



Premise

TAFE NSW

Proposed TAFE Connected Learning Centre

STATEMENT OF ENVIRONMENTAL EFFECTS




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1. INTRODUCTION

1.1 Background

Premise has been commissioned by TAFE NSW to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) for the development of an educational establishment, being a TAFE Connected Learning Centre (CLC), to be located at Bayshore Drive, Byron Bay (Lot 12 DP1189646). The development will be known as TAFE CLC Byron Bay.

Clause 226(1) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) provides a development carried out by a TAFE establishment (within the meaning of the *Technical and Further Education Commission Act 1990*) is a Crown development. As TAFE NSW is the applicant, this application is therefore Crown development for the purposes of Division 4.6 of Part 4 of the *Environmental Planning and Assessment Act 1979*.

The key considerations relevant to the proposal are as follows:

- The primary objective is the provision of connected learning centre to facilitate additional education resources to the Byron Bay area;
- The site is located on land which is zoned B7 Business Park and Part Deferred Matter, with the proposed development site located on land zoned B7 pursuant to the *Byron Bay Local Environmental Plan 2014* (BLEP) and is permitted with consent.
- The proposal is subject to the provisions of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Education SEPP).
- The proposed development is required to consider the controls under the *Byron Bay Development Control Plan 2014* (BDCP).

The development is assessed as being compatible with surrounding land uses.

This SEE has been prepared pursuant to Clause 50 and Part 1 of Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* and is provided in the following format.

- **Section 2** of this report provides a description of the subject site and its locality.
- **Section 3** outlines the proposed development.
- **Section 4** details the planning framework applicable to the subject site and proposed development.
- **Section 5** identifies the impacts of the proposed development.
- **Section 6** provides a conclusion to the SEE

2. THE SITE AND ITS LOCALITY

2.1 The Site

The land the subject of the application is known as Bayshore Drive, Byron Bay, legally defined as Lot 12 in DP1189646 (host lot). The host lot has an approximate area of 5.7 hectares. The portion of the site the subject of the proposed development (the development site) will occupy an area of approximately 0.5 hectares, located in the south east corner of the host lot. A portion of the host lot is identified via the *Byron Bay Local Environmental Plan 2014* (LEP) as a Deferred Matter, however the development site does not affect this portion of the lot.

Vehicular access is provided by Bayshore Drive to the east, with the surrounding vicinity of the host lot being characterised as mixed use being commercial, industrial and residential land uses. The western boundary of the host lot is adjacent to areas zoned for rural and environmental land use respectively.



Figure 1 – Subject site

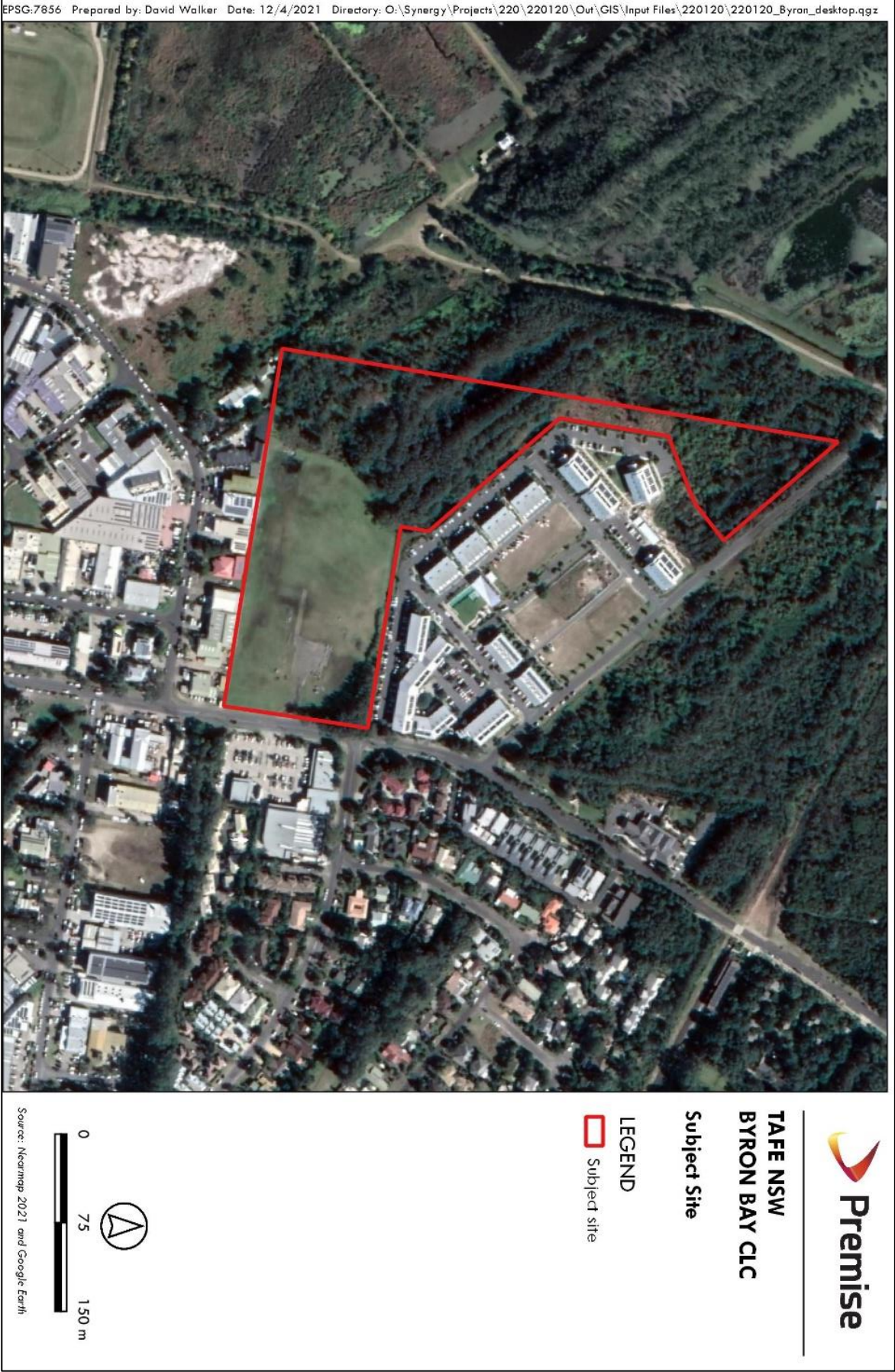


Figure 2 – Subject locality



3. THE DEVELOPMENT

3.1 Aims and Objectives of the Proposal

The proposal seeks to facilitate the provision of additional education facilities through the form of a TAFE NSW Connected Learning Centre (CLC). The following objectives are identified as forming the basis of the proposed development:

- Ensure minimal environmental and amenity impact;
- Support employment generating development;
- Support provision of Educational facilities;
- Ensure the proposal is compatible with surrounding development and local context.
- Ensure the development positively contributes to the amenity of the streetscape.

The development site and proposed construction of the CLC are considered to meet the objectives of the proposal as it enables development on land which has been zoned for such purposes.

3.2 Development Description

The proposal seeks consents for the construction of a Connected Learning Centre by TAFE NSW.

Overall, the development will feature the following:

- Two buildings consisting of:-
 - Maker Space:
 - Mobile Training Unit
 - Maker Space
 - Connected Learning Centre:
 - Group Learning Areas
 - Media Lounge
 - Tech Bar
 - Kitchenette
 - Computer Hubs
 - Print Shop
 - Amenities
 - Outdoor Learning Area;
 - Landscaping;
 - At-grade Carpark

The proposed operation hours are as follows:

- Monday to Friday 8am – 9pm
- Saturday and Sunday 9am – 5pm.

The buildings would accommodate up to two (3) staff member and forty five (45) students at any one time., with the proposed hours of operation not considered to give rise to unreasonable or significant noise impacts to the surrounding receivers.

