



BSC File No: PLN559000 #1030729
Contact: Matt Walker

22 November 2010

Mr Jim Clark
Department of Planning
Locked Bag 9022
Grafton NSW 2460

Received
23 NOV 2010
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North Coast

Dear Jim,

Planning Proposal to Rezone Land at Lot 100 DP 1140936 Ewingsdale for the Byron Central Hospital

Council at its meeting of 8 October 2009 resolved (09-814) that various sites being considered in the draft Shire-wide Local Environmental Plan be progressed under the new gateway process. In particular the land at Lot 100 DP 1140936 Ewingsdale Road is proposed to be rezoned to 5(a) Special Uses Zone to enable the construction of the Byron Central Hospital in the immediate future. The Council resolution was as follows:

09-814 (relevant extract only)

4. That Council confirm that sites 1a to 1h (as below) and identified in the report be progressed under the new LEP Gateway process.
1a - Byron Hospital

Subsequent to this, Council at its meeting of 17 December 2009 resolved (09-1082) that applicants of the above sites be invited to proceed with applicant initiated proposals, if they wish to proceed under the gateway process, by employing a private planning consultant.

In Accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*, Council submits the planning proposal and supporting studies carried out by the proponent to rezone the land. It would be greatly appreciated if this proposal could be dealt with as a matter of urgency to facilitate the construction of the Hospital in a timely manner.

Should you have any enquiries please contact Matt Walker on 02 6626 7169.

* Please note the subject land is Lot 100 not Lot 10 as indicated on the front page of the Planning Proposal.

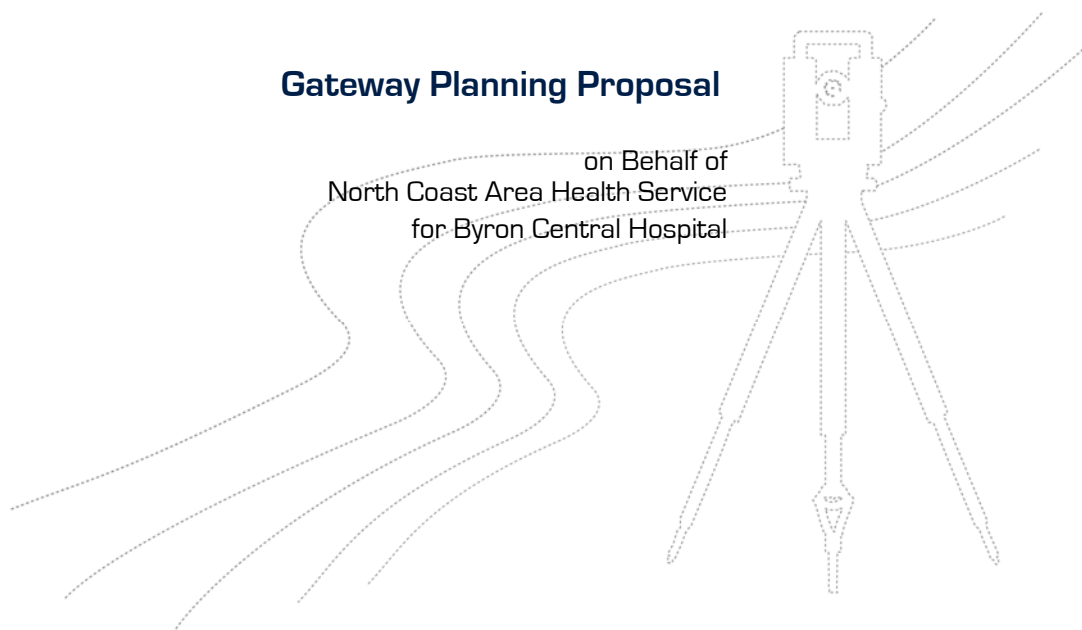
Yours sincerely,

Ray Darney
Executive Manager Environment and Planning

Attachment: Planning Proposal for Byron Central Hospital – prepared by Newton Denny Chapelle on behalf of North Coast Area Health Services #1030451

Gateway Planning Proposal

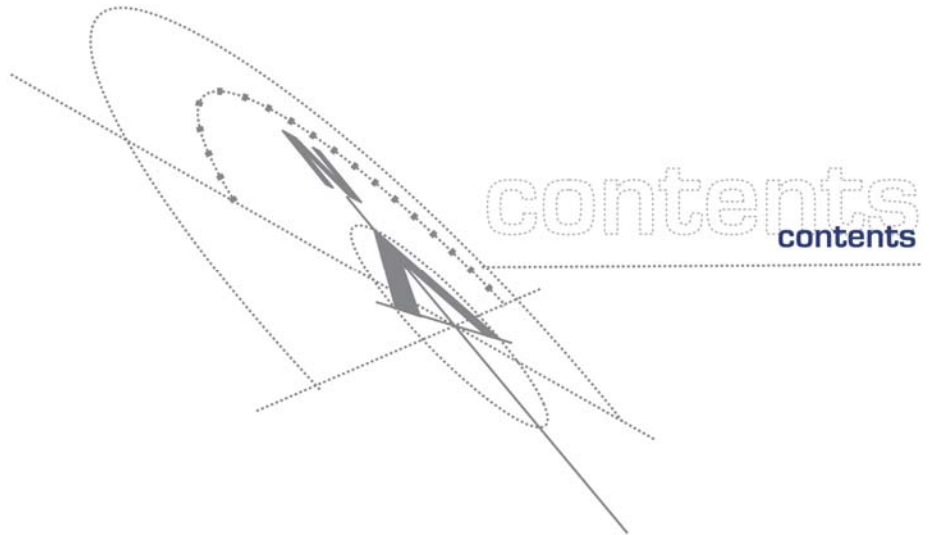
on Behalf of
North Coast Area Health Service
for Byron Central Hospital



Site: Lot 10 in DP 1140936
Ewingsdale Road, Ewingsdale

Our Ref: 10/515
Date: November 2010





Executive Summary Page 1

Part 1 – Proposal Objective 5

Part 2 – Explanation of Provisions 5

Part 3 – Justification 6

Section A – Need for the Planning Proposal 6

Section B – Relationship to Strategic Planning Framework 9

Section C – Environmental, Social and Economic Impact 16

Section D – State and Commonwealth Interests 24

Part 4 – Community Consultation 25

Conclusion and Recommendations 25

Attachments

Attachment 1 – Architectural Design Plans

Attachment 2 – Ecological, Bushfire & Archaeological Assessment
Place Environmental

Attachment 3 – Social Impact Assessment
Planning Resolutions

- Attachment 4 – Traffic & Parking Study
TEF Consulting
- Attachment 5 – Conceptual Stormwater Management Plan
Black Earth Environmental Services
- Attachment 6 – Acoustic Assessment
Tim Fitzroy & Associates
- Attachment 7 – Preliminary Site Contamination Report
Tim Fitzroy & Associates

Executive Summary

Background

Project Details

Newton Denny Chapelle has been engaged by **North Coast Area Health Service (NCAHS)** to prepare a 'Planning Proposal' for lodgement with Byron Shire Council for land located at Ewingsdale Road, Ewingsdale, described as Lot 100 in Deposited Plan 1140936.

