



# West Byron Urban Release Area

## Questions and Answers

The questions and answers that follow reflect likely or common questions being asked by the community and stakeholders. The planning process undertaken for the State Significant Site Study has resulted in a proposed Land Use Plan and a Preliminary Development Control Plan. The Department of Planning's exhibition of the Study is currently underway, the details are available – NSW Government, Planning and Infrastructure, Development Assessments, Major Project Assessments - [http://majorprojects.planning.nsw.gov.au/index.pl?action=search&status\\_id=6](http://majorprojects.planning.nsw.gov.au/index.pl?action=search&status_id=6)

1. *What is the basis for this proposal? What right do the landowners have to propose this rezoning?*

West Byron has been identified as a potential development area for decades, in several different Council and State government strategies. There have been previous attempts at getting West Byron rezoned, including a Local Environmental Study by Council in the mid-1990s that was paid for by the landowners.

We know there are issues with the land and with traffic, and have now undertaken a formal rezoning study to scrutinise these issues and look at some solutions. The current SSS study on exhibition provides that formal process.

2. *How does this Land Use plan fit in with Council's LEP?*

The zones and other planning controls for West Byron will be based on the NSW Government Standard Instrument. Byron Shire Council is also preparing its shirewide LEP in accordance with the Standard Instrument, so they will finish up with the same zones and other controls. West Byron will have the same height limits as the rest of the Shire.

3. *Where are we up to in relation to planning for re-development?*



### STAGE 1 (2010-11)

**PHASE 1: APPLICATION TO THE DEPARTMENT OF PLANNING.** In September 2009, the NSW Minister for Planning declared the land as a potential State Significant Site. The Department of Planning issued requirements for the State Significant Site study on 3 November 2009.



**PHASE 2: INVESTIGATION PHASE.** Environmental and technical assessments were undertaken as well as consultation with stakeholders (community, Council and State government departments).

The expert environmental and other technical assessments covered acid sulfate soils, odour from the Sunnybrand Chickens site, Aboriginal archaeology, bushfire, civil engineering, economics, flooding, flora and fauna, marine ecology, mosquitoes, social impact, traffic, traffic noise, visual impact, water quality, urban design and planning. Detailed reports are now on exhibition.

**PHASE 3: DESIGN OF ZONING OPTIONS AND DEVELOPMENT CONTROLS FOR THE SITE.**

The team held an inter-disciplinary urban design “round table” to investigate a range of design and planning options. This was followed by an urban design process that ranged from the regional perspective (the big picture) to the local scale detailing land use, access and development form.

**PHASE 4: REFINEMENT OF PROPOSED LAND USE PLAN THROUGH FEEDBACK FROM STAKEHOLDERS.**

Feedback was sought from the community and other stakeholders. This led to some refinements of the proposed Land Use Plan and the proposed zones before the SSS study was submitted to the Department of Planning.

**PHASE 5: STUDY IS SUBMITTED TO THE DEPARTMENT OF PLANNING FOR ASSESSMENT.**

The study includes all the environmental and technical assessment reports, the proposed Land Use Plan and the preliminary Development Control Plan (DCP). The job of the preliminary DCP is to capture information acquired in the SSS study, but not reflected in the zones themselves.

We are here

**PHASE 6: EXHIBITION OF DRAFT REZONING PROPOSAL FOR WEST BYRON BY DEPARTMENT OF PLANNING.**

Exhibition by the Department of Planning, inviting submissions from the community and other stakeholders. This will be followed by an assessment of submissions by the Department of Planning and amendments to the Plan if required.

**PHASE 7: DETERMINATION AND LISTING IN SCHEDULE 3 OF SEPP MAJOR PROJECTS AS A STATE SIGNIFICANT SITE.**

Once finalised the site becomes listed in a statutory document, like a site-specific Local Environmental Plan.

4. *When will building commence?*

The SSS study is only the start of the planning process, there is a long way to go yet. Before any construction can commence on the site, the SSS study must be evaluated by the NSW Department of Planning and Infrastructure.

If the SSS study is approved and the land is rezoned, a master plan and detailed Development Control Plan will be prepared and a development contributions plan will be required. Then development applications will be lodged for subdivision of the land. Subdivision earthworks, drainage and infrastructure will have to be prepared before houses can be built.

The planning process is very complex and there are many variables that could affect timings. If all approvals are received, subdivision work may commence in 2014/15 and the first of the dwellings will come after that.