Car parking would be developed on the site to provide for the needs of the development, providing 21 car parking spaces (including 1 accessible space) and 10 bicycle spaces. The attached architectural plans

demonstrate the proposed parking. Any external lighting installed would be installed in accordance with Australian Standard 4282-1997 *Control of the obtrusive effects of outdoor lighting*.

The development will be designed and constructed to ensure compliance with the states building laws, as per Section 6.28 of the EP& Act – refer **Appendix K**.

4. STATUTORY PLANNING FRAMEWORK

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

In New South Wales (NSW), the relevant planning legislation is the *Environmental Planning and Assessment Act 1979* (EP&A Act). The EP&A Act instituted a system of environmental planning and assessment in NSW and is administered by the Department of Planning, Industry & Environment (DPIE). In 2017, the Act was amended to provide a range of updated objects. The objects of the EP&A Act are:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development is not considered to be antipathetic to the above objects.

4.1.1 SECTION 1.7

Section 1.7 of the EP&A Act requires consideration of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act). Part 7 of the BC Act relates to an obligation to determine whether a proposal is likely to significantly affect threatened species. A development is considered to result in a significant impact in the following assessed circumstances:

Table 1 – Section 1.7 assessment (Source: EP&A Act)

Test	Assessment
<i>(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or</i>	The development site is highly disturbed as a result of previous land clearing. No significant impacts to

	threatened species or ecological communities, or their habitats are anticipated.
<i>(b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or</i>	The development site has a mapped minimum lot size of 1,000 square metres. As such the relevant clearing threshold for the site is 0.25 hectares. More than 0.25 hectares of clearing of native vegetation is not proposed and therefore the threshold is not exceeded.
<i>(c) it is carried out in a declared area of outstanding biodiversity value</i>	The host lot is not a declared area of outstanding biodiversity value.

4.2 Section 4.15

Section 4.15(1) of the EP&A Act specifies the matter which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15(1) are addressed in Table below.

Table 2 – Section 4.15 (Source: EP&A Act)

Section	Comment
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of all relevant environmental planning instruments are addressed within Section 4.
Section 4.15(1)(a)(ii) Any proposed instrument	Not applicable to this application
Section 4.15(1)(a)(iii) Any development control plan	Consideration of the BSDCP is addressed within Section 4.
Section 4.15(1)(a)(iiia) Any planning agreement	Not relevant to this application.
Section 4.15(1)(a)(iv) The Regulations	Considerations of the regulations is addressed in Section 3.
Section 4.15(1)(b-3)	Refer to Section 5.

4.3 SUBORDINATE LEGISLATION

The EP&A Act facilitates the preparation of subordinate legislation, consisting of:

- Environmental Planning Instruments (EPIs) (including State Environmental Planning Policies (SEPP), Local Environmental Plans (LEP), and deemed EPIs); and
- Development Control Plans (DCP).

In relation to the proposed development, the relevant subordinate legislation includes:

- *Byron Local Environmental Plain 2014;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;*

- *State Environmental Planning Policy (Koala Habitat Protection) 2020;*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017; and*
- *Byron Shire Development Control Plan 2014.*

The requirements of these are discussed in the following sections.

4.3.1 INTEGRATED DEVELOPMENT

Section 4.46 of the EP&A Act states development requiring consent and another activity approval is defined as Integrated Development. The proposal is not considered to represent integrated development on the basis that no other approvals or consents are required to facilitate the development.

For the avoidance of doubt, works are not proposed within 40 metres of a mapped waterway and the proposal does not entail a development for special fire protection purposes.

4.4 ENVIRONMENTAL PLANNING INSTRUMENTS

4.4.1 BYRON LOCAL ENVIRONMENTAL PLAN 2014

The *Byron Local Environmental Plan 2014* B(LEP) is the appropriate environmental planning instrument applicable to the site. The relevant considerations of BLEP are outlined in **Table 3** below.

Clause	Assessment
2.3 Zone objectives & land use	<p>The development site is zoned B7 Business Park. The proposal is consistent with the zone objectives. Education Establishments are permitted within the zone on the basis the development type is not listed under Parts 2 or 4 in the land use table.</p> <p>Educational Establishment, defined as:</p> <p><i>means a building or place used for education (including teaching), being:</i></p> <p><i>(a) a school, or</i></p> <p><i>(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.</i></p> <p>Additionally, pursuant to Clause 52 of the Education SEPP the B7 Zone is a prescribed zone and educational establishments are permitted with consent. This is further discussed within Section 4.5.4 of this report.</p>
Clause 4.1 Minimum subdivision lot size	<p>The host lot is prescribed a minimum lot size of 1,000 sqm. Subdivision is not proposed under this application.</p>
Clause 4.3 Height of Buildings	<p>The development site has prescribed maximum building height of 9 m. The proposed building height is 4.6 m and therefore achieves compliance with this clause.</p>
Clause 4.4 Floor Space Ratio	<p>The development site has a Floor Space Ratio (FSR) of 0.9:1. The host lot has an area of 5.7 ha with the proposed gross floor area being 850 sqm.</p> <p>This equates to an FSR of 0.0149:1, and therefore this is compliant.</p>

Clause 6.1 Acid Sulfate Soils

The host lot is identified as being Class 3 Acid Sulfate Soils. In respect to the Class 3 classification. Subclause 6.1(2) requires development consent for works to be carried out and states:

Works more than 1 metre below the natural ground surface.

Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.

As the development site is relatively flat, works are not expected to exceed more than 1 metre below nature ground level, with no proposed extraction of ground water or lowering of the watertable.

On this basis, the proposal is considered acceptable in the context of this Clause. A Geotechnical Investigation and Acid Sulfate Soil Assessment report has been prepared and is submitted as part of this application (**Appendix A**).

