



BRIEFING DETAILS

BRIEFING DATE / TIME	Wednesday, 20 April 2022, 12.04pm and 1.00pm
LOCATION	Via MS Teams videoconference

BRIEFING MATTER(S)

PPSNTH-83 – Byron Shire Council – DA 10.2021.170.1 - Linnaeus, 591 Broken Head Road BROKEN HEAD - Mixed Use Development comprising Twelve (12) New Eco Tourist Facility Cabins, Six (6) Ancillary Buildings including Wellness Facility, Two (2) Refuges, Shed, Addition of Deck to Existing Centre and Associated Earthworks and Vegetation Removal, and Change of Use of Nineteen (19) Private Education Accommodation Units to Eco Tourist Facility Units

PANEL MEMBERS

IN ATTENDANCE	Stephen Gow (acting Chair), Penny Holloway and Joe Vescio
APOLOGIES	Paul Mitchell and David Brown
DECLARATIONS OF INTEREST	None

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Ivan Holland
DEPARTMENT STAFF	Carolyn Hunt and Cameron Brooks

KEY ISSUES DISCUSSED

- Progress with Application, including amendments made by Applicant since the previous Panel Briefing on 28 July 2021, include the Applicant's response to submissions and amended Statement of Environmental Effects, with the following development changes noted:
 - Reduction in the number of new buildings (27 to 12)
 - Reduction in the number of ancillary buildings (7 to 6)
 - Change of Use of 19 Private Education Accommodation Units to Eco Tourism Facility Units (originally 14)
 - Reduction in proposed tree removal
- Outline of existing approvals for the site provided and including the approval of 5 larger cabins which are yet to be constructed – overview of existing approvals to be provided. The applicant is not intending to surrender any previous approvals.
- Changes in relation to the previous consent for the site would also be considered as part of the proposal.
- Continuing issues of characterisation/permissibility of use and 'mixed use' components to be clarified, together with Council's LEP Cl. 5.13 requirements for eco-tourism developments. Clarification to include zoning map overlay in relation to site masterplan.

- Clarification of proposed development to be provided, particularly in relation to the proposed use of each building.
- Outcome of meeting between Council and Applicant on 19 April 2022 following Council advice to Applicant on 6 April 2022. Noted that the Applicants were aware of the current 'matters of concern' as listed in Council Briefing Note # 2 issued on 19 April 2022.
- Outstanding agency referrals –
 - Essential Energy,
 - NRAR – additional information requested from the applicant
 - NSW RFS – amended General Terms of Approval subject to additional information from the applicant
- Desirability of Panel site inspection prior to determination

The Panel suggested a final timeframe of four (4) weeks for the Applicant to respond with any additional information in connection with the DA, assuming they do not previously advise that they wish to withdraw and re-lodge at a later date. If a further amendment to the application was sought, it is understood that this might further reduce the footprint of the proposed development, however any such proposal will need to be considered pursuant to cl.55 of the Environmental Planning and Assessment Regulation 2000.

The Panel also requested that any outstanding agency advice be sought in that time frame, to enable a final report to be prepared for the determination of the application. The Panel asks Council to promptly inform the Applicant and agencies of this.

TENTATIVE DETERMINATION DATE SCHEDULED FOR: June 2022