

**From:**  
**To:** [submissions](#)  
**Subject:** Draft DCP chapters Submission  
**Date:** Friday, 15 December 2017 6:14:09 PM

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Attention general manager,

## Submission regarding Draft DCP chapters (DCP 2014)

I wish to submit an objection to variations made to Chapter D2 Residential accommodation and ancillary Development in rural zones.

There are no clear reasons or objectives given for the changes D2.7.1 Studios.

Given that our Council has invested a great deal of time for affordable housing, it appears odds with itself to then reduce the number of studios that can be legally constructed on rural lands. Rural lots play a vital role in providing a mix of affordable housing that does not seem to be recognised by council.

The proposed variation by Council is not in step with the community needs and uses of rural land and will further restrict housing needs of the area

Therefore we request that the variation to D2.7.1 Studios revert to the original wording.



# Submission lodgement form

Tracking Code: **2VLYL5BH**

## Form introduction

Use this form to make a submission regarding a Development Application (DA) or items currently on public exhibition.

Currently advertised DAs are available for viewing at [DAs on exhibition](#).

Other items currently on public exhibition are available on the [Public Exhibition](#) page of the website.

To submit feedback to council on a DA or other document currently on exhibition, complete this form, providing all of the required information. Your submission may be typed in the electronic form or uploaded. You may also choose to upload further information that you believe will supplement your electronic submission (e.g. photos, plans, etc.).

If your submission is by grounds of an objection, any grounds of objection must be clearly stated and should not include references of a personal nature.

Submissions may be made available to the applicant and the public – this includes publication on council's website. Please ensure original signatures are not included on any submissions.

### Political Donations and Gifts

If you have made a reportable political donation or gift in the last two years, you will need to complete the Disclosure of Political Donations & Gifts section of the form.

Please note that, if such a political donation or gift has been made, failure to complete this section is an offence under the Environmental Planning and Assessment Act 1979.

### Privacy Policy

The information you provide will be used to consider your submission. The intended recipients of the personal information you provide may include officers within Council, Councilors and the public. The supply of this information is voluntary. Objectors may remain anonymous if you so choose, however should you need to substantiate your objection, anonymous objections may be given less (or no) weight in the overall consideration of the application.

## Applicant details

### Applicant type

Please select an option: \*

Individual

Organisation / Community Group

### Applicant name and contact

**Note:** Submissions will be made public in accordance with GIPA Regulations, including both the substance and the identity of the objector. If your circumstances require that your identity needs to remain confidential please check below.

Please keep my identity confidential

First name \*

Last name \*

Contact number \*

Email \*

Organisation name \*

Position in organisation \*

## Applicant address

Address Line 1

Address Line 2

Suburb

State

Postcode

## Submission details

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### Submission

I am making a submission for: \*

Development application

Other item currently on exhibition

Exhibition description \*

Various Draft Chapters of Byron Development C

### Property address

Where the exhibition relates to a specific property please provide address details

Address Line 1

Address Line 2

Suburb

## Political donations and gifts disclosure

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If you are making a submission you may be required to disclose, now or possibly in the future, a "Political Donations and Gifts Disclosure Statement". It is your responsibility to ensure you meet your obligations to disclose reportable political donations and gifts. A failure to meet your obligations is an offence the penalty for which can include significant fines and/or imprisonment. A guide providing detailed information on the disclosure obligations is available at <http://www.byron.nsw.gov.au/political-donations> or from Council. Council strongly urges you to read the Guide and satisfy yourself that you are complying with your disclosure obligations prior to lodging a submission. All Political Donations and Gifts Disclosure Statements will be public documents and all information contained in them will be available to the public and government agencies.

Declaration

- I have made a political gift or donation  I have NOT made a political gift or donation

## Submission

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### Submission

#### Notes:

1. Submissions will be made public in accordance with GIPA Regulations. Do not make offensive, threatening, defamatory or other inappropriate comments in your submission.
2. Do not include any personal information in your submission that you do not want made public.
3. Your submission can be either typed in the Submission field below or uploaded as an attachment.
4. If you are objecting to a DA, you must provide reasons why. These reasons will be considered by Council in the assessment of the DA.

Type of submission \*

- Objecting  Supporting  Comments

Submission

In the document titled, "Description & Rationale for Proposed Amendments to Byron DCP 2014", the description of the proposed amendment for item 8 does not mention dual occupancy developments which are now part of the Byron LEP 2014 but dual occupancies are mentioned in the actual change to the DCP.