The proposal provides for the construction of a 54-bed¹ Hospital in addition to core services such as an emergency department and acute medical beds, low risk maternity services for the Ballina and Byron Shires and private & public surgical services for residents of Byron Shire. The proposal also provides for the location of the associated Ambulance Station.

Rezoning of the site has been considered as part of Byron Shire Council's Shire-wide Local Environmental Plan. The associated Local Environmental Study (PB, 2008) provides for the site to be rezoned from the current 1(d) Investigation and 1(c2) (Small Holdings (c2)) zones to 5(a)(Special Uses) zone for the purpose of a Health Service Facility to permit the development of the Byron Central Hospital and Ambulance Station.

While work toward the preparation of that Plan continues, Council has more recently resolved to proceed with the rezoning of this site by way of a separate Gateway process, to avoid further delays associated with the Shire-Wide LEP.

The new Byron Central Hospital and Ambulance Station will be part of the Byron/Ballina Coastal Strategy, which involves the development of two complimentary hospitals as a network to serve Ballina and Byron Shires, achieved through the development of one hospital in the Ballina and Byron Shires.

Following an extensive process of planning and consultation, NCAHS recommends the establishment of one hospital on two campuses providing a complementary range of services for the residents of Byron and Ballina Shires.

¹ Please note that this bed calculation was done in 2001. Following endorsement of the recommendations, the bed numbers and the services plan will be revisited in view of the new highway and flow of patients to TTH, the new census population data and projections and the relocation of surgery to Ballina.

Using demographic, clinical, financial and workforce information, NCAHS have adopted the following effective and viable option:

- Existing hospitals at Mullumbimby and Byron Bay Hospitals to close and be replaced by the new Byron Shire Central Hospital.
- Establishment of one hospital on two campuses providing a complementary range of services.
- A 54-bed Byron Shire Hospital to be built on a greenfield site in the Byron Shire.

Location

The site is located approximately 5km north-west of the centre of Byron Bay and approximately 1km east of the northern interchange with the Pacific Highway. The site adjoins the rural residential area of Ewingsdale, a Country Energy installation and a concrete batching plant.

Land uses that immediately surround the site are a combination of urban residential, industrial, urban infrastructure and agriculture. An existing residential estate is situated immediately adjacent to the southern boundary of the site, industrial (Readymix Concrete and Country Energy) land is situated adjacent to the north-western corner, Ewingsdale Hall is located directly adjacent to the western boundary and agricultural land (grazing) is situated to the north of Ewingsdale Road.

The rural residential area of Ewingsdale is located immediately to the south of the subject site, containing approximately 160 dwellings located in lots ranging in size from 2,000m² to 5,000m². A school is located to the south-east of this rural-residential area.

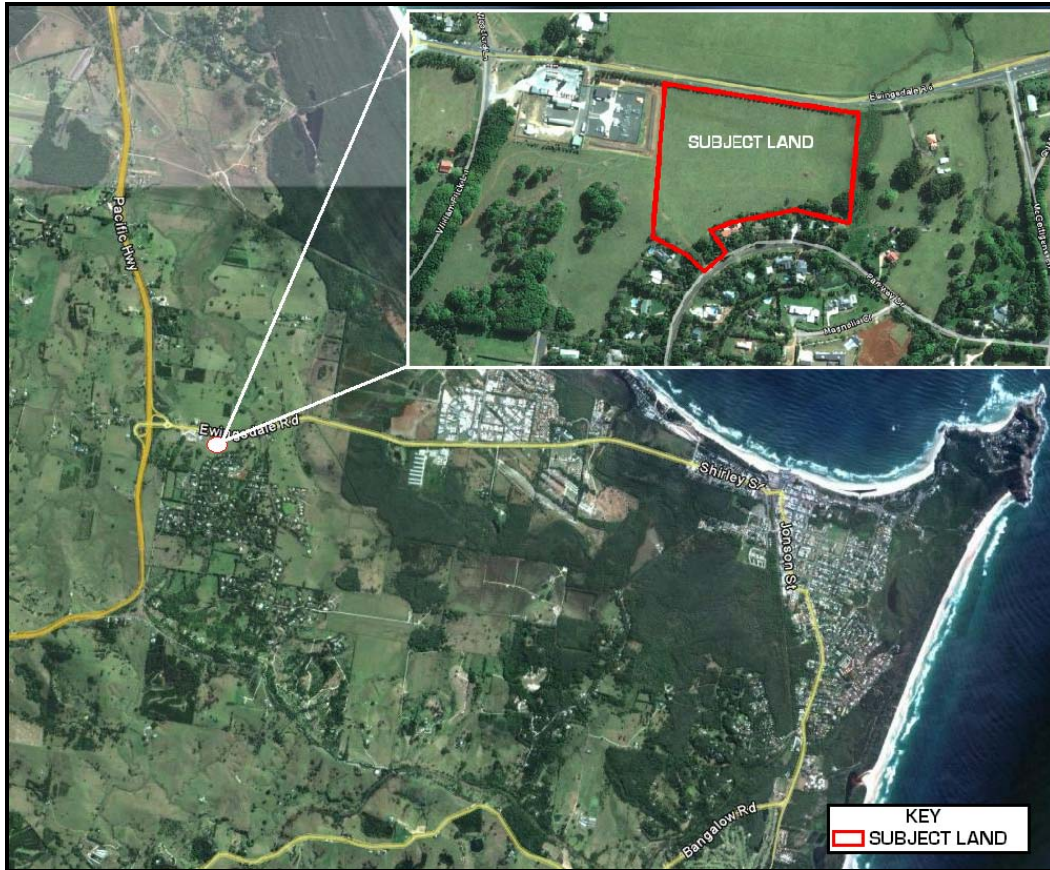


Illustration 1: The land subject to the Planning Proposal

Topography

The site is on gently undulating terrain. The highest point on the site is approximately RL 30 metres AHD while the lowest point of the site, at approximately RL 13.5 metres AHD, is located at the most eastern point. A small unnamed creek, traverses along the eastern portion of the site in a northerly direction. The creek is a tributary of Simpsons Creek which drains the Tyagarah catchment.

The site predominately drains to the east and into the unnamed creek. Given the flat topography, it is unlikely that the site is subject to landslip or instability.

The soils of the area are mapped by Morand (1994) as being Ewingsdale Landscape. These krasnozem soils are described as up to 300cm of self-mulching dark red clay loam overlying between 100cm and 300cm of reddish brown strongly structured clay.

