



Byron Shire Council

Public Hearing Report

Proposed Reclassification

Lot 22 DP 1073165

156 Stuart Street, Mullumbimby

15 February 2019

# localé consulting

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# 1. Introduction

## 1.1 Purpose of this Report

The purpose of this report is to provide a record of the public hearing undertaken in association with the proposed reclassification of a parcel of Council owned land under the proposed amendment of the *Byron Local Environmental Plan 2014 (BLEP 2014)*. This is part of the land known as Lot 22 DP 1073165, 156 Stuart Street Mullumbimby (**the land**).

This report has been prepared by Emma Broomfield, Director of Locale Consulting, who was the independent chair of the Public Hearing (**the hearing**). Emma was assisted with the administration of the hearing, including taking notes of the oral submissions, by Steve Thompson and Lelia Kamphorst also of Locale Consulting.

## 1.2 Legislative Context

All Council owned land must be classified as either “community” or “operational” land under sections 25 and 26 of the *Local Government Act 1993 (LG Act)*. Generally speaking, “community” land is managed by Council for the benefit of the community, consistent with a number of community land categories. “Operational” land owned by Council is more akin to normal land ownership, where land can be sold, leased or used by Council like a private landowner.

Where a Council seeks to “reclassify” land, a public hearing is required under section 29 of the LG Act. In this instance, Council is seeking to reclassify the land as it was identified through the findings of Council’s *Open Space and Recreation Needs Assessment and Action Plan (2017 – 2036) (Open Space Study)* as being surplus to its recreational land needs.

In summary, the Open Space Study concluded that “*Mullumbimby is well supplied with open space for recreation purposes now and into the future*” and “*as such, it is recommended that Council consider rezoning Lot 22 DP 1073165, excluding the section currently developed as the community garden which should remain RE1.*”

At the same time as undertaking the Open Space Study, Council has identified the land for investigation as a potential site for affordable housing, with the rezoning and reclassification of the land being pursued to facilitate this future use.

The process of reclassification is in accordance with section 27(1) of the LG Act, which outlines that reclassification of land can be undertaken through amendment to the relevant local environmental plan - in this instance being BLEP 2014.

## 2. Subject Land

Council proposes to rezone and reclassify a single parcel of public land on the southern edge of Mullumbimby township. The site is known as Lot 22 DP 1073165, 156 Stuart Street, Mullumbimby or as the Mullumbimby Sportsground.

Council proposes to rezone and reclassify part of the site, being approximately 22 hectares, (as shown in the green the Figure 1 below) under the planning proposal.



The site is currently classified as "community" land under the LG Act and its use is governed by the *Plan of Management Community Land Mullumbimby Sports Fields*. The site currently has three categories, being general community use, sportsground and natural area – water course.

Council proposes to reclassify part of the site from "community" to "operational" land under the LG Act (as shown in green in Figure 1 above). As in section 2 above, Council has determined that the land is currently surplus to its recreational land needs.

At the same time, Council proposes to rezone part of the site from RE1 (Public Recreation) to R1 (General Residential) under the BLEP 2014 to enable future housing on the land. Council's stated intention is to provide "diverse and accessible housing" on the land.

### 3. Public Hearing Format and Process

The public hearing was undertaken in respect of the reclassification as follows:

Public Hearing  
Held from 5:30pm on Wednesday, 6 February 2019  
Byron Shire Council Chambers  
70 Station Street, Mullumbimby

Council gave notice of the public hearing:

- in the Byron Shire Echo on 18 December 2018, 16 January 2019 and 23 January 2019;
- on Council's website; and
- on Council's Facebook page.

Emma Broomfield, Director of Locale Consulting, was appointed by Council as the independent Chair. Emma was assisted at the hearing by Steve Thompson, Director of Local Consulting and Lelia Kamphorst, Consultant of Locale Consulting which included registration of speakers and attendees and taking notes of the oral submissions.

A total of four staff members from Council were also present in an observing capacity and to assist with administration of the hearing. This included:

- Steve Daniels, Planner;
- Isabelle Hawton, Planner;
- Sharon French, Manager – Environment and Economic Planning; and
- Shannon Burt, Director – Sustainable Environment and Economy.

Whilst it was initially advised by Council staff that current Councillors would not be present due to conflicting activities, two current Councillors were present for all or part of the hearing.

Residents were requested to register to speak in advance of the hearing by contacting Council. Where residents were registered to speak, they were provided with the Guidelines for Speakers which is included in this report as Attachment A. The Guidelines included a 5-minute time limit per speaker.

Upon arrival, residents were asked if they were registered to speak or attending to observe the hearing. Where they were not registered to speak, residents were given another opportunity to register to speak. Where residents did so, they were provided with the Guidelines for Speakers at the hearing.

Before the formal start of the hearing, the Chair made a final call for residents to register to speak and noted that only those that were registered would be able to make an oral submission.

The hearing was then conducted in accordance with the following format:

- Welcome and introduction by the Chair;
- Reclassification overview by Steve Thompson;
- Oral submissions by registered speakers; and
- Overview of next steps by the Chair.

As part of the welcome and introduction, the Chair identified the need for, and purpose of, the hearing as well as the expectations for registered speakers and attendees. The Chair noted her independent role and introduced Locale Consulting and Council staff present at the hearing.

The Chair advised that the hearing was been recorded by audio for record purposes, and that whilst media was welcome to attend, there was to be strictly no video filming of the hearing (including by mobile phone) or any other video equipment brought into the hearing. The Chair also noted that any person who attempted to bring filming equipment into the hearing or take footage during the hearing would be asked to leave. And if a person did not leave when asked or was disruptive, then the hearing would have to be shut down until the issue was resolved.

Steve Thompson of Locale Consulting then provided an overview of the proposed reclassification including identifying the site and the land Council proposes to reclassify. The presentation also identified the reasons why Council wishes to reclassify the land as well as the current and proposed planning controls for the site. A copy of the presentation is provided at Attachment B.

The Chair then called upon registered speakers to make their oral submissions and reminded speakers of the guidelines including the 5 minute time limit.

