

Proposed seniors housing and commercial precinct at Ewingsdale Road, Ewingsdale.

Proposal Title : Proposed seniors housing and commercial precinct at Ewingsdale Road, Ewingsdale.

Proposal Summary : Additional permitted land uses are proposed on land known as Lot 101 DP 1140936, Ewingsdale Road, Ewingsdale under the Draft Byron LEP 2012. This land adjoins the site identified and zoned for the planned Byron Shire Central Hospital.

The proposal seeks to facilitate the use of the site for:

- seniors housing;
- business premises;
- restaurants or cafes;
- shops; and
- medical centres

PP Number : PP_2013_BYRON_002_00

Dop File No :

13/11477

Proposal Details

Date Planning Proposal Received : 16-Oct-2013

LGA covered :

Byron

Region : Northern

RPA :

Byron Shire Council

State Electorate : BALLINA

Section of the Act :

55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : Ewingsdale Road

Suburb : Ewingsdale

City : Byron Bay

Postcode : 2481

Land Parcel : Lot 101 DP 1140936

DoP Planning Officer Contact Details

Contact Name : Luke Blandford

Contact Number : 0266416614

Contact Email : luke.blandford@planning.nsw.gov.au

RPA Contact Details

Contact Name : Matthew Walker

Contact Number : 0266267039

Contact Email : matthew.walker@byron.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Jim Clark

Contact Number : 4266416604

Contact Email : jim.clark@planning.nsw.gov.au

Proposed seniors housing and commercial precinct at Ewingsdale Road, Ewingsdale.

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Far North Coast Regional Strategy	Consistent with Strategy :	No
MDP Number :		Date of Release :	
Area of Release (Ha) :	15.00	Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	0	No. of Dwellings (where relevant) :	160
Gross Floor Area :	0	No of Jobs Created :	350
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	The Department of Planning and Infrastructure's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge.		
Have there been meetings or communications with registered lobbyists? :	Yes		
If Yes, comment :	The Department's Northern Region Director met with a registered lobbyist on behalf of the landowner on 25 August 2011. The outcomes of this meeting are published on the department's 'Registered Lobbyist Contact Form'.		

Supporting notes

Internal Supporting Notes :	The site comprises a 15ha split lot (7ha eastern portion and 8ha western portion) (refer to locality map). Lot 100 DP 1140936, which is located between the two split parcels, is the site identified and zoned for the planned Byron Shire Central Hospital. Lot 100 was rezoned in 2011 to permit the development of the new hospital under planning proposal PP_2010_BYRON_010_00. In December 2012, the NSW Minister for Health announced a \$500,000 state funding grant to progress the planning for this hospital, including the preparation of a master plan and business case. The Northern Region office has discussed the status of the project with the NSW Health Infrastructure Project Director. It was confirmed that the master plan and preliminary business case are still being prepared and that no capital funding has been allocated past this stage. There is no date currently confirmed for when construction works are likely to occur.
External Supporting Notes :	The Draft Byron Local Environmental Plan (LEP) 2012 has been publicly exhibited and is anticipated to be published early 2014. If this planning proposal progresses, it is likely that it would be finalised post notification of the Draft Byron LEP 2012. Accordingly the planning proposal seeks to amend the applicable provisions under this Draft LEP. The proposed instrument would be progressed as an amendment to the Byron LEP 1988 should the notification of the Draft Byron LEP be delayed.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the proposal are provided and adequately expressed. The proposal seeks to amend the Draft Byron LEP 2012 to enable the land to be developed for the purposes of seniors housing, a medical centre and limited commercial uses.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

The proposal seeks amendment to the Draft Byron LEP 2012 by including provisions in Schedule 1 to permit additional land uses on the site. The proposal seeks to designate an area on the land to confine commercial land uses in one locality and apply a total commercial floorspace area cap to limit the potential development footprint. Seniors housing would be permissible over the entire site.