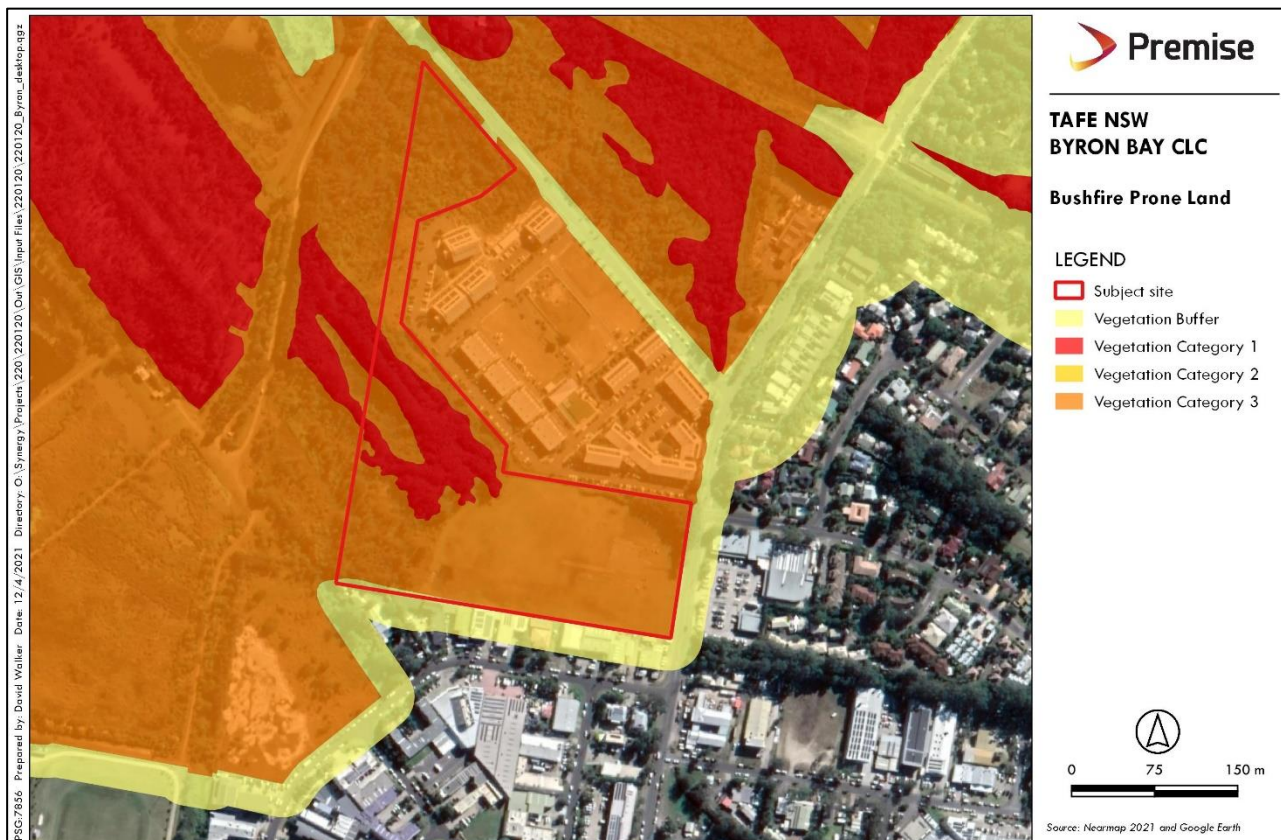
Table 3: BLEP Considerations

4.4.1.1 Bushfire Prone Land

The BLEP does not include a clause regarding Bushfire Prone Land. Via the NSW Planning Portal mapping, the host lot is identified as being Bush Fire Prone Land – refer **Figure 3**.

An assessment of the site in relation to Bush Fire Prone land is provided within **Section 5.17** and **Appendix B** of this report.

Figure 3 – Bushfire Prone Land



4.5 STATE ENVIRONMENTAL PLANNING POLICY

4.5.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP55) provides a state-wide approach to remediation of contaminated land and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 7 of the SEPP No. 55 states a consent authority must not consent to the carrying of development unless it has considered, among other things, whether the land is contaminated.

The development site has recently been cleared of vegetation and is located in an area characterised by industrial, residential and commercial land uses. It is reasonably expected the question of the potential for contamination or the need for remediation would have been resolved prior to the development of the area and the land is likely to be suitable for the zoned purposes without the need for further remediation.

A review of the EPA list of sites reported and the EPA contaminated land register confirms the site is not listed as a contaminated site.

By reference to the above, the development is considered to satisfy the requirements of clause 7 of SEPP55.

4.5.2 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

The aims of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) are to identify development that is State Significant Development (SSD), State Significant Infrastructure, Critical State Significant Infrastructure and regionally significant development

Clause 20 of the SRD SEPP provides that development is declared to be regionally significant development for the purposes of the EP&A Act if:

- (1) Development specified in Schedule 7 is declared to be regionally significant development for the purposes of the Act.*
- (2) However, the following development is not declared to be regionally significant development—*
 - (a) complying development,*
 - (b) development for which development consent is not required,*
 - (c) development that is State significant development,*
 - (d) development for which a person or body other than a council is the consent authority,*
 - (e) development within the area of the City of Sydney.*

Clause 3 of Schedule 7 of the SEPP states:

3 Council related development over \$5 million

Development that has a capital investment value of more than \$5 million if—

- (a) a council for the area in which the development is to be carried out is the applicant for development consent, or*
- (b) the council is the owner of any land on which the development is to be carried out, or***
- (c) the development is to be carried out by the council, or*
- (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

The development is proposed on land owned by Byron Shire Council and the development has a capital investment value of greater than \$5 million.

On the basis of the above, the development represents regional development and the appropriate consent authority is the Northern Regional Planning Panel.

4.5.3 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

While the proposed land use is not identified in clause 104 (traffic generating development) and Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP), education establishments are identified as traffic generating development under clause 57 of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Education SEPP).

The proposed education establishment is not anticipated to accommodate more than 50 students and therefore does not represent traffic generating development under clause 57 of the Education SEPP. Further, the host lot does not front a classified road.

Consideration of potential traffic and access issues is provided in **Section 5.3** of this report.

4.5.4 STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP) aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State.

Clause 52 of the Education SEPP identifies TAFE establishments are permitted with consent in the following situations:

Table 4 – Education SEPP Clause 52 provisions (Source: State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017)

Clause 52 Provisions	Assessment
<i>(1) Development for the purpose of a TAFE establishment may be carried out by any person with development consent on land in a prescribed zone.</i>	By reference to clause 50 of the Education SEPP, prescribed zones include the B7 zone.
<i>(2) Development for a purpose specified in clause 56 (1) may be carried out by any person with development consent on land within the boundaries of an existing TAFE establishment.</i>	No existing educational establishments are on site.
<i>(3) Development for the purpose of a TAFE establishment may be carried out by any person with development consent on land that is not in a prescribed zone if it is carried out on land within the boundaries of an existing TAFE establishment.</i>	N/A.
<i>(4) A TAFE establishment (including any part of its site and any of its facilities) may be used, with development consent, for the physical, social, cultural or intellectual development or welfare of the community, whether or not it is a commercial use of the establishment.</i>	Noted
<i>(5) Subclause (3) does not require development consent to carry out development on land if that development could, but for this Policy, be carried out on that land without development consent.</i>	Noted

<i>(6) Development for the purpose of a centre-based child care facility may be carried out by any person with development consent on land within the boundaries of an existing TAFE establishment.</i>	N/A.
<i>(7) Development for the purpose of residential accommodation for students that is associated with a TAFE establishment may be carried out by any person with development consent on land within the boundaries of an existing TAFE establishment.</i>	Noted – not applicable in this instance

On the basis of the above, the development is acceptable in the context of clause 52 of the Education SEPP and is permissible with the consent of Council.

Education Establishments are identified as traffic generating development pursuant to Clause 57 of the Education SEPP where more than 50 students are accommodated; and therefore requires referral to Transport for NSW. The proposed development would not accommodate more than forty five (45) students at any one time and is not considered to trigger or identify as being traffic generating development; the development therefore does not require referral to Transport for NSW.

This is further addressed in **Section 5.3** of this report.

4.5.5 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2020

The *State Environmental Planning Policy (Koala Habitat Protection) 2020* (Koala Habitat SEPP) aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas.

Schedule 1 of the Koala Habitat SEPP identifies local government areas to which the Koala Habitat applies, the Byron Local Government Area is identified as one such area. . Further, the SEPP is applicable to land with an area over 1 ha. As the site has an area of approximately 5.7 ha, the SEPP is therefore applicable.

The development site is devoid of vegetation due to previous land clearing. The western and northern boundaries of the site contain significant vegetation, however, no development or removal of trees is proposed in this area. As the location of the development is devoid of vegetation, including trees, it is not considered to be a potential koala habituate, and further considerations under the SEPP are not required.

4.5.6 STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

The *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (Vegetation SEPP) aims to:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

The Vegetation SEPP does not apply to the proposed development as no significant vegetation is proposed to be removed. No further consideration of the Vegetation SEPP is required.

4.5.7 DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS

There are no deemed environmental planning instruments known to affect the site.

4.6 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

At the time of preparation of this report, there are no draft planning instruments applying to or affecting LEP clauses that affect the site.

4.7 DEVELOPMENT CONTROL PLANS

4.7.1 BYRON SHIRE COUNCIL DEVELOPMENT CONTROL PLAN 2014

The *Byron Shire Development Control Plan 2014* (DCP) provides controls for development in the Byron LGA. Section D of the DCP provides for controls for a range of broad development types. These development types do not include educational establishments.

Section B of the DCP provides a range of general provisions applying to all development. These provisions are considered in **Table 5** below.

