

**Chapter E5 – Certain Locations in Byron Bay and Ewingsdale
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	Provisions
E5.4	Development Controls
E5.4.1	Development and servicing of land affected by predicted coastal hazards
	Objectives
	<ol style="list-style-type: none"> 1. To define how public utility services may be provided to development which is potentially threatened by coastal hazards. 2. To ensure the impact of coastal hazards on potential development is minimised by ensuring any development ceases as the erosion escarpment approaches the development.
	Performance Criteria
	<ol style="list-style-type: none"> 1. Vehicular access, water, sewerage, electricity, telephone and other services must be located so as to minimise the impact from actual or predicted coastal hazards. 2. Development on land marked as 'Coastal Erosion Hazard Area' on the Byron Bay Coastal Hazards Map (Map E5.1) must be designed to be relocated or demolished, or to cease operation, should the erosion escarpment come within 50 metres.
	Prescriptive Measures
	<ol style="list-style-type: none"> 1. All services must be provided from the landward side of the development such that the building is between the services and the erosion escarpment. 2. Development within the 'Coastal Erosion Hazard Area' on the Byron Bay Coastal Hazards Map (E5.1) will be considered on the understanding that any consent granted will be subject to the proviso that should the erosion escarpment come within 50 metres of any building then the development consent will cease. 3. If the development consent does cease then the owner of the land will be responsible for the removal of all buildings. 4. The option of demolition as the means of removal will be available to all buildings. 5. Prior to the issue of a Construction Certificate a restriction as to user <i>must be placed on the title pursuant to the provisions of section 88E of the Conveyancing Act 1919</i>, stating: <i>"The subject land and any improvements erected thereon must not be used for the purpose of (land use) in the event that the erosion escarpment as defined by the Works and Services Director of the Council of the Shire of Byron from time to time comes to within 50 metres of any buildings or any part thereof at any time erected on the said land".</i>

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E5.7	The North Beach Byron Resort Site
E5.7.1	Where this Section Applies
	<p>This Section applies to land at the eastern end of Bayshore Drive identified as the North Beach Byron Resort Site on Map E5.4.</p> <p>In the event of any inconsistency between Section E5.7 and other Chapters in this DCP, the provisions of Section E5.7 shall prevail.</p>
E5.7.2	Objectives of this Section
	The objectives of this Section are:
	1. To promote and implement the principles of ecologically sustainable development, as identified in the aims of Byron LEP 2014, in the planning, development and management of the site.
	2. To define controls on location, form, character and density of permissible development on the site.
	3. To define those parts of the site that require protection from development because of their inherent habitat or biodiversity values, visual characteristics, hazard characteristics, community values or other environmental values or characteristics.
	4. To maintain, protect and enhance wildlife corridors to facilitate the movement and dispersal of species between Tyagarah Nature Reserve and significant areas of native vegetation on and beyond the site.
	5. To define the remediation, environmental repair and ongoing management measures that are required in order to ensure appropriate environmental restoration and improvement of specific areas and characteristics of the site.
	6. To protect and enhance the visual and scenic quality of the site.
	<p>7. To ensure that the siting, scale and intensity of development protect and enhance Byron Bay's social and cultural qualities by:</p> <ul style="list-style-type: none"> a) protecting areas and features of cultural significance; b) accounting for local and regional values, community needs and aspirations; and c) reflecting Byron Bay's character and scale. d) ensuring that development of the site does not dominate or detract from the town centre; and e) ensuring that site access does not compromise the amenity or safety of adjacent residential areas.
E5.7.3	Statement of Desired Future Character
	<p>The site is characterised by a mix of native bushland, coastal dune systems, wetlands and low intensity, low-rise and low scale tourist accommodation and ancillary uses. The integrity of native vegetation, wildlife habitats and waterbodies will be enhanced through active management and strategic revegetation. Natural areas will be separated from development by vegetated buffers and fire protection areas that are designed to minimise impacts on the integrity and quality of ecologically sensitive areas. The buffers also define the boundary of the development footprint and provide a transition between the two.</p> <p>The textures, colours and design of new development will complement the existing bushland and coastal landscapes, both within and adjoining the site. Buildings will be designed to</p>