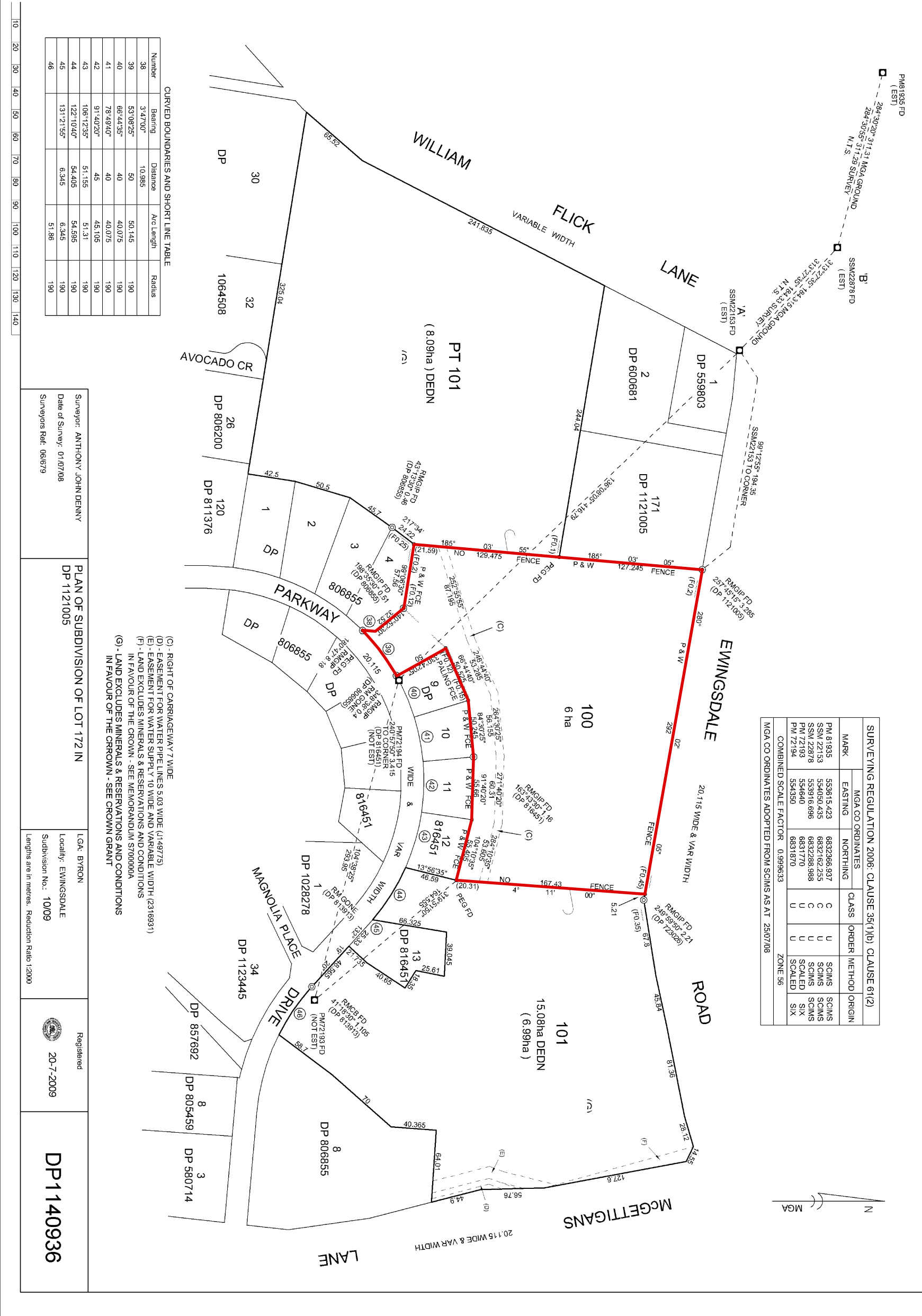
Below this there is mottled medium clay with weathered basalt overlying Lismore basalt bedrock. Typically basaltic clays such as these are slightly to moderately reactive and exhibit Class S to M classification under AS2870-1996 [Standards Australia, 1996].

Field observations taken while on site were consistent with the soil descriptions and mapping provided by Morand (1994).

The site is identified as bushfire prone land (BPL) on Council's BPL map, and as such is required to consider the New South Wales (NSW) Rural Fire Service (RFS) document "Planning for Bushfire Protection 2006" (PBP). Section 4.2.2 of PBP identifies hospitals as "Special Fire Protection Purpose Development", and Section 4.2.4 sets out matters for consideration in developing such facilities on BPL.

A search of the Aboriginal Heritage Information Management System (AHIMS) database (adopting a 10km search radius) indicates that there are 36 known Archaeological sites within this search area.

Req:R428344 /Doc:DP 1140936 P /Rev:21-Jul-2009 /Sts:SC.OK /Prt:19-Apr-2010 11:23 /Pgs:ALL /Seq:1 of 2 dp1140936
Ref:5454679 10/185 /Src:X



Client: NORTH COAST AREA HEALTH

Location:

LOT 100 DP 1140936
EWINGSDALE ROAD BYRON BAY

Amendments:

Date

Changes

B

C

D

E

F

Newton Denny Chapelle

Surveyors Planners Engineers

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Lismore

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PLAN 1 - DEPOSITED PLAN

Date: 2.11.10

Ref No. 10/515

Drawn: CD

Part 1 Proposal Objective

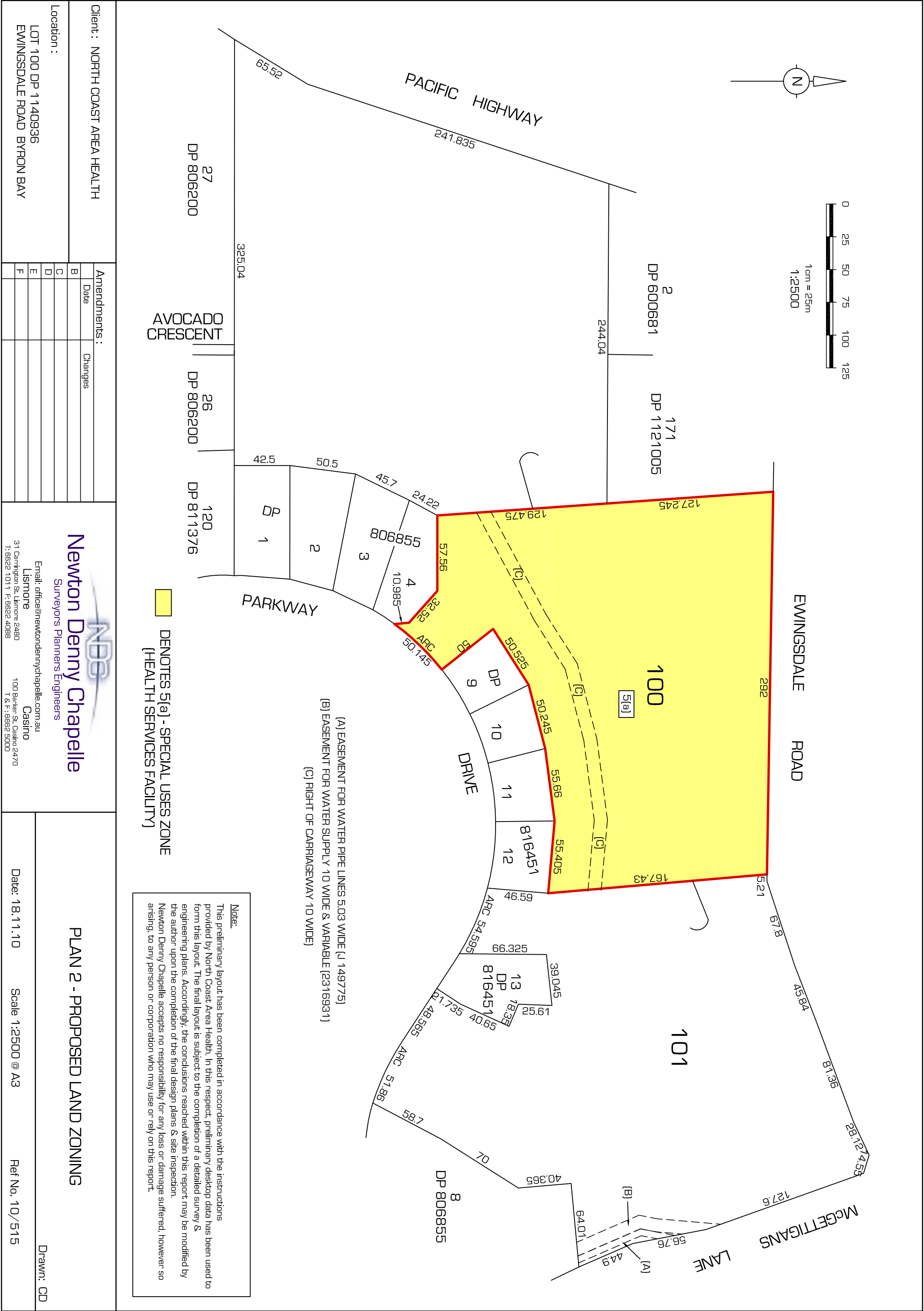
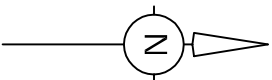
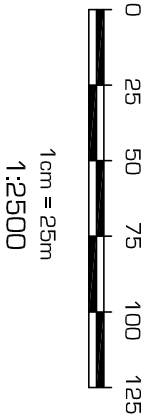
The proposal objective is to enable the advancement of the planned Byron Central Hospital and Ambulance Station which recognises the inherent qualities of the subject site and is responsive to the surrounding land uses and visual exposure provided by the land's main road location.