**Acid Sulfate Soils**

5. *The site has acid sulfate soils, what will happen if they are disturbed?*

Core sampling has revealed that acid sulfate soils are present under the entire site at varying depths. However, the likelihood of disturbance is limited because the site will not require significant excavation (in fact some filling will be required to provide gradients for stormwater drainage).

Earthworks requirements, and potential impacts on acid sulfate soils, will be considered in the master plan and subdivision design. An acid sulfate soil management plan may be necessary before work can commence. Modification of the main drain may need to be staged to reduce potential impacts from acid sulfate soils.



### **Acoustic Impacts**

6. *What are you doing about traffic noise from Ewingsdale Road? Will there be “sound walls”?*

The noise from Ewingsdale Road will affect subdivision design and housing design, but there are solutions. It is not an issue that prevents rezoning of the land.

There are already indications that the speed limit will be reduced along the site frontage and out to a point west of the entry to the new sportsfields. This will reduce vehicle noise, but there will still be some intrusion and further mitigation measures will be required.

On their own, “sound walls” along Ewingsdale Road are unlikely to be acceptable to anyone. To deal with this situation, a team comprising an urban designer, acoustic engineer, and landscape architect have developed integrated solutions which include landscaped mounds, building setbacks, building orientation, and variety in the landscape along Ewingsdale Road. These options will be refined and bedded in at the master planning and DCP stage.

Another source of noise is the adjoining Sunnybrand Chicken site and its air-conditioning units and other industrial activity. This has been addressed by placing industrial development nearer to Sunnybrand so that the nearest dwelling in West Byron will be a long way from noise sources.

### **Air Quality**

7. *What will you be doing about odour from Sunnybrand?*

The main issue with Sunnybrand is the storage of live birds prior to slaughter and processing. The area is relatively flat with little topographical influence on air movement, so odour emissions are most strongly influenced by wind speed, the number of birds present, and the condition of the accumulated waste. Distance is the main factor in mitigating odour. Industrial uses are less sensitive to odour compared to dwellings, particularly at night.

The proposal is to put industrial development next to Sunnybrand (there are already industrial uses across the road from Sunnybrand) and to use that industrial development to separate Sunnybrand from residential development at West Byron.

### **Archeology**

8. *Are there any sites of Aboriginal significance?*

Aboriginal stakeholders have been consulted. Based on their advice and field survey and assessment, there are no cultural heritage constraints to rezoning of the study area for urban development purposes.

As a safeguard to minimise potential impacts it was concluded that, prior to development, subsurface archaeological testing should be undertaken on and around two specific areas on the site. This will more securely assess their cultural heritage values and define whether they need to be conserved. If significant archaeological deposits are identified, permanent protection and monitoring may be called for.

### **Bushfires**

9. *The site is next to wetlands and other forested areas –how will the development manage bushfire hazard?*

The site has been assessed under current bushfire guidelines. There are moderate bushfire hazard levels, primarily from the wetlands to the south. Bushfire risk within the site is low as most vegetation was cleared decades ago, and any remaining areas of vegetation occur in small patches.



The NSW guideline “Planning For Bushfire Protection” requires several bushfire management strategies to be addressed:

- Using perimeter roads;
- Building construction for different “Bushfire Attack Levels”;
- Asset Protection Zones, depending on vegetation type and nature of development (mostly 15 or 20 metres for residential development);
- Secondary road accesses, rather than one road in and one road out.

These factors have been taken into account in the proposed urban structure plan and zones, but more detail will be needed in the master plan.

### **Civil Engineering**

#### *10. Can the infrastructure cope?*

The main findings from engineering investigations are:

- Water, electricity & telecommunications are available to the site;
- Sewer capacity is available;
- The site is relatively flat and sandy, which will lead to lower infrastructure costs within the site;
- Optic fibre cable, sewer mains and water mains are located along Ewingsdale Road, and should be avoided in the design and construction of the development and the main roundabouts;
- Sunrise Boulevard is not suitable for an access roundabout to West Byron due to flooding, acid sulfate soils and existing infrastructure in that location including optic fibre cable, water mains, sewer mains).

### **Density**

#### *11. How many new people will this bring to the area?*

At this stage we can only deal with broad statistics. The current average number of people in each household in Byron Shire is about 2.5. The long term trend in Australia is a decrease in that number, due to the increasing number of single-person households and other factors. Our estimate is that the average number of people in each dwelling at West Byron will be lower than the current average – perhaps 2 persons per household or less. This is consistent with Council’s Affordable Housing Strategy, and with the Far North Coast Regional Strategy.

West Byron itself may accommodate up to 2,000 people. However this will be offset by continuing declines in average occupancy, so that the overall increase of Byron Bay’s population will be just over 1,000 .