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	<p>optimize energy and water efficiency. A public car park and cycle racks will be provided within the Bayshore Drive road reserve for beach users not accommodated on the site.</p> <p>The land has three four distinct components, each with a particular desired future character:</p> <ol style="list-style-type: none"> 1. Ecologically sensitive wetlands, habitat and corridor areas, beaches and waterbodies that provide foraging and nursery areas for shorebirds and other conservation priority species. These areas also include an important habitat corridor adjoining the railway line, which is presently partly developed with holiday accommodation units but which provides a connective wildlife corridor between the Belongil Creek estuary and the Tyagarah Nature Reserve. Development (including re-development) in these areas will maximise the retention of native vegetation and habitats and provide opportunities for further revegetation over time to enhance the effectiveness of the wildlife corridor. 2. Dunes and adjacent lands that are susceptible to shoreline recession and coastal processes. These lands are characterised by vegetated and grassed dunes, hinddune littoral rainforests and wetlands. grassed areas and waterbodies. Development in these areas will be limited to low-impact environmental facilities, coastline access and environmental management activities, and surf lifesaving facilities (note: such land is not subject to this DCP however the provisions of DCP 2010 will apply to these areas). 3. A development area central to the site containing low scale tourist accommodation and associated facilities and waterways in a landscaped setting of grassed areas and locally indigenous trees and vegetation. Within the development area: <ol style="list-style-type: none"> a) the perimeter adjoining ecologically sensitive areas provides a transition between the natural environment and the central development area. It will be characterised by low building densities and open areas landscaped with grassed areas and local endemic species. The only buildings that will be located in this transition area are tourist accommodation units and environmental facilities; and b) the centre of the developable area will contain a range of tourist facilities including a function centre and may contain shops, restaurants or cafes and related facilities. 4. Cleared grassland areas characterised by areas disturbed by previous golf course use and manmade water bodies. This area is zoned to permit low scale residential subdivision for single dwelling houses.
	<p>Note: A number of existing approvals are applicable to the subject site (i.e. for the areas subject to Byron LEP 2014 and this DCP and adjoining areas that remain subject to Byron LEP 1988 and Byron DCP 2010). Those approvals include Development Application 82/479 and DA 83/513 for what was initially called Belongil Woods and now referred to as Bayshore Bungalows; and Development Application 5.1987.208.3 relating to the tourism development on the Byron Bay side of Bayshore Drive.</p>
	<p>Development will be designed to respect and protect the ecological values, coastal processes, natural hazards and access limitations of the locality. Development will be designed to respect the relationship of the site to the adjoining Sunrise Beach residential neighbourhood, Tyagarah Nature Reserve, Cape Byron Marine Park and Belongil Beach.</p> <p>Areas of natural vegetation and important wildlife habitats will be retained, protected and managed to maintain and enhance their biodiversity values. Wildlife corridors that facilitate the movement and dispersal of native species between Tyagarah Nature Reserve and significant areas of native vegetation on and beyond the site will be enhanced.</p> <p>To ensure protection of native fauna species, no cats or dogs will be kept on, or brought to or through the resort site.</p> <p>Cats will be prohibited within the residential lots and dogs will be required to be kept within a suitably designed fenced area as detailed in E5.7.10.2.</p>

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	<p>The areas that are subject to potential coastal processes will be managed in a way that ensures protection of the natural dunal and hind-dune systems. Development will be cognisant of coastal processes and will not be designed or located so as to create demands for protection from coastal erosion.</p> <p>Public pedestrian access to the beach will be provided comprising a width of 10 metres increasing to a width of 20 metres at the boundary with Crown land. The access will be and situated so as to avoid the shorebird nesting area and to respect coastal and dune system processes.</p> <p>Public car parking and cycle racks will be provided within the Bayshore Drive road reserve for beach users not accommodated on the site.</p>
E5.7.4	Planning Principles
	The desired future character shall also reflect the following planning principles:
	<p>1. Transport, Access and Parking</p> <ul style="list-style-type: none"> a) There is no significant increase in stress on the Byron Bay community in terms of access to transport infrastructure, and in particular, transport time, parking availability, traffic congestion or access to local services. b) Additional demand on existing transport infrastructure and networks is addressed. c) Pedestrian, bicycle and alternative transport systems (including bus and rail where feasible) connect the site to local community facilities, reducing dependence on car use. d) Access infrastructure avoids locations of ecological or conservation value. e) A public road is provided through the site and includes provision of a public car parking area.
	<p>2. Land Use</p> <ul style="list-style-type: none"> a) A mix of tourist, commercial /retail, residential, community, recreational, environmental /conservation and open space uses is provided. b) Land uses recognise, protect and enhance conservation values and coastal processes. c) New development reflects the unique character and scale of Byron Bay. d) The design and arrangement of resort buildings discourages permanent residential occupation.
	<p>3. Tourist Development</p> <ul style="list-style-type: none"> a) The type and amount of permissible development reflects the environmental, social and economic capacity of the site and Byron Bay. b) Areas of high environmental value or cultural significance are left largely undeveloped and protected for present and future generations. c) Natural, landscape, archaeological and cultural features are protected and enhanced. d) Low-rise accommodation units will be the basis of any tourist accommodation, with central resort facilities incorporating a function centre. e) Public access is provided to the beach.
	<p>4. Conservation and Habitat Protection</p> <ul style="list-style-type: none"> a) Sensitive areas are protected and enhanced. b) Only those areas with low ecological value are used for residential or tourism purposes.

