

Survey Responses

03 October 2011 - 11 April 2021

Submissions and Feedback

Your Say Byron Shire

Project: Byron Bay town centre planning controls



VISITORS

31

CONTRIBUTORS

23

RESPONSES

25

1

Registered

0

Unverified

22

Anonymous

1

Registered

0

Unverified

24

Anonymous



Respondent No: 1

Login: Anonymous

Email: n/a

Responded At: Mar 06, 2021 12:46:18 pm

Last Seen: Mar 06, 2021 12:46:18 pm

IP Address: n/a

Q1. **Your name or organisation**

Tim McElhiney

Q2. **Your email address**

Q3. **Write any feedback you have below**

Regarding section E10.2.6 car parking I am concerned about the policy of removing demand for individual sites and the potential lack of access to essential services. It is necessary for many people, including the elderly and disabled, to have the closest possible access to the post office, chemists, and banks etc., especially in bad weather and heavy rain. I am against any net loss of parking spaces in the CBD and forcing people to walk further for the above reasons.

Q4. **Prefer to upload a file?**

not answered

Q5. **Add your email if you'd like to be kept up to date**



Respondent No: 2

Login: Anonymous

Email: n/a

Responded At: Mar 08, 2021 04:52:05 am

Last Seen: Mar 08, 2021 04:52:05 am

IP Address: n/a

Q1. **Your name or organisation**

Marcello Sano

Q2. **Your email address**

Q3. **Write any feedback you have below**

I support the new Byron Town Centre planning controls.

Q4. **Prefer to upload a file?**

not answered

Q5. **Add your email if you'd like to be kept up to date**



Respondent No: 3

Login: Anonymous

Email: n/a

Responded At: Mar 15, 2021 16:27:37 pm

Last Seen: Mar 15, 2021 16:27:37 pm

IP Address: n/a

Q1. **Your name or organisation**

Barry Wallace

Q2. **Your email address**

Q3. **Write any feedback you have below**

Re: Town master plan. As a long time resident of Byron and a land/building owner in Jonson Street, my comments are as follows.. 1. My first preference is to keep the "Village feel" in the CBD. That would mean to stop expanding the town centre. Keep the height limits as they currently are and obviously keep "strip shopping" as well as endeavouring to make the whole area pedestrian friendly and "liveable". HOWEVER.... 2. If the current height restrictions are going to be whittled away then I would opt that allow all existing buildings to have the extra height available albeit with the exception of shadowing & visuals from the beach. 3. To stop the CBD becoming a "ghost town" as well as discouraging crime, drugs and bad behaviour after hours, Council planning should encourage people to actually reside in the CBD areas. Therefore any owner who increase his/her building height over the current limit then the new/extra floor created to be used exclusively as/for residential only. Similarly it should be recognised that council building demands and fees specifically relating to parking be relaxed to allow affordable living in these areas. It should also be recognised that existing CBD parking is barely used overnight and these areas made available at n/c or at a reasonable overnight cost to residents.

Q4. **Prefer to upload a file?**

not answered

Q5. **Add your email if you'd like to be kept up to date**



Respondent No: 5

Login: Anonymous

Email: n/a

Responded At: Mar 17, 2021 09:19:52 am

Last Seen: Mar 17, 2021 09:19:52 am

IP Address: n/a

Q1. **Your name or organisation**

Matt Dooley.

Q2. **Your email address**

Q3. **Write any feedback you have below**

Raising the roof height of buildings to 3 stories is just another step on the slippery slope towards Byron becoming like any other town. The residents have already been pushed out, the charm of the quirky and unique visitors have already changed demographic to the super rich. I understand the need for capitalism in today's world but surely there needs to be room for heart and traditions. Byron existed for many years peacefully without new developments and now suddenly it's a necessity? Money grabbing is not a necessity. There are other ways to capitalise on the influx of wealthy tourists. The reason the tourists come here is not because the amenities are great, it's quite the opposite. Let Byron remain as close to its roots as possible, a sleepy little surf town that has a booming economy during the summer months. Once we become another gold coast style town the wealthy will find another quiet retreat to go to, and we will remain a shell of what we once were. Regards, Matt

Q4. **Prefer to upload a file?**

not answered

Q5. **Add your email if you'd like to be kept up to date**

not answered



Respondent No: 6

Login: Anonymous

Email: n/a

Responded At: Mar 17, 2021 09:56:53 am

Last Seen: Mar 17, 2021 09:56:53 am

IP Address: n/a

Q1. **Your name or organisation** Amy

Q2. **Your email address**

Q3. **Write any feedback you have below**

Please don't raise the height restrictions to enable 3 storey buildings - constantly pushing these will have us turned into the Gold Coast and developers constantly exceeding these.

Q4. **Prefer to upload a file?** not answered

Q5. **Add your email if you'd like to be kept up to date** not answered



Respondent No: 7

Login: Anonymous

Email: n/a

Responded At: Mar 17, 2021 10:44:55 am

Last Seen: Mar 17, 2021 10:44:55 am

IP Address: n/a

Q1. **Your name or organisation**

Joselle Taiapa / Byron Bay Holiday Concierge

Q2. **Your email address**

Q3. **Write any feedback you have below**

If you keep modifying the town centre to accommodate tourists only what do you have for the people who live here. So many of my friends have moved away because Byron is losing its soul. I've lived here for 20 years and been coming here for over 30. I have raised two teenagers in this town and my wish would be to have more places for them. The skate park in Suffolk is great the bike tracks in Talofa are great and of course we have amazing beaches but we don't have anything in town, could you not think about turning the old woolies into a dedicated indoor recreation centre for locals and tourists. Bowling, skating rink anything not just another shopping centre with boring shops and accommodation for more tourists. The teenage crime rate will only skyrocket for a disenchanted generation bored with nothing to do.

