



Final Report Public Hearing for Proposed Community Land Categorisation

Byron Shire Council
Draft Plan of Management Lot 22 DP1073165,
Mullumbimby
22 January 2025



recreation
open space
and sport
specialists

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Contents

1.0 Introduction	4
1.1 Purpose of this report	4
1.2 Background	4
1.3 Public hearing report	4
2.0 Planning context	6
2.1 Community Land	6
2.2 Categorisation of community land	6
2.3 Guidelines for categorisation of community land	7
2.4 Core objectives for managing community land	7
2.5 Guidelines and core objectives for categories for this public hearing	7
2.6 Plans of Management for Community land	7
2.7 Public hearing	7
3.0 Current and proposed categorisation	12
4.0 The public hearing	16
4.1 Advertising and notification	16
4.2 Public hearing arrangements	16
4.3 Attendance at the public hearing	16
4.4 The public hearing	16
4.5 Submissions	16
5.0 Consideration of submissions	18
5.1 Verbal and written submissions	18
5.2 Other submissions	18
6.0 Recommendations	22
6.1 Consideration of submissions	22
6.2 Recommendations	22
6.3 Adoption of proposed recategorisation	23
6.4 Reporting	23





Introduction

1.1 Purpose of this report

This report provides Byron Shire Council with an accurate summary of the public hearing held on Wednesday 23 October 2024 regarding changes to existing categorisation of Community land at Lot 22 DP1073165, 156 Stuart Street, Mullumbimby.

This report has been prepared under Section 40A of the *Local Government Act 1993* (LG Act).

1.2 Background to the public hearing

The Byron Shire Council has prepared a Draft Plan of Management for Lot 22 DP1073165 in Mullumbimby. The Draft Plan of Management proposes changes to the previously assigned category of part of the land, adopted in the existing Plan of Management.

A public hearing is required under Section 40A of the LG Act to categorise Community land not previously included in a plan of management or to change the existing categorisation. Under the LG Act the public hearing must be chaired by an independent facilitator.

1.3 Public hearing report

This report meets the requirements of the LG Act regarding Plans of Management and categorisation of Community land, including submissions regarding proposed categorisation. There were no submissions made at the public hearing meeting held on 23 October 2024. Written submissions were received by Byron Shire Council between 5 September 2024 and 11 November 2024.

Lot 22 DP1073165, 156 Stuart Street, Mullumbimby



Legend

- - - Property Boundaries
- - - Plan of Management - Lot Boundary
- - - Enterprise Garden
- - - Dog Park
- Agistment Area

Notes

Agistment Areas:	25 ha and 3.5 ha
Enterprise Garden Area:	2.80 ha
Dog Park Lease Area:	0.54 ha
Total Lot Area:	31.84 ha



Planning context

2.1 Community land

Council is required to manage public land in accordance with the LG Act and *Crown Land Management Act 2016* (CLM Act). These legislative requirements include the classification and categorisation of public land as illustrated in Figure 1.

It is important to note that the Draft Plan of Management for Lot 22 DP1073165 does not include any Crown Reserve land.

