

Attachment 1 - SCHEDULE OF PROPOSED AMENDMENTS TO DCP 2014

| ITEM # | PROVISION | PROPOSED AMENDMENT |
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| Item 1 | <p>Part A Preliminary</p> | <p>Part D Further Controls Applying to Specific Land Uses</p> <p>Chapter D1 Residential Accommodation in Urban, Village & Special Purpose Zones Chapter D2 Residential Accommodation and Ancillary Development in Rural Zones Chapter D3 Tourist Accommodation Chapter D4 Commercial and Retail Development Chapter D5 Industrial Development Chapter D6 Subdivision Chapter D7 Sex Services Premises Chapter D8 Public Art Chapter D9 Child Care Centres</p> |
| Item 2 | <p>Part A Preliminary</p> <p>Part A3 Purpose and Objectives of this DCP</p> | <p>A3 Purpose and Objectives of this DCP</p> <p>The primary purpose of this DCP is to specify Council's requirements for quality development and sustainable environmental outcomes on land to which Byron LEP 2014 applies and land identified under Part 4 – West Byron Bay Site of the Byron Local Environmental Plan 1988. This Plan nominates planning strategies and controls for various types of development that are permissible in accordance with LEP 2014, pursuant to the provisions of the <i>Environmental Planning and Assessment Act, 1979</i>.</p> |
| | <p>Part A6 Relationship to other Plans and Legislation</p> | <p>A6 Relationship to other Plans and Legislation</p> <p>The provisions contained in this DCP supplement the provisions of Byron LEP 2014 and the provisions under Part 4 – West Byron Bay Site of the Byron Local Environmental Plan 1988. This Plan must be read in conjunction with Byron LEP 2014 and with the provisions under Part 4 – West Byron Bay Site of the Byron Local Environmental Plan 1988. If there is any inconsistency between this Plan and the Byron LEP 2014 or the provisions under Part 4 – West Byron Bay Site of the Byron Local Environmental Plan 1988, the applicable LEP</p> |

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| | | <p>will prevail.</p> <p>This plan must also be read in conjunction with any Environmental Planning Instrument that applies to the land, including State Environmental Planning Policies (SEPPs) and deemed SEPPs.</p> <p>The provisions contained in this DCP are in addition to the provisions and requirements of the Far North Coast Regional Strategy, the NSW Department of Planning’s <i>Settlement Planning Guidelines: Mid and North Coast Regional Strategies</i>, the NSW Department of Planning’s <i>Coastal Design Guidelines for NSW</i>, the NSW Department of Planning’s <i>North Coast Urban Design Guidelines 2009</i>, the Building Code of Australia, the North Coast Engineering Standards Manual and the Council’s Contributions Plans. Other commonwealth, state, regional or local policies and strategies may be added to this list from time to time.</p> <p>Approval may also be required for certain types of development and activities under other legislation including:</p> <ul style="list-style-type: none"> • <i>NSW Fisheries Management Act 1994</i> • <i>NSW Heritage Act 1977</i> • <i>NSW Local Government Act 1993</i> • <i>NSW National Parks and Wildlife Act 1974</i> • <i>NSW Protection of the Environment Operations Act 1997</i> • <i>NSW Roads Act 1993</i> • <i>NSW Rural Fires Act 1997</i> • <i>NSW Threatened Species Conservation Act 1995</i> • <i>NSW Water Management Act 2000</i> • <i>Environment Protection & Biodiversity Conservation Act 1999 (Cth)</i> <p>Applicants should make themselves aware of the relevant provisions contained within this legislation in terms of the development proposed as this will assist with the timely assessment of the development application. For further information applicants can contact Council’s duty planner in the first instance.</p> |
| Item 3 | <p>Chapter B3 Services</p> <p>B3.2.1</p> | <p>2. <u>Electricity Supply</u></p> <p>a) Development shall be provided with an adequate connection to grid supplied electricity services or its equivalent. Transformers and associated infrastructure is to be contained within the development.</p> |