The development objectives of the new Byron Central Hospital and Ambulance Station are to:

- Provide new 'state of the art' Hospital facility with high quality care standards.
- Facilitate the delivery of improved health, education, research and community facilities to the Byron Shire.
- Provide improved access to and between different health and community services.
- Provide a building design to meet anticipated growth in demand for services and changes in clinical practice.
- Ensure development provides harmony and balance with the surrounding areas.
- Provide a high quality environment through careful design of buildings and a well designed public spaces.
- Improved pedestrian and vehicular access to the Hospital campus.
- Provide adequate car parking on site to meet the peak parking demands of the Byron Central Hospital.
- Provide improved accessibility for ambulance services.

Part 2 Explanation of Provisions

This proposal seeks to amend the Byron Local Environmental Plan 1988 Zoning Map in accordance with the proposed zoning map shown in **Plan 2**.



Specifically, this proposal seeks the support of Byron Shire Council to rezone Lot 100 in Deposited Plan 1140936 from the current 1(d) Investigation and 1(c2) [Small Holdings (c2)] zones to the proposed 5(a)[Special Uses] zone for the purpose of a “Health Service Facility” under the Byron Local Environmental Plan 1988.

Part 3 Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

This Planning Proposal is not a direct result of any strategic study or report from Byron Shire Council. Rather it is the result of an assessment by the North Coast Area Health Service and NSW Ambulance Service of the health needs of the residents of Byron Shire.

In 1998 a planning process was undertaken in Mullumbimby and surrounding areas to make recommendations for the future of Mullumbimby Hospital. A Value Management Study (VMS) was undertaken as part of this process by consultants appointed by the North Coast Area Health Service (NCAHS). The preferred option from the VMS was to further explore the option of one central hospital for the Byron Shire and not to rebuild the Mullumbimby Hospital.

At the time of the VMS, the following services were provided at the two hospitals. Byron Bay Hospital is a 26 bed hospital, with a two bed birthing unit, surgical theatre that operates one day per week, two bed cardiac monitoring capacity and a 7 day a week, 24 hours a day Emergency Department.

Mullumbimby Hospital is a 28 bed hospital providing general medical and obstetric services to the Brunswick Valley in the Byron Shire. It has a three bed-birthing unit, two beds with cardiac monitoring capacity and a 7 day a week, 24 hours a day Emergency Department.

In 1999 a joint consultative committee, with membership from across the Byron Shire, endorsed this option. 10,000 flyers were distributed across the Byron Shire and the community showed support for replacement of Mullumbimby and Byron Bay Hospitals with a Central Byron Shire Hospital.

NCAHS engaged OWL Research & Marketing Pty Ltd to conduct a community consultation amongst the residents of the Byron Shire. This consultation was initiated to ascertain the opinions of the community concerning the criteria necessary in the selection of suitable land parcels for the siting of the proposed new hospital within the Shire.

The objectives of the OWL consultation process included:

- a) To consult with the Site Selection Steering Committee (SSSC), other key stakeholders within NRAHS, Byron Shire Council and relevant authorities.*
- b) To disseminate information to the local community which is relevant to the upcoming site selection process, ensuring full community awareness, understanding and acknowledgement of the process.*
- c) To consult with the local community (collectively and in special interest groups) regarding desired parameters to be included in the EOI and other site selection criteria.*
- d) To assist the SSSC in determining the formulation and terms of reference of the new EOI Steering Group, incorporating community feedback as gleaned in [c] above.*
- e) To assist the EOI Steering Group (when formed) in the preparation of a new EOI document and site selection criteria, using the initial EOI and Draft Site Selection Criteria documents, together with community input obtained in [c] above.*

OWL first consulted with the Community Consultation Committee in January 2002, to determine their priorities for investigation into the criteria priorities. After extensive community consultation a plan was finalised for the central hospital. There was general agreement to the closure of Mullumbimby and Byron Bay Hospitals when the new Byron Shire Hospital is commissioned and operational. Ewingsdale was determined to be the preferred area for location of the Hospital. In 2006 GeoLink, land use consultants, prepared a *Preliminary Assessment of Two Potential Development Sites*. The two sites were parcels of land either side of Ewingsdale Road between the Pacific Highway and McGettigans Lane. The land on the southern side of Ewingsdale Road was seen as preferable.

Byron Shire Council post lodgement of the rezoning submission to be considered within the context of the Comprehensive Byron Local Environmental Plan resolved at its Ordinary Meeting in October 2009 to invite specific proponents of rezoning submissions (inclusive of the Byron Central Hospital) to lodge Planning Proposals under the Gateway Scheme.

It is further noted Byron Shire Council's Local Environmental Study (PB, 2008) prepared for the Shire-Wide Comprehensive LEP recommends to zone Lot 100 DP 1140936 (formally Lot 171 & 172 DP 1121005 and previously Lot 17 DP 816451) Ewingsdale Road, Ewingsdale to part SP2 Infrastructure, part RU2 Rural Landscape and part R5 Large Lot Residential as shown on Figure 7 in Appendix K of the Local Environmental Study document. The hospital site (Lot 100) is proposed to be zoned 5(a)(Special Uses) zone for the purpose of a "Health Service Facility" which is consistent to the SP2 zone under the standard template.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Amending the Byron Local Environmental Plan 1988 Zoning Map so Lot 100 DP 1140936 is zoned 5(a)(Special Uses) zone for the purpose of a Health Service Facility best reflects the proposed Hospital and Ambulance Station use of the site. Hospitals and Ambulance Stations would become permissible land uses with consent under both the LEP and State Environmental Planning Policy (Infrastructure) 2007.