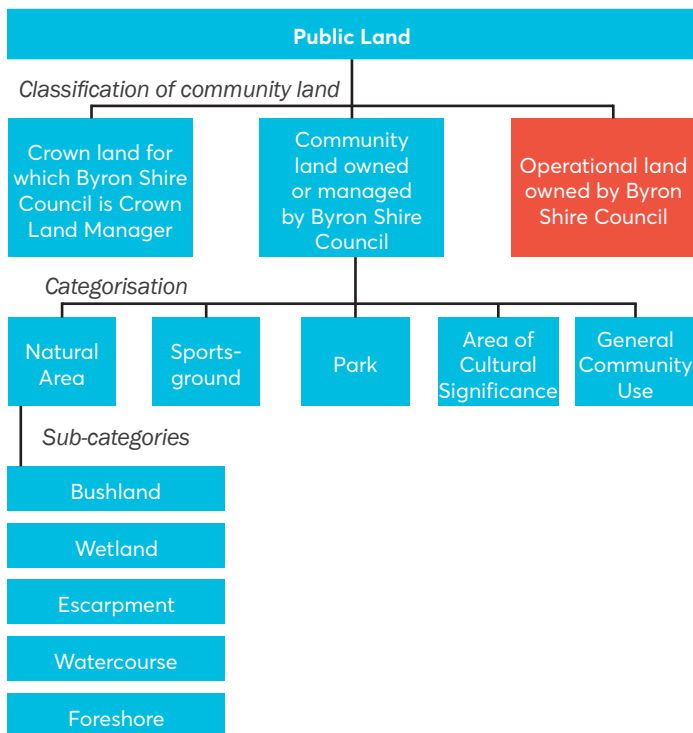


Fig. 01 Public land classification and categorisation

Crown Land

From 1 July 2018 the CLM Act empowers local Councils that are appointed to manage dedicated or reserved area of Crown land, to manage that land as community land under the LG Act. This includes preparing a Plan of Management and categorising the land.

Community Land

The LG Act requires that all public land owned by Council must be classified as “community” or “operational” land (Section 26).

Community land is intended to be managed for use by the community for purposes including environmental protection, recreational, cultural, social and educational activities. Community land may only be leased or licensed for up to 21 years without the Minister’s consent or up to 30 years with the Minister’s consent, it cannot be sold, and its use is restricted to the above purposes.

Operational Land

Conversely, operational land is land that can be used for any purposes deemed fit by Council, may be used for commercial purposes, be leased for a longer period, and can be sold.

2.2 Categorisation of community land

Categories for community land

The LG Act requires that all land owned by the Council which is classified as Community land be categorised according to its characteristics and intended use/s.

Community land may be categorised as one or more of the following under Section 36(4) of the Act:

- natural area
- sportsground
- park
- area of cultural significance
- general community use.

Community land that is categorised as a natural area are to be sub-categorised as one or more of the following under Section 36(5) of the LG Act:

- bushland
- wetland
- escarpment
- watercourse
- foreshore
- category prescribed by the regulations.

2.3 Guidelines for categorisation of community land

Guidelines for the categorisation of community land are outlined in Sections 102 to 111 of the *Local Government (General) Regulation 2021*.

The Office of Local Government’s revised Practice Note on Public Land Management (Department of Local Government, 2000) provides recommendations for categorisation of community land, as follows:

“Council must have regard to the guidelines in determining a category (cl.9) but are not required to adopt any category merely because the land fits the description in the guidelines. Council should look at all the circumstances of the land in making a decision as to categorisation. For example, a piece of land may seem to satisfy the guidelines for more than one category. Council has a discretion in this case to look at the land in context, taking into account all relevant material before determining a category. It is important that Council be able to justify a decision.”

Also, Council may have a piece of community land, parts of which may be best managed as different categories, for example a piece of land with remnant bushland in one part and children’s play equipment in another. Council is able to categorise land as part ‘Natural Area – Bushland’ and part ‘Park’. It is strongly recommended that the land in each category not overlap. Overlapping categories may cause conflict in management objectives and will create confusion in the minds of Council staff and the community.”

2.4 Core objectives for managing community land

Each category and sub-category of community land has core objectives that apply under the LG Act. The core objectives outline the management approach for the land covered by the particular category. The core objectives for each category of community land are set out in Sections 36E to 36N of the LG Act.

2.5 Guidelines and core objectives for categories for this public hearing

The guidelines and core objectives for the current and proposed community land categories that apply to the Draft Plan of Management are outlined in Table 1.

2.6 Plans of Management for Community land

Council must prepare a Plan of Management for Community land (Section 36 (1)).

Community land is required to be used and managed according to a Plan of Management applying to the land (Section 35).

The LG Act requires the Plan of Management for community land to include:

- categorisation of the land
- core objectives for management of the land.