Q4. **Prefer to upload a file?**

not answered

Q5. **Add your email if you'd like to be kept up to date**



Respondent No: 8

Login: Anonymous

Email: n/a

Responded At: Mar 18, 2021 13:14:10 pm

Last Seen: Mar 18, 2021 13:14:10 pm

IP Address: n/a

Q1. **Your name or organisation**

Morgan Mackey

Q2. **Your email address**

Q3. **Write any feedback you have below**

It is unclear how Byron Bay Town Centre can remain a 'village' when there is very little concern for permanent residents and increased pressure from developers. Changes to the catchment area within the Masterplan, appear to be inviting more development around the southern end of Jonson and Browning Streets. Surely, we do not need any more cafes and food outlets. The Review suggests that developments include 'residential housing on top of compatible commercial spaces' .. I think it would be fair to say that many would conclude this would result on holiday rentals rather than permanent tenancies. Where is the Council's innovation thinking and partnerships to create cultural developments such as a regional museum or gallery and more public green space around the 'periphery'. Just when the Council has improved traffic 'for locals' via the Butler Street By-Pass, the Review mentions increasing public car parking on the periphery of the town centre. Is increasing public car parking on the periphery of the town centre linked with a developer wanting to create another shopping/food precinct. If the above is actually what is happening, then the Council can forget about highlighting the Butler Street By-Pass as a success. The by-pass will soon become another clogged road and the Browning Street/Jonson Street round-about will be a traffic nightmare. People simply don't park kilometres from the Centre of town and walk to shopping and the beach (especially if the proposed car parking attached to a development is privately owned and fees apply). The purpose of any car parking on the periphery will be attached to a commercial activity and not for the intension of unlimited public use. Improvements have been made re bike paths .. but what is the Council doing to improve public transport that would encourage a time table suited to bus use, especially from Ocean Shores, Suffolk Park etc. In the Council documents, there is mention of changes to to the Design Excellence process. Let's hope that doesn't mean a repeat of Mercato. Mercato 'promised so much, but delivered so little'. A design that Council approved and fails in so many areas; access to parking that many locals avoid due to poor design, disabled parking on Jonson Street that is so dangerous, a retail wasteland upstairs that many small businesses have tried and failed .. and let's not mention the roof that has inadequate guttering to handle rain. Many thanks for your consideration of my views.

Q4. **Prefer to upload a file?**

not answered

Q5. **Add your email if you'd like to be kept up to date**



Respondent No: 9

Login: Anonymous

Email: n/a

Responded At: Mar 18, 2021 13:21:26 pm

Last Seen: Mar 18, 2021 13:21:26 pm

IP Address: n/a

Q1. **Your name or organisation** Jenny Shiels

Q2. **Your email address**

Q3. **Write any feedback you have below**

I strongly object to the increased height limit in this master plan Changing the current LEP to allow increased height limits will set a precedent for developers to apply for exemptions to build higher Increased height limits will detract people from visiting Byron bay They come here because we have managed to keep our environment to three storey buildings

Q4. **Prefer to upload a file?** not answered

Q5. **Add your email if you'd like to be kept up to date** not answered



Respondent No: 10

Login: Anonymous

Email: n/a

Responded At: Mar 18, 2021 16:27:08 pm

Last Seen: Mar 18, 2021 16:27:08 pm

IP Address: n/a

Q1. Your name or organisation

Margaret Brown

Q2. Your email address

Q3. Write any feedback you have below

I am writing to give my feedback and concerns re the proposed changes and draft DCP 2014 Chapter E 10 The proposal for the overdevelopment of this Woolworths plaza has implications on all future development in the Byron CBD. The proposal states that the Town Centre Plan seeks to seek or maintain an enhancement of the public domain while preserving the small shop character of the town. The scale of the proposal is excessive with three stories of mixed business tourism and residential living spaces. It would be adequate to scale this back down to two levels within existing 2014 LEP height levels and would successfully preserve the stated ideals by doing so. Byron Bay (as the architects of the BYRON CBD Plan stated at their public exhibitions of the plan in 2015) is a town with a traffic problem. The site proposed is the main car park for the town. To introduce a whole new parking problem through intensity of residential and commercial use of public space is adding yet another burden of congestion and lack of parking on residents and visitors to the town. We have a glaring example of the newly conceded height levels in Mercato; whose upper story remains empty, unattractive to tenants and unused by the visiting public, with the exception of the Palace Cinema. I strongly object to the overdevelopment of this site to no-one excepts the developers interest and gain. On a social level, this proposal adds nothing to the desperately critical accommodation required in the town and in the Shire and will (as fully expected) become the domain of investors and used for STHL - already the scourge of the town. The continual overdevelopment of the Byron Bay is alienating community members from each other and breaking down instead of creating a sense of community. Finally the 2104 LEP instrument is becoming ever more 'flexible' and seemingly open to interpretations and exception. If yet another project of this scale goes ahead and flouts the hard thought through (and fought for) height restrictions, it will undoubtedly give the green light to the whole range of ensuing developments who will cite this as precedent. Unless Council wants to spend the ensuing years fighting their decisions in court they should decline to raise the height restrictions and bring the developers back to the table for a rethink. Margaret Brown 18/3/20121