3. Is there a community benefit?

Positive social outcomes are evident in the development of a new hospital for the Shire. The Social Impact Assessment prepared for the initial rezoning submission concluded that the main impact on the broader community relates to transport/accessibility of the site.

Where possible, community concerns have been addressed by the proponent. There will be provision of social infrastructure and services that will add to those currently existing in Byron Shire. Whilst the two existing hospitals in Byron Bay and Mullumbimby will close, the proposed new hospital will provide for a central facility for the community as a whole. There is likely to be some impact on residential amenity for adjoining residences and the need to reduce this impact is considered essential.

Amelioration of the reduction of residential amenity will need to be carefully considered in the design stage for the Development Application and details can be included in a site specific DCP.

The LES (PB 2008) identifies there is a “strong social advantage to allowing the site to be rezoned from rural to infrastructure to allow a hospital. A landscape/vegetation buffer has been proposed to the south of the site to ameliorate any potential impacts on the adjoining local rural residential community. The buffer will allow for a vegetated strip between the hospital and existing dwellings and will provide physical separation between different land uses. Furthermore, the buffer could provide a physical connection between the east and west portions of the residual lot, to allow for improved management of the remainder of the site. Whilst the new zoning will not “zone” this land as open space, a DCP prepared for this site should incorporate the buffer to assist in the retention of adjoining residential amenity. This will then need to be addressed at DA stage”.

Section B – Relationship to Strategic Planning Framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The applicable regional strategy is the Far North Coast Regional Strategy (FNCRS) which was adopted in December 2006. This strategy consolidates and builds on previous planning work, including the Northern Rivers Regional Strategy and local council settlement strategies.

The strategy does not include the land as a proposed future urban release area or employment lands. It is mapped as Rural Land (map P14 FNCRS), and is within the Coastal Area.

With specific reference to health, the FNCRS identifies the Region's population is also changing. Over the next 25 years the median age of the population is projected to increase from 39 years to 51 years due to more than doubling of the population aged 65+ years and a declining proportion of young people (aged between 0 and 14 years). As a consequence from the changing population profile, the FNCRS identifies an increase in the demand for seniors living housing as well as for local services and amenities such as public transport, health care and recreational facilities.

Appendix 3 of the FNCRS identifies the Major Infrastructure Projects nominated for the nominated six local government areas. Within the Byron Shire LGA, the development of the Ambulance Station is the sole project identified.

The FNCRS applies to the period 2006–31 and will be reviewed every five years. With specific reference to Infrastructure Projects, The final Strategy includes regional infrastructure projects outlined in the State Infrastructure Strategy (SIS), which was released in May 2006. The Regional Strategy, and the SIS, will be updated over time, to include further capital programs for health infrastructure inclusive in this instance of the Byron Central Hospital.

The proposal is consistent with the relevant provisions of the FNCRS as it relates to the subject land. The rezoning is not inconsistent with the Strategy, which does not nominate specific locations for large community/infrastructure facilities, such as the Byron District Hospital. The proposed rezoning is consistent with the vision for the Far North Coast in that it works to achieve a healthy and prosperous community.

5. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The applicable local strategic plan is the Byron Bay and Suffolk Park Settlement Strategy 2002. The Strategy identifies the land within Area 3.

The Strategy describes Area 3 as land in the 1(d)(Investigation Zone) adjacent to Ewingsdale Road west of McGettigan's Lane, and land in the 1(c2)(Small Holdings Zone). The area comprises of rural residential area with a non-government school, a few tourist facilities and B & B's, but there is no general store or other commercial or support services.

Section 3 of the Strategy discusses the Area and states:

The Byron Rural Settlement Strategy 1998 has already identified sufficient land for rural residential purposes for several years to come. Additional rural residential land is therefore not required at this time, although a future review of the BRRS may identify continuing demand.

Land which has been zoned 1(c2)(Small Holdings Zone) since 1988 but has not yet been developed, despite quite high demand, is not authentically "available". If landowners do not actively participate in the land release program the right to do so should be reallocated to those who will.

Outcome 41: Rezone unsubdivided 1(c2)(Small Holdings Zone) and 1(d)(Investigation Zone) land to an appropriate rural zone, pending a structural review of the Byron Rural Settlement Strategy. Environmental protection zoning of remnant significant vegetation.

As stated above, the land has retained its 1(d) Investigation and 1(c2)(Small Holdings) zoning. Byron Shire Council have undertaken further assessment of the land and determined that a Hospital and Ambulance Station would be appropriate as evidenced by Council's resolution to proceed with a Planning Proposal for the site. Furthermore, the rezoning documentation initially lodged with Byron Shire Council has demonstrated that the site can be developed for this use without a significant environmental impact

As discussed above, the proposal is consistent with the *Byron Shire Local Environmental Study*, completed in July 2008 which endorses the rezoning of the land for the hospital and associated land uses.

6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Several State Environmental Planning Policies (SEPP's) would apply to future development on the site. These are identified and discussed below.

State Environmental Planning Policy No. 55 – Remediation of Land

The object of this Policy is to provide a State wide approach to the remediation of contaminated land. Clause 6 of the Policy is applicable to the consideration of contamination and remediation in relation to rezoning proposals. Further, Clause 6 requires Council to consider whether there is a possibility that land may be contaminated, due to past uses, and if so, whether the land is suitable for its proposed use in its current or remediated state.

The Contaminated Land Assessment adopted the threshold levels identified by "ANZECC Guidelines for the Assessment and Management of Contaminated Sites" 1992 for Lead (300mg/kg), Arsenic ([total] 100mg/kg) and Cadmium (20mg/kg). In addition, the results were compared to the Health-Based investigation levels identified by "Soil Investigation Levels" National Environment Protection Council (1999) for OP (Aldrin + Dieldrin) 10mg/kg and OC (DDT+DDD+DDE) 200 mg/kg.

The soil results identified exceedances of threshold values for any of the tested chemicals and/or heavy metals were not detected. All samples returned results well below the threshold investigation limits.

It is also prudent, given the location of the Goat dip, within approximately 150 metres of the proposed hospital site, to undertake a detailed assessment of the immediate area around the dip site. Results identified no health hazard or little environmental risk.

Based on the site history, site inspections and the laboratory results from soil sampling, there is a low level of risk that the proposed hospital site is contaminated with residual chemicals from activities associated with current or past land use.

Reference should be made to the Contaminated Lands Assessment completed by Tim Fitzroy & Associates found within **Attachment 7** of the Planning Proposal.

SEPP (Major Projects)

The SEPP sets out a framework for regional development to be assessed and determined by Regional Planning Panels. The proposed Hospital may be considered 'regional development' under Clause 13B(1)(c) if it has a capital investment value greater than \$5 million for a Crown development.