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| | Provision of Services | <p>b) Alternative electricity sources for development other than urban and rural residential subdivision may be considered where the applicant can demonstrate the provision of reticulated services is prohibitive due to cost of connection or there is a clear environmental benefit in not connecting to mains infrastructure (e.g. enables supply from renewable sources, avoids the need to remove areas of high conservation value vegetation and habitats). Details are to be provided with the development application.</p> | | |
| Item 4 | <p>Chapter B3 Services</p> <p>B3.2.1</p> <p>Provision of Services</p> | <p>3. <u>Telecommunications Infrastructure</u></p> <p>a) Development shall be provided with adequate access to the telecommunications network for fixed line telephone services.</p> <p>b) In Greenfield sites developers are to have regard to the installation of fibre optic cable and other new technology to improve telecommunication speeds for the internet and other computer based communication devices, and to facilitate new and evolving industries.</p> <p>b)c) Alternative means of telecommunications access for rural subdivision may be considered where the applicant can demonstrate that suitable alternatives to fixed line telephone services are available. Where an alternative telecommunications service such as mobile network or access to the NBN Fixed Wireless network has been proposed, a letter from a recognised telecommunications consultant is to be provided confirming that each allotment can be serviced by such a system.</p> <p>Approvals for rural subdivisions utilising alternative means of telecommunications access will require restrictions on the title of all new allotments consistent with the concept sought by the developer (e.g. fixed line telephone services not provided).</p> <p>e)d) Alternative means of telecommunications access for development other than subdivision may be considered where the applicant can demonstrate that the provision of fixed line services is prohibitive due to the cost of connection or that there is a clear environmental benefit in not connecting to fixed line infrastructure. Details are to be provided with the development application.</p> | | |
| Item 5 | Chapter B4 Traffic Planning, Vehicle Parking, | Land Use | Car Parking | Bicycle Spaces |
| | | Dual Occupancy | See <i>medium</i> | |

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| <p>Circulation and Access</p> <p>Table B4.1 – (Parking Rates) in section B4.2.12 Parking schedules</p> | | <p><i>density housing, except visitor car spaces are not required where on-street car parking is available within close proximity to the development</i></p> | |
| | <p>Medical centre</p> | <p>2 spaces per consulting room plus 1 space per employee/practitioner plus any dwelling requirement</p> <p><i>1 space per 20m² GFA plus any ancillary development requirement</i></p> | <p>1 space per consulting room</p> |

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| <p>B6.2</p> | <p>B6.2 Development Standards Development Controls</p> |
| <p>Chapter B11 Planning for Crime Prevention</p> <p>Contents</p> | <p>Chapter B11 – Planning for Crime Prevention</p> <p>Contents</p> <p>B11.1 Introduction.....5</p> <p>B11.1.1 Aims of this Chapter5</p> <p>B11.1.2 Application of this Chapter.....5</p> <p>B11.2 Development Standards Development Controls5</p> <p>B11.2.1 Development that Requires a Formal Crime Risk Assessment5</p> <p>B11.2.2 Applying CPTED where Crime Risk Assessment is not required.....6</p> <p>B11.2.3 CPTED Design Opportunities.....9</p> |

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| | B13.2 | B13.2 Development Standards Development Controls |
| Item 7 | <p>Chapter D1 Residential Development in Urban and Special Purpose Zones</p> | <p>1. <u>Minimum Street Frontage Setbacks</u></p> <p>a) Local Roads - A minimum setback of 4.5 metres must be maintained from the primary front boundary.</p> <p>b) Classified roads- A minimum setback of 9 metres applies to these roads from the primary front boundary. A variation to 6.5 metres may be sought for single storey dwellings or single storey elements of two storey dwellings. (NB. The provisions under SEPP Infrastructure 2007 apply to such</p> |

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| | <p>D1.2.2 Setbacks from Boundaries</p> | <p>developments)</p> <ul style="list-style-type: none"> c) Garages and carports are to be set back 5.5m from the front boundary except from classified roads where the setbacks under (b) are to apply. d) Corner allotments on local or secondary roads - setbacks may be reduced to 3m on one frontage. e) Rear Lane or unformed roads - 3 metres, unless it is the primary frontage to the development (eg. Shirley Lane, Byron Bay) in which case a setback of 4.5 metres applies including to garages and carports. Consideration may be given to setback variations in Heritage Conservation Areas where strict compliance with these provisions would result in conflict with the Chapter and Section Objectives specified in Chapter C1 Non-Indigenous Heritage. <p>No development is permitted within the building setbacks other than garbage storage facilities, mail boxes, landscaping and driveways. Car parking must not be provided within setbacks, except the setback for garages and carports where one (1) uncovered car park may be provided other than informal parking within the driveway. Stacked car parking or visitor car parking are is not permitted within setbacks.</p> |
| <p>Item 8</p> | <p>Chapter D2 Residential Accommodation and Ancillary Development in Rural Zones</p> <p>D2.2.3</p> <p>Character and Visual Impact</p> | <p>D2.2.3 Character and Visual Impact</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. <i>To retain and enhance the unique character of Byron Shire and its distinctive landscapes, ecology, rural and natural areas.</i> 2. <i>To ensure that new development contributes to the character of its locality by respecting and complementing the natural and built environment.</i> <p>Performance Criteria</p> <p>The following principles shall be applied to all development:</p> <ul style="list-style-type: none"> a) site, building and landscaping design must address the climate; b) where a building is visible from a public road, it must contribute to the rural and scenic character of the locality by means of good design, appropriate materials and effective landscaping; c) there must be a reasonable degree of integration with the existing built, rural and natural environment, balanced with the desirability of providing for variety in the landscape; |

