

MULLUMBIMBY COMMUNITY ACTION NETWORK

Public Information Meeting
St John's Hall, Mullumbimby
Sat 5 April 10.30 am

QUESTIONS FOR RAY DARNEY, DIRECTOR OF PLANNING, BYRON SHIRE COUNCIL

1. If Mallams lodged the DA that got approval, can Woolworths amend that DA?

Answer Yes, The Development consent remains with the land, not the owner of the land

2. Has the land (Station Street Woolworth's site) been rezoned or not? We are receiving conflicting information; that the land has not been rezoned but will be in the future.

Answer Has not been rezoned. Is zoned Special Uses "Railway" at present. Will be considered for a zone that permits a supermarket in the NEW LEP, i.e. B2 Local Centre or B4 Mixed Use (both of these permit Retail Premises with consent which includes supermarkets)

Note: it did not need to be rezoned for the application to be approved – it was done under SEPP 8 – which referred to surplus public land (now part of the Infrastructure SEPP). The similar provisions will apply until Council has a Standard LEP gazetted – refer to Clause 18 (1)(a) of the Infrastructure SEPP)

3. If it has been rezoned did Sartor's rezoning include a simultaneous approval of a DA for the site? Could you outline roughly what is approved? Would it have a 'lapse-by' date and if so, what is that date?

Answer Mr Sartor did not rezone the site. Under SEPP 8 – "Surplus Public Land" (now part of Infrastructure SEPP) he is able to approve a development on the site that can be approved on land adjacent to or in the vicinity of this land. As I see it, he could approve residential or commercial under this provision, within his powers.

The approval is for a subdivision, for a supermarket of 1550m² and for a bottle shop 250m² in Stage 1 and a further 700m² of supermarket in Stage 2.

4. The copy of the DA Approval (Planning Assessment Report for DA 32-04-2006) available on-line is undated. What date was it approved?

The development consent was issued on 6 November 2006 and would lapse after 5 years.

5. If it has not been rezoned, how come a DA for a supermarket has been approved already?

Answer The development was approved by the Minister under SEPP 8 "Surplus Public Lands"

6. Can we appeal Sartor's decision in the Land and Environment Court?

Answer You would need to consider legal advice as to whether you could still take action to remedy a breach of proceedings. Section 101 of the Environmental Planning and Assessment Act indicates that objectors have 3 months to take legal proceedings

7. If Woolworths/Mallams wanted to amend the DA, would they have to approach Byron Shire Council or Minister of Planning, Frank Sartor? Have they approached Council about changes? If they do vary the DA will there be an opportunity for community input or objections?

Answer Any Section 96 Modification will be lodged with the Minister. Woolworths have approached Council and basically shown the changes they would like.

- 1 stage instead of 2
- Car parking all at southern end.
- Bigger set back from street.
- Changed exterior design after consultation with Council's Heritage Advisor.

The Minister would ensure that the proposal is re-notified. I would expect that the Minister would put plans on display at Council's Administration Building.

8. How will the development affect the traffic through the town? Please explain the one-way system proposed (a big diagram would be helpful). Will the State government's Local Traffic Committee (that includes a Byron Shire Councillor) be finalizing the traffic arrangements?

Answer Obviously, the development will increase traffic flows in Station Street and Tincogan Street.

In Tincogan Street it is expected that traffic movements will increase from 1300 movements per day to 1656 movements per day.

In Station Street the estimated movements per day increase from 1600 to 2864. If Woolworths proves to be a more popular destination than the supermarket, as originally proposed, then the figures would be higher. The Traffic Engineers would calculate movements on supermarket size and expected shopping population.

There is no one way traffic system in the street, but Council has required a left turn only exit from the car park into Station Street to decrease movements into Tincogan Street.

The final road upgrade and traffic facilities will be approved by Council Engineers under the Roads Act. It will not go, back to the Regional Traffic Committee unless there are alterations. It is likely that the Section 96 application would need to go back to the Regional Traffic Committee.

9. Will ratepayers be subsidizing any infrastructure needed for Woolworth's development, such as a roundabout or street upgrades? If so please explain how much we will be paying.

Answer No. The developer will pay for the Roundabout, and upgrading of Station Street and Tincogan Street.

The Minister has allowed a discount of \$625,000 in Section 94 contributions to pay for the Roundabout. The developer will still pay a further \$570,000 in Section 94's plus cpi in accordance with our plan.

Basically it is a neutral situation as long as the developer can construct the roundabout for \$625,000.

10. We understand that Woolworths are looking for an alternative site in Mullumbimby should the Station Street site be too problematical. If they go somewhere else, what happens to the site in Station Street? Is there any chance of stopping them and does Sartor have the right to over-rule any council decision?

Answer You would need to check with Woolworths as to whether they have alternative options. If not in the Commercial Centre a site should need rezoning.

On private land the development would not be regarded as State Significant (or surplus public land) so that it would be difficult for the Planning Minister to do an approval or Rezoning

11. When is the Mullumbimby sewage upgrade likely to happen? Is a separate "Section 68" type of application required for on-site sewage management on the Station Street site prior to the upgrade? Does Sartor approve that too, or does Council?

Answer Mullumbimby Sewer upgrade should be completed by the end of 2009. By early 2010 the site should be capable of being connected to the sewer.

Discussions with Woolworths indicate that they are unlikely to want to continue with the on-site sewerage disposal system. If they do it will be a Section 68 approval by Council.

12. Has the Mayor had meetings with Woolworths/Mallams this year? Can you tell us what any such meetings were about?

Answer The Mayor and I met Woolworths representatives on 3rd March 2008.

They advised us that they were considering lodgment of an amending Section 96 application with the Minister.

I advised them that I was unhappy with the exterior design of the building that had been approved. They advised they would consider alternate, more sympathetic design.

The Mayor requested that they;

- **Consider the opportunity for local produce to be sold in their store**

I also met with Woolworths representatives on Tuesday 2nd April at Council.

They advised me that they were lodging a Section 96 with the Minister shortly and they showed me alternative exterior designs and a new plan showing, how the building would be designed so all car parking is at the southern end of the site, and the building completed in one stage.

13. Has Council been approached by Woolworths/Mallams or any other party to rezone any other Railway Land near the Woolworth's site?

Answer No. If the Minister wanted to, however, under the new Infrastructure SEPP he can dispose of Government Land, with approval to do development that can be approved on adjacent land or land in the “vicinity”.