After the oral submissions, the Chair concluded the hearing by thanking the speakers and attendees, and by providing an overview of the next steps.

## 4. Attendees and oral submissions

### 4.1 Summary of attendees and submissions

A total of approximately 52 community members attended the hearing, in addition to two current Councillors. A full list of attendees has been provided to Council for their record purposes.

An additional 16 members of the public formally registered in advance of the hearing to make an oral submission with a further three registering to speak on the night. All registered speakers were given a copy of the Guidelines for Speakers which is included as Attachment A.

Most spoke as individual residents unless otherwise indicated as follows:

- Mathew O'reilly - speaking on behalf of the Community Alliance for Byron Shire
- Kelly Reifer
- Maximo Bottaro – speaking on behalf of Reforest Now
- Susan Skyvington
- David Bradbury
- David Brown
- Len Bates – speaking on behalf of Mullumbimby Residents Association
- Karl Allen
- Matthew Lambourne
- Christine Schliebs
- Andrew Crockett
- Morrie Maher – speaking on behalf of himself and Rhonda Maher
- Debra Lilly
- Sandra Kessler - speaking on behalf of Mullumbimby Residents Association
- Camilla Peters-Quayle
- Steve Bellerby
- Malcolm Price – Michael Murray speaking on behalf of Malcolm Price
- Sue Francis
- John Dunn

Others were also afforded the opportunity to provide questions at the end of the hearing to be passed onto Council via the Chair and two made use of this opportunity. The issues and the specific matters of interest that were raised are identified in the following sections.

Registered speakers were also given the opportunity to provide a written copy of their submission to the Chair, many of which did so during or after the hearing.

In addition, one further written submission was given to Council after the hearing by a resident who had registered to speak but was unable to do so on the night.



## **4.2 Submissions and Specific Questions**

As outlined above, there was in total 19 oral submissions from members of the public at the hearing plus one additional written submission following the hearing. A summarised record of speakers' presentations is provided in Attachment C in Table 1. The summary is not a verbatim account of presentations. An audio recording of the hearing is available for Councillors should they wish to hear the full submission. The visual material presented at the hearing is also not included in this report, but should be made available to Councillors when the matter is reported for decision.

In addition, at the end of the hearing two individuals indicated a desire to submit questions over and above issues raised by speakers for Council's attention. One of the individuals preferred to submit their questions directly to Council. Another attendee also used the opportunity to submit information. A summary of the questions / comments is provided in Attachment C in Table 2.

## **4.3 Summary of issues and areas of interest**

In summary, the proposed reclassification of the site was of great concern to many of those who made a submission to the hearing. These concerns were around three core areas:

1. The suitability of the site for residential development given the history of flooding of the land and broader area;
2. The loss of recreational land and open space in the Mullumbimby township; and
3. The lack of strategic planning around the land and the broader Mullumbimby area.

At the same time, most submissions were either supportive of, or sympathetic to, the need for affordable housing within the Byron Shire, with several speaking specifically in support of the affordable housing proposal from a social and economic perspective.

A summary of these core issues is provided below.

### **4.3.1 Suitability of the site for residential development - flooding**

Most speakers raised the issue of flooding in the area and on the subject site. Many queried the validity and accuracy of the flood study prepared in relation to the proposal. Particular concern was raised in relation to the modelling not reflecting local lived experience and observation of flooding in the area. Others raised concerns that it did not reflect the severity of future impacts in relation to climate change, especially in light of the declared state of climate emergency by the Council and likely sea level rise.

There was a sense for many at the hearing that to proceed with the rezoning and reclassification of the land without a more comprehensive flood engineering study would be pre-emptive.

Some speakers made the case that appropriate site specific planning at the development stage could address and manage flood risk. It was also highlighted that planning over a larger area (such as the subject site and adjoining land earmarked for residential development) could allow issues such as flooding and transport to be dealt with on a broader scale.

Flood planning and management for Mullumbimby more broadly was raised as an issue and a need for action regardless of the outcome of the proposal. Some speakers maintained that the development could be an opportunity to improve flood management and flow of water in the area.

Many raised specific issues regarding existing infrastructure of walls, bridges, roads and fill as well as invasive vegetation in creek lines affecting water movement in the area which should be dealt with now. There was concern that these existing issues could be exacerbated by development at the site with additional impacts on surrounding areas.

Many referenced the SES report and position about the development of the site as well as the fact that they were unable to reach the town during the 2017 floods. Many were concerned about safe evacuation in the event of flooding.

There was concern about the risk to future residents of any development as well as access to insurance associated with development on a floodplain. Several speakers raised the risk of uninsurable dwellings being built on the land and potential liability to Council which could be passed on to rate payers.

The question was raised whether such development would be considered if Council did not own the land and the development was being pursued privately.

Overall, the suitability of the site for residential development given the history of flooding of the subject site and broader area was the key focus of most of the submissions to the hearing.

#### **4.3.2 Loss of recreational land and open space in Mullumbimby**

The current zoning and recreational use of the subject site was raised by numerous speakers.

Many spoke to the value of the current and future recreational use of the land for all residents as open, green space to meet future needs of a growing population. Many also maintained that the current use of subject site for public recreation in the Open Space Study had been understated. It was argued that the future needs of a growing population are unknown and that the land is well located within walking and cycling distance of many residents for recreational use. Specific impacts regarding sporting clubs and the high school were also raised.

The loss of this recreational land and open space in the Mullumbimby township was a key concern and several speakers objected to the reclassification of the land for this reason.

Some other speakers felt that the Open Space Study assessment was accurate or that multiple needs could be met through appropriate master planning and design of the site moving forward.

### **4.3.3 Lack of strategic planning around subject site**

Several speakers raised concern with the apparent lack of strategic focus for the broader Mullumbimby area and how this proposal fits within that framework.

Four properties identified for potential future residential use by Council's Draft Residential Strategy were mentioned in relation to the unknown cumulative impact of these proposals. Given the land subject to the current proposed reclassification was seen as being one of, and integral to, these potential future residential areas, overall master planning and design outcomes were sought across them all to better understand how issues such as flooding and access can be better managed into the future.

