



**DRAFT Planning Proposal 26.2017.6.1
for Amendment of Byron Local Environmental Plan 2014
Byron Bay Town Centre Planning Control Review**

Byron Shire Council

Gateway Version #1

Date: September 2018

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Part 1 Introduction

1.1 Objective and intended outcomes

The objective of this Planning Proposal is to amend Byron Local Environmental Plan (LEP) 2014 to address various planning provisions that apply to the Byron Bay Town Centre.

The intended outcomes of the amendments to the LEP are:

1. To rezone land currently zoned B2 Local Centre, located within the Byron Bay Town Centre, to B3 Commercial Core, to differentiate Byron Bay from other smaller centres in Byron Shire.
2. To ensure that the Height of Buildings control, in metres, accurately represents Council's and the community's strongly held vision to limit development to 3 storeys, to preserve Byron Bay's character and streetscape.
3. To remove the Floor Space Ratio control from the Byron Bay Town Centre, to encourage compact development within the proposed B3 Commercial Core Zone.
4. To minimise the amount of vehicular traffic generated by development within Byron Bay Town Centre and identify the maximum number of ancillary car parking spaces that may be provided to service particular land uses as part of a mixed use development in the proposed B3 Commercial Core Zone.
5. To ensure that new development of a significant scale in Byron Bay Town Centre achieves principles of Design Excellence and, through the highest standard of architectural, urban and landscape design; delivers ecologically sustainable and resilient buildings and public places.

These amendments will be supported by proposed changes to Byron Development Control Plan 2014, to include controls that cannot be included in the LEP, to address:

- The number of storeys compatible with the character of the town centre and minimum floor to ceiling heights specific to permissible land uses;
- Fine grain architecture to reduce bulky development and restrict building lengths relative to street widths; and
- Reduction of cars, by introducing alternative vehicle arrangements for residential component of mixed use buildings and certain types of tourist and visitor accommodation.

1.2 Subject land

This Planning Proposal relates to land in Byron Bay that is currently zoned B2 Local Centre, highlighted in blue in Figure 1 (below).

A complete list of the individual properties within the subject area is attached at **Appendix 2.**



Figure 1 – Subject Land

1.3 Background

The Byron Bay Town Centre Masterplan (masterplan) was adopted by Council on 9 June 2016.

The purpose of this proposed amendment to the LEP is to implement planning controls that align with the strategic direction of the masterplan.

Following a period of extensive community engagement throughout 2015-2016, the masterplan and an ‘implementation plan’ were agreed, based on the outcomes of the masterplan process.

The implementation plan outlines a 20 year delivery period, which includes steps required to fulfil the place principles, town centre strategies and key projects identified by the Council and community during the development of the masterplan.

The 5 key priorities identified in the implementation plan include:

1. Establishment of a Byron Bay Leadership Team;
2. Preparation of a Byron Bay Development Control Plan;
3. Amendments to the Local Environmental Plan to reflect the masterplan;
4. Preparation of a detailed Access and Movement Study and Strategy and
5. Development of a Byron Bay Facilities Asset Management Plan.

A complete copy of Byron Bay Town Centre Masterplan is available [online](#).

Council has undertaken a review of existing planning controls in and around the Byron Bay Town Centre, within the following area:

- a northern boundary at Main Beach;
- an eastern boundary to Massinger Street;
- a western boundary aligned with the approved Butler Street bypass around Gordon Street, Butler Reserve and to Kendal Street; and
- a southern boundary along Browning Street and across Jonson Street following the alignment of the approved road reserve to connect with the approved Butler Street bypass.



Figure 2 – Planning Control Review Area

This Planning Proposal will enable the delivery of priorities identified in the masterplan and is the second of a number of proposed amendments to the LEP that are being prepared and lodged for Gateway determination, in order of priority.

Proposed amendments include changes to land use zoning and development standards to differentiate the Byron Bay Town Centre from other centres in Byron Shire; intended to ensure permissibility of appropriate land uses, and allow development standards that maintain the character of the Byron Bay Town Centre.

This Planning Proposal also introduces new provisions to ensure design excellence, including activation of commercial frontages, maximum parking rates for specified land uses and mixed use development.

Part 2 Explanation of provisions

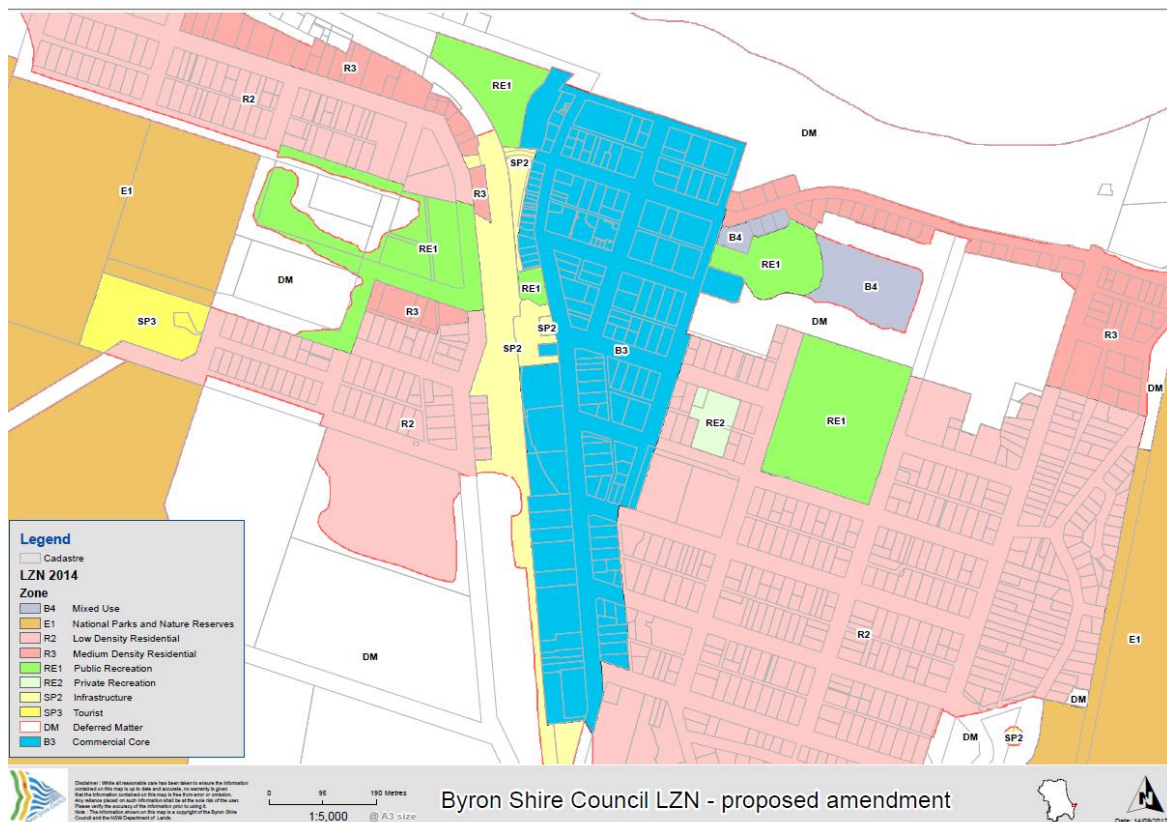
This Planning Proposal relates to land currently zoned B2 Local Centre; located within the Byron Bay Town Centre. The Planning Proposal seeks to amend zoning and height controls and remove floor space ratio controls under Byron LEP 2014 and introduce new local provisions that will be applicable to the Byron Bay Town Centre.

2.1 Zoning

- The zoning of the Byron Bay Town Centre will be changed from the existing **B2 Local Centre** to **B3 Commercial Core**, achieved by amending the Land Use Zoning Map.

The B3 Commercial Core zone is part of the State Government's Standard Template for Local Environmental Plans, but has, to date, not been used within the Byron LEP. This Planning Proposal, therefore, will introduce this new land use zone into LEP 2014.

The proposed map amendment is illustrated below:



- Because the B3 Commercial Core zone is not currently used in the LEP, a new land use table is proposed to be introduced.

This land use table is adapted from the Standard Instrument LEP and contains zone objectives, land uses permitted without consent, those permitted with consent and prohibited land uses.

The B3 Commercial Core land use table and zone objectives will differentiate Byron Bay from the smaller local centres of Bangalow, Brunswick Heads, Mullumbimby, and Ocean Shores in Byron Shire.

The key difference, in terms of permitted land uses, between this new B3 zone and the current B2 zoning provisions is that *tourist and visitor accommodation* is restricted, with only *hotel or*

motel accommodation or serviced apartments permissible in the B3 zone (*backpackers' accommodation and bed and breakfast accommodation* are permissible in B2, but will now become prohibited in B3).

[Note: Existing approved *backpackers accommodation* and *bed and breakfast accommodation* would retain 'existing use rights', allowing them to continue operation.]

Residential accommodation, in the form of *shop-top housing* and/ or *boarding houses*, remain permitted with development consent, with other forms of residential accommodation, such as *residential flat buildings* or *multi dwelling housing*, prohibited. This does not change with the introduction of the new zone.

3. Introduction of the new B3 Commercial Core zone into the LEP will require the following additional amendments, to include reference to this zone:
 - Clause 6.7 Affordable housing in residential and business zones – no changes to the provisions within that clause, other than to include reference to the B3 zone;
 - Schedule 2 Exempt Development – relating to *Display of goods on footpaths* and *Strata subdivision of a lawfully erected building* – no changes to these provisions within the schedule, other than to include reference to the B3 zone

2.2 Height of Buildings

1. Amend the Height of Buildings Map by extending the area within the Byron Bay Town Centre that is subject to a maximum height of 11.5m, to include the area bounded by Bay Lane to the north, Lawson Street to the south, Jonson Street to the west and Middleton Street to the east.
2. Introduce a new clause into the LEP relating to building height for areas within the Town Centre that are flood prone. In those areas, new development must achieve a specified minimum ground floor level, to reduce the impact of flooding on occupiers of buildings.

The required minimum floor level, called **Flood Planning Level**, is derived from a detailed flood study of the Belongil Creek catchment. The adopted level accounts for longer term sea level rise.

The result of this is that, for areas within the Town Centre that are flood prone, ground floor levels will need to be set above existing ground levels (varying from 0.4-1.2m). As the definition of building height is based on a measurement above existing ground level, development in these flood prone areas is unreasonably restricted.

A new clause is therefore proposed to be added to LEP 2014 to address this, by providing that, in these cases, building height can be measured from a specified Australian Height Datum (AHD) level, which is the 2050 Flood Planning Level, rather than from existing ground level.

A new Building Height Allowance Map is proposed, which will specify the applicable AHD levels across the flood prone parts of the Town Centre.

3. Clause 4.6 *Exceptions to development standards* is proposed to be amended to provide that the clause cannot be used to allow development consent to be granted for development that would contravene the maximum building height standard on land zoned B3 Commercial Core if it would result in a building containing more than three storeys.

2.3 Floor Space Ratio

This Planning Proposal will amend the Floor Space Ratio Map to remove FSR from the Town Centre. As such, this control will no longer be applicable to new development within the B3 area.

2.4 Local Provisions

This Planning Proposal recommends a number of new "Additional Local Provisions" to be added to Part 6 of Byron LEP 2014.

1. A local provision relating to mixed use development in the B3 Commercial Core zone. The intention of the provision is to:
 - a. Allow residential use above a ground floor level, if the land use at the ground floor is 'compatible' as defined in the clause. This is in addition to shop top housing, which, by definition, provides for residential development only above retail or business premises.
 - b. 'Compatible' uses are defined in the clause as those permitted in the B3 Commercial Core zone, including: child care centres, commercial premises, community facilities; educational establishments, information and education facilities; medical centres; and public administration buildings.

