

Paul De Fina

A.B.N. 41 148 196 270

Town Planner.

PO Box 282 Bangalow NSW 2479.

Telephone 02 66 872028 Mobile 0400 572028

E-Mail: paul@defina.com.au

Planning Proposal

For

Lot 1, 2, 3 and 4, Section 48 in DP 758207

Lot A and B in DP 377425

Lot 1 in DP 303836

Lot 1 in DP 780231

Lot 16, 17, 18, 19 and 21 in DP 247289

Lot 30 in DP 829895

**Lot 5 and 6, Section 51 in DP 758207,
Jonson Street, Byron Bay.**

March 2010

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Planning Proposal.

1. Background to Planning Proposal

The intent of this Planning Proposal is to enable the following properties:

Lot 1, 2, 3 and 4, Section 48 in DP 758207
Lot A and B in DP 377425
Lot 1 in DP 303836
Lot 1 in DP 780231
Lot 16, 17, 18, 19 and 21 in DP 247289
Lot 30 in DP 829895
Lot 5 and 6, Section 51 in DP 758207

Jonson Street, Byron Bay, to be rezoned from Residential 2A to Commercial 3A as highlighted in Appendix No1.

In order to justify the rezoning of the subject properties the following background information is provided.

Rezoning of the subject land began in 2002 when Council at its Meeting 17 December 2002, (Item 01 – 136), resolved :

“That all remaining non –commercial 3 (A) zoned lands along Jonson Street, Byron Bay (i.e. southern end) be considered in the Commercial Strategy options paper being prepared by consultants Ibecom Pty Ltd”.

In October 2002, IBECON Pty Limited was commissioned by the Council to undertake a *Retail Study* of the Shire. IBECON Pty Ltd completed their Report in 2003 and noted that as the population of the Shire was predicted to increase to 45,000 by 2020, it would necessitate an approximate doubling of the then current commercial floor space.

In 2003, the Council again considered the situation regarding commercial development and zoning in Byron Bay when at its Meeting on 4 November 2003 (Resolution 03 – 1072), resolved:

“That Council support a Section 54 Resolution to rezone the remainder of Jonson Street to the northern corner of Browning Street, Byron Bay to a 3A Commercial Zone with a view to allowing a maximum two storey height limit, setbacks for landscaping and providing for on-site parking.”

In 2004, the Council prepared the *Byron Bay Suffolk Park and Ewingsdale Local Environmental Study*. The 2004 BBS&E LES included an assessment of the ‘environmental, social and economic issues relevant to the review of land use controls in the Byron Bay, Suffolk Park and Ewingsdale Study area’.

The 2004 BBS&E LES was utilised to inform Council during the preparation of the 2006 draft LEP for the Byron Bay Area. The 2006 draft LEP recommendation with regard commercial zoning was:

“That the nature of the commercial zoning on both sides of Jonson Street from the intersection with Kingsley Street to the southern most part be reconsidered in the Shire – wide LEP in conjunction with the Byron Bay by – pass and other concerns raised by land owner”.

The draft LEP for Byron Bay was formally abandoned in 2006 and the Council resolution to rezone the subject properties were incorporated into the 2008 Shire – Wide LEP.

The 2008 Shire Wide LES includes a “Rezoning Assessment” by Parsons Brinkerhoff Australia Pty Ltd, dated August 2008, specifically for the southern end of Jonson Street and concluded:

“Both sides of the southern end of Jonson street from Kingsley Street to Browning Street are proposed to be zoned B2 Local Centre under the shire wide LEP. This is consistent with the remainder of the town centre that is also proposed to be zoned B2 Local Centre.

The height of buildings on this land is controlled by the Building Height Map and it is recommended that the area currently zoned 3(a) Commercial will be maintained at the equivalent of three storeys. The area on the east side of Jonson Street between Kingsley and Browning Streets is recommended to be the equivalent of two storeys. The issue of landscaping and parking should be addressed in the DCP that will apply to the subject land.

This is consistent with the Council resolution of 4 November 2003”.

As illustrated on Appendix No.2A, the subject sites are proposed to be rezoned from Residential 2(a) to Commercial 3(a) (shown B2 Local Centre in draft Shire-wide LEP).

1.1 Background from Byron Shire LES 2008.

The 2008 Byron Shire Local Environmental Study is an assessment of the environmental, social and economic issues relevant to the review of land use controls in the Byron Shire prepared by Parsons Brinkerhoff Australia Pty Ltd, dated August 2008 for and on behalf of the Council.

The 2008 LES Part 5.5 reported on the Shires economy and in part 5.5.1 commented specifically on Retail requirements in the Shire as follows:

“In October 2002, IBECON Pty Limited was commissioned by the council to undertake a retail study of the Byron Shire. The draft report was completed in August 2003 but was not adopted by Council. What follows is a brief synopsis of this study.

Over the past 10 years, total retail sales in Byron Shire have grown by 8.4% per annum. Over this same period the Consumer Price Index (CPI) has averaged 2.6%, thus real retail sales have increased by a little over 5.6% per annum in real terms over the past decade.

Over this same period, population in Byron LGA has grown by 2.7% per annum. Thus, retail sales per head of population in Byron have increased by about 2.9% per annum in real terms over the decade, which is well above the national average of 2–2.5%. To some extent this reflects the strong growth in tourism component of spending in the Shire (IBECON 2003).

Total sales in Byron Bay township in 2002 were estimated at \$116 million and 75% of the trade is estimated to come from fringe areas in the region, mostly nearby LGAs. The high apparent market penetration into Byron Bay town reflects the fact that there are a large number of tourists, including day-trippers, whose spending is designated as being sourced from Byron Bay town centre. Similarly, there is a substantial level of employment in the town centre. Many of these tourists spend substantial amounts on food and tourist items. Most of the shops servicing this demand are in the town centre (IBECON 2003).

In 2002, it was estimated that \$214 million (or 68%) of the total of \$314 million spending available from the Byron Shire is retained within the Shire. The balance of \$21 million captured from outside the Shire is less than the \$100 million currently escaping from the Shire to locations such as Ballina, Lismore, Tweed and Gold Coast. Net escape spending is \$79 million, equivalent to 25% of total spending generated from within the Shire. Most of this escape spending is in non-food categories (IBECON 2003).