Some speakers also queried whether enough consideration had been given to potential impacts on surrounding areas in regard to stress on infrastructure, traffic, car parking access and flooding.

There was support for the proposal to fit within a wider strategic approach for the area and for Council to take a bigger picture and considered approach to planning for Mullumbimby as a whole.

### **4.3.4 Affordable housing**

Many speakers referred to the intent of providing affordable housing on the subject site and expressly stated that they were not opposed to the concept. Several spoke specifically in support of the affordable housing proposal from a social and economic perspective, and the need for Council to address this issue within the community.

While all generally supported and acknowledged the need to provide accessible housing in what was widely recognised as a high cost rental and housing market, the appropriateness of the site for this purpose was questioned by many. The flood liable nature of the land and the current or potential future usage for recreation made it a poor choice in the eyes of many at the hearing.

Others argued that any suitability issues associated with the site could be overcome through innovative and progressive design and the known and recognised need in the community was reason to continue.

Suggestions for Council to encourage affordable housing in the north of Mullumbimby where there is available private land at higher elevations was matched with observations regarding the difficulty of finding suitable or available land for this type of affordable housing development, and that the opportunity exists due to Council's land ownership.

## 5. General Comments and Outcomes

Based on the undertaking of the public hearing and review of submissions made, along with review of the information exhibited in relation to the proposed reclassification, the following observations are highlighted:

- The main issue raised in the hearing was whether the land was suitable for residential development, particularly affordable or accessible housing which is likely to be occupied by vulnerable members of the community, when the land and its surrounds have a history of flooding.
- The crux of the matter is that whilst people were generally supportive of the need for more affordable or accessible housing in the Byron Shire, most people felt this was the wrong location for two main reasons – the nature of the land with respect to its susceptibility to flood impacts and the loss of recreational space for the community.
- Many queried the accuracy of the flooding modelling used to support the planning proposal and were concerned about the safety of future residents in the event of future floods.
- There was also recognition from some that the site provides for unique opportunities, and that should it be looked at in the broader framework of adjoining land, then opportunities to meet the competing needs of the community may be possible within the known constraints of the site.

Given the significance of reclassification from “community” to “operational” under the LG Act 1993 and the concerns that have been raised at the hearing, it is recommended that Council consider not proceeding further with the proposal to reclassify the land until:

- the flood modelling and associated impacts have been reviewed in light of the information that was provided at the hearing, and through submissions to the exhibition of the planning proposal, including being independently peer reviewed; and
- Council has established a process for considering the broader strategic planning issues that are apparent through the proposed creation of the South Mullumbimby Accessible Housing Precinct in the draft Residential Strategy and related planning activities.

## **ATTACHMENT A: Guidelines for speakers**

# Guidelines for speakers

**Byron Shire Council**

**Lot 22 DP 1073165**

## **Land Reclassification Public Hearing**

Thank you for registering to speak at the public hearing about the proposed reclassification of Lot 22 DP 1073165.

Council has a statutory obligation under the *Local Government Act* 1993 to hold the hearing so that the community's views are heard about the proposal to reclassify the land. It is a requirement that the hearing be chaired by an independent person.

Emma Broomfield of Locale Consulting has been appointed as the independent chair, with Steve Thompson of Locale Consulting assisting with the administration of the hearing.

So that the hearing runs smoothly, the following guidelines have been set by the Chair for residents wishing to speak at the hearing:

- o You must register to speak at the hearing – either in advance or on the night
- o You should state your interest in the proposal (eg: live next door to the site)
- o You should state whether you are speaking in a personal capacity or as a representative of a broader group
- o Where you agree with a previous speaker on a point, you should state this rather than repeat the same point
- o You must refrain from making offensive, threatening or defamatory comments
- o You will have 5 minutes to share your views about the proposal
- o You will be given a warning bell at the 4 minute mark, with a final bell given at 5 minutes

If you wish to speak to any visual material (such as photographs), you must give an electronic copy to Council by 4.00pm Tuesday, 5 February 2019 as well as a hard copy to the Chair at the hearing.

Where possible, a full copy of the speech/presentation made by you at the public hearing should be given to the Chair after the hearing, for record purposes.

The general running of the public hearing will be within the discretion of the Chair including to:

- o Stop a person from speaking if he or she is making offensive, threatening or defamatory statements
- o Permit the substitution of speakers
- o Grant additional time for a speaker
- o Grant a late application to speak

## **ATTACHMENT B: Public Hearing Presentation**



**Reclassification of Lot 22 DP 1073165**  
**Stuart Street, Mullumbimby**

**Public Hearing**  
6 February 2019

1

Welcome and Introduction



2



## What is the purpose of the public hearing?

- / Where Council proposes to reclassify land as part of a rezoning, Council has a statutory obligation to arrange a public hearing before making a decision
- / The public hearing must be chaired by an independent person
- / The purpose of the public hearing is to provide an independent process to hear and capture any community views about the proposed *reclassification*
- / Hearing and capturing community views to help inform Council's decision



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## Reclassification Overview



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## Where is the land?

- / Southern edge of Mullumbimby township
- / Land known as Lot 22 DP 1073165



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## What land will be reclassified?

- / Only part of the land will be reclassified (22 of 29.2 Ha)
- / The planning proposal excludes (approx. areas):
  - 3.5Ha east of the railway line
  - 2.7Ha at the northern edge occupied by the Mullumbimby Community Gardens
  - A small freshwater wetland adjacent to the rail line (0.55Ha)
  - A strip along Saltwater Creek that is a Deferred Matter and subject to Byron LEP 1988 (0.45Ha)
  - Unmade road connections to Mullumbimby via Stuart Street and Byron Street.



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## Why is reclassification being considered?