Council has confirmed that should this proposed instrument progress prior to the Draft Byron LEP being notified, that a provision under Schedule 8 of the Byron LEP 1988 would be included to permit the additional land uses on the site.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

5.1 Implementation of Regional Strategies

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

In addition to the s117 Directions listed by the RPA, the following directions also apply:

1.2 Rural Zones

1.5 Rural Lands

2.2 Coastal Protection

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

6.3 Site Specific Provisions

The following SEPPs apply:

SEPP No. 55 – Remediation of Land

SEPP (Housing for Seniors with a Disability)

SEPP (Rural Lands) 2008

North Coast REP 1988

An assessment of these additional directions and SEPPs is undertaken under 'Assessment' of this planning report.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

See the 'Assessment' section of this planning team report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal has included mapping that clearly identifies the site and proposed LEP Amendment. This includes a Map which indicates the proposed designated area (Area A) where commercial land uses would be restricted to on the site.

The mapping provided is at an appropriate scale and contains sufficient information to explain the effect of the proposal.

Revised maps which comply with the department's 'Standard Technical Requirements for LEP Maps' would be prepared for the making of the LEP. This would include preparation of an 'additional permitted uses map' which identifies both the whole site for seniors housing and the designated commercial precinct.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The planning proposal has indicated a 14 day public exhibition/community consultation period.

This planning team report recommends that the planning proposal should not proceed.

Notwithstanding, the proposal is not considered to be a low impact proposal due to the inconsistency with the current strategic planning framework and may present issues with regard to infrastructure (Discussed below). A 28 day consultation period is considered to be more appropriate, should the proposal proceed.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : The planning proposal generally satisfies the adequacy criteria by:

1. Providing appropriate objectives and intended outcomes;
2. Providing a suitable explanation of the provisions proposed by the Planning Proposal to achieve the outcomes;
3. Providing a written justification for the proposal;
- 4.. Providing maps which suitably identify the site and intended outcomes;
5. Outlining a proposed community consultation program including public exhibition; and
6. Providing a project timeframe which suggests completion within 9 months*.

*Council has provided a project timeline to the proposal in an email on 18 October 2013. The planning proposal document should be updated prior to any public exhibition period to include this project timeline.

Proposal Assessment

Principal LEP:

Due Date : **December 2013**

Comments in relation to Principal LEP : The Draft Byron LEP 2013 was publicly exhibited in December 2012. It is anticipated that the LEP will be submitted for final drafting in late 2013 for possible publication by early 2014.

Given these timeframes it is considered appropriate that the subject planning proposal be

progressed as an amendment to the Draft Byron LEP 2012. As discussed above, should the proposed instrument progress prior to the Draft LEP being notified, amendment to the Byron LEP 1988 would be required.

Assessment Criteria

Need for planning proposal :

In 2011 the land adjoining the subject site was rezoned to facilitate the use of the site as a hospital, associated with the planned Byron Shire Central Hospital. The subject planning proposal seeks to compliment this zoning by seeking to provide seniors housing, business premises, restaurants, cafes, shops and a medical centre on the adjoining land.

The application is not the result of any strategic study or report. No strategic planning has been undertaken to determine whether this site is the best location for a seniors housing development and a new commercial precinct.

A demographic study of the Byron Bay region, prepared on behalf of the landowner, has been submitted to support the proposal. This study indicates a strong continued increase of persons aged 70 and above to be living in the Byron LGA, increasing the demand for seniors housing and medical services in the LGA.

A retail floorspace demand assessment based on population projections has also been prepared on behalf of the landowner and submitted as part of the planning proposal package. This retail assessment indicates demand for retail floorspace in the Byron Shire outweighs current supply and that there is limited availability for additional floorspace in the Byron town centre.

These studies identify demand for seniors housing and retail services in the Byron LGA but do not constitute a comprehensive assessment of all potentially suitable sites in the Byron Bay locality to accommodate seniors housing and/or additional employment lands.

The current zoning does not permit seniors housing, business premises, restaurants, cafes, shops or medical centres on the land. A site compatibility certificate cannot be issued under State Environmental Planning Policy (Housing for Seniors and People with a Disability) (Seniors Housing SEPP) 2004 to permit use of the site for seniors housing purposes because it does not adjoin land zoned primarily for urban purposes (clause 4(5) of the Seniors Housing SEPP).

The use of Schedule 1 is the best means of enabling seniors housing on the site. A B1 Neighbourhood Centre zone may be more appropriate for the designated commercial precinct, permitting all of the intended land uses and prohibiting undesirable development such as highway service centres.