2. A local provision relating to design excellence is to be added. The provision:
 - a. Applies to construction of a new building and external alterations to an existing building in the B3 Commercial Core zone.
 - b. Specifies that development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
 - c. Sets out a range of matters to be addressed, to the satisfaction of the consent authority, to determine whether a development exhibits 'design excellence', including:
 - sustainable design principles such as sunlight, wind, natural ventilation, privacy, adaptability etc;
 - materials, design and detailing appropriate for the building type and location;
 - the building responds to the site and its surroundings;
 - the design of the development will improve the quality and amenity of the public domain;
 - mixed-use development include communal areas and design techniques to allow for the occupants to be socially cohesive;
 - the proposed development avoids clutter in the public domain and coordinates shared utility infrastructure and domestic and commercial waste management;
 - the development will not impact on views or landmarks; and
 - arrangements have been made to ensure that the proposed design is carried through to the completion of the development, including commitments to achieve certification under a nationally recognised sustainable rating system.

3. A local provision relating to active street frontages is to be added, which:
 - a. Aims to attract pedestrians along certain streets by ensuring the ground floor usage is active;
 - b. Applies to all streets and lanes shown on a (new) active street frontages map (see below);
 - c. Specifies that the consent authority cannot approve the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use; and
 - d. Describes that a building has an active street frontage if all premises on the ground floor of the building facing the street or laneway are used for the purposes of child care centres; commercial premises; community facilities; educational establishments; information and education facilities; medical centres; or public administration buildings.



4. A new local provision relating to ancillary car parking is to be added. The provision:
 - a. Specifies the maximum number of car parking spaces to be provided for residential and/or tourism accommodation components of mixed use development within the B3 Commercial Core zone, or within 400m walking distance of that zone;
 - b. Requires that development consent will not be granted where the total number of car parking spaces for these nominated building components would be greater than the following maximums:
 - for residential uses within a mixed-use development:
 - 1 space per unit, plus
 - 1 visitor space per 5 dwellings
 - for tourism accommodation within a mixed-use development:
 - 1 space per unit, plus
 - 1 space for an on-site manager
 - c. Car parking for the retail and/or commercial components of a mixed use development must be provided in accordance with the applicable car parking requirements as specified in the Byron Development Control Plan;
 - d. For the purposes of this clause, a car parking space does not include: a place mainly for washing cars; a place mainly for loading and unloading; a place mainly for storing bicycles; a car parking space within a car park; or a car parking space for the exclusive use of vehicles belonging to a car share scheme.

2.5 Other amendments to include reference to B3 Commercial Core

This planning proposal recommends amendment to *Clause 6.7 Affordable housing in residential and business zones* and relevant Exempt Development provisions, to include reference to the new B3 Commercial Core zone.

These existing provisions currently include reference to the B2 Local Centre zone, so it is appropriate to include a reference to the new B3 Commercial Core zone.

Part 3 Justification

Section A Need for the planning proposal

Q1 Is the planning proposal a result of any strategic study or report?

Yes. This Planning Proposal is part of the implementation of the Byron Bay Town Centre Masterplan (masterplan), which was adopted by Council in June 2016, following a period of extensive community engagement throughout 2015-2016. A copy is available online here: [Byron Bay Town Centre Masterplan](#).

The masterplan identifies the need to introduce new planning controls, including amendments to the Byron LEP 2014 and Byron DCP 2014, to support the following strategic land use planning outcomes:

- A pedestrian prioritised centre that supports and integrates alternate modes of transport and creates opportunities for car parking facilities on the edge of the town centre and public transport facilities on the western side of the north coast rail corridor, close to Butler Reserve;
- An increased mix of uses in the town centre, by encouraging a multi-functional economy that supports diverse activities, including local businesses, local living, and local development opportunities. Benefits of mixed use living in the centre of town include reduce need for car use, increased housing options, and increased activity, vibrancy, and safety.
- Preservation of Byron Bay's eclectic village character through high quality design, increased density (floor space) and ensuring that the maximum height of buildings does not exceed 3 storeys.
- Strategies for the built form and aesthetics in Byron Bay Town Centre that are consistent with the village character.

The Masterplan seeks the creation of a varied centre that minimises big bulky buildings, with particular emphasis on improving street definition within the town centre and along the rail corridor.

Other relevant strategic land use planning studies are currently underway to implement the vision and actions of the masterplan, including:

- The Byron Bay Town Centre Access and Movement Strategy. This will provide a strategic basis for proposed changes to increase walkability and access to services and amenities in the town centre. This Strategy is being prepared in direct consultation with community representatives, including the Byron Bay Town Centre Guidance Group, business traders, property owners, and community groups and clubs.
- The Byron Draft Employment Lands Strategy. This study will address the need for diversification of business and employment, to ensure a sustainable economic future. The employment lands strategy will provide further detailed understanding of employment trends, suitability and capacity of Byron Bay to accommodate growth and changing needs. This planning proposal does not reduce the area of land zoned business and the land use table will strengthen the role of Byron Bay Town Centre to serve the day to day needs of residents and encourage appropriate types of tourist and visitor accommodation.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is considered the best means of achieving the stated objectives, to ensure permissibility of appropriate land uses, revised development standards to increase the viability of high quality design, and future development in Byron Bay Town Centre.

This Planning Proposal introduces new local clauses to provide statutory design excellence requirements, including sustainability, diversity and mixed use, increased density, activation of commercial frontages, and a reduction in the amount of vehicular traffic generated because of proposed development in Byron Bay.

Alternative Options

Various options were considered and discussed during preparation of the Planning Proposal, as summarised below:

Zoning and Land Use Options Considered

Rezoning B2 Local Centre to B4 Mixed Use

- This would permit residential flat buildings in the Byron Bay Town Centre, which could significantly undermine its role as the largest business centre in Byron Shire. This was not considered to be acceptable.

Amendment of B2 Local Centre land use table

- Amending the B2 Local Centre land use could result in undesirable planning outcomes for other centres, as the B2 zone applies to the smaller local centres of Ocean Shores, Brunswick Heads, Mullumbimby and Bangalow.

Rezoning B2 Local Centre to B3 Commercial Core (Preferred Option)

- The new B3 Commercial Core zone clearly differentiates the Byron Bay Town Centre from smaller centres in Byron Shire and provides a shift in focus to the needs of local residents and workers, by limiting the range of tourist and visitor accommodation, whilst allowing residential uses as part of a mixed use development.
- The new B3 Commercial Core zone provides clearer objectives, through new Local Provisions applicable only to Byron Bay Town Centre, to reduce vehicle trips and demand for car parking within the centre and encourage a viable town centre by permitting residential accommodation, only when combined with commercial premises and community uses.

The table below highlights the uses that are currently permitted with consent in the B2 Local Centre, which would be prohibited in the proposed B3 Commercial Core zone:

| LEP Zone | Current B2 | Proposed B3 |
|-----------------|---|--|
| Land Use | Permitted: <ul style="list-style-type: none"> • Amusement centres • Backpackers' accommodation • Bed & Breakfast accommodation • Car parks • Farm stay accommodation • Port facilities | Prohibited: <ul style="list-style-type: none"> • Amusement centres • Backpackers' accommodation • Bed & Breakfast accommodation • Car parks • Farm stay accommodation • Port facilities |

Existing lawfully commenced uses that would be prohibited in the B3 Zone will continue to benefit from existing use rights.

Overview of the intention of Zone B3 Commercial Core

The B3 Commercial Core land use table and zone objectives will differentiate Byron Bay from the smaller local centres of Bangalow, Brunswick Heads, Mullumbimby, and Ocean Shores in Byron Shire.

The objectives and permissible uses in the B3 zone will be more effective in limiting the pressure that tourist and visitor accommodation has on commercial and mixed use residential development options within Byron Bay Town Centre.

The B3 zone will encourage more economic activity and options for living within the town; allowing a mix of compatible uses that better serve the day to day needs of the community.

Height of Buildings Options Considered

Alternative # 1:

- No change to the current 9m and 11.5m maximums.
- No additional supporting height controls.

The current maximum 11.5 metre height of building controls do not support mixed use development with both suitable ceiling heights and varied roof structures. Ceiling heights that are suitable for ground floor commercial premises (3.3 metres - 4 metres) and for residential above (ceiling height of 2.7 metres).

This will result in inefficient use of commercial land or sub-standard ceiling heights in Byron Bay Town Centre. This may result in a change of architectural style, away from varied roof structures to developments with flat roofs.

Alternative # 2:

- 12.5m in B3 Commercial Core south of Lawson Street, to allow for 3 storey mixed use building with a floor to ceiling height of 4 metres on the ground/first floor and at least 2.7 metres on the upper storey (residential), plus allowance for a hipped roof.
- 9.4m on other land in B3 Commercial Core north of Lawson Street, to allow 2 storeys with 4m ground floor to ceiling height and 2.7m ceiling height (residential) above.

This alternative will result an increased and negative impact to the human scale of the town currently valued by the community. It opens the potential for development that provides reduced floor to ceiling heights to achieve more than 3 storeys.

Alternative # 3 (preferred option)

- Retention of the existing 11.5m maximum building height control.
- Extension of the area to which 11.5m applies to include the northern side of Lawson Street to Bay Lane, from Jonson Street to the west and east until Middleton Street.
- On land zoned B3 Commercial Core that is flood prone, building height measurements to be taken from the flood planning level rather than existing ground level.
- Clause 4.6 is amended to specify that Council will only consider a variation to the maximum building height where the resultant building will have no more than 3 storeys. This will allow for variations to roof lines to be considered on merit.
- These LEP provisions will be supported within a new Byron Bay Town Centre Chapter within Byron DCP 2014 outlining, among other things, a maximum building height expressed as 3 storeys, and appropriate minimum floor to ceiling heights to achieve high quality and flexible internal spaces.

This option is preferred as it emphasises Council's and community's preference for 3 storey buildings and reinforces that development must align with this.

This option will still allow a development control, such as height, to be modified via clause 4.6 but specifies that the breach of 3 storeys is not acceptable in the Town Centre of Byron Bay. This will allow the 11.5m height to be modified only for the purposes of better design, including the incorporation of varied roof structures to fit in with the character of the town.

The expansion of area to which 11.5m applies will allow Lawson Street to develop equally on both sides, reflecting its role as a primary street. The 9m maximum was previously permitted

here to allow for a gradual increase in height from the beach. Due to the topography of the area, development in the expanded zone will not be visible from the beach and therefore will not have negative impact on the views.

The number of storeys and ceiling heights within a building are not able to be mandated within an LEP, and therefore further detail will be expressed in a Development Control Plan (DCP).

Floor Space Ratio (FSR) Options Considered

Increase allowable FSR in Byron Bay Town Centre

Increasing the numeric value of FSR applicable to land in Byron Bay Town Centre was considered.

Analysis of proposed developments and previously approved variations to the FSR development standards in this locality demonstrated that such variations improved the functionality and economic viability of development, addressed site specific constraints and had no effects on the streetscape, character or local amenity.

The FSR control is not considered an effective means of achieving the desired built form in Byron Bay Town Centre and this option is not favoured.