If there were no further additions to shop floor space, trading levels would increase from the current \$5,080 per square metre NSA in 2006 and then to \$6,833 per square metre NSA by 2011. This baseline 'no charge' scenario provides the base for comparison of effects of any proposed changes to shops and major roads. These relatively high trading levels are consistent with the conclusion of an under supply of shop floor space. Such trading levels will put considerable pressure on both rental levels and pricing structures within those existing shops. This acts to the detriment of residents as they would be required to pay higher prices for local goods. It has also resulted in the utilisation of footpaths as extensions of shops, particularly for restaurants. While this al fresco dining is popular, it does lead to congestion on narrow footpaths. Generally, an under-provision of floor space also leads to demand for additional floor space in other lower rental areas such as the commercial or industrial area (IBECON 2003).

Most of the bulk retail in Byron Shire is presently in a few locations comprising the industrial park to the west and other locations spread throughout the Shire, including Billinudgel. There has been a proliferation of retail particularly in the industrial zone to the west of Byron Bay.

While a substantial part of this floor space is in bulk retail / homewares categories, there was also a large amount of other retail that might normally be viewed as being appropriately included in town centres or other zoned retail locations.

Trends

IBECON's estimate for workers' spending at or near their workplace is that of the \$314 million in total retail spending generated from within Byron Shire in 2002; \$22 million (just over 7%) is generated from people shopping at or near their workplace. Most of this (\$16 million) is within the three areas of Byron Bay, Suffolk Park and Mullumbimby.

Several major factors influence the retail industry. In locations such as Byron Bay town centre, these factors include the through-traffic, the influence of major industries in the town and in the surrounding rural sector and, particularly in Byron Bay, the influence of tourism.

Possible and proposed changes to some of these factors will occur over the next decade. While hard data is not yet available, anecdotal evidence indicates that this has resulted in a substantial increase in day-trippers traffic to Byron Bay town centre. It may also result in an increase in escape spending for non-food items out of Byron Shire to locations such as the Tweed and Gold Coast.

Markets

It is difficult to get precise measures of markets as they are quite variable both seasonally and by location. The total sales in markets are estimated to be of the order of \$6–7 million per annum. This represents about 2% of all retail spending in Byron Shire. While this would appear to only be a relatively small part of the total retail scene, they are a very substantial tourism attractor and result in spin-off benefits to other existing shops such that the total influence on retailing in terms of tourism spending particularly is substantially greater than this (IBECON 2003).

As a result of their mobile nature, markets do not utilise zoned spaces, nor do they need fixed shops for their trade. Rather, their appeal is that they do not have this type of structure. Due to their variability, it is difficult to place fixed quantities on markets.

Spending/sales

Table 5-7 shows the percentage of spending by type of person for Byron and the region. It indicates that shops in Byron Shire are substantially more dependent upon tourists than residents when compared with four neighbouring LGA's (Ballina, Lismore, Tweed and Gold Coast) total but is about the same as the region total, including the southern half of the Gold Coast.

Table 5-7 Percentage of total spending for residents, workers and tourists in the region.

Byron LGA Four neighbouring LGA's1 Region Total

• Residents	58.5	71.2	58.3
• Workers	7.0	9.1	6 .2
• Tourists	34.5	19.6	35.5
TOTAL	100.00	100.00	100.00

The total level of sales in shops within Byron Shire has increased from \$235 million in 2002 to \$286 million in 2007. This increase in trade is the combined effect of population growth, real spending growth, tourism growth and assumed additions to shop floor space. Significantly, most of the growth in trade has been in the food category, particularly in the supermarket category.

Future retail requirements

The IBECON report (2003) suggested that there was a supermarket undersupply in Byron Bay town centre, Suffolk Park plus Byron Bay Industrial West, Ewingsdale and Byron Bay South in 2003. At that time, it was sufficient to warrant another full-line supermarket in this subregion. The options for providing the development included either in the southern end of the town centre or in a potential site in Suffolk Park to the north of the existing centre. The apparent oversupplies in the Ocean Shores/Brunswick Heads subregion indicate that there is no need for additional floor space here for the sometime. In addition, the report identified a need around Mullumbimby, indicating that there could be scope for expansion of one of the existing supermarkets or a third smaller local supermarket. It was thought that the combined demands for Ewingsdale, Bangalow and Byron Bay would also indicate that there is scope for additional local and convenience retail either in Bangalow or Ewingsdale (IBECON 2003).

This would need to be reconsidered in the future following recent events in the Shire in relation to supermarket floor space.

The general level of undersupply in non-food indicates that there would be scope somewhere in Byron Shire for the provision of additional amounts of non-food retail such as might be supplied in a discount department store and associated specialty shops. The problem that arises here is finding a suitable site, as no site is big enough in Byron Bay town centre. The only area currently zoned that could absorb this type of floor space is the industrial area in Byron Bay west. It would be inappropriate for such a facility to be included in this location as it does not have ancillary retail associated with it, and would require the development of supermarkets and other specialty shops to support a fully functional centre.

This should be viewed as totally inappropriate, for planning, commercial and social reasons (IBECON 2003). While there is also some deficiency of this type of floor space in the Ocean Shores/Brunswick Heads region, the level of deficiency is not sufficient to warrant the location of a discount department store in this subregion.

By the year 2021 there would be sufficient demand in the Shire for what is usually described as a subregional centre. Given the absence of suitably zoned land, the only way of meeting community needs is for a distributed model that would include supplementing many of the local centres. There is sufficient demand in and around Byron Bay town centre for substantial additions to retail floor space of all types.

Factors affecting centres and locations

Several major factors will influence the retail sector in Byron Shire. The population growth projections and real spending per capita forecasts have a reasonably constant effect across each location of shops throughout the region. Some other factors have more specific effects on different locations.

Byron Bay town centre

Three substantial factors will have an impact on Byron Bay town centre.

