

APPENDIX E – OTHER RELEVANT POLICIES AND GUIDELINES

The following policies and guidelines are relevant to the assessment of the subject development application:

- *NSW Coastal Policy 1997;*
- *Coastal Design Guidelines for NSW;*
- *Coastline Management Manual;*
- *North Coast Design Guidelines;*
- *Tourism Development Along the NSW Coast Guidelines;*
- *Tourism Development Near Natural Areas Guidelines; and*
- *Minister's Principles for Development of the Site.*

NSW Coastal Policy 1997

The following relevant goals and objectives are addressed.

Goal 1

The goal is to "protect, rehabilitate and improve the natural environment". The first objective is to "identify coastal lands and aquatic environments with conservation values and devise and implement acquisition policies, management strategies and controls to ensure that those values are protected".

The sensitive areas of this site have been identified over a period of time during discussions with Council, the applicant and the Department of Planning. As a result the proposal seeks to rehabilitate (where necessary) a large section of the site (57ha) and subdivide it off (proposed Lot 9 in the Community Title subdivision) for its ongoing environmental management under a voluntary conservation agreement.

The second objective is to "conserve the diversity of all plant and animal species and to protect and assist the recovery of threatened and endangered species".

The methods of improving the natural environment within the remainder of the site are many, including appropriate building design with regard to ESD, use of endemic native vegetation, remediation of contaminated soils and appropriate stormwater management strategies. The effectiveness of these strategies is assessed in section 5.2 of the report.

The third objective is to "improve water quality in coastal and estuarine waters and coastal rivers where it is currently unsatisfactory and to maintain water quality where it is satisfactory".

A Water Cycle Management plan has been prepared that provides appropriate measures for the development in relation to minimisation of water use, water reuse and treatment of water quality, satisfying the objective.

The fourth objective is to "manage the coastline and estuarine environments in the public interest to ensure their health and vitality".

The proposal does not seek to carry out any development work on the beach, dune area or estuarine environment, other than dune management work, demolition of a building in danger of coastal erosion and providing a stabilised beach access path. As such the proposal seeks to appropriately manage these environments.

Goal 2

The goal is to "recognise and accommodate natural processes and climate change". The first objective is to "give the impacts of natural processes and hazards a high priority in the planning and management of coastal areas".

The flooding report has appropriately considered the additional hazards as a result of climate change and the development is appropriately setback from the hazard zone of coastal processes (subject to the refusal of the Future Stages land as has been discussed in detail previously). The potential hazards of Acid Sulfate Soils (ASS) have been assessed and appropriate strategies proposed for dealing with ASS.

The second objective is to "recognise and consider the potential effects of climate change in the planning and management of coastal development".

Addressed in relation to the first objective.

Goal 3

The goal is to "protect and enhance the aesthetic qualities of the coastal zone". The first objective is to "identify and protect areas of high natural or built aesthetic quality".

The areas of the site that have high natural aesthetic quality have been placed in proposed Lot 9 and are to have ongoing environmental management under a voluntary conservation agreement.

Goal 4

The goal is to "effectively manage and conserve cultural heritage places, items and landscapes".

The impact upon Aboriginal archaeology is addressed with regard to aim (d) of SEPP 71 and no items of heritage or conservation areas are within the vicinity of the site.

Goal 5

The goal is to "promote ecologically sustainable development and use of resources".

The proposal supports the principle of sustainable development, being designed to minimise stormwater runoff and maximise onsite reuse or absorption, maximise passive solar use and utilise appropriate cross ventilation for energy efficient cooling of the accommodation suites.

Goal 7

The goal is to "to provide for appropriate public access and use".

The proposal retains and improves the existing public access to the foreshore.

Goal 8

The goal is to "increase public access to foreshores when feasible and environmentally sustainable options are available".

The proposal retains and improves the existing public access to the foreshore.

Coastline Management Manual

The Coastline Management Manual in large part deals with the responsibilities of the three tiers of government in relation to the management of the coastline of NSW.

The Manual contains the Coastline Hazard Policy, which addresses the approach to assessment of development applications within the coastal area.