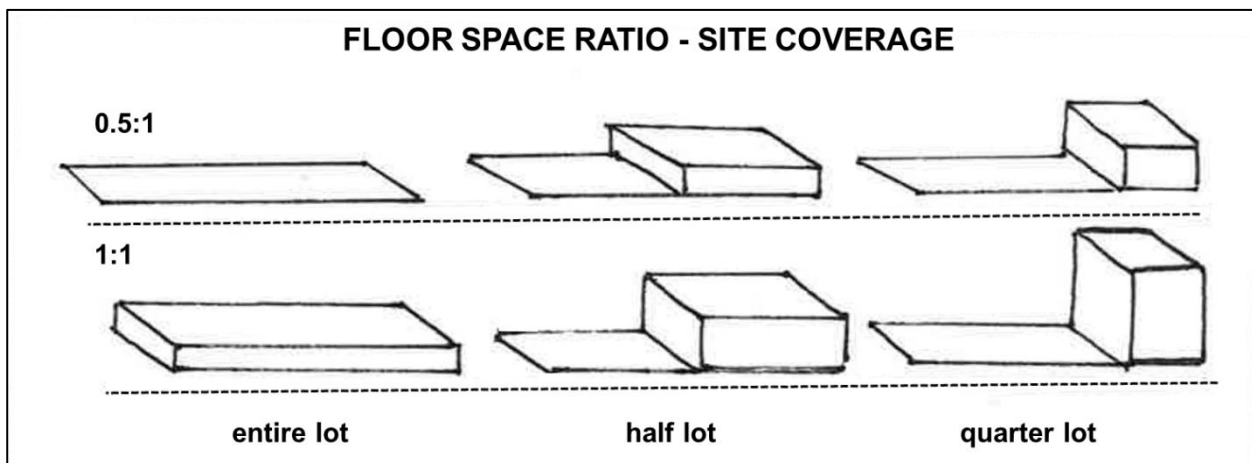
Remove FSR in Byron Bay Town Centre: B3 Commercial Core (Preferred Option)

Unlike design controls for building height envelope, building alignments, setbacks, privacy distances, roof forms or landscaped areas, a maximum FSR is a poor planning mechanism for achieving built form when the objective is to conserve and enhance character and local amenity.

For this reason, it is considered acceptable to remove the FSR control from land in Byron Bay Town Centre, and that this be deleted from the *Floor Space Ratio Map*, which gives effect to Clause 4.4 *Floor space ratio*, and Clause 4.5 *Calculations of floor space ratio* under Byron LEP 2014.

Clause 4.4 Floor Space Ratio (FSR) in Byron Local Environmental Plan (LEP) 2014 is an optional provision in the [NSW Standard Instrument LEP Order 2006](#).

FSR is a numeric figure obtained when the area of the floors of the buildings on a site is divided by the area of the site.



As illustrated in the site coverage diagram above, FSR is appropriate in low density residential areas, to encourage private open space and lower building heights.

FSR can be a useful bargaining tool to allow additional floor space in lieu of increased public space and sunlight at street level and this is relevant in metropolitan precincts, where taller buildings and public plazas are the desired outcome. Otherwise, FSR unintentionally results

in stacking of building mass in a smaller part of a site and a dominance of at grade parking in vacant spaces between buildings.

FSR is a very coarse control of building bulk. It encourages lot consolidation of multiple smaller lots to enable developers to achieve required commercial floor space. This increases bulk and mass of buildings that are out of scale with finer grain neighbouring buildings and disrupts the enclosure of streets and laneways. FSR creates unintended affects on street character because more land is empty, underutilised and less inviting. This is contrary to overall planning objectives in Byron Bay. FSR is not relevant in Byron Bay where maximum building height and other development controls effectively protects the amenity of public spaces.

The Byron Bay Town Centre Masterplan identifies that Byron Bay's finer grain village character contrasts with an emergence of 'big-box' commercial premises and that planning controls need to ensure that the built form preserves Byron Bay's eclectic village character through increased density, diverse mix of uses and high quality design.

To achieve this, it is recommended that land affected by FSR 1.3:1 in the Byron Bay Town Centre Zone B3 Commercial core is deleted from the *Floor Space Ratio Map*, which gives effect to Clause 4.4 *Floor space ratio*, and Clause 4.5 *Calculations of floor space ratio* under Byron LEP 2014.

This will represent the underlying land use zone and intended mix of compact development in Byron Bay Town Centre.

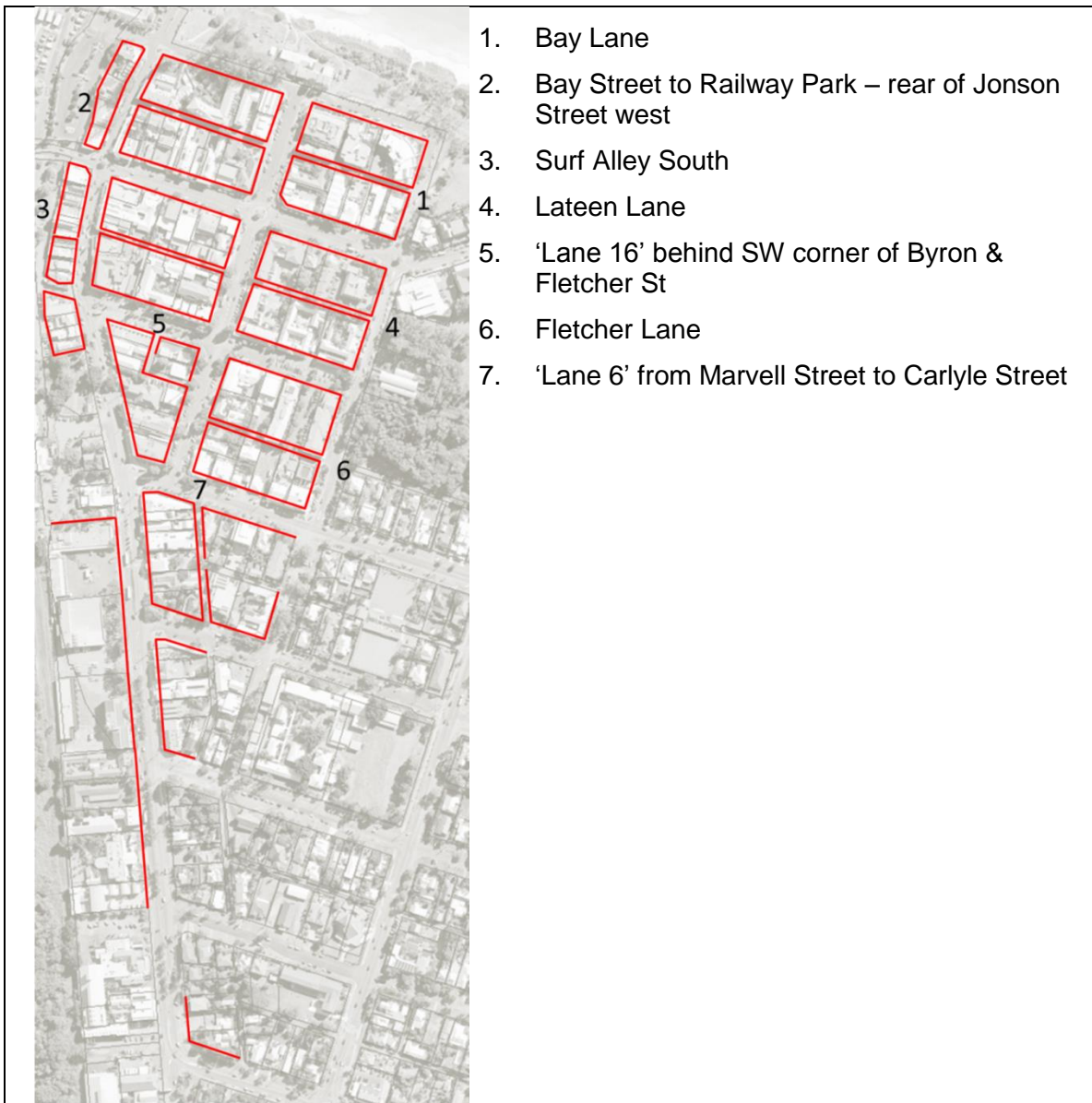
Active Frontage Options Considered

The Department of Planning and Environment has prepared a model local clause for Active Street Frontages and provides general information about its application in Local Environmental Plans, including:

- *Continuous business or retail land uses that open directly to the footpath provide active, people oriented street frontages.*
- *It enhances public security and passive surveillance and improves the amenity to the public domain by encouraging pedestrian activity.*
- *It can also assist in supporting the economic viability of the centre where this provision will apply.*
- *Activity areas are usually formed along streets or as a node around, for example, major transport infrastructure. For that reason it is recommended that this provision does not apply across any one zone, but only along the streets (or parts of a street or streets) and pedestrian links where a concentration of business and/or retail is encouraged.*
- *This clause must be justifiable and applied only where it will not constrain uses able to respond to changing economic drivers.*
- *Only the B3 Commercial core and B4 Mixed Use zones are considered suitable for inclusion into this model clause.*
- *It is considered that there is no need to control the land use of the first floor of development to which this clause applies. The amenity of residential upper levels may be addressed as part of the merit assessment process.*
- *If councils want to include design criteria for the ground floor uses, this can be included in the DCP.*

This planning proposal adopts this model clause as it applies to the B3 Commercial Core zone and no other option was considered.

The draft active frontage clause will be applied to land as follows:



1. Bay Lane
2. Bay Street to Railway Park – rear of Jonson Street west
3. Surf Alley South
4. Lateen Lane
5. 'Lane 16' behind SW corner of Byron & Fletcher St
6. Fletcher Lane
7. 'Lane 6' from Marvell Street to Carlyle Street

Design Excellence Options Considered

In 2017, the NSW Government Architect exhibited '*Better Placed - A design led approach: developing an Architecture and Design Policy for New South Wales*'. The Draft Policy outlines a series of seven distinct principles applicable at any scale:

1. *Contextual, local and of its place*
2. *Sustainable, efficient and durable*
3. *Equitable, inclusive and diverse*
4. *Enjoyable, safe and comfortable*
5. *Functional, responsive and fit for purpose*
6. *Value-creating and cost effective*
7. *Distinctive, visually interesting and appealing*

The role of design is a major contributing process in planning and development assessment. This Planning Proposal has reviewed and adapted Design Excellence provisions as a local provision that will apply to all development in the B3 Commercial Core Zone. This is the most effective means of achieving the objectives of this clause. No other option was considered.

Council may also consider its role in relation to design review at pre-development application stage to apply the design excellence clause to new development in the proposed B3 Commercial Core Zone. This would be subject to a Policy of Council.

Ancillary Car Parking

In implementing the Town Centre Masterplan, Council is planning for a variety of measures to reduce traffic congestion in the core area. Reducing the parking requirements associated with residential and/or tourism accommodation will be one of these measures. No other options were considered.

Section B Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (in this case the North Coast Regional Plan 2036)?

Yes. The Planning Proposal is consistent with the [North Coast Regional Plan 2036](#), which is a 20-year blueprint for the future of the North Coast. The NSW Government's vision for the North Coast is to create the best region in Australia to live, work and play thanks to its spectacular environment and vibrant communities.

To achieve this vision the Government has set four goals for the region:

- *The most stunning environment in NSW*
- *A thriving, interconnected economy*
- *Vibrant and engaged communities*
- *Great housing choice and lifestyle options.*

Byron Bay is not identified as a regional centre under the *North Coast Regional Plan*. However, it is recognised for its spectacular natural environment and an important regional tourist destination for the purposes of investment in upgrades to Ballina-Byron Gateway Airport and supporting associated economic growth in the region.

It recognises that the area is integrated with a burgeoning South East Queensland, including Coolangatta Airport, and that hinterland and rural communities are making the most of the increasing global demand for their high-quality agricultural products and that coastal communities are building relationships and leveraging opportunities from the Pacific Highway upgrade.

Byron Shire is known for its natural beauty and character. Unique environmental features such as the Arakwal National Park and the Cape Byron Marine Park will continue to draw domestic and international tourists, contribute to attractive lifestyles and grow the local economy.