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| | | <p>d) the provision of verandahs, balconies, pergolas and other protective outdoor elements will be encouraged for visual, climatic and energy efficiency reasons;</p> <p>e) well-designed overhanging eaves should be provided where feasible to protect against heavy rainfall and summer sun, while allowing winter sun penetration;</p> <p>f) no roof may have a highly reflective surface. Any metal roof must have a colorbond or equivalent finish in a colour approved by council. White or light-coloured roofing will not be approved where likely to be visually intrusive or would result in significant glare for neighbouring properties;</p> <p>g) details of building materials and surface colours must be submitted for assessment with a development application. All building materials must be compatible in character with their surrounding environment;</p> <p>h) consistent with the NSW Coastal Council's February 2003 publication 'Coastal Design Guidelines for NSW', namely the recommended design principles for buildings and development located in various categories of coastal and inland settlements, and for isolated coastal dwellings;</p> <p>h)i) rural character and rural environment is not adversely affected by over development.</p> <p>Prescriptive Measures There are no Prescriptive Measures.</p> <p>1. The total number of residential buildings per property in RU1 and RU2 zones, including dwelling house, expanded dwelling house, dual occupancies and secondary dwellings is not to exceed six (6). This excludes multiple occupancy, community title, farm buildings, sheds and other structures meant for rural activities.</p> |
| | <p>D2.3.3 Expanded House (rural)</p> | <p>D2.3.3 Expanded House</p> <p>Objectives</p> <p>1. To facilitate the provision of a dwelling house comprising a number of separate building components.</p> <p>Performance Criteria There are no Performance Criteria.</p> |

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| | | <p>Prescriptive Measures The design and use of the expanded house must conform to the following criteria:</p> <ul style="list-style-type: none"> a) No expanded house habitable outbuilding is to be located more than 20m from the wall of the main building, measured from wall to wall at the closest point; b) the main building must contain an identifiable living area including the kitchen; c) a maximum of three outbuildings may be connected to the main building by paths with an all-weather surface; e)d) outbuildings are to be connected to the main building by paths with an all weather surface; e)e) no separate driveway, car parking area, garage or carport structure is to be provided to service any outbuilding; e)f) one outbuilding must be limited to a maximum floor area of 45m² excluding decks, verandahs, patios, balconies and the like; and the others must be limited to a maximum 30m² floor area excluding decks, verandahs, patios, balconies and the like; f)g) none of the outbuildings is to contain facilities (e.g. kitchen, sink or the like) that would enable the preparation of food or beverages; g)h) each separate outbuilding may incorporate a maximum of two bedrooms (including rooms with an ensuite or bathroom); h)i) a maximum of one laundry per dwelling. |
| | <p>D2.7.1 Studios (rural)</p> | <p>D2.7.1 Studios</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. <i>To enable construction and use of a detached building that is ancillary to and compatible in character with a dwelling where, because of its nature or space requirements the proposed use of the building is not practical within the confines of the dwelling.</i> 2. <i>To limit the number of studios allowed per property.</i> |

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| | | <p>Performance Criteria</p> <ol style="list-style-type: none"> 1. The proponent must demonstrate that the studio is required for a purpose that, because of its nature or space requirements is not practical to undertake within the confines of the dwelling. 2. The studio must not be used for separate habitation and be compatible in design and character with the dwelling and its environment. <p>Prescriptive Measures</p> <p>Only one studio is permitted for each dwelling. Studios are limited to one per property, or in the case of multiple occupancy and community title, one per dwelling. The studio must:</p> <ol style="list-style-type: none"> a) be situated on the same site as the dwelling; b) not exceed 60m² gross floor area; c) not contain internal partitions other than those necessary for ablution facilities or demonstrably required for the use of the studio (e.g. photography darkroom); d) not contain a kitchen; e) not be used for separate habitation; f) the studio to be contained in a circle with a diameter no greater than 100 metres around the dwelling house; g) not require additional clearing of native vegetation, or the provision of additional public services infrastructure over and above that required by the dwelling. |
| Item 9 | <p>Chapter D2 Residential Accommodation and Ancillary Development in Rural Zones</p> <p>D2.6.1</p> | <ol style="list-style-type: none"> 1. <u>Dwelling houses</u> <ol style="list-style-type: none"> a) Individual dwelling houses to comply with the relevant provisions contained within this Chapter for single dwelling houses, including D2.2 and D2.3. a)b) Dual occupancies are not permitted unless otherwise specified in the multiple occupancy approval or in Schedule 1 of Byron LEP 2014. |

