

Doc No.	Name
E2018/113105	Aaron Campbell
E2018/109479	Abigail Blackmore
E2018/85545, E2018/82717, E2018/110320, S2018/14910	Andrew Crockett
E2018/83899	Angelique Gellert
S2018/14901	Anton Asche
E2018/86344	Barry & Gill Lomath
E2018/86205 & E2018/107028	Bill Ryan
S2018/15085	Brett and Kiri Archibald
S2018/15075	Carolyn & Wayne Reynolds
S2018/15074	Cath Church & Jeff Begovic
S2018/14904	Chris Watson
E2018/114366	Christine Myr-Reisch
E2018/114066, E2018/114067	Christine Schliebs
E2018/110321	Claudia Michels
E2018/86614	David Bradbury
S2018/13676	Denis Pierre Johnson
E2018/86346	Dominic Patel
E2018/113102	Gabi Bohnet on behalf of SASHTA
E2018/113544	Genevieve Lee on behalf of One Roof Byron
E2018/83898	Glenn Lehman
E2018/86345	Helene Sheean
S2018/14900	J Rozental
E2018/114202	Jane Morgan
E2017/107867	Jeff Begovic, Leandro De Almeida, Mr & Mrs Carolyn and Mr & Mrs Rhodes
E2018/114357	Joanne Campbell
E2018/80660	Julie Bartley
E2018/20371, E 2018/30657 & E2018/114205	Karl Allen
S2018/14896	Katharine Kinne
S2018/14902	Kelly West

E2018/110322	Laurel Cohn on behalf of Mullumbimby High School P&C
E2018/82840	Len Bates
S2018/14898	Madeleine Marty
E2018/86046 & E2018/111336	Margo Patel
S2018/15069	Matthew Lambourne
E2018/83900	Michael Murray
S2018/15073	Mullumbimby Residents Association
E2018/86347	Noel Hart
E2018/87766	Noelle Maxwell
E2018/80659	Patricia Warren
E2018/86342 & E2018/90196	Peter Bacos-Garan
S2018/14879	Rosemary & Kevin Archibald
E2018/87769	Samuel, Kaylene & Karen Browning
E2018/89516	Sarah Robin
S2018/14899	Stephanie Smith
S2018/14903	Stephen Grant
E2018/82154	Stephen Whale
E2018/114072	Trent Morgan
E2018/111507	Vanessa Yee
S2018/14847	Wesley Arthur
E2018/114062	Will Stanton
E2019/8125	Michele Grant Bruns Community Care Council Inc
S2018/14897	YDO Miles

From:
Sent: Saturday, 8 December 2018 10:59 AM
To: submissions
Subject: submission for lot 22

to whom it concerns,

i would love to see an amazing affordable eco development on this site. i have visited different communities in Germany and Switzerland and the Netherlands and know that this is totally possible to do here. it can be done to actually restore and preserve some wetlands which are one of our most depleted and important coastal habitates. this would deal with any flood waters, each house could also catch rain water which is compulsory in some German towns now to deal with flood rain run off.

there is so much good technology around now please dont just give this site to a standard developer and we end up with more holiday lets.

This can be a world class site and attract tourism from around the world which happens in some German towns know.

Thank you,
Aaron Campbell

From:
To: [submissions](#)
Subject: Lot 22
Date: Wednesday, 28 November 2018 9:19:41 AM

Lot 22

I would like to support Byron Shire in its proposal to develop lot22

Abigail Blackmore

Sent from my Samsung Galaxy smartphone.

From:
To: [submissions](#)
Subject: Lot 22
Date: Friday, 12 October 2018 4:09:34 PM

I want to voice my concerns about this development.
Firstly, we need recreational land and with a growing community we will be more in need of recreational land in the future.
Secondly, this land currently acts as a sponge when it rains and floods. If that land is developed the flooding will be worse.
Thirdly, if you put houses there will the occupiers be able to get flood insurance? I currently cannot get flood insurance at my place 6 Jubilee Ave.

Finally, yes mullum needs more housing....why not continue the expansion of Tallowood?
It is elevated.
It has a nice community feeling about it already.
There is plenty of land out there.

Why not open the opportunity for someone with 60 acres, to subdivide bits of it off?
There is a shortage of rural house sites, but loads of land....loads of farms.
Let the farmer sell 5 acres for \$400k.

Think outside the box.

But please, not lot 22.
It goes completely underwater!!!

Andrew Crockett
6 Jubilee Ave
Mullumbimby
2482

From:
To: [submissions](#)
Subject: Lot 22 development - objections
Date: Wednesday, 24 October 2018 12:01:15 PM

Please table these at the Byron council meetings.

Thank you.

1) This land is not suitable for development. If it was privately owned, a private investor would not waste the hundreds of thousands of dollars trying to get council approval, let alone NSW govt approval. So one of my objections is how can council waste their rate payer's money on something that is so clearly questionable?

2) Flood insurance. If council manage to get this ok'd by NSW government and the land is developed into 200 square meter blocks and Mr & Mrs Smith want to buy the block for say \$300k, when they go to the bank to get a loan the bank is going to want to see flood insurance on their policy, but Mr & Mrs Smith wont be able to get flood insurance because - if you do your research there are plenty of properties in Mullum who cannot get it - or the price is too expensive that they cannot afford it. So, if council get the development through, wasting our rate paying money and then CANT sell the 200m square blocks to the lower end of the socio-economic spectrum (as planned), then what? Rezone it to 500 squares and suggest the houses will be elevated on 8 foot stilts, like other flood prone land sites?

3) If the development goes ahead and the next major flood event has a significantly worst outcome for existing residents than 2017 flood, due to increased runoff from the lot 22 development, is the council insured for a class action from existing residents for the damage to properties that cannot currently get flood insurance?

3) If the development goes ahead and you have a new road running next to the tennis court, and by the netball court, how is that good for the current 'recreational zoning' of this land? How does that improve the fabric of the community as you have stated? Is it more enjoyable playing tennis next to a community garden, or breathing in carbon monoxide out of an exhaust pipe? Is it enjoyable for the kids at the skatepark to have parents driving past every 5 minutes? Is it enjoyable for the netball association to have a road right next to their courts? No, no, no and no.

4) If there are an extra 1000 people living on lot 22, as planned, you might have an extra 800 cars. Where are 800 extra cars going to park in the cbd when they want to drive, in the rain, and get bread for the shops? Will there be another service station offering refuelling? Will there be more

mechanics

to fix the broken cars from the shitty roads?

5) If the development goes ahead and you need trucks delivering in millions of cubic meters of fill

to make it 'flood mitigated', does that not make someone at council scratch their head and consider

the land might not be quite right?

6) If council did not own the land, would they consider buying it for development?

No. So why are they pushing an unsuitable piece of land? Out of desperation?

7) Since when is a local councils role to drive and assist in residential developments?

The resources that council is using to push this development, what roles/duties would those council staff

ordinarily be undertaking? Which bits of our shires infrastructure are missing out due to the councils decision to spend our resources (money and people power) to drive this lot 22 development?

8) Council driven residential developments are fraught with dangers and litigation issues, is BSC equipped

to handle such legal issues when they arise?

Finally,

Quite clearly to anyone with an objective viewpoint, council bought this land ten years ago for peanuts

and can now see a simple solution for them to sell it at a large profit and also reap rate income.

...while easing what they perceive as a housing shortage for low income families...all the while with no consideration to the

existing ratepayers, **(your clients)** the local amenities/roads, drainage and our (current) precious recreational space - that is loaded with wildlife and a somewhat absence of cars and modernity.

Huge fail all around , I would suggest. The council should explain why it is further developing our town when it seems unable to provide the existing residents with decent infrastructure like roads or parking facilities, which is one of their core responsibilities.

Andrew Crockett
6 Jubilee Ave
umbimby

From:
To: [submissions](#)
Subject: Lot 22
Date: Thursday, 29 November 2018 12:39:32 PM

I like that you are at least *trying* to provide some modern groovy small dwellings for the shire, but there are a couple of buts and you need to not ignore them.

1- the price that whatever dwellings you put there will sell for will be 100% dictated by market forces. If someone is currently living somewhere paying \$600 a week and can get into a smaller place on lot 22 for \$400 a week, they will sell and move....so the price that you sell them for has zero and nothing to do with your intention to provide for the needy and everything to do with reality, which is supply and demand.

2- that land does and will go underwater. It will happen again like 2017 and if the climate scientists are correct, it will be even worse in the future. When that happens
in say 2026 and you have 300 houses there, the water that goes around the house sites
will then go back into salt water creek and....wait for it....into the CBD. So I think you
are kidding yourself not to have a mandate that any dwelling needs to be a min of 7 foot up
on stilts....not fill....stilts....so the water can seep into the ground when it floods.
If you
go with stilts then all you have to worry about is the 300 odd cars that will wash into
the Salt Water creek.

3- Where are the 300 houses/cars going to park in the cbd? There is not enough parking
currently.

4- Which bank will lend money to a family wanting a mortgage when they cannot get flood insurance?

I live at 6 jubilee ave and cannot get flood insurance and the land here is higher than lot 22.

good luck,
think outside the box!

Andrew Crockett

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SALE

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I live at 6 jubilee ave and cannot get flood insurance and the land here is higher than lot 22.

good luck,
think outside the box!

Andrew Crockett

RECEIVED BY FRONT OFFICE

5 DEC 2018

BYRON SHIRE COUNCIL

BYRON SHIRE COUNCIL

DOC NO:

REC'D: - 5 DEC 2018

FILE NO: F2622

ASSIGNEE: M. Chapman

From:
To: [submissions](#)
Subject: Support for affordable housing at Lot 22 / Saltwater Creek Mullumbimby
Date: Wednesday, 17 October 2018 6:06:24 PM

Hello,

I'd like to re-submit my letter of support for affordable housing at Lot 22/Saltwater Creek, initially sent last year. Please find the letter below.

Kind regards,
Angelique Gellert

Begin forwarded message:

From: Angelique
Date: 28 October 2017 at 9:52:48 AM AEDT
To: council@byron.nsw.gov.au
Subject: **Support for Social Habitat Housing Proposal (Saltwater Creek)**

For the attention of the Mayor and General Manager

Dear Simon and Ken,

I went along to Social Habitat Housing's community meeting in Mullum this week and now wish to express my full support of their proposal to create an Eco Village on council land neighbouring Saltwater Creek.

I'm a Byron Shire resident and worker who can't afford to purchase a house on the open market. I suffer from a chronic health condition that forced me to stop working last year and live off the money I was saving towards a deposit. I'm back at work now, part-time at Tweed Byron Ballina Community Transport, but am struggling to afford to live in the community I work in and serve. I pay over half my weekly earnings in rent and am therefore unable to recoup my savings. As a low-income, single, middle-aged woman with health issues, home ownership and housing security seems like a daydream.

In any case, given my circumstances, I don't want a conventional 3 bedroom house requiring a huge mortgage and lots of maintenance. What I really want is a small (about 50 sqm) detached and truly affordable house with access to a garden within a village. I want stability and ownership and capital gains isn't my main motivation. I want exactly what Social Habitat Housing is proposing! If the council moves ahead with this project, you would offer me an opportunity to realise this long held wish; you would offer a local community worker affordable accommodation and housing stability; you would offer me hope for the future (which in all honesty is currently a place of terror, given my health and finances).

I'd also like to ask you to consider tiny houses on wheels as a long-term housing option in the Shire. I count tiny houses among my housing options and would of course prefer to live in it legally. It'd be

great if the proposed Eco Village made room for them on minimum 3 year leases and if council would approve them on private land (not just for family members, like in Tweed, but for non-relatives as well).

Given Byron's housing shortage and affordability issues for residents, it really is your responsibility as mayor and GM to extend housing options, as well as create new ones. The proposed Eco Village offers you that opportunity, along with another - to provide alternative housing models to the rest of Australia, if not the world. Please make the land available to Social Habitat Housing.

Thanks and warm regards,

Angelique Gellert

1/39 McGoughan's Lane Mullumbimby

Submission

Name: Anton Asche

Email: Pangolin72@yahoo.com

BYRON SHIRE COUNCIL
DOC NO:
RECD: - 5 DEC 2018
FILE NO: F2622
ASSIGNED: M. Chapman

- Car free area (children friendly)
- Low speed Limits
- Priority genuine affordability
(Including a Percentage of centrelink Levels)
- Dam ? (~~water~~ If possible without
mosquito haven)
- Protection from too many
'Investors' cashing in
 - Structure to prevent excessive
gentrification

From: .
To: [submissions](#)
Subject: Lot 22
Date: Friday, 26 October 2018 1:54:58 PM

To be left as Sporting Facility. Not Affordable Housing. William Ryan 3 Hibiscus Place Mullumbimby (Rate Payer) Email.

Sent from my iPhone

From:
To: [submissions](#)
Subject: re Lot22
Date: Sunday, 28 October 2018 5:12:52 PM

Hi Isabelle We wish to object to Lot 22 being rezoned for housing on the following grounds;

1; It already has major flood issues, and if filling should happen this would be catastrophic for the south and eastern parts of town already under flood stress.

2; It would I believe render the large parcel of land south of New City Rd (which I personally have been working on) to be made available for aged living and affordable housing at our Mayor's request for a number of years. It would be become useless for future development.

Prior to the Mothers day flood in 198 Mullumbimby was not known as a flood prone community, Having lived here for 70 yrs , yes the river comes into the park and low lying areas always has, and to the back of Argyle St, and the lower end of Ann St. At this time water entered 3 homes which had been allowed to be built right on the ground, these to my knowledge were the only residential properties to have this issue.

This major incident was a one off as State Rail was undertaking major bridge approach works on the southern end of the rail line. The underneath of the tracks had been sand bagged thus not allowing water access to the river as usual, the water was forced to come back along the rail line near Woolworths and it then went across the traffic rail crossing which allowed it to flood most of the eastern side of town in some form. This prompted Council to declare Mullumbimby Flood prone and Insurance premiums to skyrocket and become unaffordable. This event has never happened since.

Another major problem which effects Lot 22 I believe is the replacing of Kings Creek Bridge, whilst it was badly needed , the new structure restricts the flow by 2/3 the capacity of the old one to allow the flood water escape to the river. The old bridge a timber one was much wider and allowed a large amount of water to reach the river much quicker thus holding back most of the water in Salt Water creek which ultimately has to find its way to that point. Also the crossing to the gardens also acts a a bit of a dam as well even though it can flow over the concrete structure it does inhibit the flow, all adding up to a disaster waiting to happen. Could not a solution for this problem be explored with modern methods available these days. It doesn't seem logical nor moral to put disadvantaged folk in an area were there are already crisis issues.

We feel sad that those who now call Mullum home seem to object to

everything. We need to replace this attitude with those of our forebears over the last 100yrs they were such visionaries and forward thinkers, who catered for this communities needs so well, and into the future, which is why most come here. We welcome them.

Australia does have a housing crisis right across the board, and WE need to take a rational, common sense approach, and care for both young and old in our community without a knee jerk reaction which will cause more kayos.

Allowing housing on this land would be catastrophic for our town as we know it now.

Yours sincerely

Barry & Gill Lomath 150 Stuart St.

From:
Sent: Sunday, 18 November 2018 11:20 AM
To: council
Subject: Lot 22 Mullumbimby Future Housing Proposal.

As a long term local of Mullumbimby & Rate Payer of BSC I strongly disagree with the proposal of the Affordable Housing Concept to be utilised on Lot 22. Reasons being ,the land was purchased for the purpose of Sporting facilities not Housing! The land is Flood Prone & if this proposal was to be approved massive amounts of water displacement would occur & enhance flooding events further for Mullumbimby. BSC cannot provide suitable infrastructure as it is not to mention any further added costs to an already financial struggling Council and a Council that cant even maintain suitable roads.

Yours Respectfully. William Ryan 3 Hibiscus Place Mullumbimby NSW 2482 .
iPhone

Sent from my

To Byron Shire Council
General Manager Mark Arnold
70-90 Station St,
Mullumbimby

PN: 239417
BYRON SHIRE COUNCIL
DOC NO:
REC'D: 13 DEC 2018
FILE NO: F2622
ASSIGNEE: M. Chapman

156 Stuart Street, Mullumbimby also known as Lot 22 DP1073165, is currently zoned public open space for recreational purpose and council proposes to rezone the area to R1 and reclassify to Operational so the land can be used for housing.

As the owners of 332 McAuleys Lane Mullumbimby, we are opposed to the change of land use for this site. Our reasons are as follows:

1. The land was purchased for sports fields. We believe this area should be kept for sports areas for present and future generations.
2. We operate an agricultural business on our property and are concerned that the possible flooding increases will have a negative effect on our business.
3. We have heard contradicting possible flood heights for the site. As rate payers we would not support B.S.C being involved in a project to house people on a site that could place them in harm, making B.S.C liable for future prosecution.

In conclusion we do not support the rezoning of this site.



Brett Archibald



Kiri Archibald

10 December 2018

General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

PN: 239417
BYRON SHIRE COUNCIL
DOC NO:
REC'D: 12 DEC 2018
FILE NO: F2622
ASSIGNEE: M. Chapman



~~By Email: submissions@byron.nsw.gov.au~~

Dear Mr Arnold,

We refer to the Planning Proposal to amend Byron Local Environmental Plan (LEP) 2014 for rezoning and reclassifying Part Lot 22 DP 1073165 (Mullumbimby Sporting Fields) and raise the following concerns.

We are the owners and residents of neighbouring property to the north of part Lot 22 DP 1073165. The amenity and enjoyment of our properties have already been significantly affected by the community gardens from issues such as noise, loss of rural setting, visual impacts including those from buildings that were illegally constructed, rude behaviour, illegal camping, dogs chasing wildlife, people urinating in the creek in full view of the residents including our children, loss of privacy, loss of security and generally feeling unsafe on our own properties.

We are quite concerned about this proposal and what impact it will have on our lives.

Our properties are zoned R5 Large Lot Residential. The proposed rezoning will compromise the objectives of the zoning for our properties, which is to *"provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality"*. The change in zoning of part Lot 22 to a residential zone will mean that when the land is developed, our property will no longer have any *"rural setting"*.

The Ecological Assessment dated July 2017 by Mark Fitzgerald identifies wetlands and a tributary of Saltwater Creek in figure 3, a copy of which is below, in the land between the community garden and the land east of the railway line. The Planning Proposal advises that these wetlands are areas with potential for rehabilitation and recovery of the freshwater wetland and floodplain forest habitats and recommends that the larger one remains in the RE1 zone.

The larger wetland relies on the tributary of Saltwater Creek, which should also be protected by keeping it in the RE1 zone. The northern wetland is ephemeral but fills after only a small amount of rainfall and as such should also be protected by keeping it in the RE1 zone.



It makes little sense to create an isolated section of public reserve over only the larger eastern wetland. This will cut any access to the wetland to allow the wetland to be rehabilitated and maintained.

During discussion with Council staff, our Landcare group were informed that the area along the creek bank would be ideal to provide koala food trees as this is a koala corridor connecting two habitats. Koala Connections agreed and were to provide the trees for planting but we couldn't proceed as it was too difficult to access the area to collect the food.

As recommended in the Ecological Assessment dated July 2017 by Mark Fitzgerald the Vegetation Management Plan or Biodiversity Management Plan prepared for the site should also include the restoration of the wetlands and the tributary of Saltwater Creek and make provision for a larger area of koala habitat in the land between the community garden and the land east of the railway line.

Leaving the land between the community garden and the land east of the railway line to also remain in its current mix of zones, as shown in the figure below, will protect our environment by providing contiguous community land that can be appropriately protected by a plan of management for the public reserve.

We believe that this change to the proposed rezoning would not only provide some protection to the loss of privacy and amenity to our properties, but would also benefit everyone in the area by protecting our environment.