Byron Shire is one of Australia's most visited local government areas, with stunning beaches, beautiful hinterland and vibrant centres like Byron Bay. Communities are centres of creativity, provide boutique retail, food and accommodation options, essential services, and offer a unique lifestyle. These factors continue to increase the attractiveness of Byron Bay to visitors and new residents and this has a significant effect on the demand for urban land uses. The NSW Government recognises that tourism can both benefit and increase pressure on the environment and smaller communities.

Byron has a strong economy based on the tourism, retail, creative arts, agricultural, food manufacturing and health sectors. The plan particularly recognises the opportunity to intensify creative industries in Byron that will foster employment and economic activity. Continuing connectivity improvements to Lismore, Ballina, Tweed and South East Queensland through the Pacific Highway upgrade and digital technology will support future economic growth and opportunities.

In summary, this Planning Proposal particularly relates to the following regional priorities:

- Support a strong and diversified economy based on Byron Shire’s unique character, landscapes and important farmland.
- Manage and support growth in Byron Bay.
- Maximise opportunities associated with the growth of South East Queensland.

This Planning Proposal is particularly relevant to supporting a strong economy to support tourism and the needs of local residents and is entirely consistent with the *North Coast Regional Plan*.

Q4. Is the planning proposal consistent with a council’s local strategy or other local strategic plan?

Byron Shire Council has recently adopted Our Byron Our Future. Our Community Strategic Plan 2028.

The CSP is the highest level of strategic planning undertaken by a council and its community. Its purpose is to identify the community’s main priorities and aspirations for the future, and to plan a clear set of strategies for achieving these goals. The CSP considers the issues and pressures that may affect the community over the next 10 years.

Based on extension community engagement, the Plan contains five key community objectives, which are addressed below in relation to this Planning Proposal

| | |
|---|--|
| <p>We have infrastructure, transport and services that meet our expectations</p> | <p>The Planning Proposal builds on existing services and infrastructure. Water and sewerage is available. Further environmental improvements will be enabled through activation of fragmented and underutilised land. This provides an opportunity to increase pedestrian movement in Byron Bay Town Centre.</p> |
| <p>We cultivate and celebrate our diverse cultures, lifestyle and sense of community</p> | <p>The Planning Proposal supports the economy through strengthening the role and function of Byron Bay Town Centre to support local business growth whilst improving the quality of tourism accommodation and reducing traffic generation in the centre. The Planning Proposal will facilitate the approval of mixed use development in Byron and development standards that will enhance the viability of development that meets the day to day or local residents. This Planning Proposal will create further economic growth and respond to demand without major ecological or social concerns.</p> |
| <p>We protect and enhance our natural environment</p> | <p>The Planning Proposal assists the environment to be maintained and protected for future generations by restricting development to existing urban land with no major environmental significance.</p> |
| <p>We manage growth and change responsibly</p> | <p>Byron Bay Town Centre will continue to be a place of growth and diversity where local people can live and work and will be more resilient to outside pressure such as a down turn in tourism. The Planning Proposal implements the Place Principles of the Byron Bay Town Centre Masterplan.</p> |
| <p>We have community led decision making which is open and inclusive</p> | <p>To progress the Byron Bay Town Centre Masterplan after its adoption, Council established a Guidance Group to:</p> <ul style="list-style-type: none"> • provide advice and direction on the delivery of the Masterplan actions; |


| | |
|--|---|
| | <ul style="list-style-type: none"> • identify and actively facilitate, where appropriate, opportunities for partnerships and community collaboration; • provide oversight on the timely delivery of actions that are responsive to community needs, acknowledging that the actions of the Masterplan are flexible and adaptable. <p>The use of land affected by this Planning Proposal is a result of continued engagement with the Guidance Group, Market Traders and Property owners in Byron Bay Town Centre, as well as with the wider community.</p> |
|--|---|

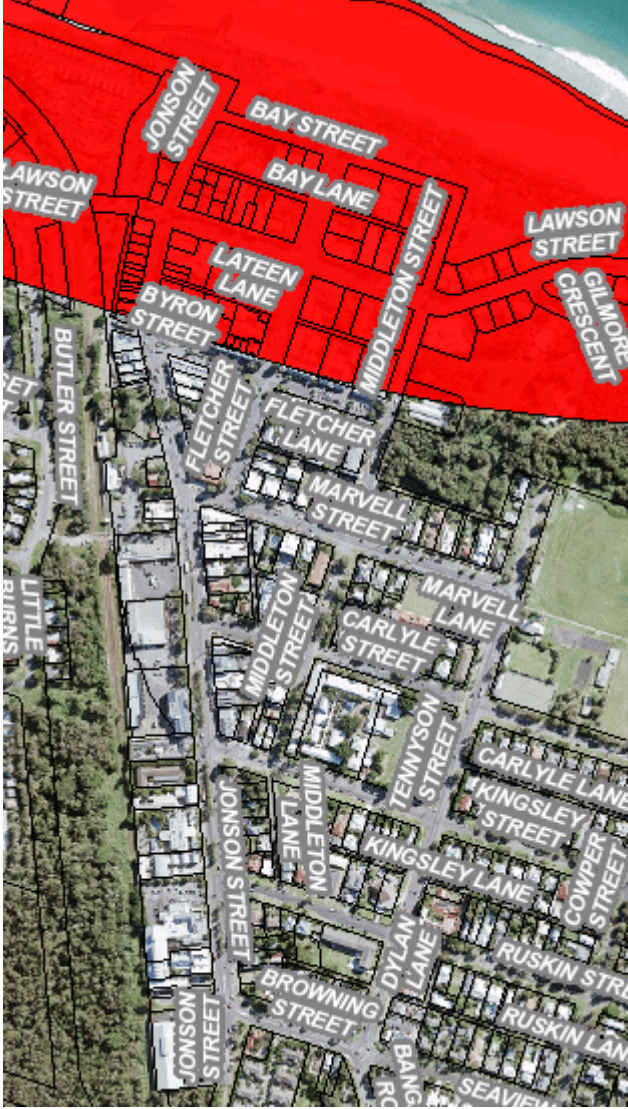
On this basis the Planning Proposal is consistent with Council's CSP.

Q5. Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?

The State Environmental Planning Policies relevant to this Planning Proposal are as follows:

| State Environmental Planning Policy (SEPP) | Compliance of Planning Proposal |
|--|---|
| SEPP 44 – Koala Habitat Protection | <p>SEPP 44 specifies that in order for a forested area to be classified as koala habitat, a minimum of 15% of the trees must be species of trees that provide food for koalas.</p> <p>There is no Koala habitat mapped by Council in the area affected by this Planning Proposal.</p> <p>The Planning Proposal is considered to be consistent with SEPP 44.</p> |
| SEPP 55 – Remediation of Land | <p>Council is aware that certain land parcels will have a known history including radioactive sands.</p> <p>It is not anticipated that the Gateway Determination will require land remediation information prior to public exhibition because rezoning of land from B2 Local Centre to B3 Commercial Core does not introduce new permissible sensitive uses on land known to be contaminated.</p> |
| SEPP (Coastal Management) 2018 | <p>The whole of the Town Centre is within land mapped as Coastal Use Area.</p> <p>The proposed changes to the LEP have no direct implications in regard to this Area, as they will not facilitate development that would result in adverse impacts on the matters outlined in the SEPP in relation to the Coastal Use Area.</p> <p>Fringes areas within the Town Centre are mapped as being in proximity to Coastal Wetlands (see below).</p> |

| State Environmental Planning Policy (SEPP) | Compliance of Planning Proposal |
|--|--|
| |  <p data-bbox="608 1249 1437 1384">The proposed changes to the LEP will not facilitate development of a nature and scale that would adversely impact on the hydrology or ecological integrity of the adjacent wetlands.</p> <p data-bbox="608 1393 1358 1458">The northern part of the Town centre is mapped as being subject to coastal hazards (see below):</p> |

| State Environmental Planning Policy (SEPP) | Compliance of Planning Proposal |
|--|---|
| |  <p data-bbox="608 1357 1410 1424">The proposed change in zoning will not alter the provisions in place to manage potential coastal risks.</p> |
| SEPP (Exempt and Complying Development Codes) 2008 | Schedule 2 of LEP 2014 includes standards and requirements for locally exempt development types that do not repeat or contradict the Codes SEPP. The Planning Proposal will update existing exempt development provisions. |
| SEPP Infrastructure (2007) | This Planning Proposal does not contradict or repeat the provisions of the Infrastructure SEPP. |
| SEPP (Vegetation in Non-Rural Areas) 2017 | There is nothing in this Planning Proposal that affects the provisions of the Vegetation in Non-Rural Areas SEPP, which is applicable to urban land zoned under the Byron LEP 2014. |

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s117 Directions)?

Consistency with the s117 Directions is assessed in the following table:

| <i>S117 Direction</i> | <i>Application</i> | <i>Relevance to this planning proposal</i> | <i>Consistency with direction</i> |
|------------------------------------|--|--|--|
| 1. Employment and Resources | | | |
| 1.1 Business and Industrial Zones | <p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning. | <p>This Planning Proposal will directly affect land within an existing Business Zone.</p> <p>The proposed change from B2 Local Centre to B3 Commercial Core will strengthen and differentiate Byron Bay Town Centre from other smaller business zones in Byron Shire.</p> <p>The area and location of the Business zone is identical.</p> <p>The Planning Proposal will increase the total potential floor space in the B3 Commercial Core.</p> <p>The Planning Proposal is entirely consistent with the objectives of this direction.</p> | Consistent |
| 1.2 Rural Zones | <p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>The objective of this direction is to protect the agricultural</p> | This Planning Proposal does not affect land within an existing or proposed rural zone. | Consistent |

| S117 Direction | Application | Relevance to this planning proposal | Consistency with direction |
|--|--|---|-----------------------------------|
| | <p>production value of rural land.</p> <p>Under this direction a planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</p> | | |
| 1.3 Mining, Petroleum Production and Extractive Industries | <p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <p>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p> | This Planning Proposal does not have any effect on the potential for mining, petroleum production or extraction of materials and resources. | Consistent |
| 1.4 Oyster Aquaculture | <p>Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in:</p> <p>(a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”, or</p> <p>(b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses.</p> | This Planning Proposal has no effect on a Priority Oyster Aquaculture Area or other related uses. | Consistent |
| 1.5 Rural Lands | <p>Applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone</p> | This Planning Proposal will have no effect on land within a rural or environment protection zone. | Consistent |

| S117 Direction | Application | Relevance to this planning proposal | Consistency with direction |
|------------------------------------|--|--|-----------------------------------|
| | <p>(including the alteration of any existing rural or environment protection zone boundary), or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>A planning proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>. A planning proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> | | |
| 2. Environment and Heritage | | | |
| 2.1 Environment Protection Zones | <p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “<i>Rural Lands</i>”.</p> | This Planning Proposal will have no effect on land within an environment protection zone or land otherwise identified for environment protection purposes. | Consistent |
| 2.2 Coastal Protection | <p>This Direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.</p> <p>A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997,</p> <p>(b) the Coastal Design Guidelines 2003,</p> | The Planning Proposal applies to land in the Coastal Zone. Byron LEP 2014 currently includes compulsory provisions under Clause 5.5 Development within the coastal zone, to provide for the protection of the coastal environment; implement the principles in the NSW Coastal Policy (1997) and is consistent with the Coastal Design Guidelines (2003) and the NSW Coastline Management Manual (1990). | Consistent |