- / Two key issues have been progressed concurrently by Council since 2017:
  - Open Space Strategy - which identified Lot 22 as being surplus to Council's needs and which has recently been finalised and endorsed
  - Site identification for affordable housing - which focused on Lot 22 and has resulted in submission of the Planning Proposal
- / Council's desire to enable future residential development / affordable housing has necessitated rezoning and reclassification of the site



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## What is the current classification and categorisation of the land?

- / The land is currently classified as "community" under the *Local Government Act 1993*
- / The use of the land governed by the *Plan of Management Community Land Mullumbimby Sports Fields*
- / The land is categorised as:
  - General community use
  - Sportsgrounds
  - Natural Area - Water Course



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## Why does Council want the classification to change?

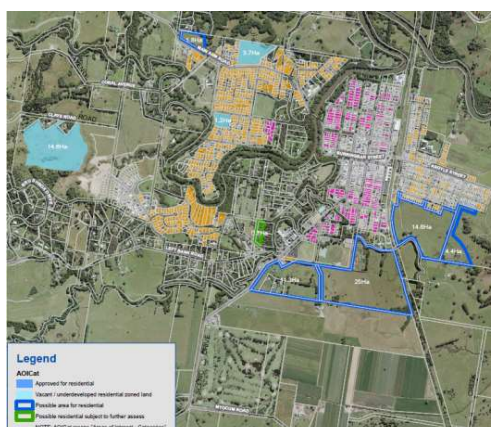
- ✓ To reflect proposed changes to the zone and subsequent land use, Council proposes to reclassify part of site to “operational” under the *Local Government Act 1993*
  - ✓ Council has also identified the site as an opportunity for affordable housing and is of the view that under the current classification, there is no capacity to do so
  - ✓ The current classification of “community” restricts the use and tenure of the land
  - ✓ Reclassification to “operational” would enable Council to lease and/or sell the site
- 



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## How the site sits within the context of future housing needs?

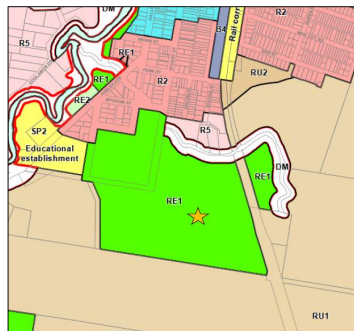
- ✓ The site forms part of a proposed South Mullumbimby Accessible Housing Precinct as identified in the *Draft Residential Housing Strategy* endorsed by Council in December 2018.



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## What are the existing planning controls for the site?

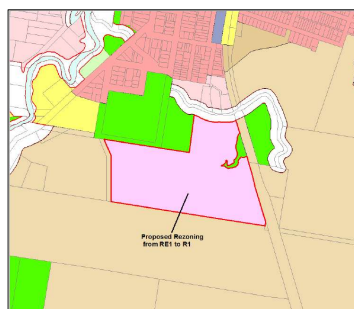
- / Mostly zoned RE1 – Public Recreation
- / Height limit of 9 metres
- / No FSR or minimum lot size controls



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## What are the proposed planning controls for the site?

- / New zone - R1 General Residential
- / Height limit of 9 metres and no FSR controls
- / Minimum lot size = 200m<sup>2</sup>



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## What are the proposed planning controls for the site?

- / New clause in LEP 2014 to encourage diverse housing on the site – applies to DAs with 4+ dwellings:
- / At least 25% one bedrooms and 50% two bedrooms
- / No more than 25% three+ bedrooms



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## Oral submissions by registered speakers



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## Next steps



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## What is the process from here?

- / Council will make the report on the public hearing available to the public within 4 days of receiving the report from the independent chairperson
- / In making a decision to rezone and reclassify the site, Council will consider:
  - the public hearing report
  - submissions (public & agency) on the planning proposal and open space study
  - technical advice / site specific studies – this may entail identifying where further information is required



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## How will Council progress if the land is reclassified and rezoned?

- / Council will work with the community as it progresses through the project stages, including:
  - a masterplan
  - detailed design aspects such as flooding, access, open space and built form
  - development application & assessment



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Thank you for attending



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## **ATTACHMENT C: Public Hearing Speaker Summaries and Questions**

**Table 1 Speaker Summaries for the Public Hearing 6/2/2019**

<b>Speaker</b>	<b>Issues / Concerns Raised</b>
Mathew O'reilly	<ul style="list-style-type: none"><li>• Spoke on behalf of the Community Alliance for Byron Shire (CABs)</li><li>• CABs understands the need for affordable housing and work to maintain the community charter for good planning</li><li>• Concern with apparent lack of strategic focus for broader Mullumbimby with four other large properties to be rezoned and no consistent approach, in particular an 'ad-hoc' approach to the cumulative impact of all areas to be rezoned</li><li>• Supports a bigger picture strategic approach</li><li>• Suggestion that due to ownership of site, Council's Social Impact Assessment Policy and Affordable Housing on Council Owned Land Policy is not being followed</li><li>• Queried the validity and accuracy of flood study which was prepared with the planning proposal. Study requires upstream dam to work while recent flooding shows this does not have the desired impact. Numerous retention basins required</li><li>• Council is redoing flood study, to progress before completion and consideration of the revised flood study would be pre-emptive</li><li>• An engineering solution to reduce the existing flood risk to Mullumbimby township could be possible with Council support</li><li>• Noted that Mullumbimby is already the largest area for future housing contribution in the area – this is supported but there needs to be a solution to the flooding</li><li>• Council and the other surrounding landowners with rezoning potential should all contribute to a comprehensive new flood study for the area surrounding Mullumbimby to the south and east</li><li>• Study should consider the confluence of the various creeks, drainage basins and Brunswick River</li><li>• Council should also consider a bypass road from corner of Manns Road to corner of Left Bank Road</li></ul>
Kelly Reifer	<ul style="list-style-type: none"><li>• Works in a volunteer capacity with Social Habitat Housing</li><li>• Strongly supports the opportunity for affordable housing and the proposed reclassification of the land</li><li>• Speaking as a young mother with friends who could not attend due to family commitments</li><li>• People have left the area due to unaffordability of housing</li><li>• Rental market lacks security and certainty</li><li>• Personal experience of the vulnerability of tenants in the rental market, 7 months at current lease is longest in 3 years</li><li>• Not referring to social housing but affordable housing, employed in the corporate sector but the local market requires big incomes</li><li>• Housing associated with a secure tenure model would have an impact</li><li>• Future development opportunities of the site are exciting and could be sustainable and innovative. Possible to restore the wetland, use gate free design, create positive environmental impact in a community precinct</li></ul>