The primary objective of the Coastline Hazard Policy is to reduce the impact of coastal hazards on individual owners and occupiers, and to reduce private and public losses resulting from natural coastal forces. Consequently, it is the policy of the NSW Government that:

- *the impact of coastal forces on existing developed areas shall be reduced by works and measures and by the purchase of property on a voluntary basis, where appropriate;*
- *the potential for coastal damage in respect of any proposed coastline development shall be contained by the application of effective planning and development controls by local councils; and*
- *a merit approach to all development and building decisions which takes account of social, economic and ecological as well as oceanic process considerations, shall be followed by local councils and developers.*

The proposal seeks to demolish the Bayshore Building, which is in the impact zone of coastal forces and does not propose any other buildings in this area and as such satisfies this policy.

The design of the proposed accommodation units is such that they are above the maximum anticipated flood level and safe evacuation can be provided as necessary.

A Dune Management Plan has been provided, which subject to conditions appropriately addresses the stabilisation and revegetation of the dunes.

A policy of allowing the inward progress of the coastal process in the vicinity of the Bayshore Building has been adopted after demolition of the building.

As such the proposal is consistent with the relevant requirements of the Coastline Management Manual.

North Coast: Design Guidelines

General Design Guidelines

The general design guidelines of relevance to the application seek to:

- Ensure development behind the foredunes is screened by vegetation from the beach;
- Structures should be well setback from estuaries and screened by vegetation;
- Retain existing native trees and vegetation and plant new native vegetation to provide a lush landscaped setting for buildings;
- Provision should be made for landscaping to act as a wildlife corridor;
- Materials and colours should be appropriate to the environment, with occasional use of brighter colours as accents;

The design of the proposal is consistent with the general guidelines, being visually screened by vegetation from the beach and estuary and with buildings located in lush landscape setting. Wildlife corridors are appropriately provided for subject to conditions related to the removal of cabins on Lot 6 in DP 243218. Appropriate materials and colour selections have been made as is addressed in the Urban Design assessment by Architectus Sydney Pty Ltd (see Appendix R).

Guidelines for Larger Development

The guidelines for larger development of relevance to the application seek to:

- Break building form into smaller elements and relate them to the topography;
- Use shading devices for control of climate;
- Buildings are linked to surrounding landscaping;
- Steep skillion and flat roofs are discourages;

As is discussed in the Urban Design assessment by Architectus Sydney Pty Ltd (see Appendix H), the proposal successfully achieves the intention of the above guidelines.

Tourism Development

The guidelines for tourism development of relevance to the application seek to:

- Provide developments that complement and blend into their environment;
- Ensure access to the foreshore by the public;
- Protect the ecology of the area;
- Provide no structures in the foredune area other than beach access paths that are to be of timber slats;
- Retain and maintain existing wetlands;
- Provide a minimum 25m setback from the high water mark;
- Restricting the height of development to below the tree canopy;

The proposal has an appropriate design with regard to location of structures, height and landscaping. The existing wetlands are maintained and the ecology of the area is protected (see assessment at section 5 of the report).

Public access is to be provided to the beach and a condition of consent will require the use of timber slats or other suitable treatment approved by the Department of Lands in the final version of the Dune Management Plan.

Tourist Development Along the NSW Coast Guidelines

The guidelines identify Byron Bay as a prime tourism development area. It identifies that the location of large-scale developments (i.e over 100 accommodation units) is appropriate in prime tourism development areas.

The guidelines provide location and design guidelines, summarised as follows:

- Buildings are to be hidden behind the frontal dunes;
- Tourism near national parks should locate outside the natural area and be complementary;
- Tourism facilities should be located outside hazardous flood prone areas and away from coastal erosion zones;
- Tourist facilities are to be serviced by a road;
- The site needs to be capable of being serviced;
- The development should be broken into smaller components linked by landscaping;
- Avoid steep flat skillion roofs;
- Use landscaping to screen development and keep heights below the canopy level;
- Protect beaches from shadowing; and
- Retain a village scale and allow shared use of facilities by residents.

The proposal is consistent with the location requirements, is appropriately serviced and can be accessed by a road. The design of the development comprises small scale components linked by landscaping and the roofs proposed are appropriate. The two

storey height of the buildings allows for the growth of canopy trees above the height of the development. No shadowing will occur to the beach. The design has a village character and the village centre facilities will be open to use by nearby residents.

