

**WEST BYRON URBAN RELEASE AREA
STATE SIGNIFICANT SITE STUDY REQUIREMENTS**

Project Description	Investigation of approximately 108 hectares of land to identify and rezone land for residential, commercial, tourism, and associated uses through listing the site in Schedule 3 of the <i>State Environmental Planning Policy (Major Development) 2005</i> .
Proponent	Byron Bay West Land Owners Association
Date of Issue	3 November 2009
General requirements	<p>The State significant site (SSS) study must include:</p> <ol style="list-style-type: none"> (1) an executive summary; (2) a description of the proposal: <ol style="list-style-type: none"> (a) need for the proposal; (b) alternatives considered; and (c) the recommended land uses and development controls for the site to be included in Schedule 3 of the <i>State Environmental Planning Policy (Major Development) 2005</i>, including supporting maps. (3) a thorough site analysis and description of the existing environment; (4) an assessment of: <ol style="list-style-type: none"> (a) the State or regional planning significance of the site (having regard for the Guideline for State significant sites under the <i>State Environmental Planning Policy (Major Development) 2005</i>); (b) the suitability of the site for any proposed land use taking into consideration environmental, social and economic factors, the principles of ecologically sustainable development and any State or regional planning strategy, and (c) the implications of any proposed land use for local and regional land use, infrastructure, service delivery and natural resource planning. (5) a consideration of all relevant statutory and non-statutory provisions and identification of any non-compliance with such provisions (including the <i>SEPP (Major Development) 2005</i>, <i>SEPP 14</i>, <i>SEPP 44</i>, <i>SEPP 55</i>, <i>SEPP 71</i>, <i>SEPP (Infrastructure) 2007</i>, <i>SEPP (Exempt and Complying Development Codes) 2008</i>); (6) a signed statement from the author SSS study certifying that the information contained in the report is neither false nor misleading; and (7) the likely scope of developer contributions including local infrastructure contributions between the proponent and Byron Council and State infrastructure contributions between the proponent and State Government agencies.
Key Assessment Requirements	<p>Land uses and development controls</p> <ol style="list-style-type: none"> (1) Demonstrate the suitability of the site for the proposed land uses, and outline development controls for the site based on a comprehensive analysis of constraints and opportunities. Provide supporting mapping. The resulting uses and development controls must satisfy the objects of the <i>Environmental Planning and Assessment Act 1979</i> and the aims and objectives of relevant planning instruments. (2) Consider and address impacts of the proposal on existing land uses within the site and on adjoining land, including through consultation with relevant landowners. (3) Any proposed commercial land uses should be considered and justified in the context of existing and proposed commercial centres in the surrounding areas. (4) Demonstrate consistency of the proposed uses with relevant planning documents including the <i>Draft Centres Policy 2009</i>, <i>Integrating Land Use and Transport 2001</i>, <i>the Far North Coast Regional Strategy</i>, <i>the Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies 2007</i>, and <i>the North Coast Urban Design Guidelines 2009</i>. (5) Give consideration of the findings of the <i>Far North Coast region residential submarket analysis</i> (prepared by MacroPlan Australia on behalf of the Department of Planning) in determining an appropriate dwelling mix for the site. (6) Assess the visual impact of the proposal on the surrounding area.

Staging of Development

- (1) Provide details of the proposed staging of development.
- (2) Identify the staging process for infrastructure provision commensurate with proposed staging of development and land release.

Biodiversity

- (1) Assess the impact of the proposed rezoning on existing native flora and fauna, on the site and surrounding areas. The assessment must be conducted in accordance with the *Guidelines for Threatened Species Assessment (DEC July 2005)* and include a field study. The assessment should also consider the *Byron Shire Biodiversity Conservation Strategy 2004* and *Aquatic Ecology in Environmental Impact Assessment* (Department of Planning May 2003).
- (2) Describe how the proposed land uses and development controls avoid or mitigate impacts on biodiversity, threatened species, their habitat and ecological corridors.
- (3) Demonstrate how biodiversity impacts of the project will be offset.

Geotechnical

- (1) Assess the capability of the land for the proposed land uses including with respect to erosion potential, slope stability, and salinity and the presence of potential and actual acid sulphate soils.
- (2) Identify the potential for contamination and other associated risks for development and outline actions, management and mitigation measures required and address contamination issues associated with the project if any, in accordance with *SEPP 55* and other relevant legislation and guidelines.

Traffic/Transport

- (1) Include a traffic study in accordance with the *RTA Guide to Traffic Generating Developments*, which:
 - (a) assess the impacts of the proposal on regional road network, including the relationship of the proposal with the MR545 corridor, and Byron Bay town centre bypass;
 - (b) assess the impacts on access to other proposed developments in the locality;
 - (c) identify proposed access to and from the wider road network as well as the opportunities and constraints of alternative vehicular access points;
 - (d) identify measures to introduce and promote public transport usage and mode share; and
 - (e) identify opportunities to connect to existing and proposed pedestrian and cycle networks and provide connections to relevant transport services and key off-site locations.