The proposal may not be the best means of providing for additional seniors housing and employment lands in the Byron LGA because the land is disconnected with any adjoining urban zone and may be incompatible with the surrounding land uses. A number of site specific constraints may also limit the development potential of the land. This is discussed further in this planning team report.

The proposal should not proceed until a strategic assessment has been conducted which considers the need for seniors housing and employment land in this locality as well as the suitability of the land for this type of development, when compared to other potentially suitable sites in the LGA.

Consistency with
strategic planning
framework :

THE FAR NORTH COAST REGIONAL STRATEGY

The Far North Coast Regional Strategy (FNCRS) provides a framework for the long-term planning of the Far North Coast Region. The Town and Village Growth Boundaries (TVGB) under the Strategy identify the land required to meet the Region's urban housing and employment needs until 2031.

The site is not identified within or adjoining the TVGB, nor is it identified as an urban/employment release area under the Regional Strategy.

In accordance with the provisions of the Strategy, a minor adjustment to the TVGB may be considered where it is demonstrated to be necessary by a local environmental study (LES).

As noted above, the land does not adjoin the TVGB and therefore a minor adjustment to the TVGB to include the site could not occur. Notwithstanding, a LES of the Byron LGA was undertaken as part of the preparation of the Draft Byron LEP 2012, and included a review of the subject site and its suitability for more intensive purposes. This LES did recognise the potential use of the adjoining land as a hospital, but did not recommend that the subject site should be rezoned for more intensive development. The LES recommended that the land be zoned part 'large residential lot' consistent with the character of the area, part 'rural landscape' to maintain suitable buffers between rural residential land, infrastructure facilities and a heritage listed building and part 'special uses' to facilitate the expansion of the hospital.

Furthermore, the land is within the coastal zone and identified as regionally significant farmland.

In accordance with the provisions of the Strategy, this land should not be considered for rezoning until the review of the Regional Strategy is undertaken.

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP 55 – Remediation of Land

The land has historically been used for grazing and is identified to contain cattle dip sites.

Council has indicated that a review of the land's potential for contamination will be undertaken post gateway and prior to the proposal being placed on exhibition. This is considered appropriate given the site has historically been used for grazing purposes.

SEPP (Housing for Seniors or People with a Disability)

The SEPP provides standards for the provision of housing for seniors and people with a disability to ensure the development makes efficient use of existing infrastructure and is appropriately designed. The SEPP does not enable the land to be used for seniors housing (clause 4(5)) therefore the proposed LEP amendment would be required.

SEPP (Rural Lands)

SEPP (Rural Lands) is applicable as the land is currently zoned part rural. The proposal is not consistent with the SEPP given that it is not consistent with the Far North Coast Regional Strategy. It is also identified as regionally significant farmland under the Northern Rivers Farmland Protection Project.

North Coast Regional Environmental Plan 1988

The proposal is not consistent with the provisions of the NCREP as it seeks to develop land identified as regionally significant farmland for urban purposes and is not in accordance with an adopted urban land release strategy.

SECTION 117 DIRECTIONS

1.1 Business and Industrial Zones

The planning proposal is not consistent with this direction as it seeks to create a new employment area which is not consistent with a strategy approved by the Director General. The planning proposal does give consideration to the objectives of this direction and is supported by a retail study which indicates demand for additional commercial land in the Byron LGA based on population projections. The inconsistency with this direction is considered to be justified.

1.2 Rural Zones

The planning proposal is not consistent with this direction as it seeks to rezone land from rural to residential (ie. provide urban use of rural zoned land). The proposal is not justified by a local growth planning strategy and is not consistent with the Far North Coast

Regional Strategy. Inconsistency with this Direction is considered to be of minor significance however, given that the surrounding land uses preclude use of the site for viable agricultural purposes (Discussed further below).

1.5 Rural Lands

The planning proposal is not consistent with this direction as it is inconsistent with the planning principles of SEPP (Rural Lands). The proposal is not justified by a local growth planning strategy. Inconsistency with this Direction is considered to be of minor significance however, given that the surrounding land uses preclude use of the site for viable agricultural purposes (Discussed further below).