Byron Bay’s existing population (including Suffolk Park and Sunrise Beach) is just under 10,000 so West Byron will contain about 10% to 15% of Byron Bay’s total population. These are preliminary estimates, appropriate for the rezoning stage. More detailed estimates will come in the master plan.

#### *12. This is all about squeezing more people in, isn’t it?*

The NSW planning system requires consideration of many planning and design guidelines including:

- Coastal Design Guidelines
- North Coast Urban Design Guidelines
- Department of Housing regional housing analysis

These documents and policies provide consistent messages on a range of development issues, including:

- Balancing ecological, social and economic aspects to achieve sustainable development.
- Designing for walkable and sustainable communities
- Creating a neighbourhood focus and mixed uses rather than generic residential development.
- The need to provide small lots and small dwellings in response to changing and diversifying lifestyle choices and affordability. Planning for parks, public transport and other social services.



For the current phase of the planning process – for traffic modelling and infrastructure servicing estimates – the general residential areas are assumed as having an average density of 17 dwellings per hectare. The live/work at area at the west will have a lower density, and the central neighbourhood node at the east will have a higher density. In comparison, existing areas like Sunrise Beach and Baywood Chase have relatively low residential densities of about 10 to 12 dwellings per hectare due to the predominance of 3 and 4 bedroom detached houses on large lots.

Low residential densities are challenging for public transport, limit the types of housing for sale or rent, and result in reliance on cars for transport to shops and employment, which are typically located some distance away.

A density of 17 dwellings per hectare translates to approximately 850 dwellings in West Byron, which translates to between 1,500 and 2,000 people. However because of a long term decline in the average number of people living in each dwelling on the Far North Coast, the additional population of Byron Bay will be less than that.

The proposed densities for West Byron are an appropriate response to the issues and will be achieved with low building heights. Density and population are necessary for the viability of local shops and public transport and the cost-benefit of social infrastructure like cycleways.

### **Design and housing**

#### *13. What will the average lot size be?*

The SSS study looks at the factors that influence housing affordability and considers different types of housing design, government policies, and urban design guidelines.

We already know that there is a requirement for diverse lot sizes and a wider range in the size of dwellings that people can choose to live in. West Byron will not be a homogenous residential estate so it is not realistic or relevant to think of one average lot size over the whole site.

The NSW Housing Code allows for attached housing (terrace houses) to be built as “complying development” on lots of 200m<sup>2</sup>. This is likely to be the minimum lot size in some areas close to the village centre. However this type of housing does not appeal to everyone, so there will be a range of lot sizes, with the larger lots at the edge of the development. This will ensure a mix of dwelling types and sizes.

#### *14. No housing is affordable in Byron so why pretend?*

Affordability is a complex issue determined by a wide range of market and regulatory forces. Land supply and choice of housing are factors. We anticipate that increasing the supply of housing, and increasing the diversity of housing types available, will have a positive impact on housing affordability in the area, particularly for people who want to down-size their rental or ownership to a property more suited to their needs.

#### *15. What is it going to look like? We don't want the area to turn into another McMansion estate the same as everywhere else.*

Design is important at each stage of the planning process – design of zones, design of infrastructure, streets and lot layouts, and design of houses. The SSS study for West Byron used an urban design process to support the development of new housing and architecture that is appropriate and appealing to the local community and potential residents. After the land is rezoned, a master plan will be developed. This will include housing design guidelines.

#### *16. Building height:*

The building height limit for West Byron will be the same as the rest of Byron Shire. This is set by the current Byron Local Environmental Plan at 9.0 metres.



17. *Exempt and Complying Development:*

Rather than inventing a whole new set of exempt and complying development rules for West Byron, the development will rely on an existing set of standards in a State Environmental Planning Policy that is already in use in many other parts of the State (Byron Shire has its own exempt development controls in DCP 16).

“Exempt development” classification allows for small incidental developments to be built without needing development approval – things like garden sheds and small satellite dishes.

“Complying development” classification allows houses to be approved and built without a Development Application if they comply with specified criteria like height, floor area, setbacks and landscaped areas. It is envisaged that the majority of houses in West Byron would be complying development under the Housing Code. Anyone wanting to build a house that goes outside the Code will need to lodge a Development Application.

18. *What sort of controls will be in place to ensure the development is sustainable and in keeping with the best of developments?*

The NSW Standard Instrument is the basis for the zones and other planning controls. There are several standard clauses that would be appropriate for West Byron, which would need to be addressed in development applications:

2.6BB – Temporary use of land: This allows for markets and the like.