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	<p>c) The State and Regional significance of existing wildlife corridor values of the site are protected and enhanced.</p> <p>d) The habitats of threatened or endangered terrestrial and aquatic species are protected and enhanced.</p>
	<p>5. Coastal Processes and Environmental Hazards</p> <p>a) Structures and facilities are designed and located to account for climate change including potential sea level rise, storm tide, flooding and other associated impacts.</p> <p>b) Buildings and activities are located away from areas of active coastal processes.</p> <p>c) The natural topography and physical features of the coastal dune system are protected and managed.</p> <p>d) Emergency evacuation routes options are provided for flood events, including those rarer than 1% AEP.</p> <p>e) Community services and facilities are located outside areas of coastal or other natural hazards.</p>
E5.7.5	Achieving the Desired Future Character
	<p>The Desired Future Character of the site set out in Section E5.7.3 is to be achieved by:</p> <p>a) Defining particular Precincts and Areas within the site;</p> <p>b) Specifying Principles that must apply to development of the site;</p> <p>c) Specifying the type, character, form and nature of development that will be permitted within each of the Precincts; and</p> <p>d) Specifying specific environmental management and environmental repair measures that must apply as a consequence of development on the site.</p>
	<p>Map E5.4 North Byron Beach Resort Precinct Map defines the following Precincts and Areas on the site:</p> <p>Precinct 1 Developable Area Low Density Precinct.</p> <p>Precinct 2 Developable Area Higher Density Precinct.</p> <p>Precinct C Western Wetland and Heath Precinct.</p> <p>Precinct D South-western Wildlife Corridor Precinct.</p> <p>Precinct E Eastern Wetland and Littoral Rainforest Precinct.</p> <p>Bush Fire Asset Protection Zone (APZ) Areas.</p> <p>Waterbody Areas within Precincts 1 and 2.</p> <p>Precinct 3 – Environmental Living Precinct.</p>
E5.7.6	Development Applications and Site Concept Plan
	Objectives
	<p>1. To ensure that development approved on land within the site will be consistent with the objectives, desired future character, principles and provisions of Section E5.7.</p>
	<p>2. To ensure that individual developments approved on land within the site will be consistent with existing and potential future approved development.</p>
	Performance Criteria
	There are no Performance Criteria.

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	Provisions
	Prescriptive Measures
	<p>1. The Consent Authority will grant consent to development on the site only if it is satisfied that:</p> <ul style="list-style-type: none"> a) the proposed development will be consistent with the Objectives, Desired Future Character, Principles and relevant provisions defined by Section E5.7; and b) the proposed development will not jeopardise the achievement of the Objectives, Desired Future Character, Principles and relevant provisions defined by Section E5.7 for other approved or potential future development on the site.
	<p>2. Development applications that propose development of only part of the site must be accompanied by a Site Concept Plan that demonstrates that the proposed development will be compatible with the longer term development of the site in a manner that can achieve the Objectives, Desired Future Character, Principles and relevant provisions defined by Section E5.7.</p>
	<p>3. Development applications proposing development of all or a significant part of the site must contain the following supporting management plan/s:</p> <ul style="list-style-type: none"> a) Biodiversity Conservation Management Plan addressing the following specific matters: <ul style="list-style-type: none"> i) Conservation, restoration and management of native vegetation, wildlife corridors and buffers. ii) Staged removal of weed species. iii) Buffers around waterbodies. iv) Rehabilitation and revegetation of walking tracks through the littoral rainforest in Precinct E (where applicable). v) Revegetation and restoration opportunities within Precinct D to enhance the operation of the wildlife corridor between the Belongil Creek estuary and the Tyagarah Nature Reserve vi) Shorebird and seabird management strategies (where relevant) b) Landscaping and landscape management. c) Control and management of biting insects including mosquitoes, consistent with the requirements of Chapter B7 Mosquitoes and Biting Midges. d) Water cycle management. e) Dune management (where relevant) f) An environmental education strategy to inform visitors and the general public of the environmental sensitivity of the site and the locality. The strategy must include mechanisms to encourage avoidance of the shorebird nesting area and prevention of dogs and cats being kept on or brought to the site.
	Note: Further details of matters to be included in the abovementioned plans may be found in the provisions below.
E5.7.7	Conservation Areas and Corridors
E5.7.7.1	Western Wetland and Heath Precinct C
	Objectives
	<i>1. To facilitate sensitively designed and managed low intensity tourism uses.</i>
	<i>2. To identify, protect and restore endangered ecological communities.</i>