2.3 Heritage Conservation

The direction provides that a planning proposal must contain provisions which facilitate the conservation of items of environmental heritage as well as Aboriginal objects, areas, places or landscapes identified in an Aboriginal heritage study.

The land encompasses a building listed under the Byron LEP 1988 as an item of local heritage significance.

The proposal seeks to integrate this building with the urban design of the site. Council has indicated that a Heritage Assessment is required to determine the potential impact on this heritage listed building. The proposal does not indicate any investigations into the potential for Aboriginal cultural heritage on the site. It is considered that further heritage review should occur before it can be determined whether the proposal is consistent with the direction.

4.4 Planning for Bushfire Protection

The land is identified as being bush fire prone. Seniors Housing is a 'sensitive use' under the Rural Fires Act. The direction provides that the RPA must consult with the Commissioner of the NSW Rural Fire Service, and the draft plan must include provisions relating to bushfire control. Consultation with the RFS is required post Gateway determination and a bushfire risk and mitigation assessment should be undertaken. Consistency with the direction remains unresolved, until consultation with RFS occurs.

5.1 Implementation of Regional Strategies

As discussed above, the proposal is not consistent with the provisions of the Far North Coast Regional Strategy. Until a new housing and/or employment land strategy has been produced it is not possible to determine whether the use of the rural landscape/large lot residential land for seniors housing and employment purposes is appropriate.

Inconsistency with this direction is not justified because:

- It is not considered of minor significance and
- The proposal is not consistent with the vision, land use strategy, policies, outcomes or actions of the Far North Coast Regional Strategy.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

This direction applies as the land is identified as regionally significant farmland under the Northern Rivers Farmland Protection Project. The proposal is not consistent with this strategy as it seeks to rezone (allow urban use of) land identified as regionally significant farmland.

Inconsistency with this direction is not justified because:

- The proposal is not consistent with the provisions of the Far North Coast Regional Strategy.
- The land is not identified under an urban settlement strategy and therefore the proposal is not consistent with Section 4 of the Northern Rivers Farmland Protection Project.

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

The proposal seeks to permit seniors housing and commercial land uses on a site close to and visible from the Pacific Highway corridor. A traffic impact assessment has been submitted with the planning proposal which considers the impact of the proposal on the local road network. This traffic assessment report recommends the construction of a roundabout on Ewingsdale Road, less than 100m from the existing Pacific Highway/Ewingsdale Road interchange. The traffic report indicates that this roundabout

would create minimal delays for traffic movements along Ewingsdale Road. Council has indicated that an updated traffic assessment will be required prior to public exhibition. This should include further review regarding the potential to impact the functionality of the Pacific Highway Corridor and Ewingsdale Interchange. Consultation would also be required with Roads and Maritime Services regarding the proposal and its potential to impact the highway network. Consistency with the direction remains currently unresolved.

6.3 Site Specific Provisions

The proposal is inconsistent with this direction as it seeks to impose a floorspace cap development standard specific to the site. The floorspace cap is proposed to limit the amount of commercial development on the site. Floorspace cap provisions have been included in other LGA LEPs for similar development control purposes. Clause 4.6 of the Draft Byron LEP allows development standards to be varied, providing flexibility in the application of this floorspace cap on the site. The inconsistency with this direction is considered to be of minor significance.

Environmental social
economic impacts :

ENVIRONMENTAL IMPACTS

The land is bound by the major east west Byron Bay/Pacific Highway road link to the north, the Pacific Highway corridor to the west, an existing rural residential estate to the south and McGettigans Lane to the east. The 15ha split lot is located on either side of a site earmarked as the future Byron Shire Central Hospital (Lot 100). A new ambulance station has been constructed on Lot 100 and the existing Country Energy Power Station is located adjoining the north western portion of the site. The existing and potential future uses surrounding the site limit its potential for continued viable agricultural purposes.

A Water Supply and Sewerage Service Assessment has been undertaken which has confirmed that the site can be adequately serviced through extensions to existing utility supplies.