2.7 Public Hearing

The LG Act Section 40A and the CLM requires a public hearing to be held if:

- a Plan of Management proposes to categorise the community land covered by the Plan of Management (that is, the Plan has not been previously prepared and adopted by Council, or has not categorised community land)
- a Plan of Management proposes to recategorise, or change the adopted category, of the community land covered by the Plan of Management
- a Public Hearing is not required for proposed recategorisation of Crown land under the *Crown Land Regulation 2018*.

2.7.1 Conduct of public hearings

An independent chairperson conducts the public hearing, and provides a report to Council with recommendations on the proposed categorisation or recategorisation of Community land.

Under Section 47G of the Act, the person presiding at a public hearing must not be:

- a Councillor or employee of the Council holding the public hearing
- a person who has been a Councillor or employee of that Council at any time during the five years before the date of his or her appointment.

2.7.2 After the public hearing

Council must make a copy of this report regarding the outcomes of the public hearing available for inspection by the public at a location within the area of Council not later than four days after it has received the final report from the person presiding at the public hearing.

The public hearing report will be presented to Council for its information when it considers the Draft Plan of Management for adoption under the LG Act.

Table 01: Guidelines and core objectives for current and proposed categories of community land and Crown reserves.

CATEGORY	GUIDELINES (1) LOCAL GOVERNMENT (GENERAL REGULATION) 2021	CORE OBJECTIVES (2) LOCAL GOVERNMENT ACT 1993
Sportsground	<i>Regulation 103</i> Land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.	<i>Section 36F:</i> <input type="checkbox"/> encourage, promote and facilitate recreational pursuits in the community involving active recreation involving organised sports and informal sporting activities and games. <input type="checkbox"/> ensure that such activities are managed having regard to any adverse impact on nearby residences.
Park	<i>Regulation 104</i> Land which is, or proposed to be, improved by landscaping, gardens or the provision of non sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that not unduly intrude on the peaceful enjoyment of the land by others.	<i>Section 36G:</i> <input type="checkbox"/> encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities <input type="checkbox"/> provide for passive recreational activities or pastimes and for the casual playing of games <input type="checkbox"/> improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.
General Community Use	<i>Regulation 106</i> Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	<i>Section 36I:</i> <input type="checkbox"/> promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public: <input type="checkbox"/> provide facilities on the land, to meet the current and future needs of the local community and of the wider public: » in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and » in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).
Natural Areas	<i>Regulation 102</i> Land whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore.	<i>Section 36E:</i> <input type="checkbox"/> conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and <input type="checkbox"/> maintain the land, or that feature or habitat, in its natural state and setting, and <input type="checkbox"/> provide for the restoration and regeneration of the land, and <input type="checkbox"/> provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and <input type="checkbox"/> assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan.

CATEGORY	GUIDELINES (1) LOCAL GOVERNMENT (GENERAL REGULATION) 2021	CORE OBJECTIVES (2) LOCAL GOVERNMENT ACT 1993
<p>Natural Areas:</p> <p>Bushland</p>	<p><i>Regulation 107</i> Land contains primarily native vegetation that is the natural vegetation or a remainder of the natural vegetation of the land, or although not the natural vegetation, is still representative of the structure or floristics of the natural vegetation in the locality. Such land includes: (a) bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understorey is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter), or (b) moderately disturbed bushland with some regeneration of trees and shrubs, where there may be a regrowth area with trees of even age, where native shrubs and grasses are present in the understorey even though there may be some weed invasion, or (c) highly disturbed bushland where the native understorey has been removed, where there may be significant weed invasion and where dead and dying trees are present, where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated.</p>	<p><i>Section 36J:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna of the land and other ecological values, and <input type="checkbox"/> protect the aesthetic, heritage, recreational, educational and scientific values of the land, and <input type="checkbox"/> manage the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures to minimise or mitigate disturbance caused by human intrusion, and <input type="checkbox"/> restore degraded bushland, and <input type="checkbox"/> protect existing landforms such as natural drainage lines, watercourses and foreshores, and <input type="checkbox"/> retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and <input type="checkbox"/> protect bushland as a natural stabiliser of the soil surface
<p>Natural Areas:</p> <p>Wetland</p>	<p><i>Regulation 108</i> Land includes marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a waterbody that is inundated cyclically, intermittently or permanently with fresh, brackish or salt water, whether slow moving or stationary.</p>	<p><i>Section 36K:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> protect the biodiversity and ecological values of wetlands, particularly their hydrological environment (including water quality and water flow), flora, fauna and habitat value, and <input type="checkbox"/> restore and regenerate degraded wetlands, and <input type="checkbox"/> facilitate community education in relation to wetlands, and community use of wetlands, without compromising the ecological values of wetlands
<p>Natural Areas:</p> <p>Escarpment</p>	<p><i>Regulation 109</i> Land that includes such features as a long cliff-like ridge or rock, and significant or unusual geological, geomorphological or scenic qualities</p>	<p><i>Section 36L:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> protect any important geological, geomorphological or scenic features of the escarpment, and <input type="checkbox"/> facilitate safe community use and enjoyment of the escarpment