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	<i>3. To protect the paperbark and eucalypt/Lophostemon-dominated swamp forest and woodland and dry sclerophyll woodland vegetation by restoration together with revegetation of buffering vegetation.</i>
	<i>4. To provide protection for the open freshwater habitat by revegetation of buffering vegetation.</i>
	<i>5. To focus environmental repair and protection measures on the habitats of native fauna species (particularly threatened species).</i>
	<i>6. To protect and enhance wildlife corridor values on the site and in the general locality.</i>
	Performance Criteria
	<p>1. Development in this precinct should incorporate revegetation and/or restoration works based on the following outcomes:</p> <p>a) Restoration of the swamp sclerophyll vegetation must achieve regeneration of the understorey layers (particularly along the eastern edge) and must minimise habitat and breeding opportunities for invasive fauna species (e.g. cane toad, red fox).</p> <p>b) Revegetation of a buffer to the eastern edge of the paperbark and mixed swamp sclerophyll forest vegetation must incorporate local swamp sclerophyll tree species planted at spacings designed to achieve a closed canopy and extend fully to meet the north-eastern boundaries of other precincts and/or adjoining land not subject to this DCP.</p> <p>c) Revegetation of a buffer to the open freshwater habitat must incorporate local sedge and swamp sclerophyll species planted at a suitable density to maintain water quality and disadvantage access by the cane toad.</p>
	2. Development in this precinct is designed, sited and managed to avoid any adverse impacts on native vegetation or the native fauna that relies on such vegetation as habitat (whether for food, shelter or breeding).
	Prescriptive Measures
	There are no Prescriptive Measures.
E5.7.7.2	Southern Wildlife Corridor Precinct D
	Objectives
	<i>1. To facilitate sensitively designed and managed low intensity tourism uses.</i>
	<i>2. To identify, protect and restore endangered ecological communities and other high environmental value vegetation and habitats.</i>
	<i>3. To protect koala habitat and enhance connectivity of koala populations</i>
	<i>4. To focus environmental repair and protection on the habitats of native fauna species (particularly threatened species).</i>
	Performance Criteria
	<p>1. Development in this precinct should incorporate revegetation and/or restoration works based on the following outcomes:</p> <p>a) Restoration and revegetation of the regenerating littoral rainforest vegetation must involve staged removal of weed species that provide food resources for frugivores, such as Camphor Laurel and Queensland Umbrella Tree, and incorporate a replacement planting program using native tree species attractive to frugivores such as figs, laurels, quandongs and acronychias.</p>

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	<p>b) Revegetation of a buffer to the eastern edge of the littoral rainforest and swamp sclerophyll vegetation must incorporate local littoral rainforest and swamp sclerophyll tree species and aim to achieve a closed canopy.</p> <p>c) Revegetation of a buffer to the northern section of the dry sclerophyll forest must incorporate local dry sclerophyll forest tree species.</p> <p>d) Provision must be made for safe fauna crossing of the road in the corridor between Precinct D and adjoining land to the west.</p>
	<p>2. Development in this precinct should be designed, sited and managed to maximise opportunities for establishment and/or enhancement of the wildlife corridor between the Belongil Creek estuary and the Tyagarah Nature Reserve and to avoid any adverse impacts on native vegetation or native fauna that relies on such vegetation as habitat (whether for food, shelter or breeding).</p>
	Prescriptive Measures
	<p>A Biodiversity Conservation Management Plan submitted in accordance with Section E5.7.6 must identify opportunities for revegetation and restoration within Precinct D (including any proposed works) to enhance the operation of the wildlife corridor between the Belongil Creek estuary and the Tyagarah Nature Reserve.</p>
E5.7.7.3	Eastern Wetland and Littoral Rainforest Precinct E
	Objectives
	<i>1. To facilitate sensitively designed and managed low intensity tourism uses.</i>
	<i>2. To identify, protect and restore endangered ecological communities and other high environmental value vegetation and habitats.</i>
	<i>3. To protect the littoral rainforest and regenerating littoral rainforest, paperbark swamp forest and woodland and saltmarsh vegetation by restoration and revegetation.</i>
	<i>4. To focus environmental repair and protection on the littoral rainforest and saltmarsh communities and the habitats of native fauna species (particularly threatened species).</i>
	<i>5. To reconnect the littoral rainforest vegetation with other areas of littoral rainforest occurring in the locality.</i>
	<i>6. To establish an effective habitat connection with Precinct D, the Southwestern Wildlife Corridor by consolidation of the littoral rainforest link through the regenerating littoral rainforest vegetation in the southwestern section of the precinct.</i>
	Performance Criteria
	<p>1. Development in this precinct should incorporate revegetation and/or restoration works based on the following outcomes:</p> <p>a) Restoration of the littoral rainforest and regenerating littoral rainforest vegetation must involve staged removal of weed species that provide food resources for frugivores, such as Camphor Laurel and Queensland Umbrella Tree, and incorporate a replacement planting program using native tree species attractive to frugivores such as figs, laurels, quandongs and acronychias.</p> <p>b) Revegetation of the regenerating littoral rainforest and a buffer to the western edge of the littoral rainforest must incorporate locally indigenous littoral rainforest and swamp sclerophyll tree species and aim to achieve a closed canopy.</p> <p>c) Revegetation of the regenerating littoral rainforest should initially focus on consolidating the corridor link in the south-western section of Precinct E where it abuts Precinct D, the South-western Wildlife Corridor.</p>