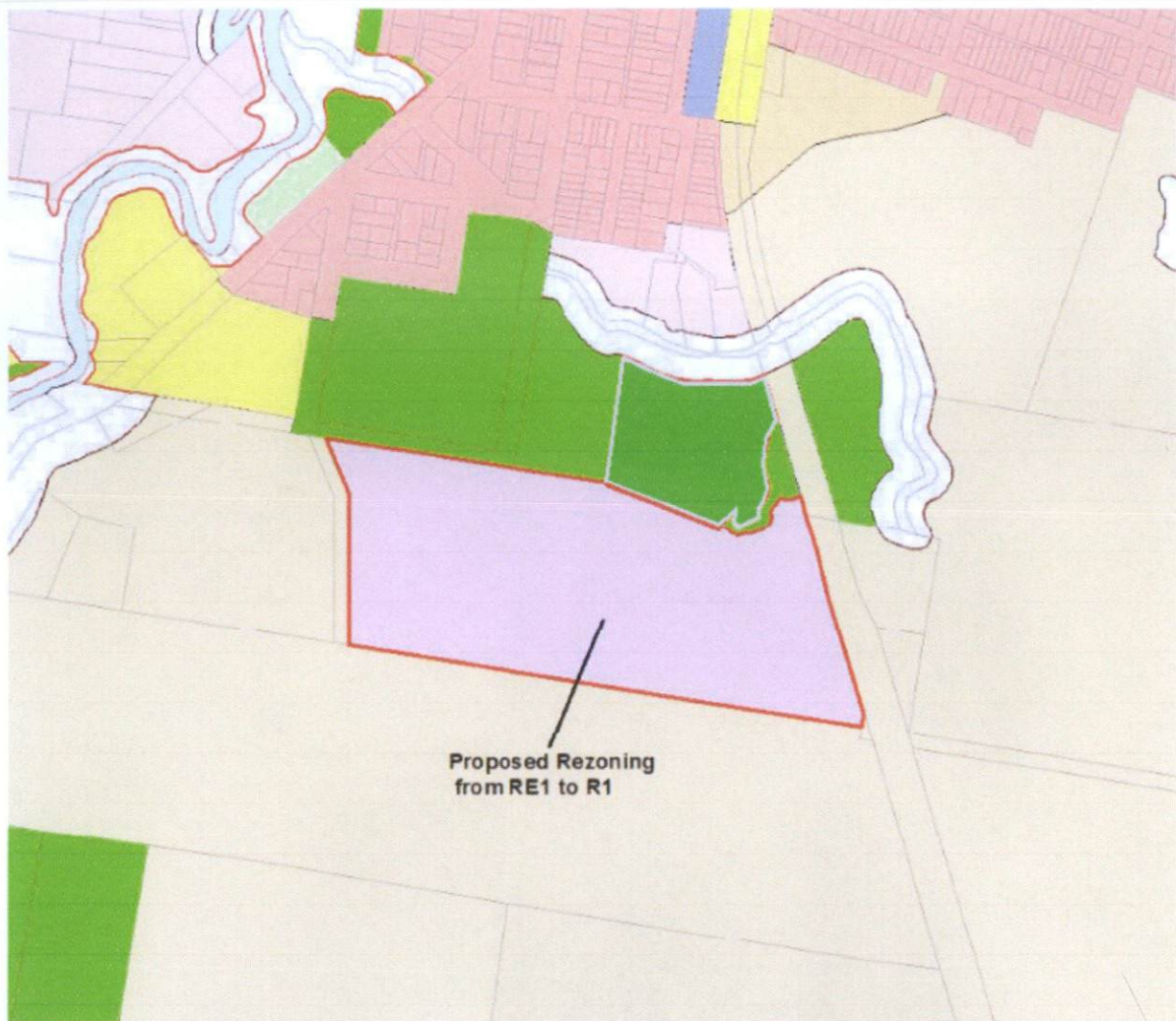



Figure showing proposed change

Your attention to this issue will be greatly valued and appreciated.

Yours Sincerely,


Carolyn Reynolds
134 Station St
Mullumbimby NSW
2482

Wayne Reynolds
134 STATION ST
MULLUMBIMBY

10 December 2018

General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

PN: 239417
BYRON SHIRE COUNCIL
DOC NO:
REC'D: 12 DEC 2018
FILE NO: F2622
ASSIGNEE: M. Chapman

RECEIVED BY FRONT COUNTER
11 DEC 2018
BYRON SHIRE COUNCIL

~~By Email: submissions@byron.nsw.gov.au~~

Dear Mr Arnold,

We refer to the Planning Proposal to amend Byron Local Environmental Plan (LEP) 2014 for rezoning and reclassifying Part Lot 22 DP 1073165 (Mullumbimby Sporting Fields) and object to rezoning and reclassification on the following grounds:

1. There is no mention of the expected density and yield from the planning proposal. There is an extract in the report from the Draft Residential Strategy indicating 100 dwellings from an approximate area of 10 – 12 hectares (ha), which equates to a very low density of 8 - 10 dwellings per ha. The planning proposal intends to rezone 22 ha, not 10 – 12 ha, and states that a minimum lot size of 200m² is proposed to encourage affordable housing outcomes. Lot sizes in the order of 200 – 300m² is similar to medium density housing, which could have a density of 23 – 45 dwellings per ha. Thus, the yield could be in the order of 500 – 990 dwellings.
2. There is insufficient information to enable an informed consideration of the traffic impacts, both during construction activities and from the resultant development of the site. The planning proposal does not include any assessment of traffic impacts.
3. There is insufficient information to enable an informed consideration of the stormwater impacts. The site is flat and currently has natural attenuation of stormwater runoff due to the existing wetlands and flat nature of the land. The planning proposal does not include any information on how stormwater from the site will be managed. The flood impact assessment for the planning proposal (BMT WBM, 12 May 2017) states that *"Stormwater flooding (i.e. from localised short-duration, high-intensity storm events) was not assessed as part of this assessment"*.
4. Failure to take changes in rainfall intensities due to climate change into account in identifying Flood Impacts. The North Byron Flood Study (BMT WBM, 2016) indicates that the land is sensitive to climate change, predicting increases in peak flood level by more than 0.5m for most of Mullumbimby Sporting Fields. The North Byron Flood Study includes the following recommendations:

- Proceed to the preparation of the Floodplain Risk Management Study and Plan, to determine options to manage and/or reduce the flood risk, taking into consideration social, ecological and economic factors. The Floodplain Risk Management Study and Plan should consider flooding issues in the catchment, for example:
 - The flood risk and hazard for extreme events (between the 100 year ARI and PMF).
 - The implications of the sensitivity tests on Flood Planning Levels, and whether Council should change its current policy.
 - Identification of areas in the floodplain that should not be 'filled' for the purpose of development.
 - Past and potential future ocean outlets and the implications for flood mitigation. Such investigations should include:
5. Failure to take works required to provide flood free access into account in identifying Flood Impacts. The Northern Rivers Local Government Development Design and Construction Manuals requires roads to have a maximum allowable depth of water of 0.2 metres and the maximum velocity x depth product of $0.4\text{m}^2/\text{s}$ for storm events up to the 1% Annual Exceedance Probability (AEP). The flood impact assessment for the planning proposal (BMT WBM, 12 May 2017) does not model impacts of future road access to the site or between fill platforms.
 6. The North Byron Floodplain Risk Management Study and Plan must be adopted before considering any rezoning proposal to allow the best use of the land to be fully considered. The best use of the land could be for flood mitigation (eg. for conveyance of flood water and/or stormwater detention facilities to reduce existing flood impacts on Mullumbimby). Flood mitigation can be compatible with sporting fields (eg. large detention basins can also be used as a sporting field in dry weather) but not with residential development.
 7. There is insufficient information to enable an informed consideration of the impacts from the proposed filling. The planning proposal has not adequately demonstrated how the proposed earthworks and filling of the site will be managed or what quantity of filling is required to address flood and stormwater issues.
 8. The inclusion of "Caravan parks" as a permitted land use is inconsistent with the objectives of the planning proposal. The planning proposal includes caravan parks as a non compulsory land use in the draft land use table for R1 zone but provides no assessment of the impacts of including this land use. The planning proposal advises that the objective is to encourage diverse housing, however the proposed diverse housing clause does not apply to caravan parks because the Byron LEP 2014 definition of residential accommodation does not include caravan parks. Council Report 13.17 to its meeting of 23 November 2017 advised that caravan parks have been included as a permissible land use so that Council can trigger "manufactured home estates" pursuant to SEPP 36 to provide "an opportunity to use low cost (but not low quality) structures such as "tiny homes" that can be used as affordable housing", however there is no mention of this in the planning proposal and no clause to prohibit "low quality" structures. Clause 6.4 of Byron LEP 2014 prohibits development consent to caravan parks unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land. Report 13.17 to its meeting of 23 November 2017 states that "the

planning proposal affects land that is mostly flood affected in a 100 year ARI event and totally affected in a PMF event". The flood impact assessment for the planning proposal (BMT WBM, 12 May 2017) does not consider flood events exceeding the 1% AEP. Caravan parks should be included as a prohibited land use as the land is shown to be totally high hazard in the PMF and mostly high hazard in the 500 year ARI flood by the North Byron Flood Study, which will only get worse with the affects of climate change.

9. The remnant wetlands have not been adequately protected. The planning proposal advises that the ecological assessment has identified three small wetlands with associated stream channels with potential for rehabilitation and recovery, but only attempts to protect the larger one. The planning proposal also states that the "remnant freshwater wetland and riparian areas that are on the site will be protected, including suitable buffers". HOWEVER, no suitable buffers have been provided, nor is there any assessment of the suitable buffer required. Detailed site-specific work should be undertaken to determine the specific separation measures required, including protection of the associated stream channels to determine the appropriate buffers and the RE1 zone adjusted accordingly.
10. Mullumbimby is not oversupplied with sporting fields. The draft Byron Shire Open Space and Recreation Needs Assessment and Action Plan – 2017-2036 (Ross Planning) *"concludes that Mullumbimby is well supplied with open space for recreation purposes now and into the future, despite a minimal deficiency of 0.15ha by 2036"*. It is obvious that the draft recreational needs assessment has been manipulated and biased for the rezoning of the Mullumbimby Sporting Fields. Despite Mullumbimby and Northern Hinterland being the only planning area having a deficiency of open space, the Mullumbimby Sporting Fields (Lot 22 DP 1073165) is the only allotment identified in the whole document. The calculation of the demand for "Sports park" for Mullumbimby and Northern Hinterland is incorrect as it excludes the hinterland population. The assessment indicates there is 8.97ha of open space and an oversupply of 3.97ha, however with the inclusion of the hinterland population there is a deficiency of 6.73 ha (with a deficiency 2.34ha for sports parks). In fact, the recreation needs assessment shows that Byron Bay and Suffolk Park have an oversupply of open space of 28.14ha (more than the rest of the shire put together) and yet more open space was purchased by Council from the Department of Education for Suffolk Park, where the Mayor quoted in the Echo (1 December 2016) that *"the site, which was no longer required for education and had been put up for sale, would now be designated 'Community Land' and retained in perpetuity for community use"*. Why can Suffolk Park's open space be protected in perpetuity but not Mullumbimby's? The Mullumbimby Sporting Fields should be developed as a multi-use park for netball, soccer (there is no room for expansion at Pine Avenue), Australian Rules, cricket, athletics, softball, baseball, hockey and other team sports with shared club house and other facilities to encourage sporting activities and allocate preferred 'homes' for each sport.
11. Council reports have not informed the community of the cost to the community for the rezoning and reclassification of Mullumbimby Sporting Fields, including but not limited to:
 - The cost of the rezoning and reclassification (consultants, staff time, etc.).
 - Repayment of Section 7.11 Contributions (Byron Shire Developer Contributions Plan 2012 (Amendment 3) includes an amount of approximately \$3m for the acquisition

of sporting fields for the Tallowood Ridge Estate. The Planning Proposal for the Tallowood Ridge Estate indicates that approximately 3 hectares will be rezoned to RE1 Public Recreation for sports fields. Using a simple correlation (\$3m for 3ha = \$1m/ha, therefore 22ha x \$1m = \$22m), Council will have to repay over \$22m to section 7.11 funds).

- Development/construction costs (development applications, roads, bridges, drainage, earthworks, services, landscaping, developer contributions, consultants, staff time, etc.).
- Acquisition costs if alternate road access is proposed or for easements.
- If it is leased, what ongoing costs (real estate management, additional staff, etc.).

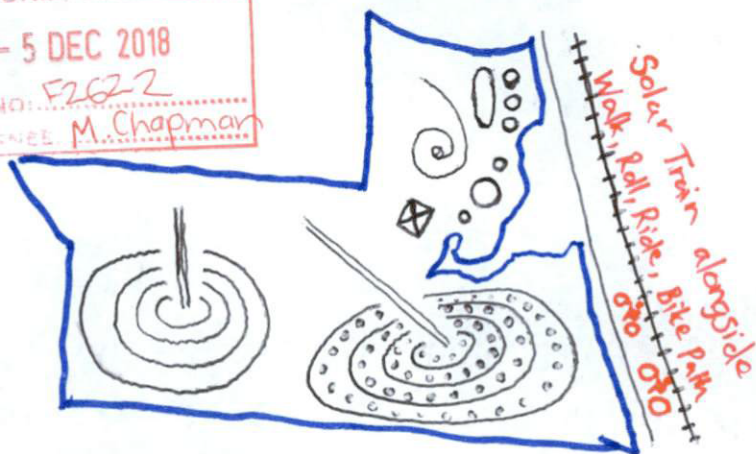
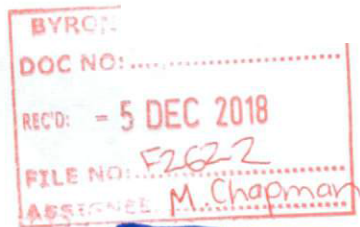
Yours Sincerely,

Cath Church & Jeff Begovic
130 Station Street
Mullumbimby NSW 2482

Designer, Artist, Sculptor, Creative
Bamboo Builder. @Magickbykes

Submission

Name: Chris Watson



- An extension of the community gardens.
- Similar to the "Green School" Bali
- A central hub for everything Eco + sustainable
- micro lot houses, intentional community style.
- built using sacred geometry, nature inspired spirals, circles, curves.
- run as a not for profit charity, like Santos.
- giving money directly back to the Mulum community
- offering workshops, "mens shed" like, but mixed, mother + child friendly, opportunities for back to work scheme.

- Solar powered using, sunflower solar panels
- planting plenty of trees, bamboo for building, native wild flower gardens & grasses
- it would become like a Mullumbimby Botanical garden with dwellings woven into the design.
- a peaceful place to live, work & come together
- Walk, roll, ride, Bike path
- Bamboo bicycle building workshops, rental & sale.
- locals & tourists able to use bikes from the creative hub, Bamboo Electric Bikes "Magick Bykes" to cycle to surrounding towns & villages
- Mullumbimby Eco Village
- Byron + Brunswick Bamboo Bicycle Club.

2

From:
Sent: Wednesday, 12 December 2018 11:03 PM
To: submissions
Subject: Future Housing-Lot22 1073165

Importance: High

Dear Isabelle Hawton and councilors of the Byron Shire,

I am writing to you in regards to the proposed future housing at Lot 22 DP 1073165.

The proposed development at LOT 22, Stuart Street, Mullumbimby has so many questionable aspects and obvious issues that I strongly oppose this development.

Here are some of the issues, which should be addressed before one takes any further steps:

Flood Zone

- 1) LOT 22 is a flood zone. There is no adequate drainage possible.
- 2) With the build-up of that area am worried that the southern end of Mullumbimby, where we live, will have increase flooding.
- 3) The way the original plan showed there would be various water ponds, which intern will create a major breeding ground for mosquitoes. That, on the other hand, will invite health problems (e.g., fungal infections) and mosquito-borne diseases for the new inhabitants.

Access to Lot 22

To have adequate access to the new development of 150 or more dwellings on LOT 22, Stuart Street, Mullumbimby one would need to have at least from two sides free and unobstructed access.

The one-lane causeway at the end of Stuart Street is indeed not adequate. Before this development can go ahead, one would need to construct a proper two-lane bridge, which is high enough to avoid the floodwater pushing back into the southern end of Stuart Street. Safety of the residents is paramount.

The construction of an adequate bridge will incur very high costs, which the community will have to shoulder. Before the council builds such a bridge, I would suggest that the council fixes the potholes in the Byron Shire first. It is outright dangerous to drive a car or ride a bicycle through, e.g. Mullumbimby. This issue should be on the top of the TO-DO-LIST.

Bad Soil

At this stage, it is unclear if Lot 22 has Acid Sulphate Soil, which would be another cause of concern for the health of the new residents of this development.

Too Small Lots

The proposed small lots of 200 square meters (!?) will not allow the residents their quiet enjoyment of the premises. It is clear that with such a setup the people would crowd each other out. The inhabitants will hear every word and every movement of the next-door neighbour. It would be challenging for anyone living under this circumstances not to get irritated or even aggravated. Frankly, it reminds me of the situation in Ghettoes.

I am sure that the enormous amount of money, which is required to set up even the necessary infrastructure for this project could be used more effectively elsewhere.

Many examples worldwide show that appropriate townhouses might be the better and much cheaper solution, than a whole lot of small individual houses.

There is clearly a need for affordable housing, but I think it is much better to look for a more suitable area for a sustainable housing project.

E.g., use the old hospital site and build several townhouses to provide genuinely affordable housing. Furthermore, you could use the property next to Woolworth for additional townhouses.

I am sure on close inspection you would find several spots, which would be much more suitable for affordable housing. These small developments might even attract some investors, which can help with financing such a development.

Thank you for your time.

Sincerely,

Christiane Mayr-Reisch

To Byron Shire Council
General Manager Mark Arnold
70-90 Station St,
Mullumbimby

156 Stuart Street, Mullumbimby also known as Lot 22 DP1073165, is currently zoned public open space for recreational purpose and council proposes to rezone the area to R1 and reclassify to Operational so the land can be used for housing. Some of the problems identified with the proposal follow (hereafter referred to as The Proposal):

1) **Flooding**

a) The first concern is the flood prone nature of the area and inaccuracies in relevant studies. The preliminary Ecological Report for the site, by Mark Fitzgerald (July 2017), confirms correctly that Saltwater Creek is tidal and "*flooding from cyclone Debbie in March 2017 appears to have inundated the entire site*" (Page 17). The following year, 26th and 27th March 2018, further detailed Summer Surveys by Mark Fitzgerald claims "*indications of flooding were apparent even in the most elevated areas*" (Page 7). Neighbours nearby and youth using the skate park also confirm the site was completely inundated in the March 2017 flood.

b) According to Councils analysis of the March 2017 flood it was a 1 in 50-year flood. The Proposal flood study (May 2017) shows that in a larger 1 in 100-year flood the whole site is NOT inundated. Was the 2017 flood bigger than a 1 in 100-year flood event or is the flood modelling carried out for The Proposal incorrect? We suggest that it is incorrect!

c) It appears that The Proposal flood study (May 2017) is built on inaccurate flood data given that *The North Byron Shire floodplain risk management study and plan* (due for completion in 2019) has analysed the March 2017 floods and changed flood model parameters due to bend loss and recent filling of development sites. These include Tallowood Estate, Towers Industrial area and Orchid Place directly to the North of Lot 22. There should be no development and certainly none driven by Council, until *The North Byron Shire floodplain risk management study and plan* is complete. It will be the community's own guide on what to do on its flood-plain.

d) An extract from The Proposal flood study (May 2017), shows land on the Eastern side of Orchid Place and Western side of Station St (see figure 1, circled red) being completely inundated in a 1 in 100-year flood, but this area has been filled to a level that is flood free in a 1 in 100-year flood. (Approximately 4.5m Average Height Datum, and 4500m³ of fill). This filling has increased flooding in the local area. This demonstrates another technical error in The Proposal flood study. The cumulative impact of filling flood prone land needs to be considered.



e) It appears The Proposal flood study (May 2017), is also incorrect when it states an increase of flood levels to the South of 10mm to 20mm for a 1 in 100-year flood and a greater increase of 20 to 30mm for a smaller 1 in 10-year flood. We would expect a greater displacement of 20 to 30mm of water to the South in a

1 in 100-year flood, and The Proposal's flood study (May 2017) maps appear to support our assumption. (See Figures 11 and 15 of The Proposal flood study).

f) The Proposal quotes SEPP (Coastal Management) 2018 and states "*parts of the subject land are within 500 metres of the tidal part of the Brunswick River classified as being within the "coastal environment area"*". (page 19). It is our understanding that this shows Lot 22 will be affected by tidal surge and sea level rises. The Proposal flood study (May 2017) states, however, that "*Mullumbimby is not sensitive to the 800mm sea level rise associated with climate change*" and did not include tidal storm surge and rainfall combined. This omission is important because it is the conjunction of such events when the Brunswick River and Mullumbimby has had its biggest floods, as mentioned in councils own document "Brunswick River 1986 Flood Study".

g) As a consequence of the lack of clarity and apparent confusion concerning these events we request that The Proposal is delayed until *The North Byron Shire Floodplain Risk Management Study* is completed in 2019. The objective of this delay is to ensure that the flood impact of The Proposal is built on accurate data and flood mitigation for Mullumbimby fully investigated.

h) *The North Byron Shire floodplain risk management study and plan* is currently being developed and due for completion in 2019. Public submissions have been assessed. Of the 341 submissions received by council just under 50 mentioned land use planning and specifically Lot 22. Many photos of flood affected areas in Mullumbimby were submitted including those of Lot 22. These comments and photos should be taken into consideration when assessing The Proposal.

i) Council has declared a "*State of Climate Emergency*" and "*acknowledges that Byron Shire is likely to be substantially affected by climate impacts, particularly sea level rise, bushfires, drought and floods*" (BSC meeting 18/10/18). Smart planning will recognise increasing sea level rises and associated flood levels. They will be several metres. We can start planning for that now. The rise is certain - only its timing is in doubt.

j) Council should not knowingly increase risk to rescue organisations usually run by volunteers putting their own lives at risk. Rescue can be required by residents during a health emergency, whether caused by the flood or not. Evacuation can also be by residents themselves. Such egress is most likely when flood levels are rising. Crossing large distances of flooded ground is dangerous, even at small depths, because the water is not transparent.

k) Low lying flat land gets saturated and is not a healthy place to house vulnerable people (i.e. those who most need affordable housing). The micro-climate there will be damp.

