

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSNTH-102 - Byron
DA Number	10.2021.364.1
LGA	Byron Shire
Proposed Development	Proposed Bioenergy Facility (BEF) that can receive and process up to 28,000 tonnes of organic wastes from local communities and biosolids from the Byron Bay Sewage Treatment Plant (BBSTP). During operation, the BEF will capture biogas and generate energy for use at the BBSTP and the BEF itself. It will also produce various soil amendments suitable for use in landscaping and agricultural production.
Street Address	Lot 2 DP 706286 (No. 45) Wallum Place, Byron Bay
Applicant/Owner	Byron Shire Council
Date of DA lodgement	6 July 2021
Total number of Submissions Number of Unique Objections	70 submissions. Of these 69 are objections and one (1) in support of the proposal. Unique objections - 38
Recommendation	Approval subject to recommended conditions of consent.
Regional Development Criteria (Part 2.4 and Schedule 6 of the SEPP (Planning Systems) 2021	<p>Schedule 6 Clauses 3 (a), 3(b) and 3(c).</p> <p>3 Council related development over \$5 million Development that has a capital investment value of more than \$5 million if—</p> <p>(a) a council for the area in which the development is to be carried out is the applicant for development consent, or</p> <p>(b) the council is the owner of any land on which the development is to be carried out, or</p> <p>(c) the development is to be carried out by the council, or</p> <p>(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).</p> <p>The proposal has a capital investment value of \$16,572,909</p>
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Byron Local Environmental Plan 2014 • Byron Local Environmental Plan 1988 • Byron Development Control Plan 2014 • Byron Development Control Plan 2010 • SEPP (Biodiversity and Conservation) 2021 • SEPP (Resilience and Hazards) 2021 • SEPP (Primary Production) 2021 • SEPP (Transport & Infrastructure) 2021 • Environmental Planning and Assessment Regulation 2000
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Plans (Architectural, landscape concept and civil plans for earthworks, roadworks and stormwater drainage) 2. Response to Submissions Report (Jackson Environment and Planning, January 2022) incorporating: <ul style="list-style-type: none"> • Appendix A – Site Layout Plans (As Submitted with the EIS and Development Application) • Appendix B – Revised Site Layout Plans (Updated)

	<ul style="list-style-type: none"> • Appendix C – Site Layout Plans Evolution (since 2019) • Appendix D – Biodiversity Development Assessment Report (Updated) • Appendix E – Standard Koala Habitat Assessment Report • Appendix F – Updated Soil and Water Plans (MPC) • Appendix G – Updated Acid Sulfate Soil Management Plan • Appendix H – Public Submissions Analysis Matrix <p>3. Plans – Elevations showing 9 m height limit</p> <p>4. Response to EPA request for additional information (Jackson Environment and Planning, 13 October 2021).</p> <p>5. Table – Assessment of Submissions</p>
Clause 4.6 requests	A clause 4.6 exception request has been received with respect to the height of the building development standard prescribed by Clause 4.3 of Byron LEP 2014.
Summary of key submissions	<ul style="list-style-type: none"> • Impact on wetlands – flora/fauna/hydrology • Potential noise impacts • Potential traffic impacts particularly in relation to noise • Impact on wildlife corridors • Noise and lighting impacts to wildlife • Safety concerns from bioenergy facility • Height exceedance • Economic benefits questioned
Report prepared by	Kellie Shapland – Consultant Planner BUrbRegPlan(Hons) RPIA
Report date	9 May 2022

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Not applicable

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Yes