CATEGORY	GUIDELINES (1) LOCAL GOVERNMENT (GENERAL REGULATION) 2021	CORE OBJECTIVES (2) LOCAL GOVERNMENT ACT 1993
Natural Area: Watercourse	<i>Regulation 110</i> Land includes any stream of water, perennial or intermittent, in a natural or artificial channel, and associated riparian land or vegetation	<i>Section 36M:</i> <ul style="list-style-type: none"> <input type="checkbox"/> manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and <input type="checkbox"/> manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and <input type="checkbox"/> restore degraded watercourses, and <input type="checkbox"/> promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.
Natural Area: Foreshore	<i>Regulation 111</i> Land situated on the water's edge forming a transition zone between the aquatic and terrestrial environment	<i>Section 36N:</i> <ul style="list-style-type: none"> <input type="checkbox"/> maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and <input type="checkbox"/> protect and enhance all functions associated with the foreshore's role as a transition area, and <input type="checkbox"/> facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

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Current and proposed categorisation

3.1 Current and proposed categorisation of community land

The table below lists the Community land and current categorisation along with proposed recategorisation and the reason for the proposed recategorisation.

Table 02: Community land and current category along with proposed recategorisation and reason(s) for recategorisation

NAME	CURRENT CATEGORY/S	PROPOSED CATEGORY/S	REASON(S)
Mullum SEED (Sustainable Education Enterprise Development) - Community Garden and related activities	Sportsground	General Community Use	Expand the area of land categorised as General Community Use to provide approximately two acres (8,000m ²) to reflect the current footprint of land occupied by the Enterprise Garden activities
Land bordering Saltwater Creek within Lot 22 DP1073165 and within Mullum SEED lease area	General Community Use	Natural Area: Bushland	Apply the most appropriate category to conserve and protect High Environmental Value Vegetation (HEVV)
Land bordering Saltwater Creek within Lot 22 DP1073165	Sportsground	Natural Area: Bushland	Apply the most appropriate category to conserve and protect High Environmental Value Vegetation (HEVV)
Ephemeral waterway within Lot 22 DP1073165	Sportsground	Natural Area: Watercourse	Apply the most appropriate category to conserve and protect the values of the ephemeral watercourse

Land Categories Lot 22 DP 1073165 Mullumbimby Sports Fields



Figure 02 Existing land categories in adopted 2008 Plan of Management for Lot 22 DP1073165



Legend

-  General Community Use
-  Natural Area - Bushland
-  Natural Area - Watercourse
-  Sportsground

Figure 03 Proposed land categories in Draft Plan of Management for Lot 22 DP1073165.

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The public hearing

4.1 Advertising and notification

4.1.1 Public notification and exhibition requirements

Section 38 of the LG Act requires councils to give public notice of a draft plan of management, and specifies both the public exhibition and public submission timeframe.