Q4. Prefer to upload a file?

not answered

Q5. Add your email if you'd like to be kept up to date



Respondent No: 11

Login: Anonymous

Email: n/a

Responded At: Mar 23, 2021 15:15:29 pm

Last Seen: Mar 23, 2021 15:15:29 pm

IP Address: n/a

Q1. Your name or organisation

Paul and Lynette Barber

Q2. Your email address

Q3. Write any feedback you have below

We own 131 Jonson Street and would like council to consider the height limit that is currently in place on our land at 9 meters to the 11.5 to match the rest of the town centre and Jonson Street ,we are surrounded on both sides with commercial zone land .and with your topography maps you will see how steep Ruskin St is ,if number 8 Ruskin St was left at 11.5 and number 10 remain at 9 meters we think it would make for a blend of highs ,There are very few remaining blocks of land on Jonson St and we are at the very bottom of the hill at Ruskin St. when council changed this southern section from residential we believe the height proposed was 11.5 metres but notice that it has been subsequently changed to be 9 metres. A review of the height limit by council on this last strip of land to bring it to the same as elsewhere with consideration of our request would be most appreciated as we would like to think about a development in the near future that would embrace the ambiance of Byron Bay with commercial on the ground floor and two units and a owner's apartment on the top floor for your consideration Paul and Lyn Barber We have a up-to date topography survey on our land if required.

Q4. Prefer to upload a file?

not answered

Q5. Add your email if you'd like to be kept up to date



Respondent No: 12

Login: Anonymous

Email: n/a

Responded At: Mar 24, 2021 15:04:59 pm

Last Seen: Mar 24, 2021 15:04:59 pm

IP Address: n/a

Q1. Your name or organisation

Bronwyn Morris

Q2. Your email address

Q3. Write any feedback you have below

I wish to make a submission regarding Draft Planning Proposal 26.2017.6.1 (Amendment of Byron LEP 2014- Byron Bay Town Centre Planning Control Review. I am not in support of the proposal to address flood prone areas by using the Australian Height Datum (AHD) level, which is the 2050 Flood Planning level, rather than from existing ground level. Using the AHD measure will inevitably result in buildings built above the 11.5 metre natural ground limit. This will result in developments in the flood prone areas sticking out like sore thumbs. Byron Bay town centre is currently characterised by a low density village atmosphere. Increasing height levels using the AHD measure will result in buildings looking intense and dominating in the town centre. This height overrun will affect the amenity of the town centre. Byron Bay will loose the subtropical, relaxed amenity it is noted for. Increasing heights above 11.5 metres will result in a 'Gold Coast' effect. The town centre will appear as a series of mini high rises . It will look tacky, unplanned and unwelcoming. The whole of the town centre is within land mapped as Coastal. BSC has not yet mapped Coastal vulnerability. This is a glaring omission . Under this Draft Proposal density will increase as the Proposal wishes to increase height restrictions in Lawson St and Bay Lane. Again this is going to increase the bulk and intensity of this area. The town centre should be designed so that there is a gradual DECLINE in height levels as one approaches the coastline. There should be a gentle and natural gradation not a situation where the built environment abuts the coast. This is even more of a concern, as this area is a flood prone area so under the new proposal the AHD measure will be used. Using this measure will result, as outlined previously, in higher developments in Lawson and Bay Lane. The whole appearance of the town centre will look MOC fronting and will not reflect, at all, the subtropical nature and relaxed atmosphere of the current Byron town centre. The Proposal states ' The proposed changes to the LEP will not facilitate development of a nature and scale that would adversely impact on the hydrology or ecological integrity of the adjacent wetlands.' The Proposal will negatively affect the wetlands as the intensity of development will result in more people occupying the two centre. This increase in people movement will inevitably affect the wetlands as people will be moving through the wetlands and discarding rubbish into the wetlands. Byron Bay should not be used as ' the cash cow' for the Byron Shire. The beauty of Byron Bay is being eroded by a system of death by a thousand cuts. The majority of the community did not want to increase the height in the town centre. The majority of the community do not want to increase height allowances in the Lawson and Bay Lane areas. Of course, developers want these increase. Byron Council thinks of the revenue such new developments will generate. But who looks after the interests of the local residents and the interests of the thousands of visitors who flock to Byron Bay . The expectation of finding a subtropical, laid back community with the built environment in keeping with this expected atmosphere is what brings people to Byron Bay. Please don't destroy Byron Bay to satisfy the desires of developers and the need for money by the Byron Shire Council.

Q4. Prefer to upload a file?

not answered

Q5. Add your email if you'd like to be kept up to date



Respondent No: 13

Login: Anonymous

Email: n/a

Responded At: Mar 24, 2021 19:10:10 pm

Last Seen: Mar 24, 2021 19:10:10 pm

IP Address: n/a

Q1. Your name or organisation

Kristen Monty

Q2. Your email address

Q3. Write any feedback you have below

I am opposed to an increase in height planning controls from 9 m to 11.5 m in some sections of town. I am also opposed to the proposed restriction on developers providing on-site Car Parking as I believe this will result in more cars circulating to find parking on the public roads. A recent trip into town to have dinner resulted in us driving around for 15 minutes looking for a carpark at 6:30 pm on a Saturday night. (We should have ridden the bikes!) I believe further increasing the height of buildings if the developers claim it is to get that development out of potential floods would be wrong. There will be flooding and it will increase. This doesn't mean the heights of our buildings should increase in the coming years. We should just build less in these areas. I am also opposed to any change to the town centre zoning. I have seen what has happened at The Farm where council has allowed a change of zoning to include commercial use on RU1 land. So in summary, I reject all changes.