There is a problem with this amendment and its description as both a primary dwelling and a dual occupancy may

be expanded houses and both the primary dwelling and dual occupancy could theoretically have a studio and secondary dwelling as part of the dwelling. As the amendments currently worded this would limit the types of dual occupancies that could be built.

Item 8 also does not take into consideration the Affordable Housing SEPP which allows Group Homes (temporary and permanent) in rural zones where a dwelling is permitted. Group Homes are often composed of multiple buildings which compose a single residential accommodation for the purposes of a Group Home. Group Homes also often have ancillary staff accommodation buildings.

The proposed amendment of the DCP seems to undermine Council attempts to expand the stock of affordable housing in the Shire.

It potentially restricts the affordable housing options available on rural properties.

Existing development controls protect agricultural values and the scenic and character value of the land.

My proposed amendment to Items 5 & 6 to replace the term property with dwelling. This would mean the total number of residential buildings would be limited to six per dwelling not six per property. It should also be amended to allow one studio per dwelling not one studio per property.

Item 8 should be amended as follows:

Description of Proposed Amendment:

- Introduction of planning controls that seek to limit the total number of residential buildings to six (6) per rural dwelling. This would enable a rural property dwelling to potentially accommodate an expanded house (comprised of four buildings), a secondary dwelling (comprised of a single building) and a rural studio (single building). It should be noted that this prescriptive measure would not apply to multiple occupancy and community title development, rural workers dwellings, farm buildings, sheds and other structures meant for rural activities.

- Where more than six (6) residential buildings are proposed, the controls would require applicants to demonstrate that there is a need for more than six (6) buildings and that the rural character and rural environment will not be adversely affected by overdevelopment.

- Typographical change to rural Expanded House controls to clearly specify that an expanded house is to be comprised of a main building and a maximum of three outbuildings.

- Amendment to rural Studios controls to specify that studios are limited to one per dwelling, or in the case of multiple occupancy and community title development, one per dwelling. (Note: This proposed amendment is consistent with the existing provisions of Byron DCP 2010).

The above amendment would not restrict affordable housing development in rural zones, particularly development associated with dual occupancies and group homes.

Council has a policy of not pursuing enforcement action for unauthorised dwellings in rural areas. The only possible way that many of these unauthorised dwellings will ever be regularised is as dual occupancies, expanded dwellings, secondary dwellings or studios. Council should not be shutting down this possibility with this amendment and basing a heavy hand on hundreds of tenants in sub-standard accommodation with no rights.

I have to repeat the Council should not be making amendment to the DCP that will limit the ability of landowners to build more affordable housing. An amendment of that nature flies in the face of the housing affordability crisis in this community's face.

An additional item should be included in the DCP amendment called Item 13. It should state:

Reason for Proposed Amendment:

- To minimise the installation of acoustic barriers in roadways for private developments following increased requests from developers to install acoustic barriers within adjoining road reserves. The acoustic barriers are required to ensure the developments meet noise reduction requirements.

Description of Proposed Amendment:

•Amendment to Buffers and minimum s ng and use conf cts prov s ons to ensure that acoustic barr ers and assoc ated nfrastructure are to be conta ned w th n the deve opment that they are serv c ng.

Just as e ectr ca transformers shou d be ocated n the deve opment they are serv c ng so to shou d acoustic buffers. The pub c shou d to have to g ve up and n road reserves that on y benef ts deve opers and not the Byron community.

A s m ar amendment shou d a so be cons dered to ensure that open stormwater dra ns are a so nc uded n the deve opment they are serv c ng and not n adjo n ng road reserves.

Attachment

Total maximum upload of 20MB

## Lodgement

### **By lodging this submission:**

1. I take fu respons b ty for the content of the subm ss on, nc ud ng any comments that may be offens ve, threaten ng, defamatory or nappropri ate.
2. I am aware that the subm ss on may be made pub c n accordance w th GIPA Regu at ons, nc ud ng both the substance and the dent ty of the person mak ng the subm ss on.

**From:**  
**To:** [council](#)  
**Cc:** [submissions](#)  
**Subject:** Submission in relation to Draft Amendments to Byron Development Control Plan 2014  
**Date:** Friday, 15 December 2017 1:39:54 PM

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To whom it may concern,

Please accept this email as a submission in relation to the currently exhibited changes to Byron Development Control Plan 2014:

The description of the proposed changes lists Item 8 as "Amendment to rural 'Studios' controls to specify that studios are limited to one per property, or in the case of multiple occupancy and community title development, one per dwelling. (Note: This proposed amendment is consistent with the existing provisions of Byron DCP 2010)."