4.1.2 Public exhibition resources

Several resources were developed to support the Draft Plan of Management public exhibition, including:

- frequently asked questions relating to the Draft Plan of Management
- Draft Plan of Management online and in hardcopy format and Byron Shire Council Administration Office
- instructions and tools to assist people to participate in the public hearing and how to make a submission
- how to access support to make a submission
- Council Officer contact details for additional information and support.

4.1.3 Online notification

Council notified the community of the public hearing on its website at <https://www.byron.nsw.gov.au/Council/Report-Requests-Feedback/Your-Say/Draft-Plan-of-Management-Lot-22-Mullumbimby> from Thursday 26 September 2024 to Monday 11 November 2024.

The project page on Council’s website is shown in Figure 3.

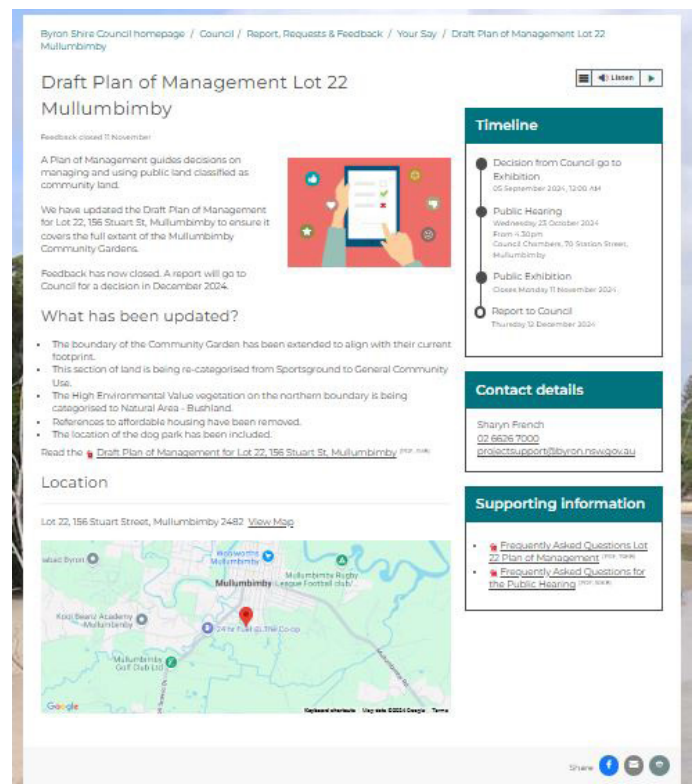


Fig. 04 Public exhibition and public hearing information online at Byron Shire Council

4.1.4 Other notification methods

Council advertised the public exhibition and public hearing via other methods including:

- Advertisement in the Byron Shire Echo (the local Byron Shire newspaper) on Thursday 5 September 2024
- Notification via email to key stakeholders
- Byron Shire Council Facebook.

4.2 Public hearing arrangements

The public hearing was held as an in-person meeting with an option to join the meeting via video conference via the platform Zoom on Wednesday 23 October 2024 at 4:30pm.

Attendees were requested to register before the public hearing on Council's website or by calling Customer Service on 02 6626 7000.

Registrations for the public hearing closed at 4:00pm on Tuesday 22 October 2024.

4.3 Attendance at the public hearing

Council appointed an independent chairperson, Helen Carroll, Senior Consultant, ROSS Planning, to chair the public hearing.

Council Officers attended the meeting to assist in answering questions from attendees and with the technical operation of the meeting. The Council Officers in attendance were:

Sharyn French	Manager Environmental and Economic Planning
Malcolm Robertson	Manager Open Space and Facilities
Scott Thompson	Project Support Officer

Two community members registered to attend to speak at the meeting, however neither attended the meeting.

One community member attended the public hearing in person. This was the single attendee at the meeting.

4.4 The public hearing

Ms Carroll opened the public hearing meeting at 4:40pm.