Tourism Development Near Natural Areas Guideline

Location Guidelines

The guidelines require safe vehicular access (including during flooding and bushfire), buildings are to be appropriately located with regard to hazards (eg. coastal erosion, bushfire and flooding) and are to be appropriately serviced (ie water, sewer, electricity and communications).

Development should be located and designed so as not to detract from the visual quality of the area and should only be of a density that the environment can support, providing appropriate buffer areas as necessary. Activities that threaten the adjoining sensitive areas should be banned (eg trail bike riding and horse riding), whilst bushwalking can be encouraged with appropriate education.

The development provides for safe and appropriately designed access through the reconstruction of Bayshore Drive and the buildings are appropriately located with regard to hazards. The site is appropriately serviced or can be.

The visual impact of the development has been assessed as appropriate in the Urban Design report prepared by Architectus Sydney Pty Ltd (see Appendix H). Appropriate buffer areas are provided to protect sensitive areas.

A condition of consent will ban the operation of trail bike or horse riding activities from the site and require information to be supplied to visitors to educate them of appropriate bushwalking and the need to protect the sensitive areas surrounding the site.

Siting Guidelines

The guidelines require appropriate design with regard to orientation of buildings, water cycle management to protect sensitive areas, and appropriate separation to minimise impacts from noise and lighting.

The development should respect the landform, with roads curvilinear and parking discretely located so as not to dominate the landscape.

The suitability of the orientation of the buildings has been assessed in the Urban Design report prepared by Architectus Sydney Pty Ltd (see Appendix H). The water cycle management has been assessed and the buffers are considered acceptable in terms of impacts from noise and lighting.

The road design is curvilinear and the location of parking and roads, together with the buildings, respect the landform.

Design Guidelines

The guidelines require the scale of the buildings to be limited so that they do not dominate their setting, the design of buildings should allow for a good flow from indoor to outdoor areas and the design should respond to the North Coast architectural character.

An assessment of the design of the buildings has been provided in the Urban Design report prepared by Architectus Sydney Pty Ltd (see Appendix H), which finds the architectural treatment, materials and colours appropriate. The report also finds the

design appropriate, with a good emphasis on the transition from indoor space to outdoor space.

Coastal Guidelines for NSW

The Coastal Design Guidelines for NSW comprise two main parts, the first determining a local hierarchy of settlements and the second providing principles for coastal settlements.

The proposal is best defined as a new coastal settlements (villages and hamlets) located proximate to Byron Bay. It is identified that such settlements may include tourist developments.

Desired Future Character

The desired future character elements for new coastal settlements of relevance to the application are listed and addressed following:

Relationship to the environment

- a) *New development avoids areas of ecological value and respects setbacks between natural areas;*
- b) *Wildlife corridors, existing mature trees, rivers, streams, lakes and natural features are incorporated into green space networks, reserve areas, riverine and foreshore corridors;*
- c) *Aboriginal and European places, relics and items are protected;*
- d) *Foreshore and estuarine vegetation is protected;*
- e) *The potential disturbance to acid sulfate soils is managed;*
- f) *Original native landscape is maintained and reinstated;*
- g) *Waterways and coastal lakes are protected through water sensitive urban design and total water cycle management;*
- h) *Degraded natural areas are rehabilitated;*
- i) *Vegetation is maintained whilst managing asset protection areas for bushfire protection;*
- j) *Land swaps, community stewardship programs, transferable development rights and voluntary conservation agreements provide opportunities to sensitively locate development and protect ecosystems and views;*
- k) *Native vegetation is preferred on public and private land; and*
- l) *Land is revegetated with species native to the local area.*

The proposal provides appropriate setbacks from areas of ecological value and incorporates wildlife corridors (subject to conditions), original native landscape and revegetation (with native species) of impacted areas and waterbodies within areas of open space. These areas are to be managed by way of a voluntary conservation agreement. Impacts on Aboriginal relics are addressed in Appendix B and no European heritage sites are impacted.