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	d) Closing and rehabilitation of existing walking tracks through the Precinct.
	2. Development in this precinct is designed, sited and managed to avoid any adverse impacts on native vegetation or the native fauna that relies on such vegetation as habitat (whether for food, shelter or breeding).
	Prescriptive Measures
	A Biodiversity Conservation Management Plan (submitted in accordance with E5.7.6 with a Development Application and Site Concept Plan) must identify the existing walking tracks to be closed and rehabilitated (including the approach to such rehabilitation).
E5.7.8	Buffers and Hazards
E5.7.8.1	Bush Fire Asset Protection Zones
	Objectives
	1. <i>To provide for an Asset Protection Zone (APZ) to minimise the impacts of bushfires.</i>
	2. <i>To establish a buffer to minimise impacts of development and associated bush fire protection measures on adjoining native vegetation, revegetation areas and wildlife habitats.</i>
	Performance Criteria
	1. Bushfire hazards must be managed in accordance with Planning for Bushfire Protection (2006) or its successor.
	2. Habitat revegetation and rehabilitation must be undertaken consistent with bush fire management requirements.
	Prescriptive Measures
	1. An Outer Protection Area of sufficient width is to be established generally as depicted by the Asset Protection Zones on the Precinct Map (Map E5.4) to act both as a fuel reduced hazard reduction area and a buffer between any development and native vegetation.
	2. Where consistent with bush fire protection measures, appropriate plantings or regeneration of native species will be encouraged in this area so as to reduce the exposure of the adjoining vegetation to wind, noise, light, pollution or other detrimental factors and to provide additional resources and benefits to fauna.
	3. No development or works other than bush fire protection and revegetation or landscaping is to occur in the Outer Protection Area.
	4. Development comprising walking or cycle tracks, access roads, drainage, environmental facilities or recreation areas may be carried out in other parts of the defined Asset Protection Zones, provided that development or work does not compromise the Objectives of adjoining Precincts.
	5. No habitable structures or storage structures may be constructed within the defined Asset Protection Zones.
E5.7.8.2	Water Body Buffers
	Objectives
	1. <i>To revegetate buffers around waterbodies with appropriate local native species.</i>
	2. <i>To reduce cane toad impacts, provide cover refuge for water fowl and improve wildlife habitat and water quality.</i>
	Performance Criteria

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	1. Vegetated buffers should be provided around all waterbodies to disadvantage cane toads and to improve wildlife habitat and water quality.
	2. Dense plantings of local sedges and rushes should be undertaken around the edges of waterbodies to minimise opportunities for cane toad habitat.
	Prescriptive Measures
	1. Plantings must comprise a suite of locally indigenous species comparable with the surrounding indigenous vegetation.
	2. All planting and buffers around waterbodies must be designed to disadvantage cane toads and to improve wildlife habitat and water quality.
	3. Plans for revegetation of buffers around waterbodies within C, D, and E must be included in the Biodiversity Conservation Management Plan prepared in accordance with this Section.
E5.7.8.3	Mosquito Management
	Objectives
	<i>1. To manage potential risks from mosquito borne diseases.</i>
	Performance Criteria
	There are no Performance Criteria.
	Prescriptive Measures
	Development applications must include provision for management of mosquitoes and sandflies consistent with Chapter B7 Mosquitoes and Biting Midges.
E5.7.9	The Developable Resort Area
E5.7.9.1	Built Form
	Objectives
	<i>1. To ensure that development on the site achieves relevant standards that apply to development generally within Byron Shire, provides acceptable levels of daylight and ventilation, provides appropriate levels of visual and acoustic amenity, respects local climate and achieves an acceptable micro-climate.</i>
	<i>2. To provide variety in the visual amenity of development and avoid a monotonous and excessively uniform appearance.</i>
	Performance Criteria
	1. Buildings will vary in size, design and appearance, density and height throughout and be responsive to the environmental and climatic context of the site. Buildings range from low density detached and single storey built form around the perimeter to a higher density and more consolidated built form at the centre of Precinct 2.
	2. Accommodation units are to be designed having regard to the NSW Government's North Coast Urban Design Guidelines and Coastal Design Guidelines for NSW and avoid masonry construction with small eaves.
	Prescriptive Measures
	1. Tourist accommodation development must comply with the requirements of Chapter D3 Tourist Accommodation.
	2. All traffic, access and parking provision on the site must comply with the provisions of Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access.