**Table 1 Speaker Summaries for the Public Hearing 6/2/2019**

<b>Speaker</b>	<b>Issues / Concerns Raised</b>
	<ul style="list-style-type: none"><li>• Option for not for profits to be involved in delivery</li><li>• Community can be open to possibilities and plan to ensure vision is realised</li><li>• Future development can be controlled by strict planning controls to ensure these outcomes are achieved</li></ul>
Maximo Bottaro	<ul style="list-style-type: none"><li>• Speaking on behalf of Reforest Now</li><li>• Support for previous speaker (Kelly Reifer) as a young person also paying the equivalent of a mortgage in rent</li><li>• Raised generation differences in home ownership and the housing market and need for affordable options</li><li>• Lived in Byron area for 14 years and no-one in his generation owns a home</li><li>• Referenced the process and body of work required for a proposal such as this to reach this point, considering the risk averse nature of the Council</li><li>• Reforest Now can support the proposal through its nursery based at the community gardens adjacent to the site and is already working with three councils</li><li>• Could plant in the "pink and green" areas as indicated in the proposal maps</li><li>• Their planting work is already supported and helped in funding by the community and additional funds could be sourced to reforest the area</li><li>• Could supply all the rainforest trees for the area over 3-5 years and work with others in rehabilitation of the wetland</li></ul>
Susan Skyvington	<ul style="list-style-type: none"><li>• 27 years as resident-owner in Byron Shire, 12 years in Dalley Street Mullumbimby</li><li>• Member of Mullumbimby Residents Association, but speaking as an individual</li><li>• Noted the incongruity as Council declared state of climate emergency the same week as proposed rezoning of the subject site – which is a flood prone area"</li><li>• Queried the validity and accuracy of flood study which was prepared with the planning proposal. Site is not just flood prone but is a flood channel and claims of flood mitigation are incorrect and unsubstantiated</li><li>• Need a full comprehensive risk assessment of the resilience of the area</li><li>• Council is redoing flood study - to progress before completion and consideration of the revised flood study would be pre-emptive</li><li>• Examples in QLD of setting floodplain resilience targets as gateways to development applications – should be applied here – referenced the <i>Planning for Stronger, more resilient floodplains</i> document issued by the Queensland Reconstruction Authority)</li><li>• Concern at risk to residents as well as insurance associated with development on flood plains</li><li>• Risk of uninsurable dwellings being built on the site and liability to council which would be passed onto rate payers</li><li>• Example of insurance payouts of \$1.2 billion due to extreme weather events in Australia in 2018</li></ul>

**Table 1 Speaker Summaries for the Public Hearing 6/2/2019**

<b>Speaker</b>	<b>Issues / Concerns Raised</b>
	<ul style="list-style-type: none"><li>• Affordable housing is being used as an excuse for ad hoc planning – development at 116 Stuart Street not delivered on promise of affordable housing</li><li>• Raised the SES report and position as well as that during the 2017 floods the SES was unable to access Mullumbimby</li><li>• Showed photos from 2017 flood event including flooding in the Mullumbimby township, photos of Station/Mills Street after heavy downpour in October 2017 and around/across the subject site after rain in October 2018</li><li>• Concern about fill to be used on site and potential inundation of existing properties in surrounding streets in the event of future flooding</li><li>• Concern about lack of infrastructure to support development</li></ul>
David Bradbury	<ul style="list-style-type: none"><li>• Spoke in capacity as father, resident and ratepayer</li><li>• Expressed support for earlier speaker (Kelly Reifer)</li><li>• Agreed with necessity of affordable housing, just not at subject site</li><li>• Value of current and future recreational use of site for families and kids. Examples of use of soccer fields at Pine St as well as the tennis and netball</li><li>• Concern at risk to residents as well as insurance associated with development on flood plains</li><li>• Risk of uninsurable dwellings being built on the site and liability to council which would be passed onto rate payers</li><li>• Presented video featuring Morrie Maher (neighbouring landholder) exploring local flood knowledge and inundation history on and around the site</li><li>• Queried the validity and accuracy of flood study which was prepared with the planning proposal</li></ul>
David Brown	<ul style="list-style-type: none"><li>• Member of Mullumbimby Master Planning Group and previous 50 year career in architecture, with recent focus on “accessible housing”</li><li>• Need to pay attention to housing our community’s most disadvantaged</li><li>• Council should be applauded not condemned</li><li>• Future development of the site an issue of fairness, equity and accessibility</li><li>• Council has created an opportunity for adjoining neighbours to think and act together – once in a life time opportunity to meet the future needs of the community</li><li>• Highlighted the opportunity associated with planning over a larger area such as the subject site which allows issues such as flooding and transport to be dealt with on a broader scale and wholistic way</li><li>• Opportunity for innovative and sustainable design, multiple owner models – to break away from outdated 20<sup>th</sup> century cookie cutter development models</li><li>• Process will require commercial and urban visioning skills, collective goodwill from community and a clear, broader vision to succeed</li><li>• Supports a bigger picture approach</li></ul>