2) Planning

a) We are concerned that the current Byron Shire Council (BSC) Residential Strategy (2003) which prevents filling of flood prone land is upheld. External fill should not be allowed to be bought onsite as recommended in the report by Geotech Investigations PTY LTD (Sept 2018).

b) Kings Creek is shown to pass through Lot 22 (Ecological report by Mark Fitzgerald, July 2017). There appears to have been no consultation with the NSW Government with respect to the *Cape Byron Marine Park* of which The Brunswick River and Kings Creek are a part of. This needs to be addressed.

c) A cut and fill approach for The Proposal has been mentioned by Councillors with no external fill allowed to enter the site, this approach attempts to limit the effect of flooding on neighbouring properties. If the "Climate Change Strategic Planning" policy applies to The Proposal, extra fill will be required to increase Lot heights. With a limit of available suitable fill onsite, how will this problem be overcome? Will the cost of importing fill reduce the viability of the site for affordable housing?

3) **Site Access**

The Proposal requires an expensive bridge at Stuart St to be built that will direct extra traffic to the CBD. The Proposal should not proceed if negotiations with the adjoining neighbour for access via Jubilee Ave fail. Council also needs to consider exclusion zones that would be required near the rural COOP due to fuel storage facilities.

4. **Recreational Needs**

We disagree with the outcome of the BSC Open Space and Recreation Needs Analysis for the following reasons:

- a) The Mullumbimby township struggles with not enough recreational space now. There is no suitable undeveloped land for open space in close proximity to the township except for The Proposal site Lot 22, 156 Stuart St.
- b) The Northern Hinterland residents use Mullumbimby as its sporting centre and as such these population figures should be included in calculations for Mullumbimby, if this is done there is a deficit of recreational space.
- c) The proposal will adversely affect the amenity and aesthetics of the Mullumbimby Recreation grounds. The Netball Courts, School oval, Skate park, Tennis Courts, Barry Lomath Cricket grounds and Community Gardens will all be affected by this proposal. Roads will be built too close to all existing sports venues resulting in close air pollution and loss of carpark space at the community gardens and Tennis courts, the amenities and carpark do not cope with the current population let alone into the future. Some sporting groups are currently forced to travel out of the town and the Shire due to poor facility maintenance.
- d) It is recommended that a Masterplan for the Mullumbimby Recreation grounds is developed BEFORE any rezoning of Lot 22 is considered and full consultation with sporting groups to ensure sporting needs of Mullumbimby and Northern Hinterland can be accommodated now and into the future.

Name:

Signed:

Address:

From:
Sent: Tuesday, 11 December 2018 11:06 PM
To: submissions
Subject: re lot 22 proposal

To whom it may concern. I send this attached documentation but I would like to add my concerns regarding the deplorable state of Salt water creek. Nobody has mentioned in depth the effect this development would have on the this creek. Has anyone looked at this creek its so full of vegetation which hinders tidal outflow of water in many areas . Of particular concern is the spreading growth of Elephant Ear plants which grow three quarter of the way across the creek in various places particularly between the bridge in Myocum st and the pipes and culvert at the crossing to community markets ie behind the museum...not to mention the rubbish in same. Ive spoken to council about it over the last couple of years with no adequate response. Could someone from council please refer this to the appropriate person . I live directly opposite this creek in Oleander st and in heavy rain it can come up to my front garden..so obviously Iam concerned re impact of Lot 22 on flooding to those of us northwards. Regards Christine Schliebs.

From:
To: [submissions](#)
Subject: Lot 22 submission - small retirement village with Tibetan Buddhism orientation
Date: Thursday, 29 November 2018 2:03:02 PM

Dear Sir/Ms

I would like to make a submission for Lot22 in Mullumbimby.

I would like to propose to build a small and affordable intentional community / a small retirement village with a meditation and teaching hall in the Shire for people with who practice or have an interest in Tibetan Buddhism.

The idea is to build a small to medium size hall which would be both a community and a meditation/study hall with the view to preserve some of the spiritual and cultural heritage of Tibetan Buddhism.

Around the hall we would like to be able to build 2-3 small dwellings, such as 2br houses on the same site, including a place for the site manager. We would also like the option to purchase up to 10 small to medium sites in direct proximity to the hall, where people could buy a small property and set up their own small and tiny houses, while being connected. The sites should be located bordering to the hall and each other, similar to building together on one big site, but with the option to own, build and sell for the respective resident/s. This would allow for affordable housing for senior community members with an interest in Tibetan Buddhism while practising, living together and supporting each other.

We would invite Tibetan teachers and Llamas to provide teachings and training for the community.

There would be regular meditation classes and practices, community events, maybe a small shop for authentic Tibetan items, potentially a part time tea or coffee shop, as well as celebrations in the hall, all on a not-for-profit basis. There is a possibility for participating residents to offer community support such as babysitting, mothers groups, support circles for teens, craft or art classes or similar activities. The hall may get rented out to others at an affordable price for yoga or meditation classes.

The hall would also include self contained accommodation for visiting teachers and for family and friends of residents. People of the community would be able to accommodate visitors without having to own a separate room for them.

There is no way to create a similar model in the Shire without a multi million dollar budget, but I believe that such a community/ retirement village would be a great asset and enrichment for the Byron Shire, as well as being a source of inspiration to the participants. Surely better and much more economical than living in aged care facilities...

Please keep me up to date with any developments for Lot 22 and any funding for senior accommodation that may become available. Also, if it appears possible to build such a model at a different site, I would appreciate any information from you.

With different building laws coming into place over the next years, I would appreciate any information that may assist in the realisation of this model.

Kind regards,

Claudia Michels

From:
To: [submissions](#)
Subject: lot 22
Date: Sunday, 28 October 2018 8:59:25 AM

To Byron Shire Council

I wish to formally submit my objections to any form of housing development on Lot 22 Mullumbimby to Byron Shire Council.

I strongly object to any form of housing development on Lot 22 primarily because this parcel of land is the community's most valuable open and recreational space, widely used for all kinds of sporting and recreational activities by various groups and individuals.

Secondly, I object to any form of housing development on Lot 22 as it is a flood prone area. Any housing development on this area will not only impact on those who may live here in future but also on nearby areas such as one of the main roads into town and the Mullumbimby High School.

This land belongs to the community. It should not be sold to profit the council.

Regards

Dominic Patel

16 Tincogan St

Mullumbimby NSW 2482

Resident for 25 years

Dear Byron Council,

Firstly, I would like to applaud Council's determination to provide Affordable Housing in our Shire where in recent years rents and affordability to buy one's own home have gone through the roof. There is a dire need here and across the nation for genuine affordable and well constructed housing. It then becomes a question for Council AND the Community where is the best place to put that Affordable Housing. I have to say quite clearly and without equivocation after carefully considering and visiting the site in both drought and 'flooding rains', Lot 22 is NOT the place to put any houses.

Let me summarise up front my argument by saying Lot 22 is in a major flood zone dating back hundreds of thousands, if not millions of years. No matter how cleverly you think you can engineer and re-shape the land to build houses there, Council and we the long suffering ratepayers will be stuck with a major environmental disaster with every major flood we have. Which will be more and more frequent as Climate Change seriously kicks in. Much more than allowing for a one in a hundred year flood. (The old yard stick of 'one in a hundred year flood' is already so outdated by radically changing weather patterns as to be irrelevant now as the gold standard by which to judge whether an area should be rezoned from flooding or not).

My other main objection to Lot 22 being rezoned is that it is at the expense of our community's kids. There simply is not enough present Sport and Recreational land in or around Mullum to provide for today's kids. Let alone the near future and 20 years hence. Children and teenagers need sports and recreational fields to play sport on and develop, grow and let off steam. There is not a lot of alternative entertainment outlets for kids in Byron shire. We've seen a disturbing trend towards violence amongst a small group of bored teenagers already. Mullum and environs ((Wilson's Creek, Main Arm, Myocum, Left Bank Rd) evidently has the highest number of kids under the age of 14 in our shire. This is not even taking into account all the kids living with their parents in illegal dwellings and those who have snuck into the area over the last ten years. We owe it to these our children to consider them as well. Where are they going to play if Lot 22 is rezoned? There are no areas left in the immediate vicinity of Mullum for sports fields. Expanded sports fields, netball and tennis courts can take flooding. You simply cancel the sport fixture for that Saturday or Sunday. And come back next weekend. Not so with flooded houses and garages. Pine Street fields are already chockers and overflowing every Saturday. I know I've got kids who play soccer there.

If for any reason the privately owned football grounds on the edge of Mullum, close (the Rugby League club had to ask Council a month ago if you would drop their Section 94 contributions as they are struggling to stay open), sold off to real estate or commercial zoning interests to make a vast profit, where will the Rugby League club go which caters for kids from 5 to all ages?

We know Australian kids and teenagers are growing obese by vegging out in front of laptops, ipads and tv's. Council is not helping the problem or setting a good example by rezoning the one remaining sizeable area in and around Mullum.

Have any of you Councillors or staff actually gone onto and to the bottom eastern end of Lot 22 or taken up the offer of landowner and cattle farmer Maurie Maher to tour Lot 22 and his adjoining property he's owned and farmed for the last 24 years?

I went with Murray onto his property and onto Lot 22 recently. Both before and after the recent rains, which were anything but a flood but showed clearly how the flatlands of Lot 22 can so easily have pools of water scattered over them. Even after the drought dry land soaking up the much needed rain.

Murray showed me where the driftwood got caught on the trainline which crosses the bottom of his property and Lot 22. I saw the debris from Cyclone Debbie after last year's flood still lying on the train tracks 4-5metres ABOVE the land immediately below it. I saw how the huge volume of water that rushed through there, had moved the huge concrete and hardwood bearers six inches sideways on the railway bridge where the water had poured through that opening. No wonder Maurie is having sleepless nights for fear of what will happen to innocent people if they are caught in that torrential flooding. He cares for people as Council should too in making this important decision to rezone or not. Maurie told me his neighbour paddled his kayak half a kilometer away to visit him during Debbie. The water was so high above the fences and gates, he paddled straight through to Maurie's homestead.

It is particularly disturbing the Brisbane based flood consultants (who I am told came down at the end of the summer in the Dry of this year I believe), didn't even take into account the vital impact king tides have at times of flooding. Yet this is a major factor that should be taken into account when considering rezoning for housing - the AI Gore effect - and rising sea levels which will increase the impact of flooding on Lot 22 in the future.

Where goes the huge volume of water rushing off the watershed behind Mullum – Koonyam Range, Boogram Falls? It flows onto and over Lot 22. But if its 'plugged' at that spot on a King tide stopping its escape down the Brunswick and there are houses built up on islands there, what then? Does this Council want to live with the risk to residents and SES rescue squads that must come in to take those people out stranded with meters of water above their doorsteps? Those needy people living there will not be able to get insurance like the residents at the flood zone areas of Mullum's current CBD cannot get. Will Council be sued by future residents of Lot 22.

The top layers of soil at Lot 22 is clay. It is what is called 'a reactive material'. It expands and contracts according to exposure to water. You can't build directly on top of it because foundations and structural timbers of the houses will crack and expand with the moisture and drying up of the clay. Will Council be obliged to truck in .8m of non clay soil to be built up where housing will take place?

Assuming Council ships in vast quantities of fill to build up Lot 22 by a metre or more. (Let's not consider where that water goes that is pushed off Lot 22, onto adjoining properties). Is that responsible Council planning to other ratepayers? Not to mention the huge fossil fuel imprint to truck in hundreds upon hundreds of truck movements to bring fill from the Gold Coast and returning trucks. Bashforths and Batsons won't be able to fulfill that lucrative

contract. 'Green' and environmentally responsible Council? I don't think so. Pushing the water onto neighbouring properties.

I am convinced after speaking to long time residents and cow cockeys who know that area since I first moved up here during the Mother's Day floods of 1987, matter what final plan and Flood consultancy you come up with, you will not be able to stop Lot 22 from becoming an island of stranded houses during a major flood. You will have failed those with the best of intentions you tried to help find housing there. They and their families will be at risk to their lives and their property. (You don't have to go any further than the disaster at the end of Stuart and Dalley streets last year when Council was caught with its pants down with Cyclone Debbie and the locals paid for it with ruined carpets, housing and personal belongings. Cars that were wrecked by flood waters getting into their electronics).

Are you going to strike a deal with Wes Arthur who sold the Council (2004) the land at Lot 22...and was knocked back on building houses there himself because it was a flood plain? Are you now going to allow Wes Arthur to get approval for up to 50 houses on his land there...in order to get an access road into Lot 22 for the people living there if this mad plan goes ahead? That borders on 'corruption' and could easily see a community action against Council to the Ombudsman.

The NSW state government knocked back the inclusion into SEPP 70. Affordable housing is only current for metropolitan Sydney area, no regional council is currently included. I am concerned that Byron Council and certain councillors want to proceed-come-what-may to see affordable housing installed at Lot 22. Council has adopted a cart-before-the-horse approach of doing all the required studies first then submitting to NSW Government for Gateway approval, then public consultation as part of the end process. An alternative option would be to have public consultation FIRST, then studies if there was an overall prevailing mood from the community that Lot 22 was a goer. And only THEN, the Gateway submission! Ad hoc planning on the run rather than seeking community consultation and local wisdom first before running up expensive consultancy bills.

Finally Councillors, you are not aware of it but your determination to make the suit fit the cloth at Lot 22 at any cost is giving a lot o unnecessary grief to Maurie Maher, his wife Rhonda and their adult son who works the land with them. Maurie is not a well man and he takes this angst about their future to his bed most nights. Maurie is dying of prostrate cancer...something Maurie would want make public himself (he is of the 'Big boys Don't Cry' school). However with Council's plans to rezone Lot 22, I know it is troubling him greatly. Council is not acting as good community minded player in this instance to a long time resident of our community. I've seen this done to another long time resident when I was making Battle for Byron 22 years ago by a developer riding over the concerns of long time Possum Creek resident and World War I veteran – Merv Ansbacher. It sent Merv to his grave from worry. I don't want to see Maurie treated like this by a supposedly compassionate and sensitive pro –Community Council and a Mayor who wants to leave behind him a good legacy. Maurie bought the property 24 years ago knowing it was a flood zone and would never be rezoned otherwise by any wise thinking, future council.

There is legitimate concern from members of the community, Council who cannot even properly maintain the present cricket pitch at Mullum oval (cracked and impossible to play on in summer– which is why the Mullum cricket team now uses Stan Robinson oval at Bruns as its homeground. The hockey team is obliged to claim the hockey field at Murwillumbah

for its homeground. There is no room for the hockey team in Mullum...), will oversee the degeneration of Lot 22 into a slum in years to come within the precincts of the CBD. I've recently seen that happen in US cities in making ***America and Me*** after visiting cities like San Diego in California where City hall started out with great intentions to help the Homeless but funding suddenly dries up in successive, more conservative local administrations, or the private housing company goes bankrupt, folds up or moves on and the ball is suddenly dropped. Those living in California's low income affordable housing rentals often have a greater number who suffer from mental illness and drug addiction. Crime and domestic violence commonplace. That was not the intention of the City fathers and mothers when they started out. But that is their legacy. Is that what you really want to leave behind you all? Cold comfort for we in the community in 10-20 years time to say to an ageing and retired Simon, Basil, Paul, Jeannette, Sarah, Michael..., 'We tried to tell you so! But you wouldn't listen. You thought you could re-invent the Wheel..'

Please Councillors, please Byron Council staff in positions of authority to advise our Councillors,
wisely exercise your wisdom and common sense and don't proceed with rezoning the site; not before you and the community you serve are 110% convinced this is the best place to put hundreds of desperate people who need housing in our shire. And not at the expense of our fast growing youth population who need to let off steam on the playing fields of our shire rather than blob out on social media and in front of computers because there is not enough open space and sports fields to go around.
David Bradbury
Wilsons Creek ratepayer.

BYRON SHIRE COUNCIL

DOC NO:

REC'D: 29 OCT 2018

FILE NO: A46766

ASSIGNEE: A Byrne

10.2018.137.1
PN231770
20.10.2018

Denis Pierre Johnson

100 Tickles Rd

Upper Coopers Creek 2482

This is a written Submission Regarding
The Planned Development of Lot 22 in Mullumbimby Byron Shire

I strongly Disapprove of this Planned Subdivision

The State Government Has Already Knocked On The Head Byron Council
Naive Dreams To Provide Affordable Housing On Lot 22.

Council Also Its Self Disapproved Of A Subdivision And Development
In The Past On The Grounds Its A Flood Plain

And As The State Has Already Said NO To This Proposal Why Is Council
Pushing Ahead With Further Studies And Leaning Towards A
3rd Option Or 3 Islands Option To Build Houses There.

Aboriginal Heritage Studies, Wet Land Studies Are Costing Us The
Tax Payers 10's Of Thousands Of \$ Each Time And Ignoring How
Cockies And Local Farmers Who Over Many Decades Have Observed
The Flooding

I Have Witnessed Myself Over The Last 30 Years Of Living
In This Region

And This Was The Reason The Council Purchased This Land In The
First Place When A Prior Proposed Development Was Knock Back
By Council Because It Was Unsuitable For Housing As Its
A Floodplain

We The People Of This Area And Long Time Residence And Rate
Payers Disapprove Of This Planned Housing Development

Yours

Denis Pierre Johnson



From:
To: [submissions](#)
Subject: Submission for Lot 22, re-zoning of Council land
Date: Saturday, 8 December 2018 11:50:32 AM

Dear Byron Shire Council

AFFORDABLE HOUSING: I like to congratulate you for taking up the very urgent affordable housing issue in this Shire by considering making Council land available for this purpose.

I have been an affordable housing advocate for many years and instigated SASHTA- Sustainable Affordable Secure Housing Tenant Alliance, a not for profit incorporated society that set out to partner with Council years ago to establish what is now proposed.

SASHTA investigated Lot 22 and designed with a number of architects a proposal for the area immediately adjacent / behind the community garden.

FLOODING: We acknowledged the flooding issue of the site and with our design have come up with the idea of swales, similar to the current idea of islands and wet lands. I believe it is important to come up with state of the art design of either building the area up as currently done by commercial developments , eg canal developments or even to consider to make the dwellings and paths float, eg like a marina. Examples of this exist already in the Netherlands.

The fact that parts of this land have been natural wet lands would lend itself to re-establish those and therefore enhance the ecological value of the site.

PLANNING: It would be wonderful if the development idea incorporated minimum impact in every way.

Traffic:

- Limiting / promoting car less living, maybe special incentives for people who don't own their own car. This way road infrastructure needs could be limited.
- to encourage car pooling/ sharing
- Car owners purchase their own car parks/ car ports, leaving cars away from the living spaces, parked in a (floating) parking station.

Building design:

- Passive solar design
- Green roofs, to help with storm water issues, as they retain water longer
- Solar energy
- Rainwater tanks compulsory
- Solar energy production
- To encourage community workshops to owner build state of the art dwellings using sustainable materials
- Sustainable living by growing food close to home.

I am very sorry that I missed your workshops. Please let me know of further community participation possibilities.

I would really appreciate if this land would remain in Councils hand, held as a Community Land Trust. As SASHTA proposed it is the only way we can establish affordable and sustainable housing as it allows to keep the land prices separate to the ones on the speculation market.

If this shire likes to be at the forefront of sustainable practice living, reducing our carbon foot print and our ecological foot print, if this shire like to value the people who are here because they love the area and care about it, not to exploit it for profit, than this project would definitely land itself to shift the current paradigm.

Thank you so much for all the work that everyone put into this already.

I am very grateful that the issue has been moving along.

Kind Regards
Gabi Bohnet

From:
To: [submissions](#)
Subject: Lot 22
Date: Thursday, 18 October 2018 8:24:34 AM

Dear Council,

As a resident of Mullumbimby, I very much in support of low income affordable housing on Lot 22.

