

## **Proposed LEP Clause Updates Former Mullumbimby Hospital Site**

### **Proposed Land Use Table for Zone R1 General Residential**

Note that the black text below are provisions that must be included as per the NSW Standard Instrument – Principal Local Environmental Plan.

The **green text** are provisions that are proposed to be included in the R1 zone.

#### **1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

#### **2 Permitted without consent**

Home occupations; **Home-based child care; Environmental protection works; Flood mitigation works**

#### **3 Permitted with consent**

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture;

#### **4 Prohibited**

**Any other development not specified in 2 or 3.**

## **Proposed Additional permitted uses clause**

In Schedule 1 Additional permitted uses, add Clause 12 as follows.

### **12 Use of certain land at the former Mullumbimby Hospital site**

- (1) This clause applies to land at the former Mullumbimby Hospital site, identified as "Area J" on the Additional Permitted Uses Map, originally being Lot 6, DP 619293, Lot 188 DP728535, Lot 1 DP1159861 and Lot 138 DP755722.
- (2) Development for the purpose of the following uses is permitted with development consent: Building identification signs; Business premises; Car parks; Early education and care facilities; Environmental facilities; Emergency services facilities; Exhibition homes; Function centres; Health services facilities; Home business; Home industries; Information and education facilities; Kiosks; Light industries; Markets; Office premises; Public administration building; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Restaurant or café; Roadside stalls; Sewerage systems; Shops; Small bar; Takeaway food and drink premises

## **Proposed Amendment to existing 'Design Excellence Clause' in LEP 2014**

In Part 6 Additional local provisions, Division 1 Miscellaneous, amend Clause 6.13 as highlighted in **yellow** below:

### **6.13 Design excellence — ~~Byron Bay town centre~~**

- (1) The objective of this clause is to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of ~~Byron Bay town centre~~ **areas shown on the Design Excellence Map.**
- (2) This clause applies to development involving the erection of a new building or alterations to an existing building on land identified as “Design excellence” on the Design Excellence Map.
- (3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (4) In considering whether the development exhibits design excellence, the consent authority must consider whether—
  - (a) the building incorporates sustainable design principles, including in relation to the following—
    - (i) sunlight,
    - (ii) natural ventilation,
    - (iii) wind,
    - (iv) reflectivity,
    - (v) visual and acoustic privacy,
    - (vi) safety and security,
    - (vii) resource, energy and water efficiency, durability and adaptability, and
  - (b) a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, and
  - (c) the proposed development responds well to the environmental and built characteristics of the site and achieves an acceptable relationship with other buildings on the same site and on neighbouring sites, and
  - (d) the form and external appearance of the development will improve the quality and amenity of the public domain, including by encouraging social activity and casual surveillance in public places, streets and laneways, and
  - (e) the configuration and design of public access and communal recreational areas within the residential areas—

- (i) incorporate exemplary and innovative treatments, and
  - (ii) promote a sociable village atmosphere, and
- (f) the development minimises street clutter and provides ease of movement and circulation of pedestrian, cycle, vehicular and service access, and
- (g) the development coordinates shared utility infrastructure and waste management to minimise disruption at street level in public spaces, and
- (h) the development appropriately addresses the following matters—
  - (i) heritage issues and streetscape constraints,
  - (ii) minimisation of bulk and massing, and modulation of, buildings,
  - (iii) pedestrian, cycle, vehicular and service access and circulation requirements.
- (5) In addition to subclause (3), development consent must not be granted to the following development unless the Design Excellence Panel has endorsed the development as exhibiting design excellence—
  - (a) the erection of a new building,
  - (b) alterations or additions to an existing building that—
    - (i) result in an increase of 500 square metres or more in the gross floor area of the building, or
    - (ii) change the use of 500 square metres or more of gross floor area of the building,
  - (c) development that is declared under State Environmental Planning Policy (Planning Systems) 2021, Chapter 2 to be regionally significant development for the purposes of the Act,
  - (d) development that involves 10 or more dwellings,
  - (e) development that involves alterations or additions to, or demolition of, a heritage item,
  - (f) development for the purposes of pubs, small bars or function centres.
- (6) In this clause—

The Design Excellence Panel means a panel, consisting of 2 or more persons, established by the consent authority for the purposes of this clause.