Ms Carroll welcomed the attendee and explained that they were the single attendee at the meeting, and offered to either answer any questions they had, or deliver the previously prepared presentation.

The attendee responded that they were primarily concerned about the low-lying topography of the site and the risk of flooding, in part due to Council considering use of part of the land for a proposed future aquatic facility.

The attendee requested to be shown the presentation and asked several questions of a general nature about the site, and in relation to the current use and the proposed use for a future aquatic facility.

There were no submissions to the meeting and Ms Carroll closed the hearing at 5:16pm.

4.5 Submissions

Submissions on the proposed categorisation or recategorisation of Community land could be made:

- via the online submission form at Byron Shire Council's website at <https://www.byron.nsw.gov.au/Council/Report-Requests-Feedback/Your-Say/Draft-Plan-of-Management-Lot-22-Mullumbimby>
- verbally at the public hearing; prior registration was required
- in writing via email to projectsupport@byron.nsw.gov.au
- in writing via post to Byron Shire Council, PO Box 219, Mullumbimby NSW 2482.

Eight written submission were received by 11 November 2024. None of the submissions related to the proposed categorisation/recategorisation.



Consideration of submissions

5.1 Verbal and written submissions

One person attended the public hearing, however the participant did not make a verbal or written submission at the public hearing meeting.

Six individuals and two organisations made written submissions.

None of the submissions related to the proposal to change part of the land currently categorised as Sportsground to General Community Use, or to the proposal to change part of the land currently categorised as Sportsground to Natural Area: Bushland., or to the proposal to change part of the land currently categorised as Sportsground to Natural Area: Watercourse.

Submissions were made relating to the following topics and these are considered outside the scope of the Public Hearing and this report:

- comments about proposed public swimming pool locations in Mullumbimby
- comments about risk of flooding and flood prone land
- comments about car parking and footpaths
- comments about unauthorised use
- comments about improved drainage.

5.2 Other submissions

Other written submissions that are outside the scope of this public hearing report are summarised below:

Table 04: Other submissions

SUBMISSION	COUNCIL RESPONSE
<p>Propose half closed and half opened 50m pool so can be used all year around. Im (sic) an architect so I have some design ideas.</p> <p>I am strongly in favour of a new Mullumbimby Pool facility. My husband and I drive to Ballina Shire all winter because we don't have the same facilities in Byron Shire. Since we pay our Rates in Byron Shire, it hardly seems fair. There are so many sections of the community that would benefit from a full aquatic centre. It would be wonderful to see this actioned as soon as possible. Although it would hardly seem appropriate to build it where its going to flood. Please find a new appropriate site and action this as a matter of priority.</p>	<p>Council is currently planning for future pools and aquatic facilities in the Byron Shire. Five council-owned sites were investigated as part of the Byron Shire Aquatic Options Report, including Lot 22 DP1073165, which is the preferred site in Mullumbimby. The public exhibition period for the proposed aquatic facility development corresponded with public exhibition of the Plan of Management for Lot 22 DP 1073165. Council received more than 390 submissions to its aquatic facility development proposal. Submissions received on the Plan of Management that related to the proposed aquatic facility development were considered in relation to that proposal. If Council approves a plan for future aquatic facilities, and staff commence detailed planning, a review of the Plan of Management over the site will be required, as with any major development proposed on the site.</p>
<p>Good to see the council has realised that more housing on this floodplain is not a good idea.</p> <p>Generally speaking, if the council is worried about rising water levels of oceans and rivers, we would expect more and more flood damage to low-lying areas and if we are being really smart as councillors we might consider ways to allow housing developments on elevated ground above sea level. Imagine that! There are so many hills and farm land on acreage. How hard can it be to pass a new law to allow these farmlands to cut off an acre or two?</p>	<p>Byron Shire is in a region of high annual rainfall and flooding can occur at any time, particularly during the summer wet season. In early 2022 devastating flooding occurred across the Byron Shire Council area. As part of the recovery efforts, Council undertook extensive consultation with the community and published several documents including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Findings Report: After the Floods Discussion Paper <input type="checkbox"/> Engagement Report: After the Floods Discussion Paper.
<p>Leave it alone. It's an extremely flood prone piece of land.</p>	<p>The NSW Government also undertook consultation and compiled the Flood Inquiry Report and the Northern Rivers Resilient Land Strategy. The research conducted by Council and State Government is being used to inform Council's planning processes including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Residential Strategy <input type="checkbox"/> Rural Land Use Strategy <input type="checkbox"/> Business and Industrial Lands Strategy <input type="checkbox"/> Place Plans. <p>Council continues to undertake investigations and planning relating to flooding and flood prone land to protect community members, property and important assets.</p>
<p>A specific area for community activities makes sense. But parking needs to be provided over and above that planned for the future. Footpaths from town centre improved.</p>	<p>Byron Shire Council's Transport Asset Management Plan aims to manage road and stormwater assets safely, reliably, and efficiently. New and upgrade works, including for car parking, can be identified from several sources and are assessed using criteria. The main driver for new and upgrade works is through Council's Section 7.11 (formerly Section 94) contributions plan that references population, demographic characteristics, contributions and the identification of projects.</p> <p>Further, Council's Pedestrian and Mobility Plan (PAMP) identifies pedestrian priorities to improve footpaths and footpath networks across the local government area. A shared path is proposed to improve pedestrian access between the town centre and residential areas to Lot 22 DP1073165.</p>

