materials along Wallum Place, noting the 2m-4m setback between the site and the road reserve and location of sewer rising main along the boundary with Wallum Place that limits the ability to plant tall tree species or deep-rooted vegetation)
 - public safety and CPTED resolution of the ground level space between the Porter Street terraces and the southeast building façade

Car Parking

- Detailed car parking design, including EV charging infrastructure (ie. conduit and sufficient electrical capacity for future installation)
- Clarification of car parking requirements including consideration of:
 - total car parking requirements
 - requirements under Council's DCP, relevant Australian Standards and Section 1(c) of the Liveable Housing Guidelines
 - car wash facilities refer to prescriptive measure 6 in section D1.10.6 of Chapter D1 of BDCP 2014
 - Infrastructure for EV car charging refer to prescriptive measures in section B4.2.14 of Chapter B4 of BDCP 2014 and Austroads 2022 - Guidelines for Low and Zero Emission Vehicle Charging Infrastructure Installation

2. Council is requested to assess the information provided by the Applicant and provide a supplementary assessment report, with the report uploaded to the Planning Portal within one month of receiving the required information. Council is also requested to prepare a set of draft conditions of consent.
3. When the supplementary assessment report is received, the Panel will determine the application by way of electronic determination.

If the outstanding information and supplementary assessment report is not provided within two months, the Panel may move to determine the DA based on the information currently at hand.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Michael Wright
 Stephen Gow	 Bruce Clarke

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-420 – Byron – 10.2025.156.1
2	PROPOSED DEVELOPMENT	Mixed use development comprising on-grade parking, commercial premises, pocket park and back of house facilities on the ground level; 37 shop top housing apartments, a landscaped podium, a swimming pool and resident amenities on level 1 and 41 shop top housing apartments on level 2 and subdivision of Penny Lane from Lot 1 DP271119 for integration with Lot 14 DP271119
3	STREET ADDRESS	5 Penny Lane, Byron Bay (Lot 1 and 14 DP 271119)
4	APPLICANT/OWNER	Planners North Bayshore Development Pty Ltd and Community Association DP271119
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Housing) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022 - Byron Local Environmental Plan 2014 - Draft environmental planning instruments: Nil - Development control plans: - Byron Development Control Plan 2014 - Planning agreements: Nil - 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	- Council Assessment Report: 30 March 2026 - S.4.6 variation requests: s.4.3 (Height of Buildings) and s.4.4 (Floor Space Ratio) of the Byron Local Environmental Plan, 2014 - Written submissions during public exhibition: 2 Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Applicant Briefing: 14 April 2026 <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Bruce Clarke <u>Applicant representatives</u>: Steve Connelly, Fraser Williams-Martin, Abel East, Ryan Beavis, Brandon Saul <u>Council assessment staff</u>: Ben Grant, Dylan Johnstone, Renan Solatan <u>Department staff</u>: Carolyn Hunt, Gail Fletcher - Final briefing to discuss Council's recommendation: 14 April 2026 <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Bruce Clarke

		○ <u>Council assessment staff</u>: Ben Grant, Dylan Johnstone, Renan Solatan ○ <u>Department staff</u>: Carolyn Hunt, Gail Fletcher
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A