Potential disturbance of Acid Sulfate Soils and water cycle management are addressed in Appendices B and C respectively. Asset protection zones are to be maintained and planted as necessary with native vegetation and predominantly native vegetation is to be used throughout the areas of accommodation.

Edges to the Water and Natural Areas

- a) *In new coastal settlements the centre and surrounding residential areas are separated from the foreshore by a parkland or roadway or nature reserve;*

- b) *Setbacks from the coastal edge and other surrounding natural areas, such as reserves and lakes, respect environmental constraints and protect properties from coastal hazards;*
- c) *Pathways through foreshore vegetation are restricted to ensure the ecological integrity is not degraded;*
- d) *Foreshore vegetation is not removed to create views;*
- e) *Land is not filled to promote views.*

The proposed buildings are separated from the foreshore by Crown land and thence an area of land with an easement for conservation and community use within the coastal erosion zone. This setback, together with the buffers from the wetlands and estuary are appropriate in relation to the environmental constraints and hazards.

There is no proposal to remove foreshore vegetation to create views, and given the topography and heights of buildings none could be achieved. A single managed pedestrian pathway is proposed to the beach to protect foreshore vegetation. It is not proposed to fill the land for any buildings.

Buildings

- a) *The pattern of land development within the settlement is designed to provide amenity;*
- b) *The settlement has a compact footprint to reduce land take;*
- c) *Buildings address the street;*
- d) *Tourist developments integrate into the settlement's street pattern and define the edge between public and private land;*
- e) *Buildings are designed to suit the climate and use environmentally sustainable building design and materials;*

The pattern of the road layout and building placement provides for a suitably compact footprint, whilst ensuring amenity (subject to condition deleting 4 buildings). The buildings are designed appropriately and with appropriate street addresses as has been determined in the Urban Design report prepared by Architectus Sydney Pty Ltd (see Appendix H).

Height

- a) *Heights are subject to place-specific urban design studies. New development is appropriate to the predominant form and scale of surrounding development (either present or future), surrounding landforms and the visual setting of the settlement. Buildings avoid overshadowing of public open spaces, the foreshore and beaches in centres before 3pm midwinter and 6.30pm Summer Daylight Saving Time. Elsewhere avoid overshadowing of public open spaces, the foreshore and beaches before 4pm midwinter and 7pm Summer Daylight Saving Time.*

The low-scale, two storey nature of the development is appropriate for the location in proximity to the beach and will not result in any shadowing of the beach or foreshore.

Connecting Open Space

The relevant guidelines are listed and addressed following:

- a) *Locate and connect new and existing open spaces which protect and maintain:*
 - *nature reserves, conservation areas, park lands and environmental protection areas*
 - *the natural and rural setting of the settlement including the scenic values of the visual catchment*
 - *remnant native vegetation*

The proposed new open spaces (ie Lot 9) are to connect with existing areas of open space and subject to conditions will provide for appropriate wildlife corridors and will protect and maintain nearby sensitive sites and remnant vegetation.

- b) *Establish continuous ecological corridors to incorporate existing remnant vegetation by connecting reserves and conservation areas from the hinterland or surrounding mountains to the coastal edge.*

See comments in relation to 1. above.

- c) *Provide setbacks to protect property from the effects of coastal erosion, flooding and bushfire.*

The proposal provides for appropriate setbacks in relation to coastal erosion and bushfires hazards.

- d) *Locate open-space to build on the special attributes of an area for long-term public amenity and identify the place. An open-space network may include hill tops, river frontage, mature trees, places with panoramic views, rocky outcrops and remnant vegetation.*

See comments in relation to 1 above.

- e) *Provide areas within the open-space network sufficient to detain and cleanse stormwater runoff and avoid impacting sensitive ecologies.*

The stormwater system proposed will suitably address the need to cleanse stormwater runoff.

- f) *Establish edge open-spaces with streets and pedestrian pathways. These are best located within the development footprint of the settlement, rather than in an open-space zone.*

The proposal generally provides for perimeter roads that define the edge of the tourist use and open space areas.

- g) *Provide pedestrian and cycle access that:*
- *does not compromise the ecological values of high conservation areas.*
 - *connects important places throughout the settlement.*
 - *connects residential areas to commercial and retail locations without compromising the visual, aesthetic or ecological values of the foreshore.*

Pedestrian and cycleways are proposed in appropriate locations and providing connection to the existing regional pathways.