There are a number of environmental issues which could impact the development potential of the land, including:

- the ecological significance/biodiversity value of existing mature vegetation and water courses on the land are currently not known.
- the land is bushfire prone and may require APZ and/or specific bushfire protection design for seniors housing.
- the potential for contaminated soils, given the presence of cattle dip sites.
- the site contains an item of local heritage significance.
- noise mitigation measures such as noise mounds or setbacks may be required due to the adjoining Pacific Highway corridor, the Pacific Highway/Ewingsdale interchange and electrical station.
- traffic and access, considering the site's location adjoining the Pacific Highway corridor.

The resolution of these issues should not preclude consideration of the site for more intensive development but may lead to a reduced development potential or footprint on the land. Further investigation is required.

SOCIAL AND ECONOMIC IMPACTS

The demographic studies prepared as part of the planning proposal, indicate demand for seniors housing, medical services and retail floorspace in the Byron LGA.

It is noted that development of the site for urban purposes would provide some social and economic benefit through increased housing and employment opportunities, medical services and retail activity in the local area and co-locating these services with the planned Byron Shire Central Hospital.

As discussed above, planning for the Byron Shire Central Hospital is still in its preliminary phases and no state funding has been granted past this stage. Should the hospital project advance, any future development on the land should be appropriately integrated with the overall design to ensure a direct connection for residents, visitors and workers. Permitting urban development of the site at this stage would be an 'ad hoc' decision based out of context with the strategic framework.

Proposed seniors housing and commercial precinct at Ewingsdale Road, Ewingsdale.

An evidence based strategic planning approach is required to ensure the appropriate provision of retail/commercial land in the locality and wider Byron LGA, which will promote land use efficiency and provide certainty for public and private investment. It is necessary to have this strategic review completed prior to the planning proposal proceeding any further.

The review of the Far North Coast Regional Strategy has commenced and will lead to the preparation of a Regional Growth Plan (RGP) under the new planning system. It would be appropriate that this land be considered as part of this strategic review.

Assessment Process

Proposal type : Routine Community Consultation Period : 28 Days

Timeframe to make LEP : 12 months Delegation : DDG

Public Authority Consultation - 56(2) (d) : NSW Department of Primary Industries - Agriculture
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed ? No

If no, provide reasons : The planning proposal should not proceed for the following reasons:

1. Adequate strategic assessment of the future housing and employment land needs for Byron has not been completed.
2. The current status of the Byron Shire Central Hospital project does not warrant a 'rezoning' of the land without a comprehensive strategic review.
3. The proposal is contrary to the provisions of the Far North Coast Regional Strategy which seeks to contain urban development within the Town and Village Growth Boundary.
4. The proposal is not consistent with the provisions of SEPP (Rural Lands) and the North Coast Regional Environmental Plan which require the release of rural land for urban purposes to be in accordance with an adopted growth planning strategy.
5. Inconsistency with Section 117 Direction 5.1 Implementation of Regional Strategies and 5.3 Farmland of State and Regional Significance on the NSW Far North Coast cannot be justified.
6. Approval of the planning proposal has the potential to set a precedent or expectation for the 'rezoning' of other land outside of the strategic planning process.

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

If the planning proposal is to proceed it is recommended that the following investigations are conducted to determine the suitability of the proposal:

1. An ecological assessment considering the ecological significance/biological value of existing flora, fauna and water courses on the site.
2. A bushfire assessment to confirm the proposal complies with the Special Fire Protection Purpose controls under Planning for Bushfire Protection 2006.
3. A noise impact assessment due to the surrounding road network and electrical substation.
4. A local environmental and Aboriginal cultural heritage impact assessment.
5. An assessment of existing residential zoned land or potential future expansion areas in Ewingsdale and Byron Bay to determine if alternative land is better suited to accommodate seniors housing having regard to the provisions of the Seniors Housing SEPP.

Proposed seniors housing and commercial precinct at Ewingsdale Road, Ewingsdale.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

The Traffic Impact Assessment has identified the requirement for the construction of a roundabout on Ewingsdale Road, within 100m of the Ewingsdale Road/Pacific Highway interchange. Construction of this roundabout as well as any utility infrastructure upgrades/extensions would be at the developer's cost.