Q4. Prefer to upload a file?

not answered

Q5. Add your email if you'd like to be kept up to date



Respondent No: 14

Login: Anonymous

Email: n/a

Responded At: Mar 25, 2021 08:15:17 am

Last Seen: Mar 25, 2021 08:15:17 am

IP Address: n/a

Q1. **Your name or organisation**

Byron Bay Crane Hire

Q2. **Your email address**

Q3. **Write any feedback you have below**

The Height Limit for Byron CBD is of the utmost importance for Byron to remain a desirable destination. Raising the height limit provides zero advantages for rate payers and residents of the Shire. There's is no upsides for anybody other than the landowners whilst devaluing the neighbouring properties.

Q4. **Prefer to upload a file?**

not answered

Q5. **Add your email if you'd like to be kept up to date**



Respondent No: 15

Login: Anonymous

Email: n/a

Responded At: Mar 25, 2021 17:02:05 pm

Last Seen: Mar 25, 2021 17:02:05 pm

IP Address: n/a

Q1. **Your name or organisation**

Christine Clementson

Q2. **Your email address**

Q3. **Write any feedback you have below**

I oppose any proposal for building height increase in Byron Bay township. I believe it will change the character of the town, increase population density and be a precedence for further height increases around the town.

Q4. **Prefer to upload a file?**

not answered

Q5. **Add your email if you'd like to be kept up to date**

not answered



Respondent No: 16

Login: Anonymous

Email: n/a

Responded At: Mar 27, 2021 12:42:41 pm

Last Seen: Mar 27, 2021 12:42:41 pm

IP Address: n/a

Q1. **Your name or organisation**

Brooke Crowle

Q2. **Your email address**

Q3. **Write any feedback you have below**

Please show me the community and the residents of Byron that want an extensive commercial precinct, higher density places with no landscaping. *We are a regional town beachside town. We are not the Gold Coast, or Brisbane or Newcastle or Wollongong. Build high density and large commercial precincts in Lismore where you have a university, schools a major hospital and people in need of jobs and infrastructure. Please see my submission attached.

Q4. **Prefer to upload a file?**

https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/16643d10cc2bdeef3c4d28307a763773312b1416/original/1616809192/16f9cb1d9e84185dbee74538ee23142e_submission_byron_changes.docx?1616809192

Q5. **Add your email if you'd like to be kept up to date**

Submission for the Town Centre Changes Byron Bay.

As a resident who lives in the town of Byron, I'm disappointed that you have not personally contacted our household via email or letterboxing regarding the changes that you wish to implement. Byron is essentially a regional surf town and to thrust on this community a B3 Commercial Zone is both unnecessary and unacceptable in 2021. This zoning would mean less controls over developments and more concrete structures like the Mercato Shopping Complex.

The developers of this poorly designed grey elephant pushed for a higher building code than what was in the LEP and look at what was delivered. It is not a better building. It is not Design Excellence. It doesn't engage with the community on any level. The height of the balconies are ridiculous in comparison to any other architecturally designed buildings in Byron Bay. The shops remain untenanted. The developer is selling it along with the so-called 'blank canvas' freehold development. The largest of its kind in Byron Bay. The people who live in this shire deserve better.

It's written that 'the new Mercato complex paved the way for a series of new developments.'

I do not support the change to B3 Commercial Zone in Byron township.

I do not support changing the existing 9m height controls, especially closer to the beachfront.

I support retaining and building around existing heritage buildings and weatherboards in the centre of town. This is what gives Byron Bay diversity we do not need to be another homogeneous, suburban shopping precinct.

I support sustainable developments that include best practise landscaping and public art reflecting the natural and creative communities in the shire.

Finally, a priority for Byron Council if they really care about the town and the people who live here – must be to complete the report/Ministerial Directive for the 90-day threshold for Air BNB in Byron Shire.

Additionally, I have yet to hear anything from Planners North who are currently undertaking a community consultation process prior to lodging a DA.

Surely council should be informing residents who **live in the township of Byron** via email, letter box or with their rates notice about large scale developments in their neighbourhood.

Thanks, please keep me informed.

Brooke



Respondent No: 17

Login: Anonymous

Email: n/a

Responded At: Mar 27, 2021 13:00:08 pm

Last Seen: Mar 27, 2021 13:00:08 pm

IP Address: n/a

Q1. Your name or organisation

Libby valentine rann

Q2. Your email address

Q3. Write any feedback you have below

Please find following objections/feedback: I do not support the change to B3 Commercial Zone in Byron township I value the existing 9m height controls. The Mercato development is poorly designed and doesn't engage with the community on any level. Stop knocking down weatherboards in the centre of town. Sustainable development for locals should be the utmost priority. A priority for Council must be to complete the report to the Minsiter for Planning for the 90 day threshold for AirBNB in Byron Shire.