SEPP (Infrastructure)

State Environmental Planning Proposal (infrastructure) 2007 assists the NSW Government, local councils and the communities they support by simplifying the process for providing infrastructure in areas such as education, hospitals, roads, railways, emergency services, water supply and electricity delivery.

Clause 57(1) identifies development for the purpose of *health services facilities* may be carried out by any person with consent on land in a prescribed zone. The rezoning to the 5(a)[Special Uses] zone for the purpose of a Health Service Facility, which translates to the SP2 zone under the standard LEP template will be consistent with the prescribed zone listed in Clause 56 of the SEPP.

SEPP Rural Lands

This SEPP provides for the protection of agricultural land that is of State or Regional significance. The site proposed to be rezoned is mapped as "Committed Lands". The

SEPP contains specific provisions that relate to the assessment of Development Applications over rural land. It does not contain provisions for rezoning applications.

7. Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Directions made under Section 117 of the *Environmental Planning and Assessment Act 1979*, issued on 1 July 2009, which are relevant to the site, are identified and addressed in **Table 1**, below.

DIRECTION NO.	OBJECTIVE	CONSIDERATION
No. 1.2 - Rural Zones	A Planning Proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Department of Planning that the provisions of the Planning Proposal that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objectives of this direction; (ii) identifies the land which is the subject of the Planning Proposal (if the Planning Proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning.	This Planning Proposal does <u>not</u> seek to rezone land that currently has a rural zoning to a residential zoning.
Direction No. 3.4 - Integrating Land Use and Transport	To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives • improving access to housing, jobs and services by walking, cycling and public transport • increasing the choice of available transport and reducing dependence on cars • reducing travel demand including the number of trips generated by development and the distances travelled, especially by car	The Traffic Impact Assessment completed by TEF Consulting identifies the estimated additional traffic generation from the Byron Shire Central Hospital will be not significant compared with the existing traffic volumes and will have little to no effect on the operation of the existing traffic system. TEF Consulting propose the use of a seagull type treatment for the vehicular access point for the proposed hospital. Walking and cycling are not regarded as main modes of transport for staff

	- supporting the efficient and viable operation of public transport services - providing for the efficient movement of freight.	and even less so for patients. It must be taken into account that because the proposed hospital is the Central Hospital, it will provide services not just for Byron Bay residents, but for the whole of Byron Shire as well as for Ballina Shire residents. Due to the large size of the catchment area, walking and cycling are not regarded to be travel modes of major importance.
No. 4.3 - Flood Prone Land	To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual, 2005. To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	The property is not identified as being subject to flood inundation.
No. 4.4 - Planning for Bushfire Protection	To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas. To encourage sound management of bush fire prone areas.	The site is identified as bushfire prone land (BPL) on Council's BPL map, and as such is required to consider the New South Wales (NSW) Rural Fire Service (RFS) document "Planning for Bushfire Protection 2006" (PBP). Section 4.2.2 of PBP identifies hospitals as "Special Fire Protection Purpose Development", and Section 4.2.4 sets out matters for consideration in developing such facilities on BPL. With reference to Part D of the procedure, setbacks from the Camphor laurel grove significantly exceed the prescribed 30m APZ. The remaining grassland areas do not constitute a fire threat. Upon establishment, proposed landscape screen/buffer plantings do create a very minor fire threat. However, the significance of this threat needs to be considered in light of the area's low overall bushfire susceptibility.
No. 5.1 - Implementation of Regional Strategies	Planning Proposals must be consistent with a regional strategy released by the Minister for Planning.	The site is not included in the Far North Coast Regional Strategy as a proposed future urban release area or employment lands. However, rezoning the land for a community purpose is not considered inconsistent, as the strategy does not

		specify areas where community facilities, such as hospitals, should be specifically located.
No. 5.3 - Farmland of State and Regional Significance on the NSW Far North Coast	To ensure that the best agricultural land will be available for current and future generations to grow food and fibre. To provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning. To reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.	The site is not identified as being Regional or State Significant Farmland.
6.1 – Approval and Referral Requirements	- To ensure that LEP provisions encourage the efficient and appropriate assessment of development. - To minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and - Not to contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of Section 57 of the Act, and - Not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have	Through rezoning of Lot 100 DP 1140936 proposed to be used for the Byron District Hospital and Ambulance Station to a 5(a)(Special Uses) zone for the purpose of a Health Service Facility, the planning pathway for further development of the Complex will be simplified. Specifically, the proposal enjoys the benefit of Clause 57(2) of State Environmental Planning Policy (Infrastructure) in permitting the development subject to consent, hence the hospital will be permissible with consent. It is not proposed to incorporate any LEP provisions that will trigger consultation or referral with any additional government agencies.

	a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of Section 57 of the Act.	
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Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

An Ecological Assessment of the land was completed as part of the initial rezoning application. The report is contained within **Attachment 2** of this report.

The site is almost completely dominated by Low Closed Grassland comprised of Couch grass [*Cynodon dactylon*]; Paspalum* [*Paspalum dilatatum*] and Carpet grass* [*Axonopus affinis*]. Buffalo grass* [*Stenotaphrum secundatum*] and Kikuyu* [*Pennisetum clandestinum*] occur sporadically throughout. The herbaceous weeds of Red-flowered balloon cotton* [*Asclepias curassavica*], Balloon cottonbush* [*Gomphocarpus physocarpus*] and Scotch thistle* [*Cirsium vulgare*] occur sporadically throughout the community but appear to be routinely maintained.

The original subtropical rainforest community of the Site and locality has been almost completely lost, with a resulting significant decline in biodiversity values. The proposed development will be situated in open grassland dominated by exotic pasture grass species and weeds, while external infrastructure will be accommodated in existing disturbed easements. There will be no loss of threatened plants or plant communities, nor a significant impact on threatened fauna known from the locality. The proposed development will not increase the severity of Key Threatening Processes (KTP) already operating in the locality, nor introduce KTP which are not already in existence. From a legislative compliance perspective it is noted that;

- The proposal is unlikely to cause a significant impact on a matter of National Environmental Significance (as defined by the EPBC Act), and will not require referral to the Commonwealth Department of Environment and Heritage to determine Controlled Action status;
- The proposal is unlikely to cause a significant impact on threatened species /communities (as defined by the TSC Act and FM(A) Act), and there is no requirement for a Species Impact Statement to accompany the Development Application;
- With reference to SEPP 44, the Site contains neither potential nor core Koala habitat, and there is no requirement for a Koala Plan of Management to accompany the Development Application;

9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Bushfire Hazard

An area of Category 1 vegetation (and associated buffer) is located to the west of the proposed development. Appendix 2.3 of Planning for Bushfire Protection (2006) outlines the procedure for determining required Asset Protection Zones (APZ). A run through of the procedure indicates that;

- The predominant vegetation type in all directions is Grassland¹⁹ (F (r) / F (t) = 6);
- Effective slope is flat; and
- The fire (weather) area is Far North Coast (80);

With reference to Part D of the procedure, setbacks from the Camphor laurel grove significantly exceed the prescribed 30m APZ. The remaining grassland areas do not constitute a fire threat. Upon establishment, proposed landscape screen/buffer plantings do create a very minor fire threat. However, the significance of this threat needs to be considered in light of the area's low overall bushfire susceptibility.