These factors are as follows:

- *The increased access to and from the strong growth areas to the north of the Tweed and Gold Coast would result in easier access for residents of Byron Shire to Centres such as Tweed City and Robina.*
- *The anticipated continued growth in tourism and both destination tourism and day-tripper tourist spending can be expected to increase strongly.*
- *The possible introduction of a road bypass around the town centre would have an impact.*

Commercial

Future requirements for commercial facilities can be separated into two streams:

- *tourist accommodation*
- *quasi retail and other commercial.*

Tourist accommodation

With reference to Section 5.4, it is understood that the total tourism in Byron Shire currently including day-trippers is about 1.85 million person or bed nights

per annum. Of this amount it is estimated that those staying in commercial accommodation totalled 1.01 million bed nights of stays.

Discussions with Byron Shire Council officers indicate that the rate of growth has been high in recent years and in particular surged at and after 2001. To be conservative, it is reasonable to use a percentage growth rate of 2% per annum compound for the next 5 years. This results in a 10% overall increase to about 1,150,000 bed nights of stays by 2008, growing by then at about 20,000 bed night per annum (IBECON 2003).

Because of the arithmetic anomalies that can occur when percentage compound rates are applied to low base numbers, an annual growth rate of 20,000 per annum is applied for the period up to the year of 2021, resulting in an annual rate of a little over 1,410,000 bed nights of stay by then.

Assuming 50% occupancy (because of the high seasonal component in tourism) this would indicate a requirement for about 7,725 beds (IBECON 2003). Thus, planning could be based on an assumption of 1,260,000 bed nights requiring 7,000 beds at 50% occupancy, an increase of 500 over the current provision. At a typical average of beds per motel of say 90–100, this would indicate a requirement of about the equivalent of 5–6 new motels or other forms of commercial accommodation in the Shire-wide region. Some of these could be suitably located near the various beaches, some in the major town centres. It is emphasised that this is a preliminary and cursory overview of the tourism provision and possible future requirements. It is recommended that this assessment be reviewed. Policy inputs from Council also represent a very significant and possibly overriding input into any assessment of tourism (IBECON 2003).

Quasi retailing and other commercial facilities

Generally, as there is only a low apparent vacancy rate in these types of facilities with the exception of some vacant commercial space in the industrial zone, it seems reasonable to provide these 'pro rata' to population in total, with the possible exception of banks who are generally attempting to reduce their large outlets and replace them with ATMs or simpler service facilities in shopping centres. This trend is likely to continue. Allowing for some unidentified/unqualified commercial uses in homes, it seems reasonable to assume that there is currently about 25,000 square metres of non-accommodation commercial floor space in the Shire. The overall average provision of non-accommodation commercial floor space in the Shire is thus presently approximately 0.65 square metres gross leasable area per capita, which is about half the rate in neighbouring Ballina (IBECON 2003). In the past few years, more office and shops have been constructed, which may have reduced this ratio.

As the population is predicted to increase to 45,000 by 2020, this would indicate that an approximate doubling of current levels of floor space is required. It is difficult to quantify how much work is presently being conducted from home

offices. However, indications are that it is increasing and is likely to increase further. It is suggested that for 'ultimate' planning purposes a figure reduced by about 15–20% would minimise the risk of error. Thus, allowance should be made for an increase of non-accommodation commercial floor space somewhere in the Shire of approximately 20,000 square metres, to slightly less than double of what is currently provided (IBECON 2003).

Where this additional floor space should be provided then needs to be considered. The four major population nodes outside Byron Bay (Suffolk Park, Mullumbimby, Brunswick/Ocean Shores and Bangalow) will all require some level of commercial floor space in the form of doctors, dentists, accountants, lawyers etc. It is recommended that these be provided at the rate of about 1.0 square metre per capita distributed between the major centres.

One general issue relating to shops is access. Consideration must also be given to the design of the shops and their location. Most shops in old town centres suffer from a number of serious design deficiencies. These include the general spread-out nature of strip shop locations. When compared with an enclosed mall where the shoppers are 'on the inside looking out', in strip shop locations the shoppers are focused to be 'on the outside looking in'. Many of the shops are also very narrow-fronted and very deep, which opposite to the shallow, wide-fronted shops in structured shopping centres; for the retailer, the latter are far better from a merchandising perspective".

Area-specific recommendations

The 2008 Byron Shire Local Environmental Study by Parsons Brinkerhoff Australia Pty Ltd, dated August 2008 had regard to a number of area specific recommendations of which the subject site was included and described as "South Jonson Street". Parsons Brinkerhoff reported:

South Jonson Street

When the draft Byron Bay area LEP was exhibited there were a few submissions which raised concerns about the future zoning of land located at the southern end of Jonson Street and the differentiation between the Business (Town Centre) zone and the Business (Mixed Use Fringe) zone. There was also strong landowner support for the proposed commercial rezoning of land at the southern end of Jonson Street south as far as Browning Street.

Council had resolved on 4 November 2003 (Res 03-1072) the following:

"That Council support a Section 54 Resolution to rezone the remainder of Jonson Street to the northern corner of Browning Street, Byron Bay to a 3A Commercial Zone with a view to allowing a maximum two storey height limit, setbacks for landscaping and providing for onsite parking."

Recommendation

Both sides of the southern end of Jonson street from Kingsley Street to Browning Street are proposed to be zoned B2 Local Centre under the shire wide LEP. This is consistent with the remainder of the town centre that is also proposed to be zoned B2 Local Centre.

The height of buildings on this land will be controlled by the Building Height Map and it is recommended that the area currently zoned 3(a) Commercial will be maintained at the equivalent of three storeys. The area on the east side of Jonson Street between Kingsley and Browning Streets is recommended to be the equivalent of two storeys. The issue of landscaping and parking should be addressed in the DCP that will apply to the subject land.

This is consistent with the Council resolution of 4 November 2003.

The recommendation by Parsons Brinkerhoff was adopted by Council for inclusion in the 2008 Shire wide LEP.

2.0 Objectives and intended outcomes of Proposed LEP.

The intent of this planning proposal is to enable the following properties:

Lot 1, 2, 3 and 4 Section 48 in DP 758207
Lot A and B in DP 377425
Lot 1 in DP 303836
Lot 1 in DP 780231
Lot 17, 18, 19 and 21 in DP 247289
Lot 30 in DP 829895
Lot 5 and 6 Section 51 in DP 758207,

Jonson Street, Byron Bay, to be rezoned from Residential 2(a) to Commercial 3(a).
Appendix No2A.