SUBMISSION	COUNCIL RESPONSE
<p>I am writing on behalf of the residents living adjacent to the Council-leased land along Saltwater Creek in Mullumbimby to raise serious concerns regarding ongoing, unsupervised volunteer activities led by [redacted] Organic Landcare Inc. These activities, conducted at least weekly (typically on Saturday mornings), involve volunteer workshops aimed at removing invasive species like Privet and Camphor Laurel. They take place on Council-leased land, including the riparian areas behind the Community Gardens, LOT 22. While we recognize the need for effective land management, the manner in which these activities are conducted has raised significant issues that we feel must be addressed.</p> <p>Our primary concerns are as follows: (Edited and summarised by report author)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Non-Compliance with Council Standards <input type="checkbox"/> Qualifications and Authorization <input type="checkbox"/> Noise and Privacy Invasion <input type="checkbox"/> Unlawful Recording and Intimidation <input type="checkbox"/> Focus on a Specific Area <input type="checkbox"/> Understanding of Boundaries <input type="checkbox"/> Conflict of Interest <input type="checkbox"/> Impact on Local Wildlife <input type="checkbox"/> Encouraging Illegal Camping <p>In light of these issues, we seek clarification on the following points:</p> <ul style="list-style-type: none"> <input type="checkbox"/> [redacted] qualifications and whether ... is officially authorized by the Council, including permission to use power tools like chainsaws. <input type="checkbox"/> The Council's stance on the methods being employed and whether they align with approved bush regeneration practices. <input type="checkbox"/> Measures in place to ensure volunteer activities do not infringe on the privacy and well-being of nearby residents. <input type="checkbox"/> Clear delineation and enforcement of boundaries among Community Gardens, riparian areas, and Council-leased land to prevent misunderstandings. <input type="checkbox"/> The Council's policy on managing conflicts of interest involving volunteers applying for government grants. <input type="checkbox"/> Plans, if any, for encouraging public use of this area and steps to minimize the impact on nearby residents. <input type="checkbox"/> Considerations for protecting local wildlife, especially during regeneration or clearing activities. <input type="checkbox"/> Disclosure of [redacted] ABN and relevant licenses for conducting these activities. 	<p>Council staff are aware of these issues and will continue to liaise with the Organic Landcare group and neighbours to resolve concerns.</p> <p>Byron Shire Council's Bush Regeneration team works with community volunteers on identified and prioritised sites across the Byron Shire. All sites are areas of high conservation value with 65% provide habitat for threatened species and/or endangered ecological communities, and 79% occurring in identified wildlife corridors. The Council's activities align with Byron Shire Council's Biodiversity Conservation Strategy and Council's Bush Regeneration Guidelines.</p>
<p>As a potential resolution, we propose a collaborative approach in which residents adjacent to the affected area work together with the Council to maintain and preserve the land according to Council standards. This would address our concerns while supporting effective and respectful regeneration efforts.</p> <p>We trust the Council will take these concerns seriously and act appropriately to resolve them. We look forward to a prompt and constructive response areas not intended for intervention. We request that the Council provide clearer boundaries and guidance to prevent any further misunderstandings.</p>	