Reference should be made to the Ecological Assessment completed by Place Environmental found within **Attachment 2** of this proposal.

Archaeology

The AHIMS database records from the Department of Environment & Conservation's Cultural Heritage Division were analysed to obtain a baseline on data for known or registered Aboriginal sites in the site and surrounding locality. The database records were used to determine if any sites had been previously recorded on Site or in the locality. The coordinates from the site records were cross-referenced to the Byron Bay 1:25,000 topographical map.

Various sections of the guidelines of the Department of Environment & Conservation (DEC) division of the NPWS 'Aboriginal Cultural Heritage Standards & Guidelines Kit, [1997] have been utilised and considered in the preparation of this preliminary Aboriginal Archaeological Assessment Report.

Field survey [conducted entirely on foot] was undertaken during March 2007. All landform units within the site including the two bovine tracks, the waterway (and associated riparian terraces) and the open pasture areas were surveyed. The field survey considered a range of potential Aboriginal sites including open camp sites, isolated finds, midden sites, Potential Archaeological Deposits (PADs), stone quarries, stone arrangements, scarred trees or carved trees.

The site does not contain topographical, geological or potential cultural features to support most of the Aboriginal sites recorded on the AHIMS database.

The Cultural Heritage Assessment completed by Place Environmental provides the following conclusion.

The one isolated archaeological find is located well outside of the area proposed for development, and can be retained in-situ without any significant effect being expected if the area is protected during the development's construction phase. From a legislative compliance perspective it is noted that;

- *A Consent to Destroy is not sought or required for the project.*
- *Should any further archaeological sites be located during the construction phase of the project, all works at this location should cease, and the Department of Environment & Conservation's National Park & Wildlife Service be contacted for further advice.*

Reference should be made to the Ecological Assessment completed by Place Environmental found within **Attachment 2** of this proposal.

Noise

There are several significant noise generators in the immediate vicinity of the area and a number of sensitive noise receivers. The major noise generator in the vicinity is expected to be the nearby Pacific Highway.

The principal sources of noise from the proposed hospital once operating would be operational plant and the additional traffic on Ewingsdale Road resulting from the development.

From the acoustic assessment undertaken for the purposes of this report, it is evident that noise generation from vehicular traffic along Ewingsdale Road has the potential to significantly impact on the amenity of the proposed hospital. Predicted noise levels at the exterior northern façade of the proposed hospital are in the order of 55 to 58 dB(A).

Following an assessment of the background noise levels, together with monitoring of road traffic noise and the impacts of the adjacent concrete batching plant it is apparent that the primary consideration in the determination of noise impacts on the proposed district hospital site relate to the ongoing effect of vehicular movements along Ewingsdale Road. A second considerable factor is the design and management of plant, equipment and vehicular movements on-site to minimise the noise impacts on the amenity of residences to the immediate south of the hospital site.

The Acoustic Assessment identifies both of the aforementioned matters can be adequately managed through;

- Consideration of alterations to the internal building layout to relocate the most sensitive noise receptors i.e. hospital wards remote from the northern section of the building; and/or
- Installation of an acoustic mound along the northern boundary of the site;
- Careful placement, and design noise mitigation measures for proposed plant and equipment; and
- Restricting the hours which delivery vehicles can enter and leave the site.

This Acoustic Assessment concludes the nominated portion of the former Lot 17 DP 816451 (Now Lot 100 DP 1140936) Ewingsdale Road, Ewingsdale is suitable for rezoning as a hospital site.

Reference should be made to the Acoustic Assessment completed by Tim Fitzroy & Associates found within **Attachment 6** of this proposal.

Contamination

Previous site owners and managers were contacted and an oral site history can be obtained back as far as 1970. The oral site history provided indicates that the site has been used for dairy and beef cattle grazing, and goat grazing. Discussions with past owners and a review of Council records confirmed the presence of a goat dip site on-site.

A search of the Department of Primary Resources dip site register was undertaken to determine if any dip sites had been located on or near the property. Apart from the Grissells Goat Dip the database indicates that there has never been a cattle dip site on the property, or within close proximity of the property. The closest dip site, known as Flick's Dip was off McGettigans Lane approximately 300 metres from the site.

The soil results identified exceedances of threshold values for any of the tested chemicals and/or heavy metals were not detected. All samples returned results well below the threshold investigation limits.

Based on the site history, site inspections and the laboratory results from soil sampling; there is a low level of risk that the proposed hospital site is contaminated with residual chemicals from activities associated with current or past land use.

Following a review of the results of laboratory analysis of soil samples taken from the proposed building envelope Tim Fitzroy & Associates consider there would appear to be little environmental or health hazard associated with the rezoning of the subject site for the development of a hospital.

Reference should be made to the Contaminated Lands Assessment and associated recommendations completed for the hospital and the secondary report for Grissells Goat Dip by Tim Fitzroy & Associates found within **Attachment 7** of this proposal.

Traffic

Vehicular access to a future district hospital will be via Ewingsdale Road, which is constructed as a two-lane sealed road of variable width [approximately 7 metres] with grass verges. The site has in excess of 100 metres of frontage to Ewingsdale Road. In this location, Ewingsdale Road includes two speed zones - a 100km/hour speed zone extends approximately 50 metres along the eastern end of the road frontage and a 60km/h speed zone extends about approximately 50 metres along the western end of the road frontage.

The Ewingsdale Interchange (the modified intersection of Ewingsdale Road and the Pacific Highway) lies approximately 400 metres to the west of each site.

General Capacity Issues: TEF Consulting advise additional traffic volumes generated as a result of the proposed hospital were estimated to be in the order of an additional 13 and 10 vehicle movements in the morning and afternoon commuter peak hours respectively (in and out combined). When distributed on the road network, this would constitute a negligible proportion of the existing traffic volumes on Ewingsdale Road. The hospital peak vehicle movements are outside the morning and afternoon peak, and are not expected to worsen the Level of Service (LoS) on Ewingsdale Road.

The operation of the key intersections around the proposed site with additional traffic generated by the proposed hospital was checked using SIDRA intersection analysis software. The results of this analysis are illustrated within Table 4.2 of the Traffic and Parking Study completed by TEF Consulting found within **Attachment 4** of this proposal. As may be seen from these results the operation of the key intersections will not be adversely affected by the proposed hospital site with critical delays remaining essentially the same as at present and LoS being unchanged.

Stormwater Management

A Conceptual Stormwater Management Plan has been prepared by Black Earth Environmental Services for the project. The SMP details consideration is to be given

during the detailed design phase regarding available flood storage volume on site and the capacity of the culvert under Ewingsdale Road. The SMP has shown that by increasing the capacity of the culvert, an optimization of available area for stormwater control can be achieved on the proposed 6 hectare hospital site.

The use of bio-retention swales, rainwater harvesting and reuse, detention ponds and wetland filters provide a mix of WSUD measures to manage and to treat stormwater at the proposed Byron Central Hospital site in accordance with Byron Shire Council Policies. Black Earth Environmental Services recommended that the portion of the subject site considered for rezoning proceed based on the provision of stormwater management for the proposed development.