3.0 Explanation of Provisions.

Amend the Byron Shire Local Environmental Plan 1988 Zoning Map by rezoning the subject properties from Zone 2(a) Residential to Zone 3(a) Business Zone in accordance with the proposed zoning map shown in Appendix No. 2A.

The subject area on the east side of Jonson Street between Kingsley and Browning Streets is recommended to be the maximum equivalent of two storeys. This height restriction will be identified by amending the Byron Local Environmental Plan written instrument through an additional clause described as:

- (1) *This clause applies to land within Zone 3(a) as shown edged heavy black on the map marked "Byron Local Environmental Plan 1988 (Amendment No 115)"*

located on the east side of Jonson Street between Kingsley and Browning Streets

- (2) *In considering any development application in relation to land to which this clause applies, the council must not consent to the erection of any building if:*
- (i) the floor of the topmost floor level of the building exceeds 4.5 metres above the existing ground level, or*
 - (ii) the vertical distance between the topmost part of the building and the existing ground level below exceeds 9 metres.*

The issue of landscaping and parking will be addressed in a future DCP that will apply to the subject land.

The objective of the Proposal will be achieved by amending the map to Byron Local Environmental Plan 1988 to rezone each of the subject allotments to 3(a) Business zone.

4.0 Justification.

A. Need for the planning proposal.

1. Is the Planning proposal a result of any strategic study or report?

Byron Shire Council at its Meeting 17 December, 2002, resolved:

“That all remaining non –commercial 3 (A) zoned lands along Jonson Street, Byron Bay (i.e. southern end) be considered in the Commercial Strategy options paper being prepared by consultants Ibecom Pty Ltd”

In October 2002, IBECON Pty Limited was commissioned by the Council to undertake a Retail Study of the Byron Shire. Ibecom Pty Ltd retail study (2002) concluded that:

- *There is currently an undersupply of some types of retail floor space in Byron LGA.*
- *There is likely to be continuing growth in retail sales dollars available from residents, workers and tourists in Byron and the surrounding local government areas.*
- *Much of the non –food escape spending is met by regional and other centres outside the LGA e.g. Lismore, Ballina and Tweed Heads.*
- *There is a continuing deficiency in supermarket floor space, sufficient to support the development of another full scale- scale supermarket within Byron Bay, provided a suitable location could be found.*
- *The only suitable supermarket site options are the southern end of Jonson Street, immediately north of the Suffolk Park neighbourhood shopping centre, and west of the Byron Bay town centre. (Three separate locations).*

- *The commercial area of Byron bay should be focussed on tourism retailing in the North and resident retailing in the south.*
- *The Yelgun to Chinderah pacific Highway upgrade has the potential to impact on the retail spending within the study area in distinct ways. It may encourage the number of day trippers to the area and /or may increase the level of escape spending for non – food items out of Byron Shire.*

Source: BB, S & E LES 2004 pp91-92.

The Ibecom Pty Ltd retail study (2002) supported the continued investigation of commercial uses for the southern end of Jonson Street.

Byron Shire Council's Local Environmental Study, 2008 by Parsons Brinkerhoff Australia Pty Ltd, dated August 2007 Area Specific Recommendations concluded that

"Both sides of the southern end of Jonson street from Kingsley Street to Browning Street are proposed to be zoned B2 Local Centre under the shire wide LEP. This is consistent with the remainder of the town centre that is also proposed to be zoned B2 Local Centre.

The height of buildings on this land will be controlled by the Building Height Map and it is recommended that the area currently zoned 3(a) Commercial will be maintained at the equivalent of three storeys. The area on the east side of Jonson Street between Kingsley and Browning Streets is recommended to be the equivalent of two storeys. The issue of landscaping and parking should be addressed in the DCP that will apply to the subject land.

This is consistent with the Council resolution of 4 November 2003".

Source: Byron LES 2008 pp181

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Council has resolved since 2002 to rezone the subject land from residential to commercial however for a number of reasons this has not occurred. The 2006 Byron LEP was abandoned when the State LEP template was put forward and to date Council's draft LEP is still pending agreement from the Department of Planning for public exhibition.

The owners of the subject land have had no opportunity to pursue the Council's rezoning recommendations as a "Spot Rezoning" until the introduction of the *Gateway System*.

An application under the Gateway System is considered the best way to proceed as it has been Council's planning intention for the past 8 or 9 years to rezone the land and as evident in the Commercial Reports and more recently in the Shire LES 2008, the Shire

needs additional zoned commercial land.

The alternative is to await the Shire Draft LEP however that may still be some time away from been accepted by the Director General as suitable for public exhibition.

3. Is there a net community benefit?

The Byron Bay and Suffolk Park Settlement Strategy 2002 was adopted after extensive community input regarding perceptions and concerns about growth and development in the Byron bay and Suffolk Park areas.

The opportunity to provide additional commercial land in Byron Bay will allow for additional commercial and retail development plus Shop Top housing to be provided that is more suitably located for permanent residents while the beach end of town caters for the retail and cafe/ restaurant tourist market.

The benefits of additional commercially zoned land are listed as follows:

- The subject site adjoins and is opposite commercial land and this is a natural extension of that land use. People rely on access to a wide range of retail and commercial premises to meet their business, employment, household and leisure needs.
- The sites are occupied in most cases with single dwellings that are reaching the end of their economic life without substantial alterations and additions.
- The sites are positioned on Jonson Street and have access to public transport plus are within walking distance of the tourist hub.
- The sites can all be serviced by existing infrastructure.
- The sites are flood free or at worst flood fringe given the flood levels adopted in December 2009 by Council to account for global warming and climate change.
- The sites do not contain any known ecological constraints, endangered habitat or threatened flora and fauna.
- The sites do not include any Heritage listed dwellings.
- The sites are suitable for commercial development as each can be accessed by rear lanes suitable for servicing and access to on site car parking that is not dependent upon access from Jonson Street.
- The sites are suitable for the encouragement of Shop Top housing and this will add to the demand for conveniently located housing sought by an aging population. Senior housing is best located within 400metres walking distance to shops and commercial development such as health care and entertainment.