| S117 Direction | Application | Relevance to this planning proposal | Consistency with direction | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---|--|-----------------------------------|---------|----------------------|--------------|---------|----------------|-----------------------|------------------------------|-------|------|------------------------|-----------------------|----------|-------|------|-------------|--------------------|------------------|-------|------|-------------------|---------------------|---|-------|------|--|---------------------|------------------|-------|------|----------------------|---------------------|------------------|-------|------|----------------------------|------------------|------------------|-------|------|-----------------------------|-----------------------|--|-------|------|--|------------------|------------------|-------|------|------------|
| | (c) the manual relating to the management of the coastline for the purposes of section 733 of the <i>Local Government Act 1993</i> (the NSW Coastline Management Manual 1990). | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2.3 Heritage Conservation | <p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p> | <p>The Planning Proposal relates to land within Byron Bay Town Centre zoned B2 Local Centre (proposed B3 Commercial Core), containing heritage items, identified in Schedule 5 Environmental Heritage of Byron LEP 2014:</p> <table border="1" data-bbox="1263 596 1942 1414"> <thead> <tr> <th>Item</th> <th>Address</th> <th>Property Description</th> <th>Significance</th> <th>Item no</th> </tr> </thead> <tbody> <tr> <td>Terrace houses</td> <td>27–31 Fletcher Street</td> <td>Lot 1, Section 26, DP 758207</td> <td>Local</td> <td>1069</td> </tr> <tr> <td>Semi-detached cottages</td> <td>33–35 Fletcher Street</td> <td>SP 20654</td> <td>Local</td> <td>1070</td> </tr> <tr> <td>Art Gallery</td> <td>39 Fletcher Street</td> <td>Lot B, DP 302467</td> <td>Local</td> <td>1071</td> </tr> <tr> <td>Commercial facade</td> <td>17–31 Jonson Street</td> <td>Lot 1, DP 171102; Lot 1 DP 713659; Lots 4 and 5, DP 11407</td> <td>Local</td> <td>1073</td> </tr> <tr> <td>Great Northern hotel (including decorative tiling)</td> <td>35–43 Jonson Street</td> <td>Lot 2, DP 597016</td> <td>Local</td> <td>1074</td> </tr> <tr> <td>Post Office (former)</td> <td>59–67 Jonson Street</td> <td>Lot 1, DP 736784</td> <td>Local</td> <td>1075</td> </tr> <tr> <td>Byron Bay Community Centre</td> <td>69 Jonson Street</td> <td>Lot 1, DP 524709</td> <td>Local</td> <td>1076</td> </tr> <tr> <td>Former Norco Butter Factory</td> <td>132–144 Jonson Street</td> <td>Lot 1, DP 804082; SP 83280; Lot 6, DP 258071</td> <td>Local</td> <td>1079</td> </tr> <tr> <td>Commercial (including shops, bar and restaurant)</td> <td>5A Lawson Street</td> <td>Lot 2, DP 830504</td> <td>Local</td> <td>1084</td> </tr> </tbody> </table> | Item | Address | Property Description | Significance | Item no | Terrace houses | 27–31 Fletcher Street | Lot 1, Section 26, DP 758207 | Local | 1069 | Semi-detached cottages | 33–35 Fletcher Street | SP 20654 | Local | 1070 | Art Gallery | 39 Fletcher Street | Lot B, DP 302467 | Local | 1071 | Commercial facade | 17–31 Jonson Street | Lot 1, DP 171102; Lot 1 DP 713659; Lots 4 and 5, DP 11407 | Local | 1073 | Great Northern hotel (including decorative tiling) | 35–43 Jonson Street | Lot 2, DP 597016 | Local | 1074 | Post Office (former) | 59–67 Jonson Street | Lot 1, DP 736784 | Local | 1075 | Byron Bay Community Centre | 69 Jonson Street | Lot 1, DP 524709 | Local | 1076 | Former Norco Butter Factory | 132–144 Jonson Street | Lot 1, DP 804082; SP 83280; Lot 6, DP 258071 | Local | 1079 | Commercial (including shops, bar and restaurant) | 5A Lawson Street | Lot 2, DP 830504 | Local | 1084 | Consistent |
| Item | Address | Property Description | Significance | Item no | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Terrace houses | 27–31 Fletcher Street | Lot 1, Section 26, DP 758207 | Local | 1069 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Semi-detached cottages | 33–35 Fletcher Street | SP 20654 | Local | 1070 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Art Gallery | 39 Fletcher Street | Lot B, DP 302467 | Local | 1071 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Commercial facade | 17–31 Jonson Street | Lot 1, DP 171102; Lot 1 DP 713659; Lots 4 and 5, DP 11407 | Local | 1073 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Great Northern hotel (including decorative tiling) | 35–43 Jonson Street | Lot 2, DP 597016 | Local | 1074 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Post Office (former) | 59–67 Jonson Street | Lot 1, DP 736784 | Local | 1075 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Byron Bay Community Centre | 69 Jonson Street | Lot 1, DP 524709 | Local | 1076 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Former Norco Butter Factory | 132–144 Jonson Street | Lot 1, DP 804082; SP 83280; Lot 6, DP 258071 | Local | 1079 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Commercial (including shops, bar and restaurant) | 5A Lawson Street | Lot 2, DP 830504 | Local | 1084 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| S117 Direction | Application | Relevance to this planning proposal | | | | | Consistency with direction |
|------------------------------|---|--|---------------------|--------------------------|-------|------|-----------------------------------|
| | | Main Beach Backpackers (all of the building located on the corner of Lawson and Fletcher Streets, which includes the 1929 section of the former Byron Council Chambers building) | 19–23 Lawson Street | Part of Lot 1, DP 876261 | Local | 1085 | |
| | | Timber cottage | 5 Middleton Lane | Lot B, DP 377425 | Local | 1089 | |
| | | Byron LEP 2014 currently includes compulsory provisions under Clause 5.10 that requires conservation of heritage, archaeological sites and Aboriginal objects and places. | | | | | |
| 2.4 Recreation Vehicle Areas | <p>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>):</p> <p>(a) where the land is within an environment protection zone,</p> <p>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</p> <p>(c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:</p> <p>(i) the provisions of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September 1985</i>, and</p> <p>(ii) the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985</i>.</p> | This Planning Proposal does not enable land to be developed for the purpose of a vehicle recreation area (within the meaning of the <i>Recreation Vehicles Act 1983</i>): | | | | | N/A |

| S117 Direction | Application | Relevance to this planning proposal | Consistency with direction |
|---|---|--|-----------------------------------|
| 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs | A planning proposal that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone or an overlay and associated clause must apply the proposed E2 Environmental Conservation or E3 Environmental Management zones, or the overlay and associated clause, consistent with the Northern Councils E Zone Review Final Recommendations. | This Planning Proposal does not introduce or alter an E2 or E3 Zone or Environmental Overlays. | N/A |
| 3. Housing, Infrastructure and Urban Development | | | |
| 3.1 Residential Zones | <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <ul style="list-style-type: none"> (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. <p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. <p>A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land. | <p>This Planning Proposal does not affect land within a residential zone. Residential accommodation is already permitted in the form of shop top housing. New provisions will also support the development of mixed use building types that must achieve principles of Design Excellence in Byron Bay Town Centre; to deliver more ecologically sustainable buildings and public places that preserve a fine grain village character through the highest standard of architectural, urban and landscape design.</p> <p>Clause 6.6 of Byron LEP 2014 requires development may not be permitted unless the consent authority is satisfied that the site is serviced.</p> <p>This Planning Proposal will increase the permissible residential density of land by removing the FSR control on land where shop top housing is permissible as part of a development comprising a compatible mix of land uses in Byron Bay Town Centre.</p> | Consistent |

| S117 Direction | Application | Relevance to this planning proposal | Consistency with direction |
|---|--|---|-----------------------------------|
| 3.2 Caravan Parks and Manufactured Home Estates | <p>Applies when a relevant planning authority prepares a planning proposal.</p> <p>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP, zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park. <p>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located, (b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent. | This Planning Proposal does not seek to identify suitable zones locations and provision for caravan parks. | N/A |
| 3.3 Home Occupations | Planning proposals must permit home occupations to be carried out in dwelling-houses without the need for development consent. | This Planning Proposals does not seek to amend current Byron LEP 2014 provisions that permit home occupations to be carried out without the need for development consent. | Consistent |

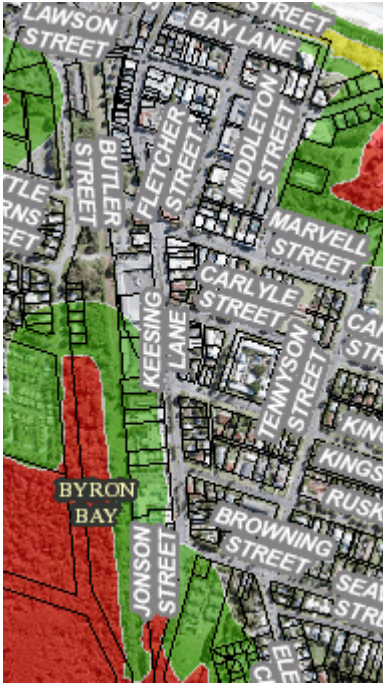
| S117 Direction | Application | Relevance to this planning proposal | Consistency with direction |
|--|---|---|-----------------------------------|
| 3.4 Integrating Land Use and Transport | <p>Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight</p> | <p>This Planning Proposal will facilitate increased density in the form of mixed use development within Byron Bay Town Centre. Additional provisions limiting the development of ancillary car parks will minimise the amount of private vehicular traffic generated because of proposed development, whilst enabling efficient access for services and deliveries.</p> <p>This will reduce traffic congestion and contribute to the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight</p> | Consistent |

| S117 Direction | Application | Relevance to this planning proposal | Consistency with direction |
|---|---|---|-----------------------------------|
| 3.5 Development Near Licensed Aerodrome | <p>Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.</p> <p>The main requirements of the Direction are that Council considers the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth for residential purposes, and does not increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25.</p> | This Planning Proposal will not create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. | N/A |
| 3.6 Shooting Ranges | <p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.</p> <p>A Planning Proposal must not seek to rezone land adjacent to and/or adjoining an existing shooting range that has the effect of permitting more intensive land uses in the area.</p> | This Planning Proposal does not relate to land adjacent to and/or adjoining an existing shooting range. | N/A |
| 4. Hazard and Risk | | | |
| 4.1 Acid Sulfate Soils | <p>Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</p> <p>A council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.</p> | <p>The Planning Proposal is located on land affected by Acid Sulfate Soils Class 3 and Class 5 as shown on the Acid Sulfate Soils Map in Byron LEP 2014. A small part of land at 156 Jonson Street, south of Browning Street is identified as Class 2.</p> <p>The Planning Proposal to zone land currently B2 Local Centre to B3 Commercial Core is not expected to result in intensification of land use compared to the current underlying permissible land uses and significant disturbance of soils would be assessed under the relevant classification of works would be assessed under the provisions of Byron LEP 2014.</p> <p>Byron LEP 2014 provisions under Clause 6.1 Acid Sulfate Soils limits the type of activities and work on</p> | Consistent |

