



Byron Shire Development Control Plan 2014

Chapter E9 Byron Bay Town Centre



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Chapter E9 – Byron Bay Town Centre

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Document History

Doc No.	Date Amended	Details (e.g. Resolution No.)
#E2018/61130 (WORD Version)	19/07/2018	Draft

DESIRED FUTURE CHARACTER STATEMENT

Byron Bay is a small coastal town with a strong, spirited and connected community.

Byron Bay continues to benefit from and conserve areas of outstanding natural beauty. Its resident population largely continues to lead relaxed, sustainable and alternative lifestyles.

The Town Centre remains as a busy and thriving space, providing a community, cultural and commercial hub for its residents, the residents of the Shire and surrounding areas, and the respectful visitors it receives in masses each year. Its historic role as a 'meeting place' for all people, and its connection to its historical indigenous roots, remains true throughout all generations.

The built form is purposely of a town scale; no more than three storeys in height, with a fine grain architecture and eclectic mix of building types, shapes and sizes. This uniqueness of Byron Bay is valued and leads the shape of future development.

E9.1 Introduction

E9.1.1 Aims of this Chapter

This Plan has been prepared to complement the provisions of Byron Local Environmental Plan 2014 as they relate to the Byron Bay Town Centre. The provisions of this chapter are intended to facilitate development that will:

- implement the visions and suggestions of the Byron Bay Town Centre Masterplan;
- contribute to the growth and character of the Byron Bay Town Centre; and
- protect and enhance the public domain.

The Plan has been prepared in accordance with Part 3 Division 3.6 of the *Environmental Planning and Assessment Act 1979* and Part 3 of the *Environmental Planning and Assessment Regulation 2000*.

The relevant provisions of this Plan are to be taken into consideration in determining an application for development in the Byron Bay Town Centre.

E9.1.2 Application of this Chapter

This Chapter applies to development within the Byron Bay Town Centre, on land zoned B3 Commercial Core, as shown in Figure 1.

The provisions of other Chapters of this DCP also apply to development to which this Chapter applies. However, in the event of any inconsistency between this Chapter and other Chapters, the provisions of this Chapter shall prevail



Figure E9.1 Byron Bay Town Centre, Land to which this DCP applies

E9.1.3 Background Context: Byron Bay Town Centre Masterplan

Byron Bay plays a historical role as the principal town and meeting place within the Shire. In order to preserve and reinforce this, a Town Centre Masterplan was prepared in conjunction with the community and adopted by Council in 2016.

This DCP has been created to support the visions of the Masterplan and the subsequent planning control reviews.

E9.2 General Provisions

E9.2.1 Uses

Land within the Town Centre generally consists of a mix of small scale shops and commercial premises at street level, with residential dwellings, office or tourist accommodation above.

Centres with continuous ground level retail frontage offer the benefits of safety, commercial activity and street life. Incorporating housing on the upper levels can also make a significant contribution to the local character, provide street surveillance and contribute to night time activity in the centre.

Objectives

1. To promote a mix of residential and non-residential land uses that help to preserve the commercial viability of the Town Centre.
2. To maintain continuous retail or commercial uses at street level.
3. To preserve the small shop character of the Town Centre.

Performance Criteria

1. At ground floor, the building is designed for retail or other active uses on the primary street frontage and where required under the Active Frontages clause of Byron LEP 2014.
2. Residential uses on the ground floor are limited to areas providing access to the residential uses above. These access areas must not compromise the achievement of active street frontages, or the commercial viability of the ground floor areas that provides the active street frontage.
3. Tourist accommodation uses on the ground floor are limited to areas providing access and reception services for the accommodation above.
4. At the first floor, the building is designed flexibly, to accommodate commercial, residential or tourist accommodation uses.
5. At the second floor, the building is designed to accommodate residential or tourist accommodation uses.
6. The commercial frontage at street level for individual commercial and retail units matches the traditional subdivision pattern.

Prescriptive Measures

1. Commercial and retail premises less than 200m² have a depth to width ratio between 1:1 and 3:1.

E9.2.2 Street Character

Streetscape quality helps to provide local amenity and identity. Good quality street environments are particularly important in town centres where the community gathers and interacts.

Controls are needed to ensure that the streetscape qualities of new development are compatible with the desired future character of the Town Centre.

Objectives

1. To ensure development contributes to active and desirable pedestrian environments within the Town Centre.
2. To create an active interface between ground level retail or commercial properties and the street
3. To ensure development responds to the predominant streetscape qualities and contributes to the desired future character of the Town Centre.
4. To provide an attractive and comfortable pedestrian environment.

Performance Criteria

1. The building should be located as close as possible to the front property boundary, to promote interaction between pedestrians and shopfronts.
2. The building should have a clear street address and entry to upper level development is well defined at the street level.
3. Development should continue the predominant built form character of the street, including awnings, parapet lines, and roof pitches.