- The sites are sufficiently distanced from the tourist hub of Byron Bay that local residents and possible future residents can shop or reside close to facilities but not have to deal with the constant tourist activity associated with Byron Bay.
- The development of either shop top housing or seniors housing will contribute to the demand for closer settlement via urban consolidation. Whilst the permanent residents will add to the general safety of the area by potential 24 hour surveillance encouraged by planning directions such as “Safer by Design”. The increase in the likelihood of detection and territorial reinforcement. People feel safer in areas when they can see and interact with others, particularly people connected with that space such as shopkeepers and adjoining residents.
- Byron Bay has one of the highest rates of non – domestic violent assaults, robbery and malicious damage to property than on average in NSW. (NSW Bureau of Crime Statistics 2004 – 2008).

B. Relationship to strategic planning framework.

1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The NSW Department of Planning’s (DoP) Draft Centres Policy “***Planning for Retail and Commercial development***” April 2009, identified the need to continue to deliver strong economic growth, make the most use of investment in infrastructure and be environmentally sustainable. This planning proposal meets the States identified key planning principles to guide development and retail commercial development by:

- Locating future retail and commercial development next to existing commercial centre of Byron Bay thereby ensuring the efficient use of transport and infrastructure.
- The IBECOM report acknowledged the need for additional retail and commercial floor space. The market is best placed to determine the need for retail and commercial development. “*The role of the planning system is to regulate the location and scale of development to accommodate market demand.*” Principle 3.
- Providing jobs closer to home, reducing car journeys by allowing shop top housing. Shop top housing and or seniors housing may be more affordable allowing closer settlement with improved access to healthier lifestyle opportunities with better access to public transport, walking or cycling to access goods and services.

The NSW Department of Planning’s “***Far North Coast Residential Submarket Analysis***’ by Macroplan Australia Pty Ltd.2009 indicates that the population of Byron Bay is expected to grow by 10,800 more people between 2006 and 2031 a 34% growth. The population is aging significantly with people in the 54 – 74 + age groups more than

doubling over the same period. This analysis confirms the need for Seniors housing in Byron Bay.

Byron Bay according to Macroplan is the most expensive real estate submarket within the Far North Coast with 72% of all sales falling into the 'High' house price bracket. There is a need for housing for seniors as the population ages with a need for one bedroom apartments as a housing option. This housing needs to be more affordable and there needs to be a greater choice of housing opportunities. The proposed rezoning will allow for retail and commercial on the ground floor and perhaps seniors housing on top.

The ***Far North Coast Regional Strategy*** (DoP, 2006) allocates the Byron LGA a residential dwelling target of 2,600 new dwellings by 2031 however with continued migration it is likely to result that the demand will be higher than the housing target. The additional 2,600 dwellings accounts for only 5% of the overall residential dwelling target for the entire far north coast region of 51,000 new residential dwellings by 2031.

The *Far North Coast Regional Strategy* (DoP, 2006) acknowledges that high median house prices, high median rents and high number of house sales, points towards high levels of housing stress amongst the population. This is supported by trends showing net in-migration from more affluent areas such as Sydney and net out-migration from the area to other areas both within the study area and interstate.

Byron is a Major Town as defined in the *Far North Coast Regional Strategy* and this planning proposal is considered to be in accordance with the requirements set down under the heading "Town and Village Growth Boundaries". In particular, the site is within walking distance to town's services and facilities. This will result in a better place to live where there is a strong sense of community. A mix of residential and retail development on the subject site will provide a mix of housing and job opportunities with easy access to shops and services.

The **Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies, 2007** set out a series of planning principles which, when implemented through local planning policies, will assist councils in preparing a local growth management strategy to achieve the planning outcomes and actions in the Far North Coast Regional Strategy. As at the date of this planning proposal submission there is no local growth management strategy for Byron Bay.

Given the Settlement Planning Guidelines it is considered that the subject site is located in an area that will maximise existing services and reduce car dependency. The land is suitable for the development as identified by Council and is capable of supporting retail, commercial and residential land uses. The subject land is devoid of environmental significance, has no high landscape or cultural heritage values and is located in an area unlikely to be at risk from ocean inundation or flooding given the predictions for the impacts of climate change over the next 100 years.

In addition, the planning proposal will maintain and support a multi functional business centre, in part assist minimise urban sprawl and maximise the existing infrastructure.

Settlement Planning Guidelines include:

Commercial land, should be located so that it can be conveniently serviced, is accessible to, and is consistent in scale with the settlement it serves or is planned to serve. If commercial land expansion is not adjacent to, or adjoining, an existing centre then any new development should not undermine the existing centre(s) and should be at a scale and location only to serve the target neighbourhood.

2. Is the planning proposal consistent with Council's Community Strategic Plan?

The planning proposal is consistent with the Byron Bay and Suffolk Park Settlement Strategy 2002 as discussed above.

The subject sites can easily be accessed from Jonson Street, without adversely impacting on traffic volumes.

The sites proximity to the town centre and community facilities, makes it one of the most suitable available site to accommodate both retail and medium density living. It is in part for this reason that the Council has resolved since 2002 to rezone the subject lands to commercial.

The proposed development will provide job opportunities during the construction and will bring additional revenue into the local businesses and area once established.

The Council has a Draft Integrated Community Strategic Plan. The purpose of the plan is to identify the community's main priorities and expectations for the future and to plan strategies for achieving these goals. In doing this, the planning process will consider the issues and pressures that may affect the community and the level of resources that will realistically be available to achieve its aims and aspirations.

The draft Social Wellbeing Goal is to *advocate for and empower communities to achieve equitable access to an appropriate range and levels of whole of life services such as healthcare, education, housing and recreation.*

3. Is the planning proposal consistent with the state environmental planning policies?

The Planning Proposal has to be assessed for consistency with the applicable State Environmental Planning Policies (SEPP's). Appendix No. 5

The applicable SEPP's are:

SEPP (Infrastructure) 2007.

A traffic analysis has not been prepared for this planning proposal as it is unlikely the future development will trigger referral of an application to the Roads and Traffic

Authority, however if the application is supported a traffic analysis will be prepared in accordance with Schedule 3 of this SEPP.