| S117 Direction | Application | Relevance to this planning proposal | Consistency with direction | | | | | | | | | | | | |
|---------------------------------------|---|---|-----------------------------------|--------------|---|------------|---|---|---|--|---|--|---|---|--|
| | | <p>land affected by acid sulfate soils management, as follows:</p> <table border="0"> <thead> <tr> <th data-bbox="1263 347 1458 376">Class of land</th> <th data-bbox="1509 347 1603 376">Works</th> </tr> </thead> <tbody> <tr> <td data-bbox="1263 387 1279 411">1</td> <td data-bbox="1509 387 1653 416">Any works.</td> </tr> <tr> <td data-bbox="1263 427 1279 451">2</td> <td data-bbox="1509 427 1912 555">Works below the natural ground surface. Works by which the watertable is likely to be lowered.</td> </tr> <tr> <td data-bbox="1263 566 1279 590">3</td> <td data-bbox="1509 566 1912 794">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.</td> </tr> <tr> <td data-bbox="1263 805 1279 829">4</td> <td data-bbox="1509 805 1912 1034">Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</td> </tr> <tr> <td data-bbox="1263 1045 1279 1069">5</td> <td data-bbox="1509 1045 1912 1345">Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</td> </tr> </tbody> </table> | Class of land | Works | 1 | Any works. | 2 | Works below the natural ground surface. Works by which the watertable is likely to be lowered. | 3 | 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. | 4 | Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface. | 5 | Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. | |
| Class of land | Works | | | | | | | | | | | | | | |
| 1 | Any works. | | | | | | | | | | | | | | |
| 2 | Works below the natural ground surface. Works by which the watertable is likely to be lowered. | | | | | | | | | | | | | | |
| 3 | 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. | | | | | | | | | | | | | | |
| 4 | Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface. | | | | | | | | | | | | | | |
| 5 | Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. | | | | | | | | | | | | | | |
| 4.2 Mine Subsidence and Unstable Land | Applies when a relevant planning authority prepares a planning proposal that permits development on land that: | Byron Shire is not in a mine subsidence district and the land affected by this planning proposal has not | N/A | | | | | | | | | | | | |

| S117 Direction | Application | Relevance to this planning proposal | Consistency with direction |
|-----------------------------|--|---|-----------------------------------|
| | <p>(a) is within a mine subsidence district, or</p> <p>(b) has been identified as unstable in a study, strategy or other assessment undertaken:</p> <p>(i) by or on behalf of the relevant planning authority, or</p> <p>(ii) by or on behalf of a public authority and provided to the relevant planning authority.</p> | <p>been identified as unstable land.</p> | |
| <p>4.3 Flood Prone Land</p> | <p>Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environment Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the development of that land,</p> <p>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p>(e) permit development to be carried out without development consent except for the purposes of</p> | <p>With the exception of land located approximately 3m AHD and above, the Planning Proposal affects land located on Flood Prone Land (1:100 Year Flood) and is within the Belongil Creek Flood Planning Area.</p> <p>The Planning Proposal will rezone from one type of business zone to another. Therefore the Planning Proposal does not rezone land zoned Special Use, Special Purpose, Recreation, Rural or Environment Protection Zones within the flood planning area to a residential, business, industrial, special use or special purpose zone.</p> <p>The requirements of Direction 4.3 are addressed under Byron LEP 2014, that currently contains provisions under Clause 6.3 Flood planning and 6.4 Floodplain risk management, to:</p> <ul style="list-style-type: none"> • to minimise the flood risk to life and property associated with the use of land, • to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, • to avoid significant adverse impacts on flood behaviour and the environment. • to enable evacuation of land subject to flooding above the flood planning level, • to protect the operational capacity of emergency | <p>Consistent</p> |

| S117 Direction | Application | Relevance to this planning proposal | Consistency with direction |
|--------------------------------------|--|---|-----------------------------------|
| | <p>agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p> <p>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> | <p>response facilities and critical infrastructure during extreme flood events.</p> <p>This Planning Proposal does not impose new flood planning related development controls or flood planning levels.</p> | |
| 4.4 Planning for Bushfire Protection | <p>Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.</p> <p>A planning proposal must:</p> <p>(a) have regard to <i>Planning for Bushfire Protection 2006</i>,</p> <p>(b) introduce controls that avoid placing inappropriate</p> | <p>This Planning Proposal will affect land that is primarily in the bushfire vegetation buffer and is in close proximity to vegetation category 1:</p> | Consistent |

| S117 Direction | Application | Relevance to this planning proposal | Consistency with direction |
|-----------------------|---|--|-----------------------------------|
| | <p>developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</p> <p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <ul style="list-style-type: none"> (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for fire fighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p> |  <p>Council will consult with the Commissioner of the NSW Rural Fire Service (RFS) following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57.</p> <p>It is expected that because the Planning Proposal does not facilitate residential development or similar inappropriate development in hazardous areas, a Bushfire Safety Authority, under the Rural Fires Act 1997, will not be required, and that the RFS shall indicate any relevant Asset Protection Zone to be provided as part of any new development in response to agency consultation.</p> | |

| S117 Direction | Application | Relevance to this planning proposal | Consistency with direction |
|--|--|---|-----------------------------------|
| 5 Regional Planning | | | |
| 5.1 Implementation of Regional Strategies | This direction applies to land to which the following regional strategies apply: (a) South Coast Regional Strategy (excluding land in the Shoalhaven LGA) (b) Sydney–Canberra Corridor Regional Strategy | Not Applicable | N/A |
| 5.2 Sydney Drinking Water Catchments | Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment. | Not Applicable | N/A |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast | The planning proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project for an urban use. | The Planning Proposal affects land within a 'Committed Urban Use' area on the Northern Rivers Farmland Protection Maps, and is therefore not classified as either Regionally or State Significant farmland. | Consistent |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | Not Applicable | Not Applicable | N/A |
| 5.5 -5.7 Revoked | - | - | N/A |
| 5.8 Second Sydney Airport: Badgerys Creek | Not Applicable | Not Applicable | N/A |
| 5.9 North West Rail Link Corridor Strategy | Not Applicable | Not Applicable | N/A |
| 5.10 Implementation of Regional Plans | Planning proposals must be consistent with a Regional Plan released by the Minister for Planning. | The consistency of this Planning Proposal with the North Coast Regional Plan is addressed in Section B above. | Consistent |
| 6. Local Plan Making | | | |
| 6.1 Approval and Referral Requirements | A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development | The planning proposal does not propose the inclusion of any concurrence, consultation or referral provisions. | Consistent |

| S117 Direction | Application | Relevance to this planning proposal | Consistency with direction |
|--|--|---|-----------------------------------|
| | <p>applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>(i) the appropriate Minister or public authority, and</p> <p>(ii) the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General),</p> <p>prior to undertaking community consultation in satisfaction of section 57 of the Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>(i) can satisfy the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</p> <p>(ii) has obtained the approval of the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> | | |
| 6.2 Reserving Land for Public Purposes | A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General). | This proposal does not create, alter or reduce existing zonings or reservations of land for public purposes. | Consistent |
| 6.3 Site Specific Provisions | Applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out. | This Planning Proposal will does not contain any site specific provisions in relation to permissible uses or development standards in addition to those already | Consistent |

| <i>S117 Direction</i> | <i>Application</i> | <i>Relevance to this planning proposal</i> | <i>Consistency with direction</i> |
|------------------------------|---|--|--|
| | <p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. <p>A planning proposal must not contain or refer to drawings that show details of the development proposal.</p> | <p>contained in the Byron LEP 2014; the principal environmental planning instrument being amended.</p> | |

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

No. The land affected by this Planning Proposal is entirely within an urban business zone. The Planning Proposal does not seek to amend planning provisions relating to areas which are known to be ecologically significant land identified for Environmental Protection Purposes. However, site specific flora and fauna studies have not been undertaken to confirm that there is no critical habitat or threatened species, populations or ecological communities on the subject land.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. All likely known environmental effects are addressed in Section B, Q5 and Q.6 in this Planning Proposal.

Q9. How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal could have strong positive social and economic effects by offering additional employment and trading opportunities for local people and businesses. It will provide housing in Byron Bay Town Centre. Numerous social and economic benefits are likely through increasing the efficient use of developable lands for jobs and mixed used development including housing in an existing centre.

Section D State and Commonwealth interests**Q.10 Is there adequate public infrastructure for the planning proposal?**

Yes. The Planning Proposal relates to land in an existing urban area with access to essential infrastructure.

Q.11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination

State and Commonwealth public authorities have not been formally involved in this particular Planning Proposal as it is yet to receive Gateway Approval. At this early stage, it appears unlikely that there will be any issues of interest to Commonwealth authorities. State government authorities will be consulted during the public exhibition period.

The following table provides a summary of the relevant public authorities, which in the opinion of Council, should be consulted in accordance with the Gateway Approval:

| Public authority/stakeholder | Issue requiring comment |
|------------------------------------|--|
| NSW Rural Fire Service | Section 117(4.4) of the <i>Environmental Planning and Assessment Act 1979</i> , Ministerial Direction 4.4 requires consultation with the Commissioner of the NSW Rural Fire Service. |
| Office of Environment and Heritage | Consideration of ecological, environmental heritage and Aboriginal heritage as well as flooding and Coastal Planning. |
| Roads and Maritime Authority | Consideration of impacts on Main Road 545 (MR545). |

Part 4 Mapping

The Planning Proposal affects an area of land that spans multiple LEP maps. On that basis, Council will need to prepare spatial data to amend the following maps in accordance with the [NSW Standard Technical Requirements for spatial datasets and maps](#):

1. Amend map sheet LZN - Land Zoning_003CC
2. Amend map sheet HOB – Height of Building Map_ 003CC
3. Amend map sheet FSR – Floor Space Ratio Map _003CC
4. Introduce map sheet ASF – Active Street Frontage Map_003CC

Part 5 Community consultation

Prior to the preparation of this Planning Proposal, the additional and amended clauses, Council carried out community consultation.

The following consultation activities were held:

- Council staff were present at two Farmers Markets,
- Two ‘world café’ style workshops were held whereby approximately 60 community members attended and actively participated,
- Two workshops were held at Byron Bay High school with students from year 9, 10 and 12 participated, and
- Numerous individual meetings were held with those expressing interest or expertise in the subject matter.

It was based on the feedback, advice and concerns heard across these consultations that the decisions within this Planning Proposal were made.

Additionally, Council will commence community consultation in accordance with the Gateway Determination. For the purposes of public notification, the Planning Proposal is not considered to be low impact as outlined in the Department of Planning and Environment’s *A guide to preparing local environmental plans*. A **28 day public exhibition period** is recommended.

Notification of the exhibited Planning Proposal will include:

- a newspaper advertisement that circulates in the Byron LGA, which is the area affected by the Planning Proposal.
- the web sites of Byron Shire Council and the Department of Planning and Environment.

Part 6 Project timeline

The proposed timeline for the completion of the Planning Proposal is as follows:

| Estimated completion | Plan making step |
|-----------------------------|--|
| September 2018 | Decision by Council to support the Planning Proposal and send for Gateway Determination by Department of Planning and Environment. |
| October 2018 | Gateway Determination issued by Department of Planning and Environment. |
| November 2018 | Complete studies, mapping details etc. required prior to public exhibition. |
| December 2018/ January 2018 | Public exhibition of Planning Proposal. Government agency consultation. |

| | |
|---------------|---|
| February 2019 | Analysis of public submissions. Preparation of Council report and amendments to Planning Proposal if required. |
| March 2019 | Endorsed Planning Proposal submitted to Department of Planning and Environment for finalisation. |

Summary and conclusions

This Planning Proposal seeks to rezone land and introduce development standards and local planning provisions on the subject land to implement the strategic objectives of the Byron Bay Town Centre Masterplan.

This Planning Proposal will not impact on environmental areas and the subject area is entirely serviced by urban infrastructure.

This Planning Proposal will have positive social and economic effects by offering additional employment and trading opportunities for local people and businesses. Numerous social and economic benefits are likely through increasing the efficient use of developable lands for jobs and mixed used development including housing in an existing centre.

The proposed zoning changes are consistent with the North Coast Regional Plan 2036 and Council's Community Strategic Plan 2028. The land is identified as an existing urban area. An assessment of the planning proposal indicates that it is consistent with relevant SEPPs. It is consistent with all relevant s117 Directions.

There is sufficient information to enable Council to support the planning proposal and forward it to the Department of Planning and Environment for a Gateway determination.

