

Report No. 13.15 PLANNING - 26.2017.5.1 and 26.2017.6.1 Byron Bay Town Centre Masterplan Implementation - Planning Proposals

Directorate: Sustainable Environment and Economy

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Theme: Ecology
Planning Policy and Natural Environment

Summary:

This report presents two draft Planning Proposals to amend the Byron Local Environmental Plan 2014 (LEP 2014). The attached Planning Proposals are the result of a review of planning controls undertaken in response to the Byron Bay Town Centre Masterplan (Masterplan).

It was identified during the Masterplan process that Byron Bay's Town Centre Planning controls need to be updated to reflect the outcomes of the Masterplan to respond to the unique characteristics and location of the Town Centre.

The draft amendments to LEP 2014 comprise two Planning Proposals that can progress separately, based on complexity, urgency and risk of delay:

- Planning Proposal 26.2017.5.1 relates primarily to temporary uses on land zoned RE1 Public Recreation and SP2 Infrastructure (Rail Corridor and Car Park); and
- Planning Proposal 26.2017.6.1 relates to a comprehensive review of planning objectives and development standards on land currently zoned B2 Local Centre within Byron Bay Town Centre.

Further Planning Proposals will be prepared in 2018, relating to permissibility and development standards affecting land zoned R3 Medium Density and heritage conservation areas within land zoned R2 Low Density Residential.

Proposed amendment to Byron Development Control Plan 2014 (DCP) is necessary to support Planning Proposal 26.2017.6.1 (Byron Bay Commercial Core). Draft amendment to the DCP is enclosed for consideration.

The purpose of this report is to recommend that both Planning Proposals 26.2017.5.1 and 26.2017.6.1 be approved by Council to proceed to Gateway determination and for public exhibition.

NOTE TO COUNCILLORS:

In accordance with the provisions of S375A of the Local Government Act 1993, a Division is to be called whenever a motion for a planning decision is put to the meeting, for the purpose of recording voting on planning matters. Pursuant to clause 2(a) under the heading Matters to be Included in Minutes of Council Meetings of Council's adopted Code of Meeting Practice (as amended) a Division will be deemed to have been called by the mover and seconder of all motions relating to this report.

RECOMMENDATION:

That Planning Proposal 26.2017.5.1 and Planning Proposal 26.2017.6.1 be approved by Council to proceed to Gateway determination and for public exhibition.

Attachments:

- 1 26.2017.5.1 Planning Proposal #1 Additional and temporary uses, E2017/104985

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- 2 26.2017.6.1 Planning Proposal #2 Byron Bay Town Centre Core(2), E2017/104991
- 3 Draft DCP Controls - Byron Bay Town Centre, E2017/104992
- 4 property_owners (names redacted)_B2_BBTC, E2017/104940
- 5 Template - Form of Special Disclosure of Pecuniary Interest, E2017/104993

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Report

The attached Planning Proposals are the result of a review of planning controls, undertaken in response to the Byron Bay Town Centre Masterplan, as noted at a meeting of Council on 2 February 2017 (**Resolution No. 17-005**).

Draft amendments to Byron Local Environmental Plan (LEP) 2014 comprise two Planning Proposals that can progress separately, based on complexity, urgency and risk of delay:

- **Planning Proposal 26.2017.5.1** relates primarily to temporary uses on land zoned RE1 Public Recreation and SP2 Infrastructure (Rail Corridor and Car Park); and
- **Planning Proposal 26.2017.6.1** relates to a comprehensive review of planning objectives and development standards on land currently zoned B2 Local Centre within Byron Bay Town Centre.

Planning Proposal 26.2017.5.1

The objective of Planning Proposal 26.2017.5.1 (Attachment 1) is to amend Byron Local Environmental Plan (LEP) 2014 to introduce various planning provisions applicable to the subject land in parts of Byron Bay Town Centre.

The intended outcomes of the amendments to the LEP are:

1. To specify additional permitted uses with consent under Schedule 1 on land at:
 - a. Butler Street Reserve (Zone RE1 Public Recreation) to permit Car Parks and Passenger Transport Facilities and facilitate the reduction of traffic congestion within Byron Bay Town Centre;
 - b. Byron Bay Rail Corridor State Heritage land (Zone SP2 Infrastructure- Rail Corridor) to permit Markets and other temporary, creative pop-up activities that cannot otherwise be approved as Exempt Development; and
 - c. Lawson Street South Car Park (Zone SP2 Infrastructure - Car Park) to permit Markets.
2. To permit Single Temporary Events and Ceremonies in Schedule 2 as Exempt Development in public reserves, public roads, car parks, community land, showgrounds, church grounds, Crown land or other appropriate outdoor areas.
3. To amend the maximum period under Clause 2.8 Temporary use of land from 14 days to 52 days in any period of up to 12 months to permit temporary events.