A traffic analysis has to be referred to the RTA for larger scale development, such as, retail premises where floor area will be greater than 2000m², retail/commercial premises with a gross floor area of greater than 4000m², or for residential development with more than 75 dwellings. It is not envisaged that the future development of the site will exceed the above standards.

In addition to the above Infrastructure SEPP the **North Coast Regional Environmental Plan 1988** (NCREP) is now a deemed SEPP.

The NCREP **Part 4 Urban Development**:

- Clause 38 (1) *"The council should not prepare a draft local environmental plan which permits development that, in the opinion of the council, constitutes significant urban growth unless it has adopted an urban land release strategy for the whole of its local government area".*

The Byron Shire LES and the Byron Bay and Suffolk Park Settlement Strategy 2002 are considered to be an urban release strategy.

- Clause 39. Plan preparation – retail, commercial or business activities.

The planning proposal to rezone the subject site satisfies Clause 39 as the site is adjoining and adjacent existing commercial zoned land.

- Clause 43. Residential Development.

The Council shall not grant consent to development for residential purposes unless:

(a) it is satisfied that the density of the dwellings have been maximised without adversely affecting the environmental features of the land.

This clause relates to the DA stage however, it is noted that Council must seek to maximise the density of dwellings on site. Given the site location this requirement can be satisfied.

- Clause 45 and 45 A– Hazards.

The site itself has no flood liable land. The local area however is a flood fringe and any development on the site is unlikely to increase flood levels elsewhere as the site is only marginally affected by flooding.

There may be acid sulphate soils on the site however detailed soil testing has not been carried out at present. A detailed acid sulphate soil test will be provided at a future DA stage.

The area to be rezoned is not bush fire prone. There are no other hazards identified.

- Clause 46 & 47 Commercial Development.

The Council has sought to rezone the subject sites to commercial to satisfy the current shortfall of commercial land in Byron Bay.

The subject land is adjoining and adjacent to commercial land and within walking distance to services and amenities.

- Clause 56A – Bus Services.

The site is within walking distance of the commercial area of Byron bay. Bus services are available into and out of Byron Bay seven days a week.

- Clause 58 – Services.

The site can be serviced with town water, sewer and power.

- Clause 61 – Health and Education.

The site is located in close proximity to services such as the Medical Centre, RSL Club and movie theatre as well as cafes and restaurants.

- Clause 65 – Community Welfare and Child Care Services.

The site is located in close proximity to community facilities and child care.

- Clause 78 – Public Recreation.

The site is within walking distance of the beach and open space.

4. Is the planning proposal consistent with applicable Ministerial Directions (S 117 Directions)?

The Environmental Planning and Assessment Act 1979 include Section 117 Directions that must be considered with any rezoning application. A complete list of all 117 Directions is included as Appendix No.4. The relevant Section 117 Directions are as follows:

1.1 Business and Industrial Zones Objectives

(1) The objectives of this direction are to:

- encourage employment growth in suitable locations,
- protect employment land in business and industrial zones, and

- support the viability of identified strategic centres.

The planning proposal is consistent with this direction.

2.2 Coastal Protection Objective

- (1) The objective of this direction is to implement the principles in the NSW Coastal Policy. The planning proposal does not impact on the coastal foreshore.

3.1 Residential Zones

The objectives of Direction 3.1 Residential Zones are:

- (1) *to encourage a variety and choice of housing types to provide for existing and future housing needs*
- (2) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (3) *to minimise the impact of residential development on the environment and resource lands.*

The planning proposal seeks to rezone the subject lands from residential to commercial. The Byron 3 (a) Business zone permits residential development that is physically attached to or used in conjunction with purposes permissible with development consent.

The NSW Department of Planning's LEP Template lists "Shop top housing" as a permissible use in zone B2 Local Centre.

3.3 Home Occupation

The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses. Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.

3.4 Integrating Land use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) Improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) Increasing the choice of available transport and reducing dependence on cars, and*

(c) Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and

(d) Supporting the efficient and viable operation of public transport services, and

(e) Providing for the efficient movement of freight.

The potential to provide seniors housing and shop top housing will meet this direction.

4.3 Flood Prone Land

Some of the properties that comprise the subject site are on the flood fringe and any future development of the land is unlikely to detrimentally impact on the flood storage area.

5.1 Implementation of Regional Strategy.

The Planning proposal is consistent with a Regional Strategy for the Far North Coast.

6.1 Approval and Referral Requirements.

No concurrence or referral requirements are intended as part of this planning proposal. A planning proposal must not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of the appropriate Minister or public authority, and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act.

6.2 Reserving Land for Public Purposes

No land is at this time proposed for a public purpose.

6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.

A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

(b) allow that land use to be carried out in the zone the land is situated on, or

(c) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or

- (d) *allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

A planning proposal must not contain or refer to drawings that show details of the development proposal.

The subject planning proposal seeks to rezone the subject land from residential to commercial in accordance with Council's resolutions dating back to 2002.

C. Environmental, social and economic impact.

1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be affected as a result of the proposal?

From a reading of the Byron Shire LES 2008 and the Byron Bay and Suffolk Park Settlement Strategy 2002, there is little likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be affected as a result of the proposal.

The site contains no koala food trees. Should the subject land contain habitat of any sort, it will be necessary to carry out an assessment of significance in accordance with section 5A of the EP&A Act and the "Threatened Species Assessment Guidelines" issued by the Department of Environment and Climate Change.

The assessment of significance will determine whether there is any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

Notwithstanding the significance of the impact, any adverse impact will trigger the requirement under section 34A of the EP&A Act for the relevant planning authority to consult on the planning proposal with the Director General of the Department of Environment and Climate Change (or the Director General of the Department of Primary Industries, in the case of fish or marine vegetation).

Such consultation, if required, does not take place until after the issuing of the initial gateway determination.

2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The subject sites have been considered by the Council as suitable for commercial development since 2002. The future development of the sites should be the subject of a Development Control Plan so that any likely environmental effects can be managed.

Note: The requirements of Section 74C (2) of the EP&A Act identify that only one DCP can apply to any one particular site.

The Department of Planning has recently advised that compliance with Section 74C(2) and (5) will only be required once a council has prepared its new principal LEP that adopts the provisions of the Standard Instrument or by 31 March 2011, whichever is sooner.