Protecting the natural edges

The relevant guidelines are listed and addressed following:

- a) *Maintain foreshore areas and setbacks in public ownership.*

The foreshore area is in public ownership.

- b) *Ensure that existing and remnant native vegetation is protected through generous setbacks and defined points of access.*

Appropriate setbacks are provided to areas of remnant native vegetation and appropriate access control to the beach across the foredune is proposed.

- c) *Provide public access to and along the foreshore with provision for those with less mobility.*

A single public access point is provided to the beach, however given the need to protect the dune system it will not be accessible for persons with less mobility,

- d) *Avoid the remodelling of foreshore areas to ameliorate coastal processes by buildings or other structures.*

It is not proposed to remodel the foreshore areas.

- e) *Define clear pedestrian and vehicular entry points and access routes through the foreshore reserve to reduce the impact of traffic through dunes, coastal vegetation and other fragile areas.*

See response to 4 above.

- f) *Ensure the ecological integrity of vegetation on the foreshores and headlands is not compromised by creating views and outlook from private properties and by encouraging filtered views.*

No view opportunities exist on the site.

- g) *Setbacks should also address coastal erosion hazards such as storm-surge events and river flooding, long-term shoreline recession and sea-level rise, cliff retreat and catastrophic collapse, sand drift hazard, entrance stability, estuarine erosion and changes in tidal current position.*

The proposed setbacks to the buildings appropriately address all of the above where relevant.

- h) *Setbacks are designed to protect ecosystems and reserves covered under SEPP 14 wetlands, SEPP 26 littoral rainforest, SEPP 53 koala habitat as well as salt-marsh and mangrove communities, riparian vegetation, frontal dunes and headlands, national parks, protected areas and reserves.*

Appropriate setbacks are provided in relation to the above where relevant.

- i) *For new development the foreshore setback should be at least 50m wide as a precautionary measure where ever possible.*

The proposal satisfies this requirement.

- j) *Setbacks may need to be marked and their vegetation preserved. Setbacks should where possible be increased to 100m or more where they are adjacent to ecologically sensitive areas or in situations where the coastal erosion hazard requires greater distances.*

The proposal satisfies this distance requirement.

- k) *Setbacks for redevelopment should consider a 100 year planning timeframe to address shoreline retreat and sea-level rise.*

The proposal satisfies this requirement.

- l) Coastal estuary planning for local areas must detail the issues place-specifically and follow the guidelines in the Coastal Zone Management Manual.*

The proposal does not propose any development in proximity to the Belongil Estuary.

- m) Development on frontal dunes is avoided.*

The proposal satisfies this requirement.

- n) Set new development back from the foreshore edges of the ocean, lakes and other waterways to protect visual amenity and create opportunities for public access.*

The proposal satisfies this requirement.

- o) The design of buildings and other structures on properties adjoining the foreshore complements the function and character of the foreshore.*

The design of the development has been assessed as being appropriate in the Urban Design report prepared by Architectus Sydney Pty Ltd (see Appendix H).

- p) Setbacks in public ownership wherever possible, allow opportunities for public access and have limited development including no roads, private allotments, infrastructure and retaining walls in these locations.*

No such works are proposed within the setback areas.

Reinforcing the street pattern

The relevant guidelines are listed and addressed following:

- a) Ensure the settlement is easily navigable and logical in terms of access and location of uses.*

The access roads are easily navigable and logical.

- b) Optimise the number of connections within the street hierarchy. The traditional grid provides high accessibility and permeability for pedestrians and vehicles.*

The proposal optimises connections, however the use of a grid street pattern is not considered appropriate in this setting, with the more meandering road network being appropriate to the landscaped setting.

- c) Recognise or design streets in response to the topography and other natural features by ensuring a predominance of streets that relate to the original landform.*

See comments in relation to 3. above.

- d) Minimise road crossings over waterways and water bodies.*

The proposal satisfies this requirement.

- e) Encourage grass swales and pervious surfaces to increase stormwater infiltration*

The proposal incorporates the use of grass swales and pervious surfaces for appropriate uses.

