

WEST BYRON INDUSTRIAL SUBDIVISION – DCP 2014 ASSESSMENT TABLES

The primary Chapter of relevance is Chapter E8: West Byron Urban Release Area. The requirements of this, and other relevant Chapters, are addressed in the tables below:

Chapter E8: West Byron Urban Release Area	
Requirement	Compliance
E8.10 Design Principles	
Legible and connected	
(a) a vibrant mixed use village centre to provide a community meeting place and to provide retail and commercial opportunities	Not applicable to subject site
(b) a street pattern that connects the new residential areas with the mixed-use village centre, the light industrial area and local parks	The original West Byron Master Plan provided a frontage to the subject lot from an internal 'spine road', which would enable internal connection between this site and the residential development to the east. The 'spine road' was relocated due to the presence of protected frog habitat, such that there is now no internal road frontage to the subject site, therefore no direct connection to the remainder of the Urban Release Area.
(c) neighbourhoods where residents can safely walk or cycle to the local shops and open space	Pedestrian and cycle access is provided within the proposed subdivision, allowing for connecting to the Ewingsdale Road accessways.
(d) public transport, cycle and pedestrian ways that links with existing networks	As above. See Civil Engineering Design plan set. Internal road loop is designed to allow internal bus access.
(e) high speed broadband to the entire estate	High speed broadband will be provided.
Reinforcing the natural environment	
(a) high quality streetscapes with generous green verges, street trees and footpaths with access to safe open space areas	Provided. See Landscape Concept Plan.
(b) appreciation of areas of high quality habitat for conservation	The area in the south-western corner of the site, identified as high biodiversity value, has been conserved. See BDAR report.
(c) residential open space areas which link with the natural environment	N/A
Innovative and integrated	
(a) mixture of dwelling types to improve housing choice for a variety of residents and budgets and create diversity in the built form	N/A

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Requirement	Compliance
(b) housing arrangements different to the existing model in Byron Shire including small lot housing and co-operative housing	N/A
(c) clearly defined entry statements at the access points from Ewingsdale Road	Provided. See Landscape Concept Plan
Amenity	
(a) residents and properties are protected from hazards including flooding and bushfire	See Flood Impacts Assessment and Bushfire Assessment reports.
(b) coherent buffers provided to Ewingsdale Road and other environmental constraints.	Provided. See Landscape Concept Plan
E8.10.3 Transport Movement and Street Hierarchy	
The road through the IN2 Zone Land to terminate in a cul de sac at the boundary with Lot 181 DP755695. Alternatives to extend the road through this parcel and back to Ewingsdale Road will be considered where it can be demonstrated with a traffic study a positive outcome for traffic management on Ewingsdale Road and to enable the free flow and movement of heavy vehicles, delivery trucks and other traffic entering the IN2 Zone	While the proposed internal road does not terminate in a cul-de-sac, it is located adjacent to the boundary of Lot 181 such that internal connection between the lots could be possible in the future, should that adjacent land be rezoned and developed for employment uses.
E8.10.4 Stormwater Management	
A detailed Stormwater Management Plan to be submitted, and include the following:	Provided. See Stormwater Management Plan (Planit).
<ul style="list-style-type: none"> demonstrate through stormwater modelling that the proposed development will not adversely impact the coastal wetlands, Belongil Creek or Cape Byron Marine Park 	Refer to above.
<ul style="list-style-type: none"> demonstrate a lawful point of discharge for all stormwater outlets. Where Union Drains and other private infrastructure is to be accessed, details to be provided on lawful access and ability for such drains to be maintained legally by Council 	Refer to above.
<ul style="list-style-type: none"> outline any requirements for ongoing monitoring of water quality impacts and measures for managing Acid Sulfate Soils; 	Refer to above.
<ul style="list-style-type: none"> baseline studies to be prepared of water quality of surface and groundwater and within drainage lines across the site. The Studies to consider wet and dry period, tidal movements and incorporate sampling 	Refer to above.

