

Various Byron LEP 2014 amendments planning proposal Submission Form



Submitted on	20 December 2023, 2:09PM
Receipt number	VARLEP4
Related form version	1

Name	Joe Davidson
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Organisation	Town Planning Studio Pty Ltd
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Email	
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Your feedback	<p>I refer to the exhibited changes to Byron LEP 2014. I am aware of a number of projects that are in the design phase that would be impacted by the proposed changes to Clause 4.4. These projects propose dual occupancy development with a floor space ratio of 0.5:1 in areas with a lower density nominated on the maximum floor space ratio map. As Byron LEP 2014 prescribes a minimum lot size of 800sqm for dual occupancy development, I submit that it is reasonable for such development to have a maximum FSR of 0.5:1, given that two dwellings are proposed. This encourages infill development and supports the creation of housing. To the contrary, a reduction in the maximum FSR for dual occupancy development will unnecessarily restrict the provision of infill development and new housing.</p> <p>If Council does go ahead and make this change, will there be a savings provision to allow those Development Applications already submitted to be determined using the current controls?</p> <p>Joe Davidson</p>
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Various Byron LEP 2014 amendments planning proposal Submission Form



Submitted on	15 January 2024, 1:56PM
Receipt number	VARLEP6
Related form version	1

Name	Steve Greenhalgh
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Organisation

Email

Your feedback	I am opposed to the increase in the FSR from .2:1 to .3:1 because it will create structures that are too bulky that impede, sunshine and breeze. It will also create mega mansions on some lots.
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Various Byron LEP 2014 amendments planning proposal Submission Form



Submitted on	15 January 2024, 7:41PM
Receipt number	VARLEP7
Related form version	1

Name	Bronwyn Morris
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Organisation	
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Email	
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Your feedback	<p>Hi</p> <p>Can we please have clarification as we live in what was Scenic Escarpment Zone but now is named as Deferred Matter. It has been this for some years. Also a portion of our property is zoned rural. Can BCC provide some clear guidance regarding if we can apply the new proposed dual occupancy regulation to our property? I am sure my query is representing many residents in our position.</p> <p>Thank you</p> <p>Bronwyn</p>
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Various Byron LEP 2014 amendments planning proposal Submission Form



Submitted on	25 January 2024, 12:51PM
Receipt number	VARLEP8
Related form version	1

Name	Luke Houghton
Organisation	Balanced Systems Planning Consultants
Email	
Your feedback	see attached
Upload your feedback	Item 7 - Response.pdf

Item 7 - Remove subclause 2(c) from clause 4.2D – Erection of dual occupancies (detached) and secondary dwellings in Zones RU1 and RU2 in LEP 2014

Item 7

4.2D Erection of dual occupancies (detached) and secondary dwellings in Zones RU1 and RU2

- (1) The objectives of this clause are as follows—
- (a) to provide alternative accommodation for rural families and workers,
 - (b) to ensure that development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land,
 - (c) to set out consent considerations for development of dual occupancies (detached) and secondary dwellings to address matters such as access, siting, land suitability and potential impacts.
- (2) Development consent must not be granted to development for the purpose of a dual occupancy (detached) or secondary dwelling on land in Zone RU1 Primary Production or Zone RU2 Rural Landscape unless the consent authority is satisfied that—
- (a) the development will not impair the use of the land for agriculture or rural industries, and
 - (b) each dwelling will use the same vehicular access to and from a public road, and
 - ~~(c) for dual occupancies (detached) dwellings will be situated within 100 metres of each other, and~~
 - (d) the land is physically suitable for the development, and
 - (e) the land is capable of accommodating the on-site disposal and management of sewage for the development, and
 - (f) the development will not have an adverse impact on the scenic amenity or character of the rural environment.

Response:

- The proposed amendment to the BLEP 2014 is strongly supported.
- Feedback from property owners who wish to construct a second dwelling to provide additional accommodation options either for family members, friends, co-ownership arrangements or to provide additional rental accommodation is that the proposal will result in logical and improved outcomes. This will enable property owners to locate a new dual occupancy or secondary dwelling in the best location on a property that considers other key matters such as solar access, privacy, wastewater management, bushfire management, ecological values and other environmental considerations. The 100-metre separation distance does not guarantee the best planning outcome and can often result in worse outcomes due to strongly limiting options.
- In addition to this LEP amendment, Council should consider amending the DCP 2014, by adding a requirement to undertake ecological enhancement works on a rural property as part of a rural dual occupancy or secondary dwelling, similar to multiple occupancy and community title development requirements. This would provide positive outcomes for biodiversity, carbon offset of new building works, add significant capability to carry out Council's wildlife corridor plan and result in outcomes that align various council strategies.
- In addition to this LEP amendment, Council should consider requiring a concept landscape plan for all dual occupancies to help nullify any potential adverse impacts in terms of the building of more dwellings in the rural zones that may be in highly visible locations.

Various Byron LEP 2014 amendments planning proposal Submission Form



Submitted on	25 January 2024, 4:26PM
Receipt number	VARLEP9
Related form version	1

Name	Annabelle Dickson
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Organisation

Email

Your feedback	Regarding Policy Related Amendments I am very much in favour of Removing the Requirement that detached dual occupancies need to be located within 100m of each other in a rural zone. Annabelle Dickson, Coolamon Scenic Drive, Montecollum NSW 2482.
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Various Byron LEP 2014 amendments planning proposal Submission Form



Submitted on	29 January 2024, 12:46PM
Receipt number	VARLEP10
Related form version	1

Name	Antonio Pangallo
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Organisation	
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Email	
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Your feedback	I am submitting a letter of support to the following items to amend:
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Provide increased flexibility for rural boundary adjustments where one or more of the lots is less than the minimum lot size.
Remove the requirement for dual occupancies associated with rural and nature-based tourism development, to be attached.
Permit vehicle access via a classified road to rural and nature-based tourism development.
Remove the requirement that detached dual occupancies need to be located within 100m of each other in a rural zone.