**Table 1 Speaker Summaries for the Public Hearing 6/2/2019**

<b>Speaker</b>	<b>Issues / Concerns Raised</b>
Len Bates	<ul style="list-style-type: none"><li>• Speaking on behalf of Mullumbimby Residents Association</li><li>• Resident of Stuart St which has flooded even though it is one of the highest places, but Mullumbimby is only 2-3m above sea level</li><li>• Saltwater Creek is tidal and will be affected with climate change</li><li>• Previous owners knew the land was flood liable that's why they didn't build or develop</li><li>• Referred to the Geolink report findings of a clay bed under site making it swampy and boggy</li><li>• Raised the SES report and position as well as that during the 2017 floods the SES was unable to access Mullumbimby as well as issues with flood warnings</li><li>• Due to flood plain nature, observed that subject site is not the place to put small houses on stilts</li><li>• Need engineering based flood study of the area including how it will affect the rest of town</li><li>• The site is not a place to build small little houses – it is a dangerous area</li><li>• The area is also wet and damp – concerned about stagnant water and mosquitos</li><li>• Suggestion to put affordable housing in the north of Mullumbimby where there is available private land and higher elevation</li><li>• Should not proceed without peer reviewed flood study</li></ul>
Karl Allen	<ul style="list-style-type: none"><li>• Lives not far from site in Stuart St</li><li>• Author of paper endorsed by the Mullumbimby Residents Association</li><li>• Queried whether the advertising associated with this process was misleading and done in accordance with <i>Public Land Management Practice Note 1- "Lot 22"</i> does not provide any context or information</li><li>• Raised the tidal nature of Saltwater Creek and associated long term impacts of climate change – tidal nature of creek confirmed in Fitzgerald ecological study</li><li>• Queried the validity and accuracy of flood study which was prepared with the planning proposal. The site was inundated in 2017 yet modelling is incorrect and does not reflect this, even under more adverse models. Study wrongly claims that the site would not be inundated in a 1 in 100 year flood</li><li>• The sea level rise in the flood study may be an underestimate and not properly considered by Council for the site</li><li>• Fill in the area has already exacerbated the issue of flooding in the area and should not be permitted to be brought onsite as part of future development (as recommended in Geotech report)</li><li>• Cumulative impacts of filling and excavating flood prone land needs to be modelled as per the <i>Floodplain Development Manual 2005</i></li><li>• Concern about minor flooding of proposed access road to the site and SES comments on early isolation of the site in a flood event and risk to safe evacuation of residents</li></ul>

**Table 1 Speaker Summaries for the Public Hearing 6/2/2019**

Speaker	Issues / Concerns Raised
	<ul style="list-style-type: none"> <li>• Raised the inconsistency of the proposal with relevant Ministerial Direction on Flood Prone Land regarding rezoning of flood prone land from recreation to residential</li> <li>• Any proposal for the site should await the revision of the <i>North Byron Floodplain Risk Management Study and Action Plan</i></li> <li>• Effect of development on the subject site needs to be examined regarding impacts on adjoining roads and flooding in the broader area</li> <li>• Access to the site needs to be resolved now – both negotiations with adjoining neighbour to secure access and the flooding of any access roads</li> <li>• Wants <i>Mullumbimby Settlement Strategy 2003</i> to be upheld – no development and filling of flood prone land</li> <li>• Acknowledges cost implications of not using fill for development and implications for affordability, but would be inappropriate</li> <li>• Questioned whether council has complied with the conditions of the gateway determination in respect to removing references to affordable housing</li> </ul>
Matthew Lambourne	<ul style="list-style-type: none"> <li>• Long term resident and ratepayer of Mullumbimby</li> <li>• Part of the Flood plain Management Committee of Byron</li> <li>• Understands the intent for diverse housing options</li> <li>• Objects to proposed rezoning as site is flood liable and will remain that way in the future (even if filled) due to rising sea levels and increasing rainfall intensities</li> <li>• Proposal is not sustainable development and against Ministerial Direction on rezoning flood liable land</li> <li>• Queried the validity and accuracy of flood study which was prepared with the planning proposal. 1:100 year flood modelling does not take climate change, rising sea levels or increases in rainfall intensity into account. 1:5 year flood still puts all access roads to the subject site underwater</li> <li>• Built up access road options for the site would only allow exit as far as Wes Arthur's Hill</li> <li>• Raised the SES report and position as well as that during the 2017 floods the SES was unable to access Mullumbimby</li> <li>• Raised concern at combination of affordable housing intent and flooding risks means housing which places members of society most at risk in emergency scenarios in inaccessible location.</li> <li>• Site under flood condition creates three islands with no safe access or evacuation points</li> <li>• Agreed with necessity of affordable housing just not at subject site</li> <li>• Raised question whether such development would be considered if Council did not own the land</li> <li>• Noted the incongruity of Council declared state of climate emergency while proposing the reclassification of the subject area as an area to be impacted</li> <li>• The land should be used for an appropriate purpose such as sporting fields</li> </ul>

**Table 1 Speaker Summaries for the Public Hearing 6/2/2019**

<b>Speaker</b>	<b>Issues / Concerns Raised</b>
Christine Schliebs	<ul style="list-style-type: none"><li>• Resident of Oleander St for 25 years, Saltwater Creek is front yard</li><li>• Value of current and future recreational use of site for all residents as green space to meet future needs of a growing population. Current use of subject site for public recreation as per report has been understated</li><li>• Queried the validity and accuracy of flood study which was prepared with the planning proposal. Under estimated impact of redistribution of water in system due to invasive vegetation build up in Saltwater Creek. Presented supporting photos showing vegetation in the creek particularly behind the Historical Museum and tennis grounds area</li><li>• Raised the SES report and position as well as that during the 2017 floods the SES was unable to access Mullumbimby and are against the rezoning. Current national example of occurring in Townsville</li><li>• Wrong place for this kind of development</li><li>• Raised flood management of surrounding area in particular Saltwater Creek and along railway line with suggestions for clean-up of waterways to minimise risk and not add to it through inappropriate development. Has previously contacted council regarding this matter</li><li>• No development or rezoning should be done by Council until flooding issue is addressed so community can feel safe</li></ul>
Andrew Crockett	<ul style="list-style-type: none"><li>• Resident of Jubilee Avenue and long-term resident of Mullumbimby</li><li>• Raised question whether such development would be considered if council did not own the land and the development indicated was being pursued privately</li><li>• Old residents and previous owners knew the land and didn't develop it because they knew the flooding situation. Wes Arthur would have developed it if he could</li><li>• Was a resident during the 1987 and 2017 floods</li><li>• Issues of insurance in flood zones – gave an example of home that is uninsurable with only available insurance extremely expensive</li><li>• Concern at risk to residents as well as insurance associated with development on flood plains</li><li>• Risk of uninsurable dwellings being built on the site and liability to council which would be passed onto rate payers</li><li>• Agreed with necessity of affordable housing just not at subject site</li><li>• Queried supporting infrastructure development for increased population such as car parking in the town centre</li></ul>
Morrie Maher – speaking on behalf of himself and Rhonda Maher	<ul style="list-style-type: none"><li>• Adjoining landowners to the subject site and lease part of the site from Council</li><li>• Purchased own site 10.5 years ago and have experienced numerous floods from day one, often covering most of the farm with cyclone Debbie the worst</li><li>• Does not understand why Council would endorse building on a known flood plain</li></ul>