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	3. Development on land below the Flood Planning Level must comply with the provisions of Chapter C2 Areas Affected by Flood.
	4. Signage on the site must comply with the provisions of Chapter B10 Signage
	5. The placement and design of development must ensure that buildings, private open space and public spaces will have: <ul style="list-style-type: none"> a) access to daylight; b) access to natural ventilation; c) appropriate levels of visual and acoustic privacy; and d) a pleasant micro-climate.
E5.7.9.2	Low Density Perimeter (Precinct 1)
	Objectives
	<i>1. To facilitate development of tourist and visitor accommodation on land adjoining conservation areas and habitat corridors at a density, and in a form and character that ensure that the conservation values of the adjoining lands are not compromised.</i>
	Performance Criteria
	1. Development within Precinct 1 will consist of tourist and visitor accommodation units at low densities in a landscaped area of grasses and local native species, consistent with the Desired Future Character Statement in Section E5.7.3 and the Objectives of this section.
	2. Buildings in Precinct 1 shall be low-scale, use materials that are light weight in appearance and have a gross floor area less than, and a function secondary to, buildings in the Central Development Area (Precinct 2).
	3. Landscaping will enhance amenity and be appropriate to its location adjoining conservation areas and habitat corridors.
	Prescriptive Measures
	1. No single tourist and visitor accommodation unit should have a gross floor area greater than 80m ² or more than 3 bedrooms.
E5.7.9.3	Central Development Area (Precinct 2)
	Objectives
	<i>1. To facilitate development of a range of tourist and visitor accommodation including a function centre, shops, restaurants and cafes and related facilities in Precinct 2 designed and located to maximise convenience to potential users and to minimise adverse impacts on the amenity of persons utilising tourist accommodation on the site.</i>
	<i>2. To promote flexibility and innovation in design and form of development within Precinct 2.</i>
	Performance Criteria
	1. The development of facilities and services that provide for the recreational, cultural and social needs of both tourists and residents of Byron Shire is encouraged in Precinct 2.
	2. Development other than tourist accommodation should be: <ul style="list-style-type: none"> a) clustered together in a focal area in Precinct 2; b) be located to minimise adverse impacts on the amenity and quiet enjoyment of tourist accommodation on the site.
	Prescriptive Measures

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	There are no prescriptive measures
E5.7.9.4	Environmental Living (Precinct 3)
	Site and Landscape
	Boundaries and Fencing
	Objective
	To create a sense of privacy and security through bespoke boundaries and fencing.
	Performance Criteria
	1. Ensure that the scale of new boundary structures is appropriate and does not dominate the streetscape.
	2. Incorporate the use of materials that complement the natural environment.
	3. Provide an appropriate landscape buffer to enhance appeal and reflect local ecology.
	Access Roads and Driveways
	Objective
	To formalise the entrance to residential lots with a considered and consistent entry treatment.
	Performance Criteria
	1. Ensure the width of driveways is minimised and unobtrusive.
	2. Incorporate the use of permeable paving or soft surfaces for guest parking.
	3. Integrate access roads and driveways with the surrounding landscape.
	Landscape Integration
	Objective
	To create a landscape character that integrates with the local context and the existing natural and built environment.
	Performance Criteria
	1. Ensure the planting palette comprises the use of appropriate species for the site.
	2. Implement a landscaping scheme that provides for screening between dwelling houses and the streetscape whilst maintaining compliance with the requirements of Planning for Bushfire Protection 2019.
	3. Retain significant mature native trees where possible and provide for replacement plantings where it can be demonstrated that retention cannot be practically achieved.
	Visual Impact
	To ensure that there is adequate consideration of the potential visual impact of development on the land.
	Prescriptive Measure
	1. All development applications are required to address the provisions of Chapter C3 Visually Prominent Sites, Visually Prominent Development and View Sharing.
	Built Form
	Bulk, Scale and Site Cover
	Objective

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	To ensure that the bulk and scale of buildings is an appropriate response to the context of the site.
	Performance Criteria
	1. Use of architectural forms such as pavilions to reduce visual bulk, create interesting vantages and assist with privacy.
	2. Design ancillary buildings to complement the architecture of the main building.
	3. Use of courtyards or outdoor rooms to break up the built form.
	Prescriptive Measure
	1. The maximum site coverage of all buildings on any allotment is not to exceed a maximum of 15% of the lot area.
	Roof Articulation
	Objective
	Create visual variation through roof articulation.
	Performance Criteria
	1. Articulation of roof structures for rainwater collection, capturing breezes and passive heating / cooling.
	2. Use of materials that complement the natural environment and contribute to environment cooling.
	Raised Structures
	Objective
	To encourage building design to incorporate interesting and varied responses to achieve compliance with required flood planning levels.
	Performance Criteria
	1. Building form to consider topography, mounding and set downs to create distinct outdoor spaces within the flat sites.
	2. Utilise the undercroft of dwellings as a protected sequence of arrival spaces.
	Local Character
	Indoor-Outdoor Living
	Objective
	To create homes that respond to and suit the local climate.
	Performance Criteria
	1. Incorporate the use of operable facades, screens, roof overhangs and undercrofts to create flexible outdoor rooms that suit the local climate.
	2. Implement curated landscape thresholds between pavilions or buildings.
	3. Use of permeable or movable façade systems that can adapt to changing weather and assist in framing vistas and / or screen from neighbours.
	Materiality
	Objective
	Ensure a mix of materials to achieve excellent design outcomes whilst addressing the local architectural character.