Table 5 – Development Control Plan assessment

Objective	Assessment	Complies
B3 – SERVICES		
B3.2.1 – Provision of Services		
1. Ensure adequate water, electricity, sewerage, drainage, road and telecommunication facilities are provided to development;	Water, electricity, sewerage, drainage, road and telecommunication facilities are available to the site. Water and sewer would be connected to council's system, access would be provided to the existing road network, electricity and telecommunication would be connected to the appropriate authorities.	YES
2. Provide flexibility for the provision of alternative water, electricity and telecommunications sources where appropriate;	These services are available on site	YES
3. To ensure provision of adequate engineering and safety standards for public road access, together with equitable apportionment of road upgrading requirements and associated costs for development served by existing public roads, un-constructed or partially constructed public roads and Crown Roads.	Appropriate road access is achievable	YES
B3.2.3 – Stormwater Management		
1. To promote on-site stormwater management practices that support the 'predevelopment' hydrological regime (surface flow, streams and groundwater).	A rainwater tank is proposed as part of the development.	YES
2. To ensure that new development does not reduce the effectiveness of existing	Existing drainage patterns are not expected to be adversely impacted.	YES

drainage patterns (including built infrastructure).			
3.	To minimise the impacts of stormwater runoff from a site on adjoining properties.	There are no adjoining properties at current.	YES
4.	To provide an acceptable level of protection against personal injury and property damage due to localised stormwater runoff.	Stormwater runoff is to be retained onsite through the use of a rainwater tank. Excess runoff would be diverted to council stormwater management system.	YES
5.	To promote on-site retention, detention and infiltration of stormwater.	Onsite retention is proposed.	YES
6.	To promote stormwater harvesting and other forms of innovative water conservation.	It is intended stormwater it to be captured from the roof for irrigation and toilet flushing.	YES
7.	To promote better integration of stormwater management into development proposals.	The proposed rainwater tank provides stormwater management.	YES
8.	To ensure that on-site stormwater management facilities can be economically maintained, and that adequate arrangements are made for on-going maintenance.	A detention basin is proposed on the western end of the site.	YES
9.	To provide for the ongoing environmental health of receiving waters;	The subject site is not located near receiving waters.	YES
10.	To ensure that stormwater management systems protect ground and surface water and other ecological values;	Landscaping provides appropriate infiltration to, additionally stormwater would be retained or diverted to council systems.	YES
11.	To achieve best practice stormwater treatment targets for stormwater quality.	This would be achieved by reference to the civil design.	YES
B3.2.4 – Sedimentation and Erosion Control Measures			
1.	Encourage implementation of contemporary best practice in erosion and sediment control;	Exposed soil is minimised by the proposed landscaping. A sediment and erosion control plan would be provided at construction certificate stage..	YES
2.	Prevent land degradation by soil erosion through inappropriate land use practices;	Proposed landscaping would provide groundcover to prevent soil erosion. Sediment and erosion control plan would minimise erosion during development.	YES
3.	Protect waterways and sensitive environments from being degraded by increased sediment load;	Implemented sediment and erosion control plan would prevent degradation of waterways.	YES
4.	Promote and protect biodiversity by minimising cumulative impacts of sedimentation on the environment; and	Implemented sediment and erosion control plan would prevent degradation of waterways.	YES

5. Protect amenity and prevent discharge of sediment on to both public land and private land.	The accompanying sediment and erosion control plan would prevent sediment discharge onto neighbouring sites.	YES
B4 – TRAFFIC PLANNING, VEHICLE PARKING, CIRCULATION AND ACCESS		
B4.2.1 – Traffic Impacts		
1. Traffic impact assessment required for developments likely to generate more than 10 peak hour trips	A traffic study is provided at Appendix C .	YES
2. Traffic impact statement	These matters are addressed in Section 5.3 and Appendix C .	YES
3. Traffic Impact Study for all traffic generating development	Development is not classified as traffic generating development by reference to the ISEPP and ESEPP.	YES
4. Road Safety Audit – need for to be determined in preparing a TIA	Given the very low volume of additional movements anticipated in the peak hour, an impact to road safety is not considered likely. Therefore a road safety audit is not considered necessary.	YES
B4.2.5 – Car Parking Requirements		
1. Unless otherwise specified elsewhere in this DCP, car parking is to be provided in accordance with the schedule contained in Table B4.1	Table B4.1 identifies tertiary education establishments require 1 car space per 5 students, 1 car space per 2 staff members and 1 bicycle space per 5 students. These requirements are exceeded.	YES
B6 – BUFFERS AND MINIMISING LAND USE CONFLICT		
B6.2.1 – Responsibility for Managing Land Use Conflict		
1. To ensure that existing legitimate development and land uses are not compromised by new development.	Neighbouring land uses are predominantly industrial and business and would not be compromised by the proposed development	YES
B6.2.3 – Planning Principles to Minimise Land Use Conflict		
1. To ensure that development applications are designed to avoid land use conflicts.	The proposed education establishment is not anticipated to result in land use conflicts.	YES
2. To define planning principles to be applied to proposed development to minimise the risk of land use conflicts.	Applicable planning policies are previously identified in this report.	YES
B8 – WASTE MINIMISATION AND MANAGEMENT		
B8.2.2 – Site Waste Minimization and Management Plans		
1. The Statement of Environmental Effects submitted for all Development Applications must include a Site Waste Minimisation and Management Plan	Waste Management is assessed within Section 5.21 of this report and in Appendix I .	YES

(SWMMP) that addresses the requirements of this Chapter.		
B9 – LANDSCAPING		
B9.7 – Commercial and Retail Development		
1. To enhance the built form of commercial and retail areas.	The development site is currently devoid of vegetation and proposes plantings on the northern, western and southern elevations with trees also fronting Bayshore Drive. Plantings are considered to soften the appearance of the development.	YES
B9.12.3 – Climate and Microclimate		
1. To ensure that the design of developments and landscaped areas addresses the climatic characteristics of the area and the microclimate of the site.	Landscaping would incorporate plantings native to the area, best suited for the coastal, subtropical climate.	YES
B9.12.4 – Existing Vegetation		
1. To promote ecological sustainability and to optimise aesthetic character by maximising retention of existing vegetation.	The development site has previously been cleared of all vegetation.	YES
B9.12.5 – Planting Size, Density and Species		
1. To ensure that landscape and planting design is compatible with the scale and character of the proposed development.	Plantings would be of a size which softens the appearance of the development but does not dominate the streetscape – refer Landscaping Drawings	YES
2. To ensure that the density of landscaping and planting is compatible with the long term and short term character of the proposed development.	Landscaping density would be supportive the proposed development.	YES
3. To promote a landscape character in the Shire which is based on locally indigenous plant species and the natural, subtropical environment of the area.	Locally indigenous plantings would be used where possible to best suit the climate of the area and thrive in the environment.	YES
4. To promote sustainability through the provision of edible species in appropriate locations.	Edible species would be involved in the landscaping of the site.	YES
B9.13.1 – Landscape Construction Works		
1. To ensure the viability and survival of landscape and planting works.	The use of locally native flora would aid in the survival of plantings	YES
2. To ensure survival and ongoing functioning of landscaping and planting.	Natives along with suitable watering and maintenance would ensure survival of plantings.	YES
B10 - SIGNAGE		