- f) *Developing public edge roads around the settlement to provide separation between urban areas and sensitive ecologies and open-space areas. This provides asset protection zones for bushfire management and access to open spaces, foreshores and headlands.*

Edge roads are proposed, however the roads are to be private roads.

- g) *Limiting fast moving through traffic in residential streets*

The meandering road design and short length of roads will discourage fast moving traffic.

- h) *Establishing a system of pedestrian pathways throughout the settlement and between settlements*

A pedestrian pathway system is proposed throughout the resort and connection by cycleway is proposed to the residential area.

- i) *Reinforce streets with appropriate street vegetation planting*

Appropriate street trees are proposed for Bayshore Drive.

Appropriate Buildings for a Coastal Context

The relevant guidelines are listed and addressed following:

- a) *Develop risk assessment and responses to address the effects of coastal processes. Locate and design buildings to respond appropriately within the local hazard context.*

The building location appropriately responds to the hazards likely on the sites.

- b) *Ensure buildings address the street by providing direct and on-grade entries to the street for residential, commercial and retail purposes.*

The buildings have appropriate addresses to the street, however due to flooding issues are not on-grade.

- c) *Ensure development and neighbouring properties have:*
- *access to daylight;*
 - *access to natural ventilation;*
 - *visual privacy and acoustic privacy;*
 - *private open space;*
 - *a pleasant climate.*

The design of the buildings has been addressed in the Urban Design report prepared by Architectus Sydney Pty Ltd (see Appendix R).

- d) *Achieving amenity relates to the design of individual buildings, and in particular, to:*
- *building orientation and depth;*
 - *the size of the lot;*
 - *open-space location, size and connection with the inside of the building;*

- *car parking location and access;*
- *pedestrian access from the street;*
- *street edge configuration and building separation;*
- *mature trees, vegetation and soil areas.*

The design of the buildings has been addressed in the Urban Design report prepared by Architectus Sydney Pty Ltd (see Appendix H).

Minister's Principles for the Site

The principles were developed for assessment of applications on the subject site and are addressed following:

Transport, Access and Parking

- *Significant tourist development increased demand on current transport infrastructure and networks. The current road infrastructure system needs review to ensure demand for existing and future transport users are addressed and catered for.*
- *Provision of pedestrian, bicycle and alternative transport systems (including bus and rail) that connect to local community facilities and services diminishes dependence on car use.*
- *Provision of adequate public parking will increase traffic demand and attract non-tourist users to the development site. Access to the site must not diminish amenity or compromise the safety of adjacent residential areas.*
- *A hierarchy of access points provides the opportunity to develop an integrated transport system that caters for daily and emergency events.*
- *Access infrastructure should avoid being located in areas of ecological or conservation value.*

The comments provided by the RTA in response to the SEPP 11 referral indicate that the developer needs to upgrade the railway crossing on Bayshore Drive and pay a contribution towards intersection upgrading of Bayshore Drive and Ewingsdale Road. Pedestrian and cycle use are encouraged by a connection of the site to the existing regional pathway.

Public parking is provided for beach-goers in the nearby residential areas. Appropriate access is provided for daily and emergency events and the location of the infrastructure is appropriate having regard to the sensitivity of the site.

Land Use

- *Designated land uses are retained and managed to ensure the provision of tourist, commercial/retail, community uses, recreation, environmental conservation, open space uses.*
- *Land-uses recognise, protect and conserve on-site and adjoining environmental, conservation values and coastal processes.*
- *The cumulative impacts of development are taken into account in the planning and management of future development.*
- *Development and use of the site reflects Byron Bay's unique character and scale.*
- *The precautionary principle is adopted in making decisions where there is a risk of significant adverse impacts on environmental, conservation and coastal values.*
- *The future development of this site should not result in a development outcome that facilitates uses prohibited under Byron Shire Local Environmental Plan (i.e. residential development).*

An appropriate level of tourist, commercial/retail, recreation, environmental conservation and open space uses are proposed, with community uses catered for. The allocation of the land-uses is appropriate for conservation of environmental values and having regard to hazards. The cumulative impacts of the development have been appropriately considered.