Prescriptive Measures

1. Development is to include display windows with clear glazing to ground floor retail and commercial uses, with a maximum sill height of 0.7m.

2. Access to upper level uses shall not occupy more than 20% of the ground floor frontage.
3. Vehicle access shall not be provided off the primary active street frontage. Vehicular entries are to be designed to be discreet and to minimise conflicts with pedestrians.
4. Awnings must provide continuity with adjoining properties, follow the street grade and be of a sufficient depth to provide good shade and shelter to pedestrians.
5. Development shall include advanced tree planting in the footpath.
6. Lighting for streets, parks and any other public domain spaces provided as part of a development must be energy efficient LED lighting.

E9.2.3 Built Form

The building height, floor space and setbacks establish the building envelope. The built form of the development sits within the envelope and is moulded to respond to the site context.

The maximum height is set by Byron LEP 2014 at a height of 11.5m. There is no Floor Space Ratio Control applicable to the Town Centre within the LEP.

The built form controls within this Chapter accommodate a mix of uses in the Town Centre. The ground level floorplates are suitable for retail and commercial uses, while the upper level floorplates provide for more natural light and ventilation, and are suitable for flexible commercial, residential and/ or tourist accommodation uses.

Objectives

1. To achieve a built form of a scale and character in keeping with the 'town scale' and desired future character of the Town Centre.
2. To allow for architecture that reflects the surrounding existing natural and built environment.
3. To achieve comfortable and healthy street environments and landscapes for pedestrians in terms of daylight, sense of enclosure and wind mitigation.
4. To protect streetscapes, vistas and skyline views.
5. To enable comfortable and high quality internal environments and allow natural day lighting, natural ventilation and visual and acoustic privacy.
6. To ensure adaptability of buildings for future uses.
7. To enable and encourage buildings with minimal environmental footprint and a reduced reliance on electricity.

Performance Criteria

1. Design of new development respectfully considers its neighbours, and the potential permissible future uses of its neighbours.
2. Design of new development respectfully considers the impact and presence the development will have on the public domain and amenity.
3. Street corners are strengthened by massing and building articulation to both frontages.
4. Building components are to be designed for, in order of priority, longevity, adaptation, disassembly, re-use and recycling.
5. Development enables the incorporation of sustainable development initiatives, including green infrastructure.
6. Building design should promote minimal energy consumption.

Prescriptive Measures



1. Where the Byron LEP 2014 Height of Buildings Map specifies a maximum height of 11.5m, buildings must not contain more than three storeys.
2. Where the Byron LEP 2014 Height of Buildings Map specifies a maximum height of 9m, buildings must not contain more than two storeys.
3. Buildings are to have minimum floor to ceiling heights of:
 - a. ground floor: 4.0m
 - b. first floor: 3.3m
 - c. second floor: 2.7m
4. Development for residential uses is to provide a building depth up to 12m, including articulated areas. Where building depth exceeds 12m, the applicant must demonstrate how satisfactory daylight and natural ventilation is to be achieved.
5. Where already existing, access to sunlight is to be maintained for a minimum period of two hours between 9am and 3pm to private open spaces of adjoining properties. Where existing overshadowing is more than this, access to sunlight is not further reduced by new development.
6. The maximum street frontage length of an individual building is:
 - a. 30m on a corner site or on a street with a width great than or equal to 21m wide; and
 - b. 15m on a street with a width less than 21m wide.
7. Communication devices, antennae, satellite dishes, chimneys, flues, air extractors, and the like shall not be readily visible from the public domain.
8. The building or its façade does not result in glare that causes discomfort or threatens safety of pedestrians or drivers.

E9.2.4 Acoustic and visual privacy

The privacy needs of residents and neighbours should influence all stages of design, from the location of dwellings and the placement of windows and materials, through to the selection of materials and construction techniques.

Residential development in the mixed use Town Centre is likely to be subject to a certain level of activity noise associated with the uses in the Centre. The resultant amenity impacts can be substantially mitigated by good design.

Objectives

1. To ensure adequate separation between dwellings for acoustic and visual privacy.
2. To encourage building design, construction and use of materials that minimise conflicts between commercial and residential uses.

Performance Criteria

1. Development must be sited and designed to minimise the transmission of external noise to other buildings on the site and on adjacent land.
2. The internal layout of rooms, courtyards, terraces and balconies, the use of openings, screens and blade walls, and choice of materials, must be designed to minimise the transmission of noise externally.
3. The bedroom areas must be separated, by way of barriers or distance, from on-site noise sources such as active recreation areas, car parks, vehicle access-ways and service equipment areas.
4. Noise impact associated with goods delivery and garbage collection, particularly early morning, must be minimised.