5.4 – Controls on specific uses such as:

- maximum number of guest bedrooms in a bed and breakfast
- maximum floor space for home businesses
- maximum size of a neighbourhood shop

5.5 – Development in the NSW coastal zone: Most of West Byron is in the NSW coastal zone. This clause requires consideration of a lot of environmental and design issues due to the sensitivity of coastal areas.

5.9 – Preservation of trees: Similar to a tree preservation order.

6.3 – Development control plan: This clause requires a detailed DCP to be prepared before subdivision or development can be approved. A DCP should include details of:

- Transport planning
- Landscaping strategy
- Active and passive recreation areas
- Stormwater controls
- Response to natural hazards
- Measures to encourage higher density living close to public transport and open space, and to achieve development density targets
- Urban design and development controls

7.3 – Flood planning: requires assessment of how flooding may affect development, and how development (e.g. filling) may affect flooding.

## **Economics**

*What economic benefits will the development bring to the area?*

- Building and servicing trades will benefit from many years of construction activity.
- An increase in Byron Bay’s permanent resident population will support local businesses.
- Home businesses and live/work studios have been planned into the zoning system.
- The light industrial area will provide employment and is a logical extension to the existing industrial estate, which cannot otherwise expand.



19. *Will there be a shopping centre?*

There are no plans for a shopping centre or mall. West Byron area will not provide sufficient population to support a full-line supermarket. The viability of neighbourhood-scale shops and cafes will depend on there being sufficient population within the site. Otherwise, the West Byron development will support the existing supermarkets and shops in Sunrise Beach and Byron Bay.

A commercial centre located on the Ewingsdale Road frontage would obviously be better for passing trade, but this location would not be ideal for West Byron residents, and the attractiveness of the centre would be compromised by noise from Ewingsdale Road. A more central location within the site on the major internal movement network will be within walking distance for most residents and will provide a “village centre” identity.

### **Flooding**

20. *Isn't the site flood prone?*

The site has areas of low, medium and high flood hazard around the edges. Development has been avoided in high flood hazard areas. Low hazard areas and many intermediate hazard areas, where the depth and velocity of flood water is limited, may be filled without significant impacts. Flood modelling indicates that an area at the east of the site may be filled without significantly affecting flood levels, but this area has been set aside for environmental restoration and habitat regeneration.

### **Flora & Fauna**

21. *What is going to happen to the flora and fauna habitat?*

Comprehensive flora and fauna surveys and threatened species surveys have been completed. Parts of the site contain habitat of high conservation value and areas of importance for threatened species. One threatened flora species and two Endangered Ecological Communities have been recorded.

The most important areas are set aside in conservation zones. There are significant individual trees on the site, but the areas are too small to zone. These trees will be looked at again in the master plan, with the aim of conserving them in public reserves and parks.

Some fragmented patches of vegetation are likely to be removed. To offset this, extensive areas have been identified for compensatory habitat.

Environmental zones and a planting program will provide a net gain of Koala habitat and provide linkages between identified Koala activity areas to the northeast and southeast of West Byron.

### **Marine Ecology**

22. *How will the development avoid impacts on Belongil Creek?*

A number of drains run through the study area. These drains carry water from the Byron Bay Industrial Estate and from Byron Bay's sewage treatment plant.

We have followed the recommendations of a marine ecologist to ensure the water quality in Belongil Creek is protected. This includes buffers between the creek and development; stormwater retention and treatment on the site prior to infiltration or discharge; habitat restoration and weed control along drains; and controlling public access to the Belongil Creek. These works may actually improve the quality of water flowing into Belongil Creek.



### **Mosquitoes**

23. *Mosquitoes are a problem in Byron, how are you dealing with that?*

Results of scientific sampling and historical records indicate that the risk of mosquito biting is not significantly greater than other residential areas of Byron Shire.

Within West Byron, some mosquito activity can be expected in outdoor areas. Insect screens should be fitted to windows and doors in many areas. Consideration should be given to minimizing the potential of onsite mosquito habitats associated with buildings, particularly rainwater tanks. This may require a site specific housing code, or homeowner advisory services.

### **Public Land**

24. *Will you be providing any parks and reserves?*

The main drain which runs diagonally north/west to south east through the site is Crown land. We want to modify the drain in some places, so that it has a more natural appearance with gentler side banks and some native vegetation, without affecting its flood flows.

There is a road reserve along the frontage to Belongil Creek. This edge represents an opportunity for public access and appreciation via environmentally sensitive boardwalks. A road reserve along the east side of Belongil Fields contains a large water main and significant vegetation, and should remain as public land.