Q4. Prefer to upload a file?

not answered

Q5. Add your email if you'd like to be kept up to date



Respondent No: 19

Login: Anonymous

Email: n/a

Responded At: Mar 27, 2021 15:30:49 pm

Last Seen: Mar 27, 2021 15:30:49 pm

IP Address: n/a

Q1. **Your name or organisation**

Jan Crowle

Q2. **Your email address**

Q3. **Write any feedback you have below**

Please do not make changes to the height restrictions already in place in the Byron Business area. Do not want a Noosa style area in our town

Q4. **Prefer to upload a file?**

not answered

Q5. **Add your email if you'd like to be kept up to date**



Respondent No: 20

Login: jahlazarus

Email:

Responded At: Mar 27, 2021 18:00:08 pm

Last Seen: Mar 14, 2021 03:55:19 am

IP Address: 124.149.177.232

Q1. **Your name or organisation**

John Lazarus

Q2. **Your email address**

Q3. **Write any feedback you have below**

1) Opposed to all Planning Review proposals These proposals do not maintain the alleged Review outcomes of a small town village feel of the town centre, or ensure that new development is of a compatible bulk or scale, or constrain cars in the town Centre Further I have no confidence in the Council Officer attached to this proposal - "For more information contact Council's Major Projects Planner, Rob van Iersel, on 6626 7054." Perhaps he may wish to demonstrate his Compliance with the State Govt requirements on his Planning Report Consents on Council's already exceedences of Height, Floor Space Ratios, and increased out of flood heights, regarding the excess development areas his Planning Reports have provided, in regard to the State Government LEP Requirements (but I wont hold my breath): (4) Development consent must not be granted for development that contravenes a development standard unless— (a) the consent authority is satisfied that— (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and (b) the concurrence of the Planning Secretary has been obtained. (5) In deciding whether to grant concurrence, the Planning Secretary must consider— (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and (b) the public benefit of maintaining the development standard, and (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence. 2) Opposed to changing existing B2 Local Centre to B3 Commercial Core Councils Review Notes: "The key difference, in terms of permitted land uses, between this new B3 zone and the current B2 zoning provisions is that tourist and visitor accommodation is restricted, with only backpackers' accommodation, hotel or motel accommodation or serviced apartments permissible in the B3 zone (bed and breakfast accommodation is permissible in B2, but will now become prohibited in B3)" a) There is no substantive planning reason given to change the zoning, including for the only reason put forward by Council to prohibit bed and breakfast establishments. Bed and Breakfast establishments (which include an onsite manager) are far more preferable to unmanaged Holiday Letting, which the majority of CBD residential apartments will become when the State govt decriminalises Holiday Letting (State Gov. states it is intended to be legalised by June 2021) b) The State Standard LEP unused B3 Zoning (below) does not prohibit bed and breakfast establishments, and why would you want to? If Council wants to vary the State Standard B3 Zone uses, then Council needs to explain why. c) Council has misrepresented the State Standard LEP Template B3 Zone: "Residential accommodation, in the form of shop-top housing and/ or boarding houses, remain permitted with development consent, with other forms of residential accommodation, such as residential flat buildings or multi dwelling housing, prohibited. This does not change with the introduction of the new zone." The State Standard LEP B3 zone does not specifically prohibit residential flat buildings or multi dwelling housing, and Council has not put forward any substantive reason to do so Standard LEP Template 2.1 Zoning B3 Zone - Permitted without Consent - 0 Permitted with Consent - Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Tank-based aquaculture 3) Opposed to changing Height of Buildings a) Council via Rob van Iersals Planning Reports to Council, has already given increased heights exceeding the height of buildings map, in both the 11.5 (Mercato) and the 9 metre (bottom of Jonson st mall under construction) zones. Theses exceedences are now legal precedents that any developer can rely on in Court. Council has sabotaged compliance with height restrictions, and thus this proposed allocation of zoning heights is meaningless and now just propaganda window dressing, and thus no changes are needed as Council and the Courts will likely continue to give consent for height exceedences b) Specifically Opposed to "Amend the Height of Buildings Map by