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Requirement	Compliance
upstream (eg Arts and Industrial Estate) and Down Stream (eg Belongil Creek)	
<ul style="list-style-type: none"> • Identification of all areas proposed for fill or other major earth works and an assessment of impacts on stormwater runoff, ground water levels, acid sulphate soils and wallum froglet and wallum sedge frog habitat and identification of effective mitigation measures where impacts can't be avoided 	Refer to above.
E8.10.5.1 Biodiversity and Vegetation Management	
<p>Development applications for subdivision are to:</p> <p>(a) Address the relevant statutory considerations under the <i>Environmental Planning and Assessment Act 1979</i> consider potential impacts to:</p> <ul style="list-style-type: none"> (i) threatened species, populations and endangered ecological communities under the <i>Threatened Species Conservation Act 1995</i> and the <i>Environmental Protection and Biodiversity Conservation Act 1999</i> (ii) SEPP 14 Wetlands and SEPP 44 Koala Habitat Protection (iii) Relevant provisions of the <i>Water Management Act 2000</i>, <i>Fisheries Management Act 1994</i>, <i>Marine Parks Act 1997</i> and the <i>Native Vegetation Act 2003</i> (iv) Be accompanied by a detailed ecological assessment including habitat values, location and extent of any habitat proposed for removal and offset location, extent and timing. 	<p>Note: most of the legislative references are no longer relevant. Notwithstanding, this DCP provision is explicit that subdivision is to be guided by the relevant legislation and provide a site-specific response to managing potential ecological impacts.</p> <p>The Biodiversity Development Assessment Report (BDAR) submitted in support of the application addresses the requirements of the (current) <i>Biodiversity Conservation Act 2016</i> and the <i>Environmental Protection and Biodiversity Conservation Act 1999</i>.</p> <p>Relevant SEPPs and other legislation is addressed in the Statement of Environmental Effects.</p> <p>The subdivision ensures a positive ecological response, while achieving the intent of the land's zoning and locality plan.</p>
<p>Landscaping of drainage lines, parks, reserves, road buffers and other large areas within the urban footprint of the Urban Release Area to be designed to enhance biodiversity values and habitat linkages. Concept landscaping plan to be submitted with development applications for subdivision which form one or more stages of the proposal for West Byron.</p>	<p>As far as is possible in complying with Planning for Bushfire Protection 2019, landscaping plantings in buffer areas and road verges provide habitat linkages.</p>
E8.10.5.2 Landscaping	
<p>Landscape plans are to be submitted with development applications for subdivision</p>	<p>Provided. See Landscape Concept Plan</p>

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Requirement	Compliance
E8.10.6 Public Facilities, Services and Infrastructure	
1. General Infrastructure	All required services will be provided.
The subdivision shall be fully serviced with water, sewer, roads, drainage and underground electricity and telecommunication services. The telecommunication service to be designed to connect to the National Broadband Network. This service infrastructure may be constructed on a staged basis to accommodate the staged release of land.	See Civil Design Drawing Set
2. Dual Reticulation Water	
A dual-reticulation water supply for non-potable water is to be provided to all lots in the IN2 Light Industrial Zone and the B1 Neighbourhood Centre Zone as a minimum.	See Civil Design Drawing Set
The developer shall incorporate on the Certificate of Title for all allotments Restrictions as to User which require all dwellings and buildings with plumbing (including commercial, industrial buildings and the like) to make provision for non-potable water service plumbing and facilities to the satisfaction of Council	The appropriate notations will be included on the title of lots.
3. Public car parking	No public car parking proposed.
4. Cycleways and Footpaths	
As a minimum 1.2 metre wide concrete footpaths to be provided on one side of all access roads and both sides of local, collector and distributor roads. To connect with existing cycling pedestrian infrastructure in Ewingsdale Road and beyond.	See Civil Design Drawing Set
5. Bus Stops	
The road network is to be designed to provide for designated bus routes and bus stops in locations which provide safe and convenient access for residents.	See Civil Design Drawing Set
E8.10.8.1 Flooding	
The provisions of Byron DCP 2014: Chapter C2 – Areas Affected by Flooding apply to the site.	See Table below.