The design is appropriate and reflects Byron's unique character. The use of the site is for tourism purposes and controls contained within the Community Management Plan will enforce this use of the site.

Tourist Development

- *The site contains significant ecological and cultural values. Environmental, social and economic factors are appropriately addressed when determining the possibilities of and limits of a tourism development on this site.*
- *Development is integrated and is compatible with activities and requirements of the region, community, infrastructure, other local tourist developments, environmental or management plans for the area to protect and conserve environmental assets and sites of cultural significance and deal with the cumulative effects of tourism growth.*
- *Recognise that areas of high conservation value/cultural significance be largely left undeveloped, and protected for present and future generations.*
- *Developers reconsider all features of the development in the light of market research, community concerns, or the environmental and/or ecological limits determined by the site.*
- *The siting of tourism developments incorporates the protection and/or enhancement of natural, landscape, archaeological or cultural features of the site.*
- *The design of tourist development is environmentally sensitive, energy and water-efficient, and has minimal or no long-term impact on the natural, heritage and cultural values of its location.*
- *Both the constructional and operational phases of the development are monitored and evaluated. Practices and behaviour are modified when the development's environmental, social or economic performance can be improved.*

The extent and density of development proposed is appropriate having regard to the ecological and cultural values of the site and the style of development is appropriate in the context of the other users in the area. The proposal is environmentally sensitive and conditions of consent are recommended in relation to monitoring.

Conservation and Habitat Protection

- *The site is a significant wildlife corridor to adjacent nature reserves and is recognised for its Regional and State conservation values.*
- *The site contains a diverse range of habitat of endangered and threatened terrestrial and aquatic species protected under State and Commonwealth legislation.*
- *Development within, adjacent or in close proximity to habitat areas has the potential to diminish the terrestrial and aquatic habitats through modification of habitat, interference with the natural behaviour and exposure to human activities.*
- *Habitat areas are recognised as evolving environments and need to be sufficiently buffered from development to ensure natural characteristics and functions are maintained, enhanced and protected.*
- *Development must recognise the quality and characteristics of habitat areas and ensure that potential impacts does impede or restrict or interfere with those natural characteristics that are intrinsic to maintaining habitat values.*

- *Areas of conservation and ecological value are to be identified, mapped and recognised for being significant at regional and local levels.*
- *The provision of compensatory habitat may provide opportunities to rehabilitate degraded areas or off-site loss of conservation values.*

The impacts of the development upon habitat in the area are addressed in section 5.2 of the report.

Community Consultation

- *Byron Bay is diverse, vibrant and unique community.*
- *Developers consult and negotiate with the community, including local government, in the pre and post-application stages to allay or accommodate community concerns.*
- *Consultation should embrace a range of techniques to ensure all elements of the community are informed of development opportunities and proposals.*
- *Decisions regarding proposed development need to account for local and regional values, community needs and aspirations.*

Consultation by the applicant regarding the development of the site commenced in July 2002 and included an open day, articles in the media, a market research program and planning focus meetings. The public exhibition of DCP 18 also allowed the public to provide comments on the future development of the site. Becton had a web site available during the notification period of the application containing a copy of the DA that could be downloaded by any interested party and held another open day during the exhibition period.

Coastal Processed and Environmental Hazards

- *Climate change including sea level rise and storm tide flooding and other associated impacts are taken into account in the design and location of structures and facilities.*
- *The consequences of coastal processes are recognised and such processed generally are allowed to occur naturally and development is located away from such areas.*
- *The natural topography and physical features of coastal dune systems are to be protected and managed.*
- *Evacuation routes for flood events are to be identified and planned for. Emergency procedures should be formulated for flood hazards rare than 1% AEP.*
- *Community services and facilities are not to be located in areas of coastal or natural hazard.*

This is addressed in detail in Appendix D addressing DCP 18 and the proposal is satisfactory in relation to these principles.

Services and Infrastructure

- *On-site disposal of effluent (including effluent reuse) is not supported where the potential for impacts on the quality of ground water and public health exists.*
- *Development should connect to existing reticulated services.*

The proposed development is to be serviced by the existing sewerage plant and is to be connected to existing reticulated services.