Within the development, there will be a 1 hectare central park and other smaller parks, many of which will be shaded by existing trees. It is expected that areas of open space and urban bushland within urban areas of the development will be dedicated to Council as public land.

### **Social Impact**

25. *More people will be an impact on our local services!*

Based on the location of the site and its likely population profile, it would be appropriate for West Byron to be treated as an extension to the development to the north – the Sunrise Beach residential area and the Arts & Industry estate. Safe pedestrian connections should be made between these areas, across Ewingsdale Road.

Existing child care services have little spare capacity, and additional demands will arise if West Byron is more affordable for young families. The proposed zones for West Byron will allow for child care centres and day care.

The needs of young people are expected to be met within the existing wider community. Conveniently, the new Byron Bay Sportsfields and Cultural Complex is close to the site. Poor transport is a significant local issue for the Byron Shire's young people – West Byron will incorporate bus routes (within walking distance of all residences) and cycle paths.

The residents of the development will need community facilities and services. This will include community meeting spaces, which can be met in part through appropriately designed facilities in the public domain. There is a need for a social focus or hub for the new community. There will be a need for some complementary and neighbourhood-level facilities on the site. This could entail a café, takeaway food outlets, community meeting spaces etc. The proposed zones support this outcome.

It is not anticipated that the proposed development will make any significant demands on ageing and disability facilities and services in the medium term. A component of the development could provide Seniors Living housing, but this does not affect the zoning process.





## **Traffic**

26. *What solution are you offering to the issue of increased traffic in the area as a result of the development?*

Estimates by Council and by the West Byron project indicate that the development will be responsible for about 12% of the total traffic on Ewingsdale Road in about 20 years time.

Improvements in Byron Bay's traffic management are long overdue. The detail of where and when those improvements will occur has not been resolved after some 15 to 20 years of studies, reports and debate. We believe solutions are possible – we aren't proposing anything new. The important thing is that this current planning process engages State authorities and Council, and provides a process for reaching some solutions and taking action. West Byron should, and will, contribute financially to infrastructure upgrades.

Access to the development itself will be by two main roundabouts. Council's planning already includes a roundabout at the Bayshore Drive / Ewingsdale Road intersection. West Byron will tap into that roundabout, and there will be another roundabout at the east near the School of Audio Engineering. The detail will be resolved in a master plan and infrastructure planning after the land is rezoned.

## **Visual and Landscape Quality**

27. *Won't there be visual impact from Ewingsdale Road?*

The highest impacts will be on localised or foreground views along Ewingsdale Road. The frontage to Ewingsdale Road will have a variety of landscape and building treatments to create a mixture of visual impressions.

Streets can be aligned so that there are view lines through the site to places of interest, such as forested areas and the escarpment. Unscreened "noise walls" along the frontage are not appropriate and are not proposed. Options have been developed for mitigating traffic noise while maintaining scenic amenity. This includes setting houses back from Ewingsdale Road, perhaps using a service road just inside the site to increase the setback distance. Landscaped mounds are another solution, and would also provide amenity to the new cycleway alongside Ewingsdale Road. Whichever option is chosen, the aim will be to ensure that the visual impression from Ewingsdale Road is not simply a wall of housing and other buildings. This issue will be considered in detail in the master plan, before development occurs.

## **Water Management**

28. *There is a high water table and sometimes it is swampy – how are you going to deal with that?*

The hydrology and hydrogeology are fundamentally governed by the sandy soils and an unconfined shallow aquifer. The relatively large Industrial Estate Drain bisects the site and carries untreated and unmanaged urban runoff to Belongil Creek. The depth and fluctuations of the water table will affect subdivision and earthworks design, taking advantage of natural drainage flows. Some fill material (earth) will have to be brought on to the site to ensure that the floor level of houses is high enough to provide stormwater drainage. The exact location of fill areas will be addressed in a master plan, after the land is rezoned.

A range of Water Sensitive Urban Design (WSUD) strategies and devices have been assessed. A number of treatment scenarios were modelled to assess the impacts on water quantity and quality and to determine a reasonable sequence of treatment train elements for the West Byron site. At this stage of planning we are confident that there a range of solutions for managing stormwater. Artificial wetlands offer the best way of integrating surrounding biodiversity with on-site biodiversity. Bio-retention systems would also be suitable for some areas of the site. Modelling indicates that the rain water tanks (for non-potable indoor and garden demand) and the installation of swales, wetlands and infiltration systems will result in the most effective treatment train.