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| | Multiple Occupancy Development of Rural Land | |
| | D2.8 Community Title Development of Rural land (New Sub- Chapter) | <p>D2.8 Community Title Development of Rural Land</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. <i>To reflect the objectives and provisions of Byron LEP 2014 relating to Rural Community Title Development.</i> 2. <i>To maintain the character and amenity of the Shire’s Rural Zones.</i> 3. <i>To specify development requirements that apply to the establishment of dwellings in Rural Community Title Developments.</i> <p>Performance Criteria There are no Performance Criteria.</p> <p>Prescriptive Measures</p> <ol style="list-style-type: none"> 1. Individual dwelling houses are to comply with the relevant provisions contained within this Chapter for single dwelling houses, including D2.2 and D2.3. 2. Dual occupancies are not permitted unless otherwise specified in the community title approval or in Schedule 1 of Byron LEP 2014. |
| Item 10 | <p>Chapter D6 Subdivision</p> <p>D6.2.1</p> <p>Subdivision Design Guidelines</p> | <p>15. <u>Strata Title, Community Title and Stratum Subdivision</u></p> <p>The minimum areas specified by the Byron LEP 2014 lot size map apply to Stratum subdivision in all zones. The LEP sets out minimum lot sizes for Strata and Community Title subdivision in certain zones. For those zones where there is no prescribed minimum area for strata or community title subdivision, minimum lot sizes will be based on the development footprint.</p> <p>The terms of the development consent will be subject to the relevant provisions of the LEP and this DCP, depending on the location, zoning, characterisation and nature of the development proposed. Generally,</p> |

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| | | <p>approved Strata or Community Title Lots must include sufficient area to accommodate the approved development unit, together with any ancillary area, development or structure related exclusively to that unit, unless those facilities are provided in an approved Community Lot or Common Property.</p> <p>Council will not grant consent to a development application seeking consent for Strata or Stratum Title subdivision unless either that consent or a previous consent identifies and approves one or more buildings that will be erected on or in each of the new Strata or stratum lots.</p> <p>Where vacant lots (Stratum, Strata and Community Title) are proposed all relevant services, infrastructure and access provisions are to be constructed, and any necessary contributions to be paid, prior to the issue of the subdivision/ strata certificate.</p> <p>Other than for dual occupancy development, vacant Strata lots must be created as “development lots” in accordance with Part 5 of the <i>Strata Schemes Development Act 2015</i>.</p> <p>Strata subdivision of dual occupancies may create a vacant strata lot subject to:</p> <ul style="list-style-type: none"> a) One of the dwellings having been constructed and a final occupation certificate issued for that dwelling. b) All relevant services, infrastructure and access provisions are to be constructed and any necessary contributions to be paid, prior to the issue of the subdivision / strata certificate. c) Relocation of all services to facilitate construction of the development on the vacant lot without affecting service provision to existing development. d) Creation of a restriction on use that prohibits the construction of a dwelling on the vacant Strata lot other than in accordance with the development consent for the dual occupancy building. |
| Item 11 | <p>Chapter D8 Public Art</p> <p>D8.2.1</p> <p>Provision of</p> | <p>D8.2.1 Provision of Public Art</p> <p>Objectives</p> <p>1. To facilitate the provision of public art through the development process.</p> |

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| | Public Art | <p>Performance Criteria There are no Performance Criteria.</p> <p>Prescriptive Measures</p> <p>1. Development to which this Section applies must include the provision of public art to the value of at least 2% of the total development cost (calculated in accordance with the <i>Environmental Planning & Assessment Regulation</i>) up to a maximum of \$25,000, as an integral part of the development.</p> <p>1.2. In lieu of providing Public Art, the applicant could enter into a Voluntary Planning Agreement with Council to provide an equivalent financial contribution for the installation of Public Art in a suitable location.</p> <p>2.3. The public art must be permanent and durable, and must be provided in a location on the development site that is freely accessible to members of the public or clearly visible from the public domain.</p> <p>3.4. Details of the proposed public art must be submitted as part of the Development Application documentation. The documentation must include details of the nature and form of the proposed public art; and must define and illustrate its intended location and approximate size.</p> <p>4.5. The documentation must also demonstrate how the proposed public art meets the following Design Selection Criteria:</p> <ul style="list-style-type: none"> a) relevance and appropriateness of the work in relation to its site; b) relevance and appropriateness of the work to Byron Shire, including the Shire’s Aboriginal heritage, its particular natural environment and its diverse culture; c) consistency with the Byron Shire Cultural Plan and Public Art Policy; d) consideration of public safety, including public use of and access to the public art and associated space; e) consideration of maintenance and durability, including potential for vandalism; f) evidence of funding sources and satisfactory budget, including provision for ongoing maintenance; and g) evidence of Public Liability Insurance to cover construction and installation of the work. |
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| Item 12 | Chapter D9 Child Care Centres (New Chapter) | See Council Report - Attachment 2 |
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