Regards,

Glenn Lehman

From:
To: [submissions](#)
Subject: Lot 22 / DP 1073165 - zone recreational - keep it that way
Date: Sunday, 28 October 2018 2:06:19 PM

Dear Councilors & Staff,

I have concerns regarding the urban development proposal of Lot 22 which Council owns in Mullumbimby, and oppose any form of housing development for this site.

These are my reasons:

1. **Flood Prone** - Everyone knows that this land is flood prone. Altering the natural flow of water has proved dire for the town since the Tallowwood development. Unless BSC is prepared to engineer canals the way the Gold Coast has, the increased risk of flooding seems naive.

2. **Town Parking** - Until the issues of parking can be resolved in the town, it is silly to even consider more housing. More housing, along with everything else it brings, also translates into increased traffic, and currently we have finite parking.

3. **Another Suburb, More thorough Planning Needed** - Along with Tallowwood Estate and the increased population density along Left Bank Road, it would be negligent planning not to include a shopping centre. Are there plans for this too?

4. **Affordable Housing** - Sorry, but this is the new 'eco' word, and I am distrustful of its interpretation. I accept that there is a housing shortage in the Shire, but this is the wrong site for more houses.

I have lived here for over 30 years and have witnessed many severe weather events. Thorough community consultation is needed before any decisions are made.

sincerely,

Helene Sheean

Huonbrook

Submission

BYRON SHIRE COUNCIL
DOC NO:
REC'D: - 5 DEC 2018
FILE NO: F2622
ASSIGNEE: M. Chapman

Name: J. Rozental

Email:

its ok. by I

Jake Rozental

From:
Sent: Wednesday, 12 December 2018 10:49 AM
To: submissions
Subject: Submission re: planning proposal for Lot 22 DP 1073165, Stuart Street, Mullumbimby

To Whom it may concern:

I am a resident of Mullumbimby, living near Barry Lomath Oval, and as such am in a position to have given a great deal of thought to Council's proposal to rezone Lot 22.

Firstly the rhetoric of "affordable housing" and "housing diversity" needs to be separated from the proposal to rezone this land. Of course this community – any community – needs to provide affordable and diverse housing for its inhabitants. I am disgusted at the way Council has sought to link this idea inseparably to the proposal to rezone Lot 22, in order to persuade the community into thinking that the rezoning itself is a positive thing. Affordable housing is a positive thing. It needs to be built in a safe and sensible place. The likelihood that any developer investing in Lot 22 would be moved to build anything other than the typical cheap hardiplank boxes going up in every second backyard around Mullumbimby is highly unlikely. Rezoning Lot 22 with the intention of selling it to developers in the future is an act of insanity. This is no place to build any type of housing.

This area is heavily prone to flooding. In the Cyclone Debbie flood event our immediate neighbours had water through their house, we had water over a foot deep through our garage. Neighbours a few houses away lost their car due to flood damage. Lot 22 is a flood basin and Council has previously acknowledged this. Part of Lot 22 fronts onto a tidal creek only a few kilometres from the ocean. Byron Shire Council has vowed to step up to act on climate change – you have been advised by your own former councillor Duncan Dey about probable water movement in this area – it is nothing short of criminal to propose a rezoning which would see part of this area filled, raising the land level, thus unarguably putting every residence in the level area of Mullumbimby at increased risk of flood damage. We – the residents of this area – are not prepared to be sacrificed on the altar of Council's need for funding, and I assure you that if Lot 22 is rezoned and Council allows future building to take place on any scale, increasing the frequency and severity of flood events in the township of Mullumbimby, legal action on a class scale will be taken against members of this current Council. You have been advised, pleaded with, and warned by many organisations and individuals. Please do not continue with this ill-conceived plan that is bound to bring nothing but misery for the ratepayers and residents who foolishly thought that by voting Green in the last Council election, they were ensuring a safe future for our township! A Council that cannot afford to keep up with road maintenance has no hope of instigating the flood mitigation measures that would be needed if development goes ahead on Lot 22 – measures that the town already desperately needs, and has needed for many years. Have you seen the effect that even low-scale flooding has on Mullumbimby High School? It is disastrous, and would be exacerbated by any development in the Lot 22 area.

Another objection I must raise is the proposed continuation of Byron Street through the area between the existing netball courts and High School sports field. Although nominally the public recreation grounds and High School grounds may be two different areas, the community uses them as one – at any time of day children, families, students and sportspeople move easily between these areas. During school sports carnivals the students wander over to use the public toilets near the Byron Street entrance

to the grounds. Bisecting it with a road carrying vehicular traffic would be extremely dangerous to all users of these sporting and recreational facilities.

Another serious point of objection is the ridiculous suggestion that the land of Lot 22 is surplus to the requirements for public recreation space in this area. With the population growing rapidly, due partly to the expansion of the Tallallowood Ridge Estate, a boom in infill development backing onto the township's laneways, and the influx of residents unable to afford life in nearby coastal towns, we see "private" space (eg large backyards suitable for family play) disappearing, and the need for public recreational space increasing exponentially. Lot 22 must of course be kept for the future health and recreational needs of this growing area. One thing that would benefit the town immensely would be a dog park – the current area at Heritage Park is quite small, and oddly located right beside a children's playground. I would suggest both a large, fully fenced area for unleashed dogs to socialise and exercise, and a (separate) fully fenced large playground area to serve Mullumbimby's many young families would be wonderful uses for part of Lot 22.

Please consider my points, they are not lightly made. My family have lived in our current residence for fifteen years, and we, our friends, and our neighbours, refuse to be collateral damage in the realisation of Council's ill-conceived proposal to sell off Lot 22. Please withdraw this proposal and utilise the lands for the purposes supported by their current zoning.

Yours faithfully,

Jane Morgan
PO Box 246
Mullumbimby NSW 2482

Mayor & Councillors
Byron Shire Council
P O Box 219
MULLUMBIMBY NSW 2482

19 November 2017

Dear Cr Simon Richardson, Cr Basil Cameron, Cr Alan Hunter, Cr Cate Coorey, Cr Jan Hackett, Cr Michael Lyon, Cr Jeannette Martin, Cr Sarah Ndiaye and Cr Paul Spooner

Submission – Planning Proposal for Rezoning and Reclassifying Part Lot 22 DP 1073165 Mullumbimby

We refer to the planning report (Report No.13.17) in the Agenda for Council's Ordinary Meeting of Thursday, 23 November 2017, which presents a planning proposal for part Lot 22 DP 1073165 seeking to alter the land use zone to permit residential development with an emphasis on affordable housing.

We are writing to ask you to take action on an issue affecting the amenity and enjoyment of our properties. We are the owners and residents of neighbouring properties to the north of part Lot 22 DP 1073165.

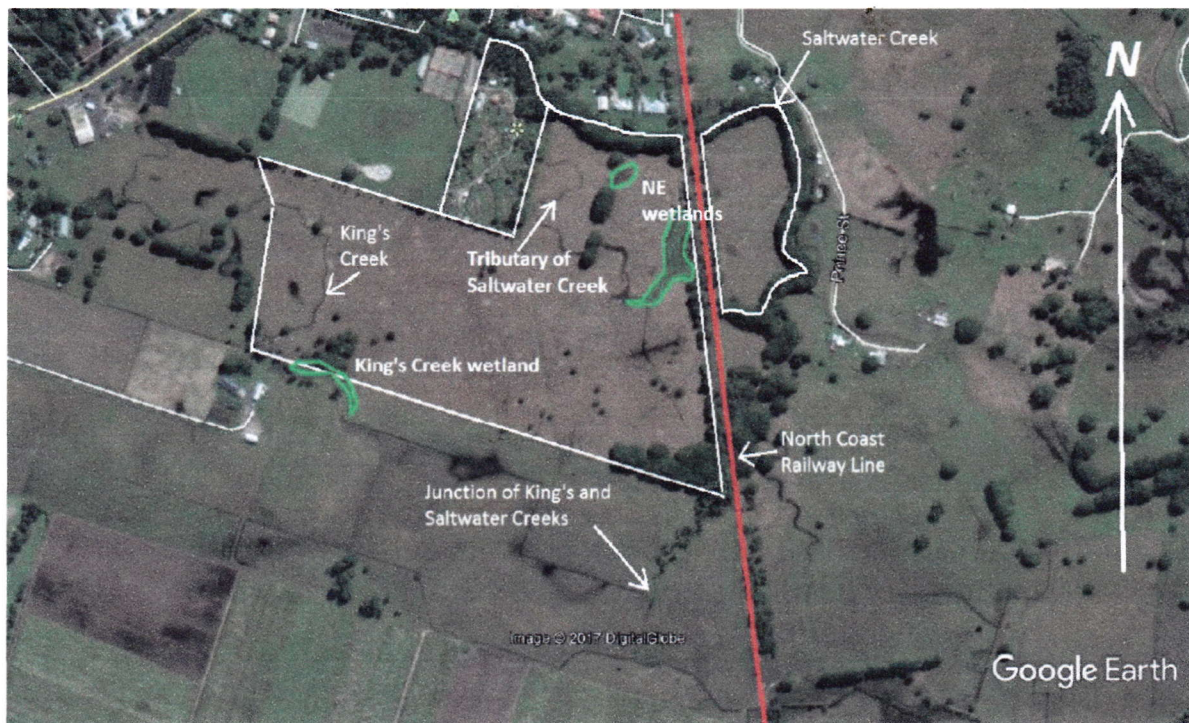
The amenity and enjoyment of our properties have already been significantly affected by the community gardens from issues such as noise, loss of rural setting, visual impacts including those from buildings that were illegally constructed, rude behaviour, illegal camping, dogs chasing wildlife, people urinating in the creek in full view of the residents including our children, loss of privacy, loss of security and generally feeling unsafe on our own properties.

We are quite concerned about this proposal and what impact it will have on our lives.

Our properties are zoned R5 Large Lot Residential. The proposed rezoning will compromise the objectives of the zoning for our properties, which is to *"provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality"*. The change in zoning of part Lot 22 to a residential zone will mean that when the land is developed, our properties will no longer have any "rural setting".

The Ecological Assessment dated July 2017 by Mark Fitzgerald (Attachment 4 of the Council Report) identifies wetlands and a tributary of Saltwater Creek in figure 3, a copy of which is below, in the land between the community garden and the land east of the railway line. The Council Report advises that *"these wetlands are areas with potential for rehabilitation and recovery of the freshwater wetland and floodplain forest habitats"* and recommends that the larger one remains in the RE1 zone.

The larger wetland relies on the tributary of Saltwater Creek, which should also be protected by keeping it in the RE1 zone. The northern wetland is ephemeral but fills after only a small amount of rainfall and as such should also be protected by keeping it in the RE1 zone.



It makes little sense to create an isolated section of public reserve over only the larger eastern wetland. This will cut any access to the wetland to allow the wetland to be rehabilitated and maintained.

During discussion with Council staff, our Landcare group were informed that the area along the creek bank would be ideal to provide koala food trees as this is a koala corridor connecting two habitats. Koala Connections agreed and were to provide the trees for planting but we couldn't proceed as it was too difficult to access the area to collect the food.

As recommended in the Ecological Assessment dated July 2017 by Mark Fitzgerald the Vegetation Management Plan or Biodiversity Management Plan prepared for the site should also include the restoration of the wetlands and the tributary of Saltwater Creek and make provision for a larger area of koala habitat in the land between the community garden and the land east of the railway line.

Leaving the land between the community garden and the land east of the railway line to also remain in its current mix of zones, as shown in the figure below, will protect our environment by providing contiguous community land that can be appropriately protected by a plan of management for the public reserve.

We seek your support to amend the planning proposal, in accordance with option 2 ("Option to Move Forward") of Council's report, to leave the land between the community garden and the land east of the railway line to also remain in its current mix of zones, as shown in the figure below.

We believe that this change to the proposed rezoning would not only provide some protection to the loss of privacy and amenity to our properties, but would also benefit everyone in the area by protecting our environment.

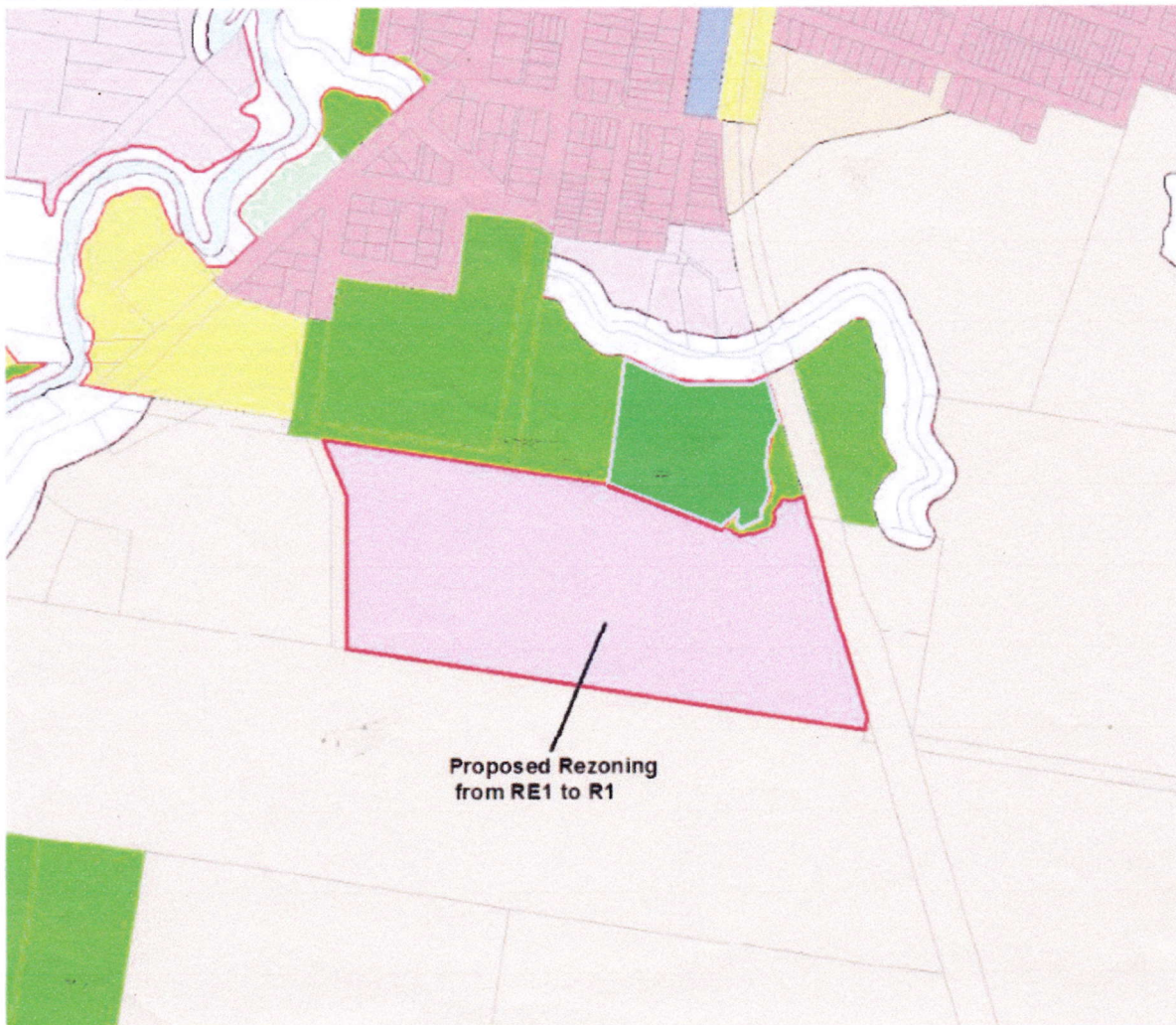


FIGURE SHOWING PROPOSED CHANGE

Your attention to this issue will be greatly valued by not only by the residents signing this letter, but also by the community in the Mullumbimby area.

Thank you for your support.

Yours Sincerely,

Mr Jeff Begovic
130 Station Street, Mullumbimby

Mr Leandro De Almeida
132 Station Street, Mullumbimby

Mr Wayne & Mrs Carolyn Reynolds
134 Station Street, Mullumbimby

Mr Dale & Mrs Sharon Rhodes
152 Stuart Street, Mullumbimby

From:
Sent: Wednesday, 12 December 2018 3:37 PM
To: submissions
Subject: Lot 22 Mullumbimby Submission - Oppose

156 Stuart Street, Mullumbimby also known as Lot 22 DP1073165, is currently zoned public open space for recreational purpose and council proposes to rezone the area to R1 and reclassify to Operational so the land can be used for housing. Some of the problems identified with the proposal follow (hereafter referred to as The Proposal):

1) Flooding

a) The first concern is the flood prone nature of the area and inaccuracies in relevant studies. The preliminary Ecological Report for the site, by Mark Fitzgerald (July 2017), confirms correctly that Saltwater Creek is tidal and “flooding from cyclone Debbie in March 2017 appears to have inundated the entire site” (Page 17). The following year, 26th and 27th March 2018, further detailed Summer Surveys by Mark Fitzgerald claims “indications of flooding were apparent even in the most elevated areas” (Page 7). Neighbours nearby and youth using the skate park also confirm the site was completely inundated in the March 2017 flood.

b) According to Councils analysis of the March 2017 flood it was a 1 in 50-year flood. The Proposal flood study (May 2017) shows that in a larger 1 in 100-year flood the whole site is NOT inundated. Was the 2017 flood bigger than a 1 in 100-year flood event or is the flood modelling carried out for The Proposal incorrect? We suggest that it is incorrect!

c) It appears that The Proposal flood study (May 2017) is built on inaccurate flood data given that The North Byron Shire floodplain risk management study and plan (due for completion in 2019) has analysed the March 2017 floods and changed flood model parameters due to bend loss and recent filling of development sites. These include Tallowood Estate, Towers Industrial area and Orchid Place directly to the North of Lot 22. There should be no development and certainly none driven by Council, until The North Byron Shire floodplain risk management study and plan is complete. It will be the community's own guide on what to do on its flood-plain.

d) An extract from The Proposal flood study (May 2017), shows land on the Eastern side of Orchid Place and Western side of Station St (see figure 1, circled red) being completely inundated in a 1 in 100-year flood, but this area has been filled to a level that is flood free in a 1 in 100-year flood. (Approximately 4.5m Average Height Datum, and 4500m3 of fill). This filling has increased flooding in the local area. This demonstrates another technical error in The Proposal flood study. The cumulative impact of filling flood prone land needs to be considered.

e) It appears The Proposal flood study (May 2017), is also incorrect when it states an increase of flood levels to the South of 10mm to 20mm for a 1 in 100-year flood and a greater increase of 20 to 30mm for a smaller 1 in 10-year flood. We would expect a greater displacement of 20 to 30mm of water to the South in a 1 in 100-year flood, and The Proposal's flood study (May 2017) maps appear to support our assumption. (See Figures 11 and 15 of The Proposal flood study).

f) The Proposal quotes SEPP (Coastal Management) 2018 and states “parts of the subject land are within 500 metres of the tidal part of the Brunswick River classified as being within the “coastal environment area”. (page 19). It is our understanding that this shows Lot 22 will be affected by tidal surge and sea level rises. The Proposal flood study (May 2017) states, however, that "Mullumbimby is not sensitive to the 800mm sea level rise associated with climate change" and did not include tidal storm surge and rainfall combined. This omission is important because it is the conjunction of such events when the Brunswick River and Mullumbimby has had its biggest floods, as mentioned in councils own document “Brunswick River 1986 Flood Study”.

g) As a consequence of the lack of clarity and apparent confusion concerning these events we request that The Proposal is delayed until The North Byron Shire Floodplain Risk Management Study is completed in 2019. The objective of this delay is to ensure that the flood impact of The Proposal is built on accurate data and flood mitigation for Mullumbimby fully investigated.

h) The North Byron Shire floodplain risk management study and plan is currently being developed and due for completion in 2019. Public submissions have been assessed. Of the 341 submissions received by council just under 50 mentioned land use planning and specifically Lot 22. Many photos of flood affected areas in Mullumbimby were submitted including those of Lot 22. These comments and photos should be taken into consideration when assessing The Proposal.

i) Council has declared a “State of Climate Emergency” and “acknowledges that Byron Shire is likely to be substantially affected by climate impacts, particularly sea level rise, bushfires, drought and floods” (BSC meeting 18/10/18). Smart planning will recognise increasing sea level rises and associated flood levels. They will be several metres. We can start planning for that now. The rise is certain - only its timing is in doubt.

j) Council should not knowingly increase risk to rescue organisations usually run by volunteers putting their own lives at risk. Rescue can be required by residents during a health emergency, whether caused by the flood or not. Evacuation can also be by residents themselves. Such egress is most likely when flood levels are rising. Crossing large distances of flooded ground is dangerous, even at small depths, because the water is not transparent.

k) Low lying flat land gets saturated and is not a healthy place to house vulnerable people (i.e. those who most need affordable housing). The micro-climate there will be damp.