B10.3.3 – Signage in Business and Industrial Zones and on Commercial or Industrial Development in other Zones		
1. To ensure that signage in Business, Industrial and Village zones is compatible with the character and function of the locality in which it is located.	Signage associated with the site would be of a scale and type which is compatible with the surrounding commercial and industrial land uses.	YES
2. To ensure signage relating to commercial premises and industries in other zones is compatible with the character and function of the locality in which it is located.	Signage would be compatible with the character and function of the locality.	YES
3. To promote an integrated design approach to signage, consistent with the locality's architectural, streetscape and landscape character.	Integrated design of signage would be achieved and would suit the streetscape, landscape and architecture of the locality.	YES
4. To encourage a coordinated approach to signage where multiple occupancy or mixed use of buildings or sites occurs.	Not applicable. The site has a single occupancy with one use.	YES
B11 – PLANNING FOR CRIME PREVENTION		
B11.2.1 – Development that Requires a Formal Crime Risk Assessment		
1. To specify those developments that must be accompanied by a formal Crime Risk Assessment prepared in accordance with NSW Police Force Safer by Design guidelines.	A Crime Risk Assessment has been prepared and is submitted as part of this application – refer Appendix D .	YES
2. To promote community safety and crime prevention in Byron Shire through the development process.	The proposed development would provide passive surveillance during construction and the continued use of the site.	YES
B11.2.2 – Applying CPTED where Crime Risk Assessment is not required		
1. To promote community safety and crime prevention in Byron Shire through the development process.	As above, the development would provide passive surveillance to the area.	YES
2. To ensure that all Development Applications address the principles of Crime Prevention Through Environmental Design and deliver optimum community safety through the design process.	Crime prevention has been addressed in this application.	YES
3. To specify community safety design principles that must be addressed in the assessment of all Development Applications that do not require a formal Crime Risk Assessment.	Windows and opening towards public spaces provide surveillance opportunities. Landscaping, bollards, gates and benches act as barriers to prevent access to the site. Definitions in boundaries to the site are well promoted and clear. The community nature of the proposed development would support care by the users of the site.	YES

The site would be maintained in an effort to minimise potential for criminal activities.		
B11.2.3 – CPTED Design Opportunities		
1. To provide some examples of design opportunities to improve community safety in the development process.	As above, surveillance, access control, territorial reinforcement and space management are all addressed in the development.	YES
B13 – ACCESS AND MOBILITY		
B13.2.4 – Commercial Premises and Industrial Premises – BCA Classes 5, 6, 7 & 8.		
1. To implement the requirements and objectives of the Disability Discrimination Act, 1992, relevant equitable access legislation and the Byron Disability Access and Inclusion Plan 2008 - 2013.	Access to the site would be in accordance with the objectives of the <i>Disability Discrimination Act 1992</i> and other relevant legislations.	YES
2. To nominate access standards for BCA Class 5, 6, 7, 8 and 9 development including Office/ Commercial, Retail and Service and Industrial Development in Byron Shire.	The proposed development is proposed to be of a single storey design which provides access to all areas for people of all abilities. Parking requirements would be met via the carparking provided on site. Tactile indicators would be installed where required.	YES
B14 – EXTRACTION AND FILL		
B14.2 – Excavation and Fill in all Zones		
1. To ensure that towns, villages, commercial, industrial, residential and rural areas maintain overall compatibility with the Shire's natural features and its historical built character.	Minimal extraction and fill is proposed for the site and is considered to not impact the site's compatibility with the shire's features and character.	YES
2. To control the extent, character, bulk and scale of earthworks so that both individual and cumulative earthworks over time do not detract from the existing and desired future character of their immediate locality, and the surrounding area.	As mentioned previously, minimal earthworks are proposed on site. the proposed earthworks would not be considered to detract from the character of the surrounding area.	YES
3. To promote the use of earthworks to create landscapes and streetscapes that make a positive contribution to the existing and desired future character of their immediate locality and the surrounding area.	The minimal earthworks would facilitate the development of a communally beneficial nature and associated landscaping that will contribute to the character of the area.	YES
C1 – NON-INDIGENOUS HERITAGE		
C1.3 Conservation Guidelines and Requirements – Heritage Items, Heritage Conservation Areas and Development in their Vicinity		

1. To promote development that complements the existing heritage character and amenity of the area and the heritage significance of the heritage item or Heritage Conservation Area	The host lot is not located in the vicinity of a heritage item. The nearest heritage item is located over 2 kilometers from the subject site.	YES
2. To maintain and enhance the heritage character of the streetscape in the vicinity of the heritage item or within the Heritage Conservation Area.	Not applicable, as above	YES
3. To ensure that new development respects the established patterns and visual setting in the streetscape including setbacks, siting, landscape settings, car parking and fencing.	Not applicable, as above	
4. To retain and reflect the character of building frontage design in the streetscape.	Not applicable, as above	YES

4.8 Development Contributions Plan

4.8.1 BYRON SHIRE DEVELOPER CONTRIBUTIONS PLAN 2012 (AMENDMENT 4)

The Byron Shire Developer Contributions Plan 2012 (Amendment 4) applies to the development (hereafter referred to as the Contributions Plan).

The Contributions Plan is a combined Section 7.11 (Part A) and 7.12 (Part B) plan.

The payment of Section 7.11 contributions (Part A) is required in relation to developments providing residential accommodation. It does not apply to this development.

Part B of the plan requires the payment of contributions for all development to which Part A does not apply to. Part B does not apply to the following forms of development:

- (a) Where the proposed cost of carrying out the development is \$100,000 or less; or*
- for the purpose of disabled access; or*
 - for the sole purpose of providing affordable housing; or*
 - for the purpose of reducing a building's use of potable water (where supplied from water mains) or energy; or*
 - for the sole purpose of the adaptive reuse of an item of environmental heritage; or*
 - for residential development*

The proposed development is not for any of the above forms of development and therefore is not expressly exempted by the Contributions Plan.

The amount payable by reference to the plan is outlined below.

Table 6 – Byron Shire Contribution Plan 2012, Section 7.12 calculations

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 percent

Proposed cost of the development	Maximum percentage of the levy
More than \$200,000	1.0 percent

The methodology for determining the estimated cost of construction as applicable for calculating s.94A contributions is set down in Clause 25J of the EP&A Regulation. Clause 23J(3) identifies the following matters that may not be included in any estimate:

- (a) the cost of the land on which the development is to be carried out,*
- (b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development,*
- (c) the costs associated with marketing or financing the development (including interest on any loans),*
- (d) the costs associated with legal work carried out or to be carried out in connection with the development,*
- (e) project management costs associated with the development,*
- (f) the cost of building insurance in respect of the development,*
- (g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),*
- (h) the costs of commercial stock inventory,*
- (i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,*
- (j) the costs of enabling access by disabled persons in respect of the development,*
- (k) the costs of energy and water efficiency measures associated with the development,*
- (l) the cost of any development that is provided as affordable housing,*
- (m) the costs of any development that is the adaptive reuse of a heritage item.*

The development is a TAFE educational establishment, provided by TAFE as an entity of the State government, which provides a community facility to benefit the broader community. The development would not increase the demand for community infrastructure.

It is common in other Council areas for educational establishments to be similarly exempted from the need to pay contributions on the basis that educational establishments provide a material public benefit to the community. This approach is consistent with the recommendations of Planning Circular D6, dated 21 September 1995, relating to Crown development applications and conditions of consent.

The circular notes that:

Crown activities providing a public service or facility lead to significant benefits for the public in terms of essential community services and employment opportunities. Therefore, it is important that these essential community services are not delayed by unnecessary disputes over conditions of consent. These activities are not likely to require the provision of public services and amenities in the same way as developments undertaken with a commercial objective.

The circular provides a matrix which identifies which contributions are usually considered appropriate or inappropriate for Crown activities. This is limited to contributions for drainage works or upgrading of local roads where works are required in relation to the site entrance.

As there is existing stormwater infrastructure in the locality that would be capable of accommodating the development, and all road improvements would be at the cost of the applicant, it is not considered that there is any justification for the levying of contributions in relation to this development.

Circular D6 states that it applies to Section 94 contributions, and it does not mention Section 94A contributions, however as the Circular pre-dates the introduction of 94A contributions by 10 years (Section 94A contributions having been introduced in 1995), it is expected that the rationale identified in the circular applies equally to Section 94 and 94A contributions, as both relate to the provisions of public amenities and services.