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	Provisions
	Performance Criteria
	1. Combine heavy materials at the base of buildings with lightweight upper levels.
	2. Craft a material palette that is coherent, elegant and durable.
	Sustainability
	Renewable Energy
	Objective
	Integrate renewable energy sources and sustainable practices into the design of the development.
	Performance Criteria
	1. Ensure sufficient provision of solar panels and batteries and consider curating their location with the overall design.
	2. Use of integrated rainwater tanks with the design of the residence.
	3. Use of passive heating and cooling practices utilising screens and roof overhangs.
	Ventilation and Solar Access
	Objective
	Ensure the design of dwellings encourages coastal breezes and manages solar access and privacy.
	Performance Criteria
	1. Incorporate the use of operable facades, screens and roof overhangs.
	2. Provide architectural screens that are movable and durable and can adapt to the changing sun paths.
	3. Angle windows and openings in the façade to frame vistas and avoid direct sight-lines to neighbours.
	Low-carbon Materials
	Objective
	To ensure that in selecting building materials, their source, longevity and impact on the environment is taken into account.
	Performance Criteria
	1. Prioritise the use of low carbon materials from sustainable and / or local sources.
	2. Use natural or recycled materials where possible.
E5.7.9.5	Drainage and Water Cycle Management
	Objectives
	1. To ensure that management of surface water and ground water on the site is consistent with the principles of Integrated Water Cycle management and Water Sensitive Urban Design .
	2. To protect the site's sensitive geophysical environment.
	Performance Criteria
	1. Water cycle and drainage design on the site must incorporate water sensitive urban design principles such as stormwater source control, stormwater and wastewater reuse, potable water demand reduction, the utilisation of natural flow paths and provision of drainage

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	Provisions
	measures with pervious surfaces. It must also address flooding impacts in accordance with the requirements of Chapter C2 Areas Affected by Flood.
	2. The site's water cycle must be designed to utilise natural processes, systems and storage. The design must apply reuse principles to reduce the quantities, velocities and pollutant loads of stormwater discharged from developed areas, improve the efficiency of water use and reduce demand for imported mains water.
	3. The system must be designed to install a continuous chain of treatment elements ("treatment chain") that address not only flooding impacts, but also flow volumes, water quality, water conservation and ecological impacts arising from processes such as flooding and fluctuations in the water table. A development application for development on the site must contain a comprehensive Water Cycle Management Strategy. The Strategy must address the principles of water sensitive urban design and treatment system maintenance.
	4. All excavation must be carried out above the existing water table and in a way that does not change the natural characteristics of the water table.
	5. No building elements, parking or storage areas shall be constructed below the level of the natural water table.
	Prescriptive Measures
	1. All drainage and water cycle management measures must comply with the requirements of Chapter B3 Services. Flooding issues and impacts must be addressed in accordance with the requirements of Chapter C2 Areas Affected by Flood.
	2. A comprehensive assessment of the contaminants in groundwaters and waterbodies must be undertaken, specifically focusing on heavy metals and arsenic. Causes of any contamination and appropriate mitigation measures must be identified. Waterbodies found to be unsafe for human use must be clearly signposted.
E5.7.9.6	Landscape
	Objectives
	1. <i>To provide a development landscaped with locally indigenous species.</i>
	2. <i>To ensure that the landscape of the site is harmonious with the natural environment and respects and protects the sensitive character of its setting.</i>
	Performance Criteria
	1. Precincts C, D, and E must be rehabilitated, landscaped and managed in accordance with the requirements identified in this Section.
	2. The landscape of the developed areas must be designed to reinforce protect and enhance the spread of the indigenous tree canopy and preserve existing waterways .
	3. Landscaping in Precincts 1 and 2 must be characterized by only locally indigenous tree and shrub species and grassed areas, and must not include species that have the potential to be environmental weeds.
	4. Landscaping must be designed, constructed and maintained so as to: <ul style="list-style-type: none"> a) Retain and rehabilitate natural watercourses, native riparian vegetation and other natural landscape features; b) Promote natural water balance; c) Take into account site constraints, hazards and microclimatic conditions; d) Promote efficient water use;