Planning Proposal 26.2017.05.1 relates specifically to land currently zoned RE1 Public Recreation and SP2 Infrastructure, located within the following area of the Byron Bay Town Centre on Figure 1 and described in Table 1:



Figure 1 – Subject Land Planning Proposal 26.2017.5.1

5 Table 1 – Subject Land Property details

Site Name	Zone	Legal Description	Owner
Butler Street Reserve	RE1 Public Recreation	Part of Lot 389 in DP 728537 Lot 390 DP 728538 Part of Lot 391 in DP 728539 Part of Lot 392 in DP 728539 Part of Lot PT 393 in DP 728539	Crown Land / Byron Shire Council
Byron Bay Rail Corridor	Zone SP2 Infrastructure (Rail corridor)	Lot 4729 in DP 1228104 Lot 1 in DP 1001454	County Rail Infrastructure Authority
Lawson Street South Car Park	Zone SP2 (Car Park)	Lot 3 in DP 827049	Byron Shire Council

Planning Proposal 26.2017.06.1

The objective of Planning Proposal 26.2017.06.1 (Attachment 2) is to amend Byron Local Environmental Plan (LEP) 2014 to introduce various planning provisions, applicable to the subject land in parts of Byron Bay Town Centre.

- 5 The intended outcomes of the amendments to the LEP are:
1. To rezone all Zone B2 Local Centre land in Byron Bay Town Centre to Zone B3 Commercial Core to differentiate Byron Bay from other smaller Centres in Byron Shire.
 - 10 2. To ensure the Height of Building control, in metres, accurately represents Council's and the community's strongly held vision to limit development to 3 storeys to preserve Byron Bay's character and streetscape.
 - 15 3. To ensure that Floor Space Ratio controls accurately represents the underlying land use zone and intended configuration of compact development within the proposed B3 Commercial Core Zone in Byron Bay Town Centre.
 4. To require Active Street Frontages for all development with frontages to key streets and laneways; to encourage commercial activity as part of a mixed use development within the proposed B3 Commercial Core Zone.
 - 20 5. To minimise the amount of vehicular traffic generated by development within Byron Bay Town Centre and identify the maximum number of ancillary car parking spaces that may be provided to service particular land uses as part of a mixed use development the proposed B3 Commercial Core Zone.
 - 25 6. To ensure new development of a significant scale in Byron Bay Town Centre achieves principles of Design Excellence and through the highest standard of architectural, urban and landscape design; to deliver ecologically sustainable and resilient buildings and public places.

Byron Development Control Plan 2014

These amendments will be supported by proposed changes to Byron Development Control Plan 2014 (Attachment 3) to include controls that cannot be included in the LEP, to address:

- 30 • The number of storeys compatible with the character of the town centre and minimum floor to ceiling heights specific to permissible land uses;
- Fine grain architecture to reduce bulky development and restrict building lengths relative to street widths; and
- Reduction of cars by introducing alternative vehicle arrangements for residential component of mixed use buildings and certain types of tourist and visitor accommodation.
- 35 This Planning Proposal relates to land currently zoned B2 Local Centre, located at Byron Bay Town Centre within the following area:



Figure 2 – Subject Land Planning Proposal 26.2017.6.1

A complete list of property descriptions are included in Attachment 4.

5 Byron LEP 2014 mapping

The Planning Proposals affect an area of land that spans multiple LEP maps. On that basis Council will need to prepare spatial data to amend the following maps in accordance with the NSW Standard Technical Requirements for spatial datasets and maps.

Planning Proposal 26.2017.5.1 will require amendment to Byron LEP 2014 Additional Permitted Uses Map - Sheet APU_003CC.

5 Planning Proposal 26.2017.6.1 will require amendments to the following LEP maps:

1. Amend map sheet LZN - Land Zoning_003CC
2. Amend map sheet HOB – Height of Building Map_ 003CC
3. Amend map sheet FSR – Floor Space Ratio Map _003CC
- 10 4. Add map sheet ASF –Active Street Frontage Map_003CC

Consultation

Council will commence community consultation in accordance with the Gateway Determination.

15 For the purposes of public notification, the Planning Proposals are not considered to be low impact as outlined in the Department of Planning and Environment's *A guide to preparing local environmental plans*. A **28 day public exhibition period** is recommended.

Notification of the exhibited Planning Proposal will include:

- 20 • a newspaper advertisement that circulates in the Byron LGA, which is the area affected by the Planning Proposal.
- the web sites of Byron Shire Council and the Department of Planning and Environment.

25 The proposed timeline for the completion of the exhibition and amendment process is detailed in Part 6 of both Planning Proposals.

Summary and conclusions

30 The Planning Proposals seek to rezone land and introduce permissible uses, development standards and other local planning provisions to implement the strategic objectives in the Byron Bay Town Centre Masterplan.

35 This Planning Proposals will not impact on environmental areas and are serviced by urban infrastructure. The Planning Proposals will have positive social and economic effects; offering additional employment and trading opportunities for local people and businesses. Numerous social and economic benefits are likely through increasing the efficient use of developable lands for jobs and mixed used development including housing in an existing centre.

40 The proposed zoning changes are consistent with the North Coast Regional Plan 2036 and Council's Community Strategic Plan 2027. The land is identified as an existing urban area. An assessment of the planning proposal indicates that it is consistent with relevant SEPPs. It is consistent with all relevant s117 Directions.

45 There is sufficient information to enable Council to support the planning proposal and forward it to the Department of Planning and Environment for a Gateway determination.

Financial Implications

50 Should Council resolve to progress the Planning Proposal, it would require Council commitment of staff resources and any costs associated with public exhibition and additional studies, if required by Gateway.

Statutory and Policy Compliance Implications

55 The relevant policy considerations are addressed above and would be further assessed in consideration of the Planning Proposal should Council resolve to proceed to Gateway.