Appendix 1 – Proposed LEP Amendments

Rezoning of Byron Bay Town Centre to Zone B3

1. Amend Land Zoning Map - Sheet LZN_003CC, by altering the area within the Byron Bay Town Centre currently zoned B2 Local Centre, to B3 Commercial Core.
2. Insert the following into the Land Use Table within the LEP:

Zone B3 Commercial Core

1. Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage a vibrant centre by permitting residential accommodation, serviced apartments and hotel or motel accommodation above commercial premises and community uses, as part of a mixed use development.

2. Permitted without consent

Environmental Protection Works; Home-based childcare; Home occupations

3. Permitted with consent

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Health consulting rooms; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Public administration building; Recreation facilities (indoor); Registered clubs; Roads; Respite day care centres; Restricted premises; Service stations; Serviced apartments; Shop top housing; Any development not specified in item 2 or 4

4. Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centre; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Notes:

- Based on the Standard Instrument, land uses listed below in **green text** must be included as either "Permitted without consent" or "Permitted with consent" for this zone:
- All **red text** is local content that is proposed to apply to a new B3 Commercial Core zone, and replaces B2 Local centre zone in Byron Bay Town Centre to differentiate from other local centres in Byron Shire.

- *All other text in black is mandated by the NSW Standard Instrument (LEP) Order 2006 and cannot be changed. Some infrastructure and affordable housing uses are mandated permissible under relevant State Environmental Planning Policy.*

3. Amend Clause 6.7 Affordable Housing to include reference to the B3 zone, as shown below (addition in red text):

6.7 Affordable housing in residential and business zones

- (1) *The objectives of this clause are as follows:*

- (a) *to increase the supply of affordable housing for very low, low and moderate income earning households,*
- (b) *to provide accommodation to support a diverse residential population inclusive of all income groups within Byron,*
- (c) *to ensure a housing mix and tenure choice including affordable housing,*
- (d) *to ensure that affordable housing is identified by the Council as in demand and located close to transport and services appropriate to the intended households.*

- (2) *Development consent must not be granted for the purposes of residential accommodation or to the subdivision of any land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B2 Local Centre, **Zone B3 Commercial Core**, or Zone B4 Mixed Use unless the consent authority has considered:*

- (a) *the need for providing, maintaining or retaining affordable housing, and*
- (b) *the need for imposing conditions relating to providing, maintaining or retaining affordable housing including, but not limited to, imposing covenants and the registration of restrictions about users.*

- (3) *For the purposes of this clause, affordable housing means housing for very low income households, low income households or moderate income households.*

4. Amend Schedule 2 Exempt Development to include reference to B3 zone, as follows (addition in red text):

Display of goods on footways

- (1) *Must be in Zone RU5 Village, or Zone B2 Local Centre **or Zone B3 Commercial Core**.*
- (2) *Must be in conjunction with an existing shop for which consent has been granted.*
- (3) *Area to be used must be subject to a current approval under the Roads Act 1993.*
- (4) *Area must be immediately adjoining the shop front and must not obstruct access to that or to adjacent shop.*

Strata subdivision of a lawfully erected building

- (1) *Must be of a building situated in Zone RU5 Village, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, **Zone B3 Commercial Core**, Zone B4 Mixed Use, Zone B7 Business Park, Zone IN1 General Industrial or Zone IN2 Light Industrial.*
- (2) *Must not be the strata subdivision of a boarding house.*
- (3) *Must not be a development lot under the [Strata Schemes \(Freehold Development\) Act 1973](#).*
- (4) *Must not be development that requires a Bushfire Safety Authority under section 100B of the [Rural Fires Act 1997](#).*

Height of Buildings

1. Amend Height of Buildings Map - Sheet HOB_003CC, by extending the area within the Byron Bay Town Centre that is subject to a maximum height of 11.5m to include the area bounded by Bay Lane to the north, Lawson Street to the south, Jonson Street to the west and Middleton Street to the east.
2. Add the following additional clause and associated Building Height Allowance map

4.3A Exceptions to height of buildings

- (1) *The objective of this clause is to align building height and flood planning provisions within the Byron Bay Town Centre and provide for a consistent point of reference for the measurement of building heights in flood prone areas.*
- (2) *This clause applies to land identified as “Minimum Level Australian Height Datum (AHD)” on the Building Height Allowance Map.*
- (3) *The maximum height of a building on land to which this clause applies is to be measured from the minimum level AHD permitted for that land on the Building Height Allowance Map.*

3. Amend clause 4.6 as follows (*proposed amendments in red text*):

4.6 Exceptions to development standards

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- Note. When this Plan was made it did not include all of these zones.*
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*
- (a) *a development standard for complying development,*
- (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (c) *clause 5.4.*
- (d) *maximum height shown for the land on the Height of Buildings Map, in relation to land zoned B3 Commercial Core located within the Byron Bay Town Centre, where contravention of the standard would result in a building containing more than three (3) storeys.*

Floor Space Ratio

1. Amend Floor Space Ratio Map - Sheet FSR_003CC to remove the Floor Space ratio control from within the Byron Bay Town Centre.

Local Provisions

1. Add the following as additional Local Provisions:

6.XX Compatible mixed use development in B3 Commercial Core

- (1) *The purpose of this clause is to permit residential dwellings above or behind a compatible non-residential use at ground floor level in Zone B3 Commercial Core in addition to permissible shop top housing.*
- (2) *Mixed use development in Zone B3 Commercial Core, comprising one or more dwellings located above or to the rear of a compatible non-residential use at ground floor level, may be carried out with development consent.*
- (3) *This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.*
- (4) *For the purposes of this clause, compatible non-residential use means uses permissible in Zone B3 Commercial Core, and includes:*

Child care centres; Commercial premises; Community facilities; Educational establishments; Information and education facilities; Medical centres; and Public administration building.

6.XX Design excellence within Byron Bay Town Centre (local drafting in red text) - adapted from various gazetted Standard Instrument LEPs

- (1) *The objective of this clause is to deliver the highest standard of architectural and urban design.*
- (2) *This clause applies to development involving the erection of a new building or external alterations to an existing building on land zoned B3 Commercial Core, to which this Plan applies.*
- (3) *Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.*
- (4) *In determining whether a proposed development exhibits design excellence, the following matters are to be addressed, to the satisfaction of the consent authority:*
 - (a) *development embodies sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resources, energy and water efficiency, durability and adaptability;*
 - (b) *a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;*
 - (c) *the proposed development responds to the environmental and built characteristics of the site and achieves an acceptable relationship with buildings on the same site and on neighbouring sites;*
 - (d) *the form and external appearance of the proposed development will improve the quality and amenity of the public domain, encouraging social activity and casual surveillance in public places, streets and laneways;*
 - (e) *the configuration and design of communal access or recreational areas within the residential elements of mixed use development incorporate exemplary and innovative treatments and will promote a socially cohesive urban village atmosphere;*
 - (f) *the proposed development avoids clutter in the public domain and coordinates shared utility infrastructure and domestic and commercial waste management;*
 - (g) *the proposed development will not detrimentally impact on view corridors and landmarks; and*
 - (h) *arrangements have been made to ensure that the proposed design is carried through to the completion of the development including commitments to achieve certification under a nationally recognised sustainable rating system.*

6.XX Active Street Frontages [NSW Model Clause]. Local Drafting in red font]

- (1) *The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B3 Commercial.*
- (2) *This clause applies to land identified as 'Active street frontage' on the Active Street Frontages Map.*
- (3) *Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.*
- (4) *Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following:*

- (a) *entrances and lobbies (including as part of mixed use development),*
 - (b) *access for fire services,*
 - (c) *vehicle access.*
- (5) *In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street or laneway are used for the purposes of child care centres; commercial premises; community facilities; educational establishments; information and education facilities; medical centres; or public administration buildings.*

6.XX Car parking ancillary to other development [adapted from Sydney LEP 2012 Precedent]

- (1) *The objectives of this clause are:*
- (a) *to identify the maximum number of car parking spaces that may be provided to service particular uses of land in the Zone B3 Commercial Core, and*
 - (b) *to minimise the amount of vehicular traffic generated because of proposed development.*
- (2) *This clause applies to specified uses proposed as part of mixed use development if ancillary car parking spaces are to be provided within land zoned B3 Commercial Core or within 400 metres walking distance to that land.*
- (3) *Nothing in this clause requires a reduction in the number of car parking spaces in an existing building.*
- (4) *Development consent must not be granted to development that includes car parking spaces in connection with a proposed mixed use development if the total number of car parking spaces (including existing car parking spaces) provided on the site would be greater than the maximum set out in this clause.*
- (a) *The maximum number of car parking spaces for the residential component of any mixed use development, is as follows:*
 - 1 space per unit, plus*
 - 1 visitor space per 5 dwellings*
 - (b) *The maximum number of car parking spaces for hotel and motel accommodation or serviced apartments, as part of a mixed use development, is as follows:*
 - 1 space per unit, plus*
 - 1 space for on-site manager*
- (5) *Car parking for components of a mixed use development other than residential or tourist accommodation are to be provided in accordance with the applicable car parking requirements, as specified in the Development Control Plan applicable to the area.*
- (6) *Development consent must not be granted to development that proposes less than the maximum number of spaces outlined in part (4) unless the consent authority has considered a Sustainable Travel Plan provided by the proponent to outline commitments to firm initiatives for alternate arrangements, including those that promote walking, cycling and the use of public transport.*
- (7) *For the purposes of this clause: **car parking space** means a space intended to be used for the parking of cars that is ancillary to another land use on the site, but does not include any of the following:*
- (a) *a place primarily used for the purpose of washing vehicles,*
 - (b) *a place primarily used for the purpose of loading or unloading of goods,*
 - (c) *a place primarily used for the purpose of storing bicycles,*
 - (d) *a car parking space in a car park,*

(e) *a car parking space for the exclusive use of vehicles belonging to a car share scheme.*

car share scheme means a scheme in which a body corporate, an unincorporated body or a public authority owns or manages and maintains vehicles for shared or communal use and hires those vehicles exclusively to members of the scheme for occasional use for short periods of time, on demand and on a pay-as-you go basis.