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	Provisions
	<p>e) Provide for the removal of pollutants prior to the discharge of runoff to receiving waters; and</p> <p>f) Minimise the need to use herbicides and artificial fertilizers.</p>
	Prescriptive Measures
	1. A landscape plan prepared in accordance with the requirements of Chapter B9 Landscaping must be submitted with a development application proposing development of all or part of the site for tourist accommodation or other ancillary or associated tourist development.
	2. Plants known or with the potential to become weed species must not be used.
	3. Landscaping must use locally indigenous native tree and shrub species, and must prefer local provenance seed sources.
E5.7.9.7	Tourism Management
	Objectives
	<i>1. To ensure that development will be operated and managed as tourist and visitor accommodation and that these facilities are not used for permanent residential occupation.</i>
	Performance Criteria
	A development application must identify controls on the proposed development that ensure to the Council's satisfaction that tourist and visitor accommodation will not be utilised for residential purposes.
	Prescriptive Measures
	There are no Prescriptive Measures.
E5.7.10	Environmental Management and Repair
E5.7.10.1	Beach Access
	Objectives
	<i>1. To provide for legal public access to the beach.</i>
	<i>2. To limit human impacts on the shorebird nesting area, dunes, Aboriginal sites, vegetation and adjacent reserves.</i>
	Performance Criteria
	1. The siting and design of the road, pedestrian and cycle access across the site for tourists and the general public must be consistent with the Section Objective of the Precinct(s) through which it travels and must be located so as to promote safety and convenience for users.
	2. Provision must be made in a convenient location on the Bayshore Drive road reserve for public parking and for safe bicycle storage, primarily to accommodate beach parking for Shire residents. The location of the parking and cycle storage areas must be such that people are encouraged to use the existing beach access track and are discouraged from crossing the dunes elsewhere. The location and design of the parking facilities must be consistent with the Section Objective of the Precinct(s) in which they are located and must have regard for water cycle management, coastal processes, vegetation management, erosion management and maintenance.
	3. Signage must be provided to inform people of the location of the shorebird nesting area, the need to avoid the shorebird area during the breeding season, the need to respect and avoid turtle nesting sites, the location of the Tyagarah Nature Reserve, and zonings, and associated restrictions on activities, of the Cape Byron Marine Park in the vicinity.

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	Provisions
	4. All facilities referred to in this Section must be designed and constructed to avoid damage to any Aboriginal sites, littoral rainforest or threatened plants, and so as not to hinder the movement of wildlife due to inappropriate fencing or other structures.
	5. Full details of the proposed works, environmental management measures and maintenance measures described above must be included with the Development Application for the first stage of development on the site.
	Prescriptive Measures
	There are no Prescriptive Measures.
E5.7.10.2	Environmental Management
	Objectives
	1. <i>To ensure the preparation of appropriate environmental management plans for the conservation precincts on the site.</i>
	2. <i>To ensure the preparation of a Biodiversity Conservation Management Plan to protect and enhance high value native vegetation, to consolidate vegetation boundaries and reduce edge effects, to control and where possible eliminate environmental weeds, to enhance habitat values and to revegetate and consolidate wildlife corridors.</i>
	3. <i>To ensure the preparation of strategies for Seabird and Shorebird Management (where relevant) to enhance the breeding success of seabirds and shorebirds and to manage impacts of human activities, foxes and dogs on their habitat.</i>
	4. <i>To ensure the preparation of a Dune Management Plan (where relevant) to protect and enhance natural coastal dune vegetation, to control the impact of development on dune stability and to maintain coastal processes.</i>
	5. <i>To identify and ameliorate Key Threatening Processes.</i>
	Performance Criteria
	Development applications must include management strategies to address Key Threatening Processes under the Threatened Species Conservation Act 1995, including specified measures to reduce the distribution and abundance of species identified as a Key Threatening Process.
	Prescriptive Measures
	1. Where relevant strategies for Dune Management and Seabird and Shorebird Management (included in the Biodiversity Conservation Management Plan) must be submitted for approval by Council in conjunction with the first stage of any tourist, recreational, accommodation or related development on the site. These management strategies/management plans must be developed in consultation with the relevant Government Agencies and Byron Shire Council.
	2. Plantings must be of locally indigenous species of local provenance seed stock, and comprise a suite of species compatible with the surrounding indigenous vegetation.
	3. No cats or dogs are to be kept on, or brought to or through the site. Dogs associated with the residential use of the land are to be kept within an appropriately designed fenced area comprising: <ul style="list-style-type: none"> - minimum dimensions of 15 metres x 10 metres; - contiguous with or adjacent to the dwelling house; - provision for shade / weather protection with a minimum area of 10m²; and - securely fenced with a fence height of 1.8 metres.