5. Visual privacy must be protected by providing adequate distance between opposite windows of neighbouring dwellings where a direct view is not restricted by screening or planting.
6. Balconies must be located and designed to provide privacy for occupants of the building when viewed from the street or nearby public space.

Prescriptive Measures

1. Where a development involves two or more separate buildings, the minimum distance between windows facing each other is:
 - a. 6m between non-habitable rooms;
 - b. 9m between habitable and non-habitable rooms; and
 - c. 12m between habitable rooms.
2. A rear courtyard for a restaurant or café in a mixed use building will only be permitted if Council is satisfied that the use and hours of operation will not have an unreasonable impact on residential amenity.
3. Views to adjacent private spaces must be protected and screened.

Note: council may require a Noise Impact Statement as part of the development application.

E9.2.5 Car parking

The Byron Bay Town Centre Masterplan adopts a principle of “cars out – people in” to address significant issues of traffic congestion in the town. For the Town Centre, this means moving away from a policy of addressing car parking by satisfying parking demand on individual sites, to a Centre-wide policy that seeks to manage parking demand, the distribution of parking spaces and other measures to reduce the need for cars to enter and move through the Centre.

Objectives

1. To limit the number of car parking spaces that can be developed alongside certain uses.
2. To promote and ensure a Town Centre that is people focused.
3. To encourage and facilitate sustainable transport options for the Town Centre.

Performance Criteria

1. On-site car parking is reduced and is not visible from the primary street frontage.
2. Facades screening car parking areas from the street are of high quality and allow natural lighting and ventilation.
3. Where appropriate and possible, the development of car parking spaces should include electric vehicle charging points or the capacity for electric vehicle charging points to be installed at a later time.

Prescriptive Measures

1. Notwithstanding the minimum parking rates specified in Chapter B4, within the Byron Bay Town Centre, or within 400m walking distance to the B3 zone, a reduction of on-site car parking spaces applies for development specified below.
2. For *shop top housing* components of any mixed use development, parking provision is optional up to the following maximum rate:
 - 1 space per unit, plus
 - 1 visitor space per 5 dwellings

3. For *hotel and motel accommodation* or *serviced apartment* components of mixed use development, parking provision is optional up to the following maximum rate:
 - 1 space per unit, plus
 - 1 space for on-site manager
4. Development applications for mixed use development that apply the above maximum rates for the specified proposed use must demonstrate that:
 - a. Parking spaces provided for the non-residential component of mixed use development are actively managed, by way of time limits; a parking enforcement agreement with Council; or similar measures, to prevent these spaces being occupied by residents or tourist patrons;
 - b. Secure undercover bicycle parking is provided on-site, that is easily accessible from both the public domain and common areas, at the following rates:

• Residential accommodation	1 per dwelling
• Hotel/ motel or serviced apartments	1 per 4 staff
• Shop, restaurants or café	1 per 150m ² GFA
 - c. Where a car share scheme operates locally, car share parking spaces may be provided, within the development or in a suitable location off-site – at no cost to Council.
 - d. Where car share parking spaces are provided on-site, the spaces are provided in addition to the spaces provided/ required for the commercial components of the development. All car share spaces are to be:
 - publicly accessible 24 hours a day seven days a week;
 - located together;
 - located near and with access from a public road and integrated with the streetscape through appropriate landscaping where the space is external; and
 - clearly designated by signs as being for car share scheme use.
 - e. Car share parking spaces located on private land are to be retained as common property by the Owners Corporation of the site and not to be sold or leased to an individual owner or occupier at any time.
 - f. Conveniently located charging stations provided for electric vehicles are encouraged.
 - g. The minimum parking rates in Table B4.1 continue to apply to uses not specified above in 2 and 3.
5. Where a mixed use development proposes to provide no car parking spaces for the *shop top housing*, *hotel and motel accommodation* or *serviced apartment* component of the development, a **sustainable travel plan** is to be submitted with the development application.

The objective of a **sustainable travel plan** is to design and incorporate a number of site-specific measures to promote and maximise the use of more sustainable modes of travel.

The plan shall include, as a minimum:

- a. An audit of the site and the transport networks that service it, with information relating to buses, bicycles, walking, care share, motorcycle, car (passenger) and car (driver). The audit should consider:

- the number of people likely to be travelling to and from the site each day (note – this will be an estimate at DA stage, as tenants may not be know);
 - destinations that people will be travelling to/from;
 - parking availability and cost;
 - public transport services, frequency and route of available services;
 - public transport costs;
 - connectivity for cyclists and pedestrians and the safety of cycle and pedestrian routes;
 - end of trip facilities for cyclists and pedestrians; and
 - location of car share spaces.
- b. Actions and strategies to be employed to create incentives to use sustainable transport modes, including consideration of:
- on-site parking, availability and costs;
 - building design and/ or rules that might impact on transport choice – ability to transport bicycles in lifts; storage for bikes in common areas, security etc.