Upload your feedback	
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Various Byron LEP 2014 amendments planning proposal Submission Form



Submitted on	29 January 2024, 4:50PM
Receipt number	VARLEP11
Related form version	1

Name	Chris Pratt
Organisation	Planning Resolutions

Email

Your feedback	See attached submission
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Upload your feedback	Planning Resolutions Submission re Planning Proposal 26.2022.11.1 - Dual Occ FSR.pdf
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Planning Resolutions

plan – manage – resolve

Mail: PO Box 1300 Coffs Harbour

General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

Dear Sir,

Planning Proposal 26.2022.11.1
Various planning control changes to Byron Local Environmental Plan 2014
Submission re Item 2 - Remove (2A) from Clause 4.4 Floor space ratio.

This submission is in relation to Planning Proposal 26.2022.11.1 (General Housekeeping Amendments to Byron Local Environmental Plan (LEP) 2014).

Item 2 of the Planning Proposal proposes the removal of Clause 4.4(2A). The change is justified as follows in the Planning Proposal:

Clause 4.4 gives weight to the floor space ratio (FSR) maps within Byron LEP. 2014 Subclause (2A) enables applications for dual occupancies in the R2 Low Density Residential zone to have a FSR of 0.5:1, regardless of what is shown in the FSR map for a particular area. This subclause has been carried forward from Byron LEP 1988.

This is inconsistent as some areas have an FSR of less than 0.5:1 to minimise the bulk/scale of development, protect environmental features and or reduce risk to hazards (e.g. flooding). This promotes construction of larger dual occupancy over a dwelling house (i.e. with lower FSR) in identified sensitive or constrained areas.

The clause was not a provision that was carried over from *Byron LEP 1988* as suggested. The Clause in *Byron LEP 1988* provided a blanket FSR for dual occupancies when the LEP did not have a general FSR provision. Clause 4.4(2A) clearly provides an incentive for landowners to provide for dual occupancy developments on their residential land.

This proposed change is contrary to the State Government's policy intentions released in November last year of facilitating more dual occupancies *in all R2 low-density residential zones across all of NSW*. It will frustrate the further provision of dual occupancy developments at a time when Council should be encouraging better utilisation of its existing residential land stock. This is an essential LEP provision to ensure Council meets its housing targets.

Since 2014 I have had many clients who have embraced this incentive and provided well located dual occupancy developments, when they may have otherwise simply built a single dwelling house.

The Floor Space Ratio is a very crude control to use to minimise the impact on *environmental features* (such as retained vegetation). It is the site coverage rather than the Floor Space Ratio that determines the extent of the impact on the surface of the land. A restrictive site coverage requirement encourages landowners to build to retain vegetation.

This proposed LEP change should be removed from the Planning Proposal.

Should you require further information or clarification regarding the above matters please do not hesitate to contact me on 0437859959.

Yours Sincerely,
Chris Pratt FPIA CPP
Planning Resolutions
29 January 2024



Various Byron LEP 2014 amendments planning proposal Submission Form



Submitted on	29 January 2024, 10:55PM
Receipt number	VARLEP12
Related form version	1

Name	Adam Lee
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Organisation	
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Email	
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Your feedback	I would like to thank Council for the proposed amendments providing for increased flexibility for rural boundary adjustments where one or more of the lots is less than the minimum lot size. The issue regarding the interpretation of the current provisions has hampered an adjustment between my property and a neighbour's property which is practical and will provide for a better agricultural outcome for the land.
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Upload your feedback

Various Byron LEP 2014 amendments planning proposal Submission Form



Submitted on	29 January 2024, 11:24PM
Receipt number	VARLEP13
Related form version	1

Name	Kate Singleton
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Organisation	PLANNERS NORTH
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Email	
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Your feedback	See uploaded letter
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Upload your feedback	240129 LET BLEP14 submission_K_1394.4584.pdf
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29 January 2024

Our reference: K_1394.4584

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

Attention: Kristy Hughes

Email:

Dear Sir

RE: Various planning control changes to Local Environmental Plan 2014

We refer to the various planning control changes to Byron Local Environmental Plan 2014 presently on public exhibition, which include the following proposed amendments to the instrument:

- *Ensure that minimum subdivision lot size requirements are applied to community title schemes in Zone C4 Environmental Living.*
- *Align the floor space ratio for dual occupancies in Zone R2 Low Density, with the floor space ratio that applies to the land.*
- *Provide increased flexibility for rural boundary adjustments where one or more of the lots is less than the minimum lot size.*
- *Remove the requirement for dual occupancies associated with rural and nature-based tourism development, to be attached.*
- *Permit vehicle access via a classified road to rural and nature-based tourism development.*
- *Remove the requirement that detached dual occupancies need to be located within 100m of each other in a rural zone.*

We support these amendments which are appropriate changes to the LEP Provisions and will provide for improved planning outcomes. In particular, the amendment to the boundary adjustment provisions will provide for improved agricultural and ecological outcomes without resulting in additional dwelling entitlements.

We also support a merit-based assessment of vehicular access via classified road for certain rural and nature based tourism development.

The provision to remove the requirement for dual occupancy to be located within 100 metres of each other in a rural zone will also provide for improved outcomes in certain circumstances, particularly where existing rural buildings are converted to habitable buildings.

Should you require any additional information or wish to clarify any matter raised by this confirmation of your engagement letter, please feel free to contact me at any time.

Yours faithfully,

PLANNERS NORTH

Kate Singleton RPIA

PARTNERSHIP PRINCIPAL