On the basis of the above, an exemption the payment of contributions is therefore sought in respect to this application on the basis that the development of a site as an educational establishment would provide a material public benefit via the provision of an additional educational establishment within the region.

5. IMPACTS

5.1 INTRODUCTION

Pursuant to Schedule 1 of the EP&A Regulation, this section of the report outlines the environmental impacts of the proposed development and any measures required to protect the environment or lessen the harm to the environment.

The impacts have been identified through an assessment of the proposed development against the provisions of section 4.15(1)(b) and the former NSW Department of Urban Affairs and Planning's (nd) Guide to Section 79C.

5.2 CONTEXT AND SETTING

The proposal involves the erection of a new building and ancillary services to provide a TAFE Connected Learning Centre (CLC).

The proposed development of an educational establishment in this location is considered to be a compatible land use given the commercial zoning of the site and the surrounding commercial and industrial development.

The scale of the building is consistent with the surrounding locality, with the proposal being a design to a high quality and is endeavoured to compliment the streetscape.

5.3 ACCESS, TRANSPORT AND TRAFFIC

The proposed development generates traffic movements associated with the arrival and departure of staff and students. The site will accommodate up to three (3) staff and forty five (45) students at any one time.

Section B4 of the DCP provides for the provision of parking for educational establishments on the basis of:

- 1 car space per 2 staff members
- 1 car space per 5 students (tertiary)
- 1 car space per 10 students (secondary)
- 1 bike spaces per 5 students

The development therefore generates the need for two (2) spaces for staff and seven (7) spaces for students, or nine (9) spaces in total and nine (9) bike spaces.

21 vehicle parking spaces and 10 bicycle parking spaces are to be provided to the west of the proposed building.

Access is to be provided to mobile training bay (MTB) via the driveway from Bayshore Drive and egresses to the carpark. Traffic is controlled through the MTU laneway by retractable bollards.

Traffic movements would be during core hours and would be generally consistent with the use of the adjacent land as a commercial precinct. It is not anticipated these movements would unduly impact the local traffic environment.

This discussed in more detail in **Appendix C**.

It is recommended that No Parking signage on the western side of Bayshore Drive is retained to avoid further obstructions to turning traffic.

It is understood that Council are considering upgrade of this portion of Bayshore Drive in the future, in relation to the further development of the host lot.

The proposed CLC facility is designed to be accessible for people with mobility impairments.

5.4 PUBLIC DOMAIN

The proposed development would not adversely impact on the public domain in terms of public recreational opportunities, public spaces surrounding the subject site or pedestrian linkages.

The short term duration of construction works would ensure that impacts to the public domain would be minimal.

5.5 SERVICING

The area of the proposed CLC is currently vacant. All services are available to the subject site and these would be augmented as required to facilitate the development.

Electricity services are available and would be augmented in accordance with the relevant supply authority and without unreasonable burden to the community. The newly created CLC building would be provided with separate connections to the satisfaction of the electricity supply authority.

It is considered the proposed development would have adequate service provision.

The Water Directorate Section 64 Determinations of Equivalent Tenements Guidelines (S.64 Guidelines) identify a tertiary educational establishment as requiring 0.02 ET/person for water and 0.02 ET/person for sewer.

The proposed development therefore requires 0.96 ET's for water and 0.96 ETs for sewer, based on a maximum of 48 persons (45 students and 3 staff). The proposed development is expected to have a credit for 1 water and sewer ET as a result of the current registered status of the. As such, further contributions are not considered to be payable.

Notwithstanding the above, the proposed development is a Crown development providing a community educational establishment which provides material public benefit. The Department of Primary Industries' 2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater advise (at section 2.7) that Crown developments for essential community services (including education) are exempt from general developer charges in accordance with Section 306(4) of the WM Act. As such, notwithstanding no additional generation of usage and discharge beyond the current credited situation, it is not considered that section 64 contributions (headworks) for the proposed development would apply.

5.6 HERITAGE

Online searches on 28 January 2020 and 22 April 2021 of the NSW Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) with a buffer of 50 metres confirms there are no sites of Aboriginal heritage located in, on or near the site – refer **Appendix F**.

The site is highly disturbed as a result of historic development activity, including the use of the land for storage purposes and the development of stormwater infrastructure.

On the basis of the above, the requirements of the due diligence have been satisfied and the development may proceed.

The host lot does not contain any heritage items listed under Schedule 5 of the BLEP and does not contain any heritage items listed on the State Heritage Register or Australian Heritage Database.

Should any 'objects' or other heritage features be identified during the course of construction, work in that area should cease immediately and be cordoned off and the Office of Environment and Heritage and/or a suitably qualified heritage specialist be contacted to discuss how to proceed.

5.7 OTHER LAND RESOURCES

The development is not located within a water supply catchment, strategically significant agricultural land or on land the subject of a mineral exploration or mining licence.

5.8 WATER

There are no mapped waterways on or near to the site. Mapped wetlands exist to the west of the site.

Stormwater would be managed on site as discussed in **Section 5.14**.

5.9 SOILS

The site contains class 3 acid sulfate soils – refer **Section 4.4.1**.

Minor earthworks associated with the footing/slab installation are anticipated. Excavation to less than 1 metre is not expected to be required. Erosion and sediment controls will be installed in accordance with the NSW Governments Managing urban stormwater: soils and construction, Volume 1, commonly referred to as "The Blue Book".

A Geotechnical Investigation and Acid Sulfate Soil Assessment has been prepared by Douglas Partners and is submitted as part of this application – refer **Appendix A**. The Preliminary Acid Sulfate Soil (ASS) Assessment states the following:

- The existing plus potential acidity was calculated to be equal to or greater than 0.03%S in two of the sample tested; Bore 1 at 2m depth with a net acidity of 0.03% and Bore 6 at 0.5m depth with a net acidity of 0.06%.*
- Further examination of the Scr results indicates the elevated existing plus potential acidity is due to TAA and therefore the soil assessed to be non ASS and as such, acid sulfate soil management plan (ASSMP_ will not be required if less than 1,000t (or 500m³) of soil is to be disturbed.*
- If more than 1,000t is to be disturbed then the results indicate that an ASSMP will be required.*
- Irrespective, due to the nature acidity in the soil, neutralisation against potential environmental harm will be required.*

It is not anticipated that more than 500 m³ of soil would be disturbed, and thus an ASSMP is not required.

5.10 FLORA AND FAUNA

The proposed located of the development is cleared of substantial vegetation and is dominated by managed exotic species.

Aerial imaging identifies the clearing of the development site occurred between 2015 and 2017. The area proposed for the development is managed grassland and a constructed stormwater basin. No impacts to