**Table 1 Speaker Summaries for the Public Hearing 6/2/2019**

<b>Speaker</b>	<b>Issues / Concerns Raised</b>
	<ul style="list-style-type: none"><li>• Queried the validity and accuracy of flood study which was prepared with the planning proposal. Raised concern that no one had made contact or collected data from known flood points including inspection of the site for flood debris</li><li>• Railway line acts as a dam and would never be approved in current format</li><li>• Raised the SES report and position as well as that during the 2017 floods the SES was unable to access Mullumbimby</li><li>• Concern at risk to residents as well as insurance associated with development on flood plains</li><li>• Risk of uninsurable dwellings being built on the site and liability to Council which would be passed onto rate payers</li><li>• Appropriateness and value of current and future recreational use of site</li><li>• Wants to leave the land for what it was originally intended – recreational needs and sporting ground</li></ul>
Debra Lilly	<ul style="list-style-type: none"><li>• Resident of 35 years at Left bank Road less than one km from the subject site</li><li>• Subject site is common land and all residents own it with council acting as residents' employees. Does not consent to sale or rezoning of this community land or to it being privatised</li><li>• Raised flooding of Saltwater Creek in particular in relation to close proximity to the swimming pool</li><li>• Focus should be on being climate change ready</li><li>• Value of current and future recreational use of site for all residents as open space and green space to meet future needs of a growing population. Current use of subject site for public recreation as per report has been understated</li><li>• Raised direction of Premier Gladys Berejiklian to appoint the State's first minister for public spaces, to identify government-owned land that can be preserved for parklands and public space</li><li>• Queried Council report stating environmental value of site being not of importance in apparent contradiction with Office Environment and Heritage assessment of importance relating to the presence of the wetland</li><li>• Support for biodiversity not housing, site could be restored and should be preserved as open space</li><li>• Showed photographs of creek and pool, and photos of ecological sensitive attributes of the site</li></ul>
Sandra Kessler	<ul style="list-style-type: none"><li>• Speaking on behalf of Mullumbimby Residents Association (MRA) and thanked Jane Morgan and Jo Campbell for some of ideas</li><li>• Resident of Dalley St across from Heritage Park for 11 years</li><li>• Resident of Byron Shire for 30 years</li><li>• Noted the trauma from the 2017 flood</li><li>• Objects to proposed rezoning of the "precinct"</li></ul>

**Table 1 Speaker Summaries for the Public Hearing 6/2/2019**

<b>Speaker</b>	<b>Issues / Concerns Raised</b>
	<ul style="list-style-type: none"><li>• Value of current and future recreational use of site for all residents to meet future needs of a growing population – well used community resource</li><li>• Mullumbimby becoming more densely populated. Current needs and usage for public recreation as per report has been understated</li><li>• Site highly valued and used for passive recreation, not surplus to requirement as is the only partially maintained green, open space in town.</li><li>• Heritage park inadequate and has insufficient open space</li><li>• The subject site is not an empty space or unused plot of land</li><li>• Not in public interest to rezone this green open space</li><li>• Suggestion to fence as area of subject site as an off-leash dog area</li><li>• MRA propose the zoning of the 'precinct' be retained as a permanent public access green space in perpetuity</li><li>• Against the coupling of need for affordable housing with rezoning of the site – in favour of affordable housing but not on this site</li><li>• MRA is an advocate for real, diverse community housing for residents, just not at subject site and Council should look at other options</li><li>• Support commitment to explore innovative approaches to address housing need – but must be in a safe, sensible and accessible location</li><li>• Raised the SES report and position as well as that during the 2017 floods the SES was unable to access Mullumbimby</li><li>• Raised insurance implications for future residents</li></ul>
Camilla Peters-Quyale	<ul style="list-style-type: none"><li>• Has a procurement background</li><li>• Enquired as to the independence of the Chair and procurement process involved for Emma Broomfield and Locale Consulting to be appointed</li><li>• Raised the SES report and position as well as that during the 2017 floods the SES was unable to access Mullumbimby</li><li>• Concern at risk to residents as well as insurance associated with development on flood plains</li><li>• Risk of uninsurable dwellings being built on the site and liability to council which would be passed onto rate payers</li><li>• Queried Council's due diligence in regard to risk associated with the proposal</li><li>• Referenced demographics of the Mullumbimby area as a risk factor in the vulnerability of residents to predatory behaviour from consultants and Council</li></ul>
Steve Bellerby	<ul style="list-style-type: none"><li>• Resident of Station St at the south end, 100m from the river, part of five houses opposite the railway line</li><li>• Referenced impacts of the 2017 floods in particular in relation to loss of vehicles and inundation of properties not previously affected</li><li>• Different opinions on why there was so much damage in 2017 flood - filling of flood prone land at Orchid Place, Towers Industrial Estate and runoff from new Tallwood Estate, lack of drain maintenance, blockage of Saltwater Creek, silt in Brunswick River due to development on the floodplain</li></ul>