Air quality

- (1) Assess the odour and air quality impacts of the nearby existing development and any proposed development.
- (2) In particular consider any odour issues associated with the existing poultry processing factory, and identify how any associated land use conflict would be avoided and/or managed, including through provision of buffers. Consideration should be given to *Living and Working in Rural Areas – A handbook for managing land use conflict on the NSW North Coast* (Department of Primary Industries 2007).
- (3) The assessment must be consistent with the *Technical Framework Assessment and management of odour from stationary sources in NSW (DECC November 2006)* and the *Technical Notes Assessment and management of odour from stationary sources in NSW (DECC November 2006)*.

Noise Impact

- (1) Demonstrate that the proposed land uses are acceptable in terms impacts from noise, including traffic noise in accordance with *Environmental Criteria for Road Traffic Noise 1999* and the *Development Near Rail Corridors and Busy Roads – Interim Guideline 2008*, and noise from the adjacent poultry processing factory.

Heritage

- (1) Identify and assess the impacts of the proposal on the heritage significance of the area in accordance with the relevant guidelines including the *Guideline for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC July 2005)*, and *Assessing Heritage Significance (NSW Heritage Office 2001)*.
- (2) Provide detail of how the proposed land uses and development controls respond to the heritage environment, and how impacts would be avoided or mitigated.

	<p>Water quality</p> <ol style="list-style-type: none"> (1) Identify waterways and appropriate riparian buffers. Identify suitable zoning of riparian land and consider the future management arrangements of these areas. (2) Identify and assess any potential impact of proposed rezoning on hydrology and hydrogeology of the site and adjacent areas in terms of impact on water quality. (3) Give consideration to the management objectives and actions of the <i>Belongil Estuary Study and Management Plan</i> (adopted by Byron Shire Council in November 2001). (4) Identify and assess potential water sensitive urban design strategies, and outline a preferred strategy. <p>Flooding</p> <ol style="list-style-type: none"> (5) Identify flooding constraints and impact of sea level rise, including with consideration of the Byron Shire Council's <i>draft Belongil Creek Flood Study</i>, and <i>draft Climate Change Policy</i>. (6) Demonstrate consistency with the <i>NSW Floodplain Development Manual: the management of flood liable land (2005)</i>, the <i>Floodplain Risk Management Guideline – Practical Consideration of Climate Change (DECC 2007)</i>, and <i>draft Sea Level Rise Policy Statement (DECC 2009)</i>. <p>Bushfire Risk Assessment</p> <ol style="list-style-type: none"> (1) Provide an assessment against <i>Planning for Bush Fire Protection 2006</i>. <p>Ownership/Maintenance of Public Domain</p> <ol style="list-style-type: none"> (1) Provide details of the proposed ownership arrangements for any land proposed to be zoned for a public purpose. <p>Utilities Infrastructure</p> <ol style="list-style-type: none"> (1) Prepare a utility and infrastructure servicing report and plan for the site – This must: <ol style="list-style-type: none"> (a) identify existing utilities and infrastructure such as the supply of water, sewerage, stormwater, gas, electricity and telephone services; (b) assess the capacity of utility infrastructure to service the site; (c) identify technologies which may reduce the demand or need for servicing or provide for the supply of sustainable services (such as water sensitive urban design measures and sediment control measure); and (d) identify the infrastructure, services and community facilities required to support the proposal, and assess the adequacy of the existing level of infrastructure, services and community facilities. <p>Social and economic impacts</p> <ol style="list-style-type: none"> (1) Provide a social impact assessment of the proposal on surrounding communities including a gap analysis relating to community and sporting facilities, provision of community health facilities and a supply and diversity of housing (including affordable housing and seniors living). The assessment should give consideration to Byron Shire Council's adopted <i>Social Impact Assessment Policy</i>. The assessment should give consideration of the impact of the proposal on tourism in the locality associated with the loss of affordable tourist accommodation currently provided by the Belongil Fields Caravan Park and Conference Centre. (2) The proposal should consider inclusion of affordable housing provisions, including through consideration of <i>Byron Shire Council's Affordable Housing Option Paper</i> and associated information.
<p>Consultation Requirements</p>	<p>During the preparation of the SSS study, the proponent must undertake an appropriate and justified level of consultation with relevant parties.</p> <p>Prior to preparing the SSS study the Proponent must prepare a Communication Strategy and submit to the Department of Planning for review and comment.</p> <p>The strategy should include consultation meetings with Council at various stages during the process, including prior to preparation of the SSS Study to discuss the strategic context of the site.</p> <p>The strategy should also identify opportunities for existing communities in the surrounding areas to provide input. This would include consultation with landowners within and adjoining the site. It is expected that some form of community meetings or</p>

information sessions would be held during the study preparation to present constraints and opportunities identified during preparation of environmental studies, and obtain feedback on options for the site. The Strategy should identify the timing for the carrying out of proposed consultation processes.

If consultation has already been undertaken or will be undertaken during exhibition, this needs to be documented.

Relevant agencies must be consulted including, but not be limited to:

- Byron Shire Council;
- Department of Transport and Infrastructure;
- Department of Environment, Climate Change and Water (including the Marine Parks Authority);
- Department of Industry and Investment (Department of Primary Industries);
- Emergency services agencies (including the Ambulance Service of NSW, the State Emergency Services, Rural Fire Service, NSW Fire Brigades, and NSW Police);
- Department of Health (North Coast Area Health Service);
- Department of Education and Training;
- Local Aboriginal Land Councils; and
- Utility and infrastructure providers.