2) Planning

a) We are concerned that the current Byron Shire Council (BSC) Residential Strategy (2003) which prevents filling of flood prone land is upheld. External fill should not be allowed to be bought onsite as recommended in the report by Geotech Investigations PTY LTD (Sept 2018).

b) Kings Creek is shown to pass through Lot 22 (Ecological report by Mark Fitzgerald, July 2017). There appears to have been no consultation with the NSW Government with respect to the Cape Byron Marine Park of which The Brunswick River and Kings Creek are a part of. This needs to be addressed.

c) A cut and fill approach for The Proposal has been mentioned by Councillors with no external fill allowed to enter the site, this approach attempts to limit the effect of flooding on neighbouring properties. If the "Climate Change Strategic Planning" policy applies to The Proposal, extra fill will be required to increase Lot heights. With a limit of available suitable fill onsite, how will this problem be overcome? Will the cost of importing fill reduce the viability of the site for affordable housing?

3) Site Access

The Proposal requires an expensive bridge at Stuart St to be built that will direct extra traffic to the CBD. The Proposal should not proceed if negotiations with the adjoining neighbour for access via Jubilee Ave fail. Council also needs to consider exclusion zones that would be required near the rural COOP due to fuel storage facilities.

Joanne Campbell

From:
To: [submissions](#)
Subject: Fwd: NO HOUSING DEVELOPMENT at LOT 22 MULLUMBIMBY
Date: Wednesday, 3 October 2018 2:02:48 PM

To Whom It May Concern,

As a long term resident of Station Street, Mullumbimby, I am appalled at some of the "Affordable Housing" developments currently being approved.

Another site is the council owned site in Station Street, next to the kindergarden/childcare centre which I understand has been approved. FOR 26 1 bedroom apartments. it approved with BARELY ANY PARKING FACILITIES. JUST TAKE A LOOK AT COUNCIL's CARPARK!!! Which I was told by one of your staff that the developer you are in business with, enquired as to whether council could open it up for use?!?! There are barely any spaces left in council carpark end of Station Street, let alone the street!!!

I SAY NO to the proposed development at no LOT 22. Leave space for the community to breathe, play sport and have recreational space, which is what residents of Mullum and surrounds moved for in the first place.

Regards,
Julie Bartley

To Mr. Mark Arnold,
Acting General Manager,
Byron Shire Council,
14th March 2018

Dear Mr Arnold,

**RE -- Planning Proposal for Amendment of Byron Local
Environmental Plan 2014 - Lot22 DP1073165, Stuart St,
Mullumbimby**

We are writing as a group of concerned Mullumbimby residents regarding the proposed rezoning of Lot 22 DP1073165 for residential purposes. As well as this letter being sent to the Byron Shire Council (BSC) it is also being sent to the NSW Minister for Planning, Anthony Roberts.

History of the site informs us that prior to 2002 the farmland, now Lot 22, was owned by Wes Arthur who attempted to have the land rezoned. This was denied by Council due to flooding. Council then purchased the land and zoned it for recreational use. What has changed?

Our chief concerns include the following:

- if the floodplain is filled and turned into housing it will significantly increase the flood risk for neighbouring properties and broader Mullumbimby. The DA99/0641 which approved the filling of land in Orchid Place and Station St has increased flooding to adjoining lands, an example of anticipated effects. This DA was for 14 Lots and 4500m³ of fill.
- Was the rezone proposal by BSC advertised in The Byron Shire News as per NSW Government [guidelines](#). (Lot, DP, Street name and Map)? We contacted the newspaper and they could not find anything in archives. Consequently, the majority of residents were not aware of the rezone meeting on 23/11/17 when Councillors voted to proceed with proposal.
- “The BSC Floodplain Risk Management Committee Meeting” dated [12/10/2017 Pg. 55](#). Stated “Council has 2 old Floodplain Management Plans within the catchment. One is Council adopted, both are outdated”. The Flood Study by BMT was based on outdated data resulting in incorrect Saltwater Creek flow direction and intensity in a flood event. The North Byron Shire

Flood Study model 2016 does not reflect BSC planning policies as stated in BMT flood study.

- the BMT Flood study and Ecological Report do not agree, with each other, in that the site is affected by tidal flow! The site was completely flooded in March 2017 due to combined storm surge and rainfall. This was not assessed.
- the site requires road access from Jubilee Ave and BSC has approached adjoining land owner Wes Arthur to purchase land for this purpose. Wes has also submitted an expression of interest and Proposal to develop land for Affordable Housing adjoining Lot 22. Is there a conflict [here](#)?
- if the Jubilee Ave access to Lot 22 is used as planned, will the new road encroach into the exclusion zone required for storage of fuel at the Mullumbimby Rural COOP? If so how can this proposal proceed?
- it is anticipated that new road networks will affect the general amenity of “The Oval” used by Mullumbimby High School, Netball Courts, Tennis Courts, Community Gardens, Skate Park and Cricket Grounds. Extra traffic on Station St, Fern St, Stuart St, Byron St, Myokum St and Jubilee Ave have not been assessed. Flood free roads have not been included in BMT flood study and they will have a damming effect at least as much as the lot filling.
- the Mullumbimby sewage system is currently in a state of disrepair and requires fixing of old clay pipes before more development proceeds. More development will affect the health of the already overloaded Brunswick River system.
- “The North Byron Floodplain Risk Management Study and Plan” scheduled for completion in 2019 should be completed **before** this rezoning is attempted then ongoing proposals based on the study guidelines. BSC has expressed “[dissatisfaction with Consultants’ performance in preparing the previous flood Study](#)”.

We are concerned for the welfare of all residents and aware of the State’s need for affordable housing and we applaud the council for at least trying to address this issue locally. But their choice of land in this instance is short-sighted and ill informed.

We wish to bring these matters of concern to your immediate attention and urge BSC to consider other sites that are flood free for affordable housing and ask BSC not to make any decision that would allow the progression of this planning proposal.

See site photos below taken on 31/03/17 at 7:00AM after Ex Tropical Cyclone Debbie. Peak levels were approximately 3:00AM to 4:00AM.

Regards

Karl Allen

21 Fern St

Mullumbimby, NSW, 2482

Site photo 31/03/17 7:03AM



Site photo 31/03/17 7:03AM



Site Photo 31/03/17 7:04AM



From:
To: [council; northcoast@planning.nsw.gov.au; Cr. Alan Hunter; Cr. Basil Cameron; Cr. Cate Coorey; Cr. Jan Hackett; Cr. Jeannette Martin; Cr. Michael Lyon; Cr. Paul Spooner](#)
Subject: Planning Proposal for Amendment of Byron Local Environmental Plan 2014 - Lot22 DP1073165, 156 Stuart St, Mullumbimby. Studies required.
Date: Monday, 9 April 2018 12:31:51 PM
Attachments: [Sports Fields rezone to Residential Studies required.docx](#)
Importance: High

To Byron Shire Council,
Acting General Manager Mark Arnold, Councillors and NSW DPE Paul Garnett,

Many residents are concerned about the proposal to rezone sports land (Lot22) to residential and feel all the studies mentioned in the attached letter need to be completed prior to attempting the proposal.

Regards
Karl Allen
21 Fern St
Mullumbimby NSW
2482

To Mr. Mark Arnold,
Acting General Manager,
Byron Shire Council,
9th April 2018

Dear Mr Arnold,

RE — Planning Proposal for Amendment of Byron Local Environmental Plan 2014 - Lot22 DP1073165, 156 Stuart St, Mullumbimby.

Further to our letter on 15/03/18 "Lot 22 DP1073165 Stuart St, Mullumbimby Proposed Rezone Issues and Submission" we have the following issues:

The BSC proposal has listed S117 Directions issued by the Minister for Planning, specifically on page 28 refers to Flood Prone Land.

1. [The Section 117 Direction No. 15 Revised \(31 Jan 2007\) - Flood Prone Land](#) has not been mentioned: *A draft LEP **shall not** rezone land within the flood planning areas from Special Area, **Recreation**, Rural or Environmental Protection Zones to a **Residential**, Business, Industrial or Special Area Zone.*

*Section 733 of the Local Government Act 1993 (the LG Act) **protects councils from liability** if they have followed the requirements of the Flood Manual 2005. The Minister has notified that the Guideline should be considered in conjunction with the Manual under section 733(4) and (5) of that Act. Councils will need to follow both the Manual and the Guideline to gain the protection given by section 733 of the LG Act."*

We feel the following should be completed before this rezone proposal is attempted:

1. *The North Byron Floodplain Risk Management Study and Plan* awarded to WMA Water needs to be finalised.
2. *The Draft Recreational Needs Assessment Report* of which 124 respondents were from Mullumbimby needs to consult with all sporting groups, Schools and advertised for public submissions and finalised. *A masterplan be created for the sports fields to look at an additional extension of carpark, new amenities and Canteen, two Tennis courts, BMX/pump track, walking track within exercise equipment, fenced dog off-leash park.* Maintain Grounds so sporting clubs can use them.
3. *The Draft Residential Growth Study* needs to be finalised this will provide the community with a clear direction for growth in the Byron Shire.

Regards
Karl Allen
21 Fern St,
Mullumbimby
NSW 2482

BYRON SHIRE COUNCIL
DOC NO:
REC'D: - 5 DEC 2018
FILE NO: F2627
ASSIGNEE: M. Chapman

Submission

Name: Katharine Kinnio

Email: k.kinnio@byronshire.nsw.gov.au

I would really love to see
LOT 22 include the following
things:

① Harmonious habitations and
housing designed using Sacred
Geometric Architecture and 100%
natural materials. Ideally with
consultation from local Sacred
Geometric Architect Arion Ocean.

② For any & all buildings ^{or structures} to
energetically have a balance
of the masculine & feminine
through the use of Sacred Geometric
Architecture + design + blueprints.

③ For all buildings to be designed using the new phi as proposed by local sacred mathematician + sacred arithmetic teacher + guide Jain 108.

④ For there to be a central Sacred Geometrically designed Sound Temple + Gathering space for the community to come together to enjoy sound baths, sacred song, music + ceremonies. Ideally this would be designed based on the Metatrons Cube design.

⑤ A ^{100%} organic, plant based 'Earth to Table' cafe/restaurant/eatery that serves food grown at the Community Gardens, + within LOT 22.

⑥ A Sacred Geometrically designed Permaculture Garden.

2

Submission

⑦ A sacred Geometrically designed building/space for sharing ancient knowledge + wisdom. Whether it's local original indigenous culture, sacred geometry, numerology, starlore, art, music, dance etc.

- ~~scribbled out~~

⑧ A world Peace Garden, similar to the one they have at the chalice well in Glastonbury, UK, where the community can come together in sacred ceremony for special gatherings. Especially for the solstices (Dec + June) + the Equinoxes (March + Sep) etc. To honour Pagan + indigenous traditions.

⑦ The entire community would ideally run from 'Free' Energy or Plasma Energy, as invented/discovered by Nikola Tesla. And for it to be the first 'western' community on the planet to run entirely from Free/Plasma Energy.

⑩ A space for conscious entrepreneurs + heart-centred/soul driven change-makers to be able to come together to share ideas + innovations and co-create with ease + grace, in peace, in love + in joy.

⑪ Beautiful sculptures designed + created by local artists using only 100% natural (+ ideally locally sourced) materials.

⑫ A labyrinth.

⑬ A creative space for art, design, weaving + building using natural materials. eg. bamboo bike building course

Each circular zone
will include housing
or structure +
buildings using
sacred geometric
architecture +
some of the space
will be used to grow
fruit + vegetables +
food for the community.

community
garden.

WORLD ⑧
PEACE GARDEN
SACRED
CEREMONIAL
SPACE

Katherine Kinnie

④ Sacred sand
Temple + gathering space.

③

Submission

Name:

Kelly West

BYRON SHIRE COUNCIL

DOC NO:

F7522

ASSIGNEE: M. Chapman

No. It was gifted to
the shire because its
unsuitable for subdivision. Its
unmoral to now do that
very thing.

And, its a flood plane.
leave it as it is.

Kelly West
30.11.18

From:
To: [submissions](#)
Subject: submission lot 22..... I oppose this development
Date: Saturday, 13 October 2018 5:22:47 PM

Submission for lot 22..... I oppose this development.....Sonia lavery and I have recently spoken with SES personal regarding flooding in Mullumbimby ..When being shown their flood mapping we were told the site where the development is proposed for lot 22 Stuart street is a very treacherous flood area where the water crosses at great speed towards the west towards Kings creek ..Having been told that surely it would be totally irresponsible for anyone to suggest building in that area . Should a dangerous flood occur the SES would have no way of accessing that area to evacuate residents .It would also be an unhealthy environment to live with mosquitoes,dampness and danger. Surely that is why it hasnt been built on in the past.. Len Bates 20 Stuart St Mullumbimby ..



Virus-free. www.avast.com

BYRON SHIRE COUNCIL
DOC NO:
REC'D: - 5 DEC 2018
FILE NO: F2622
ASSIGNEE: M. Chapman

Submission

MADERINE MARTY

Name:

Email:

Please Consider with
full information

E. Wait till

Nth Byron flood Study
Complete

-alternately, Council's
liability issues should
be carefully considered.

From:
To: [submissions](#)
Subject: Lot 22 Mullumbimby
Date: Friday, 26 October 2018 10:51:07 AM

To Byron Shire Council

I wish to formally submit my objections to any form of housing development on Lot 22 Mullumbimby to Byron Shire Council.

I strongly object to any form of housing development on Lot 22 primarily because this parcel of land is the community's most valuable open and recreational space, widely used for all kinds of sporting and recreational activities by various groups and individuals.

Secondly, I object to any form of housing development on Lot 22 as it is a flood prone area. Any housing development on this area will not only impact on those who may live here in future but also on nearby areas such as one of the main roads into town and the Mullumbimby High School.

This land belongs to the community. It should not be sold to profit the council.

Regards
Margo Patel
16 Tincogan St
Mullumbimby NSW 2482
Resident and rate payer for 25 years

To Byron Shire Council
General Manager Mark Arnold
70-90 Station St,
Mullumbimby

156 Stuart Street, Mullumbimby also known as Lot 22 DP1073165, is currently zoned public open space for recreational purpose and council proposes to rezone the area to R1 and reclassify to Operational so the land can be used for housing. Some of the problems identified with the proposal follow (hereafter referred to as The Proposal):

1) Flooding

- a) The first concern is the flood prone nature of the area and inaccuracies in relevant studies. The preliminary Ecological Report for the site, by Mark Fitzgerald (July 2017), confirms correctly that Saltwater Creek is tidal and "*flooding from cyclone Debbie in March 2017 appears to have inundated the entire site*" (Page 17). The following year, 26th and 27th March 2018, further detailed Summer Surveys by Mark Fitzgerald claims "*indications of flooding were apparent even in the most elevated areas*" (Page 7). Neighbours nearby and youth using the skate park also confirm the site was completely inundated in the March 2017 flood.
- b) According to Councils analysis of the March 2017 flood it was a 1 in 50-year flood. The Proposal flood study (May 2017) shows that in a larger 1 in 100-year flood the whole site is NOT inundated. Was the 2017 flood bigger than a 1 in 100-year flood event or is the flood modelling carried out for The Proposal incorrect? We suggest that it is incorrect!
- c) It appears that The Proposal flood study (May 2017) is built on inaccurate flood data given that *The North Byron Shire floodplain risk management study and plan* (due for completion in 2019) has analysed the March 2017 floods and changed flood model parameters due to bend loss and recent filling of development sites. These include Tallwood Estate, Towers Industrial area and Orchid Place directly to the North of Lot 22. There should be no development and certainly none driven by Council, until *The North Byron Shire floodplain risk management study and plan* is complete. It will be the community's own guide on what to do on its flood-plain.
- d) An extract from The Proposal flood study (May 2017), shows land on the Eastern side of Orchid Place and Western side of Station St (see figure 1, circled red) being completely inundated in a 1 in 100-year flood, but this area has been filled to a level that is flood free in a 1 in 100-year flood. (Approximately 4.5m Average Height Datum, and 4500m³ of fill). This filling has increased flooding in the local area. This demonstrates another technical error in The Proposal flood study. The cumulative impact of filling flood prone land needs to be considered.

Figure 1



- e) It appears The Proposal flood study (May 2017), is also incorrect when it states an increase of flood levels to the South of 10mm to 20mm for a 1 in 100-year flood and a greater increase of 20 to 30mm for a smaller 1 in 10-year flood. We would expect a greater displacement of 20 to 30mm of water to the South in a 1 in 100-year flood, and The Proposal's flood study (May 2017) maps appear to support our assumption. (See Figures 11 and 15 of The Proposal flood study).
- f) The Proposal quotes SEPP (Coastal Management) 2018 and states "*parts of the subject land are within 500 metres of the tidal part of the Brunswick River classified as being within the "coastal environment area".*" (page 19). It is our understanding that this shows Lot 22 will be affected by tidal surge and sea level rises. The Proposal flood study (May 2017) states, however, that "*Mullumbimby is not sensitive to the 800mm sea level rise associated with climate change*" and did not include tidal storm surge and rainfall combined. This omission is important because it is the conjunction of such events when the Brunswick River and Mullumbimby has had its biggest floods, as mentioned in councils own document "Brunswick River 1986 Flood Study".
- g) As a consequence of the lack of clarity and apparent confusion concerning these events we request that The Proposal is delayed until *The North Byron Shire Floodplain Risk Management Study* is completed in 2019. The objective of this delay is to ensure that the flood impact of The Proposal is built on accurate data and flood mitigation for Mullumbimby fully investigated.
- h) *The North Byron Shire floodplain risk management study and plan* is currently being developed and due for completion in 2019. Public submissions have been assessed. Of the 341 submissions received by council just under 50 mentioned land use planning and specifically Lot 22. Many photos of flood affected areas in Mullumbimby were submitted including those of Lot 22. These comments and photos should be taken into consideration when assessing The Proposal.
- i) Council has declared a "*State of Climate Emergency*" and "*acknowledges that Byron Shire is likely to be substantially affected by climate impacts, particularly sea level rise, bushfires, drought and floods*" (BSC meeting 18/10/18). Smart planning will recognise increasing sea level rises and associated flood levels. They will be several metres. We can start planning for that now. The rise is certain - only its timing is in doubt.
- j) Council should not knowingly increase risk to rescue organisations usually run by volunteers putting their own lives at risk. Rescue can be required by residents during a health emergency, whether caused by the flood or not. Evacuation can also be by residents themselves. Such egress is most likely when flood levels are rising. Crossing large distances of flooded ground is dangerous, even at small depths, because the water is not transparent.
- k) Low lying flat land gets saturated and is not a healthy place to house vulnerable people (i.e. those who most need affordable housing). The micro-climate there will be damp.

2) Planning

- a) We are concerned that the current Byron Shire Council (BSC) Residential Strategy (2003) which prevents filling of flood prone land is upheld. External fill should not be allowed to be bought onsite as recommended in the report by Geotech Investigations PTY LTD (Sept 2018).
- b) Kings Creek is shown to pass through Lot 22 (Ecological report by Mark Fitzgerald, July 2017). There appears to have been no consultation with the NSW Government with respect to the *Cape Byron Marine Park* of which The Brunswick River and Kings Creek are a part of. This needs to be addressed.
- c) A cut and fill approach for The Proposal has been mentioned by Councillors with no external fill allowed to enter the site, this approach attempts to limit the effect of flooding on neighbouring properties. If the "Climate Change Strategic Planning" policy applies to The Proposal, extra fill will be required to increase Lot heights. With a limit of available suitable fill onsite, how will this problem be overcome? Will the cost of importing fill reduce the viability of the site for affordable housing?

3) Site Access

The Proposal requires an expensive bridge at Stuart St to be built that will direct extra traffic to the CBD. The Proposal should not proceed if negotiations with the adjoining neighbour for access via Jubilee Ave fail. Council also needs to consider exclusion zones that would be required near the rural COOP due to fuel storage facilities.

4. Recreational Needs

We disagree with the outcome of the BSC Open Space and Recreation Needs Analysis for the following reasons:

- a) The Mullumbimby township struggles with not enough recreational space now. There is no suitable undeveloped land for open space in close proximity to the township except for The Proposal site Lot 22, 156 Stuart St.
- b) The Northern Hinterland residents use Mullumbimby as its sporting centre and as such these population figures should be included in calculations for Mullumbimby, if this is done there is a deficit of recreational space.
- c) The proposal will adversely affect the amenity and aesthetics of the Mullumbimby Recreation grounds. The Netball Courts, School oval, Skate park, Tennis Courts, Barry Lomath Cricket grounds and Community Gardens will all be affected by this proposal. Roads will be built too close to all existing sports venues resulting in close air pollution and loss of carpark space at the community gardens and Tennis courts, the amenities and carpark do not cope with the current population let alone into the future. Some sporting groups are currently forced to travel out of the town and the Shire due to poor facility maintenance.
- d) It is recommended that a Masterplan for the Mullumbimby Recreation grounds is developed BEFORE any rezoning of Lot 22 is considered and full consultation with sporting groups to ensure sporting needs of Mullumbimby and Northern Hinterland can be accommodated now and into the future.