extending the area within the Byron Bay Town Centre that is subject to a maximum height of 11.5m, to include the area bounded by Bay Lane to the north, Lawson Street to the south, Jonson Street to the west and Middleton Street to the east (height of buildings currently 9m in this area)." As Council has already given Consent to Breach the 11.5 metre height restrictions, there should be no change to this 9 metre height zone as the 11.5 metre is likely to be exceeded and the development seen from the beachfront. And would further erode the low scale CBD edge to be replaced by more heavy looking box development of streets under overwhelming cavernous strips of malls over 11.5 metres C) Opposed to the "Introduce a new clause into the LEP relating to building height for areas within the Town Centre that are flood prone. In those areas, new development must achieve a specified minimum ground floor level to reduce the impact of flooding on occupiers of buildings." Council via Rob van Iersals Planning Reports, have already given Consent for these increases, before this alleged Community process to decide if the community wants this, Council has already given Consent for this extra height out of flood level, to the developer building the new mall at the bottom of Jonson St. This alleged community process is a farce, and Council has already created a legal precedent for other developers, so why bother with this farce of an amendment regarding this already Council corrupted Above Ground Level Height that is just spin to pretend the community has any say. The projected 4.5 temperature increase (with nothing in the way to stop it) equates to an approx 9 metre sea level rise, which will be accompanied by increasing flood levels to that height - this proposal, when Council starts dealing with reality, would see increase building heights to over 20 metres in a 11.5 metre zone, when Council should be minimising new developments as Byron Bay will be totally inundated by the sea. To retain any value as a Consent authority Council needs to start dealing with the reality of coastal retreat, not allowing increased development. 4) Floor Space Ratio "The original Planning Proposal intended to remove Floor Space Ratio Map as an applicable control in the town centre. Based on the community feedback received during the submission period, and further assessment around built form design, it is now proposed to leave FSR at the current maximum of 1.3:1" What a sick joke as Council has already sabotaged this development standard via Rob van Iersals Planning Reports to Council, with the mall development at the bottom of Jonson St, which gives a legal precedent that any other developer can use. This is another fake Review farce where Council has already given consent for a variation from existing LEP parameters, prior to this farce of a process where you ask the community whether we support this fake allegation of a public consideration of Adopting this proposal. 5) Opposed to enacting Local Provisions "This Planning Proposal recommends a number of new "Additional Local Provisions" to be added to Part 6 of Byron LEP 2014:1. A local provision relating to mixed use development in the B3 Commercial Core zone. The intention of the provision is to allow residential use above a ground floor level if the land use at the ground floor is 'compatible' as defined in the clause. This is in addition to shop top housing, which, by definition, provides for residential development only above retail or business premises. 'Compatible' uses are defined in the clause as those permitted in the B3 Commercial Core zone, including: child care centres, commercial premises, community facilities; educational establishments, information and education facilities; medical centres; and public administration buildings." a) child care centres, commercial premises, and medical centres are all "commercial facilities" captured by the present LEP zoning allowance of residential use above a ground floor level. There are no public educational establishments in this CBD zone and any private educational establishments is a "commercial facilities" captured by the present LEP zoning allowance of residential use above a ground floor level. The only "community facilities" is the Byron Bay 'Community' Centre which is a dominantly commercial use building of rentals, tenants and entertainment venue which is captured by the present LEP zoning allowance of residential use above a ground floor level. The only dedicated "information and education facilities" is the Byron Environments Rotunda which wont be redeveloped with accommodation, and the dominantly commercial Visitors Centre, which captured by the present LEP zoning allowance of residential use above a commercial ground floor level. There are no public administration buildings in this CBD zone There is no basis, and Council has not presented any basis, for this proposed change 6) Opposed to A local provision relating to design excellence. Council already has the power to reject a development that is incongruous with the "Streetscape", but basically a developer can build whatever style they want, despite whatever Council thinks is "design excellence" and can get Consent for his preferred design through the courts if rejected by Council, so this proposal has little to no weight and will just cause Council to be in Court, where it will likely loose. Sustainable design principles such as sunlight, wind, natural ventilation, privacy, and not impact on views or landmarks etc ; are already a part of DCP Requirements, and thus do not need to be restated. And who is the the Byron Bay Design Excellence Panel - another bunch involved in the property development industry, like the majority of the Masterplan members? This is not a organisation to represent all residents, and appears to be just another Council action to sideline the majority of the community for the benefit of a few. 7) Opposed to A local provision relating to active street frontages to be added. What business is it of Council what an owner wants to do at street level in their own property.

Individual owners have a better idea of what is appropriate than Council. Why shouldnt they have a non active street front if that is what they want. Councils building is in a CBD, why dont you open up all of the ground floor as 'active street frontages' if you think its a good idea, and want to impose it on everyone else. 8) Opposed to "Minor Map Correction" It is not Minor, it is a Major variation to the present structure of a graduated 11.5 metre CBD centre with 9 metre limits at the edges. This proposal would increase the disgusting growth of high mall structures that will cause a cavernous street scape, in breach of our present dominantly pedestrian friendly/visitor attracting low level street scape. I have been advised a developer wants to use the proposed increased height. Council needs to advertise the proposed development for public comment before increasing the allowable height (that is likely, with existing FSR's to be breache by Councils present pro development/shut the community out of the development CBD process. Noting Councils support for the Mall development progressing at the bottom of Jonson st, that Council has give Consent for height and FSR breaches, that the Community and the State Govt Planning Panel rejected. 9) Opposed to restricting provision of car parking in new developments Restricting the number of car parks required to be provided by a new development only creates more development space and more cars searching for car parking on public streets. This is a blatant land grab to benefit developers that would cause mor strret traffic chasing the closest public car parking 10) Re: "Q1 Is the planning proposal a result of any strategic study or report?Yes. This Planning Proposal is part of the implementation of the Byron Bay Town Centre Masterplan (masterplan), which was adopted by Council in June 2016, following a period of extensive community engagement throughout 2015-2016." The Byon Bay Masterplan perverted the community input to get what developers want. Council has not even declared who the present members are. We know who the 6 new members are (4 from the property development industry and 2 from the Holliday Letting industry), but no advice on which previous members resigned. The group have no proper Minutes of their Meetings (only meeting notes). Their Meeting Notes arent reported to Council and their web site only has several months old Meeting notes. The process was derailed with only the developers proposals cached in fluffy language presented in the final document (and with developer Masterplan members attempting to use the increased development proposals of the Master Plan Committee they were on). The Masterplan is the result of a corrupted and fraudulent public process, with an ongoing secret committee meeting process. No Confidence in Council on providing a just and community equatable decision on these proposals Yours John Lazarus

Q4. **Prefer to upload a file?**

not answered

Q5. **Add your email if you'd like to be kept up to date**



Respondent No: 21

Login: Anonymous

Email: n/a

Responded At: Mar 28, 2021 14:41:16 pm

Last Seen: Mar 28, 2021 14:41:16 pm

IP Address: n/a

Q1. **Your name or organisation**

Maria C Teixeira

Q2. **Your email address**

Q3. **Write any feedback you have below**

I strongly reject the proposal of a change to the existing 9m height control. This is NOT benefitting the flood zones as proposed but allowing a few developers to gain ocean views to once again make a bigger profit. It is not necessary and surely other measures can be taken to avoid floods on the first levels of the existing developments; STOP knocking down character buildings only to profit the developers themselves; I strongly object to the change to B3 Commercial Zone in Byron township . The Mercato development does not engage AT ALL with the Byron Bay community and in the opinion of many it was a VERY poorly designed project. I urge the Byron Bay Council to place sustainability on the forefront of ANY new developments that are proposed in the Byron region. No more -one way - profit developments that benefit only the developer. Enough is enough , this has to STOP. Byron Council is at a crucial moment in history of either SAVING Byron Bay , or completely destroying it for good. It is YOUR call and we urge you to listen to the people that live in it, pay council rates , work, provide work and contribute what makes Byron Bay so special.