**Table 1 Speaker Summaries for the Public Hearing 6/2/2019**

<b>Speaker</b>	<b>Issues / Concerns Raised</b>
	<ul style="list-style-type: none"><li>• Concern at risk to residents as well as insurance associated with development on flood plains</li><li>• Risk of uninsurable dwellings being built on the site and liability to council which would be passed onto rate payers</li><li>• Queried the validity and accuracy of flood study which was prepared with the planning proposal, not capturing the severity of future impacts</li><li>• A full flood analysis of past flood events and future residential areas needs to be completed before any more filling of flood-prone land proceeds</li><li>• Presented a series of photos documenting flooding in the subject site and wider Mullumbimby area in 1987 and 2017, and photos from October 2018 as support for flood risk concerns</li></ul>
Malcolm Price – (Michael Murray spoke on behalf of Malcolm Price as he had to leave prior to the opportunity to present)	<ul style="list-style-type: none"><li>• Long term resident and president of Creative Mullumbimby</li><li>• Director of Social Habitat Housing and Mullumbimby Masterplanning Group</li><li>• Raised flood management of surrounding area in particular Saltwater and Kings Creek and silt build up</li><li>• Highlighted opportunity with this development to improve flood management and flow of water in the area – particularly when viewed with other land identified for urban development</li><li>• Not easy to find suitable or available land for this type of affordable housing development, valuable opportunity exists due to Council ownership</li><li>• Community needs to support Council in their mandate to supply accessible / affordable housing</li><li>• Byron Shire has high levels of rental and mortgage stress – high houses prices versus average weekly earnings</li><li>• People on average earnings cannot afford to live in area – this includes our children, people wanted to return to the area, older people with no assets</li><li>• Changing community dynamics due to issues of affordability</li><li>• Example of Grafton with progressive and open progress on affordable housing with 40 projects or homes since 2008</li><li>• Economic reality of Council's situation and opportunity for innovative approach to site could help generate income to Council</li><li>• Support of assessed recreational use of site</li></ul>
Sue Francis	<ul style="list-style-type: none"><li>• Speaking as a renter in the community and on behalf of other vulnerable people</li><li>• Lived in the area for a long time and doesn't want to have to leave because of lack of housing options</li><li>• Stressful for people not to have a roof over their heads</li><li>• Supports proposal for affordable housing on the site</li><li>• Only small number of altruistic people in support of proposal</li><li>• Others present at hearing are homeowners and will not be as affected, need to be aware of their privilege – views presented do not seem balanced</li><li>• Acknowledged the flood risk but in context of climate change all areas are vulnerable and nothing is predictable</li></ul>

**Table 1 Speaker Summaries for the Public Hearing 6/2/2019**

<b>Speaker</b>	<b>Issues / Concerns Raised</b>
	<ul style="list-style-type: none"><li>• Highlighted opportunity with this development to improve flood management and flow of water in the area more broadly. Site specific planning at development stage will address and manage flood risk</li><li>• A healthy community has people of all financial levels, and this is not happening anymore</li></ul>
John Dunn	<ul style="list-style-type: none"><li>• Teacher at high school for 25 years and part of Tennis Assoc. which adjoins subject site</li><li>• Reiterated the P &amp; C position including likely adverse effects on school due to flooding. Since being built the school hall has been inundated numerous times</li><li>• Access roads associated with subject site will cut school access to other sports fields as well as restrict use of running track located on the road reserve</li><li>• Raised existing traffic issues due to increased development in the area and the school's role as a bus interchange. Concern regarding traffic impacts associated with future development of the subject site</li><li>• Referred to ROSS open space assessment report stating that 1/3 of sporting clubs are not able to cater for growth</li><li>• Raised that Council's justification for the sale of the north sporting field lands was linked to the availability of the subject site, which will now not be available for recreation and both are lost</li><li>• Value of current and future recreational use of site for all residents to meet future needs of a growing population. Future needs unknown, example of community garden. Current use of subject site for public recreation as per report has been understated. Site is well located within walking and cycling distance of many residents for recreational use</li><li>• Agreed with necessity of affordable housing however proposal is a band-aid solution for a national issue</li></ul>
Joanne Campbell	<ul style="list-style-type: none"><li>• Resident of Mullumbimby</li><li>• Referred to the history of Council purchasing the land due to its flood liable nature and that it was purchased for the purpose of being a sportsfield</li><li>• Stated that the need for affordable and diverse housing should to be separated from the rezoning – no doubt that this is an issue that needs to be addressed in the area but needs to be built in a safe and sensible place</li><li>• Referred to tidal creek on the land and impacts of climate change</li><li>• Raised flooding of area and homes in 2017 flood</li><li>• Concerned about filling of land and increased risks of flooding for other residents in Mullumbimby and exposure to legal liability for Council</li><li>• Raised the SES report and position and Townsville experience</li><li>• Also objects to findings that land is surplus to open space requirements – need to consider growing population and recreational needs</li><li>• Need to look at alternative sites which are not community land</li></ul>

**Table 2            Questions posed to Council post Hearing**

<b>Participant</b>	<b>Issues / Concerns Raised</b>	<b>Questions</b>
Len Bates	<ul style="list-style-type: none"><li>• Before rezoning is considered, there needs to be a comprehensive flood engineering study of not just the subject site but other proposed residential land that will impact the town. Needs to include latest climate change statistics and it needs to be peer reviewed</li></ul>	<ul style="list-style-type: none"><li>• Will such a flood engineering study be commissioned?</li><li>• Will the Public Hearing Report be included in the Council Report to the public?</li></ul>
Jeff Beer	<ul style="list-style-type: none"><li>• Long term resident</li><li>• Queried the validity of some of the anecdotal flood evidence</li><li>• Raised the SES position and management of flood response</li><li>• Issues in location of SES base to volunteers to town</li><li>• Flood monitoring could be improved through return to use of local reporting along creek lines as when Council previously managed not just BOM monitor downstream of Federation Bridge</li></ul>	<ul style="list-style-type: none"><li>• How will Council ensure a balanced assessment of the proposal in regards to flooding taking into account local knowledge and history?</li></ul>
Camilla Peters-Quyale	<ul style="list-style-type: none"><li>• Initially indicated would like to pose questions to Council via the Chair</li><li>• Then indicated that she would contact Council directly</li></ul>	

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