Documents

Document File Name	DocumentType Name	Is Public
Cover letter to DoPI for Gateway Oct 2013.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Planning Proposal Annexure 1.pdf	Proposal	Yes
Planning Proposal Annexure 2.pdf	Proposal	Yes
Planning Proposal Annexure 3.pdf	Proposal	Yes
Planning Proposal Annexure 4.pdf	Proposal	Yes
Planning Proposal Annexure 5.pdf	Proposal	Yes
Planning Proposal Annexure 6.pdf	Proposal	Yes
Planning Proposal Annexure 7.pdf	Proposal	Yes
Planning Proposal Annexure 8 - Additional Permitted	Map	Yes
Land Uses Map.pdf		
Locality Plan.pdf	Map	No
Project Timeline.pdf	Proposal	Yes
FNCRS Map.pdf	Map	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 5.1 Implementation of Regional Strategies**
- 5.4 Commercial and Retail Development along the Pacific Highway, North Coast**

Additional Information :

It is recommended that the planning proposal should not proceed.

If it is decided that the planning proposal should proceed, it is recommended that the following conditions be included on the Gateway.

- 1. A community consultation period of 28 days is necessary.**
- 2. The planning proposal is to be completed within 12 months.**
- 3. Prior to undertaking public exhibition, Council is to update the planning proposal to:**
 - ensure all sections consistent with A Guide to Preparing Planning Proposals have been included in the planning proposal, including maps and a project timeline.
 - seek a B1 Neighbourhood Centre zone for the proposed commercial precinct, removing reliance on Schedule 1 to permit commercial land uses on the site.
- 4. The following investigations are to be conducted prior to public exhibition:**
 - An ecological assessment considering the ecological significance/biological value of existing flora, fauna and water courses on the site.
 - A bushfire assessment to confirm the proposal complies with the Special Fire Protection Purpose controls under Planning for Bushfire Protection 2006.
 - A noise impact assessment due to the surrounding road network and electrical substation.
 - A local environmental and Aboriginal Cultural heritage impact assessment.
 - An assessment of existing residential zoned land or potential future expansion areas in Ewingsdale and Byron Bay to determine if alternative land is better suited to accommodate seniors housing having regard to the provisions of the Seniors Housing SEPP.

Proposed seniors housing and commercial precinct at Ewingsdale Road, Ewingsdale.

5. The RPA should consult with the NSW Rural Fire Service due to the land being bushfire prone, Roads and Maritime Services given that the site adjoins the Pacific Highway Corridor and the Department of Primary Industries due to the land's classification as regionally significant farmland.
6. The Director-General's delegate agree that the inconsistency with the Far North Coast Regional Strategy, SEPP (Rural Lands), the North Coast Regional Plan and s117 Direction 1.1 Business Zones, 1.2 Rural Zones, 1.5 Rural Lands, 5.1 Implementation of Regional Strategies, 5.3 Farmland of State and Regional Significance on the NSW Far North Coast and 6.3 Site Specific Provisions are justified.
7. The Director-General's delegate note that Council may need to obtain agreement to comply with the requirements of s117 Direction 2.3 Heritage Conservation, 4.4 Planning for Bushfire Protection and 5.4 Commercial and Retail Development along the Pacific Highway, North Coast, prior to the plan being made;
8. Delegation to finalise the Planning Proposal not be issued to the Council.

Supporting Reasons :

The planning proposal should not proceed for the following reasons:

1. Adequate strategic assessment of the future housing and employment land needs for Byron has not been completed.
2. The current status of the Byron Shire Central Hospital project does not warrant a 'rezoning' of the land without a comprehensive strategic review.
3. The proposal is contrary to the provisions of the Far North Coast Regional Strategy which seeks to contain urban development within the Town and Village Growth Boundary and requires the protection of significant farmland from urban use.
4. The proposal is not consistent with the provisions of SEPP (Rural lands) and the North Coast Regional Environmental Plan which require the release of rural land for urban purposes to be in accordance with an adopted growth planning strategy.
5. Inconsistency with Section 117 Direction 5.1 Implementation of Regional Strategies and 5.3 Farmland of State and Regional Significance on the NSW Far North Coast cannot be justified.
6. Approval of the planning proposal has the potential to set a precedent or expectation for the 'rezoning' of other land outside of the strategic planning process,

Signature:

Denise Wright

Printed Name:

Denise Wright

Date:

24/10/2013