Q4. **Prefer to upload a file?**

not answered

Q5. **Add your email if you'd like to be kept up to date**



Respondent No: 23

Login: Anonymous

Email: n/a

Responded At: Mar 28, 2021 16:39:52 pm

Last Seen: Mar 28, 2021 16:39:52 pm

IP Address: n/a

Q1. Your name or organisation

Genevieve Glier

Q2. Your email address

Q3. Write any feedback you have below

To Whom this may concern, I Don't Agree, that Lawson street should be changed from B2 to B3, 9m to 11.5m, I feel it will increase the length of shadows where people congregate and meet and cut out the part of the sky scape. Visually I feel it would take away from the charm and uniqueness of our beautiful country town. While sitting in the coffee shops and restaurants viewing these buildings in Lawson street, at the present height and design, they give a feeling that Byron is still a Beguiling unique iconic country Town and not to be changed, for a example of the Mercato shopping center, that is not in keeping or complements our town and has created unusable space, excessive water runoff and flooding to that part of Jonson that had not been prone before. I agree that a lot more trees should be planted, they soften the architecture, add shade to exposed cement areas, shade and cooling on hot days, they are beautiful, trees and plants that, they may be native, that absorb excessive water runoff. As far of traffic congestion, this all could be alleviated by putting the trains back on the tracks, people could get to work, instead of being stuck in traffic, tourist can travel around the shire and see our incredible hinterland and visit our towns and Byron town, then hop on a shuttle to take them around.

Q4. Prefer to upload a file?

not answered

Q5. Add your email if you'd like to be kept up to date



Respondent No: 24

Login: Anonymous

Email: n/a

Responded At: Mar 28, 2021 22:35:43 pm

Last Seen: Mar 28, 2021 22:35:43 pm

IP Address: n/a

Q1. **Your name or organisation**

Tim Mac

Q2. **Your email address**

Q3. **Write any feedback you have below**

In regards to the zoning changes. I do not support the change. Zonings are put in place to determine the nature of properties in an area. B2 Zoning has worked very well in our CBD- why change it? To increase the height limits, get more bedrooms in top shop housing. It is well known that investors and developers often base their strategy around the possibility of zoning changes and town planning. Top shop housing means more Air BNB. What is the benefit to our community in these changes? I would like to know in what exact way will the B3 Commercial Zone will protect the character and vibrancy of the town or ease congestion and the make the town centre more people friendly, promoting people over cars?? Thanks Tim

Q4. **Prefer to upload a file?**

not answered

Q5. **Add your email if you'd like to be kept up to date**



Respondent No: 25

Login: Anonymous

Email: n/a

Responded At: Mar 29, 2021 16:19:34 pm

Last Seen: Mar 29, 2021 16:19:34 pm

IP Address: n/a

Q1. **Your name or organisation**

Nat Clarke

Q2. **Your email address**

Q3. **Write any feedback you have below**

Byron Bay is loosing amenity. It is increasingly difficult to access as a local area resident and I no longer visit for commercial activity. I still visit friends there and they talk of the loss of community. From a quick review of the proposed changes I would like to voice my opposition to the increase in building heights in all areas of the town. I believe that town and shire residents have consistently rejected increases in building heights for decades. There has been a strong and long history of local people rejecting further commercialization and urban spread. Recent residents and visitors have come after massive state driven tourism campaigns that promote a low key undeveloped destination. Council need to accept locals do not want taller buildings and stop proposing this.

Q4. **Prefer to upload a file?**

not answered

Q5. **Add your email if you'd like to be kept up to date**

1 April 2021

General Manager,
Byron Shire Council,
PO Box 219, Mullumbimby
NSW 2482

Attention: Isabelle Hawton, ihawton@byron.nsw.gov.au

RE: SUBMISSION TO BYRON BAY TOWN CENTRE PLANNING CONTROL REVIEW

School Infrastructure NSW (SINSW), as part of the Department of Education (DoE), welcomes the opportunity to provide comments on the exhibition for the draft Planning Proposal to amend *Byron Local Environmental Plan 2014* (the Planning Proposal). SINSW understands that the Planning Proposal seeks to amend the planning controls applying to the Byron Bay Town Centre.

Byron Bay public school is located on the fringe of the Byron Bay Town Centre, comprising Lots 1 and 2, Section 43, DP 758207 and Lot 1 DP 805037. SINSW notes that the western portion of Lot 1 DP 805037 is zoned B2 Local Centre, whilst the eastern portion is zoned R2 Low Density Residential pursuant to the LEP (refer **Figure 1**). The remainder of the site is zoned R2 Low Density Residential.



Figure 1: Zoning - Source: ePlanning Spatial Viewer

A review of the historical zoning maps for *the Byron Local Environmental Plan 1998* also indicates that this portion of the site was zoned '3a - Business Zone', despite the school being located on the site since 1892.

