

16 October 2013

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

Dear Jim,

Planning Proposal to permit additional uses at Lot 101 DP 1140936, Ewingsdale Road, Ewingsdale under the Byron Local Environmental Plan 1988

Following the submission of the above mentioned planning proposal to your department in July 2013, amendments were discussed and subsequently reported back to Council on 19 September 2013 for consideration. At this meeting, Council Resolved (**13-492**) to proceed with the above planning proposal in accordance with the following recommendations:

13 - 492

- 1. That the planning proposal contained in Annexure 10(d) #E2013/41264, be amended where necessary to reflect the following insertion into Schedule 1 of the draft LEP 2012:**

“Use of certain land at Ewingsdale Road, Ewingsdale

- 1) This clause applies to land at Ewingsdale Road, Ewingsdale, being Lot 101 DP 1140936.***
- 2) Development for the purposes of Seniors Housing, Medical Centre, Business Premises, Restaurants or Cafes, and Shops is permitted with development consent.***
- 3) All commercial uses listed in subclause (2) are restricted to the land identified as “Area A” on the Additional Permitted Uses Map and limited to a combined maximum total floor area of 3000m².”***

- 2. That Council forward the amended planning proposal and associated annexures from the original planning proposal to the Department of Planning and Infrastructure for a Gateway determination.**
- 3. That should the Department of Planning and Infrastructure issue a positive Gateway determination, the following matters need to be addressed prior to the planning proposal being placed on public exhibition:**
 - a) A Master Plan needs to be prepared to adequately address the following issues at a minimum:**
 - Suitable buffer areas between the existing concrete batching plant/electricity station and the subject land to be adequately assessed and provided; and**
 - Transport networks for pedestrians/buggies within and between the subject land and the Hospital to be identified.**
 - b) Updated traffic studies to be prepared to address: Council’s MR545 Traffic Study; impact generated by proposed Byron Hospital and recently approved redirection of Woodford Lane; and consideration of vehicular access from Avocado Crescent into the subject land.**
 - c) SEPP 55 site contamination assessment.**

- d) The sewerage management choice be clarified, ie whether on-site or by pump station to Byron STP.**
- e) Heritage assessment of “Buildings and surrounds” known as the Higgins Homestead located on the eastern parcel and listed as an item of environmental heritage in the Byron LEP 1988 and Schedule 5 of the Draft Byron LEP 2012.**
- f) Noise impact assessment due to proximity of future Pacific Highway alignment.**

Please note that the corresponding council report from this meeting can be viewed at:

<http://www.byron.nsw.gov.au/meetings/2013-09-19-ordinary>

In Accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*, Council submits the enclosed planning proposal for a Gateway determination. Due to the complexity and scale of this proposal Council does not request delegation for the relevant plan making functions in this instance.

As the public exhibition process for the draft LEP has been completed and timeframes for its adoption are anticipated by the end of the year, it is intended that the planning proposal be progressed as an amendment to the *Draft Byron Local Environmental Plan 2012*. Should you have any enquiries please contact Matt Walker on 02 6626 7039.

Yours sincerely

Ray Darney
Executive Manager
Environment and Planning

Enc: Planning Proposal – Additional permitted uses at Ewingsdale Road, Ewingsdale #E2013/67350
Annexures - #E2013/22869-70, #E2013/22872 #E2013/22874-76 #E2013/24673