Regards,
Margo V. Patel
16 Tincogan St, Mullumby 2482



Matthew Lambourne



12 December 2018

Submission - Planning Proposal for rezoning of part of
Lot 22 DP 1073165, Stuart St, Mullumbimby

The proposed rezoning should not take place because the land is currently flood liable, will remain flood liable in the future even if filled because design flood levels will rise due to rising sea levels and increasing design rainfall intensities, and will eventually be abandoned to rising sea levels at great cost to individuals and the community. The Proposal therefore is not sustainable development, and contradicts Council policies on sustainable development.

The S117 Ministerial Direction No.15 (now 9.1?) prohibits the rezoning of flood liable land from recreational to residential unless the rezoning is 'of a minor significance'. Creating perhaps 200 lots on land which will in future be increasingly flood liable, and from which there is no evacuation route to a safe location in the event of a large flood, cannot be considered 'of a minor significance'.

The Flood Study for the Proposal does not take into account increases in rainfall intensity which may have already occurred and are very likely to occur in the future as climate changes. The modelling does not include access routes between the three 'islands' and between the proposed development and Jubilee Avenue and/or Byron and Stuart streets, which will cross flood flowpaths and may increase flood levels significantly at nearby properties.

The Proposal envisages the site being used for affordable housing, which suggests that the population there might include single parents with young children, single older people, people with limited mobility and people with mental health issues. Evacuation of the site in the event of a major (say 0.1% or greater under present conditions) flood is therefore an important consideration, but there is no feasible evacuation route to a safe refuge. The only such refuge would be at the old hospital site, but to create an access route to that site would cost millions of dollars and risk increasing flood levels elsewhere.

The Proposal is absurd, and the fact that it has made it this far reflects poorly on the understanding of Councillors and staff of issues around climate change and flood planning for public safety. The Proposal should be rejected, and the land used for an appropriate purpose such as sporting fields.

1

11/12/18

12/12/18

From:
To: [submissions](#)
Subject: Lot 22 proposal
Date: Wednesday, 17 October 2018 4:23:13 PM

Hello Council

I am firmly in support of the use by council to use the land at Lot 22 Mullumbimby for affordable housing.

Please continue with this project and do your best to counter the misinformation from NIMBY's and uninformed people.

Thank you.

Michael Murray

Submission in regard to Proposal for Lot 22 DP 1073165 Mullumbimby

From Mullumbimby High School P&C in consultation with the School executive, 29 November 2018

We have three primary concerns which we request to be addressed in consideration of this development.

1. Impact on the school sporting grounds

Construction of an access road to Lot 22 using the road reserve that is an extension of Byron St would severely impact on the school's sporting oval, rendering it unusable for athletics. The sporting field include a running track, long jump pit, cage for field events and football oval. This is the only full-size athletics facility in Mullumbimby and is regularly used by Mullumbimby High School for carnivals and physical education daily. In addition, a number of local schools including Mullumbimby Public School, Shearwater Steiner School, and the combined public small schools use this full-size athletics track and athletics facilities for carnivals every year. The loss of this facility would seriously impact on the opportunities for all local students and is unacceptable to us.

Any other access option that has a negative impact on the sporting field is similarly unacceptable.

2. Traffic management

The school is a bus interchange site and every morning and afternoon there are approximately 600 students from 6 different schools accessing transport in front of the school. Local students also arrive and depart by foot, bicycle and car. Already traffic management and safety issues have been raised by the MHS P&C and high school with Byron Shire Council, the local police and RMS. We request that additional traffic flows around the school be properly managed to increase safety and reduce risk to students, staff and parents.

Our strong preference would be the construction of a roundabout that connects with Jubilee and Azalea Streets, as discussed as a possibility at our consultation meeting with Byron Shire Council planners, 18.10.18.

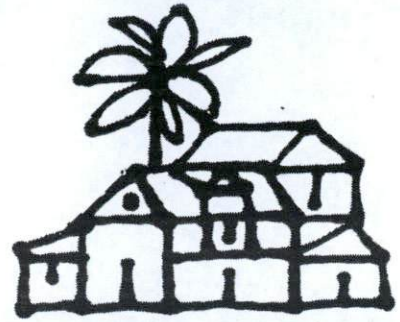
3. Flooding

Our school has been significantly impacted by flooding previously as a result of weather and poor drainage. This was clearly seen in the 2016 weather event with significant and expensive repairs required including to the tennis shed that borders the sporting field, and the school hall. We are concerned about the impact of the development on drainage from the site towards the school facilities and request this issue be addressed in full, acknowledging the impact of climate change.

With thanks,

Dr Laurel Cohn, President Mullumbimby High School P&C

Terry Timms, Vice-President Mullumbimby High School P&C



Mullumbimby Residents Association

***Submission to Byron Shire Council concerning
the rezoning of 156 Stuart Street (Lot 22),
Mullumbimby to R1 and reclassification to Operational.***

Date: 12th December 2018

This submission/petition is supported by residents of Mullumbimby who were contacted by Mullumbimby Residents Association either through the mailing list or promotion of the petition. The total number in support of this submission is 351.

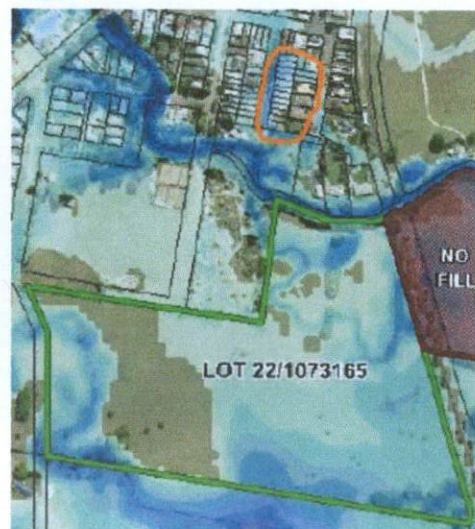
Problems concerning the proposal for 156 Stuart Street, Lot 22 DP1073165, Mullumbimby. Prepared by Mullumbimby Residents Association.

The site, 156 Stuart Street, Mullumbimby also known as Lot 22 DP1073165, is currently zoned public open space for recreational purpose. Council proposes to rezone the area to Operational so the land can be used for housing. Some of the problems identified with the proposal follow (hereafter referred to as The Proposal):

1) Flooding

- a) The first concern is the flood prone nature of the area and inaccuracies in relevant studies. The preliminary Ecological Report for the site, by Mark Fitzgerald (July 2017), confirms correctly that Saltwater Creek is tidal and "*flooding from cyclone Debbie in March 2017 appears to have inundated the entire site*" (Page 17). The following year, 26th and 27th March 2018, further detailed Summer Surveys by Mark Fitzgerald claims "*indications of flooding were apparent even in the most elevated areas*" (Page 7). Neighbours nearby and youth using the skate park also confirm the site was completely inundated in the March 2017 flood.
- b) According to Council's analysis of the March 2017 flood it was a 1 in 50-year flood. The Proposal flood study (May 2017) shows that in a larger 1 in 100-year flood the whole site is NOT inundated. Was the 2017 flood bigger than a 1 in 100-year flood event or is the flood modelling carried out for The Proposal incorrect? We suggest that it is incorrect!
- c) It appears that The Proposal flood study (May 2017) is built on inaccurate flood data given that *The North Byron Shire floodplain risk management study and plan* (due for completion in 2019) has analysed the March 2017 floods and changed flood model parameters due to bend loss and recent filling of development sites. These include Tallwood Estate, Towers Industrial area and Orchid Place directly to the North of Lot 22. There should be no development and certainly none driven by Council, until *The North Byron Shire floodplain risk management study and plan* is complete. It will be the community's own guide on what to do on its flood-plain.
- d) An extract from The Proposal flood study (May 2017), shows land on the Eastern side of Orchid Place and Western side of Station St (see figure 1, circled red) being completely inundated in a 1 in 100-year flood, but this area has been filled to a level that is flood free in a 1 in 100-year flood. (approximately 4.5m Average Height Datum, and 4500m³ of fill). This filling has increased flooding in the local area. This demonstrates another technical error in The Proposal flood study. The cumulative impact of filling flood prone land needs to be considered.

Figure 1



- e) It appears The Proposal flood study (May 2017), is also incorrect when it states an increase of flood levels to the South of 10mm to 20mm for a 1 in 100-year flood and a greater increase of 20 to 30mm for a smaller 1 in 10-year flood. We would expect a greater displacement of 20 to 30mm of water to the South in a 1 in 100-year flood, and The Proposal's flood study (May 2017) maps appear to support our assumption. (See Figures 11 and 15 of The Proposal flood study).
- f) The Proposal quotes SEPP (Coastal Management) 2018 and states "*parts of the subject land are within 500 metres of the tidal part of the Brunswick River classified as being within the "coastal environment area".*" (page 19). It is our understanding that this shows Lot 22 will be affected by tidal surge and sea level rises. The Proposal flood study (May 2017) states, however, that "*Mullumbimby is not sensitive to the 800mm sea level rise associated with climate change*" and did not include tidal storm surge and rainfall combined. This omission is important because it is the conjunction of such events when the Brunswick River and Mullumbimby has had its biggest floods, as mentioned in councils own document "Brunswick River 1986 Flood Study".
- g) ***As a consequence of the lack of clarity and apparent confusion concerning these events we request that The Proposal is delayed until The North Byron Shire Floodplain Risk Management Study is completed in 2019. The objective of this delay is to ensure that the flood impact of The Proposal is built on accurate data and flood mitigation for Mullumbimby fully investigated.***
- h) *The North Byron Shire floodplain risk management study and plan* is currently being developed and due for completion in 2019. Public submissions have been assessed. Of the 341 submissions received by council just under 50 mentioned land use planning and specifically Lot 22. Many photos of flood affected areas in Mullumbimby were submitted including those of Lot 22. These comments and photos should be taken into consideration when assessing The Proposal.
- i) Council has declared a "*State of Climate Emergency*" and "*acknowledges that Byron Shire is likely to be substantially affected by climate impacts, particularly sea level rise, bushfires, drought and floods*" (BSC meeting 18/10/18). Smart planning will recognise increasing sea level rises and associated flood levels. They will be several metres. We can start planning for that now. The rise is certain - only its timing is in doubt.
- j) Council should not knowingly increase risk to rescue organisations usually run by volunteers putting their own lives at risk. Rescue can be required by residents during a health emergency, whether caused by the flood or not. Evacuation can also be by residents themselves. Such egress is most likely when flood levels are rising. Crossing large distances of flooded ground is dangerous, even at small depths, because the water is not transparent.
- k) Low lying flat land gets saturated and is not a healthy place to house vulnerable people (i.e. those who most need affordable housing). The micro-climate there will be damp.

2) Planning

- a) We are concerned that the current Byron Shire Council (BSC) Residential Strategy (2003) which prevents filling of flood prone land is upheld. External fill should not be allowed to be bought onsite as recommended in the report by Geotech Investigations PTY LTD (Sept 2018).
- b) Kings Creek is shown to pass through Lot 22 (Ecological report by Mark Fitzgerald, July 2017). There appears to have been no consultation with the NSW Government with respect to the *Cape Byron Marine Park* of which The Brunswick River and Kings Creek are a part of. This needs to be addressed.
- c) A cut and fill approach for The Proposal has been mentioned by Councillors with no external fill allowed to enter the site, this approach attempts to limit the effect of flooding on neighbouring properties. If the "Climate Change Strategic Planning" policy applies to The Proposal, extra fill will be required to increase Lot heights. With a limit of available suitable fill onsite, how will this problem be overcome? Will the cost of importing fill reduce the viability of the site for affordable housing?

3) Site Access

The Proposal requires an expensive bridge at Stuart St to be built that will direct extra traffic to the CBD. The Proposal should not proceed if negotiations with the adjoining neighbour for access via Jubilee Ave fail. Council also needs to consider exclusion zones that would be required near the rural COOP due to fuel storage facilities.

4. Recreational Needs

We disagree with the outcome of the BSC Open Space and Recreation Needs Analysis for the following reasons:

- a) The Mullumbimby town-ship struggles with not enough recreational space now. There is no suitable undeveloped land for open space in close proximity to the township except for The Proposal site Lot 22, 156 Stuart St.
- b) The Northern Hinterland residents use Mullumbimby as its sporting centre and as such these population figures should be included in calculations for Mullumbimby, if this is done there is a deficit of recreational space.
- c) The proposal will adversely affect the amenity and aesthetics of the existing Recreation grounds. Roads will be built too close to all existing sports venues resulting in air pollution and loss of carpark space; the amenities and carpark do not cope with current usage. Some sporting groups are currently forced to travel out of the town and Shire.
- d) ***It is recommended that a Masterplan for the Mullumbimby Recreation grounds is developed BEFORE any rezoning of Lot 22 is considered and full consultation with sporting groups to ensure sporting needs of Mullumbimby and Northern Hinterland can be accommodated now and into the future.***

This submission is supported by the email contacts of Mullumbimby Residents Association numbering approximately 110 individuals and those who signed the petition attached to this document. That is a total of 351 residents of Mullumbimby.

We, the undersigned support the comments made in the attached document concerning the, Byron Shire Council's planning proposal for rezoning and reclassifying Lot 22 DP 1073165, 156 Stuart St, Mullumbimby:

Name	Address	Date	Signature
W. RYAN	3 Hibiscus Pl. MULLUMBIMBY	27/11/18	[Signature]
S RYAN	Lot 159 CHINABLE AV MULLUMBIMBY	27-11-18	Stephen Ryan
KEN RYAN	970 MAIN ARM ROAD MULLUMBIMBY 2982	27/11/18	K. Ryan
Sarah Archibald	Pine Ave Mullumbimby NSW 2462	27/11/18	[Signature]
KEN SLADE	9 Station St Mullumbimby	28/11/18	[Signature]
Rick Barnett	9 Station Street Mullumbimby	28/11/18	[Signature]
Lloyd KESLER	5 TRAIN ST Mullumbimby	28/11/18	L. Kesler
Susan Duff	2 Hibiscus Place	29/11/18	[Signature]
BARRY GRAHAM	18 GRIFFITH AVE	29-11-18	[Signature]
W. Moffatt	293 Middle River Rd	30-11-18	[Signature]
R GRAHAM	78 Dally St Mullumbimby	30-11-18	[Signature]
J GRIFFIN	7 KURRAJONG ST Mullumbimby	30-11-18	[Signature]
P GRIFFIN	7 KURRAJONG ST Mullumbimby	30-11-18	[Signature]
P TOWNER	14 Golden Pl Mullumbimby	30-11-18	P Towner
S. Pontin	24 Morrison Ave	30/11/18	[Signature]
J. Johnston	24 Morrison Ave	30/11/18	[Signature]
S Johnston	41 Main Arm Road	30/11/18	[Signature]
C Cornale	2/27 Coolamon Scenic Drive	30/11/18	[Signature]
G. ROBINSON	15 STUART ST.	30/11/18	[Signature]
G MARSDEN	29 AUDREY RD Mullumbimby	30-11	[Signature]
KEN WATKINS	12 NIGHTCAP CRT Mullumbimby	30-11-18	[Signature]
G J Toole	9 Ondid Pl Mullumbimby	4-12-18	G J Toole
S. Bailey	3 Orchard Pl Mullumbimby	4-12-18	S. Bailey
Kay Browning	131 STUART ST Mullumbimby	4.12.18	K. Browning
Sam BROWNING	131 STUART ST Mullumbimby	4.12.18	[Signature]


We, the undersigned support the comments made in the attached document concerning the, Byron Shire Council's planning proposal for rezoning and reclassifying Lot 22 DP 1073165, 156 Stuart St, Mullumbimby:

Name	Address	Date	Signature
VANCE DEUTSCH	276 MAID ARM ROAD	28/11/18	
Casey Fenwick	10 Koorunga Ct Ocean Shores	28/11/18	
Hayley Walker	6 Kurrangong Street Mullumbimby NSW 2482	28/11/18	
GRAEME MARSDEN	29 ALDENES RD MULLUMBIMBY	28-11	
Carolyn Reynolds	134 Station St Mullumbimby	28-11	
WAYNE REYNOLDS	Station St Mullumbimby	28-11	Wayne Reynolds
Steffi Miller	1143 Main Arm Rd Mullumbimby	28-11	
JAMES MAITLAN	1162 MULLUM CT	28-11	
SUSIE LUSEN	3 CHAINBIBLE AVE	29-11-18	
Chris Books	777 Wilsons Creek Rd	29-11-18	
John Stevens	37 Tudlow Ave Mullu	30-11-18	
Lisa Sandstrom	2 Omega Court Boms	30-11-18	
John Pursey	4 Laurel Ave Mullu	30-11-18	
Madeline Marky	382 Old Byron Bay Newy	30-11-18	
Sam Freeman	18 Tincogan St	30-11-18	
JOUATHA FINCH	47 QUEEN ST MULLUM	30-11-18	
DANE ROBINSON	MAIN ARM RD MULLUMBIMBY	30-11-18	
AREEN THURGOOD	38 MORRISON AVE, MULLUM	30-11-18	
Sharnika Bell	32 BUCKLEY'S Rd, Tyngah	30-11-18	
Cardyn Wood	404 Wilsons Creek Rd	30/11	
Ann Hally	11 Gnd Aly Court	11/12	
Denise Gough	101 Station St Mullumbimby	30/11/18	
CARLY COUGH	" " " "	"	
D. Davison	P.O. Box 99 Mullumbimby	2/12/18	
Don Singh	748 The Pocket 2482	4/12/18	
Julie Zarnelli	114 Stuart St Mullu	4/12/18	

We, the undersigned support the comments made in the attached document concerning the, Byron Shire Council's planning proposal for rezoning and reclassifying Lot 22 DP 1073165, 156 Stuart St, Mullumbimby:

Name	Address	Date	Signature
M. NIVIA SCIN	10 NIVIA ST MULLUMBIMBY		
S Dods	43 Fringal St. Bruns Heads	23/11/2018	S. Dods
C Church	130 Station St- Mullum	23/11/2018	C Church
V Kendall	2 Gordon St Mullum	23/11/18	V Kendall
John Bathie	14 Coolamon Ave Mullum	23/11/18	J Bathie
J Catrell	1 AVOCADO CT	23/11/18	J Catrell
M Pelmore	THE POCKET	27.11.18	M Pelmore
K. McHardy	468 Wilsons Creek Rd	23/11/18	K. McHardy
O. WATERFALL	28 KINGSFORD DR.	✓	O. Waterfall
D. WATERFALL	✓	✓	D. Waterfall
G. Vos	1077 Bungey Rd, Clums	✓	G. Vos
Michael Thomson	13 Grand Valley Ct.	23/11	M. Thomson
Joan Neate	5 Coolamon Ave Mullum	23/11	J. Neate
Chirle Pbsier	New City Rd Mullum	23/11	C. Pbsier
CLARK DAWSON	110 MAIN ARM RD	23/11	C. Dawson
JAIN	777 Left Bank rd	23/11	J. Jain
Georgia	10 KAMALIA COURT	23/11	G. Williams
Dr Penelope Mene	8 Banksia Ave Cuthbert	23/11	P. Mene
VAL HODGSON	101 MAKEKING RD ^{GOV. ENCLOSURE} BRUNSWICK	23/11	V. Hodgson
SILVIA ROBERTS	46 McAuleys lane ^{MYCEAN}	23/11	S. Roberts
ANN FITZGERALD	4 BOTANICAL CRT	23/11	A. Fitzgerald
VIS TOH	B 7 257 MUL	"	V. Toh
S Estrad	64 Ann St Mullumbimby	4/12/	S. Estrad
M & L	6 Fern St.		M & L
K. Dalpin	9 Orchid Pl Mullum	4-12-18	K. Dalpin

We, the undersigned support the comments made in the attached document concerning the, Byron Shire Council's planning proposal for rezoning and reclassifying Lot 22 DP 1073165, 156 Stuart St, Mullumbimby:

Name	Address	Date	Signature
John Hill	43 Tristram Rd.	23/11/18	
R WAINWRIGHT	15 FERN ST MULLUMBIMBY	23-11-18	R Wainwright
M JACKSON	138 STUART ST MULLUM	23.11.18	M Jackson
P. PHILLIPS	670 Wilsons Cr Mullumbimby	23.11.18	P. Phillips
M. Branson	91 Price St Mullumbimby	23.11.18	M. F. Branson
J. Facchino	622 Wilsons Cr Road ^{Wilson's} creek	23/11/18	J. Facchino
A. SCHARDER	5 Mill St. Mullumbimby	23.11.18	A. Scharder
D.J. TOWNER	7 GRADEN AVE MULLUMBIMBY	23-11-18	D.J. Towner
B SWANTON	21 QUEEN ST MULLUM	23.11.18	B Swanton
J. Seamer	111 Grana Rd O/Shores	23-11-18	J Seamer
L BURNS	19 Kolort Way O/Shores	23.11.18	L Burns
K Birmingham	15 Rush Court M. bimby.	23-11-18	K Birmingham
P. Cairns	P.O. Box 1157 Mullumbimby	23-11-18	P Cairns
PAUL MARTIN	71 ARGYLES MULLUMBIMBY	25.11.18	P Martin
S. Allen	21 Fern street Mullum	26.11.18	S Allen
Ruth Phelps	94 Woodford lane Enngsdale	26.11.18	R Phelps
Denise Thomas	19 Fern St Mullumbimby	26.11.18	Denise Thomas
JOHN HARRIS	111 STATION ST MULLUMBIMBY	26-11-18	J Harris
KERRY DEXTER	4 FERN ST Mullumbimby	27/11/18	Kerry Dexter
Grea Dexter	4 FERN ST Mullumbimby	27/11/18	Grea Dexter
GAVIN DAVIS	9 Poplar St Mullum	27/11/18	G Davis
Chris Lamatt	13 KARRAJONG ST Mullum	27/11/18	C Lamatt
G. COULDWELL	22 MILL ST MULLUMBIMBY	27/11/18	G Couldwell
J. Devine	49 New City Rd M. by	27/11/18	J Devine



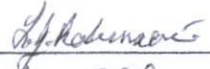
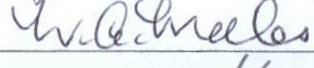
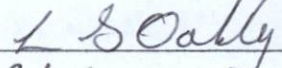
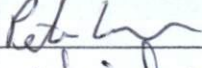
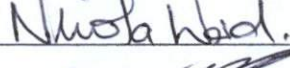

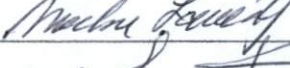
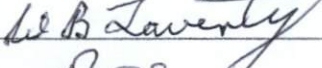
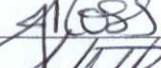
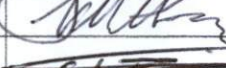

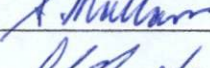
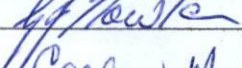
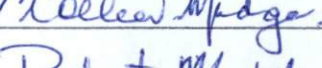
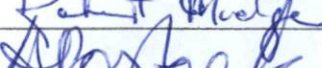
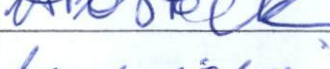
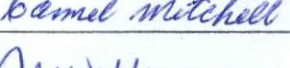
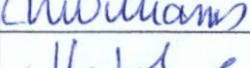
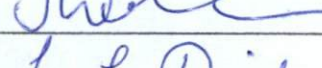
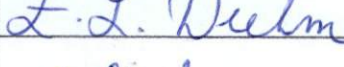

We, the undersigned support the comments made in the attached document concerning the, Byron Shire Council's planning proposal for rezoning and reclassifying Lot 22 DP 1073165, 156 Stuart St, Mullumbimby:

Name	Address	Date	Signature
Jennifer Batson	23 Fern St Mullumbimby	23/11/18	Jennifer Batson
PHILIP BATSON	23 FERN ST MULLUMBIMBY	23/11/18	Phil Batson
BOB MOTT	2 STN ST M/BIMBY	24/11/18	Bob Mott
Margaret Mott	2 Station St Mullumbimby	24/11/18	M. T. Mott.
BRUCE PEPPER	8 STATION ST MULLUMBIMBY	25/11/18	B. Pepper
LYLE PRIOR	36 KALLAROO OCEAN ^{CCT SITE}	25/11/18	L. Prior.
Tom Maher	65 PRINCE MULLUM	25/11/18	Tom Maher
KEITH BATSON	21 SHORT STREET BAUNSWICK HEAD	26/11/18	Keith Batson
BARRY HAMMOND	4/10 OCEAN ST MULLUMBIMBY 2483	26/11/18	B. Hammond
Judy Towner	14 Golden Penda Place	26/11/18	J. Towner
Lisa Cheek	26 Garden Ave Mullum	26.11	L. Cheek
Shane Cheek	26 Garden Ave Mullumbimby	26/11/18	S. Cheek.
Meg Quinn	28 Garden Ave Mullumbimby	26/11/18	M. Quinn
Mark Quinn	28 Garden Ave Mullumbimby	28/11/18	M. Quinn
Karlee Quinn	28 Garden Ave Mullumbimby	28/11/18	K. Quinn
Merika Quinn	28 Garden Ave Mullumbimby	28/11/18	M. Quinn
Jeremy Quinn	28 Garden Ave Mullumbimby	28/11/18	J. Quinn
Col Buckland	140 DALLEY ST MULLUM	27/11/18	Col Buckland
Jan Buckland	140 Dalley St. Mullumbimby	27/11/18	Jan Buckland
Tim Wearne	8 Tincogan St Mullumbimby	27/11/18	Tim Wearne
Robyn Rutter	9 Fern St, Mullumbimby	27/11/18	Robyn Rutter
TREVOR WATTS	1- LEFT BANK ROAD ^{MULLUM}	28/11/18	T. Watts
Judith Short	113 STATION St Mullumbimby	28/11/18	J. Short
John Short	113 STATION St Mullumbimby	28/11/18	J. Short
CHRISTIAN DIEHM	11 CUDGERIE ST MULLUMBIMBY	28/11/18	C. Diehm

I, the undersigned support the comments made in the attached document concerning the, Byron Shire Council's planning proposal for rezoning and reclassifying Lot 22 DP 1073165, 156 Stuart St, Mullumbimby:

Name	Address	Date	Signature
Tim MacIntyre	1651 Coorumban Scenic Rd	29/11/18	[Signature]
Jane Conway	PO Box 688 Mullum	29/11/18	[Signature]
JULIE WALKER	PO BOX 131 MULLUM	29/11/18	[Signature]
KATE LARLEY	PO Box 131 MULLUM	29/11/18	[Signature]
Robyn Lortan	1/2 Wunyarra Ocean Shores	29/11/18	[Signature]
Rosie Sharpe	4 Mureddock Road	29/11/18	[Signature]
KEN GOLDING	4 " "	29/11/18	[Signature]
DEBORAH LILLY	20 Left Bank Rd Mullumbimby	29.11.18	[Signature]
Leah Roberts	4 Gargyle St Mullum	11	[Signature]
MARY BERNARD	69 Midginbel lane, 2482	20/11/18	[Signature]
WENDY MAHONEY	65 BARGYLE ST MULLUM	29/11/18	[Signature]
Lorraine Melanson	4 Cadara Cres. Ocean Shores	29/11/18	[Signature]
Ruth Laxton	74 McAuleys Lane Mullum	29/11/18	[Signature]
ANNE MULIN	14 JUBILEE AVE MULLIN	29/11/18	[Signature]
Sandra Kessler	3 Dalley St Mullumbimby	30/11/18	[Signature]
B MOLLET	1/3 Settlement Rd	3/6/18	[Signature]
W RAWLINSON	BRUNSWICK HEADS		[Signature]
B Walto	Wilsons creek	7/12/18	[Signature]
I Massey	MULLUM	7/12/18	[Signature]
URSULA SUTT	MULLUM	7/12/18	[Signature]
Kim Hennessy	48 Stuart St	7/12/18	[Signature]
DAVID HANNA	JUBILEE AVE MULLUMBIMBY	7.12.18	[Signature]
M. GARDEN	24 JUBILEE AVE MULLUM	7/12/18	[Signature]
DALE EMERSON	24 STUART ST MULLUM	7/12/18	[Signature]
KAREN McLEAN	24 STUART ST Mullum	7/12/18	[Signature]

We, the undersigned support the comments made in the attached document concerning the, Byron Shire Council's planning proposal for rezoning and reclassifying Lot 22 DP 1073165, 156 Stuart St, Mullumbimby:

Name	Address	Date	Signature
Margaret Bower	81 Rajah Rd Ocean Shores	23/11/18	
Ben PLATER	1A GARDENAV. Mullumbimby	23/11/18	
KOLA ROBINSON	15 STUART ST. MULLUMBIMBY	23/11/18	
NANCY MUCES	9 ALOOTA CRES. OCEAN SHORES	1/12/18	
Lyn Oakley	Railway Cottage Argyle St Mullumbimby	1/12/18	
Peter Laverly	5 POPLAR ST MULLUMBIMBY	1/12/18	
Nikki Ward	2 Coral Av Mullumbimby	3/12/18	
Mark Ward	2 Coral Av Mullumbimby	3/12/18	
NORRIS LAURTY	1 Coral Ave	3-12-18	
BILL LAURTY	1 CORAL AVE	3/12/18	
Julianne Ross	1176 Myoum Rd	4/12/18	
Steve Ross	1176 Myoum Rd	4/12/18	
Chris Ross	1862 Coolamon Scenic Drive	4/12/18	
Sue Mullan	30 QUEEN ST, MULLUMBIMBY	4/12/18	
Glenva Nowlan	37 Queen St, Mullumbimby	4/12/18	
Colleen Mudge.	LOT 13 MOUNTAIN VIEW RD. M'BIMBY	7/12/18	
Bob Mudge	LOT 13 MOUNTAIN VIEW RD. M'B.	7/12/18	
Helen Bostock	10 AVOCADO CRT MULLUMBIMBY	7/12/18	
Karmel Mitchell	NEW CITY RD M'BIMBY	8/12/18	
NAREUE WILLIAMS	10 Kamala Court MULLUMBIMBY	8-12-18	
John Williams	10 Kamala CRT MULLUMBIMBY	8-12-18	
Lyn DIEHM	20 GREVILLEA AV M'BIMBY	9-12-18	
Charles Diehm	20 GREVILLEA AV MULLUMBIMBY	9-12-18	

We, the undersigned support the comments made in the attached document concerning the, Byron Shire Council's planning proposal for rezoning and reclassifying Lot 22 DP 1073165, 156 Stuart St, Mullumbimby:

Name	Address	Date	Signature
GIA LOMATH	150 STUART ST	5/12/18	Gia Lomath
BARRY LOMATH	150 STUART ST	5/12/18	Barry Lomath
SIMON LOMATH	150 STUART ST	5/12/18	Simon Lomath
Sarah Newson	485 Smiths Creek Rd	5/12/18	Sarah Newson
Ken Robertson	Pennings St Mullumbimby	7/12/18	Ken Robertson
Mary Kemp	144 STUART STREET	8/12/18	Mary Kemp
Marie Jones	142 STUART STREET	9/12/18	Marie Jones
Karen Browning	131 Stuart Street	9/12/18	Karen Browning
Kym Hensen	52 Argyle St	9/12/18	Kym Hensen
Neil Hensen	52 Argyle St. Mullumbimby	9/12/18	Neil Hensen
BEVERLEY MEREDITH	27 Queen St Mullumbimby	10/12/18	Beverley Meredith
MARY Polidano	146 Stuart St. Mullumbimby	10/12/18	Mary Polidano
PAUL STAFF	125 STUART ST MULLUMBIMBY	10/12/18	Paul Staff
MAX METCALFE	21 BENCROFT LN	10/12/18	Max Metcalfe
Marlene Crompton	38 Argyle St Mullumbimby	10/12/18	Marlene Crompton

We, the undersigned support the comments made in the attached document concerning the, Byron Shire Council's planning proposal for rezoning and reclassifying Lot 22 DP 1073165, 156 Stuart St, Mullumbimby:

[illegible]

We, the undersigned support the comments made in the attached document concerning the, Byron Shire Council's planning proposal for rezoning and reclassifying Lot 22 DP 1073165, 156 Stuart St, Mullumbimby:

[illegible]

We, the undersigned support the comments made in the attached document concerning the Byron Shire Council's Draft Open Space and Recreation Needs Assessment and Action Plan:

[illegible]

We, the undersigned support the comments made in the attached document concerning the, Byron Shire Council's planning proposal for rezoning and reclassifying Lot 22 DP 1073165, 156 Stuart St, Mullumbimby:

[illegible]

We, the undersigned support the comments made in the attached document concerning the, Byron Shire Council's planning proposal for rezoning and reclassifying Lot 22 DP 1073165, 156 Stuart St, Mullumbimby:

[illegible]

We, the undersigned support the comments made in the attached document concerning the, Byron Shire Council's planning proposal for rezoning and reclassifying Lot 22 DP 1073165, 156 Stuart St, Mullumbimby:

[illegible]

We, the undersigned support the comments made in the attached document concerning the, Byron Shire Council's planning proposal for rezoning and reclassifying Lot 22 DP 1073165, 156 Stuart St, Mullumbimby:

[illegible]

To Byron Shire Council
General Manager Mark Arnold
70-90 Station St,
Mullumbimby

156 Stuart Street, Mullumbimby also known as Lot 22 DP1073165, is currently zoned public open space for recreational purpose and council proposes to rezone the area to R1 and reclassify to Operational so the land can be used for housing. Some of the problems identified with the proposal follow (hereafter referred to as The Proposal):

1) Flooding

- a) The first concern is the flood prone nature of the area and inaccuracies in relevant studies. The preliminary Ecological Report for the site, by Mark Fitzgerald (July 2017), confirms correctly that Saltwater Creek is tidal and "*flooding from cyclone Debbie in March 2017 appears to have inundated the entire site*" (Page 17). The following year, 26th and 27th March 2018, further detailed Summer Surveys by Mark Fitzgerald claims "*indications of flooding were apparent even in the most elevated areas*" (Page 7). Neighbours nearby and youth using the skate park also confirm the site was completely inundated in the March 2017 flood.
- b) According to Councils analysis of the March 2017 flood it was a 1 in 50-year flood. The Proposal flood study (May 2017) shows that in a larger 1 in 100-year flood the whole site is NOT inundated. Was the 2017 flood bigger than a 1 in 100-year flood event or is the flood modelling carried out for The Proposal incorrect? We suggest that it is incorrect!
- c) It appears that The Proposal flood study (May 2017) is built on inaccurate flood data given that *The North Byron Shire floodplain risk management study and plan* (due for completion in 2019) has analysed the March 2017 floods and changed flood model parameters due to bend loss and recent filling of development sites. These include Tallowood Estate, Towers Industrial area and Orchid Place directly to the North of Lot 22. There should be no development and certainly none driven by Council, until *The North Byron Shire floodplain risk management study and plan* is complete. It will be the community's own guide on what to do on its flood-plain.
- d) An extract from The Proposal flood study (May 2017), shows land on the Eastern side of Orchid Place and Western side of Station St (see figure 1, circled red) being completely inundated in a 1 in 100-year flood, but this area has been filled to a level that is flood free in a 1 in 100-year flood. (Approximately 4.5m Average Height Datum, and 4500m³ of fill). This filling has increased flooding in the local area. This demonstrates another technical error in The Proposal flood study. The cumulative impact of filling flood prone land needs to be considered.

Figure 1



- e) It appears The Proposal flood study (May 2017), is also incorrect when it states an increase of flood levels to the South of 10mm to 20mm for a 1 in 100-year flood and a greater increase of 20 to 30mm for a smaller 1 in 10-year flood. We would expect a greater displacement of 20 to 30mm of water to the South in a 1 in 100-year flood, and The Proposal's flood study (May 2017) maps appear to support our assumption. (See Figures 11 and 15 of The Proposal flood study).
- f) The Proposal quotes SEPP (Coastal Management) 2018 and states "*parts of the subject land are within 500 metres of the tidal part of the Brunswick River classified as being within the "coastal environment area".*" (page 19). It is our understanding that this shows Lot 22 will be affected by tidal surge and sea level rises. The Proposal flood study (May 2017) states, however, that "*Mullumbimby is not sensitive to the 800mm sea level rise associated with climate change*" and did not include tidal storm surge and rainfall combined. This omission is important because it is the conjunction of such events when the Brunswick River and Mullumbimby has had its biggest floods, as mentioned in councils own document "Brunswick River 1986 Flood Study".
- g) As a consequence of the lack of clarity and apparent confusion concerning these events we request that The Proposal is delayed until *The North Byron Shire Floodplain Risk Management Study* is completed in 2019. The objective of this delay is to ensure that the flood impact of The Proposal is built on accurate data and flood mitigation for Mullumbimby fully investigated.
- h) *The North Byron Shire floodplain risk management study and plan* is currently being developed and due for completion in 2019. Public submissions have been assessed. Of the 341 submissions received by council just under 50 mentioned land use planning and specifically Lot 22. Many photos of flood affected areas in Mullumbimby were submitted including those of Lot 22. These comments and photos should be taken into consideration when assessing The Proposal.
- i) Council has declared a "*State of Climate Emergency*" and "*acknowledges that Byron Shire is likely to be substantially affected by climate impacts, particularly sea level rise, bushfires, drought and floods*" (BSC meeting 18/10/18). Smart planning will recognise increasing sea level rises and associated flood levels. They will be several metres. We can start planning for that now. The rise is certain - only its timing is in doubt.
- j) Council should not knowingly increase risk to rescue organisations usually run by volunteers putting their own lives at risk. Rescue can be required by residents during a health emergency, whether caused by the flood or not. Evacuation can also be by residents themselves. Such egress is most likely when flood levels are rising. Crossing large distances of flooded ground is dangerous, even at small depths, because the water is not transparent.
- k) Low lying flat land gets saturated and is not a healthy place to house vulnerable people (i.e. those who most need affordable housing). The micro-climate there will be damp.

2) Planning

- a) We are concerned that the current Byron Shire Council (BSC) Residential Strategy (2003) which prevents filling of flood prone land is upheld. External fill should not be allowed to be bought onsite as recommended in the report by Geotech Investigations PTY LTD (Sept 2018).
- b) Kings Creek is shown to pass through Lot 22 (Ecological report by Mark Fitzgerald, July 2017). There appears to have been no consultation with the NSW Government with respect to the *Cape Byron Marine Park* of which The Brunswick River and Kings Creek are a part of. This needs to be addressed.
- c) A cut and fill approach for The Proposal has been mentioned by Councillors with no external fill allowed to enter the site, this approach attempts to limit the effect of flooding on neighbouring properties. If the "Climate Change Strategic Planning" policy applies to The Proposal, extra fill will be required to increase Lot heights. With a limit of available suitable fill onsite, how will this problem be overcome? Will the cost of importing fill reduce the viability of the site for affordable housing?

3) Site Access

The Proposal requires an expensive bridge at Stuart St to be built that will direct extra traffic to the CBD. The Proposal should not proceed if negotiations with the adjoining neighbour for access via Jubilee Ave fail. Council also needs to consider exclusion zones that would be required near the rural COOP due to fuel storage facilities.

4. Recreational Needs

We disagree with the outcome of the BSC Open Space and Recreation Needs Analysis for the following reasons:

- a) The Mullumbimby township struggles with not enough recreational space now. There is no suitable undeveloped land for open space in close proximity to the township except for The Proposal site Lot 22, 156 Stuart St.
- b) The Northern Hinterland residents use Mullumbimby as its sporting centre and as such these population figures should be included in calculations for Mullumbimby, if this is done there is a deficit of recreational space.
- c) The proposal will adversely affect the amenity and aesthetics of the Mullumbimby Recreation grounds. The Netball Courts, School oval, Skate park, Tennis Courts, Barry Lomath Cricket grounds and Community Gardens will all be affected by this proposal. Roads will be built too close to all existing sports venues resulting in close air pollution and loss of carpark space at the community gardens and Tennis courts, the amenities and carpark do not cope with the current population let alone into the future. Some sporting groups are currently forced to travel out of the town and the Shire due to poor facility maintenance.
- d) It is recommended that a Masterplan for the Mullumbimby Recreation grounds is developed BEFORE any rezoning of Lot 22 is considered and full consultation with sporting groups to ensure sporting needs of Mullumbimby and Northern Hinterland can be accommodated now and into the future.