The current Planning Proposal seeks to rezone this portion of the site from B2 (Local Centre) to B3 (Commercial Core). The Proposal also seeks to increase the maximum building height control within the Town Centre to 11.5m, as well as introducing design excellence provisions.

SINSW notes that while the B3 Commercial Core Zone is a prescribed zone pursuant to *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, and therefore educational purposes are permissible within this zone, SINSW sees this amendment as an opportunity to realign the boundary of the Byron Bay Town Centre and rezone the western portion of the Byron Bay Public School to R2 Low Density Residential, consistent with the remainder of the site.

This would ensure that the sites zoning is appropriately aligned with its existing use, this being for the purposes of an educational establishment. In addition, it would remove the design excellence provisions for this portion of the site.

SINSW is committed to working with Council to ensure schools are supporting community needs and continue to be appropriately resourced to respond to local development standards.

Should you require further information about this submission, please contact Lincoln Lawler at [redacted] or Tim Fleming at [redacted]

Yours Sincerely,

Alix Carpenter
Director - Statutory Planning

From:
To: [Hawton, Isabelle](#)
Cc: [council](#)
Subject: RE: Updated planning rules for Byron Bay Town Centre on exhibition until 28 March 2021
Date: Thursday, 25 March 2021 11:20:49 AM
Attachments: [NTH14_00036 - RMS Response to Byron LEP amendment - Town centre.pdf](#)

Hi Isabelle

Thank you for the advice contained in this email.

We have reviewed the documents provided.

We do note some changes in the timing of enacting the car parking provisions which was a matter referred to in our previous letter. That change is supported. However, we have not been able to clearly isolate all of the differences between the current changes proposed and those initially exhibited.

As such, I have attached a copy of our previous correspondence, dated 28 October 2019, which we believe remains relevant.

Any questions, please contact me at _____ or

development.northern@transport.nsw.gov.au

Regards, Cheryl

Cheryl Sisson
Development Services Case Officer
Community & Place/Region North
Regional & Outer Metropolitan Division
Transport for NSW

Development.northern@rms.nsw.gov.au

T 02 66401362

Level 1, 76 Victoria Street, Grafton NSW 2460

File No: NTH14/00036/03
Your Ref: 26.2017.6.1

The General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Attention: Sam Tarrant
Sam.tarrant@byron.nsw.gov.au

Dear Sir / Madam,

Re: Review of Planning Proposal 26.2017.6.1 - Amendment to Byron LEP – Byron Bay Town Centre

I refer to your letter dated 27 September requesting comment from Roads and Maritime Services in relation to the abovementioned Planning Proposal.

Roles and Responsibilities

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure and the integration of land use and transport.

Byron Bay town centre is serviced by both the Pacific Highway (HW 10) which is a classified (State) road and Ewingsdale Road (MR 545) which is a classified (Regional) road under the *Roads Act 1993* (the Act). Byron Shire Council is the roads authority for all public roads (other than freeways or Crown roads) in the local government area pursuant to Section 7 of the Roads Act. Roads and Maritime can exercise roads authority functions for classified roads in accordance with the Roads Act and concurrence is required prior to any Council approval of works on these roads under section 138 of the Act.

It is emphasised that the comments provided below are based on the currently exhibited draft amendment. They are not to be interpreted as binding upon Roads and Maritime and may change should the adopted amendment differ from that exhibited, or following formal assessment of any planning proposal/development application referred by the relevant local planning authority.

Roads and Maritime Response

Roads and Maritime has reviewed the referred information and provides the following comments to assist Council in finalising the proposed Amendment.

1. We have previously provided comment to Council during the preparation of a number of strategic planning documents; particularly those related to residential development and employment strategies within the Shire. It is noted that Council adopted the Byron Bay Town Centre Masterplan in June 2016; however, it appears that Roads and Maritime was not provided the opportunity to comment on that document.

Notwithstanding that, we understand that the proposed amendments reflect the vision of the Masterplan, and Roads and Maritime supports measures that will reduce traffic in the local centre.

2. It is noted that the LEP and DCP amendments will form a framework for future mixed use development in the town centre, and that individual planning proposals/development applications will be required to facilitate specific developments. It is understood that most of these will be provided to Roads and Maritime in due course for comment. At that time, we will be able to better assess the impact of the individual proposals on surrounding road networks.
3. It is noted that no projected population figures, or indicators of increased residential/commercial density have been provided with the Planning Proposal. It will be important to have those figures available, as well as an indication of the highest and best use of property within the Byron Town Centre, to properly assess the impact of changes in landuse on the surrounding trunk road networks.
4. We understand that Council is currently investigating improvements to Ewingsdale Road to manage transport demands. Such improvements should be able to support increased traffic related to higher level density/development in the town.

It is understood that one primary focus of the LEP amendment is to reduce the number of cars in the town centre, by setting maximum parking rates instead of minimum rates. This is supported.

However, for that to work, alternative transport measures need to be in place. It is understood that consideration has been given to connectivity for public transport facilities and active transport modes such as walking and cycling, as well as parking provisions outside of the town centre. To further assist Council in planning such measures, Transport for NSW (Travel Demand Management Team), may be able to help (Roads and Maritime officers can arrange that contact if applicable)

If you have any further enquiries regarding the above comments please do not hesitate to contact Cheryl Sisson, Development Assessment Officer on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully,

For Matt Adams
Manager Land Use Assessment, Northern
28 October 2019