I have a number of clients who own rural properties with dual occupancy developments approved within them. Many of them are interested in having a studio building associated with each dwelling. The draft amendment would not allow this to happen.

It is logical that if one studio per dwelling is permitted in a multiple occupancy, it should also be available in a dual occupancy?

Many households have a need for a workspace that is external to the main dwelling building. Working from a home studio is becoming more and more popular in the Byron Shire, particularly as the NBN is rolled out. Working from home is recognised by the State and Federal Government in future planning, with benefits to transport services and family structures.

The current amendment is very restrictive in a dual occupancy situation and does not seem to align the increasing demand for studios.

A good planning outcome would be to allow studios for each approved dwelling within a rural allotment, whether that be in a single dwelling, multiple occupancy or dual occupancy arrangement.

**From:**  
**To:** [submissions](#)  
**Subject:** Submission re draft Chapter 8, DCP 2014 - Public Art  
**Date:** Thursday, 14 December 2017 9:05:18 PM  
**Attachments:** [Submission relating to Draft Ch 8.docx](#)

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General Manager

Please find attached my submission relating to the above.

Kind regards



## **Submission relating to Draft Ch 8, Public Art, Byron Shire Development Control Plan 2014**

I object to the proposed amendment on the following grounds:

1. The amendment has been proposed at a time when Council's Public Art Policy and Guidelines are under review.
2. No justification for the proposed amendment has been provided by Council
3. The proposed amendment allows developers to escape commissioning and displaying public art in their development, thereby devaluing public art as an essential component of significant developments
4. The proposed amendment does nothing to address the unfair and regressive nature of the Developer Contribution as it applies to public art
5. No method of valuing the cost of a work/s of public art is outlined, or referred to, in the draft chapter

### **1. Review of public art policy**

This review, which may change policy and impact on development controls, has not yet been finalized. The review should generate a number of other changes that impact on the Development Control Plan. Amendments to the plan including this proposed amendment, should be held over until the underlying policy is finalized.

### **2. Lack of justification**

The reason given for the proposed amendment simply restates the amendment. It provides no justification for the proposal to allow developers to make financial contributions in lieu of public art.

The reason given for the proposal also provides no information about how Council might use any funds raised; where, how, when. Byron Shire Council has a poor record of spending on public art works, and limited capacity internally to initiate and manage the commissioning of works that might be funded through such an arrangement.

### **3. De-valuing of public art**

The intent of any development-related public art is to add to that development's aesthetics, and to provide a benefit for the public. Requiring developers to install public art also aims to encourage them to consider the intent and form of such art during early stages of planning, so that the artwork is integral rather than tacked-on at the end or merely decorative. Allowing developers to contribute funds in lieu is an easy way out for both the developer and Council, and devalues the contribution that public art makes to our built environment.

### **4. Unfair and regressive nature of the Developer Contribution as it applies to public art**

The minimum contribution for public art is set at 2.0 percent for developments with an estimated value of \$1 million or more, capped at \$25,000. So, a development costing \$10 million is required to allocate only 0.25 percent to public art, compared with the 2.0 percent applying to the \$1 million development. This makes the developer contribution regressive, rather than linear or progressive, which is inconsistent with other forms of taxation.

The maximum of \$25,000 would buy a minuscule work of good quality (consider what was achieved in the Elysium project Lawson Lane, Byron Bay in 2017 for a reported \$120,000, excluding the significant value of time donated by curators, artists, engineers, tradespeople).

A linear or progressive developer contribution would assist in raising the standard of public art in private developments.

### **5. Method for costing public art**

The DCP does not identify how the public art component of a development is to be costed, or how such costing would be verified. This potentially allows developers to cut corners.

**From:**  
**To:** [submissions](#)  
**Subject:** submission Various Draft Chapters of Byron Development Control Plan (DCP) 2014  
**Date:** Friday, 15 December 2017 5:50:04 PM

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Dear General Manager,

**Subject; Various Draft Chapters of Byron Development Control Plan (DCP) 2014**

The Group wish to submit an objection to variations made to Chapter D2 Residential accommodation and ancillary Development in rural zones.

There are no clear reasons or objectives given for the changes D2.7.1 Studios.

Given that our Council has invested a great deal of time for affordable housing It appears schizophrenic to then reduce the number of studios that can be legally constructed.

The Group are concerned that the proposed variation by Council is not in step with the community needs and uses of rural land.

Therefore we request that the variation to D2.7.1 Studios revert to the original wording

regards