SUBMISSION	COUNCIL RESPONSE
<p>We kindly request that the categorisation of general community usage be extended along the southern and eastern border of the Mullum Community Gardens (ie (sic) for it to be shifted from sportsground to general community usage) as there is urgent need to improve drainage on site. We understand that there is a wider planning process needed to assess future uses adjacent to the site, however a small extension of the general use categorisation would allow some flexibility in the interim to negotiate solutions to issues which of drainage on site.</p>	<p>The category applied to community land does not impact or influence stormwater drainage maintenance and upgrades.</p> <p>Byron Shire Council manages the stormwater drainage maintenance and upgrades on publicly managed land, including community land. Planned maintenance works and reactive or immediate repairs and maintenance can occur on community land to ensure the protection of people and property from stormwater flows.</p>
<p>We respectfully request that the categorisation of “general community usage” be extended along the southern and eastern borders of the Mullum Enterprise Garden Site. We propose shifting the current “sportsground” designation to “general community usage” for Lot 22 under the site’s management plan, as improved drainage is urgently needed.</p>	



Recommendations

6.1 Consideration of submissions

There were no submissions regarding the proposed recategorisation of Community land from Sportsground to General Community Use, or to the proposal to change part of the land currently categorised as Sportsground to Natural Area: Bushland., or to the proposal to change part of the land currently categorised as Sportsground to Natural Area: Watercourse.

Other submissions have been assessed, and recommendations are detailed in this section of the report.

Recommendations

Based on the representations and written submissions to the public hearing on 23 October 2024 and written submissions made to Council by 11 November 2024, my recommendations to Byron Shire Council are that Council:

1. Note the written submissions made in Section 5.
2. Recategorise part of Lot 22 DP1073165 to General Community Use.
3. Recategorise part of Lot 22 DP1073165 to Natural Area: Bushland.
4. Recategorise part of Lot 22 DP1073165 to Natural Area: Watercourse.

6.2 Adoption of proposed recategorisation

Council must agree to the proposed recategorisation of community land as set out in the Draft Plan of Management Lot 22 DP1073165 before resolving to adopt the Plan of Management.

Section 114 of the Local Government (General) Regulation 2021 states that if Council receives any submission objecting to a categorisation of land in the Draft Plan of Management, and the Council adopts the Plan of Management without amending the categorisation that gave rise to the objection, the resolution by which Council adopts the Plan of Management must state the Council's reasons for categorising the relevant land in the manner that gave rise to the objection.

If Council intends to adopt the proposed recategorisation as was set out in the Draft Plan of Management, it must state the reasons why it did not make changes to categorisation in response to the objections received in its resolution to adopt the Plan of Management.

If Council decides to alter the proposed recategorisation of community land from that in the Plan of Management and that considered at the public hearing, Council must hold a further public hearing in respect of the proposed Plan of Management (Section 40A(3) of the LG Act).

6.3 Reporting

Within four days of receiving this final report, Council is required under Section 47G(3) of the LG Act to make a copy of this report available for inspection by the public at a location within the local government area. It is recommended that Council:

- send a copy of the public hearing report to the people who attended the public hearing and/or made a written submission
- provide a copy of the public hearing report for inspection at Byron Shire Council Administration Building
- publish a copy of the public hearing report on Council's website.



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