A future site specific DCP will need to address the following:

- **Flooding and stormwater**

To address landform, soils and geology within a DCP it is recommended the following matters be included:

- a) Part N of Byron DCP 2002 specifies Council's approach to stormwater management. This will need to be reviewed to align with the principles of Water Sensitive Urban Design in the future.
- b) Specific development guidelines for flood-prone land should support the proposed LEP.

- **Climate change**

To address climate change within the DCP:

- a) In the absence of complete climate change information, current best estimates on climate change may be used as the basis to develop detailed planning controls such as:
 - a) Changes to infrastructure design and planning to ensure that the ecological response to climate change can be accommodated;
 - b) Assessment criteria for building design to accommodate climate change, i.e. increased storm events, temperatures etc.

- **Social issues**

To address social issues within the DCP:

- a) The Byron Shire Affordable Housing Strategy should be to implement the relevant strategies and initiatives.
- b) The recently exhibited Social Impact Assessment DCP should be incorporated in the DCP, with amendments as suggested during the public exhibition of the document.

3. How has the planning proposal adequately addressed any social and economic effects?

The Byron Shire **Development Control Plan No.21 – Social Impact Assessment** and the BSLES identified that a social impact statement will be required at the Development Application stage if the development is greater than:

- a) Residential development for twenty dwellings or more in an urban area,*
- e) An 'Affordable housing' project,*
- g) Boarding houses, or*
- h) Seniors Living.*

The primary aims of this Plan are:

- To ensure development applications for certain developments that are likely to have a significant social impact are properly considered in accordance with the Environmental Planning and Assessment Act 1979, the North Coast Regional Environmental Plan 1988 and the Byron Local Environmental Plan 1988; and*
- To achieve maximum social benefit for the community from particular development activity and to mitigate the negative social impacts.*

The general objectives of this Plan are:

- To assist in achieving cohesive, sustainable and resilient communities within the Shire;*
- To enhance consistency, certainty and transparency in Council's assessment of the positive and negative social impacts of proposed development;*
- To maximise the positive social impacts of development such as improved access, amenity, affordable housing provision, employment opportunity and safety; and*
- To minimise the negative social impacts of development such as increased traffic congestion, restriction of access to facilities, services and transport, loss of employment opportunity, loss of existing affordable housing stock, loss of public safety or perceived public safety.*

There are no heritage items identified on the site having regard to Council's Community Based Heritage Study.

Again, if it is necessary to undertake technical studies or investigations to address an identified matter, these should be undertaken following the initial gateway determination.

D. State and Commonwealth Interests.

1. Is there adequate public infrastructure for the planning proposal?

Existing services / utilities are adequate to cater for the level of additional demand created by this additional residential area. Note, the question of State or Commonwealth interests applies to a planning proposal that may result in residential subdivision in excess of 150 lots, substantial urban renewal, or infill development.

2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Planning Proposals are an evolving process with information to be added upon advice of the Minister through the Gateway determination.

This section will be added to following consultation with State and Commonwealth authorities identified in the gateway determination.

5. Community Consultation.

The proposal is considered to be a low impact proposal.

It is envisaged that council will put the application on public display for 14 days and call for submissions from interested persons. Community consultation will be in accordance with the Department of Planning's "*A Guide to preparing an LEP*" and any requirements of the Gateway process.

Paul De Fina

B.App.Sc (Environmental Planning)

MPIA

NSW Local Government Town & Country Planner No. 474

Appendix No. 4: Section 117 DIRECTION CHECKLIST

DIRECTION	COMPLIANCE	COMMENTS
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Complies.	The planning proposal is consistent with this direction
1.2 Rural Zones	Not applicable	
1.3 Mining, Petroleum Production and Extractive industries	Not applicable.	
1.3 Oyster Aquaculture	Not applicable.	
1.5 Rural Lands	Not applicable	
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental protection Zones	Not applicable.	
2.2 Coastal protection	Complies	No controls related to the coastal zone are changed by the planning proposal.
2.3 Heritage Conservation	Not applicable.	
2.4 Recreation Vehicle Areas	Not applicable.	
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Complies.	
3.2 Caravan Parks and Manufactured Home Estates	Not applicable.	
3.3 Home Occupations	Not applicable.	
3.4 Integrated Land Use and Transport	Not applicable.	
3.5 Development Near Licensed Aerodromes	Not applicable.	
4. HAZARD AND RISK		
4.1 Acid Sulphate Soils	Complies.	The subject land is affected by acid sulfate soils. LEP controls related to acid sulfate soils still apply

4.2 Mine Subsidence and Unstable land	not applicable.	
4.3 Flood Prone Land	Complies	The majority of the subject land is not flood prone land. Existing development controls related to flood impacts are not proposed to be changed by the planning proposal
4.4 Planning for Bushfire Protection	Not applicable	
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	Complies	The planning proposal is generally consistent with the Far North Coast Regional Strategy.
5.2 Sydney Drinking Water Catchments	Not applicable.	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	.
5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable.	
5.6 Sydney to Canberra Corridor	Not applicable.	
5.7 Central Coast	Not applicable.	
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	Not applicable.	
6.2 Reserving Land for Public Purposes	Not applicable.	
6.3 Site Specific Provisions	Not applicable.	

Appendix No. 5 - State Environmental Planning Policy Checklist

Direction 1.1 – issued 1 July 2009

STATE ENVIRONMENTAL PLANNING POLICY	COMPLIANCE	COMMENTS
SEPP 1 Development Standards.	Not applicable.	
SEPP 2 Minimum Standards for Residential Flat Buildings. Repealed by SEPP 20.	Repealed.	
SEPP 3 Castlereagh Liquid Waste Depot. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 4 Development Without Consent and Miscellaneous Complying and Exempt Development.	Not applicable.	
SEPP 5 Housing for Older People with a Disability. Repealed by Seniors Living SEPP.	Repealed.	
SEPP 6 Number of Storeys in a Building	Not applicable.	
SEPP 7 Port Kembla Coal Loader. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 8 Surplus Public Land. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 9 Group Homes. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 10 Retention of Low Cost Rental Accommodation.	Not applicable.	
SEPP 11 Traffic Generating Developments. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 12 Public Housing (dwelling houses). Repealed by SEPP 53	Repealed.	
SEPP 13 Sydney Heliport. Repealed by Sydney REP 26.	Repealed.	
SEPP 14 Coastal Wetlands.	Not applicable	
SEPP 15 Multiple Occupancy of Rural Land.	Repealed by SEPP 42.	
SEPP 15 Rural Land-Sharing Communities.	Not applicable	
SEPP 16 Tertiary Institutions. Repealed by Infrastructure SEPP.	Repealed.	