Appendix 2 – Subject Land Property Details

Byron Bay Town Centre

| LOT_S_DP | STRATA | house_num | street_nam | street_typ | suburb_nam | state_name | post_code |
|-------------|--------|-----------|------------|------------|------------|------------|-----------|
| 2/511626 | | 2 | Fletcher | Street | BYRON BAY | NSW | 2481 |
| 7/25/758207 | | 30 | Fletcher | Street | BYRON BAY | NSW | 2481 |
| 2/736784 | | | Fletcher | Street | BYRON BAY | NSW | 2481 |
| B/302467 | | 39 | Fletcher | Street | BYRON BAY | NSW | 2481 |
| 1/26/758207 | | 27-31 | Fletcher | Street | BYRON BAY | NSW | 2481 |
| | 22112 | 11 | Fletcher | Street | BYRON BAY | NSW | 2481 |
| C/413589 | | 9 | Fletcher | Street | BYRON BAY | NSW | 2481 |
| 1/329481 | | 7 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/171102 | | 17-21 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 4/11407 | | 29 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 5/11407 | | 31 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 3/597016 | | 33 | Jonson | Street | BYRON BAY | NSW | 2481 |
| | 22928 | 47 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 4/25/758207 | | 51 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 3/25/758207 | | 57 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/736784 | | 59-67 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/524709 | | 69 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/554522 | | 71 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 2/554522 | | 73-75 | Jonson | Street | BYRON BAY | NSW | 2481 |
| | 31666 | 85-87 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/344422 | | 89 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 2/344422 | | 91 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 5/33/758207 | | 97 | Jonson | Street | BYRON BAY | NSW | 2481 |
| A/355517 | | 101 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 2/349058 | | 105 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 2/42/758207 | | 107 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 3/42/758207 | | 109 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 4/42/758207 | | 111 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/561090 | | 115 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/48/758207 | | 119-121 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 2/48/758207 | | 119-121 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 4/48/758207 | | 125 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 277/1231481 | | 127 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 19/247289 | | 133 | Jonson | Street | BYRON BAY | NSW | 2481 |

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|-------------|---------|----------|--------|-----------|-----|------|
| 21/247289 | 137 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 5/51/758207 | 139 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 6/51/758207 | 3 | Browning | Street | BYRON BAY | NSW | 2481 |
| 2/588653 | 148-154 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 7/258071 | | Jonson | Street | BYRON BAY | NSW | 2481 |
| 6/258071 | 144 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/804082 | 132-138 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 2/258385 | 118 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/258385 | 116 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 8/617509 | 112-114 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 5/619224 | 90-96 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/88469 | 84 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 2/716690 | 58A | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/716690 | 58 | Jonson | Street | BYRON BAY | NSW | 2481 |
| B/158128 | 56 | Jonson | Street | BYRON BAY | NSW | 2481 |
| C/158128 | 54 | Jonson | Street | BYRON BAY | NSW | 2481 |
| D/158128 | 52 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 9/38407 | 46-50 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 2/526324 | 42-44 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/526324 | | Jonson | Street | BYRON BAY | NSW | 2481 |
| 7/38407 | 34 | Jonson | Street | BYRON BAY | NSW | 2481 |
| X/162923 | 34 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/780208 | 34A | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/34301 | 32 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 5B/38407 | 30 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 5A/38407 | 28 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 4/38407 | 22-26 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 3/38407 | 20 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 2/38407 | 18 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/708815 | 14 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/609483 | 8 | Jonson | Street | BYRON BAY | NSW | 2481 |
| C/34097 | 6 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 6/255629 | 2 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/255629 | 2 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 2/414779 | 7 | Kingsley | Street | BYRON BAY | NSW | 2481 |
| 1/414779 | 5 | Kingsley | Street | BYRON BAY | NSW | 2481 |
| 2/561090 | 3 | Kingsley | Street | BYRON BAY | NSW | 2481 |
| A/358791 | 13 | Lawson | Street | BYRON BAY | NSW | 2481 |
| B/358791 | 15 | Lawson | Street | BYRON BAY | NSW | 2481 |
| 11/590524 | 25-27 | Lawson | Street | BYRON BAY | NSW | 2481 |

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|-------------|---------|-----------|---------|-----------|-----------|------|------|
| 8/8/758207 | 33 | Lawson | Street | BYRON BAY | NSW | 2481 | |
| 1/791604 | 16-18 | Lawson | Street | BYRON BAY | NSW | 2481 | |
| 1/338416 | 12 | Lawson | Street | BYRON BAY | NSW | 2481 | |
| B/372589 | 10 | Lawson | Street | BYRON BAY | NSW | 2481 | |
| B/377946 | 6 | Lawson | Street | BYRON BAY | NSW | 2481 | |
| A/377946 | 4 | Lawson | Street | BYRON BAY | NSW | 2481 | |
| | 89577 | 11 | Marvell | Street | BYRON BAY | NSW | 2481 |
| 1/353062 | 2 | Fletcher | Lane | BYRON BAY | NSW | 2481 | |
| | 83175 | 3 | Marvell | Street | BYRON BAY | NSW | 2481 |
| A/325834 | 2 | Marvell | Street | BYRON BAY | NSW | 2481 | |
| B/325834 | 4 | Marvell | Street | BYRON BAY | NSW | 2481 | |
| 8/33/758207 | 6 | Marvell | Street | BYRON BAY | NSW | 2481 | |
| 3/414779 | 32 | Middleton | Street | BYRON BAY | NSW | 2481 | |
| 1/780231 | 7 | Ruskin | Street | BYRON BAY | NSW | 2481 | |
| B/377425 | 5 | Middleton | Lane | BYRON BAY | NSW | 2481 | |
| 17/247289 | 8 | Ruskin | Street | BYRON BAY | NSW | 2481 | |
| 16/247289 | 10 | Ruskin | Street | BYRON BAY | NSW | 2481 | |
| 6/7/758207 | 12 | Bay | Street | BYRON BAY | NSW | 2481 | |
| | 16168 | 22 | Bay | Street | BYRON BAY | NSW | 2481 |
| B/355517 | 1A | Carlyle | Street | BYRON BAY | NSW | 2481 | |
| 6/25/758207 | 28 | Fletcher | Street | BYRON BAY | NSW | 2481 | |
| 1/301226 | 37 | Fletcher | Street | BYRON BAY | NSW | 2481 | |
| 1/713659 | 23 | Jonson | Street | BYRON BAY | NSW | 2481 | |
| 2/597016 | 35-43 | Jonson | Street | BYRON BAY | NSW | 2481 | |
| 4/33/758207 | 95 | Jonson | Street | BYRON BAY | NSW | 2481 | |
| 1/349058 | 103 | Jonson | Street | BYRON BAY | NSW | 2481 | |
| 278/1231481 | 5 | Ruskin | Street | BYRON BAY | NSW | 2481 | |
| 7/619224 | 108-110 | Jonson | Street | BYRON BAY | NSW | 2481 | |
| 6/619224 | 98-106 | Jonson | Street | BYRON BAY | NSW | 2481 | |
| 2/255629 | 2 | Jonson | Street | BYRON BAY | NSW | 2481 | |
| 3/255629 | 2 | Jonson | Street | BYRON BAY | NSW | 2481 | |
| 4/255629 | 2 | Jonson | Street | BYRON BAY | NSW | 2481 | |
| 5/255629 | 2 | Jonson | Street | BYRON BAY | NSW | 2481 | |
| 7/8/758207 | 35 | Lawson | Street | BYRON BAY | NSW | 2481 | |
| 8/26/758207 | 9 | Marvell | Street | BYRON BAY | NSW | 2481 | |
| 9/26/758207 | 7 | Marvell | Street | BYRON BAY | NSW | 2481 | |
| 2/353062 | 5 | Marvell | Street | BYRON BAY | NSW | 2481 | |
| 9/33/758207 | 8 | Marvell | Street | BYRON BAY | NSW | 2481 | |
| 18/247289 | 131 | Jonson | Street | BYRON BAY | NSW | 2481 | |
| 440/800268 | | Middleton | Street | BYRON BAY | NSW | 2481 | |

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|-------------|--------|-----------|----------|-----------|-----------|------|------|
| 5/26/758207 | | Byron | Street | BYRON BAY | NSW | 2481 | |
| 8/818197 | | Jonson | Street | BYRON BAY | NSW | 2481 | |
| 9/818197 | 156 | Jonson | Street | BYRON BAY | NSW | 2481 | |
| | 20654 | 33-35 | Fletcher | Street | BYRON BAY | NSW | 2481 |
| | 42516 | 9-Nov | Byron | Street | BYRON BAY | NSW | 2481 |
| Y/406197 | 34A | Jonson | Street | BYRON BAY | NSW | 2481 | |
| | 36990 | 29 | Lawson | Street | BYRON BAY | NSW | 2481 |
| | 30055 | 10 | Marvell | Street | BYRON BAY | NSW | 2481 |
| 1/220935 | 4 | Bay | Lane | BYRON BAY | NSW | 2481 | |
| 10/617509 | 90-96 | Jonson | Street | BYRON BAY | NSW | 2481 | |
| 9/617509 | 98-106 | Jonson | Street | BYRON BAY | NSW | 2481 | |
| 3/830504 | 11 | Jonson | Street | BYRON BAY | NSW | 2481 | |
| 2/830504 | 5A | Lawson | Street | BYRON BAY | NSW | 2481 | |
| 4/827049 | | Lawson | Street | BYRON BAY | NSW | 2481 | |
| 30/829895 | 135 | Jonson | Street | BYRON BAY | NSW | 2481 | |
| 3/48/758207 | 123 | Jonson | Street | BYRON BAY | NSW | 2481 | |
| | 46891 | 5-Jul | Byron | Street | BYRON BAY | NSW | 2481 |
| | 47095 | 6 | Byron | Street | BYRON BAY | NSW | 2481 |
| 50/841957 | 17 | Lawson | Street | BYRON BAY | NSW | 2481 | |
| 1/1208452 | 7 | Carlyle | Street | BYRON BAY | NSW | 2481 | |
| 1/846142 | 2-Oct | Bay | Street | BYRON BAY | NSW | 2481 | |
| | 53096 | 14 | Byron | Street | BYRON BAY | NSW | 2481 |
| | 52763 | 4 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/865376 | | Carlyle | Street | BYRON BAY | NSW | 2481 | |
| 2/865376 | 30 | Middleton | Street | BYRON BAY | NSW | 2481 | |
| 1/873822 | 9 | Lawson | Street | BYRON BAY | NSW | 2481 | |
| | 56213 | 9 | Bay | Lane | BYRON BAY | NSW | 2481 |
| 10/1230617 | 19-23 | Lawson | Street | BYRON BAY | NSW | 2481 | |
| | 57971 | 1 | Carlyle | Street | BYRON BAY | NSW | 2481 |
| | 58526 | 7 | Lawson | Street | BYRON BAY | NSW | 2481 |
| | 58691 | 24-26 | Bay | Street | BYRON BAY | NSW | 2481 |
| | 60862 | 8 | Byron | Street | BYRON BAY | NSW | 2481 |
| | 63084 | 130 | Jonson | Street | BYRON BAY | NSW | 2481 |
| | 63056 | 20 | Fletcher | Street | BYRON BAY | NSW | 2481 |
| | 67609 | 11 | Lawson | Street | BYRON BAY | NSW | 2481 |
| | 68198 | 15-19 | Fletcher | Street | BYRON BAY | NSW | 2481 |
| | 73267 | 120 | Jonson | Street | BYRON BAY | NSW | 2481 |
| | 73713 | 8 | Lawson | Street | BYRON BAY | NSW | 2481 |
| 1/1076677 | 18-20 | Bay | Street | BYRON BAY | NSW | 2481 | |
| | 74169 | 31 | Lawson | Street | BYRON BAY | NSW | 2481 |

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|-----------|-------|---------|----------|--------|-----------|-----|------|
| | 74260 | 21-25 | Fletcher | Street | BYRON BAY | NSW | 2481 |
| | 76182 | 122 | Jonson | Street | BYRON BAY | NSW | 2481 |
| | 76462 | 14 | Bay | Street | BYRON BAY | NSW | 2481 |
| | 80176 | 1 | Marvell | Street | BYRON BAY | NSW | 2481 |
| | 83280 | 140-142 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 1/1134124 | | 1 | Byron | Street | BYRON BAY | NSW | 2481 |
| 2/1134124 | | 1 | Byron | Street | BYRON BAY | NSW | 2481 |
| 3/1134124 | | 1 | Byron | Street | BYRON BAY | NSW | 2481 |
| 4/1134124 | | 1 | Byron | Street | BYRON BAY | NSW | 2481 |
| 5/1134124 | | 1 | Byron | Street | BYRON BAY | NSW | 2481 |
| 6/1134124 | | 1 | Byron | Street | BYRON BAY | NSW | 2481 |
| 7/1134124 | | 1 | Byron | Street | BYRON BAY | NSW | 2481 |
| 8/1134124 | | 1 | Byron | Street | BYRON BAY | NSW | 2481 |
| 9/1134124 | | 1 | Byron | Street | BYRON BAY | NSW | 2481 |
| | 82533 | 93 | Jonson | Street | BYRON BAY | NSW | 2481 |
| 2/31814 | | 142 | Bangalow | Road | BYRON BAY | NSW | 2481 |