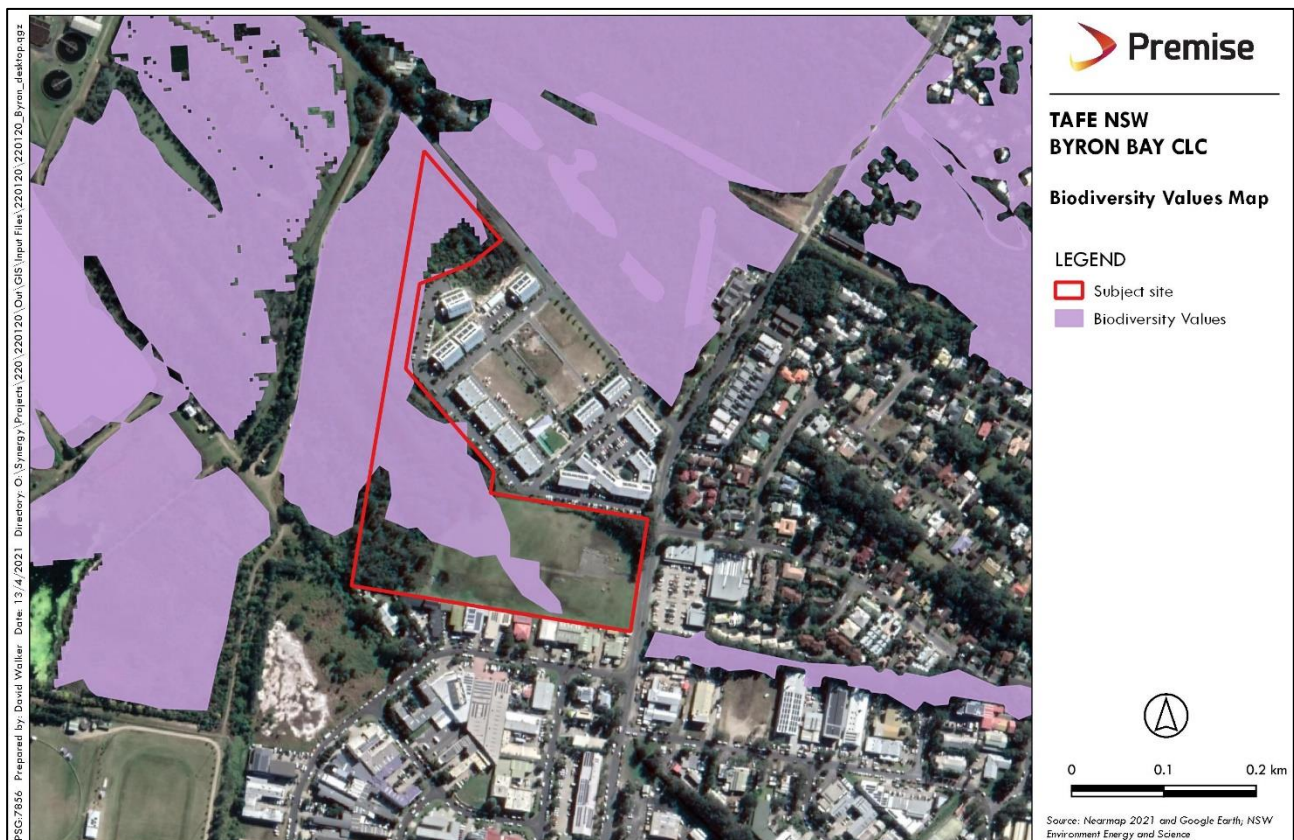
significant flora and fauna are predicted as a result of the development. An assessment of the potential suitability of the site to accommodate Acid Frogs was completed by GeoLINK – refer **Appendix G**.

This report states that the stormwater basin on the subject site affected by the proposed development does not provide suitable habitat for any endangered or vulnerable frog species. As such, a significant impact to these species is not anticipated.

More than 0.25 ha of clearing of native vegetation is not proposed, and a significant impact to threatened species or ecological communities, or their habitats are anticipated; and therefore a Biodiversity Development Assessment Report is not required. Given the cleared nature of the development site, significant impacts to native flora and fauna communities are not predicted.

A portion of the site is mapped via the biodiversity values map – refer **Figure 4**, however, given the managed nature of this area, significant impacts are not predicted.

Figure 4 – Biodiversity Values Map



The proposed development would be landscaped as an element of the project as outlined on the attached Landscaping Drawings.

On balance the proposal does not result in a significant impact and is therefore considered to be acceptable in the context of the BC Act and the Vegetation SEPP.

5.11 WASTE

5.11.1 SOLID WASTE

Solid waste generated during the construction period would be disposed of at an appropriate waste facility in accordance with the specific measures outlined in **Section 5.21** and the waste management plan provided at **Appendix I**.

TAFE facilities have a well-developed Waste Management Strategy which is incorporated into their facilities across the state.

Internal waste collection is provided at source with integrated waste collection at the activity points within the facility. This includes appropriate sanitary waste collection of activity waste at the sinks within the facility.

External Waste and recycling collection will be by conducted by commercial waste collection services. Commercial cleaning services will collect internal waste for onsite, with external storage within 240 litre bins for general waste, general recycling and larger format recycling of materials.

A dedicated and secure waste bin storage area is indicated on the architectural drawings for bins associated with the kerbside collection of waste and garbage, which would be arranged with a commercial waste and recycling operator.

5.12 EFFLUENT DISPOSAL

The proposed CLC building would be provided with a sewer connection to the Council's reticulated sewer network. Refer **Section 5.5**.

5.13 STORMWATER

The proposed CLC building would integrate with stormwater management measures for the broader area. A rainwater tank is proposed to be located on site for rooftop stormwater retention.

GeoLINK have prepared a stormwater management strategy for the site – **Appendix H**. The strategy entails the provision of a rainwater tank, together with an internal system of stormwater management discharge to a bioretention basin, that would both treat and detain stormwater, before discharge to the adjacent wetland to the west. The site layout has been designed to achieve overland flow in a 1 in 100 year ARI storm event.

5.14 ENERGY

The development would ensure compliance with Section J of the Building Code of Australia with respect to energy efficiency (where relevant). It is endeavoured the site is aiming to achieve a benchmark of 4 star Greenstar rating, please refer to attached project sustainability report at **Appendix E**.

5.15 NOISE & VIBRATION

Noise and vibration impacts associated with the proposed development would be limited to noise associated with construction. Use of the building as an educational establishment is not anticipated to result in any unreasonable impacts.

Mitigation measures listed below would ensure that the surrounding locality is not unreasonably impacted during the construction period:

- All vehicles and equipment would be operated and maintained in accordance with the manufacturer's specifications.
- Construction would be restricted to standard operating hours between 7am to 6pm on weekdays and from 8am to 1pm on Saturday. No work would be undertaken on Sundays or on public holidays.

5.16 NATURAL HAZARDS

The host lot and surrounding land are mapped as Bush Fire Prone Land. As such, a bushfire assessment prepared in relation to the proposed development is provided at **Appendix B**.

The bushfire assessment makes the following conclusions and recommendations:

- Implementation and maintenance of a 67 metre APZ to the western face of the building;
- Design of the western elevation of the MTU to BAL 12.5 construction standard as per the applicable construction standard requirements of AS3959-2018;
- Services to be installed in accordance with the requirements of Section 5.3.3 of PBFP;
- Property access driveways to be constructed to PBFP standards as applicable.

In addition to the above, a Bushfire Emergency and Evacuation Plan (BEEP) would be prepared for the development. The BEEP would be prepared consistent with the NSW Rural Fire Service guidelines.

On the basis of the above, the development is considered to be acceptable in the context of the bushfire hazard.

5.17 SAFETY, SECURITY AND CRIME PREVENTION

The guidelines prepared by the NSW Department of Urban Affairs and Planning (DUAP, 2001) identify four (4) Crime Prevention Through Environmental Design (CPTED) principles to be considered in a Development Application to ensure developments do not create or exacerbate crime risk. These four principles are surveillance, access control, territorial reinforcement, and space management.

A Crime Risk Assessment (CRA) has been prepared and is submitted in **Appendix D**.

The CRA makes a range of recommendations to be adopted with respect to the above principles to ensure that crime risks associated with the proposed development are appropriately mitigated. The CRA makes the following specific recommendations:

5.17.1 RECOMMENDATIONS

Based on the local crime profile, the crime risk identification and the CPTED principles, the following recommendations are provided with relation to the proposed educational establishment in the context of the provisions of Part B of the CPTED Guidelines as outlined in **Section 1.7** of this report.