Reference should be made to the Conceptual Stormwater Management Plan completed by Black Earth Environmental Services found within **Attachment 5** of this proposal.

10. *How has the Planning Proposal adequately addressed any social and economic effects?*

Reference should be made to the detailed Social Impact Assessment completed by Planning Resolutions found within **Attachment 3** of this proposal.

Community consultation occurred directly with the Ewingsdale Progress Association and Planning Resolutions through a meeting on Monday, 2 April 2007. Approximately 15 people attended the meeting, with two direct neighbours in attendance.

Resulting from the meeting, the residents sought a number of design elements incorporated into the development. The matters raised at the consultation meeting are listed below together with the preliminary response from the NCAHS.

1. *A 60 metre wide planted buffer from the rear of the properties in Parkway Drive.*

NCAHS Response: The proposed Hospital is setback some 74 metres from the southern rural residential properties. Within the 74 metre setback is a proposed 20 metre landscape buffer providing a visual screening of the development. Further to the siting of the development and landscape screening, the hospital has been set into the site, achieved through the lowering of the finished floor level by some 3 metres. These measures will

collectively contribute to the visual and acoustic amenity of the residents located south and south-east of the development.

The NCAHS will provide a 60 metre building setback together with the 20 metre landscape screening.

2. The buffer to be incorporated into the zoning controls,

NCAHS Response: No objection is raised to the landscape buffer being incorporated into the zoning controls.

3. A person proof fence located on the northern side of the planted buffer so that people attending the hospital can not wander up to their boundary,

NCAHS Response: No objection is raised to a person proof fence, however given issues with maintenance and CPTED (surveillance), the fence should be located on the southern side of the landscape buffer.

4. Input into the species of trees to be planted.

NCAHS Response: No objection is raised to this request.

5. A commitment to planting the trees as soon as the land has been purchased.

NCAHS Response: No objection is raised to this request.

6. A noise barrier erected along the southern side of the loading dock and plant rooms. Additionally they believe that deliveries should not commence until 8am rather 7am as recommended by the Noise Consultant.

NCAHS Response: No immediate objection is raised to this request. It is however noted a further detailed acoustic assessment will be undertaken at the development application stage should the rezoning be supported. At this time compliance with all relevant statutes and policies will be achieved.

7. Any Drug and Alcohol Community Health Services to be located in the Community Health Building in Byron Bay.

NCAHS Response: No immediate objection is raised to this matter, however the NCAHS is unable to provide a total guarantee on this matter.

8. Lighting to be designed to preserve the existing darkness that they experience in Parkway Drive. Thought there was a comment that street lighting would be required in Ewingsdale Road.

NCAHS Response: No immediate objection is raised to this matter. All lighting will need to comply with relevant Australian Standards. It is noted the glare and luminare will also be addressed through the provision of the 20 metre landscape screening.

9. Roadworks should incorporate a cycleway along Ewingsdale Road.

NCAHS Response: No objection is raised to the provision of a shared pedestrian/cycleway along Ewingsdale Road.

Further reference should be made to public consultation associated with the project under Part 3 Section A(i) of this report.

Section D – State and Commonwealth Interests

11. Is there adequate public infrastructure for the Planning Proposal?

Water

The bulk water supply to the general area emanates from the Rocky Creek Dam and Nightcap water treatment plants. Treated and disinfected water is presently distributed to the Byron Bay and Brunswick Heads townships via a terminal storage reservoir located at St. Helena. The St. Helena reservoir and trunk mains are owned and operated by Rous Water.

Water is to be supplied to the site via mains connected to Rous Water's trunk main running along McGettigan's Lane eastward of the subject site. The proposed hospital site will be serviced by extending a pipeline of a diameter between 100mm and 150mm from the existing 375mm diameter trunk main.

Sewer

The surrounding rural residential land holdings within the general area are currently serviced by individual on-site sewage management systems.

Sewage from site is to be pumped to a proposed sewage pumping station (PS) to be constructed by Byron Council near the Sunnybrand Chicken Farm east of the subject site along Ewingsdale Road. Council will construct a rising main from the Chicken Farm PS to the west Byron Sewage Treatment Plant (STP).

12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

This section of the Planning Proposal will be completed following consultation with the State and Commonwealth Public Authorities identified in the Gateway Determination.

Part 4 – Community Consultation

Consultation will be carried out pursuant to Council's Policy, as part of conducting a social impact assessment for the proposed development.

In accordance with *A Guide to Preparing Local Environmental Plans* (Department of Planning, 2009) the Gateway Determination will specify the community consultation that must be undertaken on the Planning Proposal.

Regard is also made to the fact NCAHS engaged OWL Research & Marketing Pty Ltd to conduct a community consultation amongst the residents of the Byron Shire. This consultation was initiated to ascertain the opinions of the community concerning the criteria necessary in the selection of suitable land parcels for the siting of the proposed new hospital within the Shire. Details of the community consultation are provided within Part 3 Section 1A of this Planning Proposal.

Conclusion and Recommendations

This proposal to rezone Lot 100 DP 1140936 is a direct result of an assessment completed by the North Coast Area Health Service and NSW Ambulance Service associated project consultants, which recommends the construction of a central Hospital and Ambulance Station to service the residents of Byron Bay and Mullumbimby.

The proposed zoning of 5(a)[Special Uses] zone for the purpose of a "Health Service Facility" better reflects the proposed use of the land.

Rezoning of the site has been considered as part of Byron Shire Council's Shire-wide Local Environmental Plan. The associated Local Environmental Study (PB, 2008) provides for the Hospital site to be zoned so as to provide the development of a Health Service Facility as a permissible land use. The LES provides for the remainder of the site to be zoned RU2 Rural Landscape and R5 Large Lot Residential.

The proposal for the rezoning of the subject land to 5(a)[Special Uses] zone reflects the suitability of the site demonstrated through the site and environmental analysis completed with the rezoning submission lodged with Byron Shire Council in 2007 and endorsed by the associated Local Environmental Study (PB, 2008).

The proposed rezoning proposal may be justified on the following grounds.

1. The proposed rezoning demonstrates compliance with relevant local, regional and state plans and policies;
2. The site planning opportunities presented by the subject lands enable the development of the Byron Central Hospital and Ambulance Station in a manner which protects the amenity enjoyed by the adjoining residents.
3. The ability to satisfy the demand for improved health services for the residents of the Byron Shire Local Government Area.
4. The development proposed can be adequately serviced with all urban infrastructure.
5. The compatible use of the subject lands resulting in the adoption of design measures to manage the environmental interactions of the proposal.

It is considered that this Planning Proposal, when read in conjunction with the accompanying technical reports, successfully addresses the issues relevant to Council's assessment of this submission.

It is recommended that the Byron Local Environmental Plan 1988 Zoning Map be amended in accordance with the proposed zoning map included in this report to 5(a)(Special Uses) zone for the purpose of a "Health Service Facility" as a permissible use for this land.

A handwritten signature in black ink that reads "Damian Chapelle". The signature is written in a cursive, flowing style. Below the signature is a horizontal dotted line.

DAMIAN CHAPELLE

Town Planner BTP CPP