



REZONING REVIEW RECORD OF DECISION

STRATEGIC PLANNING PANEL of the
NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	13 November 2024
DATE OF DECISION	11 November 2024
PANEL MEMBERS	Dianne Leeson (Chair), Blake Cansdale, Amanda Wetzel, Joe Vescio and David Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	Dianne Leeson noted that she has had previous professional interaction with the Proponent's planning consultant, Stephen O'Connor of SLR Consulting however did not have a conflict of interest. David Brown noted familiarity with the Winten Property Group (Proponent) but did not have a conflict of interest

REZONING REVIEW

RR-2024-25 – Byron Shire LGA – PP-2024-679

Broken Head Road, Suffolk Park (As described in Schedule 1).

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported.
- ☐ The council has failed to indicate its support 115 days after the proponent submitted a request to prepare a planning proposal.
- ☐ The council has not submitted the planning proposal for a Gateway determination within 28 days of indicating its support for the proposal.

PANEL CONSIDERATION AND DECISION

The Panel considered the material listed at item 4 and the matters raised and/or observed at briefings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and subject to changes site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has:
 - ☒ not demonstrated strategic merit
 - ☐ demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

The Panel considered the documentation, was briefed by the Department of Planning, Housing and Infrastructure (DPHI), and heard from Byron Shire Council and the proponent representatives, including SLR Consulting (Planning Consultant), Winten Property Group (Proponent) and Crisjoy Pty Ltd (Landowner).

Planning Panels Team

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Strategic Merit

The Panel agreed that the planning proposal did not have Strategic Merit given that:

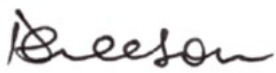

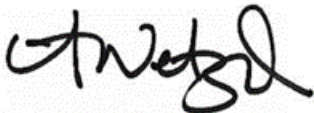


- The planning proposal is not consistent with applicable strategic planning documents. These include:
 - the North Coast Regional Plan 2041 and Urban Growth Area Variation Principles. The site is within the Coastal Strip where the principle that *only minor and contiguous variations to urban growth areas will be considered ... due to its environmental sensitivity*. The Panel notes the site is surrounded by land zoned C2 Environmental Conservation which physically separates it from urban land in Suffolk Park.

The Panel was also not satisfied that the proposal represents a minor variation and therefore resolved that the proposal would not be considered to benefit from the merit-considerations afforded by the urban growth area variation principles set out in the North Coast Regional Plan.

- Byron Local Strategic Planning Statement 2036 (the LSPS) and recently endorsed Byron Shire Residential Strategy 2041 (Residential Strategy). The Panel noted that the proposal is inconsistent with the LSPS and the Residential Strategy.
- In considering whether the planning proposal responds to a change in circumstances that has not been recognised by the existing planning framework, the panel determined that provision of additional housing in this location does not have strategic merit.

Site Specific Merit

Given the Panel unanimously determined the proposal did not exhibit strategic merit, the Panel did not proceed to determine whether the proposal had site specific merit, however the site was highly constrained particularly in regard to topography, and geotechnical and environmental conditions.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Blake Cansdale
 Amanda Wetzel	 Joe Vescio
 David Brown	

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SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2024-25 – Byron Shire LGA – PP-2024-679 – Lot 1 DP123302 and Lot 2 DP 7008 Broken Head Road, Suffolk Park
2	LEP TO BE AMENDED	Byron Local Environmental Plan (LEP) 2014
3	PROPOSED INSTRUMENT	The proposal seeks to: <ul style="list-style-type: none"> Rezone RU1 Primary Production to R2 Low Density Residential
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Department of Planning, Housing and Infrastructure, Rezoning Review Briefing Report, 28 October 2024 Slide presentations from DPHI, Byron Shire Council and SLR Consulting
5	SITE INSPECTIONS AND BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> Site inspection was undertaken by individual panel members: <ul style="list-style-type: none"> were either held individually at the Panel members’ discretion or not held as sufficient background information was provided to all Panel members Dianne Leeson (Chair) & Blake Cansdale - 4 November 2024 Briefing with Department of Planning, Housing and Infrastructure (DPHI): 10:00am – 10:45am, 11 November 2024 <ul style="list-style-type: none"> Panel members in attendance: Dianne Leeson (Chair), Blake Cansdale, Amanda Wetzel, Joe Vescio and David Brown DPHI staff in attendance: Alexander Galea, Ian Woods, Sandra Bush, Kate McKinnon, Adam Williams & Taylah Fenning Key issues discussed: <ul style="list-style-type: none"> Biodiversity, bushfire risk and topography of the site Relationship of site and proposal to <i>North Coast Regional Plan 2041</i>, <i>Byron Shire Residential Strategy 2041</i> and the <i>Byron Shire Local Strategic Planning Statement</i> Briefing with Byron Shire Council: 10:46am – 11:40am, 11 November 2024 <ul style="list-style-type: none"> Panel members in attendance: Dianne Leeson (Chair), Blake Cansdale, Amanda Wetzel, Joe Vescio and David Brown DPHI staff in attendance: Alexander Galea, Ian Woods, Sandra Bush, Kate McKinnon, Adam Williams & Taylah Fenning Council representatives in attendance: Alex Caras & Shannon Burt Key issues discussed: <ul style="list-style-type: none"> Council’s reasons for refusal of support for Planning Proposal Council’s position on strategic and site-specific merit of the site and proposal Environmental and biodiversity characteristics of the site and surrounding area

		<ul style="list-style-type: none"> • Briefing with the Proponent: SLR Consulting (Planning Consultant), Winten Property Group (Proponent) Crisjoy Pty Ltd (Landowner): 11:40am – 12:35pm, 11 November 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Dianne Leeson (Chair), Blake Cansdale, Amanda Wetzel, Joe Vescio and David Brown ○ DPHI staff in attendance: Alexander Galea, Ian Woods, Sandra Bush, Kate McKinnon, Adam Williams & Taylah Fenning ○ Proponent representatives in attendance: Steve O’Connor, Christina Renner, Bill Sarkis & Stuart Dixon-Smith. ○ Key issues discussed: <ul style="list-style-type: none"> • Historic context of site with respect to strategic plans and strategies • Proponent’s position on strategic and site-specific merit of the site and proposal • Affordable housing • Rehabilitation obligations and progress on site • Biodiversity and HEV Mapping • Panel Discussion: 12:40pm – 1:08pm, 11 November 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Dianne Leeson (Chair), Blake Cansdale, Amanda Wetzel, Joe Vescio and David Brown ○ DPHI staff in attendance: Alexander Galea, Ian Woods, Sandra Bush, Kate McKinnon, Adam Williams & Taylah Fenning
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