SEPP 17 Design of Buildings In Certain Business Centres.	Did not proceed	
SEPP 18 Public Housing.	Did not proceed	
SEPP 19 Bushland in Urban Areas.	Not applicable.	
SEPP 20 Minimum Standards for Residential Flat Buildings. Repealed by SEPP 53.	Repealed.	
SEPP 21 Caravan Parks.	Not applicable.	
SEPP 22 Shops and Commercial Premises.	Not applicable.	
SEPP 23	Not allocated.	
SEPP 24 State Roads.	Did not proceed	
SEPP 25 Residential Allotment Sizes. Repealed by SEPP 53.	Repealed.	
SEPP 26 Littoral Rainforests.	Not applicable	
SEPP 27 Prison Sites. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 28 Town Houses & Villa Houses. Repealed by SEPP 25 Amendment 4.	Repealed.	
SEPP 29 Western Sydney Recreation Area.	Not applicable	
SEPP 30 Intensive Agriculture	Not applicable	
SEPP 31 Sydney (Kingsford Smith) Airport. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 32 Urban Consolidation (Redevelopment of Urban Land).	Not applicable.	
SEPP 33 Hazardous & Offensive Development.	Not applicable.	
SEPP 34 Major Employment Generating Industrial Development. Repealed by Major projects SEPP.	Repealed.	
SEPP 35 Maintenance Dredging of Tidal Waterways. Repealed by Infrastructure SEPP.	Repealed/	
SEPP 36 Manufactured Home Estates.	n/a	Not applicable.
SEPP 37 Continued Mines & Extractive Industries Repealed by Mining, Petroleum Production and Extractive Industries SEPP.	Repealed.	

SEPP 38 Olympic games & Related Projects. Repealed by Major Projects SEPP.	Repealed.	
SEPP 39 Split Island Bird Habitat.	Not Applicable	
SEPP 40 Sewerage Works.	Did not proceed.	
SEPP 41 Casino/Entertainment Complex.	Not Applicable	
SEPP 42 Multiple Occupancy & Rural Land. .	Repealed by SEPP 15	
SEPP 43 New Southern Railway. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 44 Koala Habitat Protection.	Not applicable	
SEPP 45 Permissibility of Mining.	Repealed by Mining, Petroleum Production and Extractive Industries SEPP.	
SEPP 46 Protection & Management of Native Vegetation. Repealed by Native Vegetation Conservation Act 1997.	Repealed.	
SEPP 47 Moore Park Showground.	Not Applicable	
SEPP 48 Major Putrescible Landfill Sites. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 49 Tourism Accommodation in Private Homes.	Draft only.	
SEPP 50 Canal Estate Development.	Not applicable.	
SEPP 51 Eastern Distributor. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 52 Farm Dams & Other Works in Land & Water Management Plan Areas.	Not Applicable	
SEPP 53 Metropolitan Residential Development	Not Applicable	
SEPP 54 Northside Storage Tunnel. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 55 Remediation of Land.	Complies	Soil testing for contaminants carried out at DA stage
SEPP 56 Sydney Harbour Foreshores & Tributaries. Repealed by Major Projects SEPP Amendment.	Repealed.	

SEPP 57	Not allocated.	
SEPP 58 Protecting Sydney's Water Supply. Repealed by Drinking Water Catchments REP No 1.	Repealed	
SEPP 59 Central Western Sydney Economic & Employment Area.	Not Applicable	
SEPP 60 Exempt & Complying Development.	Not Applicable	
SEPP 61 Exempt & Complying Development for White Bay & Glebe Island Ports. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 62 Sustainable Aquaculture.	Not applicable.	
SEPP 63 Major Transport Projects. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 64 Advertising & Signage.	Not applicable.	
SEPP 65 Design Quality of Residential Flat Buildings.	Not applicable.	
SEPP 66 Integration of Land Use & Transport. Draft.	Not applicable.	
SEPP 67 Macquarie Generation Industrial Development Strategy. Repealed by Infrastructure SEPP.	Repealed	
SEPP 68	Not allocated.	
SEPP 69 Major Electricity Supply Projects. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 70 Affordable Housing (Revised Schemes).	Not Applicable	
SEPP 71 Coastal Protection	Complies	The majority of the subject land is within the coastal zone. The planning proposal does not impact on foreshore areas
SEPP 72 Linear Telecommunications Development - Broadband.	Repealed.	
SEPP 73 Kosciuszko Ski Resorts Repealed by SEPP Kosciuszko National Park	Repealed.	
SEPP 74 Newcastle Port & Employment Lands Repealed by Major Projects SEPP.	Repealed.	

SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable.	
SEPP Building Sustainability Index: BASIX 2004	Not applicable.	
SEPP (ARTC Rail Infrastructure) 2004 Repealed by Infrastructure SEPP.	Repealed.	
SEPP (Sydney Metropolitan Water Supply) 2004 Repealed by Infrastructure SEPP.	Repealed.	
SEPP (Development on Kurnell Peninsula) 2005	Not applicable	
SEPP (Major Projects) 2005	Not applicable.	
SEPP (Sydney Regional Growth Centres) 2006	Not applicable	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.	
SEPP (Temporary Structures) 2007	Not applicable.	
SEPP (Infrastructure) 2007	Not applicable.	
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable.	
SEPP (Rural Lands) 2008	Not applicable	
SEPP (Exempt and Complying Development Codes) 2008	Not applicable.	
SEPP (Western Sydney Parklands) 2009	Not applicable	
SEPP (Affordable Rental Housing) 2009	Not applicable.	
SEPP (Western Sydney Employment Area) 2009	Not applicable	
SEPP – North Coast Regional Environmental	Applicable	This document now has the status of a SEPP Plan 1988 (NCREP)