5.17.1.1 Surveillance

The building has been designed to ensure passive surveillance of the car parking areas and the proposed driveway (which is also the future public street). The following key recommendations are provided with respect to surveillance:

- Install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings. CCTV cameras should also cover any common areas, public spaces, and bicycle parking areas. The associated warning signage should also be installed.
- In advance of further development of the site, the CCTV should also monitor the site entrances (vehicle and pedestrian) and the entire length of these access paths.
- Recordings should be made twenty-four (24) hours a day seven (7) days a week. The time and date must automatically be recorded. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.
- The CCTV control system should be located within a secured area of the premise and only accessible by authorised personnel.
- Signage warning of CCTV coverage should be displayed in suitable locations.
- Lighting should be provided at all entry points and within publicly accessible areas, such as the car park.
- Parking levels are to be illuminated at all times or fitted with appropriate sensor lighting.
- Lighting should be provided in accordance with the relevant Australian Standards.

- Landscaping including trees to be appropriately and regularly maintained to ensure opportunities for concealment are avoided and to provide a clear line of sight between the CLC building and car parking areas.
- Seating to be installed within the landscaped car parking areas to encourage passive use by CLC students, thereby providing passive surveillance of this area.
- Ceilings and walls should be a light colour to maximise the reflection of light.
- External lighting fixtures should be 'vandal proof' as possible.
- Regular security patrols to be provided outside of core hours including back to base monitoring of security features.

5.17.1.2 Access Control

There is two access points between the development and the public domain providing separate vehicular and pedestrian access. A pedestrian and bicycle access point is proposed at the south – south-eastern boundary and vehicular access is provided via the proposed centrally located driveway connecting to Bayshore Drive. The following key recommendations are provided with respect to access control:

- The key access points to the site would be delineated by clear territorial reinforcement to ensure no uncertainty between the private and public domain. This is recommended to include a gate at the driveway entrance to the site to prevent out of hours vehicular access, and bollard/s at the southern pedestrian entrance to ensure no vehicular access via this route. The gate would be expected to be removed in the future as the re-development/subdivision of the residual land occurs. A review of crime prevention measures at that time is recommended in the context of the, as yet unknown, future arrangement.
- The existing boundary fencing is to be maintained.
- Windows and other access points at or near ground level will be lockable to restrict unwelcome access.
- Fire exit doors should be fitted with measures to restrict unauthorised access from the outside.
- All areas should be fitted with doors must comply with Australian Design Standards.
- The entrance doors at the front (north) and side (west) should include glass for visual permeability.
- Signage should be installed on the Main Street (temporary access) and Bayshore Drive elevation to clearly communicate the appropriate entrance points communicating the arrangement of the site, being car parking to the north, MTU to the south, pedestrian access from the west.

5.17.1.3 Territorial Reinforcement

The differentiation between the public and private domains is unambiguous for the proposed development and is reinforced by the existing boundary fencing and recommended gate and bollard installation. The following key recommendations are provided with respect to territorial reinforcement:

- In addition to access control, which clearly delineates public and private spaces, additional visual cues such as paving materials and landscaping should be used to distinguish between public and private spaces.
- Appropriate signage/ markings of car parking spaces to be provided for all users.
- Installation of signage stating: "*These premises are under constant CCTV surveillance*".

5.17.1.4 Space Management

The following key recommendations are provided with respect to space management:

- Landscaping within the car parking area is to be actively managed on a regular basis to ensure opportunities for concealment are removed and a clear line of sight between the CLC building and the car parking area is provided.

- Any burnt out lighting is replaced quickly.
- Regular cleaning of public spaces and the collection of rubbish.
- Graffiti is removed as soon as possible.

5.17.2 CONCLUSION

Subject to the adoption of the above recommendations, crime risks around the use of the site can be appropriately addressed.

5.18 SOCIAL IMPACT

As defined by the NSW Government Office on Social Policy, social impacts are significant events experienced by people as changes in one or more of the following are experienced:

- peoples' way of life (how they live, work or play and interact with one another on a day-to-day basis);
- their culture (shared beliefs, customs and values); or
- their community (its cohesion, stability, character, services and facilities).

It is not anticipated the development will have any impacts which would affect people's way of life, their culture or community.

Residual social impacts would be positive via the provision of additional educational opportunities within the locality.

5.19 ECONOMIC IMPACT

The proposed development is not anticipated to generate adverse economic impacts. The proposed refurbishments are anticipated to increase the property value, generating a positive economic impact.

5.20 SITE DESIGN AND INTERNAL DESIGN

The proposed building is of a high quality design and would have a positive impact on the streetscape. The building is in keeping with the commercial nature of the surrounding development and the change reflects the transitional nature of the surrounding locality, which has resulted in development of commercial developments in the locality in recent years.

The proposed use is unlikely to have any detrimental impacts on the environment and is sensitive to the surrounding locality and land uses.

5.21 CONSTRUCTION IMPACTS

Construction relating to the development will be minimal and the duration of construction will be short term. It is not anticipated the construction activities will have any detrimental impacts on nearby and adjacent land owners.

Construction impacts would be managed through the application and maintenance of appropriate mitigation measures, including:

- All vehicles and equipment would be operated and maintained in accordance with the manufacturer's specifications.
- Construction would be restricted to standard operating hours between 7am to 6pm on weekdays and from 8am to 1pm on Saturday. No work would be undertaken on Sundays or on public holidays.

- Where necessary, erosion and sediment controls will be installed in accordance with the NSW Governments Managing urban stormwater: soils and construction, Volume 1, commonly referred to as "The Blue Book".
- Maximising recycling and minimising waste going to landfills by separating waste materials during the demolition phase, not after.
- All material generated from the work will be recycled or reused where possible as per the waste management plan at **Appendix I**.

5.22 CUMULATIVE IMPACTS

The proposed development is unlikely to generate any impacts with the potential to act in unison in terms of:

- Individual impacts so close in time the effects of one are not dissipated before the next (time crowded effects);
- Individual impacts so close in space the effects overlap (space crowded effects);
- Repetitive, often minor impacts eroding environmental conditions (nibbling effects); and
- Different types of disturbances interacting to produce an effect which is greater or different than the sum of the separate effects (synergistic effects).

6. CONCLUSION

6.1 SUITABILITY OF THE SITE

The subject site is considered suitable for the proposed development for the following reasons:

- The proposed development is consistent with the aims of the B7 – Business Park zone.
- The proposed building as an educational establishment is compatible with the nature of development in the locality.
- The proposed construction of the facility would be conducted according to the mitigation measures set down at Section 5.23 and therefore the construction impacts of the development would be minimal.

6.2 PUBLIC INTEREST

The matter is likely to be of limited public interest due to the localised nature of the impacts.

Any residual impacts would be positive via the provision of additional educational opportunities within the locality.

6.3 CONCLUSION

The proposal involves the construction of a Connected Learning Centre for TAFE NSW at Bayshore Drive, Byron Bay and is permissible with consent pursuant to the BLEP.

This SEE provides an assessment of the proposal against the relevant environmental planning framework, and identifies the proposed development is consistent with the objectives and controls of the relevant instruments and polices. No significant environmental impacts, social or economic have been identified or likely to arise from the development. Rather, the development will provide additional education facilities to the Byron and North Coast area.

It is considered the proposal should warrant positive assessment as the considerations under Section 4.15 of the EP&A Act have been satisfied in demonstrating compatible development with the surrounding environment.

It is recommended Council grant development consent to the proposal.

7. REFERENCES

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DRAWINGS



APPENDIX A

ACID SULFATE SOILS MANAGEMENT PLAN



APPENDIX B

BUSHFIRE ASSESSMENT



APPENDIX C

TRAFFIC STUDY



APPENDIX D

CRIME RISK ASSESSMENT



APPENDIX E

SUSTAINABILITY DESIGN STATEMENT



APPENDIX F

AHIMS SEARCH RESULTS



APPENDIX G

ACID FROG SUITABILITY – PRELIMINARY INVESTIGATION



APPENDIX H

STORMWATER MANAGEMENT STRATEGY



APPENDIX I

WASTE MANAGEMENT PLAN



APPENDIX J

SITE SURVEY



APPENDIX K

BCA COMPLIANCE REPORT



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