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Requirement	Compliance
E8.10.8.2 Acid Sulfate Soils	
An Acid Sulfate Soil Management Plan is required to be submitted with any development application	Provided.
E8.10.8.3 Groundwater	
1. Any development application involving stormwater detention infrastructure such as bioretention basins, constructed ponds, wetlands and vegetated swales is to demonstrate how any potential groundwater impacts will be mitigated.	See Stormwater Management Plan and Interim Groundwater Management Plan
2. The ph and water levels of groundwater near and or adjacent to wallum sedge frog and wallum froglet habitat and wetlands not to be altered such that it impacts on the health of that habitat for the frogs.	See Stormwater Management Plan, Interim Groundwater Management Plan and Acid Frog Management Plan
E8.10.8.4 Bushfire	
1. Subdivision and development applications are to comply with Planning for Bushfire Protection 2006 (NSW Rural Fire Service), including measures for perimeter roads, fire trails and reticulated water for fire fighting purposes.	See Bushfire Assessment Report
2. Asset protection zones: <ul style="list-style-type: none"> (a) Are to be located wholly within the Urban Release Area and wholly located outside of the E2 Environmental Conservation and E3 Environmental Management Zone (unless specifically required for development within those zones); (b) May incorporate roads and flood prone land; (c) May be used for open space and recreation subject to appropriate fuel management; (d) May incorporate the building setback on private residential land; (e) Are not to increase the maintenance burden on public lands 	Complies – see Bushfire Assessment Report
E8.10.8.5 Odour	
Where it can be demonstrated that the Poultry Processing Plant has been closed and will not be re-opened and or redeveloped for a similar offensive use utilising existing use or existing	The processing facility ceased some time ago, and development consent has been issued for re-use of the remaining buildings. A rezoning proposal is being developed that would result in a complete

Chapter E8: West Byron Urban Release Area	
Requirement	Compliance
consent rights, the above requirements may not apply. Details to be submitted with the development application	redevelopment of that site, including demolition of the existing buildings and structure.
E8.10.8.6 Contamination	
Development applications are to address the matters for consideration under Clause 7 of SEPP 55 Remediation of Contaminated Lands.	See Preliminary Site Investigation
E8.10.8.8 Buffer to Ewingsdale Road	
A landscaped buffer including both physical barriers and earth mounds adjacent to Ewingsdale Road to be incorporated into the subdivision design generally in accordance with Figure E8.11 for the full length of the West Byron Site zoned IN2, R2 and R3, subject to all required road, drainage, cycleway, services and landscaping being able to be located within the road reserve.	Complies – See Civil Design Drawing Set and Landscape Concept Plan
E8.10.9 Aboriginal Cultural heritage	
An Aboriginal Cultural Heritage Assessment to be carried out by a suitably qualified professional for the West Byron Site with the Stage 1 Development Application. The assessment to be carried out in accordance with the relevant Office of Environment and Heritage (OEH) Guidelines for Aboriginal cultural heritage matters	See Aboriginal Cultural Heritage Assessment Report
E8.10.10.4 Industrial Area	
Access roads through the IN2 Zoned land to be of a suitable width to accommodate articulated vehicles plus on street parking	All roads support articulated vehicles and on street parking. See Traffic Impact Study.
A minimum of twenty five percent (25%) of lots are to be designed with an appropriate area and width to enable Articulated Vehicles to enter and leave in a forward direction.	All lots are large and enable use by articulated vehicles
Industrial development adjacent to Ewingsdale Road to be setback a minimum of 10 metres from this boundary and appropriately screened with native trees and vegetation. This setback can be varied down to 3 metres where other alternatives are utilised in the facades of buildings along this boundary including use of green walls, mix of building materials including glass wall and upper level windows, and articulation or variation in building alignment.	10m buffer provided. See Civil Design Drawing Set and Landscape Concept Plan

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Requirement	Compliance
Development within the Industrial Zone to be designed and sited to minimise potential land use conflicts with surrounding adjoining residential uses. Where required noise attenuation to be provided within industrial units or on the boundary to ensure compliance with the relevant EPA guidelines for industrial noise.	The subject site is separated from any nearby residential areas by road reserves or land zoned for conservation and/ or light industry.

