

It is recommended that the split zone on Lot 2 DP 336571 (35 Fingal Street) be corrected by including the entire lot in the B2 Local Centre zone and the issue of extending the commercial zone be revisited after 2010 when the sewerage moratorium has been lifted. Ideally this should be done as part of a commercial lands or employment lands strategy.

(b) Bayside Brunswick

Lot 1 DP 871039 Kingsford Drive, Brunswick Heads is a 31 ha lot (approximately) located at the southern edge of the urban area known as the Bayside Brunswick residential estate. Approximately 22.5 ha is currently zoned Residential 2(a) under Byron LEP 1988 with the balance being zoned Environment Protection 7(a) Wetlands and Environment Protection 7(b) Coastal Habitat.

In their Section 62 consultation, the Dept of Environmental and Climate Change (DECC) have recommended that Council consider the zoning and development potential of a number of sites that may be considered to have significant ecological or environmental values. This was one of those sites identified by DECC and as the Byron Shire Biodiversity Conservation Strategy (BCS) suggests that all HCV lands should be protected, this site is being re-evaluated as a residential area.

The physical and ecological characteristics of the site and its development history are documented in Appendix L. The characteristics of the site identified by Council's ecologist confirm that a re-evaluation of the land use zoning that will apply to the land in the Shire-wide LEP is warranted, particularly to recognise the environmental attributes of the site.

There are four main options that arise from the site analysis for this land:

Zone most of the land E2 Environmental Conservation to reflect the extensive areas of HCV and the other restrictive physical characteristics of the land.

Retain a residential zoning over that part of the lot currently zoned for residential purposes through the use of the E4 Environmental Living zone or R2 Low Density Residential zone.

Zone the more ecologically significant parts of the site E2 and then zone the remaining areas for residential development using a number of residential zones i.e. E4, R2 and R3.

Zone part of the site for residential purposes (i.e. E4, R2 or R3) with the DECC to acquire the remaining part of the site from the landowner as an addition to Tyagarah Nature Reserve. Note that no discussions have taken place between Council and the DECC in relation to possible acquisition, nor has any commitment been given by DECC.

Recommendation

It is recommended that the E4 zone to be considered for the western side of the lot with large lot sizes (say 2000 square metres) applied on the Lot Size map in the LEP. The objective is to maximise retention of the scribbly gum community. A combination of R2 and R3 should be applied in the central section including to the southern extent of the lot. E2 should be applied on the eastern side in the vicinity of the existing road access and on the significant vegetation in two areas on the western side of the land. The remainder should be zoned E2 including all of the areas currently zoned for environment protection. The proposed zoning is shown on Figure 9 in Appendix K.

7.6.3 Ewingsdale

(a) Hospital Site, Ewingsdale Rd, Ewingsdale (Hospital Site)

The site is located on the southern side of Ewingsdale Road, between the intersections of McGettigans Lane and William Flick Lane, approximately 5 km north-west of the centre of Byron Bay. The majority of the site is cleared and has previously been utilised for grazing. There is an existing dwelling located on the eastern part of the site. The total site is approximately 22.46 ha, with about 6 ha being subdivided for the hospital. It is currently zoned part 1(d) Investigation and part 1(c2) Small Holdings under Byron LEP 1988.

The proposed use of the 6 ha portion of the site is a 54-bed hospital, as well as 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 remainder of the site, at present, is to retain its rural / rural residential use. The proposed zone requested by the applicant is SP2 Infrastructure.

The site is generally clear of vegetation and development will not adversely impact on the biodiversity values of the area. Water sensitive urban design must be considered at the development application stage to minimise any adverse impact on local watercourses. Contamination was assessed and is not considered a health issue, and noise will require further assessment at the development application stage.

Other environmental concerns associated with the site can be addressed at the DA stage. Any development application prepared for the site will need to consider the relevant aspects of a new DCP, this would include drainage, water sensitive urban design, heritage, visual impacts, etc.

Positive social implications are evident in the development of a new hospital for the Shire. The Social Impact Assessment 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 submission considered the social issues in a social impact assessment consistent with Councils draft social impact assessment (SIA) policy. A further SIA in accordance with the draft SIA DCP will also be required with the development application.

The economic implications are considered positive. Any existing and future demand for medical services can be met by the hospital and will provide construction, health professional, health support and other employment opportunities.

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.

The existing heritage item on the residual lot can be adequately protected by the proposed RU2 zoning. Further, it is not desirable to reduce/remove land currently zoned as 1(c2), particularly in light of the shortage of developable land in the Shire. It is recommended that the portion of the site that adjoins Parkway Drive be zoned R5 Large Lot Residential. The recommending zoning will be a variation to the proponent's proposed rezoning layout but will assist in improving residential amenity for existing residents.

In light of the negotiations undertaken by the proponent with the neighbouring community, it is logical to provide for a regional health facility with close proximity to the highway, thus providing easier access to the facility from numerous communities including Mullumbimby and Byron Bay. Given the proposed hospital is being built to meet existing need, there is also likely a future demand/need for increased number of beds. It is therefore considered logical to extend the SP2 zone west to meet the boundary of the concrete batching plant to allow for expansion of the hospital in the future.

Refer to detailed assessment in Appendix L for more information.

Recommendation

It is recommended to zone Lot 171 & 172 DP 1121005 (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.

7.6.4 Byron Bay

(a) Belongil Fields, Ewingsdale Road, Byron Bay

The site is located on Ewingsdale Road, Byron Bay, west of Byron Bay township on the southern site of Ewingsdale Road opposite the School of Audio Engineering. The site is currently being used as a caravan park and camping ground. The total site is approximately 22.8 ha and is currently zoned 1(d) Investigation under Byron LEP 1988.

The land is generally flat with the majority of the site being grass, low scrub and managed landscaping reflecting its use as a caravan park and camping ground. Native vegetation is limited to mainly along drainage lines and a small area on the south of the site.

Proposed use of the site by the applicant is primarily for residential development with appropriate associated uses such as open space, neighbourhood commercial uses and environmental repair. A mix of residential densities and some affordable housing is envisaged. The proposed zone requested by the applicant is residential, business and environmental.

As detailed in the assessment attached in Appendix L, the major potential constraints that occur on the site include flooding, drainage, vegetation, habitats and bush fire. Flood studies and other environmental assessments conclude that some of the site can be developed with specific areas protected through zonings.

Additional information provided by the applicant suggest that the other site constraints have been considered. Any development application prepared for the site will need to consider the relevant aspects of a new DCP which would include flora, fauna, drainage, water sensitive urban design, access etc.