Name: Gae LAURTY Signed: G. E. Laurty

Address: 1 Coolamon Ave Mullumbimby NSW 2482

We, the undersigned support the comments made in the attached document concerning the, Byron Shire Council's planning proposal for rezoning and reclassifying Lot 22 DP 1073165, 156 Stuart St, Mullumbimby:

Name	Address	Date	Signature
Mark West	148 Stuart St	22/11/18	Mark West
Leah Thomas	20 Hottentot Cres	24/11/18	Leah Thomas
Peter West	47 Argyle St	27/11/18	P. West
M. Thomas	20 Hottentot Cres	27/11/18	M. Thomas
D. R. W.	75 Fingert St	27/11/18	D. R. W.
Adrian Filipe	5 Aldinga Court. O/Shore	27/11/18	Adrian Filipe
Gemma Warran	6 Kurnagong St Murrumbidgee	9/12/18	Gemma Warran
John Reynolds	2 New City Road Mullumbimby	8/12/18	John Reynolds
Harry Penkman	2.6 E H/121 B. B. L. H. W. M. B.	8/12/18	Harry Penkman

From:
To: [submissions](#)
Subject: Lot 22
Date: Sunday, 28 October 2018 8:48:15 AM

Regarding Lot 22 in Mullumbimby, I would suggest that the site NOT be developed to house more people, but be restored to the state it was BEFORE European settlers arrived and damaged the area.

I suggest that the BSC take a look towards the future. Catchy words and phrases like 'Worlds Best Practice' and 'Sustainable' are vacuous and hollow when one takes into account the truth regarding damage to natural ecosystems wrought by the urbanization of this area. As Byron Shire Council has now declared a 'State of Climate Emergency', planting more people on what is effectively a flood plain is simply stupid. As sea levels rise Lot 22 will be subjected to more frequent flooding.

I understand this proposed rezoning of Lot 22 / DP 1073165 is due to a push for 'Affordable Housing', and the site falls within the restrictions caused by a policy of urban expansion within proximity to the services provided by the town. Wouldn't it make a whole lot more common sense to alter the 'policy' that would put housing within floodwaters. I would prefer proposals like 'eco villages' and 'multiple occupancies' on elevated land outside of the area of close proximity, if the land in close proximity happens to be susceptible to flooding.

I understand that the Net Community Benefit concept is based around transport and proximity to the centre of town. Presently, it matter little how close people live to the centre of town. Cars are still driven from the suburb on west side of the Brunswick River, and Tallowood Estate. If anything, Mullumbimby needs a multi story carpark near the centre of town

I understand that the lot 22 rezoning proposal is under consideration due to the BSC owning the land and therefore being in a position to develop it with consideration to affordable housing. It would make more sense if the council were to purchase land for the affordable housing in a more appropriate location, ie on elevated gently sloping land, and abandon the silly centralizing policy.

Lot 22 should not be rezoned. It should be restored to its original pre colonized state of lowland rainforest. Endemic species are desperately in need of housing. Introducing more people into Byron Shire will only increase threats to biodiversity and local extinctions. Mullumbimby, being located largely on a floodplain is ideally suited for natural area restoration.

Noel Hart

From:
To: [submissions](#)
Subject: lot 22
Date: Wednesday, 31 October 2018 12:31:49 PM

As a resident of Mullum town, 8 jubilee avenue mullumbimby to be specific, I would like to voice my concerns and opposition to the development of lot 22 for housing.

In the 2017 flood I was able to return home from work at 10pm and was woken at 2 am by my neighbour who then helped me raise all my possessions to a position hopefully out of the flood waters.

My house is the oldest house in the street built in 1906 and has never been flooded and luckily was not flooded that night but it was close, real close, 10ml close.

My car was water damaged, as there was no where high enough I could drive it to, this meant I was unable to drive to buy a new one, I was unable to drive to work to earn money, my 80 yr old mother drove from the south of sydney to drive me around and lend me the money to buy a second hand car and register it till my insurance money came through, even then I was still out of pocket 2 thousand dollars and days off work .

Do you think that the family who need affordable housing will have a car worth insuring, or that they will be able to afford to insure it , do you think they will be able to ask someone to lend them the money to buy a new car so they can get to work or centerlink or hospital or any of the things people NEED to do, or the other scenario , how will they be able to replace their uninsured car ???

Meanwhile because you intend to raise sections of the site, the displaced water will flood somewhere else somewhere that previously didn't flood, well that sounds like my house .

When it rains now I wake and worry, when it rains now I move my car to a high spot some distance from my house the insurance doesn't cover the waste of a car the waste of time the waste of emotion the waste of worry that you won't be able to get insurance in the future , and the waste of money, time and recourses.

There are many other good reasons not to build on this site and I am sure these have been pointed out to you, I just wanted to give you a personal experience of what not being flooded was like, and it,s not good, imagine that times 200 homes each with maybe 2 cars = 400 cars ruined and the personal turmoil that creates.

Regards
Noelle Maxwell

From:
To: [submissions](#)
Cc:
Subject: Lot 22 Mullumbimby Submission- One Roof Byron
Date: Monday, 10 December 2018 2:44:50 PM

Dear Isabelle,

One Roof Byron is a registered homeless charity working to end involuntary homelessness whilst prioritising wellbeing, dignity and a sense of belonging.

We wish to express an interest in the use of Lot 22 for social housing (housing for the most vulnerable in our Shire, those individuals experiencing homelessness). This would be as part of a mixed dwelling community and is in line with Council's Homelessness Policy.

Regarding the re zoning of Lot 22, One Roof Byron is neither for nor against this proposal.

Thank you,

Genevieve Lee
On behalf of:

One Roof Byron

From:
To: [submissions](#)
Cc: [patricia warren](#)
Subject: Lot 22 Mullumbimby and leverage for Affordable Housing
Date: Wednesday, 3 October 2018 2:27:08 PM

Opposed to Lot 22 in Mullumbimby being rezoned for residential development

Absolutely SHOCKED when in public access the architect, Malcolm Price said in response to the flooding issue, that he visioned 'houses on islands'!!!

Affordable housing is also being leveraged for this proposal. In Byron Shire any notion to built 'affordable housing' in a place where the land component is so expensive is misrepresenting the principal of 'affordable housing'. Developers are increasingly adapt at 'selling' the feel good position of 'affordability' as is the case with Lot 22.

No infill. The fact that the area floods signals it's purpose as a seasonal/incident water storage area. Infilling will not only affect surrounding properties but will also aggravate the drainage problems in Mullumbimby that the Waste, Water and Recycling Committee are only just beginning to acknowledge and address.

Recent lecture session in Byron Bay, hosted by the Community Alliance for Byron Shire, gave statistical evidence that dwellings approved by Council were well ahead of projected need. Lot 22 is not needed to meet any population projection target and required dwellings.

There should not be any additional load to the Brunswick Valley STP until such times as the inflow/infiltration issue is resolved. Only after that is resolved should any new development be approved in Mullumbimby part of the catchment area of the STP You need to cross reference with material held at Council on this inflow/infiltration and drainage issue

Patricia Warren
3 Mona lane
Brunswick Heads

From:
To: [submissions](#)
Date: Sunday, 11 November 2018 11:12:00 PM

I fully support BSC with its development proposals for lot 22 mullumbimby. Which in part includes affordable housing.
Peter bacos-garan

Sent from my Samsung Galaxy smartphone.

From:
To: [submissions](#)
Subject: Submission
Date: Monday, 29 October 2018 6:16:21 AM

Re: Rezoning station st mullumbimby.

I'm in full support of the rezoning.

1. I own one of the properties in Station st, and as a home it's totally impractical because of the noise level from the entertainment venues.
2. I run a medium sized business , and would love the opportunity to be able to do so in Station st Mullum and be able to employ people at said address.
3. it makes so much sense to bring Station st into the commercial hub of mullumbimbys CBD

Rgrds

Peter Bacos-garan

PN: 239417
 BYRON SHIRE COUNCIL
 DOC NO:
 REC'D: - 5 DEC 2018
 FILE NO: F2622
 ASSIGNEE: M. Chapman

RECEIVED BY FRONT COUNTER
 04 DEC 2018
 BYRON SHIRE COUNCIL

25-11-2018
 PO Box 92
 Mullumbimby
 NSW
 2482

The Manager,
 Byron Shire Council
 Mullumbimby NSW 2482

Dear Sir, re Council Land Stuart St Mullumbimby
Proposed for future housing Lot 22 DP 1073165

This land was purchased by BS Council for the ever needed sporting area for the growing township of Mullumbimby. We feel the majority of this land should be retained for its original purpose.

Council's words are that this land is "Flood Prone"

Salt Water creek is rarely cleaned by Council as it should be done - now.

It will be absolutely imperative that BS Council accept their responsibility of keeping waterways in working order so as not to inundate surrounding properties and farmland. Any areas filled will cause more flooding - such as water banking up behind the railway line.

Also Mullumbimby infrastructure such as parking area in town is proving to be inadequate for the present population. Also any Buffer zones would need to be provided by any new zoning.

Yours faithfully.

Rosemary ARCHIBALD
 Kevin ARCHIBALD

From:
To: [submissions](#)
Subject: Rezoning and reclassification of lot 22
Date: Wednesday, 31 October 2018 10:28:21 PM

Isabelle Hawton

Planner

Environmental and Economic Planning

We at 131 Stuart Street Mullumbimby NSW 2482, are writing to you to object to Byron Shire Council trying to rezone Lot 22 to R1 from COMMUNITY to operational. This is our COMMUNITY LAND not land for Byron Shire Council to rezone, reclassify, sell and develop.

We have enjoyed many, many years playing sport at the MULLUMBIMBY RECREATION GROUNDS, from Hockey, Cricket, Soccer and more year of netball then we can count and all in a beautiful, tranquil rural setting away from the busy business hub. Now we have the COMMUNITY GARDENS, Tennis Courts, a Skate park and the Netball courts all modernised, and used daily by a big cross section of our COMMUNITY. Put a road through this land if Byron Shire Council is successful in rezone, reclassify, develop and sell Lot 22 will destroy the beauty and tranquillity of OUR COMMUNITY LAND.

Finally we have lived here for 58 years and on the 31st March 2017, we flooded for the first time, we had 5" of water under our house, we could not get our cars out of our driveway. If you rezone, reclassify and develop Lot 22, WHERE WILL THE WATER GO? We believe it will effect Stuart Street, Orchard Ave, Fern Street, Station Street, Myocum Street, Byron Street and Jubilee Ave in a very detrimental and costly way, at this present time this end of town cannot cope with continual rain and if Byron Shire Council rezone, reclassify and develop Lot 22, we fear next time will be a lot worse.

Thank you for reading our submission

Samuel Browning Kaylene Browning Karen Browning

From: .
To: [submissions; Cr. Simon Richardson \(Expired\)](#)
Subject: Lot 22 Mullumbimby
Date: Thursday, 8 November 2018 7:57:25 AM

Dear Simon and Council Staff

Thank you for your tireless efforts to improve housing affordability and maintain the character and environmental value of our shire.

The proposal for mixed and affordable eco housing on council land at Mullum is a much-needed and wonderful idea.

I hope that it will have a great mix of housing lots and sizes, sprinkles (rather than blocks) of social housing to avoid creating ghettos of disadvantage, lots of green space, gardens and nature, and lots of community amenity. It could be just amazing!!!!

It's always tricky not to have the vision eroded by the profit needs of developers. I hope this one can finally find the balance between space and development that everyone hopes for.

Simon, you have worked tirelessly and with great heart for the community. May this be a huge win for you and for us all.

Sarah

Sent from my iPhone

Submission

Name: Sophie Smith

Email:

BYRON SHIRE COUNCIL
DOC NO:
RECD: - 5 DEC 2018
FILE NO: F2622
ASSIGNEE: M. Chapman

Lot 22, Mullumbimby

In principle, it is great Council is thinking the site is developed for affordable housing. One of the most critical needs in Byron Shire.

I believe the development should be:

- a significant proportion (at least 30%) ~~should~~ ~~be~~ for ~~aff~~ rental housing that is for people on low + very low incomes.
- the land for affordable housing should be gifted to a local community housing association for use in generating income for more of the same type of housing.
This affordable housing primarily for elderly women.
- Any partnership with a private developer (PTO)

should ensure there is sympathetic design with the affordable housing part.

- The community housing provider should ensure they have adequate service MoU's with relevant support services.
- All drainage issues should be addressed.

J. Smith

30 Nov 2018

Submission

Name: Stephen Grant

Email:

BYRON SHIRE COUNCIL
DOC NO:
REC'D: - 5 DEC 2018
FILE NO: F2622
ASSIGNEE: M. Chapman

In favour providing

- 1) affordable housing element (circa 30%?)
- 2) green spaces
- 3) not ~~hang~~ like West Byron style development

From:
To: [submissions](#)
Subject: Regarding lot 22
Date: Thursday, 11 October 2018 7:23:09 AM

It appears ridiculous to build a housing estate on flood prone land.
C'mon people.
Back to the drawing board.
There must be a better way forward than this.

Stephen Whale
Icefight Northern Rivers

From:
Sent: Wednesday, 12 December 2018 10:09 AM
To: submissions
Subject: RE: Planning Proposal Lot 22 DP 1073165, Stuart Street, Mullumbimby

To Whom it may concern:

There was once a young school class who were asked by their teacher to choose a location near an established town to build a new village. They had a map of the established town and were going to draw the new village on the map. One student chose a location but before commencing drawing she put her hand up to seek approval from her teacher. The teacher looked closely at the map and said “where you want to put your village is on a low lying area right next to a creek which is affected by the tide, even though the ocean is a ten minute drive away. When it rains heavily for a long period of time, all that land fills up with water, especially so when the tide is high – that wouldn’t be a good place to live”. “Oh, ok”, said the young student, “I’ll look to put my village somewhere else”.

It should be as simple as that.

Yours faithfully,

Trent Morgan
Mullumbimby, NSW

From:
To: [submissions](#)
Subject: Lot 22
Date: Monday, 3 December 2018 3:49:50 PM

Dear Byron Shire Council,

I am writing to you in response to the Lot 22 Planning Proposal.

My key concerns are as follows:

1. I understand the need for additional affordable housing in Mullumbimby but the issue of the town's infrastructure needs to be addressed. A large increase in the local population of Mullumbimby might create even more severe congestion problems in the centre of town. Already, parking is difficult to find every day of the week during normal office hours and this is also the case on a Friday and Saturday night in town. As Mullumbimby acts as a hub for the population in the surrounding areas, the increase in overall population is already having an affect on the usability and amenity of what is a actually a very small town. Any increase to the population again may be more than the town centre can accommodate.
2. There are currently no decent parks or off-leash dog areas in Mullumbimby. The two or three children's playgrounds in central Mullumbimby (not Tallowood) are small and poorly maintained. The playground in Heritage Park is also in the middle of the only off-leash dog area in Mullumbimby. Having had both small children and dogs, this area has proven to be inadequate and presents a conflict of interests. Dog owners want to let their dogs run free but they then have to worry about their dogs interacting with very young children and also the proximity to the road. The space is narrow and mosquito infested and not a decent area to give your dog a good enough run. As a parent, sometimes dogs that may not be closely supervised are approaching your children while they are trying to play on the play equipment.
3. As the land is currently zoned 'Community' then this land should be used to benefit the community. A large off-leash dog area for locals to walk their dogs, without having to drive to Brunswick Heads, and a decent parkland with a few good playground areas would be a worthwhile addition to the township of Mullumbimby. A large park with a bike park and BBQ areas for picnics would be a welcome addition to the town. The public outdoor spaces in Mullumbimby are small and almost non-existent, so an opportunity to improve this community amenity would be most welcome.
4. Being severely flood-prone land, any housing would need to be built up and therefore would create a more imposing feeling than housing that could be built on ground level. This needs to be seriously considered if any housing is to be located on this site. However, it would be greatly preferable to see this land being used for the community at large rather than being privatised for residential purposes.

Thank you for taking into consideration my thoughts on this matter.

Kind regards,
Vanessa

Vanessa Yee
14 Station Street

1660 Coolamon Scenic Drive

Mullumbimby NSW 2483

19th November 2018

The General Manager

Byron Shire Council

Dear Sir

Submission: Rezoning of Lot 22 Stuart Street, Mullumbimby

I wish to support the rezoning concept plans that you have put forward for the abovementioned council owned property.

My interest stems from the fact that it was originally part of my farm and with my Lot 23 to the western boundary, means that we have overlapping considerations.

The billabong situated on Lot 22 against the railway line in flood events, travels to a point near the Community Gardens to Saltwater Creek through railway property. It then meanders around the 3.5 ha piece of Council owned land to then pass under a railway bridge to the corner of Lot 22. It then joins up with Kings Creek which parallels the railway line until it reaches a bridge in neighbour Maurie Mahers property. This bridge is very low and is the main cause for the build up of debris that turns the embankment into an artificial dam. I understand the water has actually crossed over the railway line, but the main problem is that the water backs up over the farm situated to the west, meeting the flood overflow coming from Mullumbimby Creek. The meeting of the two water flows then forces the flood excess to the north eventually increasing the water levels to Saltwater creek and the main river. This then contributes to an increase of flood levels throughout the whole of Mullumbimby and surrounds.

I feel the removal of a section of the railway embankment would deliver flood waters earlier and at a lower level, thus reducing the impact on the town and

PN: 239417

BYRON SHIRE COUNCIL
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ASSIGNEE: M. Chapman

surrounds. If ever the trains resume, the placing of spaced supporting columns would not only benefit the rail carriageway, but also allow free flow of flood waters in an area where the line has been washed away in previous years. Alternatively, a culvert of sufficient capacity should be placed in the railway embankment to allow free access through for flood waters.

In the billabong area, I suggest a shallow wide drain against the railway fence to the start of Kings Creek would remove flooding and allow the filling of the swales.

Neighbour Maurie Maher is in favour of breaching the railway embankment as he believes it will benefit his property and massively reduce the impact of flooding.

The catchment area stretches from Myocum to Montecollum and on to the range from which Boogarem Falls issues.

In a recent conversation with a member of the original Lavery family, he told me they would have to go to the railway line to force the cows to move to the forward section of the farm. They would then walk the railway line to McAuley's Lane to get back to their dairy where they milked up to 130 cows. He said in one part of the railway the back up water was 2.5metres deep yet on the eastern side of the embankment in his Uncle Bob Lavery's property it was 0.5metres deep. (now Stenning property).

A lot of attention has been focused on solving flood problems close to town, when the real attention should be concentrated at the railway on the Maher farm.

The free flowing water would allow you to widen the waterways on the eastern end of Lot 22 with the excavation material being used to fill along the fence line rendering the land operational for more affordable housing. This action, applied to my Lot 23 would achieve the same results.

I hope this information assists you with your ongoing planning, as I have been given to understand that the area mainly referred to has not been in your flood studies.

Yours sincerely

 (Wes)

Wesley Arthur.

From:
To: [submissions](#)
Cc: [1](#)
Subject: Lot 22 access road
Date: Tuesday, 11 December 2018 1:46:02 PM

As a resident of Stuart St I would like to request that any development of Lot 22 consider access by roadways other than Stuart St.

The High School is currently directly on Jubilee Ave which is the Southern access to Mullumbimby.

My suggestion would be to have the entrance to Lot 22 from Jubilee Ave via a roundabout which would also divert through traffic away from the High school.

Any means to reduce traffic through the residential section of Stuart St will be much appreciated by residents.

Best Regards
Will B. Stanton

137 Stuart St.,
Mullumbimby
NSW 2482
AUSTRALIA

BYRON SHIRE COUNCIL

DOC NO:

REC'D: - 5 DEC 2018

FILE NO: F2622

ASSIGNEE: M. Chapman

Submission

Name:

'YDO' MILES

Email:

YDO is a local aboriginal man who is currently living on the street and waiting for housing. He is very supportive of the idea and says that more and more people are living rough on the streets.

From:
Sent: Friday, 1 February 2019 12:58 PM
To: Daniels, Steve
Subject: Submission Lot 22 rezoning

Attention: Steve Daniels, Byron Shire Council

Re: Submission Rezoning Lot 22 – alternate housing sites available on Rail lands

Lot 22 was earmarked for sport and recreation and must be retained for future use. A far more appropriate location for an affordable Over 55 mobile home estate is on railway land along Prince St (particularly the block next to Carlsberg Motors, opposite Woolworths and down past the Station Platform/kids playground). The land is open and cleared along the rail buffer zone, with easy access to power, water & sewer connections, close to town and services, reducing the need for cars. This side of the track is within the residential zoning and is inappropriate for commercial development.

Unfortunately, NSW Transport is more interested in promoting commercial development along rail lines, but the need for affordable housing far out-weights the need for additional commercial space in Mullumbimby.

We encourage cluster housing, 10-15 homes in each community, targeting different cohorts or needs, (from students/youth, families, retirees, special needs, gardeners, musicians, dog people etc.) to optimise affordability and sociability for tenants and minimise impacts on neighbourhoods. Several small projects can be set up at the same time, operating under existing mobile park regulations and overseen by community housing so they will remain as affordable rental properties.

Let's start by looking after our older residents and use the rail buffer zone to promote the amazing array of "mobile" dwellings available within an affordable price range in our Shire.

Michele Grant

Bruns Community Care Council Inc.