Chapter B1: Biodiversity (Current Version)

See Biodiversity Development Assessment Report

Chapter B3: Services

Requirement	Compliance
B3.2.1 Provision of Services	
1. Water Supply	All essential infrastructure has been provided consistent with Council's See Civil Design Drawing Set and Engineering Assessment.
2. Electricity Supply	
3. Telecommunications Infrastructure	
4. Sewage Management	
5. Stormwater and Drainage	
6. Road Access	
B3.2.3 Stormwater Management	
<p>The surface and ground water management strategy responds to known hydrological conditions on and off site. A new drainage reserve is proposed toward the south of the property, which will contain a new stormwater basin. This basin serves bioretention and detention purposes. Infiltration will also be provided through street trees with passive infiltration wells. These tree infiltration wells form part of the broader stormwater quality management strategy and will assist minimising potential impacts on local groundwater associated with filling and the increase in impervious area.</p> <p>See Civil Design Drawing Set, Stormwater Management Plan and Engineering Assessment.</p>	
B3.2.4 Sedimentation and Erosion Control Measures	
A soil and water management plan is required where the area of soil surface disturbance exceeds 2 500m ² . Sites of this scale typically	Complies - See Civil Design Drawing Set, Stormwater Management Plan and Engineering Assessment.

Chapter B3: Services

Requirement	Compliance
<p>require sediment retention basins to minimise sediment pollution.</p> <p>Plans must be prepared in accordance with Northern Rivers Local Government Development Design and Construction Manuals, Byron Shire Council Comprehensive Guidelines for Stormwater Management and 'Managing Urban Stormwater: Soils and Construction' (Landcom, Sydney, 2003).</p>	

Chapter B4: Traffic Planning, Vehicle Parking, Circulation and Access

Requirement	Compliance
B4.2 Traffic Impact	
Need for traffic impact assessment	A Traffic Impact Study has been submitted in support of the application, addressing the requirements of this Chapter.

Chapter B14: Excavation and Fill

Requirement	Compliance
B14.2 Excavation and Fill in all Zones	
Unless otherwise stated below, excavation and filling must be limited to a depth of 1 metre	See below – Filling of a greater depth is required to achieve the appropriate flood immunity for the property and achieve the site drainage objectives.
Filling on the floodplain – Any development application that seeks consent to fill land within the flood planning area will need to have regard to the provisions contained within Chapter C2 Areas Affected by Flood.	See Civil Design Drawing Set, Stormwater Management Plan and Engineering Assessment.

Chapter C2: Areas Affected by Flood

Requirement	Compliance
C2.3.2 Minimum Floor Levels	
Developments in new release areas, certain rezoning proposals, critical facilities and special purpose facilities requiring a longer flood planning horizon are generally required to achieve the Projected 2100 Flood Planning Level.	<p>The site is being filled to meet the 1% AEP 2100 flood level, and also meet drainage requirements.</p> <p>See Flood Impact Assessment and Stormwater Management Plan.</p>

Chapter D6 Subdivision	
Requirement	Compliance
D6.5 Industrial and Commercial Subdivision	
D6.5.1 Lot Size and Shape (Industrial)	
Lots to comply with the lot size map under Byron LEP 2014. Minimum width and frontage is 25 metres	There is currently no minimum lot size shown on the Lot Size Map within BLEP 1988. Lots less than 25 wide are not proposed.
D6.5.3 Subdivision design (Industrial and Commercial Development)	
Subdivision design must be consistent with the requirements of Chapter B11 Planning for Crime Prevention. Subdivision design must maximise the opportunities for observation of buildings, spaces and activities by occupants, passing motorists and pedestrians	The simplicity of the proposed layout ensures that lots are all easily observable from the proposed internal road.
Development applications for subdivision must identify, address and respect all environmental constraints that affect the site and surrounds. Where lands contain or adjoin bushland or adjoin lands containing endangered flora and/or fauna species, development proposals must be accompanied by a flora and fauna assessment.	See BDAR.
Lands identified as containing or directly adjoining watercourses or trunk drainage lines may be subject to partial inundation during the 1 in 100 year ARI storm event. Development applications must demonstrate that the proposal complies with the requirements of the Northern Rivers Development and Design Manual and Chapter B3 Services and C2 Areas Affected by Flood.	Complies – See Flood Impact Assessment and Stormwater Management Plan
Lots must be designed to allow the construction of a building or carriageway with a maximum excavation or fill in accordance with the requirements of Chapter B14 Excavation and Fill, whilst not impeding the flow of waters.	Complies - The Flood Impact Assessment demonstrates that filling of the land can be undertaken without off-site flooding impacts. Future development of lots will not be required to consider impacts to floodwaters.